

Future Nillumbik Committee

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 12 March 2019 commencing at 7:30pm.

Agenda

Carl Cowie
Chief Executive Officer

Friday 8 March 2019

Distribution: Public

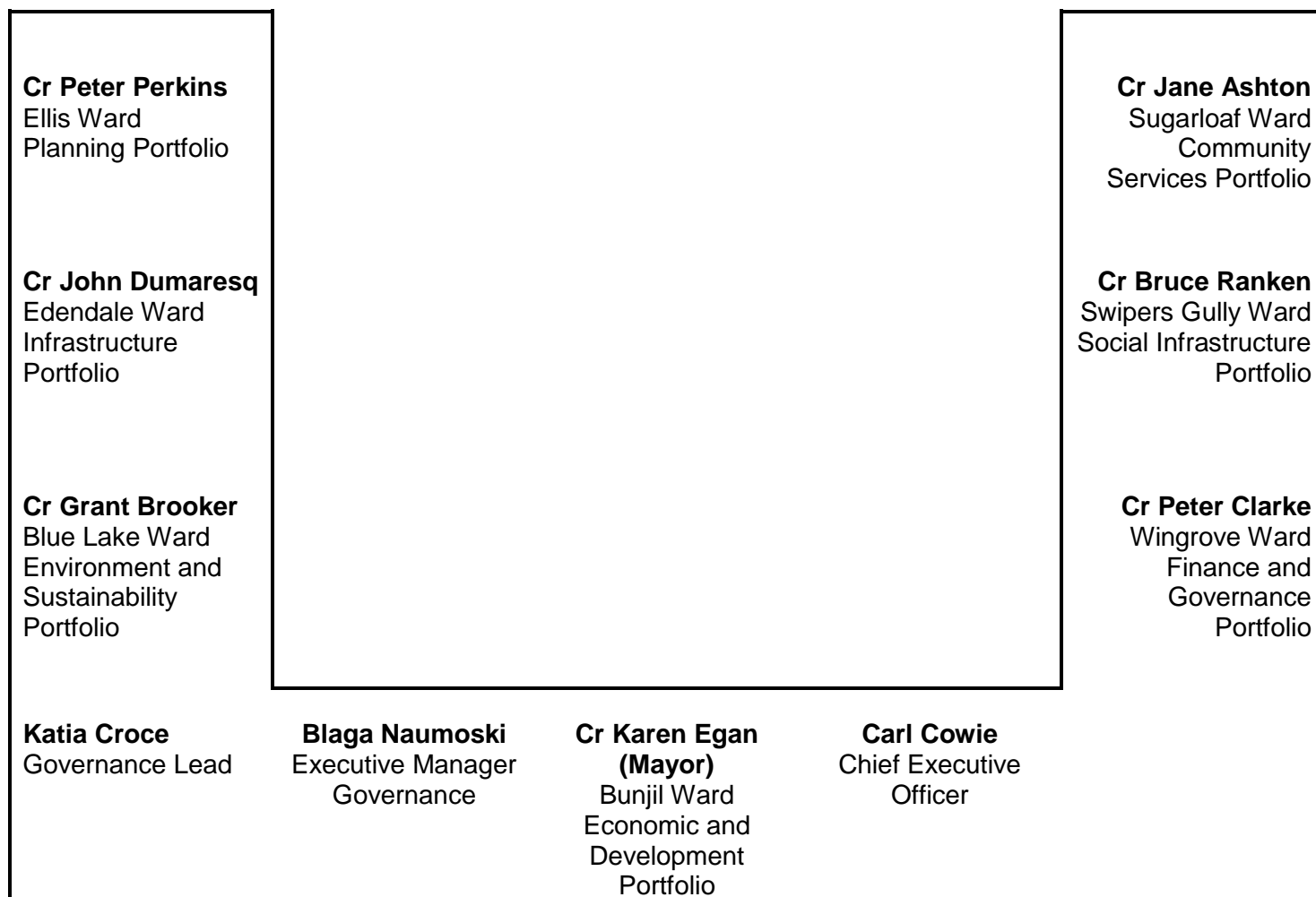
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Wominje ka

Future Nillumbik Committee seating plan



Visitors in the gallery at Committee meetings are:

- Welcome to copies of the various reports which will be considered by this Committee at the meeting. These are on the table in the foyer.
- Welcome to tea, coffee and water. These are on the table in the foyer near the Council Chamber entry.
- Requested to observe deliberations quietly in order for Committee meetings to run smoothly.
- Advised that the meeting will be recorded and an audio recording of the meeting will be made publicly available on Council's website.

Nillumbik Shire Council

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Nillumbik Shire Council

**Agenda of the Future Nillumbik Committee Meeting to be held
Tuesday 12 March 2019 commencing at 7:30pm.**

1. Welcome by the Chair

Members of the public are advised the meeting will be recorded and an audio recording of the meeting will be made publicly available on Council's website.

2. Reconciliation statement

The reconciliation statement to be read by the Chairperson

Nillumbik Shire Council acknowledges the Wurundjeri people who are the Traditional Custodians of this Land. We would also like to pay respect to the Elders both past and present and extend that respect to other Indigenous Australians present.

3. Apologies

Recommendation

That the apologies be accepted.

4. Confirmation of minutes

Confirmation of minutes of the Future Nillumbik Committee Meeting held on Tuesday 12 February 2019.

Recommendation

That the minutes of the Future Nillumbik Committee Meeting held on Tuesday 12 February 2019 be confirmed.

5. Disclosure of conflicts of interest

Committee members should note that any conflicts of interest should also be disclosed immediately before the relevant item.

6. Officers' reports

FN.004/19 Ageing Well in Nillumbik Action Plan

Portfolio: Community Services

Distribution: Public

Manager: Matt Kelleher, Director Services and Planning

Author: Corrienne Nichols, Manager Community Programs
Rebecca Burton, Coordinator Community Support Services

Summary

A report was presented at the Councillor Briefing held 19 February 2019 on the proposed Ageing Well in Nillumbik Action Plan 2019-2022, with its purpose to guide the ongoing development and delivery of programs, activities and services that support older people to live and age well in Nillumbik.

By adopting the Ageing Well in Nillumbik Action Plan, it will provide direction for Council's work with the Positive Ageing Advisory Committee (PAAC) to deliver on the key priorities identified by the older people living in the Shire.

Recommendation

That the Committee (acting under delegation from Council) adopts the Ageing Well in Nillumbik Action Plan 2019-2022 (**Attachment 1**) and work commence on its implementation.

Attachments

1. Ageing Well In Nillumbik Action Plan 2019-2022

Background

1. The Positive Ageing Strategy 2013-2018 concluded on 31 December 2018. A review was conducted and the development of the Ageing Well in Nillumbik Action Plan 2019-2022 (the Action Plan) was undertaken in consultation with the Positive Ageing Advisory Committee (PAAC).
2. As a signatory to the Age Friendly Declaration in 2016, Council confirmed its commitment to working with other tiers of Government and our community to create an age friendly community as a contribution to Council's vision of Nillumbik as Australia's most liveable Shire.
3. Council engaged Jocelyn Fuller consultancy, who facilitated the review and evaluation of the Positive Ageing Strategy 2013-2018 in consultation with key internal officers and the PAAC.
4. The Ageing Well in Nillumbik Action Plan 2019-2022 has been developed as part of an integrated set of Council plans to contribute to community outcomes and has a specific focus on priorities, actions and activities that strengthen, benefit and resource older people, their carers and families across Nillumbik. Having clearly identified where our older people reside allows us to make well informed decisions about where Council needs to invest its efforts ensuring equitable outcomes for its older residents.

6. Officers' reports

FN.004/19 Ageing Well in Nillumbik Action Plan

5. The shared vision underpinning this action plan is that *“Nillumbik residents will live and age well in healthy and safe communities that are inclusive and respectful”*.
6. The Action Plan 2019-2022 focuses on actions under the objective areas of Health and Wellbeing, Housing and Accommodation, Information, Social Connectedness, and Transportation. These key areas were identified by older people within Nillumbik throughout community consultations.

Policy context

7. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Develop policies, strategies, projects and partnerships to enhance the health and wellbeing of the community.

Budget implications

8. The actions are designed to be achieved where possible, within current budget allocation.
9. Some actions will require the active pursuit of partnerships and resources from Council and external funding sources in order to be achieved.

Consultation/communication

10. The Ageing Well in Nillumbik Action Plan 2019-2022 has been developed over a 1-2 year journey in partnership with the Nillumbik Positive Ageing Advisory Committee (PAAC). Two consultation workshops with the PAAC informed the plans priorities and to develop relevant and meaningful actions for implementation. A sub-group of the PAAC confirmed the title of the plan and developed the vision statement to guide Council's commitment.
11. In early 2018, Council also communicated and engaged with clients and the broader Nillumbik community, through the *“What do you need to Live and Age Well in Nillumbik”* research survey. This provided insight into the priorities of older people, along with their carers and families to improve the quality of life for older people living in Nillumbik.
12. Broader consultation with older people and their carers also took place as part of a Northern Region councils initiative, the insights gained from this piece of work aligned with the priorities identified by Nillumbik residents.
13. This level of engagement and connection continues with our older residents through PAAC, social connection activities and a wide range of intentional interactions with older adults.

Issues/options

14. A goal of the Action Plan is for Nillumbik to have an older adult population (aged 55 and over) that is informed, connected, and supported to live well and age even better, that is:
 - Informed about programs, services and options available;
 - Connected to family, friends, neighbours and the wider community; and
 - Supported to make informed decisions about how they choose to live.

6. Officers' reports**FN.004/19 Ageing Well in Nillumbik Action Plan**

15. Nillumbik's population is growing older with people aged 65-85 years expected to increase 73% by 2036, representing 20% of Nillumbik's population. Ensuring public places and spaces are accessible and age friendly, and that structures and systems engage and involve older people are priorities for the future.
16. Overall, the population of Nillumbik is at the higher end of the socio-economic gradient in Victoria. This means that in many aspects, the population of Nillumbik enjoys better than average health and wellbeing. Our relatively healthy population also demonstrates that Nillumbik provides an environment that fosters good health.
17. The Nillumbik community have a strong level of engagement with greenspace and the arts, which is a protective factor for both physical and mental health. Additionally, Nillumbik's strong sense of connectivity, cohesiveness and trust in its neighbourhoods contribute to people's overall feeling of wellbeing.
18. In 2016 Nillumbik had a Socio-economic index for Areas (SEIFA) and Index of Relative Socio-economic Disadvantage (IRSD) score of 1099, were well above the national average. A higher score indicates relatively greater advantage in general. Nillumbik has one of the highest SEIFA IRSD scores in Victoria, indicating it has less disadvantage on average than other municipalities
19. However, there are certain wide-spread health inequalities that persist within our municipality, affecting different population groups in different ways. For example, the growth in the ageing population of Nillumbik means that particular issues faced by the older population will increase. These include limited transportation options, social and geographic isolation, limited housing options and access to services and facilities.
20. The provision of sustainable services and supports; and the meaningful participation of older people in social, economic, civic and community life will contribute to Council's vision for Nillumbik to be Australia's most liveable Shire.
21. Officers will continue to work in partnership with both internal and external stakeholders to further inform future work ensuring current issues and trends are identified and addressed through the ongoing work of PAAC and Council.

Conclusion

22. By adopting the Ageing Well in Nillumbik Action Plan 2019-2022, it confirms Council's commitment to deliver on the key priorities identified by older people living in the Shire.
23. It is recommended that Council adopts the Ageing Well in Nillumbik Action Plan 2019-2022 to support the delivery of key actions from thy key priority area's identified by the older people living in the Shire; Community Connection, Resilience and Engagement, Information and Advocacy, Safe and Healthy Environments, Transport and Mobility, Civic Participation and Employment and Housing.

6. Officers' reports

FN.005/19 Corrections to the Nillumbik Planning Scheme - Amendment C115

Portfolio: Planning

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Organisational Performance

Author: Fae Ballingall, Senior Strategic Planner

Summary

Correction amendments are periodically required to fix errors and anomalies in local planning schemes to ensure they are consistent, accurate and up-to-date. Amendment C115 (the Amendment) corrects several zoning and overlay boundaries, property address changes, and removal of expired or superseded provisions.

It meets the Minister for Planning's criteria for a fast track amendment process under 20(4) of the *Planning and Environment Act 1987* (the Act). The Amendment is policy neutral and administrative only.

Recommendation

That the Committee (acting under delegation from Council) requests the Minister for Planning to authorise Planning Scheme Amendment C115 under section 20(4) of the *Planning and Environment Act 1987*.

Attachments

1. Planning Scheme Amendment C115 Documents for Authorisation

Background

1. A corrections register is used by officers to record and keep track of errors and anomalies in the Nillumbik Planning Scheme (NPS). These are typically identified through planning permit applications, enquiries and requests from the community, and periodic reviews of the NPS.
2. The previous corrections amendment, C94, was completed in 2015. Since then a number of new errors and anomalies have been identified that need to be addressed.
3. Correction amendments are commonly carried out under the provision of section 20(4) of the *Planning and Environment Act 1987* through a fast track process. The provision enables the State Minister for Planning to amend the planning scheme.
4. The Department of Environment, Land, Water and Planning apply strict criteria to a section 20(4) amendment to ensure the changes are policy neutral. If any change proposed does not meet the criteria, then it will be excluded from the amendment.

Policy context

5. This report directly supports the achievement of Council Plan 2017-2021 strategies:
 - Prepare and develop an improved and holistic approach to strategic planning.

Budget implications

6. Amendment C115 (the Amendment) is resourced through Council's annual operating budget.

6. Officers' reports

FN.005/19 Corrections to the Nillumbik Planning Scheme - Amendment C115

Consultation/communication

7. As the Amendment is administrative, it is being requested as a Ministerial Amendment under section 20(4) of the Act. This means that it is exempt from the standard notice requirements including letters, public notices and public exhibition.

Issues/options

8. The Amendment corrects several zoning and overlay boundaries, property address changes, as well as a number of minor text edits.
9. The Amendment also removes several expired or superseded local planning policies. These policies should not be retained in the NPS as they cannot be considered in any planning permit decision-making process. Any debate about the merit or otherwise of expired or superseded policies will have to take place when the full review of the NPS occurs. At such time, their reintroduction (in full or part) may be considered.
10. Expired or superseded policies are:
- Clause 22.02 '*Subdivision in Green Wedge areas*' and Clause 22.03 '*Residential use and development on small lots in Green Wedge areas*'. These were two interim policies introduced into the Nillumbik Planning Scheme in 2007 to provide local strategic direction whilst the Green Wedge Management Plan 2010 – 2025 was being completed. Both policies expired in 2009.
 - Clause 22.11 '*Yanakie Farm Domestic Pet Policy*'. The policy is now a redundant provision. It originally applied to land, formally known as Yanakie Farm, abutting the Bend of Isles and was in place to prohibit domestic pets being so close to Bend of Isles. This was before the land became part of the Warrandyte-Kinglake Nature Conservation Reserve. It is now part of the Reserve and managed by Parks Victoria.
 - Clause 22.05 '*Aboriginal Cultural Heritage Policy*'. This policy has been superseded by the *Aboriginal Heritage Act 2016*.
 - Clause 22.13 '*Wildfire Management Policy*'. This policy has been superseded by the Bushfire Management Overlay.
11. These policies are also referred to in Clause 21.05 of the Municipal Strategic Statement (MSS) which creates inconsistency and uncertainty for planning permit applicants. The MSS will be updated to address this as part of the Amendment.
12. The proposed changes are listed in the Planning Scheme Amendment C115 Documents for Authorisation (**Attachment 1**). This includes the following:
- Explanatory Report – outlines the strategic purpose of the Amendment and includes a table of changes.
 - Instruction List – details proposed changes to the NPS.
 - Planning Scheme Maps – shows where overlays are being deleted or amended.
 - Planning Scheme Ordinance – shows the changes to the NPS, such as where reference to an expired policy is being deleted.

6. Officers' reports

FN.005/19 Corrections to the Nillumbik Planning Scheme - Amendment C115

Conclusion

13. All proposed changes, including removal of redundant provisions, are administrative and policy neutral.
14. A request to the Minister for Planning to prepare the Amendment would be made through the online Amendment Tracking System. The Minister then gives notice to Council of its decision to make the requested corrections. There is no timeframe for this, however gazettal of the Amendment would generally be expected within six months of the request.

6. Officers' reports

FN.006/19 Development and use of the land as an Emergency Services Facility (CFA fire station), demolition of an outbuilding (toilet block) and associated vegetation removal at 109-115 Yan Yean Road, Plenty

Portfolio: Planning

Distribution: Public

Manager: Renae Ahern, Manager Planning Services

Author: Eloise Gabriele, Senior Statutory Planner

Application summary

Address of the land	109-115 Yan Yean Road, Plenty
Site area	40,568.2 square metres
Proposal	Development and use of the land as an Emergency Services Facility (CFA fire station), demolition of an outbuilding (toilet block) and associated vegetation removal
Application number	159/2018/06P
Date lodged	9 April 2018
Applicant	CFA Land & Building Services
Zoning	Public Parks and Recreation Zone (in part) Neighbourhood Residential Zone (Schedule 1) (in part) Road Zone Category 1 (in part)
Overlay(s)	Bushfire Management Overlay Design and Development Overlay (Schedule 3) (in part) Heritage Overlay (Schedule 248) (in part) Heritage Overlay (Schedule 249) (in part)
Reason for being reported	A project that is of Council significance
Number of objections	19 objections and 1 submission of support
Key issues	<ul style="list-style-type: none"> • Appropriateness of the use and Net community benefit • Native Vegetation impacts • Landscaping • Heritage, Built form and Urban Design

6. Officers' reports

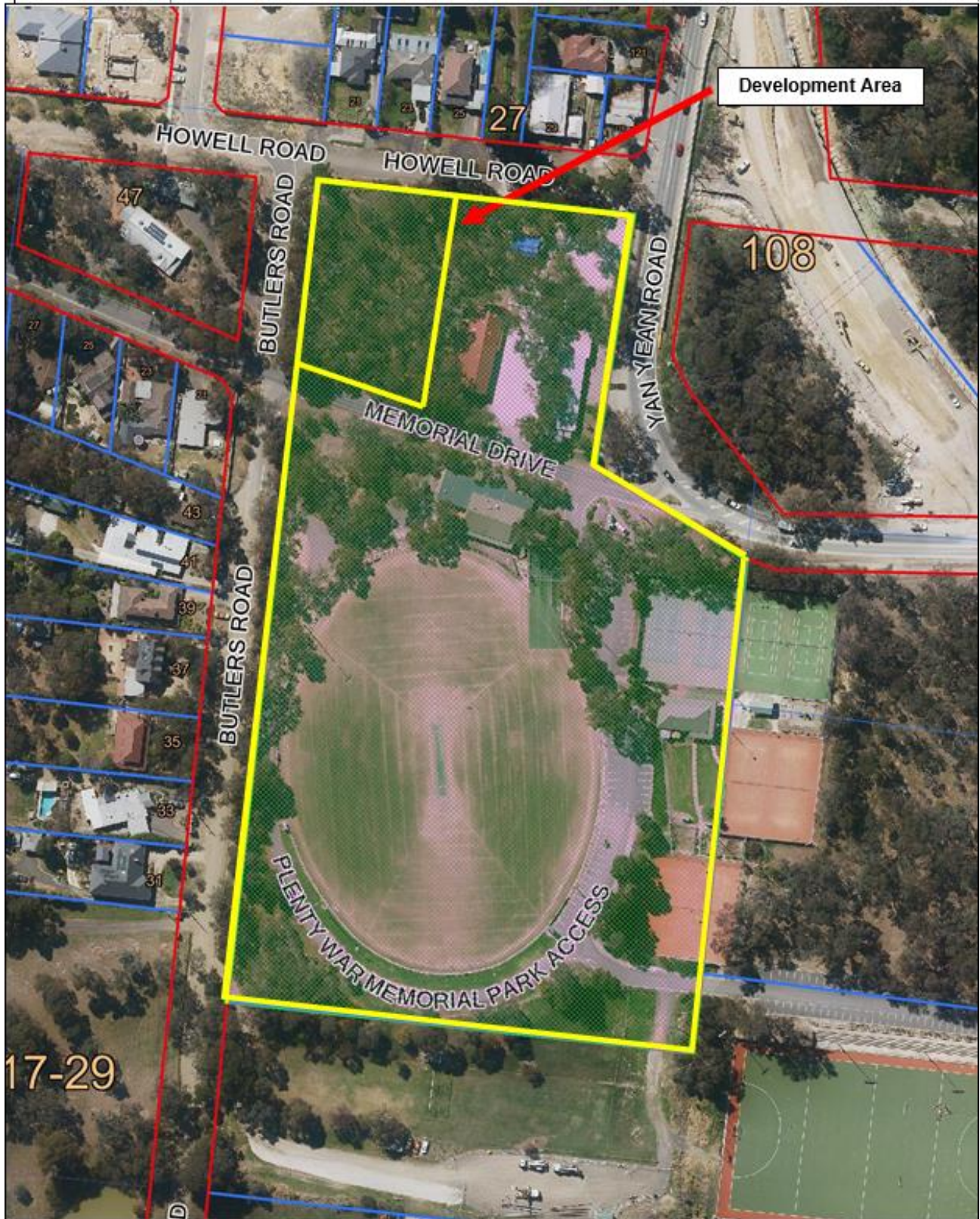
FN.006/19 Development and use of the land as an Emergency Services Facility (CFA fire station), demolition of an outbuilding (toilet block) and associated vegetation removal at 109-115 Yan Yean Road, Plenty

	<ul style="list-style-type: none">• Car Parking, Access and Traffic Impacts• Wastewater and stormwater management• Bushfire Prone Area
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6. Officers' reports

FN.006/19 Development and use of the land as an Emergency Services Facility (CFA fire station), demolition of an outbuilding (toilet block) and associated vegetation removal at 109-115 Yan Yean Road, Plenty

Location map



6. Officers' reports

FN.006/19 Development and use of the land as an Emergency Services Facility (CFA fire station), demolition of an outbuilding (toilet block) and associated vegetation removal at 109-115 Yan Yean Road, Plenty**Recommendation**

That the Committee (under delegation from Council) issue a Notice of Decision to Grant a Permit to the land located at 109-115 Yan Yean Road, Plenty, for the development and use of the land as an Emergency Services Facility (CFA fire station), demolition of an outbuilding (toilet block) and associated vegetation removal, in accordance with the submitted plans and subject to the following conditions:

1. Before the development and use commences, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans received on 9 April 2018 and 5 July 2018 and prepared by *Nicholas + Alexander Architects* but modified to show:
 - a) Amend Elevation Plans to delete Zincalume corrugated roof sheeting and replace with a muted and non-reflective roof material.
 - b) Trees numbered in accordance with the TreeLogic Arboriculture Assessment and Report.
 - c) Tree Management Plan in accordance with Condition 5.
 - d) Tree Protection Zone Fencing.
 - e) Amend Site Plan to show the siting of the Plenty Church on the subject site.
 - f) Deletion of the eastern boundary 1.8 metre high fence, between the rock retaining wall and Memorial Drive.
 - g) Waste collection and storage areas.
 - h) The location of any entry bore pits both within the subject land and on the Road Reserves, sited so as to not impact on retained and existing vegetation.
 - i) The location of all trenched services within the subject land and on the Road Reserves, sited so as to not impact on retained and existing vegetation.
 - j) The location of any services (including drainage, water, electricity, gas and telephone) within the Tree Protection Zone of trees on the subject land and on the Road Reserve to be installed by directional boring with the top of the bore to be a minimum depth of 600mm.
 - k) The provision of bicycle facilities to accommodate at least 4 bicycle parking spaces, in order to satisfy Clause 52.34 (Bicycle Facilities).
 - l) An amended Landscape Plan generally in accordance with the plans received on 9 April 2018 and prepared by John Patrick Landscape Architects Pty Ltd showing:
 - i. The landscape plan amended to ensure that it complies with the CFA document Landscaping for Bushfire, Garden Design and Plant selection.

6. Officers' reports**FN.006/19 Development and use of the land as an Emergency Services Facility (CFA fire station), demolition of an outbuilding (toilet block) and associated vegetation removal at 109-115 Yan Yean Road, Plenty**

- ii. Supplementary landscaping both on the remaining areas of Plenty Heritage Park and on the adjacent roadside verges, to provide additional screening of the development.
2. The development and use as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
3. The tree removal as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
4. Unless with the prior written consent of the Responsible Authority, before the occupation of the development hereby approved, the landscaping works shown on the endorsed plans must be carried out, completed and maintained thereafter to the satisfaction of the Responsible Authority.
5. Before the development commences (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), three copies of a site and tree specific Tree Management and Tree Protection Zone Access Plan must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plan must be generally in accordance with the plans received on 9 April 2018 and 5 July 2018 and the Treelogic Arboriculture Assessment and Report dated 13 June 2018 but modified to show:
 - a) Site Plan outlining trees to be removed and trees to be retained.
 - b) Trees numbered in accordance with the Treelogic Arboriculture Assessment and Report.
 - c) Exact location and measurements of the Tree Protection Zone and associated tree protection fencing for all trees shown on the plans to be retained.
 - d) The ground level treatment within the Tree Protection Zone areas.
 - e) Location of all proposed trenched and bored services for the site.
 - f) The location and depth of excavations within the specified Tree Protection Zones.
 - g) The procedure that will be adhered to when excavating within the specified Tree Protection Zones.
 - h) The inspection and maintenance regime that will be complied with to maintain the Tree Protection Zones and tree health during the course of construction.
 - i) The reporting regime (to Council) that will be implemented during construction.
 - j) The current contact details for the person responsible for implementing the above actions must be included in the Tree Management and Tree Protection Zone Access Plan.

6. Officers' reports**FN.006/19 Development and use of the land as an Emergency Services Facility (CFA fire station), demolition of an outbuilding (toilet block) and associated vegetation removal at 109-115 Yan Yean Road, Plenty**

6. The approved Tree Management and Tree Protection Zone Access Plan must be carried out and completed to the satisfaction of the Responsible Authority.
7. Before the development commences, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:
 - a) Tree protection zones for any tree to be retained on the site, and any tree on any adjoining property or road reserve;
 - b) Measures to protect vegetation as required by any other condition of this permit;
 - c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;
 - d) Where access to the site for construction vehicle traffic will occur;
 - e) The location of car parking for the tradespersons working on the site;
 - f) The location of any temporary buildings or yards;
 - g) The location for storage of materials being delivered to the site;
 - h) Measures to control stormwater, erosion and sediment, and sediment laden water runoff including the design details of structures;
 - i) Details of how any hazardous materials are to be managed and removed from the site;
 - j) Measures to protect Council's assets (drainage, footpaths, crossovers, reserves and roadways);
 - k) Construction and delivery times;
 - l) Measures to address noise impacts associated with machinery, equipment, radios, voice etc;
 - m) Dust control and mitigation measures to prevent airborne dust leaving the site;
 - n) Measures to ensure no dust, dirt, mud or spoil are deposited on any adjoining property or road;
 - o) Details of how any material or spoil deposited on the roads is to be removed;
 - p) The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences.
 - q) The location of trenching works, boring, and pits associated with the provision of services.
 - r) Measures designed to ensure the orderly management of the construction site, including complaint procedures and contact details in the event of a received complaint relating directly to construction works.

6. Officers' reports**FN.006/19 Development and use of the land as an Emergency Services Facility (CFA fire station), demolition of an outbuilding (toilet block) and associated vegetation removal at 109-115 Yan Yean Road, Plenty**

Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

8. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the trees marked on the endorsed plans as being retained must have a Tree Protection Zone to the satisfaction of the Responsible Authority. The fencing associated with this Tree Protection Zone must meet the following requirements:

a) Extent

The tree protection fencing is to be provided to the extent of the identified Tree Protection Zone.

If works are shown on any endorsed plan of this permit within the confines of the calculated Tree Protection Zone, then the Tree Protection Fencing must be taken in to only the minimum amount necessary to allow the works to be completed.

b) Fencing

All tree protection fencing required by this permit must be erected in accordance with the approved Tree Protection Zone.

The Tree Protection Fencing must be erected to form a visual and physical barrier and must be a minimum height of 1.5 metres and of chain mesh or similar fence with 1.8 metre support posts (e.g. treated pine or similar) every 3-4 metres, including a top line of high visibility plastic hazard tape erected around the perimeter of the fence.

c) Signage

Fixed signs are to be provided on all visible sides of the Tree Protection Fencing clearly stating "Tree Protection Zone – No Entry", to the satisfaction of the Responsible Authority.

d) Irrigation

The area within the Tree Protection Zone and Tree Protection Fencing must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.

e) Provision of Services

All services (including water, electricity, gas and telephone) should be installed underground, and located outside of any Tree Protection Zone, wherever practically possible. If underground services are to be routed within an established Tree Protection Zone, they must be installed by directional boring with the top of the bore to be a minimum depth of 600mm below the existing grade, to the satisfaction of the Responsible Authority.

Bore pits must be located outside of the Tree Protection Zone or manually excavated without damage to roots, to the satisfaction of the Responsible Authority.

6. Officers' reports**FN.006/19 Development and use of the land as an Emergency Services Facility (CFA fire station), demolition of an outbuilding (toilet block) and associated vegetation removal at 109-115 Yan Yean Road, Plenty**

f) Access to Tree Protection Zone

Should temporary access be necessary within the Tree Protection Zone during the period of construction, the Responsible Authority must be informed prior to relocating the fence (as it may be necessary to undertake additional root protection measures such as bridging over with timber).

9. Prior to the commencement of the approved works (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the erected tree protection fences must be inspected and approved by the Responsible Authority.

Once erected to the required standard, the tree protection fencing shall be maintained in good condition and may only be removed upon completion of all development works, to the satisfaction of the Responsible Authority.

10. The following actions must not be undertaken in any tree protection zone as identified in this permit, to the satisfaction of the Responsible Authority:

- a) Materials or equipment stored within the zone;
- b) Servicing and refuelling of equipment and vehicles;
- c) Storage of fuel, oil dumps or chemicals;
- d) Attachment of any device to any tree (including temporary service wires, nails, screws or any other fixing device);
- e) Open cut trenching or excavation works (whether or not for laying of services);
- f) Changes to the soil grade level;
- g) Temporary buildings and works; and
- h) Unauthorised entry by any person, vehicle or machinery.

11. Before buildings and works (including demolition) start the permit holder must advise the Responsible Authority (a minimum of two weeks beforehand) that commencement of works is imminent and that the required tree protection fences have been erected and that the site is available for inspection by the Responsible Authority to verify compliance with condition 8.

12. Once erected to the required standard, the tree protection fencing shall be maintained in good condition and may only be removed upon completion of all development works, to the satisfaction of the Responsible Authority.

13. Native Vegetation Offsets

Offset Requirement

To offset the removal of 0.439 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017)* as specified below:

6. Officers' reports**FN.006/19 Development and use of the land as an Emergency Services Facility (CFA fire station), demolition of an outbuilding (toilet block) and associated vegetation removal at 109-115 Yan Yean Road, Plenty**

General Offset

A general offset of 0.175 general habitat units:

- Located within the Port Phillip & Westernport Catchment Management Authority boundary or Shire of Nillumbik municipal district
- With a minimum strategic biodiversity score of at least 0.488

Large trees

- The offset(s) secured must provide protection of at least 1 large tree.

The offset provided must be to the satisfaction of the Responsible Authority.

14. Offset evidence and timing

Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of Council. The evidence is one or both of the following:

- An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or
- Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

15. Monitoring and reporting for onsite offset implementation

In the event that a security agreement is entered into as per Condition 14 (i) the applicant must provide the annual offset site report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of the Responsible Authority.

16. Before use of the development approved by this permit starts, an Acoustic Assessment of the as-constructed development must be submitted to the Responsible Authority for approval. The assessment, prepared by a suitably qualified and professional acoustic engineer, must review the function and operation of the as-constructed development and any operational process or procedure manuals. The assessment must confirm that that the development and associated processes and procedures provides the necessary acoustic treatments, and has operational processes and procedures in place to ensure that:

- a) The noise emissions from the operation of the development do not impact adversely on the reasonable amenity of any nearby property.

6. Officers' reports**FN.006/19 Development and use of the land as an Emergency Services Facility (CFA fire station), demolition of an outbuilding (toilet block) and associated vegetation removal at 109-115 Yan Yean Road, Plenty**

- b) The noise emissions from the operation of the development comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 with the exception of any audible intruder, emergency or safety alarms as outlined in Part III clause 9;
 - c) All noise emanating from any mechanical plant (air conditioners, refrigeration plant, etc.) complies with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1;
17. Any recommendations or requirements of the Acoustic Assessment must be implemented and thereafter maintained in accordance with the approved Acoustic Assessment to the satisfaction of the Responsible Authority.
18. All noise emanating from the development must comply with the State Environment Protection Policy N-1 and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the Responsible Authority.
19. No external sound amplification equipment or loudspeakers are to be used on the land.
20. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the Responsible Authority.
21. The development and use hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:
- a) Transport of materials, good or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin.
22. The amenity of the locality must not be adversely affected by the activity on the site, the appearance of any buildings, works or materials, emissions from the premises or in any other way, to the satisfaction of the Responsible Authority.
23. External lighting sources and their intensity, location and containment, for purposes of safety and security, must be of a type that will not adversely affect the amenity of the neighbouring land or the locality due to unreasonable illuminance, glare or spill, to the satisfaction of the Responsible Authority.
24. All outdoor lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land to the satisfaction of the Responsible Authority.
25. Except with the prior written consent from the Responsible Authority, the Brigade meetings and training sessions at the fire station hereby permitted may only operate between the following hours:

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Monday between 7.30pm and 9.30pm

Sunday between 9am and 11am

26. Except with the prior written consent from the Responsible Authority, the number of persons present on the property at any one time during training sessions and Brigade meetings must not exceed 25, to the satisfaction of the Responsible Authority.
27. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted shall be harmonious with the environment, to the satisfaction of the Responsible Authority.
28. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Responsible Authority.
29. Vehicular access and egress to the site from the roadway must be by way of a vehicle crossings, as shown on the submitted plans, constructed to the requirements of the Responsible Authority, to suit the proposed driveways and the vehicles that will use the crossings. The Responsible Authority must approve the location, design and construction of the crossings. Any unused crossing must be removed and the disturbed area reinstated to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under an *Infrastructure Works permit*.

The width of the driveways at the property boundary must match the width of the vehicle crossings.
30. Truck egress, carpark access and the car parking area must be constructed and formed to such levels to ensure they can be utilised at all times and in accordance with the endorsed plans. Car parking must be line-marked or provided with some other adequate means of showing the car parking spaces. All must be drained and constructed in concrete, asphalt or similar surface and maintained to the satisfaction of the Responsible Authority.
31. A linear drainage grate must be provided across the full width of the truck egress at the property boundary. Stormwater from the driveway must be collected using 225mm wide trench-grates across the driveway at the property boundary in Memorial Drive Road where it meets road reserve and connected to the internal drainage system/on-site detention device. Storm water from the surface of the truck egress, carpark access and the car parking area must directed, via an underground drain, to an on-site detention device, to the satisfaction of the Responsible Authority.
32. Storm water from the roof of the proposed buildings must be directed to a holding tank with a minimum storage capacity of 5000 litres. Water in the holding tank may be used for one or more of the following purposes: toilet flushing; property irrigation; vehicle washing and any other purpose approved by the Responsible Authority.

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The overflow from the tank must be directed, via an underground drain, to an on-site detention device.

33. An on-site storm water detention device must be provided as part of this development. The device shall be located and designed by a qualified engineer and plans submitted to the Responsible Authority for approval.

The engineer designing the on-site storm water detention device must obtain TC and TSO figures from Council. The permissible site discharge must be restricted to a pre development flow rate for a 1 in 5 year average recurrence interval (ARI) event and detained for a 1 in 10 year ARI event.

The overflow from the on-site detention system must be directed to the nominated point of storm water discharge.

Any connection to Council's drainage infrastructure within road reserves or drainage easements must be carried out under Council supervision and an *Infrastructure Works* permit.

34. The on-site storm water detention device must be constructed, at no cost to Council, as per approved plans and Council's specification.

Construction of the on-site storm water detention system must be carried out under Council supervision and under an *Infrastructure Works permit*.

35. The nominated point of stormwater discharge is outside of the development site and requires the construction of drainage works outside the boundaries of the site. Such drainage works must be designed by a qualified engineer and plans and computations submitted to the Responsible Authority (Nillumbik Shire) for approval prior to the commencement of the development. Plans must detail underground drains, types and sizes of drainage pits, drainage longitudinal sections, pit schedule, etc. for approval. The construction plans and computations are to be prepared in accordance with Nillumbik Shire Council's "Subdivisional Design and Construction Standards" and "Drainage Design Guidelines".

36. Stormwater drainage works are to be constructed, at no cost to Council, and must be carried out under Council supervision, in accordance with the approved plans and Council's specifications and must be carried out under Council supervision and an *Infrastructure Works* permit.

37. The drainage system within the subject site must be designed to the requirements and satisfaction of the Responsible Authority.

The development hereby permitted, including new paved areas, must be drained so as to prevent the uncontrolled discharge of storm water from the subject site across any road or footpath or onto any adjoining land. Storm water must not cause any nuisance or loss of amenity in any adjacent or nearby land by reason of the discharge of storm water.

38. No polluted, effluent and/or sediment laden runoff from the development site is to be discharged directly or indirectly into Council's drains, Melbourne Water's drains or watercourses or adjoining private property during construction works.

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In this regard, sediment fencing and/or pollution/litter traps must be installed on site and serviced accordingly, all to the satisfaction of the Responsible Authority.

39. Prior to the commencement of the development hereby permitted, the owner shall enter into and comply with an agreement with Yarra Valley Water for the provision of sewerage.
40. Air-conditioning and other plant and equipment installed on the subject building(s) shall be so positioned and baffled so that noise disturbance is minimised, to the satisfaction of the Responsible Authority.
41. Unless with the prior written consent of the Responsible Authority, the commercial waste collection must not occur outside the following hours to the satisfaction of the Responsible Authority:
 - a) For one collection per week, between 6.30am – 8pm Monday to Saturday and between 9am – 8pm Sundays and public holidays
 - b) For two or more collections per week, between 7am – 8pm Monday to Saturday and between 9am – 8pm Sundays and public holidays
42. Unless with the prior written consent of the Responsible Authority, deliveries to the facility hereby approved must not occur outside the following hours:
 - a) Between 7am – 10pm Monday to Saturday and between 9am – 10pm Sundays and public holidays
43. The premises must provide and maintain a suitable area for the storage and cleaning of rubbish receptacles, as shown on the endorsed plans. The waste storage area must be appropriately located and of sufficient size to contain all refuse bins used on the premises, to the satisfaction of the Responsible Authority.
44. Mechanical ventilation systems must be positioned so as not to cause a noise or environmental nuisance to adjoining properties, to the satisfaction of the Responsible Authority.
45. This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within 2 years of the date of this permit.
 - b) The development is not completed within 4 years of the date of this permit.
 - c) The use is not commenced within 2 years of the completion of the development.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

Council Notes

During the course of the approved construction work, including tree removal, a copy of this permit and the endorsed plan(s) must be kept on-site and made available for inspection by Council officers.

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Failure to undertake the vegetation removal in accordance with this permit will result in the issuing of Planning Infringement Notices to the landowner, occupant (if this is a different person), and the person or company undertaking the tree removal works. The minimum penalty on the Planning Infringement Notice for land owners and occupants will be \$806 for the land owner and occupant, and \$1612 for any company which may be undertaking the tree removal works.

Failure to undertake the requisite tree protection fencing in accordance with the conditions of this permit will result in the issuing of Planning Infringement Notices to the land owner, occupant (if this is a different person), and the person or company undertaking the works on-site. The minimum penalty on the Planning Infringement Notice for land owners and occupants will be \$806 for the land owner and occupant, and \$1612 for any company which may be undertaking works on-site.

All retaining walls, in excess of one metre high, must be designed by a structural engineer.

Attachments

1. Site and surrounds
2. Aerial map
3. Plans

Subject site and surrounds

1. The key features of the subject land are as follows:
 - The subject site is located on an allotment particularly described as Lot 1 TP 248917 PSH Morang CT-5601/127. The allotment is located on a single title and is owned by the Nillumbik Shire Council. The subject site has a total area of approximately 40,568 square metres.
 - The subject site south of Memorial Drive is known as Plenty War Memorial Park and is made up of three parcels of land owned by Nillumbik Shire Council (including the subject site). The Plenty War Memorial Park contains major recreational facilities including a cricket/football ground, a tennis court complex, hockey field, associated pavilions, club rooms, BBQ area and playground. Driveway access points entering the grounds and recreational facilities are limited to the main entrance near the corner of Memorial Drive and Yan Yean Road. An access point located on Butlers Road, approximately 20 metres south of the Memorial Drive intersection, provides for vehicles exiting the Plenty War Memorial Park.
 - The development area is located in the section of the subject site north of Memorial Drive. The development area is located within the Plenty Heritage Park which is bound on its southern side by Memorial Drive, on its western side by Butlers Road, on its northern side by Howell Road and on its eastern side by

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Yan Yean Road. The Plenty Heritage Park has a total area of approximately 7,500 square metres and land slopes in a north to south direction. The Plenty Heritage Park contains the Plenty Community Hall and associated car park, the Plenty Uniting Church (heritage building relocated in October 2018) and an existing Country Fire Authority (CFA) fire station, occupied by the Plenty Fire Brigade (the Brigade) to the east.

- The existing Plenty CFA fire station has its frontage to Yan Yean Road and currently has vehicle access directly from Yan Yean Road. The remainder of the Plenty Heritage Park to the west features Eucalypts, grassland, concrete footpath and public toilet block. Vehicle access into the Plenty Heritage Park carpark is from Memorial Drive between the Plenty Community Hall and an existing CFA fire station.
- The proposed development area occupies an area of approximately 2,500 square metres. Currently, the development area features a modified vegetated area including indigenous, native and non-native trees and shrubs and a concrete pedestrian footpath providing pedestrian access from the corner of Butlers and Howell Road to Memorial Drive.
- The subject site is not connected to the public reticulated sewer system. A private Council sewer pipe meanders in a north-south direction servicing club room buildings and amenities located within the Plenty War Memorial Park. The private Council sewer pipe extends into the Plenty Heritage Park, servicing the toilet block, the Plenty Community Hall and existing CFA fire station building. The private Council sewer pipe is an infrastructure asset owned and maintained by Nillumbik Shire Council.

2. The key features of the surrounds are as follows:

- The major arterial road, Yan Yean Road, is located to the east of the subject site and carries a high volume of vehicles between Plenty and Doreen. The Yan Yean roadway is currently undergoing construction for duplication and upgrade. A new section of Yan Yean Road will intersect with the current entry into Memorial Drive (proposed to be known as Old Yan Yean Road). This intersection will be signalised and provide vehicle access for vehicles entering and exiting Yan Yean Road, proposed Old Yan Yean Road, proposed Old Yan Yean service road and Heard Avenue. Memorial Drive west of Yan Yean Road has a sealed road pavement approximately 6 metres wide, with open swale drains on either side.
- A regional CFA training ground is located on the adjoining allotment located south of the Plenty War Memorial Park. The CFA training ground features a flat open area of approximately 10,740 square metres where the Brigade and other CFA members undertake rescue and training drills including exercise and running programs.
- The properties north and west of the subject site are used for residential purposes and are located within the Neighbourhood Residential Zone (Schedule 1). Directly opposite the development area to the west is a single

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dwelling, setback approximately 28 metres from the Butlers Road frontage and located on a 3,000 square metre allotment. The driveway entrance to this site is on Butlers Road, approximately 15 metres north of Memorial Drive.

- Directly opposite the development area to the north are residential lots between 723 and 6,099 square metres in area. Howell Road has a formal road closure at its eastern end and does not intersect with Yan Yean Road. The General Plenty Store is located north-east of the development area with its access and frontage to Yan Yean Road. The proposed Yan Yean Road upgrade works will result in the General Plenty Store having vehicle access from the proposed Old Yan Yean service road. These allotments are not connected to reticulated sewer.
- Butlers Road is a sealed road with open swale drains on either side and provides vehicle access to the north, including a subdivided parcel of land into 12 lots, located in Fineran Court. The lots in Fineran Court are connected to reticulated sewer.
- The properties on the western side of Butlers Road, south of Memorial Drive slopes further downhill to the south-west and contains a band of residential lots 800 square metres to 2,183 square metres in area. These allotments feature single detached dwellings and are not connected to reticulated sewer.
- The land further east of the subject site with a frontage to Yan Yean Road is characterised by rural-residential allotments located in the Rural Conservation Zone (Schedule 3).

Details of proposal

3. Refer to the attached plans.

4. Key features of the proposal include:

- The application proposes the use and development of an emergency services facility (CFA Fire Station). The proposed fire station is to replace the existing station located to the east on the subject site.

Building

- The main fire station building is to be located on the western side of the subject site and the Plenty Community Hall. The main building will be setback at its closest points a distance of approximately 6 metres from Memorial Drive, approximately 3.9 metres from Butlers Road and 33 metres from Howell Road. The main fire station building, at its closest point, will be setback approximately 10 metres from the Plenty Community Hall.
- A 2-bay storage shed will be setback from Howell Road by approximately 26 metres and 43 metres from Butlers Road. The storage shed will be at its closest point, setback 12 metres from the Plenty Community Hall.
- The station includes a full-drive-through (four bay) motor room, associated workshop, multi-purpose/training rooms, administration areas, plant rooms, storage and kitchen facilities and turnout rooms for volunteer fire fighters.

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- A turning area for appliances, vehicles and 2-bay storage shed is situated to the rear of the proposed motor room. A metal drying hose tower, 19.5 metres in height is to be located to the east of the station, midway between the shed and workshop.
- The single storey building is made up of four sections, is contemporary in design and utilises a number of earthy materials and skillion and flat roof forms. The building has varying overall finished heights ranging from 2.9 metres to 6.3 metres. The motor room (adjacent to the southern boundary) has a maximum height of 6.3 metres which is the proposed maximum building height
- The western, northern and eastern boundaries of the site are to be defined by 1.8 metre high black PVC-coated chain wire mesh fencing.
- The proposal includes a site cut to approximately 3 metres in height around the north and eastern perimeter of the proposed carpark and building area. The site cut will be stepped into the site and retained with two gabion retaining walls in varying height between 500mm and 2 metres. The edge of the eastern retaining wall is 4 metres west from the Plenty Community Hall and the edge of the northern most retaining wall is 5 metres from Howell Road. Gabion retaining walls are also proposed adjacent to the fire station building entry facing Memorial Drive and accessway from Butlers Road into the carpark.

Access and Parking Arrangements

- A rear hardstand area is proposed for the servicing of vehicles and equipment, and staff training. This area will be able to accommodate car parking for up to 25 vehicles (including 1 all access car space).
- One two-way vehicle crossover entrance is proposed to the rear of the site from Butlers Road, approximately 40 metres north of the intersection with Memorial Drive. This will provide for two-way entry and exit movements by standard vehicles (for example, staff, volunteers and visitors) and by fire appliances returning to the site.
- A second vehicle crossover entrance from Memorial Drive approximately 20 metres east of Butlers Road, will provide one-way exit from the fire station/motor room for fire appliances onto Memorial Drive.

Tree Removal

- The development requires the removal of 138 trees in the development area. This includes five trees to be removed along the Butlers Road road reserve.
- The tree population comprises a palette of eleven different plant species. The vast majority of assessed trees are naturally occurring specimens and are indigenous to the area. Of these trees:
 - One has High retention value.
 - 11 have 'Moderate A' retention value (also considered high retention value).

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- 78 have Medium retention value.
 - 22 trees have Low retention value.
 - 26 trees have a retention value of 'None'.
 - Aside from seven of the 138 trees, all other trees are naturally occurring indigenous specimens and form part of the 0.439 hectares of native vegetation loss within the Ecological Vegetation Classification of Grassy Dry Forest (EVC 22).
 - A landscape plan submitted with the application proposes 16 new trees and an extensive amount of shrubs, groundcovers and grasses across the subject area.

Operations

- The Plenty Fire Brigade (the Brigade) is a solely volunteer-based organisation.
- The brigade currently has 56 volunteer members (29 operational and 27 non-operational), the majority of whom are local residents.
- During emergency call outs (except in major emergencies) there will be an average of five members.
- Monthly brigade meetings are proposed on Monday evenings between 7:30pm and 9pm involving on average 20 to 25 members.
- Weekly training sessions are proposed on alternative Monday evenings between 7:30pm and 9:30pm involving on average 15 to 20 members. These sessions will involve cleaning and maintenance of vehicles and equipment, outdoor and indoor skills training and exercises and housekeeping.
- Weekly training and equipment maintenance sessions are proposed on Sunday mornings between 9am to 11am) involving on average eight members. These sessions may also involve cleaning and maintenance of vehicles and equipment, outdoor and indoor skills training and exercises and housekeeping.
- There will be no live-fire or search/rescue drills undertaken onsite.

Planning history

5. Planning Permit 578/2006/17P was issued in December 2006 to erect and display a business identification sign for the Plenty Community Hall.
6. Planning Permit 137/2018/10P was issued in July 2018 for the removal of native vegetation in association with the relocation of the Plenty Church building.
7. In December 2017, a pre-application meeting was undertaken between Planning Officers, Council's Infrastructure Engineer and the applicant (the CFA) to discuss the development of a new fire station on the Council owned land to the immediate west of the Plenty Community Hall.

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8. At the Ordinary Meeting of Council on 29 May 2018, an Officer's report, prepared by the Assets and Property Department, discussed the CFA and the Plenty Fire Brigade's intention to use and develop Council land for a new and more functional fire station. Council resolved to make public the decision to prepare, sign and seal a Heads of Agreement which would provide some certainty to the CFA that they can build the new fire station and agree to sell the required land, subject to planning permit approval. The details of the agreement remain confidential and are not part of the planning consideration for the appropriateness of this site.

Planning controls**Zoning**

9. The land is contained within three zones under the Nillumbik Planning Scheme:
- The northern portion of the subject site containing the Plenty Heritage Park, Plenty Hall, Church and existing fire station with an area of approximately 7,576 square metres and the southern portion containing the War Memorial Park and associated buildings and open spaces with an area of approximately 30,201 square metres are within the Public Park and Recreation Zone. Under this zone, an emergency services facility is a Section 2 (permit required) land use. A planning permit is also required to construct a building and carry out works.
 - The Memorial Drive road and road reserve with an area of approximately 2,298 square metres are within the Neighbourhood Residential Zone (Schedule 1). The proposed development area sits outside the area covered by this zone. A non-illuminated sign displaying the CFA logo and location name is proposed within this zone, however this type of sign is exempt from requiring a planning permit under the Nillumbik Planning Scheme.
 - A triangular section in the north-eastern part of the site with an area of approximately 491 square metres, adjacent to the road reserve for Memorial Drive and Yan Yean Road is within the Road Zone (Category 1). The proposed development area sits outside the area covered by this zone.

Overlays

10. The subject site is partly subject to the Heritage Overlay (Schedule 248). The overlay covers a quadrangle shaped area of approximately 1,882 square metres in the northern section of the site. The purpose of the overlay includes conserving and enhancing heritage places of natural or cultural significance and protecting those elements which contribute to the significance of the heritage place.
11. Under Clause 43.01-1, a permit is required to demolish or alter an existing building, or to construct a building or carry out new works. No tree controls apply (including removing, destroying or lopping a tree) under the schedule to the overlay. The proposed development area is located within this overlay. The proposed development will involve the demolition of the toilet block, realignment of the bicycle path, construction of the eastern portion of the proposed fire station building, hose tower and adjacent retaining walls, within the area affected by the Heritage Overlay (Schedule 248).

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12. The subject site is partly subject to the Heritage Overlay (Schedule 249), Plenty War Memorial Gates. The proposed development area sits outside the area covered by this overlay.
13. The subject site is partly subject to the Design and Development Overlay (Schedule 3). The proposed development area sits outside the area covered by this overlay.
14. The subject site is subject to the Bushfire Management Overlay. Under this overlay, a permit is not required for the buildings and works for an emergency services facility.

Particular provisions

15. Clause 52.06 (Car Parking) applies to the application. This clause seeks to ensure there is the provision of an appropriate number of car parking spaces; that car parking does not adversely affect the amenity of the locality; and that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use. As a result, car parking must be provided to the satisfaction of the Responsible Authority, sufficient to meet the operational requirements of the proposed fire station.
16. Under the provisions of Clause 52.17 (Native Vegetation), a permit is required to remove, destroy or lop native vegetation on land which, together with all contiguous land in one ownership has an area greater than 0.4 hectares. The purpose of this provision is to ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:
 - Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.
 - Minimise impacts on Victoria's biodiversity from the removal of native vegetation.
 - Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.
 - To manage native vegetation to minimise land and water degradation.
 - To manage native vegetation near buildings to reduce the threat to life and property from bushfire.
17. Clause 65 (Decision Guidelines) outlines general decision guidelines that must be considered when assessing an application. These guidelines include the purpose of the zone or other provision, the orderly planning of the area, and the effect on the amenity of the area.

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18. Clause 71.02 (Operation of the Planning Policy Framework) outlines the purpose and operation of the planning policy framework. This clause further emphasises the role of the planning policy framework in seeking to ensure that the objectives in Victoria (as set out in section 4 of the Act) are fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.
19. Clause 71.02-3 (Integrated decision making) requires Responsible Authorities to endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Relevant planning policies

20. Planning Policy Framework policies which are relevant to this application include:

- Clause 12.01-1S - Protection of biodiversity
- Clause 12.01-2S - Native vegetation management
- Clause 12.05-2S - Landscapes
- Clause 13.02-1S - Bushfire Planning
- Clause 15.01-2S - Building design
- Clause 15.03-1S - Heritage conservation
- Clause 18.02-4S - Car parking
- Clause 19.02-5S - Emergency Services

21. The Local Planning Policies which are relevant to this application include:

- Clause 21.02 - Municipal Overview & Regional Context
- Clause 21.03-3 - Environment, Conservation and Landscapes

Policy context

22. The key relevant themes of the Planning Policy Framework include:

- Ensure that development protects and enhances significant landscapes, neighbourhood character and a sense of place.
- Encourage appropriate development that conserves and respects places with identified heritage values.
- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.
- To ensure suitable locations for police, fire, ambulance and other emergency services.
- To ensure an adequate supply of car parking that is appropriately designed and located.

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- Strengthening the resilience of settlements and communities to bushfire through risk-based planning that provides for the protection of human life.
23. The key relevant themes of the Municipal Strategic Statement and Local Planning Policy:
- Clause 21.02 (Municipal Overview & Regional Context) recognises that much of the Shire is rural and is used for a combination of agriculture, rural living and conservation purposes. The population, however, is concentrated in the residential areas of Diamond Creek, Eltham Greensborough, Hurstbridge, North Warrandyte, Plenty, Research and Wattle Glen.
 - Clause 21.03-3 (Environment, Conservation and Landscape) examines non-indigenous cultural heritage. This clause identifies that many historic farm houses, bridges, and other features remain in existence from the Shire's historical association with the discovery of gold and its resultant increase in population. This clause also recognises the importance of the Shire's high landscape value and plays a regional role for metropolitan Melbourne as an accessible area of natural landscape beauty. However, due to the combination of extensive vegetation cover, the orientation of steep sloping land and prevailing winds, much of the Shire's non-urban and urban areas are prone to high fire risk.

Public consultation

Advertising

24. The application has been advertised by way of the posting of notices to the owners and occupiers of neighbouring properties and the erection of four notices on-site.

Objections

25. As a result of advertising, a total of 19 written objections including one petition consisting of 103 petitioners have been received. These objections can be summarised as follows:
- Suitability of site for a fire station.
 - Site selection process undertaken by the CFA.
 - Loss of purpose and function of the Plenty Heritage Park as recognised in the Nillumbik Plenty Park Master Plan 2004.
 - Loss of conservation value and heritage significance to the Plenty Heritage Park.
 - Loss of passive open space for residents and users.
 - Not consistent with current use of land and ongoing use of adjoining land.
 - Tree removal of 138 trees in context of massive tree removal on nearby land for the Yan Yean Road upgrade, loss of 70 year old pine plantation and native vegetation in the subdivision creating the Fineran Court Estate.

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- Loss of habitat, flora and fauna.
- Visual impact (including building, hose tower and fencing).
- Insufficient on-street and off-street car parking.
- Compromise the safety of users of the park.
- Road safety.
- Traffic congestion.
- Amenity disturbance (vehicle noise, lighting, noise from training activities, alarms and disposal of chemicals and wastes).
- Lack of stormwater and sewer service infrastructure.
- Lack of community consultation.
- Lack of transparency regarding the sale of Council Land and the future of the existing CFA Fire Station building to be retained.
- Reduction in property value.
- Lack of Aboriginal heritage consideration.

26. One submission of support has been received.

Planning application conference and CFA consultation

27. A planning application conference was not held due to the number of submissions received.
28. The CFA hosted their own consultation in the form of community information drop-in sessions on the evenings of 12 September 2018 and 19 September 2018. These sessions were to provide an opportunity for interested residents to view the proposed development and discuss the proposal with the CFA Officers and planning consultant. Planning Officers were in attendance to respond to questions about the application and the planning process.

Referrals

Internal

29. The application was referred to various business units or individuals within Council for advice on particular matters. The following is a summary of the relevant advice:

Council Unit	Comments
Council's Consulting Arborist	All trees have been correctly identified and Tree Protection Zones and Structural Root Zones are in accordance with AS 4970-2009. Agree with retention values assigned to the assessed trees. Proposed development will involve the removal of a patch of Grassy Dry Forest. The vegetation is a modified younger

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	<p>forest, largely devoid of understorey.</p> <p>Little scope to reduce impacts on existing vegetation without substantially reducing the size or siting of the proposed development.</p> <p>Locating the facility to the eastern section of the property would reduce vegetation impacts; however it is assumed that this section of the property is not suitable for the facility due to access issues associated with Yan Yean Road.</p> <p>Standard Tree Protection Zone provisions and exclusions apply for all trees to be retained on site.</p>
<p>Connected Communities – Leisure Services</p>	<p>The focus of the Plenty Park Masterplan was to ensure a coordinated approach to future leisure and recreation facilities within the park and to identify growing trends and participation which may shape the park. A number of actions have been completed since its adoption including the installation of a second hockey pitch, pavilion upgrades, oval upgrades and recently the widening of Yan Yean Road has realigned the border of the park.</p> <p>During the masterplan consultation, it was the position of the Plenty Hall Committee and Historical Society that a heritage precinct be identified and developed near Plenty Hall. This was based on investigating the possibility of relocating the old Plenty Church building and the Plenty Primary School building to the site and creating a heritage precinct. This was considered and was cost prohibitive at the time.</p> <p>At this stage, there are no current plans to further investigate this option.</p> <p>The proposed relocation of the CFA fire station is not anticipated to have any impact on any other park or facility improvements or for ongoing operation of existing facilities.</p>
<p>Environmental Health Team</p>	<p>The existing CFA fire station is connected to the private, sewerage infrastructure owned by Council, including the adjacent Hall and toilet block.</p> <p>If the applicant seeks to connect to the private sewerage infrastructure, the capacity of the private sewerage infrastructure owned by Council must be determined by the applicant to ensure it is capable of accommodating the wastewater generated by the facilities at the subject site.</p> <p>Preliminary service advice sought by the applicant, from Yarra Valley Water, dated 3 January 2019 demonstrates that a connection to the public, reticulated sewer system is possible and not cost prohibitive.</p>

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	<p>Standard conditions recommended relating to sewer connection with Yarra Valley Water, waste storage areas and collection times, noise and ventilation systems.</p>
<p>Environmental Planning</p>	<p>Site contains native vegetation typical of Grassy Dry Forest. Has good canopy cover with a modified understorey as the site has been extensively managed for some time.</p> <p>Site is greater than 0.4 ha therefore a response to Clause 52.17 is required. A report has been prepared by Brett Lane & Associates Pty Ltd, updated June 2018.</p> <p>The Brett Lane & Associates Pty Ltd report has included an ecological assessment and considered the likelihood of threatened species occurring onsite. The assessment identified that while there is a likelihood some species may use the site for foraging or occasional roosting, the site is not likely to be core habitat for any threatened species. This is an acceptable assessment.</p> <p>Satisfied that the Native Vegetation Removal (NVR) Report, dated 18 June 2018, appropriately considers the vegetation and large tree lost in the extent of vegetation impacted and in the offsetting calculations.</p> <p>The offsetting calculations have been adequately explained in the site assessment (dated 14 August 2018) which results in the offset requirement also being reduced significantly. The habitat hectare assessment has also been received and is acceptable.</p> <p>Satisfied with the information provided in response to Clause 52.17 and provided conditions relating to offsetting.</p>
<p>Heritage Advisor</p>	<p>Although a large development, its separation from the significant Plenty Hall, the breaking up of forms and the setbacks ensure that it retains a sufficient setting around the hall and does not impact on significant views to the Plenty Hall.</p> <p>No heritage concerns with the proposal.</p>
<p>Infrastructure</p>	<p>Car Parking provisions in Clause 52.06 do not specify the number of car spaces required for an Emergency Services facility.</p> <p>Where a use is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or car parking spaces must be provided to the satisfaction of the Responsible Authority.</p>

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	<p>There is ample kerbside parking in Howell Road, Butlers Road and Memorial Drive to accommodate any overflow.</p> <p>No additional onsite parking is required.</p> <p>Recommend the use and development provide some bicycle parking (4-6 spaces) to encourage cycling as a mode of transport and reduce the reliance on cars and car parking.</p> <p>Conditions relating to car park construction, drainage and stormwater management have been provided.</p>
Landscape Architect	Landscape Plan is satisfactory.
Land Use Planning Team	No strategic concerns with the proposal.

External

30. The application was not required to be referred to any statutory referral authority for advice.

Planning assessment

Introduction

31. The following have been identified as the key planning issues in relation to the assessment of this planning application:

- Appropriateness of the use and Net community benefit
- Native Vegetation impacts
- Landscaping
- Heritage, Built form and Urban Design
- Car Parking, Access and Traffic Impacts
- Wastewater and stormwater management
- Bushfire Prone Area

32. Assessment of these issues, together with a response to objections received, will be discussed in the remainder of this report.

Appropriateness of the use and Net community benefit

33. The existing Plenty fire station is located within the far eastern section of the subject site. The existing fire station facility is bound by Yan Yean Road to its east and the Plenty Hall and associated car park to its west. The applicant has sought to find a new location for a new fire station, in Plenty or its surrounds. The applicant has identified that the existing facility lacks the space necessary for fire appliances to be able to manoeuvre on-site so as to return to the motor room in a forwards direction, is outmoded and no longer meets current operational standards and requirements.

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34. As a result, in order to provide for the operations and facilities needed, the applicant has detailed that a larger fire station is required. The applicant has identified that a new fire station would need to house a wide range of specific-purpose appliances (large, medium and small sized) with drive through facilities, spaces inside the building to enable the efficient safe dispatch of operation-ready appliances, open equipment maintenance and training areas and car-parking facilities for use by Brigade members. The applicant notes that it is essential that the new fire station has a functional, efficient layout which requires a site of sufficient area with integrated access to the local and district road network. The applicant considers that the subject site and development area fulfils the aforementioned requirements.
35. The subject site and development area are located within the Public Park and Recreation Zone and the planning scheme identifies an emergency services facility use as a Section 2 (permit required use) in this zone. As the existing CFA fire station is located on the subject site, the use of the land as an emergency services facility is already established. The Public Park and Recreation Zone also requires the written consent of the public land manager indicating that the public land manager either generally or conditionally consents. The application has received written, conditional consent by the relevant public land manager, Nillumbik Shire Council, to the application for permit being made.
36. The planning policy framework and local policies seek to provide for equitable local recreational facilities, public open space and ensure that suitable locations for police, fire and ambulance and other emergency services are provided to meet community needs. The planning policy framework also seeks to ensure that police, fire, ambulance and other emergency services are provided for in or near activity centres and that emergency services are located together in newly developing areas. There is strong policy support to provide for public open spaces and retain native vegetation in the planning scheme. Equally, there is strong policy support for the establishment of modern emergency services facilities to meet community needs.
37. The application requires an on-balance assessment of planning issues which may present conflicting objectives. In balancing the conflicting objectives in order to determine what outcome will favour net community benefit and sustainable development, the proposal must consider the policies and objectives relevant to the interest of achieving net community benefit and sustainable development. The key issues include the support for emergency service facilities, such as a fire station, public safety, public open space, vegetation removal and the heritage significance of the Plenty Hall. In the case of this application, the achievement of these planning objectives is mutually exclusive.
38. The CFA Plenty Fire Brigade require a purpose built building to meet operational needs and describe that they have exhausted the operational capacity of the existing fire station building. The existing fire station building was constructed in the 1960s and is directly adjacent to Yan Yean Road. The existing fire station building is also bound by a gravel carpark and Plenty Hall to its west, with the relocated Plenty Church building and vegetation to its north. It is not possible to adapt this building to its desired needs without significantly impacting on the function and accessibility of

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the adjacent community buildings, their heritage significance and vegetation. The choice that must be made is to either retain the existing fire station building, which reduces or loses its capacity to continue to function efficiently to serve its local and wider community in emergency situations, or to lose public open space and vegetation through the construction of a new fire station.

39. The Plenty Brigade is a volunteer-based organisation and primary call outs are to urban and rural fire/emergency incident scenes within the Brigade's assignment area. Secondary call outs are to incident scenes in the assignment areas both of neighbouring Brigades, and also to occasional major bushfire emergencies elsewhere in either the region or areas beyond. The applicant has confirmed that there has been an ongoing demand for improved service delivery standards, including response times to be achieved by all CFA Brigades. This includes achieving response times in the assignment area for incident callouts to be maintained within predetermined limits (generally 8 minutes for the urban area and 20 minutes for rural areas – specifically this is the time taken from when the alarm is activated until the first appliance arrives at the scene of the incident). The applicant further described that this response time allows for a 4 minute turnout time for Brigade members to arrive at the fire station.
40. There are not many locations that will accomplish these urban and rural response times. If the fire station is located too far north or too far south within the Brigade's assignment area, the Brigade's capacity to achieve the response times will drastically reduce. The planning policy framework seeks to ensure that suitable locations for police, fire and ambulance and other emergency services are provided to meet community needs. The development area, being approximately central within the Brigade's assignment area achieves the required response times and meets the planning policy objectives to provide emergency services in appropriate locations to meet community needs.
41. The proposed fire station provides for an essential public service to serve and assist the public in emergency and fire situations. Nillumbik Shire Council has a long history associated with fires, in particular bushfires, and the Brigade's assignment area is predominately located within a Bushfire Prone Area. The proposed fire station also provides for the construction of a larger facility which demonstrates the changing nature of the area and growth in population. The larger facility will ensure that the Plenty Fire Brigade can accommodate a range of specific-purpose appliances (large, medium and small sized) that can be manoeuvred with drive through facilities and within its associated car park. In order to achieve the required layout for all appliances to manoeuvre within the facility and development area, the proposal requires a flat, levelled area, and in this instance the removal of vegetation is required. The range of specific-purposes appliances cannot be accommodated in the existing CFA fire station, due to constraints, including the existing building's design, size and layout. As a result, the importance of a new, upgraded fire station in this location by providing a facility which increases the quality, importance and approach to emergency situations that threaten the local and wider communities, provides for a net community benefit that outweighs the environmental impact to the subject site.

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42. The proposed development area takes up a portion of the open space area west of the Plenty Heritage Park and requires the removal of vegetation. The planning policy framework seeks to ensure that police, fire, ambulance and other emergency services are provided for in or near activity centres and that emergency services are located together in newly developing areas. When considering the proposal in context with the zone and planning policy framework, the proposed facility is suited to the connectivity and relationship with other non-residential uses in this location, such as the Plenty General Store facing Yan Yean Road, community facilities within the Plenty Heritage Park and recreational facilities located within the Plenty War Memorial Park. The proposed facility remains close to the nearby CFA training ground, which offers an open space area for the Brigade and CFA members to undertake training drills and operational specific exercise programs. There are no other emergency service facilities located in Plenty.
43. In considering this locational context, the net community benefit of retaining a fire station facility in this central location of Plenty ensures that the emergency services facility remains within the Plenty civic precinct and not dispersed across the assignment area. The area around the proposed development will still allow for sufficient land, facilities and connections to be available throughout the Plenty Heritage Park. The availability of this land, the existing fire station building (which is intended to be vacated upon completion of the proposed facility) and proposed pedestrian connections around the development area will continue to offer public recreation, community and open space that should meet the local community needs. The pedestrian connections also ensure that the Plenty Heritage Park retains its connectivity to the Plenty War Memorial Park and surrounding facilities. Council's Connected Communities Department and Council's Land Use Team did not identify concerns with the proposal.
44. The proposed development is located directly opposite a number of residential properties to the north and west. The use of the land as an emergency services facility is already established on the subject site. The operational characteristics of the facility are not considered to undermine the amenity of nearby residents by virtue of proposed training and operational requirements. Whilst amenities are provided for visitors and volunteer fire fighters, the building has not been designed to provide overnight type accommodation which would be appropriate for career officer fire stations (for example, the Eltham CFA fire station). There will be brigade meetings once a month, on a Monday evening between 7:30pm and 9.30pm. On alternative Monday evenings, brigade training sessions will occur between 7:30pm and 9.30pm. These sessions average an attendance of between 20 to 25 members. The other regular attendance will be by a smaller number of members, with an average of eight members, on Sunday mornings between 9am and 11am engaged in servicing equipment and training sessions. During these sessions, which may be undertaken in the service yard area, there will be no live-fire or search/rescue drills.
45. Concerns were raised by objectors regarding other external noise impacts, such as noise from fire appliances and beeper sounds. The motor room located within the fire station building features an internal beeper which will be activated when the south facing folding doors are opened. The internal beeper is required and activated for

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operational Occupational, Healthy and Safety purposes. The Plenty Brigade's current statistics (from 2010 to present) indicate on average 180 primary and secondary call outs per annum. The amenity impact from the internal beeper is considered to be minimal to nearby residential properties, this is because the folding doors are south facing with a direct interface to the playground and associated facilities within the Plenty War Memorial Park.

46. The objectors raised concerns regarding the disposal of chemicals and wastes as part of servicing and cleaning equipment on the premises. The applicant confirmed that the disposal of chemicals will not be undertaken on the premises. Wastes will be managed via conditions on any permit issued.
47. In light of the above, a greater community benefit for present and future generations will emerge from the establishment of a new, upgraded fire station facility than from the retention of the public open space and vegetation. The loss of public open space and vegetation will be a loss and will be a negative consequence. However, it will not be anywhere near so great a loss as the community would suffer if the new and upgraded fire station did not proceed. The loss of public space and vegetation will be felt locally. But given the scale of risks posed by emergency situations in populated areas, the loss of a new, upgraded emergency services facility which will have the capacity to efficiently respond to emergency situations would be a loss for the community at a local, wider and regional scale.

Native vegetation impacts

48. The site is subject to Clause 52.17 (Native Vegetation) as the lot is greater than 0.4 hectares and native vegetation is proposed to be removed. The purpose of Clause 52.17 is to ensure permitted clearing of native vegetation results in no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. The 'three step' approach of avoiding the removal of native vegetation, minimising the impacts from the removal and providing an offset to compensate for the biodiversity impacts are considerations, as outlined on the *Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017)*.
49. The application was accompanied by a Flora and Fauna Assessment Report (June 2018) and Native Vegetation Removal Report (18 June 2018), both prepared by Brett Lane and Associates Pty Ltd. The development area was described by both Council's consulting Arborist and in the reports as featuring highly modified vegetation in the form of a younger forest lacking understorey cover. The site features predominately indigenous and native canopy trees including *Eucalyptus Polyanthemos* (Red Box), Bundy and Red Stringybark. There were some exotic tree species. The remainder of the vegetation on the site included some indigenous, native and exotic understorey. Notwithstanding, the subject site's modified state, the site is modelled as being covered by the Grassy Dry Forest (Ecological Vegetation Classification 22).
50. The loss of trees and vegetation on the site was a concern raised by all objectors. The proposal will result in the loss of 138 trees, which will impact on the amenity value of the wider landscape. The applicant had investigated other areas of the subject site for the proposal, including utilising the area currently occupied by the existing CFA fire station and the sections of the site to the north. However, these

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areas would not avoid impacts to vegetation and would still result in extensive vegetation removal, a development area with limited landscaping or replanting opportunities and not be of a sufficient land size and orientation to achieve the operational requirements for the facility.

- 51. Whilst the proposed development has little scope to reduce impacts on existing vegetation without substantially reducing the size, the proposed development has sought to minimise impacts to existing vegetation. This includes retaining trees around the periphery of the development, such as tree no.167, a large old tree (Yellow Box) with a high retention value located on the corner of Butlers Road and Memorial Drive and tree nos. 59 and 204 both Yellow Box trees with 'Moderate A' (high retention value) located north-east and south-east of the site. Whilst these trees are not actually being removed as part of the development, it is noted that these trees have been considered lost for the purposes of considering Clause 52.17. Up to 45 other low to high retention trees, located around the periphery of the development are proposed to be retained, these trees have also been considered lost for the purposes of Clause 52.17.
- 52. The proposed vehicle crossover at Butlers Road will result in the removal of five Eucalypt trees (tree nos. 45, 51, 52, 56 and 60) located on the road reserve. These trees have been identified as having low retention value. The proposed vehicle crossover at Memorial Drive has been designed within a disturbed section of the road reserve which will result in minimal impact to native vegetation.
- 53. All other retained trees within the subject site, including those located on the Memorial Drive, Howell Road and Butlers Road reserves, can be protected throughout construction by providing standard tree protection zone requirements as conditions.
- 54. The following table provides a summary of the offset requirements:

Offset attributes							
Location	Vicinity	Offset type	Habitat for species	Minimum strategic biodiversity value scores	Extent	Large trees	Offset target summary
1	Port Phillip and Westernport Catchment Management Authority (CMA) or Nillumbik Shire Council	General	N/A	0.488	0.439 hectares	1	0.175 general habitat units

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55. Council's Environmental Planner reviewed the Flora and Fauna Assessment Report and the Native Vegetation Removal Report, prepared by Brett Lane and Associates Pty Ltd and is satisfied that these reports appropriately considers the loss of vegetation in accordance with the native vegetation guidelines at Clause 52.17.
56. The habitat hectare assessment and offsetting calculations were also reviewed by Council's Environmental Planner who is satisfied that offsets have been adequately explained in the site assessment (dated 14 August 2018). Overall, the information provided with the application is satisfactory and adequately addresses the requirements of Clause 52.17. The Report also confirmed the offset requirement of 0.175 general habitat units will be purchased through a third party offset via an allocated credit register extract from a credit provided. This will be addressed through a condition of any permit issued.
57. The proposal will result in a loss of vegetation on the subject site, however the emergency services facility requires specific operational and logistical requirements which cannot be easily accommodated and facilitated without presenting other environmental impacts within the subject site. The proposal has adequately addressed how it has sought to avoid, minimise and offset vegetation losses. The proposed vegetation losses are acceptable when considering an on-balance assessment of the net community benefit that an improved CFA fire station will provide to the local, wider and regional community with an increased capacity for fire appliances to safely and efficiently access and manoeuvre within the facility and its associated car park areas.
58. A number of objections identified concern with the proposal impacting on local wildlife and habitat. The site is not included within an Environmental Significance Overlay and is therefore not recognised by the Nillumbik Planning Scheme as having environmental significance. Nevertheless, the Brett Lane & Associates Pty Ltd report has included an ecological assessment and considered the likelihood of threatened species occurring onsite. The Report identified that while there is a likelihood some species may use the site for foraging or occasional roosting, the site is not likely to be core habitat for any threatened species. Council's Environmental Planner considers the conclusions provided by the Report as acceptable assessments, as the modified, young regrowth vegetation located on the subject site would not offer immediate habitat replacement for species such as Swift Parrot and Brush-tailed Phascogales.
59. Objectors raised concerns that the application requirements should have included an Environmental Impact Statement, as was required by the State government for the Yan Yean Road Project 1 road construction. This requirement is unnecessary for the proposed development and associated works and is inconsistent with the current planning scheme requirements. Environmental Impact Statements and Environmental Effects Statements are usually requested for large scale projects undertaken by the State and Federal governments.
60. Objectors also raised concerns that the Department of Environment, Land, Water and Planning should be involved with this application. The application was initially referred to the Department of Environment, Land, Water and Planning in July 2018. The Department of Environment, Land, Water and Planning responded in

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August 2018 and confirmed that the development site is not Crown land and therefore a referral response from the Department was not necessary. The Department were also unable to establish any other referral triggers that would involve a response from the Department.

Landscaping

61. Council's Landscape Architect reviewed the proposal and identified the Landscape Plan is satisfactory. The landscaping and native planting between the north, western and southern boundaries will assist in softening the built form and hardstand areas.
62. The setbacks between the property boundaries and buildings allows the development to be able to retain vegetation along its boundaries in order for modified views of the development from its surrounds. The applicant has offered to carry out supplementary landscaping both on the remaining areas of Plenty Heritage Park and on the adjacent roadside verges, to provide additional screening of the development. This can be requested as a condition on any permit granted and shown on an amended Landscape Plan.
63. It is noted that given bushfire risk, the proposed landscaping includes shrubs that are clumped together within proposed and existing tree canopies. The landscape plan will need to be amended to ensure that it complies with the CFA document, Landscaping for Bushfire, Garden Design and Plant selection. While the application is not subject to the Bushfire Management Overlay, it is a reasonable outcome to require this landscape outcome, considering Clause 13.02.
64. A 1.8 metre high fence is proposed around the western, northern and southern perimeter of the development area. A fence between the Plenty Community Hall and eastern perimeter of the development is proposed that extends past the proposed building line to the site's boundary with Memorial Drive. A condition on any permit issued will request the deletion of the section of the eastern boundary fence, between the proposed rock retaining wall and Memorial Drive. The deletion of this section of the fence will maintain the open character of the development's frontage to Memorial Drive and ensures uninterrupted views of retained trees and proposed plants when viewing the development from the south-east.

Heritage, Built Form and Design

65. The subject site is affected by the Heritage Overlay (Schedule 248). The significance of the heritage place is limited to the quadrangle shaped area directly over the Plenty Community Hall, toilet block, western carpark and scattered vegetation located adjacent to the Hall building and toilet block. The Plenty Hall is locally significant, historically and socially. The heritage citation (Nillumbik – C13 Heritage Stage 2 Final Report Revised Citation, Graeme Butler and Assoc., 2001) notes:
 - 'Plenty Hall is significant: - for its long association with community gatherings, celebration and activities in the Plenty farming area, since its construction in the 1930s, and one of a group of much valued civic structures in the immediate area'

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- 'The hall is set beside a large car park, among gums, between the Plenty Park Reserve and the Plenty State School: it is at the centre of the Plenty village. It was once a prominent focal point for travellers going west along the Yan Yean Road, until the construction of the fire brigade building.'
66. The decision guidelines of the Heritage Overlay require consideration for the significance of the heritage place. The guidelines also require the consideration of whether the proposal will adversely affect the natural or cultural significance of the place and whether the location, bulk, form or appearance of the proposed building will adversely affect the significance and character of the heritage place.
67. The development achieves setbacks that are generally consistent with the pattern of development of the buildings located within the Plenty Heritage Park, opposite the development area and nearby residential buildings. The setback of the fire station building and storage shed to the Plenty Hall and the boundary setback between the fire station building and southern boundary are important. The most substantial section of the proposed fire station is setback behind the front of the Plenty Hall. The recessed feature ensures that the Plenty Hall remains a feature within this front setback and ensures that views around the significant Plenty Hall area are retained. The administration wing of the proposed fire station, located closest to Butlers Road, is set forward of the Plenty Hall. Council's Heritage advisor is satisfied that its distance from the Plenty Hall building does not impact on significant heritage views east or west to the Plenty Hall.
68. The layout of the building is highly articulated and segmented into four main sections being the entrance building, the turnout buildings, motor room and administration building. The form of the fire station is broken up with single storey wings either side of the double height motor room which is the only section that exceeds 6 metres in height. The height and scale of the building ensures that the bulk of the building is of a low scale so it does not overwhelm the streetscape.
69. As previously noted, the applicant had investigated other siting options for the facility at the existing CFA station site and also to the north of the subject site. From a heritage perspective, the proposed development area is considered to be a more acceptable location. The proposed location has less of an impact on the heritage value and significance of the Plenty Hall and does not block the view of the hall when travelling west down Memorial Drive.
70. Overall, the Council's Heritage advisor is satisfied that the proposal is appropriate and notes that although the proposed fire station is a large development, a sufficient setting has been provided around the Plenty Hall which maintains separation from the new development that will not overwhelm the Plenty Hall and its immediate setting. Council's Heritage advisor also notes that the civic precinct has traditionally contained a fire station, therefore the construction of a larger fire station, in this area, retains the civic precinct and is considered appropriate next to the Plenty Hall. The demolition of the toilet block will not affect the heritage significance of the place.

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71. The building also incorporates flat and skillion roof elements. The skillion roof has wide overhangs to emphasise and add articulation. The scale of the building is modified by the use of a variety of textures and material including stone, blockwork, render, metal and cement sheet cladding and brickwork. These materials provide a contemporary look to the building. In order for the building to be more responsive to the low scale built form, character and landscape of the area, a condition will be placed on any permit issued requiring the submission of amended plans showing the proposed zincalume roof to be replaced with a muted and non-reflective material.
72. The topography of the development area, sloping north to south, requires a stepped site cut in order to create a levelled area for the proposed fire station buildings and associated car park area. In order to achieve a softer hardscape setting, the gabion retaining walls will be placed in a stepped pattern around the perimeter of the fire station building and car park area. The retaining walls will achieve a maximum height of no more than 2 metres. This topographical consideration has been undertaken so that the development does not sit along the highest point of the subject site and reduces the perception of visual bulk, particularly from residential properties located on Howell Road and Butlers Road.
73. The applicant has identified operational and functional requirements for a 19.5 metre high hose-drying tower. The hose-drying tower will be located in the eastern section of the development area, midway between the storage shed and administration/workshop wing. The hose-drying tower is setback from the north boundary by 40 metres, 45 metres from the western boundary, 30 metres from the southern boundary and 63 metres from the eastern boundary of the subject site. The proposed hose-drying tower does not achieve a good visual outcome for the site and will be seen from the wider surrounds. The visual impact of the hose-drying tower will be reduced due to its central location and being semi-transparent given its open-wire formation. Nonetheless, the hose tower is an essential part of the operation of the use and therefore cannot be conditioned to be made smaller or removed.

Car Parking, Access and Traffic Impacts

74. The car parking provisions in Clause 52.06 do not specify the number of car spaces required for an emergency services facility. In this instance, car parking spaces must be provided to the satisfaction of the Responsible Authority.
75. This application includes the provision of 25 car spaces (including one all access space). Council's Infrastructure Department reviewed the proposal and noted that there is ample kerbside parking in Howell Road, Butlers Road and Memorial Drive to accommodate any overflow. Council's Infrastructure Department did not identify any concerns with the proposed number of on-site car spaces.
76. The application to use of the land as emergency services facility is not a use listed specifically in Clause 52.34 to provide a statutory bicycle parking requirement. However, Council's Infrastructure Department recommend that the proposal should provide some bicycle car parking (between 4 to 6 spaces) to encourage cycling as a mode of transport to the subject site and reduce the reliance on cars and car parking. The location of at least 4 bicycle parking spaces will be requested to be shown on amended plans.

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77. Vehicle access to the fire station is proposed via a two-way entry and exit from Butlers Road. Fire appliance access will be via entry from Butlers Road and egress onto Memorial Drive in a forward direction. Butlers Road is a sealed road, without kerb and channel treatment and Memorial Drive is also a sealed road, without kerb and channel treatment. The fire appliances will exit and enter Memorial Drive, Old Yan Yean Road and Yan Yean Road via a signalised intersection.
78. Many objectors raised concerns that the proposal would result in heavy vehicles using Memorial Drive and Butlers Road, impacting on safety and affecting the surface of these roads. Council's Infrastructure Department have reviewed these concerns and noted that based on the information provided by the applicant, it is anticipated that there would be an average of six daily trips associated with fire trucks per day. This would split evenly between trucks entering and exiting the site. In addition, there would be 24 truck movements (i.e. 12 trips to the site and 12 trips from the site) each Sunday between 9am to 11am associated with checking of equipment. Butlers Road and Memorial Drive are roads that have been constructed to accommodate heavy rigid vehicles, such as fire appliances and waste collection trucks. Therefore, it is not anticipated that the fire appliances would have any adverse impact on the road pavement. Furthermore, the level of traffic generated by the proposal does not warrant additional upgrades to Butlers Road.
79. Many objectors also raised concerns regarding traffic congestion from an increase of cars on Memorial Drive, Butlers Road and from the subdivision of Fineran Court. The proposal will generate a small number of trips from Brigade members accessing the fire station during call outs and the traffic generation from the monthly Brigade meetings and weekly training sessions are anticipated to generate close to 50 trips, noting that the meetings and training sessions would occur outside of typical on-road peak periods. Overall, the level of traffic associated with the proposal would have little effect on the road network, noting that other than an emergency call out during peak hours, traffic associated with the proposed development would occur outside of typical on-road peak periods.
80. Objectors raised concerns regarding vehicle and fire appliance movement along Memorial Drive and Butlers Road during sporting and recreational activities. Council's Infrastructure Department did not identify that the proposal would exacerbate these concerns. The sightlines are satisfactory for fire appliances to enter and exit the subject site. In terms of vehicle movement along the roads, as with many roads with parked cars restricting the road to one effective lane, one vehicle would be required to yield to the other vehicle by pulling over to the side. The general driving public are also required to follow the relevant road rules when yielding to an emergency vehicle. Swept path diagrams provided with the application indicate widened crossovers to allow trucks to enter Butlers Road and exit Memorial Drive. In the event that vehicles are parked on sporting days and these are restricting access to the facilities, Council will review the road network to determine whether additional traffic measures are warranted. It is also noted that cars are not permitted to be parked on the traffic lanes on Memorial Drive, due to the solid white line.

6. Officers' reports**FN.006/19 Development and use of the land as an Emergency Services Facility (CFA fire station), demolition of an outbuilding (toilet block) and associated vegetation removal at 109-115 Yan Yean Road, Plenty**

81. An objector raised a number of road safety measures and recommendations Council should undertake along Butlers Road and Memorial Drive in order to reduce the risk to local road users and Brigade members as a result of the proposal. These road safety measures and recommendations are not within the scope of consideration for the planning application and generally not specifically related to the proposed development.
82. Many objectors raised concerns that the application did not submit appropriate car park and traffic survey data and that the more detailed and thorough traffic count had been undertaken by the Major Roads Project Authority for the Yan Yean Road upgrade project. Council's Infrastructure Department reviewed the traffic impact assessment report prepared by TTM Consulting (Vic) Pty Ltd and acknowledge that the traffic volumes in the Report appear to be slightly lower than Council's data for Memorial Drive. However, the level of additional traffic associated with the proposal would still have little effect on the overall road network, noting that it would typically occur outside of peak on-road periods.

Wastewater and stormwater management

83. The site has limited access to reticulated sewer and a limited network of underground stormwater infrastructure. Objectors raised concerns in relation to how the proposed fire station will be serviced and how its stormwater will be managed. This was of particular concern to objectors and residents located north of the subject site and on Howell Road who are currently not connected to reticulated sewer and raised drainage concerns.
84. The proposed fire station will be provided with an appropriate sewerage service. The applicant provided Preliminary Service Advice prepared by Yarra Valley Water, dated 3 January 2019 with further written advice from the CFA, received on 4 February 2019, that confirms that an in-principle agreement has been reached between the applicant (the CFA) and Yarra Valley Water. This service involves a pumped system from the subject site with a connection to the existing public, reticulated sewer connection located north-east of the subject site, at the intersection of Fineran Court and Howell Road. The works are to be undertaken at the CFA's expense, and once commissioned, are to be handed over to Yarra Valley Water for ongoing maintenance.
85. The alignment for the internal rising main has been determined so as to avoid the need for additional vegetation removal, which has not otherwise been considered by the proposed development.
86. Council's Infrastructure Department have reviewed the proposal and are satisfied that the proposal will not contribute towards unreasonable stormwater runoff subject to appropriate management via the installation of an on-site detention system and associated stormwater drainage infrastructure. The conditions require stormwater from the roof of the proposed buildings to be directed to a holding tank and stormwater from the driveway and car park area to be collected across the driveway at the property boundary in Memorial Drive and connected to the internal drainage system/on-site detention device. The scale of the proposed development and works

6. Officers' reports**FN.006/19 Development and use of the land as an Emergency Services Facility (CFA fire station), demolition of an outbuilding (toilet block) and associated vegetation removal at 109-115 Yan Yean Road, Plenty**

do not require the upgrading of nearby existing drainage infrastructure in order to prevent the further impact to current drainage issues to private properties.

Bushfire Prone Area

87. The proposal must consider the risk of bushfire to people, property and community infrastructure, require the implementation of appropriate bushfire protection measures to address the identified bushfire risk and ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.
88. The subject site is located within a Bushfire Prone Area designated in accordance with regulations made under the *Building Act 1993*. Clause 13.02-1S requires consideration for bushfire risk to be considered for the use and development for an emergency services facility.
89. The site is located with convenient access to a major road and within modified parkland and surrounds. The retained vegetation and proposed landscaping treatment will continue to be regularly maintained given the usage of the facilities that are occupied on the subject site. The applicant has also identified that the proposed development will have to comply with the relevant standards for construction of buildings in bushfire prone areas and architectural treatments are to be incorporated into the design of the building to ensure that it is constructed to achieve a bushfire attack level of BAL 12.5.

Response to objections received

90. The written objections have raised a number of concerns with respect to the proposed development. Issues regarding land use, built form, heritage, tree impact, environmental impacts, car parking, traffic and access have been discussed in earlier sections of this assessment. A response to those issues not previously discussed and addressed is included below.

Site selection process undertaken by the CFA

91. Objectors raised concerns regarding the applicant's (the CFA) site selection process and criteria undertaken in order for the CFA to identify, consider and explain the reasons for choosing the subject site. Similarly, concerns were raised regarding the site selection and procurement considerations document and material provided by the applicant which did not identify, consider or explain the reasons for the dismissal of individual sites. The CFA Site Selection background information remains beyond the consideration of this planning application against the Nillumbik Planning Scheme.

Lack of transparency regarding the sale of Council Land and the future of the existing CFA fire station building which is intended to be retained

92. The objectors raised concerns regarding the process of relinquishing and sale of Council land and the future purpose of the existing CFA fire station building. These considerations will occur as a separate process outside of this planning application. This approach ensures that Nillumbik Shire Council separates the consideration of the planning application from any potential land acquisition process due to pecuniary interest reasons.

6. Officers' reports**FN.006/19 Development and use of the land as an Emergency Services Facility (CFA fire station), demolition of an outbuilding (toilet block) and associated vegetation removal at 109-115 Yan Yean Road, Plenty**

Loss of purpose and function of the Plenty Heritage Park as recognised in the Nillumbik Plenty Park Master Plan 2004

93. Concerns were raised by objectors that the proposal directly contradicts with the vision of the Plenty Heritage Park within the Plenty War Memorial Park Master Plan, February 2006 and Master Plan for Plenty Park, June 2004 and is not consistent with the current use of the land.
94. The application was referred to Council's Connected Services Department who noted that all Council master plans are developed and based on the information, trends and data available at the time. However, master plans are not set in stone and priorities may change over time. This means that master plans should be reviewed on a regular basis in order to consider and assess whether the vision, function and development remain relevant to the needs and priorities of the whole community. Council's Connected Services Department have not indicated a timeframe for the review of Plenty Park Masterplan 2006.
95. It is also acknowledged that the Plenty Park Master Plan, February 2006 and its consultation and Master Plan for Plenty Park, June 2004 are not incorporated or reference documents in the Nillumbik Planning Scheme. Therefore, there is little planning policy guidance provided by these documents as to how existing, and future land use and development should be considered for the subject site.

Loss of passive open space

96. Concerns were raised by objectors that justification for the issuing of a planning permit 183/2013/14P which approved a subdivision in Fineran Court, considered that a recreation area was not required in its subdivision layout, as there was suitable open space located at the nearby Plenty Heritage Park. As part of the Planning Officer's consideration of the planning permit 183/2013/14P a 5 per cent contribution for public open space was requested as a condition on its planning permit in accordance with Schedule 2 of the Development Plan Overlay.

Lack of Aboriginal Heritage consideration

97. The site is not located within an area of *AAV Cultural Significance (Aboriginal Heritage Regulations 2007 (Vic))*. Whilst two sites of aboriginal heritage artefacts have been found in two sites nearby, approximately 150 metres east of the subject area, the proposed development does not require the preparation of a Cultural Heritage Management Plan.

Loss of Property Value

98. It is a long held principle that that a loss of property value is not a valid planning consideration.

Conclusion

99. The application seeks to develop and use the land as an emergency services facility (CFA fire station), demolition of an outbuilding (toilet block) with associated vegetation removal. The application was advertised and 19 written objections were received and 1 submission of support.

6. Officers' reports

FN.006/19 Development and use of the land as an Emergency Services Facility (CFA fire station), demolition of an outbuilding (toilet block) and associated vegetation removal at 109-115 Yan Yean Road, Plenty

100. The proposed development will result in the loss of recreational open space and vegetation. The development is also partly located in an area of heritage significance. The planning policy and objectives must be considered on-balance in order to consider whether the proposal favours net community benefit and sustainable development for the benefit of present and future generations.
101. The proposed development is well located in achieving operational requirements and has been responsive to the site specific constraints. The layout, siting and design of the proposed facility has been informed by the land's sloping profile, its interfaces with heritage significance buildings and residential allotments. The proposal aims to retain connectivity throughout the public open space and community facilities located on the subject site. The proposal has also sought to reduce impacts by retaining vegetation along the periphery of the development, including high retention value trees and seeks to appropriately offset vegetation losses. On balance, the proposal is an acceptable response in favour of net community benefit.
102. In light of the above planning assessment, the proposal satisfies the planning policy framework and local planning policies, it is recommended that the application be supported.

6. Officers' reports**FN.007/19 ANZAC Day 2019 Temporary Signage Application**

Portfolio: Planning**Distribution: Public****Manager: Matt Kelleher, Director Services and Planning****Author: Jonathan McNally, Manager Community Safety and Amenity****Summary**

The Eltham Rotary and the Montmorency – Eltham RSL have together applied for temporary signage to be erected at three undesignated sites in the lead up to the 2019 ANZAC Day commemorations.

At the Future Nillumbik Committee of 15 June 2018, Notice of Motion NOM.001/18 was considered and Council resolved that:

1. *Temporary signage on Council land and road reserve cease immediately where not on approved locations register (or specifically approved for display during October/November) and requests officers advise offending groups to remove and seek approval under Council policies; and*
2. *Officers bring a report to Council reviewing current policy for temporary signage to assessing marketing options for regular local events.*

The review of the Temporary Signage Policy will commence shortly. Until such time that a revised Policy has been adopted by Council, officers do not have delegation to approve signage outside the existing sites permitted by the Policy. On this basis, it is recommended that Council approves the signage at the sites requested by Eltham Rotary Club and Montmorency – Eltham RSL for the lead up to ANZAC Day commemorations.

Recommendation

That the Committee (acting under delegation from Council):

1. Receives and notes the joint Rotary Club of Eltham and Montmorency – Eltham RSL signage application for 2019 ANZAC Day commemorations.
2. Approves the requested installation of event signage for the Eltham ANZAC Day commemoration signage for the period between 11 April 2019 and 29 April 2019 at the following three locations:
 - a) Corner Bolton Street and Bridge Street (grassy knoll), Eltham
 - b) Corner Bridge Street and Susan Street, Eltham
 - c) Eltham Cenotaph site.

Attachments

1. Rotary - RSL ANZAC Day signage application

Background

1. At the Future Nillumbik Committee of 15 June 2018, 'Notice of Motion NOM.001/18 Temporary Signage on Council Land' was considered and Council resolved that:

6. Officers' reports**FN.007/19 ANZAC Day 2019 Temporary Signage Application**

- a) *Temporary signage on Council land and road reserve cease immediately where not on approved locations register (or specifically approved for display during October/November) and requests officers advise offending groups to remove and seek approval under Council policies; and*
 - b) *Officers bring a report to Council reviewing current policy for temporary signage to assessing marketing options for regular local events.*
2. The policy review is planned to commence shortly, to be guided by an engagement plan which seeks responses to the proposed changes to the policy by community groups. It is expected that Council will be briefed on the Temporary Signage on Council Land Policy review during April 2019.
 3. Council received an application on 21 February 2019 to approve signage from Eltham Rotary at three locations for the ANZAC Day commemorations:
 - Corner Bolton Street and Bridge Street (grassy knoll), Eltham
 - Corner Bridge Street and Susan Street, Eltham
 - Eltham Cenotaph site.
 4. The three requested sites in Eltham are outside the 13 permitted locations provided for under the Temporary Signage on Council Land Policy and cannot be approved for installation by officers following the Council resolution on 15 June 2018.

Policy context

5. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Improve community trust through better communications and genuine engagement.

Budget implications

6. Temporary signage as contained within the scope of the policy does not attract a fee. There is no cost implication to Council for considering this request.

Consultation/communication

7. Not applicable. The review of the Temporary Signage on Council Land Policy will be subject to community consultation.

Issues/options

8. Eltham Rotary and Montmorency – Eltham RSL have jointly applied for signage (**Attachment 1**) to be installed in the lead up to 2019 ANZAC Day commemorations via the application form received on 21 February 2019. The three requested sites in Eltham are outside the 13 permitted locations under the Temporary Signage on Council Land Policy and cannot be approved for installation by officers under current delegations. The proposed signage supports this important community event within the Shire. The signage locations are all in close proximity to the event itself, and the signage is restricted to providing details of the time and location of the ANZAC Day commemoration service.

6. Officers' reports

FN.007/19 ANZAC Day 2019 Temporary Signage Application

Conclusion

9. It is recommended that Council approves the application of signage at the three locations requested by Eltham Rotary and Montmorency – Eltham RSL for the ANZAC Day commemorations.



**APPLICATION FOR THE ERECTION OF TEMPORARY
ADVERTISING SIGNS FOR COMMUNITY EVENTS ON ROAD
RESERVES AND COUNCIL PROPERTY**

NAME OF ORGANISATION: ROTARY CLUB OF ELTHAM
CONTACT PERSON: [REDACTED]
POSTAL ADDRESS: PO BOX 134 ELTHAM 3095
PHONE NO / MOB: [REDACTED]
NAME and LOCATION OF EVENT: ANZAC DAY DAWN SERVICE ELTHAM
CENOTAPH
DATE OF EVENT: 25 APRIL 2019
NUMBER OF SIGNS: 6

LOCATIONS

- Loc. 1 Adjacent to Eltham Lower Park, south of Main Road and west of the park entrance. The sign is to be placed along and parallel to the fence line.
- Loc. 2 West side of Main Road Eltham, 17 metres north of Diamond Street.
- Loc. 3 North side of Main Road, Research between the footbridge and power pole, approximately opposite Reynolds Road.
- Loc. 4 East side of Wattletree Road, Eltham North adjacent to Eltham North Reserve.
- Loc. 5 North east corner of the intersection of Diamond Creek and Yan Yean Roads.
- Loc. 6 West side of Yan Yean Road, Plenty between Memorial Drive and Howell Road.
- Loc. 7 South side of Main Hurstbridge Road, Diamond Creek adjacent to the Diamond Creek Reserve or the Diamond Creek Community Centre.
- Loc. 8 Diamond Creek Road, Greensborough nature strip on the north west corner at Civic Drive.
- Loc. 9 Heidelberg-Kinglake Road, Wattle Glen on the south east corner at Kangaroo Ground-Wattle Glen Road.

**APPLICATION FORM: TEMPORARY ADVERTISING SIGNS FOR COMMUNITY EVENTS ON
ROAD RESERVES AND COUNCIL PROPERTY JUNE 2018**

The personal information requested on this form is being collected by Council for the purpose of processing this application. This information will be used solely by Council for that primary or directly related purpose. The applicant understands that the personal information provided is for the purpose of processing this application and that they may apply to Council for access and/or amendment of the information.

- Loc. 10 Heidelberg-Kinglake Road, Hurstbridge on the north side, adjacent to the Hurstbridge Primary School.
- Loc. 11 Kangaroo Ground-St Andrews Road, Panton Hill in front of the Panton Hill Community Centre.
- Loc. 12 Heidelberg-Kinglake Road, St Andrews opposite Kangaroo Ground-St Andrews Road.
- Loc. 13 Eltham-Yarra Glen Road, Kangaroo Ground on the west side, north of Donaldson Road.

OTHER LOCATIONS ARE NO LONGER AVAILABLE

Council resolved on 12 June 2018 that Temporary Signage on Council land and road reserves, where not on the above approved locations register, is no longer permitted.

Please return completed application form to nillumbik@nillumbik.vic.gov.au

APPLICATION FORM: TEMPORARY ADVERTISING SIGNS FOR COMMUNITY EVENTS ON ROAD RESERVES AND COUNCIL PROPERTY JUNE 2018

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- 7. Supplementary and urgent business**
- 8. Confidential reports**