

Ordinary Meeting of Council

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 26 March 2019 commencing at 7:30pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 29 March 2019

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Nillumbik Shire Council

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Nillumbik Shire Council

**Minutes of the Ordinary Meeting of Nillumbik Shire Council held
Tuesday 26 March 2019. The meeting commenced at 7:30pm.**

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
Hjalmar Philipp	Director Sustainability and Place
Vince Lombardi	Executive Manager Finance
Blaga Naumoski	Executive Manager Governance
Mitch Grayson	Chief of Staff to the Mayor and Councillors
Jeremy Livingston	Executive Manager Organisational Performance
Renae Ahern	Manager Planning Services
Jonathan McNally	Manager Community Safety and Amenity
Enrique Gutierrez	Manager Capital Works
Naomi Paton	Manager Integrated Strategy
Leah Farrell	Coordinator Environmental Health Services
Craig King	Customer Experience Lead
Katia Croce	Governance Lead
James Hartigan	Business Performance Analyst
Eloise Gabriele	Senior Statutory Planner
Alena Spry	Governance Officer

1. Welcome by the Mayor

2. Reconciliation statement

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

3. Prayer

A prayer was read by Paul Huglin, Associate Pastor of Diamond Valley Baptist Church.

4. Apologies

Nil

5. Presentations

Katya Saill-Dilnot (Swipers Gully Ward) received \$200 as a contribution for her selection to represent Australia in the Under 21 National Volleyball Championships in Thailand.

Katya thanked Council and a photo was taken of Katya and Cr Bruce Ranken.

Rachel Svent (Swipers Gully Ward) received \$200 as a contribution for her selection to represent Australia in the Australian Women’s Development Tour.

Rachel thanked Council and a photo was taken of Rachel and Cr Bruce Ranken.

Tahli Brittain (Swipers Gully Ward) received \$200 as a contribution for her selection to represent Australia at the USASF World Cheerleading Championships in America.

Tahli thanked Council and a photo was taken of Tahli and Cr Bruce Ranken.

Nillumbik Shire Council wishes Katya, Rachel and Tahli every success with their future sporting pursuits.

Jim Connor on behalf of the Eltham Historical Society – Nillumbik Shire Council would like to present the Eltham Historical Society with two Ballot boxes from the former Shire of Eltham.

Jim thanked Council and a photo was taken of Jim, Cr Peter Clarke and the Mayor, Cr Karen Egan.

The Mayor, Cr Karen Egan, drew Council’s attention to the sad passing of Dr Malcolm Harrop OAM and made the following address:

Last week, I was quite sad to hear of the passing of Dr Malcolm Harrop OAM on 16 March aged 83, or Mal as many knew him.

In fact the last time I saw him was only about 2 weeks ago at the My Aged Care meeting we had at the Hurstbridge Hub.

Mal was very active in many community initiatives, such as the Eltham Festival, the Apex Club and the Phoenix Club.

He will also be fondly remembered for his passion for jazz music and many related activities, including the Monsalvat Jazz Festival and more recently those at Nillumbik U3A. He was an absolute passionate advocate of U3A.

He will be sadly missed by many in the Nillumbik community and on behalf of Council I extend condolences to Mal’s wife Val and the family.

6. Confirmation of minutes

Confirmation of minutes of the Ordinary Council Meeting held on Tuesday 26 February 2019.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Peter Perkins

That the minutes of the Ordinary Council Meeting held on Tuesday 26 February 2019 be confirmed.

CARRIED

7. Disclosure of conflicts of interest

Nil

8. Petitions

Nil

9. Questions from the gallery

Ben Ramcharan asked Council:

At the Future Nillumbik Committee meeting on 12 March, Cr Perkins, quoting advice from Council officers in regard to the removal of clauses 22.02 and 22.03 from the Nillumbik Planning Scheme, said: "Council is carefully preparing a new Green Wedge Management Plan and this can consider need for further changes to the planning scheme, including new local policies if they are required." This seems to contradict the advice given in Council's response to Recommendation 18 of the Green Wedge Management Plan Community Recommendations, in which Council referred to clause 22.02, saying that it "cannot be revived without a new planning scheme amendment".

Does Council's response to this recommendation mislead the community into thinking that such a change would be too hard to achieve? Given the advice from the officers, will Council reconsider their response to this recommendation?

Response

Absolutely not.

Preparation of the draft GWMP will identify any need for changes to the Nillumbik Planning Scheme, if required. Any new local policies would need strategic justification and would be subject to a full planning scheme amendment process. As clauses 22.02 and 22.03 expired in 2009, this same requirement applies if they were to be reintroduced.

Carlota Quinlan asked Council:

Re: Annual Community Survey 2019 undertaken by Metropolis Research Pty Ltd for Nillumbik Shire Council. In this survey 'Eltham' was defined as being Eltham Central, Eltham East and Eltham South. Eltham respondents, when asked about: community consultation and engagement, representation, lobbying and advocacy, responsiveness to local community needs, maintaining trust and confidence, make decisions in the best interests of the community, 'rated satisfaction measurably and significantly lower than the municipal average and at a level categorised as 'Poor'.' (Metropolis Research) These are all areas crucial to a well-functioning Council. The current proposed sale and development of the Old Shire Office Site and War Memorial Complex provides an opportunity for Councillors to alter the community's negative perception of them and Council.

Will Council now decide to delay this process until they have engaged meaningfully with residents and their plans accurately reflect the community's wishes for the area which, in Council's Eltham Activity Centre Review 2018 was 'more trees, more greenery, retain local heritage, no overdevelopment and constrain new development'?

Response

Council has previously engaged and consulted about shaping the vision for the Eltham Activity Centre, where the project is located, and remains committed to community engagement and consultation before entering into a development agreement, if any.

The Panel recommended Council maintain the current Local Planning Policy Clause 22.03. Council did not support the Panel's recommendation as the interim policy expired on 30 November 2009.

Sue Dyet asked Council:

1. Is Council intending to enter into any joint venture or any other form of agreement with the proposed developer of 895 and 903-907 Main Rd, Eltham before the community consultation process for the development has been completed?

Response

No. Council will engage and consult with the community before entering into a development agreement, however Council is yet to make a decision about any future proposal.

2. If so: - what is proposed and - at what stage will Council be giving public notice in accordance with the *Local Government Act 1989* or, if Council will be acting under s193(1) of that Act, conducting an assessment of the total investment involved and the total risk exposure?

Response

Council will comply, as they have always done, with all relevant Acts.

Mel Ellis asked Council:

1. When can a clear timetable for the fireworks and wildlife euthanasia issues be made publicly available? To include dates for community consultation, Council proposals, public review of Council proposals and key decision points - for both issues.

Response

As per our resolution on the 12th of February this year (Future Nillumbik Committee meeting), officers are currently preparing an issues and options report for the Injured Wildlife Service, to be reported back to Council in May.

The Fireworks Local Law should be available for public comment around mid-year.

2. What is the Council's current position on ranger services for wildlife. Are rangers still available for in and out of hours wildlife euthanasia? There is some confusion within the community. Would it be possible to clarify this on the Council Facebook so it can be easily shared?

Response

Until Council has formally adopted a resolution in relation to this service, the service will continue to be provided by Council staff during business hours and by contractors after hours and on the weekend. Clarification can be provided via social media.

Tim Phillips asked Council:

1. How has Council decided to proceed with the proposal for the proposed redevelopment of 895 and 903-907 Main Rd, Eltham?

Response

As we have already stated, Council has decided to continue with investigating the feasibility of the proposal and has yet to make a decision.

2. How does this relate to the core recommendations by the “expert evaluation panel” appointed by Council to assess responses to the Request for Proposals for these sites?

Response

Continuing with investigating the feasibility of the proposal is consistent with the core recommendations made by the Council-appointed expert evaluation panel that assessed the responses to the Request for Proposals.

Catherine Russell asked Council:

Since NSC's last organisational restructure in 2017, every quarterly financial report has shown NSC as not spending its budgeted amount on employee benefits but to be exceeding its budget for temporary staff due to backfilling of vacant positions. NSC exceeded budgeted recruitment costs by more than \$65k in the first half of this financial year, at least six vacancies were being advertised last week and the Council is also now is going through another organisational restructure.

1. Why, nearly two years after the first restructure and while exceeding budgeted recruitment costs, has NSC not been able to attract and/or retain staff to fill positions rather than relying on excessive numbers of temporary staff?
2. Noting that the latest available figures (NSC's Annual Report 2017-2018) show the total number of staff employed by NSC is 467, what is the total number of staff who have left NSC's employment in the financial year to date (redundancies and all other departures) and the number of staff projected to depart from now until the end of the financial year as a result of the organisational restructure?

Response

Both of these questions are operational and I refer them to the CEO to respond to you in writing.

Greg Johnson asked Council:

1. We are informed that all Councillors sat on the selection panel for our new CEO. Supporters of Friends of Nillumbik are requesting information, in the interests of transparency, about what remuneration he is receiving.

Response

The remuneration of the CEO will be disclosed in the Annual Report.

2. Friends of Nillumbik asks: We emailed you last week about the Environmental Commissioner's Report which says biodiversity is in decline across Victoria so we now ask, does this persuade the Mayor that it's probably also in decline in Nillumbik?

Response

The GWMP background report recognises impacts on biodiversity and species loss. The draft GWMP, which is currently in preparation, recognises the importance of evidence based actions to address decline in biodiversity health and species loss.

Colleen Hackett asked Council:

I read with interest the Environmental Commissioner's Report which says that biodiversity is in decline across Victoria and that clearing bushland for various reasons is causing species loss. Given these facts I ask how the GWMP actions will address the concerns expressed by the report about protecting biodiversity on private land?

Response

The GWMP background report recognises impacts on biodiversity and species loss. The draft GWMP, which is currently in preparation, recognises the importance of evidence based actions to address decline in biodiversity health and species loss.

Sharon Bonga asked Council:

Has the developer that responded to Council's RFP process for 895 and 903-907 Main Rd, Eltham been advised of the application for listing of the War Memorial complex on the Victorian Heritage Register?

Response

Yes, it has.

10. Reports of Advisory Committees

AC.003/19 Advisory Committee Report

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance

Author: Emma Christensen, Governance Officer

Summary

Council has a range of Advisory Committees which provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation. Although they do not make any formal decisions, they provide valuable advice to Council.

In accordance with Advisory Committee Terms of Reference, the minutes of meetings are presented to Council. This month, the following minutes are attached for information:

- Environment and Sustainability Advisory Committee – 14 November 2018; and
- Arts Advisory Committee – 3 December 2018.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Grant Brooker

That Council notes the:

- Environment and Sustainability Advisory Committee meeting minutes held on 14 November 2018; and
- Arts Advisory Committee meeting minutes held on 3 December 2018.

CARRIED

11. Reports of Special Committees

Nil

12. Officers' reports

OCM.030/19 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

Distribution: Public

Manager: Renae Ahern, Manager Planning Services

Author: Eloise Gabriele, Senior Statutory Planner

Summary

This report is being presented to Council in response to the Committee resolution made at the Future Nillumbik Committee meeting on 12 March 2019. At this meeting, the Committee noted its intention to issue a Notice of Decision to Grant a Planning Permit for the use and development of a Country Fire Authority (CFA) Emergency Services Facility (Fire Station) at 109-115 Yan Yean Road, Plenty, broadly in accordance with the Committee report of 12 March 2019. A copy of the March Future Nillumbik Committee report is attached for reference (**Attachment 4**).

The Committee resolution also sought to defer final determination of conditions until a discussion of the conditions with the CFA as the applicant had occurred, including the potential to reinstate the existing CFA site to public parkland.

Background

The Officer recommendation in the report FN.006/19 heard at the Future Nillumbik Committee on 12 March 2019 has outlined a number of conditions, including conditions relating to amenity, which requests information and actions of the applicant to ensure that the proposed use of the building does not adversely impact on the amenity of surrounding land uses, including residential dwellings.

At the Future Nillumbik Committee on 12 March 2019, questions were asked by the Committee and directed to the applicant regarding the proposed planning permit conditions, in particular amenity conditions.

The intent of amenity conditions on a planning permit are to ensure that the proposed use and development of the land does not adversely impact the amenity of surrounding land uses, in particular sensitive land uses, such as residential dwellings. The proposal has a residential interface with residences located on Butlers Road and Howell Road. The proposed use of the land as an emergency services facility in this location has the potential to adversely impact on the amenity of surrounding land uses, including alarms and ventilation noise emerging from the Motor Room building, general noise from outdoor training activities and persons entering and leaving the facility. The application received 19 objections and objector's raised concerns regarding the use of the building and the associated amenity disturbance relating to vehicle noise, lighting, noise from training activities, alarms and disposal of chemicals and wastes.

The Committee resolution also raised consideration of reinstating the existing CFA site to public parkland. Following a discussion with the applicant, the CFA indicated that they intend to surrender the site to Council following completion of the new fire station, with the existing building to be either intact and in good order, or as a cleared site ready for another purpose. In the event that a planning permit is issued for the new CFA building, a decision around the existing facility can be explored through the Heads of Agreement.

12. Officers' reports

OCM.030/19 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

Assessment

The CFA have provided written advice on 18 March 2019, which was followed by a discussion, regarding their preferred changes to the conditions in the Officer recommendation in the report FN.006/19.

The following table presents the Officer’s response and reasoning as to whether the conditions are recommended to remain on any permit issued or be amended in response to the applicant’s suggested changes.

Table 1 – Response to the applicant’s (the CFA) suggested changes to conditions

Condition	Officer response
<p>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 <i>Nicholas + Alexander Architects</i> but modified to show:</p> <p>c) Tree Management Plan in accordance with Condition 5.</p> <p>d) Tree Protection Zone fencing.</p>	<p>The applicant sought to combine condition 1 c) and d) requirements.</p> <p>Condition 1 c) requests the submission of a Tree Management Plan which outlines detailed tree protection measures and requirements including a Tree Protection Zone Access Plan. These measures can be more extensive than just the implementation of Tree protection Zone fencing, or they may provide measures for tree protection if it is not practical to install standard Tree Protection Zone fencing.</p> <p>Condition 1 d) requests the location of Tree Protection Zone fencing to be shown on a Site Plan.</p> <p>The two are separate plan requirements intended for all endorsed plans to demonstrate how trees will be protected throughout construction and where the location of Tree Protection Zone fencing will be located during construction.</p> <p>Officers recommend that these two condition requirements remain relevant as stand-alone conditions.</p>
<p>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.</p>	<p>The applicant sought a change to the timeframe for undertaking the landscaping works to 3 months following the completion of the development, instead of before the occupation of the development.</p> <p>Officers support this condition being amended and have considered this timeframe to be reasonable, because it allows for flexibility with seasonal conditions and is still in accordance with the intent of the condition.</p>

12. Officers' reports

OCM.030/19 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

Condition	Officer response
<p>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:</p> <p>b) Fencing</p> <p>All tree protection fencing required by this permit must be erected in accordance with the approved Tree Protection Zone.</p> <p>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.</p> <p>d) Irrigation</p> <p>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.</p>	<p>The applicant sought to remove the word 'visual' from Condition 8 b). This condition clearly articulates the expectation of the permit holder that the (temporary) tree protection fencing should form a visual and physical barrier. Officers recommend this condition remain unchanged.</p> <p>The applicant sought clarification regarding Condition 8 d). Officers recommend that the condition can be amended to include the timeframe 'during the construction period', however the intent of irrigation in this condition is for watering to occur within the tree protection zone and fencing and not in the area outside the tree protection zone and fencing.</p>
<p>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.</p>	<p>The applicant noted that this condition should be deleted as it is replicated in Condition 9, paragraph 2. Officers note this and recommend Condition 12 to be deleted.</p>

12. Officers' reports

OCM.030/19 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

Condition	Officer response
<p>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 the development and associated processes and procedures provides the necessary acoustic treatments, and has operational processes and procedures in place to ensure that:</p> <p>a) The noise emissions from the operation of the development do not impact adversely on the reasonable amenity of any nearby property.</p> <p>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;</p> <p>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;</p>	<p>The applicant submits that there is no need or justification for a detailed acoustic management plan to be prepared, assessed and adhered to for the life of the facility. The applicant suggests a more generally worded noise control condition. The CFA still propose that noise emissions from fixed mechanical plant be required to comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1. (SEPP, N-1)</p> <p>Officers note that the purpose of noise control from Industry, Commerce and Trade is to protect beneficial uses. The proposal interfaces with residential dwellings and beneficial uses are considered to include domestic and recreational activities, in particular sleep in the night period. The nature of the activity occurring at the emergency services facility will result in noise being generated during the evening.</p> <p>In order to continue to protect the beneficial uses and amenity for nearby residential dwellings from those elements not covered by the SEPP N-1, an acoustic assessment will offer an opportunity to identify and reduce, remedy or provide alternative solutions for any potential nuisance complaints. For example, warning alarms on doors, use of visual alarms or lower frequency audible alarms.</p> <p>This use will generate noise from emergency and safety alarms located within the development, which are not assessed by SEPP N-1. As such, this condition is not intended to address or restrict the noise generated from any emergency vehicle sirens located on the fire appliances or during emergency call-out responses.</p>
<p>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.</p>	<p>For the above reasons, Conditions 16, 17 and 18 are recommended to remain unchanged.</p>

12. Officers' reports

OCM.030/19 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

Condition	Officer response
<p>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.</p>	
<p>21. The development and use hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:</p> <ul style="list-style-type: none"> 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. 	<p>Condition 21 is a general amenity condition intended to protect the amenity of the area and is recommended to be included as a condition on any permit issued.</p>
<p>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.</p>	<p>The applicant noted that this condition should be deleted as it is replicated in Condition 21 a), b), c) and d). Officers note this and recommend Condition 22 be deleted.</p>

12. Officers' reports

OCM.030/19 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

Condition	Officer response
<p>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:</p> <p>Monday between 7.30pm and 9.30pm</p> <p>Sunday between 9am and 11am</p>	<p>The applicant has sought to increase the days and hours so that meetings and training sessions could occur Monday to Sunday, 7.30am to 10pm. Whilst the applicant has described that these activities will occur infrequently, the applicant would prefer to have the flexibility for these activities to occur during any day between 7.30am to 10pm.</p> <p>As part of their planning application submission, the applicant indicated people attending training sessions and meetings on Monday evening and Sunday mornings only. In addition, the technical documents received with the planning application submission, including a Traffic Impact Assessment Report prepared by TTM Consulting Pty Ltd on 29 March 2018, also assessed car parking and traffic impacts associated with people attending training sessions and meetings on Monday evening and Sunday mornings only.</p> <p>The applicant's request to allow for meetings and training sessions to occur any day of the week between 7:30am and 10pm is a transformation of the proposal and does not accurately represent how the applicant described the operation of the emergency services facility throughout the course of the planning application.</p> <p>Furthermore, Officers have not received any amended technical documentation which demonstrates how the amenity of nearby dwellings will be impacted.</p> <p>If the applicant seeks to pursue the merits of this condition, then Officers recommend the decision for this application be deferred to an upcoming Future Nillumbik Committee meeting, so that objectors have an opportunity to respond to the proposed changes.</p>

12. Officers' reports

OCM.030/19 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

Condition	Officer response
<p>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.</p>	<p>The applicant has sought to increase the number of persons allowed during training sessions and Brigade meetings to 50 persons. This increase in persons is to accommodate the number of persons which attend Group management meetings and full Brigade meetings, on a small number of occasions each year. The applicant identified that any overspill parking will be available in the rear service yard during these events and on-street parking demand will not be generated.</p> <p>However, Officers note that the rear service yard should not be used for overspill parking as in the event of an emergency, the fire appliances will be unlikely to efficiently enter the motor room building.</p> <p>As part of their planning application submission, the applicant indicated that a maximum of 25 people would be in attendance at these events. Accordingly, the Traffic Impact Assessment Report prepared by TTM Consulting Pty Ltd on 29 March 2018, considered traffic generation and impacts based on an average of 23 people attending training sessions and meetings on Mondays and on average 8 people attending training and equipment checks on Sundays.</p> <p>It is noted that objectors raised concerns around car parking availability and traffic impacts. Furthermore, Officers have not received any amended technical documentation which demonstrates how the amenity of nearby dwellings will be impacted.</p> <p>If the applicant seeks to pursue the merits of this condition, then Officers recommend that the decision be deferred to an upcoming Future Nillumbik Committee meeting, so that objectors have an opportunity to respond to the proposed changes.</p>
<p>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.</p>	<p>The applicant requested the deletion of Condition 27. This condition is a standard amenity condition intended to protect the amenity of the area by managing building materials and colours. Condition 27 is recommended to be included as a condition on any permit issued.</p>

12. Officers' reports

OCM.030/19 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

Condition	Officer response
<p>37. The drainage system within the subject site must be designed to the requirements and satisfaction of the Responsible Authority.</p> <p>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.</p>	<p>The applicant requested the deletion of the last sentence of this condition which would remove reference to ensuring that the amenity of adjacent and nearby land is not lost by reason of stormwater discharge.</p> <p>Condition 37 ensures that a drainage system within the site is designed to requirements to the satisfaction of the Responsible Authority, including ensuring that stormwater must not cause any nuisance to nearby land. This condition is considered reasonable and is recommended to remain unchanged. This is a standard permit condition placed on any new development planning permit.</p>
<p>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.</p>	<p>The applicant requested the amendment of this condition to remove the requirement for the equipment to be positioned and baffled.</p> <p>Condition 40 intends to protect the amenity of others with respect to the positioning and baffling of air conditioning and plant equipment installed on the site. This condition is considered reasonable to remain unchanged in order to protect the amenity of nearby sensitive land uses.</p>
<p>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:</p> <p>a) For one collection per week, between 6.30am – 8pm Monday to Saturday and between 9am – 8pm Sundays and public holidays</p> <p>b) For two or more collections per week, between 7am – 8pm Monday to Saturday and between 9am – 8pm Sundays and public holidays</p>	<p>Condition 41 and 43 relate to the commercial waste collection days and times and maintaining a suitable area for waste collection. The applicant has detailed that they are yet to establish whether they will utilise the Council's waste management services or engage in a private contract service for the collection of waste from the fire station facility.</p> <p>Officers recommend these conditions be replaced with a requirement that a Waste Management Plan be submitted in the event that a planning permit is issued. This plan will detail collection days, times, method of collection i.e.</p>

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Condition	Officer response
<p>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.</p>	<p>private or Council waste collection and include access to the site, method, and odour control.</p>
<p>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.</p>	<p>Condition 44 intends to protect the amenity of others with respect to the positioning of mechanical ventilation systems (which can be considered differently to air conditioning and plant equipment) installed on the site. This condition is considered reasonable and recommended to remain unchanged in order to protect the amenity of nearby sensitive land uses.</p>

Conclusion

In considering the above responses, the following Recommendation presents the conditions to be recommended in 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.

Recommendation

That the 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.

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- 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) 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.
 - h) 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.
 - i) 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.
 - j) The provision of bicycle facilities to accommodate at least 4 bicycle parking spaces, in order to satisfy Clause 52.34 (Bicycle Facilities).
 - k) The Waste Management Plan required by Condition 39.
 - 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, within 3 months of the completion 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

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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.
 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;

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- 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.

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 and the area within the Tree Protection Fencing 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.

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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

During the construction period, 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);

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- 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. 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.

13. 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:

- i. 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
- ii. 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.

14. Monitoring and reporting for onsite offset implementation

In the event that a security agreement is entered into as per Condition 13 (i) the applicant must provide the annual offset site report to the Responsible Authority by

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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.

15. 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) Except during an emergency response call-out, 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;
16. 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.
17. Except during an emergency response call-out, 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.
18. No external sound amplification equipment or loudspeakers are to be used on the land.
19. 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.
20. 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;

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d) Presence of vermin.

21. 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.
22. 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.
23. 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 10pm
 Sunday between 9am and 12pm
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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

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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 be directed, via an underground drain, to an on-site detention device, to the satisfaction of the Responsible Authority.

30. 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.

31. 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*.

32. 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*.

33. The nominated point of storm water 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".

34. 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*.

35. 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.

36. 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.

37. 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.

38. 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.

39. Prior to the development commencing, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval. The plan must specify:

- a) Whether the development will be serviced by private waste collection or Council waste collection.
- b) The details and location of bin storage and bin collection areas.
- c) The details and location of bin storage and bin collection points by a private waste contractor (if not a Council collection).
- d) Access route and method of access for the vehicles collecting waste.
- e) Details and location of bin storage areas.
- f) Odour control from bin storage areas.

40. The Waste Management Plan endorsed as a part of this permit must be implemented and complied with as all times to the satisfaction of the Responsible Authority. No alterations to the Waste Management Plan may occur unless with the further written approval of the Responsible Authority.

41. 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

42. 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.

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43. 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.

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 Peter Perkins

SECONDED: Cr Jane Ashton

That the 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 **and ground level illumination of flag poles**, 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

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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) 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.
 - h) 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.
 - i) 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.
 - j) The provision of bicycle facilities to accommodate at least 4 bicycle parking spaces, in order to satisfy Clause 52.34 (Bicycle Facilities).
 - k) The Waste Management Plan required by Condition 39.
 - 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.
 - m) Location of ground level illumination for two flag poles.**
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, within 3 months of the completion 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.

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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.

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;

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- 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.

- 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 and the area within the Tree Protection Fencing 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

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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

During the construction period, 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;

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- 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. 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.

13. 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:

- i. 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
- ii. Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

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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.

14. Monitoring and reporting for onsite offset implementation

In the event that a security agreement is entered into as per Condition 13 (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.

15. 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) Except during an emergency response call-out, 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;

16. 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.**17. Except during an emergency response call-out, 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.****18. No external sound amplification equipment or loudspeakers are to be used on the land.****19. 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.**

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20. 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.
21. 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.
22. 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.
- ~~23. 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 10pm
Sunday between 9am and 12pm~~
- ~~24. 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.~~
25. 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.
26. 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.
27. 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.
28. 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

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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.

29. 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 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.

30. 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.

31. 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*.

32. 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*.

33. The nominated point of storm water 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

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Standards" and "Drainage Design Guidelines".

34. Storm water 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*.

35. 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.

36. 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.

37. 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.

38. 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.

39. Prior to the development commencing, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval. The plan must specify:

- a) Whether the development will be serviced by private waste collection or Council waste collection.
- b) The details and location of bin storage and bin collection areas.
- c) The details and location of bin storage and bin collection points by a private waste contractor (if not a Council collection).
- d) Access route and method of access for the vehicles collecting waste.
- e) Details and location of bin storage areas.
- f) Odour control from bin storage areas.

40. The Waste Management Plan endorsed as a part of this permit must be implemented and complied with as all times to the satisfaction of the Responsible Authority. No alterations to the Waste Management Plan may occur unless with the further written approval of the Responsible Authority.

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41. 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
42. 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.
43. 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.

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.

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

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Jane Ashton

That the 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), associated vegetation removal and ground level illumination of flag poles, 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) 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.
 - h) 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.
 - i) 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.
 - j) The provision of bicycle facilities to accommodate at least 4 bicycle parking spaces, in order to satisfy Clause 52.34 (Bicycle Facilities).
 - k) The Waste Management Plan required by Condition 39.

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- 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.
- m) Location of ground level illumination for two flag poles.
- 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, within 3 months of the completion 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.

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- 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;
 - 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.

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- 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 and the area within the Tree Protection Fencing 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

During the construction period, 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

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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 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. 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

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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.

13. 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:

- i. 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
- ii. 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.

14. Monitoring and reporting for onsite offset implementation

In the event that a security agreement is entered into as per Condition 13 (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.

15. 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) Except during an emergency response call-out, 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

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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;
16. 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.
 17. Except during an emergency response call-out, 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.
 18. No external sound amplification equipment or loudspeakers are to be used on the land.
 19. 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.
 20. 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.
 21. 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.
 22. 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.
 23. 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.
 24. 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.
 25. 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

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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.

26. 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.

27. 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 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.

28. 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.

29. 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*.

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

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

31. The nominated point of storm water 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".

32. Storm water 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*.

33. 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.

34. 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.

35. 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.

36. 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.

37. Prior to the development commencing, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval. The plan must specify:

- a) Whether the development will be serviced by private waste collection or Council waste collection.
- b) The details and location of bin storage and bin collection areas.

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- c) The details and location of bin storage and bin collection points by a private waste contractor (if not a Council collection).
 - d) Access route and method of access for the vehicles collecting waste.
 - e) Details and location of bin storage areas.
 - f) Odour control from bin storage areas.
38. The Waste Management Plan endorsed as a part of this permit must be implemented and complied with as all times to the satisfaction of the Responsible Authority. No alterations to the Waste Management Plan may occur unless with the further written approval of the Responsible Authority.
39. 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
40. 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.
41. 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.

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,

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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.

CARRIED

Cr Peter Perkins called for a division

For: Cr Peter Perkins, Cr Bruce Ranken, Cr Jane Ashton, Cr Karen Egan and Cr Peter Clarke

Against: Cr John Dumaresq and Cr Grant Brooker

The Mayor, Cr Karen Egan declared the Motion Carried.

Renaë Ahern, Manager Planning Services and Eloise Gabriele, Senior Statutory Planner left the meeting at the conclusion of the above item at 8:18pm.

12. Officers' reports

OCM.031/19 Green Wedge Management Plan update

Distribution: Public

Manager: Matt Kelleher, Director Services and Planning

**Author: Nichole Johnson, Coordinator Major Projects
Naomi Paton, Manager Integrated Strategy**

Summary

In December 2018, Council endorsed revised timelines to prepare the draft Green Wedge Management Plan (GWMP) for consideration by March 2019 for the purposes of wider community engagement. It is proposed that the draft GWMP now be considered at the June 2019 Ordinary Council Meeting, allowing for feedback on the draft Bushfire Mitigation Strategy to be received by Council prior to finalising the draft GWMP.

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Peter Clarke

That Council endorses the revised timeline to prepare the draft Green Wedge Management Plan for consideration by June 2019 for the purposes of wider engagement.

CARRIED

12. Officers' reports

OCM.032/19 Rezoning 14 parcels of Council Owned Land to Public Park and Recreation Zone

Distribution: Public

Manager: Matt Kelleher, Director Services and Planning

Author: Julie Paget, Strategic Planner

Anthony Calthorpe, Strategic Planning Coordinator

Summary

Through previous decisions, Council has resolved to rezone 14 parcels of Council owned land to the Public Park and Recreation Zone (PPRZ). To rezone land, Council is required to amend the Nillumbik Planning Scheme.

The reason and purpose of the rezoning is to formally confirm the status of the land parcels as public open space, providing clarity about the future intent for the land.

The 14 parcels to rezone comprise land as follows:

- **Hurstbridge Open Space Precinct Plan** – the lot known as Lot 1, 44 Graysharps Road, Hurstbridge (1 land parcel);
- **2018 proposed land sales** – a residual 12 properties in total need rezoning (12 land parcels); and
- **The Civic Drive Master Plan** – the open space/park areas shown on the Master Plan (1 land parcel).

The first step required to rezone land is to apply the Minister for Planning (the Minister) for 'authorisation' to prepare and publicly exhibit a Planning Scheme Amendment (PSA). To support the application to the Minister, a formal resolution of Council is required confirming its intent to seek authorisation to amend the Planning Scheme.

Each of the properties subject to this proposed amendment have been identified as either serving or being capable of serving a public open space function and are not currently zoned for this purpose. For the purposes of efficiency, all of the 14 parcels can be combined into a single PSA, proposed to be known as 'Amendment C117'.

Extensive community consultation has occurred for each of the properties under their respective projects and it is considered that the rezoning is already anticipated by the public. Formal exhibition of any draft PSA will provide the public further opportunities to make submissions.

Recommendation

That Council:

1. Confirms its intent to rezone the 14 parcels of land identified in **Attachment 1** to Public Park and Recreation Zone through the amendment to the Nillumbik Planning Scheme proposed Amendment C117.
2. Instructs officers to formally request authorisation from the Minister for Planning to prepare and exhibit Amendment C117 to the Nillumbik Planning Scheme in accordance with the requirements of the *Planning and Environment Act 1987*.

12. Officers' reports

OCM.032/19 Rezoning 14 parcels of Council Owned Land to Public Park and Recreation Zone

Motion

MOVED: Cr Peter Perkins
SECONDED: Cr Bruce Ranken

That Council:

1. Confirms its intent to rezone the 15 parcels of land identified in **Attachment 1** to also include 36-44b Civic Drive Greensborough to Public Park and Recreation Zone through the amendment to the Nillumbik Planning Scheme proposed Amendment C117.
2. Instructs officers to formally request authorisation from the Minister for Planning to prepare and exhibit Amendment C117 to the Nillumbik Planning Scheme in accordance with the requirements of the *Planning and Environment Act 1987*.

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

Council Resolution

MOVED: Cr Peter Perkins
SECONDED: Cr Bruce Ranken

That Council:

1. Confirms its intent to rezone the 15 parcels of land identified in **Attachment 1** to also include 36-44b Civic Drive Greensborough to Public Park and Recreation Zone through the amendment to the Nillumbik Planning Scheme proposed Amendment C117.
2. Instructs officers to formally request authorisation from the Minister for Planning to prepare and exhibit Amendment C117 to the Nillumbik Planning Scheme in accordance with the requirements of the *Planning and Environment Act 1987*.

CARRIED

Alena Spry, Governance Officer temporarily left the meeting during discussions of the above item at 8:20pm, and returned at 8:22pm.

12. Officers' reports

OCM.033/19 Draft Budget 2019-2020

Distribution: Public

Manager: Vince Lombardi, Executive Manager Finance

Author: Robert Malignaggi, Management Accounting Coordinator
Melika Sukunda, Financial Accounting Coordinator

Summary

This report presents the draft Budget for 2019-2020 for Council approval prior to exhibition for public consultation. The Budget provides resources for the ongoing delivery of Council services to the community, and for the development and maintenance of infrastructure throughout the shire.

Rates and charges

- The draft Budget proposes a 2.25 increase to the rate in dollar.
- An increase of 2.25 to the waste management charge.

Capital Works

- A range of major capital works projects have been identified through planning and community consultation. The draft Budget also provides significant resources to maintain and develop existing infrastructure.

Strategic Resource Plan

- In conjunction with the Council Plan, the Strategic Resource Plan has also been prepared for the next ten financial years.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council:

1. Adopts the draft 2019-2020 Budget for the purposes of section 127 of the *Local Government Act 1989*.
2. Authorises the Chief Executive Officer to give public notice in accordance with sections 129 and 223 of the *Local Government Act 1989* of Council's intention to adopt, at a Council meeting proposed to be held at 7:30 pm on 25 June 2019, the 2019-2020 Budget (**Attachment 1**) presented to this meeting.
3. Notes that any person who makes a written submission in relation to the draft 2019-2020 Budget and requests to be heard in support of the written submission, be heard at the Future Nillumbik Committee meeting to be held in the Council Chamber, Civic Centre, at 7:30 pm on 14 May 2019.
4. Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the *Local Government Act 1989*.

CARRIED

12. Officers' reports

OCM.033/19 Draft Budget 2019-2020

Matt Kelleher, Director Services and Planning temporarily left the meeting during discussions of the above item at 8:35pm, and returned at 8:42pm.

12. Officers' reports**OCM.034/19 2019 Annual Community Survey**

Distribution: Public**Manager: Jeremy Livingston, Executive Manager Organisational Performance****Author: James Hartigan, Business Performance Analyst****Summary**

This report outlines the results of the 2019 Annual Community Survey which was conducted on Council's behalf by Metropolis Research in January 2019. The survey results attached to this report will be made available to the public on Council's website and reported in the 2018-2019 Nillumbik Shire Council Annual Report (to be released in October 2019).

This eighth annual survey is designed to measure community satisfaction with a range of Council services, facilities and activities, and to measure community sentiment on key issues affecting the community. The survey also assists Council in meeting State Government performance reporting requirements by measuring community satisfaction in a number of areas covered by this survey.

The 2019 survey report findings were generally positive. Among the results, community satisfaction with Council's overall performance is rated at 6.77 out of 10, a substantial increase of 4.8 per cent compared to the 6.46 result in 2018. This is also the second highest satisfaction rating since the survey's inception in 2011 (the peak being 6.90 in 2015).

This overall performance rating compares very similarly to satisfaction levels of other councils, with northern region councils and metropolitan Melbourne councils rating an average of 6.58 and 6.74 respectively. This level of performance is categorised by Metropolis Research as 'good', an increase on the 'solid' rating for Nillumbik from 2018.

With the level of data and information provided in this survey, Council officers will be able to analyse the results as they apply to individual service areas, and identify service improvement opportunities. The survey's findings can also be used by Council when undertaking future service planning and making budgetary decisions.

Council Resolution**MOVED: Cr Peter Clarke****SECONDED: Cr Jane Ashton****That Council:**

1. Receives and notes the results of the 2019 Annual Community Survey.
2. Makes the report's findings available to the public on Council's website.

CARRIED

12. Officers' reports

**OCM.035/19 Metropolitan Waste and Resource Recovery Group (MWRRG)
Collaborative Procurement for Landfill Services**

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Lisa Pittle, Manager Environment

Mikael Ooi, Waste Management Coordinator

Summary

The Metropolitan Waste and Resource Recovery Group (MWRRG) are initiating a process to re-tender landfill services for participating councils to ensure continuity of putrescible waste disposal and are seeking Nillumbik Shire Council's participation in the procurement process via a signed Memorandum of Understanding.

Council Resolution

MOVED: Cr John Dumaresq

SECONDED: Cr Bruce Ranken

That Council:

1. Resolves to participate with the Metropolitan Waste and Resource Recovery Group in procurement of a new landfill services contract through a Memorandum of Understanding.
2. Delegates signing of a Memorandum of Understanding between Nillumbik Shire Council and the Metropolitan Waste and Resource Recovery Group to the Director Sustainability and Place.

CARRIED

Naomi Paton, Manager Integrated Strategy left the meeting during discussions of the above item at 8:52pm.

12. Officers' reports

OCM.036/19 Domestic Wastewater Management Plan

Distribution: Public

Manager: Matt Kelleher, Director Services and Planning

**Author: Leah Farrell, Coordinator Environmental Health Services
Jonathan McNally, Manager Community Safety and Amenity**

Summary

Under State Environment Protection Policy (SEPP) Waters, Nillumbik Shire Council is required to develop and regularly review a Domestic Wastewater Management Plan. This plan outlines Councils program for managing septic tank systems across the shire. The SEPP requires that the Domestic Wastewater Management Plan be subject to a consultation process to ensure the needs of all stakeholders are considered prior to Council endorsing the plan.

The Draft Domestic Wastewater Management Plan 2019 has been developed and is now ready to be released for consultation.

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr John Dumaresq

That Council adopts the draft Domestic Wastewater Management Plan 2019 (**Attachment 1**) and releases the plan for public consultation to enable the Nillumbik community and other external stakeholders to provide feedback to the draft Plan.

CARRIED

Katia Croce, Governance Lead temporarily left the meeting during discussions of the above item at 8:53pm, and returned at 8:55pm.

12. Officers' reports

OCM.037/19 Nillumbik Customer First - Council's Customer Experience Strategy

Distribution: Public

Manager: Matt Kelleher, Director Services and Planning

Author: Craig King, Customer Experience Lead

Summary

Nillumbik Customer First is Council's first customer experience strategy and defines the strategic direction of Council's customer focus for our community over the next 4 years.

Recommendation

That Council adopts the Nillumbik Customer First Strategy 2019-2022 (**Attachment 1**) as Council's customer experience strategy.

Motion

MOVED: Cr Grant Brooker

SECONDED: Cr Bruce Ranken

That Council:

1. Adopts the Nillumbik Customer First Strategy 2019-2022 (**Attachment 1**) as Council's customer experience strategy.
2. Receives an annual update report on the progress of implementing the Nillumbik Customer First Strategy 2019-2022, including the Strategy's actions, measures and the results of customer experience surveys.

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

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Bruce Ranken

That Council:

1. Adopts the Nillumbik Customer First Strategy 2019-2022 (**Attachment 1**) as Council's customer experience strategy.
2. Receives an annual update report on the progress of implementing the Nillumbik Customer First Strategy 2019-2022, including the Strategy's actions, measures and the results of customer experience surveys.

CARRIED

12. Officers' reports**OCM.038/19 Motions for the National General Assembly of Local Government 2019**

Distribution: Public**Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Blaga Naumoski, Executive Manager Governance****Summary**

Three motions have been prepared for the Australian Local Government Association (ALGA), National General Assembly to be held on 16-19 June 2019 in Canberra. This will be the 25th NGA and will focus on the future of local government and local communities.

The NGA is an opportunity for individual councils to identify matters of national relevance to the sector, influence the future direction of our council and our community and to submit notices of motion to seek support at the NGA for these matters to be considered by NGA as national policy.

This report informs Council and seeks endorsement of three proposed motions to put forward to the NGA.

Recommendation

That Council resolves to adopt and lodge the following three motions to the Australian Local Government Association, National General Assembly to be held in Canberra on 16-19 June 2019:

1. 'That this National General Assembly call on the Australian Government to provide direct funding to assist local governments to address the risks around energy prices, energy security and climate change through the development of renewable energy facilities that support local community outcomes.'
2. 'That this National General Assembly call on the Australian Government to take a lead in supporting and potentially establishing a domestic recycling industry to address the current market failure.'
3. 'That this National General Assembly call on the Australian Government to secure, further Mobile Black Spot funding to increase the safety, well-being and liveability of regional and rural communities.'

12. Officers' reports

OCM.038/19 Motions for the National General Assembly of Local Government 2019

Motion

MOVED: Cr Grant Brooker

SECONDED: Cr John Dumaresq

That:

1. Council resolves to adopt and lodge the following three motions to the Australian Local Government Association, National General Assembly to be held in Canberra on 16-19 June 2019:
 - i. 'That this National General Assembly calls on the Australian Government to provide direct funding to assist local government to address the risks of climate change through the development of renewable energy facilities and support related community actions.'
 - ii. 'That this National General Assembly call on the Australian Government to take a lead in supporting and potentially establishing a domestic recycling industry to address the current market failure.'
 - iii. 'That this National General Assembly call on the Australian Government to secure, further Mobile Black Spot funding to increase the safety, well-being and liveability of regional and rural communities.'
2. Council officers amend **Attachment 1** as follows:
 - Motion 1 be amended as per point i) above.
 - National Objective regarding climate change read as follows:
'Climate change affects all communities. The effort to reduce emissions should be supported and promoted to all communities across Australia.'
 - National Objective regarding recycling read as follows:
'The Australian Government to take action to develop and support the stability of the domestic recycling industry so that an uninterrupted service is provided.'

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

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr John Dumaresq

That:

1. Council resolves to adopt and lodge the following three motions to the Australian Local Government Association, National General Assembly to be held in Canberra on 16-19 June 2019:
 - i. 'That this National General Assembly calls on the Australian Government to provide direct funding to assist local government to address the risks of climate change through the development of renewable energy facilities and support

12. Officers' reports

OCM.038/19 Motions for the National General Assembly of Local Government 2019

related community actions.'

- ii. 'That this National General Assembly call on the Australian Government to take a lead in supporting and potentially establishing a domestic recycling industry to address the current market failure.'
- iii. 'That this National General Assembly call on the Australian Government to secure, further Mobile Black Spot funding to increase the safety, well-being and liveability of regional and rural communities.'

2. Council officers amend **Attachment 1** as follows:

- Motion 1 be amended as per point i) above.
- National Objective regarding climate change read as follows:
'Climate change affects all communities. The effort to reduce emissions should be supported and promoted to all communities across Australia.'
- National Objective regarding recycling read as follows:
'The Australian Government to take action to develop and support the stability of the domestic recycling industry so that an uninterrupted service is provided.'

CARRIED

Leah Farrell, Coordinator Environmental Health Services left the meeting during discussions of the above item at 9:05pm.

Jonathan McNally, Manager Community Safety and Amenity and Craig King, Customer Experience Lead left the meeting at the conclusion of the above item at 9:10pm.

ADOPTION OF SEVERAL REPORT RECOMMENDATIONS 'EN BLOC'

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council agree to move 'en bloc' the reports listed below and their recommendations be adopted as printed in the agenda:

- OCM.039/19 Assembly of Councillors
- OCM.040/19 North Eltham Wanderers Cricket Club Loan Guarantee Request
- OCM.042/19 Contract 1819-45 Kangaroo Ground Landfill Rehabilitation – Provision of Project Manager
- OCM.043/19 Contract 1718-144 Booked or Scheduled, Hard or Green Waste Collection Service

CARRIED

12. Officers' reports

OCM.039/19 Assembly of Councillors

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance

Author: Alena Spry, Governance Officer

Summary

In accordance with section 80A(2) of the *Local Government Act 1989* Council is required to report as soon as practicable to an Ordinary Meeting of Council a record of any assemblies of Councillors held.

This report lists assemblies of Councillors forms that have been submitted since the matter was last reported to Council on 26 February 2019.

An Assembly of Councillors record was kept for:

- Pre-meeting to Ordinary Council Meeting – 26 February 2019;
- Living and Learning Nillumbik Advisory Committee – 27 February 2019;
- Inclusion Advisory Committee – 28 February 2019;
- Recreation Trails Advisory Committee – 28 February 2019;
- Councillor Briefing Session – 5 March 2019;
- Environment and Sustainability Advisory Committee – 6 March 2019; and
- Councillor Briefing Session and Pre-meeting to Future Nillumbik Committee – 12 March 2019.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the Assemblies of Councillors held on 26 February 2019, 27 February 2019, 28 February 2019, 28 February 2019, 5 March 2019, 6 March 2019 and 12 March 2019 (**Attachment 1**).

CARRIED

Note: This item was carried 'en bloc' earlier in the meeting.

12. Officers' reports

OCM.040/19 North Eltham Wanderers Cricket Club Loan Guarantee Request

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Joanne Massoud, Recreation and Open Space Planner
Vince Lombardi, Executive Manager Finance

Summary

The confidential report associated with this report recommends making public the decision to endorse North Eltham Wanderers Cricket Club's request to obtain a loan guarantee for a portion of their contribution to the Eltham North Reserve Pavilion, but the particulars of this request to remain confidential.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council notes this report.

CARRIED

Note: This item was carried 'en bloc' earlier in the meeting.

12. Officers' reports

OCM.042/19 Contract 1819-45 Kangaroo Ground Landfill Rehabilitation - Provision of Project Manager

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Enrique Gutierrez, Manager Capital Works

Lance Clark, Senior Procurement Specialist

Summary

This report is an overview of a separate confidential report considering the awarding of the contract for the provision of project management services for the Kangaroo Ground Landfill Capping and Rehabilitation project.

The Tender Evaluation Panel (TEP) has agreed to the results of the evaluation and recommendation to award the contract.

Pursuant to the Instrument of Delegation to the Chief Executive Officer, the value of this contract exceeds the specified financial limits and a Council resolution is therefore required to award the contract.

The confidential report associated with this contract contains a recommendation to make public the decision regarding this contract but the evaluation remain confidential.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council notes this report.

CARRIED

Note: This item was carried 'en bloc' earlier in the meeting.

The confidential report relating to this item was heard in a closed meeting and Council resolved to make the following resolution public:

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Peter Perkins

That Council:

1. Resolves to accept the tender submission and enter into a contract for the provision of project management services with SMEC Pty Ltd with lump sum costs as follows:
 - a) An initial two years term at a total cost of \$175,770.00 (excluding GST);
 - b) A further (optional to Council) third one-year term at a total cost of \$90,520.00 (excluding GST);
 - c) A further fourth and last one-year term at a total cost of \$93,240.00 (excluding GST).

12. Officers' reports

OCM.042/19 Contract 1819-45 Kangaroo Ground Landfill Rehabilitation - Provision of Project Manager

2. Authorises the Chief Executive Officer to finalise and execute the contract documents.
3. Delegates the powers and authorisation to the Chief Executive Officer to review and approve the options to extend the contract term for a maximum of two further years.
4. Advises all tenderers accordingly.
5. Makes public the decision regarding this contract but the tender evaluation remain confidential.

CARRIED

12. Officers' reports

OCM.043/19 Contract 1718-144 Booked or Scheduled, Hard or Green Waste Collection Service

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Lisa Pittle, Manager Environment

Mikael Ooi, Waste Management Coordinator

Summary

This report is an overview of a separate confidential report to provide Council with hard or green waste collection services, replacing a previous contract which expires in July 2019.

Awarding this tender will support Council in continuing to offer residents the existing hard waste collection service of one booked hard waste collection of two cubic metres per tenement per year. The contract also provides a range of discretionary options for additional booked collections, collection of green waste and a scheduled shire-wide collection.

The contract term is for an initial period of five (5) years with further options of two additional twelve (12) month terms.

Pursuant to the Instrument of Delegation to the Chief Executive Officer the anticipated value of this contract exceeds the financial limits and a Council resolution is required to accept the recommendation to use this contract.

The confidential report associated with this contract contains a recommendation to make public the decision regarding this contract but the evaluation remain confidential.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council notes this report.

CARRIED

Note: This item was carried 'en bloc' earlier in the meeting.

The confidential report relating to this item was heard in a closed meeting and Council resolved to make the following resolution public:

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Peter Perkins

That Council:

1. Resolves to accept the tender of WM Waste Management Pty Ltd for their submitted schedule of rates for the Contract No: 1718-144 – Booked/Scheduled Hard/Green Waste Collection Service for an initial contract term of five (5) years.
2. Resolves to continue to offer one hard waste collection of two cubic metres per tenement per year until a further resolution of Council to vary the service.

12. Officers' reports

OCM.043/19 Contract 1718-144 Booked or Scheduled, Hard or Green Waste Collection Service

3. Authorises the Director Sustainability and Place to finalise and execute the contract documentation.
4. Authorises the Director Sustainability and Place to review the performance of the contract and determine to approve each extension period of 12 months to a maximum of two periods.
5. Makes public the decision regarding this contract but the tender evaluation and report remain confidential.

CARRIED

13. Notices of Motion

Nil

14. Delegates' reports

Nil

15. Supplementary and urgent business

Nil

16. Confidential reports

The Chief Executive Officer, pursuant to section 77(2)(c) of the *Local Government Act 1989* (the Act), has designated the following items to be confidential:

OCM.044/19 North Eltham Wanderers Cricket Club Loan Guarantee Request

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act, and a matter affecting the security of Council property pursuant to section 89(2)(g) of the Act.

OCM.046/19 Contract 1819-45 Kangaroo Ground Landfill Rehabilitation - Provision of Project Manager

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act.

OCM.047/19 Contract 1718-144 Booked or Scheduled, Hard or Green Waste Collection Service

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act.

OCM.048/19 Contractual matter

This item is designated confidential because it is a personnel matter pursuant to section 89(2)(a) of the Act.

The meeting may be closed to members of the public to consider confidential matters.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That in accordance with section 89(2) of the *Local Government Act 1989*, Council resolves to close the meeting to members of the public to consider the items designated confidential by the Chief Executive Officer.

CARRIED

The meeting closed to the public at 9:14pm.

The meeting re-opened at 9:18pm.

Close of Meeting

The meeting closed at 9:19pm.

Confirmed: _____
Cr Karen Egan, Mayor