



# Council Meeting

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## Minutes

**Tuesday, 14 February 2023**  
Council Chamber - Civic Centre

## Information for Councillors and the community

### ACKNOWLEDGEMENT OF COUNTRY

We respectfully acknowledge the Traditional Owners, the Wurundjeri People, as the Custodians of this land. We also pay respect to all Aboriginal community Elders, past and present, who have resided in the area and have been an integral part of the history of this region.



### COUNCIL VISION

Whether you live here or visit, you will see how much we care for country, how inclusive and connected our communities are, and how sustainable balanced growth makes this the best place in the world.

### VALUE OF HISTORY

We acknowledge that history shapes our identities, engages us as citizens, creates inclusive communities, is part of our economic well-being, teaches us to think critically and creatively, inspires leaders and is the foundation of our future generations.

### COUNCILLOR COMMITMENT

We'll be truthful, represent the community's needs, be positive and responsive and always strive to do better.

### OUR COUNCILLORS

**Billanook Ward:** Tim Heenan  
**Chandler Ward:** David Eastham  
**Chirnside Ward:** Richard Higgins  
**Lyster Ward:** Johanna Skelton  
**Melba Ward:** Sophie Todorov

**O'Shannassy Ward:** Jim Child  
**Ryrie Ward:** Fiona McAllister  
**Streeton Ward:** Andrew Fullagar  
**Walling Ward:** Len Cox

### CHIEF EXECUTIVE OFFICER & DIRECTORS

**Chief Executive Officer,** Tammi Rose  
**Director Communities,** Jane Price  
**Director Corporate Services,** Andrew Hilson

**Acting Director Built Environment & Infrastructure,** Kim O'Conner  
**Director Planning and Sustainable Futures,** Kath McClusky

### GOVERNANCE RULES

All Council and Delegated Committee meetings are to be conducted in accordance with Council's Governance Rules, which can be viewed at: <https://www.yarraranges.vic.gov.au/Council/Corporate-documents/Policies-strategies/Governance-rules>

### PUBLIC PARTICIPATION IN MEETINGS

Members of the community can participate in Council meetings in any of the following ways:

- making a verbal submission for up to 5 minutes on matters not listed on the agenda.
- submitting a question.
- speaking for up to 5 minutes to a specific item on the agenda. For planning applications and policy issues, the Chair will invite one person to speak on behalf of any objectors and one person to speak on behalf of the applicant. For other matters on the agenda, only one person will be invited to address Council, unless there are opposing views. At the discretion of the Chair, additional speakers may be invited for items of large interest.
- speaking for up to 5 minutes to a petition to be presented at a meeting.

For further information about how to participate in a Council meeting, please visit:

<https://www.yarraranges.vic.gov.au/Council/Council-meetings/Submissions-questions-petitions-to-Council>

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A person in attendance at the meeting must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any meeting without first obtaining the consent of the Chair.

The Minutes produced after each Council Meeting form the official record of the decisions made by Yarra Ranges Council.

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## CONTACT US

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# YARRA RANGES COUNCIL

## MINUTES FOR THE 574<sup>TH</sup> COUNCIL MEETING HELD ON TUESDAY, 14 FEBRUARY 2023 COMMENCING AT 7.04 PM COUNCIL CHAMBER - CIVIC CENTRE

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### 1 COUNCIL MEETING OPENED

Councillor Jim Child (Mayor) declared the meeting open.

### 2 ACKNOWLEDGEMENT OF COUNTRY

The Mayor then read the Acknowledgement of Country, and welcomed all present.

### 3 INTRODUCTION OF MEMBERS PRESENT

#### Councillors

Councillor Jim Child (Mayor)

Councillor Andrew Fullagar

Councillor Fiona McAllister

Councillor David Eastham

Councillor Tim Heenan (via Videoconference)

Councillor Richard Higgins

Councillor Johanna Skelton

Councillor Sophie Todorov (Deputy Mayor)

Councillor Len Cox OAM

#### Officers

Tammi Rose, Chief Executive Officer

Andrew Hilson, Director Corporate Services

Kath McClusky, Director Planning & Sustainable Futures

Jane Price, Director Communities

Kim O'Connor, Acting Director Built Environment & Infrastructure

### 4 APOLOGIES AND LEAVE OF ABSENCE

There were no apologies received for this meeting.

## 5 MAYORAL ANNOUNCEMENTS

### 40th ANNIVERSARY OF ASH WEDNESDAY BUSHFIRES

The Mayor acknowledged the 40th Anniversary of the Ash Wednesday Bushfires which claimed 47 lives in Victoria. The Mayor recalled the volunteers and emergency services personnel that worked tirelessly to save lives on that day 40 years ago.

### 14th ANNIVERSARY OF BLACK SATURDAY BUSHFIRES

The Mayor also acknowledged the 14th Anniversary of the Black Saturday Bushfires which claimed 16 lives in the Shire of Yarra Ranges. The Mayor acknowledged the long recovery for the communities impacted by the bushfires.

## GOVERNANCE RULES

The Mayor reminded the gallery that Council meetings are held in accordance to the Governance rules. The Mayor also informed the gallery that general questions regarding the operations of Council can be directed to Council Officers via telephone on 1300 368 333 or email [mail@yarraranges.vic.gov.au](mailto:mail@yarraranges.vic.gov.au).

## 6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

**Moved: Cr McAllister**

**Seconded: Cr Todorov**

*That the Minutes of the Council Meeting held Tuesday 31 January 2023, as circulated, be confirmed.*

**The motion was Carried unanimously.**

## 7 DISCLOSURE OF CONFLICTS OF INTEREST

*In accordance with Chapter 7, Rule 4, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*

There were no disclosures of conflicts of interest made for this meeting.

## **8 QUESTIONS AND SUBMISSIONS FROM THE PUBLIC**

In accordance with Chapter 3, Rules 57 and 59, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

### **Question from Belinda Bernardini of Chirnside Park:**

*Council would be aware of that Chinese-made surveillance cameras are being removed over national security fears.*

*The equipment in question are built by companies, Hikvision and Dahua. Does council have any of these cameras in the Shire of Yarra Ranges?*

*If so, when will these be removed.*

### **Response from Kim O'Connor, Acting Director Built Environment & Infrastructure:**

*Thank you for your question, Belinda.*

*Council does have security cameras manufactured by Hikvision.*

*These cameras are stand alone and not connected to our network systems.*

*At this stage Council will monitor the current concerns with respect to the use of Hikvision and Dahua cameras. Council is aware of the Federal Government announcement; however, we will await any advice from the Victorian State Government on this matter.*

There were no Submissions listed on the Agenda for this meeting.

## **9 PETITIONS**

*In accordance with Chapter 3, Rule 60, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*

There were no Petitions received for this meeting.

## 10 BUSINESS PAPER

### 10.1 YR-2022/452 - 20 David Hill Road, Monbulk - Planning Report

#### SUMMARY

- The proposal provides for an essential community infrastructure for Monbulk and surrounding communities in a location that is both compatible and commonplace within a residential area.
- Exhibiting positive social and economic advantages to current and future residents of the township, the proposal is an exemplary example of contributing to the township's community sustainability and is designed respectfully for its semi-rural low density landscape character.
- The design response is of high standard and consideration in addressing special attention to minimising negative impacts to adjoining neighbours. Effective layout, human scaled building form and design detailing appropriately responds to the constraints and characteristics of the site and surrounds.
- The proposed use and development are suitably aligned with the purpose of the zone and its decision guidelines which point to consideration of the Municipal Planning Strategy and the Planning Policy Framework. In particular, the proposal is strongly aligned to the relevant sections of the Municipal Planning Strategy and the Planning Policy Framework.
- The proposal received 20 objections and one letter of support. For the objections, the primary concerns raised were land use appropriateness, accumulative amenity impacts, accumulative traffic impacts including nominating Coolwyn's Nursery trucks frequently traversing Victoria Avenue, increase in traffic, increase in car noise and fumes, decreased traffic/pedestrian safety and potential for poor driving behaviour.
- The application was reviewed by the Country Fire Agency (CFA) and internally by Council's Engineering Traffic and Drainage departments and Council's Arborist. All referral assessments determined no overarching concerns with the proposal, subject to standard and non-standard conditions.
- Overall, the proposal is considered worthy of support, subject to conditions.

Cr Heenan joined the meeting at 7.20pm prior to the vote being taken.

In accordance with Governance Rule 58, Jennie Bakker spoke in objection to the recommendation included in the officer report.

In accordance with Governance Rule 58, Henry Johnstone, on behalf of the applicant, spoke in support of the recommendation included in the officer report.

Cr Eastham moved a motion alternate to that printed in the agenda.



**Moved: Cr Eastham**  
**Seconded: Cr Skelton**

*That Council resolve to approve Planning Application YR-2022/452 for Use and development of a childcare centre, removal of vegetation, display of business identification signage and reduction in car parking at 20 David Hill Road, Monbulk and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report with following amendment to Condition 3.*

*3. Before the development commences, an amended Landscape Plan to the satisfaction of the responsible authority and prepared by a person suitably qualified or experienced in landscape design must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and form part of the permit. The plan must be drawn to scale, fully dimensioned and a digital copy must be provided. The plan must be generally in accordance with the submitted plan but amended to show:*

- a) Any modifications in the accordance with Condition 1;*
- b) Any modifications to be consistent with Site/Ground Floor Plan/s;*
- c) An updated plant schedule to show all planting sizes when planted to be of semi-mature in size, and include a dense spread of appropriate Evergreen planting along rear southern boundary capable of reasonably concealing the approved adjacent acoustic wall;*
- d) At least 1 medium sized canopy tree planted within front (side) David Hill Road setback, capable of reaching mature heights of 4-6 metres, with a semi-mature planting size when planted;*
- e) Any modifications to planting schedule to suitably respond to Clause 53.02-5 Table 6 of the Yarra Ranges Planning Scheme.*
- f) The label 05 removed from existing street tree along David Hill Road site frontage, and correctly label it as 06 legend reference "Existing Trees + TPZ's to be retained + protected" with an additional notation stating "No street trees are to be removed, destroyed or lopped".*

**The motion was Carried unanimously.**

## 10.2 YR-2022/356 - 2420 Warburton Highway, Yarra Junction - Planning Report

### SUMMARY

- The proposal seeks approval for an unattended Service Station (6x fuel pumps) and Carwash (2 x bays) operating 24 hours a day, seven days a week, with ancillary vacuums and a dog wash activity with reduced operation hours;
- The proposal does to not achieve the objectives and strategies of numerous planning policies, including Municipal Planning Strategic (Clause 02) and fails to align with the purpose of the Zone;
- The application has failed to satisfactorily demonstrate that the proposal provides any net community benefit/need and that residential amenity and character won't be negatively affected;
- A review of the application, the subject site and the current relevant provisions of the Yarra Ranges Planning Scheme makes clear that this site is simply not suitable for a service station and car wash land uses and sought-after operation of 24 hours per day, 7 days per week;
- The commercial needs should not replace the limited supply for housing and accommodation opportunities afforded to the local community unless there is strong benefit to community as a whole;
- The subject site is located in a sensitive residential context that will create ongoing conflicts between residents and the proposed uses and development;
- The proposal will generate unreasonable noise (day and night) and light pollution (night). While some measures could be implemented to counter these impacts, such as baffling lighting and acoustic rated boundary fencing, these standard amenity protection measures would be insufficient to provide a suitable level of amenity protection for this residential area;
- The proposal fails to consider retention of highly valued significant trees, these will be lost through the proposed development, or include provision for new tree planting or significant landscaping;
- The subject site is located within a high amenity area and the proposed extent of signage and signage illumination within the prominent streetscape represents an unacceptable visual clutter and visual disturbance to the township character; and
- The proposal received two (2) objections. The primary issues raised were amenity, traffic, health, safety and no community land use need.

In accordance with Governance Rule 58, Annabel Paul, on behalf of the applicant, spoke in objection to the recommendation included in the officer report.

In accordance with Governance Rule 58, Shona Smith spoke in support of the recommendation included in the officer report.

Cr Child moved a motion alternate to that printed in the agenda.

**Moved: Cr Child**

**Seconded: Cr McAllister**

*That Council resolve to approve Planning Application YR-2022/356 for Use and development of the land for an unattended service station (fuel sales), automatic car wash, associated dog wash and vacuum areas, removal of vegetation, business identification signage (including internally illuminated and electronic) and alteration to a road in a Transport Zone 2 at 2420 Warburton Highway (Crown Allotment 1) & 1A Township of Yarra Junction Parish of Woori Yallock) Yarra Junction and issue a Notice of Decision to Grant a Planning Permit subject to the conditions below.*

- 1. Prior to the commencement of the use and development (including the removal of any trees or other vegetation), amended plans must be submitted to and approved by the responsible authority. When approved the plans will be endorsed and form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with decision plans (Prepared by TMC Building Design Group, dated July 2022), but modified to show:
  - a. Installation and notation, on all relevant plans, of a 'No Entry' sign placed within the site boundaries facing outward to Warburton Highway accessway, in an effective location to deter vehicle entry onto the site from Warburton Highway;*
  - b. Details of all emergencies calling number sign/s displayed for customers;*
  - c. Delineate a 10,000 litre water tank for firefighting purposes; and*
  - d. An Operational Management Plan in accordance to Condition 6.**
- 2. The layout of the site and the size of any proposed buildings and works shown on the endorsed plans shall not be altered or modified without the written consent of the responsible authority.*
- 3. The use of any land or building or part thereof as shown on the endorsed plans must not be altered or modified without the written consent of the responsible authority.*
- 4. The landscape works as shown on the endorsed plan must be carried out prior to occupation of the permitted development, or if not occupied, within three months of completion of the permitted development. With written consent of the Responsible authority landscaping may be deferred to the first planting season (May to September) following the completion of the permitted buildings and/or works. New planting must be maintained or replaced as necessary to the satisfaction of the responsible authority.*
- 5. The land uses may only operate during the following hours*
  - a. Service Station (fuel sales) - 24 hours, 7 days a week*

*The following components of the use may only operate during the following hours:*

  - a. Carwash - 7:00am to 10:00pm*
  - b. Vacuums - 7:00am to 7:00pm*

*c. Dog wash - 7:00am to 10:00pm*

*6. Prior to the commencement of the use and development (including the removal of any trees or other vegetation), an Operational Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and form part of the permit. The plan must include:*

*a. The area to be covered by the Operation Management Plan*

*b. Details of storing and handling of dangerous goods*

*c. Operation hours for each land use and supplementary activities*

*d. Emergency management procedures, including any communication material for customers*

*e. Communication material detailing instructions on how to use fuel pumps*

*f. Detail provision of CCTV cameras (if any)*

*g. Detail provision of security and safe access lighting*

*h. Detail provision of staff attendance*

*i. The publication of a complaints telephone number and email address to adjoining and nearby properties.*

*j. Details of any measures to work with neighbours or other residents in the immediate area to address complaints and general operational issues.*

*k. Acknowledgement that no gas bottles to be sold on site unless written permission is granted.*

*Once endorsed, the use must operate in accordance with the plan as approved or amended from time to time to the satisfaction of the Responsible Authority.*

*7. Noise emissions from use must not exceed the limits set out in the:*

*a. Environmental Protection Authority Guidelines for Noise from Industry in Regional Victoria ('NIRV' — EPA publication 1411) as amended from time to time;*

*b. Environmental Protection Authority's publication 1826.4 Noise limit assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues or subsequent applicable policy; and*

*c. Environment Protection Regulations under the Environment Protection Act 2017 (as amended).*

*(A) All to the satisfaction of the responsible authority.*

*(B) In the event of a complaint that this condition is not being met, any assessment to determine whether the use is in accordance with this condition is at the sole cost of the landowner or permit holder and at no cost to Council.*

*8. All external lighting provided on the site must be baffled so that no direct light is emitted beyond the boundaries of the site and no nuisance is caused to adjoining properties to the satisfaction of the responsible authority.*

*9. Freestanding pole lighting sited along Station Street frontage may only be used*

*between the hours of 6 am and 10 pm daily.*

10. *The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:*
  - a. *transport of materials, goods or commodities to or from the land*
  - b. *appearance of any building, works or materials*
  - c. *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*
  - d. *presence of vermin*

*All to the satisfaction of the responsible authority*

11. *Any air-conditioning unit must be positioned so that no noise disturbance is caused to occupiers of adjoining properties to the satisfaction of the Responsible authority. Any roof top unit must be provided with a sightscreen, to the satisfaction of the responsible authority.*
12. *All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the responsible authority.*
13. *All security cameras installed to be positioned to avoid adjoining private property and public road visuals.*
14. *No external sound amplification equipment, loudspeaker, siren or other audible signalling device other than those required for emergency purposes / customer communication will be installed on the land to the satisfaction of the responsible authority.*
15. *Deliveries to and from the site (including waste collection) only take place between 7:00am to 7:00pm Monday to Saturday (excluding public holidays) to the satisfaction of the responsible authority.*
16. *The provisions, recommendations and requirements, including building works, and use of selected vacuum units, (excluding 5.5 Operational controls) of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the responsible authority.*

*All acoustic treatments and machinery used must be maintained to achieve the acoustic attenuation specified in the endorsed Acoustic Report to the satisfaction of the responsible authority.*
17. *Before the buildings approved by this permit are occupied, all acoustic fencing must be erected as detailed in the endorsed Acoustic Report and on the endorsed plans. Once erected the acoustic fencing must be maintained to the satisfaction of the responsible authority. The cost of fencing installation and maintenance must be met by the land owner and carried out to the satisfaction of the responsible authority.*
18. *Signage must be clearly displayed directing patrons to consider neighbours and leave the premises as quietly as possible, most especially during the evening/night time to the satisfaction of the responsible authority.*

19. *No advertising sign other than those allowed in accordance with the Yarra Ranges Planning Scheme and detailed on the endorsed plans can be erected on the site without a planning permit from the responsible authority.*
20. *The location and details of the signs, and any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the responsible authority.*
21. *The signs must not contain any flashing light and images or scrolling images to the satisfaction of the responsible authority.*
22. *The sign lighting must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.*
23. *The signs must be constructed and maintained to the satisfaction of the responsible authority.*

#### *Arborist Conditions*

24. *This permit authorises the removal of trees as shown on plans prepared by, TMC Building Design Group, dated July 2022. All other trees must be retained to the satisfaction of the responsible authority.*
25. *Prior to the commencement of any buildings and/or works approved by this permit, temporary fencing must be erected around any tree shown for retention on the endorsed plans to define a Tree Protection Zone (TPZ) to the satisfaction of the Responsible authority and must:*
  - a. *Exclude access and construction activity within the TPZs assessed in the Arborist Report by Greenwood, 29/04/2022. If trees have not been assessed, the TPZ is a circle with a radius equal to 12 times the trunk diameter measured at 1.4 metres above ground level;*
  - b. *Have a minimum height of 1.8 metres and comply with Australian Standard AS4687 for temporary fencing and hoardings*
  - c. *Not extend beyond the site boundaries except into roadside reserve and/or nature strip areas. Fencing within roadside reserves and/or nature strip areas must not prevent the use of a road or footpath; and*
  - d. *Remain in place until all buildings and/or works are completed, unless with the prior written consent of the responsible authority.*
26. *The pruning of any tree must comply with the Australian Standard for pruning of amenity trees 'AS 4373 – 2007' to the satisfaction on the responsible authority. Pruning must be undertaken by an arborist with a minimum AQF level 3 qualification.*
27. *Prior to any buildings and/or works the permit holder must contact Council's arborist to arrange for any approved roadside tree removal at the permit holder's cost.*
28. *Prior to the removal of roadside trees a cost recovery fee of \$400 per tree must be paid to Council for the planting of new trees. New trees will be planted at a time and location determined by the responsible authority.*

### *Traffic Conditions*

29. *Prior to the occupation of the permitted development the parking areas and vehicular access ways shown on the endorsed plan must be fully constructed, sealed, drained and delineated to the satisfaction of the responsible authority.*
30. *No vehicle entry on to the site is permitted from Warburton Highway via the accessway/crossover*

### *Drainage Conditions*

31. *Prior to the occupation of the permitted development piped drainage must be constructed to drain all impervious areas incorporating Water Sensitive Urban Design features, to the satisfaction of the responsible authority.*
32. *Prior to the commencement of any works as required by this permit, Development Stormwater Drainage Engineering Plans and Computations must be submitted to, and approved by, the Responsible authority. Development Stormwater Drainage Engineering Plans and Computations must be in line with all the requirements of the approved point of discharge certificate. <https://www.yarraranges.vic.gov.au/Development/Roads-drains/Applications-and-permits/Submitstormwater-drainage-and-computations>*
33. *Prior to the occupation of the permitted development a detention system, must be constructed/installed to drain all impervious areas, to the satisfaction of the responsible authority.*
34. *Prior to the occupation of the permitted development the construction of all civil works within the site, including detention system must be fully completed and subsequently inspected and approved by a suitably experienced Civil Engineer at the arrangement and expense of the owner/developer. This person must supply written certification that the works have been constructed in accordance with this permit and to relevant standards to the satisfaction of the responsible authority.*
35. *Prior to the occupation of the permitted development piped Council outfall drainage must be constructed to the satisfaction of the responsible authority.*
36. *Prior to the approval of engineering construction plans an inspection/surveillance fee to the value of \$500 or 2.5% of the estimated cost of all Council works required by this permit, whichever is greater must be paid to the responsible authority.*
37. *Prior to the approval of engineering construction plans, a maintenance bond to the value of \$5000 or 5% of all Council works, whichever is greater, as required by this permit, must be paid to the responsible authority.*
38. *The Council works as required by this permit must be maintained in good condition and repair by the developer for a period of three months from the date of practical completion to the satisfaction of the responsible authority.*
39. *Prior to an Off Maintenance inspection and subsequent return of the maintenance bond, "As Constructed" plans of all Council works together with a CCTV footage and report in accordance with the Water Services Association of Australia (WSA)*

05-2008 2.2 Code of Practice, of the full length of all Council piped drainage, must be submitted to, and approved by, the responsible authority.

40. The management of Stormwater is to be in accordance with the Approved Point of Stormwater Discharge. Please apply for Approved Point of Stormwater Discharge through Council's webpage. <https://www.yarraranges.vic.gov.au/Property/Roads-drains-footpaths/Stormwater-drainage>

*Country Fire Authority Conditions*

41. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority and the relevant fire authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

42. Before the development starts, an amended Bushfire Management Plan must be submitted to and endorsed by the Responsible authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible authority. The plan must be generally in accordance with Ranges Environmental, Dated 24 August 2022 but modified to replace the conditions for Access and Water Supply with:

a. Access

Access to the static water supply for fire fighting purposes must be provided which meets the following requirements:

- Access must have a load limit of at least 15 tonnes.
- Curves must have a minimum inner radius of 10m.
- The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees)
- with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no
- more than 50m.
- Have a minimum trafficable width of 3.5m of all- weather construction.
- Be clear of encroachments for at least 0.5m on each side and 4m above the
- accessway.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and
- exit angle.

b. Water supply (with remote outlet)

10,000 litres of effective water supply for fire fighting purposes must be provided which meets the following requirements:

- The location of the remote outlet must be within 4 m of the driveway (or other suitable 'hardstand').
- The static water supply must be stored in an above ground tank constructed of concrete or metal.



- *The static water supply must include a separate outlet for the private use of the owner/occupier of the land that incorporates a ball or gate valve.*
- *The tank must be located to achieve gravity feed from the water tank supply to the remote outlet*
- *All water pipes and fittings including the tank outlet to the remote outlet stand pipe must be a minimum pipe size of 80 mm (Class A Copper or Class 12 PVC) or 90 mm PN 12.5 HDPE*
- *The static water supply must be provided with a separate outlet for the CFA (CFA outlet) that includes a 64 mm CFA 3 thread per inch male coupling.*
- *A 65mm British Standard Pipe (BSP) ball or gate valve must be provided at the CFA outlet to control the flow of water to the CFA coupling. Any other valves between the CFA outlet and the tank must be locked in the open position.*
- *The CFA outlet must be:*
  - *Easily accessible by a fire-fighter in the event of a bushfire*
  - *Clear of all vegetation for a distance of 1.5 metres*
  - *Setback from flammable objects (including timber fences and timber retaining walls) for a minimum distance of 1.5 metres*
  - *Oriented horizontally.*
- *The centreline of the CFA outlet must be:*
  - *A minimum of 300mm and maximum 600mm in height above the finished ground level.*
  - *Located below the level of the outlet on the tank.*
- *The riser for the CFA outlet must be supported by a galvanised steel post at least 50mm x 50mm or equivalent which is concreted in the ground to a depth of at least 450mm.*
- *The CFA outlet must be easily identifiable from dwelling or signage must be provided that meets the following requirements:*

*Has an arrow pointing to the location of the fire authority outlet.*

  - *Has dimensions of not less than 310mm high and 400mm long.*
  - *Is red in colour, with a blue reflective marker attached.*
  - *Is labelled with a 'W' that is not less than 15cm high and 3cm thick.*
- *The CFA outlet must include a fade-resistant or engraved sign that:*
  - *Is to be fixed to the post supporting the fire authority outlet riser.*
  - *Has a minimum height of at least 1m from the ground surface level.*
  - *Includes the words "FIRE WATER TANK OUTLET" in lettering that is a minimum of 50mm in height and written in a colour contrasting with that of the background.*
- *A blue reflective disc at least 50mm in diameter must be attached to the post holding the sign. The blue reflective disk must be located immediately below the sign.*

*All below-ground water pipes must be installed to provide at least the following cover below the finished surface; 300 mm for pipes subject to vehicle traffic; 75 mm for pipes under dwellings or concrete slabs; and 225 mm for all other locations.*

*43. Before the development is occupied or the use commences, a Bushfire Emergency Plan (BEP) must be prepared and endorsed by the Responsible authority. The BEP must clearly describe the emergency management arrangements that will be implemented to reduce the risk of bushfire and should address the following matters:*

- a. Describe property and business details.*
- b. Identify the purpose of the BEP stating that the plan outlines procedures for:
  - i. Proposed Management of Site on any day with a Fire Behaviour Index Rating of Extreme or Catastrophic fire danger in the Central Fire District.**
- c. Review of the BEP:
  - i. Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period*
  - ii. Include a Version Control Table**
- d. Roles & Responsibilities
  - i. Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire and the triggers for acting. For example, when the facility will be closed and the circumstances under which guests and patrons will shelter in place or evacuate.*
  - ii. Ongoing management of bushfire mitigation measures specified on the Endorsement Bushfire Management Plan.**
- e. Emergency contact details*
- f. Bushfire monitoring procedures
  - i. Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.*
  - ii. Describe and show (include a map) the area to be monitored for potential bushfire activity.**

*Head of Transport of Victoria (VicRoads) Conditions*

*44. To the occupation of the development, the crossover and driveway are to be constructed to the satisfaction of the Responsible authority and at no cost to the Head, Transport for Victoria.*

*45. Vehicles must enter and exit the site in a forward direction at all times.*

*WorkSafe Conditions*

*46. Before commencing operations, the applicant will need to address the areas of concern outlined above to ensure the risks from storing and handling of dangerous goods at an unmanned service station are controlled as far as is reasonably practicable in accordance with section 31 of the Dangerous Goods Act 1985. If you*

have any questions, please email [dangerousgoodsunit@worksafe.vic.gov.au](mailto:dangerousgoodsunit@worksafe.vic.gov.au)

#### *Permit Expiry Conditions*

47. *This permit will expire if one of the following circumstances applies:*

- 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*
- c. *The use does not start within one (1) year of the completion of the development*
- d. *The use is discontinued for a period of two (2) years.*

*(C) The owner or the occupier of land to which a permit applies, or another person with the written consent of the owner, may ask the responsible authority for an extension of time for a permit where:*

- *a use or development allowed by the permit has not yet started and the application is made either before the permit expires or within six months of the expiry date; or*
- *development allowed by the permit has lawfully started and the application is made within 12 months after the permit expires.*

48. *This permit, as it relates to the display of signage, expires 15 years from the date of this permit.*

#### **NOTES:**

*The management of Stormwater is to be in accordance with the Approved Point of Stormwater Discharge. Please apply for Approved Point of Stormwater Discharge through Council's webpage. <https://www.yarraranges.vic.gov.au/Property/Roads-drainsfootpaths/Stormwater-drainag>*

**The motion was Carried.**

### 10.3 Amendment C208: 27-33 Old Hereford Road, Mount Evelyn

#### SUMMARY

At the Ordinary Council Meeting of 14 May 2022 Council resolved to prepare and exhibit a combined Planning Scheme Amendment C208 and Planning Permit application (YR-2022/512) for 27-33 Old Hereford Road, Mount Evelyn (the site).

Amendment C208 proposes to apply Schedule 2 of the Low Density Residential Zone (LDRZ) the site, to allow the subdivision of the land into one 2200sqm and one 2967sqm lot.

The amendment proposes a concurrent planning permit (YR-2022/512) for a two-lot subdivision under Section 96A (combined amendment and permit process) of the *Planning and Environment Act 1987*.

The amendment was exhibited between 13 October 2022 to 13 November 2022 with a total of 7 submissions received during the exhibition period. Of the 7 submissions, the one opposing submission was subsequently withdrawn.

**Moved: Cr Heenan**

**Seconded: Cr Todorov**

*That Council*

1. *Consider the submissions made in response to the exhibition of Planning Scheme Amendment C208 and Planning Permit Application YR-2022/512.*
2. *Adopt Amendment C208 to the Yarra Ranges Planning Scheme generally in accordance with the Attachments to this report.*
3. *Submit Amendment C208 to the Yarra Ranges Planning Scheme to the Minister for Planning for approval.*
4. *Notify the proponent and submitters of Council's decision.*

**The motion was Carried unanimously.**

Cr Heenan left the meeting at 8.21pm following the vote being taken.

## 10.4 CT7095 Kerbside Collection Services Including Mobile Bin and Lid Purchasing and Distribution

### SUMMARY

This report and attachment inform Council on the Tender Process for the CT7095 Kerbside Collection & Mobile Bin Supply and Distribution tender, which closed on 21 October 2022 and seeks approval to award the tender to the preferred tenderer as per the recommendations within the confidential evaluation report.

The timing of the report relates to ensuring the transition of services can be appropriately managed which relies on delivery of the Letter of Offer by February 2023. This will ensure all contract resources, such as trucks and bins, are in place for the commencement of services in October 2023.

Cr Heenan returned to the meeting at 8.26pm prior to the vote being taken

**Moved: Cr Skelton**  
**Seconded: Cr Fullagar**

*That*

- 1. Council accepts the tender and awards a schedule of rates contract for CT7095 Kerbside Collection Services Including Mobile Bin and Lid Purchasing and Distribution to JJ Richards & Sons Pty Ltd for an estimated value of \$160,826,000, (excl. GST) for a ten (10) year term, subject to the resolution of proposed contract departures and inclusive of all negotiated cost savings, schedule of rates and any provisional items detailed in the Confidential Attachment to this report.*
- 2. The Director Planning and Sustainable Futures be delegated the authority to finalise negotiations and sign the contract documents and future extension options.*
- 3. The confidential attachments to this report remains confidential indefinitely as it relates to matters specified under Section 3(1) (g)(i), (g)(ii) of the Local Government Act 2020*

**The motion was Carried unanimously.**

## 10.5 Kilsyth Recreation Reserve Master Plan for Community Consultation

### SUMMARY

This report seeks to inform Council of the draft Kilsyth Recreation Reserve Master Plan (the draft Master Plan) that has been developed following extensive consultation with the local Kilsyth residents, Kilsyth Community Action Group, sports clubs and the broader Yarra Ranges community. The draft Master Plan provides a 10+ year strategic approach to improve sport and recreation facilities at the reserve in response to identified community needs, including repurposing of aged infrastructure.

Improvements recommended include the removal of the redundant tennis courts to provide a multi-generational playspace, multi-purpose court and junior pump track. An upgrade to the oval irrigation and lights is proposed plus the inclusion of a community plaza and oval viewing space. The community will also benefit from an improved path network and 'chillout' spaces.

**Moved: Cr Cox**

**Seconded: Cr Todorov**

*That Council*

1. *Consider the recommendations of the draft Kilsyth Recreation Reserve Master Plan.*
2. *Council approval to release the draft Kilsyth Recreation Reserve Master Plan for community consultation.*

**The motion was Carried.**

Cr Heenan was unable to participate in the vote due to technical issues.

## 10.6 Purchase of 13 Green Street, Healesville - Progress to Community Engagement

### SUMMARY

Council has been offered opportunity to purchase 13 Green Street, Healesville (Lot 2 PS641028), a 1695m<sup>2</sup> section of vacant land from Victrack for a price equivalent to half its market value, on the provision the land remains for public open space.

Until 2018, the land had been leased by Council and maintained as a community open space, passive recreational area and meeting space, and as the site of a monthly Community Market.

In 2017, a community survey undertaken by Council indicated that 89.7% of community respondents supported Council purchasing the land at a price in the vicinity of \$400k, while 67.2% supported its purchase at a price of \$1.185 million (the market value of the land at that time).

More recent negotiation has seen Victrack now making a formal offer to Council to purchase the land for \$675,000 plus GST, which represents a discount of 50% on the current market value, on the provision that a restrictive use covenant is applied to the land restricting its use to a community open space. The proposed purchase could be funded entirely using Open Space Funds available to Ryrie ward.

It is recommended that Council commence community engagement via a Notice of Intent and seek the community views in respect of the potential purchase of the land in accordance with provisions of section 112 of the Local Government Act 2020.

At its conclusion, a report detailing submissions received through the engagement process would be presented to Council for a final decision on the proposed purchase.

**Moved: Cr McAllister**  
**Seconded: Cr Todorov**

*That Council*

- 1. Initiate engagement with the community on the proposed purchase of 13 Green Street, Healesville pursuant to section 112(3) of the Local Government Act 2020.*
- 2. Receive a further report on submissions received through community engagement to allow a final decision on the proposed purchase of 13 Green Street, Healesville.*
- 3. Support in principle to the formal offer from Victrack to acquire 1695m<sup>2</sup> of land at 13 Green Street, Healesville (Lot 2 PS641028), for its ongoing use as public open space at a cost of \$675,000.00 (exclusive of GST).*
- 4. Propose that the purchase be funded utilising Public Open Space Funding available to Ryrie Ward.*

**The motion was Carried unanimously.**

## **11 COUNCILLOR MOTIONS**

*In accordance with Chapter 3, Division 4, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*

There were no Councillor motions listed on the agenda for this meeting.

## **12 ITEMS THROUGH THE CHAIR**

### **12.1 Ash Wednesday 40<sup>th</sup> Anniversary Event**

Cr Skelton attended the 40<sup>th</sup> Anniversary of the Ash Wednesday bushfires event held in Cockatoo. She thanked all the organiser of the event and the people who served on that day 40 years ago. Cr Skelton acknowledge the impact that day has had on the community.

### **12.2 Midsumma Pride March**

Cr Skelton thanked the Officers that organised and participated in the Midsumma Pride March held on 5 February 2023.

### **12.3 Star News Group**

The Mayor commended the Star Mail News on the recent editions of the paper containing articles commemorating the 40<sup>th</sup> Anniversary of Ash Wednesday bushfires.



## 13 REPORTS FROM DELEGATES

Cr Cox:

- Attended the Kilsyth Community Action Group meeting held 9 February 2023 at the Japara Living and Learning Centre.
- Attended the Walmsley Residential Aged Care new facility officially opening held 10 February 2023 in Kilsyth.
- Acknowledged the 15<sup>th</sup> anniversary of the stolen generation apology giving by the Prime Minister Kevin Rudd. Cr Cox also acknowledged the 25<sup>th</sup> Anniversary of Yarra Ranges Council apology to the stolen generation.

Cr Child

- Noted that he has signed off on a media release, on behalf of Council, regarding the 25<sup>th</sup> Anniversary of Yarra Ranges Council apology to the stolen generation.

Cr McAllister:

- As Co-chair of the Valley Regional Community Recovery Committee, attended two community consultation events held in Yarra Glen and Healesville.

Cr Skelton

- Attended The Sustainability Environment Advisory Committee meeting held on 2 February 2023. The meeting was also attended by Cr Fullagar.
- Attended the Municipal Emergency Management Planning Committee held 8 February 2023 at the Yarra Ranges Council Civic Centre. The meeting was also attended by Cr Child.

## 14 DOCUMENTS FOR SIGNING AND SEALING

*In accordance with Clause 87 of the Meeting Procedures and Use of Common Seal Local Law 2015, as prescribed by Section 14(2)(c) of the Local Government Act 2020.*

There were no Documents for Signing and Sealing received for this meeting.

**15                    INFORMAL MEETING OF COUNCILLORS**

**Moved: Cr Child**

**Seconded: Cr McAllister**

*That the records of the Informal Meetings of Councillors, copies of which are attached to the report, be received and noted.*

**The motion was Carried unanimously.**

**16                    URGENT BUSINESS**

There was no Urgent Business received for this meeting.

**17                    CONFIDENTIAL ITEMS**

*In accordance with section 66(2)(a) of the Local Government Act 2020.*

There were no Confidential Items listed on the agenda for this meeting.

**18                    DATE OF NEXT MEETING**

There being no further business the meeting was declared closed at: 8.53 pm.

Confirmed this day, Tuesday, 28 February 2023.

.....  
**Councillor Jim Child (Mayor)**