



Council Meeting

Minutes

Tuesday, 12 December 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

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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.

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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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 595TH COUNCIL MEETING HELD ON TUESDAY, 12 DECEMBER 2023 COMMENCING AT 7.00 PM COUNCIL CHAMBER - CIVIC CENTRE AND VIA VIDEOCONFERENCE

1 COUNCIL MEETING OPENED

Councillor Sophie Todorov (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 Sophie Todorov (Mayor)

Councillor David Eastham (Deputy Mayor)

Councillor Jim Child

Councillor Andrew Fullagar

Councillor Fiona McAllister

Councillor Tim Heenan

Councillor Richard Higgins

Councillor Johanna Skelton

Officers

Tammi Rose, Chief Executive Officer

Hjalmar Philipp, Director Built Environment & Infrastructure

Jane Price, Director Communities

Kath McClusky, Director Planning & Sustainable Futures

Jarrold Reid, Acting Director Corporate Services

4 APOLOGIES AND LEAVE OF ABSENCE

An apology for this meeting was received from Councillor Len Cox OAM.

The Mayor read the following statement:

It is indeed a rare occasion when we can acknowledge the incredible achievements of one of our residents who has been recognised around the world, featured in international media and mentioned in parliament by Prime Minister Anthony Albanese.

It was with great pride that I read and listened to these stories about the extraordinary achievement of Professor Arnold Dix - an outstanding Monbulkian man who volunteered to lead a team that rescued 41 men from a tunnel collapse in India last month.

Professor Dix, President of the International Tunnelling and Underground Space Association, spent two weeks rescuing the men after a landslide in the Himalayas. This delicate operation could have gone either way - but thankfully it went the right way and all those involved were uninjured.

However, after all his travel around the world it's Monbulk he calls home and while here he was acknowledged by his fellow residents on International Volunteer Day.

But he not only volunteers around the world - he also volunteers in his hometown, recently visiting Monbulk College students with a message that kind people can do anything, and also on the weekend seeing him don the Santa suit for the Monbulk Farmers Market.

Along with my fellow Councillors, I would like to acknowledge the incredible efforts of Professor Arnold Dix, he has certainly put Monbulk on the map with his inspiration actions in India.

As quoted in the local Star newspaper this week, "Professor Dix is a perfect reminder of the good that locals have in the community and not just local tier ranges, but their impact on the world".

The Mayor invited Professor Arnold Dix to address Council

Professor Dix thanked the Council for their kind words and spoke about the United Nations Sustainability and Development goal number 16, and the importance of peace, justice, strong institutions, and the success of Government and Local Government in this country.

Professor Dix went on to highlight the impacts of Climate change in our country and thanked Colin Baker and Dave Roland for their invaluable lesson that have helped him successful achieve the rescued of the men from a tunnel collapse last month.

In closing Professor Dix noted in international rescue everyone is on the same team and good people can just do amazing things.

Moved: Cr Heenan
Seconded: Cr Child

That the Minutes of the Council Meeting held Tuesday 28 November 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.

QUESTION 1

Sue Thompson of Kilsyth asked;

Last year the council installed bollards around the street trees in Castella Street between Chapel and Jones streets to prevent cars parking next to the tree trunks. Has the initial installation of bollards been successful? If so will council investigate a similar treatment to Castella Street to Gardiner Street and the west side of Anderson Street between Chapel and Jones streets as we need to do all we can to stop cars parking next to the tree trunks and protect our street trees?

Hjalmar Philip, Director Built Environment and Infrastructure:

Thank you for your question.

The observation and feedback to date is that the bollards have achieved their purpose which is to prevent cars parking against trees and thereby damaging tree trunks/structural roots.

In early 2024 Council officers will investigate whether a similar treatment is a viable option for vulnerable street trees along Castella Street to Gardiner Street and the west side of Anderson Street between Chapel and Jones streets.

Thank you

QUESTION 2

Sebastian Quezada of Kilsyth asked;

What would be the cost, both in total for the budget and per household, of collecting the general rubbish (red bins) weekly?

Kath McClusky, Director Planning and Sustainable Futures:

Sebastian thank you for your question regarding our household waste collection services.

Council's waste collection services are provided under contract with all rates being Commercial in Confidence as such providing a specific figure for household waste collection isn't possible under the parameters of Council's procurement policy.

I can confirm that in February this year Council awarded the Kerbside Collection & Mobile Bin Supply and Distribution tender for an estimated value of \$160,826,000, (excl. GST) for a ten (10) year term. The contract covers waste, recycling and food organics and garden organics transportation, collection and disposal, and the future roll out of a glass service as required by State legislation. It also includes the purchase of trucks required to fulfill Council's waste collection obligations, fuel and contractor staffing costs. The provision of bins, kitchen caddies and liners are also included in the contract value.

I acknowledge in this instance we were unable to provide the specific details you were after, however there are probity, procurement and commercial contract obligations that we must adhere to.

QUESTION 3

Wendy Wright of Wandin North asked;

Council promised a 6-month review of waste management changes implemented on October 1 (2023). What format will this review take - for example, will community be invited to participate? What date will submissions to this review be opened? Will there be a broad-ranging invitation to ensure a high level of participation is encouraged?

Kath McClusky, Director Planning and Sustainable Futures:

Wendy, thank you for your question.

Council Officers are currently working through the format this informal review will take.

Furthermore, since the implementation of the new waste services, we have been receiving and collecting feedback from our community on how the change in services has impact them, this feedback will inform the review. We will provide further information as appropriate in due course.

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.

SUMMARY

The following petition be received: General Petition

1. Request Melbourne Water and Yarra Ranges Council work together to allocate the resources under your delegation to implement a series of local, district and regional drainage infrastructure, stormwater, sewage and roads initiatives to prevent, mitigate and reduce the impact of future flooding to the current inadequate drainage, sewage, roads and associated infrastructure supplied and maintained by Yarra Ranges Council and Melbourne Water.

110 valid signatures

In accordance with Governance Rule 58, Michelle de Lima spoke in support of the recommendation included in the officer report.

Moved: Cr Heenan

Seconded: Cr Todorov

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

1. *Request allocation of infrastructure to mitigate and reduce the impact of future flooding.*

The motion was Carried unanimously.

10 BUSINESS PAPER

10.1 Amendment C217 Erosion Management Overlay Panel Recommendations and Consideration for Adoption

SUMMARY

Amendment C217 proposes to amend the Yarra Ranges Planning Scheme to update the schedule to the Erosion Management Overlay and include the Incorporated Document '*Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay (EMO1)*' in the Planning Scheme.

The amendment was placed on public exhibition from 22 June to 27 July 2023 with a total of 12 submissions received. Of those, two submissions supported the amendment, six submissions supported the amendment and requested changes, one submission neither supported the amendment or suggested any changes, one submission opposed the amendment and two submissions stated they had no objection to the amendment.

At the Ordinary Council meeting of 12 September 2023, Council resolved to refer submissions to an Independent Planning Panel appointed by the Minister for Planning.

The Panel hearing was held on 23 October 2023. The Panel has now provided its report and recommendations to Council.

The Panel has recommended that Amendment C217 be adopted, as exhibited subject to changes as outlined in the Panel report. A copy of the panel report is at Attachment 1. Officers have assessed and responded to the Panel's recommendations with a final recommended position for consideration (Attachment 2).

This report recommends that Council adopt Amendment C217 in accordance with some of the Panel's recommendations and generally in accordance with the changes recommended in Attachment 2 and Attachment 4.

Moved: Cr Eastham
Seconded: Cr Fullagar

That Council

- 1. Note the recommendations of the Panel Report.*
- 2. Adopt Amendment C217 to the Yarra Ranges Planning Scheme with changes generally in accordance with the changes discussed in Attachment 2 and shown in Attachment 4.*
- 3. Submit Amendment C217 to the Minister for Planning for approval.*
- 4. Write to submitters advising of the outcome of Council's decision.*

The motion was Carried unanimously.

10.2 Nature Plan - Consideration of Community Feedback and Plan for Future Adoption

SUMMARY

The key objective of the draft Yarra Ranges Nature Plan: *Protecting our Biodiversity Assets 2024-2034* (Nature Plan) is to protect and enhance the natural environment in Yarra Ranges.

The Nature Plan was released for community consultation for an eight-week period in August 2022. A broad cross-section of the community was engaged and provided feedback including 130 unique submissions from individuals, Council Committees, Groups and Organisations. Attachment 4 contains a Consultation Report detailing the community's feedback.

The Nature Plan has been updated (Attachment 1) to reflect the feedback provided during the consultation phase. Key changes include:

- A reprioritisation of existing actions.
- New actions in key areas.
- Improved accountability through clarification of targets and reporting metrics.
- Increased financial investment to support implementation activities.

The loss of biodiversity has reached a critical point and is now being recognised as an urgent concern. Last year, at the United Nations Biodiversity Conference (COP15), a Global Biodiversity Framework was adopted. As a result, our Federal Government has formally announced its intention to set a goal of protecting 30 per cent of our land and 30 per cent of our oceans by 2030.

This 30 x 30 commitment translates to Australia needing to protect an additional 60 million hectares, roughly nine times the size of Tasmania. It is also indicative of a new era of nature reporting unfolding – similar in scope to the mandatory climate reporting that has been introduced this year.

The Nature Plan sets bold targets to reflect Council's strategic priorities of environmental stewardship and nature protection in line with the goals outlined above. It is an ambitious Plan that will seek funding through future advocacy efforts, key partnerships, stakeholder collaboration, and budget bids.

The Plan creates framework for utilising quality scientific data to underpin evidence-based decisions for natural resource management and climate mitigation activities. The development of the Nature Plan was identified as a major initiative in the Council Plan and a key pillar of the Environment Strategy. The adoption of the Nature Plan has become even more critical with the official declaration of a El Nino weather event this year.

Cr McAllister left the meeting at 7.42pm and returned to the meeting at 7.44pm prior to the vote being taken.

Moved: Cr Skelton

Seconded: Cr Fullagar

That Council

1. *Note the findings from community consultation and the changes shown in Attachment 4.*
2. *Adopt the Nature Plan generally in accordance with the Attachment 1.*
3. *Write to submitters to thank them for their engagement and advise them of the outcome of the Council Meeting.*

The motion was Carried unanimously.

10.3 2024 Council Meeting Dates

SUMMARY

This report provides a proposed schedule of Council meeting dates for the 2024 calendar year. Once considered by Council the meeting schedule will be formally advertised, and details placed on Council's website. Historically, Yarra Ranges Council meetings have been held on a fortnightly cycle, on the second and fourth Tuesday of each month, commencing at 7pm, with a break provided over the Christmas period. This report proposes to retain a fortnightly Council meeting cycle throughout 2024.

The proposed schedule of meetings is included as Attachment 1.

Moved: Cr Higgins
Seconded: Cr Child

That Council

1. *Adopt the 2024 schedule of Council meetings as follows:*

<i>Tuesday 30 January 2024</i>	<i>Tuesday 09 July 2024</i>
<i>Tuesday 13 February 2024</i>	<i>Tuesday 23 July 2024</i>
<i>Tuesday 27 February 2024</i>	<i>Tuesday 13 August 2024</i>
<i>Tuesday 12 March 2024</i>	<i>Tuesday 27 August 2024</i>
<i>Tuesday 26 March 2024</i>	<i>Tuesday 10 September 2024</i>
<i>Tuesday 09 April 2024</i>	<i>Tuesday 24 September 2024</i>
<i>Tuesday 23 April 2024</i>	<i>Tuesday 08 October 2024</i>
<i>Tuesday 14 May 2024</i>	<i>Tuesday 22 October 2024</i>
<i>Tuesday 28 May 2024</i>	<i>Tuesday 19 November 2024</i>
<i>Tuesday 11 June 2024</i>	<i>Tuesday 26 November 2024</i>
<i>Tuesday 25 June 2024</i>	<i>Tuesday 10 December 2024</i>

2. *Convene all Council meetings to commence at 7pm at the venues listed in Attachment 1 to the report unless otherwise specified in a public notice.*

3. *Authorise the Chief Executive Officer to undertake all statutory requirements that apply to meetings of Council.*

The motion was Carried unanimously.

10.4 Councillor Appointments to Committees and External Bodies

SUMMARY

Each year Council appoints representatives to a number of committees and external bodies.

Approval is sought to appoint Council representation to the committees and external bodies listed for the period December 2023 to October 2024.

A list of the appointments recommended to be made to committees and external bodies is included at Attachment One.

Cr Heenan left the meeting at 8.00pm prior to the vote being taken.

Moved: Cr Child

Seconded: Cr Skelton

That Council approve the appointment of representatives to committees and external bodies for the period December 2023 to October 2024, as per Attachment 1 to the report.

The motion was Carried unanimously.

10.5 CT7360 Yarra Valley Trail Stage 1b Tender Evaluation

SUMMARY

This report summarises the evaluation process taken and seeks Council approval for the construction of a new 1.2 km long shared path trail north of MacIntyre Lane, Yering. This construction constitutes stage 1B.1 of the Yarra Valley Trail project. An advertisement calling for tenders was placed in The Age newspaper on Saturday 30 September 2023.

Tenders closed on Wednesday 1st November 2023 and three (3) tenders were received.

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

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

Cr Heenan returned to the meeting at 8.06pm prior to a vote being taken.

Moved: Cr McAllister
Seconded: Cr Child

That

- 1. Council awards the tender from Cope Ag Pty Ltd for a total lump sum price of \$1,584,311.00 exclusive of GST (\$1,742,742.10 inclusive of GST) for Contract CT7360 Yarra Valley Trail Stage 1B.1.*
- 2. The Director Built Environment and Infrastructure be delegated authority to sign the contract documents.*
- 3. The confidential attachment to this report remain confidential indefinitely as it relates to matters specified under section section 3(1)(g)(i)(g)(ii) of the Local Government Act.*

The motion was Carried unanimously.

10.6 EOI6105 7285 Contract Award for Alfred & John Street Wandin North Special Charge Scheme

SUMMARY

This report summarises the quotation evaluation process for the Alfred Street and John Street, Wandin North - Road Improvements Special Charge Scheme and seeks Council approval to award the contract for construction to Foley Services Pty Ltd.

As part of its 2019 budgetary process, the Federal Government announced a nine-year, \$150 Million funding initiative for Yarra Ranges Council to seal roads within the Dandenong Ranges and surrounding areas.

On 10 January 2023 Council received formal notification dated 19 December 2022, from the Federal Government that the \$150 Million Federal Government funding initiative would be reduced with Council only receiving total funding in the program of \$47.656 Million (\$47.7M). As a result of these funding cuts, Council's ability to construct all roads on the endorsed priority list will not be possible.

At its meeting on 11 April 2023, Council considered a report for seven Special Charge Schemes that will proceed to construction. Alfred Street and John Street, Wandin North was included in one of the seven groups of Special Charge Schemes to proceed to construction.

Landowner support has been sought and obtained for construction of the roads Alfred Street and John Street, Wandin North, in accordance with Council's Special Charge Scheme Policy. The project has been listed in Council's 2023/24 and 2024/25 Capital Expenditure Program.

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

Moved: Cr Eastham

Seconded: Cr Fullagar

That

- 1. Council accepts the tender from Foley Services Pty Ltd for the total lump sum price of \$1,224,870.50 (Ex. GST and inclusive of provisional items), \$1,347,357.55 inclusive of GST and all provisional items as defined in this proposal.*
- 2. Council 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.

10.7 Variation to Lease - Lyrebird College, Coldstream

SUMMARY

In July 2019 Lyrebird College commenced a land-only lease on Council land at 12 Kelso Street, Coldstream following an extensive community consultative process culminating in a Council resolution to grant a 9-year lease, later extended to a 19-year lease in April 2021. The lease fee at that time was set based on a commercial valuation of the site.

Lyrebird College has approached Council seeking a review of the lease fee, with the aim of reducing overheads to ensure the ongoing financial viability of the service, and on the basis that the lease is for land only, meaning that full responsibility for the construction and ongoing maintenance of all improvements on the site sits with the tenant.

Officers propose an adjustment in the yearly rental fee on the basis that the amended figure remains consistent with the provisions of Council's Leasing and Licensing Policy for tenancies which meet the criteria for 'Discounted Community Rent Facilities', and that Council holds no maintenance responsibility for the premises.

Moved: Cr McAllister
Seconded: Cr Heenan

That

- 1. Council enter into a Deed of Variation to Lyrebird College Incorporated's land-only lease at 5/12 Kelso Street Coldstream to amend the rental fee in line with Council's Leasing and Licensing Policy.*
- 2. The Executive Officer Property & Facilities Management be authorised to sign all paperwork relating to the Deed of Variation to the lease.*
- 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 General Petition

Cr Heenan reiterated the importance of the Petition, requesting allocation of infrastructure to mitigate and reduce the impact of future flooding, that was received and noted during the meeting and noted the thorough detail of the Petition.

12.2 Warburton Tree Exclusion Zone

Cr Child commended Officers for the work that had been undertaken in the Warburton tree exclusion zone, Cr Child went on to report that he has witnessed and received reports from the public that people are entering the tree exclusion zone and, as a member of the Yarra Ranges Council Audit & Risk Management Committee (ARMC) and before reporting this matter to the ARMC has formally requested confirmation that the present fencing arrangement achieves the Low Risk tree exclusion zone per Council resolution.

Cr McAllister left to the meeting at 8.16pm

12.3 Holy Fools

Cr Heenan informed Council the Holy Fools Christmas Hamper Packing will be occurring on 16 December 2023 at the Holy Fools Activity and Resource Centre, Chirside Park. Cr Heenan encouraged community to donate through the Activity and Resource Centre or purple pins located throughout the Municipality.

13 REPORTS FROM DELEGATES

Cr Eastham

- Cr Eastham attended the Rural Advisory Committee on Tuesday 5 December 2023, held at the Yarra Ranges Council Civic Centre.

Cr Todorov

- Thanked Councillors for their reports from delegated committees throughout the year.

14 DOCUMENTS FOR SIGNING AND SEALING

SUMMARY

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

Letter Under Seal - Stephen Pike

A letter under seal had been prepared in recognition of Stephen Pike who is retiring after 22 years of service with Yarra Ranges Council, working as a Works Supervisor.

Moved: Cr Child

Seconded: Cr Higgins

That the following listed document be signed and sealed:

Letter Under Seal - Stephen Pike

The motion was Carried unanimously.

15 INFORMAL MEETING OF COUNCILLORS

Cr McAllister returned to the meeting at 8.27pm prior to a vote being taken.

Moved: Cr Fullagar

Seconded: Cr Child

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.

In accordance with section 66(2)(a) of the Local Government Act 2020.

Moved: Cr Todorov

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 Biodiversity Offset Proposal

Item 17.1 is Confidential under the terms section 3(1) of the Local Government Act 2020 as it contains information relating to: (a) Council business information, being information that would prejudice the Councils position in commercial negotiations if prematurely released.

17.2 Waste Project Update

Item 17.2 is Confidential under the terms section 3(1) of the Local Government Act 2020 as it contains information relating to: (a) Council business information, being information that would prejudice the Councils position in commercial negotiations if prematurely released.

The motion was Carried unanimously.

Moved: Cr Todorov

Seconded: Cr Heenan

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

The motion was Carried unanimously.

There being no further business the meeting was declared closed at: 8.53 pm.

Confirmed this day, Tuesday, 30 January 2024.

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Councillor Sophie Todorov (Mayor)