

Council Meeting

Minutes

Tuesday, 28 June 2022
Civic Centre, 15 Anderson Street, Lilydale

Information for Councillors and the community

ACKNOWLEDGEMENT OF COUNTRY

We respectfully acknowledge the Traditional Owners, the Wurundjeri People, as the Custodians of this land. We also pay respect to all Aboriginal community Elders, past and present, who have resided in the area and have been an integral part of the history of this region.



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 (Deputy Mayor)

Melba Ward: Sophie Todorov

O'Shannassy Ward: Jim Child (Mayor)

Ryrie Ward: Fiona McAllister

Streeton Ward: Andrew Fullagar

Walling Ward: Len Cox

CHIEF EXECUTIVE OFFICER & DIRECTORS

Chief Executive Officer, Tammi Rose

Director Communities, Jane Price

Director Corporate Services, Andrew Hilson

Director Recovery, Jane Sinnamon

Director Environment & Infrastructure,

Mark Varmalis

Director Planning Design & Development,

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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Council and Delegated Committee 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.

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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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CONTACT US

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YARRA RANGES COUNCIL

**MINUTES FOR THE 561ST COUNCIL MEETING HELD ON TUESDAY, 28 JUNE 2022
COMMENCING AT 7.00 PM CIVIC CENTRE, 15 ANDERSON STREET, LILYDALE**

1 COUNCIL MEETING OPENED & ACKNOWLEDGEMENT OF COUNTRY

Councillor Jim Child (Mayor) declared the meeting open, read the Acknowledgement of Country, and welcomed all present.

3 INTRODUCTION OF MEMBERS PRESENT

Councillors

Councillor Jim Child (Mayor)

Councillor Andrew Fullagar

Councillor David Eastham

Councillor Tim Heenan

Councillor Richard Higgins

Councillor Johanna Skelton (Deputy Mayor)

Councillor Sophie Todorov

Officers

Tammi Rose, Chief Executive Officer

Alanna Ford, Acting Director Corporate Services

Mark Varmalis, Director Environment and Infrastructure

Kath McClusky, Director Planning, Design and Development

Jane Price, Director Communities

Jane Sinnamon, Director Recovery

4 APOLOGIES AND LEAVE OF ABSENCE

Apologies for this meeting were received from Councillors Len Cox and Fiona McAllister.

5 MAYORAL ANNOUNCEMENTS

RESIGNATIONS AND APPOINTMENTS OF VICTORIAN MINISTERS

The Mayor acknowledged the following senior Victorian Government Ministers who recently announced their resignation and confirmed they will not be standing for re-election at the State Election to be held in November 2022.

- **The Honourable James Merlino** – Member for Monbulk; Deputy Premier, Minister for Education and Minister for Mental Health.
- **The Honourable Martin Foley** – Minister for Health, Minister for Ambulance Services and Minister for Equality.
- **The Honourable Martin Pakula** – Minister for Tourism, Minister for Sport and Major Events, Minister for Industry Support and Recovery, Minister for Racing and Minister for Business Precincts.
- **The Honourable Lisa Neville** – Minister for Police and Minister for Water.

The Mayor then thanked all the retiring Ministers, in particular the Hon. James Merlino MP, for their service over the years and detailed the ongoing contribution Minister Merlino has made to the Yarra Ranges community since his appointment as a Councillor of Yarra Ranges from 1997-2002.

It was noted that Minister Merlino was Deputy Mayor from 2001-2002, represented the State as Minister for Education and Health and played a key role in managing Victoria's response to the Covid-19 pandemic. The Mayor sincerely thanked the Hon. James Merlino MP for his contributions.

The Mayor then acknowledged that, as a result of the resignations, a number of Minister were sworn in, notably Harriet Shing, Member for Eastern Victoria who was appointed as Minister for Regional Development, Minister for Equality and Minister for Water. The achievements to date of Harriet Shing, were highlighted and the Mayor congratulated Harriet on her appointment.

Finally, The Mayor passed on his congratulations to the Hon Melissa Horne on her appointment as Minister for Local Government and Minister for Suburban Development as a result of the Hon Shaun Leane taking on a new portfolio as the Minister for Commonwealth Games Legacy and Minister for Veterans.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved: Cr Heenan

Seconded: Cr Todorov

That the Minutes of the Council Meeting held 14 June 2022, as circulated, be confirmed.

The motion was Carried unanimoously.

7 DISCLOSURE OF CONFLICTS OF INTEREST

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

Nil

8 QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

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.

There were no Questions or Submissions from the public registered for this 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 HEARING OF SUBMISSIONS COMMITTEE - REPORT ON PROCEEDINGS

SUMMARY

The Hearing of Submissions Committee met on 15 June 2022 to hear submitters on the following two matters:

- Draft Council Action Plan 2022-25 and Draft Budget 2022-23; and
- Intention to sell four pieces of land in Kilsyth and Mooroolbark to support the proposed purchase of 150 Cambridge Road, Kilsyth:
 - 182-184 Cambridge Road, Kilsyth;
 - 9A Wannan Court, Kilsyth;
 - 16 Ellis Court, Mooroolbark; and
 - Part (2600m²) of 9A Tinarra Court, Kilsyth.

In accordance with section 223 of the *Local Government Act 1989*, the Hearing of Submissions Committee is required to provide a report on its proceedings, including a summary of hearings, to Council.

Moved: Cr Eastham
Seconded: Cr Higgins

That Council receive and note the report on proceedings, including the summary of hearings, from the Hearing of Submissions Committee meeting held 15 June 2022.

The motion was Carried unanimously.

10.2 ADOPTION OF 2022-23 BUDGET, INCLUDING 10-YEAR CAPITAL EXPENDITURE PROGRAM

SUMMARY

This report presents the 2022-25 Council Action Plan, 2022-23 to 2025-26 Budget and the 2022-23 to 2031-32 Capital Expenditure Program (the documents) for adoption.

Council has complied with the statutory requirements contained in the *Local Government Act 2020* to enable it to adopt the documents.

The documents outline key activities that will be undertaken by Council and how the activities will be funded.

Moved: Cr Child

Seconded: Cr Skelton

That Council, having completed the review and consideration of community feedback submissions at a Hearing of Submissions Committee on Wednesday 15 June 2022, resolves as follows:

1. *The 2022-25 Council Action Plan be adopted.*
2. *The 2022-23 to 2025-26 Budget and 2022-23 to 2031-32 Capital Expenditure Program be adopted for the purposes of sections 91, 93 and 94 of the Local Government Act 2020.*
3. *The declaration and levy of rates and charges for the 2022-23 financial year contained within the 2022-23 to 2025-26 Budget be adopted for the purposes of section 94 of the Local Government Act 2020.*
4. *Write to all submitters who made a submission relating to the draft 2022-23 to 2025-26 Budget, the draft 2022-23 to 2031-32 Capital Expenditure Program and the draft 2022-25 Council Action Plan to thank them for their contribution and notify them of the decision and the reasons for that decision as it relates to their specific contribution.*

The motion was Carried.

10.3 EASTERN REGIONAL LIBRARIES - TRANSITION TO A BENEFICIAL ENTERPRISE

SUMMARY

Following the introduction of the *Local Government Act 2020* and requirement for Regional Library Corporations (RLCs) to be wound up in accordance with section 330(4) and a beneficial enterprise established in accordance with section 110, at Council Forum in August 2021 Councillors requested officers:

- Write to the CEO of Eastern Regional Library Corporation (ERLC) to provide in principle support to progress to the establishment of a New Library Corporation (NLC) under section 110 of the 2020 Act;
- Engage appropriate legal services to undertake a review of the NLC and prepare a risk assessment in accordance with section 111 of the 2020 Act; and
- Subject to the legal review, and officer's consideration of proposed future arrangements, prepare a report for consideration of Council to endorse participation in the NLC in accordance with section 110 of the 2020 Act.

Legal services were engaged and provided with the draft constitution, risk assessment and draft transfer of business agreement for review. Legal services advised that the draft constitution, risk assessment and draft transfer of business agreement accord with section 110 of the *Local Government Act 2020* and they are satisfied that what is proposed will meet the requirements of section 111.

Based on external legal advice and officer review of documentation Council has met, and will continue to meet, the requirements pursuant to section 110(1) and section 111 of the *Local Government Act 2020*.

Council has:

- 1) Assessed the total investment involved and the total risk exposure and ensured that its total risk exposure does not exceed its total investment;
- 2) Ensured that the corporation is a limited corporation;
- 3) Ensured through the company's Constitution and the Your Library Agreement:
 - a) risk management arrangements have been established;
 - b) regular performance monitoring and reporting arrangements in relation to the beneficial enterprise are implemented;
 - c) any changes to the operation or purpose of the beneficial enterprise are reported to Council;
 - d) risks associated with any changes to the operation or purpose of the beneficial

enterprise are identified and managed; and

- e) a report on the operations and performance of the beneficial enterprise will be included in its annual report.

In line with the draft constitution section 18.1, each member Council is required to appoint two Board members (Directors) to the NLC.

Moved: Cr Fullagar
Seconded: Cr Eastham

That Council

1. Note the proposal that the Eastern Regional Library Corporation be wound up in accordance with section 330(4) of the Local Government Act 2020 and a Beneficial Enterprise be established in accordance with Section 110 of the Local Government Act 2020 to deliver library services on behalf of the Yarra Ranges, Knox and Maroondah City Councils.
2. Note that officers have assessed the proposal to participate in a beneficial enterprise and are satisfied that Council has met, and can continue to meet, the requirements of sections 110(1) and 111 of the Local Government Act 2020.
3. Note the risk assessment, management and mitigation strategies to address these risks set out in attachment two.
4. Pursuant to section 110(1) of the Local Government Act 2020, resolve to participate in the formation of, and become a founding member of, Your Library Ltd (a public company limited by guarantee) on the terms of the Your Library Ltd Constitution as set out in Attachment one and:
 - (a) Appoints the following two natural persons as the inaugural Directors of Your Library Ltd.
 - i. Name 1: Councillor Jim Child
 - ii. Name 2: Councillor Andrew Fullagar
 - (b) Appoints the following natural person as its Corporate Representative.
 - i. Position: Manager Creative & Connected Communities
5. Note that the Eastern Regional Library Corporation will continue to provide library services under the current model, while officers from the member Councils and Eastern Regional Library Corporation negotiate and finalise the terms of the Your Library Agreement which will govern the relationship between the Member Councils and Your Library Limited.

The motion was Carried unanimously.

10.4 ASSET PLAN 2022-2032 AND ASSET MANAGEMENT POLICY 2022

SUMMARY

The Asset Plan 2022-2032 and Asset Management Policy 2022 have been revised following a four-week period of community engagement, Councillor comment and internal staff feedback. Council asked the community what is missing and what they would like to see more of in the documents. Key feedback included adding more about the role of community groups in asset management and the importance of climate change and natural assets.

Adoption of an Asset Plan is required by 30 June 2022 under the *Local Government Act 2022*.

Moved: Cr Eastham
Seconded: Cr Todorov

That Council adopt the Asset Plan 2022-2032 and the Asset Management Policy 2022.

The motion was Carried unanimously.

10.5 CT6513 CONSTRUCTION OF A COMMUNITY SPORTING PAVILION, PINKS RESERVE, KILSYTH

SUMMARY

This report summarises the evaluation process and seeks Council approval for the Construction contract for the Pinks Reserve Community Sporting Pavilion at Kilsyth.

The Pinks Reserve Community & Sporting Pavilion project is a community driven project with wide and in-depth support from the Local community and the wider sporting community that connects and links all of the surrounding suburbs of Kilsyth and beyond.

The existing facilities are in poor condition and do not conform to current codes or standards. The size and functionality of the existing pavilion is restricting growth in sporting participation and other community uses. The demolition of the existing pavilion building and the construction of a new pavilion will see a purpose made fully accessible facility that will optimise use, increase patronage, and provide a meeting and social space for the community as a whole.

The new community sports pavilion will support the core sporting needs of football and cricket and other community groups for the next 50+ years. This project will provide a permanent home for sport and recreation groups in Kilsyth, whilst complementing the existing community facilities in the reserve and broader area.

The new community sports pavilion will be a contemporary facility which fits in with the current and future development works of the reserve and is physically and functionally aligned to the playing fields and all surrounding activities.

Four (4) pre-qualified suppliers from the Department of Treasury and Finance Construction Supplier Register (CSR) were invited to participate in a selective tender for this project on February 22, 2022. Council use of the CSR list is approved by the Minister of Local Government under section 186(5) (c) of the Local Government Act 1989 and is therefore compliant with Councils' legislative requirements.

Tenders closed on March 24, 2022 and four (4) submissions were received.

The evaluation panel recommends the tender from Newpol Construction Pty Ltd be accepted for the Final Tender Price as detailed 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 commercially sensitive information that is not to be disclosed whilst the meeting is open to the public.

The recommendation in this report has been formally endorsed by the evaluation panel.

Moved: Cr Eastham
Seconded: Cr Todorov

That

1. *Council awards the tender from Newpol Construction Pty Ltd for CT6153 Construction of a new Community Sporting Pavilion at Pinks Reserve in Kilsyth for the Final Tender Price and Construction Contingency as detailed in the Confidential Attachment to this report.*
2. *The Director Environment and Infrastructure be delegated the authority to sign the contract documents.*
3. *Council approve the allocation of \$545,909 in additional project budget funding for the project comprising;*
 - a) *\$300,000 from the State Government Growing Suburbs Fund allocation for Council's Climate Resilience Buildings Program, and*
 - b) *\$245,909 from Council's Capital Expenditure Program Asset Investment Reserve achieved as savings due to the approval of \$1.5m through the Federal Local Roads & Community Infrastructure grant funding allocation towards the Powelltown Community Sporting Pavilion project.*
4. *The confidential attachment to this report remains confidential indefinitely as it relates to matters specified under Section 3(1) (g)(i), (g)(ii) of the Local Government Act 2020.*

The motion was Carried unanimously.

10.6 BELL STREET, WINIFRED STREET, READ ROAD AND SECTIONS OF PAYNES ROAD (NO.11 TO 23), SEVILLE DECLARATION OF SPECIAL CHARGE

SUMMARY

Following an extensive consultation process with landowners, Council at its meeting of 26 April 2022 considered a report on road improvement works for Bell Street, Winifred Street, Read Road and sections of Paynes Road (no.11 to 23), Seville. Council resolved to advise of its intention to declare a special charge in accordance with the provisions of Section 163 of the Local Government Act 1989.

This report advises that no submissions have been received regarding the Special Charge and recommends that Council declare the Special Charge without modification.

Moved: Cr Eastham
Seconded: Cr Higgins

That

- 1. Council, having given notice of its intention, reviewed the details of the proposed special charge and having received no submissions received hereto, declare the special charge for works associated with the Bell Street, Winifred Street, Read Road and sections of Paynes Road (no.11 to 23), Seville Special Charge Scheme in accordance with the provisions of Section 163 of the Local Government Act 1989, without modification.*
- 2. In accordance with the provisions of Section 163 of the Local Government Act 1989, notice be served upon all persons liable for the special charge advising of Council's decision and that persons aggrieved by Council's imposition of the special charge upon them, may apply to the Victorian Civil and Administrative Tribunal within 30 days of effective issue of the notice, for a review of the decision.*

The motion was Carried unanimously.

10.7 NATION ROAD, SELBY DECLARATION OF SPECIAL CHARGE

SUMMARY

Following an extensive consultation process with landowners, Council at its meeting of 26 April 2022 considered a report on road improvement works for Nation Road, Selby. Council resolved to advise of its intention to declare a special charge in accordance with the provisions of Section 163 of the Local Government Act 1989.

This report advises that one submission has been received regarding the Special Charge and recommends that Council declare the Special Charge without modification.

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

Moved: Cr Skelton
Seconded: Cr Heenan

That

- 1. Council, having given notice of its intention, reviewed the details of the proposed special charge and given consideration of submissions hereto, declare the special charge for works associated with the Nation Road, Selby Special Charge Scheme in accordance with the provisions of Section 163 of the Local Government Act 1989, without modification.*
- 2. In accordance with the provisions of Section 223 of the Local Government Act 1989, notice in writing be served on every person who has lodged a separate submission and in the case of a submission lodged on behalf of a number of persons, notice in writing to one of those persons, advising of Council's decision and the reasons for the decision.*
- 3. In accordance with the provisions of Section 163 of the Local Government Act 1989, notice be served upon all persons liable for the special charge advising of Council's decision and that persons aggrieved by Council's imposition of the special charge upon them, may apply to the Victorian Civil and Administrative Tribunal within 30 days of effective issue of the notice, for a review of the decision.*

The motion was Carried unanimously.

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.

12 ITEMS THROUGH THE CHAIR

12.1 BELGRAVE LANTERN FESTIVAL PARADE

Cr Skelton attended the Belgrave Lantern Festival Parade held 25 June 2022 in the township of Belgrave. It was reported that the festival had high attendance numbers and a good atmosphere.

12.2 NATIONAL GENERAL ASSEMBLY 2022 - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

The Mayor, Cr Jim Child represented Council at the National General Assembly 2022 in Canberra and gave an update on the proceedings which included

- An address from Senator Hon. Murray Watt MP, Minister for Agriculture, Fisheries and Forestry and Minister for Emergency Management who announced that Local Government would be appointed to National Cabinet as well as the Council on Federal Financial Relations.
- An address from the National Party and Shadow Minister for Agriculture the Hon. David Littleproud MP.
- A meeting with the Coordinator-General of the National Recovery and Resilience Agency the Hon. Shane Stone AC QC.

12.3 YARRA VALLEY SMALLER WINERIS SHORTEST LUNCH 2022

Cr Higgins attended the Yarra Valley Smaller Wineries Shortest Lunch 2022 held 25 - 26 June 2022 and noted it was a fantastic way to support our local wineries.

13 REPORTS FROM DELEGATES

Cr Eastham attended:

- A Burrinja Board meeting held 27 June 2022 and highlighted the incredible effort the Arts industry has had to endure as a result of Covid. Cr Eastham thanked the Chief Executive Officer, Garrath Hart, the staff and the community for all the hard work and support that goes into running an establishment like this.

Cr Skelton:

- Attended the Hills Community Recovery Committee held 23 June 2022 via videoconference where three new members were welcomed into the group.
- Advised that NAIDOC week begins 3 July 2022 and runs until 10 July 2022 and encouraged members of the public to attend, highlighting in particular Aunty Janet Turpie-Johnston's exhibition which is on display at Burrinja until 23 July 2022.

Cr Heenan:

- Thanked the Mayor for his commitment to the role and attendance in Canberra representing Local Government.
- Attended an event held Sunday 26 June 2022 at Mt Evelyn RSL where Roger Boness was awarded the Meritorious Service Medal by RSL Victoria. Cr Heenan detailed the struggles and achievement that Mr Boness had braved throughout his life and commented that it was well deserved.

Cr Todorov attended:

- The Lilydale Township Action Group Community Forum and thanked all staff involved in presenting on Climate Action, noting it was great to see Council are ahead of the game.

Cr Child attended:

- The Municipal Association of Victoria State Council held 24 June 2022 at Sofitel Melbourne on Collins and noted that two motions pertaining to Yarra Ranges Council were accepted. The Chief Executive Officer was also in attendance.
- The Lilydale Revitalisation Board meeting held 28 June 2022 at Civic Centre, Lilydale. The Chief Executive Officer was also in attendance and chaired the 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

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.

Moved: Cr Eastham
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.

16 URGENT BUSINESS

Nil

17 CONFIDENTIAL ITEMS

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

Nil

18 DATE OF NEXT MEETING

There being no further business the meeting was declared closed at: 8.17 pm.

Confirmed this day, Tuesday, 12 July 2022.

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Councillor Jim Child (Mayor)