



Council Meeting

Minutes

Tuesday, 8 November 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
Melba Ward: Sophie Todorov

O'Shannassy Ward: Jim Child
Ryrie Ward: Fiona McAllister
Streeton Ward: Andrew Fullagar
Walling Ward: Len Cox

CHIEF EXECUTIVE OFFICER & DIRECTORS

Chief Executive Officer, Tammi Rose
Director 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>

LIVE STREAMING AND RECORDING OF MEETINGS

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.

Opinions or statements made during the course of a meeting are those of the particular individuals. Council does not necessarily endorse or support the views, opinions, standards or information contained in the live streaming or recording of meetings. While Council will use its best endeavours to ensure the live stream and Council's website are functioning, technical issues may arise which may result in Council temporarily adjourning the meeting or, if the issue cannot be resolved, adjourning the meeting to another date and time to be determined.

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

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

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In the case of an emergency during a meeting held at the Civic Centre, 15 Anderson Street, Lilydale, you should follow the directions given by staff and evacuate the building using the nearest available exit. You should congregate at the assembly point at Hardy Street car park.

CONTACT US

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YARRA RANGES COUNCIL

MINUTES FOR THE 570TH COUNCIL MEETING HELD ON TUESDAY, 8 NOVEMBER 2022 COMMENCING AT 7.02 PM CIVIC CENTRE, 15 ANDERSON STREET, LILYDALE

1 COUNCIL MEETING OPENED

Tammi Rose (Chief Executive Officer) declared the meeting open.

2 ACKNOWLEDGEMENT OF COUNTRY

The Chief Executive Officer read the Acknowledgement of Country and welcomed all present. She then informed Councillors and the gallery that the meeting was being streamed live and recorded to Councils website.

3 INTRODUCTION OF MEMBERS PRESENT

Councillors

Councillor Andrew Fullagar
Councillor Fiona McAllister (via Zoom)
Councillor David Eastham
Councillor Tim Heenan
Councillor Richard Higgins
Councillor Sophie Todorov
Councillor Jim Child
Councillor Len Cox OAM

Officers

Tammi Rose, Chief Executive Officer
Andrew Hilson, Director Corporate Services
Jane Price, Director Communities
Jane Sinnamon, Director Recovery
Bill Millard, Director Environment & Infrastructure
Damian Closs (Acting Director Planning, Design and Development)

4 APOLOGIES AND LEAVE OF ABSENCE

Councillor Johanna Skelton
Kath McClusky, Director Planning, Design and Development

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.

There were no disclosures of conflicts of interest made for this meeting.

6 TERM OF MAYOR AND DEPUTY MAYOR

SUMMARY

The *Local Government Act 2020* (the Act) requires Council to determine by resolution whether the Mayor is to be elected for a one year or two year term. This must be done before the election of the Mayor takes place.

The term of office of the Mayor also applies to the election of the Deputy Mayor, whose office has been established by Council under section 20A of the Act.

This report has been submitted for Council's consideration by the Chief Executive Officer in accordance with the requirements of sub-Rule 6.1 of Council's Governance Rules.

Moved: Cr Eastham

Seconded: Cr Heenan

That, in accordance with the requirements of section 26(3) of the Local Government Act 2020, Council elect the Mayor and Deputy Mayor for a one (1) year term.

The motion was Carried unanimously.

7 ELECTION OF MAYOR

The Chief Executive Officer called for nominations for the position of Mayor of Yarra Ranges Council.

Cr Cox nominated Cr Child to be elected as Mayor. Cr Heenan seconded the nomination. Cr Child advised the Chief Executive Officer that he accepted the nomination.

There being no further nominations, the Chief Executive Officer declared Cr Child elected as Mayor for a term of one year.

8 MAYORAL SPEECH

Cr Child took the Chair and thanked Cr Cox and Cr Heenan for his nomination and expressed his appreciation for the unanimous support from all Councillors.

He also stated that he was honoured to lead a Council who value a collaborate approach in representing their community and protecting the great place that is Yarra Ranges.

He then advised that together, Council will be delivering over 120 services in a proactive manner to meet the needs of our community. Further, Council will be supporting the community, businesses and tourism whilst navigating the ongoing challenges as a result of Covid-19, storm and flood recovery, inflation and rate capping.

He stated that Council will be advocating for greater support for vital services and projects to strengthen our communities. In particular, support for rivers and ridges projects like the Yarra Valley Trail, Ridge Walk and the Warburton Mountain Bike Destination Project will be vital to delivering \$48m dollars a year to the local economy.

Cr Child reflected on past Mayors who have shared consecutive Mayoral terms namely, Councillors Heenan and Cox. He then thanked the Chief Executive Officer and the staff at the Yarra Ranges Council who tirelessly support the community through challenging times.

9 ELECTION OF DEPUTY MAYOR

The Mayor called for nominations for the position of Deputy Mayor.

Cr McAllister nominated Cr Todorov to be elected as Deputy Mayor. Cr Higgins seconded the nomination.

Cr Todorov advised the Mayor that she accepted the nomination.

There being no further nominations, the Mayor declared Cr Todorov elected as Deputy Mayor for a term of one year.

10 DEPUTY MAYORAL SPEECH

Cr Todorov thanked Councillors for their support and confidence in being elected to the Deputy Mayor role. She then thanked the staff and stated that her dedication and commitment to the wider community will be a whole of municipality approach. Cr Todorov stated she was committed to working with key stakeholders in ensuring the best outcomes are sought for the community.

Cr Todorov expressed how proud she was to be a Councillor in Yarra Ranges and that she will continue to influence positive culture and inclusivity through her role.

11 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved: Cr Cox
Seconded: Fullagar

That the Minutes of the Council Meeting held 25 October 2022, as circulated, be confirmed.

The motion was Carried unanimously.

12 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.

13 BUSINESS PAPER

13.1 Council Meeting Dates 2023

SUMMARY

Authorise the Chief Executive Officer to undertake all statutory requirements that apply to meetings of Council.

This report provides a schedule of Council meeting dates for the first half of the 2023 calendar year.

The proposed schedule of meetings is included at Attachment 1.

Moved: Cr Higgins

Seconded: Cr Heenan

That Council

1. *Adopt the 2023 (first half) schedule of Council meetings as follows:*

<i>Tuesday 31 January 2023</i>	<i>Wednesday 26 April 2023*</i>
<i>Tuesday 14 February 2023</i>	<i>Tuesday 9 May 2023</i>
<i>Tuesday 28 February 2023</i>	<i>Tuesday 23 May 2023</i>
<i>Tuesday 14 March 2023</i>	<i>Tuesday 13 June 2023</i>
<i>Tuesday 28 March 2023</i>	<i>Tuesday 27 June 2023</i>
<i>Tuesday 11 April 2023</i>	

** Meeting moved to Wednesday as a result of a Public Holiday*

2. *Convene all Council meetings to commence at 7.00 pm at the venues listed in Attachment 1 to the report unless otherwise specified in a public notice.*
3. *Authorise the Chief Executive Officer to undertake all statutory requirements that apply to meetings of Council.*

The motion was Carried unanimously.

13.2 CT7110 PA Recruitment, Training & Associated Services

SUMMARY

This paper has two objectives:

1. The primary objective is to seek Council endorsement to extend, via a Procurement Australia (PA) sourced contract, our existing relationship with Comensura (a labour hire agency brokerage firm, explained in detail below); and
2. This being the second time Council has considered the use of PA contract No. 2312-0618 for Recruitment, Training & Associated Services (“the PA contract”), to seek a blanket approval to use the PA contract where it provides a financial advantage to the organisation to do so (“the secondary objective”).

Regarding the primary objective, the 2022-2026 Financial Plan forecasts that Council will spend between \$77 million and \$79 million on labour costs, per year, over the 4-year period. Most of this expense comprises the salaries and on-costs of our workforce of 870 people.

Approximately 2% of this spend (further analysed below) is a contingent workforce engaged through an employment agency for a short-term duration. For this paper, the term ‘*contingent*’ staff, labour or workforce means where Council engages a labour-hire company to provide one or more individuals for a short-term placement with Council; Council does not employ or in any way *directly* engage the individuals performing the work.

The majority of our contingent labour spend occurs on a platform called Comensura, which is explained in some detail in this paper. Council has used Comensura since 2015, via a contract procured by the Municipal Association of Victoria (MAV), which is due to expire in November 2022.

This paper recommends Council continue its use of Comensura, this time procured through the PA contract, to extend the arrangements to 31 December 2025, which is permitted under Section 108 of the *Local Government Act 2020* (Vic) and Council’s Procurement Policy.

Moved: Cr Eastham
Seconded: Cr Fullagar

That

1. *Council accepts the Procurement Australia tender recommendation for Recruitment, Training & Associated Services (Contract No. 2312-0618):*
 - (a) *Initially until 31 December 2023; and*
 - (b) *2 one-year extension periods expiring 31 December 2025, subject to recommendations by Procurement Australia, and recommendation (2) (below).*

2. *Council acceptance is subject to contract evaluation (including overall contract spend analysis) by the Director Corporate Services (which will occur prior to exercise of any extension options including 1 January 2024 and 1 January 2025) to determine if further Council endorsement is recommended for extensions of this contract.*
3. *Subject to (2) above, the Director Corporate Services be delegated authority to extend the contract term on the terms set out in the Contract and any amended terms proposed by Procurement Australia.*
4. *Subject to (2) and (3) above, the Manager People & Culture be delegated authority to sign any contract documents.*
5. *Council approves the ongoing engagement of Comensura Pty Ltd under the Procurement Australia Contract No. 2312-0618, with an estimated annual spend of approximately \$1.5 million per year (incl. GST).*
6. *The confidential attachments to this report remain confidential indefinitely as they relate to matters specified under section 3(1) (g)(i), (g) (ii) of the Local Government Act 2020.*

The motion was carried unanimously.

13.3 CT7060 Facilities Maintenance Services Tender

SUMMARY

This report informs Council on the Tender Process for the CT7060 Facilities Maintenance Services tender, which closed on 19 August 2022 and seeks approval to award the contract as per the recommendations. The urgency of the report relates to ensuring the transition of services can be appropriately managed and achieved by 31 December 2022, when the current contract expires, and the contract can be awarded before offers expire.

Moved: Cr Fullagar

Seconded: Cr Eastham

That

- 1. Council awards the tender from Programmed Facility Management Pty Ltd for CT7060 Facilities Maintenance Services for an estimated annual lump sum value of \$4,936,893, (Excl. GST), subject to the resolution of proposed contract departures and inclusive of all negotiated cost savings, schedule of rates and provisional items detailed in the Confidential Attachment to this report.*
- 2. The estimated total contract value inclusive of the initial 4 year term, all available extension options (two options of 2 years each) and future indexation adjustments (5% assumed from the end of year 2 onwards) is \$45,133,118 (Excl GST) and exclusive of spend on provisional projects.*
- 3. The Director Environment and Infrastructure be delegated the authority to finalise negotiations and sign the contract documents and future extension options.*
- 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.

14 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.

15 ITEMS THROUGH THE CHAIR

15.1 Congratulations to the Mayor, Cr Child

Cr Heenan took the opportunity to express his thanks to Cr Child for his contributions in the past year taking on the Mayoral role. He stated that the challenges of being Mayor have been heightened in recent times from the Covid-19 pandemic, State and Federal Elections and natural disasters.

Cr Cox further congratulated Cr Child on becoming Mayor for a consecutive year and expressed praise for his leadership in the past 12 months and noted that this will only be strengthened in the coming year.

15.2 Congratulations to the Deputy Mayor, Cr Todorov

Cr Higgins thanks the outgoing Deputy Mayor, Cr Skelton for her contributions to the role and that her bright and bubbly personality is a welcome addition to the group. He then wished Cr Skelton the best in her upcoming campaign for the 2022 State Election.

The Mayor further expressed his thanks to Cr Skelton for her role in assisting with the leadership of the Council in the past 12 months.

16 REPORTS FROM DELEGATES

Cr Fullagar:

- Attended the Eastern Regional Library Board meeting held 27 October 2022 at the Civic Centre, Lilydale and spoke of the challenges associated with the current transition to a Beneficial Enterprise.

17 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.

17.1 Creation of Easement - Deed of Release- Yarra Ranges Shire Council

SUMMARY

It was requested that the following documents be signed and sealed:

Creation of Easement – Deed of Release- Yarra Ranges Shire Council and Julie Coles and Trevor Coles.

Creation of Easement (E2) for drainage purposes in favour of Yarra Ranges Shire Council, being part of land contained in Certificate of Title Volume 9464 Folio 436 and known as 17 Cambridge Street, Belgrave South.

Moved: Cr Eastham

Seconded: Cr McAllister

That the following listed documents be signed and sealed:

Creation of Easement – Deed of Release - Yarra Ranges Shire Council and Julie Coles and Trevor Coles.

The motion was Carried unanimously.

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 Fullagar

Seconded: Cox

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.

19 URGENT BUSINESS

The Mayor called for a motion that the item of urgent business be accepted for consideration. Cr Heenan moved that the item be accepted as urgent business with this being seconded by Cr Todorov. The motion was voted on and carried unanimously.

19.1 Leave of Absence - Cr Johanna Skelton

SUMMARY

Cr Johanna Skelton has given formal notice to the Chief Executive Officer of her intention to run in the upcoming 2022 State Election. It is therefore recommended, in the interest of community confidence and in accordance with the Councillor Code of Conduct and the MAV guidelines, that Council grant a leave of absence for a period of four weeks.

This item has arisen since the distribution of the agenda and is effective immediately.

Moved: Cr Higgins

Seconded: Cr Todorov

That Council grant a leave of absence, effective immediately, to Cr Skelton for a period of four weeks, or on declaration of the 2022 State Government election, whichever comes first.

The motion was Carried unanimously.

20 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.

21 DATE OF NEXT MEETING

There being no further business the meeting was declared closed at: 7.46 pm.

Confirmed this day, Tuesday, 22 November 2022.

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