



Council Meeting

Minutes

Tuesday, 11 April 2023
Council Chamber - Civic Centre

Information for Councillors and the community

ACKNOWLEDGEMENT OF COUNTRY

Yarra Ranges Council acknowledges the Wurundjeri and other Kulin Nations as the Traditional Owners and Custodians of these lands. We pay our respects to all Elders, past, present, and emerging, who have been, and always will be, integral to the story of our region. We proudly share custodianship to care for Country together.



COUNCIL VISION

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

VALUE OF HISTORY

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

COUNCILLOR COMMITMENT

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

OUR COUNCILLORS

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

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

CHIEF EXECUTIVE OFFICER & DIRECTORS

Chief Executive Officer, Tammi Rose
Director Built Environment & Infrastructure, Hjalmar Philipp
Director Communities, Jane Price

Director Corporate Services, Andrew Hilson
Director Planning and Sustainable Futures, Kath McClusky

GOVERNANCE RULES

All Council and Delegated Committee meetings are to be conducted in accordance with Council's Governance Rules, which can be viewed at: <https://www.yarraranges.vic.gov.au/Council/Corporate-documents/Policies-strategies/Governance-rules>

PUBLIC PARTICIPATION IN MEETINGS

Members of the community can participate in Council meetings in any of the following ways:

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

For further information about how to participate in a Council meeting, please visit: <https://www.yarraranges.vic.gov.au/Council/Council-meetings/Submissions-questions-petitions-to-Council>

LIVE STREAMING AND RECORDING OF MEETINGS

Council and Delegated Committee meetings will be live streamed and recorded with the video recording being published on Council's website. Council will cease live streaming at the direction of the Chair or prior to any confidential items being considered.

Opinions or statements made during the course of a meeting are those of the particular individuals. Council does not necessarily endorse or support the views, opinions, standards or information contained in the live streaming or recording of meetings. While Council will use its best endeavours to ensure the live stream and Council's website are functioning, technical issues may arise which may result in Council temporarily adjourning the meeting or, if the issue cannot be resolved, adjourning the meeting to another date and time to be determined.

A person in attendance at the meeting must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any meeting without first obtaining the consent of the Chair.

The Minutes produced after each Council Meeting form the official record of the decisions made by Yarra Ranges Council.

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EVACUATION PROCEDURES

In the case of an emergency during a meeting held at the Civic Centre, 15 Anderson Street, Lilydale, you should follow the directions given by staff and evacuate the building using the nearest available exit. You should congregate at the assembly point at Hardy Street car park.

CONTACT US

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YARRA RANGES COUNCIL

MINUTES FOR THE 578TH COUNCIL MEETING HELD ON TUESDAY, 11 APRIL 2023 COMMENCING AT 7.01 PM COUNCIL CHAMBER - CIVIC CENTRE

1 COUNCIL MEETING OPENED

Councillor Jim Child (Mayor) declared the meeting open.

In accordance with Chapter 3, Rule 77 of the Governance Rules, the Mayor called for the meeting to be adjourned at 7.04pm and requested members of the public, who had not registered to speak, to leave the gallery.

Cr Child, Cr Higgins, Cr Eastham, Cr Skelton, Cr Todorov, Cr Fullagar and Cr Cox (videoconference) left the meeting at 7.04pm

In accordance with Chapter 3, Rule 83 of the Governance Rules, the Mayor re-convened the meeting via videoconference at 7.25pm with registered speakers in attendance and the gallery closed to the general public.

Cr Child, Cr Higgins, Cr Eastham, Cr Skelton, Cr Todorov, Cr Fullagar and Cr Cox returned to the meeting at 7.25pm via videoconference.

The meeting resumed at 7.25pm with all Councillors present.

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 INTRODUCTION OF MEMBERS PRESENT

Councillors

Councillor Jim Child (Mayor)

Councillor Sophie Todorov (Deputy Mayor)

Councillor Andrew Fullagar

Councillor David Eastham

Councillor Richard Higgins

Councillor Johanna Skelton

Councillor Len Cox OAM

Officers

Tammi Rose, Chief Executive Officer

Hjalmar Philipp, Director Built Environment & Infrastructure

Jane Price, Director Communities

Kath McClusky, Director Planning & Sustainable Futures

Ben Waterhouse, Acting Director Corporate Services

4 APOLOGIES AND LEAVE OF ABSENCE

Apologies for this meeting were received from Councillors Fiona McAllister and Tim Heenan.

5 MAYORAL ANNOUNCEMENTS

There were no Mayoral Announcements for this meeting.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved: Cr Skelton

Seconded: Cr Fullagar

That the Minutes of the Council Meeting held Tuesday 28 March 2023, as circulated, be confirmed.

The motion was Carried unanimously.

7 DISCLOSURE OF CONFLICTS OF INTEREST

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

Cr David Eastham declared a general conflict in respect of Item 10.3, Roads for Community Update, as it relates to his place of residence.

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

QUESTIONS FROM THE PUBLIC**QUESTION 1****Anonymous of Montrose, asked:**

You say that you welcome the public, but I have noticed over the last several meetings that it has become less welcoming.

We no longer have tea/coffee facilities, we are greeted at the door by security guards, printed copies of the agenda are no longer available, and now the tables separate the gallery, are these measures to intimidate or discourage public from attending the meetings?

Ben Waterhouse, Acting Director Corporate Services:

Thank you for your question.

These measures are not designed to intimidate or discourage public from attending the Council Meetings.

Due to the large numbers attending Council Meetings and some recent intimidating and anti-social behaviour, we have engaged security and reconfigured the layout of the gallery and chamber for the safety of the public, Councillors and Council staff.

Limited numbers of the printed agenda are available in the foyer each meeting.

QUESTION 2

Megan, a resident of Tecoma, asked:

There is a group of community members attempting to regain confidence and build trust in the Yarra Ranges Council.

At the Feb 28 2023 Council meeting, Question 4 came from Ian Bergwerf. This question was first answered by the CEO, Tammi Rose and then passed to Damian Closs for further context. Tammi Rose CEO began with 'So the answer to the question is...' Tammi Rose completed her response with two sentences, however the CEO's reply has been left out of the minutes. Please explain this omission?

Ben Waterhouse, Acting Director Corporate Services:

Megan, thank you for your question.

Meeting minutes are not a transcript of the proceedings or a verbatim account; however, for completeness, and with the consent of the Chair, the Chief Executive Officer's response will be minuted. As such, the minutes from the 28 February 2023 Council meeting will be amended.

The Mayor read the following statement:

I consent, that the Minutes of the Council Meeting held 28 February 2023, be amended to include the Chief Executive Officers comment to the Question (Question 4) listed on page 11.

QUESTION 3

David Ricciuti, a resident of Silvan, asked:

Under the Local Government Act 2020, council is required to be transparent. Can you confirm or deny whether the recorded council meetings are altered or edited before being made available to the public?

Ben Waterhouse, Acting Director Corporate Services:

Mr Ricciuti, thanks for your question.

Council confirms it may edit the recording of Council Meetings prior to them being made available to the public. On occasion, we will make edits to ensure any inappropriate commentary is not made public or to remove any reference to personal information in accordance with our obligations under the Privacy Act 2014.

In accordance with Chapter 3, Rule 3 of the Governance Rules, the Mayor called for the meeting to be adjourned at 7.33pm to rectify technical issues with the live streaming of the meeting.

In accordance with Chapter 3, Rule 3 of the Governance Rules, the Mayor re-convened the meeting via videoconference at 7.43pm.

Prior to continuing, the Mayor summarised the proceedings and the Chief Executive Officer read out the Questions to Council to benefit the physical and online Gallery, who had experienced technical issues with sound and vision.

SUBMISSIONS FROM THE PUBLIC

Joullie Calisthenics Academy

Kylie Moonen provided Councillors with an update on the Joullie Calisthenics Academy and the need for support from Yarra Ranges Council.

9 PETITIONS

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

There were no Petitions received for this meeting.

10 BUSINESS PAPER

10.1 Amendment C207 - Lilydale Heritage Overlay - Consideration of Submissions

SUMMARY

Amendment C207 proposes to apply a Heritage Overlay (HO) to 13 new sites in Lilydale and update the existing heritage statements of significance or mapping for 7 places in Lilydale that are already protected by the HO.

The amendment was placed on public exhibition from 10 November 2022 to 12 December 2022 and five submissions were received. Of those, two submissions oppose the application of the Heritage Overlay, one submission supports the amendment and requested a number of modifications to address accuracy of historical information and the proper acknowledgement of sources in the Statements of Significance for several properties, and two submissions stated that they had no objection to the amendment.

In response to submissions, this report recommends that Council, at the meeting on 11 April 2023, refer the Amendment and submissions to an independent Planning Panel appointed by the Minister for Planning.

In accordance with Governance Rule 58, Sue Thompson spoke in support of the recommendation included in the officer report.

Moved: Cr Todorov

Seconded: Cr Skelton

That Council

- 1. Note the matters raised in submissions to Amendment C207.*
- 2. Request the Minister for Planning to appoint an independent Planning Panel under section 23 of the Planning and Environment Act 1987, to consider submissions to Amendment C207*
- 3. Write to all submitters advising them of Council's decision to refer the submissions to a Panel.*
- 4. Present a submission to a Panel Hearing generally in accordance with the position outlined in this report and attachments.*

The motion was Carried unanimously.

10.2 Council Meeting Dates 2023

SUMMARY

This report provides a schedule of Council meeting dates for the second half of the 2023 calendar year. Once adopted, the meeting schedule will be formally advertised, and details placed on Council's website.

The proposed schedule of meetings is included at Attachment 1 to the report.

Moved: Cr Higgins

Seconded: Cr Fullagar

That Council

1. *Adopt the 2023 (second half) schedule of Council meetings as follows.*

Tuesday 11 July 2023

Wednesday 10 October 2023

Tuesday 25 July 2023

Tuesday 24 October 2023

Tuesday 8 August 2023

*Tuesday 14 November 2023***

Tuesday 22 August 2023

Tuesday 28 November 2023

Tuesday 12 September 2023

Tuesday 12 December 2023

Tuesday 26 September 2023

*** Mayoral Election*

2. *Convene all Council meetings to commence at 7.00 pm at the venues listed in Attachment 1 to the report unless otherwise specified.*
3. *Authorise the Chief Executive Officer to undertake all statutory requirements that apply to meetings of Council.*

The motion was Carried unanimously.

10.3 Roads for the Community Update

SUMMARY

On 24 September 2019 Council considered a report on the Federal Government Road Construction Funding Initiative and Addendum to Special Rate and Charge Scheme Policy for Infrastructure improvements.

The report summarised a \$150 Million Federal Government funding initiative for Yarra Ranges Council to seal roads within the Dandenong Ranges and surrounding areas, announced as part of the 2019 Federal Budget. The report prioritised a list of approximately 187 km's of roads to be sealed based on the funding and estimated road construction costs at the time.

The report referenced landowner contributions to roads sealed under the funding initiative be fixed at \$7,000 per development unit, while also presenting a priority list of unsealed roads for construction for Council endorsement.

On 10 January 2023 Council received formal notification dated 19 December 2022, from the Federal Government that the \$150 Million Federal Government funding initiative would be reduced with Council only receiving total funding in the program of \$47.656 Million (\$47.7M).

As a result of these funding cuts, Council's ability to construct all roads on the endorsed priority list will not be possible.

This report considers what projects can be delivered based on the funding available in the program and where projects have been committed. It will also examine the future direction of prioritising roads for construction that are not able to be constructed from the available funding.

Council will continue to advocate for the Roads for the Community Initiative funding to be reinstated as one of our priority initiatives. Council Officers are working collaboratively with the Cardinia Shire Council on a campaign and have made submissions to the Australian Government's budget process to request that the funding be restored so residents can have their road sealed as planned.

Cr Eastham left the meeting at 8:14pm prior to consideration of the item, having declared a conflict of interest in this item.

Moved: Cr Skelton

Seconded: Cr Fullagar

That

1. *The budget for works in the Roads for Community Initiative be allocated based on the available funding of \$55,404,270 from the Federal Government funding provided to the program and Landowner contributions only.*
2. *Council consider a report at a future meeting prior to 1 July 2023 to modify the payment dates for seven Special Charge Schemes that will proceed to construction, but will not begin delivery when the Special Charge Scheme is levied on 1 July 2023.*
3. *Council consider a report at a future meeting prior to 1 July 2023 to discontinue six Special Charge Schemes that do not currently have funding in the Roads for the Community Initiative. Landowners that form part of the schemes are also advised of Councils intention to discontinue the schemes in an update letter.*
4. *To assist with the prioritisation of the delivery of road sealing projects that fall outside the Roads for the Community Initiative funding or where landowner petitions for road sealing are received by Council and to support future funding submissions and advocacy, Council officers prepare a revised priority list of road sealing projects and a proposed amendment to Councils Special Charge Scheme Policy to be presented to Council at a future Forum meeting, taking into consideration the following criteria:*
 - (a) *Length of road and abutting number of properties*
 - (b) *Volume of traffic*
 - (c) *Grading frequency*
 - (d) *Number of reactive road and stormwater maintenance requests*
 - (e) *If a landowner petition for sealing the road had previously been received by Council*
 - (f) *Landowner and Council funding mix for road sealing projects*

The motion was Carried unanimously.

Cr Eastham returned to the meeting at 8:19pm following a vote being taken.

11 COUNCILLOR MOTIONS

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

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

12 ITEMS THROUGH THE CHAIR

There were no Items Through the Chair received for this meeting.

13 REPORTS FROM DELEGATES

Cr Fullagar:

- Attended the Eastern Regional Libraries Board Meeting held on Tuesday 4 April 2023 at Maroondah City Council Realm. The Mayor also attended the meeting.

Cr Skelton:

- Attended the Victorian Local Governance Association Leadership Development Workshop held on Friday 31 March 2023. Cr Todorov also attended the event.
- Chaired the Sustainable Environment Advisory Committee held on Thursday 6 April 2023 at the Yarra Ranges Council Civic Centre, Lilydale.

Cr Eastham:

- Attended the Rural Advisory Committee held on Tuesday 4 April 2023 at the Yarra Ranges Council Civic Centre, Lilydale. The Director Planning & Sustainable Futures and Director Communities also attended the meeting.

Cr Todorov:

- Attended the Health & Wellbeing Advisory Committee held on Thursday 23 March 2023 at the Yarra Ranges Council Civic Centre, Lilydale.

14 DOCUMENTS FOR SIGNING AND SEALING

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

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

15 INFORMAL MEETING OF COUNCILLORS

Moved: Cr Child

Seconded: Cr Eastham

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

The motion was Carried unanimously.

16 URGENT BUSINESS

There was no Urgent Business received for this meeting.

17 CONFIDENTIAL ITEMS

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

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

18 DATE OF NEXT MEETING

There being no further business the meeting was declared closed at: 8.31 pm.

Confirmed this day, Wednesday, 26 April 2023.

.....

Councillor Jim Child (Mayor)

