



# Council Meeting

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## Minutes

**Tuesday, 22 November 2022**

Civic Centre, 15 Anderson Street, Lilydale and via  
videoconference

## Information for Councillors and the community

### ACKNOWLEDGEMENT OF COUNTRY

We respectfully acknowledge the Traditional Owners, the Wurundjeri People, as the Custodians of this land. We also pay respect to all Aboriginal community Elders, past and present, who have resided in the area and have been an integral part of the history of this region.



### COUNCIL VISION

Whether you live here or visit, you will see how much we care for country, how inclusive and connected our communities are, and how sustainable balanced growth makes this the best place in the world.

### VALUE OF HISTORY

We acknowledge that history shapes our identities, engages us as citizens, creates inclusive communities, is part of our economic well-being, teaches us to think critically and creatively, inspires leaders and is the foundation of our future generations.

### COUNCILLOR COMMITMENT

We'll be truthful, represent the community's needs, be positive and responsive and always strive to do better.

### OUR COUNCILLORS

**Billanook Ward:** Tim Heenan  
**Chandler Ward:** David Eastham  
**Chirnside Ward:** Richard Higgins  
**Lyster Ward:** Johanna Skelton  
**Melba Ward:** Sophie Todorov

**O'Shannassy Ward:** Jim Child  
**Ryrie Ward:** Fiona McAllister  
**Streeton Ward:** Andrew Fullagar  
**Walling Ward:** Len Cox

### CHIEF EXECUTIVE OFFICER & DIRECTORS

**Chief Executive Officer,** Tammi Rose  
**Director Communities,** Jane Price  
**Director Corporate Services,** Andrew Hilson  
**Director Recovery,** Jane Sinnamon

**Director Environment & Infrastructure,**  
Bill Millard  
**Director Planning Design & Development,**  
Kath McClusky

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- making a verbal submission for up to 5 minutes on matters not listed on the agenda.
- submitting a question.
- speaking for up to 5 minutes to a specific item on the agenda. For planning applications and policy issues, the Chair will invite one person to speak on behalf of any objectors and one person to speak on behalf of the applicant. For other matters on the agenda, only one person will be invited to address Council, unless there are opposing views. At the discretion of the Chair, additional speakers may be invited for items of large interest.
- speaking for up to 5 minutes to a petition to be presented at a meeting.

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## CONTACT US

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# YARRA RANGES COUNCIL

## MINUTES FOR THE 571<sup>ST</sup> COUNCIL MEETING HELD ON TUESDAY, 22 NOVEMBER 2022 COMMENCING AT 7.00 PM CIVIC CENTRE, 15 ANDERSON STREET, LILYDALE AND VIA VIDEOCONFERENCE

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### 1 COUNCIL MEETING OPENED

Councillor Jim Child (Mayor) declared the meeting open.

### 2 ACKNOWLEDGEMENT OF COUNTRY

The Mayor then read the Acknowledgement of Country, and welcomed all present.

### 3 INTRODUCTION OF MEMBERS PRESENT

#### Councillors

Councillor Jim Child (Mayor)

Councillor Andrew Fullagar  
Councillor Fiona McAllister  
Councillor David Eastham  
Councillor Tim Heenan  
Councillor Richard Higgins  
Councillor Sophie Todorov  
Councillor Len Cox OAM

#### Officers

Tammi Rose, Chief Executive Officer  
Andrew Hilson, Director Corporate Services  
Jane Price, Director Communities  
Jane Sinnamon, Director Recovery  
Bill Millard, Director Environment & Infrastructure  
Nathan Islip, Acting Director Planning, Design and Development

### 4 APOLOGIES AND LEAVE OF ABSENCE

An apology for this meeting was received from Councillor Johanna Skelton.

### **Sealing the Hills and Roads for our Community Projects**

#### **The Mayor read the following statement:**

As a matter of urgency, the Mayor of Cardinia Shire Council Cr Tammy Radford and myself, Mayor Jim Child, have jointly written to the Prime Minister the Hon. Anthony Albanese, MP to formally request he reconsider any decision made to discontinue funding for the "Sealing the Hills" and "Roads for our community" projects.

This is a significant infrastructure initiative that spans both the Cardinia Shire and Yarra Ranges communities. The Australian Government originally announced it in 2019 with bipartisan support and a total investment of \$300 million.

This funding is absolutely vital for both of our communities and supporting our Councils to seal hundreds of kilometres of unsealed roads. The program will deliver essential improvements to both road safety and access for our residents, tourists, and members of emergency services.

Our communities have been severely impacted by major storms, most notably the June 9, 2021, storm which was the largest on record, and are some of the highest-risk bushfire areas in the state. A dangerous network of unsealed roads adds another layer of complexity.

Both Councils have coordinated and commenced an extensive consultation process involving engagement with landowners, residents, and key community groups in the surrounding areas. Construction has commenced with designs and investigations underway for more than half of the roads in the overall program for both municipalities. This follows years of consultation with our local communities and advocacy efforts on behalf of these communities to address their very valid concerns.

However, despite significant resource allocation by both Councils and enormous community expectation with works completed in design, approvals, and community engagement to coordinate landowner involvement and co-investment for delivery, this decision to strip funding from the initiative was made without any consultation with the community and or the Councils.

Should the Australian Government's funding no longer be available, both Councils will have no choice but to abandon this project at great reputational and financial risk to all levels of government.

We further stressed to the Prime Minister asking for his immediate attention and appealed to him to reconsider any decision to not progress with this project. We have also requested to meet urgently with him and The Hon Catherine King to complete any consultation required to make a decision that would deliver on promises made and address local impacts.

**Moved: Cr McAllister**

**Seconded: Cr Higgins**

*That the Minutes of the Council Meeting held 8 November 2022, as circulated, be confirmed.*

**The motion was Carried unanimously**

## DISCLOSURE OF CONFLICTS OF INTEREST

*In accordance with Chapter 7, Rule 4, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*

Cr Fullagar declared a general conflict of interest in Item 10.7, CT5815 Enterprise Systems Project - Contract Extension, as he owns shares in TechnologyOne Ltd.

## QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

*In accordance with Chapter 3, Rules 57 and 59, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*

### QUESTIONS FROM THE PUBLIC

#### **Question from Andrea Hook, of Kilsyth:**

*I would like to know why walling ward is funding the purchase of 150 Cambridge Road when Councillor Jim Child stated in the 2021 - 2022 annual report that the purchase of 150 Cambridge Road will benefit all in the Shire.*

#### **Response from Bill Millard, Director Environment & Infrastructure:**

*Thank you for your question Ms Hook.*

*Analysis of the provision of open space in Kilsyth, as part of the development of the updated Recreation and Open Space Strategy, indicates a shortfall of open space for social recreation purposes of 6.1ha in 2020, escalating to 9.7ha in 2041. Adequate provision of, and access to large parks has a direct link to increasing physical activity and subsequently improving the health and wellbeing of communities.*

*This known shortfall is largely attributable to the density growth within the Kilsyth area that has occurred and will continue to occur due to the planning recognition of the area as a key development suburb. This formed part of Council's reasoning behind the purchase of the land.*

*Monetary contributions within the Public Open Space Fund, received as part of the development process, can only be spent on purchasing new or upgrading existing open space that would benefit the new residents as specified under the Subdivisions Act 1988.*



*While Cr Child is correct in that the purchase will benefit all in the Shire, the residents that will benefit most are those located close to the site in Walling Ward, with the purchase helping address adequate provision of open space in the area. As such it is not unreasonable for public open space funding for Walling Ward to be used to fund the purchase.*

There were no Submissions listed on the Agenda for this meeting.

## **9 PETITIONS**

*In accordance with Chapter 3, Rule 60, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*

There were no Petitions received for this meeting.

## **10 BUSINESS PAPER**

### **10.1 Planning Application - YR-2022/59 - 272 Maroondah Highway Healesville - Planning Report**

#### **SUMMARY**

This application seeks to develop the land at 272 Maroondah Highway Healesville and part of the adjoining Council owned pedestrian laneway for a three storey building for two retail premises at the ground level, three dwellings on the second and third level, and seeks the reduction in carparking requirements of three spaces.

The proposal requires the removal of a non-contributory building currently used as an office to develop the site, however a planning permit is not required for this demolition.

The application seeks building access and installation of an awning along the adjacent Council owned pedestrian laneway. Council's property department are generally supportive of this, however the permit holder will need to enter into a licensing agreement with Council via separate process following planning approval. The licensing agreement will address function, liability, and maintenance responsibilities. Relevant departments in areas of traffic, infrastructure and property have been made aware of this request and raised no concerns. Necessary conditions on permit are recommended to facilitate this request.

No carparking spaces are provided on the lot. The site does share ownership of and access to a rear nine (9) space informal/gravel surfaced carparking area with the property at 274 Maroondah Highway Healesville. Vehicle access to the carparking area is via Symons Street. The application seeks to secure three of the nine carparking spaces for the dwelling occupants. Relevant permit conditions are recommended addressing the carparking physical layout and installation of design elements to achieve this.

The application received twelve (12) objections with concerns related to general misalignment with Heritage and Township development design outcomes, impacts to commercial businesses, traffic impacts, increase to carparking demand and amenity concerns focused on noise impacts, daylight loss, overlooking and overshadowing into adjoining commercially zoned allotments.

The application exhibits strong alignment to objectives and strategies of Healesville Commercial Precinct (Heritage Precinct) and Healesville District (Healesville Structure Plan) in providing all accessible housing and varied commercial uplift within Healesville Town Centre.

The high-quality building design respects and enhances the existing commercial streetscape character and pedestrian function, and demonstrates a positive relationship with adjoining properties, including the Grand Hotel.

The proposal including the building design detailing is an excellent example of delivering on Council's sustainable development strategic direction.

Overall, it is considered that the proposal demonstrates a strong alignment with the relevant policies and provisions of the Yarra Ranges Planning Scheme. It is recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

*In accordance with Governance Rule 58, Laurence Paratz spoke in objection of the recommendation included in the officer report.*

*In accordance with Governance Rule 58, Marius Vogal spoke in support of the recommendation included in the officer report.*

**Moved: Cr McAllister**

**Seconded: Cr Todorov**

*That Council resolve to approve Planning Application YR-2022/59 for Development of Two (2) Retail Premises, Use & Development Three (3) Dwellings and reduction in carparking requirements at 272 Maroondah Highway (Lot 1 PS445694), Healesville and Lot 1 TP 566609J and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report.*

**The motion was Carried unanimously.**

## 10.2 Final Economic Development Strategy for Adoption

### SUMMARY

The 10-year Economic Development Strategy (Strategy) that has guided Council's role and resources in the development of the local economy concludes at the end of 2022. Consequently, a new Strategy 2022–2032 has been developed to position Yarra Ranges as a desirable place to live, work, invest and visit.

The Strategy has been informed by a comprehensive review, a background report and extensive community and stakeholder consultation and analysis. Community engagement on the draft Economic Development Strategy 2022-2032 was held between 11 August 2022 – 11 September 2022.

This work has produced a final Strategy 2022-2032 which delivers:

- A strong vision, grounded in the aspirations of the local community;
- A contemporary approach to economic development steeped in regenerative values, focussed on future-proofing the economy beyond the global pandemic and extreme climate events; and
- Globally competitive ideas that differentiate the Yarra Ranges from other local government areas.

It is now recommended that the final Economic Development Strategy be adopted by Council.

**Moved: Cr Fullagar**

**Seconded: Cr Eastham**

*That Council*

1. *Consider and note the feedback received from the community on the Draft Economic Development Strategy 2022-2032.*
2. *Adopt the final Economic Development Strategy 2022-2032 as provided in Attachment 1 to this report.*

**The motion was Carried unanimously.**

### 10.3 Part 2 of Amendment C197 - Update to the Heritage Overlay for the Cement Creek Plantation

#### SUMMARY

Amendment C197 Part 2 proposes to amend Heritage Overlay 353 (HO353) which covers the Cement Creek Plantation in Warburton. An independent study by a qualified heritage consultant has been carried out to review the heritage significance of the site, with the findings from the report informing proposed changes.

The amendment addresses a submission from Parks Victoria to Amendment C197 (Parent Amendment), that sought a further review of the mapping of the heritage overlay and updated Statement of Significance. This has been completed and Parks Victoria are satisfied with the updated documentation. The resultant amendment proposes to:

- Revise the mapped area of Heritage Overlay 353;
- Update the Statement of Significance applying to the site; and
- Update the place description in the schedule to the Heritage Overlay.

**Moved: Cr Child**

**Seconded: Cr Todorov**

*That Council*

1. *Adopt Amendment C197 Part 2 to the Yarra Ranges Planning Scheme generally in accordance with Attachments to this report.*
2. *Amendment C197 Part 2 to the Yarra Ranges Planning Scheme to the Minister for Planning for approval.*
3. *Notify Parks Victoria of Council's decision.*

**The motion was Carried unanimously.**

## 10.4 Ministerial Amendment C211 - RESTRUCTURE OVERLAY ANOMALIES

### SUMMARY

Following the approval of Amendment C177 on 7 August 2021 that updated the mapping of the Restructure Overlay in the planning scheme, a small number of inconsistencies between the Restructure Overlay and the linked Incorporated Document *Restructure Plan for Old & Inappropriate Subdivisions in Yarra Ranges Council, April 2021* that was included in the scheme through Amendment C177 have been identified.

Amendment C211 proposes to:

- Amend the Restructure Overlay in a number of locations across the municipality where there is inconsistency with mapping boundaries in the Incorporated Document or where cadastral updates have resulted in misalignment of Overlay boundaries; and
- Update maps within the Incorporated Document to ensure they are consistent with the Planning Scheme maps.

As the amendment is administrative in nature to correct errors, it is proposed to request the Minister for Planning to use her powers of intervention under Section 20(4) of the *Planning and Environment Act 1987* to prepare, adopt and approve the amendment to the Yarra Ranges Planning Scheme.

Ministerial Amendments are exempt from giving notice and as such the amendment will not be required to undergo an exhibition period. All but one item have previously been exhibited as part of Planning Scheme Amendment C177.

**Moved: Cr Eastham**  
**Seconded: Cr Fullagar**

*That Council*

1. *Request the Minister for Planning to prepare, adopt and approve Amendment C211 to the Yarra Ranges Planning Scheme under Section 20(4) of the Planning and Environment Act 1987 to:*
  - (a) *Correct and clarify the Restructure Overlay mapping in a number of instances where it has been found to be inaccurate or unclear.*
  - (b) *Amend the Incorporated Document "Restructure Plan for Old and Inappropriate Subdivisions, April 2021".*
  - (c) *Make consequential changes to the Schedule to Clause 45.05 (Restructure Overlay), and the Schedule to Clause 72.04 (Table of Documents Incorporated into this Scheme).*

**The motion was Carried unanimously.**

## 10.5 Bayswater Business Precinct Transformation Strategy

### SUMMARY

This report seeks Council's continued recognition and support for the implementation of the Bayswater Business Precinct (BBP) Transformation Strategy, which is a long-term plan prepared as a collaborative project between the Department of Jobs, Precincts and Regions (DJPR), Regional Development Australia Melbourne and the three BBP Councils of Yarra Ranges, Maroondah and Knox.

The BBP Transformation Strategy was finalised in December 2021 and details the areas where the partner Councils should focus attention and collaborate to ensure the precinct continues to prosper, attracts the right kind of jobs and investment, and promotes its competitive strengths. This is described through a list of 20 actions.

Since finalising the BBP Transformation Strategy, the three member Councils have been working together on prioritising and implementing actions. This has involved improving coordination between member Councils through formalising governance arrangements, undertaking advocacy work as required and continuing with business support programs within the BPP. The three member Councils are also scoping a structure planning process for the BBP that will provide a long-term plan to guide land use, built form and infrastructure delivery within the precinct.

**Moved: Cr Cox**

**Seconded: Cr Higgins**

*That Council*

- 1. Note the economic importance of the Bayswater Business Precinct as a regionally significant employment destination, combining a diverse range of manufacturing, commercial, wholesale and supporting businesses.*
- 2. Note the collaboration and commitment of the three partner Councils of Knox, Maroondah and Yarra Ranges in developing the Bayswater Business Precinct Transformation Strategy.*
- 3. Continue to support the delivery of actions and advocacy initiatives identified in the Bayswater Business Precinct Transformation Strategy.*

**The motion was Carried unanimously.**

## 10.6 MAV Board Regional Grouping Review

### SUMMARY

The Municipal Association of Victoria (MAV) is a membership association and the legislated peak body for local government in Victoria. At its State Council meeting a decision was made to alter the number of regions from 12 to 10, and therefore the number of representatives elected to the MAV Board to the same.

This report seeks:

- consideration of the options available to Yarra Ranges Council, as outlined in the MAV Options Paper and included at Attachment 1 to the report; and
- endorsement of Option 2 including a feedback statement, included at Attachment 2 to the report to be submitted to MAV as part of their engagement with councils in reviewing its proposed Regional Groupings.

**Moved: Cr Fullagar**

**Seconded: Cr McAllister**

*That Council endorse the feedback statement, included at Attachment 2 to the report, to be submitted to the Municipal Association of Victoria for consideration in the Regional Grouping Review.*

**The motion was Carried unanimously.**



## 10.7 CT5815 Enterprise Systems Project - Contract Extension

*Cr Fullagar left the meeting at 7.53pm prior to consideration of the item, having declared a conflict of interest in this item.*

### SUMMARY

Council is part-way through implementing a fit for purpose 'whole of organisation' enterprise system solution on a Software as a Service (SaaS) platform. In plain language, the 'YRConnect' program involves implementation of a suite of connected software modules that replace numerous legacy systems covering Council's core services and functions. Council has an ongoing need for this system and provision of related support services to implement, support and maintain this solution. This need is currently met through Technology One Limited ("TechOne") via contract CT5815 Enterprise Systems Project which expires 27 March 2024. This contract provides for an extension of another five (5) years subject to the approval of Council.

Approval is sought from Council:

- To enter a contract variation which extends the current contract by a further four (4) years, commencing 28 March 2024 to facilitate completion of system implementation and for ongoing provision of the SaaS platform and related support and maintenance, which is estimated to cost \$4,905,236 exclusive of GST (\$5,395,760 inclusive of GST) over the 4 years.

The Council Evaluation Panel comprising the Director Corporate Services, Acting Manager Information Technology, Manager Strategy and Transformation and Procurement Coordinator recommend extension of the TechOne contract.

**Moved: Cr Eastham**  
**Seconded: Cr Higgins**

*That*

1. *Council approves the variation to extend contract CT5815 with Technology One Limited for four (4) years for the estimated total price of \$4,905,236 exclusive of GST.*
2. *The Chief Executive Officer be delegated authority to sign the contract documents.*
3. *The Director Corporate Services be delegated authority to extend the contract term on the terms set out in the Contract and any amended terms proposed by Technology One Limited or Council.*
4. *The confidential attachments to this report remain confidential indefinitely as they relate to matters specified under section 3(1)(g)(i), (g)(ii) of the Local Government Act 2020.*

**The motion was Carried unanimously.**

*Cr Fullagar returned to the meeting at 7.57pm after the vote had been taken.*

## 10.8 Quarterly Finance Report - September 2022

### SUMMARY

The attached quarterly finance report has been prepared as at 30 September 2022. The report includes financial year-to-date data up to quarter one of the 2022-23 financial year and is compared to the adopted budget and the forecast projections for the full year to 30 June 2023.

**Moved: Cr McAllister**  
**Seconded: Cr Fullagar**

*That Council*

- 1. Receives and notes the Finance Report for the three months from 1 July 2022 to 30 September 2022 for the purpose of Section 97 of the Local Government Act 2020.*
- 2. Approves and adopts the Capital Works Transfers as outlined in the September Quarterly Capital Works Report.*

**The motion was Carried unanimously.**

## 10.9 Domestic Animal Management Plan 2022-2026 Endorsement

### SUMMARY

Yarra Ranges Council is required to prepare a Domestic Animal Management Plan (DAMP) at four-year intervals under the Domestic Animals Act 1994. The plan is required to be developed in consultation with the Department of Jobs, Planning and Resources (DJPR).

The DAMP 2022-2026 has been developed in accordance with best practice standards and informed by current available data, research, and community consultation. Council's community engagement activities enabled feedback from individuals, organisations, and businesses, and highlighted key themes that have helped shape the drafting of the DAMP.

The consultation periods ran from March-April and September-October 2022 generating 1,972 visits to the DAMP Shaping Yarra Ranges webpage and 360 downloads of the plan. Four in-person pop-up consultation sessions were also delivered to enable community feedback.

To ensure Council is meeting its legislative responsibilities, a final Council endorsed DAMP is required to be submitted to Department Jobs Precincts Regions by 2 December 2022.

**Moved: Cr Cox**

**Seconded: Cr Heenan**

*That Council endorse the Domestic Animal Management Plan 2022-2026 and subsequent submission of the endorsed plan to the State Government Department of Jobs Precincts and Regions.*

**The motion was Carried unanimously.**

## 10.10 Tree Matter Outside 134 Hereford Road, Mt Evelyn

### SUMMARY

Council has a request to inspect trees outside 134 Hereford Road, Mt Evelyn. Council inspected twenty-five trees, with seven recommended for removal. The resident wants a further eight trees removed. The resident's main concern is that the eight trees are dangerous and will fall onto her property. The trees are assessed as low risk. Council has no recorded Public Liability claims for this property.

The trees are indigenous to the area. The details of the trees are in the attached Arborist Assessment Report. The roadside reserve is in a Green Wedge A Zone (GWAZ2) and is also subject to Bushfire Management Overlay (BMO). A Planning Permit is required if the trees are approved by Council for removal.

*In accordance with Governance Rule 58, Vanessa Walton spoke in objection of the recommendation included in the officer report.*

*The Mayor called for the meeting to be adjourned at 8.29pm to enable an alternate recommendation be written.*

*The meeting resumed at 8.33pm with all Councillors present.*

*Councillor Child moved a motion alternate to that printed in the agenda.*

**Moved: Cr Child**

**Seconded: Cr Heenan**

*That Council remove tree number 3, 4, 8, 16, 17, 19, 21 and 22 as outlined in Attachment 1 to the report and informs the resident of the decision.*

**The motion was Carried unanimously.**

## 10.11 CT7078 Construction of Stormwater Harvesting System Monbulk Reserve

### SUMMARY

This report seeks Council approval for the construction contract for the Stormwater Harvesting System Monbulk Reserve.

The project was advertised as an open public tender on 3 September 2022. Tenders closed 5 October 2022 and six (6) submissions were received.

The evaluation panel conducted a robust and rigorous assessment and evaluation process and recommends the tender from Optimal Stormwater Pty Ltd be accepted for the Final Tender Price as detailed in the Confidential Attachment to this report.

The recommended tender award amount is reflective of current construction market rates and represents the best value outcome for Council. All tender prices received were over pre-tender cost estimates. Tender negotiations explored cost savings opportunities along with further options for leveraged funding. The project is co-sponsored by Melbourne Water and the Department of Environment, Land, Water and Planning (DELWP).

This item has been included in the public agenda to facilitate openness and transparency in Council's decision making. A confidential attachment has been included with the report which contains commercially sensitive information that is not to be disclosed whilst the meeting is open to the public.

The recommendation in this report has been formally endorsed by the evaluation panel.

*Cr Heenan left the meeting at 8.48pm prior to the vote being taken.*

**Moved: Cr Eastham**  
**Seconded: Cr Fullagar**

*That*

- 1. Council awards the tender from Optimal Stormwater Pty Ltd for CT7078 Construction of Stormwater Harvesting System Monbulk Reserve for the Final Tender Price of \$993,459 Excl. GST and inclusive of all negotiated cost savings detailed in the Confidential Attachment to this report and subject to the budget recommendation there in.*
- 2. The Director Environment and Infrastructure be delegated the authority to sign the contract documents.*
- 3. The confidential attachment to this report remains confidential indefinitely as it relates to matters specified under Section 3(1) (g)(i), (g)(ii) of the Local Government Act 2020.*

**The motion was Carried unanimously.**

## 10.12 Henry Street, Yarra Junction Declaration of Special Charge

### SUMMARY

Following an extensive consultation process with landowners, Council at its meeting of 27 September 2022 considered a report on road improvement works for Henry Street, Yarra Junction. Council resolved to advise of its intention to declare a special charge in accordance with the provisions of Section 163 of the *Local Government Act 1989*.

This report advises that no submissions have been received regarding the Special Charge and recommends that Council declare the Special Charge without modification.

*Cr Heenan returned to the meeting at 8.52pm prior to a vote being taken.*

**Moved: Cr Child**

**Seconded: Cr Fullagar**

*That*

- 1. Council, having given notice of its intention, reviewed the details of the proposed special charge and having received no submissions hereto, declare the special charge for works associated with the Henry Street, Yarra Junction Special Charge Scheme in accordance with the provisions of Section 163 of the Local Government Act 189, without modification.*
- 2. In accordance with the provisions of Section 163 of the Local Government Act 1989, notice be served upon all persons liable for the special charge advising of Council's decision and that persons aggrieved by Council's imposition of the special charge upon them, may apply to the Victorian Civil and Administrative Tribunal within 30 days of effective issue of the notice, for a review of the decision.*

**The motion was Carried unanimously.**

## 10.13 Henry Street, Lester Street and Everard Grove, Woori Yallock Declaration of Special Charge

### SUMMARY

Following an extensive consultation process with landowners, Council at its meeting of 27 September 2022 considered a report on road improvement works for Henry Street, Lester Street and Everard Grove, Woori Yallock. Council resolved to advise of its intention to declare a special charge in accordance with the provisions of Section 163 of the *Local Government Act 1989*.

This report advises that no submissions have been received regarding the Special Charge and recommends that Council declare the Special Charge without modification.

**Moved: Cr Child**  
**Seconded: Cr Higgins**

*That*

- 1. Council, having given notice of its intention, reviewed the details of the proposed special charge and having received no submissions hereto, declare the special charge for works associated with the Henry Street, Lester Street and Everard Grove, Woori Yallock Special Charge Scheme in accordance with the provisions of Section 163 of the Local Government Act 189, without modification.*
- 2. In accordance with the provisions of Section 163 of the Local Government Act 1989, notice be served upon all persons liable for the special charge advising of Council's decision and that persons aggrieved by Council's imposition of the special charge upon them, may apply to the Victorian Civil and Administrative Tribunal within 30 days of effective issue of the notice, for a review of the decision.*

**The motion was Carried unanimously.**

## 10.14 Part Road Discontinuance abutting 37 Frances Avenue, Yarra Glen

### SUMMARY

It is proposed Council use its powers under Section 206 (1) and Schedule 10 of the Local Government Act 1989 to discontinue a small portion (211m<sup>2</sup>) of unused road reserve abutting 37 Frances Avenue, Yarra Glen shown in Attachment 1.

The portion of road is not constructed or utilised for road purposes. It has not been identified as being reasonably required for public use now or into the future.

Upon removal of the road status, the land will vest in Council. It is proposed the road portion be transferred to the abutting owner subject to purchasing the land based on a land valuation, the reimbursement of Council costs and entering into an agreement to consolidate the land.

The proposal is fully supported by the relevant Council departments.

Consultation with the surrounding property owners was undertaken. There were no objections to the proposal.

Public Notice has been given and no formal submissions were received.

**Moved: Cr McAllister**

**Seconded: Cr Heenan**

*That Council having given notice of its intention to discontinue the 211m<sup>2</sup> road portion abutting 37 Frances Avenue, Yarra Glen and having invited public submissions with no public submissions received, and being of the opinion that this road portion is not reasonably required for public use*

1. *Discontinue the portion of road.*
2. *Direct that notice of the discontinuance be published in the Government Gazette.*
3. *Direct that the land from the road portion be transferred to the abutting owners subject to the reimbursement of Council costs, purchasing the land based on a land valuation and entering into an agreement to consolidate the land.*
4. *Direct that any necessary documentation to give effect to the transfer be signed and sealed.*

**The motion was Carried unanimously.**



**10.15 EOI6105 7108: Benton Road Elamo Road Nagoondie Lane Healesville - Road Improvement Works Special Charge Scheme**

**SUMMARY**

This report summarises the quotation evaluation process for submissions received for the Benton Road, Elamo Road, Nagoondie Lane, Healesville - Road Improvement Works Special Charge Scheme and seeks Council approval to award the contract for construction to Etheredge Minterm Pty Ltd.

As part of its 2019 budgetary process, the Federal Government announced a nine-year, \$150 Million funding initiative for Yarra Ranges Council to seal roads within the Dandenong Ranges and surrounding areas. At its meeting on 24 September 2019 Council endorsed a list of roads to be constructed using this funding to be facilitated by means of Special Charge Schemes.

Benton Road, Elamo Road, and Nagoondie Lane, Healesville were included on this list of roads and in accordance with Council's Special Charge Scheme Policy, landowner support has been sought and obtained for construction of the road. The project has been listed in Council's 2022/23 Capital Expenditure Program.

The Special Charge Scheme Statutory Process has been successfully completed and the project is ready for construction.

**Moved: Cr McAllister**  
**Seconded: Cr Todorov**

*That*

1. *Council accepts the tender from Etheredge Minterm Pty Ltd for the total lump sum price of \$916,120.00 (excl. GST, incl. provisional items), \$1,007,732.00 incl. of GST and all provisional items as defined in this proposal.*
2. *Council approves the Director of Environment and Infrastructure be delegated the authority to sign the contract documents.*
3. *The confidential attachment to this report remains confidential indefinitely as it relates to matters specified under section 3(1) (g)(i), (g)(ii) of the Local Government Act 2020.*

**The motion was Carried unanimously.**

## **11 COUNCILLOR MOTIONS**

*In accordance with Chapter 3, Division 4, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*

There were no Councillor motions listed on the agenda for this meeting.

## **12 ITEMS THROUGH THE CHAIR**

### **12.1 2022 Lilydale & Yarra Valley Show**

Cr Heehan thanked the organiser of the 68th Lilydale and Yarra Valley Show, held on 19 and 20 November 2022. He acknowledged the trying circumstance the organisers have gone through over the last few years and commended them on an excellent event.

### **12.2 Art and Sole Project**

Cr Todorov attended the launch of the Art and Sole Project on 17 November 2022. She thanked the passionate and committed stakeholders including VicHealth, Inspiro, the Wurundjeri Woi-wurrung Aboriginal Corporation and the Lilydale Historical Society.

### **12.3 Lilydale Youth Hub**

Cr Todorov expressed her disappointment and concern to the cut in Federal Government funding for the Lilydale Youth Hub. Cr Todorov requested that Council accept the letters of support that have been tendered, by community, and that they be forwarded, on behalf of Council, to the relevant Federal Ministers for consideration.

### **12.4 Yarra Ranges Council Civic Centre Open Day**

Cr Child noted the success of the Yarra Ranges Council Civic Centre Open Day and thanked the community members that attended on the day. He also thanked the community for the performances that were presented on the day. Cr Child also acknowledged the Council staff for their contribution to the day.

## **13 REPORTS FROM DELEGATES**

Cr Eastham

- Attended the Burrinja Annual General Meeting held 21 November 2022 at the Burrinja Cultural Centre, Upway and spoke of the amazing achievements of Burrinja over the past year.

Cr Todorov

- Attended the Municipal Emergency Management Planning Committee held 16 November 2022 at the Yarra Ranges Council Civic Centre. The meeting was also attended by Cr Child.

**14 DOCUMENTS FOR SIGNING AND SEALING**

*In accordance with Clause 87 of the Meeting Procedures and Use of Common Seal Local Law 2015, as prescribed by Section 14(2)(c) of the Local Government Act 2020.*

There were no Documents for Signing and Sealing received for this meeting.

**15 INFORMAL MEETING OF COUNCILLORS**

**Moved: Cr Fullagar**  
**Seconded: Cr Heenan**

*That the records of the Informal Meetings of Councillors, copies of which are attached to the report, be received and noted.*

**The motion was Carried unanimously.**

**16 URGENT BUSINESS**

There was no Urgent Business received for this meeting.

**17 CONFIDENTIAL ITEMS**

*In accordance with section 66(2)(a) of the Local Government Act 2020.*

There were no Confidential Items listed on the agenda for this meeting.

**18 DATE OF NEXT MEETING**

There being no further business the meeting was declared closed at: 9.15 pm.

Confirmed this day, Tuesday, 13 December 2022.

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**Councillor Jim Child (Mayor)**