



COUNCIL MEETING

TUESDAY 11 OCTOBER 2011

MINUTES

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

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

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

NOTES FOR QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

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

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

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

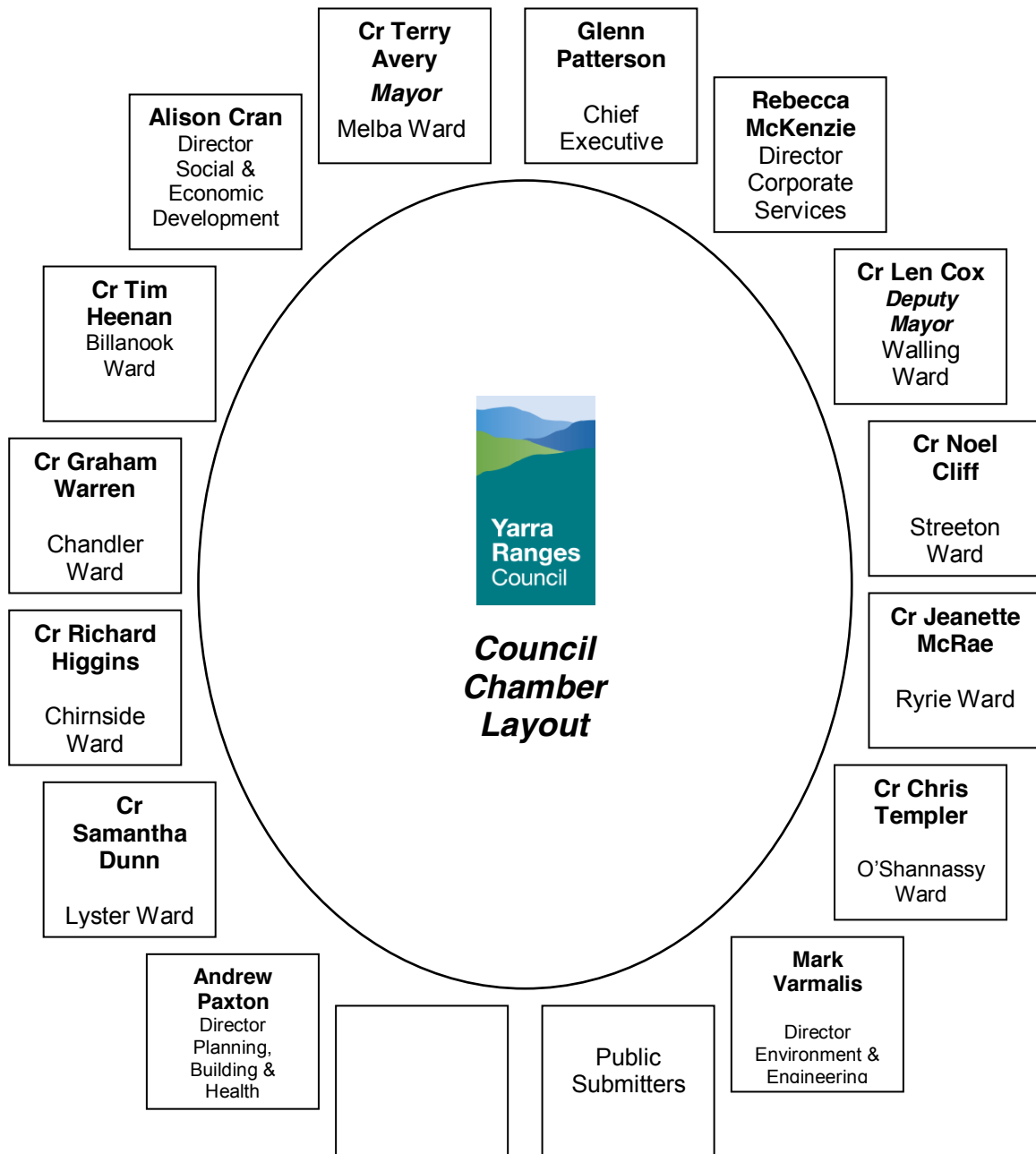
The submitter of a question may attend the meeting if they wish to, but it is not a requirement.

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

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

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

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



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YARRA RANGES SHIRE COUNCIL

MINUTES FOR THE 332ND ORDINARY COUNCIL MEETING HELD ON TUESDAY
11 OCTOBER 2011 COMMENCING AT 7.45PM AT YORK ON LILYDALE, CNR
SWANSEA & YORK ROADS, LILYDALE

1. COUNCIL MEETING OPENED

2. INTRODUCTION OF MEMBERS PRESENT

Councillors

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

Officers

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

3. APOLOGIES

Cr Len Cox, (*Deputy Mayor*) Walling

4. CONFIRMATION OF MINUTES OF MEETING HELD ON TUESDAY 27 SEPTEMBER 2011

Resolved on the motion of Crs Heenan and Dunn

That the Minutes of the 331st Ordinary Council Meeting for the Shire of Yarra Ranges held on Tuesday 27 September, as circulated, be confirmed.

5. DECLARATIONS OF INTEREST

Nil

6. REPORTS FROM DELEGATES

Cr Cliff attended:

- Three senior's week events in Monbulk, Mooroolbark and Yarra Junction. At the Mooroolbark event a legal booklet for senior citizens "Older and Wiser" was launched.
- The celebration of the Sherbrooke Childrens Centre closure of the building. The building is closing but the centre will be moving to the new community facility in Upwey.

Cr Cliff spoke about a group of youths in the Upwey area who have come together and formed Scumpups who help young people in the area. They have produced a magazine "Hoodie Magazine" with the assistance of Tiffany Bishop, Art Director.

Cr McRae attended:

- The launch of the Community Safety Roadshow at Mooroolbark along with the Mayor, Cr Avery. Further shows are to be held at Healesville and Monbulk.
- The launch of the photographic exhibition "Home Is..." at the Yarra Ranges Regional Museum along with Crs Dunn and Heenan which was coordinated by Anchor.

Cr Dunn advised that York on Lilydale has now reached capacity, and some people unfortunately have been locked out of tonight's meeting due to capacity issues.

Cr Dunn attended:

- The Sherbrooke Childrens Centre function and advised that it was a great community victory where the community fought for what they wanted. The event acknowledged the past and recognised the future.
- A recent event as Chair of the Eastern Transport Coalition where they discussed the Rowville Rail Feasibility Study.
- The "Home Is..." Exhibition at the Yarra Ranges Regional Museum.

Cr Dunn also advised those present about The Patch Valley Fair being held on Saturday 15 October.

Cr Heenan spoke about Homeless Week and advised he has been sleeping out in a cardboard box in Melba Park in Lilydale for the past 10 nights and has another 6 to go. Cr Heenan is sleeping out as he feels very strongly about the plight of the homeless. Cr Heenan advised amongst other things that on any given night there are 100,000 Australians homeless.

7. QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

Questions

The following question was received from **Tony Inglese**:

Re: Proposed application – development plan Oakhaven Estate, Chirnside Park.

What action will Yarra Ranges Council take to ensure that (through representation to the Victorian Planning and Housing Ministers and other relevant parties) a proportion of the proposed plan, and in particular, the designated “Superlot”, is reserved for affordable, stable, sustainable, low cost rental housing for those in need in our community?

Andrew Paxton, Director Planning Building & Health responded:

The planning controls introduced by the State Government for the Chirnside Park site did not require any portion of the site to include social housing. Council has been advised by the applicant that through the design including smaller lots, these will be more affordable and that lots could be purchased or developed for any such use.

Council is a member of the Eastern Affordable Housing Alliance which regularly advocates for increased social and affordable housing within the region.

Submissions

There were no submissions.

8. BUSINESS PAPER

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

SUMMARY

The proposal seeks to construct buildings and works associated with a convenience restaurant, including an acoustic boundary fence, creation and removal of easements, variation to the existing easements, erection of associated signage including internally illuminated signage and removal of vegetation over four existing lots known as No. 1529, 1529A ,1531 and 1533 Burwood Highway , Tecoma. The premises are to operate as a McDonalds Restaurant.

- The proposal includes the creation of a carriageway easement over the adjoining property at 1533 Burwood Highway to enable access through the site from Burwood Highway to Sandells Road.
- A permit is not required for the use of the land for a food and drink premises (convenience restaurant) under the provisions of the Business 1 Zone, however a permit is required for any buildings and works associated with a convenience restaurant.
- The application proposes a split level building located towards the southern portion of the site close to Burwood Highway. The upper level will contain the main servery, seating areas, associated kitchen areas, 'McCafe', play land and terrace areas. This level will contain 56 seats within the dining area, 28 seats within the terrace area and 6 seats in the play land area. The lower level will predominately be used for drive-through purposes. Associated storage areas and delivery/pick up areas are located along the western side of the building.
- The building will have an overall height of 5.5 metres when viewed from Burwood Highway, and a height of between 7m to 8.7 metres from ground level when viewed from the northern car park.
- Access and egress to the site is proposed via Burwood Highway and Sandells Road. There will be no right turns permitted into Burwood Highway. The proposal includes on site car parking for up to 28 vehicles.
- The convenience restaurant is proposed to operate 24 hours. An acoustic fence up to 3m high would be required along the northern and eastern boundaries to ensure compliance with EPA guidelines to mitigate noise within and around the site.
- The proposal includes 32 signs including both illuminated and non illuminated signs, directional signs and traffic management signs.

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- The proposal includes the removal of three trees which are identified as *Betula alba* 'Pendula' (Weeping Birch), *Acer negundo* E. (Box Elder), *Acacia melanoxylon* (Blackwood).
 - The site is affected by a number of easements. It is proposed to remove Easement No. 8 which refers to a height restriction within the existing building footprint, and vary the existing easements Nos. 2, 3, 4 and 9 to be in favour of the Council and South East Water. No variation is sought to the existing carriageway easements (E5, E6, E7) affecting the site and adjoining lots to the west.
 - Substantial community objection has been received during the notification process. More than 1000 objections have been received. The issues raised relate to the need for a convenience restaurant within the locality and the various social impacts such as litter, crime, obesity, traffic congestion, noise, the impact on surrounding businesses. Objections also related to the lack of integration of the built form with the neighbourhood character of the Dandenong Ranges.
 - The proposal has been specifically designed to respond to the built form character of the Tecoma Township and the proposal is a 'custom designed' McDonald's restaurant to respond to the character of this area. The design of the building moves away from the typical built form usually associated with a McDonalds restaurant and the proposal is considered to satisfy the purpose and decision guidelines of the Business 1 Zone and the applicable policies in the state policies and Municipal Strategic Statement (MSS). The assessment of the proposal has balanced the matters to be considered under the planning scheme, which notably include the built form, traffic impacts, access/egress, car parking and signage. It is considered that the built form is of an acceptable scale within this area of the Tecoma Township and will add to the commercial character of the area.
 - It is recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

Resolved on the motion of Crs Dunn and Cliff

That Council resolve to issue a Notice of Refusal for Planning Application YR-2011/647 – 1529,1529A, 1531 and 1533 Burwood Highway, Tecoma for buildings and works associated with a convenience restaurant, including acoustic boundary fence, creation and removal of easements, variation to existing easements, erection of associated signage including internally illuminated signage and removal of vegetation based on the following grounds of refusal:

1. *The proposal fails to comply with the objectives of Clause 12.04-1 and 12.04-2 (Landscapes), in that the building form will detract from the natural qualities of the sensitive landscape of the Sherbrooke Forest which has been cited under the National Trust Register as it will prominently sit in the foreground of this vista particularly when viewed on the approach to the commercial centre from Burwood Highway. Further, the building form will not protect environmentally sensitive areas of the Dandenong Ranges and will diminish recreational values.*

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2. *The proposal does not meet the objectives of Clause 13.04-1 – (Noise abatement) as the proposed built form of the building and associated car parking areas do not appropriately incorporate a range of building design, urban design and land use separation techniques to reduce noise emissions. The construction of a 2.4m high to 3m high acoustic fence on the boundary is not considered to be an integrated response to the proposed built form. This is particularly having regard to the sensitive residential interfaces to the north of the site.*
 3. *The proposal is inconsistent with the provisions of Clause 15, 15.01-1 and 15.01-5 as the development does not contribute positively to the local urban character, cultural identity and sense of place and the surrounding landscape. The proposal fails to recognise the distinctive urban form and layout of the Tecoma commercial centre and its relationship to the surrounding landscape in that the building will present an urban form that does not reflect the low scale, small grain, articulated built forms characteristic of the Tecoma township.*
 4. *The proposal fails to achieve the objectives of Clause 15.01-2 (Urban design), 18-02-1 and 21.06-4 that seek to create urban environments that enhance personal safety and improved accessibility. Further, the proposed development results in street frontages that are out of keeping with the complexity and rhythm of existing streetscapes.*
 5. *The proposal is inconsistent with objective 1 of Clause 21.05 (Settlement) and Clause 21.06 - (Commercial centres) in that the design of the new development is not compatible with the established character and built form of the area. The development does not define and enhance the individual character of the township and does not promote good design and a high level of amenity. The development fails to minimise impacts or intrusions into adjoining residential areas and natural environments. The development is an urbanised building form which does not reflect the distinct village like character of the commercial centre and presents a modular development form with limited articulation and blank facades.*
 6. *The proposal fails to achieve the requirements of Clause 21.04 that identifies the importance of designing buildings to protect the amenity of residents and the visual qualities of an area.*
 7. *The proposal does not provide a high quality level of pedestrian amenity within and around the site.*
 8. *The proposal fails to meet the objectives of clause 21.06 - (Commercial centres) with regards to traffic movements as it does not minimise the intrusion of traffic movements associated with the centre into the adjoining residential streets. The proposal will cause detriment to the surrounding area with regards to increased traffic congestion, delays and waiting times .*
 9. *The proposal fails to meet the objective of Clause 21.06 objective 8 - (Signage), Clause 22.04 - (Advertising Signs) and Clause 52.05 – (Advertising signs) as the proposed signage is excessive, out of scale and character, repetitive and promotes visual clutter along a Main road.*

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10. *The proposed development does not have regard to the built form and does not maintain design consistency with surrounding development and does not avoid detriment to the local environment in that it is obtrusive to the landscape of the surrounding area and as such is contrary to Clause 21.07 (landscape).*
 11. *The proposal is inconsistent with the Decision Guidelines set down under the Business 1 Zone (Clause 34.01) in that it does not adequately consider or respond to the interface with the adjoining built form, especially the relationship with other commercial buildings.*
 12. *The proposal fails to meet the requirements of Clause 18.02 - 2 and 52.34 -3 (Bicycle facilities) with regards to the provision of bicycle spaces and shower facilities and the the proposed development does not provide adequate bicycle parking and related facilities.*
 13. *The proposal fails to meet the requirements of Clause 52.06 - (Car parking) and 18.02-5 - (Car parking) with regards to car parking design and disabled car parking location and does not promote pedestrian safety. The proposal does not meet the Australian Standards for car park construction and there is insufficient car parking on site. The proposal does not protect the amenity of residential precincts from the effects of road congestion.*
 14. *The proposal is inconsistent with the policy directions of the Upper Yarra Valley Dandenong Ranges Regional Strategy Plan that seeks to protect the role and function of local townships.*
 15. *The proposal is inconsistent with Vision 2020 By Design, as it does not meet small-grain built form, will dominate streetscape due to excessive and out of character bulk and is not of similar scale, size and height to those in the existing township. Further, the proposal does not reflect the characteristics, aspirations and cultural identity of the community, nor does it respond to its context that seeks to reinforce special characteristics of local environment.*

A Division was called:

FOR: Crs Cliff, McRae, Templer, Dunn, Higgins, Warren, Heenan, Avery

AGAINST: Nil

A break was called for to allow those in the gallery to leave the meeting at 9.44pm.

The meeting resumed at 9.53pm.

9.55pm – Cr Templer left the meeting and returned at 9.57pm

Cr Dunn left the meeting during the break and returned at 9.58pm.