

Council Meeting

Agenda

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>

LIVE STREAMING AND RECORDING OF MEETINGS

Council meetings will be live streamed and recorded with the video recording being published on Council's website. Council will cease live streaming at the direction of the Chair or prior to any confidential items being considered.

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.

VIEWING THIS AGENDA ON A MOBILE DEVICE



The free modern.gov app enables you to download papers for our meetings on Apple, Android and Windows devices. When you first open the app you will be asked to 'Subscribe to Publishers' – simply select Yarra Ranges Council from the list of councils. The App allows you to select the meetings you are interested in and it will then automatically keep itself updated with all the latest meeting agendas and minutes.

EVACUATION PROCEDURES

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

Post	PO Box 105, Anderson Street
Telephone	1300 368 333
Facsimile	(03) 9735 4249
Email	mail@yarraranges.vic.gov.au

Agenda

- | | | |
|----|---|----|
| 1. | COUNCIL MEETING OPENED | 6 |
| 2. | ACKNOWLEDGEMENT OF COUNTRY | 7 |
| 3. | INTRODUCTION OF MEMBERS PRESENT | 8 |
| 4. | APOLOGIES AND LEAVE OF ABSENCE | 9 |
| 5. | MAYORAL ANNOUNCEMENTS | 10 |
| 6. | CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS | 11 |
| 7. | DISCLOSURE OF CONFLICTS OF INTEREST | 12 |

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.

- | | | |
|----|--|----|
| 8. | QUESTIONS AND SUBMISSIONS FROM THE PUBLIC | 13 |
|----|--|----|

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.

- | | | |
|----|------------------|----|
| 9. | PETITIONS | 14 |
|----|------------------|----|

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 | 15 |
|-----|----------------------|----|

- | | | |
|-----|-----------------------|--|
| 10. | BUSINESS PAPER | |
|-----|-----------------------|--|

Office of the CEO

- | | | |
|------|--|---------|
| 10.1 | Community Engagement Plan for Council Plan | 16 - 23 |
|------|--|---------|

Agenda

- Built Environment and Infrastructure
- 10.2 Road Reserve - Stuart Road, East Warburton 24 - 31
- 11. COUNCILLOR MOTIONS 32**
- 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.*
- 12. ITEMS THROUGH THE CHAIR 33**
- 13. REPORTS FROM DELEGATES 34**
- 14. DOCUMENTS FOR SIGNING AND SEALING 35**
- 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.*
- 15. INFORMAL MEETING OF COUNCILLORS 36 - 40**
- 16. URGENT BUSINESS 41**
- In accordance with Chapter 3 Rule 24 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*
- 17. CONFIDENTIAL ITEMS 42**
- In accordance with section 66(2)(a) of the Local Government Act 2020.*
- 18. DATE OF NEXT MEETING 43 - 44**

YARRA RANGES COUNCIL

**AGENDA FOR THE 598TH COUNCIL MEETING TO BE HELD ON TUESDAY
27 FEBRUARY 2024 COMMENCING AT 7.00PM IN COUNCIL CHAMBER, CIVIC
CENTRE, ANDERSON STREET, LILYDALE / VIA VIDEOCONFERENCE**

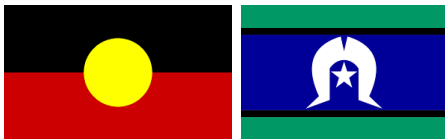
1. MEETING OPENED

2. 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.



3. INTRODUCTION OF MEMBERS PRESENT

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 & Sustainable Futures, Kath McClusky

4. APOLOGIES AND LEAVE OF ABSENCE

There were no apologies received prior to the commencement of this meeting.

5. MAYORAL ANNOUNCEMENTS

6. CONFIRMATION OF MINUTES

RECOMMENDATION

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

7. 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.

The Local Government Act 2020 defines two categories of conflict of interest:

- *a general conflict of interest, which is defined as "...a relevant person has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty", and*
- *a material conflict of interest, which is defined as "...a relevant person has a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit may arise or the loss incurred (a) directly or indirectly; or (b) in a pecuniary or non-pecuniary form."*

In accordance with section 130 of the Local Government Act 2020, a conflict of interest must be disclosed in the manner required by the Governance Rules and the relevant person must exclude themselves from the decision-making process.

No Conflicts of Interest have been received prior to the Agenda being printed.

8. 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.

A person may make a submission to Council on matters that are not listed on the Agenda. A submission may be on any matter except if it:

- (a) is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
- (b) is substantially the same as a submission made to a Council meeting in the preceding 12 months;
- (c) relates to confidential information as defined under the Act;
- (d) relates to the personal hardship of any resident or ratepayer; or
- (e) relates to any other matter which the Council considers would prejudice the Council or any person.

SUBMISSIONS FROM THE PUBLIC

Council Facilities Cleanliness

Eric Adams wishes to raise concerns with Councillors regarding the state of cleanliness in Council Facilities.

Senior Citizen Clubs

Raymond Cooper wishes to provide Councillors with an update regarding Senior Citizens Clubs within Yarra Ranges.

9. PETITIONS

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

A person may submit a petition to Council on matters that are not listed on the Agenda. Every petition or joint letter submitted to Council must:

- a) identify a 'Lead Petitioner' who Council can correspond with;
- b) be legible and in permanent writing;
- c) be clear and state on each page the matter and action sought from Council. Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter;
- d) not be derogatory, defamatory or objectionable in language or nature;
- e) not relate to matters outside the powers of Council; and
- f) clearly state the names and addresses of at least seven (7) people who live, work, study or do business in the Municipal district.

PETITIONS TO COUNCIL

Report Author: Governance Officer
 Responsible Officer: Director Corporate Services
 Ward(s) affected: All Wards, Lyster

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

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.

RECOMMENDATION

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.***

COMMUNITY ENGAGEMENT PLAN FOR COUNCIL PLAN

Report Author: Corporate Planning and Performance Co-Ordinator

Responsible Officer: Chief Executive Officer

Ward(s) affected: All wards;

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

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.

RECOMMENDATION

That Council endorses the commencement of the proposed community engagement process to inform the development of the 2025 Council Plan, and the 10-year Financial and 10-year Asset Management Plans.

RELATED COUNCIL DECISIONS

There are no related Council decisions relevant to this item.

DISCUSSION

Purpose and Background

The *Local Government Act 2020* states that “a Council must develop or review the Council Plan in accordance with its deliberative engagement practices and adopt the Council Plan by 31 October in the year following a general election”.

This requirement is also necessary for the development of a 10-year Finance Plan and a 10-year Asset Plan.

This paper provides an overview of the methods proposed to support the breadth of the Yarra Ranges Community to contribute their ideas and concerns to the development the 2025-2029 Council Plan and 10-year financial and asset plans.

Overview

The Council Plan defines the high-level actions being focussed on for a four-year term, that moves the Municipality towards the vision the Community defined in 2020 for its future.

To ensure that the activities and focus of that four-year strategy (The Council Plan) aligns with the community’s priorities, a variety of activities are used to try and talk with, or hear from, the diverse voices of our communities.

These activities are proposed to run from March through to August 2024, with the opportunity for additional activities in late 2024 or early 2025 if needed. This allows for the development of the documents, with the community voice as a foundation, with the incoming Council.

This paper outlines the overarching engagement approach for both the broad community (to gather and understand ideas and opinions) and then a deliberative process – which uses a representative panel, very like a jury – to develop recommendations for issues that need to be addressed to achieve the community vision, but have no clear answer.

Additional targeted activities are also being developed to support stronger representation of groups in the community that standard activities rarely reach effectively, such as the voice of younger people and children.

Engagement Goals

The main goal for this process is to design and implement an inclusive engagement strategy that:

- Minimises the barriers to people participating in the process.
- Allows meaningful participation from a range and volume of individuals and stakeholder groups that represent our complex community.

Project Objectives

The project objectives for this engagement process include, to:

- achieve a greater understanding of the Yarra Ranges Municipality as a whole and for the Council and community to work together to achieving the community vision.
- support a deeper understanding of the services Council supports its community with and enable open feedback on the community priorities for this work.
- ensure that the process is transparent.
- achieve a diversity of engagement across the Yarra Ranges – showcasing a wide variety of voices and opinions.
- assist the community to be more aware of how they can engage with the Council in the future and encourage future participation.

Methodology

The approach to engagement is proposed to start broad, then move to detailed discussions before checking-in with broad conversations again. The initial broad engagement will focus on understanding at a high-level the community's ideas and opinion. This information will form the foundation for the 'deliberative engagement' - where participants are given the context and time to think deeply about the Council's most tricky dilemmas. The deliberative recommendations will then be tested with the community through another round of broad engagement.

This approach provides the benefit of options to participate in the engagement process.

The following sections provide an outline of the purpose for each of these three phases of engagement:

1. Phase 1: Broad engagement to understand community needs and priorities and to inform deliberation (March to May 2024).
2. Phase 2: Deliberation engagement to consider and debate difficult decisions the Council are facing and develop draft recommendations on those issues. (May to August 2024).
3. Phase 3: Broad engagement to test these recommendations (August to October 2024 – although additional sessions may be conducted in late 2024 or early 2025 if needed).

Phase 1: Broad engagement

The purpose of the broad engagement is to explore what the community wants to focus on for the four years to progress the community vision. It will allow a wide range of people to participate, especially those who might not have the time to commit to a deliberative process.

Key engagement activities currently proposed for phase 1 of broad engagement include a municipal-wide survey, opportunities for face-to-face conversations at pop-up stalls across the community, summits for the hills, valley and urban regions and targeted engagements with Council's advisory committees and township groups.

Phase 2: Deliberative engagement

The deliberative engagement process allows participants a substantial amount of time to deeply understand, consider and debate and come up with recommendations on some of the more difficult issues Council is facing. This process will comprise of a representative panel that is provided with information from both Council's internal work and broader community engagement.

The panel's recommendation will be considered by the wider community through another round of broad engagement.

Council commits to providing clear feedback on recommendations that aren't ultimately included in the documentation.

Council aims to recruit a panel of 30 members that reflect the diversity of the Yarra Ranges population. Opportunities for the community to register their interest in participating in the panel will be made available through phase 1 of the broad engagement activities and on the Council's 'Shaping Yarra Ranges' website.

Phase 3: Broad engagement to consider recommendations

The second phase of broad engagement – following the deliberative process - will consider the panel's findings. These engagement activities will include activities such as a short survey and more pop-up events.

Progress reports on all phases of the engagement process will be available on the Yarra Ranges website.

At the completion of all the engagement activities a consolidated report will be prepared for the incoming Council to inform the development of the new Council Plan, 10-year Financial and Asset Plan. This information will also be drawn on for other strategic work that Council is undertaking across the subsequent four-year term.

FINANCIAL ANALYSIS

This engagement process is rightly one of the most extensive undertaken by Council. To ensure that this engagement process achieves the objectives outlined above and does provide a strong foundation for the development of the strategic plans, it is important that we invest in this process. However, where feasible, in-house resources will be used to limit expenditure.

The engagement process covers three key strategies and broad engagement source for other projects to draw on, limiting the need for further engagement processes.

The following information provides a breakdown of the anticipated budget items for:

- The consolidated engagement program.
- The development of the Council Plan document.
- The reconfirmation of the community vision.
- The overarching governance.

Where feasible, in-house skills will be used to ensure this process is as cost efficient as possible.

Task	Item budget	Total
Engagement phase: planning and implementation	\$157,000	
Communications and advertising	\$20,000	
Data analysis, report development and finalisation.	\$33,000	
Contingency (only to be used if absolutely necessary)	\$30,000	
Total budget		\$240,000

APPLICABLE PLANS AND POLICIES

This report contributes to the development of the next Council Plan which will set the new strategic objectives for the Council moving forward, and the 10-year Financial and Asset Plans.

RELEVANT LAW

The *Local Government Act 2020* states that “a Council must develop or review the Council Plan in accordance with its deliberative engagement practices and adopt the Council Plan by 31 October in the year following a general election.”

SUSTAINABILITY IMPLICATIONS

This project will enable input from the community to help shape Council's future objectives and actions related to sustainability implications such as the local economy, social and environmental considerations.

COMMUNITY ENGAGEMENT

The community engagement process is a vital part in the development of the Council Plan, Financial Plan and Asset Plan and aligns with the Council's Community Engagement Policy. Council will engage with as many community members as possible across 2024. The community engagement framework has been designed to ensure the broad community engagement and the deliberative panel activities are high quality, enables meaningful participation and together support transparency throughout the process and in the development of the new plans.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

We will engage and collaborate with key agencies and other like organisations to ensure the engagement is well informed and the Council Plan is achievable.

RISK ASSESSMENT

Key risks identified with the proposed community engagement plan are identified along with a management approach below:

Risk

A risk that not all community voices are heard equally, or are overshadowed by others, thereby skewing the information received.

Management Approach

- This process is likely to receive a high volume of interest which is likely to translate to a lot of useful feedback if we ask the questions in the right way.
- Regular reporting back to the community to show how the deliberative engagement is progressing.
- A range of engagement opportunities from casual conversations at pop-ups to online opportunities and facilitated discussions at the summits and deliberative panel will ensure as many different voices with different perspectives will be captured through the process.

Risk

There is a risk associated with not managing to engage with a diverse enough and large enough spread of the community.

Management approach

- Designing a process that goes to places where community members are rather than expecting them to come to us.
- Develop clear and engaging questions for participants that allow for a diverse range of perspectives to be shared.
- Utilise Council's connections to reach participants from all demographics, for example Family and Youth team.
- Ensure communications target hard to reach groups to inform of the project and encourage participation.

Risk

In using a deliberative engagement process, some community members may feel concerned due to a perception that decision-making power/ recommendation power is given to a small group of individuals selected for the panel.

Management Approach

- Utilise an accordion model of engagement - broad engagement informs the small group of the deliberative panel and then is tested and confirmed with the broader community again.
- Regular communication throughout the entire process (with Councillors and the general Community).
- It will be made clear that the deliberative panel is focussing on and providing recommendations for a small number of complex problems.

CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

ATTACHMENTS TO THE REPORT



1. Community Engagement Summary

Community Consultation & Engagement Plan

To inform the 2025 Council Plan, 10-year financial plan & 10-year asset management plan


Phase 1: Broad engagement

March – May 2024

-  Creating a Yarra Ranges webpage for the Council Plan, Financial Plan & Asset Plan project that includes information on the project, engagement opportunities, locations & FAQ's.
-  In person pop-up booths in each of Council's wards at local events or popular locations to enable a wide range of people to contribute their perspectives.
-  Community survey that will be made available online and in hard copies to understand community sentiment.
-  Community summits to provide community stakeholders detailed project information and opportunities to share different perspectives.
-  Print and online communications and promotional activity.
-  Engaging with Council's advisory committees



Phase 2: Deliberative engagement

June - August 2024

-  Recruitment of a representative community panel that develop recommendations for Council on Municipal wide issues.
-  Deliberative panel workshops
-  Regular updates to community on progress & outcomes of community engagement activities through project webpage.

Phase 3: Broad engagement

From August - October 2024

-  Survey and in person pop-up booths to test deliberative panel recommendations with the community
-  Regular updates to community on progress & outcomes.

ROAD RESERVE STUART ROAD EAST WARBURTON

Report Author: Executive Officer Stormwater, Traffic & Transport

Responsible Officer: Director Built Environment & Infrastructure

Ward(s) affected: O'Shannassy;

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

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 (MFMPC) 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.

RECOMMENDATION

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.***

RELATED COUNCIL DECISIONS

This report responds to the petition received by Council on 13 September 2022 to reinstate emergency vehicle and pedestrian access via Stuart Road, East Warburton to the Yarra River.

DISCUSSION

Background

Stuart Road is a no-through road that facilitates vehicular access to four (4) properties. The section up to No.35 Stuart Road is listed in Council's Public Road Register. The remaining section, which is unconstructed road reserve, bisects No.35 Stuart Road, East Warburton, and connects to the Yarra River.

There is an unmaintained ford (Figure 1) at the end of Stuart Road that could provide a connection to Armitage Avenue, when river levels are low.

Council's Fire Management Plan identifies a water supply point on the other side of the river, opposite No.35 and it is intended to be accessed via Armitage Avenue.

Additionally, there is a gate installed on the road reserve at the entry point into 35 Stuart Road.

The key features of interest are outlined in Figure 2 below.



Figure 1: Ford (unmaintained) at the end of Stuart Road

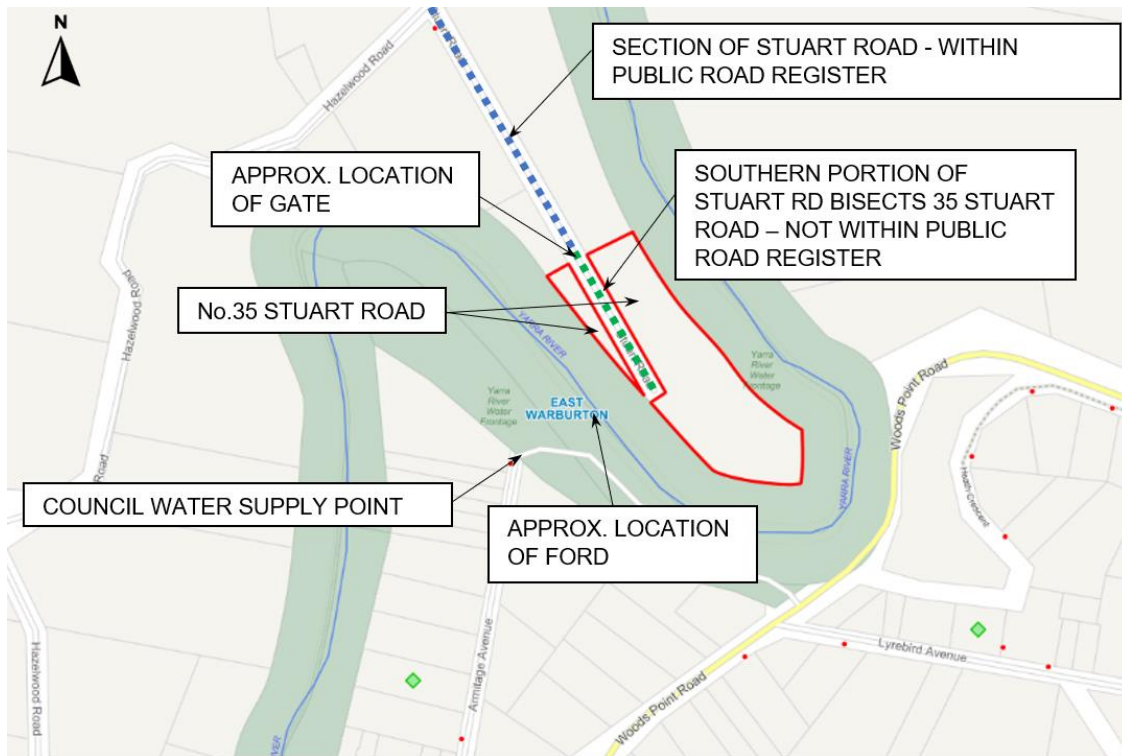


Figure 2: Key features of interest

In 2021, Council received concerns from the property owners at No.35 Stuart Road regarding antisocial behaviour and property trespassing. This led to owners installing a padlock on the gate preventing all forms of access to the Yarra River via Stuart Road. In addition, they have installed signs on the fence 'Private Property No Trespassing' and 'No Shooting', as shown in Figure 3 below.



Figure 3: Signage on the gate

Locking of the gate resulted in Council receiving concerns from some residents that the gate restricts vehicle and pedestrian access to the Yarra River.

At its meeting on 13 September 2022, Council received a petition for reinstatement of emergency vehicle and pedestrian access via Stuart Road, East Warburton to the Yarra River. The petition consisted of 26 signatures.

Vehicle Access

The lead petitioner has outlined in his correspondence to the Council the necessity to maintain the ford and road reserve for public vehicle access during emergencies (as an evacuation route) and for recreational purposes.

Fords are not a type of asset maintained by the Council, and any request for maintenance or upgrades must be directed to Melbourne Water, the responsible authority.

The Council's Emergency Management department has reviewed the matter and determined that the southern portion of Stuart Road and the ford and road reserve are not necessary for Council use concerning Emergency Management purposes.

Additionally, Council officers met with the CFA District Commander in March 2023 to discuss their requirements for the ford. Following the CFA process, the matter was considered at the Municipal Fire Management Planning Committee (MFMPC) meeting on 10 May 2023. The proposal to reinstate the ford across the Yarra at Armitage and Stuart Road, East Warburton, did not receive support due to potential

safety risks to CFA members and the community when crossing the Yarra. Moreover, there were significant financial and environmental concerns associated with the construction.

Considering the aforementioned factors, the upgrades to the southern portion of Stuart Road and the ford are deemed unnecessary and unconstructed road section bounded by 35 Stuart Road is not required for the public to have vehicular access to across river for emergency or recreational purposes.

Pedestrian access

The petition outlines that the southern portion of Stuart Road has historically been used for pedestrian access to the Yarra River for recreational purposes and locking of the gate prevent public access to the river.

Recommended treatments

It is necessary to balance the need for pedestrians to access the Yarra River via Stuart Road with the security and safety concerns expressed by the owner of No. 35 Stuart Road, East Warburton.

Council has powers under the *Local Government Act 1989* to require the removal of all or any obstructions within a road reserve. Given the demonstrated use of this section by pedestrians, it is recommended that the road be opened for pedestrian access.

In August 2023, owner of No.35 Stuart Road agreed to remove the locks to allow pedestrian access to the river – however shortly after removing the locks, several instances of vehicle access and antisocial behaviour have been reported to Council.

Considering the above, it is recommended to install a locked gate (with standard S100key for Emergency/ maintenance access) with narrow opening for pedestrians, to prevent private vehicles from accessing the road reserve – refer to Figure 4 for typical arrangement.



Figure 4. Typical gate treatment

Furthermore, any signage preventing 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.

RELEVANT LAW

The *Road Management Act 2004* provides a statutory framework for the safe and efficient management of the road network. It also provides direction on rights of passage along a road.

Stuart Road, East Warburton is a 'road' under the *Local Government Act 1989 (1989 Act)*, a public highway at common law, and a 'road' under the 2004 Act, which has vested in Council.

The following also applies to the Road upon becoming a 'road' within the meaning of the 2004 Act (again, regardless of the fact that the Road is not a public road on Council's Register):

- Members of the public are individually entitled to a right of passage along the Road pursuant to section 8 of the 2004 Act
- Owners or occupiers of any land which adjoins the Road are entitled as of right to access the Road from their land pursuant to section 9(1) of the 2004 Act.
- Those public rights of way conferred by the 2004 Act and at common law cannot be extinguished except by a recognised statutory process of road discontinuance or road closure under the 2004 Act, the 1989 Act or another Act.

Council also has powers under the *Local Government Act 1989* to require the removal of all or any obstructions within a road reserve. Council has care and management responsibilities of all roads within its jurisdiction under the same Act.

COMMUNITY ENGAGEMENT

Officers have engaged with lead petitioner and owner of No.35 Stuart Road, throughout the investigation.

Furthermore, officers have also liaised with members of CFA District to understand site-specific emergency access requirements.

Council Officers have also engaged with internal stakeholders with respect to the use of the access as both a road carriageway and pedestrian access.

CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

ATTACHMENTS TO THE REPORT

Nil

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 received prior to the Agenda being printed.

12. ITEMS THROUGH THE CHAIR

13. REPORTS FROM DELEGATES

14. DOCUMENTS FOR SIGNING AND SEALING

Report Author: Governance Officer
Responsible Officer: Director Corporate Services
Ward(s) affected: (All Wards);

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020 and 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.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

SUMMARY

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

(a) Letter Under Seal – Sean Kavanagh

A letter under seal has been prepared in recognition of Sean Kavanagh who is retiring after 33 years of service with Yarra Ranges Council, working most recently as a Works & After-Hours Supervisor.

RECOMMENDATION

That the following listed document be signed and sealed:

(a) Letter Under Seal – Sean Kavanagh

15. INFORMAL MEETINGS OF COUNCILLORS

Report Author: Governance Officer
 Responsible Officer: Director Corporate Services
 Ward(s) affected: All Wards

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public

SUMMARY

Chapter 8, Rule 1, of the Governance Rules requires that records of informal meetings of Councillors must be kept and that the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting tabled at the next convenient Council meeting and recorded in the Minutes of that Council meeting.

An 'informal meeting of Councillors' is defined in the Governance Rules as a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.

The records for informal meetings of Councillors are attached to the report.

RECOMMENDATION

That the records of the Informal Meetings of Councillors, copies of which are attached to the report, be received and noted.

ATTACHMENTS TO THE REPORT

1. 6 February 2024 - Council Briefing
2. 6 February 2024 - Council Forum
3. 7 February 2024 - Disability Advisory Committee
4. 10 February 2024 - Council Forum

Informal Meeting of Councillors

Public Record



Meeting Name:	Council Briefing	
Date:	6 February 2024	Start Time: 6:15pm Finish Time: 6.35pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale and via video conference	
Attendees:	Councillors: Sophie Todorov (Chair), Jim Child, Johanna Skelton, Len Cox, Richard Higgins(From 6.25pm) and Fiona McAllister	
	CEO/Directors: Tammi Rose, Andrew Hilson, Kath McClusky, Hjalmar Philipp and Leanne Hurst	
	Officers: Gina Walter, Sarah Candeland, Ben Waterhouse and Nathan Islip, Tim Grace and Adam Berkley	
	Externals: Nil	
Apologies	David Eastham (Deputy Mayor), Andrew Fullagar and Tim Heenan	
Disclosure of Conflicts of Interest:	<ul style="list-style-type: none"> • Nil 	
Matter/s Discussed:	This briefing covered the following items of business to be considered at the 13 February 2024 Council Meeting.	
	10.1	Quarterly Finance Report - December 2023
	10.2	Road Discontinuance abutting 2 Edward Street Healesville
	10.3	EOI6105 7169 Mt Morton Road, Belgrave Heights Stage 2 Road Improvement Works Special Charge Scheme
Completed By:	Gina Walter	

Informal Meeting of Councillors

Public Record



Meeting Name:	Council Forum	
Date:	06 February 2024	Start Time:7.11pm Finish Time: 10.00pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale and via videofonerece	
Attendees:	Councillors:	Sophie Todorov (Chair), Jim Child, Johanna Skelton, Len Cox, Fiona McAllister and Richard Higgins
	Via Zoom:	Andrew Fullagar(Exited at 8:42pm), Tim Heenan and David Eastham (Deputy Mayor)
	CEO/Directors:	Tammi Rose, Andrew Hilson, Kath McClusky, Hjalmar Philipp and Leanne Hurst
	Officers:	Gina Walter, Sarah Candeland, Ben Waterhouse, Joanne Hammond, Isha Scott, Clint Hong, Jessica Thomas, Jane Sinnamon and Nathan Islip
	Via Zoom:	Alanna Ford, Abby McCarthy
	Externals:	Nil
Apologies	Nil	
Disclosure of Conflicts of Interest:	<ul style="list-style-type: none"> Nil 	
	2.1	Action and Agreement Record – 23 January 2024
	2.2	Councillor Discussion Time
	2.3	Review – Grants Program
	2.4	Community Engagement Plan for Council Plan
	3.0	For Noting
	3.1	Indicative Forum & Council Meeting Schedule
	4	Mayor & CEO Update
	5	General Business
	6	Late Items and Urgent Business
	Completed By:	Gina Walter

Informal meeting of Councillors

Public Record



Meeting Name:	Yarra Ranges Council Disability Advisory Committee	
Date:	7 February 2024	Start Time: 1.00pm Finish Time: 3.00pm
Venue:	Conference Room A	
Attendees:	<p>Councillors: Cr Len Cox</p> <p>Other attendees: Marie Pleuger, Tracey Wannet, Lisa McIlpatrick, Michelle McDonald, Isabella O'Hare, Jackson Ellis, Shek Kho, Lesley Grimes, Paul Stoney</p> <p>CEO/Directors:</p> <p>Officers: Rachael Giddens, Amanda May, Anna O'Brien, Amanda Wilson, Elizabeth Newton, Carolyn Haack, Scott Spargo, Pip Smith, Jenna Hepburn, Hiroshi Uchida, Tanya Ryder, Ginger van Handley</p>	
Apologies	Cr Richard Higgins, Corinne Bowen, James Wood, Julie McDonald, Renae Purcell	
Disclosure of Conflicts of Interest:	None	
Matter/s Discussed:	1.1	NDIS updates
	1.2	Update on Lions Park upgrades
	1.3	Access and Equity Strategy summary and community engagement
	1.4	Disability Advisory Committee Annual Report 2023
	1.4	Community Engagement Policy review
	1.5	Streets and Roadside Trading Policy review
	1.6	Healesville Urban Design Framework overview and community engagement
	1.7	Disability Inclusion Officer update
	1.8	Member updates
	1.9	Creative Communities inclusive programming
Completed By:	Amanda May	

Informal Meeting of Councillors

Public Record



Meeting Name:	Council Forum – Budget Breifing	
Date:	10 February 2024	Start Time:9.00 am Finish Time: 2.00pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale and via videofonereence	
Attendees:	Councillors: Cr S Todorov (Mayor), Cr J Child, Cr A Fullagar, Cr R Higgins, Cr J Skelton, Cr F McAllister, Cr D Eastham	
	Via Zoom: Cr T Heenan	
	CEO/Directors: Tammi Rose, Andrew Hilson, Kath McClusky, Hjalmar Philipp and Leanne Hurst	
	Officers: Liam Routledge, Kristy Aberline, Ameer Cooper, Joanne Hammond, Jane Sinnamon, Andrew Edge	
	Via Zoom: Nil	
Apologies	Externals: Nil	
	Cr L Cox	
Disclosure of Conflicts of Interest:	<ul style="list-style-type: none"> • Nil 	
	2.1	FY 2024-2025 Budget Workshop 3
Completed By:	Andrew Edge	

16. URGENT BUSINESS

In accordance with Chapter 3 Rule 24 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

17. CONFIDENTIAL ITEMS

In accordance with Chapter 3 Rule 24 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

There were no Confidential Items listed for this meeting.

18. DATE OF NEXT MEETING

The next meeting of Council is scheduled to be held on Tuesday 12 March 2024 commencing at 7.00pm, at Council Chamber, Civic Centre, Anderson Street, Lilydale and via videoconference.



In providing for the good governance of its community, Councillors are reminded of their obligation to abide by the provisions as set within the Local Government Act 2020 and the Code of Conduct for Councillors.

When attending a Council Meeting, Councillors should adhere to the procedures set out in the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

The following is a guide for all Councillors to ensure they act honestly, in good faith and in the best interests of Yarra Ranges as a whole.

1. Councillors will respect the personal views of other Councillors and the decisions of Council.
2. Councillors may publicly express their own opinions on Council matters but not so as to undermine the standing of Council in the community.
3. The Mayor is the official spokesperson for Council.
4. Councillors will incur expenditure in a responsible manner and in accordance with the Councillor Expenditure and Policy.
5. Councillors will avoid conflicts of interest and will always openly disclose any direct and indirect interests where they exist.
6. Councillors will act with integrity and respect when interacting with Council staff and members of the public.
7. Councillors will demonstrate fairness in all dealings and conduct and be open with and accountable to the community at all times.
8. Councillors will conduct themselves in a manner that does not cause detriment to Council or the Yarra Ranges community.