



Council Meeting

Minutes

Tuesday, 27 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

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>

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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.

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CONTACT US

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YARRA RANGES COUNCIL

MINUTES FOR THE 584TH COUNCIL MEETING HELD ON TUESDAY, 27 JUNE 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 Tim Heenan

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

Andrew Hilson, Director Corporate Services

Kath McClusky, Director Planning & Sustainable Futures

4 APOLOGIES AND LEAVE OF ABSENCE

Apologies for this meeting were received from Councillors David Eastham and Fiona McAllister.

5 MAYORAL ANNOUNCEMENTS

Macclesfield Pony Club

The Mayor spoke about a fire that destroyed the Macclesfield Pony Club building on Saturday 17 June 2023. He then acknowledged the community of Macclesfield and the disappointment they would be feeling at this time.

The Mayor assured the community that the facilities will be staying in place to ensure the grounds will sufficient for the community to continue use.

Mitch Gribbrock Trivia Night

The Mayor paid tribute to the Upper Yarra Angling Club and the Powelltown community for raising roughly \$20k at their Trivia Night held on the 17 June 2023. He went on to explain that the event was a fundraising activity to help support a local family affected by cancer.

The Mayor wished the Gribbrock family the very best.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved: Cr Child

Seconded: Cr Heenan

That the Minutes of the Council Meeting held Tuesday 13 June 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.

Tammi Rose, Chief Executive Officer, declared a direct interest in respect of Item 17.1, as it relates to her employment.

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

Anonymous asked;

When will Council will be consulting with the community over opening up the Public Gallery for Council Meetings so that the community can be included in the review process. I personally wish to have my privacy respected and remain anonymous and do not consent to being surveilled, monitored or recorded during the meeting which is my Democratic and Constitutional right and which is how I have participated in other Councils' meetings recently for example the Knox City Council meetings.

Andrew Hilson, Director Corporate Services:

Thank you for your question.

Council remains committed to the re-opening of the physical public gallery in the near future. Council will not be conducting community consultation regarding the reopening of the physical public gallery.

Council meetings will continue to be recorded and live streamed for the benefit of all community members watching the meetings online. All members of the community, contractors and staff that access the Council's Civic Centre building are recorded under Council's CCTV system.

Community members who do not wish to be recorded at all are welcome to view the Council meeting and participate online via Council's website.

QUESTION 2

Martin Dieleman of Lilydale asked;

Can the council please provide the total travel expenses associated with the office of Mayor since Jim Child took office on Tuesday 9th of November 2021?

Andrew Hilson, Director Corporate Services:

Councillor Jim Child was elected to the office of Mayor in November 2021 and has incurred the following travel expenses directly related to the position of Councillor (2021: July-Nov) and Mayor (2021 Nov – current).

The following information is extracted from Council's Annual report for the 2021/22 reporting period:

- *July 2021 to June 2022, \$10,716.10*

The following information is the current year to date which has not yet been fully consolidated:

- *July 2022 to March 2023, estimated at \$3,257.47*

Council's 2022/23 Annual Report will be finalised and published later this year. Councillor Allowances & Expenses will be published via Council's website for the community's viewing following the end of financial year financial management and auditing.

<https://www.yarraranges.vic.gov.au/Council/Corporate-documents/Allowances-expenses-for-the-Mayor-and-Councillors>

QUESTION 3

Neil Doyle of Lilydale asked;

When the council reopens the public gallery, will it allow other human rights, including questions about 20-minute cities and the UN, to be asked, and will it allow the public to record council meetings consistent with section 15 of the human rights act, the right to collect and impart information in the medium one chooses?

Andrew Hilson, Director Corporate Services

Thank you for your question Neil.

When Council reopens its physical gallery, questions pertaining to 20-minute cities and the United Nations will not be permitted as they have been previously addressed. This will ensure we can maintain focused and efficient Council meetings.

Filming from the gallery is prohibited under Rule 75 of the Governance Rules without the Chair's consent. However, recordings of Yarra Ranges Council meetings can be accessed via <https://webcast.yarraranges.vic.gov.au/>.

This rule serves multiple purposes, for example it:

- *respects the rights and reputation of staff and the broader community,*
- *aligns with Section 15 of the Victorian Equal Opportunity and Human Rights Commission, which acknowledges that these rights come with responsibilities and restrictions, namely, for the protection of public order, public health or public morality.*
- *And it aims to prevent disruptions and safeguard public safety during the proceedings, reflecting the Council's commitment to maintaining an orderly environment.*

Council must strike a balance between public participation and meeting functionality, while open dialogue, transparency, and consideration of public input are essential for a democratic and inclusive governance process that extends beyond Council meetings.

QUESTION 4

David Ricciuti of Silvan asked;

How can council claim to be unbiased and provide support for all residents of the Yarra Ranges when they purport to choose sides on a political issue? Whatever the upcoming referendum is really about, the council needs to be unbiased for all of the people of the Yarra Ranges. How can they be unbiased and represent all of the community while publicly choosing sides or claiming support on any particular issue?

Jane Price, Director Communities:

Thank you for your question David.

Council takes positions and decisions on a range of community issues considering the interests and needs of the Yarra Ranges community. It is acknowledged that there is a diversity of views in the community on important issues such as the referendum.

Council's Reconciliation Policy demonstrates leadership and commitment to reconciliation and in this context Council has an Indigenous Advisory Committee whose role is to make recommendations to Council on a broad range of community issues that may affect the indigenous community of the Yarra Ranges.

The referendum is a decision for all Australians. Given it's particular relevance and impact on the indigenous community, Council officers sought advice from the Indigenous Advisory Committee.

The IAC has recommended to Council a position on the referendum that supports the notion of the Uluru statement and a Voice to Parliament. The recommendation is clear that it is not Council's role to tell people how to vote in this referendum.

QUESTION 5

Warwick Baker of Mooroolbark asked;

Council staff have stated at the Monbulk pop-up centre that the council did not have the funding to engage the public; what measures has the council taken to rectify this?

Kath McClusky, Director Planning and Sustainable Futures:

Thank you for your question Warwick

Council planned and carried out comprehensive engagement with the Monbulk community associated with the Draft Monbulk Urban Design Framework.

A broad range of approaches were used to maximise reach, access and value for community, including mailout, printed posters, hard copy documents, newspaper articles and display panels, as well as a range of content on the webpage with videos, accessible digital versions of each document and social media posts.

Council provides funding for consultation processes prior to engagement. We note that additional mail-outs were added to the consultation process in this case, in response to community requests.

The Chief Executive Office read the following statement.

Council received a further three Questions, two of which related to legal matters that under consideration so we will not read out and one pertaining to a live planning/development matter. As such, in accordance with Governance Sub-Rule 59.6, all three have been disallowed and will not be read out.

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 2023-2024 Budget for Adoption

SUMMARY

This report presents the 2023-24 to 2026-27 Budget and the 2023-24 to 2032-33 Capital Expenditure Program (the documents) for adoption.

Council has complied with the statutory requirements contained in the Local Government Act 2020 to enable it to adopt the documents.

The documents outline key activities that will be undertaken by Council and how the activities will be funded.

Moved: Cr Child

Seconded: Cr Fullagar

That Council resolves as follows:

- 1. The 2023-2024 to 2026-2027 Budget and 2023-2024 to 2032-2033 Capital Expenditure Program be adopted for the purposes of sections 91, 93 and 94 of the Local Government Act 2020.*
- 2. The declaration and levy of rates and charges for the 2023-2024 financial year contained within the 2023-2024 to 2026-2027 Budget be adopted for the purposes of section 94 of the Local Government Act 2020.*

The motion was Carried.

The Mayor called for a division.

In Favour: Cr Fullagar, Cr Todorov, Cr Skelton, Cr Higgins and Mayor Child

Against: Cr Cox and Cr Heenan

Absent: Cr Eastham and Cr McAllister

In accordance with Chapter 3, Rule 46 of the Governance Rules, the Mayor called for a motion to alter the order of business.

Moved: Cr Child

Seconded: Cr Heenan

That the item listed at 10.7 and 10.8 on the Agenda be considered before the item listed as 10.2.

The motion was Carried unanimously.

10.2 Audit and Risk Management Committee Bi-Annual Report

SUMMARY

The Audit and Risk Management Committee presents its bi-annual report providing an outline of the Committee's activities and highlights for the period 1 January 2023 to 31 May 2023.

In accordance with Governance Rule 58, Bev Excell - Independent Member and Chair of the Audit and Risk Management Committee spoke in support to the recommendation included in the officer report.

Moved: Cr Child

Seconded: Cr Higgins

That Council notes the Audit and Risk Management Committee Bi-Annual Report for the period 1 January 2023 to 31 May 2023.

The motion was Carried unanimously.

10.3 Audit and Risk Management Committee - Independent Member Appointment

SUMMARY

This report recommends the appointment of Ms Katie Baldwin as an Independent Member of the Audit and Risk Management Committee (the Committee) for a three-year period commencing 1 July 2023.

This report also recommends that the remuneration for the positions of Independent Member and Chair of the Committee be increased to allow for indexation in line with the current rate cap of 3.5 per cent, effective 1 July 2023.

Moved: Cr Child

Seconded: Cr Skelton

That Council endorse

- 1. The appointment of Ms Katie Baldwin as an Independent Member of the Yarra Ranges Council Audit and Risk Management Committee for a three-year term commencing 1 July 2023 with remuneration of \$1,422 (excl. GST) per meeting from 1 July 2023.*
- 2. The remuneration for Independent Members and the Chair be increased to allow for indexation in line with the current rate cap from 1 July 2023.*

The motion was Carried unanimously.

10.4 YR-2019/418 - 28 Central Avenue Mooroolbark

SUMMARY

Planning application YR-2019/418 was originally lodged with Council in 2019 for the construction of seven (7) dwellings on the lot, which was amended to construct six (6) dwellings to address planning concerns. At the Council Meeting, on 13 October 2020, Council resolved to issue an approval to construct six (6) dwellings and variation of an easement (Attachment 2).

At an objector appeal, Victorian Civil and Administrative Tribunal (VCAT) set aside the Council decision and remitted the application to Council for reconsideration.

This report is the reconsideration of the proposal. The application introduces minor changes and improvements to the previously approved plans to address the VCAT direction, to demonstrate full compliance to Garden Area Provision – Clause 32.08-4 General Residential Zone. It also removes the variation to the easement.

Following a second notification process, twelve (12) new objections have been received, in addition to the thirteen (13) objections originally received.

Objector concerns relate to insufficient car parking provision, unsafe design relating to traffic and retaining walls, design not energy efficient, inadequate street setback, overshadowing of open spaces, inappropriate landscaping, asbestos risk from demolition of the existing house, noise/vibration during construction period and property devaluation.

The land is within a consolidation area where the increased density is encouraged to increase the housing numbers, whilst enabling the efficient use of existing infrastructure. Residential consolidation within the activity centre has increased over recent years in line with this objective.

The revised proposal has been assessed as compliant with Clause 55, Council's Multi Unit Development Design Guidelines and the Design and Development Overlay design objectives.

Overall, the proposed development is considered an appropriate design response and is satisfactory when assessed against the relevant policies, provisions, and prescribed design standards of the Yarra Ranges Planning Scheme.

As such it is recommended that the application be approved subject to conditions.

The Mayor Read the Following statement:

Before we move forward with item 10.2 of tonight's business papers, I would like to correct an anomaly which has been identified in the officers' report regarding the carparking rate. On page 254 of tonight's agenda the carparking rate for the proposed development has incorrectly been identified as requiring 17 carparking spaces. The required carparking rate for the development has been correctly identified on page 243-244 of tonight's agenda as requiring 12 car parking spaces.

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

Moved: Cr Todorov

Seconded: Cr Skelton

That Council resolve to approve Planning Application YR-2019/418 for buildings and works to construct six (6) dwellings at 28 Central Avenue Mooroolbark and issue a Notice of Decision to Grant a Permit subject to conditions.

The motion was Carried.

10.5 YR-2022/1106 - Hereford Road, Mount Evelyn - Planning Report

SUMMARY

This application for tree removal has been lodged following safety concerns raised by an adjoining property owner whose dwelling was impacted by a fallen tree from the subject land during the June 2021 storm event.

In response to those concerns, Council's Arborist inspected 25 trees within proximity of the affected property. Seven trees were deemed to pose an immediate risk and have been removed. The report recommended the retention of a further eight trees.

At its meeting on 22 November 2022, Council passed a motion to give consent for the removal of those eight trees, subject to a planning permit application being lodged and issued. This application has been lodged to follow the decision to remove the additional eight trees.

Of the eight trees, four trees (Trees 3, 4, 8 and 22) require a planning permit under Clause 52.17 - Native Vegetation, Clause 42.01 - Environmental Significance Overlay Schedule 1 and Clause 42.03 - Significant Landscape Overlay Schedule 6. The remaining four trees (Trees 16, 17, 19 and 21) are exempt under Clause 52.12 as they are within 10 metres of the dwelling on an adjacent property.

Two trees (Trees 8 and 22) are on a private land parcel between 134 Hereford Road and 15 Kookaburra Lane, and two trees (Trees 3 and 4) are in the Kookaburra Lane road reserve, east of 134 Hereford Road.

The application was advertised, and four letters of support have been received.

As is required by the Yarra Ranges Planning Scheme, the planning application has been assessed on arboricultural merit, and has balanced the findings based on the risk of failure (partial or total) posed by the trees against the broader environmental, landscape and amenity benefit that the vegetation provides.

Seven of the eight trees have been assessed as having a low risk of failure by two arborists working independently of each other. The first arborist conducted the assessment on behalf of Council as the applicant, and the second undertook a review of the submitted assessment on behalf of the planning department.

Each Arborist has determined that, with the exception of Tree 8, there is no arboricultural reason for the vegetation to be removed. The trees have a high retention value, are at low risk of failure and have a long useful life expectancy.

The removal is deemed to be inconsistent with the relevant provisions of the Yarra Ranges Planning Scheme, in particular both State and Local Planning Policy which seek to protect and retain ecologically significant, high retention value vegetation.

It is therefore recommended that Council resolve to refuse the application, and a Notice of Refusal be issued.

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

Cr Heenan moved a motion alternate to that printed in the agenda.

Moved: Cr Heenan
Seconded: Cr Fullagar

That Council resolve to approve Planning Application YR-2022/1106 for removal of four trees at Hereford Road, Mount Evelyn and issue a Planning Permit subject to the conditions below:

1. *Prior to any works occurring onsite and prior to any vegetation removal, the following must be submitted to and approved by the Responsible Authority:*
 - a. *Evidence that the vegetation offset requirements have been carried out in accordance with Condition 5.*
2. *The proposed vegetation removal as shown on the endorsed plans shall not be altered or modified without the written consent of the Responsible Authority.*

(A) Environment Conditions

3. *Before works start, the permit holder must advise all persons undertaking the vegetation removal and works on site of all relevant conditions of this permit.*
4. *To offset the removal of 0.086 hectares of native vegetation as shown in the approved Native Vegetation Removal Report (Report ID: GEN_2022_296), the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:*

A general offset of 0.017 general habitat units:

- *located within the Port Phillip and Westernport Catchment Management Authority boundary or Yarra Ranges Council municipal district*
 - *with a minimum strategic biodiversity value score of at least 0.258*
 - *2 Large trees*
5. *Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:*
 - a. *Credit extract(s) allocated to the permit from the Native Vegetation Credit Register, and/or;*
 - b. *An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site.*

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

Arborist Conditions

6. *This permit authorises the removal of trees numbered 3, 4, 8 and 22 as shown on the arborist report (Prepared by Nick Magree, 28/09/2022).*

This permit will expire if the removal has not been completed within two (2) years of the date of issue.

The motion was Carried.

10.6 CT7094 Hard Waste Collection & Disposal

SUMMARY

This report and attachments inform Council on the Tender Process for the CT7094 Hard Waste and Bundled Branches Collection and Disposal tender, which closed on 1 March 2023 and seeks approval for award to the preferred tenderer as per the recommendations within the confidential evaluation report.

The timing of the report relates to ensuring the timing for the future services are locked into the contractor's annual service calendar ensuring the dates for future services and allows time before contract commencement.

Moved: Cr Skelton
Seconded: Cr Higgins

That

- 1. Council accepts the tender and awards a lump sum and schedule of rates contract for CT7094 Hard Waste and Bundled Branch Collection Service tender to WM Waste Management Services Pty Ltd for an estimated value of \$14,586,078.16 (excluding GST) for a five (5) year term, with no extension options.*
- 2. The Director Planning and Sustainable Futures be delegated the authority to finalise negotiations and sign the contract documents.*
- 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.

10.7 The Voice Referendum

SUMMARY

This report discusses Council's historical support and commitment to reconciliation, current policy position and the alignment with the principles of the Uluru Statement from the Heart and a Voice to Parliament.

In the context of Council's Reconciliation Policy and in consideration of the advice from Council's Indigenous Advisory Committee, it is recommended Council make a public statement with regard to the referendum.

This report also highlights the impact the ongoing debate is having on the Yarra Ranges Indigenous community, Indigenous staff, and the broader community.

The recommendation was moved and seconded.

The Mayor moved, and Cr Higgins seconded, an amendment to the recommendation and sought the agreement of the original mover and seconder to change the wording as follows:

That Council

- 1. Acknowledge the notion behind the Uluru Statement from the Heart and a Voice to Parliament.*
- 2. Acknowledges that it is not Council's role to tell people how to vote in the upcoming referendum. Council encourages the community to be informed and seek information from reputable channels.*

The mover and seconder did not support the proposed amendment.

Prior to any vote the meeting was adjourned at 9.25pm to enable the clarification of Chapter 3, Rule 31 of the Governance Rules: Moving an amendment.

The meeting resumed at 9.29pm with all Councillors present and consideration of item 10.7 continued.

The Mayor withdrew the proposed amendment and foreshadowed a new motion if the substantive motion was lost.

Moved: Cr Todorov

Seconded: Cr Fullagar

That Council

- 1. Supports the notion behind the Uluru Statement from the Heart and a Voice to Parliament.*
- 2. Acknowledges that it is not Council's role to tell people how to vote in the upcoming referendum. Council encourages the community to be informed and seek information from reputable channels.*

The motion was Carried.

Cr Heenan called for a division.

In Favour: Cr Fullagar, Cr Todorov, Cr Skelton, Cr Heenan and Cr Cox

Against: Cr Higgins and Mayor Child

Absent: Cr Eastham and Cr McAllister

10.8 Rural Advisory Committee Proposed Amendments and Expressions of Interest

SUMMARY

The Yarra Ranges Rural Advisory Committee (RAC) is Council's advisory group on issues and initiatives relevant to the rural sector in Yarra Ranges.

The RAC has undertaken a review of the role, function, membership and productivity of the committee to ensure currency, effectiveness and stakeholder engagement.

An updated Terms of Reference (ToR) has been drafted to align with the Yarra Ranges Council (YRC) governance framework for Advisory Committees and to ensure they remain relevant to the sector.

This report highlights the achievements of the RAC and provides updated ToR including opening all rural sector membership positions to expressions of interest.

Cr Heenan left the meeting at 9.43pm prior to the vote being taken.

Moved: Cr Skelton

Seconded: Cr Fullagar

That Council

- 1. Note the outcomes of the review of the Rural Advisory Committee.*
- 2. Endorse the revised Terms of Reference for the Rural Advisory Committee inclusive of all rural sector membership positions on the Committee being open to an expression of interest process.*
- 3. Note the contribution of the Rural Advisory Committee and its members since it was last reviewed in 2019.*

The motion was Carried unanimously.

Cr Cox left the meeting at 9.43pm following a vote being taken.

10.9 Active Recreation Plan – Community Consultation

SUMMARY

This report seeks to inform Council of the draft *Active Recreation Plan* (draft Plan – attachment 1), and to seek approval to proceed with community consultation. A summary document of the draft Plan has been developed and is provided as attachment 2.

The plan targets an increase in physical activity levels in Yarra Ranges by 15% over ten years. Currently, over 42% of women and over 36% of men in Yarra Ranges are sedentary or insufficiently active. 89% of residents reported they would be more active if there was something interesting, appealing, accessible and convenient provided. The draft Plan encourages people who are not meeting their physical activity guidelines to be more active by engaging in at least 30 minutes of physical activity per day, on at least 5 days of the week.

The five key principles that guide actions to reach the plan's target are:

- *Access:* Active recreation opportunities that encourage participation and have a positive influence on physical health are provided in accessible and convenient places for residents within Yarra Ranges;
- *Diversity:* A diversity of active recreation opportunities are provided reflecting the diversity of our community and places across the municipality, the diversity of needs and preferences of the community, and different financial capacities;
- *Activation:* Programming and events are delivered through internal and external partnerships to optimise utilisation of recreational assets, maximise health and wellbeing outcomes for the community, and contribute to sustainable tourism and economic prosperity across the municipality;
- *Inclusion:* Facilities are designed with inclusion, accessibility, and safety of all people in mind, enabling individuals to make choices based on their needs and interests. There is a particular focus on women and girls, gender diverse people, disability, and Indigenous ways of knowing, being and doing; and
- *Social Connection:* Where possible, active recreation facilities are provided in proximity to other compatible uses where they facilitate social interaction and encourage intergenerational use of reserves and spaces.

Implementation of the plan focuses on four action areas including:

- Improving safety and accessibility;
- Activating existing facilities;
- Increasing facility provision where gaps have been identified; and
- Diversifying the offer of recreation programs and infrastructure through new facility provision.

The draft Plan will set the strategic direction and form part of the proposed long term work program for the Recreation team. Activation of recreation and sport assets is a key outcome of the recent Recreation and Sport service review. The development of the draft Plan is being partially funded through a grant received from Sport and Recreation Victoria in 2019. Full implementation of the plan is estimated to cost

\$8,325,000 over ten years and will be subject to grant opportunities and budget availability.

Cr Heenan returned to the meeting at 9.48pm prior to a vote being taken.

Cr Cox returned to the meeting at 9.46pm prior to a vote being taken.

Moved: Cr Todorov

Seconded: Cr Skelton

That Council commence community consultation on the draft Active Recreation Plan.

The motion was Carried unanimously.

EXTENSION OF TIME LIMIT FOR THE MEETING

Moved: Cr Child

Seconded: Cr Higgins

That, in accordance with Rule 21 of the Governance Rules, the meeting be extended by 30 minutes to 10.30pm.

The motion was Carried unanimously.

10.10 EOI6105 7039 Station Street, Seymour Street, Britton Road, Seville - Road Improvement Works Special Charge Scheme

SUMMARY

This report summarises the quotation evaluation process for the Station Road, Seymour Steet and Britton Road, Seville - Road Improvement Works Special Charge Scheme and seeks Council approval to award the contract for construction to Etheredge Minterm Pty Ltd.

The Special Charge Scheme Statutory Process has been successfully completed and the project is ready for construction.

Moved: Cr Skelton

Seconded: Cr Fullagar

That Council

1. *Accepts the tender from Etheredge Minterm Pty Ltd for the total lump sum price of \$1,127,560.00 (GST exclusive), \$1,240,316.00 inclusive of GST and all provisional items as defined in this proposal.*
2. *Approves the Director of Built Environment and Infrastructure be delegated the authority to sign the contract documents.*
3. *The confidential attachment to this report remains 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.

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 YR-2022/944 - 59 Morris Road, Upwey

The Mayor made a correction to a statement he made during the Council Meeting on 13 June 2023, regarding information contained in the YR-2022/944 - 59 Morris Road, Upwey Planning Report. The Mayor apologised for the statement and extended apologies to the relevant Director and officers.

12.2 Vale Roger Boness

Cr Heenan read the following tribute.

Roger was born in 1945 and grew up in Bentleigh West. A good sportsman, he played football for East Brighton and in late 1965 was chosen to train with St Kilda. Things were looking very good for him to join the team in 1966 but suddenly his birthday marble was pulled out of the conscription lottery and as a result he was taken out of the football arena sent off to serve with the army at Puckpunyal. He was pretty disappointed with that as that year St Kilda won the grand final – their last flag.

At the age of 20, undertook basic training at Puckpunyal and was then appointed to Artillery and was eventually attached to 106th Field Battery, 4th Field Regiment and trained as a Forward Observer. In April 1967 he received word his unit was going to Vietnam and the following month he joined the Battery at Nui Dat.

Roger's role in Vietnam was as a Forward Observer, which meant that most of his time he was out on patrol with infantry units, mainly men from 7RAR. One of his classic stories from this time came from when he served with a New Zealand Rifle Company.

In Roger's words - 'This one time we were to go out in the jungle with New Zealanders and a large proportion of those men were Maoris. When I went over to them before the operation with one of my Sigs, this Maori Captain, he came and asked me if I was the Artillery support and I said 'yes I was'. He said 'well we are very pleased to have you with us - you're European, you're a foot taller than us and you've got red hair – they'll shoot you first!' I told him what I thought of that'.

Most of Roger's time in Vietnam he was in the thick of it and it wasn't only the enemy he had to contend with, the jungle had its own unique issues to deal with as well. On one occasion he was bitten by a snake, on his rear end, a story that has delighted a generation of Mt Evelyn primary school students who he regularly told the story to, and on another occasion he contracted malaria, so severely that he spent eight days in intensive care at the Vung Tau Hospital and was lucky to survive.

Roger returned to Australia in March 1968. By his own admission he found it hard to re-adjust back to civilian life. As Roger said – 'I think we were all mentally disturbed by it,

nothing surer. In fact, it took me a whole year at least to even start and become normal again. A lot of my mates were feeling the same, we were all going through the same thing, weren't coping'.

Soon after returning to Australia he met the love of his life, Julie, they married, moved to Birmingham Rd, Mt Evelyn and raised two children, Stuart and Alice.

He involved himself in his community, played football for Mt Evelyn, was involved with the tennis club and joined the RSL, although he didn't become active until he retired. He had a beach house at Venus Bay where he also became involved with the local Surf Life Saving Club.

As a career he worked for the Board of Works and then as industrial officer for the AWU and then the CPSU. What he learned here while fighting for the rights and benefits of workers he later used in good cause also in fighting for the rights and benefits of local ex-service people and their dependants.

He and Julie often enjoyed travelling together including on one occasion back to Vietnam, although he found this experience disappointing.

Then in early 2011, Laurie Hollier invited Roger and Anthony McAleer around to his house to discuss the issues facing the Mt Evelyn RSL club, which was then in a slump. Laurie produced a bottle of scotch and before the end of the night it was decided Roger would be president and Anthony secretary.

This marked a new era of much needed rejuvenation for the Mt Evelyn RSL sub-branch. From the start Roger set out to make the club a part of the community and get the community involved with the club. He was also dedicated to improving the wellbeing of the club members and their dependants.

One of the first things he targeted was the Thursday social afternoon, actively seeking out retired members and getting them to get out of their homes to come along to experience an enjoyable time mixing with others. As attendances grew, he gave many older members a better quality of life and assisted many with their welfare needs. He served as the club's welfare officer for twelve years.

He also set up strong ties and community partnerships with so many groups in Mt Evelyn and restored its hall and its facilities, making it a community asset that was used by many local community groups including a local youth theatre group.

In a very short time – membership of the club increased, poppy & ANZAC token sales increased, attendance at our services grew and the club forged a strong reputation in the community.

During his time as president, he was committed to preserving and highlighting our ANZAC heritage. He oversaw the complete make over of the local war memorial park to make it more accessible for the growing crowds at services and as a reflective space for the community to enjoy. He installed the howitzer, the lighting, the honour roll plaque and the 18 individual WWI plaques there as well.

He co-ordinated the committee for ANZAC Day and Remembrance Day events that increased attendances during his time from 150 to 3000 at the ANZAC Dawn service. He organised for local school children to write to one of the members serving in Afghanistan and made a group of teenagers from the Youth Shed custodians of the war memorial, which inspired them to paint an ANZAC mural on their building.

He regularly gave talks to local groups about his military service and the stories he told the young folk from Birmingham Primary School on their visit each year were legendary.

During his time as president he focussed all his energies into turning the Mt Evelyn RSL Sub-branch into a force for making a better community at Mt Evelyn and for improving the wellbeing of the club members.

Roger appeared on the front pages of the local newspaper so often he was known around the place as 'Front Page Roger'. One local wag said the only reason the local papers had him in it was so that their readers would know the paper was about Mt Evelyn.

He was also known as the 'Award winning Roger Boness' and rightly so, for all he achieved.

Including –

- Mayoral Lifetime Achievement Award – Shire of Yarra Ranges – 2015
- Volunteer Award – Electorate of Casey – 2014
- Victorian Senior Citizen (Veteran) of the Year – 2017
- Howitzer named 'Boness Gun' and plaque unveiled in his honour – 2022
- RSL Life Member – 2019
- RSL Meritorious Service Medal – 2022

Although his last few years were a struggle for Roger as he fought the illnesses associated with cancer and the passing of his beloved wife Julie, he continued to spend time with good mates, ex-army comrades and his family, especially his grandson Riley who was a great joy in his life.

Although this community owes a great debt to Roger, he leaves it a better place and with a long list of achievements to his name.

13 REPORTS FROM DELEGATES

Cr Fullagar

- Attended the Easter Region Libraries Board Meeting on Thursday 22 June 2023 at the Your Library Administration Building in Scoresby. Cr Child also attended the meeting.

14 DOCUMENTS FOR SIGNING AND SEALING

SUMMARY

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

Creation of Easement Deed of Release - Yarra Ranges Shire Council and Healesville Developments Pty Ltd.

Creation of Easement (E1) for drainage purposes in favour of Yarra Ranges Shire Council, being part of land contained in Certificate of Title Volume 9321 Folio 122 and known as 49-51 Maroondah Highway, Healesville.

Moved: Cr Child

Seconded: Cr Higgins

That the following listed document be signed and sealed:

Creation of Easement Deed of Release - Yarra Ranges Shire Council and Healesville Developments Pty Ltd.

The motion was Carried unanimously.

15 INFORMAL MEETING OF COUNCILLORS

Moved: Cr Higgins

Seconded: Cr Fullagar

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.

Cr Todorov requested an error to be corrected in the attended record of one of the attachments.

16 URGENT BUSINESS

There was no Urgent Business received for this meeting.

The Mayor read the following statement:

Prior to the commencement of Council's in-camera discussion on item 17.1, I would like to extend my sincere gratitude to all the participants who presented at tonight's Council meeting. Furthermore, it is with great pleasure that I announce Council's forthcoming reopening of its physical gallery here at the Yarra Ranges Council Civic Centre, Lilydale on 11 July 2023.

We encourage you to stay updated by monitoring Council's official website and social media channels for additional details in the days ahead.

Good night all.

Tammi Rose, Chief Executive Officer, having declared a direct interest in respect of Item 17.1 left the chamber prior to consideration of this item.

Moved: Cr Child

Seconded: Cr Heenan

That in accordance with section 66(2)(a) of the Local Government Act 2020, Council resolves to close the meeting to members of the public to consider the following items which relate to matters specified under section 3(1), as specified below.

17.1 Chief Executive Officer Employment Matters Item 17.1 is Confidential under the terms section 3(1) of the Local Government Act 2020 as it contains information relating to: (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

The motion was Carried unanimously.

17.1 Chief Executive Officer Employment Matters

Moved: Cr Child
Seconded: Cr Higgins

That

1. *Council notes the resolution of the Chief Executive Officer Performance Review process for 2023 as at Attachment 1 to the report;*
2. *Council notes the performance of the Chief Executive Officer during the review period recorded as 'Good' (representing above satisfactory performance);*
3. *This report will remain confidential indefinitely as it relates to matters specified under section 3(1)(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs; and*
4. *This resolution not be deemed confidential and be recorded in the public minutes of the meeting.*

The motion was Carried unanimously.

Moved: Cr Child
Seconded: Cr Higgins

That Council resolves that the meeting be reopened to members of the public.

The motion was Carried unanimously.

18 DATE OF NEXT MEETING

There being no further business the meeting was declared closed at: 10.29 pm.

Confirmed this day, Tuesday, 11 July 2023.

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Councillor Jim Child (Mayor)

