



# Council Meeting

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## Minutes

**Tuesday, 11 July 2023**  
Council Chamber - Civic Centre and 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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## 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 585<sup>TH</sup> COUNCIL MEETING HELD ON TUESDAY, 11 JULY 2023 COMMENCING AT 7.01 PM COUNCIL CHAMBER - CIVIC CENTRE AND VIA VIDEOCONFERENCE

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### 1 COUNCIL MEETING OPENED

Councillor Jim Child (Mayor) declared the meeting open and read the following statement.

Good evening everyone, I would like to welcome you to tonight's Council Meeting.

My name is Councillor Jim Child, Mayor of the Yarra Ranges Council, and I extend a warm welcome to each and every one of you to this meeting, which I now declare open.

I want to inform you that this Council meeting will be live-streamed and recorded for the convenience of all those who cannot attend in person, and a copy will be made available on Council's website as soon as possible.

Before I get further into tonight's formalities, I would like to welcome back members of the public into a physical Council gallery tonight. As many people are aware, in April we had to move our Council meetings to an online format due to constantly inappropriate and disruptive behaviour from the public gallery.

It's wonderful to have the gallery open again tonight.

However, I must remind all participations that disrespectful behaviour will not be tolerated. I'm obligated to run our Council meeting in an orderly manner and in line with Council governance rules. All here tonight have registered to attend and in doing so have agreed to adhere to Council's Governance Rules and to follow directions from myself, the Chair, when required.

Furthermore, in accordance with Rule 75 of the Governance Rules, I request that no filming takes place from the Gallery without prior consent from the Chair. If any member of the Gallery is found to be filming, we would appreciate your cooperation in discontinuing such activity.

Individuals who have registered as submitters have been contacted by the Governance team and have received a formal invitation to address the Council meeting during the proceedings.

If you have any inquiries regarding the functioning of Council, our staff are readily available to provide assistance. You can reach out to us at any time by calling Council on 1300 368 333 or emailing [mail@yarraranges.vic.gov.au](mailto:mail@yarraranges.vic.gov.au). Accordingly, if you have questions for your respective Councillors, their email addresses can be found on Council's website.

Tonight, in the event of an emergency and we are required to evacuate the building, the nearest emergency exit is towards the back of the building via the corridor, on my left-hand side. Please follow the staff's instructions to the nearest safe exit and to the assembly point, which is the grassed area at the corner of Anderson and Hardy Street.

## 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 Tim Heenan

Councillor Richard Higgins

Councillor Johanna Skelton

### Officers

Tammi Rose, Chief Executive Officer

Jane Price, Director Communities

Andrew Hilson, Director Corporate Services

Kath McClusky, Director Planning & Sustainable Futures

Hjalmar Philipp, Director Built Environment & Infrastructure

## 4 APOLOGIES AND LEAVE OF ABSENCE

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

## 5 MAYORAL ANNOUNCEMENTS

### REOPENING OF THE PUBLIC GALLERY

The Mayor further expressed his delight in welcoming back the public gallery to Council meetings.

## 6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

**Moved: Cr Higgins**

**Seconded: Cr Todorov**

*That the Minutes of the Council Meeting held Tuesday 27 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.*

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

## **8 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**

#### **Anonymous asked;**

*The Director of Planning and Sustainable Futures, responded to a question from Neil Doyle regarding street lights on Tuesday 14th March 2023 - quoted as: "The streetlights do not have the ability to collect data, images or monitor movement and have no internet capability or connectivity."*

*Given the manufacturers datasheet clearly states that the street lights are "smart city devices"...did council deliberately misinform the public, and what action has been taken to correct this?*

#### **Kath McClusky, Director Planning and Sustainable Futures:**

*Thank you for your question, just confirming that the lighting products selected for this project include no smart capabilities. The project will exchange inefficient and redundant lighting with energy efficient LED lighting.*

*Whilst the manufacturer may have smart capable lighting in their product range, these are not within the scope of this project. The replacement streetlights do not have the ability to collect data, images or monitor movement and have no internet capability or connectivity.*

## QUESTION 2

### **Anonymous asked;**

*In a previous response, council referred to the "Smarter Roads" machine learning (AI) CCTV installed at intersections by Vicroads and the Department of Transport and Planning, but did not address council owned or operated installations as asked. Can council please provide an asset register for all planned and existing installations or works that include such technology, including "interactive" areas, street signs, "art pieces", furniture or devices that are in or can view public spaces?*

### **Hjalmar Philipp, Director Build Environment and Infrastructure:**

*Thank you for your question,*

*Council has not installed the Smarter Roads technology on its infrastructure. Therefore, Council's asset register does not include any asset types relating to Smarter Roads or visual imagery technology.*

*Since the Council's last response on Tuesday, 13<sup>th</sup> June 2023, in regards to Smarter Roads, the Department of Transport and Planning (DTP) have provided a list of CCTV cameras that are installed within the municipality. The Department have stated that the CCTV installed on the network do not have facial recognition technology. The submitter will be provided a list of these installations in the written response from Council.*



### QUESTION 3

**Daniel Van de Leur of Narre Warren South asked;**

*What is the planned Project schedule for the power lead-in works for the Lysterfield Transfer Station (840 Wellington Rd Lysterfield), When will the works for both Transfer Station and Yarra Pistol Club (830 Wellington Rd, Lysterfield) start and be completed by AusNet?*

**Hjalmar Philipp, Director Build Environment and Infrastructure:**

*Thank you for your question, your question relates to power upgrade works to supply a potential future stage of the Biochar Project at the Lysterfield Transfer Station.*

*Following detailed investigations, it has been identified that significant unforeseen works would be required to enable the new power supply to move ahead. The power upgrade and electrical supply works have recently been quoted, and unfortunately, they fall well outside the allocated funds. The power upgrade work is now subject to further review.*

*If these works were to proceed due to the long lead time with us and the extent it works it is estimated to take approximately 12 months to complete this information will be discussed with the Yarra Pistol Club. Thanks*

## QUESTION 4

### **Anonymous asked;**

*Recent publication of Council banning public attendance was covered by National newspapers including an unauthorised photo of my wife and myself supplied by the Council. The accusations by the Mayor that the gallery were Holocaust deniers, antivaxers and agitators casts us in this light and we suffer personally as a result. We require an immediate apology and Council to contact Newspapers and confirm we were there to legitimately question concerns re Saturation of population and Wildfire safety.*

### **Andrew Hilson, Director Corporate Services:**

*Thank you for your comments, we can confirm that Council has not provided any photos relating to Council meeting to any media outlets including the photo included in The Age article you have referenced.*

## QUESTION 5

### **Martin Dieleman of Lilydale asked;**

*Prior to closing the gallery council, removed refreshments, placed tables between the community and councillors, hired security guards and banned questions about 20-minute cities and the UN.*

*These actions together with closing the gallery and new rules that require photo ID and limit the number of ratepayers able to attend meetings, are seen by many in the community as human rights abuse and bullying behaviour.*

*Do all the councillors support this behaviour?*

### **Andrew Hilson, Director Corporate Services:**

*Thank you for your question, Martin.*

*The management of the public gallery and chamber is the responsibility of the CEO. In making these decisions the CEO has consulted with Councillors. All Councillors have indicated their support of actions that help create a safe and welcoming environment for all community members, Councillors and Council staff; including the registration process and the use of security guards.*

## QUESTION 6

### **Anonymous asked;**

*Given the rural landscape of the Yarra Ranges, many people experience difficulties with reliable internet.*

*In August 2021 the then Mayor Fiona McAllister stated the following "Addressing the connectivity issues across Yarra Ranges has been critical for years and needs to be fixed"*

*Given the council's restrictions on numbers and new rules which include registration and photo ID. How can residents with poor internet participate in council meetings which is part of the democratic process?*

### **Andrew Hilson, Director Corporate Services:**

*Thank you for your question.*

*Residents with poor internet access are welcome to register to attend Council's meeting in person by visiting the Council website or calling the Council customer service line. Residents are also welcome to attend a Council managed Community Link and watch a recorded copy of the Council meeting retrospectively.*

*If there are residents that experience hardship in accessing the Council meeting either online or in person, they are encouraged to contact the Council customer service team. Thank you.*

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 CT7092 Street & Park Litter Bin Collection & Maintenance Service

#### **SUMMARY**

*The purpose of this report is to present the findings of the Tender Evaluation Panel for tender CT7092 Street & Park Litter Bin Collection & Maintenance Service which closed on 11 May 2023, and to seek approval to award Contract CT7092 Street & Park Litter Bin Collection & Maintenance (Contract) to the preferred tenderer as per the recommendations within the Confidential Yarra Ranges CT7092 Street & Park Litter Bin Collection & Maintenance Service Recommendation Report. The award of the contract in July 2023 is required to ensure that the transition of services can be appropriately managed for a commencement of service on 1 October 2023.*

**Moved: Cr Skelton**

**Seconded: Cr Todorov**

*That*

1. *That Council enter into a contract with WM Waste Management Services for the Street and Park Litter Bin Collection and Maintenance Service for an initial period of two (2) years with no extension options for a total sum of \$2,762,206.73 excluding GST.*
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.**

**10.2 Rue De Gare and Prospect Road, Wandin North Special Charge Scheme Final Cost**

**SUMMARY**

This report presents to Council for approval the final cost of works for the Rue De Gare and Prospect Road, Wandin North Road Improvement Works Special Charge Scheme.

**Moved: Cr Heenan**

**Seconded: Cr Fullagar**

*That*

- 1. Council approve the Final Cost of Works (Attachment 1) associated with the Rue De Gare and Prospect Road, Wandin North Special Charge Scheme with no variation in the landowner apportionment costs.*
- 2. Landowners included in the Special Charge Scheme be advised of the result of the final costing of the scheme.*

**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

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

## 13 REPORTS FROM DELEGATES

There were no Reports from Delegates received for this meeting.

## 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 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: 7.27 pm.

Confirmed this day, Tuesday, 25 July 2023.

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**Councillor Jim Child (Mayor)**



