



ORDINARY COUNCIL MEETING

TUESDAY 11 AUGUST 2015

MINUTES

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

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

MISSION: *Yarra Ranges Council:*

- *Is a collective voice for its people.*
- *Builds healthy, connected and viable communities.*
- *Protects and enhances the natural environment.*
- *Provides transparent, accountable and participatory local democracy.*

NOTES FOR QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

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

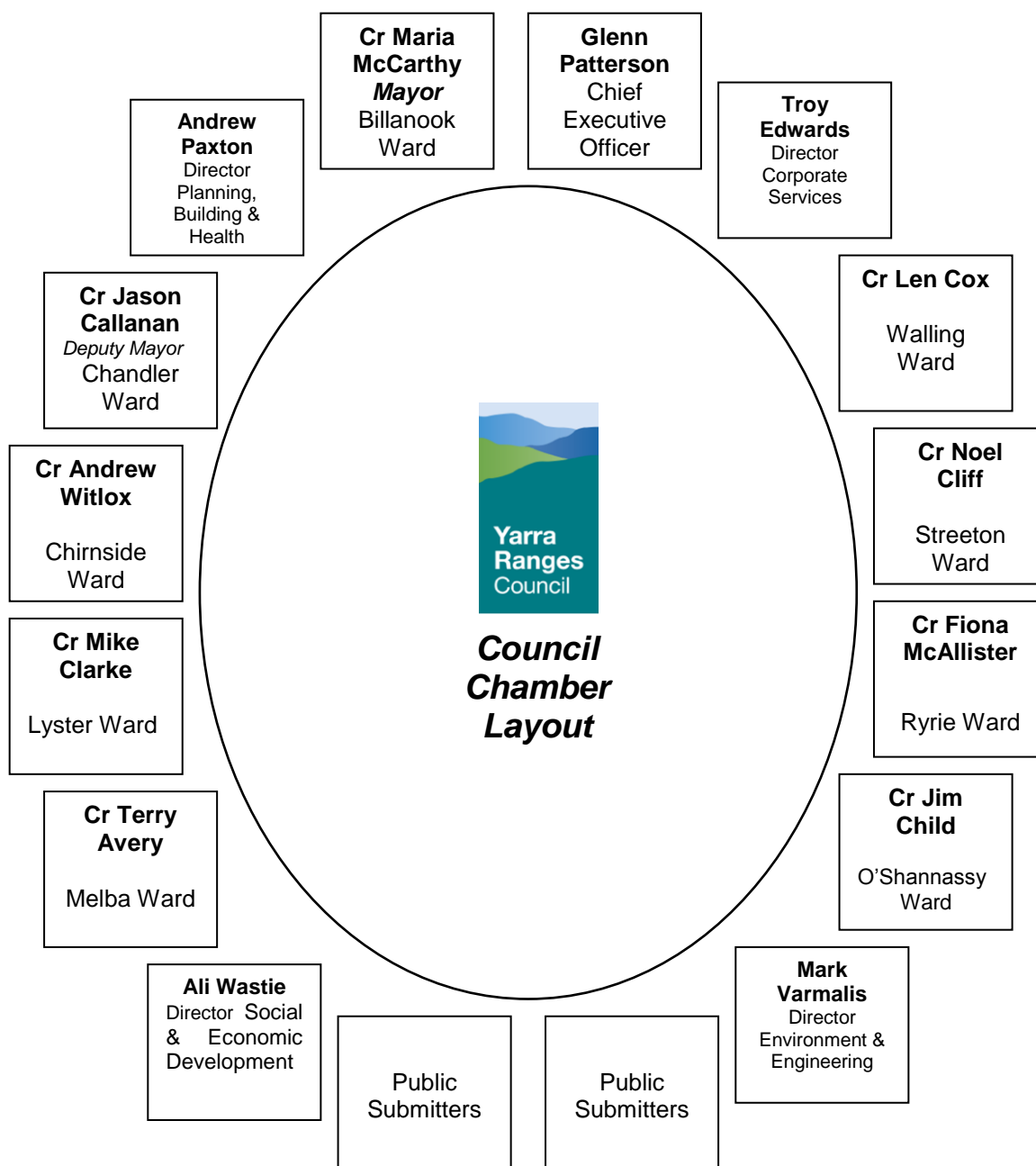
The submitter of a question may attend the meeting if they wish to, but it is not a requirement.

Submissions to Council on matters not listed on the Ordinary Council Meeting 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 COUNCIL

MINUTES FOR THE 413TH ORDINARY COUNCIL MEETING HELD ON TUESDAY 11 AUGUST 2015 COMMENCING AT 7:00PM IN COUNCIL CHAMBER, CIVIC CENTRE, ANDERSON STREET, LILYDALE

1. COUNCIL MEETING OPENED

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

2. INTRODUCTION OF MEMBERS PRESENT

Councillors

Maria McCarthy, Billanook (*Mayor*) (*Chair*)
Len Cox, Walling
Noel Cliff, Streeton
Fiona McAllister, Ryrie
Jim Child, O'Shannassy
Terry Avery, Melba
Mike Clarke, Lyster
Andrew Witlox, Chirnside
Jason Callanan, Chandler (*Deputy Mayor*)

Officers

Glenn Patterson, Chief Executive Officer
Troy Edwards, Director Corporate Services
Mark Varmalis, Director Environment & Engineering
Ali Wastie, Director Social & Economic Development
Andrew Paxton, Director Planning, Building & Health

3. APOLOGIES AND LEAVE OF ABSENCE

An apology for this meeting has been received from Cr Len Cox and Cr Andrew Witlox.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved: Cr Child
Seconded: Cr Cliff

That the Minutes of the Ordinary Council Meeting held 28 July 2015, as circulated, be confirmed.

The motion was Carried.

5. DISCLOSURE OF CONFLICTS OF INTEREST

In accordance with section 79 of the Local Government Act 1989.

Cr Callanan declared a 'Direct Interest' (ss77A & 78C) for Item 7.3 as the item relates to his expense claim.

6. QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

In accordance with Clause 83 of Meeting Procedures and Use of Common Seal Local Law 2014.

The following question was received by John Anwin, Healesville Action Group:

"Referring to the return of the 1.5% that was previously added to the rates in anticipation of the carbon tax.

In an article in the local press, the YRC CEO was quoted as saying that \$2M of operational expenditure savings was found to return the approximately \$2M to ratepayers for the carbon tax repeal.

As the \$2M approximates 1.6% of rate revenue and as YRC was also charged by their suppliers including energy companies, in anticipation of the carbon tax, how much has been recovered from these parties and why hasn't that been credited against the \$2M of expenditure savings, thus reducing any cut backs?"

Troy Edwards, Director Corporate Services responded:

"The Federal Government repealed the carbon price in July 2014, after Council had formally adopted its budget for that year.

Recognising that the repeal was a distinct possibility, Council made a clear commitment in its 2014-15 Long Term Financial Plan to return the carbon price income to rate payers. The Long Term Financial Plan states that Council will provide a:

Once off reduction in the rate rise (net of any costs) should the carbon price legislation be repealed and no substitute legislation is introduced, and this would be applicable in future budget years.

As a result, Council committed to returning the carbon price charged in 2014-15 (1.5% of rate revenue), in the 2015-16 Budget. This will appear as a credit on the 2015-16 rate notices which are currently being sent to ratepayers.

Part of the way Council has funded this return was through credits from energy and utility companies.

However because the Federal Government didn't require these companies to disclose any price increases due to the carbon price, not all of these companies have reduced their pricing with the repeal.

To date, Council has identified \$497,000 in supplier price reductions that are attributed to the carbon price repeal. The balance has been funded from operational savings."

7. BUSINESS PAPER

PLANNING, BUILDING AND HEALTH

7.1 Burnham Beeches, 1 Sherbrooke Road, Sherbrooke - Proposed Planning Scheme Amendment

SUMMARY

- The owners of Burnham Beeches, 1 Sherbrooke Road, Sherbrooke, are requesting an amendment to the Yarra Ranges Planning Scheme to allow staged development of the 22.67 hectare site in the Dandenong Ranges. The owners seek Council's support to undertake and exhibit a planning scheme amendment which will introduce a new schedule to the Special Use Zone and support a more intense and extensive development than is allowed for under the existing schedule.
- The amendment will facilitate a three stage master plan which proposes to reinstate a 46 suite hotel and function facilities in the Norris Building. The remaining area of the site is proposed to be fully developed with 2 restaurants, brewery, shop / café, a spa (wellness) centre, cooking school, group accommodation, outdoor cinema / concert facilities and agriculture. The master plan also proposes approximately 80 dwellings ('villa units') ranging from 1 - 5 bedrooms to be located on the site, along with 20 camping 'pods'. It is understood the villa units are to be used and managed as part of the hotel accommodation but will be sold individually and consequently are required be considered as dwellings.
- The proposed schedule is proposed to exempt third party notification and appeal rights for any future permits issued on the site, meaning that once the amendment is approved, the public will have no further ability to object to any development on the site that is generally in accordance with the master plan.
- While a tourism development on this site that includes restoration of the Norris Building is generally supported, the information provided to date is insufficient to fully assess the amendment and to determine whether the site could actually accommodate what is proposed under the master plan. In particular, the extensive residential/ accommodation proposed on site is of concern and raises many issues that have not been addressed. It is suggested that further information be provided before the amendment is considered and progressed to authorisation and exhibition.

Moved: Cr Clarke

Seconded: Cr Child

That Council

1. *Provides in principle support for a planning scheme amendment for the redevelopment of the Burnham Beeches site at 1 Sherbrooke Road, Sherbrooke for tourism which would support the redevelopment of the Norris Building.*
2. *Is not prepared to support an amendment with intense residential development on the balance of the site as per the proposed master plans.*
3. *Is not prepared to seek authorisation from the Minister for Planning to prepare and exhibit the amendment as outlined in this report.*

The motion was Carried.

7.2 Amendment C146 Intensive Animal Husbandry

SUMMARY

- Amendment C146 proposes to remove the current prohibition on Intensive Animal Husbandry in the Green Wedge Zone Schedules 1, 2 and 3 and to modify policy at Clause 21.04 relating to Intensive animal husbandry.
- Amendment C146 was put on public exhibition from 30th April – 9th June 2015.
- This report provides a summary and commentary on the issues which were raised in the submissions to Amendment C146. The report recommends that the Amendment and submissions be referred to independent planning panel for consideration.
- In referring the Amendment to a panel, it is recommended that in its submission to the panel, Council maintain a prohibition on the specified intensive animal husbandry uses Broiler farm and Cattle feedlot and that other intensive animal husbandry uses become a permissible use subject to the granting of a planning permit.
- The report also notes that a review of the definition of intensive animal husbandry is underway by the State Government and this should be considered before making a final decision on the amendment.

Moved: Cr Child

Seconded: Cr Callanan

That Council

1. *Request the Minister for Planning appoint an independent planning panel to consider all submissions received in response to Amendment C146 to the Yarra Ranges Planning Scheme.*
2. *Refer the amendment and all submissions received to the panel for its consideration and recommendations.*
3. *Base its submission to the appointed panel on the commentary contained in the above report noting that the defined uses Broiler farm and Cattle feedlot should continue to be prohibited in the Green Wedge Zone 1-3, and that other forms of intensive animal husbandry should become a permitted use subject to the granting of a planning permit.*
4. *Write to the Victorian Government Minister for Agriculture to seek further details on the scope of the review into the Victoria Planning Provisions relating to emerging animal husbandry practices and request that Yarra Ranges Council be consulted.*
5. *Consider the status and any outcomes of the State Government's review of the Victoria Planning Provisions definitions relating to intensive animal husbandry before a final decision is made regarding Amendment C146.*

The motion was Lost

A division was called by Cr Callanan:

In Favour: Cr Callanan, Cr Child and Cr McCarthy

Against: Cr Avery, Cr Clarke, Cr Cliff and Cr McAllister

Absent: Cr Cox and Cr Witlox

Moved:Cr Clarke

Seconded:Cr McAllister

That Council abandon Amendment C146 in response to objections received to the amendment.

Cr Child moved an amendment by addendum.

The amendment was seconded by Cr Callanan.

That Council

- 1. Abandon Amendment C146 in response to objections received to the amendment.*
- 2. Write to the Victorian Government Minister for Agriculture to seek further details on the scope of the review into the Victoria Planning Provisions relating to emerging animal husbandry practices and request that Yarra Ranges Council be consulted.*
- 3. Consider the status and any outcomes of the State Government's review of the Victoria Planning Provisions definitions relating to intensive animal husbandry.*

The amended motion was put and carried unanimously.

CORPORATE SERVICES

Cr Callanan had earlier declared a conflict for Item 7.3 and left the meeting at 08:59 PM.

7.3 Councillor Expenditure Policy - Variation - Cr Callanan

SUMMARY

This report seeks Council approval of a variation to the Councillor Expenditure and Donation Policy 2013 in relation to the reimbursement of expenses incurred by Cr Callanan.

Moved: Cr Cliff

Seconded: Cr McAllister

That Council approve the variation to the Councillor Expenditure and Donation Policy 2013 in relation to the reimbursement of expenses for \$1004.28 incurred by Cr Callanan for the period 2 – 23 April 2015.

The motion was Carried.

Cr Callanan returned to the meeting at 09:00 PM.

ENVIRONMENT AND ENGINEERING

7.4 Capital Development Program Outcomes 2015/16

SUMMARY

Applications for funding from Council's annual Capital Development Program have been sought from not-for-profit organisations to improve sport and recreation infrastructure across the municipality. This report outlines the recommended allocations to six clubs and associations from funding available within Council's 2015/16 Capital Expenditure Program – Capital Development Program.

Moved: Cr Child

Seconded: Cr McAllister

That

1. *Council approves the allocation funding from council's 2015/16 capital development program to:*
 - (a) *Doongala pony club/ lilydale bowmen - \$2,884*
 - (b) *Yering district archers - \$4,045*
 - (c) *Montrose recreation reserve committee - \$12,159*
 - (d) *Canoe victoria - \$4,397*
 - (e) *Mt evelyn tennis club - \$30,000*
 - (f) *Mountain district badminton association - \$50,000*
2. *The submission from the Yarra Junction Cricket Club for the Refurbishment and Realignment of Cricket Practice Nets at the Yarra Junction Recreation Reserve be referred for funding this financial year from the Sports Reserves Rehabilitation & Renewal program within Council's 2015/16 Capital Expenditure Program, comprising a Club contribution of \$33,468 and matched with Council funding of \$33,468.*
3. *Funding agreements be established with each recipient for the delivery of their initiative.*

Moved: Cr Child

Seconded: Cr McAllister

Cr Callanan requested an amendment through the Chair.

The amendment to the motion was accepted by the mover and seconder.

That

1. *Council approves the allocation funding from council's 2015/16 capital development program to:*

- (a) *Doongala pony club/ lilydale bowmen - \$2,884*
 - (b) *Yering district archers - \$4,045*
 - (c) *Montrose recreation reserve committee - \$12,159*
 - (d) *Canoe victoria - \$4,397*
 - (e) *Mt evelyn tennis club - \$30,000*
 - (f) *Mountain district badminton association - \$50,000*
2. *The submission from the Yarra Junction Cricket Club for the Refurbishment and Realignment of Cricket Practice Nets at the Yarra Junction Recreation Reserve be referred for funding this financial year from the Sports Reserves Rehabilitation & Renewal program within Council's 2015/16 Capital Expenditure Program, comprising a Club contribution of \$33,468 and matched with Council funding of \$33,468.*
 3. *Funding agreements be established with each recipient for the delivery of their initiative.*
 4. *Staff actively pursue current funding programs at State and Federal level for funding towards those projects unable to be supported this financial year by Council.*

The amended motion was put and Carried.

Cr McAllister left the meeting at 09:18 PM.

7.5 Municipal Accommodation Project Update

SUMMARY

The intent of this report is to provide Council with the background and proposed approach for the redevelopment of the Municipal Offices at Council's existing Anderson Street site. This process will draw on the previous design and investigation work to develop costed concept options for further consideration by Council in early 2016.

Cr McAllister returned to the meeting at 09:20 PM.

Cr Child left and returned to the meeting at 09:20 PM.

Moved: Cr Callanan

Seconded: Cr Cliff

That

1. *Council endorse the development of a feasibility assessment for the Municipal Accommodation Project for the Anderson Street site.*
2. *Costed concept options be developed through the project feasibility process for future consideration by Council.*
3. *Costs for the feasibility and concept designs be funded from the Building New Works & Improvements program – Municipal Office Accommodation project within Council's 2015/16 Capital Expenditure Program.*

The motion was Carried.

8. PETITIONS

In accordance with Clause 83 of Meeting Procedures and Use of Common Seal Local Law 2014

The following petition has been received:

1. Request to open the end of Helen Street, Mount Dandenong for Emergency Vehicle Access and use of 21-23 Hume Lane, Mount Dandenong for access during emergencies and bushfire season. 25 Signatures.

Moved: Cr Callanan

Seconded: Cr Child

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

The motion was Carried.

9. DOCUMENTS FOR SIGNING AND SEALING

Nil

10. 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 s3(1) 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 *Local Government Act 1989* 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 to the report.

Moved: Cr Callanan
Seconded: Cr Clarke

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

1. 21 July 2015 - Council Briefing
2. 21 July 2015 - Forum Meeting
3. 28 July 2015 - Native Vegetation Framework

The motion was Carried.

Assembly of Councillors**Public Record**

Meeting Name:	Council Briefing		
Date:	21 July 2015	Start Time: 18:30	Finish Time: 18:56
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale		
Attendees:	<p>Councillors: Terry Avery, Jim Child, Mike Clarke, Len Cox, Fiona McAllister, Maria McCarthy (chair)</p> <p>CEO/Directors: Glenn Patterson (CEO), Andrew Paxton, Mark Varmalis, Ali Wastie, Ange Marshall</p> <p>Other Attendees: Shannon Woodward, Damian Closs, Marion Greig, Ange Wright, Jacqui Hansen, Marcella Simone</p>		
Apologies	Jason Callanan, Noel Cliff, Andrew Witlox		
Declarations of Interest	Nil		
Matter/s Discussed:	7.1	Planning Scheme Amendment C175 – Request for Ministerial Amendment to Remove the Development Plan Overlay from the East Ridge Site Located at 248-268 Maroondah Highway, Chirnside Park	
	7.2	Request for a Planning Scheme Amendment and Planning Permit to Allow Resubdivision of Existing Lots at 220 & 230 Glenfern Road and 465 Lysterfield Road in Lysterfield	
	7.3	Review of 2014/15 Appointments to External and Other Bodies	
	7.4	Declaration of the Marketing and Development Special Charge Scheme 2015-2020 for Mooroolbark Commercial / Retail Precinct	
	14.1	Contract Approval and Variations Report for June 2015	
	14.2	Contract No CT 4974 Provision of Traffic Management Services	
Completed By:	Shannon Woodward		

Assembly of Councillors

Public Record



Meeting Name:	Forum	
Date:	21 July 2015	Start Time: 7:00pm Finish Time: 9:32pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale	
Attendees:	<p>Councillors: Terry Avery, Jim Child, Mike Clarke, Len Cox, Fiona McAllister, Maria McCarthy (chair)</p> <p>CEO/Directors: Glenn Patterson (CEO), Andrew Paxton, Mark Varmalis, Ali Wastie, Ange Marshall</p> <p>Other Attendees: Shannon Woodward, Marion Greig, Jane Sinnamon, Guy Masters, Bronwyn Saffron, Scott Hodges</p>	
Apologies	Jason Callanan, Noel Cliff, Andrew Witlox	
Declarations of Interest:	Nil	
Matter/s Discussed:	1.1	Actions & Agreements Record from Previous Meeting
	1.2	Organisational Strategy - Services, Capital, Finance
	2.1	Family & Children's Services Service Review
	2.2	Municipal Accommodation Project Update
	3.1	Submissions Amendment C146 - Intensive Animal Husbandry
	3.2	Changes to Planning Scheme Provisions for Subdivision in Green Wedge and Rural Living Areas
	3.3	Monthly Reports of Completed & Outstanding Forum Actions
	3.4	Indicative Forum and Council Schedule
	3.5	Mayor / CEO Update
Completed By:	Shannon Woodward	

Assembly of Councillors**Public Record**

Meeting Name:	Native Vegetation Framework	
Date:	28 July 2015	Start Time: 9:05pm Finish Time: 10:00pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale	
Attendees:	<p>Councillors: Terry Avery, Jim Child, Mike Clarke, Noel Cliff, Len Cox, Fiona McAllister, Maria McCarthy (chair) & Andrew Witlox (item 1.1 only)</p> <p>CEO/Directors: Glenn Patterson (CEO), Andrew Paxton, Mark Varmalis, Troy Edwards & Ali Wastie</p> <p>Other Attendees: David Harper</p>	
Apologies	Cr Jason Callanan	
Declarations of Interest	Nil	
Matter/s Discussed:	1.1	Vegetation Controls Review
	1.2	Yellingbo Conservation Area
Completed By:	Mark Varmalis	

11. COUNCILLOR MOTIONS

Nil

12. ITEMS RAISED THROUGH THE CHAIR

Cr McCarthy acknowledged the appointment of Mr Tony Smith, MP Federal Member for Casey as the newly elected 'Speaker of the Australian House of Representatives' and requested a letter of acknowledgement and congratulations be sent.

Cr McCarthy acknowledged and expressed condolences for the recent passing of local resident Dorothy Hill, a strong advocate of the Lilydale Historical Society and the re-development of the Yarra Ranges Regional Museum.

13. REPORTS FROM DELEGATES

Cr Avery attended:

- Lilydale Swim Club's 'Encouragement Awards Swim Meet' at Kilsyth Memorial Pool on Sunday 09 August.

Cr Clarke attended:

- State Government's 'Native Vegetation Clearing Permit Review' and Local Government Hearing with Crs Child and McAllister on 04 August.
- Belgrave Country Fire Authority (CFA) Awards Dinner.
- The Southern Dandenongs Landcare Group 'Grand Dames Luncheon' for Betty Marsden (OAM), Karen Alexander (OAM) and Jenny Salwick on 08 August.
- Belgrave Traders Meeting on 11 August.
- Various 'Classical Tracks' performances at Warburton.

Cr Cliff attended:

- Annual 'Sleepout' raising awareness around 'Homelessness Prevention Week', with Mr Tim Heenan who is a strong advocate and supporter of the event.

Cr McCarthy attended:

- Montrose Fire Brigade 'Annual Dinner-Dance & Awards Night' which included the retirement of Captain Stuart McCall and CFA Calendar fundraising campaign on 01 August.
- Mt Evelyn Country Fire Authority's (CFA) annual 'Missing Person's Toast' on 07 August.

14. CONFIDENTIAL ITEMS

Moved: Cr Callanan
Seconded: Cr Clarke

That in accordance with section 89(2) of the Local Government Act 1989, Council resolves to close the meeting to members of the public to consider the following items which relate to matters specified under section 89(2), as specified below.

14.1 *Early Childhood Intervention Service Review*

Item 14.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (c) industrial matters; AND (d) contractual matters.

The motion was Carried.

15. DATE OF NEXT MEETING

The next Ordinary meeting of Council is scheduled to be held on Tuesday 25 August 2015 commencing at 7:00pm, at Council Chamber, Civic Centre, Anderson Street, Lilydale.

16. CLOSED COUNCIL

The meeting was closed to the public at 9:36pm.

Cr Child left the meeting at 09:36 PM.

Cr Cliff left the meeting at 09:36 PM and did not return.

Cr Child returned to the meeting at 09:37 PM.

It was noted that while the meeting was closed to the public, Council resolved to approve the recommendations provided within the reports presented.

17. CLOSE OF THE MEETING

There being no further business the meeting was declared closed at: 9:44pm.

Confirmed this day, Tuesday 25 August 2015.

.....
Cr Maria McCarthy
Mayor