



Council Meeting

Minutes

Tuesday, 9 May 2023
via Videoconference

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>

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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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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 580TH COUNCIL MEETING HELD ON TUESDAY, 9 MAY 2023 COMMENCING AT 7.00 PM VIA VIDEOCONFERENCE

1 COUNCIL MEETING OPENED

Councillor Jim Child (Mayor) declared the meeting open.

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 Fiona McAllister

Councillor David Eastham

Councillor Tim Heenan

Councillor Richard Higgins

Councillor Len Cox OAM

Officers

Tammi Rose, Chief Executive Officer

Hjalmar Philipp, Director Built Environment & Infrastructure

Andrew Hilson, Director Corporate Services

Kath McClusky, Director Planning & Sustainable Futures

Jane Sinnamon, Acting Director Communities

4 APOLOGIES AND LEAVE OF ABSENCE

An apology for this meeting was received from Councillor Johanna Skelton.

5 MAYORAL ANNOUNCEMENTS

There were no Mayoral Announcements for this meeting.

Moved: Cr Heenan
Seconded: Cr Higgins

That the Minutes of the Council Meeting held Wednesday 26 April 2023, as circulated, be confirmed.

The motion was Carried unanimously.

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.

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.

QUESTION 1

Martin Dieleman of Lilydale, asked:

The council has closed the public gallery for an extended period. Whilst legislation may support a once only closure, can the council please provide details of the legislation used to support the council's decision to close the public gallery for an extended period?

Andrew Hilson, Director Corporate Services:

Thank you for your question, Martin.

For clarification, while the physical gallery at Council meetings has been closed, members of the public are still able to view and participate in Yarra Ranges Council meetings virtually.

In accordance with the Occupational Health and Safety Act 2004 the Chief Executive Officer has the ability to close the public gallery to ensure the health and safety of Yarra Ranges employees, contractors, councillors and community members. Furthermore, the Local Government Act 2020, by way of Council's Governance Rules allow the Chief Executive Officer, in consultation with Councillors, to change the 'place' or location of any Council meeting including in-person or virtual arrangements.

Council is committed to reopening to in-person Council meetings provided there is confidence that they can be conducted in a safe and orderly manner.

QUESTION 2

Anonymous asked:

The Warburton Tree is extremely important to the Warburton community, wildlife, streetscape and Warburton's very identity. Why was it's imminent destruction advertised to the community on an undated A4 piece of paper referring to 'a tree in the vicinity'? Showing no respect for the tree itself or the community's relationship to it.

Hjalmar Philipp, Director Built Environment & Infrastructure:

Thank you for your question.

The original notification of the tree works was provided to inform the community of planned works.

Following feedback on the planned work, further information and communications have been provided on Council's website, alongside engagement with community members. Information relating to the Warburton Tree is available on Council's website under Latest News.

QUESTION 3

Cadi-Lee Beach of Mount Evelyn, asked:

Why is the story of the Warburton tree, which is clearly gaining momentum daily around the world, respected not as, “Probable Risk”, but more optimistically as, “Probable gain”, through professional nurturing, maintenance & a forward focused mentality of Sustainable outcomes?

Q2: How can YRC, prevent an potential Interim Injunction action, to ensure correct decision making & actions are taken for the Warburton tree in accordance with their business excellence framework?

Hjalmar Philipp, Director Built Environment & Infrastructure:

Thank you for your question Cadi-Lee.

Council’s policy is to avoid tree removal where possible. We have independent expert reports alongside advice from internal specialists that outline significant risks with the tree that require action.

Public safety is a priority and the expert reports referred to above support actions to reduce risk to public safety.

There were no Submissions listed on the Agenda for this meeting.

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 Municipal Association of Victoria - State Council Motion

SUMMARY

The Municipal Association of Victoria (MAV) will be holding its State Council Meeting on Friday 19 May 2023. State Council is the MAV's governing body and comprises representatives from each member council, with one of its roles being to determine the strategic direction for the MAV.

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

Council is asked to consider the motion included in the recommendation of this report and, if supportive of it, endorse the motion for submission.

In accordance with Governance Rule 58, Belinda Bernardini spoke in objection to the recommendation included in the officer report.

Moved: Cr Child

Seconded: Cr Todorov

That Council endorse the following motion to be submitted for consideration at the MAV State Council Meeting on 19 May 2023;

1. *That the MAV call on the Victorian Government to actively work with the local government sector and other relevant stakeholders to:
 - (a) *develop state-wide measures that support councils to manage and prevent disruptive and unsafe behaviour, particularly at council meetings.*
 - (b) *coordinate a response to the expanding and increasingly aggressive cohort in the community that have been targeting local councils in recent months.**

The motion was Carried unanimously.

10.2 Amendment C217 - Changes to the Erosion Management Overlay - Seeking Authorisation from the Minister for Planning to Exhibit

SUMMARY

The storm event of June 2021 resulted in the damage and destruction of many dwellings in Yarra Ranges. Many of the affected properties are in the Dandenong Ranges and hills areas of the Shire, which are also susceptible to other natural hazards including bushfire and landslip.

Following the storm event, Council received grant funding of \$300,000 under the National Recovery and Resilience Agency's Preparing Australian Communities Program – Local, to undertake a review of the current Erosion Management Overlay (EMO) planning scheme provisions in the Yarra Ranges Planning Scheme. In response Council engaged an expert geotechnical consultant to undertake the review.

As a result of the review and in line with other Council's, it is proposed to amend the current EMO schedule to make it more streamlined and user friendly. The amendments will also ensure the risk provisions in the schedule are consistent with the guidance provided in the AGS 2007 (Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management). In addition, amending the existing EMO schedule will simplify its structure, include new exemptions, and accept 'moderate' property risks in particular circumstances.

To commence the amendment process, Council must seek authorisation from the Minister for Planning to prepare and exhibit an amendment (Amendment C217).

In accordance with Governance Rule 58, Natalie Guest spoke in support to the recommendation included in the officer report.

Moved: Cr Fullagar

Seconded: Cr Eastham

That Council

- 1. Request the Minister for Planning to authorise the preparation and exhibition of Amendment C217 to update the schedule to the Erosion Management Overlay and include the Incorporated Document "Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay (EMO1)" in the Planning Scheme, generally in accordance with the attachments to this report.*
- 2. Subject to the Minister's authorisation, exhibit Amendment C217 to the Yarra Ranges Planning Scheme.*
- 3. That Council received a further report considering submissions post the exhibition of the amendment.*

The motion was Carried unanimously.

10.3 CT7093 Receipt of Recycling Processing Services

SUMMARY

This report and attachments inform Council on the Tender Process for the CT7093 Receipt of Recyclable Material tender, which closed on 3 February 2023 and seeks approval to award the preferred tenderer as per the recommendations within the confidential evaluation report.

The timing of the report relates to ensuring the transition of services can be appropriately managed which relies on delivery of the Letter of Offer by 23 June 2023. This will ensure all recycling receipt capacity is secured at the receiving facility in time for new contract commencement.

Moved: Cr Fullagar
Seconded: Cr Eastham

That

- 1. Council accepts the tender and awards a schedule of rates contract for CT7093 Receipt of Recyclable material to Visy Recycling Pty Ltd for an estimated value of \$18,925,889, (excl. GST) for a ten (10) year term, (five (5) plus five (5) year contract term) subject to the resolution of proposed contract departures and inclusive of all negotiated cost savings, schedule of rates and any provisional items detailed in the Confidential Attachment to this report.*
- 2. The Director Planning and Sustainable Futures be delegated the authority to finalise negotiations and sign the contract documents and future extension options.*
- 3. The confidential attachments to this report remain confidential indefinitely as it relates to matters specified under Section 3(1) (g)(i), (g)(ii) of the Local Government Act 2020.*

The motion was Carried unanimously.

10.4 Quarterly Finance Report - March 2023

SUMMARY

The attached quarterly finance report has been prepared as at 31 March 2023. The report includes financial year-to-date data up to quarter three of the 2022-23 financial year and is compared to the adopted budget and the forecast projections for the full year to 30 June 2023.

Moved: Cr Eastham
Seconded: Cr Fullagar

That Council

- 1. Receives and notes the Finance Report for the nine months from 1 July 2022 to 31 March 2023 for the purpose of Section 97 of the Local Government Act 2020.*
- 2. Approves and adopts the Capital Works Transfers as outlined in the March Quarterly Capital Works Report.*

The motion was Carried unanimously.

10.5 2024 Grants for Community Initiation

SUMMARY

Council is committed to partnering with the community through grant funding to encourage, support, and sustain an array of community-led initiatives. Grants support the delivery of Council's strategic objective of "Connected and Healthy Communities." These funding opportunities help communities to thrive, build social connections and facilitate stronger, more resilient communities.

The Grants for Community program has three streams that focus on community development, arts and heritage, and festivals and events to bring community together. The grants encourage an asset-based community development (ABCD) approach, harnessing the strengths, experience and ideas of communities. They can also support ongoing community recovery from the pandemic, storms and other recent natural disasters.

This report outlines the 2024 Grants for Community Program, due to open on 1 June 2023 and includes the program guidelines, selection criteria and proposed assessment panel members. It also presents the budget allocation of \$500,000.

Moved: Cr Todorov

Seconded: Cr Heenan

That Council endorse

1. *The 2024 Grants for Community guidelines, selection criteria and assessment panel members.*
2. *The allocation of \$500,000 to the program in the 2023-2024 budget as follows:*
 - (a) *\$125,000 Festivals and Events.*
 - (b) *\$125,000 Arts and Heritage.*
 - (c) *\$250,000 Community Development.*

The motion was Carried unanimously.

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

12.1 Vale Bill Ford

Cr Eastham noted the passing of Bill Ford, Monbulk RSL sub-branch President. Cr Eastham spoke of Mr Fords service in the Army from 1969 to 1975 and noted his dedication later in life to the CFA and the Monbulk RSL.

The Mayor supported the sentiment of Cr Eastham and requested a letter of condolence be sent to his family on behalf of the Council.

13 REPORTS FROM DELEGATES

Cr Fullagar:

- Attended the Eastern Regional Library Audit and Risk Meeting held on Wednesday 19 April 2023 at Realm - Maroondah City Council. Cr Child also attended the meeting.
- Attended the Eastern Transport Coalition meeting held on 20 April 2023 via Videoconference.

14 DOCUMENTS FOR SIGNING AND SEALING

SUMMARY

It was requested that the following late document be signed and sealed:

Letter Under Seal - Donna Fairweather

A letter under seal has been prepared in recognition of Donna Fairweather, Business Recovery & Development Officer, who has resigned after 20 years of service with Yarra Ranges Council.

Moved: Cr Child

Seconded: Cr Heenan

That the following late document be signed and sealed:

Letter Under Seal - Donna Fairweather

The motion was Carried unanimously.

15 INFORMAL MEETING OF COUNCILLORS

Moved: Cr McAllister
Seconded: Cr Higgins

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: 8.12 pm.

Confirmed this day, Tuesday, 23 May 2023.

.....

Councillor Jim Child (Mayor)

