



Council Meeting

Minutes

Tuesday, 13 February 2024
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, Leanne Hurst

Director Corporate Services, Andrew Hilson
Director Planning and Sustainable Futures,
Kath McClusky

GOVERNANCE RULES

All Council and Delegated Committee meetings are to be conducted in accordance with Council's Governance Rules, which can be viewed at: <https://www.yarraranges.vic.gov.au/Council/Corporate-documents/Policies-strategies/Governance-rules>

PUBLIC PARTICIPATION IN MEETINGS

Members of the community can participate in Council meetings in any of the following ways:

- making a verbal submission for up to 5 minutes on matters not listed on the agenda.
- submitting a question.
- speaking for up to 5 minutes to a specific item on the agenda. For planning applications and policy issues, the Chair will invite one person to speak on behalf of any objectors and one person to speak on behalf of the applicant. For other matters on the agenda, only one person will be invited to address Council, unless there are opposing views. At the discretion of the Chair, additional speakers may be invited for items of large interest.
- speaking for up to 5 minutes to a petition to be presented at a meeting.

For further information about how to participate in a Council meeting, please visit: <https://www.yarraranges.vic.gov.au/Council/Council-meetings/Submissions-questions-petitions-to-Council>

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Opinions or statements made during the course of a meeting are those of the particular individuals. Council does not necessarily endorse or support the views, opinions, standards or information contained in the live streaming or recording of meetings. While Council will use its best endeavours to ensure the live stream and Council's website are functioning, technical issues may arise which may result in Council temporarily adjourning the meeting or, if the issue cannot be resolved, adjourning the meeting to another date and time to be determined.

A person in attendance at the meeting must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any meeting without first obtaining the consent of the Chair.

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

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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 597TH COUNCIL MEETING HELD ON TUESDAY, 13 FEBRUARY 2024 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 (via videoconference)

Councillor Richard Higgins

Councillor Johanna Skelton

Councillor Len Cox OAM

Officers

Tammi Rose, Chief Executive Officer

Hjalmar Philipp, Director Built Environment & Infrastructure

Andrew Hilson, Director Corporate Services

Kath McClusky, Director Planning & Sustainable Futures

Leanne Hurst, Director Communities

4 APOLOGIES AND LEAVE OF ABSENCE

There were no apologies received for this meeting.

5 MAYORAL ANNOUNCEMENTS

There were no Mayoral Announcements for this meeting.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved: Cr Todorov

Seconded: Cr Child

That the Minutes of the Council Meeting held Tuesday 30 January 2024, 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

QUESTION 1

Scott Robinson of Millgrove asked;

My question is in relation to the maintenance to my unsealed road, [Wonga road] in Millgrove,

For lack of maintenance when it comes to dust suppressant, which I've just found out, is now once a year, when 7 years ago it was 3 times a year.

Also lack of pothole filling, lack of gutter maintenance.

And lastly the fact that in 7 years we have been on the sealed road scheme, 3 times and have been removed 3 time, due to lack of money to have our road sealed with how the council "envisions to be sealed".

Hjalmar Philipp, Director Built Environment and Infrastructure:

Thank you for your question, Scott.

With respect to maintenance, Wonga Road is graded 4 times per year. The last grade was 21st December 2023 and included dust suppressant treatment.

Dust suppressant is only applied once per annum and our team would be happy to have a further discussion with you on the historical application in your area. Council treats approximately 220kms of its 700kms of unsealed road network annually.

With respect to sealing, Wonga Road, Millgrove was part of the roads for Community funding program and listed to be sealed under the Special Charge Scheme Process, however, it did not progress as a majority of landowner support was not received.

Following the Federal Government decision to cut funding to the Roads for Community Road sealing program, Council is now reviewing the list of priority roads for sealing and approach to funding, and we expect further information on this approximately mid-year. Thanks Scott.

QUESTION 2

Belinda Bernardini of Lilydale asked four questions to Council. Under Council's Governance Rules an individual can only submit two questions to a Council Meeting.

How many households volunteered to receive a green bin in 22/23FY?

What was the charge per household for the green waste bin in the 22/23FY?

Kath McClusky, Director Planning and Sustainable Futures

Thank you for your question, Belinda.

In 2022/2023 approximately 67 per cent of properties, which is approximately 37,000 households eligible for a green waste bin took up this service.

The charge for a 240-litre green waste bin in 2022/2023 was \$99.00 and did not include food waste. This service was a fortnightly service.

QUESTION 3

Julieanna Lamonica of Coldstream and an anonymous questioner asked

On the back of my petition submitted in the 30 Jan Council meeting where I was led to believe I had support regarding the lack, poorly maintained and non existing drainage issues causing flooding to Coldstream businesses and residents, I have seen that the budget for Station Street Coldstream has now been slashed in half. Can I have an explanation as to why our budget has gone from \$400k to \$181K and what might the scope of works be with \$181 thousand?

Hjalmar Philipp, Director Built Environment and Infrastructure:

Thank you for your question, Julieanna.

The Station Street, Coldstream drainage project was scoped to be completed in the 2023/2024 budget at a cost of \$400,000.

The project requires approvals for the creation of easements in order to complete the construction works. This work is underway, but the overall project is behind the delivery schedule estimated at the start of this financial year due to process approval delays.

Therefore, the financial budgeting of the project has been re-profiled to match delivery status and enable other projects to be delivered. This can occur from time to time over the financial year as part of managing the delivery of approximately \$70M capital works.

Importantly capital budget allocation remains to complete the full scope of work, with \$181,000 being spent now to complete designs, establish the easement and prepare for construction and the balance to deliver the work.

Cr McAllister sought clarification from the Director Built Environment and Infrastructure that the full budget allocation for the Coldstream drainage project has been allocated over the 2023/2024 and 2024/2025 financial year.

SUBMISSIONS FROM THE PUBLIC

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.

9.1 Petition to Council

SUMMARY

The following petition be received:

General Petition

1. Request that Council take immediate action regarding the inadequate budget allocation for drainage systems, and the management thereof, resulting in recurrent flooding in and around Chapel Street and Clarke Street, Lilydale.

88 valid signatures.

2. Request that Council immediately invest, fund and upgrade and replace the current ageing, poorly maintained and insufficient easement, pits, drains, local roads, stormwater and drainage infrastructure in Bristol Crescent, Valencia Road, Opal Court, Carmen Court, Hereford Road, Akarana Road and surrounding streets, and the urgently maintenance and upgrade of the easement pipes from Mt Evelyn to Lilydale Lake roundabout.

15 valid signatures.

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

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

Moved: Cr McAllister

Seconded: Cr Heenan

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

1. *Request that Council take immediate and effective action regarding the inadequate drainage system, and the management thereof, resulting in recurrent flooding in Chapel Street and Clarke Street, Lilydale.*
2. *Request that Council immediately invest, fund and upgrade and replace the current ageing, poorly maintained and insufficient easement, pits, drains, local roads, stormwater and drainage infrastructure in Bristol Crescent, Valencia Road, Opal Court, Carmen Court, Hereford Road, Akarana Road and surrounding streets, and the urgently maintenance and upgrade of the easement pipes from Mt Evelyn to Lilydale Lake roundabout.*

The motion was Carried unanimously.

10 BUSINESS PAPER

10.1 Quarterly Finance Report - December 2023

SUMMARY

The attached quarterly finance reports have been prepared as at 31 December 2023. The reports include financial year-to-date data up to quarter two of the 2023-2024 financial year and is compared to the adopted budget and the forecast projections for the full year to 30 June 2024.

Moved: Cr Fullagar
Seconded: Cr Child

That Council

- 1. Receives and notes the Finance Report for the period to 31 December 2023 for the purpose of Section 97 of the Local Government Act 2020.*
- 2. Approves and adopts the Capital Works Transfers as outlined in the December Quarterly Capital Works Report.*

The motion was Carried unanimously.

10.2 Road Discontinuance abutting 2 Edward Street Healesville

SUMMARY

It is proposed Council use its powers under *Section 206 (1) and Schedule 10 of the Local Government Act 1989* to discontinue the remaining portion (721m²) of unused road reserve known as Ormond Street (abutting 2 Edward Street, Healesville) shown in Attachment 1 & 2.

The portion of road is not constructed or utilised for road purposes. It has not been identified as being reasonably required for public use now or into the future.

Upon removal of the road status, the land will vest in Council. After considering the guidelines for *Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land* it is proposed the sale of land be referred to Council's Property and Facilities team to coordinate the sale of land on the open market as a vacant residential lot. This sale option has the potential to provide the highest possible return on the land asset which meets the guidelines.

The road discontinuance proposal is fully supported by the relevant Council departments.

Public Notice has been given and two formal submissions of objection were received.

Moved: Cr McAllister
Seconded: Cr Todorov

That Council having given notice of its intention to discontinue the remaining 721m² road portion known as Ormond Street (abutting 2 Edward Street, Healesville) and having invited public submissions and having considered the submissions received, and being of the opinion that this road portion is not reasonably required for public use:

- 1. Discontinue the portion of road.*
- 2. Direct that notice of the discontinuance be published in the Government Gazette.*
- 3. Direct that the land from the discontinued road portion be referred to Council's Property and Facilities team to investigate sale of land on the open market which would require further public consultation in accordance with Section 114 of the Local Government Act 2020.*
- 4. Direct that any necessary documentation to give effect to the vesting/transfer of land be signed and sealed.*

The motion was Carried unanimously.

10.3 EOI6105 7169 Mt Morton Road, Belgrave Heights Stage 2 Road Improvement Works Special Charge Scheme

SUMMARY

This report summarises the quotation evaluation process for Mt Morton Road Stages 2 and 3 (Ryan Road to no.141) Belgrave Heights – Road Improvement Works SCS and seeks Council approval to award the contract for construction to Etheredge Minterm 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, Councils ability to construct all roads on the endorsed priority list will not be possible.

Landowner support has been sought and obtained for construction of Mt Morton Road, Belgrave Heights, 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.

Mt Morton Road, Belgrave Heights is being constructed under two contracts. Contract EOI6105 7073 Mt Morton Road Stage 1 (Glen Road to No 141) and Hood Street Belgrave Heights – Road Improvement Works Special Charge Scheme was awarded to TDM Earthworks Pty Ltd at the council meeting on 25 October 2022 and reached practical completion on 21 December 2023. This council report considers the award of EOI6105 7126 Mt Morton Stages 2 and 3 (Ryan Road to no.141) Belgrave Heights – Road Improvement Works SCS.

Moved: Cr Skelton
Seconded: Cr Fullagar

That

- 1. Council accepts the tender from Etheredge Minterm Pty Ltd for the total lump sum price of \$973,964.00 (exclusive of GST and inclusive of provisional items), \$1,071,360.40 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.

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 Hard Rubbish Collection – Australia Day Long Weekend

Cr McAllister queried the timing of hard rubbish collection in Healesville over the Australia Day long weekend and requested that timing of future hard rubbish collection be reviewed.

13 REPORTS FROM DELEGATES

Cr Skelton

- Attended the Sustainable Environment Advisory Committee Meeting held on Thursday 1 February 2024, held at the Yarra Ranges Council Civic Centre. Cr Fullagar also attended.

Cr Todorov

- Attended the Health & Wellbeing Advisory Committee Meeting held on Thursday 8 February 2024, held at the Yarra Ranges Council Civic Centre.

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 Eastham

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: 7.54 pm.

Confirmed this day, Tuesday, 27 February 2024.

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Councillor Sophie Todorov (Mayor)

