



COUNCIL MEETING

TUESDAY 26 APRIL 2022

MINUTES

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 balanced growth makes this the best place in the world.

COUNCILLOR COMMITMENT

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

NOTES FOR QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

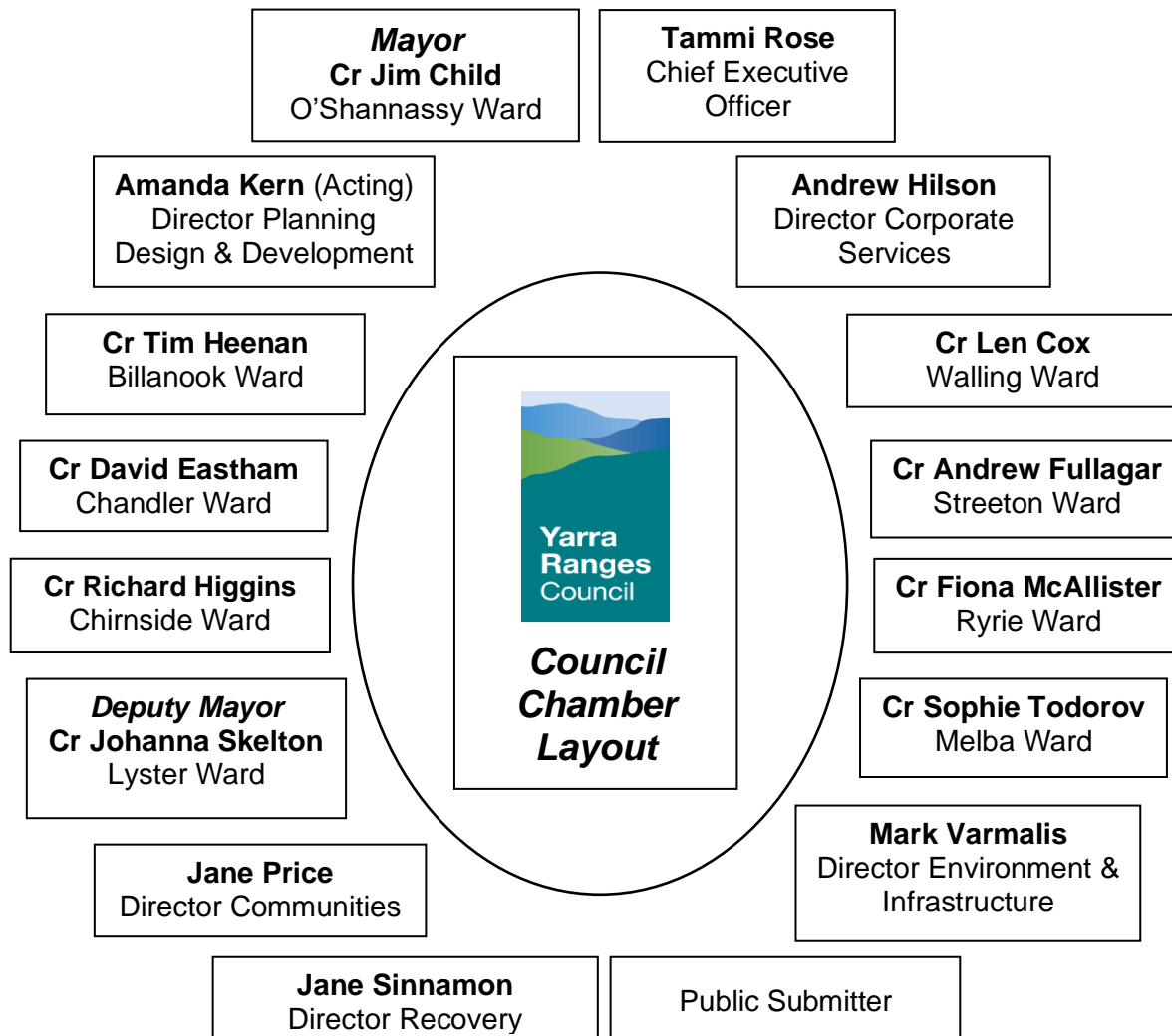
The public is invited to submit questions to the Council Meeting by completing [the form on the Council's website](#); or via [email](#). Your question must be received **no later than 5.00pm on the day before the Council meeting date**. Questions relating to items on the agenda, or which are the same as previous questions, will not be considered.

A question will not be accepted if, in the opinion of the Chief Executive Officer, it appears to be derogatory, defamatory or embarrassing to any Councillor, member of staff, ratepayer or member of the public. A limit of one question per person per meeting will apply. Multiple parts to a question will be treated as multiple questions. A maximum of 15 minutes will be allocated to 'Question Time' at each meeting. As far as practicable, questions will be considered in the order they were received. Your question will be read out on the night and if possible will be answered by the appropriate officer. If a question cannot be answered on the night or if time constraints restrict the ability to read out a question, it will be answered in writing in accordance with Council's normal correspondence procedures. You are welcome to attend the meeting and hear the answer to your question, but it is not a requirement. If your question is addressed on the night, we will provide a copy of the answer to you in writing in the days following the meeting.

Submissions to Council on matters not listed on the Council Meeting agenda will generally be heard before the items listed on the agenda. The subject should not relate to matters on the agenda for the meeting, or matters that have been already considered by Council or to operational issues. You must provide the required information at least eleven **(11) days before the meeting** you wish to attend to the Governance Team, to allow for consideration of your request and appropriate arrangements to be made.

You should provide sufficient copies of any supporting information you want to be distributed to all Councillors and this will be circulated upon request. A copy of any supporting electronic presentation needs to be given to Governance Team **by midday** of the date of the meeting to ensure compatibility with Council's computer system.

Submissions in relation to a specific item on the agenda for consideration will be invited to come forward by the Chair in the order items are listed. 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. Submissions must be made in a way that is respectful of Councillors and staff. You should make sure that you are present at the meeting when the item you wish to speak about is considered, as there will no opportunity for you to speak after the Chair has invited speakers and councillors have begun to consider the item.



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YARRA RANGES COUNCIL

MINUTES FOR THE 557TH COUNCIL MEETING HELD ON TUESDAY 26 APRIL 2022 COMMENCING AT 7.00PM VIA VIDEOCONFERENCE

1. COUNCIL MEETING OPENED

Cr Jim Child (Mayor) declared the meeting open, read the Acknowledgement of Country, and welcomed all present.

2. INTRODUCTION OF MEMBERS PRESENT

Councillors

Jim Child, O'Shannassy (Mayor)
Len Cox, Walling
Andrew Fullagar, Streeton
Fiona McAllister, Ryrie
Sophie Todorov, Melba
Johanna Skelton, Lyster (Deputy Mayor)
Richard Higgins, Chirnside
David Eastham, Chandler
Tim Heenan, Billanook

Officers

Tammi Rose, Chief Executive Officer
Andrew Hilson, Director Corporate Services
Mark Varmalis, Director Environment & Infrastructure
Jane Price, Director Communities
Amanda Kern, Acting Director Planning Design & Development
Jane Sinnamon, Director Recovery

3. APOLOGIES AND LEAVE OF ABSENCE

There were no apologies received for this meeting.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved: Cr Cox

Seconded: Cr McAllister

That the Minutes of the Council Meeting held 12 April 2022, as circulated, be confirmed.

The motion was Carried unanimously.

5. 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.

There were no disclosures of conflicts of interest made for this meeting.

6. 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.

There were no Questions received or Submissions listed on the agenda for this meeting.

7. BUSINESS PAPER

PLANNING, DESIGN AND DEVELOPMENT

7.1 Planning Application YR-2021/715 - 54 & 56 Clegg Road, Mount Evelyn

APPLICATION DETAILS	
Site Address	54 and 56 Clegg Road, Mount Evelyn
Application No.	YR-2021/715
Proposal	Use and development of a childcare centre; display of business identification signage; car parking reduction; vegetation removal; and alteration of access to a Road Zone, Category 1.
Existing Use	Dwelling on each lot
Applicant	Western Australian Commercial Investments Pty Ltd C/- Ratio Consultants Pty Ltd
Zone	Low Density Residential Zone (LDRZ)
Overlays	Bushfire Management Overlay (BMO) Significant Landscape Overlay – Schedule 22 (SLO22) Environmental Significance Overlay – Schedule 2 (ESO2)
Objections	Sixty-three (63) and one (1) submission in support.
Encumbrances on Title (Covenants/Section 173 Agreements)	No
Reason for Council Decision	More than 10 Objections
Ward	Billanook

SUMMARY

The application is for use and development of a childcare centre; display of business identification signage; car parking reduction; vegetation removal; and alteration of access to land in a Transport Zone 2. An application is triggered for assessment under the Low Density Residential Zone (for the use & development), the Environmental Significance Overlay – Schedule 2 (vegetation removal, front fence and to carry out building and works), Significant Landscape Overlay – Schedule 22 (front fence and vegetation removal), Bushfire Management Overlay (for an educational use), Clause 52.06 (reduction in car parking) Clause 52.09 (access to a State controlled road) and Clause 52.05 for two (2) business identification signs.

The application has been advertised and received 63 objections and one (1) submission in support to the development. The general themes of the objections are related to traffic

issues, built form, safety, privacy, vegetation impacts, amenity, location and operational hours.

The application has currently been appealed to the Victorian Civil and Administrative Tribunal (VCAT) for failure to determine the application within statutory timeframes. Notwithstanding this action, the decision before Council is for Council to determine whether, had it been able to make a decision, what would the decision be. A detailed assessment of the application has been undertaken, including a review of all submission and on balance officers are recommending that the application should be supported for the reasons outlined in the report below.

Cr Child moved a motion alternate to that printed in the Agenda.

Moved: Cr Child

Seconded: Cr Heenan

That Council resolve to defer consideration of Planning Application YR-2021/715 – 54 & 56 Clegg Road, Mount Evelyn until the 10 May 2022 Council meeting to allow for further clarification on a matter arising in relation to the application.

The motion was Carried unanimously.

7.2 Submission to Landslide and Erosion in the Planning System - Discussion Paper

SUMMARY

The State Government has released a Discussion Paper: *Landslide and Erosion in the Planning System* (Attachment 1) and is seeking input from Council to assist in its review of the landslide and erosion controls in the Victoria Planning Provisions (VPP).

The Department of Environment, Land, Water and Planning (DELWP) was seeking submissions on the Discussion Paper by 30 March 2022. An interim holding submission was made to meet this deadline, and Council has been granted an extension to 27 April 2022 to enable a Council-endorsed submission to be made.

The key issues highlighted in the submission attached to this report are:

- There is a need to separately define landslide and erosion in the VPP. Landslide is an important issue in some parts of Yarra Ranges (Dandenong Ranges, Warburton, Silvan, Don River Valley) whereas erosion does not always pose a significant risk;
- Updated mapping of Yarra Ranges landslide areas is essential to provide greater accuracy and reduce the need for geotechnical assessments. Council would require financial assistance to undertake the mapping, or it could be undertaken by the State Government on a state-wide basis;
- The two-tiered assessment system in Yarra Ranges planning scheme is endorsed for use elsewhere. Council wants to retain the ability to make low risk assessments;
- The risk of landslide and erosion has increased significantly through continued climate change resulting in more intense and more frequent weather events such as rain, wind and bushfires, each of which increase the risks of landslide and erosion. There is value in considering schemes that over time move people out of the areas that will be most affected and to obtain the best available data to inform planning and appropriate land uses; and
- With the increasing frequency of natural disasters due to climate change, it would be useful for a standing body of experts to be established to support private property impacted by these events.

Through discussion with Councillors a submission (Attachment 2) has been prepared for Council's endorsement.

Moved: Cr Eastham
Seconded: Cr Skelton

That Council endorse the Submission, at Attachment 2 to the report, to the Discussion Paper Landslide and Erosion in the Planning System and submit it to the Department of Environment, Land, Water and Planning by close of business 27 April 2022.

The motion was Carried unanimously.

7.3 Amendment C197 to the Yarra Ranges Planning Scheme - corrections and anomalies

SUMMARY

Amendment C197 proposes to correct a number of minor zoning inaccuracies and anomalies, remove redundant overlay controls and improve the operation of several overlay schedules in the Yarra Ranges Planning Scheme.

Regular review and updating of the planning scheme is a requirement of the *Planning and Environment Act 1987*.

In order to commence the amendment process, Council must seek authorisation from the Minister for Planning to prepare and exhibit the amendment.

Moved: Cr Eastham

Seconded: Cr Todorov

That Council

1. *Request the Minister for Planning authorise the preparation and exhibition of Amendment C197 generally in accordance with the attachments to this report.*
2. *Subject to obtaining the Minister's authorisation, prepare and exhibit Amendment C197 to the Yarra Ranges Planning Scheme.*
3. *Receive a further report considering any submissions received as a result of exhibition process.*

The motion was Carried unanimously.

CORPORATE SERVICES

7.4 Audit and Risk Management Committee Biannual Report to Council

SUMMARY

The Audit and Risk Management Committee (the Committee) has been established by Council under Section 53 of the *Local Government Act 2020* (the Act). It is the responsibility of the Committee to provide Council with independent, objective advice and assurance on the adequacy of management arrangements as set out in the Audit and Risk Management Committee Charter (the Charter).

Section 54(5) of the Act requires that the Committee prepare a biannual report for Council that describes their activities and includes any findings and recommendations.

The following is the biannual report of the Committee for the period ending 31 January 2022 for noting of Council.

Moved: Cr McAllister
Seconded: Cr Child

That Council notes Yarra Ranges Audit and Risk Management Committee Bi-Annual Report for the period ending 31 January 2022.

The motion was Carried unanimously.

7.5 Audit and Risk Management Committee - Independent Member Reappointment

SUMMARY

The Audit & Risk Management Committee (the Committee) has been established by Council under section 53 (1) of the *Local Government Act 2020* and is comprised of five members, with the majority being independent members. The terms of reference of the Committee are outlined in Audit and Risk Management Committee Charter (the Charter) which was approved by Council in August 2020.

Section 9.2 of the Charter states that at the end of their term, and after a performance review, an Independent Committee Member may be reappointed for a further term without the need for another formal application, subject to the maximum tenure of an Independent Committee Member being three terms or nine years (whichever is the lesser).

The term of Mr Steven Schinck's appointment as an Independent Committee Member expires on 1 May 2022. The remaining four Committee members reviewed Mr Schinck's performance at the Committee meeting on 28 February 2022 and had no hesitation in recommending the reappointment of Mr Schinck as an Independent Committee Member for a third three-year term expiring on 1 May 2025.

The Committee and management also recommend that the remuneration for the positions of Committee Chair and Independent Committee Member be increased in line with the rate cap of 1.75% effective 1 July 2022.

Moved: Cr McAllister

Seconded: Cr Cox

That Council endorse

- 1. The reappointment of Mr Steven Schinck as an Independent Member of the Committee for a three year term expiring 1 May 2024 with remuneration being increased from \$1,350 to \$1,374 (excl. GST) per meeting from 1 July 2022.*
- 2. The remuneration for Independent Committee Members and the Chair be increased by 1.75% (in line with the rate cap) per meeting from 1 July 2022.*

The motion was Carried unanimously.

7.6 Mayor, Deputy Mayor and Councillor Allowances - Remuneration Tribunal Determination

SUMMARY

On 7 March 2022, in accordance with section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* (Vic) (VIRTIPS Act), the Victorian Independent Remuneration Tribunal (the Tribunal) made the Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022 (the Determination).

The Determination applies to all Mayors, Deputy Mayors and Councillors (Council members) in all Victorian Councils.

The Determination takes effect from 18 December 2021 and sets a base allowance for each Council member. The new allowances will be retrospectively implemented for current Councillors, Mayor and the creation of an allowance for the Deputy Mayor.

Moved: Cr Skelton

Seconded: Cr Heenan

That Council notes

- 1. The Tribunal's Determination No. 01/2022 as attached to this report.*
- 2. The Mayor, Deputy Mayor and Councillor allowances to be applied from 18 December 2021.*

The motion was Carried unanimously.

ENVIRONMENT AND INFRASTRUCTURE

7.7 Victoria Road (section between Station Road to Walker Road), Railway Road & English Street, Seville Declaration of Special Charge

SUMMARY

In 2019 Council received \$150 Million Federal Government funding for sealing roads within the Dandenong Ranges and surrounding areas. Victoria Road (section between Station Road to Walker Road), Railway Road & English Street, Seville were included within the endorsed list of approximately 190 kilometres of roads to be constructed using Federal Funds and Landowner contributions through a Special Charge Scheme process.

Following an extensive consultation process with landowners, Council at its meeting of 22 February 2022 considered a report on road improvement works for Victoria Road (section between Station Road to Walker Road), Railway Road & English Street, Seville. 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 two submissions have been received regarding the Special Charge and recommends that Council declare the Special Charge without modification.

Moved: Cr Eastham
Seconded: Cr Heenan

That

- 1. Council, having given notice of its intention, reviewed the details of the proposed special charge and given consideration of submissions hereto, declare the special charge for works associated with the Victoria Road (section between Station Road to Walker Road), Railway Road & English Street, Seville Special Charge Scheme in accordance with the provisions of Section 163 of the Local Government Act 1989, without modification.*
- 2. In accordance with the provisions of Section 223 of the Local Government Act 1989, notice in writing be served on every person who has lodged a separate submission and in the case of a submission lodged on behalf of a number of persons, notice in writing to one of those persons, advising of Council's decision and the reasons for the decision.*
- 3. 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.

7.8 School Road and Valley Road, Seville Declaration of Special Charge

SUMMARY

In 2019 Council received \$150 Million Federal Government funding for sealing roads within the Dandenong Ranges and surrounding areas. School Road and Valley Road, Seville were included within the endorsed list of approximately 190 kilometres of roads to be constructed using Federal Funds and Landowner contributions through a Special Charge Scheme process.

Following an extensive consultation process with landowners, Council at its meeting of 22 February 2022 considered a report on road improvement works for School Road and Valley Road, Seville. 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, however the allocated charge for one property has been reduced after an onsite review and recommends that Council declare the Special Charge with minor modification.

Moved: Cr Eastham
Seconded: Cr Heenan

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 School Road and Valley Road, Seville Special Charge Scheme in accordance with the provisions of Section 163 of the Local Government Act 1989, with the following modification:*
 - (a) *The development unit allocation to property 52 Old Warburton Road, Seville be reduced from 1 to 0.5 Unit.*
 - (b) *Council's contribution to the project be increased by 0.5 unit (\$3,500) to offset the reduced contribution by 52 Old Warburton Road.*
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.

7.9 Station Road, Seymour Street & Britton Road, Seville Declaration of Special Charge

SUMMARY

In 2019 Council received \$150 Million Federal Government funding for sealing roads within the Dandenong Ranges and surrounding areas. Station Road, Seymour Street & Britton Road, Seville were included within the endorsed list of approximately 190 kilometres of roads to be constructed using Federal Funds and Landowner contributions through a Special Charge Scheme process.

Following an extensive consultation process with landowners, Council at its meeting of 22 February 2022 considered a report on road improvement works for Station Road, Seymour Street & Britton Road, Seville. 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 Eastham
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 Station Road, Seymour Street & Britton Road, Seville Special Charge Scheme in accordance with the provisions of Section 163 of the Local Government Act 1989, 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.

7.10 Bell Street, Winifred Street, Read Road and Paynes Road (from 11 to 23), Seville - Intent to Levy a Special Charge

SUMMARY

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. This funding program has been named the Roads for the Community Initiative.

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. Bell Street, Winifred Street, Read Road and Paynes Road (from 11 to 23), Seville were included on this list of roads.

This report recommends affected landowners be notified of Council's Intent to Levy a Special Charge for the construction of Bell Street, Winifred Street, Read Road and Paynes Road (from 11 to 23), Seville.

Moved: Cr Eastham
Seconded: Cr Cox

That

1. *The affected landowners be advised of Council's intent to declare a special charge ("the special charge") at its meeting scheduled for 28 June 2022, or should this meeting not proceed then the next available Council meeting, for the purpose of defraying expenses associated with proposed improvement works in Bell Street, Winifred Street, Read Road and Paynes Road (from 11 to 23), Seville.*
2. *Subject to any variation of a scheme under Section 166 of the Local Government Act 1989, the amount to be levied under the scheme exclusive of interest payable under Section 172 of the Local Government Act 1989 will be:*
 - (a) *In total \$543,375 ("the amount to be paid"); comprising of \$472,500 for the cost of works and \$70,875 for financing cost.*
 - (b) *On each date specified under Section 167 of the Local Government Act 1989 as being the date on which the whole of rates and charges (other than special rates and charges) is due ("the due date") the amount represented by the formula: X/Y where X represents the amount to be paid and Y represents the number of due dates during the period which the scheme will remain in force.*
3. *In accordance with Section 163 (3) of the Local Government Act 1989 Council specifies that the special charge:*
 - (a) *Is proposed to be declared for the land in the "designated area" shown on the attached plan.*
 - (b) *Will be payable in respect of all rateable land within the designated area.*

- (c) *Will be assessed and levied as set out in this resolution.*
- (d) *Will remain in force for the period commencing on 1 July 2023 and concluding on 30 June 2033.*
4. *In accordance with Section 221 of the Local Government Act 1989 the special charge is also proposed to be declared in respect of land within the designated area which is not rateable land and is not Crown land.*
5. *It is recorded that assessment of the special charge is calculated on the following basis:*
- (a) *\$7,000 per development unit.*
- (b) *Plus financing cost of 3% per annum.*
- (c) *100% on a development unit basis as follows.*
- (i) *Special benefit where a dwelling or building is permitted.*
- (ii) *The degree of special benefit having regard to the use or future use of the land.*
6. *The amount assessed, based on the assessment factors, is set out in the attached schedule of costs per property for the scheme.*
7. *If works do not commence within 12 months of declaration of the special charge scheme, the financing cost rate applicable to landowners repaying the special charge over 10 years be reviewed, based on number of assessments involved, interest rate movements and the quantum of the project.*
8. *Should the financing cost rate change after review, a further report be submitted to Council at the time of commencing works to confirm the financing cost rate that shall apply to the proposed special charge, and those persons liable to pay the special charge over a 10 year period be notified of the revised financing rate.*
9. *In accordance with section 167 (4) of the Local Government Act 1989, landowners be offered an option to repay their charge as a lump sum payment. For landowners to undertake this option, full payment is to be made by 15 February 2024, and the proportion of the cost to finance the scheme attributable to the property is to be deducted from the total charge.*
10. *The Chief Executive Officer be authorised to give public notice of the intent to declare the special charge in accordance with Section 163 (1A) and 223 of the Local Government Act 1989 in The Star Mail newspapers and on Council's Internet Website.*
11. *If required a consultation meeting with appropriate Council Officers, be arranged to discuss any submissions received relating to the Special Charge.*
12. *If submissions are made:*
- (a) *Those submissions be considered, and any person (or their representative as*

specified in their submission) who has requested to be heard in support of their submission be heard, by a meeting of Council scheduled for 10 May 2022, or should this meeting not proceed then the next available meeting.

(b) Those persons making submissions be advised copies of their submissions will be made available at the Council meeting held when their submission is considered.

13. If no submissions are made, the matter be reported to Council at the meeting scheduled for 28 June 2022, or should this meeting not proceed then the next available meeting.

14. The Chief Executive Officer be authorised and directed to seek payment of and recover the special charge with any interest thereof .

The motion was Carried unanimously.

7.11 Nation Road, Selby - Intent to Levy a Special Charge

SUMMARY

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. This funding program has been named the Roads for the Community Initiative.

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. Nation Road, Selby was included on this list of roads.

This report recommends affected landowners be notified of Council's Intent to Levy a Special Charge for the construction of Nation Road, Selby.

Moved: Cr Skelton

Seconded: Cr Todorov

That

1. *The affected landowners be advised of Council's intent to declare a special charge ("the special charge") at its meeting scheduled for 28 June 2022, or should this meeting not proceed then the next available Council meeting, for the purpose of defraying expenses associated with proposed improvement works in Nation Road, Selby.*
2. *Subject to any variation of a scheme under Section 166 of the Local Government Act 1989, the amount to be levied under the scheme exclusive of interest payable under Section 172 of the Local Government Act 1989 will be:*
 - (a) *In total \$209,300 ("the amount to be paid"); comprising of \$182,000 for the cost of works and \$27,300 for financing cost.*
 - (b) *On each date specified under Section 167 of the Local Government Act 1989 as being the date on which the whole of rates and charges (other than special rates and charges) is due ("the due date") the amount represented by the formula: X/Y where X represents the amount to be paid and Y represents the number of due dates during the period which the scheme will remain in force.*
3. *In accordance with Section 163 (3) of the Local Government Act 1989 Council specifies that the special charge:*
 - (a) *Is proposed to be declared for the land in the "designated area" shown on the attached plan.*
 - (b) *Will be payable in respect of all rateable land within the designated area.*
 - (c) *Will be assessed and levied as set out in this resolution.*
 - (d) *Will remain in force for the period commencing on 1 July 2023 and concluding on 30 June 2033.*

4. *In accordance with Section 221 of the Local Government Act 1989 the special charge is also proposed to be declared in respect of land within the designated area which is not rateable land and is not Crown land.*
5. *It is recorded that assessment of the special charge is calculated on the following basis:*
 - (a) *\$7,000 per development unit.*
 - (b) *Plus financing cost of 3% per annum.*
 - (c) *100% on a development unit basis as follows.*
 - (i) *Special benefit where a dwelling or building is permitted.*
 - (ii) *The degree of special benefit having regard to the use or future use of the land.*
6. *The amount assessed, based on the assessment factors, is set out in the attached schedule of costs per property for the scheme.*
7. *If works do not commence within 12 months of declaration of the special charge scheme, the financing cost rate applicable to landowners repaying the special charge over 10 years be reviewed, based on number of assessments involved, interest rate movements and the quantum of the project.*
8. *Should the financing cost rate change after review, a further report be submitted to Council at the time of commencing works to confirm the financing cost rate that shall apply to the proposed special charge, and those persons liable to pay the special charge over a 10 year period be notified of the revised financing rate.*
9. *In accordance with section 167 (4) of the Local Government Act 1989, landowners be offered an option to repay their charge as a lump sum payment. For landowners to undertake this option, full payment is to be made by 15 February 2024, and the proportion of the cost to finance the scheme attributable to the property is to be deducted from the total charge.*
10. *The Chief Executive Officer be authorised to give public notice of the intent to declare the special charge in accordance with Section 163 (1A) and 223 of the Local Government Act 1989 in The Star Mail newspapers and on Council's Internet Website.*
11. *If required a consultation meeting with appropriate Council Officers, be arranged to discuss any submissions received relating to the Special Charge.*
12. *If submissions are made:*
 - (a) *Those submissions be considered, and any person (or their representative as specified in their submission) who has requested to be heard in support of their submission be heard, by a meeting of Council scheduled for 28 June 2022, or should this meeting not proceed then the next available meeting.*
 - (b) *Those persons making submissions be advised copies of their submissions will*

be made available at the Council meeting held when their submission is considered.

- 13. If no submissions are made, the matter be reported to Council at the meeting scheduled for 28 June 2022, or should this meeting not proceed then the next available meeting.*
- 14. The Chief Executive Officer be authorised and directed to seek payment of and recover the special charge with any interest thereof.*

The motion was Carried unanimously.

7.12 Asset Plan, Asset Management Policy Draft for community feedback and Asset Panel Engagement Summary Report.

SUMMARY

Council has worked directly with a community panel to understand what is most important when planning for assets, as part of a deliberative engagement process. This is the first time Yarra Ranges has used deliberative engagement to inform its asset management practices.

Feedback from this process has helped shape the development of a draft Asset Management Policy (refer Attachment 1) and draft Asset Plan 2022-2031 (refer Attachment 2). The draft Asset Plan brings together Council's vision for the community, the funding available to deliver on that vision, and Council's approach to meeting the challenges of managing a complex, ageing asset portfolio.

Through the deliberative engagement process, Council also gained a new understanding of the community's views around the way it currently manages its assets, and how to best approach the challenges it faces in managing those assets in the long term.

The draft Asset Plan and Policy will guide Council decision making, help anticipate future challenges, and define how to work on meeting those challenges over the next decade.

It is proposed that the draft Asset Plan and draft Asset Management Policy be released to the broader community for feedback on whether Council's approach to asset management over the next decade is the right approach for the community, and whether anything has been missed. The *Local Government Act 2020* requires Council to adopt an Asset Plan for all infrastructure assets by 30 June 2022. Council's Community Engagement Policy 2021 also requires a deliberative community engagement process for the plan. Council is on track to meet these requirements.

A summary of the deliberative engagement conversations and outcomes is included at Attachment 3 to the report.

Moved: Cr Fullagar

Seconded: Cr McAllister

That

1. *Council endorse the engagement Asset Panel Summary Report, as attached to the report, to be made available to the public via Council's website.*
2. *Council endorse the following documents, as attached to the report, to be publicly exhibited for a period of 28 days*
 - (a) *Draft Asset Management Policy 2022.*
 - (b) *Draft Asset Plan 2022-2031.*
3. *After taking into account submissions received, a report to adopt the final draft of the Asset Management Policy 2022 and Asset Plan 2022 - 2031 be presented for consideration at the Council Meeting on 28 June 2022.*

The motion was Carried unanimously.

8. 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.

9. URGENT BUSINESS AND ITEMS RAISED THROUGH THE CHAIR

9.1 York Road upgrade - Major Projects Victoria

Cr Heenan gave an update on planned upgrades to York Road, Mt Evelyn led by Major Projects Victoria (MPV), after attending a drop in session held at IGA, Mt Evelyn. It was noted that 720 submissions have been received from the community to date with priorities like the roundabout and duplication of lanes as key aspects to the project. Cr Heenan informed Council that MPV will keep Council updated as the project progresses and foreshadowed that he will be requesting a compulsory public meeting with design concepts when MPV consult with community on the project.

9.2 Music With Attitude - The Movie

Cr Skelton advised of an event she attended with Cr Fullagar hosted by the Dandenong Ranges Music Council called Music With Attitude – The Movie. Cr Skelton noted that the movie identifies with people with a disability and the journey they take on the road to production in the music industry.

Cr Skelton was pleased to advise that this particular program was the recipient of a Council grant and highlighted the value of the grants program.

9.3 ANZAC Day Events

Cr Child was pleased to attend ANZAC ceremonies held Monday 25 April 2022 and was grateful these events were held in person with the community in attendance. Cr Child reflected on the benefits of democracy in light of the growing concern in Ukraine and expressed gratitude for the place we live where the community can freely enjoy the things they love.

10. 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.

The following late petition have been received:

PART A – General Petitions

1. Road Maintenance – Request to seal Brumfield Road, Healesville. 10 signatures. Residents have concerns that the condition of the road has deteriorated so much that it is now dangerous and believe that sealing the road with result in safer conditions.

Moved: Cr Child

Seconded: Cr McAllister

That the following late Petition be received and noted and referred to the appropriate officer.

1. Road Maintenance – Request to seal Brumfield Road, Healesville.

The motion was Carried unanimously.

11. DOCUMENTS FOR SIGNING AND SEALING

In accordance with Clause 87 of 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.

12. INFORMAL MEETING OF COUNCILLORS

Chapter 8, Rule 1, of the Governance Rules requires that records of informal meetings of Councillors must be kept and that the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting tabled at the next convenient Council meeting and recorded in the Minutes of that Council meeting.

An 'informal meeting of Councillors' is defined in the Governance Rules as a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.

The records for informal meetings of Councillors are attached to the report.

Moved: Cr Skelton

Seconded: Cr Cox

That the following records of the informal meetings of Councillors, copies of which are attached to the report, be received and noted

1. 5 April 2022 - Council Briefing [↓](#)
2. 5 April 2022 - Council Forum [↓](#)
3. 5 April 2022 - Chief Executive Officer 2022 Annual review [↓](#)

The motion was Carried unanimously.

5 April 2022 - Council Briefing

Informal meeting of Councillors

Public Record



Meeting Name:	Council Briefing		
Date:	5 April 2022	Start Time: 6.04pm	Finish Time: 6.14pm
Venue:	Mooroolbark Community Centre		
Attendees:	Councillors:	Andrew Fullagar, Jim Child, Tim Heenan, Richard Higgins, Fiona McAllister & Johanna Skelton	
	Via Zoom:	Len Cox, David Eastham & Sophie Todorov	
	CEO/Directors:	Tammi Rose, Andrew Hilson, Phil Murton (Acting Director Environment and Infrastructure), Kathleen McClusky & Jane Price	
	Officers:	Peter Smith, Sarah Candeland & Andrea Jeffreys	
Matter/s Discussed:	This briefing covered the following items of business to be considered at the 12 April 2022 Council Meeting		
	7.1	CT6965 - State Purchase Contract for the Provision of Banking and Financial Services	
	7.2	Benton Road, Elamo Road & Nagoondie Lane, Healesville – Campbell Road, Crosley Street & Pilmer Road, Healesville Intent to Levy a Special Charge	
	7.3	Alpine Street, Cecil Street & Glenbrook Road, Warburton and Boronia Road, Parts Sylvan Avenue & Unity Court, Warburton Intent to Levy a Special Charge	
	7.4	Lease to Telstra Corporation - 1661 Melba Hwy, Dixons Creek	
	7.5	Municipal Recovery Plan update	
Completed By:	Sarah Candeland		

5 April 2022 - Council Forum

Informal meeting of Councillors

Public Record



Meeting Name:	Council Forum		
Date:	5 April 2022	Start Time: 7.03pm	Finish Time: 9.33pm
Venue:	Mooroolbark Community Centre		
Attendees:	Councillors:	Andrew Fullagar, Tim Heenan (until 9.15pm), Richard Higgins, Fiona McAllister & Johanna Skelton	
		Via Zoom: David Eastham, Sophie Todorov, Len Cox & Jim Child	
	CEO/Directors:	Tammi Rose, Phil Murton (Acting Director Environment and Infrastructure), Jane Price, Andrew Hilson & Kath McClusky	
	Officers:	Hellen Ruddell, Nathan Islip, Andrea Jeffreys, Peter Smith & Sarah Candeland	
		Via Zoom: Bev Excell, Alison Fogarty, Tracey Varley, Allison Southwell, Paula Newman, Belinda Arnott, Alison Fowler, Kris Hansen Julie Dean, & Hanna Elliott	
Apologies	Mark Varmalis		
Declarations of Interest:	<ul style="list-style-type: none"> Kath McClusky, Director Planning Design & Development noted that as a result of her role on the Yarra Ranges Tourism Board she would not participate in the discussion for Item 1.3 nor was she involved in the preparation of the report. Jane Sinnamon, Director of Recovery noted that although the report details positions held by the Director, the preparation of content was undertaken in consultation with the Chief Executive Officer. 		
	Matter/s Discussed:	1.1	Actions and Agreements Records - 15 February 2022
	1.2	Audit and Risk Management Committee Biannual Report to Council Discussion with Committee Chair	
	1.3	Councillor Discussion Time	
	1.4	Yarra Ranges Tourism Partnership	
	1.5	Landslide and Erosion in the Planning System - Discussion Paper	
	1.6	Amendment C197 to the Yarra Ranges Planning Scheme - Corrections and anomalies	
	1.7	Recovery Scope Options - Outcome	
	1.8	Mayor, Deputy Mayor and Councillor Allowances - Remuneration Tribunal Determination	
	2.1	Project Biochar Operate and Maintain Contract Update	
	2.2	Capital Works Program Monthly Report - February 2022	
	2.3	Major Projects Monthly Report to end of Feb, 2022	
	2.4	Indicative Forum & Council Meeting Schedule	
	2.5	Mayor & CEO Updates	
Completed By:	Sarah Candeland		

5 April 2022 - Chief Executive Officer 2022 Annual review

Informal meeting of Councillors

Public Record



Meeting Name:	Chief Executive Officer – 2022 Annual Review	
Date:	5 April 2022	Start Time: 5.15pm Finish Time: 6.00pm
Venue:	Mooroolbark Community Centre	
Attendees:	Councillors: Andrew Fullagar, Jim Child, , Tim Heenan, Richard Higgins, Fiona McAllister, Johanna Skelton Via Zoom: Len Cox, David Eastham & Sophie Todorov CEO/Directors: Tammi Rose	
Apologies	Nil	
Declarations of Interest:	Nil	
Matter/s Discussed:	1.1	Chief Executive Officer – 2022 Annual Review
Completed By:	Tammi Rose	

13. REPORTS FROM DELEGATES

Cr Skelton attended:

- A meeting of the Indigenous Advisory Committee held on 19 April 2022 via videoconference and highlighted the following from the meeting: a presentation on Councils Housing strategy with focus on creating strong Aboriginal intentions, an update on Councils Reconciliation Plan, conversations around the Indigenous Design Charter and how to include rich and meaningful consultation in the process and an update from Councils firestick officer.
- An extraordinary meeting of the Sustainable Environment Advisory Committee held on 21 April 2022 via videoconference where discussion centred around formulating recommendations to contribute to Council's Biodiversity Strategy.

Cr Child attended:

- The Interface Group of Council meeting hosted by the Municipal Association of Victoria with advocacy as a top priority in the lead up to the Federal election in May 2022 and the State election in November 2022.
- A meeting of the Eastern Region Group held on 22 April 2022 at Realm, Maroondah Highway Ringwood.
- A meeting of the Eastern Transport Coalition held on 21 April 2022 via videoconference.
- A meeting of the Lilydale Revitalisation Board held on 21 April 2022 at Insprio, Clarke Street Lilydale.

14. 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.

15. DATE OF NEXT MEETING

The next meeting of Council is scheduled to be held on Tuesday 10 May 2022 commencing at 7.00pm, via videoconference.

16. CLOSE OF THE MEETING

There being no further business the meeting was declared closed at: 8.03pm.

Confirmed this day, Tuesday 10 May 2022.

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Cr Jim Child

Mayor