



COUNCIL MEETING

TUESDAY 24 MAY 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

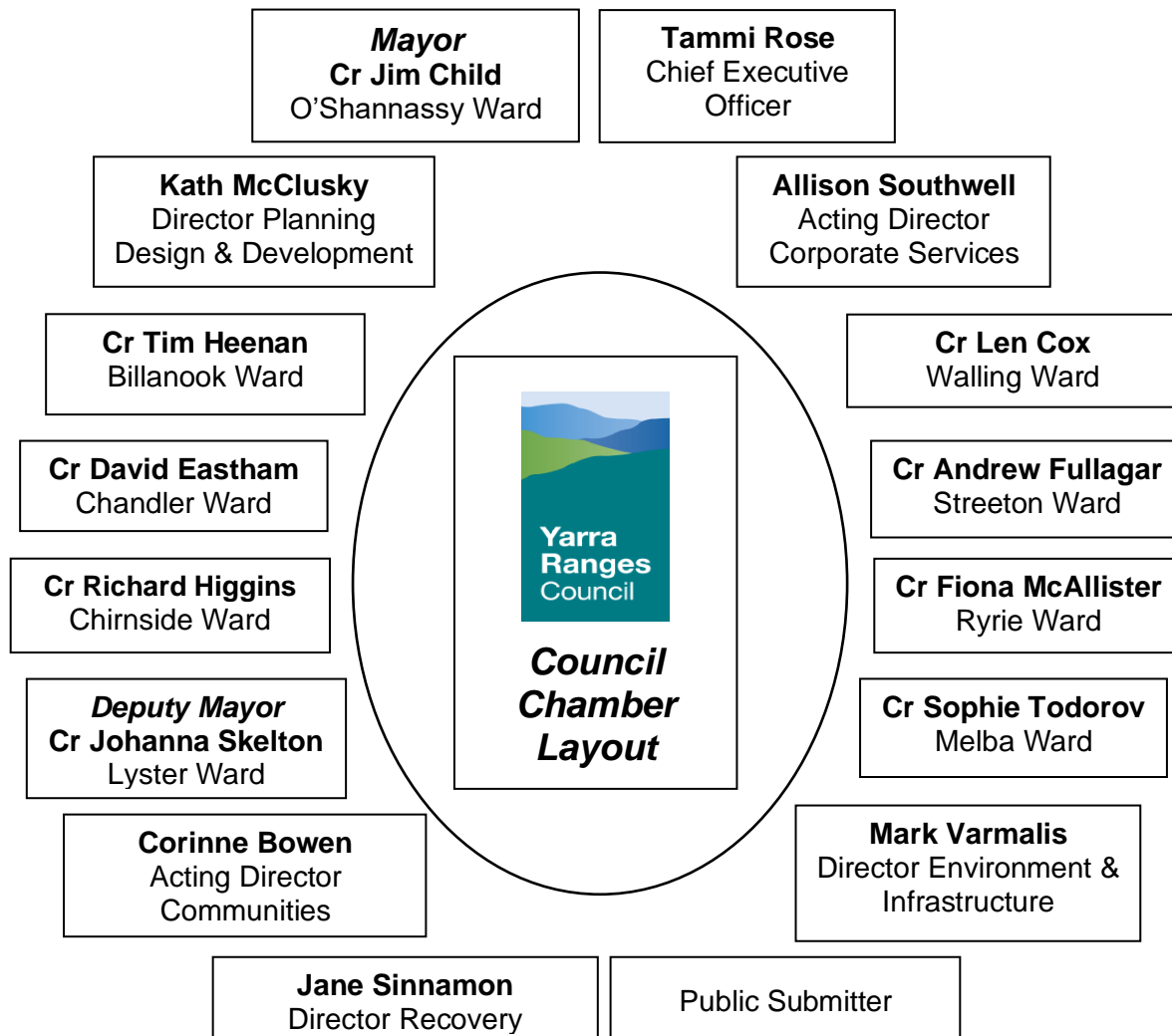
The public is invited to submit questions to the Council Meeting by completing [the form on the Council's website](#); or via [email](#). Your question must be received **no later than 5.00pm on the day before the Council meeting date**. Questions relating to items on the agenda, or which are the same 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.



INDEX

<u>ITEM</u>		<u>PAGE NO</u>
1.	COUNCIL MEETING OPENED.....	4
2.	INTRODUCTION OF MEMBERS PRESENT	4
3.	APOLOGIES AND LEAVE OF ABSENCE	4
4.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	4
5.	DISCLOSURE OF CONFLICTS OF INTEREST	5
6.	QUESTIONS AND SUBMISSIONS FROM THE PUBLIC	5
7.	BUSINESS PAPER.....	6
	CHIEF EXECUTIVE OFFICER	6
7.1	Municipal Association of Victoria - State Council Meeting	6
	CORPORATE SERVICES	7
7.2	MAV Rules Review 2021-22 Directions Paper - Council Submission	7
7.3	Finance report 1 July 2021 to 31 March 2022	8
	ENVIRONMENT AND INFRASTRUCTURE	9
7.4	Sylvia Road, Hoddles Creek - Intention to Levy a Special Charge	9
7.5	Harberts Road (from no.30 to no.100), Don Valley - Intention to Levy a Special Charge	12
7.6	Kirkham Road (between Retreat Road and Courtneys Road), Belgrave South - Intention to Levy a Special Charge	15
7.7	Old Coach Road (from no.12 to no.37), Montrose - Intention to Levy a Special Charge	18
7.8	Road Discontinuance part Thomas Avenue, Warburton	21
8.	COUNCILLOR MOTIONS.....	22
9.	URGENT BUSINESS AND ITEMS RAISED THROUGH THE CHAIR	22
9.1	First Anniversary of the June 2021 Storm Event and Associated Insurance Related Issues	22
10.	PETITIONS	23
11.	DOCUMENTS FOR SIGNING AND SEALING.....	24
12.	INFORMAL MEETING OF COUNCILLORS	24
13.	REPORTS FROM DELEGATES.....	30
14.	CONFIDENTIAL ITEMS.....	30
15.	DATE OF NEXT MEETING.....	31
16.	CLOSED COUNCIL	31

YARRA RANGES COUNCIL

MINUTES FOR THE 559TH COUNCIL MEETING HELD ON TUESDAY 24 MAY 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
Johanna Skelton, Lyster (Deputy Mayor)
David Eastham, Chandler
Tim Heenan, Billanook

Officers

Tammi Rose, Chief Executive Officer
Allison Southwell, Acting Director Corporate Services
Mark Varmalis, Director Environment & Infrastructure
Corinne Bowen, Acting Director Communities
Kath McClusky, Director Planning Design & Development
Jane Sinnamon, Director Recovery

3. APOLOGIES AND LEAVE OF ABSENCE

Apologies for this meeting were received from Councillors Richard Higgins and Sophie Todorov.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved: Cr Child
Seconded: Cr Cox

That the Minutes of the Council Meeting held 10 May 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

CHIEF EXECUTIVE OFFICER

7.1 Municipal Association of Victoria - State Council Meeting

SUMMARY

The Municipal Association of Victoria (MAV) will be holding its State Council Meeting on Friday 24 June 2022. State Council is the MAV's governing body and comprises representatives from each member council, with one of its roles being to determine the strategic direction for the MAV.

Member councils are invited to put forward motions for consideration at the State Council Meeting in accordance with the criteria set by the MAV.

Council is asked to endorse the motions it wishes to be submitted for consideration.

Moved: Cr McAllister
Seconded: Cr Skelton

That Council endorse the following motions to be submitted for consideration at the MAV State Council Meeting on 24 June 2022:

1. *That the MAV advocate for the following:*
 - (a) *That the State and Federal funding agencies that administer the Disaster Recovery Funding Arrangements commit to adjusting the funding arrangements to allow for:*
 - (i) *Greater flexibility to recovery funding support for medium and large-scale disaster events, that allows for quicker tailored responses to local disaster impacts.*
 - (ii) *Funding flexibility that enables opportunities to address early establishment of recovery needs for impacted Councils and their communities, in order to support a resilient and enhanced recovery effort.*
 - (iii) *Provide greater funding clarity that doesn't link funding to a budgetary cycle but instead links to the scale and type of disaster experienced.*
 - (iv) *Adopt a more streamlined and pragmatic approach to claims assessment and approval to allow funds to flow more quickly back to councils to reimburse response, relief and recovery activities.*
2. *That the MAV advocate to the Department of Environment, Land, Water and Planning to make an amendment to Clause 63.06 of the Planning Scheme that exempts businesses from the current expiry timeframe to exclude the period where the State of Emergency for the coronavirus pandemic was in place from the calculated 15-year period.*
3. *That the MAV advocate to the Minister for Planning and Department of Environment, Land, Water and Planning to support the Victorian Building Authority (VBA) to appoint a Manager for any Private Building Surveyor (PBS) business, if the PBS's registration has been suspended or cancelled.*

The motion was Carried unanimously.

CORPORATE SERVICES

7.2 MAV Rules Review 2021-22 Directions Paper - Council Submission

SUMMARY

The Municipal Association of Victoria's (MAV) current Rules were approved by an Order in Council dated 5 February 2013. On 21 May 2021, MAV State Council resolved to review the MAV Rules. This review is the first comprehensive Rules review undertaken since 2006, with only minor and largely incremental Rule changes having occurred since 2006 and the last review occurring in 2013.

The review process has four key phases: (1) a Discussion Paper, (2) a Directions Paper, (3) State Council Deliberations and (4) State Council voting on the Revised Rules.

The first phase has now concluded, and the second phase commenced with the release of the MAV Rules Review 2021-22 Directions Paper (refer attachment 1). The proposed reforms presented in the Directions Paper have been informed by research, feedback and submissions received as part of the first phase. Submissions in response to the Directions Paper are due from Councils by 30 May 2022.

Councillors are requested to endorse the attached draft MAV Rules Review 2021-22 Directions Paper Submission (refer attachment 2) to be submitted to MAV by 30 May 2022.

Moved: Cr McAllister
Seconded: Cr Eastham

That Council endorse the draft MAV Directions Paper 2021-22 submission as per Attachment 2 of this report, for submitting to MAV by 30 May 2022.

The motion was Carried unanimously.

7.3 Finance report 1 July 2021 to 31 March 2022

SUMMARY

The attached quarterly finance report has been prepared as at 31 March 2022. The report includes financial year-to-date data up to quarter three of the 2021-22 financial year and is compared to the adjusted budget and the forecast projections for the full year to 30 June 2022.

Moved: Cr Skelton

Seconded: Cr Fullagar

That Council

- 1. Receives and notes the Finance Report for the nine months from 1 July 2021 to 31 March 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 March Quarterly Capital Works Report.*

The motion was Carried unanimously.

ENVIRONMENT AND INFRASTRUCTURE

7.4 Sylvia Road, Hoddles Creek - Intention to Levy a Special Charge

SUMMARY

In response to a petition from residents, landowners along Sylvia Road were surveyed to determine the level of support for a landowner funded Special Charge Scheme to construct the road.

As a result of the significant level of support received from these landowners, the road construction project was referred for inclusion in Council's forward (draft) 10-year Capital Expenditure Program (CEP).

Sylvia Road, Hoddles Creek is not included on the list of roads endorsed by Council for construction under the Roads for the Community funding program, as other roads across the municipality were prioritised higher than this road. The funding available under the Roads for the Community program is only sufficient to fund the improvement of approximately 180 kms of Council's 740 km unsealed road network.

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

Moved: Cr Child

Seconded: Cr Heenan

That

1. *The affected landowners be advised of Council's intent to declare a special charge ("the special charge") at its meeting scheduled for 26 July 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 Sylvia Road, Hoddles Creek.*
2. *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.*
3. *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.*
4. *It is recorded that assessment of the special charge is calculated on the following*

basis:

- (a) \$14,060 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.
5. The amount assessed, based on the assessment factors, is set out in the attached schedule of costs per property for the scheme.
 6. 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.
 7. 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.
 8. 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 this scheme attributable to the property is to be deducted from the total charge.
 9. Subject to any variation of the 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 \$258,703 (“the amount to be paid”); comprising of \$224,959 for the cost of works and \$33,744 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.
 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 his or her submission be heard, by a meeting of Council scheduled for 26 July 2022, or should this meeting not proceed then the next available meeting.*
 - (b) *Those persons making submissions be advised details of their submission (excluding submitter's names and addresses) will be included in a Report to Council at the meeting held when their submissions are considered.*
13. *If no submissions are made, the matter be reported to Council at the meeting scheduled for 26 July 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.

7.5 Harberts Road (from no.30 to no.100), Don Valley - Intention to Levy a Special Charge

SUMMARY

In response to a petition from residents, landowners along Harberts Road (from no.30 to no.100) were surveyed to determine the level of support for a landowner funded Special Charge Scheme to construct the road.

As a result of the significant level of support received from these landowners, the road construction project has been referred for inclusion in Council's forward (draft) 10-year Capital Expenditure Program (CEP).

Harberts Road (from no.30 to no.100), Don Valley is not included on the list of roads endorsed by Council for construction under the Roads for the Community funding program, as other roads across the municipality were prioritised higher than this road. The funding available under the Roads for the Community program is only sufficient to fund the improvement of approximately 180 kms of Council's 740 km unsealed road network.

This report recommends affected landowners be notified of Council's Intent to Levy a Special Charge for the construction of Harberts Road (from no.30 to no.100), Don Valley.

Moved: Cr Child
Seconded: Cr Heenan

That

1. *The affected landowners be advised of Council's intent to declare a special charge ("the special charge") at its meeting scheduled for 26 July 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 Harberts Road (from no.30 to no.100), Don Valley.*
2. *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.*
3. *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.*
4. *It is recorded that assessment of the special charge is calculated on the following*

basis:

- (a) \$10,531 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.
5. The amount assessed, based on the assessment factors, is set out in the attached schedule of costs per property for the scheme.
 6. 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.
 7. 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.
 8. 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 this scheme attributable to the property is to be deducted from the total charge.
 9. Subject to any variation of the 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 \$224,040 (“the amount to be paid”); comprising of \$194,817 for the cost of works and \$29,223 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.
 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 his or her submission be heard, by a meeting of Council scheduled for 26 July 2022, or should this meeting not proceed then the next available meeting.*
 - (b) *Those persons making submissions be advised that details of their submission (excluding submitter's names and addresses) will be included in a Report to Council at the meeting held when their submissions are considered.*
13. *If no submissions are made, the matter be reported to Council at the meeting scheduled for 26 July 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.

7.6 Kirkham Road (between Retreat Road and Courtneys Road), Belgrave South - Intention to Levy a Special Charge

SUMMARY

In response to a petition from residents, landowners along Kirkham Road (between Retreat Road and Courtneys Road) were surveyed to determine the level of support for a landowner funded Special Charge Scheme to construct the road.

As a result of the significant level of support received from these landowners, the road construction project has been referred for inclusion in Council's forward (draft) 10-year Capital Expenditure Program (CEP).

Kirkham Road, Belgrave South is not included on the list of roads endorsed by Council for construction under the Roads for the Community funding program, as other roads across the municipality were prioritised higher than this road. The funding available under the Roads for the Community program is only sufficient to fund the improvement of approximately 180 kms of Council's 740 km unsealed road network.

This report recommends affected landowners be notified of Council's Intent to Levy a Special Charge for the construction of Kirkham Road (from Retreat Road to Courtneys Road), Belgrave South.

Moved: Cr Skelton
Seconded: Cr Fullagar

That

1. *The affected landowners be advised of Council's intent to declare a special charge ("the special charge") at its meeting scheduled for 26 July 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 Kirkham Road (between Retreat Road and Courtneys Road), Belgrave South.*
2. *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.*
3. *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.*
4. *It is recorded that assessment of the special charge is calculated on the following*

basis:

- (a) \$8,883 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.
5. The amount assessed, based on the assessment factors, is set out in the attached schedule of costs per property for the scheme.
 6. 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.
 7. 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.
 8. 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 this scheme attributable to the property is to be deducted from the total charge.
 9. Subject to any variation of the 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 \$137,903 (“the amount to be paid”); comprising of \$119,915 for the cost of works and \$17,987 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.
 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 his or her submission be heard, by a meeting of Council scheduled for 26 July 2022, or should this meeting not proceed then the next available meeting.*
- (b) *Those persons making submissions be advised that details of their submission (excluding submitter's names and addresses) will be included in a Report to Council at the meeting held when their submissions are considered.*

13. *If no submissions are made, the matter be reported to Council at the meeting scheduled for 26 July 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.

7.7 Old Coach Road (from no.12 to no.37), Montrose - Intention to Levy a Special Charge

SUMMARY

In response to a petition from residents. landowners along Old Coach Road (from no.12 to no.37), Montrose were surveyed to determine the level of support for a landowner funded Special Charge Scheme to construct the road.

As a result of the significant level of support received from these landowners, the road construction project has been referred for inclusion in Council's forward (draft) 10-year Capital Expenditure Program (CEP).

Old Coach Road (from no.12 to no.37), Montrose is not included on the list of roads endorsed by Council for construction under the Roads for the Community funding program, as other roads across the municipality were prioritised higher than this road. The funding available under the Roads for the Community program is only sufficient to fund the improvement of approximately 180 kms of Council's 740 km unsealed road network.

This report recommends affected landowners be notified of Council's Intent to Levy a Special Charge for the construction of Old Coach Road (from no.12 to no.37), Montrose.

Moved: Cr Fullagar

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 26 July 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 Old Coach Road (from no.12 to no.37), Montrose.*
2. *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.*
3. *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.*
4. *It is recorded that assessment of the special charge is calculated on the following*

basis:

- (a) \$7,636 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.
5. The amount assessed, based on the assessment factors, is set out in the attached schedule of costs per property for the scheme.
 6. 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.
 7. 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.
 8. 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 this scheme attributable to the property is to be deducted from the total charge.
 9. Subject to any variation of the 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 \$90,995 ("the amount to be paid"); comprising of \$79,126 for the cost of works and \$11,869 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.
 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 his or her submission be heard, by a meeting of Council scheduled for 26 July 2022, or should this meeting not proceed then the next available meeting.*
 - (b) *Those persons making submissions be advised that details of their submission (excluding submitter's names and addresses) will be included in a Report to Council at the meeting held when their submissions are considered.*
13. *If no submissions are made, the matter be reported to Council at the meeting scheduled for 26 July 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.

7.8 Road Discontinuance part Thomas Avenue, Warburton

SUMMARY

It is proposed Council exercise its powers under *Section 206 (1) and Schedule 10 of the Local Government Act 1989* to discontinue a 63 square metre portion of unused government road reserve being part of Thomas Avenue, Warburton (outlined in bold Attachment 1).

The portion of road reserve proposed to be discontinued is not constructed and appears to form part of the applicant's property at 3415 Warburton Highway, Warburton, with a building structure located within the proposal area (outlined in Attachment 2).

The objective of this proposal is to remove the legal status of 'road' from the land upon which a building structure at 3415 Warburton Highway, Warburton is encroaching. This might enable the applicant to purchase/lease the land and then apply for the relevant permits for the building structure.

Being part of a Government road, once discontinued the land would then become unreserved Crown land under control and management of the Department of Environment, Land, Water and Planning (DELWP). The sale/leasing of land would be managed by DELWP.

This proposal does not affect any part of the constructed bitumen Thomas Avenue roadway and will in no way affect the existing public use or passage along that road.

The proposal is fully supported by the relevant Council departments and there are no services within the proposal area.

The abutting property owners along Thomas Avenue were consulted in writing and there is no objection to the proposal.

Public Notice has been given and two submissions received, one of support and the other seeking to clarify the dimensions of the proposal.

Moved: Cr Child

Seconded: Cr Eastham

That Council, having given notice of its intention to discontinue a 63 square metre portion of Thomas Avenue, Warburton and having invited public submissions, and considering the submissions received, and being of the opinion that this portion of road is not reasonably required for public use

1. *Discontinue the 63 square metre portion of unused government road.*
2. *Direct that notice of the discontinuance be published in the Government Gazette.*
3. *Advise the Department of Environment, Land, Water and Planning of the Notice of Discontinuance, so they may commence the next steps of sale/leasing of the land to the owners of 3415 Warburton Highway, Warburton.*
4. *Seek reimbursement of Council costs from the applicant for advertising the proposal as agreed.*

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 First Anniversary of the June 2021 Storm Event and Associated Insurance Related Issues

Cr Skelton advised of the upcoming anniversary of the June 2021 Storm Event and expressed concern regarding those who are currently occupying emergency accommodation; provided for by their respective insurance agencies. The concern centred around residents who are facing an end to their accommodation arrangements in accordance with policy. Cr Skelton requested a report from officers regarding the matter and questioned what Council's involvement is to date.

The Mayor concurred this was an important issue and requested the Director Recovery respond to the matter.

The Director Recovery gave an update on Council's response to the storm specifically the effects of those who were rendered homeless. It was noted that this is standard policy of insurance agencies and that legal advice had been sought to assist Council in supporting residents. The following agencies were listed as being available to anyone seeking help:

- EACH Lilydale – who provide a range of health, disability, counselling and mental health services;
- Windermere – who provide support for families and community during challenging times; and
- Recovery Directorate at Council – a dedicated team navigating complex recovery requirements.

The Mayor also noted that events marking the anniversary are being published on the website and requested further communication to ensure everyone is well informed.

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 petitions were received:

PART A – General Petitions

1. Speed Reduction - Glenfern Road, Upwey, Tecoma, Lysterfield & Upper Ferntree Gully. 9 signatures. The Hon. James Merlino has written to Council requesting that, on behalf of residents Mr Andrew Peterson and Mr Peter Rashleigh, Council consider reducing the speed limit on Glenfern Road. The residents believe the current limit is unsafe and has resulted in incidents.

In accordance with Governance Rule 60.11, Mollie Rashleigh spoke in support of the recommendation.

The Mayor requested it be noted that Council officers investigate the matter and bring a report back to a briefing meeting for further discussion and to highlight appropriate action.

Moved: Cr Child

Seconded: Cr Fullagar

That the following listed General Petitions be received and noted and referred to the appropriate officer.

1. *Speed Reduction - Glenfern Road, Upwey, Tecoma, Lysterfield & Upper Ferntree Gully.*

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 Cox

Seconded: Cr Eastham

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

1. 7 April 2022 - Sustainable Environment Advisory Committee [↓](#)
2. 21 April 2022 - Sustainable Environment Advisory Committee [↓](#)
3. 27 April 2022 - Disability Advisory Committee [↓](#)
4. 3 May 2022 - Council Briefing [↓](#)
5. 3 May 2022 - Council Forum [↓](#)
6. 12 May 2022 - Valley Recovery Committee

The motion was Carried unanimously.

Assembly of Councillors

Public Record



Meeting Name:	Sustainable Environment Advisory Committee		
Date:	7 April 2022	Start Time: 5.30pm	Finish Time: 7.45pm
Venue:	Zoom		
Attendees:	<p>Councillors: Andrew Fullagar</p> <p>CEO/Directors: Mark Varmalis</p> <p>Other Attendees: Mark Varmalis (YRC), David Harper(YRC), Jess Rae (YRC), Kym Saunders (YRC), Suzanne Burville (YRC), Lauren Dwyer (member), Jeff Barlow (member), Graeme George (member), Ron Sawyer (member), Laurence Gaffney (member), Jonathan Gay (member), Bec Brannigan (member), Peter Martin (member), Melanie Birtchnel (member), Lucy Gilchrist (member), Lucy Claire-Southwell (member), Merryn Kelly (DELWP), Mark Scida (Melbourne Water), Paula Newman (YRC), Alison Fowler (YRC)</p>		
Apologies	Cr Johanna Skelton (YRC), Cr Tim Heenan (YRC), Jess Baillie (YRC), Graham Brew (YRC), Tom Meek (YRC), Joanne Antrobus (Parks Vic), Darren Wandin (member), Clinton Muller (member), Steve Hosking (Melbourne Water)		
Declarations of Interest	Andrew Fullagar – member of Macclesfield Landcare and Friends of Glenfern Valley Bushlands		
Matter/s Discussed:	1.1	Housing Strategy Review	
	1.2	Councils Energy and Greenhouse Gas Emissions Update	
	1.3	Report and Recommendations on the Biodiversity Plan by the Biodiversity Sub Committee	
	1.4	Committee member open floor – Yarra Valley Power Hub, purchase of 150 Cambridge Road Kilsyth, planned burs motion presented to council by Cr Johanna Skelton, agency reps verbal presentation, PPMCA merge with Melb Water.	
Completed By:	Suzanne Burville		

Assembly of Councillors

Public Record



Meeting Name:	Sustainable Environment Advisory Committee	
Date:	21 April 2022	Start Time: 4.00pm Finish Time: 5.15pm
Venue:	Zoom	
Attendees:	<p>Councillors: Johanna Skelton, Andrew Fullagar</p> <p>CEO/Directors: Mark Varmalis</p> <p>Other Attendees: David Harper (YRC), Amanda Smith, (YRC), Suzanne Burville (YRC), Lauren Dwyer (member), Mel Birtchnell (member), Graeme George (member), Ron Sawyer (member), Laurence Gaffney (member), Bec Brannigan (member), Peter Martin (member), Darren Wandin (member), Steve Hosking (Melbourne Water)</p>	
Apologies	Cr Tim Heenan (YRC), Jess Rae (YRC), Kym Saunders (YRC), Jess Baillie (YRC), Graham Brew (YRC), Tom Meek (YRC), Joanne Antrobus (Parks Vic), Darren Wandin (member), Clinton Muller (member), Jeff Barlow (member), Merryn Kelly (DELWP), Lucy Gilchrist (member), Lucy Claire-Southwell (member), Jonathan Gay (member),	
Declarations of Interest	None	
Matter/s Discussed:	1.1	Biodiversity Sub-committee recommendations to the Yarra Ranges Council concerning the proposed Biodiversity Plan
Completed By:	Suzanne Burville	

27 April 2022 - Disability Advisory Committee

Informal meeting of Councillors

Public Record



Meeting Name:	Yarra Ranges Council Disability Advisory Committee	
Date:	27 April 2022	Start Time: 1.00pm Finish Time: 3.00pm
Venue:	via Zoom	
Attendees:	Councillors:	Len Cox, Sophie Todorov
	Other attendees:	June Smith, Cliff Wise, Michelle McDonald, Lesley Grimes, Hilary Mellis, Shek Kho, Kerry Kift
	CEO/Directors:	
	Officers:	Amanda May, Scott Spargo, Jess Occleston, Meredith Anderson, Kristie Davis, Alison Fogarty, Chelsea Brooks, Michelle Mulholland, David Booth, Guy Masters
Apologies	James Wood, Richard Higgins, Amanda Davern, Marnie Ellis, Isha Scott,	
Disclosure of Conflicts of Interest:	None	
Matter/s Discussed:	1.1	NDIS updates from members
	1.2	Art and Sole Project - Disability/Accessibility Audit in Lilydale
	1.3	Monbulk Urban Design Framework
	1.4	Overview of Municipal Recovery Plan (MRP)
	1.5	Disability Inclusion Officer update
	1.6	Member updates
Completed By:	Amanda May	

3 May 2022 - Council Briefing

Informal meeting of Councillors

Public Record



Meeting Name:	Council Briefing		
Date:	5 May 2022	Item 7.1 – 7.3	Item 7.4 – 7.9
		Start Time: 5:35pm Finish Time: 6.16pm	Start Time: 6.17pm Finish Time: 6.28pm
Venue:	Mooroolbark Community Centre and Via videoconference		
Attendees:	Councillors:	Andrew Fullagar, Jim Child (5.49pm), David Eastham, Tim Heenan, Richard Higgins (from 5.43pm), Fiona McAllister, Johanna Skelton & Sophie Todorov	
		Via Zoom: Len Cox	
	CEO/Directors:	Tammi Rose, Andrew Hilson, Mark Varmalis, Kathleen McClusky, Jane Price & Jane Sinnamon	
	Officers:	Kim O'Connor, Nathan Islip, Andrea Jeffreys, Sarah Candeland & Michael Ng	
		Via Zoom: Alison Fowler, Amanda Kern, Theo Kol, Gavin Crawford, Simon Ilsley & Bemeke Jayasinghe	
Apologies	Councillor Fiona McAllister		
Declarations of Interest:	Nil		
Matter/s Discussed	This briefing covered the following items of business to be considered at the 10 May 2022 Council Meeting		
	7.1	Planning Application YR-2021/715 - 54 & 56 Clegg Road, Mount Evelyn	
	7.2	Planning Application YR-2021/906 - 10-12 Briarty Road Gruyere 41	
	7.3	Proposed Amendment to seek both interim and permanent Heritage Overlay Controls on 1 Montrose Road, Montrose 88	
	7.4	2022-25 Draft Council Action Plan and 2022-23 Draft Budget including Capital Expenditure Program for Adoption in Principle 120	
	7.5	Review of Delegations Made to Council Staff	
	7.6	Appointment of Authorised Officers under the Planning and Environment Act 1987	
	7.7	2023 Grants for Community Initiation Report	
	7.8	Victorian Energy Collaboration - 100% Renewable Energy for Council's Small and Large Market Electricity Portfolio.	
	7.9	Mt Morton Road (Section between Glen Road & Ryans Road) and Hood Street, Belgrave Heights Declaration of Special Charge	
Completed By:	Michael Ng		

3 May 2022 - Council Forum

Informal meeting of Councillors

Public Record



Meeting Name:	Forum	
Date:	3 May 2022	Start Time: 7.00pm Finish Time: 9.09pm
Venue:	Mooroolbark Community Centre and via videoconference	
Attendees:	Councillors:	Jim Child, David Eastham, Tim Heenan, Richard Higgins, Johanna Skelton, Sophie Todorov, & Andrew Fullagar Via Zoom: Len Cox
	CEO/Directors:	Tammi Rose, Andrew Hilson, Mark Varmalis, Kathleen McClusky, Jane Price & Jane Sinnamon
	Officers:	Allison Southwell, Andrea Jeffreys & Michael Ng Via Zoom: Abby McCarthy, Jessica Rae, Isabel Ebsworth, Alison Fowler, Amanda Kern, Ameer Morgan, Jess Baillie, Alannah Ford & Tracey Varley.
	Apologies	Councillor Fiona McAllister
Declarations of Interest:	Nil	
Matter/s Discussed:	1.1	Actions and Agreements Records - 12 April 2022 and 19 April 2022
	1.2	Councillor Discussion Time
	1.3	Draft 2022-23 Budget Document
	1.4	Yering Billabongs Project - Committee of Management
	1.5	MAV State Council - Motion Discussion
	1.6	MAV Rules Review 2021-22 Directions Paper - Council Draft Response
	2.1	Capital Works Program Quarterly Report - March 2022
	2.2	Major Projects Quarterly Report to end of March 2022
	2.3	Indicative Forum & Council Meeting Schedule
	2.4	Mayor & CEO Updates
Completed By:	Michael Ng	

13. REPORTS FROM DELEGATES

Cr Eastham attended:

- A networking dinner with Agribusiness held Thursday 19 May 2022 at Rochford Wines Yarra Valley. Cr Eastham thanked all those involved and is looking forward to attending more events like it. The Mayor contributed to hosting the event and Councillor McAllister was also in attendance.

Cr Skelton attended:

- The Yarra Ranges Municipal Emergency Management Committee meeting held Wednesday 18 May 2022 via videoconference. Cr Skelton noted that Yarra Valley Water spoke of their response after the 2021 June Storm Event and highlighted any relevant recommendations moving forward. Cr Skelton expressed admiration after hearing from township groups who are responding to the disaster from a community perspective by preparing Town Emergency Plans.
- The Yarra Ranges Municipal Fired Management Committee meeting held Wednesday 18 May 2022 via videoconference. The Department of Environment, Land, Water and Planning presented on the following topics: fuel reduction after the 2021 June Storm, bushfire modelling and research conducted by the Arthur Rylah Institute for Environmental Research.

14. CONFIDENTIAL ITEMS

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

Tammi Rose, Chief Executive Officer, declared a direct interest in respect of item 14.1 and left the meeting at 8.25pm, prior to consideration of the item.

Moved: Cr Child

Seconded: Cr Heenan

That in accordance with section 66(2)(a) of the Local Government Act 2020, Council resolves to close the meeting to members of the public to consider the following items which relate to matters specified under section 3(1), as specified below.

14.1 2022 Chief Executive Officer Review

Item 14.1 is Confidential under the terms section 3(1) of the Local Government Act 2020 as it contains information relating to: (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

The motion was Carried unanimously.

15. DATE OF NEXT MEETING

The next meeting of Council is scheduled to be held on Tuesday 14 June 2022 commencing at 7.00pm, at Council Chamber, Civic Centre, Anderson Street, Lilydale.

16. CLOSED COUNCIL

The meeting was closed to the public at 8.25pm.

It was noted that while the meeting was closed to the public, Council resolved to approve the recommendations provided within the reports presented.

17. CLOSE OF THE MEETING

There being no further business the meeting was declared closed at: 8.34pm.

Confirmed this day, Tuesday 14 June 2022.

.....
Cr Jim Child

Mayor