



COUNCIL MEETING

TUESDAY, 27 NOVEMBER 2007

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 are 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.

Questions submitted by phone, email, online form or outlying Community Links can be lodged until 5pm the day of the Council Meeting.

Questions submitted at Lilydale Shire offices can be lodged until 7.30pm the evening of the Council Meeting.

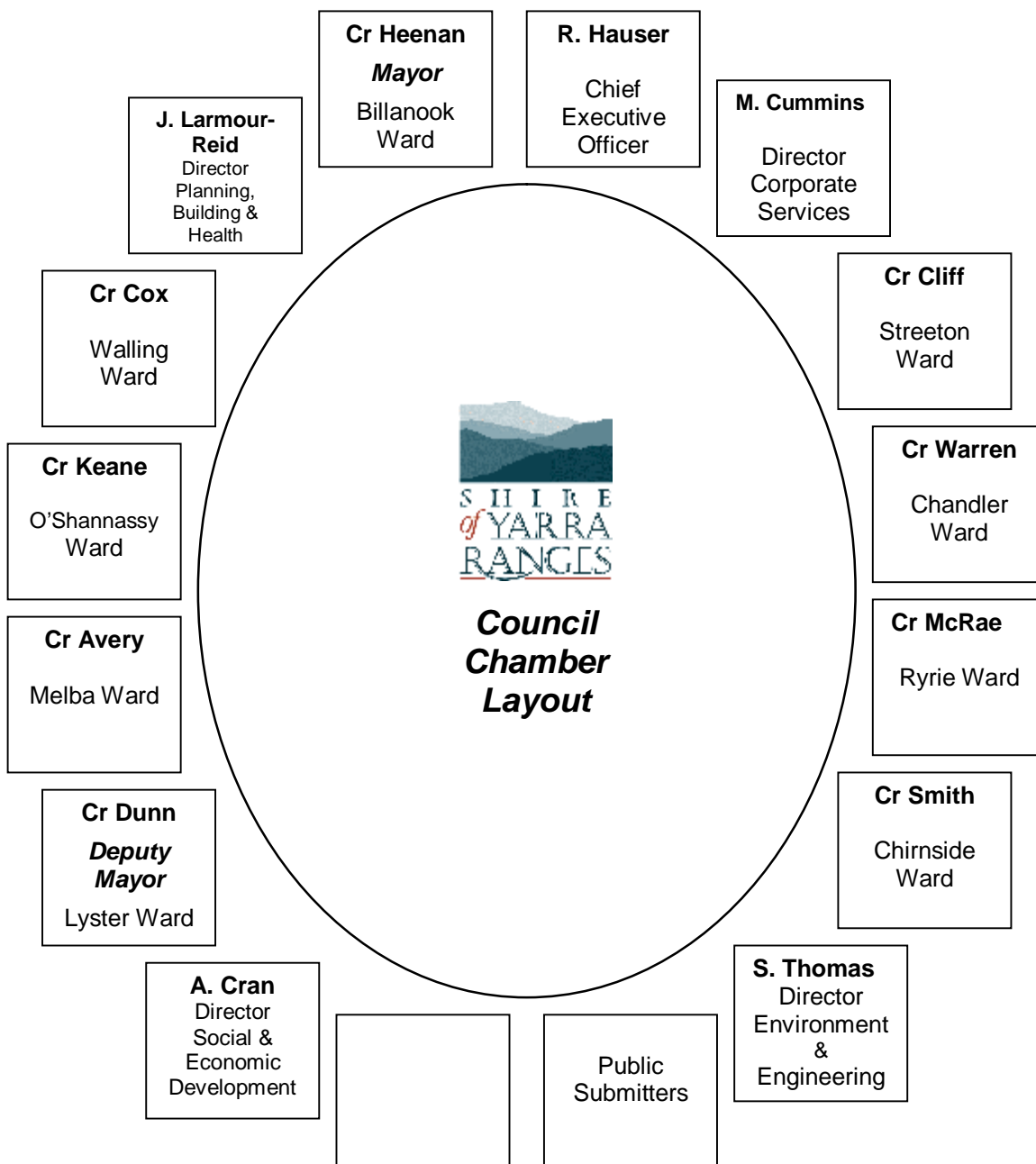
Questions will be read out during the Council Meeting, and if possible will be answered by the appropriate officer. If a question is unable to be answered during the Council Meeting, a response will be provided at a later date. The submitter of the question may attend the meeting if they wish to, but 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. Submitters are requested to advise Corporate Support staff on 9294 6118, their name, contact number and issue they want to raise, by midday on the day of the meeting to enable the Chair to introduce them.

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 247TH ORDINARY COUNCIL MEETING HELD ON TUESDAY,
27 NOVEMBER 2007 COMMENCING AT 7.45PM IN THE COUNCIL CHAMBER, CIVIC
CENTRE, ANDERSON STREET, LILYDALE

1. COUNCIL MEETING OPENED

2. INTRODUCTION OF MEMBERS PRESENT

Councillors

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

Officers

Robert Hauser, Chief Executive Officer
Mick Cummins, Director Corporate Services
Simon Thomas, Director Environment & Engineering
Alison Cran, Director Social & Economic Development
James Larmour-Reid, Director Planning, Building & Health

3. APOLOGIES

Nil

4. CONFIRMATION OF MINUTES OF MEETING HELD ON TUESDAY 13 NOVEMBER 2007

Resolved on the motion of Crs Keane and Dunn

That the Minutes of the 246th Ordinary Council Meeting for the Shire of Yarra Ranges held on Tuesday, 13 November 2007, as circulated, be confirmed.

5. DECLARATIONS OF INTEREST

Nil

6. REPORTS FROM DELEGATES

Cr Cliff attended:

- The Victorian Tourism Awards and informed Council that De Bortoli Wines received an award for 'Wining and Dining', Monreale Estate received an award for 'Accommodation' and The Country Place and De Bortoli received certificates of merit in their categories.
- The Yarra Valley Dandenong Marketing Board AGM where an election was also held to replace 2 retiring directors. The 2 new directors are Adam Nolte from Rosemont Nursery and Nola Cuddy from Healesville Sanctuary.
- The Upwey Consultative Group AGM where Rob Ferguson was elected as new Chairman.
- The handing over of the new Sassafras Ferny Creek fire tanker on 24 November.
- The Sassafras Ferny Creek residents' meeting for the Ferny Creek Fire Alert System.

Cr Warren attended the CAB Dinner Forum with Crs McRae and Cox on 2 November at the Yarra Glen Racecourse where representatives from Melbourne Water and Southern Rural Water were guest speakers. He said water issues were a major concern within the community and Shire of Yarra Ranges.

Cr McRae:

- Concurred with Cr Warren on the water issues, especially the Sugarloaf Pipeline Interconnector Project.
- Attended a conference on Planning and Building communities.
- Attended the Bravado Youth Film Festival.
- Assisted the Mayor in the 'Relay for Life' at Morrison Reserve, Mt Evelyn.
- Attended the opening of the exhibition of art by Terry Stokes at the Tarrawarra Museum in Healesville.
- Advised the Council on behalf of former Councillor, Alan Fincher that the General Manager of Animal Aid, Jo-Anne Boland has received a judge's special award for leading a 'Not For Profit Organisation'. Jo-Anne was singled out by judges for leadership of the animal welfare organisation dedicated to the care of lost, unwanted and abused animals. Cr McRae said it was a fantastic accolade for a very worthwhile organisation in our Community.

Cr Smith attended a meeting of residents for the Vision for Chirnside at Chirnside Park Community Centre. He said it was well attended and thanked Shire staff, Mandy Black and Lou Sbalchiero for their assistance at the meeting.

Cr Dunn advised the meeting that the State Government had announced that it would not be extending the moratorium on genetically modified foods. The moratorium ends on 29 November. Cr Dunn said that this decision was not supported by farmers, the community or the Shire of Yarra Ranges.

Cr Keane attended the 50th Anniversary of the Upper Yarra Dam on 25 November.

Cr Cox attended a waste management conference where he had the opportunity to tour a country landfill in NSW where they looked at the waste handling processes. He said he was impressed with their recycling processes and that he would like to see the Council revisit the Shire's waste handling processes in the new year.

Cr Heenan:

- Participated in the Relay for Life at Morrison Reserve, Mt Evelyn. He thanked his fellow Councillors and members of the community for their participation in the event and advised that over \$50,000 was raised for cancer research.
- Conveyed his thanks to the Councillors for their support over the last year in his position as Mayor. He said it was an honour to represent Council and the community and thoroughly enjoyed the experience. He said it made him more aware of how wonderful the community is in the Shire of Yarra Ranges and the great sense of community that exists.

Cr Smith responded on behalf of the Councillors and congratulated Cr Heenan on his excellent job as Mayor and service to the community and Council. He said he has been exemplary in his performance and wished him all the best from all of the Councillors.

The Chief Executive Officer, Rob Hauser:

- Concurred with Cr Smith and congratulated Cr Heenan on a wonderful year as Mayor. He said Cr Heenan has dedicated an enormous amount of time to attending meetings with residents, attending functions and supporting issues raised by fellow Councillors. The energy and commitment he has shown has been incredible and he congratulated him on a great job. He also congratulated Cr Dunn on her role as Deputy Mayor.
- Mentioned that the Grants Commission, which provides Council with approximately \$11 million in grants each year, visited the Council during the week and he and Mick Cummins, Director Corporate Services made a presentation on changing the funding formula to increase emphasis on the environment, community planning and the social isolation factor associated with home care.

Cr Heenan thanked the Directors, Chief Executive Officer and support staff, Judy Daley, Barbara Anderson, Kim Marriott and Andrew Fuaux for their support over the last year and also commended the outstanding effort by all staff of the Shire to support the Councillors.

7. QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

Question 1 was received from the Ferntree Gully & District Ladies Tennis Association Inc which read as follows:

Why is there no designated parking at the Lilydale club/courts. Could this problem be resolved before the start of the next season in February 2008?

The Chief Executive Officer, Robert Hauser advised that a written response to this question will be forwarded.

Question 2 was received from Des and Chris Kinneavy which reads as follows:

Who is the representative I need to speak to when people are riding dirt bikes in our Council reserve. Are we able to get more signs up in the reserve to say that this is against the law and attracts a fine?

The Chief Executive Officer, Robert Hauser advised that calls regarding issues with people riding dirt bikes can be made to the Shire's Community Links or After Hours Emergency Service. He advised a written response to this question will be forwarded.

Question 3 was received from Coldstream Tennis Club Inc Committee and reads as follows:

Due to water restrictions Stage 3B, tennis clubs with en-tout-cas courts are only able to use 50% of their courts. It appears that the restrictions are here for the long term. Is it possible for the Shire to consider rent/leases to be reduced by 50% for 2007-08?

The Chief Executive Officer, Robert Hauser advised that this issue required further consideration and that a written response to this question will be forwarded.

Question 4 was received from Shirly Poulter and reads as follows:

Does the Shire have a policy to recognise residents who celebrate their centenary?

The Chief Executive Officer, Robert Hauser advised that Council does recognise residents celebrating their centenary if it is aware of it. The recognition may be a visit from the Mayor and a Letter Under Seal.

Bob Allen addressed Council on issues with tip prices within the Shire.

Malcolm Calder addressed council on the Sugarloaf Pipeline Interconnector Project

Bob Sanders addressed Council on hail netting.

8. BUSINESS PAPER

8.1 Request for a Planning Scheme Amendment and Concurrent Planning Permit Application, 261 Mt Dandenong Tourist Road, Ferny Creek - Use of Land for a Restaurant

SUMMARY

- Request for a planning scheme amendment and concurrent planning permit application.
- Site specific amendment (new entry in Clause 52.03) to allow the subject site to be used for a restaurant.
- The site is in a Green Wedge A Zone and is within a predominantly residential area. The site is in a Landscape Living 1 Policy Area under the Regional Strategy Plan.
- The building was constructed in accordance with a planning permit issued at the direction of VCAT in April 2000, but has never been used for a restaurant.
- The planning permit application seeks operating hours extended beyond those stipulated in the original planning permit.
- There is a limited degree of consistency with State and Local Planning Policy and with the Regional Strategy Plan.
- On the basis of the previous VCAT ruling and the presence of an existing building, there is considered to be justification for exhibiting a planning scheme amendment and draft planning permit. However, it is considered that the trading hours and maximum number of patrons should not be extended beyond those previously stipulated by the Tribunal.

Following discussion of the recommendation and potential amendments, consideration of this item was stood down at 8.48pm to allow further review of the proposed course of action. (Refer page 7.)

8.2 Planning Application No: YR-2002/484/A – 28 Monbulk Road, Belgrave – Amended Permit Application for Dwelling Additions of Basement and Outbuilding, Deletion of Front Garage, External Alterations (Windows, Doors and Decking)

SUMMARY

- The proposal includes the addition of a basement and outbuilding, deletion of front carport, external alteration (windows, doors and decking), to the two storey dwelling currently approved under permit YR-2002/484. Alterations were commenced without planning approval.
- The total site area is 0.196ha.

-
- 13 objections have been received. The issues raised included:
 - overdevelopment of the site,
 - creation of up to three potential dwellings,
 - visual amenity,
 - poor response to both neighbourhood and surrounding landscape character,
 - contravention the Wildfire Management objectives,
 - restriction of access into 26A Monbulk Road,
 - impacts to residential amenity,
 - traffic, and
 - excessive earthworks.
 - This proposal was a deferred agenda item as the previous Council Meeting held on 13 November 2007.
 - Partial approval of the amendment is recommended (Addition of basement, internal alterations, changed windows and decking locations), subject to conditions.
 - Refusal is recommended for the new point of entry, outbuilding and deletion of turning area within the front setback.

Resolved on the motion of Crs Dunn and Warren

That Council resolve to amend Planning Permit YR/2002/484 for the Construction of a Dwelling and associated vegetation removal at 28 Monbulk Road (Lot 4 LP 6675), Belgrave, subject to the following new conditions:

1. (c) *That all first floor north and south-facing windows be (a) fully obscured or (b) obscured up to 1.7 metres above floor level.*
 1. (d) *A screening device be erected 90 degrees from the north-east and south-eastern corners of the dwelling, extending the full width of the ground floor rear decking.*
 1. (e) *The provision of 2 car spaces relocated a minimum of 4 metres further south adjacent the front property boundary so as to ensure that the turning area is fully functional.*
 1. (f) *Both front points of access to be redesigned in accordance with the plans endorsed on 1 March 2006, to the satisfaction of the Responsible Authority.*
 1. (g) *Reinstate the turn around area as detailed on the site plan originally endorsed on 1 March 2006, to the satisfaction of the Responsible Authority.*
 1. (h) *The rear outbuilding deleted.*
 1. (i) *The provision of screen vegetation along the southern property boundary adjacent the subject dwelling as detailed on the site plan originally endorsed on 1 March 2006.*
20. *The land must only be used for the purpose of one dwelling at any time.*

8.1 Request for a Planning Scheme Amendment and Concurrent Planning Permit Application, 261 Mt Dandenong Tourist Road, Ferny Creek - Use of Land for a Restaurant

This item was previously stood down to allow further review of the proposed course of action. (Refer page 5.)

Resolved on the motion of Crs Cliff and Keane

That Council request the Minister for Planning to authorise the preparation of a combined planning scheme amendment and draft planning permit under section 96A of the Planning and Environment Act 1987 to provide discretion to permit land at 261 Mt Dandenong Tourist Road, Ferny Creek, to be used for the purpose of a restaurant subject to the conditions stipulated in planning permit PE98/1737, with the exception of condition 27 which shall be amended to allow operation until 11pm on Friday and Saturday nights.

8.3 Planning Application No: YR-2007/632 – 14 – Mountain Crescent, Montrose – Addition to Retreat Centre

SUMMARY

- Use and development of extensions to an existing Japanese retreat centre, establishment of a Spa and Wellness centre, 3 water tanks and removal of 11 trees.
- 9 objections were received.
- The major issues include the appropriateness of the site and use within a Green Wedge A Zone, traffic, wastewater disposal and tree removal.
- The proposal is an appropriate addition to an existing facility and complies with the general provisions of the Yarra Ranges Planning Scheme.
- The applicant has received a \$100,000 Federal Government Tourist Grant for the proposal.
- An application for review, against failure to determine the application has been lodged with VCAT by the applicant. Council will need to present a position on the application at the expedited hearing scheduled for 12 December 2007.
- Approval recommended (however a Notice of Decision cannot be issued as an application for review has been lodged).

Resolved on the motion of Crs Warren and Cox

That Council advise the applicant, objectors and the Victorian Civil and Administrative Tribunal that had an Application for Review not been received, Council would have resolved to refuse Planning Application YR-2007/632 for Use and Development of extensions to an existing Japanese retreat centre, establishment of a Spa and Wellness centre, 3 water tanks and removal of 11 trees at 14 (Part Lot 24 LP5699) Montrose on the following grounds:

- 1. The proposed use and development of a Spa and Wellness Centre is incompatible with the surrounding land uses and will cause a loss of amenity to nearby properties.*
- 2. The proposed use has failed to demonstrate that it will contain waste water on the site generated by the existing and proposed activities.*
- 3. Carparking and traffic generated by the proposed use will result in adverse impacts on the surrounding road network and nearby properties.*
- 4. The loss of trees both on the site and as a result of the future road widening will have an adverse impact on the landscape character and environmental amenity of the area.*

8.4 Planning Application No: YR-2007/749 – 316 Maroondah Highway Healesville – Use and Development for Beverage Production (Micro-Brewery), Restaurant, Bar, Licensed Premises and Carparking Dispensation

SUMMARY

- Construction of micro brewery, bar and restaurant.
- One objection with general concern regarding venues for youth to access alcohol.
- Building to be contained on lot 2.
- Development of the vacant lot will complete the use of the site and complement the existing uses.
- Potential amenity impacts due to odour and visual appearance of the building.
- Approval recommended (Notice of Decision to Grant a Permit).

Resolved on the motion of Crs Keane and Cox

That the application be deferred to the Council meeting of 11 December 2007 to allow the building design to be assessed by Council's Urban Design Unit.

8.5 Planning Application No: YR-2007/1027 – 576-578 Hull Road, Lilydale – Construction of Dwelling, Variation of Building Envelope and Removal of 9 Native Trees

SUMMARY

- Construction of a dwelling and variation of building envelope.
- Associated removal of 9 indigenous trees from within the building envelope or very close to it.
- Replanting of indigenous replacement trees.
- Advertised with no objections.
- Approval (planning permit) recommended.

Cr McRae left the meeting at 9.56pm.

Resolved on the motion of Crs Avery and Dunn

That Council resolve to approve Planning Application YR-2007/1027 for Construction of a dwelling, variation in building envelope & removal of 9 indigenous trees at 576-578 Hull Road, Lilydale, and issue a Planning Permit subject to the following conditions:

1. *Prior to commencement of the permitted development, an amended plan must be submitted for approval to the satisfaction of the Responsible Authority showing a Plan of Restriction being amended under Section 23 of the Subdivision Act 1988 and being attached to the Certificate of Title.*

The Plan of Restriction must include:

- *The land burdened – Lots 1 and 2 PS 529563E*
- *The land benefiting – Lots 1 and 2 PS 529563E*
- *No change to the building envelope and effluent absorption envelope for Lot 2*
- *The building envelope and effluent absorption envelope for Lot 1 as shown on the site plan by Porter Davis (reference 13561, dated 16 August 2007), but amended so that the building envelope does not extend any further than the outer edge of the earthworks. The plan must specify the setbacks to all boundaries.*

When approved, the plan will be endorsed to form part of this permit.

2. *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. 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.*

The landscape plan must include replanting of at least 20 trees chosen from Eucalyptus radiata, Eucalyptus goniocalyx, Eucalyptus melliodora, Acacia pycnatha, Banksia cunninghamii, Banksia marginate, Prostanthera lasianthos and Leptospermum lanigerum.

3. *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.*
4. *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;*
 - (c) *the restriction is not varied on the Certificate of Title within two 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.

5. *All sewage and sullage waste water from the proposed development must be discharged into an on site septic tank system which is approved by the Environment Protection Authority, retains all within the boundaries of the land, and is located within any waste water envelope indicated on the endorsed plan to the satisfaction of the Shire of Yarra Ranges Health Department. The applicant must make an application for approval to install or alter a septic tank system.*
6. *This permit authorises the removal of vegetation as shown on the endorsed plan to be removed.*
7. *Prior to the commencement of the dwelling (including earthworks), a tree protection fence must be erected around all trees not shown on the endorsed plan to be removed to define a Tree Protection Zone. The Tree Protection Zone must include all areas under the dripline of protected trees.*

The tree protection fences must be constructed of 1.5 metre high chain link and star pickets to the satisfaction of the Responsible Authority. The tree protection fences must remain in place until after construction is completed.

The area of land and the trees included in this Tree Protection Zones must be managed in accordance with the endorsed Tree Protection Notes.

Note

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.

8.6 Planning Application No: YR-2007/863 – 60 Andrea Court, Healesville – Construction of Dwelling, Outbuilding and Removal of 15 Trees

SUMMARY

- Use and development of one dwelling and outbuilding.
- Removal of 15 native trees to provide for building footprint and driveway.
- Proposal was amended through the application process to reduce the impact to vegetation, from 34 trees to 15 trees, by relocating the proposed shed.
- The application was advertised and no objections were received.
- Major issues involved reducing vegetation removal.
- Approval recommended (Permit), subject to the dwelling being relocated to further avoid tree removal.

Cr McRae returned to the meeting at 10.01pm.

Resolved on the motion of Crs McRae and Dunn

That Council resolve to approve Planning Application YR-2007/863 for Use and development of a dwelling and removal of vegetation at 60 Andrea Court, Healesville, and issue a Planning Permit subject to the following conditions:

1. *Prior to the commencement of the permitted use/development, an amended plan(s) must be submitted for approval to the satisfaction of the Responsible Authority showing:*
 - (a) *The dwelling redesigned and/or relocated so that no buildings or works encroach into the Tree Protections Zones of trees #2-9, 11, 12 and 13, nor within 4 metres of the trunks of trees along the far side of the north-eastern boundary within 70 Andrea Court.*
 - (b) *Tree Protection Zones: #2 = 5.9m, #3 = 3.2m, #4 = 5.2m, #5 = 1.8m, #6 = 3.9m, #7 = 5.6m, #7a = 4.4m, #8 = 4.5m, #9 = 4m, #10 = 2m, #11 = 4.2m, #12 = 5.8m, and #13 = 3m, in accordance with condition 7.*
 - (c) *All trees on the site, labeled to be retained or removed. Only trees #1 and 14 may be removed.*

When approved the plan(s) will be endorsed to form part of this permit.

2. *Prior to the commencement of any buildings or works, a landscape plan prepared in accordance with the Shire's Landscape Guidelines and the Property Management Plan prepared for Dr Richard Gutch 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.*

The landscape plan must include, but not be limited to, replanting of at least 10 trees and 10 shrubs chosen from Eucalyptus radiata, Eucalyptus obliqua, Eucalyptus viminalis subspecies pryoriana, Acacia melanoxydon, Acacia dealbata, Acacia pycnantha, Banksia cuninghamii, Banksia marginata, Prostanthera lasiantha and Leptospermum lanigerum. Other plantings such as lower storey shrubs and ground covers may also be included.

The landscape plan must also include a written description of the three step process of avoid-minimise-offset has been followed in determining the site layout and landscaping.

3. *Prior to the commencement of the dwelling (including earthworks), a tree protection fence must be erected around trees #2-9, 11, 12 and 13 at a radius of 2 = 5.9m, #3 = 3.2m, , #4 = 5.2m, #5 = 1.8m, #6 = 3.9m, #7 = 5.6m, #7a = 4.4m, #8 = 4.5m, #9 = 4m, #10 = 2m #11 = 4.2m, #12 = 5.8m, and #13 = 3m from the base of the trunk(s) to define a "Tree Protection Zone". The fence must be constructed of wire mesh and star pickets 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.*
4. *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.*
5. *This permit will expire if one of the following circumstances apply:*
 - (a) *the development is not started within two (2) years of the date of this permit;*
 - (b) *the development is not completed within four (4) years of the date of this permit;*
or
 - (c) *the use is not commenced within four (4) 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 (3) months afterwards.

6. *The use of any land or building or part thereof as shown on the endorsed plans will not be altered or modified without the written consent of the Responsible Authority.*
7. *This permit authorises the removal of any vegetation as shown on the endorsed plan to be removed.*
8. *No environmental weeds listed in Clause 22.12 of the Yarra Ranges Planning Scheme may be planted within the site.*
9. *All sewage and sullage waste must be discharged into a reticulated sewerage system to the satisfaction of the Responsible Authority.*

Note:

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.

8.7 Planning Application No: YR-2007/969 – 53 Balmoral Street, Kilsyth – Two Lot Subdivision

SUMMARY

- Proposal is for a two lot subdivision of a residential lot.
- Rectangular shaped block covering a total area of 872 square metres and containing a single storey brick dwelling.
- Two lot subdivision proposed consisting of Lot 1 at 393 square metres (this would contain the existing dwelling) and Lot 2 at 478 square metres for the proposed vacant allotment. Proposed density is 1:436m².
- Building envelope for the vacant allotment is proposed.
- Advertised with no objections.
- Meets the requirements of Clause 56 – Residential Subdivision.
- Approval (planning permit) recommended.

Resolved on the motion of Crs Cox and Cliff

That Council resolve to approve Planning Application YR-2007/969 for two lot subdivision at 53 Balmoral Street (Lot 13 LP56986), Kilsyth, and issue a Planning Permit to Grant a Permit subject to the following conditions:

1. *Prior to the endorsement of the Plan of Subdivision, an amended plan(s) substantially in accordance with the plans submitted must be submitted for approval to the satisfaction of the Responsible Authority showing:*
 - (a) *A variation to the building envelope so that the maximum amount of northern orientated land can be set aside for private open space and not for buildings.*
 - (b) *The proposed building envelope location for a future carport on Lot 2 located along the eastern boundary.*
 - (c) *The location, dimensions and setback of a carport for the dwelling on Lot 1.*
2. *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:*
 - a. *That no fence shall be constructed within 7 metres of Balmoral Street (excluding the northern boundary side).*

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- b. *No dwelling or part thereof other than eaves, downpipes, guttering, sunblinds, decking, meter boxes or other associated fittings shall be constructed on Lot 2 outside the building envelope (as shown on the endorsed plan under planning permit YR2007/969) without the written consent of the Responsible Authority.*
 - c. *No dwelling or building constructed on Lot 2 shall be greater than 6 metres in height above the natural ground level.*
 - d. *That the 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 preparation, execution and recording of this agreement.

3. *Prior to a Statement of Compliance being issued, a carport for the dwelling on Lot 1 must be constructed as shown on the endorsed plan and to the satisfaction of the Responsible Authority.*
4. *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.*
5. *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.

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, a concrete vehicle crossing must be constructed for Lot 1, to the satisfaction of the Responsible Authority.*

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10. *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.

Melbourne Water

11. *Prior to the issue of a Statement of Compliance, the owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.*
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.*

Telstra

14. *That the plan of subdivision submitted for certification be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.*

Multinet Gas

15. *The plan of subdivision submitted for certification must be referred to Multinet Gas in accordance with Section 8 of the Subdivision Act 1988.*

Yarra Valley Water

Water

16. *The owner of the subject land must enter into an agreement with Yarra Valley water for the provision of water supply.*

Sewerage

17. *The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage.*

SP AusNet

18. *The plan of subdivision submitted for certification must be referred to SPI Electricity Pty Ltd in accordance with Section 8 of the Subdivision Act 1988.*
19. *The applicant must enter into an agreement with SPI Electricity Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision as required by SPI Electricity Pty Ltd. A payment to cover the cost of such work will be required and easements internal and external to the subdivision and provision of sites for substations may also be required.*

Notes

Prior to the commencement of any works affecting or involving Shire roads or drains, Asset Protection and/or Road Reserve/Easement Works Permit(s) are required. Permits can be obtained at any of the five Shire of Yarra Ranges Community Links. Call 1300 368 333 for further advice.

Drainage runoff from the approved subdivision is to be directed to the existing property inlet pit on the Shire 150mm diameter pipe drain in the south-west corner. This should be confirmed by contacting the Shire's Civil Development Services department prior to commencement of any works.

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.

Melbourne Water Note

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 142619.

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 coordinated Telstra plant reticulation in this development, please refer to www.telstrasmartcommunity.com to Register your Development and Apply for Reticulation.

8.8 Planning Application No: YR-2007/371 – 58 The Crescent, Sherbrooke – Use and Construction of a Dwelling and Removal of Thirteen Indigenous Trees & Associated Vegetation

SUMMARY

- It is proposed to construct a contemporary style, two storey, three bedroom dwelling with a carport below.
- It is proposed to remove a total of thirteen indigenous trees (Mountain Ash, Blackwoods and Silver Wattles) to accommodate the dwelling.
- The application was advertised with no objections.
- The main issues are associated with the disturbance to vegetation and removal of trees from the site to accommodate the dwelling.
- Extensive and ongoing discussions have been held with the applicant to quantify, refine and limit the removal and impact on trees on the subject site.
- Approval recommended (Permit).

Resolved on the motion of Crs Dunn and Cliff

That Council resolve to approve Planning Application YR-2007/371 Use and construction of a dwelling and removal of thirteen indigenous trees & associated vegetation at 58 The Crescent, (Lot 1 PS439815) Sherbrooke, and issue a Planning Permit subject to the following conditions:

1. *Prior to the commencement of the permitted development, an amended plan(s) must be submitted for approval to the satisfaction of the Responsible Authority showing:*
 - a) *Construction specifications (such as surfacing, width etc) for the proposed driveway that have been determined in consultation with the consulting arborist that preserve the health of the nearby trees.*
 - b) *The location and alignment of all infrastructure services to the dwelling including reticulated water, electricity and phone services. The alignments must be in areas where further vegetation removal and impacts will not be caused.*
 - c) *The relocation of both water tanks to the eastern end of the proposed dwelling to occupy the location of trees 7 and 13 (which are to be removed). The water tanks must be outside of the Tree Protection Zone of Tree 27.*
 - d) *The three management zones as detailed in the report prepared by Practical Ecology Pty Ltd.*

When approved the plan(s) will be endorsed to form part of this permit

2. *Prior to the commencement of any buildings or works an amended Flora and Fauna Assessment, Net Gain Analysis and Land Management Plan must be submitted to and approved by the Responsible Authority that accounts for the additional tree removal (above that originally proposed) and altered location of the dwelling and driveway.*

The amended report must also provide an amended Wildfire Management Plan that provides a map indicating where patches of vegetation would be retained to ensure the biodiversity of the site is not adversely impacted by overall vegetation reduction in the fuel management zone.

When approved the amended report will be endorsed to form part of this permit.

3. *Prior to commencement of the use and development, an agreement under Section 173 of the Planning & Environment Act 1987 must be entered into between the owner of the site and the Responsible Authority requiring:*
 - a) *That the agreement is to be binding on the land owner's successors in title;*
 - b) *That works to protect vegetation as per the Land Management Plan are undertaken; and*
 - c) *That conservation management of flora and fauna on the land will be undertaken for a minimum of 10 years.*

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 preparation, execution and recording of this agreement.

4. *In lieu of the requirement for a Section 173 agreement pursuant to condition 3, the Responsible Authority will accept the imposition of a Trust for Nature Covenant on the subject land. The covenant must however reference this planning permit (YR2007/371) and must obligate the land owner to continue management of the land in accordance with the endorsed Land Management Plan.*
5. *Prior to the commencement of any buildings or works, the proprietor of the land must relocate the driveway to the dwelling and the crossover to Colston Avenue further to the south (onto the land known as 8 Mizmaze Road, Sherbrooke) and generally in accordance with the endorsed plan and further must secure (through negotiations with the adjoining land owner) a carriageway easement covering the amended alignment of the driveway or realign the boundaries between the two lots to provide the subject site with clear access to Colston Avenue and to avoid the establishment of a crossover within the Critical Root Zone of Tree 26 as shown on the endorsed plan.*
6. *This permit authorises the removal of any vegetation:*
 - a) *Trees numbered 1, 2, 3, 4, 5, 6, 7, 8, 13, 18, 24, 25 and 28 as detailed in the Arboricultural Report prepared by David Galway of Tree Dimensions Arboriculture, dated 3 September 2007 and as shown on the endorsed plan to be removed;*
 - b) *Any understorey vegetation within the development footprint of the permitted dwelling, the alignment of the driveway and the effluent disposal area as shown on the endorsed plans; and*
 - c) *Necessary for the maintenance of the Fuel Modified Zone as require by the Country Fire Authority (CFA).*

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7. *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.*
 8. *The use of any land or building or part thereof as shown on the endorsed plans will not be altered or modified without the written consent of the Responsible Authority.*
 9. *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.

10. *The dwelling and associated works must be developed in accordance with the recommendations of the amended Flora and Fauna Assessment, Net Gain Analysis and Land Management Plan produced by Practical Ecology to the satisfaction of the Responsible Authority.*
11. *The dwelling and associated works must be developed in accordance with the recommendations contained under section 3 of the Arboricultural Report produced by David Galway of Tree Dimensions Arboriculture to the satisfaction of the Responsible Authority. The arborist report will be endorsed to form part of this permit.*
12. *All earthworks and driveway works must be supervised and monitored by a qualified arborist to minimise disturbance to nearby trees to the satisfaction of the Responsible Authority.*
13. *The owner of the land must cause to be conducted periodical inspections of all trees within proximity of approved works so as to monitor the ongoing health and structure of the trees and if possible impose mitigation measures to assist with the maintenance of the long term health of the trees. Such inspections must be conducted by a qualified arborist.*
14. *The permitted development and any ancillary or incidental works must be carried out in accordance with the Shire of Yarra Ranges Information for Landowners Fact Sheets “Development Guidelines for properties identified as landslip risk category M2” and “Development Practices that should be avoided”.*
15. *The permitted development must be undertaken in accordance with the recommendations contained in the Slope Stability Assessment by Statewide Soil Laboratories Pty Ltd, dated 21 February 2007. A copy of this report forms part of this permit.*
16. *All earthworks are to be completed within a 3 month period and prior to the commencement of building construction.*

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17. *All stormwater from the permitted development must be discharged to the tank on onsite and any overflow from the tanks must be taken to a legal point of discharge to the satisfaction of the Responsible Authority. Stormwater must not be discharged onto the cut batter along Sassafras Creek Road.*
 18. *This permit does not permit any trenching or additional vegetation removal associated with drainage works for establishment of a legal point of discharge. Should vegetation and tree be affected a detailed plans must be submitted to the Responsible Authority showing the alignment of the drainage and details provided of the method of installation and minimisation actions to preserve vegetation.*
 19. *Vehicular access to the site from The Crescent (Sassafras Creek Road) is not permitted. Any existing crossover or driveway in this area must not be maintained or replaced.*
 20. *All sewage and sullage waste water from the proposed development must be discharged into a mechanical treatment plant which is approved by the Environment Protection Authority with the effluent distributed via a sub surface irrigation system at an application rate of 1litre/squaremetre/day. The system must retain all wastes within the boundaries of the land and be located within any wastewater envelope indicated on the endorsed plan, to the satisfaction of the Shire of Yarra Ranges Health Department. Applicant must make application for approval to install or alter a septic tank system.*

CFA conditions

Water Supply Requirements

21. *A static water supply, such as a pool, tank or dam, must be provided.*
22. *A static water supply such as pool, tank or dam must be provided and must meet the following requirements:*
 - (a) *A minimum of 10,000 litres on-site static storage must be provided on the lot and be maintained solely fire fighting.*
 - (b) *The water supply must be located within 60 metres of the dwelling.*
 - (c) *Fire brigade vehicles must be able to get to within four metres of the water as indicated on the wildfire development Plan of Subdivision.*
 - (d) *The water supply must be readily identifiable from the building or appropriate signage (see Appendix A Figure 1) must point to water supply.*
 - (e) *All below-ground water pipelines must be installed to the following depths:*
 - *subject to vehicle traffic —300 mm*
 - *under houses or concrete slabs —75 mm*
 - *all other locations —225 mm*
 - (f) *all fixed above-ground water pipelines and fittings, including water supply, must be constructed of non-corrosive and non-combustible materials or protected from the effects of radiant heat and flame.*

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23. *If the static water supply is above ground the following additional standards apply:*
- (a) *All above-ground static water supply must provide at least one 64 mm thread/25 mm x 50 mm nominal bore British Standard Pipe (BSP), round male coupling (see Appendix A Figure 2).*
 - (b) *All pipe work and valving between the water supply and the outlet must be no less than 50 mm nominal bore.*
 - (c) *If less than 20 metres from the building, each outlet must face away from the building to allow access during emergencies.*

Access Requirements

24. *Access to the dwelling must be designed to allow emergency vehicles access. The minimum design requirements are as follows:*
- (a) *curves in driveway must have a minimum radius of ten metres,*
 - (b) *the average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres, and*
 - (c) *dips must have no more than a 1 in 8 (12.5%) (7.1°) entry and exit angle.*
25. *If the driveway from the road to the dwelling and water supply, including gates, bridges and culverts, is greater than 30 m long, the driveway:*
- (a) *must be designed, constructed and maintained for a load limit of at least 15 tonnes,*
 - (b) *be all weather construction,*
 - (c) *must provide a minimum trafficable width of four metres, and*
 - (d) *be clear of encroachments four metres vertically (see Appendix A Figure 3).*
26. *If the driveway is longer than 100 metres, a turning area for fire fighting vehicles close to the dwelling must be provided by either:*
- (a) *a turning circle with a minimum radius of ten metres, or*
 - (b) *by the driveway encircling the dwelling, or*
 - (c) *a “T” head or “Y” head with a minimum formed surface of each leg being eight metres in length measured from the centre point of the head, and*
 - (d) *four metres trafficable width (see Appendix A Figure 4).*

Vegetation Management Requirements

27. *The wildfire management plan prepared by Practical Ecology Pty Ltd must be endorsed as part of the Permit*

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28. *The vegetation management areas as indicated on the wildfire management plan be maintained to the following standard:*

Inner Zone

A distance of 10 metres around the proposed dwelling must be maintained to the following requirements during the declared 'Fire Danger Period' to the satisfaction of the Responsible Authority

- (a) Grass must be no more than 100 mm in height.*
- (b) Leaf litter must be less than 10 mm deep.*
- (c) There must be no elevated fuel on at least 50% of the area. On the remaining 50% the elevated fuel must be at most, sparse, with very little dead material.*
- (d) Dry native shrubs must be isolated in small clumps more than 10 m away from the dwelling.*
- (e) Trees must not overhang the roofline of the dwelling.*

Outer Zones

Vegetation in outer zones, as specified in the wildfire development plan must be maintained to the following requirements during the declared 'Fire Danger Period' to the satisfaction of the responsible authority:

- a. Grass must be no more than 100 mm in height.*
- b. Leaf litter must be less than 20 mm deep.*
- c. There must be no elevated fuel on at least 50% of the outer zone area.*
- d. Clumps of dry native shrubs must be isolated from one another by at least ten metres.*

29. *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.*

CFA Notes

Non-flammable features such as tennis courts, swimming pools, dams, patios, driveways, or paths should be incorporated into the vegetation management plan, especially on the north and western sides of the proposed building. Features with high flammability such as coir doormats and firewood stacks should not be located near the dwelling during the fire danger period. Clumps of hedges or shrubs with low flammability and/or high moisture content may be retained to act as a barrier to embers and radiant heat.

Note of Extreme category of bushfire attack.

The land is in a bushfire prone area designated under regulation 804 of the Building Regulations 2006. The planning permit conditions mean the building is located within 100 metres of vegetation with an extreme fuel load, which corresponds to an extreme category of bushfire attack under AS 3959.

8.9 Planning Application No: YR-2007/38 – 100 Sebire Avenue, Wandin North – Use and Construction of One Dwelling and Removal of Native Vegetation Including Six Trees

SUMMARY

- The proposal involves the construction of a single storey dwelling and the removal of 0.16 hectares of native vegetation including six native trees.
- The application has been advertised and no objections have been received.
- The proposal complies with the relevant clauses of the Yarra Ranges Planning Scheme, in particular with regard to the provisions of the local policy under Clauses 22.03, 22.11 and 22.12 and the provisions and decision guidelines of the Green Wedge Zone. The proposal achieves an acceptable design response.
- The main issues are associated with the disturbance to vegetation and removal of trees from the site to accommodate the dwelling.
- Extensive and ongoing discussions have been held with the applicant to quantify, refine and limit the removal and impact on trees on the subject site.
- Approval is recommended subject to a 173 Agreement for a property management plan to improve the biodiversity values of the site is maintained and Net Vegetation Gain is achieved.
- Approval recommended (Permit).

Cr Dunn left the meeting at 10.31pm and returned at 10.33pm.

Cr Smith left the meeting at 10.34pm and didn't return.

Resolved on the motion of Crs Warren and Cliff

That Council resolve to approve Planning Application YR-2007/38 for the use and construction of one (1) dwelling and removal of vegetation including six trees at 100 Sebire Avenue (Lot 1 TP 205650E), Wandin North, and issue a Planning Permit subject to the following conditions:

1. *Prior to the commencement of the development and the removal of any vegetation, a Property Management Plan must be submitted for approval to the satisfaction of the Responsible Authority detailing:*
 - a. *Net Gain Vegetation Offsets to compensate for the loss of habitat hectares of vegetation and removal of trees of conservation significance which must also include the replanting of 20 x Eucalyptus obliqua, Eucalyptus radiata, Eucalyptus goniocalyx, Acacia melanoxylon and Acacia dealbata;*
 - b. *Methods of permanent protection for the offset required;*

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- c. *A weed control program to eradicate infestations of weeds, and vigilance to control other spreading pest plants;*
 - d. *Works to be undertaken to protect vegetation during and after construction;*
 - e. *Locations of which large old trees are to be protected;*
 - f. *Details of works to be undertaken to achieve the required 0.09 habitat hectare off set and the maintenance improvement gains;*
 - g. *A conservation management action plan detailing all works to be undertaken for a minimum of 10 years on the land for the balance of the property that is retained for conservation of flora and fauna values which also includes management actions for any "Net Gain Offset" requirements;*
 - h. *Persons responsible for implementing and monitoring the Property Management Plan;*
 - i. *Timeframes for implementing the Property Management Plan;*
 - j. *A Development Area – that includes building and domestic purpose activities;*
 - k. *That the collection of timber for personal use/firewood is only permitted within the Development Area provided that good habitat for native fauna (hollow trees) is not removed;*
 - l. *That the keeping of cats is prohibited;*
 - m. *That the keeping of any dogs being restricted to the Development Area and only on a restrained lead;*
 - n. *That grazing is prohibited;*
 - o. *That no vehicles, (except for management purposes on designated tracks), trail bikes or other land disturbance activities are permitted within the site unless the consent of the Responsible Authority is obtained;*
 - p. *That any accumulation of rubbish or storage of any materials is not permitted on the site unless prior consent is obtained from the Responsible Authority; and*
 - q. *That any fencing constructed on the property boundaries that abuts bushland to consist of post and wire, preferably with the bottom wire more than 60cm above the ground to facilitate wildlife movement and to be constructed in a manner to minimise vegetation disturbance.*
2. *Prior to the commencement of the use/development and the removal of any vegetation, an agreement under Section 173 of the Planning and Environment Act must be entered into between the owner of the site and the Responsible Authority requiring:*
 1. *The implementation of the endorsed Property Management Plan and associated actions.*

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 preparation, execution and recording of this agreement.

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3. *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.*
 4. *The use of any land or building or part thereof as shown on the endorsed plans will not be altered or modified without the written consent of the Responsible Authority.*
 5. *This permit will expire if one of the following circumstances apply:*
 - a. *the development is not started within two (2) years of the date of this permit; or*
 - b. *the development is not completed within four (4) 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 (3) months afterwards.*
 6. *This permit authorises the removal of vegetation as shown on the endorsed plan only.*
 7. *Prior to the occupation of the permitted development, the parking areas and vehicular accessways shown on the endorsed plans must be appropriately constructed and drained to the satisfaction of the Responsible Authority.*
 8. *Prior to the occupation of the permitted development, a vehicle crossing must be constructed in Sebire Avenue to serve the development to the satisfaction of the Responsible Authority.*
 9. *Prior to the occupation of the permitted development, the existing vehicle crossing in Sebire Avenue must be removed and table drain and nature strip re-instated, to the satisfaction of the Responsible Authority.*
 10. *Prior to the occupation of the permitted development, piped drainage must be constructed to drain all paved areas to the satisfaction of the Responsible Authority.*
 11. *The construction of all internal civil works, including carparking, vehicular accessways and drainage is to be inspected and approved by a suitably qualified or experienced civil engineer or person. Prior to the occupation of the permitted development, the engineer or person must certify the construction of these works, to the satisfaction of the Responsible Authority.*
 12. *All sewage and sullage waste water from the proposed development must be discharged into an on site septic tank system which is approved by the Environment Protection Authority, retains all wastes within the boundaries of the land, and is located within any wastewater envelope indicated on the endorsed plan to the satisfaction of the Shire of Yarra Ranges Health Department. Applicant must make application for approval to install or alter a septic tank system.*

Notes:

Prior to the commencement of any works affecting or involving Shire roads or drains, Asset Protection and/or Road Reserve/Easement Works permit(s) are required. Permits can be obtained at any of the five Shire of Yarra Ranges Community Links. Please call 1300 368 333 for further advice.

Drainage runoff from the approved development is to be directed to discharge areas on site at an approved location. This should be confirmed by contacting the Shire's Civil Development Services Department prior to commencement of any works.

Resolved on the motion of Crs Heenan and Keane

That the order of business listed in the agenda be amended to bring forward and now consider Item 8.13.

8.13 Possible Discontinuance, Road Between 1 Priestley Crescent and 128-130 Monbulk Road, Mt Evelyn

SUMMARY

The narrow (un-named) road between 1 Priestley Crescent and 128-130 Monbulk Road, Mt Evelyn has been physically incorporated into 1 Priestley Crescent. It has been suggested that the whole area of the road should be made available for public access.

Over time, efforts have been made by Shire officers to resolve the matter and properly delineate the road and property. The problem of occupation was finally resolved with representatives of the estate of the former owner in 2006 by removal of fencing, leaving the road available for public use, including use by pedestrians to access the Aqueduct Trail.

The road is not on the road register or road management plan as part of the formally maintained road network.

Currently the owners of the property at 1 Priestley Crescent access their carport at the rear of the property via the road in question (between 1 Priestley Crescent and 128-130 Monbulk Road).

This un-named road has been the means of access for many years. Due to the position of the residence, the carport cannot be accessed from Priestley Crescent without using at least part of the road. This led to agreement between officers and the estate of the former owner early in 2006, for the erection of a fence by the Shire to separate the smallest reasonable section of the road required for access to the carport from the remainder of the un-named road, leaving the majority of the road for use as a pedestrian track.

The result is that part of the pedestrian track is less than 2 metres wide. It has been suggested that the whole road should be made available for pedestrian use only. This could be achieved by the un-named road being discontinued, but the land being retained by Council, however this will create an issue of access for the property owner at 1 Priestley Crescent.

Officers have engaged in the usual consultation regarding a possible road discontinuance, and public notice of the proposal has been given and public submissions invited, as required by the Local Government Act 1989. Two public submissions have been received.

One supports the proposed road discontinuance and retention of the land by Council and the other opposes the proposal.

If the road is discontinued, Council may need to carry out formation works on the road at the rear (south) of the property at 1 Priestley Crescent, to provide alternate vehicular access to the existing carport.

Resolved on the motion of Crs Dunn and McRae

That Council, having given public notice of its intention to discontinue the road between 1 Priestley Crescent and 128-130 Monbulk Road, Mt Evelyn, and having invited public submissions, and having considered all public submissions received:

- 1. Discontinues the road, the land from the road to be retained by Council.*
- 2. Directs that a Notice of Road Discontinuance be published in the Government Gazette.*
- 3. Directs that an agreement be entered into with the current owners of 1 Priestley Crescent that allows access over that part of the discontinued road that is currently used to access the carport at the rear of the property. The agreement shall specify that such use will cease on the sale, transfer or rental of the property.*

8.10 Delegated Planning Decisions

SUMMARY

A list summarising all delegated planning decisions issued for August 2007 follows as an attachment.

The list provides a brief summary of each application, the key issues and the decision made, in accordance with the Instrument of Delegation. For greater detail, the planning application register can be accessed at the Shire's Community Links or the Planning Services Department can be contacted directly.

All decisions are assessed against the objectives of the State and Local Planning Policies, and objectives of applicable zones and overlays. Any inconsistency is summarised.

All applications are advertised in accordance with the Planning Services Department policy for notification; unless otherwise noted.

Resolved on the motion of Crs Dunn and Avery

That the listing of delegated planning decisions for August 2007 be noted.

8.11 September – October 2007 Report to the Community

The September - October 2007 Report to the Community outlines the key actions and projects undertaken by the Shire over the past two months.

Resolved on the motion of Crs Keane and Cliff

That the Report to the Community for September - October 2007 be received and noted.

8.12 Risk Management Issues at Lillydale Lake

SUMMARY

A number of risk assessments have been conducted at the Lillydale Lake and some significant concerns have been highlighted with several aspects of the activities that currently take place at the Lake.

The major issue of concern relates to swimming for the following reasons:

- There are doubts about the water quality in the lake particularly after rain.
- The existing signage does not give clear direction on the issue of swimming.
- Swimming occurs in an unsupervised manner.
- The provision of a beach may create the impression that the water is safe for swimming.
- The playground adjacent to the Lake is unfenced.

In response this report recommends that signage indicating that swimming is not recommended be erected at prominent locations, the playground area be fenced and that a public education campaign be undertaken to highlight the dangers of swimming at the Lake.

Resolved on the motion of Crs Warren and Avery

That:

1. *The signage strategy outlined in the Lifesaving Victoria report be implemented, including signage which advises that swimming in Lillydale Lake is not recommended.*
2. *The playground area at Lillydale Lake be fenced in accordance with Guidelines for Water Safety in Urban Areas.*
3. *A publicity campaign be implemented in the lead up to summer to discourage swimming in the lake.*

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4. *The costs of the signage and fencing be referred to the Mid Year Budget Review as a committed item.*
 5. *The beach areas at the Lake not be removed.*

8.14 Contract No CT1480 – Provision of Family Day Care Services

Resolved on the motion of Crs McRae and Dunn

That this item be considered after Items Through the Chair in Closed Council.

8.15 Olinda Emergency Assembly Area Management Plan – Update

SUMMARY

During 2003 Fire Refuges throughout the Shire of Yarra Ranges were decommissioned. After representations from the Olinda community, the Olinda Senior Citizens Centre (Community House) was designated by Council as an Emergency Assembly Area (OEAA) subject to upgrading the building and grounds by the Shire and management of the area by a committee of local representatives. The Olinda Emergency Assembly Area Committee was subsequently established.

As part of the Draft Management Plan review CFA input and signoff was sought. In September 2007 comments were received from the CFA.

The response from the CFA has significant implications in terms of the operation and management of the Olinda Senior Citizens Centre as an 'Assembly Area' for the 2007/08 Fire Season.

Resolved on the motion of Crs Warren and Avery

That the:

1. *Initiative to establish the Olinda Local Area Fire Safety Committee be endorsed.*
2. *Actions of the Olinda Local Area Fire Safety Committee to establish a 'Fire Safety Plan' for the Olinda area be noted.*
3. *Olinda Community House not be operated as either an 'Emergency Assembly Area' or 'Fire Refuge', and that any further consideration of this facility being designated as such be subject to the reestablishment and formal incorporation of a Community Committee responsible for management of the facility and the development of a formal agreement for management of the facility by the Committee in accordance with the 2003 Council resolutions.*

Cr Heenan declared an interest in Item 8.16 as he lives in the street. He vacated the chair and left the meeting at 10.59pm prior to its consideration.

The Deputy Mayor, Cr Samantha Dunn took the chair.

8.16 Warrawee Road Group, Mt Evelyn – Revision of Due Date for Lump Sum Payment of Special Charge Scheme

SUMMARY

Council at its meeting on 8 May 2007 considered submissions to the Warrawee Road Group, Mt Evelyn – Road and Drainage Improvement Works Special Charge Scheme and resolved to proceed with the declaration of the special charge with minor modifications.

This report discusses the delay in advertising tenders for the works and recommends that the payment due date for landowners who have elected to repay the special charge as a lump sum payment be deferred from 15 February 2008 until 30 April 2008.

Resolved on the motion of Crs Warren and McRae

That:

- 1. In accordance with section 167(4) of the Local Government Act 1989, the due date for lump sum payment in full of the special charge be revised as 30 April 2008.*
- 2. Those persons liable to pay the special charge as a lump sum payment be notified of the revised due date.*

8.17 Community Hubs Policy and Report

SUMMARY

This report seeks Council endorsement of the Community Hub Policy and the Community Hub Report to the Shire of Yarra Ranges.

In 2005 Council endorsed the development of a Community Hubs Project as a way of identifying an appropriate Council response to the changing demand and need for community service facilities in the Shire, particularly in relation to early years services.

The Project involved the identification of four relevant locations within the Shire that especially required the development of a new future direction for development of community facilities. Council agreed that exploring the development of community hubs was a sensible direction to follow and that the results from the Project would offer guiding principles through a policy for the future direction in relation to other locations.

The results of the Project, which was undertaken during 2006, are found in the Community Hubs Policy (Attachment 1) and the Community Hubs Report to the Shire of Yarra Ranges (Attachment 2). The attached Community Hubs Policy and Report emphasise that a key outcome of future community hub projects should enhance social capital and community connectedness and a more appropriate and efficient use of community facilities.

As a result of the project and policy work undertaken to date, Council included funding in the extended 10 year capital works program for 2 community hubs, a family and children's community hub in Upwey (2009/2010) and broad based community hub in Kilsyth (2010/2011). It is expected that these projects will be developed in line with the Community Hub Policy.

Resolved on the motion of Crs Cliff and Warren

That Council:

1. *Adopt the Community Hubs Policy.*
2. *Adopt the Community Hubs Report to the Shire of Yarra Ranges and the key guiding principles and recommendations in relation to community service facility types.*
3. *Agree to the development of specific plans for the development of community hubs in the agreed and funded locations (Upwey and Kilsyth) which are included in the Capital Expenditure Program 2008-2017.*

Cr Dunn vacated the Chair.

The Mayor returned to the meeting and resumed the Chair at 11.05pm.

8.18 Fees and Charges – Active Reserves and Pavilions

SUMMARY

This report seeks Council endorsement of the Procedural Policy and Operating Guidelines for fees and charges associated with active reserves and pavilions (Attachment 1).

Council previously approved a Scoping Paper in 2005 resulting in a review of the current fees and charges for the use of active reserves and pavilions and the development of a new policy framework based on the outcome of the Review. The Review has been undertaken throughout 2006-2007 and involved examination of the current fees and charges arrangements within Council, the fees and charges applied by other municipalities and extensive consultation with sporting clubs and associations.

The current fees and charges have been in place since 1997. Since this time new cost requirements have emerged and new demands have been placed on sporting reserves that have required a review of fees and charges to provide a contemporary framework for a consistent, transparent and equitable approach to fees and charges that takes into account current facility maintenance costs and community need.

Resolved on the motion of Crs Warren and Dunn

That Council:

- 1. Endorse the attached Procedural Policy and Operational Guidelines for Fees and Charges in relation to Active Reserves and Pavilions.*
- 2. Introduce the new policy framework for the 2008/2009 financial year with appropriate advance advice and support to be provided for sports clubs to implement the new policy.*

8.19 Policy for Young People and Action Plan

SUMMARY

This report recommends that Council endorse the Policy for Young People and the Action Plan entitled "*Young People Here for Today and the Future (2008-2011)*". Council previously endorsed a scoping paper in 2006 that gave rise to the development of the Policy and Action Plan based on extensive consultation.

The Policy and Action Plan provide a strategic framework over the next four years for the ongoing development of youth services and initiatives by Council in partnership with community groups and agencies.

The Shire of Yarra Ranges has also participated in a review of youth service provision for young people across the interface Councils that form the outer fringe of metropolitan municipalities of Melbourne. The research has shown a strong similarity of issues with a high number of young people living in the interface with a distinct lack of service provision or access to services. Council has been a strong advocate to the State Government through this process, addressing these issues with a specific plan in the research report entitled "*Staying Connected: Solutions for addressing service gaps for young people living in the interface*".

The Shire of Yarra Ranges Policy for Young People has been developed based on key advice and input from young people and demonstrates Council's recognition of the particular needs of young people as a significant group within the Shire and provides a policy framework to guide Council's future direction.

The Action Plan will drive the implementation of the Policy, giving direction for Council's programs in relation to young people, its partnership relationship with key agencies and community groups that support young people and provide a basis for Council to demonstrate the value that young make to the community and advocate for enhanced services.

Resolved on the motion of Crs Dunn and McRae

That Council:

- 1. Endorse the Draft Policy for Young People and the Action Plan – Young People Here for Today and the Future 2008-2011 and seek public comment on the document by the end of February 2008.*
- 2. Acknowledge the strong partnership role indicated by those community agencies that have supported the implementation of key strategies and actions through the consultation process.*
- 3. Support future efforts to advocate on behalf of young people for enhanced services and access based on the key directions of the Policy and Action Plan and the interface Council research report regarding the needs of young people living in the interface areas of Melbourne, particularly the Shire of Yarra Ranges.*

8.20 Yarra Ranges Neighbourhood House Policy

SUMMARY

This report seeks endorsement of the Yarra Ranges Neighbourhood House Policy which has been updated to conform with the new Council Policy Document template as requested by the Policy Review Committee and reflects the new Yarra Ranges Neighbourhood House Group Partnership Action Plan 2007- 2010.

Resolved on the motion of Crs Cliff and Warren

That Council endorse the Yarra Ranges Neighbourhood House Policy.

LATE ITEMS

8.21 Request for Variation to Councillor Expenditure & Donation Policy – Mayoral and Councillor Fund

ATTACHMENT	Nil
RESPONSIBLE OFFICER	Director Corporate Services

SUMMARY

Under the provisions of the Councillor Expenditure & Donation Policy, any allocation of funds/grant more than \$1,000 must be approved by Council.

The O'Shannassy Ward Councillor, Cr Monika Keane has received a request from the Upper Yarra Junction Historical Society Inc. seeking financial support for the purchase of historical huts.

The huts were originally constructed for single men working on the construction of the Upper Yarra Dam. They were timber sided, iron roofed with a door and two slat windows. They were originally furnished with an iron based bed, drum fire and a table/chair. They are very small in size, smaller than the modern bedroom.

When construction of the dam was completed, the workers' village was removed with the buildings either relocated or demolished. The larger of the huts were relocated and used for private houses etc. However, the single men's huts were small, primitive and less desirable and unfortunately many were demolished.

Three of these huts were relocated to a private property in Yarra Junction and have been maintained on this site for many years. The site is about to be redeveloped for the new Yarra Junction Police Station and the huts have been gifted to the Upper Yarra Valley Historical Society. The Society has since moved the huts to the rear of the museum grounds in Yarra Junction, and intends on refurbishing them as a reminder of how the men lived as well as telling the story of the construction of the dam. This has been highlighted over the past weekend, with celebrations of the 50th anniversary of the Upper Yarra Dam.

The huts are in a state of general disrepair and the Society estimates the cost to restore and renovate the huts would be \$2,000. It is considered important that these huts are restored to serve as a reminder of the history of the Upper Yarra Dam.

The Upper Yarra Historical Society Inc. is a not for profit organisation, run by many volunteers from the Upper Yarra area. The restoration of these huts plays an important role in the history of the Upper Yarra area and more particularly, the Upper Yarra Dam.

Cr Keane is therefore seeking Council approval for a grant of \$2,000 to be made from her Ward Fund to financially assist the Upper Yarra Historical Society Inc. to restore the single men's huts.

Resolved on the motion of Crs Keane and Cliff

That Council approve a grant being made from the O'Shannassy Ward Councillor Fund of \$2,000 to the Upper Yarra Historical Society to enable the restoration of the single men's huts that were relocated from the construction site of Upper Yarra Dam.

8.22 Request for Variation to Councillor Expenditure & Donation Policy – Mayoral and Councillor Fund

ATTACHMENT	Nil
RESPONSIBLE OFFICER	Director Corporate Services

SUMMARY

Under the provisions of the Councillor Expenditure & Donation Policy, any allocation of funds/grant more than \$1,000 must be approved by Council.

The Chirnside Ward Councillor, Cr Ken Smith, has received a request from the Chirnside Park Community Centre Inc. seeking financial support to purchase sun sails for the outside play area that is used for their childcare program. At the present, they are unable to utilise this area as there is no shade and therefore the play area is not being used to its full capacity.

Cr Smith has been contacted by parents in this area and made aware of the problem, particularly as the warm weather approaches.

The Community Centre has obtained preliminary quotations for \$4,000. Unfortunately, in their current circumstances, they are unable to fund the full cost of the shade sails, and therefore have approached Cr Smith seeking his support.

The childcare program at the Chirnside Park Community Centre plays an integral part of the operations of the Centre and provides childcare to parents attending the programs/courses operated at the Centre.

Cr Smith is seeking Council approval for a grant of \$3,929 (the balance of monies in this fund for the 2006/07 year) to be made from the Chirnside Ward Fund to the Chirnside Park Community Centre Inc. to assist with the purchase of shade sails for the outside play area.

Resolved on the motion of Crs Dunn and Keane

That Council approve a grant being made from the Chirnside Ward Councillor Fund of \$3,929 to the Chirnside Park Community Centre Inc. to assist with the purchase of shade sails for the outside play area.

9. PETITIONS RECEIVED

LATE PETITIONS

Issue on Petition
Petition regarding speed issues in Holland St, Healesville.
Petition opposing the closure of the Saturday service of the mobile library at Mt Dandenong.

Resolved on the motion of Crs McRae and Keane

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

10. DOCUMENTS FOR SIGNING AND SEALING

(1) Letter Under Seal

Anne Jackson is retiring after 22 years of service with the Shire and therefore a Letter Under Council Seal has been prepared for her.

LATE DOCUMENTS FOR SIGNING AND SEALING

(2) Letter Under Seal

Win Jordison is retiring after 28 years of service with the Shire and therefore a Letter Under Seal has been prepared for her.

(3) Sale of Land

Yarra Ranges Shire Council to Roads Corporation – Transfer of Land and Agreement for sale of 457 square metres of land at the intersection of Wellington Road and Berwick Road, Narre Warren East.

A sliver of land from the Narre Warren East Reserve is being sold for road widening associated with intersection works being undertaken by VicRoads.

Resolved on the motion of Crs Warren and Keane

That the foregoing documents be signed and sealed.

11. ITEMS RAISED THROUGH THE CHAIR

Cr Cox requested a report to go to Council on placing Nature covenants on bush land owned by the Shire.

Moved: Cr McRae

Seconded: Cr Keane

That Council review the policy of costs involved in transferring large waste bins to a smaller sized bin as part of the Mid Year Budget Review.

The motion was Carried

Moved: Cr McRae

Seconded: Cr Cliff

An ex-gratia payment of \$55 for the cost of changing from a large waste bin to a small waste bin be paid to a resident of Coldstream

The motion was Lost

Moved: Cr McRae

Seconded: Cr Keane

That a letter be prepared to the Minister for Planning & Community Development requesting that a full Environmental Effects Statement (EES) be required for the proposed Sugarloaf Pipeline Interconnector Project.

The motion was Carried

Moved: Cr McRae

Seconded: Cr Keane

That the Premier, Hon. John Brumby and the Minister for Water, Hon. Tim Holding be advised in writing that:

- *In regard to the actual path of the pipeline through the Shire of Yarra Ranges, the following principles be applied to adhere the least damaging route:*
 - *Construction should only be on public land*
 - *There should be minimal environmental destruction*
 - *Rural families and people should benefit*
 - *Farming and rural enterprises must not suffer*
 - *Existing easements must be used (roads, aqueduct etc)*
 - *Tunnel to avoid private property or environmental destruction*

Applying these principles, would lead to an alignment which, from the State Forest, would go along the Melba Highway public land as far as the Maroondah Aqueduct and then follow the Aqueduct to Sugarloaf.

The motion was Lost

Moved: Cr Dunn
Seconded: Cr McRae

That Council supports a public statement opposing logging of water catchments in Yarra Ranges, and further that Council also makes representation to the Premier, the Minister of Environment and Minister of Water, and I propose that the statement is:

The Shire of Yarra Ranges does not support logging in water catchments.

Council recognises that:

- 1. Logging has a dramatic and detrimental effect on water yield in catchments.*
- 2. Young re-growth trees need more water to grow thus releasing less water into catchments.*
- 3. Logging reduces stream flow and yields to water catchments.*
- 4. It takes 150 years for water yields to return to their pre logged status.*
- 5. It is poor water policy to continue to log our water catchments.*
- 6. Logging of water catchments adversely affects water quality through increasing sediment as does road construction through logging coupes.*

We urge the government to consider a policy of no logging in water catchments.

The motion was Carried

Moved: Cr Dunn
Seconded: Cr Keane

That the meeting of Council be closed to the public in accordance with Section 89 of the Local Government Act 1989 to discuss Item 8.14 - Contract No CT1480 – Provision of Family Day Care Services

The motion was Carried

COUNCIL MEETING CLOSED TO THE PUBLIC AT 11.32PM FOR IN-CAMERA DISCUSSION

RESUMPTION OF OPEN COUNCIL MEETING AT 11.33PM

Resolved on the motion of Crs Dunn and Keane

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

It was noted that while the meeting was closed to the public, Council had resolved to seal the contracts for Provision of Family Day Care Services

There being no further business the meeting was declared closed at 11.34pm.

Confirmed this day of 2007.

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Cr Tim Heenan
Mayor