



**COUNCIL MEETING**

**TUESDAY 14 SEPTEMBER 2021**

**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

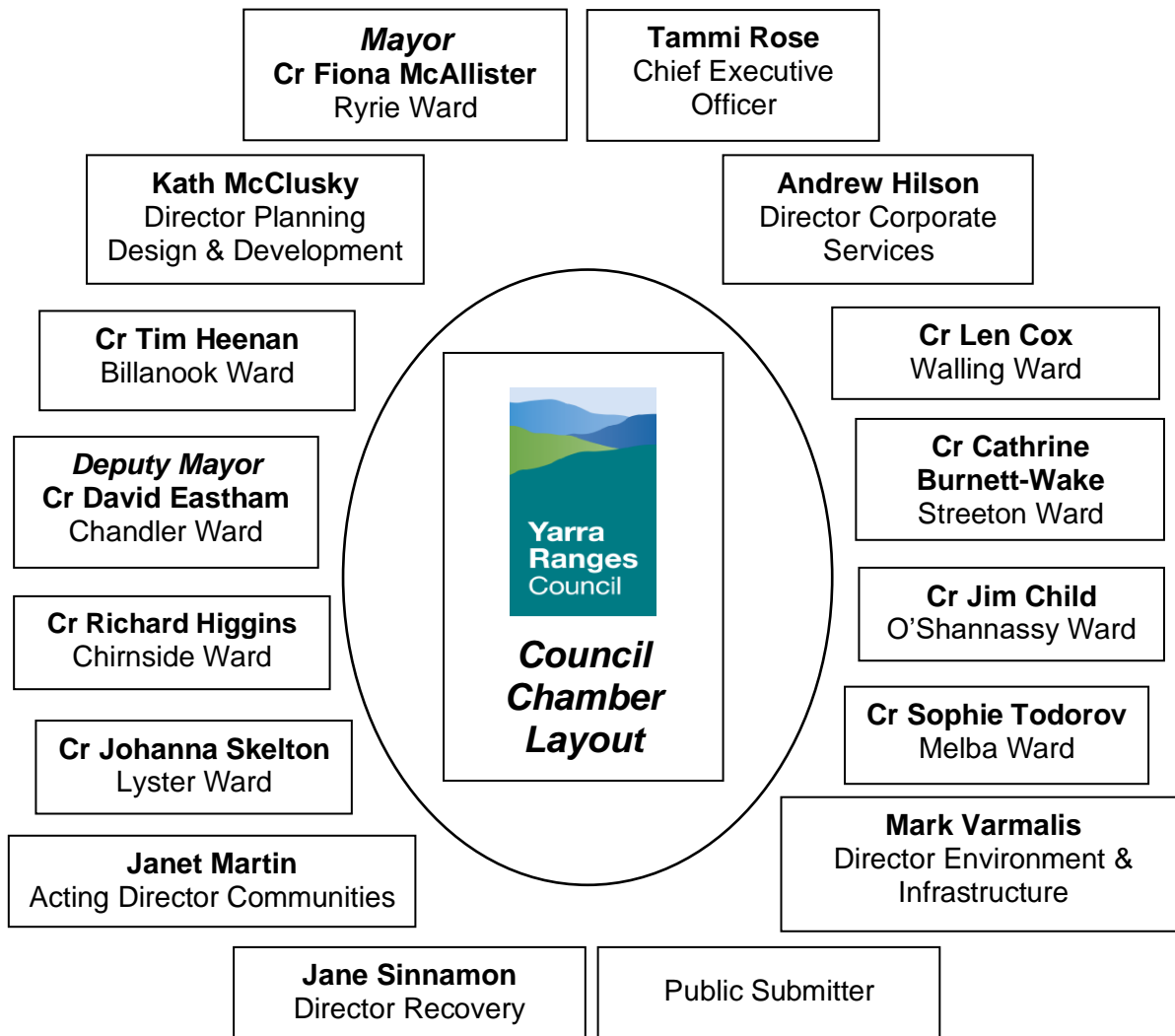
The public is invited to submit questions to the Council Meeting by completing [the form on the Council's website](#); or via [email](#). Your question must be received **no later than 5.00pm on the day before the Council meeting date**. Questions relating to items on the agenda, or which are the same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

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

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

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

**Submissions in relation to a specific item on the agenda** for consideration will be invited to come forward by the Chair in the order items are listed. For planning applications and policy issues, the Chair will invite one person to speak on behalf of any objectors and one person to speak on behalf of the applicant. For other matters on the agenda, only one person will be invited to address Council, unless there are opposing views. At the discretion of the Chair, additional speakers may be invited for items of large interest. Submissions must be made in a way that is respectful of Councillors and staff. You should make sure that you are present at the meeting when the item you wish to speak about is considered, as there will no opportunity for you to speak after the Chair has invited speakers and councillors have begun to consider the item.



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# YARRA RANGES COUNCIL

## MINUTES FOR THE 544<sup>TH</sup> COUNCIL MEETING HELD ON TUESDAY 14 SEPTEMBER 2021 COMMENCING AT 7.00PM VIA VIDEOCONFERENCE

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### 1. COUNCIL MEETING OPENED

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

### 2. INTRODUCTION OF MEMBERS PRESENT

#### Councillors

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

#### Officers

Tammi Rose, Chief Executive Officer  
Andrew Hilson, Director Corporate Services  
Mark Varmalis, Director Environment & Infrastructure  
Janet Martin, Acting Director Communities  
Kath McClusky, Director Planning Design & Development  
Jane Sinnamon, Director Recovery

### 3. APOLOGIES AND LEAVE OF ABSENCE

There were no apologies received for this meeting.

### 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

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

*That the Minutes of the Council Meeting held 24 August 2021, as circulated, be confirmed.*

**The motion was Carried unanimously.**

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## 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 Submissions from the Public listed on the agenda for this meeting.

### Questions for Council

***Nic Fox, resident of Wesburn, asked:***

*On Behalf of Warburton Environment, I would like to ask:*

- 1. What is the total allocated budget for the Environmental Effect Statement for the Warburton Mountain Bike Trail proposal?*
- 2. What portion of this budget for the Environmental Effect Statement for the Warburton Mountain Bike Trail proposal will be paid for by Yarra Ranges Rate Payers?*

**Mark Varmalis, Director Environment & Infrastructure responded:**

Thank you to Nic Fox for the question to Council.

The overall budget available for the Warburton Mountain Biking project is \$11.3 million comprising funding of \$5.3 million from the Federal Government, \$3 million from State Government, \$2.7 million from Council and \$300,000 from the Upper Yarra Community Enterprise.

The direct costs for the Environmental Effects Statement are expected to amount to \$2.7 million for aspects including specialist consultant and legal support, exhibition costs, the community engagement process and cultural values recording. Council has also separately incurred costs of \$678,000 for the initial draft Master Plan, development of documentation and investigative studies for the EES Referral, which was always to have been incurred whether an EES was to be required or not.

These costs are to be funded from the overall project budget just mentioned.

In addition to these costs Council is directly funding its staff on the project team associated with responding to the EES process. This will amount to approximately \$500,000 over two years.

## 7. BUSINESS PAPER

### CHIEF EXECUTIVE OFFICER

#### 7.1 Draft Council Plan 2021-25 including the draft Community Vision 2036

##### SUMMARY

The Council Plan 2021-25, including a draft Community Vision 2036, has been prepared following the outcomes of an extensive community engagement process and has taken into consideration the significant impact on the community from the Covid-19 pandemic and the storm event on 9 June 2021.

The Community Vision 2036 has been revised to ensure it reflects the aspirations of the community for the next 15 years and is included in the Council Plan. The Council Plan articulates Council's key strategic objectives, the strategies that will guide the direction and measures to show our successes over the coming four years. It also contains the seven major initiatives that are the most important projects to deliver for the next four years. Other initiatives, projects and actions are contained in the supporting Council Action Plan 2021-25 which has previously been out for public consultation alongside the 2021-22 Budget.

The Council Plan 2021-25 has been prepared in draft form to enable the community to comment and provide feedback. The documents will be available for a period of 28 days before Council considers the formal adoption at the Council meeting on 26 October 2021.

**Moved: Cr McAllister**  
**Seconded: Cr Heenan**

*That*

- 1. The draft Community Vision 2036, prepared in accordance with Section 88 of the Local Government Act 2020, be approved for the purpose of undertaking consultation with the community.*
- 2. The draft Council Plan 2021-25, prepared in accordance with Section 90 of the Local Government Act 2020, be approved for the purpose of undertaking consultation with the community.*
- 3. The Chief Executive Officer be authorised to undertake consultation with the community on the draft Community Vision 2036 and the Council Plan 2021-25 in accordance with the requirements of the Community Engagement Policy.*

**The motion was Carried unanimously.**

## PLANNING, DESIGN AND DEVELOPMENT

### 7.2 Planning Policy Framework

#### SUMMARY

The State Government through Amendment VC148, introduced the Planning Policy Framework (PPF) and the Municipal Planning Strategy (MPS) into the Victoria Planning Provisions (VPP) and all planning schemes in Victoria on 31 July 2018.

The amendment replaced the State Planning Policy Framework (SPPF) with a new structure that has grouped policy under themes. State, regional and local policy previously sat in separate sections of the Planning Scheme but are now integrated into one location under each of these key land use themes making it easier to find relevant policy.

The Department of Environment, Land Water and Planning (DELWP) has since been progressively working with Councils across Victoria translating the Local Planning Policy Framework (LPPF) of every planning scheme in the State into the new format.

DELWP, in consultation with Council officers, have prepared a draft 'policy neutral' PPF translation of the Yarra Ranges planning scheme based on the revised LPPF that Council previously adopted through Amendment C148 to the Yarra Ranges Planning Scheme. Amendment C148 is currently with the Minister for Planning for approval.

DELWP is seeking endorsement of the final draft translated planning scheme provisions from the Chief Executive Officer, and agreement for the provisions to be included in the Yarra Ranges Planning Scheme through a ministerial amendment under section 20(4) of the *Planning and Environment Act 1987*.

**Moved: Cr Eastham**

**Seconded: Cr Child**

*That Council*

- 1. Note the final draft Planning Policy Framework translated planning scheme provisions.*
- 2. Support the Chief Executive Officer writing to DELWP endorsing the final draft Planning Policy Framework and supporting a ministerial amendment to include the provisions in the Yarra Ranges Planning Scheme.*

**The motion was Carried unanimously.**



### 7.3 Planning Application YR--2014/1199/A - 17-25 Maroondah Highway, Healesville

APPLICATION DETAILS	
<b>Site Address</b>	17-25 Maroondah Highway Healesville
<b>Application No.</b>	YR-2014/1199/A
<b>Amended Proposal</b>	<p>To amend Planning Permit YR-2014/1199 through modifications to the design and layout of the Convenience Restaurant Two (2) (McDonalds), modifications to the associated drive thru, and additional signage.</p> <p><i>(Original permit approval issued for the use and development of the land for Hotel (including epicurean centre and function centre), Market, Restricted retail premises, service station, take away food premises; and convenience restaurant; The sale of liquor (including packaged liquor) for consumption on and off the premises; Alteration and construction of access to a road in a Road Zone Category One; Removal of native vegetation (including removal of vegetation in the Road Reserve); A reduction in the car parking requirement for a market; A reduction in the bicycle parking requirement for convenience restaurant and take away food premises; and Erection and display of floodlit business identification signage)</i></p>
<b>Existing Use</b>	Permit development under construction
<b>Owner</b>	Healesville Leisure and Tourism Holdings Pty Ltd
<b>Applicant</b>	McDonalds Australia Ltd
<b>Zone</b>	Industrial 3 Zone (IN3Z)
<b>Overlays</b>	Design and Development Overlay Schedule 3 (DDO3)
<b>Objections</b>	49
<b>Reason for Council Decision</b>	More than 10 objections
<b>Ward</b>	Ryrie

#### SUMMARY

This application seeks approval to amend the existing Planning Permit YR 2014/1199 to allow redesign of the approved Convenience Restaurant Two (2), including internal rearrangement and changes to floodlit signage.

The construction works for the buildings and works permitted under the Planning Permit are currently underway on the site and hence the permit is active and current.

The application was advertised under Section 52 of the *Planning & Environment Act 1987* and attracted 49 objections. The key concerns raised by the objectors are included, but not limited to visual impact, traffic congestion, amenity impacts, rubbish generation.

The application has been assessed against the relevant provisions of the Yarra Ranges Planning Scheme and found to have support in policy surrounding visual impacts, building design and sustainability.

Accordingly, it is recommended that a Notice of decision to Grant a Permit be issued for the application.

*Cr Higgins left the meeting at 7.20pm and returned to the meeting at 7.22pm prior to a vote being taken.*

*Cr Higgins left the meeting at 7.25pm and returned to the meeting at 7.26pm prior to a vote being taken.*

*Cr Higgins left the meeting at 7.33pm and returned to the meeting at 7.33pm prior to a vote being taken.*

*Cr Higgins left the meeting at 7.43pm and returned to the meeting at 7.46pm prior to a vote being taken*

*Councillor McAllister moved a motion alternate to that printed in the Agenda.*

**Moved: Cr McAllister**  
**Seconded: Cr Heenan**

*That Council resolve to refuse to grant an amendment to Planning Application Amendment YR 2014/1199/A for Use and development of the land for Hotel (including epicurean centre and function centre), Market, Restricted retail premises, service station, take away food premises; and convenience restaurant; The sale of liquor (including packaged liquor) for consumption on and off the premises; Alteration and construction of access to a road in a Road Zone Category One; Removal of native vegetation (including removal of vegetation in the Road Reserve); A reduction in the car parking requirement for a market; A reduction in the bicycle parking requirement for convenience restaurant and take away food premises; and Erection and display of floodlit business identification signage at 17-25 Maroondah Highway Healesville and issue a Notice of Refusal to Grant a Permit subject to the following grounds*

- 1. The proposed changes to the approved proposal fails to meet the Objectives and Decision Guidelines of Clause 43.02 of the Design & Development Overlay DDO3 Schedule 3 (Design & Development) for the Healesville – Maroondah Highway (Western Gateway) Industrial 3 Area, as the design does not provide visual interest or appropriate form for a building at the gateway to Healesville, does not to provide adequate articulation to the wall facades, inadequate variation to the roof form and height, and proposes inadequate variation in building materials resulting in excessive building bulk.*
- 2. The proposal fails to meet the high quality outcomes as required by Schedule 3 of Clause 43.02 as the additional bulk and additional floor area will not be in keeping with the with the character, appearance and scale of adjacent buildings, the streetscape or the area.*
- 3. The extent of proposed additional building footprint reduces the opportunity for the*

*provision of meaningful landscaping to the perimeter of the building to soften and reduce the visual bulk and impact of the built form.*

4. *The additional building footprint results in an unacceptable incremental increase in overall retail floorspace.*
5. *The proposed signage fails to meet the purpose of Clause 52.05-14 Category 4 – Sensitive area to provide for unobtrusive signs in areas requiring strong amenity control to the surrounding area.*

**The motion was Carried.**

## CORPORATE SERVICES

### 7.4 Review of Delegations Made to Council Staff

#### SUMMARY

Updates have been made to the Instrument of Delegation to members of Council staff (the Instrument) to reflect the removal of the *Environment Protection Act 1970* and changes to the *Food Act 1984*, *Planning and Environment Act 1987*, *Residential Tenancies Act 1997* and *Residential Tenancies Regulations 2021*.

In addition, administrative changes have also been proposed in respect of the members of Council staff nominated to act as delegates.

The proposed changes, shown by way of “track changes” in Attachment 1 to the report, ensure that appropriate members of Council staff holding, acting in or performing the duties of the positions described in the Instrument are nominated to act as delegates.

Council is asked to approve the updated Instrument.

**Moved: Cr Burnett-Wake**  
**Seconded: Cr Eastham**

*In the exercise of the powers conferred by the legislation referred to in the Instrument of Delegation included at Attachment 1, Council resolves that:*

- 1. The delegations made to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff be approved, subject to the conditions and limitations specified in that Instrument.*
- 2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.*
- 3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than to the Chief Executive Officer) are revoked.*
- 4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

**The motion was Carried unanimously.**

## **7.5 Draft Financial Plan 2021/22 - 2030/31 for adoption in principle**

### **SUMMARY**

A draft 10-year Financial Plan 2021/22 – 2030/31 (the Plan) has been prepared following the outcomes of an extensive community engagement process. The Plan establishes a sound financial framework upon which financial decisions at Council are made.

The Plan has been prepared in draft form to provide an opportunity for the community to comment and provide feedback and will be available for a period of 28 days before Council considers the formal adoption at the Council meeting to be held on 26 October 2021.

*Cr Heenan left the meeting at 8.02pm and returned to the meeting at 8.03pm prior to a vote being taken*

**Moved: Cr McAllister**  
**Seconded: Cr Skelton**

*That*

- 1. The draft Financial Plan 2021-22 to 2030-31, prepared in accordance with Section 91 of the Local Government Act 2020, be approved for the purpose of undertaking consultation with the community.*
- 2. The Chief Executive Officer be authorised to undertake consultation with the community on the draft Financial Plan 2021-22 to 2030-31 in accordance with the requirements of the Community Engagement Policy.*

**The motion was Carried unanimously.**

## COMMUNITIES

### 7.6 Community Recovery Committees

#### SUMMARY

In April 2021 Council endorsed the expenditure of \$1m to establish four Community Recovery Committees (CRCs) to support recovery from the COVID-19 pandemic. However, the storm event on 9 June 2021 has introduced additional complexities and delayed establishment of the CRCs. Recovery from the storm is now proposed to be an additional consideration for CRCs and the expansion of their mandate to encompass community-led recovery for all types of emergency events. In addition, uncertainty over the duration of the pandemic and the continued impact of lockdowns on the wellbeing of the community gives cause to expedite the formation and extend the term of the Community Recovery Committee project for an additional 12 months.

Further consultation with stakeholders, including Bushfire Recovery Victoria (BRV), Community Enterprise Foundation, Bendigo Community Banks and impacted community members has highlighted the increased need for a clearer definition of community-led recovery in Yarra Ranges. As a result of the storm a number of community groups are now independently activating township-based CRCs. Council acknowledges and will support these initiatives.

Finally, to ensure adherence to appropriate governance and legislative requirements it is proposed that final decision-making regarding funding recommendations made by the CRCs be delegated to the Director Recovery and Manager Community & Business Recovery under authority of the Chief Executive Officer. This delegation is in line with the arrangements endorsed for the implementation of the Early Recovery Framework, developed for the Pandemic response and is proposed to manage risk and increase transparency in decision-making, without diminishing the intended empowerment of the CRCs themselves.

**Moved: Cr Eastham**

**Seconded: Cr Skelton**

*That Council endorse*

1. *Expanding the remit of the Regional Community Recovery Committees from Covid 19 pandemic to include community-led recovery as a response to:
 
  - (a) *the June 2021 storm event; and*
  - (b) *other emergency events, if required.**
2. *Extending its commitment to the Community Recovery Committee project to 30 June 2023, with the coordination and administration costs of \$175,000 to be met from the 2022/23 Pandemic/Storm Recovery Commitment.*
3. *Supporting community activated Township Community Recovery Committees acknowledging the important role they are and will continue to play in community led recovery.*

4. *That the four Regional Community Recovery Committees be formed as Advisory Committees, as specified in the Terms of Reference.*
5. *The Director Recovery and Manager Community & Business Recovery, be delegated to authorise:*
  - (a) *the appointment of members of the community to respective Regional Community Recovery Committees;*
  - (b) *an amendment of the Terms of Reference to recognise the name of each Regional Community Recovery Committee;*
  - (c) *the Community Led Recovery Plans; and*
  - (d) *funding recommendations of the Regional Community Recovery Committees.*

**The motion was Carried unanimously.**

## **7.7 Small Grants Annual Update 2020-21**

### SUMMARY

Council's Small Grants Program has a big impact on communities, providing funding when and where it's needed. During 2020-21 these fast response grants played a part in responding to the impact of emergencies. The Small Grants Program is a flexible, responsive source of funds for community projects. The program offers grants of up to \$1,000 to help communities respond to unanticipated needs and opportunities.

The role of small grants during the recent emergencies has been to quickly provide support to Emergency Relief Networks and community organisations facing extra demands due to the pandemic and storm.

This report provides an update on the Small Grants Program and highlights the way these grants adapted to support groups during the pandemic and notes some other impacts of Covid-19 observed during this time. The report presents minor improvements to the guidelines and selection criteria as a result of feedback and a continuous improvement approach.

In 2020-21 a total of \$59,747.51 was granted to not-for-profit community groups and creatives. Of the 87 applications approved, 37 supported Covid-19 projects to the amount of \$22,895.60. The report seeks Council endorsement of the updated guidelines.

*Cr Higgins left the meeting at 8.15pm and returned to the meeting at 8.15pm prior to a vote being taken*

**Moved: Cr Todorov**

**Seconded: Cr Cox**

*That Council*

- 1. Endorse the proposed changes to the Small Grants Program, noting the adaptations to include a category that supports communities in the face of emergencies.*
- 2. Note the decision-making process in respect of applications made to the Small Grants Program and reaffirm the delegation to the Manager Community Wellbeing to determine all applications received.*

**The motion was Carried unanimously.**



## ENVIRONMENT AND INFRASTRUCTURE

### 7.8 Heath Road Group, Belgrave Heights Declaration of Special Charge

#### SUMMARY

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

Following an extensive consultation process with landowners, Council at its meeting of 13 July 2021 considered a report on road improvement works for the Heath Road Group, Belgrave Heights. Council resolved to advise of its intention to declare a special charge in accordance with the provisions of Section 163 of the *Local Government Act 1989*.

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

*Councillor Skelton moved a motion alternate to that printed in the Agenda.*

**Moved: Cr Skelton**

**Seconded: Cr Eastham**

*That*

1. *Council, having given notice of its intention, reviewed the details of the proposed special charge and given consideration of submissions hereto, declare the special charge for works associated with the Heath Road Group, Belgrave Heights Special Charge Scheme in accordance with the provisions of Section 163 of the Local Government Act 1989, with the following modification:*
  - (a) *The development unit allocation to property 5 Huon Road, Belgrave Heights be increased from 0.5 to 1.0 Unit.*
2. *The scope of works, included as attachment 1 to the report, be extended into Vista Road, Belgrave Heights as per the Map of Extended Works attached to the Minutes.*
3. *The Total Project Cost be increased from \$1,407,228 to \$1,452,228, with an increase to Council's Contribution of \$42,500 and an increase to the Total Landowner Contribution of \$3,500 with the Schedule of Costs per Property, included as attachment 2 to the report, amended as per the Revised Schedule of Costs per Property attached to the Minutes.*
4. *In accordance with the provisions of Section 223 of the Local Government Act 1989, notice in writing be served on every person who has lodged a separate submission and in the case of a submission lodged on behalf of a number of persons, notice in writing to one of those persons, advising of Council's decision and the reasons for the decision.*
5. *In accordance with the provisions of Section 163 of the Local Government Act 1989,*

*notice be served upon all persons liable for the special charge advising of Council's decision and that persons aggrieved by Council's imposition of the special charge upon them, may apply to the Victorian Civil and Administrative Tribunal within 30 days of effective issue of the notice, for a review of the decision.*

**The motion was Carried unanimously.**

## **7.9 Witnish Street and Victoria Street (Crescent Road to Witnish Street), Yarra Junction Declaration of Special Charge**

### **SUMMARY**

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

Following an extensive consultation process with landowners, Council at its meeting of 13 July 2021 considered a report on road improvement works for Witnish Street and Victoria Street (Crescent Road to Witnish Street), Yarra Junction. Council resolved to advise of its intention to declare a special charge in accordance with the provisions of Section 163 of the *Local Government Act 1989*.

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

**Moved: Cr Child**

**Seconded: Cr Burnett-Wake**

*That*

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

**The motion was Carried unanimously.**

## **7.10 Chaundy Road, Belgrave South Intention to Levy a Special Charge**

### **SUMMARY**

In response to a petition from residents, landowners along Chaundy 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 10-year Capital Expenditure Program (CEP).

An early funding opportunity for Council's contribution to this project has recently been identified and it is proposed to bring the project forward to this financial year.

Chaundy 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 750km unsealed road network.

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

**Moved: Cr Skelton**

**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 23 November 2021, or should this meeting not proceed then the next available Council meeting, for the purpose of defraying expenses associated with proposed improvement works in Chaundy 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 2022 and concluding on 30 June 2032.*
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) *\$7,633 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 2023, 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 \$52,666 (“the amount to be paid”); comprising of \$45,796 for the cost of works and \$6,869 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 comprising the Mayor and/or Deputy Mayor and/or Ward Councillor, be arranged to discuss any submissions received relating to this*

*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 23 November 2021, or should this meeting not proceed then the next available meeting.*
- (b) Those persons making submissions be advised copies of their submissions will be made available at the Council meeting held when their submission is considered.*

*13. If no submissions are made, the matter be reported to Council at the meeting scheduled for 23 November 2021, or should this meeting not proceed then the next available meeting.**14. The Chief Executive Officer be authorised and directed to seek payment of and recover the special charge with any interest thereof .*

**The motion was Carried unanimously.**

## **7.11 Wandin Creek Road (from Beenak Road south to Monbulk-Seville Road), Wandin East Intention to Levy a Special Charge**

### **SUMMARY**

In June 2018, Councillors were briefed on a proposed Special Charge Scheme for the construction of Wandin Creek Road (from Beenak Road south to Monbulk-Seville Road), Wandin East. Concerns were raised over the Council contribution required, which equated to 65% of total project cost. Due to budget pressures at the time, it was not financially viable for Council to continue with the project as proposed with it being necessary for the landowner/Council funding mix for this project be reviewed.

Affected landowners were advised of the inability of the project to progress and that a new questionnaire to determine support for the proposed Special Charge Scheme would be conducted after review of the landowner/Council funding mix had been carried out.

In February 2021 a new landowner questionnaire was conducted based on a revised project cost and funding mix. Landowners returned majority support for the project and were advised that it would be referred for inclusion in Council's Capital Expenditure Budget for the 2022/2023 financial year.

An early funding opportunity for Council's contribution to this project has recently been identified via funding available through the Federal Government Roads to Recovery allocation to Council and it is therefore proposed to bring the project forward to this financial year, subject to continued landowner support for the project.

Wandin Creek Road (from Beenak Road south to Monbulk-Seville Road), Wandin East 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 750km unsealed road network.

This report recommends affected landowners be notified of Council's Intent to Levy a Special Charge for the construction of Wandin Creek Road (from Beenak Road south to Monbulk-Seville Road), Wandin East.

*Cr Heenan left the meeting at 8.25pm and returned to the meeting at 8.25pm prior to a vote being taken*

**Moved: Cr Eastham**  
**Seconded: Cr Skelton**

*That*

1. *The affected landowners be advised of Council's intent to declare a special charge ("the special charge") at its meeting scheduled for 23 November 2021, or should this meeting not proceed then the next available Council meeting, for the purpose of defraying expenses associated with proposed improvement works in Wandin Creek Road (from Beenak Road south to Monbulk-Seville Road), Wandin East.*
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 2022 and concluding on 30 June 2032.*
- 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) \$21,889 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 2023, 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 \$531,163 (“the amount to be paid”); comprising of \$461,863 for the cost of works and \$69,300 for financing cost.*
- (b) *On each date specified under Section 167 of the Local Government Act 1989 as being the date on which the whole of rates and charges (other than special rates and charges) is due (“the due date”) the amount represented by the formula: X/Y where X represents the amount to be paid and Y represents the number of due dates during the period which the scheme will remain in force.*
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 comprising the Mayor and/or Deputy Mayor and/or Ward Councillor, be arranged to discuss any submissions received relating to this 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 23 November 2021, or should this meeting not proceed then the next available meeting.*
- (b) *Those persons making submissions be advised copies of their submissions will be made available at the Council meeting held when their submission is considered.*
13. *If no submissions are made, the matter be reported to Council at the meeting scheduled for 23 November 2021, 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.**

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## 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

*The Mayor moved that one item of urgent business be accepted for consideration, with this being seconded by Cr Heenan. The motion was voted on and carried unanimously.*

### 9.1 Urgent Motion - State Government Planning Reform Proposals - Cr Burnett-Wake

#### SUMMARY

Council has recently received strong indications that the State Government may announce, make a critical internal decision, or table in parliament, new planning reforms within the coming weeks and prior to the next council meeting.

This matter has arisen since the distribution of the agenda deadline because council has only recently received an indication of the timing the State Government may be working to.

The matter is urgent because all indications suggest that the State Government decision will be within the next several weeks. While, it has not been possible to clearly confirm the nature of this decision or announcement, there is an urgent need to advocate to influence this, should it be occurring.

The State Government has not been entirely clear about the nature of its planned reforms.

However, it is understood that it is considering options to speed up development permits, particularly for 'major projects' and that this could include changes to third party appeal rights or reduced consultation processes.

We understand it is considering calling in more large applications for State Government decision rather than Local Government decision. If this is the case, it has significant potential implications on matters such as:

- Effectiveness of incorporating local needs in large scale developments;
- Effectiveness of work with local stakeholders and communities;
- Cost Shifting. For applications that are called-in, it is unclear what resource implications there are for Local Government and their Planning Departments. Councils possess the greatest knowledge and understanding of their local area so the question is: will they be required to provide comprehensive expert technical referral advice on matters such as engineering, heritage, traffic and urban design, without receiving the associated application fees that help to offset these resource impacts?; and

- 
- Community Infrastructure Contributions – Many Councils have planning controls that require development contributions (or levies) for the provision of community infrastructure. For example, Yarra Ranges Council has a Public Open Space Contribution requirement under the current scheme. As we do not know what is proposed in the draft legislation, we do not know if these contributions will be impacted moving forward and if we will still be entitled to them for any decision made by State Government.

**Moved: Cr Burnett-Wake**  
**Seconded: Cr McAllister**

*That Council*

1. *Notes that the Victorian government has made a number of changes to the planning system in the last 18 months and is currently considering further significant planning reform.*
2. *Strongly voices its concern that:*
  - (a) *consultation with community and with local government on any reform proposals must occur before reforms are considered or introduced.*
  - (b) *the community's voice must remain an integral consideration for planning decisions.*
  - (c) *strong community consultation must be a core part of major planning decisions.*
  - (d) *community voice is critical for ensuring a transparent planning system that strengthens local neighbourhoods and economies.*
3. *Urgently calls on the Minister for Planning to include full consultation with local governments and community before any planning reform decisions are made.*
4. *Urgently writes to the Minister for Planning, and the shadow minister for Planning to advocate Council's position.*
5. *Request the CEO or delegate to continue to coordinate with other local governments regarding advocacy.*
6. *Request the Mayor write to all Mayors of other local government areas in Victoria regarding advocacy.*

**The motion was Carried unanimously.**

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## **9.2 Covid Pop-up Vaccination Clinic in Yarra Junction**

*Cr Child spoke of the success of the EACH Covid pop up vaccination clinic in Yarra Junction and highlighted that the demand for the vaccination from the community showed there is a definite need for this service in the municipality.*

*Cr Higgins left the meeting at 8.39pm.*

## **9.3 Lilydale Township Action Group Letter to support Council in advocacy for Cave Hill Road Lilydale**

*Cr Todorov tabled a letter from Frank Whelan OAM of the Lilydale Township Action Group who support Council's stance in advocating to the State Government regarding the proposed closure of the Cave Hill Road level crossing in Lilydale. Cr Todorov noted the decision of Council on 10 August 2021 to write to the Premier and Deputy Premier seeking further consultation with community and Council and to reconsider their proposal to close the rail crossing at Cave Hill Road. Cr Todorov requested that Council accept the letter.*

*Cr Higgins returned to the meeting at 8.43pm.*

## **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.*

There were no Petitions received for this meeting.

## **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 McAllister**  
**Seconded: Cr Heenan**

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

1. 17 August 2021 - Council Briefing [↴](#)
2. 17 August 2021 - Council Forum [↴](#)
3. 24 August 2021 - Council Forum [↴](#)
4. 1 September 2021 - Disability Advisory Committee [↴](#)

**The motion was Carried unanimously.**

17 August 2021 - Council Briefing

# Informal meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Council Briefing		
<b>Date:</b>	17 August 2021	<b>Start Time:</b> 6.31pm	<b>Finish Time:</b> 6.57pm
<b>Venue:</b>	Via videoconference		
<b>Attendees:</b>	<b>Councillors:</b>	Cathrine Burnett-Wake, Jim Child, Len Cox, David Eastham, Tim Heenan (from 6.34pm), Fiona McAllister, Johanna Skelton & Sophie Todorov	
	<b>CEO/Directors:</b>	Tammi Rose, Andrew Hilson, Mark Varmalis, Kathleen McClusky & Jane Price	
	<b>Officers:</b>	Steve Jones & Sarah Candeland	
<b>Apologies</b>	Cr Richard Higgins		
<b>Declarations of Interest:</b>	Nil		
<b>Matter/s Discussed:</b>	The briefing covered the following items of business to be considered at the 24 August 2021 Council Meeting		
	7.1	Storm Recovery Update	
	7.2	Instrument of Delegation to the Chief Executive Officer	
	7.3	Appointment of Authorised Officers under the Planning and Environment Act 1987	
	7.4	Instrument of Sub-Delegation & Appointment and Authorisation under the Environment Protection Act 2017	
	7.5	Transition of Aged & Disability Services	
	7.6	Menzies Road, Menzies Creek Intention to Levy a Special Charge	
	7.7	Hyne Street, Lilydale Declaration of Special Charge	
	7.8	EOI6105 6287 Lilydale Road, Healesville - Road Improvement	
	7.9	CT6260 Construction of Millgrove Sporting Pavilion, Millgrove	
	7.10	CT6789 - Seville Oval Redevelopment	
<b>Completed By:</b>	Sarah Candeland		

17 August 2021 - Council Forum

# Informal meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Council Forum		
<b>Date:</b>	17 August 2021	<b>Start Time:</b> 7.10pm	<b>Finish Time:</b> 10.04pm
<b>Venue:</b>	Via videoconference		
<b>Attendees:</b>	<b>Councillors:</b>	Cathrine Burnett-Wake, Jim Child, Len Cox, David Eastham, Tim Heenan (until 9.25pm), Fiona McAllister, Johanna Skelton & Sophie Todorov	
	<b>CEO/Directors:</b>	Tammi Rose, Andrew Hilson, Mark Varmalis, Kathleen McClusky, Jane Price & Jane Sinnamon	
	<b>Officers:</b>	Guy Masters, Belinda Arnott, Anne Monichon, Claire Rock, Peter Smith, Natalie Montano, Isha Scott, Jo Corbett, Abby McCarthy, Tracey Varley, Alanna Ford, Claudette Fahy, Alison Fowler, Nathan Islip, Steve Jones & Sarah Candeland	
<b>Apologies</b>	Cr Richard Higgins		
<b>Declarations of Interest:</b>	Nil		
<b>Matter/s Discussed:</b>	1.1	Actions and Agreements Records - 3 August 2021	
	1.2	Planning Policy Framework	
	1.3	Eastern Regional Libraries (ERL) - Transition to a Beneficial Enterprise	
	1.4	Small Grants Annual Update 2020-21	
	1.5	Yarra Ranges Council Child Safe Standards Implementation Update	
	1.6	Storm Recovery Update	
	2.1	Contract Approvals and Variations July 2021	
	2.2	Indicative Forum & Council Meeting Schedule	
	2.3	Mayor & CEO Updates	
<b>Completed By:</b>	Sarah Candeland		

24 August 2021 - Council Forum

# Informal meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Council Forum		
<b>Date:</b>	24 August 2021	Start Time: 6.04pm	Adjourn: 6.50pm
<b>Venue:</b>	via videoconference		
<b>Attendees:</b>	<b>Councillors:</b> Cathrine Burnett-Wake, Jim Child, Len Cox, David Eastham, Tim Heenan, Richard Higgins (from 6.25pm), Fiona McAllister, Johanna Skelton & Sophie Todorov <b>CEO/Directors:</b> Tammi Rose, Andrew Hilson, Mark Varmalis, Kathleen McClusky, Jane Price & Jane Sinnamon <b>Officers:</b> Birgit King, Allison Southwell, Steve Jones & Sarah Candeland		
<b>Apologies</b>	Nil		
<b>Declarations of Interest:</b>	Nil		
<b>Matter/s Discussed:</b>	1.1	Draft Community Vision, Council Plan 2021-25 and Council Action Plan 2021-25	
	1.2	Draft Financial Plan 2021/22 - 2030/31	
<b>Completed By:</b>	Sarah Candeland		



1 September 2021 - Disability Advisory Committee

# Informal meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Yarra Ranges Council Disability Advisory Committee	
<b>Date:</b>	1 September 2021	Start Time: 1.00pm      Finish Time: 2.45pm
<b>Venue:</b>	via Zoom	
<b>Attendees:</b>	<p><b>Councillors:</b> Len Cox</p> <p><b>Other attendees:</b> June Smith, Cliff Wise, Michelle McDonald, Amanda Davern, James Wood, Lesley Grimes, Shek Kho, Hilary Mellis, Kerry Kift, Marnie Ellis, Sue Jack</p> <p><b>CEO/Directors:</b></p> <p><b>Officers:</b> Amanda May, Michelle Mulholland, Hannah Mahoney, Ruth McLean, Caroline Perry, David King, Kelly Hofert, Cathrine Bennett, Luke Williamson</p>	
<b>Apologies</b>	Richard Higgins, Chelsea Brooks, Kate Johnson,	
<b>Disclosure of Conflicts of Interest:</b>	None	
<b>Matter/s Discussed:</b>	1.1	NDIS updates from members
	1.2	Update on the Emergency Planning Advice Service (EPAS) Preparing vulnerable people pilot program.
	1.3	Community registers to include people with disability
	1.4	Update from the Healthy Ageing team
	1.5	Wesburn Park Draft Master Plan overview
	1.6	Ridge Walk pedestrian crossings
	1.7	Disability Inclusion Officer update
	1.8	Member updates
<b>Completed By:</b>	Amanda May	

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

Cr Eastham attended:

- The Eastern Regional Library Board meeting held on Thursday 26 August 2021 via video conference. The meeting was also attended by Cr Cox. Cr Eastham acknowledged the work of the Chief Executive Officer, Joseph Cullen, and the staff who are delivering an amazing service in difficult circumstances.

Cr Skelton attended:

- A meeting of the Yarra Ranges Environmental Advisory Committee on Thursday 9 September 2021 and thanked those who applied to be on the new Sustainable Environment Advisory Committee, noting that a record number of applications has been received. Cr Skelton advised that she was looking forward to welcoming the new committee in the coming months.

Cr McAllister attended:

- A mayoral briefing hosted by the Hon. Shaun Leane MP who gave an update on vaccinations in the state and noted there is a good trend emerging in the numbers.
- A 'Connecting Victoria' roundtable meeting, held on Thursday 9 September 2021 via video conference. The event was hosted by the State Government and focused on improving telecommunication services across Victoria.
- The Audit and Risk Management Committee meeting and noted that a report from the Chair, Bev Excel, will come to a future Council meeting. The meeting was also attended by Cr Higgins.
- Recent Storm Recovery Community meetings and thanked staff for their efforts, noting that hundreds of community members were in attendance and positive feedback had been received.
- Interface Council Group Forum meeting held on Wednesday 1 September 2021 via videoconference.

### **14. CONFIDENTIAL ITEMS**

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

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

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

The next meeting of Council is scheduled to be held on Tuesday 28 September 2021 commencing at 7.00pm, via videoconference.

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**16. CLOSE OF THE MEETING**

There being no further business the meeting was declared closed at: 8.49pm.

Confirmed this day, Tuesday 28 September 2021.

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**Cr Fiona McAllister**

**Mayor**