



# **ORDINARY COUNCIL MEETING**

**TUESDAY 10 SEPTEMBER 2019**

## **MINUTES**

### ***VISION***

*Whether you live here or visit, you will see how much we value our natural beauty, how 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

(In accordance with the 2015 Council Meeting Guidelines – Public Participation)

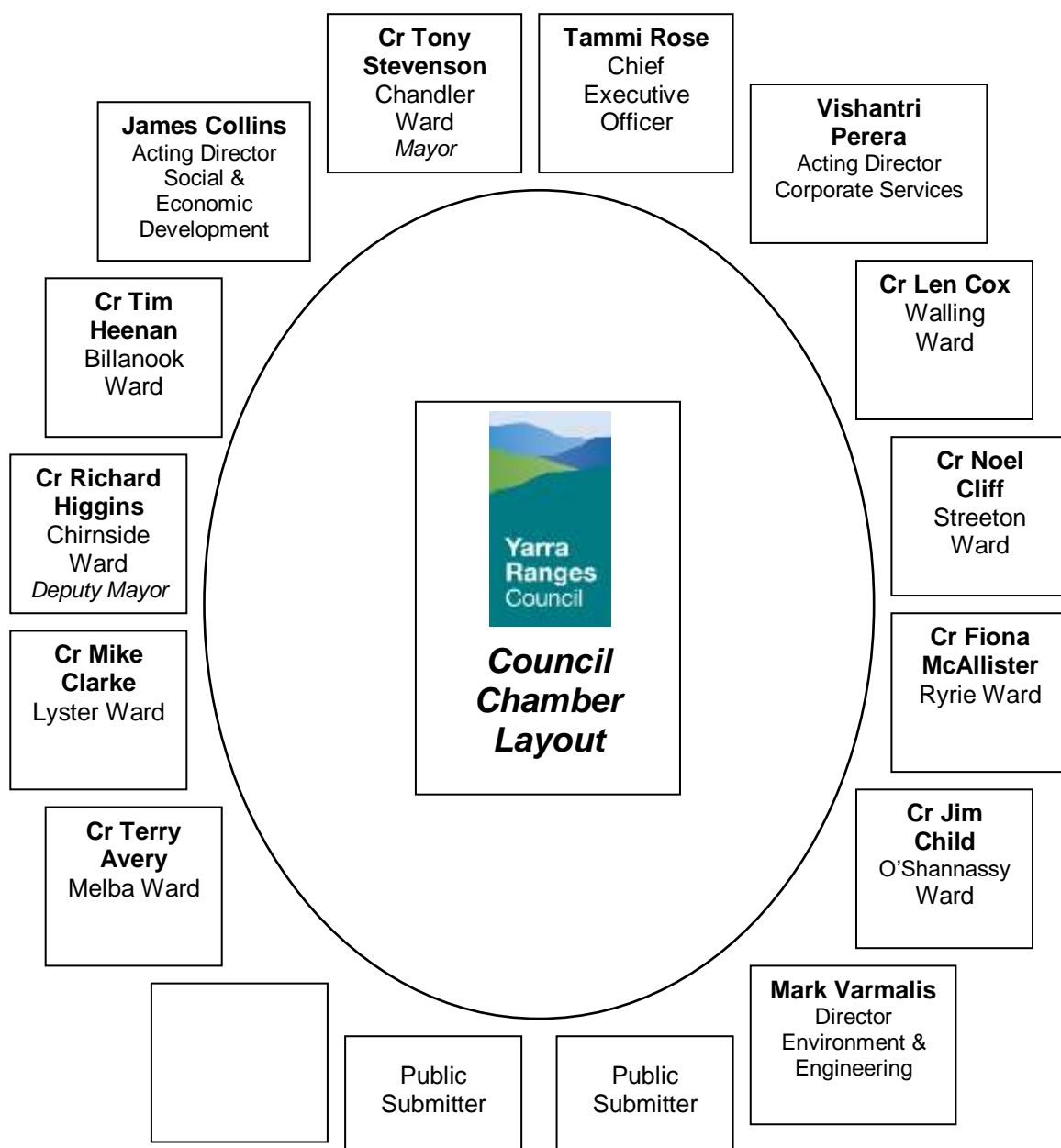
The public is invited to submit questions to the Ordinary Council Meeting by completing [the form on the Council's website](#); or via [email](#). Your question must be received **no later than 5.00pm on the day before** the [Council meeting date](#). Questions relating to items on the agenda, or which 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 Ordinary 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 501<sup>ST</sup> ORDINARY COUNCIL MEETING HELD ON TUESDAY  
10 SEPTEMBER 2019 COMMENCING AT 7.00PM IN COUNCIL CHAMBER, CIVIC  
CENTRE, ANDERSON STREET, LILYDALE

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## 1. COUNCIL MEETING OPENED

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

## 2. INTRODUCTION OF MEMBERS PRESENT

### Councillors

Tony Stevenson, Chandler (*Mayor*) (*Chair*)  
Len Cox, Walling  
Noel Cliff, Streeton  
Fiona McAllister, Ryrie  
Jim Child, O'Shannassy  
Terry Avery, Melba  
Mike Clarke, Lyster  
Tim Heenan, Billanook

### Officers

Tammi Rose, Chief Executive Officer  
Vishantri Perera, Acting Director Corporate Services  
Mark Varmalis, Director Environment & Engineering  
James Collins, Acting Director Social & Economic Development

## 3. APOLOGIES AND LEAVE OF ABSENCE

An apology for this meeting has been received from Cr Richard Higgins.

## 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

**Moved: Cr Stevenson**

**Seconded: Cr Cliff**

*That the Minutes of the Ordinary Council Meeting held 27 August 2019, as circulated, be confirmed.*

**The motion was Carried unanimously.**

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## 5. DISCLOSURE OF CONFLICTS OF INTEREST

*In accordance with section 79 of the Local Government Act 1989.*

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

## 6. QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

*In accordance with Clause 83 of Meeting Procedures and Use of Common Seal Local Law 2015.*

There were no Submissions from the Public listed on the agenda for this meeting.

### QUESTIONS FOR COUNCIL

***Ms Ann Maynard, resident of Belgrave, asked:***

*What do we have to do to get Council to agree to extend the season of the Belgrave Outdoor Pool after multiple petitions have failed?*

***Mr Mark Varmalis, Director Environment & Engineering, responded:***

It is acknowledged that the Belgrave Outdoor Pool continues to be an important part of the Belgrave community for the significant social, recreational and health benefits that the pool brings to the community.

For many, the use of outdoor pools is weather dependent. Council therefore sets the length of the season that the pool is open by reflecting on historical usage patterns. Our data indicates the highest visitation of outdoor pools is between December and January, however having the Belgrave Outdoor Pool heated has meant that the season can be longer than would otherwise be possible.

Our analysis from the Bureau of Meteorology weather patterns shows an average temperature of 24 degrees Celsius in February 2019. This drop in temperature, when compared to the warmer weather in December and January, directly relates to the decrease in visitation to the pool in February.

Analysis of the attendance data for the 2017/18 season showed that attendance dropped by 58% from January to February, as the school year started. This has been further supported by analysis of the attendance data from January and February 2019, which demonstrated a drop in attendance by 54%.

It is acknowledged that some community members would value the extension of the outdoor pool season, however Council needs to balance the daily costs of operating and staffing the pool with the number of users who access the pool. Based upon a thorough assessment of this, extending the season for the Belgrave Outdoor Pool is not considered viable.

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***Ms Rita Franceswilliams, resident of Olinda asked:***

*In relation to the damaged Kerbs & Footpaths in Olinda Village and Sassafras townships, has Council ever been sued due to these hazards & poor maintenance thereof?*

***Mr Mark Varmalis, Director Environment & Engineering, responded:***

Council carries out renewal of footpaths and kerbing across the municipality on an annual basis and programs this work based upon routine condition assessments by Council staff and through investigating requests brought to our attention by the community. For efficiency purposes any hazards are initially made safe with temporary works, then more permanent repair works are collated and programmed by suburb against available budgets.

Footpath repairs for both Olinda and Sassafras have been listed on Council's footpath reinstatement program, however these works have not been scheduled at this time. Due to the size of the municipality, programming of significant lengths of renewal works for footpaths in a suburb can take up to 3 years.

At present there are no outstanding requests advising of footpath or kerb safety hazards in Olinda or Sassafras. Council's maintenance teams will however assess footpaths and kerbs in Olinda and Sassafras this week and arrange to carry out temporary repairs to any urgent or hazardous issues identified as an interim response to this question.

Updates for the above two requests for maintenance will be sent to Ms Williams via SMS on the mobile number provided.

Council has not had any court proceedings relating to footpath or kerb claims in the Olinda or Sassafras Townships in the past 5 years however there have been two claims that were made over this time.

***Anonymous, resident of Coldstream, asked:***

*Can Council carry out a review of the use of the road and look at some of the options to control this dumping and also consider what can be done to control the rampant rubbish dumping that has been occurring for a long time on Maxwells Road?*

***Mr Mark Varmalis, Director Environment & Engineering, responded:***

It is of considerable frustration to Council that members of the community make decisions to dispose of their rubbish on roadsides and in public areas rather than take their waste to a local waste transfer station.

Council's Community Safety officers are authorised officers under the *Environment Protection Act 1970* to investigate and prosecute matters relating to littering.

The community can assist Council by reporting littering to Council via our normal channels or to the Environment Protection Authority (EPA) via their website or by phoning 1300 372 842.

It will assist Council and the EPA if reporting of littering can include information of those responsible, including car registration, identifying documents that have been disposed of such as bills, etc. or photographs of those littering.

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Council has previously installed signs in Maxwells Road as a deterrent against littering and has investigated dumped rubbish. Council staff have also responded to instances of dumped rubbish along the road.

An investigation into the use of the road will be carried out by Council's traffic engineering team to determine if there are other measures that could be considered to assist with this issue.

## **CHANGE TO ORDER OF BUSINESS**

**Moved: Cr Stevenson**

**Seconded: Cr Cox**

*That the Order of Business be altered to consider Item 8.1 – Climate Emergency Cr Clarke and Item 10. - Petitions, immediately following Item 7.1- Climate Action Initiatives Interim Report.*

**The motion was Carried unanimously.**

## 7. BUSINESS PAPER

### CHIEF EXECUTIVE OFFICER

#### 7.1 Climate Action Initiatives - Interim Report

##### SUMMARY

Yarra Ranges Council recognises that we are in a state of climate change that requires urgent action by all levels of government, including by local councils. Council has long accepted the scientific evidence for climate change driven by human activity. For over 10 years the organisation has taken a strategic approach to reducing emissions, with reference to the most reputable scientific advice.

In 2012 Council endorsed its Adapting to a Changing Climate and Energy Future plan, including a commitment to reduce emissions from Council activities by 30% on 2000 levels by 2020. With the target year approaching a review of the plan commenced in 2018. An updated Climate Action Plan is currently in development to reflect past achievements, the evolving scientific advice, and emerging technological opportunities.

This report summarises the progress made since 2012 under Council's existing plan, and forecasts the impact of projects that are currently in delivery or undergoing feasibility. Projects delivered to date have reduced annual emissions by ~5,500 tonnes, and are delivering savings in excess of \$1 million/year. With 1 Megawatt of rooftop solar installed since 2016, ~25% of all electricity used in Council facilities is now supplied by renewables.

Projects currently in delivery and development (next 5-10 years) have the potential to increase these savings to over \$3 million/year while supplying all of Council's energy needs from renewable energy with zero-emissions.

**Moved: Cr Stevenson**

**Seconded: Cr Cox**

*That Council:*

- 1. Recognises that we are in a state of climate change that requires urgent action by all levels of government, including local councils.*
- 2. Reaffirm its commitment to reducing greenhouse gas emissions from Council operations, in line with the best available science and global efforts to keep warming below 1.5°C.*
- 3. Note the reductions in greenhouse gas emissions and significant operational savings that have been achieved through the Carbon Management Program since 2012.*
- 4. Note that Council approved on 23 July 2019 to participate in a joint tender to procure zero emissions electricity for street lighting from July 2020 by committing to the next phase of the Local Government Renewable Power Purchase Agreement.*
- 5. Note the work done to date on exploring the feasibility of building solar farms on closed landfills, to potentially generate zero-emissions electricity over and above all Council's needs.*



6. *Seek an update at a future Council briefing outlining the schedule for development of a new and updated Climate Action Plan beyond 2020.*

**The motion was Carried unanimously.**

## 8. COUNCILLOR MOTIONS

*In accordance with Clause 72 of Meeting Procedures and Use of Common Seal Local Law 2015*

### 8.1 Climate Emergency - Cr Mike Clarke

#### **SUMMARY / BACKGROUND**

The climate change actions that Council has already delivered, in addition to the high impact plans currently in the making, will enable council to achieve 100% renewable energy use within a few years. When these plans mature Council will set their target date for achieving 100% renewable energy consumption.

One of these high impact plans is the Council approval on 23 July 2019 to participate in a joint tender to procure zero-emissions electricity for street lighting from July 2020 by committing to the next phase of the Local Government Power Purchase Agreement project. This will deliver renewable energy for all our street lighting, which is 40% of Council's current non-renewable electricity consumed.

The emissions reduction actions that Council has already delivered in recent years by achieving improved energy efficiency has involved LED lighting replacements and solar power installations on council buildings. These have effectively reduced greenhouse gas emissions from Council activities such that Council is currently on track to achieve its target of reducing emissions by 30% below 2000 levels by 2020.

Carbon neutrality (nett zero emissions) will be a far more difficult target to reach. This will involve transport, waste minimisation and procurement, amongst many other areas. It is logical to tackle these areas on a case by case basis to plan and manage the transitions smoothly.

Procurement will involve industry wide certification for carbon neutral products and services. This is a good example where advocacy with State and Federal Governments will be essential and challenging for all. It will only be achievable if a majority of councils are advocating for the same. We will achieve better outcomes when we advocate for specific changes that demonstrate our leadership and commitment to those climate change initiatives, instead of advocating for unplanned intangibles.

By collaborating and working with the many other councils that have recognised the need for climate emergency actions, we will collectively accelerate advocacy for State and Federal Governments to align with and assist councils achieve the wider scale changes needed. Two significant examples of this are Energy Policy at Federal Level and Waste Recycling at State Level.

Capturing carbon is also important for all to be focussed on. Council's Ribbons of Green Program achieved 800,000 plantings on both Council and private properties over 12 years. This has transformed many landscapes with beautiful local species that are strong carbon sinks.

Fauna and flora loss needs to be minimised and biodiversity needs to be increased, particularly where extinction is at risk. Urgent actions are required to stop the rapid rate of species extinction.

A Climate Emergency Framework will achieve vastly improved preparedness for climate change impacts by increasing the awareness broadly across Council staff and our community and calling for acceleration of the necessary actions. This is essential as the evidence is clear now.

Since 2007 Council has acknowledged the scientific advice concerning climate change and the need to mitigate and adapt to its impacts. This scientific advice has evolved and become significantly more robust in that time, with current evidence suggesting that if catastrophic impacts to human health and the natural world are to be avoided, global emissions must peak before 2030, and the economy be completely de-carbonised before 2050.

*References are below in the section titled "Background from the Previous Motion"*

The urgency for climate change actions is also about reducing impacts of future risks to Council and providing improved safety and security to the community.

The risks to Council have potential to significantly increase insurance costs and worse, not even be able to obtain sufficient insurance coverage in certain cases. An example already becoming apparent in other municipalities is property in low lying areas, potentially at risk of sea inundation, not being able to be insured.

The Climate Emergency Framework will assist Council in our efforts to mature our communities for improved resilience, as required by our Council Plan. Council has already started with informative presentations on carbon emissions reduction and intends to work closely with the community to encourage the many climate actions the community can undertake.

Finally, the urgent call for this motion has been requested by the following community groups:

1. Yarra Ranges Environment Advisory Committee on 27 June 2019 had letters tabled from Healesville Community Renewable Energy Inc (Healesville CoRE) Central Committee and a motion that was passed on Friday 14 June 2019, at a public meeting held at ECOSS, to support the Healesville CoRE position, resulting in a unanimous vote for the Chair, Mike Clarke, to table a motion at a council meeting for Declaration of Climate Emergency.
2. Requests from Yarra Valley Climate Action Group for council to declare a Climate Emergency
3. Requests and Petitions from the Hills Climate Action Group for council to declare a Climate Emergency.

#### **Background from Previous Motion:**

In their State of the Climate Report 2018, the Bureau of Meteorology and CSIRO recently stated: "*Australia's climate has warmed by just over 1 °C since 1910, leading to an increase in the frequency of extreme heat events.*"

The report also documents, "a decline of around 11 per cent in April–October rainfall in the southeast of Australia since the late 1990s", as well as "a long-term increase in extreme fire weather, and in the length of the fire season, across large parts of Australia".

In December 2018, the Intergovernmental Panel on Climate Change (IPCC) released a Special Report on Global Warming of 1.5 degrees, which noted: "*Global warming is likely to reach 1.5°C between 2030 and 2052 if it continues to increase at the current rate.*"

*Climate-related risks to health, livelihoods, food security, water supply, human security, and economic growth are projected to increase with global warming of 1.5°C and increase further with 2°C.*

While climate change is a global issue, requiring leadership in every nation and from all levels of government, Council understands that local action here in the Yarra Ranges is critical to ensuring our municipality plays its part in the global effort, that our communities avoid the worst potential impacts of climate change, and that current and future generations benefit from the opportunities that emerge as our world adapts.

Cr Clarke moved an amended motion to that printed in the Agenda.

**Moved: Cr Clarke**

**Seconded: Cr Heenan**

*Further to Council's endorsed motion of 25 June, 2019 being:*

*"That Council*

- a. Note recent reports from the Bureau of Meteorology, CSIRO and IPCC highlighting the risks that climate change poses to the health and prosperity of our communities.*
- b. Seek a report from the Director Environment & Engineering to Councillors that includes a comprehensive evaluation of the current Adapting to a Changing Climate and Energy Future plan; and outlines a range of actions Council could take, as an organisation and in partnership with the community, that would be consistent with global efforts to limit warming to below 1.5 degrees and adapt to the likely impacts of climate change"*

*Council acknowledges that this report will proceed as planned and be incorporated into a Climate Emergency Framework that:*

- 1. delivers an approach for all Council staff to have consideration, in all their actions and decisions, for significantly reducing carbon emissions and adapting to a changing climate;*
- 2. delivers an approach for Council staff to engage with the community to encourage them to consider significantly reducing carbon emissions and adapting to a changing climate.*

*such that this promotes an awareness of the urgency needed to reach the goals set in the report, when endorsed by Council, with a plan that treats the approach as a pending emergency, thereby establishing the Climate Emergency Framework.*

*Council recognises that we are in a state of global climate emergency that requires urgent action by all levels of government, including by local councils.*

**The motion was Carried.**

## 10. PETITIONS

*In accordance with Clause 83 of Meeting Procedures and Use of Common Seal Local Law 2015*

The following petition has been received:

### PART A – General Petitions

#### 1. Petition in relation to Action on Climate Change

425 valid signatures submitted at the time of printing the Agenda together with a further 187 valid signatures submitted before the meeting making a total of 612 valid signatures.

The following late petition has been received:

### PART A – General Petitions

#### 2. Footpaths – extension of Olinda Monbulk Rd Path towards Monbulk.

8 valid signatures

**Moved: Cr Cliff**

**Seconded: Cr McAllister**

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

1. *Action on Climate Change – seeking Council to:
 
  - a) *Declare a state of climate emergency;*
  - b) *Commit to a target of 100% Renewable Energy for Council Operations by 2025; and*
  - c) *Commit to a target of net zero carbon emissions for the community by 2040.**
2. *Footpaths – extension of Olinda Monbulk Rd Path towards Monbulk - asking Council to
 
  - a) *Extend the Walking Path on Olinda-Monbulk Road Olinda from existing path currently ending at Cloudhill nursery.*
  - b) *Continue the path toward Monbulk at least until Upper Coonara Rd to provide access for children and adults to the bus stop.*
  - c) *Consider a path along Upper Coonara Rd toward Olinda Monbulk Rd at least from the Mernda intersection.**

**The motion was Carried unanimously.**

Cr Heenan left the meeting at 8.19pm and returned at 8.21pm prior to discussion on Item 7.2.

Cr Cliff left the meeting at 8.19pm and returned at 8.22pm prior to discussion on Item 7.2.

Cr Child left the meeting at 8.19pm and returned at 8.20pm prior to discussion on Item 7.2.

Cr Cox left the meeting at 8.20pm and returned at 8.21pm prior to discussion on Item 7.2.

## 7. BUSINESS PAPER

### SOCIAL AND ECONOMIC DEVELOPMENT

#### 7.2 Planning Application YR-2018/1018 - 9 Fernbank Court, Kilsyth

APPLICATION DETAILS	
<b>Site Address</b>	9 Fernbank Court, Kilsyth
<b>Application No.</b>	YR-2018/1018
<b>Proposal</b>	Two (2) Dwellings and two (2) lot subdivision
<b>Existing Use</b>	Dwelling
<b>Owner</b>	Mr C D Breen
<b>Applicant</b>	Mr S Kaylock, C/- JCA Land Consultants
<b>Zone</b>	Neighbourhood Residential – Schedule 1
<b>Overlays</b>	Significant Landscape Overlay – Schedule 23 (SLO23)
<b>Objections</b>	20 individual objections of these 9 were secondary objections by the same objectors
<b>Reason for Council Decision</b>	Number of objections exceed 10
<b>Ward</b>	Walling

### SUMMARY

The application seeks permission for Buildings and works to construct two (2) dwellings and two lot subdivision. Both dwellings are proposed to be double storey and consist of one dwelling being a five (5) bedroom and the other dwelling being a four (4) bedroom on an existing 964m<sup>2</sup> allotment. The existing dwelling will be demolished to make way for the development; access is via the existing driveway. A permit is triggered for two (2) or more dwellings on a lot and the 2 lot subdivision.

The application has been advertised with 20 objections being received. The objection grounds primarily relate to drainage, car parking, traffic impacts and two storey built form. The proposal is consistent with the relevant provisions of the Planning Scheme, as they relate to the Neighbourhood Residential Zone, Significant Landscape Overlay, Special Building Overlay, ResCode, Car Parking and Council's recently adopted Multi Unit Residential Guidelines.

Accordingly, it is recommended that the application be approved with conditions and a Notice of Decision be issued.

Cr Cox moved an alternate motion to that printed in the Agenda.

**Moved: Cr Cox**

**Seconded: Cr Cliff**

*That Council resolve to refuse Planning Application YR-2018/1018 for Two (2) dwellings and two (2) lot subdivision at 9 Fernbank Court, Kilsyth and issue a Notice of Decision to Refuse a Permit on the following grounds:*

- 1. The size, scale, massing of the proposed development is not respectful of the existing or preferred character of the area in terms of the double storey development to property boundaries and is inconsistent with Clause 21.04 (Land Use) and Clause 21.06 (Built Form) and Standard B1 (Neighbourhood Character) of Res Code (Clause 55).*
- 2. The proposed development is not site responsive with respect to maintaining the existing landscape character of the area and conflicts with Clause 21.07 (Landscape), Standard B1 (Neighbourhood Character) of Res Code (Clause 55).*
- 3. The proposal would result in the unreasonable amenity impacts to adjoining properties in terms of minimal setbacks to property boundaries, visual bulk and overlooking and thus is considered to be inconsistent with Standard B1 (Neighbourhood Character) of Res Code (Clause 55).*
- 4. The development would result in poor external amenity impacts on the court in terms of additional on-street parking as a result of the four (4) and five (5) bedroom development which has the ability to adversely impact on the safety and efficiency of the road network for the existing residents of the court.*

**The motion was Lost.**

Cr McAllister moved the recommendation printed in the Agenda.

**Moved: Cr McAllister**

**Seconded: Cr Avery**

*That Council resolve to approve Planning Application YR-2018/1018 for Two (2) dwellings and two (2) lot subdivision at 9 Fernbank Court, Kilsyth and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report.*

**The motion was Carried.**

## CORPORATE SERVICES

### 7.3 Election Period Policy

#### SUMMARY

The Local Government Act 1989 (the Act) requires Council to adopt and maintain an Election Period Policy (the Policy). It also prescribes certain content that must be included in the Policy.

The purpose of the Policy is to ensure that the ordinary business of Council is able to continue and be conducted during the period before an election in an environment that is responsible, transparent and fair to all candidates.

The Policy has been reviewed and updated to reflect best practice and recommendations made by the Local Government Investigations and Compliance Inspectorate (the Inspectorate). As the Policy has been amended, it must be adopted no later than 12 months before the commencement of the election period for the 2020 Council elections.

The updated Policy was included at Attachment 1 to the report.

**Moved: Cr Cliff**  
**Seconded: Cr Cox**

*That Council*

- 1. Adopt and maintain the Election Period Policy, included at Attachment 1 to the report, in accordance with the requirements of section 93B of the Local Government Act 1989.*
- 2. Authorise the Chief Executive Officer to arrange for a copy of the Election Period Policy to be given to each Councillor, in accordance with section 93B(4)(a) of the Local Government Act 1989.*
- 3. Authorise the Chief Executive Officer to make the Election Period Policy available for inspection by the public, in accordance with section 93B(4)(b) of the Local Government Act 1989.*
- 4. Authorise the Chief Executive Officer to publish the Election Period Policy on the Council's website in accordance with section 93B(4)(c) of the Local Government Act 1989.*

**The motion was Carried unanimously.**

Cr Cliff left the meeting at 8.57pm.



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## ENVIRONMENT AND ENGINEERING

### 7.4 Discontinuance and Transfer part Earle Street Launching Place

#### SUMMARY

It is proposed that Council use its powers under *Section 206 (1) and Schedule 10 of the Local Government Act 1989* to discontinue a 564 square metre portion of unused road reserve being part of Earle Street, Launching Place and outlined in bold in Attachment 1.

Earle Street forms part of subdivision LP 20847 which was created in 1951 and due to the steepness of the land is subject to *Restructure Overlay Plan (RO93) in the Yarra Ranges Planning Scheme* for old and inappropriate subdivisions (see Attachment 2).

The objective of the proposal is to enable the applicant to comply with the intent of *Restructure Overlay Plan (RO93)* which outlines a portion of Earle Street be discontinued and consolidated into their property (137 Barak Drive – Lot 4 LP 20847). If this occurs, the applicant wishes to use the land from the road portion to create a more serviceable driveway and car parking area.

The applicant accesses their property at 137 Barak Drive via two carriageway easements situated at 50 Corbetts Road and 139 Barak Drive (see Attachment 4). This access arrangement was created due to the steepness of their property frontage to Barak Drive and that of Earle Street from Barak Drive.

The proposal is fully supported by the relevant Council departments and Service providers. The road portion has not been identified as being reasonably required for public use.

There is no objection from the other property owner within the inappropriate subdivision (Lots 1, 2, 3) and they do not wish to acquire a portion of road reserve abutting the former Lot 3. The remaining lots (Lots 5, 6, 7 - 15 Earle Street) are also owned by the applicant.

The property owners at 139 Barak Drive do not object to the discontinuance however they do have concerns the applicant may create a circular driveway on the discontinued road portion with access via the carriageway easement on their property, to which they oppose. They indicate interest in the applicant creating a new access point via their property at 15 Earle Street, together with the road portion proposed for discontinuance and reducing the existing easement to reflect that. However this is at the discretion of the applicant to explore and it would be their responsibility to obtain any additional further approvals that may be required. This will likely include amending current carriageway easement agreements that exist upon the property titles of both 139 Barak Drive and 50 Corbetts Road. The Council does not have the ability to facilitate or direct such a change as this is a civil matter.

The property owners at 50 Corbetts Road object to the road discontinuance proposal and would prefer Earle Street to be constructed, so that the easements on their property would no longer be required. The need for the easement for 137 Barak Drive arose due to the steepness of their property frontage and that of Earle Street from Barak Drive and associated issues with road/driveway construction from these points.

Public notice has been given and four submissions were received. Two submissions fully support the proposal and the third whilst not objecting to the discontinuance has concerns about the future use of the land and impact to their property. The fourth submission objects to the proposal.

Cr Cliff returned to the meeting at 9.01pm prior to the vote being taken.

**Moved: Cr Child**  
**Seconded: Cr Avery**

*That Council having given notice of its intention to discontinue a 564 square metre portion of Earle Street, Launching Place and having invited public submissions, and having considered the submissions received, and being of the opinion that the portion of road is not reasonably required for public use*

1. *Discontinue the portion of road.*
2. *Direct that notice of the discontinuance be published in the Government Gazette.*
3. *Direct that the land from the road portion be transferred to the abutting owner based on a land valuation and subject to the reimbursement of Council costs, entering into an agreement to consolidate the land with Lot 4 on LP 20847 and enabling occasional access to lot 3 (part 135 Barak Drive) for maintenance purposes.*
4. *Direct that the necessary documentation to give effect to the transfer be signed and sealed.*

***The Motion was Lost.***

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

**Moved: Cr Child**

**Seconded: Cr McAllister**

*That Council defer consideration of this matter to the next Council meeting following the expiration of 30 days from 10 September 2019.*

**The motion was Carried unanimously.**

## **7.5 2019/2020 Growing Suburbs Fund**

### **SUMMARY**

This report identifies the proposed projects to be submitted as part of the State Government's 2019/2020 Growing Suburbs Fund program, and proposes that Council provide contributions to achieve a \$1 (Council and other sources) for the \$1 (Growing Suburbs Fund) from the Capital Expenditure Program in future years for the delivery of successful projects.

**Moved: Cr Heenan**  
**Seconded: Cr Clarke**

*That*

1. *Council endorse the following projects for submission to the State Government's 2019/2020 Growing Suburbs Fund:*
  - a) *Mt Evelyn Pavilion Redevelopment*
  - b) *Elizabeth Bridge Recreation Reserve Ground Upgrade and Social Recreation Park*
  - c) *Chirnside Park - Urban Park Development*
  - d) *Karwarra Gardens Community Facility and Gallery Redevelopment*
  - e) *Olinda Creek Shared Trail & Mount Evelyn Aqueduct Mountain Bike Trail*
  - f) *Belgrave Lake Park and Play Space Upgrade*
  - g) *McDermott Avenue Softball and Social Recreation Facility*
  - h) *Monbulk Recreation Reserve Skate Park Upgrade*
  - i) *Wesburn Recreation Reserve Pavilion & Community Education Centre*
  - j) *Coldstream/Yering Station Community Park and town connection*
2. *Council gives 'in principle' support and approval for Council contributions to achieve a \$1 (Council and other Sources) for \$1 (Growing Suburbs Fund) from the Capital Expenditure Program in future years for the delivery of each of those projects that are successful in submission to the Growing Suburbs Fund.*
3. *A further report be provided to Council after submission outcomes are announced outlining proposed Council funding sources to align with successful projects.*

**The motion was Carried.**

## **7.6 Delegation to Enter Contractual Arrangements for Electricity (Small Market) and Natural Gas (Large and Small Markets)**

### **SUMMARY**

This report requests a special delegation be granted to authorise the Chief Executive Officer (CEO) to enter new contractual arrangements for electricity for Council's small market sites, and Council's large and small market natural gas requirements from 1 July 2020.

**Moved: Cr Clarke**  
**Seconded: Cr Child**

*That*

1. *Council grants a special delegation to authorise the Chief Executive Officer to enter into contractual agreements that may result from tendering activity for Council's small market electricity and large and small market natural gas requirements from 1 July 2020.*
2. *The Chief Executive Officer be delegated authority to extend the contract terms as may be set out in the final contracts.*
3. *A summary of the tender and contract outcomes be presented to Council as soon as possible after contractual agreements are entered into.*

**The motion was Carried unanimously.**

## **8. COUNCILLOR MOTIONS**

*In accordance with Clause 72 of Meeting Procedures and Use of Common Seal Local Law 2015*

This Item 7.1 was dealt with after Item 7.1 in accordance with the earlier resolution to Change the order of Business.

## **9. ITEMS RAISED THROUGH THE CHAIR**

*In accordance with Clause 80 of Meeting Procedures and Use of Common Seal Local Law 2015*

### **9.1 Cr Jim Child - Acknowledgement of Clive Larkman chair of Victorian Agribusiness Council and Agribusiness Yarra Valley**

Cr Child provided an overview of his attendance at the Victorian Agribusiness Summit he attended between 5 to 7 September. He advised that the Summit was chaired by Clive Larkman, Chair of Victorian Agribusiness Council and Agribusiness Yarra Valley. Cr Child asked that Council note the contribution Mr Larkman has made to the Rural Advisory Committee during his six year period as Chair of Agribusiness Yarra Valley.

## **10. PETITIONS**

*In accordance with Clause 83 of Meeting Procedures and Use of Common Seal Local Law 2015*

This Item 7.1 was dealt with after Item 7.1 in accordance with the earlier resolution to Change the order of Business.

## **11. DOCUMENTS FOR SIGNING AND SEALING**

*In accordance with Clause 80 of Meeting Procedures and Use of Common Seal Local Law 2015*

There were no documents for signing and sealing listed on the agenda for this meeting

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## 12. ASSEMBLIES OF COUNCILLORS

*The Local Government Act 1989* requires that records of Assemblies of Councillors must be kept which list the Councillors attending, the matter discussed, disclosures of conflict of interest and whether or not a Councillor left the meeting after making a disclosure.

An 'Assembly of Councillors' is defined under *section 3(1)* of the *Local Government Act 1989* as a meeting at which matters are considered that are intended or likely to be the subject of a Council Decision or the exercise of a delegated authority and which is either of the following

- A meeting of an advisory committee where at least one Councillor is present.
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council Officer.

*The Local Government Act 1989* also requires that the record of an assembly must be reported to the next practicable ordinary Council Meeting and recorded in the minutes of that meeting.

The records for Assemblies of Councillors are attached to the report

**Moved: Cr Stevenson**

**Seconded: Cr Cox**

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

1. *CEO & Councillor Discussion - 13 August 2019* [↓](#)
2. *CEO Review - 14 August 2019* [↓](#)
3. *Council Briefing - 20 August 2019* [↓](#)
4. *Council Forum - 20 August 2019* [↓](#)
5. *Health and Wellbeing Advisory Group – 22 August 2019* [↓](#)
6. *Yarra Ranges Environment Advisory Committee - 22 August 2019* [↓](#)

**The motion was Carried unanimously.**

# Assembly of Councillors

## Public Record



<b>Meeting Name:</b>	CEO and Councillor Discussion	
<b>Date:</b>	13 August 2019	<b>Start Time:</b> Session 1 6.00pm Session 2 8.30pm
		<b>Finish Time:</b> Session 1 6:30pm Session 2 9.30pm
<b>Venue:</b>	Council Chamber, Civic Centre, Anderson Street, Lilydale	
<b>Attendees:</b>	<b>Councillors:</b> Jim Child, Mike Clarke, Noel Cliff (2 <sup>nd</sup> Session) Len Cox, Tim Heenan, Richard Higgins, Fiona McAllister (telephone conference 1 <sup>st</sup> Session) & Tony Stevenson  <b>CEO/Directors:</b> Tammi Rose  <b>Officers:</b>	
<b>Apologies</b>	Cr Terry Avery & Cr Noel Cliff (1 <sup>st</sup> Session)	
<b>Declarations of Interest:</b>	Nil	
<b>Matter/s Discussed:</b>	1.1	CEO provided organisational update
<b>Completed By:</b>	Tammi Rose	

# Assembly of Councillors

## Public Record



<b>Meeting Name:</b>	CEO Review	
<b>Date:</b>	14 August 2019	Start Time: 6.30pm    Finish Time: 8.30pm
<b>Venue:</b>	Council Chamber, Civic Centre, Anderson Street, Lilydale	
<b>Attendees:</b>	<p><b>Councillors:</b> Terry Avery, Jim Child, Mike Clarke, Noel Cliff, Len Cox, Tim Heenan, Richard Higgins, &amp; Tony Stevenson</p> <p><b>CEO/Directors:</b> Tammi Rose</p> <p><b>External:</b> Paul Murphy</p>	
<b>Apologies</b>	Cr Fiona McAllister	
<b>Declarations of Interest:</b>	Nil	
<b>Matter/s Discussed:</b>	1.1	CEO Review
<b>Completed By:</b>	Tammi Rose	



# Assembly of Councillors

## Public Record



<b>Meeting Name:</b>	Council Briefing	
<b>Date:</b>	20 August 2019	Start Time: 6:08pm      Finish Time: 6:32pm
<b>Venue:</b>	Council Chamber, Civic Centre, Anderson Street, Lilydale	
<b>Attendees:</b>	<p><b>Councillors:</b> Terry Avery, Jim Child, Mike Clarke, Tim Heenan, Richard Higgins (at 6:14pm), Fiona McAllister &amp; Tony Stevenson.</p> <p><b>CEO/Directors:</b> Tammi Rose, Vishantri Perera, Mark Varmalis &amp; James Collins.</p> <p><b>Officers:</b> Sarah Candeland, Helen Ruddell, Marcella Simone &amp; Belinda Harrison.</p>	
<b>Apologies</b>	Cr Len Cox & Cr Noel Cliff.	
<b>Declarations of Interest:</b>	Nil	
<b>Matter/s Discussed:</b>	7.1	Planning Application YR-2018/1143 – 238-240 Maroondah Highway, Chirnside
	7.2	Cultural Diversity Policy
	7.3	Regional Tourism Review Submission
	7.4	2018-19 Annual Financial Statements and 2018-19 Performance Statement - Adoption in Principle
	7.5	Tip Pass Policy Renewal
<b>Completed By:</b>	Sarah Candeland	

# Assembly of Councillors

## Public Record



<b>Meeting Name:</b>	Forum	
<b>Date:</b>	20 August 2019	Start Time: 7:04pm      Finish Time: 9:28pm
<b>Venue:</b>	Council Chamber, Civic Centre, Anderson Street, Lilydale	
<b>Attendees:</b>	<p><b>Councillors:</b> Terry Avery, Jim Child, Mike Clarke, Tim Heenan, Richard Higgins, Fiona McAllister &amp; Tony Stevenson.</p> <p><b>CEO/Directors:</b> Tammi Rose, Troy Edwards, Mark Varmalis &amp; James Collins.</p> <p><b>Officers:</b> Sarah Candeland, Tracey Varley, Craig Whalley, Julee Scott, Helen Ruddell, Greg Box, Holly DeMaria, Jo Corbett, Steve Jones, Peter Smith, Terry Jenvey, John Strachan and Jane Sinnamon.</p> <p><b>External Guests:</b> Mark O'Dwyer (H2o) &amp; Joseph Cullen (ERLC).</p>	
<b>Apologies</b>	Cr Len Cox & Cr Noel Cliff.	
<b>Declarations of Interest:</b>	Nil	
<b>Matter/s Discussed:</b>	1.1	Action & Agreement Record - 06 August 2019
	1.2	Civic Centre Redevelopment Update
	1.3	Belgrave Library Feasibility Study
	1.4	Lilydale Place Plan: Community Feedback on Draft Lilydale Place Plan
	1.5	MAV State Council Motions
	1.6	Election Period Policy
	1.7	Interim Pavilion Redevelopment Plan
	3.1	Indicative Forum & Council Meeting Schedule
	3.2	Mayor & CEO Updates
<b>Completed By:</b>	Sarah Candeland	

# Assembly of Councillors

## Public Record



<b>Meeting Name:</b>	Health and Wellbeing Advisory Group	
<b>Date:</b>	15 August 2019	Start Time: 10:00 am      Finish Time: 1:00 pm
<b>Venue:</b>	Conference Room, Civic Centre, Anderson Street, Lilydale	
<b>Attendees:</b>	<p>Councillors: Mayor Tony Stevenson</p> <p>CEO/Directors: None</p> <p>Officers (staff and external guests): Cathi Walker (Yarra Ranges Council), Isha Scott (Yarra Ranges Council), Suyin Chan (Yarra Valley comm. representative), Laura Newstead (OEPCP), Andrew Fullagar (Hills comm. representative), Tracey Higgins (Inspiro/Yarra Ranges Council), Chris Riseley (Yarra Ranges Council), Christine Farnan (DHHS), Kathy Oliver (Yarra Ranges Council), Lisa Loulier (Yarra Ranges Council), Lisa Currie (Urban Area comm. representative), Jo Stanford (Healesville Hospital &amp; Yarra Valley Health), Dima Al Tarsha (Women's Health East)</p>	
<b>Apologies</b>	Cr Richard Higgins (Yarra Ranges Council), Sarah Cromie (EACH), Kristine Olaris (Women's Health East), Daisy Brundell (Inspiro), Kristine Olaris (Women's Health East) and Josette O'Donnell (Healesville Hospital & Yarra Valley Health)	
<b>Declarations of Interest:</b>	None	
<b>Matter/s Discussed:</b>	1.1	Health and Wellbeing Strategy implementation and priority areas
	1.2	Integrated health service planning for Yarra Ranges
	1.3	Regular information update items
	1.4	Member updates and funding/advocacy opportunities
	1.5	
<b>Completed By:</b>	Cathi Walker	

## Assembly of Councillors

### Public Record



<b>Meeting Name:</b>	Yarra Ranges Environment Advisory Committee	
<b>Date:</b>	22 August 2019	Start Time: 5:50pm      Finish Time: 9:00pm
<b>Venue:</b>	Council Conference Room, Civic Centre, Anderson Street, Lilydale	
<b>Attendees:</b>	<p><b>Councillors:</b> Mike Clarke</p> <p><b>CEO/Directors:</b> Mark Varmalis</p> <p><b>Officers:</b> Graeme George (member), Jeff Barlow (member), Julian Hill (member), Laurence Gaffney (member), Lauren Dwyer (member), Melanie Birtchnell (member), Michelle Masterson (member), Ron Sawyer (member), Benjamin Viola (member), Jessica Fettell (member), Steve Hosking (Melbourne Water), Joanne Antrobus (Parks Victoria), Corinne Mays (Port Phillip and Westernport CMA), Merryn Kelly (DELWP), David Harper (YRC), Simon Woodland (YRC), Sarah Bond (YRC), Kym Saunders (YRC), Karen O'Gorman (YRC), Hayley Coviello (DELWP)</p>	
<b>Apologies</b>	Darcy Duggan, Luke Boontjes, Katherine Selwood, Jess Rae (YRC)	
<b>Declarations of Interest:</b>	None	
<b>Matter/s Discussed:</b>	1.1	Integrated Transport Strategy
	1.2	Regional Forest Reform Project
	1.3	Biodiversity Sub-Committee Report
	1.4	Agency Reports
	1.5	Sustainability and Environment Team Updates
	1.6	Committee Discussions
<b>Completed By:</b>	Sarah Bond	

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### **13. REPORTS FROM DELEGATES**

Cr Clarke attended:

- The Platypus Festival on Saturday 6 September 2019 at Belgrave where volunteers worked with members of the community to plant trees. Cr Clarke thanked Council for its support and commended the work of Gavin Prentice and his team together with Jen Ellison.
- A recent Australian Smart Street Lighting Summit in Melbourne. He outlined the many Smart Lighting initiatives available for Council to take advantage of.

Cr Heenan attended:

- A memorial service for Dr David Blair, a highly respected environmental scientist from Healesville. Cr Heenan acknowledged Dr Blair's passion for Botany and the broad range of community work he undertook within the Healesville community. On behalf of Council, Cr Heenan offered condolences to the family of Dr Blair.

Cr Stevenson attended:

- The CEO and Mayors' Roundtable Discussion with Minister D'Ambrosio on Kerbside Waste Reforms on Monday 9 September 2019.
- A Symposium "Don't judge a book by its cover" with Cr Child at the Boxhill Institute, Lilydale Lake Campus on Monday 2 September 2019. Cr Stevenson congratulated the Upper Yarra Body Image Group for putting on a strong symposium for health professionals and interested parties.
- The opening of the Yarra Valley Regional Museum's latest exhibition "The Lynley Dodd Story" on Friday 6 September 2019 together with Cr Cliff, Cr Cox and Cr McAllister. Cr McAllister introduced Lynley Dodd and acknowledged the value of reading books and of books themselves.
- The Citizenship Ceremony at Montrose Town Centre on Thursday evening 5 September 2019 together with Councillors Clarke, Cliff and Cox.

### **14. CONFIDENTIAL ITEMS**

*In accordance with section 89(2) of the Local Government Act 1989*

There were no confidential items listed on the agenda for this meeting.

### **15. DATE OF NEXT MEETING**

The next Ordinary meeting of Council is scheduled to be held on Tuesday 24 September 2019 commencing at 7.00pm, at Council Chamber, Civic Centre, Anderson Street, Lilydale.

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**16. CLOSE OF THE MEETING**

There being no further business the meeting was declared closed at 9.48pm.

Confirmed this day, Tuesday 24 September 2019.

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**Cr Tony Stevenson**

**Mayor**