



Council Meeting

Minutes

Tuesday, 8 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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- 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 587TH COUNCIL MEETING HELD ON TUESDAY, 8 AUGUST 2023
COMMENCING AT 7.01 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 Andrew Fullagar
Councillor Fiona McAllister
Councillor David Eastham
Councillor Tim Heenan
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
Amanda Kern, Acting Director Planning and Sustainable Futures

4 APOLOGIES AND LEAVE OF ABSENCE

Apologies for this meeting were received from Councillors Sophie Todorov (Deputy Mayor) and Richard Higgins.

5 MAYORAL ANNOUNCEMENTS

There were no Mayoral Announcements for this meeting.

Moved: Cr Child

Seconded: Cr Heenan

That the Minutes of the Council Meeting held Tuesday 25 July 2023, as circulated, be confirmed.

The motion was Carried unanimously.

DISCLOSURE OF CONFLICTS OF INTEREST

In accordance with Chapter 7, Rule 4, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

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

QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

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

QUESTIONS FROM THE PUBLIC

QUESTION 1

Lisa Walsh of Seville asked;

I would like to confirm that the roadworks (Asphalting, curb and channelling, drainage etc) is still going to be completed for the entire length of Britton Rd as per the proposal and paperwork that we were sent. I was given the impression by workers on-site this week that you are no longer doing the entire road. I am hoping that the information I have been given is incorrect. I have spoken with fellow neighbours, who are also under the impression that the entire road will be completed as planned.

Hjalmar Philipp, Director Built Environment and Infrastructure:

Thank you for your question Lisa.

We can confirm that Britton Road, Seville will be sealed (asphalted) along its full length, between Link Road to the west and its dead-end to the east.

The design and scope are consistent with the plans used during the community consultation process. The finished road will be an asphalt road, 5 metres in width, with concrete edge strips along both sides of the road. The existing table drain along the southern side of the road will be re-shaped to collect road surface water run-off.

QUESTION 2

Stan Giles of Monbulk asked;

Since the police called on January 31st council has been given numerous interviews to the local paper. the AGE and the ABC. In articles that followed there were references to threatening behaviour and verbal abuse. Please either provide evidence supporting these accusations or make a public apology to the innocent concerned rate payers who were attending simply seeking answers and clarifications of Council actions and future plans.

Andrew Hilson, Director Corporate Services:

Thank you for your question, Stan.

Following the Council meeting on 31 January 2023, a number of Councillors, officers and some members of the public described their experience of the behaviour of some members of the public gallery during the meeting as threatening, intimidating and verbally abusive.

Council does acknowledge that during this meeting not all members of the public gallery behaved in an inappropriate manner.

QUESTION 3

Brent Grogan of Warburton asked;

I would like to know the cost of the removal of asbestos cladding, and then the reinstatement of plaster including new kitchen at the building on the Warburton trail know as The Cog?

Hjalmar Philipp, Director Built Environment and Infrastructure:

Thank you for your question, Brent.

The works are required because of damage to internal asbestos cladding that was found after the previous tenant vacated. The successful quote for the works was \$60,780.55 (ex GST) and are scheduled to be completed in the coming weeks. The works were procured through a competitive Request for Quote process as per Council's Procurement process to ensure best value.

SUBMISSIONS FROM THE PUBLIC

Homelessness Week 2023 and Tiny Houses

Nic Fox provided Councillors with an update on Homelessness Week 2023 and tiny houses as an affordable housing solution and the need for ongoing support from Yarra Ranges Council.

The Mayor referred the matter to the Acting Director Planning and Sustainable Futures for investigation and requested a future briefing to Councillors on the matter.

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.

9.1 Petition to Council

SUMMARY

The following late petition be received:

Late General Petitions

1. Move the carpark from the Mountain Grey Gum at 3457A Warburton Highway, Warburton as allowed for in the Councils own tree policy and mitigate risk to public by creating a fenced off nature reserve instead, retaining this valuable habitat tree. 375 valid signatures.

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

Moved: Cr Child

Seconded: Cr Heenan

That the following late General Petition be received and noted and referred to the appropriate officer.

1. *Request for Council to move the car park at 3457A Warburton Highway and retain the Mountain Grey Gum in its original location with an increased exclusion zone and enhanced habitat surrounding the tree.*

The motion was Carried unanimously.

10 BUSINESS PAPER

10.1 Resource Recovery and Waste Services Policy

SUMMARY

This report outlines a proposal to update the former Waste Services Policy, now called the Resource Recovery and Waste Services Policy (Policy) to reflect the new operational waste collection services and requirements to comply with recent State-wide waste management legislation.

The Policy describes the waste services provided by Council and how the charges are applied to properties throughout the municipality. The Policy has a focus on ensuring that a fair, reasonable, and consistent approach is maintained in applying and charging the waste service charge. The waste service charge is developed through the annual budget process and is based on full cost recovery.

There have been some significant changes in State legislation associated with waste collection and there is a need to ensure that Council's policy is aligned with those changes. The proposed Policy has been written to reflect the required service changes and to comply with the relevant State legislation. The Policy has also been developed to reflect anticipated future service changes.

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

Cr McAllister moved an amendment to the recommendation and sought the agreement of the original mover and seconder to change the wording to that printed in the agenda.

Moved: Cr Skelton

Seconded: Cr Fullagar

That Council adopts the Resource Recovery and Waste Services policy with an informal review to occur at six months.

The motion was Carried unanimously.

10.2 CT7307 - Victorian Telecommunications Services (VTS) State Purchase Contract DPC-ICT-03-2020/21

SUMMARY

This report seeks Council's approval to renew its agreement with Telstra Limited ("Telstra") for the provision of telecommunication services and hardware through the Victorian Telecommunication Services (VTS) panel contract, in accordance with the Department of Premier and Cabinet (DPC) State Purchase Contract VTS Head Agreement that complies with the Section 108 of the Local Government Act 2020.

This panel contract will be utilised for the provision of telecommunication services and hardware that specifically relate to:

Telecommunications: Core Services:

- Data (fixed and wireless) Services
- Equipment and Supply Services
- Fixed Voice Services
- Mobile Services
- Satellite Services.

Telecommunications: Ancillary Services:

- Broadcast Wi-Fi
- Call / Contact Centre Technologies
- Cloud Partnering Services (IaaS/PaaS)
- Conferencing Services
- Enterprise Messaging Systems
- Enterprise Telephony Unified Communications
- Managed WAN / SD-WAN
- Mobile Device Management
- Project Services
- Radio
- Wi-Fi (LAN)
- Microsoft Cloud Solution Providers
- Resellers of Government Open Licences
- Microsoft Product and Services Agreement.

Moved: Cr Skelton

Seconded: Cr Eastham

That

1. *Council resolves to renew Council's agreement with Telstra Ltd under the Department of Premier and Cabinet (DPC) Victorian Telecommunications Services (VTS) State Purchase Contract DPC-ICT-03-2020/21, for an initial period of up to three years, commencing 9 August 2023.*
2. *The Director Corporate Services be delegated the authority to extend this contract beyond the initial term of three years until 17 December 2027 (1 year, 4 months and 9 days), which aligns with the end-date of the VTS Head Agreement.*
3. *The Director Corporate Services be delegated the authority to sign the contract documents with Telstra Ltd to operationalise the renewal.*
4. *The confidential attachments to this report remain confidential indefinitely as they relate to matters specified under Section 3(1) (g)(i),(g)(ii) of the Local Government Act 2020.*

The motion was Carried unanimously.

10.3 Tender for the Provision of Training Services for Health, Safety and Wellbeing, Professional Development, and Diversity, Equity and Inclusion

SUMMARY

This report summarises the evaluation process for the Request for Tender for the Provision of Training Services for Health, Safety and Wellbeing, Professional Development, and Diversity, Equity and Inclusion ('the Services').

The report seeks to gain Council approval to progress to contract award for the Services. The tender was to create a panel of suitably qualified and experienced parties to provide various training services to Yarra Ranges Council staff across four broad categories:

- Health and Safety
- Mental Health and Wellbeing
- Leadership and Professional Development
- Diversity, Equity, and Inclusion.

The initial contract term is for three years, with three additional options to extend the contract for one year each, at the discretion of Council.

Cr Heenan left the meeting at 8.35pm and returned to the meeting at 8.36pm prior to a vote being taken.

Moved: Cr Fullagar

Seconded: Cr Eastham

That

1. *Council recommends the following providers be accepted onto a panel of providers for CT7289 Training Services for Health, Safety and Wellbeing, Professional Development, and Diversity, Equity and Inclusion:*
 - (a) *Augmenting Workplaces*
 - (b) *Beck Henshall Collaborations Pty Ltd*
 - (c) *EDVOS (Trading as FVREE)*
 - (d) *ICML Pty Ltd as the Trustee for the ICML Trust*
 - (e) *Performance Culture Consulting Pty Ltd*
 - (f) *Swinburne University of Technology*
 - (g) *The Trustee for McConville Family Trust (Trading as McConville Risk Solutions)*
 - (h) *Women's Health East Inc*
2. *The Director Corporate Services be delegated authority to sign the contract documents.*
3. *The Director Corporate Services be delegated authority to extend the contract term by three periods of one year 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.

10.4 Tree Matter at 3457 Warburton Highway, Warburton

SUMMARY

Council has managed a large tree at 3457 Warburton Highway, Warburton for many years. The tree is a large *Eucalyptus cypellocarpa* (Mountain Grey Gum) and has been cabled due to faults at the base.

A tomography test in 2023 confirmed there was extensive decay at the base and that a crack from the stem union to the ground. The tree has now been cut to 10m.

There has now been a request to cut the remaining tree down to ground level.

In its current state the tree is considered a moderate risk, which is incompatible with a public carpark without additional risk controls. An exclusion zone around the tree preventing public access would be required for its risk profile to be reduced to low.

In accordance with Governance Rule 58, Nicole Fisher and Charlette Sterrett spoke in support to the recommendation included in the officer report.

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

Cr Child formally declared no discernible material or general conflict of interest. He further indicated that his interest is in common with a substantial portion of the local residents and does not exceed any personal or pecuniary interest. This declaration of interest was duly noted and is included in the minutes for transparency.

Moved: Cr Child

Seconded: Cr McAllister

That Council

1. *Subject to obtaining a planning permit, proceed with the complete removal of the tree located in Ottrey's car park at 3457 Warburton Highway, Warburton, to eliminate any associated risks.*
2. *Create a vegetated open space in Ottrey's car park at 3457 Warburton Highway, Warburton which*
 - (a) *Provides full public access.*
 - (b) *Aligns in scale and design intent with the draft Warburton Urban Design Framework.*
 - (c) *Includes replacement tree planting.*
3. *Investigates the relocation of suitable parts of the tree to an appropriate location nearby, including creation of a habitat zone.*
4. *Works with the community to identify options to honour and acknowledge the tree.*

The motion was lost.

Cr Child called for a division.

In Favour: Mayor Child, Cr McAllister and Cr Eastham.

Against: Cr Cox, Cr Fullagar, Cr Heenan and Cr Skelton.

Absent: Cr Todorov and Cr Higgins.

Moved: Cr Cox
Seconded: Cr Fullagar

That Council

1. *Considers the tree at 3457 Warburton Highway, Warburton should be retained, subject to:*
 - (a) *an appropriate zone being established around the tree, with a radius equal to the height of the tree, to preclude public access,*
 - (b) *an annual inspection program by a qualified arborist, and*
 - (c) *undertaking any maintenance works to maintain a low risk profile.*
2. *Refer consideration of formalising Ottrey's car park and associated amenity planting to the Warburton Urban Design Framework, and if supported, to future budgets for funding.*

The motion was Carried.

Cr Child called for a division.

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

Against: Mayor Child, Cr McAllister and Cr Eastham.

Absent: Cr Todorov and Cr Higgins.

Moved: Cr Child
Seconded: Cr Heenan

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.

10.5 CT6835 – Provision of Traffic Management Services

SUMMARY

This report summarises the evaluation process and seeks Council approval for three tenderers to be accepted onto a panel of providers for the Provision of Traffic Management Services. The management of traffic by contractors is an essential for delivering works on Council's infrastructure.

The key objectives of the services are:

- The control of vehicular and pedestrian traffic at worksites to provide a safe working environment for maintenance and construction personnel.
- To provide for the safe movement of vehicular and pedestrian traffic at worksites.

The initial contract term is for three years, with the option to extend the contract for two additional terms of two years each.

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

Cr McAllister left the meeting at 9.48pm and returned to the meeting at 9.49pm prior to a vote being taken.

Moved: Cr Fullagar
Seconded: Cr Skelton

That

1. *Council approve the following providers be accepted onto a panel of providers for CT6835 Provision of Traffic Management Services for an initial period of three (3) years with two (2) extension options of a further two (2) years:*
 - (a) *Platinum Traffic Management Pty Ltd (ABN: 47 644 760 878)*
 - (b) *Prestige Paving Pty Ltd (ABN: 84 140 970 912)*
 - (c) *The Trustee for Supersealing Unit Trust. (trading as Supersealing) (ABN: 22 868 781 289)*
2. *The Director of Built Environment & Infrastructure be delegated authority to extend the contract term by two periods of two years each.*
3. *The contract documents be signed.*
4. *The confidential attachment 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.

10.6 CT 2912 - Landscape Operational Services

SUMMARY

The purpose of this report is to seek approval for an extension of the following Contract CT2912 Provision of Landscape Services currently held by numerous entities, until 13 October 2024.

The contractors provide essential work and services on Council assets to ensure that the assets are maintained appropriately and continue to deliver an acceptable level of service to the community. This report outlines the current contract arrangements, financial and service delivery responsibilities and principles for the proposed new contract should the extension be approved.

The contract is scheduled to conclude on 13 October 2023.

Moved: Cr Eastham
Seconded: Cr Skelton

That Council

1. *In accordance with Council's Procurement Policy and the existing Terms and Conditions of Contract CT2912 Provision of Landscape Services approves and delegates to the Director Built Environment and Infrastructure authority to negotiate an extension to the contract to 13 October 2024 with the existing Contractors:*
 - *CT2912 1 - Martin MacGregor t/a Hillside Cartage (ABN: 94 645 720 891)*
 - *CT2912 2 – Knox Maintenance (ABN: 64 107 063 838)*
 - *CT2912 3 – PRIM Services P/L (ABN: 81 072 566 468)*
 - *CT2912 4 – Scratchin The Surface Pty Ltd (ABN: 74 119 252 710)*
 - *CT2912 5 - Symons Pty Ltd & The Termorshuizen Family Trust t/as Sevron Environmental Contractors Pty Ltd (ABN: 41 165 444 011)*
2. *Authorise the Chief Executive Officer to sign the extension contracts on behalf of Council.*

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 Mount Evelyn Sports and Community Hub

Cr Heenan attended the opening of the Mount Evelyn Sports and Community Hub on Saturday 5 August 2023. Cr Heenan acknowledged the unveiling of The Bryan McCarthy Community Room and spoke of the contribution that Bryan has made throughout the building process. Cr Heenan also noted the attendance of Maria McCarthy and her family at the opening.

12.2 Lilydale Community House Bush Dance

Cr Heenan attended the Lilydale Community House Bush Dance on Saturday 5 August 2023. Cr Heenan thanked Suyin Chan and Sharon Manning for their contribution in the organisation of the event and noted that every member of the community that attended had a fantastic night.

12.3 Healesville Country Fire Authority (CFA)

Cr McAllister acknowledged former Captain, Graham Bates, of the Healesville CFA who has stepped down from the position after 20 years. Cr McAllister also acknowledged Ken Glenn who has stepped down from the position of Lieutenant. Cr McAllister thanked both Graham Bates and Ken Glenn for the contribution to the CFA and to the community, and thanked Brian Earl who is stepping into the position of Captain.

12.4 Garry Willoughby Memorial Ceremony

Cr Child attended a ceremony held by the Department of Veterans to honour Garry Willoughby, who served in the Vietnam war and made the ultimate sacrifice. Cr Child noted the attendance of the Mt Evenly and Rye RSL members at the ceremony.

12.5 Homelessness Week 2023

Cr Skelton reflected on the events that have taken place during Homelessness Week 2023 (August 7 to August 13) and acknowledged the effort of Council and the results that have

been achieved so far. Cr Skelton acknowledged Cr Heenan and his work with Holy Fools to raise funds to help end homelessness.

12.6 Monbulk Aquatic Centre 10 Year Celebration

Cr Skelton noted the Monbulk Aquatic Centre 10 Year Celebration to be held on Saturday 12 August 2023. The anniversary celebrations will include will a sausage sizzle, community market stalls, raffles and face painting.

13 REPORTS FROM DELEGATES

Cr Skelton

- Attended the Sustainable Environment Advisory Committee Meeting held on Thursday 3 August 2023 at the Yarra Ranges Council Civic Centre. The meeting was also attended by Cr Fullagar.
- Attended the Annual Victorian Greenhouse Alliances Conference held on Friday 4 August 2023 at the Melbourne Convention Centre.

14 DOCUMENTS FOR SIGNING AND SEALING

Moved: Cr Fullagar

Seconded: Cr Skelton

That the following listed document be signed and sealed:

Creation of Easement Deed of Release - Yarra Ranges Shire Council and Maxwell Thomas Camm.

The motion was Carried unanimously.

15 INFORMAL MEETING OF COUNCILLORS

Moved: Cr Child

Seconded: Cr McAllister

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: 10.09 pm.

Confirmed this day, Tuesday, 22 August 2023.

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Councillor Jim Child (Mayor)