



Council Meeting

Minutes

Tuesday, 13 June 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

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- 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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CONTACT US

Post	PO Box 105, Anderson Street
Telephone	1300 368 333
Facsimile	(03) 9735 4249
Email	mail@yarraranges.vic.gov.au

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YARRA RANGES COUNCIL

MINUTES FOR THE 583RD COUNCIL MEETING HELD ON TUESDAY, 13 JUNE 2023 COMMENCING AT 7.01 PM VIA VIDEOCONFERENCE

1 COUNCIL MEETING OPENED

Councillor Sophie Todorov (Deputy Mayor) declared the meeting open.

2 ACKNOWLEDGEMENT OF COUNTRY

The Deputy 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 Tim Heenan

Councillor Richard Higgins

Councillor Johanna Skelton

Officers

Tammi Rose, Chief Executive Officer

Hjalmar Philipp, Director Built Environment & Infrastructure

Jane Price, Director Communities

Kath McClusky, Director Planning & Sustainable Futures

Alanna Ford, Acting Director Corporate Services

4 APOLOGIES AND LEAVE OF ABSENCE

Apologies for this meeting were received from Councillor David Eastham and Councillor Len Cox.

The Chair requested the Mayor provide any official announcements on behalf of their mayoral office

The Mayor read the following statements:

Vale Alistair Whyte

I wish to acknowledge the passing of a Warburton treasure, Alistair Whyte.

And I'm sure he wouldn't like me calling him a treasure, but to me and many others he was.

Alistair studied in Australia, before honing his skills in Kyoto, Japan – which helped him form his present-day legacy as a master potter, with more than 50 years of experience.

Inspired by this learning and from the incredible surrounds of the Upper Yarra, Alistair produced many pieces – always favouring the Japanese style - and was simply beloved in his community and by artists both local and abroad.

He worked closely with communities in South West Bay in Vanuatu, to support a pottery project, and in the Yarra Valley was a mentor to many others through his teaching. His legacy will continue through the creativity and passion of all the people who came through his studio doors or gleaned some practice from the master at work.

There's not much that can be said briefly, to sum up five decades years of artistry, so I'll end this obituary with some quotes from Alistair:

"I have been working as a potter for what seems a lifetime and get great pleasure from it."

"I also gain much satisfaction having people use my work for everyday life. For me, function and use is an important reason to make pots."

"I believe in working from the heart and keeping up a high standard"
– Alistair Whyte.

Sincere Condolences to the Whyte family.

Vale Gordon Chapman

I wish to acknowledge the passing of Gordon Chapman.

Gordon Chapman gave so much to the Yarra Valley agribusiness sector and the boarder community.

A mentor to many young people with sound advice to succeed in all that you do, in business and community volunteering. On occasions I have received very frank and sound advice from Gordon.

An absolute devoted volunteer to the Yarra Valley, Mount De Lancey and the Wandin Silvan Field days to mention a couple, but other contributions we'll never know about, that was Gordon.

But above all Gordon was a champion for small business and leaves a strong legacy that we can all learn from. An innovator, with the concept of a U-pick farm being introduced to Australia by Gordon who came up with the idea after a visit to the USA in 1970.

Gordon Chapman, you'll be sorely missed.

Sincere Condolences to the Chapman family.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Cr McAllister left the meeting at 7.03pm prior to the vote being taken.

Moved: Cr Higgins

Seconded: Cr Heenan

That the Minutes of the Council Meeting held Tuesday 6 June 2023, as circulated, be confirmed.

The motion was Carried unanimously.

Cr McAllister returned to the meeting at 7.12pm following a vote being taken.

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.

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

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

Donna Kollner of Montrose, asked

The State Government has implemented a new recycling collection service.

How will this new system apply to those of us who currently compost food and there are many households like ours that have their own system in place.

Are you going to force these extra costs on us for something that is not needed?

Kath McClusky, Director Planning and Sustainable Futures:

Thank you for your question Donna, the Victorian State Government's Recycling Victoria: A New Economy Policy requires all Victorian households to have a four-stream system by 2030 which will be made up of – Rubbish, Recycling, Food and Garden Organics and Glass.

At the outset the response is yes, Council will be administering the four-bin system which will have a direct cost to all ratepayers. We want to thank all residents who already take the time to compost food scraps at home. Most home composting systems are unable to break down items such as meat, bones, citrus and dairy. However, the benefit for those who already compost is the new Food Organics Garden Organics (FOGO) service will allow for meat, bones, citrus and dairy products to be added and they will be composted to Australian standards.

The new FOGO system will complement your current composting/worm farming processes and help divert all your food and garden material away from landfill.

QUESTION 2

Donna Kollner of Montrose, asked

You talk about weed management in the agenda 10.1,

If you are so concerned about the environment and how it impacts climate change, could you please detail what chemicals and color additives you are spraying on the roadside to eradicate weeds.

How does it affect plant life, wild life, pets, children and our rivers and streams.

Kath McClusky, Director Planning and Sustainable Futures:

Thank you for your question Donna. Managing weeds on Council land is a complex issue, where no singular approach works for every location and every species of weed. Council's primary method of treating weeds is mechanical - brush cutting and mulching - with hand-weeding in some cases. Glyphosate and other chemicals, are only used when there are no viable alternatives to chemical-based weed treatment.

When using glyphosate, staff always adhere to label instructions and guidelines from WorkSafe and the Australian Pesticides and Veterinary Medicines Authority (APVMA). There is careful consideration of weather conditions, signage for the public and timing of application and dilution of weed treatments, to ensure no chemical contact with the community or with Council staff and to minimise or remove any impact on flora and fauna.

QUESTION 3

Anonymous asked

Why did the Shire engage Police to remove a peaceful display at Lilydale Lake on Sunday 4th June by people showing photos of people who have died from Covid injections.(known as "Forest for the Fallen" due to the photos being on thin sticks), and what permission would they need just to stand and hold the sticks with photos so the public are aware of the deadly outcomes that have actually happened.

Hjalmar Philipp, Director Built Environment and Infrastructure:

Thank you for your question.

Lillydale Lake is Council's most highly visited park and Council works hard at ensuring it is a safe and natural environment for the community using the facility. These spaces are intended for recreation and retreat to reconnect with the enjoyment of nature and improve their health and well-being.

Council staff were informed of the gathering on 4 June 2023, and consistent with above, gatherers were asked by Council staff to remove the placards. Council staff were verbally abused, and as a result, Victoria Police were informed.

Unless specifically authorised under the planning scheme, Council does not permit the display of information on placards, boards, posters, banners or signs to be placed for public exhibition. This enables Council to ensure that the local amenity of our public places is maintained to a high standard, are visually pleasing and all of our community feel safe to use them. This is reflected in our Neighbourhood Amenity Local Law (Section 4.8).

QUESTION 4

Anonymous asked

Between 1st Jan 2020 to present, many new CCTV/Cameras installed under the "Smarter Roads" have been rolled out at intersections - although this hasn't reached our area yet apparently.

Can council please provide an up-to-date asset register for all visual imaging devices within the municipality?

Can council please provide brand and model numbers for any imaging device that are capable of using Facial recognition via Machine Learning either on the device or in an external server?

Hjalmar Philipp, Director Built Environment and Infrastructure:

Thank you for your question.

The Victorian Government and The Department of Transport and Planning (DTP) manage the Smarter Roads initiative. The use of CCTV helps the Transport Operations Centre identify incidents and respond quickly to keep people and goods moving.

As DTP authorises this technology and infrastructure, Council does not have a register of devices or any information about the type of devices used. The request for such information should be directed toward DTP to respond to.

<https://smarterroads.vic.gov.au/vicroads/smarter-roads>

The cameras are for major road traffic and congestion. Local Council roads rarely see high volumes for cameras to be effectively used.

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 YR-2022/944 - 59 Morris Road, Upwey

SUMMARY

That Council resolve to refuse Planning Application YR-2022/944 for Use of a plant nursery and reduction of car parking requirements at 59 Morris Road, Upwey and issue a Notice of Refusal subject to the grounds in Attachment 1 to the report.

The application proposes to introduce a commercial plant nursery use to a residential area, within the existing outbuilding on the site. Three car parking spaces are designated, setback one metre from the front boundary to accommodate customer parking and provide an area for nursery deliveries and picks-up. The applicant anticipates that no more than five members of the public will be on site at any one time and no more than twenty persons over an entire day.

There are amenity concerns with the scale of the commercial use operating in a residential setting, safety concerns regarding the customer vehicle access and egress. There are also concerns with the impact of inadequate car parking provision on the site, as well as the location of carparking in the front setback and the offsite traffic safety risks and impacts on the street network to support the use.

The proposal is inconsistent with a number of planning policies relating to non-residential uses in residential areas and out of centre development.

Sixteen objections and sixteen letters of support were received.

It has been assessed that given a number of particular site constraints, officers conclude that the site is not suitable for what is proposed. Overall, the application is considered to be inconsistent with the Yarra Ranges Planning Scheme and as such, it is recommended that the application be refusal.

In accordance with Governance Rule 58, Maxwell O'Brien, on behalf of the applicant, spoke in objection to the recommendation included in the officer report.

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

Moved: Cr McAllister
Seconded: Cr Skelton

That Council resolve to refuse Planning Application YR-2022/944 for use of a plant nursery and reduction of car parking requirements at 59 Morris Road, Upwey and issue a Notice of Refusal subject to the grounds in Attachment 1 to the report.

The motion was Carried unanimously.

10.2 Community Waste Resource Recovery Plan

SUMMARY

In preparation for future waste service changes, a Community Waste Resource Recovery Plan (Plan) was developed. This Plan outlines the future service direction and priorities for waste management services for the Yarra Ranges' Community. The Plan is a key part of the process facilitating Council meeting the requirements of the State Government's *Recycling Victoria Policy – A new Economy*, and the service changes in the Plan are required under this policy.

Community consultation on the draft Plan was conducted between September and November 2022. In response to feedback from our community, some changes were made to the Plan including strengthening the vision, including a new advocacy action around product stewardship, and introducing an option for reduced recycling bin sizes for smaller households. A summary of the consultation is provided as Attachment 1.

The Plan is now ready to be presented to Council for final approval and adoption.

Moved: Cr Child

Seconded: Cr Heenan

That Council

- 1. Adopts the Community Waste Resource Recovery Plan as the strategic document for future waste services.*
- 2. Implements the service changes and actions outlined in the Community Waste Resource Recovery Plan.*

The motion was Carried unanimously.

10.3 Council Action Plan 2023-2025

SUMMARY

Based on the *Local Government Act 2020*, Council must review the Council Plan on an annual basis to ensure the strategic direction and the services it provides are aligned to the long-term Community Vision 2036 and current community needs.

The *Council Action Plan 2022-2025*, adopted in June 2022, has been revised for 2023-25, the remaining period of the current Council Plan. This document articulates Council's focus for the next two years in accordance with the *Council Plan 2021-2025*.

Following internal consultation and taking into consideration feedback provided through recent community engagement on the budget, no material changes have been made to the Council Action Plan. However, one environment focused action has been added.

Moved: Cr Fullagar

Seconded: Cr Skelton

That Council approve and adopt the Council Action Plan 2023-2025.

The motion was Carried unanimously.

10.4 Eastern Regional Libraries - Transition to a Beneficial Enterprise

SUMMARY

The introduction of the *Local Government Act (LGA) 2020* has a requirement for Regional Library Corporations to be wound up in accordance with section 330(4) and a beneficial enterprise established in accordance with section 110. In line with this requirement, Eastern Regional Libraries Corporation (ERL) is transitioning to Your Library Ltd (YLL) to continue delivering library services on behalf of Yarra Ranges Council, Knox City Council and Maroondah City Council. The transition is scheduled to occur on 1 July 2023.

At the 28 June 2022 Council Meeting, pursuant to Section 110(1) of the LGA, Council resolved to participate in the formation of, and become a founding member of, Your Library Ltd (a public company limited by guarantee) on the terms of the Your Library Ltd Constitution as set out in attachment 1.

Over recent months, the ERL board has considered options and obtained legal advice regarding equity share and treatment of accumulated surpluses on transition to the new entity. At the ERL Board meeting on 4 April 2023, the Board resolved to proceed with the original equity share.

In 2021, a \$2M distribution from ERL's accumulated surplus was made to each member council. This resulted in the equity share changing. In order to return the equity share back to the original allocation following the ERL Board's decision, a distribution will be made to Yarra Ranges Council of \$1,011,920 and to Knox City Council of \$924,066. The ERL Board has resolved that these funds are to be held in a reserve fund to be used for library purposes.

The final step in undertaking the transition is for the Member Councils to adopt the Your Library Ltd Agreement for execution as set out in attachment 2.

Moved: Cr Fullagar
Seconded: Cr Child

That Council

- 1. Resolves to adopt the Your Library Ltd Agreement;*
- 2. Authorises the Chief Executive Officer to execute the Your Library Ltd Agreement on behalf of Council before 30 June 2023; and*
- 3. Notes that prior to transition, a distribution of \$1,011,920 will be made to Yarra Ranges Council, as adopted by the Eastern Regional Libraries Board, with funds to be used for library purposes.*

The motion was Carried unanimously.

10.5 Variation Payment Dates Previously Declared Special Charge Schemes

SUMMARY

Council at its meeting 11 April 2023 resolved that 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 due to be levied on 1 July 2023.

This report recommends modifying the commencement of landowner payment dates from 1 July 2023 to 1 July 2024 for the following (referred as the seven Special Charge Schemes):

- Alpine Street, Cecil Street and Glenbrook Road, Warburton
- Welham Road, Mooroolbark - Bretby Way, Montrose
- Emery Lane Montrose
- Alfred Street and John Street, Wandin North
- Tainton Street and Railway Parade, Wandin North
- Cedar Court, Burns Way (includes Harvest Close), Loch Avenue and Mayview Drive, Monbulk

Moved: Cr Skelton

Seconded: Cr Heenan

That Council

1. *Modify the landowner payment dates for seven Special Charge Schemes from 1 July 2023 until 1 July 2033 to 1 July 2024 until July 2034 as the road construction will not commence before charges are due to be levied.*
 - (a) *Alpine Street, Cecil Street and Glenbrook Road, Warburton.*
 - (b) *Welham Road, Mooroolbark.*
 - (c) *Bretby Way, Montrose.*
 - (d) *Emery Lane, Montrose.*
 - (e) *Alfred Street and John Street, Wandin North.*
 - (f) *Tainton Street and Railway Parade, Wandin North.*
 - (g) *Cedar Court, Burns Way (includes Harvest Close), Loch Avenue and Mayview Drive, Monbulk.*
2. *Modify the expiry date of the special charge if it is not levied to each person liable to pay it from within 12 months to within 24 months after the day on which the declaration to which the rate or charge it relates to was made.*
3. *Notify those persons liable to pay the special charge of the modification of payment dates for the Special Charge Scheme and provide new instalment arrangements.*

The motion was Carried unanimously.

10.6 Discontinuance for previously declared Special Charge Scheme Roads

SUMMARY

On 11 April 2023 Council considered a report on these Federal Government funding cuts to the Roads for the Community Program, from \$150M to \$47.7M

The 11 April 2023 Council report recommended Council consider, at a meeting to be held prior to 1 July 2023, discontinuance of six Special Charge Schemes previously declared by Council.

This report presents to Council a list of six Special Charge Scheme road construction projects (Attachment 1) to be discontinued due to Federal Government funding cuts.

Moved: Cr Heenan

Seconded: Cr Child

That Council

1. *Discontinue the following Special Charge Schemes, in accordance with section 164 of the Local Government Act 1989.*
 - (a) *Park Street, Nicholas Street, Mary Road, Elsie Street, Royal Avenue and Imperial Avenue, Wandin North.*
 - (b) *Austral Avenue, Upwey.*
 - (c) *Nevada Avenue, Upwey.*
 - (d) *Belbrook Road, Carween Avenue, The Highway, Weldon Grove and Mast Gully Road (service road), Upwey.*
 - (e) *Henry Street, Yarra Junction.*
 - (f) *Henry Street and Lester Street, Woori Yallock.*
2. *Notify those persons who are liable to pay the special charge of the discontinuance of the special charge.*

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 King's Birthday 2023 Honours List

Cr Fullagar paid tribute to the three residents of Yara Ranges that received the Medal of the Order of Australia in the King's Birthday 2023 Honours List, Gaye Gadsden, Janet Incoll and Jeanette Pritchard. Cr Fullagar spoke of Gaye Gadsden and Janet Incoll's service to conservation and the environment, and Jeanette Pritchard's service to youth and secondary education.

12.2 King's Birthday 2023 Honours List

Cr Heenan paid tribute to Paula Herlihy, a resident of Mount Evelyn who received the Medal of the Order of Australia in the King's Birthday 2023 Honours List. Cr Heenan spoke of Paula Herlihy's service to the community of Mount Evelyn and the Yarra Ranges.

12.3 King's Birthday 2023 Honours List

Cr Child acknowledged the residents of Yara Ranges that received the Medal of the Order of Australia in the King's Birthday 2023 Honours List and noted what deserving winners each of them are.

12.4 National Photographic Portrait Prize 2022

Cr Todorov attended the National Photographic Portrait Prize 2022 exhibition opening at the Yarra Ranges Regional Museum on Thursday 8 June 2023. Cr Todorov congratulated all the Yarra Ranges Council staff involved in the exhibition. Cr Heenan was also in attendance.

13 REPORTS FROM DELEGATES

There were no Reports from Delegates received for this meeting.

14 DOCUMENTS FOR SIGNING AND SEALING

SUMMARY

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

Creation of Easement – Deed of Release - Yarra Ranges Shire Council and Elizabeth Mercuri.

Creation of Easement (E1) for drainage purposes in favour of Yarra Ranges Shire Council, being part of land contained in Certificate of Title Volume 11208 Folio 110 and known as 15 Woodside Road, Seville.

Moved: Cr Skelton

Seconded: Cr Fullagar

That the following listed document be signed and sealed:

Creation of Easement – Deed of Release - Yarra Ranges Shire Council and Elizabeth Mercuri.

The motion was Carried unanimously.

15 INFORMAL MEETING OF COUNCILLORS

Moved: Cr Skelton

Seconded: Cr Heenan

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: 8.45 pm.

Confirmed this day, Tuesday, 27 June 2023.

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Councillor Jim Child (Mayor)