



Council Meeting

Minutes

Tuesday, 13 August 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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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

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

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YARRA RANGES COUNCIL

MINUTES FOR THE 609TH COUNCIL MEETING HELD ON TUESDAY, 13 AUGUST 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 (via Videoconference)

Councillor Andrew Fullagar

Councillor Fiona McAllister

Councillor Tim Heenan

Councillor Richard Higgins

Councillor Johanna Skelton

Councillor Len Cox OAM

Officers

Tammi Rose, Chief Executive Officer

Hjalmar Philipp, Director Built Environment & Infrastructure

Andrew Hilson, Director Corporate Services

Kath McClusky, Director Planning & Sustainable Futures

Jane Sinnamon, Acting Director Communities

4 APOLOGIES AND LEAVE OF ABSENCE

An apology for this meeting was received from Councillor David Eastham (Deputy Mayor).

The Mayor read the following statement:

I'm not sure about everyone here for tonight's meeting, but I for one, certainly have Olympic jet lag, so I wanted to speak about our local Yarra Ranges athletes who actually competed in the Olympic games and acknowledge their efforts. I'm sure that many of us have also sacrificed quite a bit of sleep over the last 2 weeks, but always for a good cause. Whether we have been watching the Olympics on TV, or sharing stories over coffee, or hearing about our well-earned triumphs and victories.

Australia has performed incredibly well in the overall medal tally, with every morning's news bringing us stories of new medals, tough competition, and anticipation for finals, as our athletes competed against the best the rest of the world had to offer.

I'm proud to say that we had several athletes at the Olympics who travelled to Paris from Yarra Ranges.

We had Harry Garside, an incredible and impressive boxer, Mooroolbark hurdler, Tayleb Willis, who I am proud to say I used to coach at Yarra Ranges Athletics Club, and we have Lilydale's Kelland O'Brien, who won gold with his teammates in the Men's Team Pursuit, defeating Great Britain and setting a new world record, a fabulous achievement. They are the third Australian Men's Team Pursuit squad to win gold at the Olympics.

Of the tens of thousands of athletes who dream of one day competing on the largest stage, very few make the cut. It was incredible to see the performances, the grace and sportsmanship on display in Paris, and heartening to know that our corner of the world has stellar athletes who call it home.

It's a reminder for us here at Council and the community of the importance of community sport and groups, that from humble beginnings in Yarra Ranges Athletics, local sports and practice in the Yarra Ranges, people can reach the highest levels in the sporting world.

I hope that all of you can sit in the comfort and glow that, no matter how you performed, you made us all so proud.

Win or lose, the simple act of making it to the Paris Olympics is an achievement you should wear proudly for a lifetime, whether you came home with a medal, new friends, or just a riveting story to tell.

Congratulations to Kelland, Tayleb and Harry, and all the athletes who have performed from across the Yarra Ranges.

We are all so proud of you and wish you all the best for your journey home to the people who have been cheering you on.

Thank you all.

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CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

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

Moved: Cr Todorov

Seconded: Cr Heenan

That the Minutes of the Council Meeting held Tuesday 23 July 2024, as circulated, be confirmed.

The motion was Carried unanimously.

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

Against: Nil

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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.

QUESTION TO COUNCILS

Karen Kestigian of Kallista asked;

Have Gleghorn Road, Emberson Street and Rivington Ave, Kallista been assessed for risk and if so what was the outcome?

Hjalmar Philipp, Director Built Environment & Infrastructure.

Thanks very much for the question.

The Gleghorn Road, Emberson Street and Rivington Ave, Kallista were created as part of a sub-division in the 1920's. At the time, sealed pavement, drainage, footpaths were not considered.

These roads and any associate risk is managed in accordance with Council's obligations under the Road Management Act and Road Management Plan. These local roads are inspected and assessed every 12 months for defects relating to the service levels and the surface condition is inspected as part of the routine grading works.

Any identified deficits are managed through Council's ongoing Road Management Plan.

These three roads were identified to be sealed under the Road for the Community Initiative, however, funding for the project was withdrawn by the Federal Government in 2023. Council was able to secure funds for design to be completed, whereby the future construction may be considered under a Special Charge Scheme funded by Landowners or be used for advocacy.

The Department of Transport and Planning (formerly VicRoads) has undertaken its own assessment, and it is investigating options to undertake drainage improvement works along Monbulk Road.

Council will continue to investigate and look for solutions to improve outcomes, in both the short and long terms.

Thank you.

Anonymous asked;

Can Council let the local public, and beyond that will be affected by this project, (Warburton Mountain Bike Destination) know when the public display and exhibition will happen for input and feedback as per the Ministers decision.

Hjalmar Philipp, Director Built Environment & Infrastructure.

Thank you for your question.

In accordance with ministerial direction the trail network was publicly advertised as part of the Environment Effects Statement from 26 November 2021 until Tuesday 25 January 2022 and received planning approval under Planning Scheme Amendment c222yan on 23 November 2023.

Following this public display and exhibition process approval work on Stage 1 of the trail network has now commenced.

There are no new plans or trails as part of Stage 1 of the project that trigger further public exhibition under the legislation.

This project has been one of Council's most complex project and Council officers are available to provide further information via telephone or in-person if this is of further assistance.

Thank you

Anonymous asked;

Given the number of security staff at the Council Meeting, plus the Council Staff and the Councillors out-number the registered gallery attending by 5 to 1 please advise

1 How much is the security costing,

2 How much in total so far and,

3 When will the council stop spending Rate money on this farce?

Andrew Hilson, Director Corporate Services.

Thank you to the submitter for this question.

The presence of security at Council Meetings reflects our commitment to ensuring a safe and secure environment for all attendees.

To part one of your question.

We scale the resourcing of security services in line with the number of registered attendees at each Council meeting and the duration of the required security services. Therefore, the exact cost of security services varies between meetings. We are committed to managing these costs responsibly while ensuring that safety is not compromised.

To part two of the question.

For the financial year 2023/2024 total security costs incurred were \$20,702.

In response to part three of your question.

The management of public Council meetings including the decision to allocate funds for security is regularly reviewed. With a focus on sensible financial management, maintaining workplace and community safety, and the management of an orderly Council meeting.

Thank you.

Joel Supple of Seville East asked;

When will footpaths promised 2019 for Seville East (Peter's/Old Warby) for access to bus stops [be completed]? Mud, no wheel chair access, dangerous.

Hjalmar Philipp, Director Built Environment & Infrastructure.

Thank you for your question Joel, a few points for response.

In 2019, the Federal Government announced \$150 million funding plan for Yarra Ranges Council to seal roads.

Many roads under this program were proposed to incorporate drainage and footpath improvements.

Council understands the concerns you are raising unfortunately, in January 2023 received notification that this funding would be cut to \$47.7M, which removed over \$100M in funding for local roads, drainage and footpaths, including several roads in Seville East.

Following the Federal funding cuts, Council has recently completed an assessment into the missing footpath links across the municipality. The assessment considered criteria such as safety, proximity to public transport, schools, shops, delivery efficiencies, as well as adjacent projects, and external funding opportunities.

The missing links along Warburton Highway, Stuart Road, Peters Road, Joyce Road and Bridgewater Road have been identified through these assessments and will be considered against all priorities across the municipality in future budgets.

As a guide, Council's currently ten-year capital program, which is subject to review by Council each year, has an allocation of almost \$14M toward new footpaths across the municipality. This is shown as unallocated project funding from the 2026/2027 financial year. The specific projects and dates are not listed in outer years, they form part of the annual budget process.

An officer from our infrastructure team will reach out to talk to those roads that you've raised in more specific detail and be happy to discuss further.

Thanks Joel.

SUBMISSION TO COUNCIL

The Birrarung Valley Walk

Ivor Wolstencroft presented to Council regarding The Birrarung Valley Walk and connectivity for disabled community members.

The Mayor referred the matter to the Director Built Environment & Infrastructure for a report to come to a future Council briefing.

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 C218 - Lilydale Structure Plan - Request for Authorisation to Commence Exhibition

SUMMARY

Amendment C218 proposes to implement the recommendations of the Lilydale Major Activity Centre Structure Plan, 2022 that was adopted by Council on 9th August 2022, and the Yarra Ranges Neighbourhood Character Study (Hansen, 2024) adopted by Council on 11th June 2024.

The Structure Plan provides a framework to guide the future land use, development, urban design, vehicle and pedestrian movement and capital works in the Lilydale town centre and surrounding residential areas.

The Structure Plan incorporates a number of actions that will be implemented across multiple Council departments. Amendment C218 will implement the actions requiring changes to the planning scheme that includes the application of an Activity Centre Zone to the town centre and some well located residential land, rezoning of suburban areas currently zoned Residential Growth Zone to a General Residential Zone for improved neighbourhood character outcomes, and application of an Environmental Audit Overlay to some sites where proposed rezonings will allow residential land uses for the first time.

In order to commence the amendment process, Council must seek authorisation from the Minister for Planning to prepare and exhibit the amendment.

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

Cr Child left the meeting at 7.38pm and returned to the meeting at 7.39pm prior to a vote being taken.

Moved: Cr Heenan

Seconded: Cr Todorov

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 C218 to the Yarra Ranges Planning Scheme that proposes to make changes generally in accordance with the attachments.*
- 2. Subject to the Minister's Authorisation, publicly exhibit Amendment C218 to the Yarra Ranges Planning Scheme.*

The motion was Carried unanimously.

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

Against: Nil

10.2 The Yarra Ranges Innovate Reconciliation Action Plan

SUMMARY

This report presents Council with the Yarra Ranges Council Innovate Reconciliation Action Plan August 2024 – August 2026 (RAP).

At the time of writing, the content and actions of the RAP have been finalised, with minor edits regarding formatting waiting final approval from Reconciliation Australia (RA).

The minor nature of the formatting issue is not regarded as a barrier in seeking formal Council endorsement, therefore it is recommended that Council formally endorse the Yarra Ranges Council Innovate Action Plan August 2024 – 2026.

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

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

Moved: Cr Todorov

Seconded: Cr McAllister

That Council formally endorse the Yarra Ranges Council Innovate Reconciliation Action Plan August 2024 - August 2026.

The motion was Carried unanimously.

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

Against: Nil

10.3 Risk Appetite Endorsement

SUMMARY

Over the last twelve months Council officers have undertaken a process to develop a suitable risk appetite for Council. The result of this process has been the proposed inclusion of a risk appetite statement within Council's existing Risk Management Framework (RMF). The proposed risk appetite within Council's RMF is a crucial governance tool being presented for Council consideration.

A 'Risk Appetite' articulates the level of risk Council is willing to accept in pursuing its strategic objectives. It provides essential guidance for decision-making across all levels of the organisation.

The proposed risk appetite is the result of extensive consultation and testing, including with external parties, organisational leaders, the Executive Leadership Team (ELT) and Council's Audit and Risk Management Committee (ARMC).

The RMF sets clear parameters for risk-based decision-making, ensuring strategic alignment, accountability, consistency, and transparency in Council's approach to risk management. It supports staff and Councillors to make informed decisions within defined risk boundaries, which leads to more efficient and effective service delivery.

Cr Heenan left the meeting at 8.13pm and returned to the meeting at 8.15pm prior to a vote being taken.

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

Moved: Cr Fullagar

Seconded: Cr McAllister

That Council endorse the updated Risk Management Framework 2024 with the inclusion of a Risk Appetite statement.

The motion was Carried unanimously.

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

Against: Nil

10.4 Robert and Black Street, Lilydale plus Adrienne and Maxwell Court, Millgrove - Special Charge Scheme

SUMMARY

This report presents to Council for approval the Final Cost of Works for the following Special Charge Schemes:

- Robert Street and Black Street, Lilydale
- Adrienne Court and Maxwell Court, Millgrove – Road Improvement Works.

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

Moved: Cr Child

Seconded: Cr Skelton

That

1. *Council approve the Final Cost of Works (Attachment 1) associated with the Robert Street and Black Street, Lilydale Special Charge Scheme with a variation (small reduction) in the landowner apportionment charges outlined in Attachment 2.*
2. *Council approve the Final Cost of Works (Attachment 3) associated with the Adrienne Court and Maxwell Court, Millgrove with no variation in the landowner apportionment charges.*
3. *Landowners included in the Special Charge Schemes be advised of the result of the final costing of their scheme and payments adjusted for the Robert Street and Black Street, Lilydale Scheme.*

The motion was Carried unanimously.

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

Against: Nil

10.5 Draft Parking Management Framework

SUMMARY

Traffic and parking congestion is becoming an increasing issue in some areas of the municipality. In the past, the introduction of time limited restrictions has been able to deliver the level of control necessary to meet the needs of the community. However, with increases in population growth, tourist visitation and economic development, there is a need to create a Parking Management Framework to guide the implementation of various parking restrictions and supporting technology to best manage the parking across the municipality.

The Draft Parking Management Framework has been developed with a vision to community facilities while protecting the natural environment and unique character of its towns and villages. The Framework outlines all relevant information which would be required when making decisions about parking. These include:

- Hierarchy controls detailing different types of infrastructure which could be considered for parking control management.
- Hierarchy of Parking Allocation to inform the priority given to different user groups for parking when considering the implementation of parking restrictions.
- How parking investigations are undertaken and decisions are made.
- Implementation of Digital Parking Solutions and Paid Parking Schemes.
- Types of different parking zones and available parking permits based on land use and user requirements.
- How and why enforcement is undertaken.

When the need for parking is balanced effectively with other transport options, residents, workers and tourists will continue to be able to access the various areas of Yarra Ranges Council and enjoy the variety of townships and environmental elements that makes this area so unique.

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

Moved: Cr Fullagar

Seconded: Cr Higgins

That Council

1. *Support the Draft Parking Management Framework to be placed on public exhibition between 14 August 2024 and 8 September 2024.*
2. *Note that findings from the community feedback and proposed amendments to the Draft Parking Management Framework will be presented at a future Council Meeting.*

The motion was Carried unanimously.

In Favour: Cr Heenan, 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

12.1 Lilydale Township Action Group

Cr Heenan attended, along with Cr Todorov, the Lilydale Township Action Group and spoke of the recent flooding that occurred on 7 August 2024 in Lilydale. Cr Heenan spoke about the community experiences during the flooding event on 16 July 2024 and spoke of the impact on Hutchison Street and John Street in Lilydale, and his concern of future flooding events. Cr Heenan enquired if further consultation could be undertaken with the Department of Transport and Planning.

13 REPORTS FROM DELEGATES

Cr Skelton

- Attended the Sustainable Environment Advisory Committee meeting held at the Yarra Ranges Council Civic Centre on 1 August 2024. The meeting was also attended by Cr Fullagar.

Cr Fullagar

- Attended the Your Library Audit and Risk Advisory Committee meeting held at the Your Library Administration Office, Scoresby on 9 August 2024.

Cr Todorov

- Attended the Health and Wellbeing Advisory Committee meeting held at Yarra Ranges Council Civic Centre on 25 July 2024. The meeting was also attended by Cr Fullagar.

Cr Child

- Attended the 40th Anniversary of the Mooroolbark Library meeting held at Mooroolbark Library on 25 July 2024. The 40th Anniversary was also attended by Cr Fullagar and Cr Todorov.

Cr McAllister

- Attended the 40th Anniversary of the Healesville Historical Society meeting held at Badger Creek Hall, Badger Creek on 28 July 2024.

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 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.

In Favour: Cr Heenan, 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.

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: 8.52 pm.

Confirmed this day, Tuesday, 27 August 2024.

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Councillor Sophie Todorov (Mayor)