

Future Nillumbik Committee

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

Minutes

Carl Cowie
Chief Executive Officer

Friday 15 March 2019

Distribution: Public

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Wominje ka

Nillumbik Shire Council

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Nillumbik Shire Council

**Minutes of the Future Nillumbik Committee Meeting held Tuesday 12 March 2019.
The meeting commenced at 7:34pm.**

Councillors present:

Cr Karen Egan	Bunjil Ward (Mayor)
Cr Grant Brooker	Blue Lake Ward
Cr John Dumaresq	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Jane Ashton	Sugarloaf Ward
Cr Bruce Ranken	Swipers Gully Ward
Cr Peter Clarke	Wingrove Ward

Officers in attendance:

Carl Cowie	Chief Executive Officer
Matt Kelleher	Director Services and Planning
Blaga Naumoski	Executive Manager Governance
Mitch Grayson	Chief of Staff to the Mayor and Councillors
Corrienne Nichols	Manager Community Programs
Katia Croce	Governance Lead

1. Welcome by the Chair

2. Reconciliation statement

The reconciliation statement was read by the Chairperson, Mayor Cr Karen Egan.

3. Apologies

Nil

4. Confirmation of minutes

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

Committee Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Grant Brooker

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

CARRIED

5. Disclosure of conflicts of interest

Nil

Cr Grant Brooker assumed the chair at 7:35pm as the Councillor responsible for the Community Services Portfolio.

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.

The following people addressed the Committee with respect to this item:

1. Terry Oakley (Positive Ageing Advisory Committee)

Committee Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Jane Ashton

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.

CARRIED

6. Officers' reports**FN.005/19 Corrections to the Nillumbik Planning Scheme - Amendment C115**

Cr Peter Perkins assumed the chair at 7:46pm as the Councillor responsible for the Planning Portfolio.

Cr Peter Perkins read the following address from an email prepared prior to the meeting and distributed by Council Officers on 12 March 2019 by Matt Kelleher, Director Community and Planning:

“A number of you may have received enquiries or comments today from some of our community groups about Amendment C115 up tonight, which is a Corrections Amendment. To clean up out of date, ineffective or redundant scheme provisions. The Amendment seeks the removal of Clause 22.02 ‘Subdivision in Green Wedge areas’ and Clause 22.03 ‘Residential use and development on small lots in Green Wedge areas’.

To assist with further information:

- Both policies expired in November 2009. They have been expired for 10 years have no status. They have not been relied upon in planning decision making and have no statutory status.
- 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.
- These policies have not been applied to any planning permit application decision since their expiry in November 2009.
- The State Government expects, as routine, all expired policies to be removed from any planning scheme to ensure it (scheme) does not cause confusion. These two expired policies, along with a number of minor errors or corrections, should have been removed a long time ago as part of maintaining a clear and correct Nillumbik Planning Scheme.
- The Zones and the Overlays in the Nillumbik Planning Scheme address the minimum lot size and additional planning requirements for any subdivision (access, bushfire, native vegetation etc) and are considered through any planning permit application process – as relevant. Decision making is required the consider the objectives of the zones and overlays.
- Any changes to subdivision standards in the green wedge require ratification by the Victorian Parliament. It is not a discretion available to a Council in the Planning Scheme. No changes to the current subdivision standards are being contemplated.
- Council is currently preparing a new Green Wedge Management Plan (GWMP) and this can consider the need for further changes to the planning scheme, including new local policies, if they are required.

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.

The following people addressed the Committee with respect to this item:

1. Bill Lord
2. Ben Ramcharan
3. Greg Johnson (Friends of Nillumbik Inc)
4. Brian Murray
5. Max Parsons

Committee Resolution**MOVED:** Cr Peter Clarke**SECONDED:** Cr Bruce Ranken

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*.

CARRIED

Cr Peter Perkins called for a division

For: Cr Jane Ashton, Cr Grant Brooker, Cr Peter Clarke, Cr John Dumaresq,
Cr Karen Egan and Cr Bruce Ranken

Against: Cr Peter Perkins

The Chairperson, Cr Peter Perkins declared the Motion Carried.

Corrienne Nichols, Manager Community Programs, left the meeting during discussion of the above item at 7:53pm.

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 • Car Parking, Access and Traffic Impacts

6. Officers' reports

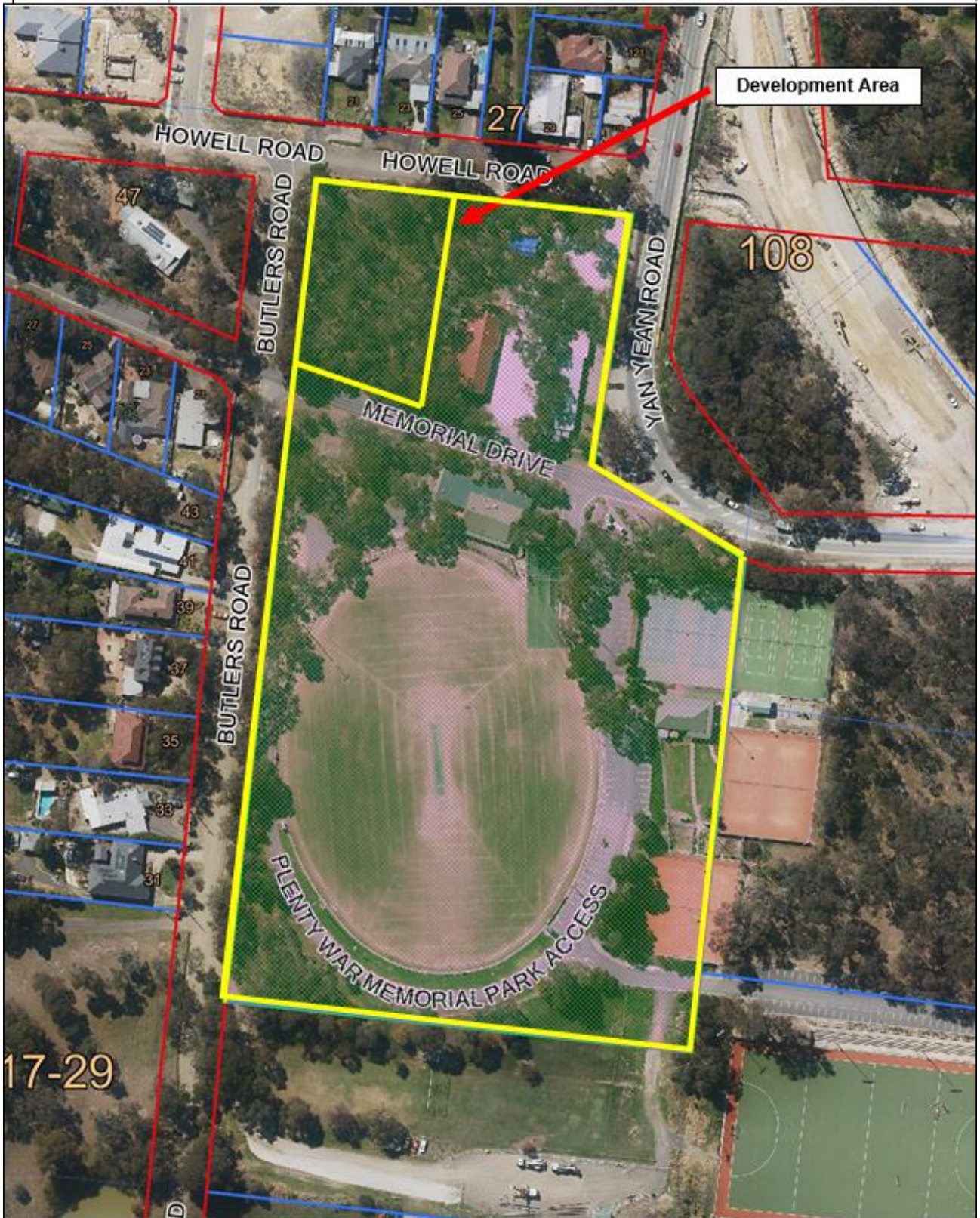
FN.006/19 Development and use of the land as an Emergency Services Facility (CFA fire station), demolition of an outbuilding (toilet block) and associated vegetation removal at 109-115 Yan Yean Road, Plenty

	<ul style="list-style-type: none">• Wastewater and stormwater management• Bushfire Prone Area
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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**

The following people addressed the Committee with respect to this item:

1. Sue McKinnon
2. Kerry Fitzmaurice (Plenty Historical Society)
3. Alan Pearce
4. Frederick Norman
5. Milton Embling
6. Dale Byrne
7. Helen Zull on behalf of residents and petitioners
8. Kevin Williams
9. Isabel Nalato
10. Terence Warburton
11. Georgia Fine (Executive Manager Land and Building Services, Country Fire Authority)
12. Gavin Wright (Operations Officer, Country Fire Authority)
13. Ian d'Oliveyra (Network Planning Consultants)
14. Jason Skiba (Plenty CFA)

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.

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- 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.
 - 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.

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- 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. 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;

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- 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.

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.

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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.

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

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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:

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.

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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.
 - 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.

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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:
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. Storm water 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

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system/on-site detention device. Storm water from the surface of the truck egress, carpark access and the car parking area must be 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.

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.

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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.

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.

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**

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.

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.

Motion

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Clarke

That the Committee (under delegation from Council) defer consideration of Planning permit application 159/2018/06P, until the Ordinary Council Meeting of 26 March 2019; and immediately writes to the CFA as the applicant seeking the detailed evaluation of all alternate sites considered for the proposed new Plenty station to be provided prior to the Ordinary Council Meeting on 26 March 2019.

THE MOTION WAS PUT TO THE VOTE AND LOST.

The Chairperson, Cr Peter Perkins declared the Motion Lost.

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****Motion****MOVED: Cr Karen Egan****SECONDED: Cr Jane Ashton**

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. The approved Tree Management and Tree Protection Zone Access Plan must be carried out and completed 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**

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.

Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan 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**

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.

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

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

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:

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

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**

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.
- 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;

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**

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:
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.~~

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**

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.
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.

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**

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.

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.

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**

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.

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.

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**

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.

Cr Jane Ashton declared an interest during this item as her husband is the secretary of Kangaroo Ground CFA, and disclosed no conflict of interest.

Cr Peter Clarke proposed an Amendment to the Motion.

The Chairperson, Cr Peter Perkins adjourned the meeting at 10:07pm for a break to seek officer advice. The meeting resumed at 10:19pm.

The Chairperson, Cr Peter Perkins refused the proposed Amendment as it was contrary in substance to the original Motion.

Cr Peter Clarke moved which was seconded by Cr Grant Brooker, that the meeting disagree with the Chairperson's ruling on a point of order.

The Chairperson, Cr Peter Perkins left the chair at 10:23pm.

The Mayor, Cr Karen Egan assumed the chair.

Cr Peter Clarke stated his reasons for his dissent.

With leave of the temporary Chairperson, Mayor Cr Karen Egan, Cr Peter Clarke requested prior to ruling on the dissent that the proposed Amendment to the substantive motion be put in writing so Councillors could see the wording of the Amendment. This was accepted by the temporary Chairperson, Mayor Cr Karen Egan.

Motion to extend the Meeting

In accordance with Clause 2.1 of the Meeting Procedure Local Law 2017, a meeting must not continue after 10:30pm unless a majority of Councillors present vote in favour of the meeting continuing.

Committee Resolution

MOVED: **Cr Bruce Ranken**

SECONDED: **Cr Jane Ashton**

That the meeting be extended until 11:00pm.

CARRIED

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

The temporary Chairperson, Mayor Cr Karen Egan ruled against the following Motion:

Motion

MOVED: Cr Peter Clarke
SECONDED: Cr Grant Brooker

That the Chairperson's ruling be upheld.

The temporary Chairperson, Mayor Cr Karen Egan declared the ruling lost and the Amendment to be admitted.

The temporary Chairperson, Mayor Cr Karen Egan left the chair at 10:37pm.

The Chairperson, Cr Peter Perkins assumed the chair.

Amendment

MOVED: Cr Peter Clarke
SECONDED: Cr Bruce Ranken

That the Committee (under delegation from Council):

1. Notes its intention to grant a permit for the development of CFA Station at 109-115 Yan Yean Road Plenty broadly in accordance with Committee report of 12 March 2019.
2. Defers final determination of conditions to the March 26 Ordinary Council Meeting until discussion with CFA to finalise appropriate conditions including the potential to reinstate the existing site to public parkland.

CARRIED

THE AMENDMENT WAS PUT TO THE VOTE AND CARRIED.

Cr Peter Perkins called for a division

For: Cr Grant Brooker, Cr Peter Clarke, Cr John Dumaresq, Cr Karen Egan and Cr Bruce Ranken

Against: Cr Jane Ashton and Cr Peter Perkins

The Chairperson, Cr Peter Perkins declared the Amendment Carried.

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

THE COMMITTEE RESOLUTION READS AS FOLLOWS:

Committee Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That the Committee (under delegation from Council):

1. Notes its intention to grant a permit for the development of CFA Station at 109-115 Yan Yean Road Plenty broadly in accordance with Committee report of 12 March 2019.
2. Defers final determination of conditions to the March 26 Ordinary Council Meeting until discussion with CFA to finalise appropriate conditions including the potential to reinstate the existing site to public parkland.

CARRIED UNANIMOUSLY

Mitch Grayson, Chief of Staff to the Mayor and Councillors, temporarily left the meeting during discussions of the above item at 8:16pm, and returned at 8:19pm.

Matt Kelleher, Director Services and Planning, temporarily left the meeting during discussions of the above item at 8:32pm, and returned at 8:36pm.

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.

Motion

MOVED: Cr Peter Clarke

SECONDED: Cr Karen Egan

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.
3. Receives and notes the additional Rotary Club of Eltham signage application for the 2019 Eltham Festival.
4. Approves the requested installation of event signage for the 2019 Eltham Festival for the period between 28 October 2019 and 13 November 2019 at the following two locations:
 - a) Corner Bolton Street and Main Road Eltham
 - b) Corner Park West Road and Main Road Eltham
5. That the CEO be delegated authority to grant consent for temporary signage until a new Temporary Signage Policy is adopted by Council.

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COMMITTEE RESOLUTION AS FOLLOWS:

Committee Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Karen Egan

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.
3. Receives and notes the additional Rotary Club of Eltham signage application for the 2019 Eltham Festival.
4. Approves the requested installation of event signage for the 2019 Eltham Festival for the period between 28 October 2019 and 13 November 2019 at the following two locations:

- a) Corner Bolton Street and Main Road Eltham
 - b) Corner Park West Road and Main Road Eltham
5. That the CEO be delegated authority to grant consent for temporary signage until a new Temporary Signage Policy is adopted by Council.

CARRIED

The Mayor, Cr Karen Egan assumed the chair at 10:49pm.

7. Supplementary and urgent business

Nil

8. Confidential reports

Nil

The meeting closed at 10:49pm.

Confirmed: _____
Cr Karen Egan, Mayor