



Council Meeting

Minutes

Tuesday, 23 April 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

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- making a verbal submission for up to 5 minutes on matters not listed on the agenda.
- submitting a question.
- speaking for up to 5 minutes to a specific item on the agenda. For planning applications and policy issues, the Chair will invite one person to speak on behalf of any objectors and one person to speak on behalf of the applicant. For other matters on the agenda, only one person will be invited to address Council, unless

there are opposing views. At the discretion of the Chair, additional speakers may be invited for items of large interest.

- speaking for up to 5 minutes to a petition to be presented at a meeting.

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CONTACT US

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YARRA RANGES COUNCIL

MINUTES FOR THE 602ND COUNCIL MEETING HELD ON TUESDAY, 23 APRIL 2024 COMMENCING AT 7.00 PM COUNCIL CHAMBER - CIVIC CENTRE AND VIA VIDEOCONFERENCE

1 COUNCIL MEETING OPENED

Councillor Sophie Todorov (Mayor) declared the meeting open.

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 INTRODUCTION OF MEMBERS PRESENT

Councillors

Councillor Sophie Todorov (Mayor)

Councillor Jim Child

Councillor Andrew Fullagar

Councillor Fiona McAllister

Councillor Tim Heenan

Councillor Richard Higgins

Councillor Len Cox OAM

Officers

Tammi Rose, Chief Executive Officer

Hjalmar Philipp, Director Planning & Sustainable Futures

Andrew Hilson, Director Corporate Services

Phil Murton, Acting Director Built Environment & Infrastructure

Leanne Hurst, Director Communities

4 APOLOGIES AND LEAVE OF ABSENCE

Apologies for this meeting were received from Councillors David Eastham and Johanna Skelton.

5 MAYORAL ANNOUNCEMENTS

ANZAC Day

The Mayor read the following statement.

As you all know, this Thursday, the 25th of April, marks the 109th anniversary of the Gallipoli landings, where Australian and New Zealand troops arrived to heavy fire from their foes.

ANZAC Day is to thank and remember every service, person, their courage, and their sacrifice for this country, in the name of freedom.

For me ANZAC Day is also to reflect on the futility of war, now more than ever, and look forward to the day we can all hold our hearts and hands in peace.

Thank you to all who have volunteered to host the various services across Yarra Ranges this year, and we hope to see many of you in attendance.

We also acknowledge the Australian spirit as described by our students today at the Kokoda Track Memorial, and they are, courage, endurance, mateship and sacrifice.

Lest we forget.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

In accordance with Governance Rule 29.1, Cr Todorov spoke to the Motion.

Moved: Cr Todorov

Seconded: Cr Child

That the Minutes of the Council Meeting held Tuesday 9 April 2024, as circulated, be confirmed.

The motion was Carried unanimously.

In Favour: Cr Heenan, Cr Higgins, Cr Todorov, Cr Child, Cr McAllister, Cr Fullagar and Cr Cox.

Against: Nil

7 DISCLOSURE OF CONFLICTS OF INTEREST

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

Cr Cox declared a material conflict of interest in Item 10.3, Councillor Expenditure Policy - Reimbursement of Expenses for Cr Eastham and Cr Cox, as the item refers to reimbursement of out-of-pocket expenses.

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

Anonymous asked;

1. What is the frequency of refresher Privacy training for Councillors and Council Executives at Yarra Ranges Council to ensure they know their obligations under the Privacy and Data Protection Act?
2. Are ALL Councillors, ALL Council Executive and ALL Council Officers up to date and compliant with their Privacy training?

Andrew Hilson, Director Corporate Services

Thank you for your question.

I can confirm that all Councillors completed mandatory privacy training during their Councillor induction training program in 2020 and 2021. Councillors are required to undertake privacy training every four years.

All staff including Council Executive and Council Officers are required to undertake a range of mandatory training modules including privacy training.

Council's privacy awareness training module is required to be completed by all new staff and again by all staff on a three yearly cycle. This training module's most recent completion rate was 100% for all Councillors and Council Executive members, and overall at 89% across all staff. Please note that this response rate includes Council's outdoor workers, remote staff such as school crossing supervisors, staff on leave, casual and temporary staff.

QUESTION 2

Anonymous asked;

Soon Australian Federal government will vote on a proposed Digital I.D. bill, where government gives itself permission to collect and store, in one place, private data of every Australian. If the Digital I.D. bill is accepted, 350,000 public servants would be given access to private information of every Australian.

I've encountered repeated targeted harassment, as a result of public servants breaching privacy policies and sharing my data.

How can I get my email and phone details removed from Yarra Ranges Council database, before the federal government comes looking for data?

Andrew Hilson, Director Corporate Services

Thank you for your question.

I can confirm that at your request in your question that your email and phone details have been removed from our database. We have also added alerts and restrictions in our database to limit access to your data and to prevent your contact details being re-added without your permission.

However, where you have contacted Council via email this correspondence remains in our file management system as per our data management obligations.

It is Council's understanding that the federal Digital ID Bill seeks to put in place a framework to create an economy-wide Digital ID system in Australia, ensuring strong privacy and security safeguards for people who choose to use a Digital ID, with accredited providers. Thank you.

QUESTION 3

Eric Adams of Mooroolbark asked;

If the Quality Assurance Officer is assessing the public facilities how are they getting such a state before the anything is done to clean them up?

If you are paying the contractors to clean the facilities and the facilities are not cleaned why are you paying the contractors to go back and do what they have already been paid to do?

Phil Murton, Acting Director Built Environment & Infrastructure

Thank you for your question, Eric.

Our facilities are regularly inspected by our Quality Assurance Officer to ensure that cleaning is occurring to the agreed standard which our contractors adhere to.

As one part of their diverse role, inspections are carried out on toilets, BBQ's and other assets. These assets are on a cleaning schedule with quality assurance checks to ensure that contractors are conducting cleans to the expected levels. They are not, however, checked after every clean. With a large municipality and lots of assets to inspect, there may be times when there is a lag between when an amenity is made dirty or a poor clean occurs and is assessed for quality. In most cases the regular cleans will pick this up, but there will be some instances where this unfortunately doesn't occur.

In the event that a clean does not meet the required standard of Council, contractors are required to return and undertake cleaning until satisfactory, at no additional cost to Council or ratepayers.

QUESTION 4

Anna Di Pietrantonio of Chirnside Park asked;

What happened to changes Edward/Paynes Road Intersection, has the funding been lost, proposal was due in March 24.

Phil Murton, Acting Director Built Environment & Infrastructure

Thank you for your question, Anna.

Council is continuing to progress this project and funding is still available. We have prepared preliminary design options for roundabouts at the intersection and submitted them to the Department of Transport as our funding partner.

Council is also in the process of consulting impacted property owners. This consultation process and outcomes will play a key role in determining the ultimate intersection layout.

Council will continue to progress the consultation and design process. The costings for this project are supported by funding from the Department of Transport. If further funding is required, this will form part of council's future Capital works program. If you would like further information or for a Council officer to give you a phone call, please let us know.

QUESTION 5

Ray Lister of Kallista asked;

What is the cost of grading 1km of unsealed road?

Phil Murton, Acting Director Built Environment & Infrastructure

Thank you for your question, Ray.

Council's unsealed road network is graded as part of a lump sum contract – there are 1,256 roads that are graded on this program at a frequency ranging between 1-6 maintenance visits per annum.

Typically, a road is graded at an average cost per grade of \$1500 per kilometre.

Cr Higgins left the meeting at 7.12pm and returned to the meeting at 7.17pm.

SUBMISSIONS FROM THE PUBLIC

Wesburn Junior Football Club - Wesburn Park Pavilion

Wayne Morgan (President of the Wesburn Junior Football Club) sought to present an update to Councillors regarding the current situation of the Wesburn Junior Football Club and the need for better facilities, particularly for girls.

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 petition be received:

General Petition

1. Request that Yarra Ranges Council replace or upgrade the existing play equipment at the Roseman Reserve, Chirnside Park (61 Roseman Road, Chirnside Park).
161 valid signatures.
2. Residents of Beenak Road, Yellingbo, request that Yarra Ranges Council undertake a Special Charge Scheme investigation into sealing the section of Beenak Road, Yellingbo, between Smiths Road and Hansen Creek Road.
51 valid signatures.

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

In accordance with Governance Rule 29.1, Cr Child and Cr Higgins spoke to the Motion.

Moved: Cr Child

Seconded: Cr Higgins

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

1. *Request that Yarra Ranges Council replace or upgrade the existing play equipment at the Roseman Reserve, Chirnside Park (61 Roseman Road, Chirnside Park).*
2. *Residents of Beenak Road, Yellingbo, request that Yarra Ranges Council undertake a Special Charge Scheme investigation into sealing the section of Beenak Road, Yellingbo, between Smiths Road and Hansen Creek Road.*

The motion was Carried unanimously.

In Favour: Cr Heenan, Cr Higgins, Cr Todorov, Cr Child, Cr McAllister, Cr Fullagar and Cr Cox.

Against: Nil

10 BUSINESS PAPER

10.1 YR-2023/636 – 8 Meadow Fair Way, Chirnside Park - Planning Report

SUMMARY

The application is for the building and works to construct a telecommunications facility (monopole), ancillary equipment, construction of a fence around the tower within a ten-by-ten metre envelope and ancillary equipment. The overall height of the facility (including antennas and equipment) is set at 38 metres above ground level.

A total of four trees are proposed for removal out of which only one tree requires planning permit permission.

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 applicant advises that the proposed facility at 8 Meadow Fair Way, Chirnside Park will work in conjunction with their recently approved facility at 275 Edward Road, Chirnside Park (YR-2023/32) to effectively service the local area, located approximately 1000 metre north from the subject site.

These two facilities are designed and intended to work together and will not function separately. The tower will support both Vodafone and Optus infrastructure. The property is a small rural allotment with an area of approximately 2.04 hectares and contains few rows of planted vegetation and some scattered vegetation throughout the site.

The eastern and western boundaries of the site contain a dense screen of planted vegetation, and apart from an old shed, does not contain any other buildings or notable infrastructure onsite. The existing access to the site is informal, located on the southwest corner of the lot. The access to the site will be upgraded as part of this application.

The application was advertised, and thirty-seven (37) objections were received. The objections raised concerns about visual amenity, inappropriate in Green Wedge A Zone and rural landscape, health and safety impact, impact on vegetation, elevated emissions, devaluation of property, impact on wildlife due to noise, proximity to residential properties, insufficient and ineffective advertising notification/period, and as to why the development location was chosen.

The proposal has been assessed against the relevant provisions of the Planning Scheme and the Yarra Ranges Council Telecommunications Facilities Policy (2012). It is consistent with the Scheme and policy. It is recommended that the application be approved and a Notice of Decision to Grant a Planning Permit, subject to conditions, be issued.

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

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

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

In accordance with Governance Rule 29.1, Cr Higgins, Cr Heenan, Cr Fullagar, Cr Cox, Cr Todorov, Cr McAllister and Cr Child spoke to the Motion.

Moved: Cr Higgins
Seconded: Cr Heenan

That Council resolve to refuse Planning Application YR-2023/636 for Building and works to construct a telecommunications facility (monopole) and associated vegetation removal and trimming at 8 Meadow Fair Way, Chirnside Park and issue a Refusal on the following grounds.

- 1. The proposal imposes an unreasonable level of material detriment to the adjoining properties.*
- 2. The proposal fails to achieve relevant objectives of Clause 52.19 Telecommunication Facility of the Yarra Ranges Planning Scheme in providing an appropriate co-location for the facility to minimise amenity impact to the area and adjoining properties.*
- 3. The proposal has not demonstrated that it is consistent with proper and orderly planning due to its location in a visually prominent location.*
- 4. The proposal does not demonstrate compliance with the objectives of the Significant Landscape Overlay – Schedule 6 and further fails to ensure views of the mid-range rolling hills silhouetted across the horizon as a backdrop to longer distance views are maintained.*

The motion was Carried unanimously.

In Favour: Cr Heenan, Cr Higgins, Cr Todorov, Cr Child, Cr McAllister, Cr Fullagar and Cr Cox.

Against: Nil

The Mayor paused the meeting at 8:48pm while the Gallery exited and resumed the meeting at 8:51pm with all Councillors present.

10.2 Financial Year 2024-2025 Draft Budget Endorsement for Public Consultation

SUMMARY

A draft budget 2024-25 (and subsequent three years to 2027-28) including the 2024-25 to 2033-34 Capital Expenditure Program has been prepared following the outcome of extensive internal consultation and development. These documents articulate Council's focus for the next four years and outline the financial and resource strategies to fund the activities planned to support the community through this period.

The documents have been prepared in draft form to provide an opportunity for community comment as required under the *Local Government Act 2020* and Council's Community Engagement Policy. This report seeks Council's endorsement to release the draft budget for a period of community consultation. Submissions received from community members (written or verbal presentations) will be considered at a Hearing of Submissions Committee meeting on 28 May 2024. It is planned that Council will consider the adoption of the final Budget (incorporating any changes following community consultation) at the Council meeting being held on 25 June 2024.

In accordance with Governance Rule 29.1, Cr Fullagar, Cr Cox, Cr McAllister, Cr Heenan and Cr Todorov spoke to the Motion.

Moved: Cr Fullagar

Seconded: Cr Cox

That

1. *The draft 2024-2025 Budget (including the draft 2024-2025 to 2033-2034 Capital Expenditure Program) prepared in accordance with section 96 of the Local Government Act 2020 be approved for the purpose of giving public notice and undertaking consultation with the community.*
2. *The Chief Executive Officer be authorised to:*
 - (a) *Give public notice in accordance with section 96 of the Local Government Act 2020 and Council's Community Engagement Policy of Council's intention to adopt the 2024-2025 budget (including the 2024-2025 to 2033-2034 Capital Expenditure Program) at the Council meeting to be held on 25 June 2024.*
 - (b) *Undertake any and all administrative procedures necessary to enable Council to carry out its functions in accordance with its Community Engagement Policy.*
3. *In accordance with Rule 12 of the Governance Rules, the Chief Executive Officer make all arrangements for a meeting of the Hearing of Submissions Committee to be held on Tuesday 28 May 2024 to consider presentations to be heard in support of written submissions received on any matter contained in the draft Budget and that the Committee subsequently provide a report on its proceedings, including a summary of hearings, to Council.*

The motion was Carried unanimously.

In Favour: Cr Heenan, Cr Higgins, Cr Todorov, Cr Child, Cr McAllister, Cr Fullagar and Cr Cox.

Against: Nil

10.3 Councillor Expenditure Policy - Reimbursement of Expenses for Cr Eastham and Cr Cox

SUMMARY

The *Local Government Act 2020* (the Act) governs the reimbursement of expenses for Councillors and members of a delegated committee. This requires Council to reimburse reasonable, bona fide out-of-pocket expenses incurred while performing their respective roles.

The Councillor Expenditure Policy (the Policy) requires all claims for the reimbursement of expenses to be made within three months of the date an expense has been incurred.

Claims submitted outside this three-month period must be considered by Council.

In accordance with the Policy, approval is sought to reimburse out-of-pocket expenses as follows:

- \$790.89 travel expenses incurred by Cr Eastham during the period 1 November 2023 to 20 December 2023; and
- \$1,173.42 travel expenses incurred by Cr Cox during the period 27 July 2023 to 30 November 2023.

Cr Cox declared a material conflict of interest in Item 10.3, Councillor Expenditure Policy - Reimbursement of Expenses for Cr Eastham and Cr Cox, as the item refers to reimbursement of out-of-pocket expenses.

Cr Cox left the meeting at 9.09pm prior to the vote being taken.

Moved: Cr Child

Seconded: Cr Higgins

That Council approve the reimbursement of out-of-pocket expenses of \$790.89 incurred by Cr Eastham during the period 1 November 2023 to 20 December 2023 and for \$1,173.42 incurred by Cr Cox during the period 27 July 2023 to 30 November 2023

The motion was Carried unanimously.

In Favour: Cr Heenan, Cr Higgins, Cr Todorov, Cr Child, Cr McAllister, Cr Fullagar and Cr Cox.

Against: Nil

Cr Cox returned to the meeting at 9.10pm following a vote being taken.

10.4 Ridgewalk Land Art Tender

SUMMARY

This report summarises the evaluation process and seeks Council approval for the award of the contract EO17330 7453 Land Art Trail Construction works located at Kalorama Park Picnic Ground, Kalorama VIC 3766. This contract will deliver part of the ngurrak barring | RidgeWalk project, an art and cultural walking experience, which occurs across 39km of walking track throughout the Dandenong Ranges.

Through community engagements and pop-ups to date, the ngurrak barring team have received feedback highlighting the strong need for access and inclusive connections and pathways throughout the hills. This has led to the focus of using the centrepiece "Regeneration" as a trail that can be experienced by all.

The proposed centre piece will include works such as new trails, seating areas, civil infrastructure and landscaping which all combine as part of the 'Regeneration' Land Art designed by TARRMAC Studio, FOOKS Studio and Aspect Studio. The works have been well-considered with the complex sloping site accommodating a 40m drop over the total length of 750m walking path. The Land Art trail is the key public artwork piece for ngurrak barring, providing connection for the trail from Montrose to Karwarra Australian Plant Garden and Nursery (Experience 01). The top section of the park incorporates a DDA path allowing for all-abilities access to the new Listening and Harmonic sculptures, slowly transforming into a gravel trail meandering down towards the lower picnic area. The project provides vital connections and amenities as part of ngurrak barring.

The Evaluation panel recommend the tender from R & J Kent & CO PTY LTD to be accepted for a lump sum contract amount of \$1,755,081.00 Excl. GST.

In accordance with Governance Rule 29.1, Cr Fullagar, Cr Higgins and Cr Child spoke to the Motion.

Moved: Cr Fullagar

Seconded: Cr Higgins

That

- 1. Council awards the tender from R & J Kent & CO PTY LTD for EO17330 7453 Land Art Trail Construction for a total lump sum of \$1,755,081.00 Excl. GST.*
- 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.

In Favour: Cr Heenan, Cr Higgins, Cr Todorov, Cr Child, Cr McAllister, Cr Fullagar and Cr Cox.

Against: Nil

11 COUNCILLOR MOTIONS

There were no Councillor motions listed on the agenda for this meeting.

12 ITEMS THROUGH THE CHAIR

12.1 Dandenong Ranges Music Council Youth Awards

Cr Fullagar attended the Dandenong Ranges Music Council Youth Awards on Sunday 21 April 2024. Cr Fullagar noted the calibre of the young performers aged between 9 and 15 and presented the Ann and Chris Krans Music Award to Jade Chen. Cr Skelton and Mr Aaron Violi MP also attended the event.

12.2 Flooding of Warburton Cenotaph

Cr Child thanked Built Environment and Infrastructure Officers for their timely response with the flooding situation at the Warburton Cenotaph.

12.3 Citizenship Ceremony

Cr Child attended the Citizenship Ceremony on Saturday 20 April 2024 at The Memo, Healesville. Cr Child thanked the Mayor, Cr Eastham and Cr McAllister for their contribution in such a successful event.

12.4 Montrose Township Group – Kilsyth Action Group

Cr Cox attended the Montrose Township Group Annual General Meeting held at the Montrose Town Centre on Wednesday 17 April 2024. Cr Cox noted how full the venue was with enthusiastic community members. Cr Cox also noted the Kilsyth Action Group held their Annual General Meeting in the same week at Japara House, Kilsyth.

12.6 Japara Living and Learning Centre

Cr Cox reported that Japara Living and Learning Centre currently hosts approximately 1420 people attending the venue each week.

12.7 Yarra Valley Italian Cultural Group Exhibition

Cr Todorov attended the Yarra Valley Italian Cultural Group Exhibition opening on Saturday 20 April 2024 at the Old Courthouse, Lilydale. Cr Todorov noted the rich Italian culture and heritage of the Yarra Ranges dating back to the mid 1800's.

13 REPORTS FROM DELEGATES

Cr Fullagar

- Attended the Burrinja Cultural Centre Board Meeting on Monday 15 April 2024, held at the Burrinja Cultural Centre, Upwey.

Cr Child

- Attended the Your Library Board Meeting on Thursday 18 April 2024, held at the Knox Library - Ngarrgoo, Wantirna South.

14 DOCUMENTS FOR SIGNING AND SEALING

In accordance with Clause 87 of the Meeting Procedures and Use of Common Seal Local Law 2015, as prescribed by Section 14(2)(c) of the Local Government Act 2020.

There were no Documents for Signing and Sealing received for this meeting.

15 INFORMAL MEETING OF COUNCILLORS

Moved: Cr Heenan

Seconded: Cr Cox

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.

In Favour: Cr Heenan, Cr Higgins, Cr Todorov, Cr Child, Cr McAllister, Cr Fullagar and Cr Cox.

Against: Nil

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: 9.29 pm.

Confirmed this day, Tuesday, 14 May 2024.

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Councillor Sophie Todorov (Mayor)

