



COUNCIL MEETING

TUESDAY 25 OCTOBER 2011

MINUTES

VISION: *Yarra Ranges will be a vibrant and dynamic Shire based on strong local communities living in a place of great natural beauty.*

Our world class Shire will be sustained by a strong local economy and a rich social fabric that is consistent with and supports its environmental values.

MISSION: *Council will represent the community in an open, accessible, accountable way, pursuing excellence at all times. We will work in partnership with the community to improve the quality of life of residents, protect and enhance the natural environment, create jobs and manage the Shire to provide for the needs and expectations of local and wider communities.*

NOTES FOR QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

The public is invited to submit questions to the Council Meeting via phone, email, online form on the Shire website, or on forms provided in all Council Community Links. They can be lodged until 5pm on the day of the Council Meeting.

A maximum of 15 minutes each meeting will be allocated to Question Time. A limit of one question per person per meeting will apply. Multiple parts to a question will be treated as multiple questions. As far as practicable questions will be considered in the order of receipt. Questions will be read out on the night and if possible will be answered by the appropriate officer. If a question is not able to be answered on the night or if time constraints restrict the ability to read out a question then it will be answered in writing in accordance with Council's normal correspondence procedures.

Questions relating to items on the agenda or which are repetitions of previous questions will not be considered.

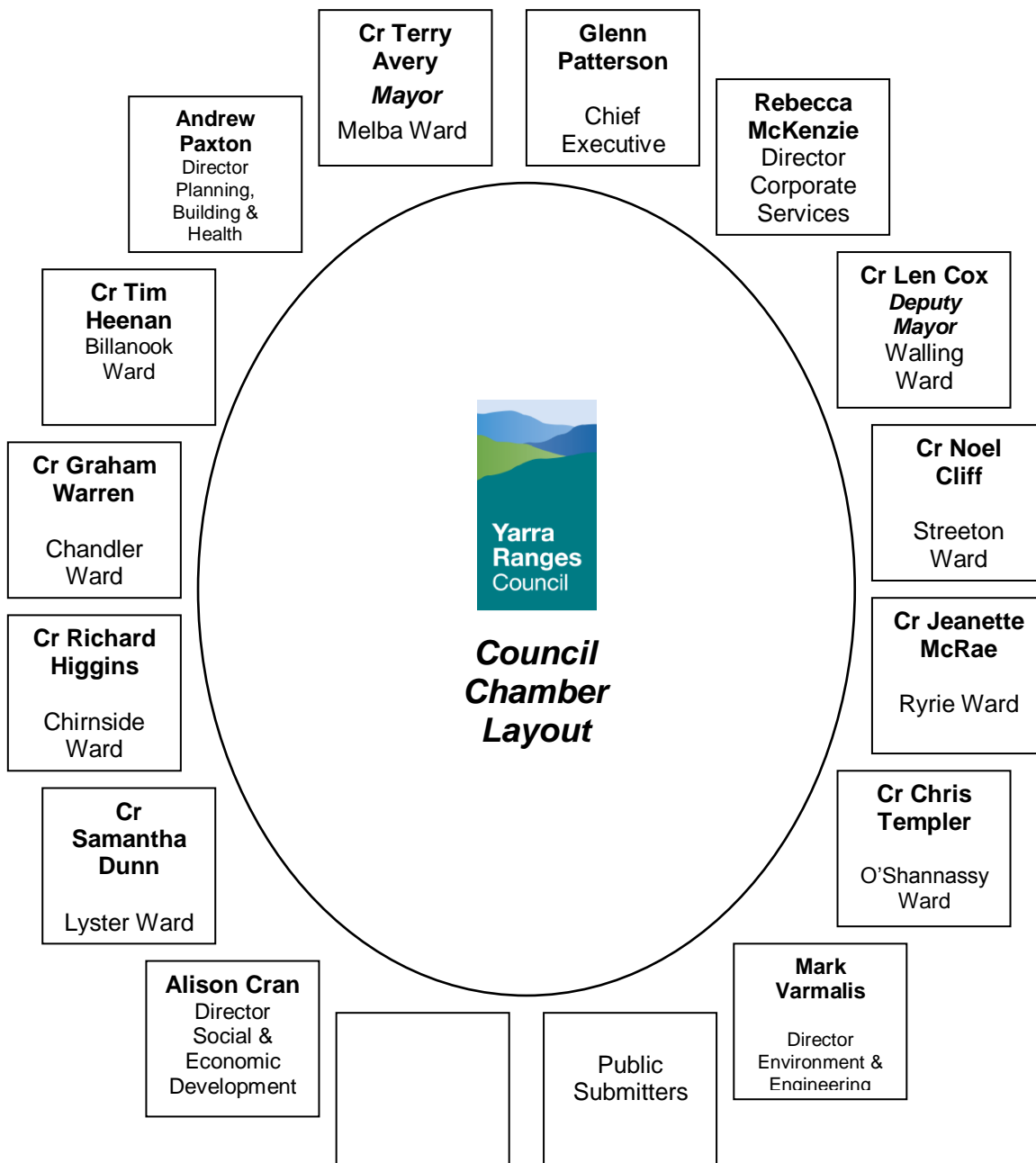
The submitter of a question may attend the meeting if they wish to, but it is not a requirement.

Submissions to Council on matters **not** listed on the agenda for consideration will be heard prior to the consideration of items listed on the agenda. Persons wishing to make a submission are requested to contact Corporate Support staff on 9294 6118, to advise of their request and the issue they want to raise at least ten days prior to the meeting they wish to attend to allow consideration of the request and appropriate arrangements to be made. Submissions should not relate to matters already considered by Council nor matters relating to operational issues.

People making submissions are welcome to bring plans and supporting material, including copies of documents and Powerpoint presentations. A copy of any electronic presentation needs to be given to Corporate Support staff by midday of the date of the meeting to ensure compatibility with the Shire's computer system.

Submissions in relation to a **specific item on the agenda** for consideration will be invited by the Chair according to the order of business for the meeting. For planning applications and policy issues, the Chair will invite one representative to speak on behalf of any objectors and one representative to speak on behalf of the applicant. For other matters on the agenda, only one submitter will generally be invited to address Council unless there are opposing views.

It is expected that submissions will be made in a way that is respectful of Councillors and staff. The submission time is not a forum for discussion or debate. In all cases, a maximum of five minutes per submitter is allowed.



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YARRA RANGES SHIRE COUNCIL

MINUTES FOR THE 333RD ORDINARY COUNCIL MEETING HELD ON TUESDAY 25 OCTOBER 2011 COMMENCING AT 7.45PM IN THE COUNCIL CHAMBER, CIVIC CENTRE, ANDERSON STREET, LILYDALE

1. COUNCIL MEETING OPENED

2. INTRODUCTION OF MEMBERS PRESENT

Councillors

Terry Avery, (*Mayor*) Melba (*Chair*)
Len Cox, (*Deputy Mayor*) Walling
Noel Cliff, Streeton
Jeanette McRae, Ryrie
Chris Templer, O'Shannassy
Samantha Dunn, Lyster
Richard Higgins, Chirnside
Graham Warren, Chandler
Tim Heenan, Billanook

Officers

Glenn Patterson, Chief Executive Officer
Rebecca McKenzie, Director Corporate Services
Mark Varmalis, Director Environment & Engineering
Alison Cran, Director Social & Economic Development
Andrew Paxton, Director Planning, Building & Health

3. APOLOGIES

Nil

4. CONFIRMATION OF MINUTES OF MEETING HELD ON TUESDAY 11 OCTOBER 2011

Resolved on the motion of Crs Heenan and Higgins

That the Minutes of the 332nd Ordinary Council Meeting for the Shire of Yarra Ranges held on Tuesday 11 October 2011, as circulated, be confirmed.

5. DECLARATIONS OF INTEREST

Nil

6. REPORTS FROM DELEGATES

Cr McRae attended:

- Along with the Mayor, Cr Avery, the Yarra Valley Over 50's Friendship Club celebration of the 75th wedding anniversary of Bert and Beryl Medhurst.
- The Annual General Meeting of the Bendigo Bank in Healesville.
- The Annual General Meeting of the Steels Creek Community Centre.
- A sculpture exhibition at Yering Station along with fellow Councillors.

Cr Templer participated in the Run Walk Ride event along the Warburton Trail from the bridge at Lilydale ending in Warburton. Food and entertainment were provided at stops at Mount Evelyn, Woori Yallock, Yarra Junction and Warburton.

Cr Dunn attended:

- The Eastern Transport Coalition meeting on the Metropolitan Strategy for Melbourne.
- The launch of the Dandenong Ranges Landscape Bushfire Plan.

Cr Heenan attended:

- An event at the Archery Park in Launching Place for the Warburton Cancer Groups which raised \$2320.
- A run at Lillydale Lake which was the final event for Mental Health Week along with Cr Higgins where approximately \$2000 was raised. Cr Heenan thanked all staff and agencies involved in organising the events for Mental Health Week.
- The opening of the Warburton Rail Trail Bridge and the Run Walk Ride event. Cr Heenan thanked all staff involved in the organisation of the event.
- The Mount Evelyn Street Party which was the 10th anniversary of the Federation Festival. Cr Heenan congratulated the team in Mount Evelyn for their efforts in organising the day.

Cr Avery also attended the Run Walk Ride event as well as the Mount Evelyn Street Party and congratulated all on a very successful day.

7. QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

Questions

There were no questions.

Submissions

There were no submissions.

8. BUSINESS PAPER

8.1 Annual Report from Chair, Yarra Ranges Audit and Risk Management Committee

SUMMARY

Section 139 of the Local Government Act 1989 requires that Council establishes an audit committee as an advisory committee to Council. The terms of reference of the committee are outlined in the Yarra Ranges Council Audit and Risk Management Committee Charter, most recently approved by Council on 24 May 2011, and published on Council's website.

The Charter requires that the Chairperson of the committee reports annually to Council on the following matters:

- A summary of the work of the committee performed to fully discharge its responsibilities during the preceding year;
- A summary of the Council's progress in addressing the findings and recommendations made in internal, external and Parliamentary Committee reports;
- An overall assessment of the Council's risk, control and compliance framework, including details of any significant emerging risks or legislative changes impacting Council; and
- Details of meetings, including the number of meetings held during the relevant period, and the number of meetings each member attended.

The attached report has been prepared by the committee's current Chair, Mr Simon Crone. Mr Crone will attend the Council Meeting to make a brief presentation on his report, and respond to any questions that Council may have.

Resolved on the motion of Crs Warren and Dunn

That Council notes the Yarra Ranges Audit and Risk Management Committee Annual Report.

8.2 Chirnside Park Country Club Golf Course Redevelopment – Oakhaven Development Plan June 2011

SUMMARY

- A Development Plan for the redevelopment of the 54 hectare (approx) Chirnside Park Country Club Golf Course has been submitted for Council's approval. The Development Plan shows the redevelopment of the golf course into 553 residential lots and 13.6 hectares of Public Open Space.
- The land was rezoned to a Residential 1 Zone and included in a Development Plan Overlay under Amendment C96 which was prepared and approved by the Minister for Planning in March 2010.
- The proposed subdivision is broadly consistent with the requirements of the Development Plan Overlay.
- Planning permits for residential subdivision of the land must be consistent with the requirements of any approved development plan. Permit applications would be exempt from third party notice and appeal rights.
- The applicant has also requested Council's support for the Minister for Planning to modify the current Development Plan Overlay provisions to remove a requirement for a two metre side boundary setback for all detached dwellings in the proposed development.
- The Plan was made available for public comment from late August to late September 2011. This process attracted 136 objections and 89 submissions in support of the proposal.
- Approval of the Development Plan subject to some changes is recommended.
- The applicant's proposal to remove the two metre side setback requirement is supported for those lots that do not adjoin existing house lots in the surrounding residential area.

Resolved on the motion of Crs Higgins and Warren

1. *Approve the Development Plan for the redevelopment of the Chirnside Park Golf Course subject to the following actions:*
 - a) *That the applicant modify the Development Plan to demonstrate that each of the two wetland open spaces comprise at least one hectare, of which at least 50% has a minimum dimension of 70 metres in any direction.*

-
- b) *That the applicant modify the Development Plan to clarify that any development on the 'Superlot must':*
- I. *adopt a residential form with articulated façade treatments;*
 - II. *meet the side and rear setback requirements of the DPO;*
 - III. *not include any buildings that exceed a height of two storeys (7.0 metres).*
- c) *That the applicant negotiate an agreement with Council under Section 173 of the Planning & Environment Act to:*
- I. *Contribute the cost of installing traffic signals at the intersections of Switchback Road with Edward Road and Victoria Road, with the contributions being proportional to the projected increase in traffic at those intersections as a result of the proposed development of the subject land*
 - II. *Provide a cash contribution to the cost of providing footpath connections along the following streets as identified in the Development Plan: Chirnside Drive, St Andrews Drive, Country Club Drive and Valley Ho;*
 - III. *Provide a cash contribution towards the construction of footpaths within the existing estate in lieu of footpaths on both side of the proposed development;*
 - IV. *Provide a bond to cover the cost of any remedial works to further discourage through traffic using Parkvalley Drive.*
2. *Advise the Minister for Planning that it would support a Ministerial amendment under Section 20(4) of the Planning & Environment Act to change the provisions of the Development Plan Overlay Schedule 3 to:*
- a) *Remove the requirement for a two metre side setback for all lots that do not abut existing residential development; and*
 - b) *Modify the two metre side setback requirement for lots that abut existing residential development to delete the word 'detached'.*

A Division was called.

For: Crs Templer, Higgins, Warren, Heenan and Avery
Against: Crs Cox, Cliff, McRae and Dunn

Cr McRae left the meeting at 9.12pm and returned at 9.13pm

8.3 Request for Planning Scheme Amendment, 60 Schoolhouse Rd, Woori Yallock, Cafe

SUMMARY

- A request has been made for a planning scheme amendment to facilitate a 100 seat café within an existing building at 60 Schoolhouse Road, Woori Yallock.
- The minimum subdivision area specified in the relevant schedule to the Green Wedge Zone is 30 hectares.
- The subject land is less than 30 hectares in size which makes the use of the land for a cafe prohibited.
- It is considered that the serving of light meals could be regarded as an ancillary use to the existing farm educational tours but not to the existing farm product sales.
- The proposal is contrary to the strategic direction of the planning scheme, particularly in relation to the retention of the agricultural land.
- There are no special circumstances which warrant a site specific amendment and an adverse precedent will be created and adverse amenity impacts may result.
- For these reasons, it is recommended that the amendment request not be supported.

Resolved on the motion of Crs Templer and Higgins

That Council advise the proponent that it does not support the preparation of a planning scheme amendment for the use of 60 Schoolhouse Road, Woori Yallock for a Cafe for the following reasons:

1. *Inconsistent with the strategic direction for green wedge areas.*
2. *No special circumstances apply which warrant a site specific amendment.*
3. *Would create an adverse precedent for other land in the Green Wedge Zone.*
4. *Potential to adversely impact on the locality and surrounding residents.*

Cr Heenan left the meeting at 9.44pm and returned at 9.47pm

Cr Cox left the meeting at 9.51pm and returned at 9.53pm

8.4 Planning Application YR-2011/379 – 7-9 & 11 St Leonards Road (Lots 1, 2 and 3 LP78841), Healesville – Use and Development of a Car Wash and Associated Illuminated Business Identification Signage

SUMMARY

- The proposal seeks to use and construct buildings and works associated with a car wash, including illuminated business identification signage, over three existing lots known as No. 7-9 and 11 St Leonards Road, Healesville.
- Under the requirements of the Business 1 Zone, the use of the land for the purposes of a car wash requires a planning permit, as does the buildings and works. Clause 52.13 of the planning scheme contains a particular provision for the purposes of a car wash, and also requires a planning permit for the use of the land.
- Key aspects of the proposal include the construction of four car wash bays; one laser wash bay, two dog washes and four vacuum bays. At first floor level there will be a plant room and large “employee” area with amenities.
- The application has been advertised by way of three large notices being erected on the site, and notices being sent to seventeen adjoining landowners. A total of 83 objections have been received for the application, as well as a petition containing 775 signatories.
- The key issues raised in the objections include the number of existing car washes in Healesville, noise pollution, light pollution, neighbourhood character concerns (specifically in relation to the proposed advertising signage), inappropriate use for the area, traffic management concerns in relation to pedestrian safety, number of car movements and difficulties relating to the proximity of the access to the site to Maroondah Highway.
- The proposal is subject to a review at the Victorian Civil and Administrative Tribunal as an appeal against Council’s failure to decide upon the application within the prescribed timeframe.
- The proposal is considered unacceptable as it is not consistent with State or Local Planning policies, and would affect the amenity of the surrounding properties by way of noise and light emissions. It is recommended that Council resolve to refuse the application. If an appeal had not been lodged at the tribunal, the application would have been refused.

Resolved on the motion of Crs McRae and Dunn

PART A

That Council resolve to issue a Notice of Refusal of Planning Application YR-2011/379 for Use and development of a car wash and associated illuminated business identification sign at 7-9 & 11 St Leonards Road (Lot 1, 2 & 3 LP78841), Healesville VIC 3777, and issue a Notice of Refusal on the following grounds:

1. *The proposal does not comply with the purpose of the Business 1 Zone, or Clause 34.01-2 of the planning scheme, in that the use of the land would detrimentally affect the amenity of the neighbourhood through the appearance of the proposed buildings*

and works; and through the emission of noise, artificial light, smell, fumes, vapour and/or steam.

- 2. The proposal is not consistent with the purpose of Clause 52.13 in that the use of the land does not consider the amenity of the surrounding area and the activity on the site will be of material detriment to the surrounding properties by the appearance of the building and works, and emissions from the premises.*
- 3. The proposal will result in an unreasonable level of unsafe traffic movements due to the proximity of the entrance to the site on St Leonards Road to the signalled intersection with Maroondah Highway.*
- 4. The proposal does not comply with state planning policies, particularly in relation to urban design (clause 15.01-1) and cultural identity and neighbourhood character (clause 15.01-5). The proposed use and development represent poor outcomes in terms of the design quality and does not respond adequately to surrounding land uses and the prevailing neighbourhood character.*
- 5. The proposal is not consistent with the policy relating to land use (Clause 21.04-2 Commercial) in that the amenity of the surrounding residential areas will be detrimentally affected by the proposal and the traffic movements generated by the site will compromise the functioning of the intersection of St Leonards Road and Maroondah Highway.*
- 6. The proposal does not comply with objective 1 (sustainable towns) of Clause 21.05 (Settlement) of the Yarra Ranges planning scheme. The use and development do not represent a good design outcome having a poor interface with the surrounding residential properties to the north, nor does it respect or complement the prevailing neighbourhood character of the surrounding area.*
- 7. The proposal does not comply with Clause 21.06 (Built form) of the Yarra Ranges planning scheme. Objective 1 (siting and design), objective 2 (commercial centre design) and objective 8 (signage) have not been met with the proposed height and scale of the building being unacceptable, as well as the poorly designed advertising signage being out of character with other advertising signage in the area.*
- 8. The objectives and policies of clause 22.04 (Advertising Signage) and clause 52.05 (Advertising signs) of the Yarra Ranges planning scheme have not been met as part of this proposal. The proposed signage is not respectful of the rural character of Healesville due to the height and scale of the building on which it is displayed, and is inappropriate given the proximity of the site to residential properties. The signage will be visually dominant from higher areas of Healesville.*
- 9. The submitted acoustic report has not sufficiently demonstrated that the noise levels generated by the proposed use will be able to comply with SEPP N-1 (Noise emissions from commercial premises), given that the changes to the plans required to attenuate the noise pollution are not acceptable in terms of their design; and noise associated with the dog wash has not been satisfactorily addressed.*

PART B

That council determine to place the existing dwelling at No. 11 St Leonards Road on Council's List of nominated heritage places.

A Division was called:

For: Crs Cox, Cliff, McRae, Templer, Dunn, Higgins, Warren, Heenan and Avery
Against: Nil

Cr McRae left the meeting at 9.58pm and returned at 9.59pm

8.5 Planning Application No: YR-2011/545 – 591 Hull Road (Lot 17 LP206726), Lilydale– Three Lot Subdivision

SUMMARY

- The application seeks approval to subdivide the land into three lots with Lot one being 2745m² and Lots 2 and 3 being 1200m² in size.
- The total site area is 5145m² and the proposed lot density is 1:1715m².
- The application was advertised by way of on site signage and notices sent to surrounding owners and occupiers. A total of twelve objections were received on the grounds of neighbourhood character, potential for traffic congestion, over-development of the site, impacts on existing drainage issues, and potential for precedent.
- The application underwent a formal consultation meeting on the 1 August, 2011 with the ward councillor, the applicant, Council's Planning Officer and Engineer and objector parties. Whilst no agreements or compromises were reached at the meeting, it did allow the applicant to engage with the objectors and to understand their issues.
- The proposal is consistent with the relevant clauses of the Yarra Ranges Planning Scheme as the development will integrate with the neighbourhood character and it will not result in a significant loss of amenity to adjoining properties. It is also consistent with the proposed amendment C97 to the Planning Scheme and the proposed lot density will allow for a limited increase in housing density on conventionally sized suburban lots.
- It is recommended that the application be supported and a Notice of Decision to Grant a Planning Permit be issued, subject to conditions.

Resolved on the motion of Crs Higgins and Warren

That Council resolve to approve Planning Application YR2011/545 for Subdivision of land into three lots at 591 Hull Road (Lot 17 LP206726), Lilydale and issue a Notice of Decision to Grant a Planning Permit subject to the following conditions:

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1. *Prior to the commencement of works (including the removal of any trees or other vegetation) and prior to the plan of subdivision being certified under the Subdivision Act 1988, an amended plan of subdivision (2 copies) must be submitted to and approved by the Responsible Authority. When approved these plans will be endorsed and form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:*
 - a. *The Common Property road/accessway with an approved name and location of the street name blade (sign) on the existing road reserve.*
 - b. *The Common Property road/accessway widened to 7.01 metres within 10 metres of the property frontage to enable lots 2 and 3 to utilise the existing crossover and protect existing trees.*

 2. *This permit will expire if one of the following circumstances applies:*
 - a. *The Plan of Subdivision is not started within two (2) years of the date of this permit, as evidenced by the plan of subdivision being certified by the Council within that timeframe; or*
 - b. *The registration of the subdivision is not completed within five (5) years of the date of certification.*

The Responsible Authority may extend the two year period if a request is made in writing before the permit expires, or within three (3) months afterwards.

 3. *The layout and site dimensions of the proposed subdivision as shown on the endorsed plan(s) must not be altered or modified unless agreed to by the Responsible Authority.*

 4. *The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.*

 5. *All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the Plan of Subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.*

 6. *The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.*

 7. *Prior to a Statement of Compliance being issued a concrete vehicle crossing must be constructed for Lot 1 to the satisfaction of the Responsible Authority.*

 8. *Prior to a Statement of Compliance being issued the existing concrete layback in Hull Road service road must be removed and Council assets (including footpath, kerb and nature strips etc) reinstated to the satisfaction of the Responsible Authority.*

 9. *Prior to a Statement of Compliance being issued, piped drainage must be constructed to drain all lots to the satisfaction of the Responsible Authority.*

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10. *Prior to a Statement of Compliance being issued, a swale drain along the north-eastern boundary within the proposed Lot 3 must be constructed from the end of the sealed common property to the existing drainage junction pit in the north-east corner of the property to the satisfaction of the Responsible Authority.*
 11. *Prior to a Statement of Compliance being issued driveways within the common property to service Lots 2 & 3 and a vehicle crossing in Hull Road service road must be fully constructed, sealed and drained to the satisfaction of the Responsible Authority.*
 12. *Prior to a Statement of Compliance being issued the construction of the access ways and/or drainage within the site must be fully completed, inspected and approved by a suitably experienced civil engineer or person at the arrangement and expense of the owner/developer. This person must supply written certification that the works have been constructed in accordance with the approved plans to the satisfaction of the Responsible Authority.*
 13. *Prior to certification of the Plan of Subdivision, all street and Common Property road/access way names shown on the plan must be approved by the Responsible Authority.*
 14. *Prior to a Statement of Compliance being issued, the owner/developer must demonstrate to the satisfaction of the Responsible Authority that stormwater runoff exiting the land has been designed and constructed to meet the current best practice performance objectives for stormwater quality, as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) as follows:*
 - *80% retention of the typical annual load of suspended solids;*
 - *70% retention of the typical annual load of gross pollutants;*
 - *45% retention of typical annual load of total phosphorous; and*
 - *45% retention of typical annual load of total nitrogen.*

In lieu of meeting 100% of the above stormwater quality objectives the owner/developer must demonstrate to the satisfaction of the Responsible Authority that it has nevertheless achieved the intended outcomes of clause 56.07-4 of the Planning Scheme in accordance with relevant Practice Notes.

CFA

15. *The subdivision as shown on the endorsed plan must not be altered without the consent of the CFA.*
16. *Operable hydrants, above or below ground must be provided to the satisfaction of the CFA. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must not be more than 200m apart.*

Hydrants must be identified as specified in “Identification of Street Hydrants for Firefighting purposes” available under publications on the Country Fire Authority website (www.cfa.vic.gov.au).

17. *Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width. Roads must have a minimum trafficable width of:*
- *3.5 m if parking is prohibited on both sides of the road.*
 - *5.5m if parking is prohibited on one or more sides of the road.*
 - *7.3 where parking is allowable on both sides of the road.*

The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 50 (20%) (11.3 degrees) for no more than 50 metres. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.

Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

SP AUSNET

18. *The applicant must:*
- a) *Enter into an agreement with SPI Electricity Pty Ltd for supply of electricity to each lot on the endorsed plan.*
 - b) *Enter into an agreement with SPI Electricity Pty Ltd for the rearrangement of the existing electricity supply system.*
 - c) *Rearrange, to the satisfaction of SPI Electricity, any existing private electric lines that cross boundaries of the proposed lots to supply existing installations. Such lines shall be constructed with underground cables.*

YARRA VALLEY WATER

19. *Prior to a Statement of Compliance being issued, the owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water supply.*
20. *Prior to a Statement of Compliance being issued, the owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage.*

MELBOURNE WATER

21. *No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water’s drains or watercourses.*
22. *Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.*

NOTES

The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority under any act, regulation or local law.

A subdivision approved under a planning permit does not constitute the certification of a Plan of Subdivision. A separate application should be made by a licensed land surveyor.

Following the issue of Statement of Compliance, all buildings, including access and egress conditions on any of the lots or common property within this subdivision are required to conform to the Building Regulations 2006. The owner or applicant must contact a registered building surveyor to obtain advice on how to meet the building requirements.

Prior to the commencement of any works affecting or involving Council roads or drains, Asset Protection and/or Road Reserve/Easement Works permit(s) are required. An application for a permit can be obtained at the Yarra Ranges Council Community Links.

Drainage runoff from the approved subdivision is to be directed to the existing drainage junction pit in the north-east corner on the council 300mm dia. pipe drain within the rear easement. This should be confirmed by contacting the Council's Civil Development Services Department, prior to commencement of any works.

Telstra Notes:

Approval does not cover alterations to existing Telstra Plant or Network. Locations of existing network can be obtained from Dial Before You Dig – Ph: 1100.

For co-ordinated Telstra Plant reticulation in this development, please refer to www.telstrasmartcommunity.com to register your Development and Apply for reticulation.

Multinet Gas Notes:

For further details of gas supply or alterations to any existing mains or services, please contact the relevant Gas retailer servicing the above property.

Melbourne Water Notes:

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, quoting Melbourne Water's reference 193465.

Cr McRae left the meeting at 10.02pm and returned at 10.09pm

Cr Dunn left the meeting at 10.18pm and returned at 10.21pm

**8.6 Planning Application No: YR-2011/194 – 24 George Street (Lot 1 TP159266J),
- Four Lot Subdivision**

SUMMARY

- The application is to subdivide the land into four lots of 557m², 568m², 574m² and 621m². The lots have an average size of 580m².
- Three eucalyptus trees are required for removal to facilitate access to the site, however no planning permit is required for their removal as they are within 2 metres of an existing fence line.
- The site is 2319m² in area and is currently occupied by a detached fibro dwelling, located in the north-east corner of the site. The site is largely cleared, with the exception of a number of large native canopy trees around the perimeter of the site and within the road reserve.
- The application was advertised by way of letters to adjoining property owners and a small sign on site. Six objections were received. The key concerns raised by objectors are neighbourhood character impacts (lot size and future built form), potential vegetation removal, traffic, and the capacity of the existing road and drainage infrastructure to accommodate the additional load generated by three extra lots.
- The proposed subdivision meets the density and site coverage controls proposed under Amendment C97 to the Yarra Ranges Planning Scheme, has avoided vegetation loss through the proposed crossover locations, and is considered to be able to achieve future built form outcomes in keeping with the surrounding open, 'country town' neighbourhood character.
- It is recommended that the application be supported, subject to amended plans showing minor changes to the proposed subdivision layout and the provision of building exclusion zones to protect trees located on the perimeter of the site and ensure front setbacks in accordance with the prevailing neighbourhood character.

Moved: Cr Warren
Seconded: Cr Higgins

That Council resolve to approve Planning Application YR2011/194 for a four lot subdivision at 24 George Street (Lot 1 TP159266J), Wandin North, and issue a Notice of Decision to Grant a Planning Permit subject to the following conditions:

1. *Prior to the commencement of works (including the removal of any trees or other vegetation) and prior to the plan of subdivision being certified under the Subdivision Act 1988, an amended plan of subdivision to the satisfaction of the Responsible Authority (2 copies) must be submitted to and approved by the Responsible Authority. When approved these plans will be endorsed and form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:*
 - a. *Deletion of the proposed building envelopes.*

-
- b. *Provision of a 7.5 metre building exclusion zone along the frontage of Lots 2 and 4, provision of a 10 metre building exclusion zone along the George Street frontage of Lot 3 and provision of a building exclusion zone of a minimum of 9 metres and maximum of 11 metres around the TPZ of Tree 22 along the Edmond Crescent frontage of Lot 3.*
 - c. *The common boundary between Lots 2 and 3 shifted 4 metres east.*
 - d. *The common boundary between Lots 1 and 2 shifted 2 metres east .*
 - e. *A notation on the plans indicating that no building exceeding 6 metres in height may be constructed on Lots 1, 2, 3 and 4 except with the further written consent of the Responsible Authority.*
 - f. *A notation on the plans indicating that no buildings and works, except for those associated with the construction of a crossover, may be erected on Lots 2, 3 and 4 within the designated building exclusion zone, except with the further written consent of the Responsible Authority.*
 - g. *A notation on the plans indicating that no trees may be removed within the building exclusion zone, except with the prior written consent of the Responsible Authority.*
 - h. *A notation indicating that no fence be constructed on or within 7.5 metres of the front boundary of Lots 1, 2, 3 and 4.*
 - i. *Trees 5, 6 and 7 marked as “to be removed.*
2. *The layout and site dimensions of the proposed subdivision as shown on the endorsed plan(s) must not be altered or modified unless agreed to by the Responsible Authority.*
 3. *This permit will expire if one of the following circumstances applies:*
 - a. *The Plan of Subdivision is not started within two (2) years of the date of this permit, as evidenced by the plan of subdivision being certified by the Council within that timeframe; or*
 - b. *The registration of the subdivision is not completed within five (5) years of the date of certification.*

The Responsible Authority may extend the two year period if a request is made in writing before the permit expires, or within three (3) months afterwards.
 4. *Prior to the issue of a Statement of Compliance, a payment equivalent to 3% of the value of the land as determined by the Responsible Authority must be made to the Responsible Authority being payment of cash-in-lieu of the Public Open Space requirement.*
 5. *This permit authorises the removal of any vegetation as shown on the endorsed plans to be removed.*
 6. *The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority’s requirements and relevant legislation at the time.*

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7. *All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the Plan of Subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.*
 8. *The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act*
 9. *Prior to a Statement of Compliance being issued, the owner/developer must demonstrate to the satisfaction of the Responsible Authority that stormwater runoff exiting the land has been designed and constructed to meet the current best practice performance objectives for stormwater quality, as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) as follows:*
 - *80% retention of the typical annual load of suspended solids;*
 - *70% retention of the typical annual load of gross pollutants;*
 - *45% retention of typical annual load of total phosphorous; and*
 - *45% retention of typical annual load of total nitrogen.*
- In lieu of meeting 100% of the above stormwater quality objectives the owner/developer must demonstrate to the satisfaction of the Responsible Authority that it has nevertheless achieved the intended outcomes of clause 56.07-4 of the Planning Scheme in accordance with relevant Practice Notes.*
10. *Prior to a statement of compliance being issued, crushed rock vehicle crossings must be constructed for Lots 2-4 to the satisfaction of the Responsible Authority.*
 11. *Prior to a Statement of Compliance being issued an agreement under Section 173 of the Planning and Environment Act 1987 must be entered into between the owner of the site and the Responsible Authority requiring that:*
 - a. *No buildings and works are to be undertaken within the building exclusion zones as shown on the endorsed plans, with the exception of those associated with the construction of the crossovers, without the further consent of the Responsible Authority.*
 - b. *No building to be constructed can be more than single storey or have a height greater than 6 metres above natural ground level without the further consent of the Responsible Authority.*
 - c. *No trees may be removed within the defined building exclusion zones without the further consent of the Responsible Authority.*
 - d. *No fence may be constructed on or within 7.5 metres of the front boundary of Lots 1, 2, 3 and 4 on the endorsed plan.*
 - e. *A copy of the plans endorsed under this permit forms part of this agreement*
 - f. *This agreement runs with the subject land.*

This Agreement is to be prepared by the Responsible Authority at the owner's expense and will be recorded on the folio of the register relating to the site. The

owners agree to pay on demand all costs and expenses of, and incidental to, the execution and recording of this Agreement.

MELBOURNE WATER CONDITIONS

12. *No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.*
13. *Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.*

YARRA VALLEY WATER CONDITIONS

14. *Prior to a Statement of Compliance being issued, the owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water supply.*
15. *Prior to a Statement of Compliance being issued, the owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage.*

SP AUSNET CONDITIONS

16. *Prior to a Statement of Compliance being issued, the applicant must:*
 - i) *Enter into an agreement with SPI Electricity Pty Ltd for supply of electricity to each lot on the endorsed plan.*
 - ii) *Enter into an agreement with SPI Electricity Pty Ltd for the rearrangement of the existing electricity supply system.*
 - iii) *Enter into an agreement with SPI Electricity Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity Pty Ltd.*

The motion was amended:

Moved: Cr McRae
Seconded: Cr Dunn

That Council resolve to approve Planning Application YR2011/194 for a four lot subdivision at 24 George Street (Lot 1 TP159266J), Wandin North, and issue a Notice of Decision to Grant a Planning Permit subject to the following conditions:

1. *Prior to the commencement of works (including the removal of any trees or other vegetation) and prior to the plan of subdivision being certified under the Subdivision Act 1988, an amended plan of subdivision to the satisfaction of the Responsible Authority (2 copies) must be submitted to and approved by the Responsible Authority. When approved these plans will be endorsed and form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:*
 - a. *Deletion of the proposed building envelopes.*

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- b. *Provision of a 7.5 metre building exclusion zone along the frontage of Lots 2 and 4, provision of a 10 metre building exclusion zone along the George Street frontage of Lot 3 and provision of a building exclusion zone of a minimum of 9 metres and maximum of 11 metres around the TPZ of Tree 22 along the Edmond Crescent frontage of Lot 3.*
 - c. *The common boundary between Lots 2 and 3 shifted 4 metres east.*
 - d. *The common boundary between Lots 1 and 2 shifted 2 metres east .*
 - e. *A notation on the plans indicating that no building exceeding 6 metres in height may be constructed on Lots 1, 2, 3 and 4 except with the further written consent of the Responsible Authority.*
 - f. *A notation on the plans indicating that no buildings and works, except for those associated with the construction of a crossover, may be erected on Lots 2, 3 and 4 within the designated building exclusion zone, except with the further written consent of the Responsible Authority.*
 - g. *A notation on the plans indicating that no trees may be removed within the building exclusion zone, except with the prior written consent of the Responsible Authority.*
 - h. *A notation indicating that no fence be constructed on or within 7.5 metres of the front boundary of Lots 1, 2, 3 and 4.*
 - i. *Trees 5, 6 and 7 marked as “to be removed.*
 - j. *Post and wire fencing is to be used between the lot boundaries.*
2. *The layout and site dimensions of the proposed subdivision as shown on the endorsed plan(s) must not be altered or modified unless agreed to by the Responsible Authority.*
 3. *This permit will expire if one of the following circumstances applies:*
 - c. *The Plan of Subdivision is not started within two (2) years of the date of this permit, as evidenced by the plan of subdivision being certified by the Council within that timeframe; or*
 - d. *The registration of the subdivision is not completed within five (5) years of the date of certification.*

The Responsible Authority may extend the two year period if a request is made in writing before the permit expires, or within three (3) months afterwards.
 4. *Prior to the issue of a Statement of Compliance, a payment equivalent to 3% of the value of the land as determined by the Responsible Authority must be made to the Responsible Authority being payment of cash-in-lieu of the Public Open Space requirement.*
 5. *This permit authorises the removal of any vegetation as shown on the endorsed plans to be removed.*

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6. *The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.*
 7. *All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the Plan of Subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.*
 8. *The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act*
 9. *Prior to a Statement of Compliance being issued, the owner/developer must demonstrate to the satisfaction of the Responsible Authority that stormwater runoff exiting the land has been designed and constructed to meet the current best practice performance objectives for stormwater quality, as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) as follows:*
 - *80% retention of the typical annual load of suspended solids;*
 - *70% retention of the typical annual load of gross pollutants;*
 - *45% retention of typical annual load of total phosphorous; and*
 - *45% retention of typical annual load of total nitrogen.*

In lieu of meeting 100% of the above stormwater quality objectives the owner/developer must demonstrate to the satisfaction of the Responsible Authority that it has nevertheless achieved the intended outcomes of clause 56.07-4 of the Planning Scheme in accordance with relevant Practice Notes.
 10. *Prior to a statement of compliance being issued, crushed rock vehicle crossings must be constructed for Lots 2-4 to the satisfaction of the Responsible Authority.*
 11. *Prior to a Statement of Compliance being issued an agreement under Section 173 of the Planning and Environment Act 1987 must be entered into between the owner of the site and the Responsible Authority requiring that:*
 - a. *No buildings and works are to be undertaken within the building exclusion zones as shown on the endorsed plans, with the exception of those associated with the construction of the crossovers, without the further consent of the Responsible Authority.*
 - b. *No building to be constructed can be more than single storey or have a height greater than 6 metres above natural ground level without the further consent of the Responsible Authority.*
 - c. *No trees may be removed within the defined building exclusion zones without the further consent of the Responsible Authority.*
 - d. *No fence may be constructed on or within 7.5 metres of the front boundary of Lots 1, 2, 3 and 4 on the endorsed plan.*
 - e. *Post and wire fencing is to be used between the lot boundaries.*

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- f. *A copy of the plans endorsed under this permit forms part of this agreement*
 - g. *This agreement runs with the subject land.*

This Agreement is to be prepared by the Responsible Authority at the owner's expense and will be recorded on the folio of the register relating to the site. The owners agree to pay on demand all costs and expenses of, and incidental to, the execution and recording of this Agreement.

MELBOURNE WATER CONDITIONS

- 12. *No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.*
- 13. *Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.*

YARRA VALLEY WATER CONDITIONS

- 14. *Prior to a Statement of Compliance being issued, the owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water supply.*
- 15. *Prior to a Statement of Compliance being issued, the owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage.*

SP AUSNET CONDITIONS

- 16. *Prior to a Statement of Compliance being issued, the applicant must:*
 - iv) *Enter into an agreement with SPI Electricity Pty Ltd for supply of electricity to each lot on the endorsed plan.*
 - v) *Enter into an agreement with SPI Electricity Pty Ltd for the rearrangement of the existing electricity supply system.*
 - vi) *Enter into an agreement with SPI Electricity Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity Pty Ltd.*

The amendment was lost.

The original motion moved by Cr Warren and seconded by Cr Higgins was put and carried.

8.7 Planning Application No: YR-2010/691, 33 Francis Crescent, (Lot 3 PS 540461), Mount Evelyn – Buildings and Works to Construct a Dwelling and Associated Removal of Vegetation

SUMMARY

- The application seeks approval for the construction of a double storey dwelling and removal of thirteen native trees. Approval is also sought to build outside an approved building envelope which is registered on the title of the land via a Section 173 Agreement.
- The application was advertised by way of mail to adjoining property owners and occupiers. No objections were received to the proposal.
- The application requires consideration by Council as the site is within a Low Density Residential zoned land that is greater than 1,000 square metres in area and proposes the removal of more than 6 native canopy trees.
- The site has an area of approximately 6,074 square metres. A building and driveway envelope is registered on the lot through the Certificate of Title as part of the original subdivision application.
- The proposal includes the overall removal of 32 trees. These trees are of varying species and degrees of maturity across the site. Of these, 19 trees do not require a permit for removal, 10 trees are located within the approved building envelope and 3 trees are located outside the approved building envelope. A planning permit is required to remove only 13 of the trees, including 10 trees located within the existing building envelope.
- Extensive consultation and negotiations have been undertaken with the applicant to minimise the number of trees proposed to be removed and reduce the size of the dwelling footprint.
- The proposal is considered to be a satisfactory response to the relevant policies and provisions of the Yarra Ranges Planning Scheme. The buildings and works for the proposed dwelling, associated vegetation removal and the building area proposed to be built outside the approved building envelope will not be detrimental to the environmental and landscape significance of the land and the surrounding area.
- It is recommended that the application be supported subject to conditions and a planning permit be issued.

Resolved on the motion of Crs Heenan and Warren

PART 1

That Council resolve to grant consent to allow buildings located outside the building envelope in accordance with the plan submitted at 33 Francis Crescent, (Lot 3 PS540461), Mount Evelyn.

PART 2

That Council resolve to approve Planning Application YR-2010/691 for buildings and works to construct a dwelling and associated removal of vegetation at 33 Francis Crescent, (Lot 3 PS540461), Mount Evelyn and issue a Planning Permit subject to the following conditions:

- 1. The layout of the site and the size of any proposed buildings and works shown on the endorsed plans must not be altered or modified unless agreed to by the Responsible Authority.*
- 2. This permit will expire if one of the following circumstances apply:
 - (a) The development is not started within two years of the date of this permit.*
 - (b) The development is not completed within four years of the date of this permit.**The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.**
- 3. This permit authorises the removal of any vegetation as shown on the endorsed plan to be removed.*
- 4. Within six (6) months of the permit being issued, an offset plan must be submitted for approval and be to the satisfaction of the Responsible Authority. This offset plan can be a component of a Property Management Plan (PMP) but must specify the native vegetation offsets that are to be achieved on site to compensate for the loss of 0.10 habitat hectares (HHa) of Herb-rich Foothill Forest EVC 23 native vegetation including the removal of one Large Old Tree, of high conservation significance. The plan must include but is not limited to the following:
 - i. Inclusion of a minimum 10 indigenous canopy trees selected from EVC 23.*
 - ii. Establishment of conservation (offset) zones, fuel management zones and domestic zones represented in a site plan to guide appropriate land management actions.*
 - iii. Detail of fuel reduction requirements including whether this will contribute to a loss or gain in native vegetation quality and how this contributes to offset requirements.*
 - iv. The required offsets must detail management actions to ensure adequate protection of existing remnant vegetation and re-vegetation to be achieved over the required 10 year period.*
 - v. Management actions which must address weed management issues and other 'threatening processes', fencing and revegetation. The PMP should specify control methods for all 'high threat' weeds including those listed in the Catchment and Land Protection Act and other local environmental weeds.*
 - vi. The PMP should aim to protect and enhance the remnant patches of vegetation.*
 - vii. Means of interim protection for revegetation including how the proponent will ensure survival rates (100% after 2 years) until established.*
 - viii. Ongoing maintenance and protection for the offsets.**

ix. *Works timeframes for implementing the management requirements/ commitments for the offset to be achieved.*

5. *Within 12 months of the commencement of works the area designated as an offset must be protected in perpetuity using one of the following:*

- a) *An agreement with the Yarra Ranges Shire made pursuant to Section 173 of the Planning and Environment Act 1987;*
- b) *An agreement with DSE using a Section 69 of the Conservation, Forests and Lands Act 1987; or*
- c) *An agreement with the Trust for Nature using a Conservation Covenant of the Victorian Conservation Act 1972.*

The applicant must pay the costs and expenses of, and incidental to, the execution and recording of this Agreement.

6. *Prior to the commencement of any buildings and works occurring Tree Protection Fencing (TPF) must be erected to form an appropriate Tree Protection Zone (TPZ) around trees proposed for retention to the satisfaction of the Responsible Authority, All TPZs must comply with the following:*

- a) *Each TPZ must be installed prior to the commencement of any demolition or construction works and shall not be removed until such works have been fully completed to the satisfaction of the Responsible Authority.*
- b) *The following activities should be excluded from inside the TPZ:*
 - i) *Machine excavation including trenching.*
 - ii) *Directional drilling that is less than 600mm deep.*
 - iii) *Excavation for silt fencing.*
 - iv) *Storage.*
 - v) *Preparation of chemicals, including preparation of cement products.*
 - vi) *Parking of vehicles and plant.*
 - vii) *Refuelling.*
 - viii) *Dumping of waste.*
 - ix) *Wash down and cleaning of equipment.*
 - x) *Placement of fill.*
 - xi) *Temporary or permanent installation of utilities and signs.*
 - xii) *Physical damage to the tree.*
- c) *The TPZ area should be calculated by 12 x the Diameter at Breast Height (DBH) and be in general accordance with the Australian Standard - Protection of Trees of Development Sites (AS 4970-2009).*

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7. *To prevent damage to remaining vegetation there must be no temporary or permanent storage of any materials, vehicles or equipment within areas of native vegetation identified to be retained in accordance with the endorsed plan. All storage sites must be restricted to existing cleared areas close to existing roads and tracks, and must not adversely impact upon native vegetation, including the root zones of existing trees. Such sites must not be located on or near erodible surfaces, surface water runoff areas or areas infested with weeds.*
 8. *The nature and colour of building materials employed in the construction of the buildings and works hereby permitted shall be harmonious with the environment, to the satisfaction of the Responsible Authority.*
 9. *The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Responsible Authority.*
 10. *All sewage and sullage waste must be discharged into a reticulated sewerage system to the satisfaction of the Yarra Ranges Council Health Department.*

Notes

The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority under any act, regulation or local law.

Building works approved under a planning permit shall not be commenced until a building approval has also been obtained under the Building Regulations 2006 and Building Code of Australia.

8.8 Planning Application No: YR-2011/434 – 1365 Burwood Highway (PC 361668) - Upper Ferntree Gully – Buildings and Works for the Construction of a Dwelling and Removal of 7 Trees

SUMMARY

- The application seeks approval for the construction of a two storey dwelling, earthworks and removal of seven trees.
- The total site area is 3,010 square metres and is located within the Foothills Residential local policy area.
- The application was advertised and no objections were received.
- The application requires consideration by Council as the site is on Low Density Residential zoned land with a site area greater than 1,000 square metres and proposes the removal of more than six trees.
- The proposal is considered to be satisfactory when assessed against the relevant policies and provisions of the Yarra Ranges Planning Scheme, in particular Clause 22.05 (Vegetation Protection), and accordingly it is recommended that a permit be issued subject to offset replanting for those trees approved for removal.

Resolved on the motion of Crs Cliff and Dunn

That Council resolve to approve Planning Application YR-2011/434 for the construction of a dwelling, earthworks and associated removal of vegetation at 1365 Burwood Highway (PC 361668), Upper Ferntree Gully, and issue a Planning Permit subject to the following conditions:

- 1. Before the use and/or development starts, including the removal of any trees or other vegetation, amended plans to the satisfaction of the Responsible Authority (2 copies) must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
 - a) Location of the retaining walls for the existing batters that do not currently comply with the Erosion Management Overlay guidelines.*
 - b) The external wall rendered colour 'off white' to be changed to a muted, non reflective tone.**
- 2. The layout of the site and the size of any proposed buildings and works shown on the endorsed plans shall not be altered or modified without the written consent of the Responsible Authority.*
 - 3. This permit will expire if one of the following circumstances apply:
 - (a) the development is not started within two years of the date of this permit; or*
 - (b) the development is not completed within four years of the date of this permit.**The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.**
- 4. Prior to the commencement of any buildings or works, a landscape plan prepared in accordance with the Shire's Landscape Guidelines must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan submitted with the application by Orina Design Drawing HNF-1000-PA Landscape Concept Plan but modified to include:
 - a) Removal of all Sweet Pittosporum Pittosporum undulatum and Boneseed Chrysanthemoides monilifera as required under the Catchment and Land Protection Act (CaLP 1994).*
 - b) Removal of Agapanthus Sp. from the site.*
 - c) That Silver Banksia is either supplemented or substituted with a locally suitable species such as Hop Wattle Acacia stricta, Narrow-leaf Bitter-pea Daviesia leptophylla, Cinnamon Wattle Acacia leprosa or other midstorey species from the Yarra Ranges Vegetation Community List Mountain Grey Gum Damp Forest.*
 - d) Removal of tree planting close to the dwelling and the planting of canopy or mid-storey species on the upper portions of the land away from the dwelling where a more sustainable environmental outcome will be achieved.**

Landscaping in accordance with this approved plan must be completed prior to occupation of the permitted development, or if not occupied, within 3 months of completion of the permitted development. New planting must be maintained or replaced as necessary. When approved the landscape plan will be endorsed to form part of this permit.

- 5. This permit authorises the removal of vegetation as shown on the endorsed plan to be removed.*
- 6. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted shall be harmonious with the environment, to the satisfaction of the Responsible Authority.*
- 7. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Responsible Authority.*
- 8. The permitted development must be undertaken in accordance with the recommendations contained in the Geotechnical and Landslip Risk Assessment Report, prepared by Geotesta Pty Ltd, Reference GE 976-10 dated 29 October 2010. A copy of this report forms part of this permit.*
- 9. The existing cut and batters associated with the site access driveway and any other proposed batters steeper than 2H:1V or higher than 1 metre must be supported by a engineer designed retaining wall, to the satisfaction of the Responsible Authority. Retaining wall design must include a suitable allowance for durability and (where applicable) the effects of surcharge loads and batter slopes.*
- 10. Prior to the occupation of any building or structure or the commencement of any use authorised by the permit, the applicant must submit to the responsible authority a statement made by the Geotechnical Practitioner, who prepared the Geotechnical Assessment or Landslip Risk Assessment, stating that the conditions have been complied with and the permitted development is suitable to be used or occupied for the purpose for which permission has been granted.*
- 11. All earthworks and retaining walls are to be completed prior to construction of buildings, to the satisfaction of the Responsible Authority.*
- 12. Any excess spoil from excavation works must be removed from the site, to the satisfaction of the Responsible Authority.*
- 13. Stormwater runoff must be directed to a legal point of discharge.*
- 14. All vehicle entry movements into the site must be via the existing western vehicle crossing and all exit vehicle movements must be via the existing eastern vehicle crossing to the satisfaction of the Responsible Authority.*

NOTES:

The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority under any act, regulation or local law.

8.9 Making of the General Provisions Local Law 2010

SUMMARY

On 12 April 2011 Council revoked the Public Amenity Local Law 2001 and introduced the General Provisions Local Law 2010 to enact the substantive provisions of the former Public Amenity Local Law 2001 and to include additional controls in relation to camping in public places, bees and wasps on private land.

It is proposed to consolidate the Scare Gun Control Local Law 2002, Streets & Roads Local Law 2005, Animal Control Local Law 2007 and Consumption of Liquor in Public Place Local Law 2007 into the General Provisions Local Law 2010.

The purpose of consolidating local laws is to reduce the administrative burden of undertaking separate review processes at the time each local law sunsets, whilst also increasing the transparency of the local laws. Reviewing all three local laws before the end of their sunset date allows the opportunity for the improvement of existing controls and the addition of new controls.

In addition to the consolidation of the existing controls in the local laws, it is proposed additional local law provisions be enacted to control:

- Use of parks and reserves and Council buildings;
- Street parties, festivals, circuses and events;
- Placement and removal of hard rubbish;
- Collection of monies;
- Spruiking and busking;
- Feeding of cockatoos;
- Damage to trees and vegetation in public places;
- Abandoned shopping trolleys;
- Electoral signage on public land;
- Behaviours of persons in public places;
- Interfering with road barriers and signage on roads and bridges;
- Sale of vehicles on Road or Council land;
- Placement of bulk rubbish or shipping containers;
- Entry without paying fee;
- Smoking in children's playgrounds or other prescribed places;
- Noise from burglar alarms and amplified sound equipment;
- Rubbish dumping;
- Interfering with Council drainage tappings and stormwater pits;
- Interfering with watercourses;

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- Gates and openings from private property onto Council land;
 - Cigarette butt receptacles;
 - Heavy vehicles on private property;
 - Dilapidated buildings and dangerous land;
 - Noise and nuisances caused by building works; and
 - Collection and disposal of trade waste.

The proposed local law is in accordance with a proposal previously discussed with Councillors to consolidate Council's local laws over time.

It is recommended that Council commence the statutory procedure to "further consolidate" the General Provisions Local Law 2010 by publishing a notice in the Government Gazette and giving public notice of its intention to "further consolidate" the local law and invite public submissions regarding the proposal, as required by provisions of the Local Government Act 1989.

Resolved on the motion of Crs Dunn and Warren

That Council:

1. *Endorses the draft further consolidated General Provisions Local Law 2010 for public exhibition and submissions under Section 223 of the Local Government Act 1989.*
2. *Publish notice in the Government Gazette and give public notice in The Age, all local newspapers circulating within the Shire and on Council's Website, of its intention to further consolidate the General Provisions Local Law 2010 and invite public submissions regarding the proposal for a period of at least twenty eight days.*

8.10 Neighbourhood Safer Places

SUMMARY

In response to the Bushfire Royal Commission Recommendation 8.5, the Victorian Government introduced legislation requiring the Country Fire Authority (CFA) to certify Neighbourhood Safer Places (NSPs) against the CFA's Fire Rating Criteria, and Victoria's Councils to identify, designate, establish and maintain suitable sites as NSPs in their municipal districts.

This report advises Council of some minor updates and changes to the Neighbourhood Safer Places Plan and seeks Council endorsement of the latest version.

The report also advises and provides recommendations to Council on the assessment process that has taken place for two proposed additional NSPs within the municipality at :

- Yarra Glen Race Course; and
- Wandin North Recreation Reserve.

Resolved on the motion of Crs Dunn and Warren

That:

1. *Council endorse version 3.6 of the Yarra Ranges Council Neighbourhood Safer Places Plan.*
2. *Council endorse the area as described and detailed within the Wandin North Recreation Reserve NSP Site Assessment Report which is located within "Wandin North Reserve, Wandin North" as a designated Neighbourhood Safer Place on the provision that it is for localized residents only and there is no directional signage to the site.*
3. *Council endorse the area as described and detailed within the NSP Site Assessment Report which is located within "Yarra Glen Race Course, Yarra Glen" as a designated Neighbourhood Safer Place on the provision that directional signage is erected, directing traffic from "Gate Three" around the race course into the centre perimeter.*
4. *Subject to Council endorsing recommendations 1-3 above, it is further recommended that:*
 1. *Council provide signage at the NSP sites in line with the guidelines published from time to time on the internet site of the Office of the Emergency Services Commissioner.*
 2. *The Municipal Fire Prevention Officer provide to the CFA information on the NSP designation of the two sites.*
 3. *The Municipal Fire Prevention Committee and the Municipal Emergency Management Planning Committee include these sites within a list of NSPs within their respective plans.*
 4. *Council informs the public of the designation of the sites as NSPs and provides information to the public on the purpose and function of the NSP as a Place of Last Resort and the fact that there is no guarantee of survival if used during an emergency event.*
 5. *Council asks the CFA to assist in an annual assessment and review of the NSP sites by August 31 against the NSP Plan and the CFA guidelines.*
 6. *The NSP sites are maintained to suitable standards and that the Municipal Fire Prevention Officers undertake routine inspections of the NSP sites prior to and during the fire danger period.*
 7. *That budget is allocated to provide the sites with signage, maintenance and annual inspections in line with the NSP guidelines, legislation and plans.*

8.11 Annual Report 2010-2011

SUMMARY

The Annual Report for the past financial year has been prepared and forwarded to the Minister for Local Government in accordance with the provisions of the Local Government Act 1989 (LGA).

Public notice of the preparation of the Annual Report and the certification of the Auditor-General has been given under the provisions of the LGA, and copies made available at the Community Links and on Council's website.

The LGA requires that Council consider the Annual Report and formally note its preparation and submission to the Minister.

Resolved on the motion of Crs Warren and Higgins

That Council consider the Annual Report for 2010-2011 and note its completion in accordance with statutory requirements.

Cr Cox declared a direct interest in Item 8.12 as the item relates to his expenditure. Cr Cox left the meeting at 10.53pm.

8.12 Councillor Expenditure Policy - Variation

SUMMARY

This report seeks Council approval to a variation to the Councillor Expenditure & Donation Policy in relation to reimbursement of travel expenses by Cr Cox.

Resolved on the motion of Crs Cliff and Warren

That Council approve the variation to the Councillor Expenditure & Donation Policy 2011 in relation to reimbursement of travel expenses by Cr Cox for the period 1 July to 6 July, 2011.

Cr Cox returned to the meeting at 10.54pm

8.13 Urgent Business Guidelines

SUMMARY

This report presents the *Urgent Business Guidelines* (attached) to Council for endorsement. The *Urgent Business Guidelines* provide a definition of what constitutes urgent business that can be used by Council when determining whether or not to admit an item of urgent business at Council Meetings.

Resolved on the motion of Crs Dunn and Higgins

That Council:

- 1. Resolve to endorse the Urgent Business Guidelines.*
- 2. Agree that the Meeting Procedure and Use of Common Seal Local Law should, if amended, include a clause which requires Council to only admit items of urgent business that conform with the Urgent Business Guidelines.*
- 3. Resolve to review the Guidelines by 21 September 2012.*

8.14 Sale of Council Land – Two Closed Roads Adjacent to 13 Lilydale Road, Healesville

SUMMARY

It is proposed that Council sell two former roads, both recently closed under Planning Scheme Amendment C114 and now vested in Council. The former roads (the land) lie across the property at 13 Lilydale Road, Healesville, and do not have an abuttal to any other property.

Now, having given public notice in accordance with Section 223 of the Local Government Act 1989 and having received no public submissions, it is recommended that Council sell the two land parcels to the owner of 13 Lilydale Road, Healesville, conditional on the land being consolidated with the original title.

Resolved on the motion of Crs McRae and Templer

That:

- 1. Council, having advertised its intention to sell the two former roads adjacent to 13 Lilydale Road, Healesville, and having received no public submissions, and being of the opinion that the land is not required by the Council, resolves to sell the land to the abutting owner conditional on it being consolidated with the existing title.*
- 2. That all documents relating to the sale of the land be signed and sealed by the Council.*

8.15 Constitutional Recognition of Local Government

SUMMARY

This paper provides a summary of the issues raised in the Public Discussion Paper released by the Expert Panel on Constitutional Recognition of Local Government.

Resolved on the motion of Crs McRae and Heenan

That Council :

1. *Make a submission to Expert Panel on Constitutional Recognition of Local Government supporting:*
 - a) *Financial recognition of local government, which would allow the Commonwealth to directly fund local government; and*
 - b) *Democratic recognition of local government, which would state to establish and maintain local government.*
2. *Provide a copy of their submission to the Australian Local Government Association (ALGA), Municipal Association of Victoria (MAV) and the Victoria Local Government Association (VLGA).*

9. COUNCILLOR MOTIONS

9.1 Community Fire Refuges Policy

The Minister for Emergency Services Peter Ryan released the Community Fire Refuges Policy on the 13 October 2011. The policy provides the framework for identifying, establishing, managing and maintaining community fire refuges in areas of very high risk. Community fire refuges are defined as designated, purpose-built or modified buildings open to the public that could provide short-term shelter from the immediate life-threatening effects of a bushfire event.

The State Government had allocated \$1.5 million to progress an immediate fire refuges pilot as part of \$13 million committed by the Victorian Government to establish Neighbourhood Safer Places and the development of other shelter options. The State has made public that funding for refuges will be considered as part of the usual budget process.

The Dandenong Ranges Bushfire Landscape Strategy was launched on 20 October 2011. This project is expected to make recommendations on 'shelter in place' options in the Dandenongs. Due to this strategy it is unlikely that a pilot would occur in the Dandenong Ranges, however other high risk locations such as Powelltown and Warburton would be worthy for consideration.

Resolved on the motion of Crs Dunn and Higgins

That Council write to the Minister for Police and Emergency Services, Peter Ryan, Fires Services Commissioner, Craig Lapsley with a copy to local MPs to strongly urge the government to nominate Yarra Ranges as the municipality for the pilot for the first community fire refuge as announced in the Community Fire Refuges Policy on 13 October, 2011.

10. PETITIONS RECEIVED

LATE PETITIONS RECEIVED

Petition requesting the sealing of South Avenue Mount Evelyn.

Resolved on the motion of Crs Dunn and Heenan

That the listed petitions be received and noted and referred to the appropriate officer.

11. DOCUMENTS FOR SIGNING AND SEALING

Nil

12. ASSEMBLIES OF COUNCILLORS

The Local Government Act 1989 requires that records of Assemblies of Councillors must be kept which list the Councillors attending, the matter discussed, disclosures of conflict of interest and whether or not a Councillor left the meeting after making a disclosure.

An 'Assembly of Councillors' is defined under s76AA of the Local Government Act 1989 as a meeting at which matters are considered that are intended or likely to be the subject of a Council Decision or the exercise of a delegated authority and which is either of the following:

- A meeting of an advisory committee where at least one Councillor is present.
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council Officer.

The Act also requires that the record of an assembly must be reported to the next practicable ordinary Council Meeting and recorded in the minutes of that meeting.

The records for Assemblies of Councillors are attached.

Resolved on the motion of Crs Higgins and Dunn

That the records of the Assemblies of Councillors held on:

4 October 2011 - Councillor Forum;

11 October 2011 - Council Meeting Pre-Briefing;

be received and noted.

Assembly of Councillors Record



This form MUST be completed by the attending Council Officer and returned IMMEDIATELY to Coordinator Corporate Support for filing.

Assembly Details:

Meeting Name: Council Meeting Pre-Briefing

Date: 11 October 2011

Time:

Assembly Location: York on Lilydale, Lilydale

In Attendance:

Councillors: Terry Avery, Noel Cliff, Jeanette McRae, Chris Templer, Samantha Dunn, Richard Higgins, Graham Warren, Tim Heenan.

Officer/s: Glenn Patterson, Chief Executive Officer
Rebecca McKenzie, Director Corporate Services
Mark Varmalis, Director Environment & Engineering
Alison Cran, Director Social & Economic Development
Andrew Paxton, Director Planning, Building & Health
Kim Marriott, Manager Planning Services
Jacqui Hansen, EO Planning Services
Stephen O'Brien, EO Planning Services
Lyn Margery, Executive Officer Governance
Barbara Anderson, Admin, Corporate Support
Judy Daley, Admin, Corporate Support
Theo Knol, Senior Development Engineer
Marty White, Biodiversity Conservation Coordinator
Michael Dafnomilis, Team Leader, Planning Services
Lauren Wood, Planning Officer
Troy Edwards, Manager Customer Service & Communications
Tracey Varley, EO Communications

Matter/s

Discussed:

Planning Application No: YR-2011/647 – Nos.1529, 1529A,1531 (Lots 1, 2 and 3 on PS529078M), and No.1533 (Lot 1 on TP 753031A) Burwood Highway, Tecoma – Buildings and Works Associated with a Convenience Restaurant, Including Acoustic Boundary Fence, Creation and Removal of Easements, Variation to the Existing Easements, Erection of Associated Signage Including Internally Illuminated Signage and Removal of Vegetation

Planning Application No: YR-2010/1678 – 35 Killara Road (Lot 12 LP 73615 Sec 17P14), Coldstream – Intensification of the Existing Animal Boarding Uses (Kennels, Cattery and Veterinary Centre), Buildings and Works Associated with the Re-Development of the Animal Boarding Facilities (Kennels and Cattery) and Veterinary Centre, Associated Administrative and Training Outbuildings, Vegetation Removal, Construction of an Acoustic Fence and Earthworks (Water Storage Pond and Treatment Wetland)

Assembly of Councillors Record

This form MUST be completed by the attending Council Officer and returned IMMEDIATELY to the Coordinator Corporate Support.



Assembly Details:

Meeting Name: Forum Assembly

Date: 4 October 2011

Time: 6:15pm

Assembly Location: Conference Room

In

Attendance:

Councillors: Terry Avery, Len Cox, Graham Warren, Tim Heenan (departed 7:15pm), Richard Higgins, Noel Cliff, Jeanette McRae (arrived 7:05pm), Samantha Dunn (arrived 8:19pm)

Officer/s: Glenn Patterson, Rebecca McKenzie, Mark Varmalis, Alison Cran, David Clarkson, Peter Wright, Brett Ellis, Ali Wastie, Jackie Elward, Jane Sinnamon, Marilyn Howley, Cassandra Boland, Troy Edwards

Matter/s

Discussed:

Consideration of Draft General Provisions Local Law 2010

Yarra Valley ECOSS

Fire & Emergency Management Planning

Proposed Improvements to Yarra Ranges Mobile Library Service

Monbulk Aquatic Centre (**Confidential item**)

Monthly Major Building Projects Report and Capital Expenditure Program Report for August 2011

Conflict of

Interest

Nil.

Disclosures

Completed by: Cassandra Boland

see overleaf

13. ITEMS RAISED THROUGH THE CHAIR

Nil

14. CONFIDENTIAL ITEMS

14.1 CT 2265 Management and Operation of Council Recovery and Waste Transfer Stations

14.2 Contract No CT2120 – Provision of Marketing Services

Confidential reports on the above items were distributed to Councillors.

Resolved on the motion of Crs Dunn and McRae

That consideration of Items 14.1 and 14.2 be considered in Closed Council as they deal with matters as specified in s89 of the Local Government Act.

CLOSED COUNCIL MEETING AT 11.05PM

Resolved on the motion of Crs McRae and Dunn

That the meeting be closed to the public to consider Items 14.1 and 14.2.

RESUMPTION OF OPEN COUNCIL MEETING AT 11.18PM

Resolved on the motion of Crs Higgins and Heenan

That the Council Meeting be re-opened to the public.

It was noted that while the meeting was closed to the public, Council accepted the tenders for CT 2265 Management and Operation of Council Recovery and Waste Transfer Stations and Contract No CT2120 – Provision of Marketing Services.

There being no further business the meeting was declared closed at 11.18pm

Confirmed this day of 2011.

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Cr Terry Avery
Mayor