



## COUNCIL MEETING

WEDNESDAY, 27 APRIL 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.

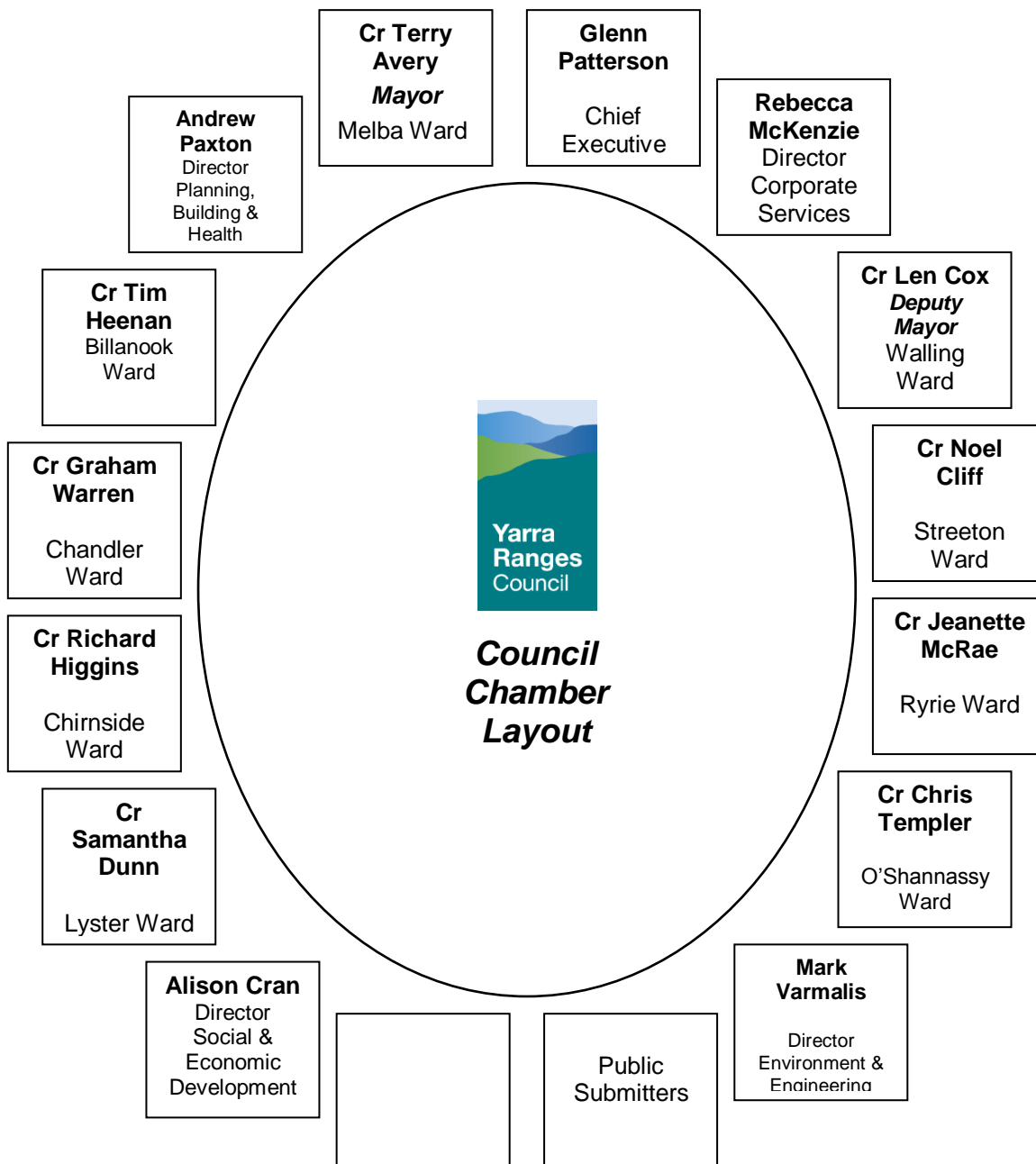
The submitter of a question may attend the meeting if they wish to, but it is not a requirement.

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 OF THE 321<sup>ST</sup> ORDINARY COUNCIL MEETING HELD ON WEDNESDAY, 27 APRIL 2011 COMMENCING AT 7.45PM IN THE COUNCIL CHAMBER, CIVIC CENTRE, ANDERSON STREET, LILYDALE

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## 1. COUNCIL MEETING OPENED

## 2. INTRODUCTION OF MEMBERS PRESENT

### Councillors

Terry Avery, (*Mayor*) Melba (*Chair*)  
Len Cox, Walling (*Deputy Mayor*)  
Jeanette McRae, Rynie  
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  
Damian Closs, Acting Director Planning, Building & Health

## 3. APOLOGIES

Cr Noel Cliff, Streeton  
Andrew Paxton, Director Planning, Building & Health

## 4. CONFIRMATION OF MINUTES OF MEETING HELD ON TUESDAY 12 APRIL 2011

### ***Resolved on the motion of Crs Heenan and McRae***

*That the Minutes of the 320<sup>th</sup> Ordinary Council Meeting for the Shire of Yarra Ranges held on Tuesday, 12 April 2011, as circulated, be confirmed with the following amendment:*

*“Item 11 – Assemblies of Councillors*

*Mileage Arrangements for VLGA Representative to read Mileage Arrangements for VLGA President.”*

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## 5. DECLARATIONS OF INTEREST

Nil

## 6. REPORTS FROM DELEGATES

Cr McRae:

- Attended the ANZAC Day dawn service at Healesville on 25 April.
- Attended the ANZAC Day service at Yarra Glen on 25 April where she was the speaker.
- Invited fellow Councillors to attend a service run by the Yerring Primary School with Coldstream residents on 28 April at Coldstream, near Melba Cottage.
- Advised that Coldstream Community Action Group have started community dinners with the first one to be held on 2 May at the Coldstream sporting complex. It is a dinner for local community members to attend and celebrate being part of a community.
- Spoke about the passing of a local community member in Healesville, Mr Geoff Kennedy who was a Councillor and Shire President of the former Shire of Healesville. She passed on her condolences to the family.

Cr Templer attended the ANZAC day service at the Yarra Junction cenotaph on 25 April.

Cr Dunn attended the Selby Fest and said it was a fantastic example of the community coming together and celebrating music, art and festival activities.

Cr Warren:

- Attended the ANZAC day service at Wandin on 25 April.
- Attended the ANZAC day service at Monbulk on 25 April.

Cr Heenan:

- Attended the afternoon march at Mt Evelyn RSL on 17 April.
- Attended the ANZAC day dawn service at Mt Evelyn on 25 April.

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## 7. QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

### Questions

The following question was received from **L&J Doddrell**

Given the Shire of Yarra Ranges has received written submissions and objections before 31 January 2011 (closing date for submissions) to the proposed development of 115-121 Old Emerald Road, Monbulk for an Eastern Regional Soccer Complex, and has also received very strong verbal objections at an "informal meeting" at the Monbulk Hub on 22 March 2011, could the Council please advise how many objections were received to this development and why were they not placed before Councillors at the 22 March 2011 meeting and not recorded in the minutes of such meeting?

### **Mark Varmalis, Director Environment & Engineering responded:**

*The proposed Sub-Regional Monbulk Soccer facility is in the early stages of its development. The recent community consultation process was undertaken to obtain feedback and input towards the proposal, prior to it being submitted for consideration by Council through the formal planning process. This was not part of a statutory process, and therefore submissions have not been referred to Council.*

*As part of the forthcoming planning process, there will be further community engagement. It is at this time that public submissions should be made for formal consideration by Council.*

*Community members who have made written comments during the preliminary consultation phase will be advised of the commencement of the formal statutory process and the need for formal submissions to be made.*

### Submissions

There were no submissions to Council.

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## 8. BUSINESS PAPER

### 8.1 Adoption Amendment C89

#### SUMMARY

- Amendment C89 to the Yarra Ranges Planning Scheme proposes to apply heritage controls to 42 properties in the Lilydale and Belgrave areas. The Amendment was exhibited in February/March 2010 and a total of 8 submissions were received.
- Following public exhibition two properties were removed from the Amendment based on further information received during consultation.
- Council at its meeting 14 September 2010 resolved to refer submissions to a panel which conducted a hearing on 15 February 2011.
- Council has now received the Panel's report. The Panel generally supports the Amendment as exhibited subject to a number of modifications. The major changes recommended include removal of three properties in Lilydale from the Amendment (5 and 7 Market Street and 28 Anderson Street, Lilydale).
- Despite the Panel agreeing with the methodology and rigour of the Amendment, it recommended that these properties not be subject to heritage controls on account of the policy directions expressed in Clause 22.07 *Lilydale Major Activity Centre* and the Business 1 zoning applying to 5 and 7 Market St and the location of 28 Anderson Street on a major intersection that would support redevelopment of the site.
- The Panel's recommendation to remove these properties from the Amendment is not supported as Clause 22.07 acknowledges the need to protect identified heritage elements and application of a Heritage Overlay does not preclude redevelopment opportunities from occurring.
- It is recommended that Council adopt Amendment C89 generally as recommended by the Panel but retain the three properties within the Amendment, contrary to the Panel's recommendation.

#### ***Resolved on the motion of Crs Dunn and Warren***

#### *That Council:*

1. *Note the report of the Panel that considered Amendment C89 to the Yarra Ranges Planning Scheme.*
2. *Adopt Amendment C89 applying the Heritage Overlay to 42 sites in Lilydale and Belgrave as shown in Attachment 2 to this report.*
3. *Submit the adopted Amendment C89 to the Minister for Planning for approval.*
4. *Notify all submitters to the Amendment of Council's decision.*

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**8.2 Planning Application No:YR-2010/1654 17 North Gateway (Lot 199 Plan of Subdivision 52644), Coldstream - Building and Works for the Construction of a Second Dwelling**

**SUMMARY**

- The proposal seeks the construction of a second single storey detached dwelling to the rear of an existing dwelling, and will result in a total site area of 1137m<sup>2</sup>, a site coverage of 35% and a hard surface coverage of 55%.
- The site is affected by Covenant No. B27203, which restricts the land for the use of residential purposes only. The proposal would not contravene this covenant.
- 7 objections were received with reference to non-compliance with Neighbourhood Character Strategy, Housing Strategy and Housing Amendment C97, neighbourhood character, vegetation loss & landscape character, privacy, traffic safety, car parking, proximity and stress on physical and social infrastructure and services.
- A consultation meeting was held on 6 April 2011. Additional issues raised included possible construction of pathways in Coldstream and protection fencing around trees adjoining rear boundary during construction.
- The proposal conflicts with the 1:1000m<sup>2</sup> minimum lot size and 30/50 site coverage proposed by the Design and Development Overlay (DDO5) which would be introduced as a result of Amendment C97.
- The proposal is otherwise consistent with the current clause of the Yarra Ranges Planning Scheme as the development will integrate with the neighbourhood character and it will not result in a loss of amenity to the adjoining properties.
- Approval (Notice of Decision) recommended.

***Resolved on the motion of Crs McRae and Dunn***

*That Council resolve to refuse Planning Application YR-2010/1654 for construction of a second dwelling at 17 North Gateway Coldstream, (Lot 199 LP 52644), and issue a Refusal to Grant a Planning Permit on the following grounds:*

1. *The proposal is inconsistent with the policy objectives of the Municipal Strategic Statement, specifically Clause 21.04 of the Yarra ranges Planning Scheme as the proposed design and density of the development is not compatible with the established pattern of development and does not maintain the existing character, landscape and environmental characteristics of the area.*

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2. *The proposal fails to acknowledge or achieve the desired future outcome for residential dwelling and lot sizes for Coldstream as identified within Amendment C97 to the Yarra Ranges Planning Scheme, which seeks a minimum subdivision size of 1000m<sup>2</sup> allotments. This is the desired future direction for Coldstream which is strongly supported by the community of the area.*
  3. *The site is not located within a preferred medium density area nor in one of the larger township areas, as required by the objectives and policies contained in the Municipal Strategic Statement at Clause 21.04 of the Yarra Ranges Planning Scheme, and as such does not provide for a full range of services to meet the needs of an increasing community.*
  4. *The proposed extent of building form across the site will reduce the areas available for planting of larger trees and other vegetation which are features of the surrounding area.*

**A division was called.**

**For: Crs McRae, Templer, Dunn, Warren, Heenan and Avery**

**Against: Crs Cox and Higgins**

**8.3 Planning Application No: YR-2010/696 – 2 Wentworth Court (Lot 30 LP209762), Mooroolbark – Construction of a Second Dwelling**

**SUMMARY**

- The proposal is for the construction of a second double-storey dwelling at the side of the existing dwelling.
- The total site area is 1000m<sup>2</sup> and the proposed dwelling density is 1:500m<sup>2</sup>.
- 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 as it balances increased density with maintaining the key characteristics of the streetscapes and neighbourhood character.
- The application was advertised and a total of 6 objections were received on the grounds of neighbourhood character, vegetation impacts and overlooking.
- The application is recommended for approval (notice of decision).

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**Resolved on the motion of Crs Higgins and Warren**

*That Council resolve to approve Planning Application YR-2010/696 for construction of a second dwelling at 2 Wentworth Court (Lot 30 LP209762), Mooroolbark and issue a Notice of Decision to Grant a Planning Permit subject to the following conditions:*

1. *Before the use and/or development start(s), 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) *The location and depth of earthworks and retaining walls on the site plan. These must be located outside the dripline of the Golden Elm tree and vegetation in 3 Wentworth Court;*
  - (b) *Reduce the proposed garage width to 3.5 metres;*
  - (c) *Reduce the driveway to 3 metres wide;*
  - (d) *Increase the northern setback of the master bedroom proportionately to the reduction in garage width;*
  - (e) *A 5.4m x 2.9m car space in front of the garage;*
  - (f) *The location of 6m<sup>3</sup> external storage (such as a shed), a clothes line, bin storage and letter box for each dwelling; and*
  - (g) *Removal of the highlight windows from the upper floor west elevation of the proposed dwelling.*
2. *The layout of the site and the size of any proposed buildings and works shown on the endorsed plans can not be altered or modified unless agreed to by 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 Council's Landscape Guidelines must be submitted to and approved by the Responsible Authority. 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.*

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5. *Prior to the commencement of the dwelling (including demolition), a tree protection fence must be erected around the Golden Elm tree on the site at a radius of 3.6 metres from the base of the trunk to define a "Tree Protection Zone". The fence must be constructed of a solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed. The ground surface of the Tree Protection Zone must be covered by a 100mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the Responsible Authority.*
  6. *Prior to the occupation of the permitted development, pavement within the Tree Protection Zone shall be laid over a No Fines Concrete base without any excavation of the existing surface, generally in accordance with the draft Shire of Yarra Ranges standard drawing Pavement Construction over Tree Root Protection Zone to the satisfaction of the Responsible Authority.*
  7. *Prior to the occupation of the permitted development a concrete vehicle crossing must be constructed in Wentworth Court to serve the development to the satisfaction of the Responsible Authority.*
  8. *Prior to the occupation of the permitted development piped drainage must be constructed to drain all impervious areas to the satisfaction of the Responsible Authority.*
  9. *Prior to the occupation of the permitted development the construction of all internal civil works, including car parking, vehicular access ways and drainage is to be inspected and approved by a suitably experienced civil engineer or person. 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.*

#### Notes

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

*Drainage runoff from the approved development is to be directed to the 225mm Council pipe found along the western boundary of the property. This should be confirmed by contacting the Shire's Civil Development Services Department prior to commencement of any works.*

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#### **8.4 Old Menzies Creek Road, Selby - Special Charge Scheme Final Costs**

##### **SUMMARY**

This report presents to Council for approval the final cost of works for the Old Menzies Creek Road, Selby Special Charge Scheme.

##### ***Resolved on the motion of Crs Dunn and Warren***

*That:*

- 1. Council approve the final cost for works associated with the Old Menzies Creek Road, Selby special charge scheme, with no variation in landowner apportion costs for the project.*
- 2. Landowners included in the special charge scheme be advised of the result of the final costing of the scheme.*

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## 9. PETITIONS RECEIVED

### LATE PETITIONS

- Petition supporting the proposed Monbulk Soccer Centre.

### ***Resolved on the motion of Crs Warren and Higgins***

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

## 10. DOCUMENTS FOR SIGNING AND SEALING

Nil

## 11. 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 Dunn and Warren***

*That the records of the Assemblies of Councillors held on:*

*5 April 2011 - Councillor Forum;*

*12 April 2011 - Council Meeting Pre-Briefing;*

*be received and noted with an amendment to include:*

*5 April 2011 – Councillor Forum*

*Conflict of Interest*

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*Cr Dunn declared a conflict of interest in item 'Plans of Motor Vehicle for VLGA President' as it relates to her position as VLGA President. She left the meeting prior to the discussion of the item and did not return.*

# 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: Forum Assembly  
Date: 5 April 2011  
Time: 6.10pm  
Assembly Location: Conference Room

## In Attendance:

Councillors: Terry Avery, Len Cox, Jeanette McRae, Richard Higgins, Samantha Dunn, Chris Templer, Noel Cliff and Tim Heenan

Officer/s: Glenn Patterson, Mark Varmalis, Rebecca McKenzie, Alison Cran, Andrew Paxton, Alan Pearce, Keryn Williams, Damian Closs, Claudette Fahy, Lyn Margery, Craig Sutherland

Matter/s Discussed: Lillydale on Lake Publication  
Planning Controls Applying to Ben Cairn Estate  
Housing Amendment (C97)  
Response to Victorian Competition & Efficiency Commission (VCEC)  
Australia Day Celebrations  
Monthly Major Building Projects Report and Capital Expenditure Program Report – February 2011  
Sheepstation Creek Road Special Charge Scheme  
Environment Manager and Capital Works & Urban Planning Manager Positions  
Conflict of Interests Guidelines  
Plans of Motor Vehicle for VLGA President

## Conflict of Interest Disclosures:

Cr Dunn declared a conflict of interest in item 'Plans of Motor Vehicle for VLGA President' as it relates to her position as VLGA President. She left the meeting prior to the discussion of the item and did not return.

Completed by: Craig Sutherland

# 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: 12 April 2011

Time: 6.00pm

Assembly Location: Council Chamber

## 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  
Jacqui Hansen, Acting Manager Planning Services  
Stephen O'Brien, EO Planning Services  
David Clarkson, Manager Building Health & Local Laws  
Greg Talbot, EO Local Laws  
Marty White, Biodiversity Conservation Coordinator  
Lyn Margery, EO Governance  
Barbara Anderson, Admin Governance

**Matter/s Discussed:** Planning Application No: YR-2010/400 – 1 Winscombe Avenue (Lot 1 LP 18474), Tecoma – Construction of Six Double Storey Dwellings and Alter Access to a Road Zone Category 1  
Planning Application No: YR-2010/1315 – 5 Witham Drive (Lot 162 LP 52644), Coldstream – Construction of a second dwelling  
Making of General Provisions Local Law 2010  
Heatwave Strategy and Action Plan 2010-2015  
Yarra Ranges Environmental Advisory Committee (YREAC) – 2011 Terms of Reference  
Urban Fringe Weed Management Initiative- Update Report  
Yarra Glen Community Services Needs Analysis  
Productivity Commission Draft Report Disability Care and Support  
Melbourne Bushfire Protection Program Works

## Conflict of Interest Disclosures:

Completed by:

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## 12. ITEMS RAISED THROUGH THE CHAIR

### 12.1 Ethical Paper Campaign

*Resolved on the motion of Crs Dunn and McRae*

*That:*

- 1. The Yarra Ranges Council sign the Ethical Paper Pledge via <http://www.ethicalpaper.com.au/index.php?sign=pledge>.*
- 2. The Yarra Ranges Council sponsor the attached motion for adoption at the Municipal Association of Victoria State Council Meeting on 26 May 2011.*

## 13. CONFIDENTIAL ITEMS

Nil

There being no further business the meeting was declared closed at 9.01pm.

Confirmed this ..... day of ..... 2010.

.....  
**Cr Terry Avery**  
**Mayor**