

# Council Meeting

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## Agenda

**Tuesday, 24 September 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>

## **LIVE STREAMING AND RECORDING OF MEETINGS**

Council meetings will be live streamed and recorded with the video recording being published on Council's website. Council will cease live streaming at the direction of the Chair or prior to any confidential items being considered.

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.

A person in attendance at the meeting must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any meeting without first obtaining the consent of the Chair.

The Minutes produced after each Council Meeting form the official record of the decisions made by Yarra Ranges Council.

## **VIEWING THIS AGENDA ON A MOBILE DEVICE**



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## **EVACUATION PROCEDURES**

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	<a href="mailto:mail@yarraranges.vic.gov.au">mail@yarraranges.vic.gov.au</a>

## Agenda

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*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.*

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*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.*

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*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.*

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*In accordance with Chapter 3 Rule 24 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*

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*In accordance with section 66(2)(a) of the Local Government Act 2020.*

18. **DATE OF NEXT MEETING** 30 - 31

## **YARRA RANGES COUNCIL**

**AGENDA FOR THE 612<sup>TH</sup> COUNCIL MEETING TO BE HELD ON TUESDAY  
24 SEPTEMBER 2024 COMMENCING AT 7.00PM IN COUNCIL CHAMBER, CIVIC  
CENTRE, ANDERSON STREET, LILYDALE / VIA VIDEOCONFERENCE**

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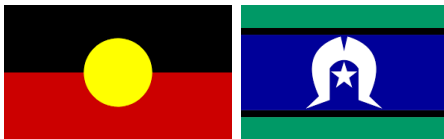
### **1. MEETING OPENED**

## 2. 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.



### **3. INTRODUCTION OF MEMBERS PRESENT**

#### **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 & Sustainable Futures, Kath McClusky



**4. APOLOGIES AND LEAVE OF ABSENCE**

There were no apologies received prior to the commencement of this meeting.

**5. MAYORAL ANNOUNCEMENTS**

**6. CONFIRMATION OF MINUTES**

**RECOMMENDATION**

*That the Minutes of the Council Meeting held Tuesday 10 September 2024 as circulated, be confirmed.*

## 7. 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.*

*The Local Government Act 2020 defines two categories of conflict of interest:*

- *a general conflict of interest, which is defined as "...a relevant person has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty", and*
- *a material conflict of interest, which is defined as "...a relevant person has a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit may arise or the loss incurred (a) directly or indirectly; or (b) in a pecuniary or non-pecuniary form."*

*In accordance with section 130 of the Local Government Act 2020, a conflict of interest must be disclosed in the manner required by the Governance Rules and the relevant person must exclude themselves from the decision-making process.*

No Conflicts of Interest have been received prior to the Agenda being printed.

**8. QUESTIONS AND SUBMISSIONS FROM THE PUBLIC**

Public Questions and Submissions will be suspended at all Council Meetings during the election period.

**9. PETITIONS**

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

A person may submit a petition to Council on matters that are not listed on the Agenda. Every petition or joint letter submitted to Council must:

- a) identify a 'Lead Petitioner' who Council can correspond with;
- b) be legible and in permanent writing;
- c) be clear and state on each page the matter and action sought from Council. Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter;
- d) not be derogatory, defamatory or objectionable in language or nature;
- e) not relate to matters outside the powers of Council; and
- f) clearly state the names and addresses of at least seven (7) people who live, work, study or do business in the Municipal district.

There were no Petitions received prior to the Agenda being printed.

## AUDIT AND RISK MANAGEMENT COMMITTEE CHAIR APPOINTMENT

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Report Author: Executive Officer Governance, Risk & Compliance  
Responsible Officer: Director Corporate Services  
Ward(s) affected: (All Wards)

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*The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.*

### CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

### SUMMARY

This report recommends the reappointment of Mr Stephen Schinck as the Chair of Council's Audit and Risk Management Committee (the Committee) for the period commencing 1 October 2024 to 31 May 2025.

### RECOMMENDATION

***That Council endorse the reappointment of Mr Stephen Schinck as the Chair of the Yarra Ranges Council Audit and Risk Management Committee for the period commencing 1 October 2024 to 31 May 2025.***

### DISCUSSION

#### ***Purpose and Background***

Council's Audit and Risk Management Committee (the Committee) has been established as an Advisory Committee to Council as required by Section 53 of the *Local Government Act 2020* (the Act). The terms of reference of the Committee are outlined in the Committee Charter (the Charter) which has been approved by Council and published on Council's website.

The Charter requires that the composition of the Committee include:

- Up to five members.
- Minimum of three Independent Members.
- Minimum of Two Councillor Representatives.

Council is required to appoint a Chairperson of the Committee, the Chairperson being one of the Independent Members.

Mr Stephen Schinck is an Independent Member of the Committee and the current Committee Chairperson. Mr Schinck has 16 years' experience as a senior executive in the Department of Treasury and Finance (DTF) and has held executive management roles in corporate planning and governance, human resource strategy, asset management and operations, organisational risk management, internal audit and financial management and planning.

Mr Schinck is also the current Chair of the Audit and Risk Committees for Energy Safe Victoria and Safe Transport Victoria, and an Independent Member of the Audit and Risk Committees for the Victorian Labour Hire Authority and Murrindindi Shire Council.

### ***Recommended option and justification***

Mr Schinck has been nominated to be re-appointed as Chairperson with unanimous support by the Committee.

It is recommended that Council endorse Mr Schinck as the Committee Chairperson for the remainder of his committee term, commencing 1 October 2024 to 31 May 2025.

The reappointment of Mr Schinck as Committee Chair will provide continuity and build on the Committee's existing knowledge and processes. This supports continuous improvement in the Committee's oversight capabilities and effectiveness.

## **RELATED COUNCIL DECISIONS**

The Audit and Risk Management Committee Charter was approved by Council at a meeting in November 2022. Mr Schinck was approved as the Committee Chairperson from 1 October 2023 to 1 October 2024 by Council at a meeting in September 2023.

## **FINANCIAL ANALYSIS**

All financial implications associated with this recommendation are covered by existing operational budgets.

Section 12.5 of the Charter states that remuneration will be paid to each Independent Member and the Chair on a per meeting basis, with fees being indexed in alignment with the rate cap each 1 July.

From 1 July 2024, the Independent Member Chair remuneration is \$1,773.46 per meeting (excluding GST and based on five meetings per year).



## **APPLICABLE PLANS AND POLICIES**

The appointment of an Independent Chair to the Committee links to the Council's Key Strategic Objective – High Performing Organisation and meets Council's obligations under the *Local Government Act 2020*.

## **RELEVANT LAW**

It is a legislated requirement that Council establish an Audit and Risk Management Committee, appoint Independent Members and a Chair, adopt, and maintain a Charter and provide a bi-annual report to Council.

## **SUSTAINABILITY IMPLICATIONS**

### ***Economic Implications***

The appointment of an experienced and qualified Chair for the Committee supports sound financial governance and oversight of Council's risk management practices. This contributes to Council's long-term economic sustainability by helping ensure proper stewardship of Council resources.

### ***Social Implications***

Strong governance and risk management practices, overseen by a capable Committee Chair, help protect Council's ability to deliver critical services and programs to the community. This supports social sustainability by safeguarding Council's capacity to meet community needs over time.

### ***Environmental Implications***

While not directly related to environmental outcomes, effective risk management and governance overseen by the Committee can support Council's ability to address environmental risks and pursue sustainability initiatives. The Chair's leadership helps ensure environmental considerations are appropriately factored into Council's risk assessment and mitigation strategies.

## **COMMUNITY ENGAGEMENT**

No community engagement has been undertaken in preparing this recommendation.

## **COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT**

No collaboration with other Councils, Governments or statutory bodies was sought for this recommendation.

The reappointment of Mr Schinck as Committee Chair will provide continuity and build on the Committee's existing knowledge and processes. This supports continuous improvement in the Committee's oversight capabilities and effectiveness.

Mr Schinck's extensive experience chairing audit and risk committees for other government entities presents opportunities for cross-pollination of best practices and innovative approaches to governance and risk management. His leadership can help drive ongoing refinement and enhancement of the Committee's operations.

### **RISK ASSESSMENT**

The Committee provides independent assurance to Council in respect of Council's management of risk, and as such the recommended reappointment of Mr Schinck as Chair will ensure the continuation of a high performing Committee, therefore reducing Council's overall risk exposure.

### **CONFLICTS OF INTEREST**

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

### **ATTACHMENTS**

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 received prior to the Agenda being printed.

**12. ITEMS THROUGH THE CHAIR**

**13. REPORTS FROM DELEGATES**

**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 listed for this meeting prior to the Agenda being printed.

## 15. INFORMAL MEETINGS OF COUNCILLORS

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Report Author: Governance Officer  
 Responsible Officer: Director Corporate Services  
 Ward(s) affected: All Wards

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*The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.*

### CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public

### SUMMARY

Chapter 8, Rule 1, of the Governance Rules requires that records of informal meetings of Councillors must be kept and that the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting tabled at the next convenient Council meeting and recorded in the Minutes of that Council meeting.

An 'informal meeting of Councillors' is defined in the Governance Rules as a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.

The records for informal meetings of Councillors are attached to the report.

### RECOMMENDATION

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

### ATTACHMENTS TO THE REPORT

1. 3 September 2024 – Council Briefing
2. 3 September 2024 – Council Forum

# Informal Meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Council Briefing	
<b>Date:</b>	03 September 2024	Start Time: 6.27pm      Finish Time: 6.38pm
<b>Venue:</b>	Council Chamber, Civic Centre, Anderson Street, Lilydale and via videoconference	
<b>Attendees:</b>	<p><b>Councillors:</b> Cr Todorov (Chair), Cr Eastham (Deputy Chair) Cr Child, Cr Cox, Cr Fullagar, Cr Higgins, Cr Skelton, Cr McAllister and Cr Heenan</p> <p><b>CEO/Directors:</b> Leanne Hurst, Hjalmar Philipp, Kath McClusky (Acting Chief Executive Officer), Ben Waterhouse (Acting Director Corporate Services) and Nathan Islip (Acting Director Planning and Sustainable Futures)</p> <p><b>Officers:</b> Gina Walter, Beck Stevens, Ameer Cooper and Kim O'Connor</p> <p><b>Externals:</b> Nil</p>	
<b>Apologies:</b>	Tammi Rose and Andrew Hilson	
<b>Disclosure of Conflicts of Interest:</b>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>	
<b>Matter/s Discussed:</b>	This briefing covered the following items of business to be considered at the 10 September 2024 Council Meeting.	
	9.1	General Petition - Request that the Yarra Ranges Council investigate the siting of a new shed for Montrose and District Men's Shed within the Montrose Recreation Reserve.
	10.1	YR-2023/577 - 300-308 Maroondah Highway Healesville
	10.2	Your Library Ltd Annual Report
	10.3	Stormwater Management Plan Post Consultation
	10.4	Unsealed Road Management
	10.5	Special Charge Scheme Policy
	10.6	Campbell Road, Crosley Street and Pilmer Road, Healesville Discussion of Special Charge Scheme
	10.7	Councils' Plaques Policy
	10.8	CT 7485 Yarra Centre Swimming Pool Liner Replacement



**Assembly of Councillors**  
**Public Record**



<b>Completed By:</b>	17.1	Confidential Item - Land Acquisition
	Gina Walter	

# Informal Meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Council Forum	
<b>Date:</b>	03 September 2024	Start Time:5.50pm    Finish Time: 9.13pm
<b>Venue:</b>	Council Chamber, Civic Centre, Anderson Street, Lilydale and via videoconference	
<b>Attendees:</b>	<p><b>Councillors:</b> Cr Todorov (Chair), Cr Eastham (Deputy Chair) Cr Child, Cr Cox, Cr Fullagar, Cr Higgins, Cr Skelton, Cr McAllister and Cr Heenan</p> <p><b>CEO/Directors:</b> Leanne Hurst, Hjalmar Philipp, Kath McClusky (Acting Chief Executive Officer), Ben Waterhouse (Acting Director Corporate Services) and Nathan Islip (Acting Director Planning and Sustainable Futures)</p> <p><b>Officers:</b> Gina Walter, Beck Stevens, Ameer Cooper, Phil Murton, Kim O'Connor, Bumeke Jayasinghe, Katie Douglas and Gavin Crawford</p> <p><b>Via Zoom:</b> Alanna Ford and Christy Seeger</p> <p><b>Externals:</b> Nil</p>	
<b>Apologies</b>	Tammi Rose and Andrew Hilson	
<b>Disclosure of Conflicts of Interest:</b>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>	
	1.3	Action and Agreement Record – 20 August 2024
	2.1	YR-2023/577 – 300-308 Maroondah Highway Healesville
	3.1	Review of the Public Agenda for Council's Meeting of 10 September 2024
	5.1	Councillor Feedback on the Draft Councillor Development Program
	5.2	Stormwater Management Plan Post Consultation (Update)
	5.3	Councils' Plaques Policy (Update)
	5.4	Campbell Road, Crosley Street and Pilmer Road, Healesville Discussion of Special Charge Scheme (Update)
	6.0	Mayor & CEO Update
	7.0	Councillor Discussion Time

**Assembly of Councillors**  
**Public Record**



	8.0	General Business
	8.1	Cement Creek Road, East Warburton – Unsealed Road
	9.0	For Noting
	9.1	Regulatory and Integrity Agency Reports
	9.2	Indicative Forum & Council Meeting Schedule
<b>Completed By:</b>	Gina Walter	

**16. URGENT BUSINESS**

*In accordance with Chapter 3 Rule 24 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*

**17. CONFIDENTIAL ITEMS**

*In accordance with Chapter 3 Rule 24 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*

There were no Confidential Items listed for this meeting.

**18. DATE OF NEXT MEETING**

The next meeting of Council is scheduled to be held on Tuesday 22 October 2024 commencing at 7.00pm, at Council Chamber, Civic Centre, Anderson Street, Lilydale and via videoconference.



**In providing for the good governance of its community, Councillors are reminded of their obligation to abide by the provisions as set within the Local Government Act 2020 and the Code of Conduct for Councillors.**

**When attending a Council Meeting, Councillors should adhere to the procedures set out in the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.**

The following is a guide for all Councillors to ensure they act honestly, in good faith and in the best interests of Yarra Ranges as a whole.

1. Councillors will respect the personal views of other Councillors and the decisions of Council.
2. Councillors may publicly express their own opinions on Council matters but not so as to undermine the standing of Council in the community.
3. The Mayor is the official spokesperson for Council.
4. Councillors will incur expenditure in a responsible manner and in accordance with the Councillor Expenditure and Policy.
5. Councillors will avoid conflicts of interest and will always openly disclose any direct and indirect interests where they exist.
6. Councillors will act with integrity and respect when interacting with Council staff and members of the public.
7. Councillors will demonstrate fairness in all dealings and conduct and be open with and accountable to the community at all times.
8. Councillors will conduct themselves in a manner that does not cause detriment to Council or the Yarra Ranges community.