



Council Meeting

Minutes

Tuesday, 22 August 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

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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.

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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 588TH COUNCIL MEETING HELD ON TUESDAY, 22 AUGUST 2023 COMMENCING AT 7.00 PM COUNCIL CHAMBER - CIVIC CENTRE AND 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 (via Zoom)

Councillor David Eastham

Councillor Tim Heenan

Councillor Johanna Skelton

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 Richard Higgins and Len Cox OAM.

5 MAYORAL ANNOUNCEMENTS

The Mayor read the following statement:

Before we start tonight's formal proceedings, I wish to take some time to comment on the recent Supreme Court matter brought against Yarra Range Council. That is Dickson verses Yarra Ranges Council.

On Friday Council welcomed the decision by Her Honour Justice Richards at the Supreme Court of Victoria to dismiss the case against Yarra Ranges Council and award cost.

Throughout this court case, the plaintiff has criticised Council for our management of Council meetings and the community engagement processes undertaken in the development of a Draft Urban Design Framework for the Monbulk community.

I want to be explicitly clear that public participation with Council is of the utmost importance to our organisation. Not only do we understand the importance of engaging with our community, but we also actively seek it out. We are pleased that the Court has recognised the measures that Council staff undertook in trying to engage with as many people as possible in the Monbulk area about the development of the Draft Urban Design Framework.

We are also delighted that the Court supported Council in the temporary closure of our physical public gallery and introduction of a registration process for people attending Council meetings. The safety of our staff, councillors and the community will always be our number one priority and we are happy that the Supreme Court shared the view that our actions were and continue to be appropriate and lawful.

I would like to thank all those community members that have reached out and shown support whilst this court case was undertaken. I would also like to thank Council officers who take care and great pride in their work and uphold the highest standards when it comes to public participation and engaging with our community. I also sincerely thank my fellow Councillors for their unwavering support.

I look forward to the presentation of the Draft Monbulk Urban Design Framework during a future Council meeting and the continuation of orderly and safe Council meetings for the betterment of the whole community.

Thank you.

The Mayor acknowledged former Councillor and Mayor Tony Stevenson in the Gallery.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved: Cr Child

Seconded: Cr Heenan

That the Minutes of the Council Meeting held Tuesday 8 August 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.

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

QUESTIONS FROM THE PUBLIC

Tony Stevenson of Montrose asked;

One question in two parts:

- a) *Please break down the significant expenditure for the tree at 3457 Warburton Highway, Warburton for period 1 Jan - 30 June 2023 into the following two categories.*
- 1. Tree safety work - including arborist reports and tree surgery to reduce risk to public.*
 - 2. All other costs incurred.*
- b) *As this significant expenditure, for a single tree in a single town, please explain why the ~98% of ratepayers who don't live in Warburton will be bearing most of the cost?*

Hjalmar Philipp, Director Built Environment and Infrastructure:

Thank you for your question Tony.

The total expenditure was \$477, 586, with a breakdown as follows:

Tree work- \$76,495

Security chain and padlocks \$5,091

Traffic Management- \$4,000

Fencing- \$12,000

Security- \$380,000

All these costs relate to reasonable measures as required as part of Council's obligations under the Occupational Health and Safety Act 2004 (Vic) to address the known and very serious risk arising from the Warburton Tree.

All these costs were significantly increased as a result of the delays to undertake the necessary safety work.

An insurance claim is being pursued in relation to these costs.

Cost associated with the Warburton tree were not forecast in the 2022/23 operational budgets and, therefore, came out Council's consolidated budget which isn't built on a geographic basis.

QUESTION 2

Tracey Martens of Montrose Monbulk;

YRSC previously stated on 13/6 that FOGO was a Victorian Government requirement and there is no opt out option of the FOGO bin. On page 26 of the Victorian Government Recycling document, it states that the 4 bin system may not be suitable in all areas, in particular for people who already compost or have worm farms. Please advise why this council is being unreasonable and not working with residents to achieve an outcome that is beneficial for all households?

Kath McClusky, Director Planning and Sustainable Futures:

Thank you for your question Tracey.

The new Circular Economy Act 2021, Part 5 states "A council must provide municipal food organics and garden organics service to land in its municipal district that is used primarily for residential purposes."

Your reference to page 26 of The Recycling Victoria - A New Economy Policy relates specifically to dwelling types such as large apartment buildings or more remote areas and is not a general statement for all properties that have home composting or a worm farm.

The majority of the costs for Council to provide the FOGO service is attributed to trucks, fuel and labour. There are no cost benefits or savings to Council for opt out services as the major operating costs remain the same because trucks still need to travel past the property. Council has taken the position that this will be a municipal wide service, noting that a reduction in people using the service will increase the cost for those using the service.

SUBMISSIONS FROM THE PUBLIC

Safe Crossing - Bell Street and Armstrong Grove, Yarra Glen

April, Otis and Elroy Shortis provided Councillors with an update on the pedestrian and traffic situation at the corner of Bell Street and Armstrong Grove, Yarra Glen.

April Shortis noted a petition would be submitted for consideration at a future Council Meeting.

Naming of the Coldstream Sports Pavilion

Peter Steele requested that Council consider the renaming of the Coldstream Sports Pavilion, Coldstream to the Skate Family Pavilion.

Peter Steele noted a petition has been submitted for consideration at a future Council Meeting.

The Mayor referred the matter to the Director Built Environment and Infrastructure for further investigation.

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 - Endorsement of Motions

SUMMARY

The Municipal Association of Victoria (MAV) will hold the next State Council meeting on Friday 13 October 2023. The MAV has called for councils to submit proposed motions to be considered at the meeting. If supported by the member councils, motions become resolutions and policy positions of the MAV.

Moved: Cr Eastham

Seconded: Cr Todorov

That Council submit the following motions to the Municipal Association of Victoria (MAV) for consideration at the State Council meeting on Friday 13 October 2023:

1. *That the MAV advocate to the Minister for Planning to consider permit exemptions for Rural Worker accommodation in the Green Wedge Zones and release of other reforms from the Planning for Melbourne's Green Wedge and Agricultural Land Review.*
2. *That the MAV advocate to the Victorian Government to reinstate a broad strategic review of the School Crossing Supervisor Program, to address urgent outstanding issues, including*
 - (a) *crossing supervisor staff shortages*
 - (b) *regular unsupervised school crossings*
 - (c) *unsustainable State Government funding model that puts increasing financial pressure on Councils.*
3. *That the MAV advocate to the Victorian Government for a Maternal and Child Health Services policy that supports local government to implement a targeted service approach, as funding models and workforce challenges are preventing delivery of the full-service model.*

The motion was Carried unanimously.

10.2 Mayor, Deputy Mayor and Councillor Allowances - Remuneration Adjustment

SUMMARY

This report summarises the recent annual adjustment to allowances payable to Mayors, Deputy Mayors and Councillors which are set by the Victorian Independent Remuneration Tribunal (the Tribunal). The consolidated Determination has been included in Attachment 1.

The revised allowances payable to the Mayor, Deputy Mayor and Councillors takes effect 1 July 2023.

Moved: Cr Heenan

Seconded: Cr Skelton

That Council

1. *Receives and notes the Consolidated Tribunal Determination No. 01/2022 as attached to this report.*
2. *Note the Mayor, Deputy Mayor and Councillor revised allowances have been applied from 1 July 2023.*

The motion was Carried unanimously.

10.3 Recommendations - Japara Report

SUMMARY

In December 2022 CMF Consulting was engaged to undertake a review of the funding and lease agreements between Council and Japara Inc (Japara). The scope of the review included the facilities and funding that make up the Kilsyth Community Hub managed by Japara Inc.

The review, including the final report was overseen by a Project Reference Group (PRG) comprising Council officers and Japara board representatives. The review recommendations propose changes to the lease agreements, increased facility operational funding and improved relationship management and governance. The review also includes proposed changes in ownership of assets and some changed responsibilities for maintenance of the Kilsyth Community Hub (the Hub).

The recommendations have financial implications for Council that relate to changed maintenance responsibilities and hub management arrangements for this and potentially future Council community hubs.

This report outlines a summary of the review findings and provides relevant recommendations.

In accordance with Governance Rule 58, Mark Doubleday, Chair Japara Living and Learning Centre, spoke in support of the recommendation included in the officer report.

Moved: Cr Fullagar
Seconded: Cr Heenan

That Council

1. *Receive and note the summary of recommendations arising from the review of funding and facility agreements for the Kilsyth Community Hub; and*
2. *Endorse the development and alignment of a new lease and facility agreements between Council and Japara that incorporates:*
 - (a) *An increase to the operational funding to Japara to manage the Hub on Council's behalf to \$85,000 per annum with annual increments based on the rate cap increase.*
 - (b) *Improvements to performance KPIs and monitoring to enable improved management of the Hub relationship and outcomes.*
 - (c) *Alignment of the Kilsyth Hub and the Bridge House leases in terms of timing and duration and alignment with the Neighbourhood House funding term.*
 - (d) *Changes to reflect the actual maintenance costs and responsibilities of both parties.*

The motion was Carried unanimously.

10.4 CT7246 Pavement and Linemarking Services

SUMMARY

This report summarises the evaluation process and seeks Council approval for two tenderers to be accepted onto a panel of providers for the Provision of Pavement and Linemarking Services CT7246.

The initial contract term is for three (3) years with the option to extend the contract for two (2) additional terms of two (2) years each.

The recommendation on this report has been formally endorsed by the evaluation panel.

Moved: Cr Skelton

Seconded: Cr Todorov

That

1. *Council resolves to accept the following providers onto a panel for CT7246 Pavement and Line Marking Services for an initial period of three (3) years:*
 - (a) *Roadside Services and Solutions Pty Ltd. (ABN: 33 137 851 837)*
 - (b) *The Trustee for Supersealing Unit Trust. (trading as Supersealing) (ABN: 22 868 781 289)*
2. *The Director of Built Environment & Infrastructure be delegated the authority to sign contract documents.*
3. *The Director of Built Environment & Infrastructure be delegated authority to extend the contract term by two periods of two years each.*
4. *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.

Councillor Fiona McAllister left the meeting at 8.15pm and did not return.

12 ITEMS THROUGH THE CHAIR

12.1 Betty Marsden AOM

Cr Skelton noted long-time president of the Save the Dandenongs League, Betty Marsden OAM, has stepped down from the role after more than three decades. Ms Marsden announced at the committee's Annual General Meeting after 37 years in the position. Cr Skelton also noted Betty's upcoming 93rd birthday.

12.2 Ann Ferguson

Cr Skelton noted long-time Maternal & Child Health Nurse, Ann Ferguson will be retiring after many year of service to Yarra Ranges Council. Cr Skelton thanked her for her dedication and service.

13 REPORTS FROM DELEGATES

Cr Fullagar

- Attended Eastern Transport Coalition Meeting held on Thursday 17 August 2023 via videoconference.

Cr Skelton

- Attended Municipal Association of Victoria Councillor Gender Equality Training held on Thursday 17 August 2023 at the MAV Office, Melbourne.

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 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.

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: 8.22 pm.

Confirmed this day, Tuesday, 12 September 2023.

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Councillor Jim Child (Mayor)