



# Council Meeting

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## Minutes

**Tuesday, 11 February 2025**

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:** Gareth Ward

**Chirnside Ward:** Richard Higgins

**Lyster Ward:** Peter McIlwain

**Melba Ward:** Mitch Mazzarella

**O'Shannassy Ward:** Jim Child

**Ryrie Ward:** Fiona McAllister

**Streeton Ward:** Jeff Marriott

**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,** Vincenzo Lombardi

**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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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.

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### **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>

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# YARRA RANGES COUNCIL

## MINUTES FOR THE 620<sup>TH</sup> COUNCIL MEETING HELD ON TUESDAY, 11 FEBRUARY 2025 COMMENCING AT 7.00 PM COUNCIL CHAMBER - CIVIC CENTRE

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### 1 COUNCIL MEETING OPENED

Councillor Jim Child (Mayor) declared the meeting open and welcomed all present.

### 2 ACKNOWLEDGEMENT OF COUNTRY

Cr Higgins then read the Acknowledgement of Country.

### 3 INTRODUCTION OF MEMBERS PRESENT

#### Councillors

Councillor Jim Child (Mayor)

Councillor Jeff Marriott

Councillor Peter Mcilwain

Councillor Gareth Ward

Councillor Mitch Mazzearella

Councillor Fiona McAllister

Councillor Tim Heenan

Councillor Richard Higgins (Deputy Mayor)

Councillor Len Cox OAM

#### Officers

Tammi Rose, Chief Executive Officer

Hjalmar Philipp, Director Built Environment & Infrastructure

Kath McClusky, Director Planning & Sustainable Futures

Vincenzo Lombardi, Director Corporate Services

Leanne Hurst, Director Communities

### 4 APOLOGIES AND LEAVE OF ABSENCE

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

## 5 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.*

Cr Child declared a general interest in respect of Item 11.1. A written notice was supplied to the Chief Executive Officer under Governance Rules Chapter 7 Sub-Rule 3.1b.

## 6 MAYORAL ANNOUNCEMENTS

There were no Mayoral Announcements for this meeting.

## 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

**Moved: Cr Ward**

**Seconded: Cr Mazzarella**

*That the Minutes of the Council Meeting held Tuesday 28 January 2025, as circulated, be confirmed.*

**The motion was Carried unanimously.**

*In Favour: Cr Heenan, Cr Higgins, Cr Ward, Cr Mcilwain, Cr Mazzarella, Cr Child, Cr McAllister, Cr Marriott and Cr Cox.*

*Against: Nil*

*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

*In accordance with Governance Rule 59.10, Sharyn Manning read their Question to Council*

### **Sharyn Manning of Mooroolbark asked;**

How many planning applications for the Lilydale Commercial Activity Centre were approved with less than the statutory regulatory car parking requirements in the below listed street areas and what was the total number of reduced car parking spaces in these areas, between the period of 1 January 2024 - 31 December 2024?

- Clark Street to Hardy Street, Lilydale.
- Castella Street, Lilydale.
- Main Street from the train station down to Anderson Street, Lilydale.

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

Thank you for your question, Sharyn.

When planning new developments, the planning scheme specifies the number of car parking spaces the development needs to provide, which is based on the type of development. A developer can apply to waive some or all of the stipulated spaces.

When a developer proposes fewer spaces than the planning scheme requires, they must submit a Car Parking Demand Assessment with their application.

Council then evaluates their assessment against the empirical data it has for each availability, functionality, and safety of the parking availability and demand onsite and existing parking in the surrounding areas. It also considers factors like existing parking demand, the cumulative impact of any waivers that Council has already given, the opportunity for multi-purpose trips, access to public transport, walkability for pedestrians, cycling facilities, and the impact on traffic on the local area, and businesses.

According to our records between 1 January 2024, and 31 December 2024, in the Lilydale area specifically defined in your question, Council has approved one planning permit which included a waiver of one visitor car parking space in a residential unit development.

In addition to that, in early January 2024, VCAT overturned a 2023 Council refusal, to approve a waiver of one visitor car parking space in another residential unit development.

This year, there has also been one decision issued which approved the waiver of five car parking spaces for a retail premises, which will provide three spaces instead of 8.

In all these approvals, the Council has carefully balanced all considerations mentioned to determine whether the reduction in parking spaces was appropriate.

*In accordance with Governance Rule 59.10, David Pratt read their Question to Council*

**David Pratt of Warburton asked;**

I have a question that I would like to put to Council regarding an ongoing stormwater issue that has impacting our Caravan Park business, as well as creating a significant road safety hazard — This is an issue that has plagued our Holiday Park for several years.

What is the status of the rectification of the stormwater assets are impacting our Caravan Park?

**Director Built Environment and Infrastructure, Hjalmar Philipp**

Thank you for your question, David

I want to start by acknowledging the areas subject to inundation and, as discussed over the number of years, the drainage associated with the Department of Transport and Planning (DTP) is under their management. Over the last 12 months we have, Council Officers have on numerous occasions raised concerns with DTP regarding the Warburton Highway/Woods Point Road intersection. In recent week Officers, including myself, have further escalated these concerns within DTP in recent weeks.

The swale along the service road falls under Council's responsibility and ideally this would be considered as integrated solution, and I appreciate there has been recent communication from yourself as well on coordinating a three way meet with ourselves and DTP. We are yet to organise that.

Notwithstanding that, we are happy to meet on site to investigate options, specific for the swale, improvements might be achieved on Council assets in the short term and will be in touch shortly.

**SUBMISSIONS TO COUNCIL**

There were no Submissions listed on the Agenda 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.*

### 9.1 Petitions to Council

#### SUMMARY

The following petition be received:

#### General Petitions

- a) Council to provide the people of Lilydale with fair and reasonable carparking signage that is agreed by the community, rescinding of all fines prior to an agreed consultation process, and publication of the results of consultation and the method of recording of infringements and enforcement.

178 valid signatures.

- b) The introduction of a Special Charge Scheme for Sealing Stanton Grove, Lilydale, with no curb and channel.

8 valid signatures

*In accordance with Governance Rule 58, Sharyn Manning spoke in support (of general petition a) the recommendation included in the officer report.*

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

**Moved: Cr Heenan**

**Seconded: Cr Mazzarella**

*That the following General Petition be received and noted and referred to the appropriate officer.*

- a) *Council to provide the people of Lilydale with fair and reasonable carparking signage that is agreed by the community, rescinding of all fines prior to an agreed consultation process, and publication of the results of consultation and the method of recording of infringements and enforcement.*

- b) *The introduction of a Special Charge Scheme for Sealing Stanton Grove, Lilydale, with no curb and channel.*

**The motion was Carried unanimously.**

*In Favour: Cr Heenan, Cr Higgins, Cr Ward, Cr Mcilwain, Cr Mazzarella, Cr Child, Cr McAllister, Cr Marriott and Cr Cox.*

*Against: Nil*

## 10 BUSINESS PAPER

### 10.1 Audit & Risk Management Committee Biannual Report

#### SUMMARY

The Audit and Risk Management Committee (the Committee) has been established by Council under Section 53 of the *Local Government Act 2020* (the Act). It is the responsibility of the Committee to provide Council with independent, objective advice and assurance on the adequacy of Council arrangements as set out in the Committee Charter (the Charter).

The Act requires that the Committee prepare a biannual report for Council that describes its activities and includes findings and recommendations.

*This report is the biannual report of the Committee for the six-month period ending 31 December 2024.*

*In accordance with Governance Rule 58, Katie Baldwin spoke in support of the recommendation included in the report.*

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

**Moved: Cr McAllister**

**Seconded: Cr Mcilwain**

*That Council note the Yarra Ranges Audit and Risk Management Committee Biannual Report for the six-month period ending 31 December 2024.*

**The motion was Carried unanimously.**

*In Favour: Cr Heenan, Cr Higgins, Cr Ward, Cr Mcilwain, Cr Mazzarella, Cr Child, Cr McAllister, Cr Marriott and Cr Cox.*

*Against: Nil*

## 10.2 Audit Risk Management Committee Charter

### SUMMARY

Yarra Ranges Council's Audit and Risk Management Committee (The Committee) serves as a key advisory body to Council, with its Charter defining the Committee's core responsibilities. The Charter is essential in outlining governance requirements, the structure of the Committee meetings, and the roles of its members.

To ensure the Committee's responsibilities remain clear, current, and aligned with evolving expectations and standards, the Charter undergoes regular review by the Committee and Council Officers and is subsequently considered by Council for formal endorsement.

The Charter has recently undergone a review with a range of non-significant, yet important, amendments being undertaken.

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

**Moved: Cr McAllister**

**Seconded: Cr Marriott**

*That Council approve the updated Yarra Ranges Audit and Risk Management Committee Charter.*

**The motion was Carried unanimously.**

*In Favour: Cr Heenan, Cr Higgins, Cr Ward, Cr Mcilwain, Cr Mazzarella, Cr Child, Cr McAllister, Cr Marriott and Cr Cox.*

*Against: Nil*

### 10.3 Stormwater Community Reference Panel

#### SUMMARY

The purpose of this report is to provide an update on the Stormwater Community Reference Panel (SCRCP) Expression of Interest (EOI) period that was open from open from 4 December 2024 to 22 December 2024.

In total there were 14 applications received over the EOI period, with representation from all wards, with the exception of Walling Ward. One candidate withdrew their application following the conclusion of the EOI period. After consideration of all the applications received, all applicants were considered suitably qualified for panel recommendation and will be invited to participate.

While the amount of participants is marginally above the initial number sought, it is not inconsistent with other reference groups operating at Council and is considered to be able to practically function.

It is recognised that over the life the plan, additional community members may express interest in joining. Any future application would be subject to the existing evaluation process, with consideration of an appropriate and practical number of participants for a meeting to function.

It is anticipated the initial meeting (including induction) will occur in March 2025.

*Cr Mcilwain moved and withdrew the motion printed in the agenda.*

*Cr Mazzarella moved a motion alternate to that printed in the agenda.*

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

**Moved: Cr Mazzarella**  
**Seconded: Cr Heenan**

*That Council*

- 1. Notes a recent withdrawal of one the successful applicants to the Stormwater Community Reference Panel.*
- 2. Notes the successful applicants to the Stormwater Community Reference Panel listed in Attachment 1.*
- 3. Acknowledges the Terms of Reference in Attachment 2 that will apply to the Stormwater Community Reference Panel.*

**The motion was Carried unanimously.**

*In Favour: Cr Heenan, Cr Higgins, Cr Ward, Cr Mcilwain, Cr Mazzarella, Cr Child, Cr McAllister, Cr Marriott 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.*

### 11.1 Gippsland Kangaroo Harvest Zone - Cr Cox

#### SUMMARY

Yarra Ranges is home to significant biodiversity, with the region's landscapes and iconic species, including the Eastern Grey Kangaroo, attracting over four million tourists per year.

Local community members and groups have raised concerns with Councillors about animal welfare and the impact of commercial harvesting on local kangaroo populations. Kangaroo control is managed entirely by the State Government, through the Authority to Control Wildlife (ATCW) process and the 2024-2028 Kangaroo Harvesting Program (KHP).

This matter was presented to a Councillor Forum in October 2023. Since this time, several peri-urban Councils, including Nillumbik, Mornington Peninsula and Mount Alexander Shire Councils, have advocated for their removal from the commercial harvesting program.

Recently State Government's 2024-2028 Kangaroo Harvest Management Plan has redrawn the harvest zones removing other peri-urban areas from commercial harvesting. Yarra Ranges Council has not been excluded, instead shifting into the Gippsland Harvest Zone, with the implications of this change unclear, especially relating to Yarra Ranges Dandenong's region which is stated as excluded from the harvesting zone.

Locally evidence received by Council suggests that there has been limited uptake of the harvesting program to date.

The protection of kangaroos and their habitat locally is guided by endorsed Council strategies, including the Environment Strategy 2015-2025 and the Nature Plan 2024-2034.

*Cr Child left the meeting at 7:49pm prior to consideration of the item, having declared a conflict of interest in this item.*

*In accordance with Governance Rule 58, Peter Preuss spoke in support of the recommendation included in the report.*

*Cr Cox moved, and Cr Heenan seconded the motion as printed in the agenda.*

*The Deputy Mayor called for the meeting to be adjourned at 8.28pm.*

*The meeting resumed at 8.35pm with all Councillors present.*

*Cr Mariott moved a procedural motion alternate to that printed in the agenda.*

**Moved: Cr Marriott**

**Seconded: Cr Mazzarella**

*That the debate on this matter be deferred until the 8 April 2025 Council Meeting to allow for further consideration on the matter.*

**The motion was Carried.**

*In Favour: Cr Mcilwain, Cr Marriott, Cr Higgins, Cr Mazzarella.*

*Against: Cr Cox, Cr Ward, Cr Heenan, Cr McAllister*

*The motion was Carried as Cr Higgins as the Chair must exercise the casting vote.*

## **DIVISION**

*Cr McAllister called for a division.*

*In Favour: Cr Mcilwain, Cr Marriott, Cr Higgins, Cr Mazzarella*

*Against: Cr Cox, Cr Ward, Cr Heenan, Cr McAllister*

*Absent: Cr Child*

*The motion was Carried as Cr Higgins as the Chair must exercise the casting vote.*

*Cr Child returned the meeting at 8:40pm following debate and a vote being taken.*

## **12 ITEMS THROUGH THE CHAIR**

*Cr Heenan left the meeting at 8.41pm and returned to the meeting at 8.43pm.*

### **12.1 Yarra Glen and District History Group**

Cr McAllister noted the Yarra Glen and District History Group will cease operation in May 2025. Cr McAllister thanked the past and present members of the group for the years of dedicated work capturing the history of the region. Cr McAllister requested a letter of appreciation be signed by the Mayor.

### **12.2 Flooding at Woods Point Road, Warburton**

Cr Child raised the flooding issues at Woods Point Road Warburton and requested more responsive outcomes from Department of Transport and Planning. Cr Child noted he will be putting forward a MAV Motion and a letter under signature to the Minister. Cr Child thanked Cr Mcilwain for bringing attention to similar issues in Lyster Ward.

## **13 REPORTS FROM DELEGATES**

There were no Reports from Delegates received for this meeting.

## 14 DOCUMENTS FOR SIGNING AND SEALING

### SUMMARY

It is requested that the following document be signed and sealed:

1) Letter Under Seal – Ken White

A letter under seal has been prepared in recognition of Ken White who has retired after 33 years of service with Yarra Ranges Council, working most recently as a Special Charge Scheme Officer.

2) Letter Under Seal – Karen Roberts

A letter under seal has been prepared in recognition of Karen Roberts who is retiring after 21 years of service with Yarra Ranges Council, working most recently as a Front of House Officer.

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

**Moved: Cr Child**

**Seconded: Cr McAllister**

*That the following listed document be signed and sealed:*

1) *Letter Under Seal – Ken White*

2) *Letter Under Seal – Karen Roberts*

**The motion was Carried unanimously.**

*In Favour: Cr Heenan, Cr Higgins, Cr Ward, Cr Mcilwain, Cr Mazzarella, Cr Child, Cr McAllister, Cr Marriott and Cr Cox.*

*Against: Nil*

## 15 INFORMAL MEETING OF COUNCILLORS

**Moved: Cr Child**

**Seconded: Cr Mcilwain**

*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 Ward, Cr Mcilwain, Cr Mazzarella, Cr Child, Cr McAllister, Cr Marriott 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: 8.54 pm.

Confirmed this day, Tuesday, 25 February 2025.

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**Councillor Jim Child (Mayor)**