

Council Meeting

Minutes

Tuesday, 24 June 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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CONTACT US

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YARRA RANGES COUNCIL

MINUTES FOR THE 626TH COUNCIL MEETING HELD ON TUESDAY, 24 JUNE 2025 COMMENCING AT 7.00 PM COUNCIL CHAMBER - CIVIC CENTRE

1 COUNCIL MEETING OPENED

Cr Higgins (Deputy Mayor) declared the meeting open.

2 ACKNOWLEDGEMENT OF COUNTRY

Cr Mazzarella then read the Acknowledgement of Country.

3 INTRODUCTION OF MEMBERS PRESENT

Councillors

Councillor Richard Higgins (Deputy Mayor)

Councillor Jeff Marriott
Councillor Peter McIlwain
Councillor Gareth Ward (via Videoconference)
Councillor Mitch Mazzarella
Councillor Fiona McAllister (via Videoconference)
Councillor Tim Heenan
Councillor Len Cox OAM

Officers

Leanne Hurst, Acting 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

An apology for this meeting was received from Cr Child, who was able to join the meeting at 7.38pm.

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 McAllister declared a general interest in respect of Item 10.3.

6 MAYORAL ANNOUNCEMENTS

There were no Mayoral Announcements for this meeting.

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved: Cr Higgins

Seconded: Cr Mazzarella

That the Minutes of the Council Meeting held Tuesday 10 June 2025, as circulated, be confirmed.

The motion was Carried unanimously.

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

Against: 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.

QUESTIONS TO COUNCIL

Ivor Wolstencroft of Warburton asked;

Our nights are cold. We have a housing crisis. A warm caravan option has been proposed by Barrister Arnold Dix. Does the Shire of Yarra Ranges Council want to draft and pass this resolution?

If there is a will, there will be a way, I think is central to some of Arnold Dix's approach to life.

I believe Arnold Dix has proposed a solution that could potentially benefit thousands of those "on the edge" in our shire.

Director Planning and Sustainable Futures, Kath McClusky

Thank you for your Question Ivor.

Council recognises the severity of the housing crisis and the growing interest in alternative housing options such as tiny homes, caravans, and mobile dwellings. We understand their potential to provide more affordable accommodation in Yarra Ranges and beyond.

The Yarra Ranges Neighbourhood Amenity Local Law 2020 does not prohibit the occupation of caravans on private property. It does prohibit occupants of caravans on private land from being a nuisance. However, it is subordinate legislation to planning and

building legislation. Simply put that means the planning and building legislation overrides the amenity of local law.

Current Victorian planning and building legislation does not allow these structures to be used as permanent dwellings unless they meet strict requirements - typically needing both a building permit and, in many cases, a planning permit. There is no legal definition of “temporary” use in either the planning or building regulations, meaning any structure used as a home is subject to these laws.

This is a challenge across Victoria. Council has been actively advocating for the State Government to take the lead to address this. We recently submitted and passed Motion 30 at the MAV State Conference, calling for the State Government to clarify legislation around tiny homes and similar options as legal alternate solutions in the right areas with the appropriate services. We’ve also written to the State Building Surveyor and Minister for Planning, urging each department to consider changes that would allow these housing types to be legally used as permanent dwellings in appropriate circumstances. Whilst we will continue this advocacy, we are also exploring whether there is any other option in the absence of the State changing the planning and building controls.

Until State legislation changes, Council is unable to permit these structures as homes unless they comply with current legislation and regulations, and there is no immediate alternative to legislative reform.

We remain committed to advocating for more flexible and affordable housing solutions.

SUBMISSIONS TO COUNCIL

There were no Submissions listed on the Agenda for this meeting.

9 PETITIONS

9.1 Petitions to Council

SUMMARY

The following petitions be received:

General Petition

1. Request Yarra Ranges Council to remove reflector poles along Fairhaven Rd, Mount Dandenong.
8 valid signatures.
2. Request Yarra Ranges Council to introduce a Special Charge Scheme for Sealing of Gallemonda Park Road Menzies Creek, from Ridge Road entrance into Jacksons Hill Road.
34 valid signatures.

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

Cr Higgins moved an amended motion to that printed in the agenda.

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

Moved: Cr Higgins

Seconded: Cr Mcilwain

That the following General Petitions be received, noted and referred to the appropriate officers.

1. *Yarra Ranges Council to investigate the removal of reflector poles along Fairhaven Rd, Mount Dandenong.*
2. *Yarra Ranges Council to investigate the introduction of a Special Charge Scheme for Sealing of Gallemonda Park Road and Jacksons Hill Road, Menzies Creek.*

The motion was Carried unanimously.

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

Against: Nil

10 BUSINESS PAPER

10.1 Eastern Region Group of Councils (ERG) - Strategic Plan 2025-2029

SUMMARY

The Eastern Region Group of Councils (ERG) is a collaborative network of councils proximal to Yarra Ranges Council.

The ERG Strategic Plan for 2025-2029 (Draft) was endorsed by the ERG at its meeting on 16 April 2025.

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

Moved: Cr Higgins

Seconded: Cr Mcilwain

That Council notes the Eastern Region Group of Councils' Strategic Plan 2025-2029.

The motion was Carried unanimously.

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

Against: Nil

10.2 Audit and Risk Management Committee Chair Appointment

SUMMARY

This report recommends the appointment of Mr. David Ashmore as the Chair of Council's Audit and Risk Management Committee (the Committee) for the period 1 July 2025 to 1 August 2027. The length of tenure is reflective of remainder of Mr Ashmore's current term as an independent member.

Mr Ashmore's nomination as Chair was unanimously supported by the other independent members.

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

Moved: Cr McAllister

Seconded: Cr Heenan

That Council endorse the appointment of Mr. David Ashmore as the Chair of the Yarra Ranges Council Audit and Risk Management Committee for the period 1 July 2025 to 1 August 2027.

The motion was Carried unanimously.

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

Against: Nil

10.3 Councillor Expenditure Policy - Reimbursement of Expenses for Cr McAllister

SUMMARY

The *Local Government Act 2020* (the Act) governs the reimbursement of expenses for Councillors and members of a delegated committee. This requires Council to reimburse reasonable, bona fide out-of-pocket expenses incurred while performing their respective roles.

The Yarra Ranges Councillor Expenditure Policy (the Policy) requires all claims for the reimbursement of expenses to be made within three months of the date an expense has been incurred.

Claims submitted that fall outside this three-month period must be considered by Council.

In accordance with the Policy, approval is sought to reimburse out-of-pocket expenses relating to travel, to the value of \$1210.32 incurred by Cr McAllister during the period 9 November 2024 through to 26 January 2025.

Cr McAllister left the meeting at 7.29pm prior to consideration of the item, having declared a conflict of interest in this item.

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

Moved: Cr Heenan

Seconded: Cr Cox

That Council approve the reimbursement of out-of-pocket expenses of \$1210.32 incurred by Cr McAllister during the period 9 November 2024 through to 26 January 2025.

The motion was Carried unanimously.

In Favour: Cr Ward, Cr Heenan, Cr Higgins, Cr McIlwain, Cr Mazzearella, Cr Marriott and Cr Cox.

Against: Nil

Cr McAllister returned the meeting at 7.31pm following a vote being taken.

10.4 Councillor Expenditure Policy

SUMMARY

The *Local Government Act 2020* (the Act) requires Council to adopt and maintain a policy governing the reimbursement of out-of-pocket expenses that have been reasonably incurred by a Councillor or a member of a delegated committee in the performance of their role, and which are reasonably necessary for them to perform that role.

The existing Councillor Expenditure Policy (the Policy) has been reviewed to align with the new Council term and to ensure the Policy reflects best practice governance.

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

Moved: Cr Mazzarella

Seconded: Cr Marriott

That Council adopt the Yarra Ranges Council Councillor Expenditure Policy.

The motion was Carried unanimously.

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

Against: Nil

10.5 Councillor Internal Resolution Procedure

SUMMARY

The *Local Government Act 2020* (the Act) requires all Councillors to observe the Model Councillor Code of Conduct (Model Code of Conduct). The Model Code of Conduct is prescribed the *Local Government (Governance and Integrity) Regulations 2020*.

In accordance with the Act and the *Local Government (Governance and Integrity) Regulations 2020*, Council must implement and adopt an Internal Resolution Procedure (IRP), to be observed when dealing with alleged breaches of the Model Councillor Code of Conduct.

An IRP (Attachment 1) has been prepared for Council's consideration and adoption.

Cr Child joined the meeting joined the meeting at 7.38pm.

Cr Child left the meeting prior to a vote being taken at 7.44pm.

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

Moved: Cr Mazzearella

Seconded: Cr Heenan

That Council adopt the Yarra Ranges Council Internal Resolution Procedure.

The motion was Carried unanimously.

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

Against: Nil

10.6 Draft Paths and Trails Plan 2025-2035 Release for Community Consultation

SUMMARY

The Draft Paths and Trails Plan 2025-2035 (Attachment 1) provides guidance for the development of the network of paths and trails in Yarra Ranges with a particular focus on improving health, wellbeing and community connectivity. The Plan considers and builds on the existing Hike and Bike Strategy (2005).

The Draft Paths and Trails Plan 2025-2035 aims to:

- Identify levels of service for Shared Use and Walking Trails to define construction and maintenance standards.
- Identify and map Shared Trails and Council owned or maintained Walking Trails in the Yarra Ranges.
- Identify action areas relating to the future of the paths and trails network.
- Identify priority of works including upgrades to sections of existing trails, new/improved crossings and addressing missing link to paths and trails.

This report provides Councillors with a summary of the consultation which took place in 2024, an update of the changes made to the draft plan and seeks Council support to release the plan for final community consultation.

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

Moved: Cr Marriott

Seconded: Cr Mcilwain

That Council endorse the release of the Draft Paths and Trails Plan 2025-2035 for Community Consultation.

The motion was Carried unanimously.

In Favour: Cr McAllister, Cr Ward, Cr Heenan, Cr Higgins, Cr Mcilwain, Cr Mazzearella, 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 Warburton Highway Bus Stop Safety Concerns - Cr Child

SUMMARY

The existing guard rail at the intersection of Don Road and Warburton Highway is obstructing safe pedestrian movement.

To address this issue, the guard rail requires modification and/or upgrading to meet current design standards.

As the guard rail is an asset managed by the Department of Transport and Planning (DTP), it is DTP's responsibility to undertake the necessary upgrades. Council is requesting DTP's commitment to delivering a solution that ensures safe pedestrian access as a matter of priority.

Cr Child joined the meeting at 7.49pm.

Cr Ward left the meeting at 7.51pm.

Cr Ward returned to the meeting at 7.52pm prior to a vote being taken.

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

Cr Child moved an amended motion to that printed in the agenda.

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

Moved: Cr Child

Seconded: Cr Heenan

That Council

- 1. Notes the ongoing public safety concern regarding pedestrian movement near the intersection of Warburton Highway and Don Road, Launching Place.*
- 2. Writes to the Hon. Melissa Horne, Minister for Transport and Planning, and Ms Cindy McLeish MP, State Member for Eildon, advocating on behalf of the community for the Department of Transport and Planning (DTP) to modify and/or upgrade their asset and address this safety issue as a priority.*

The motion was Carried unanimously.

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

Against: Nil

Moved: Cr Higgins

Seconded: Cr Cox

That the item listed at 16.1 on the Agenda be considered prior to the item listed as 12 and that the item of Urgent Business be accepted for consideration.

The motion was Carried unanimously.

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

Against: Nil

12 ITEMS THROUGH THE CHAIR

12.1 Vale Jocelyn Aytan - Founder of Selby Community House

Cr Mcilwain noted the sad passing of the founder of Selby Community House, Jocelyn Aytan and a deeply cherished member of our community. Cr Mcilwain noted that the Selby Community House is at the heart of the Selby community, and it connects the community in very significant way.

13 REPORTS FROM DELEGATES

Cr Marriott

- Attended the Olinda and Mount Dandenong Township Group General Interest Meeting held on 23 June 2025 at the Olinda Community House. The meeting was also attended by Cr Heenan

Cr Cox

- Attended the Yarra Ranges Council Disability Advisory Committee held on 18 June 2025 at the Yarra Ranges Council Civic Centre.

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

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

Moved: Cr Higgins

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.

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

Against: Nil

16.1 Emergency Services Volunteers Fund Levy

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

Moved: Cr Child

Seconded: Cr Mazzarella

That Council

1. *Notes the significant negative financial impact the Emergency Services Volunteers Fund Levy will have on the Yarra Ranges Shire community, in particular the farming and business sectors.*
2. *Requests the Chief Executive Officer to write to the Victorian Premier, Treasurer, Minister for Emergency Services, Leader of the Opposition, Shadow Treasurer and the Local Members of the State Government Legislative Assembly, to advise that Yarra Ranges Shire Council:*
 - a. *Objects to the introduction of the Emergency Services and Volunteers Fund Levy in its current form, due to the significant impacts it will have on the Yarra Ranges Shire's farming, commercial and industrial sectors.*
 - b. *Highlights that this new levy has been rushed through without a full assessment being undertaken of its impacts on rural and regional communities and local government authorities and the subsequent negative consequences.*
 - c. *Calls for the levy to be administered fully by the State Revenue Office, with no role for local government in its collection.*
 - d. *Requests that, if the Victorian Government proceeds with implementing this new levy and requires local government authorities to administer it, then:*
 - i. *A realistic timeframe for its implementation be negotiated with the local government sector;*
 - ii. *Full initial and ongoing funding support for its administration be provided to local government authorities; and*
 - iii. *The Victorian Government funds and implements an extensive communications campaign to update ratepayers and volunteers on the rationale of the new Emergency Services and volunteer Fund levy and how it will be administered.*

The motion was Carried unanimously.

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

Against: Nil

Cr Child left the Meeting at 8.21pm following the vote.

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: 8.26 pm.

Confirmed this day, Tuesday, 8 July 2025.

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