



# Council Meeting

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## Minutes

**Tuesday, 27 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 and waterways.

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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### **CONTACT US**

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# YARRA RANGES COUNCIL

## MINUTES FOR THE 598<sup>TH</sup> COUNCIL MEETING HELD ON TUESDAY, 27 FEBRUARY 2024 COMMENCING AT 7.00 PM COUNCIL CHAMBER - CIVIC CENTRE AND VIA VIDEOCONFERENCE

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### 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  
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 prior to the commencement of this meeting.

### 5 MAYORAL ANNOUNCEMENTS

#### ITEM WITHDRAWN

The mayor announced that prior to the meeting the Chief Executive Officer withdrew item 10.1 Community Engagement Plan for Council Plan to allow for Council Officers to include further information in the report.

**Moved: Cr Todorov**

**Seconded: Cr Heenan**

*That the Minutes of the Council Meeting held Tuesday 13 February 2024, as circulated, be confirmed.*

**The motion was Carried unanimously.**

*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

**Rosemary Mosley of Lilydale asked;**

*When a Petition has been lodged with Council, is a copy provided to all Councillors and relevant Shire personnel when the matter of the Petition is on a Council Meeting Agenda ?*

*If so, is that Petition read carefully, including additional items, eg. photos to illustrate the topic, prior to the Meeting?*

**Andrew Hilson, Director Corporate Services:**

*Thank you for your question, Rosemary for the question and Susan for reading that.*

*Once a petition to Council is lodged it is assessed by Council Officers to ensure it meets all the requirements of a formal Petition to Council.*

*Once confirmed, the petition is included in a Council meeting agenda and all petition material, including any photos, are provided to the Mayor, Deputy Mayor, all Councillors, relevant Council officers and Council's CEO. Information about a petition is usually provided to Councillors and officers one week prior to the Council meeting, or as soon as it is received from a Petitioner. Additional background information and context is also provided where necessary by officers to Councillors to assist in their understanding of the matter.*

*All Yarra Ranges Councillors take their role, responsibilities and duties seriously, which includes an expectation to read and understand all briefing materials such as petitions and Council officer reports.*

## QUESTION 2

**Sonya Weir of Lilydale asked;**

*Why do the rate payers affected by flooding pay the same rates as everyone else in Lilydale?*

**Andrew Hilson, Director Corporate Services**

*Thank you for your question, Sonya.*

*General rates charges for a property are calculated using the formula “Capital Improved Value x Rate in the Dollar.”*

*All ratepayers across the municipality have the same Rate in the Dollar applied to their general rates calculation, however rates charges vary between ratepayers due to different property valuations, which depend on a large number of factors influencing property values. Properties in different locations and subject to different conditions are likely to have different valuations and therefore rates charges.*

*It is Yarra Ranges Council’s determination that this method of calculating general rates provides the most fair and equitable way for all ratepayers to contribute towards the many services delivered by Council across the municipality.*

*Any person who is aggrieved by the valuation of their property may object to that valuation to the Valuer General of Victoria, this is a cost-free process.*

## QUESTION 3

**Belinda Bernardini of Lilydale asked;**

*What was the total waste charge for all households in 22/23FY?*

*[and]*

*Taking into account the new FOGO system, can council advise what the total anticipated waste charges will be for all household (cumulatively) for the 23/24FY?*

**Kath McClusky, Director Planning and Sustainable Futures**

*Thank you for your question, Belinda.*

*The total waste charge for all households in 2022/2023FY was approximately \$23.8 Million.*

*Council is currently working through the collection of the waste charge for 23/24 financial year and will provide this information in due course, however it is estimated that the total collection will be approximately 29,9 for residential and commercial.*



## QUESTION 4

### **Mark Bernardini of Silvan asked;**

*Given council employ staff to undertake administrative duties why is council charging for a processing fee for submission of barrier compliance certificates? Surely such administrative task should be incorporated into the job descriptions of existing council workers under their pay arrangements. Will council waive this submission fee considering our rates already pay wages for staff and such wages should cover these administrative tasks?*

### **Kath McClusky, Director Planning and Sustainable Futures**

*Thank you for your question, Mark.*

*The Pool and Spa program was introduced by the State Government in 2019. It is administered by Councils to ensure adequate safety of all pools and spas across Victoria, and to prevent child drownings in backyard pools and spas. Yarra Ranges has 7808 pools and spas. Every owner of a property with a pool or spa must register their property with Council, and then provide a compliance certificate every four years.*

*The fees for registration and submitting the swimming pool and spa barrier compliance certificate are statutory fees set by the State, not Council, to partly cover the costs to Council of staffing the program, rather than being entirely covered by general Council rate revenue. Yarra Ranges has had to appoint additional staff to administer the program, at this stage Council will not be waiving the fee, unless there are exceptional circumstances.*

## QUESTION 5

### **Anonymous of Mooroolbark asked;**

*Given the current housing crisis, that has been in gradual but significant decline for the last 5 years.*

*1. Why does the Council Planning Dept continue to insist on more onerous requirements than are in the actual Planning Scheme regulations?*

*2. Why won't Council review &/or change their Planning Dept 'wants' until the next elections?*

*I can't fathom why Local Council has failed to fall in line with this huge need given the fact that both State & Federal Govts are pushing for increased supply.*

### **Kath McClusky, Director Planning and Sustainable Futures**

*Thank you for your questions.*

#### *Question 1*

*While we understand that some people may view the requirements as onerous, housing development must also be balanced with achieving the existing and preferred local Neighbourhood Character. To ensure developments provide a positive response to its local neighbourhood, including planting of canopy trees, landscaping and open spaces. This continues to be a key theme that we heard in our recent engagement on our draft housing strategy from our community.*

#### *Question 2*

*Council is not waiting until the next election to review our planning scheme.*

*We have recently reviewed our Housing Strategy which helps to progress both the State and Federal Governments Housing Agenda. This strategy will be formally considered by Council in the coming months.*

*The Draft Housing Strategy outlines how Yarra Ranges will enable an increase of approximately 10,700 new homes over the next 15 years. This will include providing more housing in established residential areas and major activity centres. The strategy also includes the provision of more affordable and smaller homes, and a variety in housing size and type.*

*Developers are encouraged to use Council's multi-unit residential guidelines as guidance for preferred unit outcomes in our urban areas. If adopted by Council the Yarra Ranges Housing Strategy will progress with preparing an amendment to the Yarra Ranges Planning scheme to implement its recommendations.*

## QUESTION 6

**Wendy Wright of Wandin North asked;**

*How much revenue was received in Open Space Contributions from developers (or others) in 2022-23?*

*How were those funds used and how much new open space was created?*

**Hjalmar Philipp, Director Built Environment and Infrastructure**

*Thank you for your question, Wendy.*

*\$1.49 million was received in Open Space Contributions in 2022-2023.*

*\$4.49 million was expended in 2022-2023 to deliver works including minor capital improvements and the purchase of 150 Cambridge Road, Kilsyth.*

*This land purchase created an additional 3.6 hectares of open space.*

## QUESTION 7

### **Michelle de Lima of Lilydale asked;**

*What mechanisms and methods will be used to inform the elderly, people with a disability, or where English is a second language and those without access to technology so that they can provide input into the Community Consultation and Engagement Plan and what is the criteria for the recruitment of a representative community panel to develop recommendations for Council on Municipal wide issues and how will you ensure no bias in the selection process of representatives?*

### **Andrew Hilson, Director Corporate Services**

*Thank you for this question, Michelle.*

*Council is designing its community engagement process to inform the development of the new Council Plan, 10 Year Asset Plan and 10 Year Financial Plan. With a specific approach to offer diverse ways for community involvement therefore gaining as many voices and opinions as possible.*

*We are including activities such as online and in-person surveys, market stalls and pop-ups that bring the engagement conversation out to our community and opening conversations through existing networks and interest groups across our municipality such as township groups, business networks, libraries, schools, senior citizens clubs, community organisations and advisory committees.*

*Collectively, all these activities offer a range of opportunities for people from diverse backgrounds to become involved through face-to-face, paper based or virtual connection.*

*In addition, we will be appointing a representative deliberative panel to inform the Plans. Whilst there aren't any set criteria for joining the community panel. It is planned to comprise people that are intentionally selected to be representative of our communities' diverse demographics. Council is using an external recruiter to appoint the panel, therefore ensuing there is no selection bias.*

*For members of our community with low levels of English, materials can be made available in other languages if requested. We will promote opportunities for our newly arrived and migrant communities to get involved via community leaders and support organisations that Council officers have existing relationships with. Making these opportunities as accessible and equitable for those who want to be involved is an important part of our engagement plan.*

## QUESTION 8

### **Anonymous of Healesville asked;**

*If a rate payer doesn't consent or doesn't receive a service offered by council, eg green waste bin, is it legal to charge for it? Australian Consumer Law, states 'it is an offence for a business to demand payment for unsolicited products or services that a consumer did not request to purchase or receive.' Shouldn't council follow ACL principles in all of its dealings whether ACL strictly applies or not, particularly in regards to rates & charges? Answer succinctly referencing which laws apply.*

### **Andrew Hilson, Director Corporate Services**

*Thank you for your question.*

*In this instance the Australian Consumer Law does not apply.*

*The Circular Economy (Waste Reduction and Recycling) Act 2021, states that "A council must provide... a municipal food organics and garden organics service" to its municipality for residential purposes.*

*Further, the Local Government Act (1989) states that Councils can apply charges for additional services required and provided, including the collection and disposal of waste, recycling and resource recovery services.*

*A service rate or service charge may be declared based on any criteria specified by the Council in the rate or charge, for example, applying the charge to all ratepayers universally across the municipality.*

*General rates are charged by Council under provisions of the Local Government Act. They are a valuation-based property tax and not a fee for service. Rates income is used to fund a wide range of services for the common good across the municipality. Council acknowledges that not all services are accessed by all residents, such as Maternal Child Health, Immunisation and Library services.*

## QUESTION 9

### **Carmela Fiasco of Kalorama asked;**

*Requesting a recreational rubbish bin and public seating bench at Kalorama lookout public place. Corner of Mount Dandenong Tourist Rd and Barbars Road Kalorama. We get many visitors stopping to admire the beautiful view. A bench would benefit the elderly that are unable to stand at the lookout. And a bin would be very useful when visitors stop and have lunch there, instead of taking the rubbish back home with them.*

### **Hjalmar Philipp, Director Built Environment and Infrastructure**

*Thank you for your question, Carmela.*

*The site of the lookout, Kalorama Park is the location for a significant public art piece, titled "Regeneration". This installation is part of the ngurrak barring-RidgeWalk project. Which is a cultural trail project jointly funded by Federal and State governments along with Yarra Ranges Council*

*Seating, bins and an accessible path network are all part of the design which is being finalised at present and scheduled for delivery later this year.*

*Further information on the project can be found at [shaping.yarraranges.vic.gov.au/ridgewalk](http://shaping.yarraranges.vic.gov.au/ridgewalk).*

## **SUBMISSIONS FROM THE PUBLIC**

### **Cleanliness Standard of Council Facilities**

Eric Adams provided Councillors with information regarding the standard of cleanliness in Yarra Ranges Council public toilet facilities. Eric Adams requested that Council increase the standard of cleaning within public toilets and other facilities within the council.

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

*Due to the unavailability of the submitter, the Submission to Council (Senior Citizen Clubs) published in the Council Meeting Agenda will be now heard at the Council Meeting on Tuesday 12 March 2024.*

## 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 Petitions to Council

#### **SUMMARY**

The following petitions be received:

General Petition

1. Request that Yarra Ranges Council to establish an LGBTIQA+ Advisory Committee.  
7 valid signatures.
2. Request council implement measures to substantially reduce the volume of traffic using Clifford Grove, Tecoma.  
9 valid signatures.

*In accordance with Governance Rule 58, Sean Mulcahy spoke in support of the recommendation included in the officer report.*

*In accordance with Governance Rule 58, Maurice Waring spoke in support of the recommendation included in the officer report.*

**Moved: Cr Child**

**Seconded: Cr Fullagar**

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

1. *Request that Yarra Ranges Council to establish an LGBTIQA+ Advisory Committee.*
2. *Request council implement measures to substantially reduce the volume of traffic using Clifford Grove, Tecoma.*

**The motion was Carried unanimously.**

## **10 BUSINESS PAPER**

### **10.1 Community Engagement Plan for Council Plan**

#### **SUMMARY**

By the end of October in the year following a Council election, each Council is required to develop a four-year strategy (the Council Plan) defining how it is going to work towards its community's vision, supported by a 10-year Asset and Financial Plan.

To ensure this process truly reflects what the breadth of the community want, a detailed engagement process is undertaken ahead of the Council elections to inform the development of these strategic documents.

This paper provides an overview of the various avenues of community engagement planned to draw in the diverse opinions of the Yarra Ranges' community for the development of the 2025-2029 Council Plan and 10-year Financial and Asset plans.

#### **ITEM WITHDRAWN**

The Chief Executive Officer withdrew Item 10.1 - Community Engagement Plan for Council Plan from the agenda to allow for Council Officers to include further information in the report.

There was no consideration of the item at this meeting.



## 10.2 Road Reserve - Stuart Road, East Warburton

### SUMMARY

Stuart Road, East Warburton is an unsealed Council Road as defined in section 3(1) of the 1989 Act, on the basis that the Road is known to title as a road reserve. A house is located on that part of No. 35 which is situated between the Road and the Yarra River but the house does not encroach upon the Road.

A gate across the road at the street frontage of No. 35 on Stuart Road, to protect its property from trespassers and antisocial behaviour, which gate is locked with a padlock, currently limits access for the local community.

At its meeting on 13th September 2022, the Council received a petition advocating for the reinstatement of vehicle use and pedestrian access via Stuart Road, East Warburton to the Yarra River. The petitioners expressed concerns about the southern portion of Stuart Road, which is currently obstructed by a locked gate and signage.

There is a historical record of public use and a community desire to access the Yarra River via the southern portion of Stuart Road. Council has limited care and management responsibilities in respect of the unconstructed section (gated) of Road, it does have an overriding responsibility to manage and minimise any risks to public health and safety in respect of any use of the Road.

Concerns regarding the local community being restricted vehicle access for their own emergency purposes were raised by the petitioners. However, advice from Council's Emergency Management team and the Municipal Fire Management Planning Committee (MFMP) led to the rejection of the proposal for unrestricted community access. Emergency Services vehicles access to the road reserve is supported.

In light of this, this report recommends installing a locked gate (with standard S100 key for emergency / maintenance access) with narrow opening for pedestrians, to prevent private vehicles from accessing the road reserve. Any signs on the gates which restricts pedestrian access to the road reserve needs to be removed.

In the event of continued concerns, further initiatives, such as delineating the road reserve and the property at No. 35 Stuart Road, is recommended to be explored.

*In accordance with Governance Rule 58, Damian Arnall spoke in objection to the recommendation included in the officer report.*

*In accordance with Governance Rule 58, Timothy Herbert and Harvey Bowlt spoke in support to the recommendation included in the officer report.*

*Cr McAllister left the meeting at 8.38pm and returned to the meeting at 8.39pm prior to a vote being taken.*

**Moved: Cr Child**  
**Seconded: Cr Cox**

*That Council*

1. *Maintain use of Stuart Road, East Warburton for pedestrian access to the Yarra River.*
2. *Prevent public vehicular access to the river via the unconstructed road section of Stuart Road, East Warburton bounded by 35 Stuart Road.*
3. *Maintain the road access for the relevant Authorities and Emergency Services Vehicles.*
4. *Install a locked gate (with emergency services/maintenance access) with suitable pedestrian access that prevents private vehicles from accessing the road reserve.*
5. *Remove signage which restricts pedestrian access to the road reserve.*
6. *Advise the Lead Petitioner and owner of No.35 Stuart Road, East Warburton of the Council resolution.*

**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 Storm Event

Cr Skelton thanked Council Officers in supporting Emergency Services and community during the storm event two weeks ago. Cr Skelton encouraged an ongoing conversation to ensure Council is prepared for future storm events.

## 13 REPORTS FROM DELEGATES

*Cr McAllister left the meeting at 8.54pm and returned to the meeting at 9.01pm.*

Cr Fullagar

- Attended the Eastern Regional Transport Alliance Meeting held on 15 February 2024 via videoconference.
- Attended the Burrinja Cultural Centre Board Meeting held on 19 February 2024 at the Burrinja Cultural Centre, Upway.

Cr Skelton

- Attended the Indigenous Advisory Committee Meeting held on 20 February 2024 at the Yarra Ranges Council Civic Centre, Lilydale. Cr McAllister and Cr Todorov also attended.

Cr Eastham

- Attended the Agribusiness Yarra Valley Committee Meeting held on 21 February 2024 held at the Yarra Ranges Council Civic Centre, Lilydale.

Cr Child

- Attended the Your Library Board Meeting held on 8 February 2024 held at the Your Library Office, Scoresby. Cr Fullagar also attended.
- Attended the Municipal Emergency Management Planning Committee (MEMPC) Meeting held on 21 February 2024 at the Yarra Ranges Council Civic Centre, Lilydale.

Cr McAllister

- Attended the Audit and Risk Management Committee Meeting held on 19 February 2024 at the Yarra Ranges Council Civic Centre, Lilydale.

## 14 DOCUMENTS FOR SIGNING AND SEALING

### SUMMARY

It is requested that the following documents be signed and sealed:

Letter Under Seal – Sean Kavanagh

A letter under seal has been prepared in recognition of Sean Kavanagh, who has resigned after 38 years of service with Yarra Ranges Council (and formerly the Shire of Sherbrooke).

**Moved: Cr Heenan**

**Seconded: Cr Eastham**

*That the following listed document be signed and sealed:*

*Letter Under Seal – Sean Kavanagh.*

**The motion was Carried unanimously.**

## 15 INFORMAL MEETING OF COUNCILLORS

**Moved: Cr Heenan**

**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: 9.12 pm.

Confirmed this day, Tuesday, 12 March 2024.

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**Councillor Sophie Todorov (Mayor)**