

# Council Meeting

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## Minutes

**Tuesday, 10 June 2025**  
Council Chamber - Civic Centre

## 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

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- making a verbal submission for up to 5 minutes on matters not listed on the agenda.
- submitting a question.
- speaking for up to 5 minutes to a specific item on the agenda. For planning applications and policy issues, the Chair will invite one person to speak on behalf of any objectors and one person to speak on behalf of the applicant. For other matters on the agenda, only one person will be invited to address Council, unless

there are opposing views. At the discretion of the Chair, additional speakers may be invited for items of large interest.

- speaking for up to 5 minutes to a petition to be presented at a meeting.

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# **YARRA RANGES COUNCIL**

## **MINUTES FOR THE 625<sup>TH</sup> COUNCIL MEETING HELD ON TUESDAY, 10 JUNE 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 Heenan then read the Acknowledgement of Country.

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

#### Councillors

Councillor Jim Child (Mayor)

Councillor Richard Higgins (Deputy Mayor)

Councillor Jeff Marriott

Councillor Peter McIlwain

Councillor Gareth Ward

Councillor Mitch Mazzarella

Councillor Fiona McAllister

Councillor Tim Heenan

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

Shannon Maynard, Acting 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 Cox declared a general interest in respect of Item 10.3. A written notice was supplied to the Chief Executive Officer under Governance Rules Chapter 7 Sub-Rule 3.1b.

## 6 MAYORAL ANNOUNCEMENTS

### **The King's Birthday 2025 Honours List**

The Mayor congratulated all recipients and nominees for the King's Birthday 2025 Honours List.

## 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

**Moved: Cr Marriott**

**Seconded: Cr Mazzarella**

*That the Minutes of the Council Meeting held Tuesday 27 May 2025, as circulated, be confirmed.*

**The motion was Carried unanimously.**

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

### QUESTION 1

*In accordance with Governance Rule 59.10, Wendy Wright read their Question to Council.*

#### **Wendy Wright of Wandin North asked;**

Solar Savers program (led by Eastern Alliance for Greenhouse Action ): Budget documents indicate this will continue.

Presumably this decision followed a full cost benefit analysis that considered eg cost, value for money, # of YR residents receiving benefits, how the program itself is performing?

I have been unable to find any financial information about this program.

(Noting the EAGA produces an Annual Report that is very high level and lacks this level of detail).

Please provide details.

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

Throughout the development of the draft budget Council Officers review programs and services to evaluate community impact and value.

Council has participated in the Solar Savers program since 2019. The program supports residents - particularly those who may face financial barriers to accessing solar energy - by providing trusted advice, access to rebates, and vetted solar providers.

Since joining the program, 114 Yarra Ranges households have successfully installed solar systems through Solar Savers. These installations have resulted in an estimated total saving of approx. \$635,000 on electricity bills for local residents.

Council contributes an annual participation fee of \$16,500 and the program is available to all Yarra Ranges residents. An evaluation to date indicates a return of \$6.50 for every \$1 invested. Council is also scheduled to undertake a further evaluation of the program throughout 2025 in preparation for future budgets.

Testimonials from participants highlight the program's value in terms of trust, ease of use, and quality of service. Outcomes delivered from the program have also contributed to Council green house emissions reduction targets.

## QUESTION 2

*In accordance with Governance Rule 59.10, Wendy Wright read their Question to Council.*

### **Wendy Wright of Wandin North asked;**

Business paper Item 10.3 proposing to add EMOs to 3000+ properties, including a proposal to apply these immediately – before community consultation - via an interim order. This seems to be a reaction to the McCrae landslip, the cause of which is not yet determined.

What is the impact of an interim overlay on planning permits approved and/or in progress?  
How many of the impacted properties are already partially affected by an EMO?

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

Following the June 2021 storms and widespread tree loss across Yarra Ranges, Council began reviewing the existing Erosion Management Overlay (EMO) to address increased landslip risk. The first stage began in 2022/2023 and was approved in 2024 via Amendment C217, predating the McCrae landslide, which further highlights the importance of the update.

The proposed EMO will help property buyers understand landslip risks upfront, rather than during the planning process. It ensures developments in landslip prone areas are properly sited, designed and built to protect current and future residents.

If an interim overlay is introduced, new applications will be assessed under the updated controls. Existing permits issued before the change will remain valid.

Currently, 10,262 properties will retain the EMO, with varying adjustments. An additional 1,185 properties will be removed from the overlay under the updated mapping.

If Council support progressing Amendment C225 then we would seek permission from the Minister for Planning to place the amendment on public exhibition. Once received, and if the Amendment is supported by the Minister, then an interactive map will be launched to enable property owners to check individual addresses and accurately compare the current control with the proposed updated overlay.



### **QUESTION 3**

*In accordance with Governance Rule 59.10, Sebastian Quezada read their Question to Council.*

#### **Sebastian Quezada of Kilsyth asked;**

Council states that the new flag protocol will see the Australian flag put last in emails and other forms of communications.

I have been made aware that this ordering is inconsistent with:

National flag protocol as outlined in the Australian Flags Booklet and Council's own Section 5.1, which correctly states that the Australian National Flag "must always be flown in a position superior to that of any other flag or ensign."

Question: what lead to the current Council position despite the above?

#### **Director Corporate Services, Vincenzo Lombardi**

Thank you for your questions, Sebastian.

The National flag protocol as outlined in the Australian Flags Booklet relates to the physical flying of flags.

This publication doesn't provide any advice relating to the ordering or display of digital or print flags. Especially, in collaboration with Council's Acknowledgment of Country Statement.

The Department of the Prime Minister and Cabinet have confirmed that there is no specific advice, legislation or policy for the ordering of print and digital flags. In the absence of such advice, they have recommended replicating the order of precedence as described in the Australian Flags Booklet.

However, this recommendation doesn't take into consideration Council's Acknowledgment of Country Statement or Council's ongoing efforts to support reconciliation.

In the review of the Flags Policy, specific advice was sought from the Yarra Ranges Indigenous Advisory Committee. This advice has been taken into consideration in updating the Flag Policy. Thank You

#### **QUESTION 4**

*In accordance with Governance Rule 59.10, Sebastian Quezada read their Question to Council.*

#### **Sebastian Quezada of Kilsyth asked;**

In relation to this year's budget I have been previously corrected that Council is operating at a deficit, instead of a surplus as outlined in the budget document. If so, why does Council choose to fund more programs than it can afford instead of peeling from the bottom? Appropriate community consultation will quickly reveal there are programs that do not count with broad support and could be ditched to stay within Council's means and could translate into lower overall charges and rates. Why do we fund more than we can afford.

#### **Director Corporate Services, Vincenzo Lombardi**

Thank you for your question, Sebastian.

Council continues to assess the levels of services delivered and maintenance undertaken across the Shire on an annual basis. This approach has been taken to maintain levels of service and maintenance to infrastructure for the upcoming 2025-2026 year despite the financially constrained environment Council is facing. Operational efficiencies will continue to be explored and where necessary leveraged to ensure service levels and maintenance to infrastructure are not impacted.

#### **QUESTION 5**

#### **Karen Kestigian of Kallista asked;**

Could the Officers advise how many kilometres/metres of road sealing were delivered including any pending completion under the "Roads for the Community" funding initiative and how many kilometres of unsealed roads are outstanding and require funding, please?

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

Thank you for your question, Karen.

Under the Roads for Community Initiative, Council will have sealed 31.75 km of unsealed roads since 2019 plus an additional 5.5km from Special Charge Scheme Landowner Petitions. That leaves approximately 670km of unsealed roads throughout the municipality that require funding.

## QUESTION 6

### **Karen Kestigian of Kallista asked;**

Currently there are two "Special Charge Schemes" for the sealing of roads. There is confusion within the community where Council provides funding and residents contribute a capped contribution at \$20,000 as opposed to the Special Charge Scheme where residents petition for the sealing and contribute 80%. Perhaps each scheme should have a unique name and explanation to clearly differentiate the understanding of the funding source.

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

Thank you for your question, Karen.

Council has an allocation of funds for road sealing as part of its annual capital works program.

This allocation is used to contribute to the cost of road sealing projects in two ways:

Firstly, a proactive road sealing program which involves a landowner contribution generally up to an amount of \$20,000 (depending on each road) and the remainder of the project cost contributed by Council.

Secondly, a petition-based program which involves 80% landowner contribution and 20% Council contribution.

Both cases are landowner contributions under the Special Charges Scheme Policy. Historically, we have not experienced community confusion or feedback regarding the naming of the two programs. However, we will take on board your feedback in relation to unique naming conventions for the programs into the future.

Noting, all projects are subject to landowner support under the Special Charge Scheme Policy and the availability of Council funding.

## **QUESTION 7**

### **Anonymous asked;**

Under Freedom of information. How many cars does old Warburton Road (between Wesburn and Warburton) have where the Warburton mountain bike track [is] have? And how many between 7am and 6pm?

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

Thank you for your question.

Traffic volume data collected between during August and September 2024 for Old Warburton Road indicates the following:

- Weekday average daily traffic volume: 214 vehicles per day
- Weekend average daily traffic volume: 240 vehicles per day

During the daytime period of 7am to 6pm, volumes were as follows:

- Weekdays: Approximately 170 vehicles
- Weekends: Approximately 210 vehicles

## **QUESTION 8**

### **Ray Lister of Kallista asked;**

Since 1981 I have been a rate payer in Kallista.

The only return I've received is irregular grading of my road, which usually results in no long-term benefits due to the next weather event.

I'd like an audit of my rates paid since 1981 against the services I've received.

I ask this with the possibility in mind of Council charging me for road and drainage upgrades in the future as I intend to offset those charges against unused rate monies.

### **Director Corporate Services, Vincenzo Lombardi**

Thank you for your question, Ray.

Council is responsible for maintaining and delivering services and infrastructure for the entire community. Rates are collected to fund the overall services and infrastructure provided by Yarra Ranges Council and not tied to individual usage.

While some specific services and facilities may have additional charges, paying rates is not dependent on personal use. This system ensures that we can continue to provide essential services and maintain infrastructure for the benefit of our large and diverse community now and in the future.

For completeness, Council isn't able to provide an individualised audit of Council services that one individual or rate payer has accessed over the last 44 years.

## **QUESTION 9**

### **Ray Lister of Kallista asked;**

I note the meeting of 10 June has an item relating to those who make submissions to Council eg on the draft budget where Councillors are to vote on thanking people for those submissions.

As the YRC calls submissions to the draft budget and the community takes time to write and submit a submission ...why is it not simple courtesy to respond? Why is valuable council meeting time being taken up with this motion?

### **Director Corporate Services, Vincenzo Lombardi**

Thank you for your question, Ray.

During the 2025/26 draft budget submission process, 49 community members took the time to provide a written submission.

I can confirm that all submitters have received an acknowledgment from Council officers.

The consideration of the Council's 2025/26 budget is included in tonight's Council agenda under item 10.1. Once the Council has considered this item, it is best practice to write back to each individual submitter. Including this step in the officers' recommendation promotes transparency and accountability to the community.

## QUESTION 10

### **Anonymous asked;**

What paid memberships does Council belong to and how much does Council spend on these memberships each year, for example MAV?

### **Director Corporate Services, Vincenzo Lombardi**

Thank you for your question.

Council currently holds the following paid memberships, with the approximate 2024-2025 annual fees.

- Municipal Association of Victoria - \$77,000
- Eastern Alliance for Greenhouse Action - \$28,000
- Eastern Transport Coalition and Affordable Housing Alliance - \$33,000
- Local Government Professionals - \$4,900

Council also has two multiple council partnerships that could be classified broadly as memberships with the Eastern Region Group of Councils - \$35,000 and Outer Melbourne Councils - \$31,500

These memberships enable Council to access shared resources, collaborate with other councils and advocate effectively on behalf of our community.

## **SUBMISSIONS TO COUNCIL**

There were no Submissions received 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 Budget 2025-2026 for Adoption

#### SUMMARY

This report recommends that Council formally adopts the annual Budget and declare the rates and charges for the 2025-2026 financial year. The Draft Budget 2025-2026 has now been updated and finalised following the public Hearing of Submissions Committee meeting on the 6 May 2025.

A summary of the changes and updates include:

- A reallocation of funding in the Capital Expenditure Program in response to public submissions. This includes advanced design funding for Wesburn dog fence, new footpath design investigation works and Warburton Bowling Club bowling green assessments.
- Fees and Charges 2025-2026 – amendments were made to a small number of statutory fees that are subject to annual changes via State Government gazettes released during May 2025 (Attachment 2).

#### **Rates and charges for 2025-2026**

The 2025-2026 Budget has been prepared in compliance with the rate capping legislation introduced by the Victorian Government and proposes a three percent increase in rates per property.

#### **Capital Works**

The Budget proposes a number of significant capital works projects that have been identified through planning and community consultation.

#### **Policy, planning and services initiatives**

The Budget also includes resources for a range of initiatives regarding policy, planning and services.

*In accordance with Governance Rule 29.1, Cr Child, Cr Mcilwain, Cr Ward, Cr Cox, Cr Heenan, Cr Mazzarella, Cr McAlister, Cr Marriott and Cr Higgins spoke to the Motion.*

#### **Moved: Cr Child**

#### **Seconded: Cr Mcilwain**

*That Council having advertised the proposed Annual Budget 2025-2026 and having considered all submissions received in respect of such Budget resolves:*

- 1. To adopt as presented the Budget 2025-2026 (Attachments 1 and 2) and be adopted for the purposes of sections 91, 93 and 94 of the Local Government Act 2020.*
- 2. To authorise the Chief Executive Officer to submit a copy of the adopted Budget to the Minister for Local Government.*
- 3. The amount of rates and charges intended to be raised are an amount of \$187,635,562 million (or such greater amount as is lawfully levied as a consequence of this recommendation being adopted) be declared as the amount which Council*

*intends to raise by general rates and waste service charges (described later in this recommendation). The amount declared is calculated as follows:*

*General Rates                      \$151,849,543*

*Waste Service Charges    \$35,786,019*

- 4. That general rates be declared in respect of the 2025-2026 Financial Year. declaration and levy of rates and charges for the 2025-2026 financial year contained within the 2025-2026 Budget be adopted for the purposes of section 94 of the Local Government Act 2020.*
- 5. That it be further declared that the general rates be raised by the application of differential rates.*
- 6. That a differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared.*
  - (a) Residential Land*

*Any land which does not have the characteristics of Vacant Substandard land, Farm Land, Commercial Land or Industrial Land.*
  - (b) Vacant Sub Standard Land*

*Any land which is vacant land on which by reason of locality or zoning under the relevant Planning Scheme, no building can be erected except in accordance with an adopted restructure plan.*
  - (c) Farm Land*

*Any land which is 'farm land' within the meaning of section 2(1) of the Valuation of Land Act 1960.*
  - (d) Commercial or Industrial Land*

*Any land which is used or adapted to be used primarily for commercial or industrial purposes.*
- 7. That the quantum of rates payable in respect of each rateable land will be determined by multiplying the Capital Improved Value of such land (categorised by the characteristics described in point 6 above) by the relevant rates indicated in the following table:*
  - (a) Residential Land - 0.0025283 (or 0.25283 cents in the dollar of Capital Improved Value)*
  - (b) Vacant Sub-Standard Land - 0.0025283 (or 0.25283 cents in the dollar of Capital Improved Value)*
  - (c) Farm Land - 0.0017698 (or 0.17698 cents in the dollar of Capital Improved Value)*
  - (d) Commercial or Industrial - 0.0037925 (or 0.37925 cents in the dollar of Capital Improved Value)*
- 8. That it be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that the:*
  - (a) respective objectives, uses and levels of each differential rate be those specified in section 4.1.1 of the Budget document (Attachment 1).*
  - (b) respective types or classes of land which are subject to each differential rate be*



*those defined in part (n) above.*

9. *That it be confirmed that no amount is fixed as the minimum amount payable by way of general rate in respect of each rateable land within the municipal district.*
10. *That in accordance with section 4(4) of the Cultural and Recreational Lands Act 1963, the amount of rates payable in respect of each of the rateable lands to which that Act applies be determined by multiplying the Capital Improved Value of that rateable land by 0.0015170 (or 0.15170 cents in the dollar of Capital Improved Value).*

#### *Waste Services Charge*

11. *That waste service charges be declared in respect of the 2025-2026 Financial Year.*
12. *That the waste service charges be declared on a full cost recovery model in line with Council's Resource Recovery and Waste Services Policy.*
13. *The amount of the waste service charges is dependent upon the use of a property, and the bins chosen or required on that property reflective of Council's waste policy. Waste Service charges are calculated as follows;*

*(a) A minimum base charge:*

- i. Residential        \$128*
- ii. Non-Residential        \$48*

*(b) The food and garden organics (FOGO), recycling, general garbage bin.*

- i. FOGO 80 litre – Residential        \$142*
- ii. FOGO 120 litre – Residential        \$157*
- iii. FOGO 240 litre – Residential        \$201*
- iv. FOGO 80 litre – Non Residential        \$142*
- v. FOGO 120 litre – Non Residential        \$157*
- vi. FOGO 240 litre – Non Residential        \$201*
- vii. Recycling 80 litre – Residential        \$51*
- viii. Recycling 120 litre – Residential        \$55*
- ix. Recycling 240 litre – Residential        \$69*
- x. Recycling 80 litre – Non Residential        \$51*
- xi. Recycling 120 litre – Non Residential        \$55*
- xii. Recycling 240 litre – Non Residential        \$69*
- xiii. Garbage 80 litre – Residential        \$126*
- xiv. Garbage 120 litre – Residential        \$155*
- xv. Garbage 240 litre – Residential        \$242*
- xvi. Garbage 80 litre – Non Residential        \$126*
- xvii. Garbage 120 litre – Non Residential        \$155*
- xviii. Garbage 240 litre – Non Residential        \$242*

#### *Payment*

14. *That in accordance with Section 167 of the Local Government Act 1989, Council determines that rates and charges may be paid by:*

- (a) *Four equal quarterly instalments due on:*
- i. *30 September 2025*
  - ii. *30 November 2025*
  - iii. *28 February 2026*
  - iv. *31 May 2026*
- (b) *Where a ratepayer does not meet the first instalment by 30 September 2025, the total outstanding amount is due to be paid in full by 15 February 2026.*
- (c) *Ratepayers also have the option of flexible payment plans which can be accessed during the year.*
15. *That the Manager Financial Services be authorised to levy and recover the general rates and annual service charge in accordance with the Local Government Act 1989 and the Local Government Act 2020.*
16. *To endorse the submissions to the 2025-2026 Budget received at the Hearing of Submissions Committee meeting on 6 May 2025 and authorise the Manager Financial Services to write to all those who have made a submission, providing them with the officer response and thanking them for their input.*
17. *That pursuant to section 172(1) of the Local Government Act 1989, Council records that it will require the payment of interest on any amounts of rates and charges which have not been paid by the date specified under section 167 of the said Act for their payment.*

**The motion was Carried.**

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

*Against: Cr Mazzearella and Cr Heenan*

## **DIVISION**

*Cr Heenan called for a division.*

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

*Against: Cr Heenan and Cr Mazzearella*

*Absent: Nil*

## 10.2 Revenue and Rating Plan 2025-2029 for Adoption

### SUMMARY

This report recommends that Council formally adopts the Revenue and Rating Plan 2025-2029 (the Plan) (Attachment 1).

The plan has now been updated and finalised following the public Hearing of Submissions Committee meeting on the 6 May 2025.

No material changes to the plan were undertaken.

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

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

**Moved: Cr Marriott**

**Seconded: Cr Higgins**

*That Council*

- 1. Adopt the Yarra Ranges Council Revenue and Rating Plan 2025-2029 (Attachment 1) in compliance with section 93 of the Local Government Act 2020.*
- 2. Amend the date that rates can be paid in full from 30 September to 28 February.*

**The motion was Carried unanimously.**

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

*Against: Nil*

### **10.3 Amendment C225 - Erosion Management Overlay Mapping seeking Authorisation to Commence Exhibition**

#### **SUMMARY**

The Yarra Ranges municipality has a history of landslip risk, with a number of identified landslip sites including Warburton and Montrose. Recent weather patterns, including increased rainfall and large storms, have heightened the risk of landslips over the past three years.

Council implements several measures to manage and mitigate the risk of landslip by working with Emergency Services to prepare for and respond to risk through municipal emergency risk assessments. Additionally, Council conducts regular inspections and maintenance of critical systems, including roads, stormwater, water supply, power, gas, and telecommunications. These steps help minimize potential impacts, alongside the proactive mitigation of risk through planning scheme overlays.

With the June 2021 storm causing significant tree loss and property damage, there was a need to review current planning provisions and address the increasing likelihood of landslip risk in the Yarra Ranges municipality.

Council received grant funding of \$300,000 under the National Emergency Management Agency's Preparing Australian Communities (PAC) Program – Local to engage a geotechnical consultant to undertake a comprehensive review of landslip risks. This has recommended updating the EMO mapping to inform a proposed planning scheme amendment.

Previous mapping of landslide risk was based on hand drawn maps which then informed the first version of the Erosion Management Overlay in the 1990s. The recent utilisation of advanced three-dimensional mapping technology, named Light Detection and Ranging (LiDAR), has more accurately identified historic landslips and landslip-prone areas in Yarra Ranges.

Council is required to review and update the Planning Scheme to ensure it is current and responds to new information and changes in circumstances. Updating the Erosion Management Overlay (EMO) in the Yarra Ranges Planning Scheme is now needed to reflect this more accurate mapping and Council records of actual landslide events. This is proposed through Planning Scheme Amendment (C225) and will result in both adding and removing properties from the Overlay (a net increase of 1,987 properties added) while also proposing an additional Schedule specific to areas with higher risk of debris flow.

Concurrently it is proposed that the views of the Minister for Planning are sought on applying the EMO to new properties on an interim basis to ensure new and accurate mapping is included in the planning scheme and considered as part of planning applications, whilst Amendment C225 is exhibited.

The amendment proposes to introduce the EMO planning control to some properties that do not currently have it, which may be viewed with concern by these property owners. To assist with understanding the implications it is proposed that fact sheets be prepared when the amendment is exhibited to provide further information on the proposed changes for residents.

Emergency management arrangements are also being reviewed and updated to include specific protocols for landslip events, ensuring appropriate response and effective coordination among emergency services. Targeted community resilience activities have

been delivered and will continue to support and inform residents about landslip risks, prevention and preparedness, as well as the impact of rainfall thresholds on landslip likelihood on private property.

*Cr Cox left the meeting at 8:05 pm prior to consideration of the item, having declared a conflict of interest in this item.*

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

**Moved: Cr Higgins**

**Seconded: Cr Mazzarella**

*That Council*

- 1. Requests the Minister for Planning to authorise the preparation and exhibition of Amendment C225 to amend the current Erosion Management Overlay Mapping (EMO) and apply new EMO mapping as shown in Attachment 4.*
- 2. Requests the Minister for Planning to consider preparing, adopting and approving a separate amendment for the new EMO mapping on an interim basis while Amendment C225 is exhibited.*
- 3. Support writing to Minister for Planning to introduce the new controls in a more expeditious manner by requesting a Ministerial Amendment under section 20(4) of the Planning and Environment Act 1987.*
- 4. Subject to the Minister's authorisation, exhibit Amendment C225 to the Yarra Ranges Planning Scheme in accordance with the Planning and Environment Act 1987.*
- 5. That Council receive a further report considering submissions following the exhibition of Amendment C225.*

**The motion was Carried unanimously.**

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

*Against: Nil*

*Cr Cox returned to the meeting at 8:21 pm following a vote being taken.*

## 10.4 Flag Policy Review

### SUMMARY

The Yarra Ranges Flag Policy (the Policy) was developed to inform and guide Council Officers on the applicable protocols for flying the Australian National Flag and other flags at the Civic Centre and other Council facilities.

A review of the policy has been undertaken. As part of the review the Policy's scope has been broadened to include guidelines for flag usage in digital and print formats, ensuring consistent, respectful and appropriate representation across all Council platforms.

In completing this review, Council Officers assessed the current application of the policy relating to the flying of physical flags, including the process for flying ceremonial or specific flags. No material change is recommended to this section of the Policy.

An assessment was undertaken in the use of flags for digital and print formats across Council's operations and it is recommended that a section covering this is incorporated into the policy. The review has specifically addressed the use of the National Australian Flag, Aboriginal Flag and Torres Strait Islander Flag with the Acknowledgement of Country Statement in digital and print format.

*In accordance with Governance Rule 58, Belinda Bernardini spoke in objection to the recommendation included in the officer report.*

*In accordance with Governance Rule 29.1, Cr Child, Cr Heenan, Cr Marriott, Cr Mazzearella, Cr Cox, Cr McIlwain and Cr McAllister spoke to the Motion.*

**Moved: Cr Child**

**Seconded: Cr Heenan**

*That Council adopt the Yarra Ranges Council Flag Policy.*

**The motion was Carried.**

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

*Against: Cr Mazzearella*

### DIVISION

*Cr Heenan called for a division.*

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

*Against: Cr Mazzearella*

*Absent: Nil*

## **10.5 Review of Delegations Made to Council Staff**

### **SUMMARY**

Updates have been made to the Instrument of Delegation to members of Council staff (the Instrument) to reflect several legislative and administrative changes.

The S5 delegation under the *Local Government Act 2020* (the Act) enables a Council to delegate its powers, duties, and functions to the Chief Executive Officer (CEO), except for certain responsibilities that must remain with the Council as prescribed by legislation. This delegation allows the CEO to make decisions and carry out functions on behalf of the Council, ensuring efficient administration and operational effectiveness. By granting this authority, the Council can focus on strategic decision-making while the CEO oversees day-to-day governance and service delivery.

The S6 Instrument of Delegation to members of Council staff covers delegations from a range of legislative instruments. These Acts and Regulations contain a specific power of delegation. The instrument delegates these powers from Council directly to staff, as opposed to many other pieces of legislation and regulations where Council may delegate powers, duties and functions to the CEO, who may then subdelegate to Council staff.

While it is considered good governance to regularly review and update Instruments of Delegation, the Act also mandates that Council review the delegations it has made within 12 months following a general Local Government Election.

The proposed changes in this report ensure that the CEO and appropriate members of Council staff holding, acting in, or performing, the duties of the positions described in the Instrument are nominated to act as delegates.

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

**Moved: Cr Mcilwain**

**Seconded: Cr Higgins**

*In the exercise of the powers conferred by the legislation referred to in the S5 Council to Chief Executive Officer and S6 Council to Members of Staff Instrument of Delegations included at Attachment Three and Four, Council resolves that*

- 1. The delegations made to the Chief Executive Officer and Members of Council staff holding, acting in, or performing, the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff be approved, subject to the conditions and limitations specified in that Instrument.*
- 2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.*
- 3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than to the Chief Executive Officer) are revoked.*
- 4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

**The motion was Carried unanimously.**

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

*Against: Nil*



## 10.6 CT7790 Electric Line Clearance Contract

### SUMMARY

This report summarises the evaluation process taken and seeks Council approval for the award of contract CT7790 Provision of Electric Line Clearance and Street Tree Management.

Tenders closed Wednesday 12 March 2025, and seven (7) tenders were received. 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 while the meeting is open to the public.

This tender is to complete electric line clearance in Council's declared areas, and tree management. The recommendation in this report has been formally endorsed by the tender evaluation panel.

*In accordance with Governance Rule 29.1, Cr Higgins and Cr Ward spoke to the Motion.*

**Moved: Cr Higgins**  
**Seconded: Cr Ward**

*That Council*

1. *Awarding the tender from Lucas & Co Pty Ltd for a total lump sum of \$1,226,800.00 inclusive of provisional items and exclusive of GST for contract CT7790 Electric Line Clearance and Street Tree Management.*
2. *The Director Built Environment and Infrastructure be delegated authority to sign the contract documents.*
3. *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.**

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

There were no Councillor motions listed on the agenda for this meeting.

## 12 ITEMS THROUGH THE CHAIR

### 12.1 Kenneth Bruce Rowland AM - Member of the Order of Australia

Cr Heenan congratulated Kenneth Bruce Rowland on receiving the Member of the Order of Australia for significant service to music as a composer, arranger and conductor. Cr Heenan mentioned Mr Rowlands work in film, television and live productions, noting the 1982 film, The Man from Snowy River.

## 13 REPORTS FROM DELEGATES

Cr McAllister

- Attended the Audit & Risk Management Committee meeting held on 2 June 2025 at the Yarra Ranges Council Civic Centre. The meeting was also attended by Cr Child.

## 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 Mazzearella**

**Seconded: Cr Ward**

*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 Child, Cr Heenan, Cr Higgins, Cr Ward, Cr Mcilwain, Cr Mazzearella, Cr McAllister, Cr Marriott and Cr Cox.*

*Against: Nil*

*The Mayor called for the meeting to be adjourned at 9.20pm.*

*Cr Cox left the meeting 9.20 pm.*

*The meeting resumed at 9.25pm with Cr Child, Cr Heenan, Cr Higgins, Cr Ward, Cr Mcilwain, Cr Mazzarella, Cr McAllister and Cr Marriott present.*

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

**Moved: Cr Child**

**Seconded: Cr Higgins**

*That Council change point 3 of the recommendation for Item 10.1 - 2025-2026 Budget for Adoption be amended to remove the word 'million' following the number of \$187,635,562 and that the number be amended to \$187,619,562 and that the general rates referenced be amended from \$151,849,543 to \$151,833,543. This minor change of \$16,000 was informed by additional rateable properties included in the rating year in compliance with the Local Government Act 2020.*

**The motion was Carried unanimously.**

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

*Against: Nil*

*The Mayor noted that Cr Heenan and Cr Mazzarella's vote in favour of this procedural motion did not change Cr Heenan and Cr Mazzarella's vote against Item 10.1 - 2025-2026 Budget for Adoption.*

**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: 9.28 pm.

Confirmed this day, Tuesday, 24 June 2025.

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**Councillor Jim Child (Mayor)**

