



Council Meeting

Minutes

Tuesday, 26 September 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.

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The Minutes produced after each Council Meeting form the official record of the decisions made by Yarra Ranges Council.

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CONTACT US

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YARRA RANGES COUNCIL

MINUTES FOR THE 590TH COUNCIL MEETING HELD ON TUESDAY, 26 SEPTEMBER 2023 COMMENCING AT 7.05 PM COUNCIL CHAMBER - CIVIC CENTRE AND VIA VIDEOCONFERENCE

1 COUNCIL MEETING OPENED

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

2 ACKNOWLEDGEMENT OF COUNTRY

The Deputy Mayor then read the Acknowledgement of Country and welcomed all present.

3 INTRODUCTION OF MEMBERS PRESENT

Councillors

Councillor Jim Child (Mayor) *via Videoconference*

Councillor Sophie Todorov (Deputy Mayor)

Councillor Andrew Fullagar

Councillor Fiona McAllister

Councillor David Eastham

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

There were no apologies received for this meeting.

5 MAYORAL ANNOUNCEMENTS

The Mayor read the following statement:

The Upper Yarra community are completely devastated and heartbroken to have received the news that Jigsaw Jumps founder and passionate supporter of the Warburton Mountain Bike Destination Sam Knight passed away late last week. Sam 43 was a much loved father, partner, son, brother, uncle and friend and an inspiration to so many.

Starting up his now Nation known business JigSaw Jumps in the small business incubator Yarra Ranges Enterprise Centres Ltd in Warburton and to use the words of Alison Fitzgerald, YREC Executive Officer “ Sam Knight was an inventor, an innovator, and an entrepreneur.

Sam chose to move to Warburton to start and grow his dream business and provide a better environment to raise a family.

As Sam developed relationships and gained respect and loyalty, he identified opportunities to not just promote his product but provide experiences in the form of events especially for kids, councils, scout groups and schools. He would share the sheer joy of these events with his colleagues in the YREC village – with an infectious smile and in his humble way. It wasn't just the kids having fun, Sam always had fun too.

Sam leaves behind his partner Vicky and their young daughter Hazel, our thoughts are with them. Sam, a special person in our community will be sorely missed.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved: Cr Skelton

Seconded: Cr Heenan

That the Minutes of the Council Meeting held Tuesday 12 September 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.

Ben Waterhouse, Manager Procurement, Risk & Governance declared a material conflict of interest in Item 10.5 EO17330 Landscape Contractors Panel, as a submitted tender was from a family member.

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

Mitul Patel of Mooroolbark asked;

Why is the red earth community park not maintained for past 2-3 years? The Red Earth Community Park was flourishing with people with kids, teenage and people with their dogs use to visit it every day. Footy (poles gone now) and cricket matches were held, and it was maintained well. For the past 2-3 years, all of that is gone and the whole ground is full of weeds with no maintenance to keep it people friendly. Can we please look into resurfacing with proper grass and maintain it well on ongoing bases?

Hjalmar Philipp, Director Built Environment and Infrastructure:

Thank you for your question, Mitul.

While open for community use, the Red Earth Community Park is located within a Melbourne water retarding basin, taking in water from Mooroolbark and Kilsyth areas.

As such, during the winter months access is difficult for maintenance, especially for mowing machinery, and unfortunately the water impact from the retarding basin means resurfacing isn't a feasible option.

However, as the park dries out, the outdoor teams will be able to re-engage mowing so you should see the level of maintenance increase over the coming months for the community to enjoy.

QUESTION 2

Wendy Wright of Wandin North asked;

Council's instructions for the new green/food waste bin collection indicate that weeds can be placed in the new bins. Are there any restrictions on this? Does this include (for example) noxious weeds, plant matter that is contaminated with bugs such as gall wasp, fruit fly?

Kath McClusky, Director Planning and Sustainable Futures:

Thank you for your question, Wendy.

Our Food Organics and Garden Organics (FOGO) bin collection service can only take general and environmental weeds and a list of those can be found on our website.

At this stage, our FOGO bins can't accept noxious weeds or material that is contaminated with bugs such as gall wasp and fruit fly.

These need to be managed within your property boundaries in line with government regulations. There are also details on the website on how you can manage these bugs and pests online. Based on your feedback we will make sure that it is clear on our website and our FOGO website. 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 YR-2023/32 - 275 Edward Road, Chirnside Park

SUMMARY

The application is for the use and development of a telecommunications facility, ancillary equipment, and the construction of a chain-link fence around the tower and ancillary equipment. No vegetation is proposed to be removed.

The property is a large rural block with an area of approximately 61.6 hectares and is mostly cleared of vegetation, except for a few scattered trees across the property. A dwelling and associated outbuildings are in the north-east portion of the site, with access from the north-east corner of the site along Edward Road. The site also includes a multiple dams used for agricultural purposes, with open paddocks for animal grazing and a stand of olive trees in the north-east corner of the site. No changes to use of the remainder of the property is proposed.

The application was advertised, and forty (40) objections were received. The objections raised concerns about public safety and health issues, environmental concerns relating to flora and fauna, noise, proximity to residential properties, visual amenity, devaluation of property, claims of 'assault' and insufficient and ineffective public notification/period.

The proposal has been assessed against the relevant provisions of the Yarra Ranges planning scheme and the *Yarra Ranges Council Telecommunications Facilities Policy (2012)*. It is consistent with the planning scheme and policy as they relate to the consideration of telecommunications infrastructure, visual amenity, and protection of native vegetation.

Accordingly, it is recommended that the application be approved and a Notice of Decision to Grant a Planning Permit, subject to conditions, be issued.

In accordance with Governance Rule 58, Daniel Prior spoke in support to the recommendation included in the officer report.

Moved: Cr McAllister
Seconded: Cr Skelton

That Council resolve to approve Planning Application YR-2023/32 for Use and development of a telecommunications facility, ancillary equipment, and construction of a fence at 275 Edward Road, Chirnside Park and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report.

The motion was Carried.

10.2 Yarra Ranges Regional Museum Trust - Resignations and Appointments

SUMMARY

That Council endorse the nominees, Dino Conte and Angela Stainwall, as recommended by the Yarra Ranges Regional Museum Trust.

Following notice from The Chair of the Trust, Maria McCarthy, of the resignation of two Community Appointed Museum Trust members, Wanda McPherson and Paulette Bisley, the Trust Deed requires from Council a written nomination to replace retiring trustees.

The Chairperson has provided recommendations for Council to consider as follows; Dino Conte as Secretary and Angela Stainwall as Treasurer. Both nominees have confirmed their willingness to be nominated and appointed as Community Appointed trustees to the Yarra Ranges Regional Museum Trust.

In addition, a letter under seal will be presented to Wanda McPherson and Paulette Bisley acknowledging their contributions in providing expertise and advice for the Trust.

Moved: Cr Higgins

Seconded: Cr Heenan

That Council endorse the nominees, Dino Conte and Angela Stainwall, as recommended by the Yarra Ranges Regional Museum Trust.

The motion was Carried unanimously.

10.3 Audit and Risk Management Committee - Chair Appointment

SUMMARY

This report recommends the appointment of Mr Steve Schinck as the Chair of Council's Audit and Risk Management Committee (the Committee) for a one-year period commencing 1 October 2023.

Moved: Cr McAllister

Seconded: Cr Child

That Council

1. *Endorse the appointment of Mr Steve Schinck as the Chair of the Yarra Ranges Council Audit and Risk Management Committee for a one-year term commencing 1 October 2023.*
2. *Endorse the remuneration for Mr Steve Schinck as the Independent Member Chair be \$1726 per meeting (based on five meetings per year).*

The motion was Carried unanimously.

10.4 CT5628 - Supply of Playground Products, Products, Service and Works - Extension of Contract

SUMMARY

The purpose of this report is to seek approval for an extension Specification A & B of the Contract CT5628, Playground Products, Services and Works, currently held by numerous entities, until 11 December 2024.

The report also determines that Category C of contract CT5628 will not be extended as part of this approval due to change in industry supply of Hardwood Softfall mulch.

Contract CT5628 is scheduled to conclude on 11 December 2023. 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 contractors (Category A&B) 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.

Moved: Cr Fullagar
Seconded: Cr Skelton

That Council

1. *In accordance with Council's Procurement Policy and the existing Terms and Conditions of Contract CT5628 approves and delegates to the Director Built Environment and Infrastructure authority to negotiate an extension to specification Category A & B for the contract to 11 December 2024 with the existing Contractors:*

Specification Category A - Auditing & Testing of Rubber Undersurfaces

Hutchinson Parks Services Pty Ltd.

Specification Category B - Programmed & Reactive Maintenance

Prim Services Pty Ltd.

2. *In accordance with Council's Procurement Policy and the existing Terms and Conditions of Contract CT5628 determines not to extend specification category C and delegates to the Director Built Environment and Infrastructure authority to formally provide notice to the current supplier within 4 weeks of the end date of contract, 11 December 2023.*

Specification Category C - Supply of Organic Playspace Softfall

Crystal Dancer trading as Pine Mulch Hauler.

The motion was Carried unanimously.

10.5 EOI7330 Landscape Contractors Panel

SUMMARY

This report summarises the evaluation process and seeks Council approval for the establishment of a panel of pre-qualified Landscape Construction Contractors. The selected Panel consisting of 16 contractors will be given the opportunity to bid for selected projects as Council considers appropriate over an initial contract period of 2 years with extension options for two additional periods of two years each.

This item has been included in the public agenda to facilitate openness and transparency in Council's decision making. Confidential attachments have been included with the report which contains commercially sensitive information that is not to be disclosed whilst the meeting is open to the public.

Ben Waterhouse, Manager Procurement, Risk & Governance declared a material conflict of interest in Item 10.5 EOI7330 Landscape Contractors Panel, as a submitted tender was from a family member.

Ben Waterhouse, Manager Procurement, Risk & Governance left the meeting at 7:53 prior to discussion and the vote being taken.

Moved: Cr Skelton

Seconded: Cr Fullagar

That

1. *Council resolves to appoint the following contractors to EO17330 Landscape Construction Contractor Panel for an initial period of 2 years subject to satisfactory completion and ongoing maintenance of mandatory OHS Management, Insurance, and Child Safety Standards requirements:*
 - (a) *A & R Landscaping Pty Ltd [Abn 47 620 845 169]*
 - (b) *The Trustee For The R & D Rayner Family Trust (Trading As Activity Playgrounds Pty Ltd) [Abn 60 896 165 125]*
 - (c) *Bells Civil Excavations Pty Ltd [Abn 62 169 307 939]*
 - (d) *Commercialsapes Pty Ltd [Abn 82 607 810 364]*
 - (e) *Common Ground Trails Pty Ltd [Abn 51 162 352 776]*
 - (f) *Fleming's Landscapes Pty. Ltd. [Abn 18 621 168 607]*
 - (g) *Landstruct Landscape Construction Pty Ltd (Trading As Landstruct Landscape Construction) [Abn 92 094 104 337]*
 - (h) *Prestige Paving Pty Ltd (Trading As Prestige Civil Group) [Abn 84 140 970 912]*
 - (i) *R & J Kent & Co Pty Ltd (Trading As Kent Environmental & Vegetation Management) [Abn 30 006 592 490]*
 - (j) *Regal Innovations Pty Ltd [Abn 79 002 411 814]*
 - (k) *1831 Pty Ltd (Trading As Scratchin The Surface) [Abn 74 119 252 710]*
 - (l) *Tdm Earthworks Pty Ltd [Abn 80 606 123 924]*
 - (m) *Udl Group Pty Ltd [Abn 48 149 994 258]*
 - (n) *Warrandale Industries Pty Ltd [Abn 45 132 425 361]*
 - (o) *World Trail Pty Ltd Atf World Trail Unit Trust (Trading As World Trail) [Abn 93 794 484 623]*
 - (p) *Yellowstone Landscaping Pty Ltd [Abn 96 094 921 294]*
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 terms 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.

Ben Waterhouse, Manager Procurement, Risk & Governance, returned to the meeting at 8.01pm following a vote being taken.

10.6 EOI7333 Building Contractors Panel

SUMMARY

This report summarises the evaluation process and seeks Council approval for the establishment of a panel of pre-qualified Building Construction Contractors. The selected Panel consisting of eleven (11) contractors will be given the opportunity to bid for selected projects as Council considers appropriate over an initial contract period of 2 years with extension options for two additional periods of two years each.

This item has been included in the public agenda to facilitate openness and transparency in Council's decision making. Confidential attachments have been included with the report which contains commercially sensitive information that is not to be disclosed whilst the meeting is open to the public.

Moved: Cr Eastham
Seconded: Cr Higgins

That

1. *Council resolves to accept the following eleven Contractors onto a panel for EOI7333 Building Contractors Panel for an initial period of two (2) years:*
 - (a) *A & C Patterson Family Trust (Trading As A & C's Total Building Maintenance P/L) [Abn 71 713 914 051]*
 - (b) *Building Impressions Pty Ltd [ABN 79 862 472 790]*
 - (c) *Circon Constructions Pty Ltd [ABN 44 113 265 044]*
 - (d) *Corstocon Pty Ltd as trustee for the Corstocon Business Trust (trading as Cornerstone Constructions) [ABN 13 544 040 153]*
 - (e) *Cumayne Constructions Pty Ltd [ABN 99 083 589 477]*
 - (f) *Ducon Maintenance Pty Ltd (trading as Ducon Building Solutions) [ABN 79 150 941 174]*
 - (g) *Eastwood Property Pty Ltd (trading as Versatile Property Maintenance) [ABN 61 130 092 703]*
 - (h) *Kaylan Constructions P/L [ABN 61 102 962 363]*
 - (i) *More Building Group Pty Ltd [ABN 44 614 992 933]*
 - (j) *Rodine Australia Pty Ltd [ABN 81 122 927 397]*
 - (k) *Stosius and Staff Constructions Pty Ltd [ABN 58 106 222 146]*
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 terms 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.

12 ITEMS THROUGH THE CHAIR

12.1 Seville War Memorial

Cr Eastham brought to the attention of Councillors that the Seville War Memorial has been severely damaged by vandals.

The Seville War Memorial is made of four panels, the first panel is dedicated to George Ingram, the Yarra Valley's only Victoria Cross recipient, the other three panels on the memorial are set to pay tribute to Bert Read, a soldier wounded at Gallipoli, George Cassidy, who enlisted in the war at just 16 and served in the 4th Australian Light Horse Regiment and Bruce Bethune, who died on active service during World War 2.

Cr Eastham detailed the damage done to the Memorial and encouraged any member of the public who has information regarding the vandalism to contact Victoria Police or Crime Stoppers.

13 REPORTS FROM DELEGATES

Cr Heenan

- Attended the season opening of the Lilydale Croquet Club in Melba Park, Lilydale on Saturday 23 September 2023. Cr Todorov also attended the event.
- Attended the Pirate for a Day event held by Lillydale Sailing Club on Saturday 23 September 2023, at the Lillydale Lake, Lilydale.

Cr Fullagar

- Attended the Eastern Transport Coalition Committee meeting held on Thursday 21 September 2023 via videoconference.

Cr Eastham

- Attended the Rural Advisory Committee meeting held on Tuesday 26 September 2023, at the Yarra Ranges Council Civic Centre.

14 DOCUMENTS FOR SIGNING AND SEALING

SUMMARY

It is requested that the following documents be signed and sealed: Letter Under Seal - Paulette Bisley Letter Under Seal - Wanda McPherson.

Letters under seal have been prepared in recognition of Paulette Bisley and Wanda McPherson, who have resigned after more than 20 years of voluntary service with the Yarra Ranges Regional Museum Trust.

Moved: Cr Higgins

Seconded: Cr Hennan

That the following listed document be signed and sealed:

Letter Under Seal - Paulette Bisley

Letter Under Seal - Wanda McPherson

The motion was Carried unanimously.

15 INFORMAL MEETING OF COUNCILLORS

Moved: Cr Cox

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: 8.20 pm.

Confirmed this day, Tuesday, 10 October 2023.

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Councillor Sophie Todorov (Deputy Mayor)