



Council Meeting

Minutes

Tuesday, 25 June 2024
Council Chamber - Civic Centre and via
Videoconference

Information for Councillors and the community

ACKNOWLEDGEMENT OF COUNTRY

Yarra Ranges Council acknowledges the Wurundjeri and other Kulin Nations as the Traditional Owners and Custodians of these lands and waterways.

We pay our respects to all Elders, past, present, and emerging, who have been, and always will be, integral to the story of our region.

We proudly share custodianship to care for Country together.



COUNCIL VISION

Whether you live here or visit, you will see how much we care for country, how inclusive and connected our communities are, and how sustainable balanced growth makes this the best place in the world.

VALUE OF HISTORY

We acknowledge that history shapes our identities, engages us as citizens, creates inclusive communities, is part of our economic well-being, teaches us to think critically and creatively, inspires leaders and is the foundation of our future generations.

COUNCILLOR COMMITMENT

We'll be truthful, represent the community's needs, be positive and responsive and always strive to do better.

OUR COUNCILLORS

Billanook Ward: Tim Heenan

Chandler Ward: David Eastham

Chirnside Ward: Richard Higgins

Lyster Ward: Johanna Skelton

Melba Ward: Sophie Todorov

O'Shannassy Ward: Jim Child

Ryrie Ward: Fiona McAllister

Streeton Ward: Andrew Fullagar

Walling Ward: Len Cox

CHIEF EXECUTIVE OFFICER & DIRECTORS

Chief Executive Officer, Tammi Rose

Director Built Environment & Infrastructure,
Hjalmar Philipp

Director Communities, Leanne Hurst

Director Corporate Services, Andrew Hilson

Director Planning and Sustainable Futures,
Kath McClusky

GOVERNANCE RULES

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

PUBLIC PARTICIPATION IN MEETINGS

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

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

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

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

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

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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.

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CONTACT US

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YARRA RANGES COUNCIL

MINUTES FOR THE 606TH COUNCIL MEETING HELD ON TUESDAY, 25 JUNE 2024 COMMENCING AT 7.00 PM COUNCIL CHAMBER - CIVIC CENTRE AND VIA VIDEOCONFERENCE

1 COUNCIL MEETING OPENED

Councillor Sophie Todorov (Mayor) declared the meeting open.

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 INTRODUCTION OF MEMBERS PRESENT

Councillors

Councillor Sophie Todorov (Mayor)

Councillor David Eastham (Deputy Mayor)

Councillor Jim Child

Councillor Fiona McAllister

Councillor Tim Heenan

Councillor Richard Higgins

Councillor Johanna Skelton

Councillor Len Cox OAM

Officers

Tammi Rose, Chief Executive Officer

Hjalmar Philipp, Built Environment & Infrastructure

Andrew Hilson, Director Corporate Services

Kath McClusky, Director Planning & Sustainable Futures

Leanne Hurst, Director Communities

4 APOLOGIES AND LEAVE OF ABSENCE

An apology for this meeting was received from Councillor Andrew Fullagar

5 MAYORAL ANNOUNCEMENTS

There were no Mayoral Announcements for this meeting.

Moved: Cr Todorov

Seconded: Cr McAllister

That the Minutes of the Council Meeting held Tuesday 11 June 2024, as circulated, be confirmed.

The motion was Carried unanimously.

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

Against: Nil

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 TO COUNCIL

Question 1

Anonymous of Warburton asked;

What does it cost to run, create access to and maintain the Warburton Waterworld per year including any other incidentals?

Hjalmar Phillip, Director Built Environment and Infrastructure.

Thank you for your question:

In total, the annual operating costs for the ongoing management of the Warburton Water World is approximately \$91,500.

The operating costs including water supply, water testing and treatment, chemical supply and electricity are approximately \$75,000 per year.

The Water Worlds play space is maintained by Council's Parks team in line with all other Council play spaces. Other operating costs include \$7,500 per year to lease the overflow car parking area and \$6000 to operate the gates at the Redwood Centre.

At peak times, there can be other costs where additional support such as traffic management and increased litter collection and toilet cleaning is required. These are dependent on weather and visitation, so the costs vary year to year.

Where these are all required on the same day the cost is approximately \$3,000

Question 2

Mike Hulks of Healesville asked;

Clause 4.3 Regulation of Trading, of The Yarra Ranges Shire Council's Neighbourhood Amenity Local Law 2020 is in breach of the Federal Competition and Consumer Act 2010.

When will Clause 4.3 Regulation of Trading, of The Yarra Ranges Shire Council's Neighbourhood Amenity Local Law 2020 be repealed.

Leanne Hurst, Director Communities.

Thank you for your question, Mike.

Thank you for bringing to the Council's attention your concerns regarding legalities of the Neighbourhood Amenities Local Laws. We do not agree with your assertion that the Local Law contravenes the Federal Competition and Consumer Act. The Neighbourhood Amenity Local Laws are produced under the authority of the Local Government Act and as such are held to overarching governance principals that include the promotion of economic, social and environmental sustainability in the municipality.

In your submitted supportive information you raised a number of issues relating to your specific circumstances, A formal response is also being prepared that addresses your concerns in detail, including your avenues for appeal should you wish to formally dispute compliance actions.

Due to your interest, we would also welcome your participation in the Footpath and Roadside Trading Policy Review that is currently occurring. Your inputs in community meetings and focus groups will help shape the policy and future direction of associated local laws

QUESTION 3

Ray Lister of Kallista asked;

Could you please confirm what percentage of YRC local roads are unsealed, I have seen differing figures from 60% to 65%.

What is the total number of unsealed roads, including those under construction now, completed under the Roads for Community Funding, noting not one road in Kallista was sealed under that funding.

Thank you

Hjalmar Phillip, Director Built Environment and Infrastructure.

Thank you for your question, Ray

Council's road network is 1,772 km long. A significant portion of the network, 715 km, or 40%, is unsealed.

Furthermore, there is currently, 10.5 kilometre of unsealed roads under construction as part of the now discontinued Federal Governments Roads for Community Program.

Under this Program Council will have sealed 31.75 kms of unsealed roads since 2019 plus an additional 5.5 km from Special Charge Scheme Landowner Petitions which did not form part of Federal Program.

I can also confirm that under the Federal Governments Roads for Community Program. Council was scheduled to deliver 22 Roads within Kallista, however, following the funding cut from the Federal Government none have been delivered.

SUBMISSIONS TO COUNCIL

Animal Complaint in Warburton

The submitter withdrew the submission prior to the meeting.

Dangerous Tree in Monbulk

The submitter withdrew the submission prior to the meeting.

9 PETITIONS

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

There were no Petitions received for this meeting.

10 BUSINESS PAPER

10.1 2024-2025 to 2027-2028 Budget for Adoption

SUMMARY

The proposed 2024-2025 to 2027-2028 Budget, including the 2024-2025 to 2033-2034 Capital Expenditure Program and 2024-2025 Fees and Charges Schedule, has now been updated and finalised following the public Hearing of Submissions Committee meeting on 28 May 2024.

A summary of the changes to the Draft Budget are:

- A reallocation of funding in the Capital Expenditure program from 'general drainage improvements' to Chapel St, Lilydale works – \$50k for investigation and design work in 2024-25, and a further \$250k for construction works in 2025-26. This change is a reallocation from general works only, there is no overall budget impact.
- Fees and charges 2024-2025 – amendments were made to a small number of statutory fees that are subject to annual changes via State Government gazettes released during May 2024.
- The Financial Statements have been amended for Landfill Levy increases, in accordance with the announcement in the 2024-2025 State Government budget, to take effect in from year 2 (2025-2026). This increases Materials and Services expenditure but is offset by increased waste charge income.

Minor administrative changes have been made to page 211 from the Council Agenda for this item.

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

Moved: Cr Todorov

Seconded: Cr Eastham

That Council resolves as follows

1. The 2024-2025 to 2027-2028 Budget including the 2024-2025 to 2033-2034 Capital Expenditure Program be adopted for the purposes of sections 91, 93 and 94 of the Local Government Act 2020.
2. The declaration and levy of rates and charges for the 2024-2025 financial year contained within the 2024-2025 to 2027-2028 Budget be adopted for the purposes of section 94 of the Local Government Act 2020.
3. Council endorses the responses to the 22 budget submissions received at the Hearing of Submissions Committee meeting on 28 May 2024.

*In Favour: Cr Eastham, Cr Higgins, Cr Skelton, Cr Todorov,
Cr Child, Cr McAllister, and Cr Cox.*

Against: Cr Heenan

Cr Child called for a division.

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

Against: Cr Heenan

Absent: Cr Fullagar

10.2 2024-2025 Council Action Plan

SUMMARY

The *Local Government Act 2020* requires Council to review its Council Plan on an annual basis to ensure the strategic direction is aligned to the long-term Community Vision 2036 and current community needs.

The Council is approaching its final year for delivery of the 2021-2025 Council Plan and its associated actions. No new actions or significant changes are proposed for the final year (2024-2025) of the Council Action Plan.

Community engagement has already commenced to develop the 2025-2029 Council Plan. Minor revisions to the wording of the current Council Plan Actions are proposed to better reflect the stage of each action that will be delivered in 2024-2025 in the final year of the 2021-2025 Council Plan.

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

Moved: Cr Todorov

Seconded: Cr Skelton

That Council endorse the updated Yarra Ranges Council Action Plan for the 2024-2025 period.

The motion was Carried unanimously.

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

Against: Nil

10.3 Inquiry into Local Government Sustainability - Submission

SUMMARY

The Victorian State Government is inviting submissions to its Inquiry into Local Government Sustainability. Council's state peak bodies – the Municipal Association of Victoria (MAV) and Local Government Finance Professionals (FinPro) – are both preparing submissions on behalf of the sector. To complement submissions being made by MAV and FinPro, a submission on behalf of Yarra Ranges Council has been prepared to highlight the unique issues and challenges faced by our organisation and community.

In accordance with Governance Rule 29.1, Cr Skelton and Cr McAllister spoke to the Motion.

Cr Skelton moved an amendment to the Officers Recommendation to change the motion as follows:

Moved: Cr Skelton

Seconded: Cr McAllister

Endorse the submission (Attachment 1) to The Parliament of Victoria Legislative Council Economy and Infrastructure Committee Inquiry to Investigate Local Government funding service delivery in Victoria and delegate minor administrative changes in the submission to the Director Corporate Services.

The motion was Carried unanimously.

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

Against: Nil

10.4 YR-2023/594 - 443 Maroondah Highway (9 Janson Place) Lilydale - Planning Report

SUMMARY

The planning application seeks approval to construct eleven (11) dwellings at 443 Maroondah Highway (9 Janson Place), Lilydale.

The development includes eleven (11) dwellings, and the design response integrates and responds to the constraints of the site and surrounds, including environmental features and hazards. The design respects the existing and developing neighbourhood character, and provides a variety of two-, three- and four-bedroom dwellings in close proximity to Lilydale Activity Centre.

The application was advertised, and a total of three (3) objections have been received. The main grounds of objection are related to car parking, both on the site and within the surrounding street network, safety accessing the site from Maroondah Highway, potential flooding of properties to the north, and removal of trees along the northern boundary.

An assessment of the application against the requirements of the Residential Growth Zone, Design and Development Overlay (DDO7), Land Subject to Inundation Overlay, Clause 55 Rescode and the planning policies has found that the application meets the required standards and is a suitable planning outcome. It is therefore recommended that the application be approved, and a Notice of Decision to Grant a Permit be issued subject to conditions.

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

Moved: Cr Heenan
Seconded: Cr Child

That Council resolve to approve Planning Application YR-2023/594 for Buildings and works to construct eleven (11) dwellings at 443 Maroondah Highway (9 Janson Place), Lilydale and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to this report.

The motion was Carried unanimously.

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

Against: Nil

10.5 Procurement Policy Review

SUMMARY

It is a requirement under Section 108 of the *Local Government Act 2020* (The Act), that Council must review its Procurement Policy at least once during each four-year term of the Council.

A review of the current Procurement Policy has been conducted by the Strategic Procurement team, along with key stakeholders across Council. This review process has resulted in some recommended changes to current policy.

These changes mainly relate to procurement purchasing threshold levels and the process for managing project variations, plus a few other minor changes have been proposed.

This report outlines the proposed changes to the policy. Please see Attachment 1 for the draft revised Policy.

In accordance with Governance Rule 29.1, Cr McAllister, Cr Skelton and Cr Eastham spoke to the Motion.

Moved: Cr McAllister

Seconded: Cr Eastham

That Council endorse the proposed revised Procurement Policy.

The motion was Carried unanimously.

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

Against: Nil

10.6 Audit & Risk Management Committee - Independent Member Appointment

SUMMARY

This report recommends the appointment of Mr David Ashmore as an Independent Member of Yarra Ranges Council's Audit and Risk Management Committee (the Committee) for a three-year period commencing 2 August 2024.

Mr Ashmore is a highly experienced private sector and local government Audit and Risk Management Committee member. Mr Ashmore would bring a wealth of experience and advice to the Committee across a range of domains including, but not limited to risk, financial, fraud, cyber security and auditing management practices.

The recommendation for Mr Ashmore's appointment has the full support of the other members of the Committee, including Councillor representatives.

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

Moved: Cr McAllister

Seconded: Cr Child

1. *That Council endorse the appointment of Mr David Ashmore as an Independent Member of the Yarra Ranges Council Audit and Risk Management Committee for a three-year term commencing 2 August 2024.*
2. *That remuneration be set from 1 July 2024 for Committee Independent Members at \$1,461.10 per meeting (excluding GST) and for the Committee Chair at \$1,773.46 per meeting (excluding GST).*

The motion was Carried unanimously.

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

Against: 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 listed on the agenda for this meeting.

12 ITEMS THROUGH THE CHAIR

There were no Items Through the Chair received for this meeting.

13 REPORTS FROM DELEGATES

There were no Reports from Delegates received for this meeting.

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 Todorov

Seconded: Cr Heenan

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 Eastham, Cr Higgins, Cr Skelton, Cr Todorov, Cr Child, Cr McAllister, 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:8:22pm

Confirmed this day, Tuesday, 9 July 2024.

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Councillor Sophie Todorov (Mayor)

