



Council Meeting

Minutes

Tuesday, 12 March 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

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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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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 599TH COUNCIL MEETING HELD ON TUESDAY, 12 MARCH 2024 COMMENCING AT 7.01 PM COUNCIL CHAMBER - CIVIC CENTRE AND VIA VIDEOCONFERENCE

1 COUNCIL MEETING OPENED

Councillor Sophie Todorov (Mayor) declared the meeting open.

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 INTRODUCTION OF MEMBERS PRESENT

Councillors

Councillor Sophie Todorov (Mayor)

Councillor David Eastham (Deputy Mayor)

Councillor Jim Child

Councillor Andrew Fullagar

Councillor Fiona McAllister

Councillor Tim Heenan

Councillor Johanna Skelton

Councillor Len Cox OAM

Officers

Tammi Rose, Chief Executive Officer

Hjalmar Philipp, Director Built Environment & Infrastructure

Andrew Hilson, Director Corporate Services

Leanne Hurst, Director Communities

Amanda Kern, Acting Director Planning and Sustainable Futures

4 APOLOGIES AND LEAVE OF ABSENCE

An apology for this meeting was received from Councillor Richard Higgins

5 MAYORAL ANNOUNCEMENTS

There were no Mayoral Announcements for this meeting.

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved: Cr Todorov

Seconded: Cr Child

That the Minutes of the Council Meeting held Tuesday 27 February 2024, as circulated, be confirmed.

The motion was Carried unanimously.

DISCLOSURE OF CONFLICTS OF INTEREST

In accordance with Chapter 7, Rule 4, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

There were no disclosures of conflicts of interest made for this meeting.

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

Belinda Bernardini of Lilydale asked;

Referring to 10.1 of tonight's agenda and specifically recommendation 2, can council advise the definition of "vexatious" as noted in the recommendation and who would determine who would determine what is construed as "vexatious requests". If MAV pass this recommendation, what remedies would be afforded to residents who do not believe that their issue has been dealt with satisfactorily. Would this prohibit freedom of opinion?

Andrew Hilson, Director Corporate Service:

Thank you for your question, Belinda.

Council's definition of 'vexatious' aligns with the Victorian Ombudsman's definition of 'Unreasonable Behaviour'. Specifically, this relates to behaviours such as unreasonable persistence, demands and arguments, along with an unreasonable lack of cooperation, and aggressive behaviour. The Victorian Ombudsman and Council's current complaint handling policy both include several examples of each of these behaviours, and can be found on each organisation's website

If the motion being considered at tonight's Council meeting is supported, and then supported at the State Council of the Municipal Association of Victoria (MAV), it would become a policy position of the MAV and therefore inform their advocacy to the State Government on behalf of the local government sector.

Ultimately the definition of 'vexatious' requests would be defined by the State Government who would draft and pass legislation.

Regardless of whether the MAV motion is passed or not residents who feel their complaint has been unfairly rejected as vexatious or unreasonable would be able to escalate their complaint to a third-party agency such as the Victorian Ombudsman, Local Government Inspectorate or the Victorian Equal Opportunity and Human Rights commission. These escalation options are in line with our current complaint handling processes and policy.

QUESTION 2

Susan Lee of Lilydale asked;

In regards to Rosemary Mosley's Petition with Agenda item number 9.1 submitted on 13 Feb 2024 to this council, which addressed the need to urgently upgrade the flood drainage on the downhill end of Chapel St, Lilydale, (after Clarke St) and the subsequent Resolution being passed at the same Council Meeting, what date can the 9 unit owners at 26 and 28 Chapel St expect drainage work to commence please? All the owners are waiting for the specific date from your Drainage and Infrastructure Team.

Hjalmar Philipp, Director Built Environment and Infrastructure

Thank you for your question, Susan.

February 13, Council resolved to receive a petition requesting drainage improvements at Chapel and Clarke Streets, Lilydale.

The petition is now being investigated by the infrastructure team and starts with scoping and design.

In this case, the team will commence with catchment analysis to properly understand water flows and determine what improvements may assist, without causing downstream impacts elsewhere.

Engineering concepts for any identified improvements are then developed, including cost estimates and a delivery plan, for consideration in Council budgets. Subject to budget confirmation, we can then start planning works on the ground.

Given the above it isn't possible to provide an exact date for works however, you can expect to receive regular updates from us throughout this process.

QUESTION 3

Michael McGill of Lilydale asked;

We have gone through [our] home insurance many times, the shires insurance won't compensate us so who will re-emburs us the thousands we have spent on [our] property from the flood damage over 20 years.

Why are us rate payers paying for your new building and a full time chef.

Andrew Hilson, Director Corporate Services

Thank you for your question Michael.

We understand the frustration and financial burden you have experienced from flood impact over many years.

Decisions about insurance claims made against Council are made by Council's third party insurer based on their assessment of each situation and the terms of Council's insurance policy. Council is unable to directly alter or influence these decisions.

We strongly recommend property owners consider their own insurance to protect their assets.

Regarding your query about the civic centre, the provision of a suitable working space for Council employees is deemed an appropriate use of Council funds. Our civic centre also has several community focussed bookable spaces and we encourage community members and groups to utilise these spaces.

I can also advise that Council does not employ or engage a full time chef. Council does use the services of a number of local catering services for specific events when appropriate.

QUESTION 4

Sonya Weir of Lilydale asked;

Why has the Lilydale shire got a full-time chief that is rate payers are pay for?

Why has it taken 20 yrs for the council to finally listen, step up and take action to fix our drainage issues.

Hjalmar Philipp, Director Built Environment and Infrastructure

Thank you for your question, Sonya.

The parts of your question regarding a full time Chef have been responded to by the Director of Corporate Service in the previous question.

With respect to your drainage query, historically Council has consistently apportioned a budget allocation for drainage maintenance, renewal and upgrades.

Over the last five years our operations teams have increased their proactive approach to drainage maintenance.

The severity and frequency of flood events are increasing, which is heavily impacting our Shire. Throughout 2023 Council commenced a Draft Stormwater Management Plan which is a key piece of work that will guide future priorities in this area. This plan will be available for public review late 2024.

More information about the Stormwater Management Plan can be found on our website under the “development” tab on the Homepage. Thank you.

<https://www.yarraranges.vic.gov.au/Development/Roads-drains-footpath>

QUESTION 5

Gary Mackay of Lilydale asked;

I refer to our petition tabled at council meeting of 14 June 2022 regarding the sealing of Roach Road Lilydale under the special charge scheme. On the 19 July 2022 we received a letter stating among other things that within 4 months residents would receive a landowner questionnaire. So why after nearly 2 years are we still waiting. The petitioners have had no contact or response from council and are now struggling with flooding and property damage due to council's failing infrastructure. Please Help

Hjalmar Philipp, Director Built Environment and Infrastructure

Thank you for your question, Gary.

Unfortunately, the commencement of the Special Charge Scheme Process for Roach Road coincided with the withdrawal of Federal Government funding, for construction of roads in the municipality.

Our records indicate that correspondence to your address as lead petitioner was sent in June 2023. The removal of the federal funding means a complete review by Council for funding and prioritising constructing unsealed roads is needed. I just wanted to apologise for any confusion in that correspondence regarding next steps specifically with respect to Roach Road.

While this review process is underway, Council is not in a position to commence any new Special Charge Schemes for road sealing.

The funding and roads sealing prioritisation review is anticipated to be completed mid 2024, after which you will be provided a further update, as the lead petitioner, on the outcome of the review and the process for all future road sealing projects.

In addition to that particular road sealing review process Council are currently developing a Stormwater Management Plan. Once fully developed this plan will guide draining upgrade priorities across the Shire. As mentioned previously, further information about the Stormwater Management Plan can be found on our website under the "development" tab on the Homepage.

We acknowledge Roach Road is being impacted by storms. The Infrastructure Team are currently scoping maintenance works, which is likely to include resheeting for Roach Road. We welcome the opportunity to meet with you, and other residents, to discuss those maintenance works and get your feedback on them. Thanks.

<https://www.yarraranges.vic.gov.au/Development/Roads-drains-footpath>

QUESTION 6

Anonymous asked;

Can we please have at least one fully fenced playground/play space in our council?

Hjalmar Philipp, Director Built Environment and Infrastructure

Thank you for your question.

Council's Playspace Plan 2019-2029 has a policy of not fencing playgrounds.

However, an internal review of the plan has commenced which identified potential adjustments to allow for a select number of District level playgrounds to be fenced.

This would potentially apply where the objective is to allow for universally accessible play opportunities.

As an adopted plan of Council, a mid-term review of the plan will be formalised over the coming year. This review will include learnings from delivered projects and other feedback, including yours.

Thanks again for your question.

QUESTION 7

Anonymous asked;

In 2023 Council reduced collection of household general waste bins from weekly to fortnightly. Since this reduction in household waste collection, it's become apparent that public bins are being used to deposit residential waste.

Since halving of household general waste collection, please advise what amount of extra waste is being collected from public council bins, at parks, gardens and along streets?

Has there been an increase in rubbish dumped alongside roads in Yarra Ranges, since mid 2023?

Amanda Kern, Acting Director Planning and Sustainable Futures

Thank you for your question.

Our Food Organics and Garden Organics service commenced on 1 October 2023.

For the period from October 2023 to January 2024, 157 tonnes of waste was collected from our public litter bins. During the same period 12 months earlier, 148 tonnes of waste was collected, there was a peak in November, but the remaining months were similar to previous years.

For the period October 2023 to January 2024, it was noted that there was an initial, minor increase in bagged residential waste dumped on Council managed roadsides and some reserves. This has since returned to regular baseline levels.

Our Officers continue to manage waste collection throughout the municipality and respond to challenges as they arise.

SUBMISSIONS FROM THE PUBLIC

Yarra Ranges Senior Citizen Clubs

Raymond Cooper provided Councillors with information regarding the Senior Citizen Clubs within Yarra Ranges Council and the activities undertaken by the Clubs.

Mr Cooper also gave Councillors an update on expenditures for Senior Citizen Clubs within Yarra Ranges Council. Mr Cooper raised concerns regarding transport to and from Senior Citizen Clubs for members within Yarra Ranges Council.

9 PETITIONS

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

There were no Petitions received for this meeting.

10 BUSINESS PAPER

10.1 Municipal Association of Victoria State Council - Endorsement of Motions

SUMMARY

The Municipal Association of Victoria (MAV) will hold the next State Council meeting on Friday 17 May 2024. The MAV has called for councils to submit proposed motions to be considered at the meeting. If supported by the member councils, motions become resolutions and policy positions of the MAV.

In accordance with Governance Rule 58, Kathy Ricciuti spoke in objection to the recommendation included in the officer report.

Cr McAllister moved a motion alternate to that printed in the agenda.

Moved: Cr McAllister

Seconded: Cr Child

That Council submit the following motions to the Municipal Association of Victoria (MAV) for consideration at the State Council meeting on Friday 17 May 2024:

1. *That the MAV advocate to the Victorian Government to invest in funding for emergency relief services (ERS), to increase core staff and respond to growing community need, climate change impacts and frequency of severe weather events.*
2. *That the MAV advocate to the Victorian Government to:*
 - (a) *develop a Flood Information Framework.*
 - (b) *release flood mapping data collected by state authorities and water corporations.*
 - (c) *provide urgent investment into flood mitigation infrastructure.*
3. *Officers submit an additional motion calling on the MAV to advocate to the Victorian Government for increased transparency in reporting and increased access to funds collected through the Landfill Levy. This would be used to support Councils in delivering key waste and environmental initiatives, particularly in light of the recent reforms introduced by the State Government's Circular Economy Plan and the recently released Local Government Service Rates and Charges Minister's Good Practice Guidelines.*

The motion was Carried unanimously.

10.2 YR-2023/303 - 68 Kingswood Drive, Chirnside Park - Planning Report

SUMMARY

The application is for the building and works to construct a telecommunications monopole tower, ancillary equipment, and the construction of a fence around the tower and ancillary equipment. No vegetation is proposed to be impacted or removed.

The use of the land for a telecommunications facility is allowed by the Yarra Ranges Planning Scheme and does not require a planning permit.

The existing telecommunications facility on the site is a facility installed on a three-metre extension on the rooftop of the Chirnside Park Country Club building in the form of a slimline chimney. The facility and extension will be decommissioned and removed as part of the proposal.

The application was advertised, with sixteen (16) objections and eight (8) letters of support received. The objections raised concerns about visual impact, the proximity to residential properties and other sensitive land uses, health effects and impacts from construction.

The proposal has been assessed against the relevant provisions of the Yarra Ranges Planning Scheme and the Yarra Ranges Council Telecommunications Facilities Policy (2012). It is consistent with the planning scheme and policy as they relate to the consideration of telecommunications infrastructure, visual amenity, protection of native vegetation, and the siting of the facility within the site, balanced with the need to ensure telecommunications service expectations is met for the broader community.

The proposal is generally in accordance with the Yarra Ranges Planning Scheme, and the development and use can be appropriately managed, subject to conditions. Accordingly, it is recommended that the planning permit application be approved and a Notice of Decision to Grant a Planning Permit, subject to conditions, be issued.

The Mayor called for the meeting to be adjourned at 8.01pm to resolve technical issues with videoconferencing.

The meeting resumed at 8.06pm with all Councillors present.

In accordance with Governance Rule 58, Marc Bays, on behalf of the applicant, spoke in support of the recommendation included in the officer report.

Moved: Cr Cox
Seconded: Cr Child

That Council resolve to approve planning permit YR-2023/303 for Building and works to construct a telecommunication facility, ancillary equipment and fence at 68 Kingswood Drive Chirnside Park and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report.

The motion was Carried.

Division

Cr Heenan called for a division.

In Favour: Cr Child, Cr McAllister, Cr Fullagar, Cr Cox, Mayor Todorov, Cr Eastham and Cr Skelton

Against: Cr Heenan

Absent: Cr Higgins

10.3 Audit and Risk Management Committee Biannual Report

SUMMARY

The Audit and Risk Management Committee (the Committee) has been established by Council under Section 53 of the *Local Government Act 2020* (the Act). It is the responsibility of the Committee to provide Council with independent, objective advice and assurance on the adequacy of management arrangements as set out in the Audit and Risk Management Committee Charter (the Charter).

The Act requires that the Committee prepare a biannual report for Council that describes their activities and includes any findings and recommendations. This report provides a biannual report of the Committee for the period ending 31 December 2023.

This report also recommends the reappointment of Mr Simon Mahony as an Independent Member of the Committee for a three-month term commencing 1 May 2024 and ending 1 August 2024.

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

Moved: Cr McAllister

Seconded: Cr Child

That Council

- 1. Receives the Audit and Risk Management Committee Bi-Annual Report for the period ending 31 December 2023.*
- 2. Reappoint Mr Simon Mahony as an Independent Member of the Committee for a three month term commencing 1 May 2024, expiring 1 August 2024 with remuneration of \$1,422 per meeting.*

The motion was Carried unanimously.

10.4 EOI7330 7401 Morrisons Reserve Playspace Renewal

SUMMARY

This report summarises the evaluation process and seeks Council approval for the award of the contract for the Morrisons Reserve Playspace Renewal works. Located off Mikado Road, Mount Evelyn VIC 3796.

This contract will deliver part of the future open space youth precinct activation project for Morrison Reserve. These works include a revitalised of the playspace servicing inter-generational play, new paths, landscaping, a new public toilet and all-abilities access. The project provides vital connections and amenities to compliment the future youth precinct activation and an urban bike park project.

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

Subject to resolution of Council, works are anticipated to commence April 2024 with works expected to reach practical completion late September 2024.

Moved: Cr Heenan
Seconded: Cr Skelton

That

- 1. Council awards the tender from The Trustee for Burma Family Trust t/as Warrandale Industries Pty Ltd for EOI7330 7401 Morrisons Reserve Playspace Renewal for a total lump sum of \$1,150,492 exclusive of GST, inclusive of tender options and provisional sums.*
- 2. The Director Built Environment & 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 received for this meeting.

12 ITEMS THROUGH THE CHAIR

12.1 Belgrave Survival Day

Cr Skelton thanked the Officers involved in the organisation of the Belgrave Survival Day, held on Sunday 3 February 2024. Cr Skelton noted the large crowd in attendance at the event and the Community Grant received by the organisers, from Yarra Ranges Council, which contribute to the success of the day.

12.2 Belgrave Tecoma Township Group

Cr Skelton acknowledged the work undertaken by the Yarra Ranges Council Community Development Officer in supporting the Belgrave Tecoma Township Group. Cr Skelton noted that the group has been struggling with membership over a period of time but with the support of the Community Development Officer they now have all Committee positions filled. Cr Skelton and Cr Fullagar also attended the AGM of the group on Thursday 7 March 2024.

12.3 Warburton Trail Fest

Cr Child congratulated the Officers and Organisers of the Warburton Trail Fest held on Saturday 9 & Sunday 10 March 2024 in Warburton. Cr Child acknowledged the challenges the event encounter being held on a weekend of extreme fire danger and commended Chris Ord and the team of organisers for their work with relevant authorities to make the day a success for all those in attendance.

12.4 Celebrate Mooroolbark Festival and Yarra Valley Wool and Handicrafts Show

Cr Todorov advised Councillors of the upcoming Celebrate Mooroolbark Festival and Yarra Valley Wool and Handicrafts Show to be held on Sunday 17 March 2024 in Hookey Park, Mooroolbark. Cr Todorov encouraged the community to attend the event and enjoy the free activities, competitions, entertainment, and market stalls.

13 REPORTS FROM DELEGATES

Cr Heenan

- Attended the Lilydale Township Action Group meeting on Wednesday 6 March 2024, at the Yarra Ranges Regional Museum, Lilydale.
- Raised traffic concerns in and around Lilydale since the completion of the Level Crossing removal works and inquired if advocacy work with VicRoads could be prioritised.

Cr Child

- Attended the Yarra Valley ECOSS Meeting on Wednesday 28 February 2024 at Yarra Valley ECOSS, Wesburn.
- Attended the Municipal Fire Management Planning Committee on Wednesday 6 March 2024 held at the Yarra Ranges Council Civic Centre, Lilydale. Cr Skelton was also in attendance.

Cr Skelton

- Attended the Positive Ageing Reference Group Committee Meeting on Thursday 29 February 2024 held at the Yarra Ranges Council Civic Centre, Lilydale.
- Attended the Municipal Fire Management Planning Committee on Wednesday 6 March 2024 held at the Yarra Ranges Council Civic Centre, Lilydale. Cr Child was also in attendance.

14 DOCUMENTS FOR SIGNING AND SEALING

SUMMARY

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

Creation of Easement – Deed of Release - Yarra Ranges Shire Council and Rodney Wilson Smith and Patricia Ann Smith.

Creation of Easement (E1 and E2) for drainage purposes in favour of Yarra Ranges Shire Council, being part of land contained in Certificate of Title Volume 11926 Folio 761 and known as 39 Fernhill Road, Mount Evelyn 3796.

Moved: Cr Eastham

Seconded: Cr Cox

That the following listed documents be signed and sealed:

Creation of Easement – Deed of Release - Yarra Ranges Shire Council and Rodney Wilson Smith and Patricia Ann Smith.

The motion was Carried unanimously.

15 INFORMAL MEETING OF COUNCILLORS

Moved: Cr McAllister

Seconded: Cr Todorov

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 were no Urgent Business listed on the agenda 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: 9.10 pm.

Confirmed this day, Tuesday, 26 March 2024.

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Councillor Sophie Todorov (Mayor)