



COUNCIL MEETING

TUESDAY 22 MARCH 2022

MINUTES

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 balanced growth makes this the best place in the world.

COUNCILLOR COMMITMENT

We'll be truthful, represent the community's needs, be positive and responsive and always strive to do better.

NOTES FOR QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

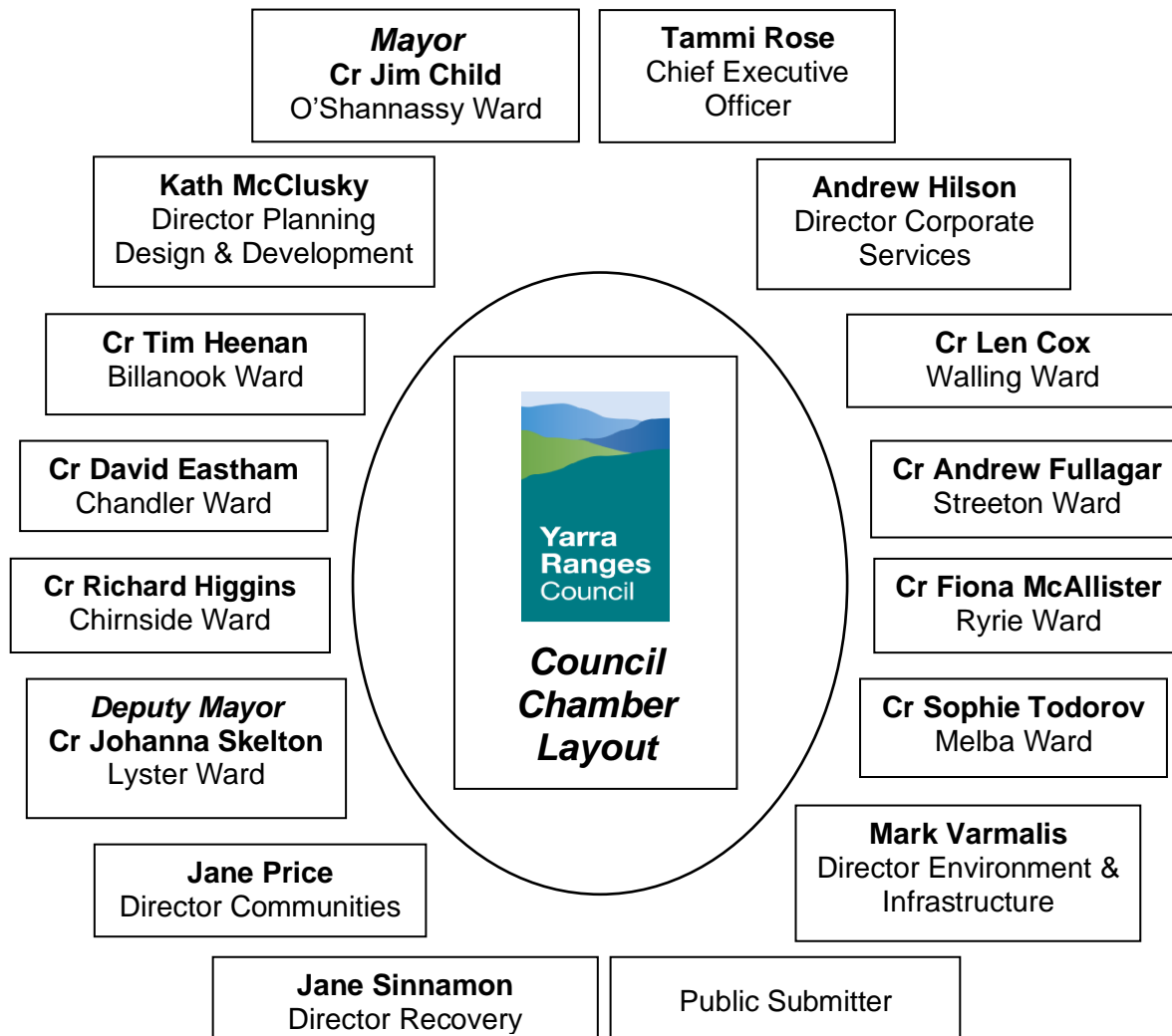
The public is invited to submit questions to the Council Meeting by completing [the form on the Council's website](#); or via [email](#). Your question must be received **no later than 5.00pm on the day before the Council meeting date**. Questions relating to items on the agenda, or which are the same as previous questions, will not be considered.

A question will not be accepted if, in the opinion of the Chief Executive Officer, it appears to be derogatory, defamatory or embarrassing to any Councillor, member of staff, ratepayer or member of the public. A limit of one question per person per meeting will apply. Multiple parts to a question will be treated as multiple questions. A maximum of 15 minutes will be allocated to 'Question Time' at each meeting. As far as practicable, questions will be considered in the order they were received. Your question will be read out on the night and if possible will be answered by the appropriate officer. If a question cannot be answered on the night or if time constraints restrict the ability to read out a question, it will be answered in writing in accordance with Council's normal correspondence procedures. You are welcome to attend the meeting and hear the answer to your question, but it is not a requirement. If your question is addressed on the night, we will provide a copy of the answer to you in writing in the days following the meeting.

Submissions to Council on matters not listed on the Council Meeting agenda will generally be heard before the items listed on the agenda. The subject should not relate to matters on the agenda for the meeting, or matters that have been already considered by Council or to operational issues. You must provide the required information at least eleven **(11) days before the meeting** you wish to attend to the Governance Team, to allow for consideration of your request and appropriate arrangements to be made.

You should provide sufficient copies of any supporting information you want to be distributed to all Councillors and this will be circulated upon request. A copy of any supporting electronic presentation needs to be given to Governance Team **by midday** of the date of the meeting to ensure compatibility with Council's computer system.

Submissions in relation to a specific item on the agenda for consideration will be invited to come forward by the Chair in the order items are listed. 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. Submissions must be made in a way that is respectful of Councillors and staff. You should make sure that you are present at the meeting when the item you wish to speak about is considered, as there will no opportunity for you to speak after the Chair has invited speakers and councillors have begun to consider the item.



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YARRA RANGES COUNCIL

MINUTES FOR THE 555TH COUNCIL MEETING HELD ON TUESDAY 22 MARCH 2022 COMMENCING AT 7.00PM VIA VIDEOCONFERENCE

1. COUNCIL MEETING OPENED

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

2. INTRODUCTION OF MEMBERS PRESENT

Councillors

Jim Child, O'Shannassy (Mayor)
Len Cox, Walling
Andrew Fullagar, Streeton
Fiona McAllister, Ryrie
Sophie Todorov, Melba
Johanna Skelton, Lyster (Deputy Mayor)
David Eastham, Chandler
Tim Heenan, Billanook

Officers

Tammi Rose, Chief Executive Officer
Andrew Hilson, Director Corporate Services
Mark Varmalis, Director Environment & Infrastructure
Jane Price, Director Communities
Kath McClusky, Director Planning Design & Development
Jane Sinnamon, Director Recovery

3. APOLOGIES AND LEAVE OF ABSENCE

An apology for this meeting was received from Councillor Richard Higgins.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved: Cr McAllister
Seconded: Cr Skelton

That the Minutes of the Council Meeting held 8 March 2022, as circulated, be confirmed.

The motion was Carried unanimously.

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. QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

In accordance with Chapter 3 Rules 57 and 59 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

There were no Submissions from the Public listed on the agenda for this meeting.

Questions for Council

Ms Sue Thompson, resident of Kilsyth, asked:

My questions relating to Poyner's Reserve, Lilydale are:

1. When is Council planning to install water points for walkers and provide an upgraded playground for children, their parents and grandparents to enjoy?
2. Will council extend the walking trail to the relevant footpaths to link the other walking trails?
3. What is the park's usage count for the past month?

Mark Varmalis, Director Environment & Infrastructure responded:

Thank you for your question, Ms Thompson,

Across the municipality there are 170 play spaces across Council's open space network and at Council facilities such as preschools and community halls. These playspaces have been classified as Local, District and Regional playspaces to assist in planning for how they support the needs of the community.

Council's Playspace Plan recognises the need to have spaces that encourage social connection, creativity and mental stimulation provided through a variety of play experiences that promote learning and development. The Plan also recognises that varying standards of playspaces and infrastructure investment will be provided, with the greatest level of investment occurring for Regional locations such as Lillydale Lake, Queens Park, and Chimside Urban Park, amongst others.

Local playspaces, such as Poyner Reserve are generally established for play and games, developed with a variety of spaces, including loose materials, contact equipment for exercise, areas with places to hide and retreats from activity that are protected from boisterous play, shade seating and paths. There are no plans for providing a drinking fountain at Poyner Reserve due to the playspace being considered as a local facility and there being other higher visitation parks and areas within townships that are the focus for their provision.

With the significant number of playspaces across the municipality it is necessary to prioritise improvements within the capacity of Council's Capital Expenditure Program. Poyner Reserve is listed within the Playspace Plan for improvement in the long term, and would likely be scheduled for upgrading in approximately 8 to 10 years.

The play space at the nearby Gateway Reserve has however been recently upgraded and the District level Melba Park Play Space is also close by.

In relation to connections to other walking trails, there are two path connections to both Cave Hill Road and Beresford Road from the circular walking path within the Reserve. These then connect with other paths and trails via existing footpaths.

The Council does not have data on the park's usage. We have some counters on the Lilydale to Warburton and Yarra Valley Trails, but with an extensive play space network it is not viable to have counters on all play spaces.

An amendment was sought from the Mayor, and agreed to by the Council, at the 12 April 2022 Council meeting. The Director Environment and Infrastructure read out a response to rectify an error from the 22 March 2022 Council meeting, as stated below:

Mark Varmalis, Director Environment & Infrastructure responded:

Thank you for your question Ms Thompson,

Initially I would like to apologise for the incorrect information that was provided to the question at the last Council meeting. I have been in contact with Ms Thompson in relation to this.

Pedestrian counters do in fact currently exist at Poyner Reserve and have been temporarily installed as part of the evaluation for Council's Art and Sole project. The counters are capturing data on pedestrians accessing Poyner Reserve and also in the nearby streets. The Art and Sole project includes installation of an indigenous art sculpture at Poyner Reserve, and wayfinding signs in the area that will provide cultural and historical information.

Data from the three counters installed at Poyner Reserve have identified that 1066 people have accessed the Reserve over the past month. Data collected during January identified 1338 visitors to the Reserve over a one month period.

7. BUSINESS PAPER

CORPORATE SERVICES

7.1 Rate Recovery and Financial Hardship Policy

SUMMARY

Since May 2020 Council has been collecting rates and charges in accordance with a temporary Addendum to its Rate Recovery and Financial Hardship Policy.

The Addendum was introduced at the start of the COVID-19 pandemic and allowed for Council to quickly and simply provide assistance to customers experiencing financial hardship (mainly due to COVID-19 restrictions) by deferring rates and charges while requiring minimal information to support the customers' financial position. The Addendum also put a hold on any debt recovery processes initiated in the Magistrate's Court.

The Addendum has provided several improved processes for Council's Property Rating Services team, which ultimately benefit the ratepayers of Yarra Ranges Council. This recommendation seeks to retain these improvements in a permanent capacity by adopting them as part of the Rate Recovery and Financial Hardship Policy, whilst removing the need for the Addendum.

The updated Policy also provides for Council to resume debt recovery action through the Magistrate's Court for ratepayers owing a sum of greater than \$2,500, who have not been in contact with Council. Council follows an extensive process to attempt to communicate with ratepayers, and this action would apply only in extreme circumstances. The intention of this action is to ensure ratepayers' accounts do not reach untenable levels, and also to utilise debt recovery agents' data to contact and inform these ratepayers of payment requirements prior to initiating Magistrate's Court debt recovery actions.

Moved: Cr Eastham

Seconded: Cr Todorov

That Council

- 1. Adopt the updated Rate Recovery and Hardship Policy as shown at Attachment 1 to the report.*
- 2. Remove the Rate Recovery and Financial Hardship Policy Addendum.*

The motion was Carried unanimously.

ENVIRONMENT AND INFRASTRUCTURE

7.2 EOI6105 6810 Menzies Road, Menzies Creek - Road Improvement Works Special Charge Scheme

SUMMARY

This report summarises the quotation evaluation process for submissions received for the Menzies Road, Menzies Creek – Road Improvement Works, Special Charge Scheme and seeks Council approval to award the contract for construction to JTX Civil Contracting Pty Ltd t/as Jotomex Civil Contracting.

The item has been included in the public agenda to facilitate openness and transparency in Council's decision making. Confidential attachments have been included with the report which contain commercially sensitive information that is not to be disclosed whilst the meeting is open to the public.

As part of its 2019 budgetary process, the Federal Government announced a nine-year, \$150 Million funding initiative for Yarra Ranges Council to seal roads within the Dandenong Ranges and surrounding areas. At its meeting on 24 September 2019 Council endorsed a list of roads to be constructed using this funding to be facilitated by means of Special Charge Schemes.

Menzies Road, Menzies Creek was included on this list of roads and in accordance with Council's Special Charge Scheme Policy, landowner support has been sought and obtained for construction of the road. The project has been listed in Council's 2021/22 and 2022/23 Capital Expenditure Program.

The Special Charge Scheme Statutory Process has been successfully completed and the project is ready for construction.

Moved: Cr Skelton

Seconded: Cr Eastham

That

1. *Council*

- (a) *Endorses the outcome of the Request for Quotation process via the EOI6105 – Road Construction & Associated Works Panel for the Construction of Menzies Road, Menzies Creek and awards JTX Civil Contracting Pty Ltd t/as Jotomex Civil Contracting for the total lump sum price of \$1,484,707.25 (GST exclusive), \$1,633,177.98 inclusive of GST and inclusive of all provisional items as defined in this proposal.*
- (b) *Approves the Director of Environment and Infrastructure be delegated the authority to sign the contract documents.*

2. *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.

7.3 CT6856 Fuel & Associated Products

SUMMARY

This contract provides for the purchase of a range of fuels and associated products from fuel stations via fuel cards. Council may join this State Government contract as allowed under Section 108 of the *Local Government Act 2020*; however separate agreements must be executed with selected suppliers.

The Evaluation Panel has assessed the value offered by the new State Government Fuel and Associated Products contract and recommends that Yarra Ranges Council accepts the contract and executes customer contracts with panel suppliers on an as needs basis.

The initial contract term commenced 1 July 2021 and expires 30 June 2024. One (1) two (2) year extension option is available to the State Government, which equates to a full contract term of five (5) years.

Inclusive of all available extension options, the estimated value of this contract to Council is \$3,774,000 exclusive of GST (based on 2019/2020 consumption data).

Moved: Cr Skelton

Seconded: Cr Eastham

That

1. *Council*
 - (a) *Awards the tender from Ampol Australia, BP Australia and VIVA Energy Australia (Shell) as part of the State Purchase Contract for the Provision of Fuel and Associated Products.*
 - (b) *Approves the Director of Environment and Infrastructure be delegated the authority to sign the contract documents and be delegated authority to extend the contract on the terms set out in the State Government contract.*
 - (c) *Approves the contract documents be signed.*
2. *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.

8. 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.

9. URGENT BUSINESS AND ITEMS RAISED THROUGH THE CHAIR

9.1 Indigenous Story Finding Project

Cr Todorov attended the launch event for the Youth Advisory Group's Indigenous Story Finding Project which was held at the Yarra Ranges Regional Museum. The event captured themes of Indigenous ways of knowing, being and doing and was funded by the Department of Jobs, Precincts and Regions. Cr Todorov went on to mention that the project is seeking to increase cultural literacy and connection to land through Indigenous story telling.

9.2 The Power and the People

Cr McAllister attended the launch of The Power of the People exhibition in Healesville and encouraged the community to visit the exhibition which tells the story behind important places in the Yarra Ranges.

Cr McAllister then congratulated the Yarra Ranges Heritage network who were a recipient of the Casey volunteering community award.

Cr McAllister also acknowledged the other groups recognised in the Casey volunteering community awards namely, the Yarra Ranges Community Support Register, the Mont Delancey Gardening Group and the following CFA units: Sassafras and Ferny Creek, Olinda, Kalorama and Mt Dandenong.

9.3 Community Events

The Mayor was pleased to be able to attend a couple of in person events over the weekend, namely the Celebrate Mooroolbark event and Kalorama Car Rally. He then noted that the event was also attended by Neil Taylor from Holy Fools and passed on his well wishes for a speedy recovery from Covid.

Cr Todorov also attended the Celebrate Mooroolbark event and wanted to extend a birthday wish to George McDonald who voluntarily runs the event and worked tirelessly behind the scenes to make this year such a success.

9.4 Victorian Local Government - Training

Cr Skelton attended a Victorian Local Government Training session with themes around trust and trustworthy-ness in leadership, the psychology of change and how we can foster great actions in the community.

9.5 Burrinja - Open Studios group exhibition

Cr Skelton attended the launch event for Burrinja's Open Studios group exhibition and encouraged the community to attend the weekend event from 2 March 2022 until 3 March 2022.

9.6 Story Time at Mooroolbark

Cr Skelton attended the story time sessions held at Mooroolbark Library which was themed at ending racial discrimination and reported that there was a strong community presence.

10. 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.

11. DOCUMENTS FOR SIGNING AND SEALING

In accordance with Clause 87 of 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.

12. INFORMAL MEETING OF COUNCILLORS

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 McAllister

Seconded: Cr Cox

That the following records of the informal meetings of Councillors, copies of which are attached to the report, be received and noted

1. 1 March 2022 - Council Briefing [↓](#)
2. 1 March 2022 - Council Forum [↓](#)
3. 3 March 2022 - Upper Yarra Recovery Committee [↓](#)
4. 9 March 2022 - Urban Recovery Committee

The motion was Carried unanimously.

1 March 2022 - Council Briefing

Informal meeting of Councillors

Public Record



Meeting Name:	Council Briefing		
Date:	1 March 2022	Start Time: 6.04pm	Finish Time: 6.26pm
Venue:	Mooroolbark Community Centre,		
Attendees:	Councillors:	Andrew Fullagar, Jim Child, Len Cox, David Eastham, Tim Heenan, Richard Higgins, Fiona McAllister, Johanna Skelton & Sophie Todorov	
	CEO/Directors:	Tammi Rose, Andrew Hilson, Mark Varmalis, Nathan Islip (Acting Director Planning, Design and Development) & Jane Sinnamon	
	Officers on site:	Peter Smith & Sarah Candeland	
	Via Zoom:	Nil	
Apologies			
Matter/s Discussed:	This briefing covered the following items of business to be considered at the 8 March 2022 Council Meeting		
	7.1	Bushfire Planning Made Clearer - Council submission to discussion paper	
	7.2	Mt Morton Road (Section between Glen Road & Ryans Road) and Hood Street, Belgrave Heights - Intent to Levy a Special Charge	
	7.3	Proposed Purchase of Former Yarra Hills Secondary College School site at 150 Cambridge Road, Kilsyth	
Declarations of Interest:	Nil		
Completed By:	Sarah Candeland		

1 March 2022 - Council Forum

Informal meeting of Councillors

Public Record



Meeting Name:	Council Forum	
Date:	1 March 2022	Start Time: 7.02pm Finish Time: 10.40pm
Venue:	Mooroolbark Community Centre, 125 Brice Ave, Mooroolbark	
Attendees:	Councillors:	Andrew Fullagar, Jim Child, Len Cox, David Eastham, Tim Heenan, Richard Higgins, Fiona McAllister, Johanna Skelton & Sophie Todorov
	CEO/Directors:	Tammi Rose, Andrew Hilson, Mark Varmalis, Nathan Islip (Acting Director Planning, Design and Development), Jane Price & Jane Sinnamon
	Officers:	Birgit King, Ameer Morgans, Allison Southwell, Allison Fogarty, Belinda Arnott & Helen Ruddell, Sarah Candeland & Peter Smith
	Via Zoom:	Guy Masters, Jim Stewart, Alannah Ford, Tracey Varley & Abby McCarthy
Apologies	Nil	
Declarations of Interest:	Nil	
Matter/s Discussed:	1.1	Actions and Agreements Records - 15 February 2022
	1.2	Council Plan and Council Action Plan 2022-25
	1.3	Rate Recovery & Financial Hardship Policy Covid-19 Addendum - Proposed Changes
	1.4	Storm Recovery Options Continued
	2.1	Notice of Planning Application with Minister of Planning (DELWP) - PA2101442 - 239-241 Maroondah Highway, Chirnside Park - Use and development of the land for the purposes of a Utility Installation (Battery), associated buildings and works and alteration of access to a Road Zone Category 1.
	2.2	Capital Works Program Monthly Report - January 2022
	2.3	Major Projects Report to end of Jan 2022
	2.4	Indicative Forum & Council Meeting Schedule
	2.5	Mayor & CEO Updates
Completed By:	Sarah Candeland	

3 March 2022 - Upper Yarra Recovery Committee

Informal meeting of Councillors

Public Record



Meeting Name:	Regional Community Recovery Committee Meeting – Upper Yarra	
Date:	03/03/2022	Start Time: 5:30pm Finish Time: 7:30pm
Venue:	ZOOM	
Attendees:	<p>Councillors: Cr Jim Child</p> <p>Other attendees: Lesley Grimes, Gordon Buller, Barry Megee, Nicole Plasajec, Gia Underwood, Brad Colling, Kerri Schroder, Jim Brown, Emily Lewis</p> <p>CEO/Directors: N/A</p> <p>Officers: Tracey Reid (YRC), Kristal Johnson (YRC)</p>	
Apologies	Miriam Fathalla, Rodney McKail, Paul Traynor and Zoe Irving	
Disclosure of Conflicts of Interest:	Nil	
Matter/s Discussed:	1.1	Elected chair Gordon Buller and Co-chair Lesley Grimes
	1.2	More clarification about the Grant-making process was discussed with Trish Madden form Community Enterprise Foundation
	1.3	Next Meeting: Thursday 7 April 2022 5:30pm-7:30pm
Completed By:	Kristal Johnson	

13. REPORTS FROM DELEGATES

There were no reports from Delegates

14. 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.

15. DATE OF NEXT MEETING

The next meeting of Council is scheduled to be held on Tuesday 12 April 2022 commencing at 7.00pm, via videoconference.

16. CLOSE OF THE MEETING

There being no further business the meeting was declared closed at: 7.32pm.

Confirmed this day, Tuesday 12 April 2022.

.....

Cr Jim Child

Mayor