



Council Meeting

Minutes

Tuesday, 23 July 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 608TH COUNCIL MEETING HELD ON TUESDAY, 23 JULY 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 Andrew Fullagar

Councillor Fiona McAllister

Councillor Tim Heenan

Councillor Richard Higgins

Councillor Johanna Skelton

Councillor Len Cox OAM (via Videoconference)

Officers

Tammi Rose, Chief Executive Officer

Hjalmar Philipp, Director Planning & Sustainable Futures

Andrew Hilson, Director Corporate Services

Kath McClusky, Director Planning & Sustainable Futures

Leanne Hurst, Director Communities

4 APOLOGIES AND LEAVE OF ABSENCE

There were no apologies received for this meeting.

5 MAYORAL ANNOUNCEMENTS

There were no Mayoral Announcements for this meeting.

Moved: Cr Skelton

Seconded: Cr Higgins

That the Minutes of the Council Meeting held Tuesday 9 July 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

Michelle de Lima of Lilydale asked;

Did Council Officers conduct both a Privacy Impact Assessment & Gender Impact Assessment on the 2024-2025 Yarra Ranges Council budget? If yes, where can I find a copy of the PIA and GIA? If no, why not?

Andrew Hilson, Director Corporate Services.

Thank you for your question, Michelle.

No, Yarra Ranges Council did not undertake a formal Privacy Impact Assessment (PIA) or Gender Impact Assessment (GIA) in the development of the Annual Council Budget; however the principles of both privacy and gender impacts are considered as part of all Council activities.

Privacy and Gender Impact Assessments are required to be undertaken in accordance with the Privacy Act and the Gender Equality Act, respectively, in circumstances where, in the case of Privacy, personal and private data is collected or involved or (in the case of Gender) where the impact of Council strategies and services on different genders should be considered, and as appropriate in alignment with local government best practice guidelines.

Our Council Budget is an overarching strategic financial roadmap that provides a financial framework for all of the services and strategies to be delivered by Council in the coming year. As each separate strategy or service considered in the Budget is developed throughout the year, Privacy and Gender Impact Assessments are carried out at a strategy or program level where relevant.

Michelle de Lima of Lilydale asked;

Did Council Officers conduct both a Privacy Impact Assessment & Gender Impact Assessment on the Yarra Ranges Council Housing Strategy & Planning Scheme Amendments on the Draft & final submission to State Government? If yes, where can I get a copy of the PIA and GIA? If no, why not?

Kath McClusky, Director Planning & Sustainable Futures.

Thank you for your question, Michelle.

I refer to the response to the previous question in relation to Privacy and Gender Impact Assessments.

However, Council has prepared a Gender Impact Assessment as part of preparing the Housing Strategy. A summary of the assessment's findings were included in the 11 June 2024 Council report, and the consultation and engagement reports. Council's practice is not to release the full details from these internal assessments.

A project-specific Privacy Impact Assessment was not undertaken. The Housing Strategy was developed using the processes documented in the Community Engagement Policy which has been informed by contemporary Privacy principles.

The associated Planning Scheme Amendment has not yet commenced with no submissions made to the State Government to date.

SUBMISSIONS TO COUNCIL

Youth Voice in Emergency Management

Year 8 Students, Olivia, Jack, and Eleonore, from Upwey High School presented to Council the collaboration of students and Emergency Service Agencies to improve the awareness of the School's Bush Fire Plan.

Cr Child left the meeting at 7.27pm and returned to the meeting at 7.28pm.

Badger Creek Community Group

Rachael Davidson, from the Badger Creek Community Group presented their new community plan to Council and informed Councillors of the projects the community will be undertaking over the next 4 years.

Ottrey Car Park Tree, Warburton

Cadi-Lee Beach present to Council regarding the condition of the Ottrey Car Park tree in Warburton.

QUESTION TO COUNCIL

Cadi-Lee Beach of Wonga Park asked;

Will Yarra Ranges Council send representatives, somebody, to the smoking ceremony to be held at the Warburton tree at 5pm Thursday 25 July 2024?

Are Councillors aware that the Royal Botanic Gardens has offered to give specialist assistance to preserve the Warburton tree. Why has this offer not been taken up? The current state of the tree shows that urgent assistance is recommended.

Why has the Birrarung Council been silent about the Warburton Tree given that the tree sits on the Birrarung River corridor.

Hjalmar Philipp, Director Build Environment and infrastructure.

Council has been made aware, through yourself yesterday of the proposed smoking ceremony and Council acknowledges and respects that some trees and locations have special significance to members of the community and support the different ways in which members of community may recognise or connect with these spaces.

At this stage, Officers won't be in attendance on the 25th of July, but what we would like to do is connect you in with our Indigenous Development Coordinator and have a discussion about our engagement approach with the Wurundjeri Registered Aboriginal Party.

With respect to your question on Royal Botanical Gardens. Just noting that no offer has actually been received by council from the gardens on the tree and to close off your other question, Council actions last year were undertaken for public safety, That has been well communicated, and the commitment at the time above and beyond reducing the risk of the tree, was to investigate the habitat potential of the tree and this has been achieved through current arrangements at the site and through expert advice on how best to support the tree. The focus has been on supporting soil health, and again, with the current arrangements in place. The expert advice supports that, and the tree is currently subject to monitoring program, as all trees in public spaces are.

Finally, the Birrarung Council and Melbourne Water are aware of the actions taken to reduce the risk to public of that tree.

Thank you Cadi-Lee.

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 Amendment C212 - Monbulk DDO - Request for Authorisation to Commence Exhibition

SUMMARY

Amendment C212 proposes to implement Action 16 from the Monbulk Structure Plan (adopted by Council in 2017) and Action A29 from the Monbulk Urban Design Framework (adopted in 2023) by applying a Design and Development Overlay to the Monbulk Town Centre and introducing a planning policy for the Monbulk Township into the Yarra Ranges Planning Scheme to guide new development in Monbulk.

Monbulk already has town centre planning controls through a Design and Development Overlay Schedule 12 (DDO12), however these are general controls that are applied across Healesville, Monbulk, Seville, Warburton, Yarra Glen and Yarra Junction. The current Amendment C212 is proposing a new unique Planning Overlay control that is specific to Monbulk and is a refinement of the DDO12 to suit the topography and character of Monbulk. These changes will replace the existing controls for new development in Monbulk and will provide specific and tailored design requirements for the town centre to guide new development based on the design requirements in the Urban Design Framework.

The proposed local policy will apply to the Monbulk Town Centre and include strategies for commercial precincts, industrial precincts, residential (including residential built form) and transport and access identified in the Structure Plan.

In order to commence the amendment process, Council must seek authorisation from the Minister for Planning to prepare and exhibit an amendment which is the focus of this report.

In accordance with Governance Rule 58, Aimee te Boekhorst spoke in support of the recommendation included in the officer report.

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

Moved: Cr Eastham

Seconded: Cr Child

That Council

1. *In accordance with the requirements of the Planning and Environment Act 1987, request the Minister for Planning to authorise the preparation of Amendment C212 to the Yarra Ranges Planning Scheme that proposes to include a new schedule to the Design and Development Overlay for the Monbulk Town Centre (DDO21) and a new local policy for the Monbulk Township, and the removal of reference to Monbulk under the existing DDO12 generally in accordance with the attachments.*
2. *Subject to the Minister's authorisation, publicly exhibit Amendment C212 to the Yarra Ranges Planning Scheme.*

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

10.2 Mt Evelyn Reading Room Tender

SUMMARY

This report summarises the evaluation process and seeks Council approval for the tender for contract CT7516 to operate the Mount Evelyn Station House Reading Room. The tender was opened 18 May 2024, prior to the current contract ending in August 2024. Submissions were invited from locally governed organisations with a demonstrated commitment to community development, lifelong learning and experience in delivering like services, programs and activities that contribute to community wellbeing.

Services to manage the Mount Evelyn Reading Room are required from 1 Sept 2024 or if the tender process is delayed, a mutually agreed date shortly thereafter. A service agreement will be granted until 30 June 2029, with options for two extension of a further two years each, at Council's discretion.

Tenders closed 19 June 2024 and one (1) submission was received. Details of the evaluation process and recommendation are contained in the confidential attachment to this report.

This item has been included in the public agenda to facilitate openness and transparency in Council's decision making. A confidential attachment has been included with the report which contains sensitive information that is not to be disclosed whilst the meeting is open to the public.

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

Moved: Cr Heenan

Seconded: Cr McAllister

That

- 1. Council awards the tender from Mount Evelyn Community House Inc. for an annual price of \$103,590.00 (exclusive of GST) with an annual increase in line with the rate rise set by Council.*
- 2. A service agreement will commence 1 Sept 2024 until 30 June 2029, with two (2) extension options of a further two (2) years each, at Council's discretion.*
- 3. The Manager Community Support be delegated authority to extend the contract in line with the terms set out in the agreement.*
- 4. The Director Communities be delegated authority to sign the deed and related documents.*
- 5. 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.*

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

10.3 Valuer General Supplementary Rate Adjustment 2024-2025 Financial Year

SUMMARY

A minor adjustment is required to the annual rate setting process for the 2024-2025 financial year. The adjustment has been identified prior to the striking of rates for the 2024-2025 financial year and formal endorsement from Council is sought via this report.

This matter has arisen as a result of Council receiving supplementary valuation changes from the Valuer General of Victoria (VGV) in the period between when the 2024-2025 final draft budget was submitted to Council for adoption and prior to 30 June 2024. This has resulted in a revised rate base calculation to be used in determining the 2024-2025 rating levels, which differs from the rate base used in the adopted 2024-2025 budget.

The rate in the dollar can be corrected prior to generating annual rates notices to ensure residents are correctly rated, and to ensure Council remains compliant with the rate cap. Acknowledgement of this change, and revisions to the rate in the dollar and rating data in the 2024-2025 budget requires approval by Council.

Whilst procedural in nature, it is important to formally and transparently acknowledge and effect this adjustment. If not adjusted, the 2024-2025 rating procedure would otherwise result in Council charging an overall rate increase of 2.94 per cent, which is above the 2.75 per cent approved rate cap increase in 2024-2025. This change represents approximately \$3.97 reduction per assessment on average.

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

Moved: Cr Fullagar
Seconded: Cr Skelton

That Council

- 1. Acknowledge and approve the adjustment required to use the revised Rate In the Dollar when striking 2024-2025 property rates, to reflect the Valuer General of Victoria's supplementary valuations received post budget consideration but prior to 30 June 2024.*
- 2. Approve the Director Corporate services to update the 2024-2025 budget schedules, and other minor edits.*

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

10.4 CT7352 MAV: Supply of Trucks, Buses, Specialised Trucks, Bodies and Trailers (NPN 1.23)

SUMMARY

This report seeks approval to join a new contract of a panel of providers for the Supply of Trucks, Buses, Specialised Trucks, Bodies and Trailers (herein collectively referred to as “Trucks”), in accordance with the Local Buy Evaluation and Recommendation Report. The new contract supersedes an expired contract, which Council had utilised extensively, and includes many of the previous suppliers.

Council’s adopted Procurement Policy supports Collaborative Procurement Arrangements under section 11 and therefore has reengaged MAV/Local Buy Pty Ltd as the tendering agent.

The approval of this new supply panel would enable ongoing efficient purchase and replacement of Council’s fleet assets and negate the need to run individual tenders for every purchase above the prescribed amount.

The attached Local Buy Evaluation & Recommendation Report recommends a panel of 51 suppliers of Trucks, the full list of which is contained within the attached report.

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

**Moved: Cr Skelton
Seconded: Cr Child**

That

- 1. Council accepts the Local Buy Evaluation & Recommendation Report for the Supply of Trucks, Buses, Specialised Trucks, Bodies and Trailers to Australian Local Government for the initial period of 3 years with an option to extend the term by up to 2 x 3 years on the terms set out in the MAV Procurement Contract.*
- 2. Formal contract documentation with MAV Procurement be signed to give effect to the contract.*
- 3. The Director Corporate Services be delegated authority to sign and extend the contract on the terms set out in the contract and any amended terms proposed by MAV. The confidential attachments to this report remain confidential indefinitely as they relate 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 Eastham, Cr Higgins, Cr Skelton, Cr Todorov, Cr Child, Cr McAllister, Cr Fullagar 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

Cr Cox left the meeting at 8.20pm and returned to the meeting at 8.21pm.

12.1 Snowfall on Mount Donna Buang

Cr Child noted the recent snowfall on Mount Donna Buang and the positive impact on business in Warburton, Cr Child also encouraged all visitors to drive carefully and stay safe with the hazardous road conditions.

12.2 Yarra Ranges Careers Night

Cr Skelton attended the Yarra Ranges Careers Night on 11 July 2024. Cr Skelton thanked the Youth Development Team and other Teams from Council present on the night for the work undertaken to support the young people present on the night.

12.3 National Government Assembly Conference

Cr Todorov thanked Deputy Major, Cr Eastham, for chairing the Council Meeting on 9 July 2024 while she attended the National Government Assembly Conference in Canberra. Cr Todorov noted the opportunities to meet with elected Members of Parliament to discuss key issues and to collaborate and connect with other Councils across Australia.

12.4 Deliberative Panel Engagement Session

Cr Todorov noted that two of the Deliberative Panel Engagement Session have been completed, the first being an online session and the second held at the Yarra Ranges Council Civic Centre. The final session will occur on 17 August 2024. Cr Todorov noted the positive feedback received high levels of participation from the community.

13 REPORTS FROM DELEGATES

Cr Fullagar

- Attended the Burrinja Cultural Centre Board Meeting held on 13 May 2023 at the Burrinja Cultural Centre, Upwey. Cr Fullagar noted the appointment of the Burrinja Cultural Centre Creative Director & CEO, Melanie Burge.
- Attended the Eastern Transport Coalition meeting held on 18 July 2024 via videoconference.

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 McAllister

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

The motion was Carried unanimously.

In Favour: Cr Heenan, Cr Eastham, Cr Higgins, Cr Skelton, 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.

Moved: Cr Todorov

Seconded: Cr Heenan

That in accordance with section 66(2)(a) of the Local Government Act 2020, Council resolves to close the meeting to members of the public to consider the following items which relate to matters specified under section 3(1), as specified below.

17.1 Waste Project Update

Item 17.1 is Confidential under the terms section 3(1) of the Local Government Act 2020 as it contains information relating to: (a) Council business information, being information that would prejudice the Councils position in commercial negotiations if prematurely released.

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

17.1 Waste Project Update

Confidentiality Clauses: Section 3(1)(a) of the Local Government Act 2020

Confidential Item

18 DATE OF NEXT MEETING

There being no further business the meeting was declared closed at: 8.43 pm.

Confirmed this day, Tuesday, 13 August 2024.

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Councillor Sophie Todorov (Mayor)