

Ordinary Council Meeting

Minutes

Monday 21 September 2020

Commenced at 7:00 pm

Online

Members: Cr Jeff Springfield Mayor
 Cr Graeme Moore Deputy Mayor
 Cr Ray Brown
 Cr Collin Ross
 Cr Jodie Owen
 Cr Brett Owen
 Cr Michael Schilling
 Cr Carol Ryan
 Cr Leticia Wilmot

Officers: Carol Jeffs Chief Executive Officer
 Doug Evans Manager Governance

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1 Opening And Prayer

Almighty God we humbly request that you bestow your blessings upon this Council, direct and prosper our deliberations to the advancement of your glory and to the betterment of the peoples of Cardinia Shire. Amen.

The Mayor opened the meeting at 6:08pm and called for a motion to close the meeting to members of the public to consider confidential business.

Moved Cr Graeme Moore, seconded Cr Carol Ryan

Carried.

At the conclusion of the confidential business the Mayor called for a motion to reopen the meeting to members of the public.

Moved Cr Leticia Wilmot, seconded Cr Graeme Moore

Carried.

The Mayor then adjourned the meeting to recommence at 7pm.

Meeting reopened at 7pm.

2 Acknowledgements

Cardinia Shire Council acknowledges that we are on the traditional land of the Bunurong and Wurundjeri people and pay our respects to their elders past, present and emerging.

3 Apologies

Nil.

4 Adoption And Confirmation Of Minutes

Moved Cr Ray Brown, seconded Cr Carol Ryan

That minutes of the following meetings be confirmed:

- General Council meeting 17 August 2020
- Town Planning Committee 7 September 2020
- Special Council Meeting 9 September 2020

Carried

5 Declaration Of Interests

Item 6.2.5 - Cr Ross has declared a direct conflict of interest in this matter.

6 Ordinary Business

6.1 Town Planning Reports

6.1.1 Planning Scheme Amendment C257 - Beaconsfield Development Plan Overlay 25

File Reference: Nil.
Responsible GM: Tracey Parker
Author: Celeste Grossi

Recommendation(s)

That Council:

1. Seek the authorisation of the Minister for Planning under Section 8A(2) of the *Planning and Environment Act 1987* to prepare Amendment C257 to the Cardinia Planning Scheme, generally in accordance with Attachment 1.
2. Give notice of Amendment C257 to the Cardinia Planning Scheme under Section 19 of the *Planning and Environment Act 1987*, subject to receiving the authorisation of the Minister for Planning under Part 1.

Attachments

1. Amendment Documents [6.1.1.1 - 52 pages]
2. Beaconsfield Structure Plan (December 2013) [6.1.1.2 - 47 pages]

Executive Summary

The Beaconsfield Structure Plan was adopted by Council in December 2013, and was later implemented as an Incorporated Document in the Cardinia Planning Scheme via Amendment C198 in May 2016. Ministerial approval of this Amendment was given with two conditions:

1. The built form requirements for Beaconsfield Point, Princes Highway Gateway and Woodland Grove Precinct be implemented via more appropriate planning controls.
2. An expiry date is placed on the Structure Plan's status as an Incorporated Document to ensure that its objectives are achieved by implementing its built form requirements through the appropriate planning controls in a timely manner.

In response, three Design and Development Overlays (DDOs) were prepared and exhibited via Amendment C220 to guide built form outcomes for the following three precincts:

- Princes Highway Gateway Precinct (DD05)
- Beaconsfield Point Precinct (DD06)
- Woodland Grove Precinct (DD07)

On 10 January 2019, DELWP advised that a Development Plan Overlay (DPO) would be more appropriate than a DDO for the Woodland Grove Precinct, that DD07 would be removed from Amendment C220, and the expiry date of the Structure Plan status as an Incorporated Document would be extended to allow time to prepare a DPO. Amendment C220 was gazetted on 18 July 2019. The Structure Plan's expiry date as an Incorporated Document was again extended when Amendment C263 was gazetted on 30 June 2020 to allow further time for the preparation of Amendment C257.

Amendment C257 proposes to implement the planning outcomes sought by the Beaconsfield Structure Plan through a more targeted statutory planning tool, being a DPO.

The DPO will provide direction on issues such as: Protection of important vegetation and habitats; Drainage and other infrastructure; Traffic movement and vehicle access; Pedestrian links; Public open space and landscaping; Lot sizes; Building setbacks; Front fence heights and treatments; and Integration of the development site with the future Cardinia Creek Parklands adjacent to the subject site.

The Amendment also proposes to change the status of the Beaconsfield Structure Plan from an Incorporated Document to a Background Document. This approach aligns with advice received from DELWP, will improve policy control and the built-form and subdivision outcomes for Beaconsfield town centre.

It is recommended that Council resolves to seek Authorisation from the Minister for Planning to prepare and exhibit Amendment C257 to the Cardinia Planning Scheme to introduce DPO25 to the Woodland Grove precinct in Beaconsfield town centre.

Background

The Beaconsfield Structure Plan area comprises of approximately 376 hectares of land within the Urban Growth Boundary (UGB) and is defined by:

- Holm Park Road and the major electricity transmission line easement to the north;
- Beaconhill Grange Residential Estate and Panorama Estate to the east; and,
- Cardinia Creek to the south and west.

Amendment C198

The Beaconsfield Structure Plan was adopted by Council in December 2013 and was implemented into the Cardinia Planning Scheme as an Incorporated Document through Amendment C198 approval in May 2016.

Prior to approval of Amendment C198, DELWP raised concerns with the incorporation of the Structure Plan in its entirety into the Cardinia Planning Scheme. Incorporation of large documents that have specific planning controls within them make it difficult for those controls to be found and are effectively located in the 'back' of the Cardinia Planning Scheme. DELWP advised that implementation should occur through a planning tool that is easily accessed and is located in the 'front' of the planning scheme, such as a DDO or DPO. It was initially agreed that the DDO would be the most appropriate tool for all three precincts.

Given the above, approval of Amendment C198 was received with the following conditions:

1. A review of the Beaconsfield Structure Plan and the Planning Practice Note 13. 'Incorporated and Background Document (PPN13)', revealed that the built form requirements within the Beaconsfield Point, Woodland Grove and Princes Highway Gateway Precincts should be implemented via a more appropriate planning control such as the Design and Development Overlay or the Development Plan Overlay.
2. Therefore, an expiry has been placed on the Structure Plan to 31 March 2019, to ensure that the objectives of the Structure Plan are achieved by implementing its requirements regarding built form through the use of an appropriate planning control within the Victorian Planning Provisions (VPPs).

Amendment C220

Amendment C220 proposed to apply three DDOs to the Beaconsfield town centre to implement the objectives and strategies set out in the Structure Plan to guide built form outcomes for the following three precincts:

- Princes Highway Gateway Precinct (DD05)
- Beaconsfield Point Precinct (DD06)
- Woodland Grove Precinct (DD07)

Amendment C220 also proposed to remove the expiration date associated with the Beaconsfield Structure Plan and remove its status as an Incorporated Document; however, have it remain as a Background Document within the Cardinia Planning Scheme, providing guidance for future use and development applications within the town centre.

Prior to approval of C220, on 10 January 2019, DELWP advised that a DPO would be more appropriate than a DDO for the Woodland Grove Precinct. Upon further review Council officers concluded in agreement. DELWP advised that the Minister for Planning would remove proposed DD07 from Amendment C220 and extending the expiry date of the Beaconsfield Structure Plan status as an Incorporated Document to June 2020. Council were then required to prepare another Amendment to implement a DPO to this precinct. On 18 July 2019, Amendment C220 came into effect via its gazettal by the Minister for Planning.

Amendment C263

Amendment C263 was required to extend the expiry date of the Beaconsfield Structure Plan status as an Incorporated Document to provide sufficient time for Amendment C257 to complete the full amendment process while ensuring current planning controls remain in place. An extension of 1.5 years until 31 December 2021 was requested and approved by the Minister for Planning. The amendment was gazetted and came into effect within the Cardinia Planning Scheme on 30 June 2020.

Proposed Amendment C257

Amendment C257 proposes to implement the planning outcomes sought by the Beaconsfield Structure Plan through a more targeted statutory planning tool, being a DPO schedule. The Amendment also proposes to remove the expiration date and change the status of the Structure Plan from an Incorporated Document to a Background Document. The Beaconsfield Structure Plan will continue providing guidance for future use and development applications within the town centre.

In summary, the Amendment proposes to:

- Insert new Schedule 25 to Clause 43.04 Development Plan Overlay
- Amend the Schedule to Clause 72.04 to remove the Beaconsfield Structure Plan (December 2013) as an Incorporated Document.
- Amend Clause 21.03-2 (Urban Growth Areas) and Clause 21.04-3 (Activity Centres) by removing the December 2021 expiration date of the Structure Plan.

This approach aligns with advice received from DELWP, will improve policy control and built form and subdivision outcomes for the Beaconsfield Town Centre.

Proposed Development Plan Overlay DELWP and Council officers identified that a DPO was the most appropriate tool to guide growth and development in the residential area known as the Woodland Grove Precinct. One of the main differences between a DDO and a DPO is the ability to direct preferred road layouts, as is required in the Woodland Grove Precinct. The proposed

DPO will address this important aspect by managing the traffic movement and the road network. Accordingly, it is proposed to apply DPO schedule 25, which will set out the framework for the preparation and approval of a development plan which will implement the requirements of the Beaconsfield Structure Plan.

The DPO will ensure that the objectives and strategies of the Beaconsfield Structure Plan are given due consideration when assessing planning applications for subdivision and buildings and works, and ensure consistency in the design of development within this residential area.

The DPO will provide direction on issues such as:

- Protection of important vegetation and habitats
- Drainage and other infrastructure
- Traffic movement and vehicle access
- Pedestrian links
- Public open space and landscaping
- Lot sizes
- Building setbacks
- Front fence heights and treatments
- Integration of the development site with the future Cardinia Creek Parklands adjacent to the subject site

Next steps

We are at **Stage 1** of the Planning Scheme Amendment Process as detailed below in Figure 1.

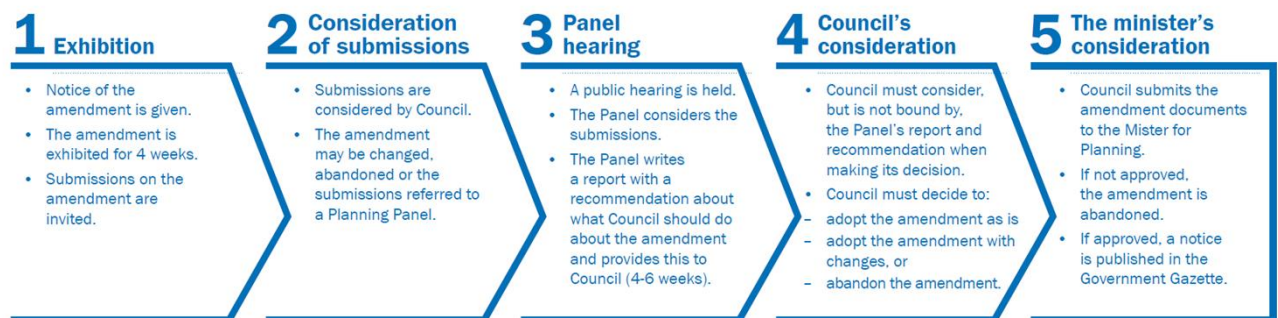


Figure 1. Steps in the Planning Scheme Amendment process

If Council resolves to seek Authorisation from the Minister for Planning, the sub stages within Stage 1 will be undertaken and public exhibition of the Amendment will commence.

Policy Implications

A summary of the strategic assessment is provided here. The full strategic assessment is provided in the explanatory report that forms part of the request to the Minister for authorisation and is contained in Attachment 1.

Consistency with Plan Melbourne Metropolitan Planning Strategy, 2017 – 2050

Plan Melbourne is the Metropolitan Planning Strategy for Melbourne. It sets out the vision and direction to guide Melbourne's growth through to 2050. The Amendment is consistent with directions relevant to residential areas by ensuring that subdivision and built-form is well-designed whilst maintaining and enhancing character and amenity.

Consistency with the State Planning Policy

State Planning Policy is contained in the Planning Policy Framework (PPF) in the Planning Scheme. The Amendment supports the objectives and strategies of the PPF by:

- Supporting housing growth and diversity in residential areas, whilst recognising local circumstances.
- Providing certainty about the scale of growth in the township.
- Providing a guide for structure, functioning and character of settlements in order to promote sustainable growth and development.
- Establishing controls to create a sense of place.
- Providing a tool to create urban environments and subdivision designs that are safe, healthy, functional and enjoyable and that contribute to a sense of place.

Consistency with Local Planning Policy Framework (LPPF)

The Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) provides the vision and direction for land use planning and development within Cardinia Shire. The amendment supports the objectives and strategies of the LPPF by:

- Implementing a statutory planning tool that encourages an attractive, functional, and sustainable built form in existing and future development.
- Ensuring greater housing choice and diversity.
- Assisting in facilitating residential development within the Beaconsfield town centre to meet the needs of the existing and future community.

Relevance to Council Plan

The relevant objectives and actions within the 2020 Council Plan are:

Section 2 Our community; the relevant objective is that we will foster a strong sense of connection between Cardinia Shire's diverse communities.

- **Action 2.1.2** seeks to promote access to and encourage, a mix of housing types to cater for the varying needs of people in the Cardinia community.
- **Action 2.1.5** seeks to work with local communities to review and implement township strategies that contribute to meeting the needs of those communities.

Section 3 Our environment; the relevant objective is that we will continue to plan and manage the natural and built environment for present and future generations.

- **Action 3.5.3** seeks to provide for the sustainable development of rural townships while taking into account their existing character and community needs.

Climate Emergency Consideration

The proposed Amendment encourages medium density housing to be located within the Woodland Grove Precinct which is a key site located adjacent to the Beaconsfield train station within the town centre. This process will contribute to housing consolidation within this area, reducing the amount of urban sprawl and pressure on the growth front helping to mitigate the effects on climate changes.

Consultation/Communication

Officers have had preliminary consultations with the majority landowner whilst drafting the proposed DPO schedule.

Amendment C257 documents will be exhibited to all land holders within the precinct and the general public for a period of one month as part of the planning scheme amendment process.

Financial and Resource Implications

There are no additional resource implications associated with undertaking the Amendment. Costs associated with this process are provided for by the current and proposed strategic planning budget 2020-2021. The application of the DPO will provide a clear policy framework to assist Council planners when assessing and making decisions on applications in the Beaconsfield town centre.

Conclusion

The proposed DPO has been prepared in response to conditions placed upon the Beaconsfield Structure Plan and advice from DELWP and has been assessed against state and local planning provisions.

The proposed DPO will ensure that the objectives and strategies set out in the structure plan are given due consideration when assessing planning applications for buildings and works, and will provide guidance to facilitate the integrated development of the Woodland Grove precinct within the Beaconsfield town centre.

It is recommended that Council resolve to seek Authorisation from the Minister for Planning to prepare and exhibit Amendment C257 to the Cardinia Planning Scheme.

Resolution

Moved Cr Brett Owen, seconded Cr Michael Schilling.

That Council:

1. Seek the authorisation of the Minister for Planning under Section 8A(2) of the *Planning and Environment Act 1987* to prepare Amendment C257 to the Cardinia Planning Scheme, generally in accordance with Attachment 1.
2. Give notice of Amendment C257 to the Cardinia Planning Scheme under Section 19 of the *Planning and Environment Act 1987*, subject to receiving the authorisation of the Minister for Planning under Part 1.

Carried

6.1.2 Use of the Land for a Restricted Place of Assembly, Alterations and Additions to the Existing Buildings and Alteration to Access to a Road in a Road Zone Category 1 at 905 Koo Wee Rup Road, Pakenham VIC 3810

File Reference: T190275
Responsible GM: Peter Benazic
Author: Evangeline McGauley-Kennedy

Recommendation(s)

That Council issue a Refusal to Grant Planning Permit T190275 for the use of the land for a Restricted Place of Assembly, alterations and additions to the existing buildings and alteration to access to a Road in a Road Zone Category 1 at 905 Koo Wee Rup Road, Pakenham VIC 3810 on the following grounds:

- The proposal is not consistent with Clause 13.06-1s (Air quality management);
- The proposal is not consistent with Clause 13.07-1s (Land use compatibility);
- The proposal is not consistent with Clause 22.05 (Western Port Green Wedge Policy) and the Cardinia Shire Westernport Green Wedge Management Plan;
- The proposal is not consistent with the purpose of Clause 35.04 (Green Wedge Zone);
- The proposal is not consistent with Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions);
- The proposal results in unreasonable impacts to the established nearby uses (South East Water Treatment Plant and O'Connor's Abattoir); and
- The proposal does not represent the orderly planning of the area.

Attachments

1. Copy of Revised Application Documents [6.1.2.1 - 64 pages]
2. CONFIDENTIAL - Copies of Amended Objections - Circulated to Councillors only [6.1.2.2 - 17 pages]

Executive Summary

APPLICATION NO.:	T190275
APPLICANT:	Mr Charan Preet Singh Sodhi
LAND:	905 Koo Wee Rup Road, Pakenham VIC 3810
PROPOSAL:	Use of the land for a Restricted Place of Assembly, alterations and additions to the existing buildings and alteration to access to a Road in a Road Zone Category 1

PLANNING CONTROLS:	Green Wedge Zone - Schedule 1 Land Subject to Inundation Overlay Land Adjacent to a Road in a Road Zone Category 1
NOTIFICATION & OBJECTIONS:	Pursuant to Section 55 of the Planning and Environment Act 1989, the application was advertised by the placing of three (3) signs on site and notices in the mail to 9 property owners within the vicinity potentially affected by the proposal. Two (2) objections were received.
KEY PLANNING CONSIDERATIONS:	<ul style="list-style-type: none"> • Land use compatibility • Air quality management • Protection of agricultural and green wedge land • Westernport Green Wedge Management Plan • Uses with adverse amenity potential • Separation distances
RECOMMENDATION:	Refusal.

Background

The subject site is located on the western side of Koo Wee Rup Road, Pakenham, south of the Princes Freeway. There is no recent planning permit history for this site, however there is record of a permit P.12446 registered on Councils historic permit registered for the Shire of Pakenham (Map reference 29). The file was recalled archives, however Council’s Record Department were unable to locate a copy of the Permit due to the current COVID-19 Restrictions.

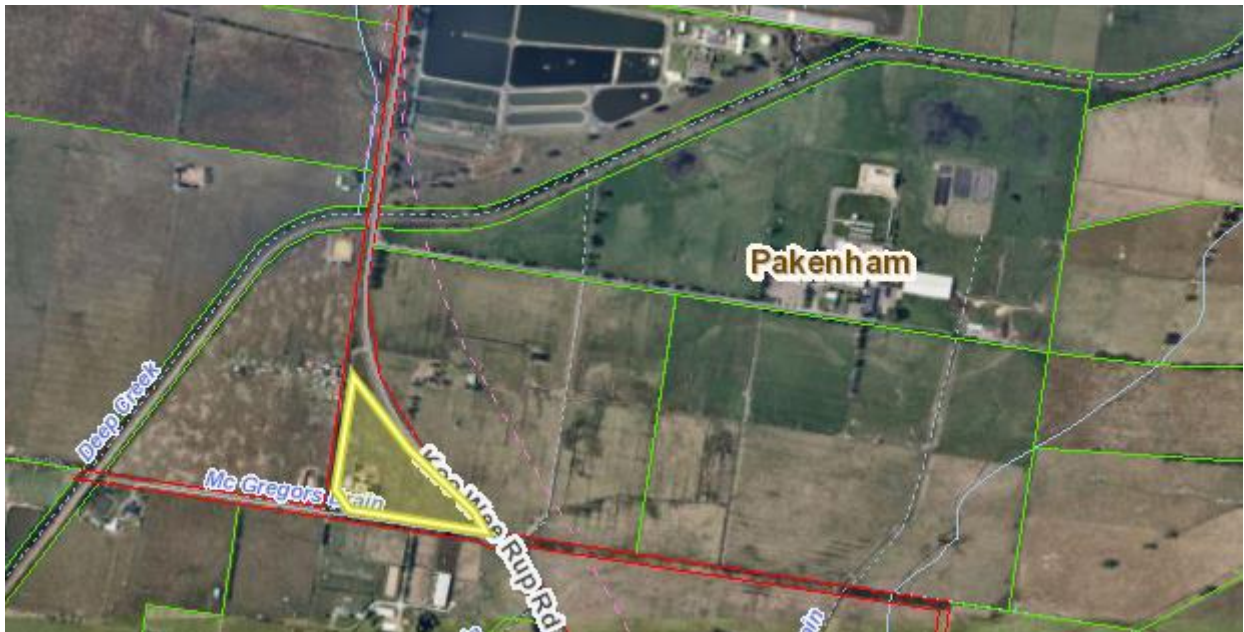


Currently the site contains a single dwelling and outbuilding. The dwelling is occupied by approximately five (5) residents who are members of the Baba Budhaji Charitable Association,

who run the associations 'Community Kitchen' from the site. The 'Community Kitchen' makes up a large portion of the associations charitable work by preparing and cooking food at the subject site for off-site distribution to the Pakenham and wider Cardinia Shire Community via the association's food vans. The association prepares these meals for vulnerable community members free of charge, along with providing other essential items such as blankets for the homeless and bottled water for community members on hot days.

As the site is currently occupied by members of the association who undertake this work, Council has advised the Baba Budhaji Charitable Association that no planning permit is required to undertake these activities, so long as the association continues to comply with the requirements of Clause 52.11 (Home Based Business) of the Cardinia Planning Scheme.

Subject Site



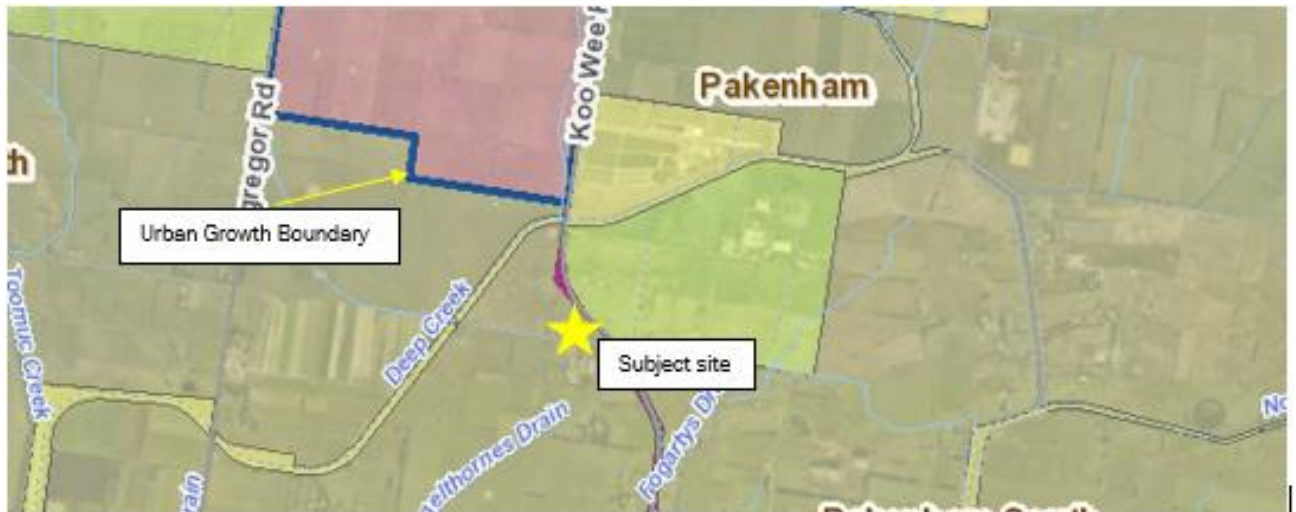
The site is located on the western side of Koo Wee Rup Road, south of the Princes Freeway and adjacent to Watsons Road directly to the south. The site is triangular in shape with a frontage (no access) to Koo Wee Rup Road and is separated from the adjoining properties by Watsons Road which bounds the site along its southern and western title boundaries. The site currently measures 4.15 hectares in area.

Access is gained from Watsons Road with a crossover being located on the southern and western boundaries. There is no direct access from the site onto Koo Wee Rup Road. There are no easements affecting the property.

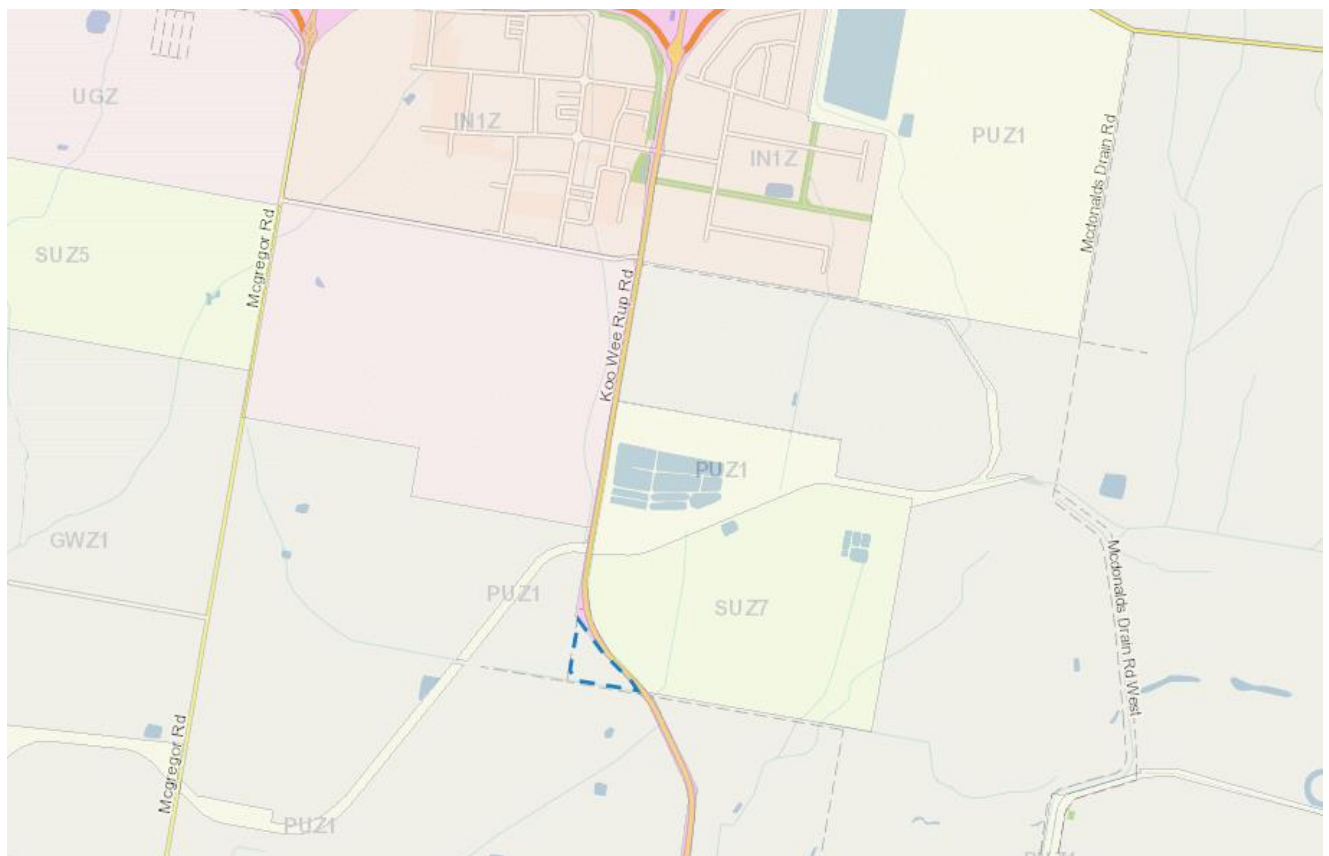
The site currently contains a single dwelling and outbuilding.

The topography of the land is relatively flat.

The site is approximately 500 metres to the south of the Urban Growth Boundary:



The surrounding area is comprised of a number of different land uses and zones, with the majority of the land to the north and north-east being for industrial purposes (South East Business Park), public uses (South East Water Treatment Plant) and food production (O'Connor's Abattoir). The majority of the land surrounding the site to the south and west being agricultural (green wedge) land, as demonstrated in this planning map:



Specifically, the surrounding land is made up of the following:

North: Directly north of the site is Koo Wee Rup Road which is a Road Zone Category 1. Further north are Lot 2 PS332615 Koo Wee Rup Road which is a vacant lot located in the SUZ7, 940 Koo Wee Rup Road containing the majority of O'Connor's Abattoir facilities (SUZ7) and 990 Koo Wee Rup Road containing South East Water's Pakenham Treatment Plant (PUZ1). There is also an establishing industrial business park located to the north and as well as some Urban

Growth Zoned land set to also become an expansion of the industrial area to the north. The Princes Freeway is located north of this at approximately 3 kilometres to the north.

South: Directly south of the site is Watsons Road. Further south is 855 Pakenham Road which is a large (39.8ha) property used for horse husbandry. Further south are other large agricultural properties typically used for grazing livestock (GWZ1) and crop raising (SUZ1).

East: Directly east of the site is Koo Wee Rup Road which as discussed is a Road Zone Category 1. Directly opposite is Lot 2 PS332615 Koo Wee Rup Road which is a vacant lot located in the SUZ7, 940 Koo Wee Rup Road containing the majority of O'Connor's Abattoir facilities (SUZ7). Further east are other agricultural properties located in the Green Wedge Zone.

West: Directly west of the site is the continuation of Watsons Road. Directly opposite is 915 Koo Wee Rup Road which is a slightly larger green wedge property containing a single dwelling and outbuilding/ farm sheds. Further west is the PUZ1 overlaid on Deep Creek/ Drain with other larger Green Wedge agricultural properties being located to the west.

Relevance to Council Plan

Nil.

Proposal

Approval is sought for the use of the land for a Restricted Place of Assembly, along with associated buildings and works and alteration to access onto a Road Zone Category 1.

Restricted Place of Assembly (use)

The proposal is for the use of the land for a Restricted Place of Assembly to facilitate the meetings of the Association on a fortnightly basis.

The use of the land for a Restricted Place of Assembly is defined by the Cardinia Planning Scheme as:

Land used by members of a club or group, or by members' guests, for religious or cultural activities, entertainment, or meetings. It may include food and drink for consumption on the premises, and gaming.

Restricted place of assembly is a Section 2 (permit required) use under the provisions of the Green Wedge Zone which affects the land.

Restricted place of assembly is included in the broader definition of 'Place of assembly', however in the Green Wedge Zone is considered a separate land use and given its own conditions. In the Green Wedge Zone, the use of the land for a 'Restricted place of assembly' is prohibited unless the condition in the Table of uses is met. In this instance, pursuant to Clause 35.04-1 (GWZ1), the use of the land for a Restricted place of assembly must not be used for more than 30 days in a calendar year.

The applicant proposes that they can comply with this condition by proposing to conduct meetings on a fortnightly basis, resulting in the potential for 26 meetings to be held each calendar year.

These proposed meetings are required to discuss and plan for the activities and services that the Association provide as well as events such as fundraisers.

It is proposed that a maximum of 60 members will gather at these meetings and that they will be held fortnightly and run for a period of 3 to 4 hours, alternating between the hours of 9am to 1pm and 5pm to 9pm.

The meetings will be conducted by volunteers who currently reside on the site.

No live music or loudspeakers are proposed.

No food and drink is proposed to be served during the meetings, however refreshments such as tea and coffee will be provided.

There is one (1) existing toilet on the site and portable toilets are proposed to be hired on the days meetings are conducted.

Buildings and works

The proposal also includes the construction of two (2) verandah/covered pergola areas, one to the existing dwelling and one to the existing shed.

The proposed verandah to the dwelling will measure 9.07 metres in width and 12.08 metres in length, totalling an area of 109.56sqm. The verandah to the existing shed is proposed to measure 14.9 metres in width and 19.6 metres in length, totalling an area of 292.04sqm.

Both structures are proposed to be attached to each respective building and are open sided. The verandah to the dwelling is proposed with a ‘sawtooth’ style roof and is proposed to reach a total height of 3 metres above natural ground level. The verandah to the shed is proposed with a flat roof and is also proposed to reach a total height of 3 metres above natural ground level.

Both structures are proposed to be constructed with timber posts and Colorbond ro”
The application also includes the construction of two (2) car parking areas, one to the east of the existing dwelling and one to the east of the existing shed.

The car parking area to the east of the dwelling is proposed to include sixteen (16) car parking spaces, and the car parking area adjacent to the shed is proposed to include six (6) car parking spaces. Both car parking areas are adjacent to the existing driveway and swept path plans demonstrate that a B85 vehicle can safely manoeuvre in and out of the spaces in a forward-facing direction.

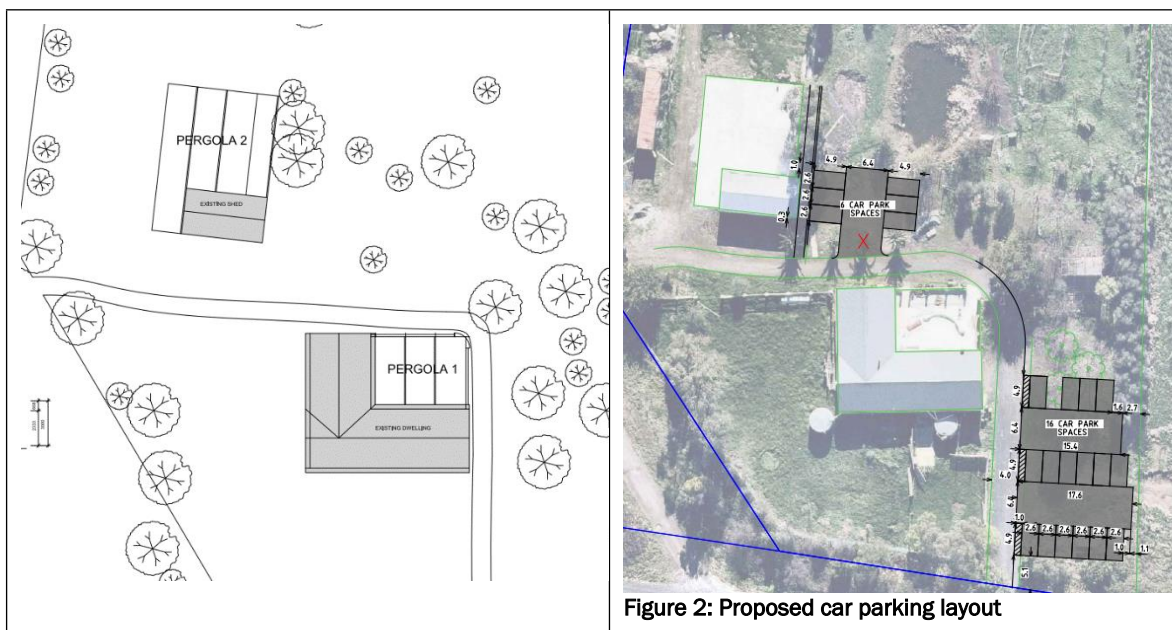
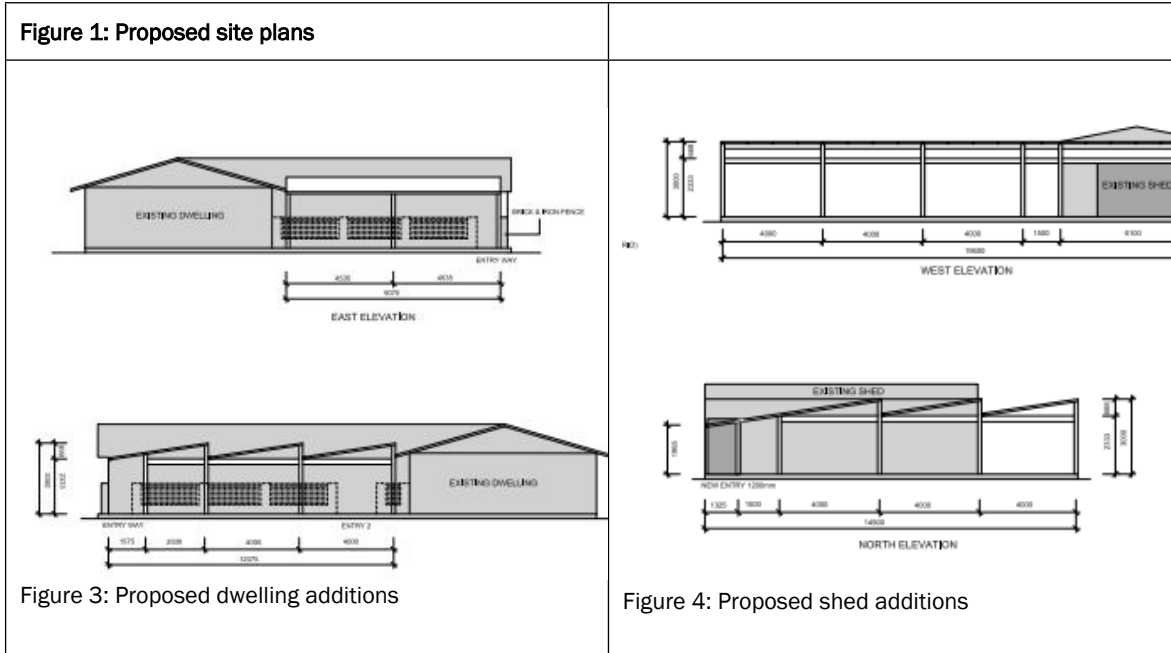


Figure 2: Proposed car parking layout

Figure 1: Proposed site plans



Based on the construction of the car parking area adjacent to the dwelling may require the removal of at least one (1) tree to facilitate its construction, however based on a site visit and the most recent aerial photography this area is clear of vegetation. However, in any event based on the site visit, this vegetation is planted, non-native and therefore, does not trigger a permit for removal as there are no vegetation controls apart from Clause 52.17 (Native Vegetation) affecting this land.

No signage is proposed.

Alteration of access to a Road Zone Category 1

The application has been determined as having the potential to alter the volume of traffic entering Koo Wee Rup Road (Road Zone Category 1) and therefore, the proposal also seeks permission for the alteration of access to a Road in a Road Zone Category 1.

The application is accompanied by a Traffic Impact Assessment prepared by Trafficworks Pty Ltd dated 23/08/19. This report estimates that based on the number of members in attendance at any meeting, the development is expected to generate 40 vehicle movements at peak visitation.

The report defines the use as ‘Community Kitchen’ and innominate land use which therefore has no car parking rate listed in Clause 52.06, however it is now understood that the application is sought for a ‘Restricted Place of Assembly’ which also has no car parking rate specified in Clause 52.06.

The report therefore estimates the traffic generation based on an average car occupancy rate of 2.5 people per vehicle which based on the maximum number of members (50-60 people) would require between 20 and 24 car parking spaces. Therefore, it has been argued that providing 22 car spaces would be adequate for this use.

It is also noted that if the ‘Place of Assembly’ car parking rate in Clause 52.06 were utilised that based on the maximum proposed members being 60 persons, a minimum of 18 car parking spaces would be required to comply with the required rate of 0.3 spaces per patron permitted.

Planning Scheme Provisions

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11.01-1S – Settlement
- Clause 11.01-1R – Green Wedges – Metropolitan Melbourne
- Clause 13.03-1S – Floodplain management
- Clause 13.06-1S - Air quality management
- Clause 13.07-1S – Land use compatibility

- Clause 14.01-1S – Protection of agricultural land
-
- Clause 19 – Infrastructure
 - Clause 19.02-3S – Cultural facilities
 -
 - Clause 19.02-4S – Social and cultural infrastructure
 -

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 – Cardinia Shire Key Issues and Strategic Vision
-
- Clause 21.02-1 – Catchment and coastal management
-
- Clause 21.05-1 – Infrastructure provision
-
- Clause 21.05-6 – Community services and facilities
-
- Clause 22.05-1 – Western Port Green Wedge Policy

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions
-
- Clause 52.06 – Car Parking
-
- Clause 52.29 – Land adjacent to a Road in a Road Zone Category 1
-
- Clause 53.10 – Uses with adverse amenity potential
-
- Clause 65 – Decision Guidelines
-

- Clause 66 – Referral and notice provisions
-
- Cardinia Shire Western Port Green Wedge Management Plan (Incorporated Document)
-
- EPA Victoria's *Recommended Separation Distances for Industrial Residual Air Emissions, March 2013* (EPA Publication 1518)

Cardinia Shire's Liveability Plan 2017-2029

This proposal has regard to Cardinia Shire's Liveability Plan 2017-2029, in particular:

- *Improved Social Cohesion*

However, it does not have regard to the following:

- *Food (food security)*

Zone

The land is subject to the **Green Wedge Zone - Schedule 1**.

The land is adjacent to a road in a **Road Zone Category 1**.

Overlays

The land is subject to the following overlays:

- Land Subject to Inundation Overlay

Planning Permit Triggers

The proposal for the **use of the land for a Restricted Place of Assembly, alterations and additions to the existing buildings and alteration to access to a Road in a Road Zone Category 1** requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 35.04-1 (GWZ1) a planning permit is required for the use of the land for a Restricted place of assembly.
-
- Pursuant to Clause 35.04-5 (GWZ1) a planning permit is required to construct or carry out works associated with a Section 2 use and within 20 metres of any other road.
- Pursuant to Clause 44.04-2 (LSIO) a planning permit is required to construct or carry out works.
- Pursuant to Clause 52.29 (RDZ1) a planning permit is required to alter access to a Road in a Road Zone Category 1.

Public Notification

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

- *Sending notices to the owners and occupiers of adjoining land.*
- *Placing three (3) signs on site*
-

The notification has been carried out correctly, and Council has received two (2) objections to date.

The key issues that were raised in the objections are:

Land use compatibility.

Impact on the ability of the two (2) adjacent facilities abilities to maintain Environmental Protection Authority (EPA) required separation/ buffer distances.

Potential impacts on the existing operations and future expansion on South East Water's treatment plant at 990 Koo Wee Rup Road (PUZ1).

Potential conflicts with the existing abattoir at 940 Koo Wee Rup Road and its future expansion in accordance with recently approved Masterplan (SUZ7).

Inconsistency with the purpose of the Green Wedge Zone and Western Port Green Wedge Policy.

Referrals

Melbourne Water (Determining)

The application was referred to Melbourne Water as a statutory referral under Section 55 of *Planning and Environment Act 1987*. Melbourne Water had no objection to the proposal (buildings and works) subject to amended plans being supplied.

Head of Department of Transport (formally VicRoads) (Determining)

The application was referred to Head of Department of Transport (VicRoads) as a statutory referral under Section 55 of *Planning and Environment Act 1987*. Head of Department of Transport (VicRoads) had no objection to the proposal (alteration to access to the Road Zone) and did not offer any conditions.

South East Water (Recommending)

The application was referred to South East Water for comment under Section 52 of the *Planning and Environment Act 1987*. South East Water object to the proposal for the following reasons:

- Land use compatibility, namely:
 - The subject site is identified in South East Water's Pakenham Treatment plants buffer area.
 - The treatment plant has the potential to emit offsite offensive odours which is incompatible with the use of the land for a Restricted Place of Assembly.
 - The introduction of higher intensity sensitive uses into the treatment plants buffer has the potential to limit and cause unreasonable restriction to the treatment plants existing and future operations.
 - The treatment plant has plans to expand in future to service the new residential, commercial and industrial areas of Pakenham, Pakenham East, Officer and Clyde and the proposal will adversely impact the facilities ability to comply with required separation distances.

- Further to their objection South East Water explains that it has a responsibility as an essential service provider to deliver fair and affordable services to all of their customers and whilst they acknowledge the important work done by Baba Badhaji Charitable Association in supporting the community through hardship, the proposed

uses pose too great a risk to the ongoing operation of Pakenham WRP and the upgrade plans for this site.

Discussion

The application for a permit has been assessed against the decision guidelines of all relevant clauses of the Cardinia Planning Scheme and the proposed use is determined to be inconsistent with these requirements.

The Planning Scheme puts particular emphasis on the facilitation and protection of both Green Wedge Land in particular when located in the Westernport Green Wedge Management Plan area, as well as the facilitation of public infrastructure such as water treatment plants and other vital infrastructure that service the wider community. The location of the proposed Restricted Place of Assembly, so close by to vital infrastructure, and within the Western Port Green Wedge area is not supported by the Cardinia Planning Scheme, due to the potential conflicts such sensitive uses may have on existing activities, as well as the potential to reduce the ability for these facilities to expand in the future.

Planning Policy Framework (PPF) and Municipal Planning Strategy (MPS)

A number of state and local policies are relevant to this application that protect the Green Wedge land and important infrastructure from the encroachment of sensitive uses.

Clause 11.01-1S (Settlement) seeks to promote the sustainable growth and development of Victoria through strategies such as creating and reinforcing settlement boundaries, ensuring that facilities such as community facilities are concentrated in central locations and ensure that land that may be required for future urban expansion is not compromised.

Clause 11.01-1R (Green Wedges – Metropolitan Melbourne) seeks to protect green wedges of metropolitan Melbourne from inappropriate development by supporting existing and potential agribusiness and food production and protect productive agricultural areas such as Westernport.

Clause 13.03-1S (Floodplain management) seeks to protect life, property and community infrastructure from flood hazard, flood storage functionality and natural flood carrying and storage capacity.

Clause 13.06-1S (Air quality management) seeks to assist the protection and improvement of air quality. Ensure, wherever possible, that there is suitable separation between land uses that reduce air amenity and sensitive land uses

Clause 13.07-1S (Land use compatibility) seeks to protect community amenity, human health and safety, while facilitating appropriate commercial, industrial, infrastructure and other uses with potential adverse off-site amenity impacts by ensuring that uses and development is compatible with adjoining or nearby land uses and protecting existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

Clause 14.01-1S (Protection of agricultural land) seeks to protect the state's agricultural base by preserving productive farmland, protecting productive agricultural land from unplanned loss due to permanent changes in land use and prevent inappropriately dispersed urban activities in rural areas.

Clause 19 (Infrastructure) ensures that planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely and Planning should minimise the impact of use and development on the operation

of major infrastructure of national, state and regional significance, including communication networks and energy generation and distribution systems.

Clause 19.02-3S (Cultural facilities) seeks to develop a strong cultural environment and increase access to the arts, recreation and other cultural facilities.

Clause 19.02-4S (Social and cultural infrastructure) seeks to provide fairer distribution of and access to social and cultural infrastructure by encouraging the location of social and cultural infrastructure to activity centres

Clause 21.01 (Cardinia Shire Key Issues and Strategic Vision) outlines the key issues facing Cardinia include the management of growth including urban pressures on areas such as the Westernport Green Wedge, and the provision of infrastructure to meet the needs of the existing and future community.

Clause 21.02-1 (Catchment and coastal management) seeks the protection of floodplains and development on them.

Clause 21.05-1 (Infrastructure provision) – outlines that the provision of an adequate level of physical and social infrastructure is one of the major issues facing the Cardinia Shire over the coming decades. Issues involve the timely provision of infrastructure services such as sewerage, water, drainage is necessary to foster economic development, ensure the wellbeing of the community and protect the environment, by recognising infrastructure demands, ensuring the provision of infrastructure and coordinating infrastructure provision.

Clause 21.05-6 (Community services and facilities) recognises the need to provide and cater for community facilities for all members of the community in appropriate locations.

Clause 22.05-1 (Western Port Green Wedge Policy) seeks to recognise and protect the Westernport Green Wedge area for its valuable agricultural and horticultural importance. Discouraging sensitive uses such as schools and places of worship from establishing in these areas.

The proposal is considered incompatible with the agricultural character and the existing strategic location of uses and infrastructure of the immediate area, including the South East Water Treatment Plant located at 990 Koo Wee Rup Road and the abattoir (and future South East food production, export and employment node) located at 940 Koo Wee Rup Road. Both these land uses are covered by Zones specific to the service they provide and have been strategically located away from sensitive areas such as residential zones to avoid land use conflicts with these areas and ensure that each site can continue to meet and maintain their required separation distances from sensitive uses. A Restricted Place of Assembly is considered a sensitive use, and based on the objections Council has received, it is considered that the use has the potential to greatly impact both the treatment plant and the abattoir both in the interim and future.

The Westernport Green Wedge Management Plan also discourages these types of sensitive uses (along with schools and places of worship) from establishing within the area covered by the policy and suggests that they are better located adjoining the Urban Growth Boundary or within existing settlements. This site aligns with neither objective.

Furthermore, the Green Wedge is primarily an agricultural zone which should facilitate, above all else the right to farm. Other compatible uses, can be considered when located in appropriate locations. A Restricted Place of Assembly may be suitable in some areas of the Green Wedge Zone as, after all, if complying with the condition in the Table to the Zone, a Restricted Place of Assembly is a use that be considered via a planning permit application.

However, in this case, the potential impact on the surrounding uses that already exist and provide a vital service to the community must be taken into account. Although the proposed

use is also considered to align with the Planning Scheme's objectives to provide places for communities to meet and experience their culture, this must be planned in suitable locations. The net community benefit of the role of the treatment plant and the abattoir (future food production and employment node) must take precedence over the net community benefit of the proposed Restricted Place of Assembly.

Therefore, it is considered that the proposal does not adequately respond to the above, especially Clause 13.07-1S (Land use compatibility) when considering the adjacent SUZ7 and PUZ1 and therefore, it is considered that the proposal is inconsistent with the PPF and MPS as it is likely to cause unreasonable and detrimental impacts to the established uses that are nearby to the site, and does not present as a suitable land use compatible with the surrounding uses and the purpose of the Zone, PPF, MPS and LPPF therefore should not be supported.

Clause 22.05-1 – Western Port Green Wedge Policy and Cardinia Western Port Green Wedge Management Plan

The Western Port Green Wedge Policy identifies an area of approximately 746 square kilometres of rural southern part of Cardinia Shire Council and the City of Casey, which are home to important assets to both municipalities. The Shire is a major producer of asparagus, celery, leeks, herbs, silver beet and beef and provides a majority of Victoria's produce of these vegetables. The area of Pakenham where 905 Koo Wee Rup Road is located is identified in this policy as Precinct 1 (Agriculture and horticultural soil-based food production).

Precinct 1 identifies land that is suitable for agriculture, horticulture and soil-based food production due to its highly versatile, fertile soils. The Subject Site is located outside of the Special Use Zone – Schedule 1 (SUZ1) and is noted as having moderately versatile soil.

The precinct as a whole has a strong focus on the beef and dairy industry, supports an existing poultry sector and a range of other rural uses on sites such as this. The area has ready access to water supply, the potential to utilise recycled water and is within close proximity to the Melbourne market.

One of the main objectives of the Plan is to maintain and develop a thriving agricultural and horticultural industry in the green wedge with a focus on horticulture, agriculture, soil based produce, food security and new and emerging agricultural practices to service the local and export markets.

Ongoing discussions are occurring between Council and Melbourne water in relation to the location of a new Class A recycled water treatment plant in the Clyde/Cardinia area which can help achieve this goal.

The intent is for this treatment plant to have the ability to supply Class A recycled water to agricultural producers and together with the existing Pakenham Treatment Plant it has the ability to increase the agricultural viability of the land in and around Officer South, Rythdale and Cardinia. It is anticipated this land will increase in agricultural value, being able to produce more crops, therefore becoming more appealing to the local larger family farming businesses that are making numerous land purchases to further expand their operations within the precinct.

The Plan seeks to achieve this objective by discouraging sensitive uses (including schools and places of worship) from establishing within the Management Plan area, without Strategic justification.

Whilst these uses are allowed (subject to approval and conditions) they are urban in nature and can have a detrimental impact to the rural environment, biodiversity fragment agricultural land and affect the right to farm. The management plan provides clear guidance on where these uses should be located (subject to strategic justification) within the green wedge, close

to the Urban Growth Boundary (UGB), at the transition point from urban land to rural land, or within existing townships.

In order for the above objectives to be achieved, sensitive uses such as the Restricted Place of Assembly proposed by this application, must be discouraged from establishing at the Subject Site, due to the land use conflicts arising from its proximity from two (2) strategically important facilities. The purpose of the two (2) adjacent facilities aligns with the aspirations of the Plan to promote food security and agricultural production in the area due to their respective output (recycled water and food production).

The site is located 500 metres south of the UGB, which does not align with the policy and was referred to Council's Strategic Planning Department for advice and comment, who have also advised that at a Strategic level the application is not supported.

Therefore, it is considered that this application does not appropriately respond or align with the objectives of the Policy in terms of supporting existing agricultural industries, without causing detriment to surrounding facilities which are expanding to achieve the relevant objectives to provide food security and protection of agricultural land within the Management Plan area and the region and should not be supported.

Green Wedge Zone – Schedule 1

Some of the key purposes of the Green Wedge Zone is to implement the MPS and PPF, along with providing for and protecting the use of the land for agriculture. It is also in place to recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities and mineral and stone resources. The decision guidelines of the Zone require the Responsible Authority to consider the following when assessing whether the proposed use is compatible with the purpose of the Zone, in particular:

General issues:

- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
- How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.
- Whether the use or development is essential to the health, safety or well-being of the State or area but is not appropriate to locate in an urban area because of the effect it may have on existing or proposed urban areas or the effect that existing or proposed urban areas may have on the proposed use or development.
- The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty.

Rural issues:

- The maintenance of agricultural production and the impact on the rural economy.
- The environmental capacity of the site to sustain the rural enterprise. The need to prepare an integrated land management plan.
- The impact on the existing and proposed rural infrastructure.

- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agriculture and other land uses.
- The protection and retention of land for future sustainable agricultural activities.

In relation to compliance with the first decision guideline, Melbourne Water have assessed the application against their relevant catchment strategy for works within the Koo Wee Rup Flood Protection District and consider the buildings and works component of the application and did not raise any major concerns with the proposal, subject to amended plans being supplied. It is therefore considered that the subject site and the development could comply with the relevant Regional Catchment Strategy. Given the above, the site is considered capable, given its size, to accommodate the buildings and works (development) aspect of the proposal.

However, when considering the subsequent decision guidelines, the proposed use does not satisfactorily demonstrate how it aligns with the policy.

Given the subject sites close proximity to the two (2) adjoining facilities (SEW Treatment Plant and Abattoir), the capability of the use of the land for a Restricted Place of Assembly to comply with the required separation distances for industrial residual air emissions recommended by the EPA Victoria's *Recommended Separation Distances for Industrial Residual Air Emissions, March 2013 (EPA Publication 1518)* and Clause 53.10 (Uses with adverse amenity potential) of the Cardinia Planning Scheme cannot be achieved.

For the purposes of the EPA Publication 1518 the term 'sensitive land uses' encompasses land uses which require a particular focus on protecting the beneficial uses of the air environment relating to human health and wellbeing, local amenity and aesthetic enjoyment.

According to EPA Publication 1518, separation distances are important as "when there is an inadequate separation distance between an industry and sensitive land uses, subsequent remedial action to alleviate off-site effects may be uneconomic. Accordingly, the viability of the industry is jeopardised and the off-site effects are not alleviated.

Providing adequate separation distances seeks to avoid these potential lose/lose situations".

Given this, it is considered that the proposed use cannot be considered to achieve any decision guideline assessing whether a use is compatible with adjoining land uses, nor can it align with Clause 13.06-1S (Air quality management).

Contrary to the fifth decision guideline, the use is not considered essential to the health, safety or well-being of the State or area, whereas the operations and services provided by the two (2) adjoining facilities, as well as any meaningful agricultural pursuits being carried out on the surrounding land (food production) are considered vital and suitable in these locations given the land area required for these operations, as well as the separation from sensitive uses required. The proposed use would in fact be suitable in an urban area, and policy supports this.

Issues raised by objections

These are the views shared by both objectors and form the key grounds to their objections.

South East Water contend that as the use will be setback approximately 700 metres from the treatment plants operational lagoons (used to treat sewerage) with a minimum of 380 metres between site boundaries. Strategic work carried out between South East Water and Council identified that noise and odour impacts from the facility (currently and in future) have the potential to extend as far as 770 metres from the title boundaries of the South East Water owned land, meaning that the potential for amenity impact, especially resulting from odour, will affect the subject land.

The resulting risk to South East Water's asset if this application were to be approved, would mean that the facility would no longer meet the required separation distances from sensitive uses set out by EPA regulations and therefore, this may place undue financial and resource

burden on the facility, as major infrastructure projects to contain and treat foul odours would be required beyond what is reasonably expected and potentially the engineering capability of a modern water recycling plant, and also beyond what would normally be required to address these issues in a rural location.

The abattoir also shares similar concerns regarding undue and unreasonable burden on their facility to manage their amenity impacts (beyond what they are currently required to do) which would be required to address concerns not ordinarily an issue in a rural location such as this. The site has been strategically chosen to be located away from sensitive uses (such as built up residential areas) in order to achieve the separation distances outlined by State planning and EPA policy.

EPA regulations responsible for governing the amenity and environmental impacts of these industries on surrounding uses requires that an “abattoir – no rendering” (abattoirs or poultry processing works) producing more than 200 tonnes per year be separated from a sensitive use by at least 500 metres. Currently, the abattoir (processing facility) is over 500 metres from the subject site, however given that there is only 50-60 (approx.) metres between the two (2) sites property boundaries, the introduction of the use is likely to impact the location and scale of the operation planned for the O’Connor’s site in order for the facility to maintain the required buffers.

Similarly, EPA regulations require certain separation between sensitive uses and sewerage treatment plants. This distance can vary depending on their location and the population they service. In this instance, the recommended separation distance of this plant from sensitive uses is 770 metres, and as with the abattoir, given that there is only 380 metres between the two (2) sites property boundaries, the introduction of the proposed use is likely to impact the location and scale of the operation planned for the South East Water’s site in order for the facility to maintain the required buffers.

Not only does the proposed use have the potential to impact existing uses as already discussed, given the proximity to the proposed Pakenham Employment Precinct PSP (located directly south of the South East Business Park), its establishment in this location also has the potential to impact the type of industry able to establish themselves in the PSP area given the separation distances required from sensitive uses required by the EPA and pursuant to Clause 53.10 (Uses with adverse amenity potential).

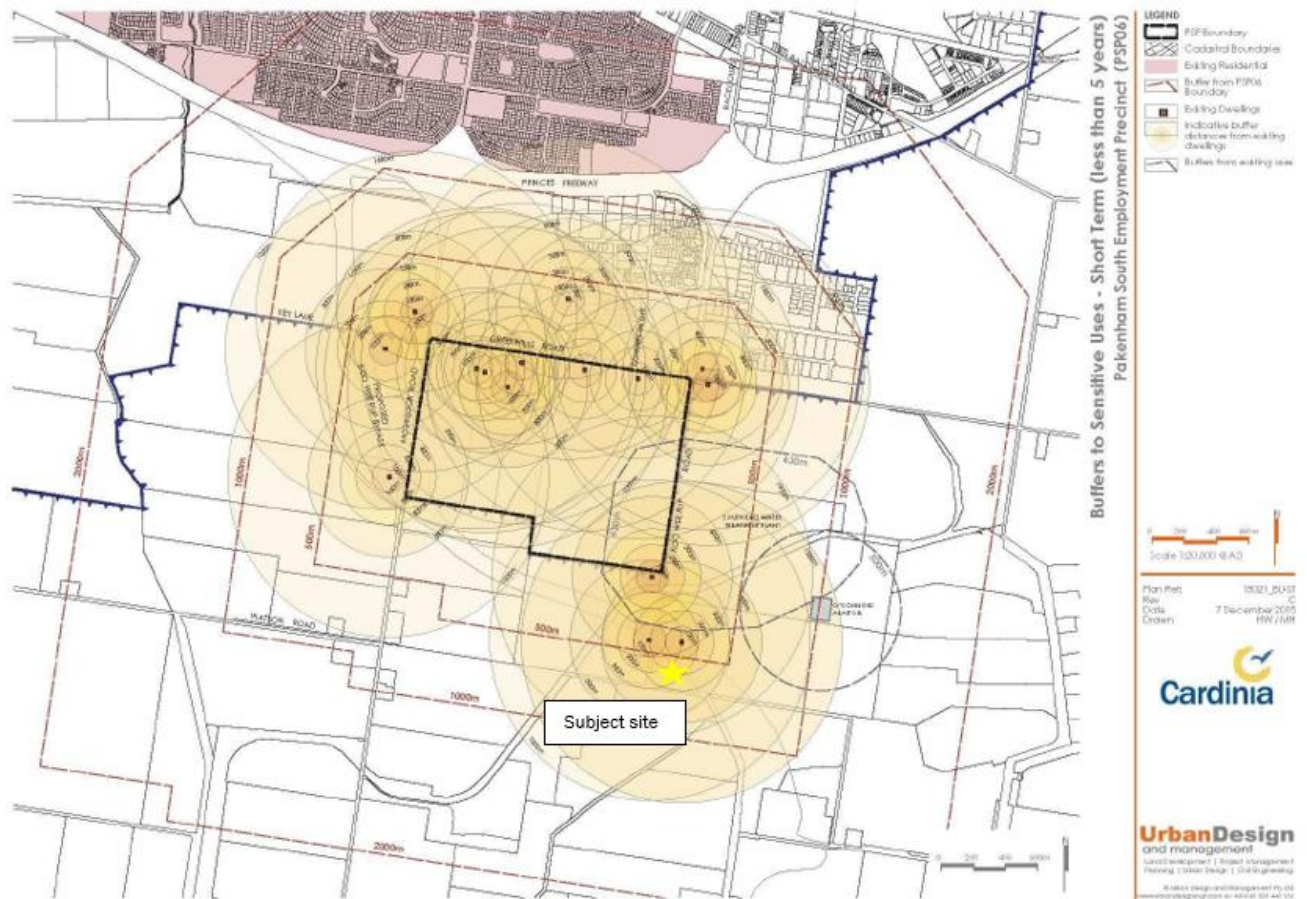


Figure 5: Buffer distances from the industrial employment PSP (Short term: less than 5 years)

In response to the objections, the applicant contends that large proportions of the employment area to the north (within the PSP) will also be impacted by the odour of the South East Water facility, which will employ up to 3500 people, potentially working an 8-hour day within the buffer and that in stark comparison, the proposed use at 905 Koo Wee Rup Road would only result in members being subject to potential amenity impacts from the treatment plant for a maximum of 4-5 hours, once a fortnight, which is minimal.

However, it should be acknowledged that Council has carried out strategic work as part of the proposed employment PSP, in consultation with South East Water, to co-locate these types of industrial uses and develop planning controls within the PSP area which would require an application for certain 'sensitive' uses within the PSP to have regard to the treatment plant, potentially rendering certain sensitive uses unsupportable in this area also. The Zoning of the subject site does not have this consideration built in, and therefore any application must be justified against the purpose and decision guidelines of the Zone and other relevant policy.

It is also acknowledged that the site is already fragmented and in the context of the surrounding area is small in size, and therefore could be considered unviable from an agricultural perspective, however this reason alone is not reason enough to support an application for a secondary use where concerns about legitimate impacts on surrounding uses have been demonstrated. The site still has capacity to be utilised for other non-intensive agricultural activities such as horse husbandry, it could be leased to an adjoining farm providing other grazing paddocks or potentially used for another use suitable in a rural zone such as animal keeping or boarding (subject to approval).

On another site, closer to the UGB and with strategic justification, potentially this type of use in the Green Wedge Zone can be suitable, however the constraints of the subject site must be

taken into consideration and for these reasons set out above, it is concluded that the proposal should not be supported in this location.

Land Subject to Inundation Overlay

The Land Subject to Inundation Overlay (LSIO) identifies areas where a 1 in 100 Year flood or floodplain area determined by a floodplain management authority warrants protection from flood hazards. These measures ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity. The proposed use does not require approval under the Overlay, however the proposed buildings and works do require a permit Pursuant to Clause 44.04, which state a planning permit is required for buildings and works.

As the entire site is covered by the LSIO it is not possible for the proposed pergolas to be located on flood-free land or land with a lesser hazard outside this overlay. Pursuant to Section 55 the application was referred to Melbourne Water, who had no objection to the proposal, subject to amended plans being submitted.

Given that Melbourne Water had no objection to the proposed development, it is considered that proposed buildings and works would not increase the potential risk to life, health or safety a 1 in 100 Year flood poses, and would not affect or obstruct floodwater, stormwater or drainage over the property, subject to their conditions being met. If Councils recommendation was to approve this application, these conditions would form part of the permit.

However, this support for the proposal does not mitigate against the other issues with the proposed use that have been raised leading to the recommendation to refuse the application.

Clause 52.29 Land Adjacent to a Road Zone Category 1

The key purpose of Clause 52.29 is to ensure appropriate access to identified roads and to ensure appropriate subdivision of land adjacent to identified roads. Pursuant to Clause 52.29 a Planning Permit is only required to do either of the following:

- Create or alter access to a road on a in a Road Zone Category 1 or land in a Public Acquisition Overlay (PAO) to be used as a Category 1 Road.
- To subdivide land adjacent to a road in a Road Zone Category 1 or land in a Public Acquisition Overlay (PAO) to be used as a Category 1 Road.

As the application seeks to alter an existing access to Koo Wee Rup (RDZ1) by intensifying the existing access from Watsons Road by the volume of traffic proposed by the new use, referral to VicRoads under Section 55 of the *Act* was required. Based on the Traffic assessment prepared by Trafficworks Pty Ltd and the Department of Transport (VicRoads) being the determining authority had no objection to granting this permit and offered no conditions.

Although the Department of Transport (VicRoads) are supportive of the application, Council has no concern about the proposal and the potential increase in access to the Road Zone, given the scale of the proposed use resulting in 40 vehicle movements to and from the site fortnightly. However, this support for the proposal does not mitigate against the other issues raised leading to the recommendation to refuse the application.

Conclusion

Given the above discussion, it is considered that there are adequate grounds to refuse to grant a planning permit based on the inconsistencies and failure of the proposal to adequately meet objectives of the relevant MPS, PPF, LPPF, the Green Wedge Zone or the Westernport Green Wedge Management Plan.

It is important to consider that just because the planning scheme identifies that a permit can be issued for a certain land use, it does not mean that it should. The proposal must have regard for the purpose of the relevant policy and Zone and demonstrate that by allowing it by way of a permit, that it does not inhibit or adversely impact established and 'as of right' uses in the surrounding area. Based on the objections it is considered that this proposal cannot demonstrate that it will not do so.

Cardinia Shire Council must abide by these requirements when assessing the suitability of applications given the site, the surrounding uses and applicable planning controls and upon assessment, these controls have not been adequately addressed or adhered to in order to allow for this application to progress.

Therefore, based on the above assessment it is recommended that the application for a planning permit for the use of the land for a Restricted Place of Assembly, alterations and additions to the existing buildings and alteration to access to a Road in a Road Zone Category 1 at L1 PS332615, 905 Koo Wee Rup Road, Pakenham VIC 3810 be refused on the following grounds:

- The proposal is inconsistent with Clause 13.06-1s (Air quality management);
- The proposal is inconsistent with Clause 13.07-1s (Land use compatibility);
- The proposal is inconsistent with Clause 22.05 (Western Port Green Wedge Policy) and the Cardinia Shire Westernport Green Wedge Management Plan;
- The proposal is inconsistent with the purpose of Clause 35.04 (Green Wedge Zone);
- The proposal is inconsistent with Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions);
- The proposal results in unreasonable impacts to the established nearby uses (South East Water Treatment Plant and O'Connor's Abattoir); and
- The proposal does not represent the orderly planning of the area.

Resolution

Moved Cr Michael Schilling, seconded Cr Leticia Wilmot.

That Council issue a Notice of Decision to Grant Planning Permit T190275 for the use of the land for a Restricted Place of Assembly, alterations and additions to the existing buildings and alteration to access to a Road in a Road Zone Category 1 at 905 Koo Wee Rup Road, Pakenham VIC 3810 subject to the following conditions;

Conditions:

Prior to commencement:

1. Prior to the commencement of the use of the land in accordance with this permit:
 - a) All proposed areas set aside on the approved plan/s for access, circulation and car parking as shown on the approved plans must be surfaced with crushed rock or other approved all weather surfacing material, of adequate depth, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, the area must be maintained to the satisfaction of the Responsible Authority.
 - b) Each car parking space must be delineated using makers and wheel stops.
2. Before the use commences, a site drainage plan must be submitted to and approved by the Responsible Authority that includes all proposed buildings, access, circulation and parking areas.

Use:

3. The use of the premises as shown on the endorsed plans must not be altered unless with the written consent of the Responsible Authority.
4. The Restricted Place of assembly must not operate for more than 30 days in a calendar year.
5. A maximum of 60 patrons are may attend meetings on site at any one time.
6. Meetings may only be conducted between the hours of:
 - a) Monday – Sunday: 9.00am till 9.00pm.

Amenity:

7. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
8. External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
9. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.
10. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes shall be kept in a storage area screened from view to the

satisfaction of the Responsible Authority.

11. The use must not detrimentally affect the amenity of the area, through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d) Presence of vermin; or
 - e) In any other wayTo the satisfaction to the Responsible Authority.
12. Noise levels emanating from the subject land must comply with the requirements of the Environment Protection Authority's Information Bulletin No. N3/89 Interim Guidelines for the Control of Noise in Country Victoria.

Development:

13. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
14. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
15. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the building, including the roof, must be of a non-reflective nature.

Engineering:

16. Before the development commences, a site drainage plan must be submitted to and approved by the Responsible Authority that includes all proposed buildings, access, circulation and parking areas.
17. All stormwater must be conveyed by means of drains to satisfactory points or areas of discharge approved by the Responsible Authority, so that it will have no detrimental affect on the environment or adjoining property owners.
18. Stormwater works must be provided on the subject land so as to prevent overland flows onto adjacent properties.

Environmental Health:

19. All wastewater must continue be treated and retained onsite in accordance with relevant EPA Code of Practice – Onsite Wastewater Management

Car parking and bicycle facilities:

20. The use permitted by this permit, including the use of the car parking areas, must not adversely affect the amenity of the surrounding area to the satisfaction of the Responsible Authority.
21. The areas set aside for car parking must be made available for use to volunteers and visitors at all times and must not be used for any other purposes.

22. A minimum of twenty-six (26) car spaces must be provided on the subject land for the use in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

Expiry:Use:

This permit for the use of land expires within 24 months of the issue date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Development:

A permit for the development and use of land expires if—
the development is not completed within 12 months after the issue of the permit.

Notes:

- A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.
- This planning permit does not allow the change of use of a building contrary to the existing 'occupancy permit', any part of the building that is proposed for change the use/building classification shall only be done in accordance with a building permit OR written direction from the Municipal Building Surveyor.

Building notes:

- This permit has not been assessed with regard to building and DDA compliance, it is the responsibility of the owner/applicant to ensure that the proposal and design has been reviewed by suitable practitioners.
- Further work may be necessary to ensure 'Septic Systems' can withstand further load, consent may be required from Councils health department for change of use and additional occupiers of the building/land.
- The buildings are not to be used for purpose of 'Place of Assembly' until an Occupancy Permit has been issued by a building surveyor. The applicant/owner is required to obtain a Building Permit to change the use of building/s on the land and demonstrate compliance with the Building Regulations 2018 prior to commencement of any building work.
- Prior to commencement of any work, the applicant/owner shall submit to a Report to the satisfaction of Council from an appropriately qualified 'access consultant' demonstrating that the proposal meets the intent of the Disability Discrimination Act (and National Construction Code).

Health notes:

- Permission given under planning legislation cannot be construed as permission relating to any other legislation under Council jurisdiction, such as Public Health & Wellbeing, Food or Tobacco Acts.
- Prior to any installation or alteration works commencing on the septic tank system, a Permit to install must be obtained from Council.
- Prior to any alteration works commencing on the septic tank system, a Permit to Alter must be obtained from Council. An application for a permit must include a report from a licensed plumber which details:
 - the position, type and condition of the present septic tank system including wastewater dispersal details;
 - whether the existing septic tank system has been desludged within the last three years; and
 - that the septic tank system, once altered, is capable of containing all wastewater from the proposed, and existing buildings, on site in accordance with the current EPA Code of Practice – Onsite Wastewater Management: Guidelines for Environmental Management , Australian Standards 1547 and Council requirements.
- Please note that additional drainage, or other works, may still be required to ensure that all wastewater is treated and contained on-site.

Carried

6.1.3 Development of the Land for Three (3) Dwellings at 44 Gardner Street, Koo Wee Rup

File Reference: T190541
Responsible GM: Peter Benazic
Author: Dean Haeusler

Recommendation(s)

That Council issue a Notice of Decision to Grant Planning Permit T190541 for development of land for three (3) dwellings at 44 Gardner Street, Koo Wee Rup VIC 3981 subject to the conditions attached to this report.

Attachments

1. Development Plans [6.1.3.1 - 10 pages]
2. CONFIDENTIAL - Copy of Objections - Circulated to Councillors only [6.1.3.2 - 7 pages]

Executive Summary

APPLICATION NO.:	T190541
APPLICANT:	Mr Daniel Cardamone
LAND:	44 Gardner Street, Koo Wee Rup VIC 3981
PROPOSAL:	Development of land for three (3) dwellings
PLANNING CONTROLS:	Neighbourhood Residential Zone Schedule 1 Land Subject to Inundation Overlay
COVENANTS OR RESTRICTIONS	Covenant 1926789 - Registered 6/09/1944 Prevents any quarrying operations including removal of soil, rock etc from the property except for the purpose of building foundations. The proposal does not contravene this restriction.
NOTIFICATION & OBJECTIONS:	Public notice provided via letter to adjoining properties and signage to the road frontage. Five (5) objections were received.
KEY PLANNING CONSIDERATIONS:	<ul style="list-style-type: none"> • Neighbourhood Character • Inconsistent with Township Strategy • Traffic impact and safety • Loss of amenity/environmental impact through vegetation removal
RECOMMENDATION:	Approval

Background

There is no recent planning history for the site.

Subject Site



The site is a rectangular shaped 1011 square metre lot located on the northern side of Gardner Street, approximately 150 metres north-east of the commercial strip of the Koo Wee Rup township.

A crossover is located on the south-west corner that provides access to a single detached dwelling and situated within the forefront of the allotment and garage extending deeper into the property.

The site is predominantly clear of vegetation apart from three trees north of the dwelling. A semi-mature street tree is also located centrally along the property frontage. The topography of the lot is flat with no easements burden the property.

The area can be described as an established residential area characterised by detached dwellings on ~1000 square metre allotments with generally deep setbacks and a mixture of brick veneer and weatherboard styles. Residential in-fill development is prevalent along the street with contemporary two and three unit development along the street.

The main characteristics of the surrounding area are:

North-east
■ Unmade laneway; residential properties (predominantly detached dwellings).
South-east

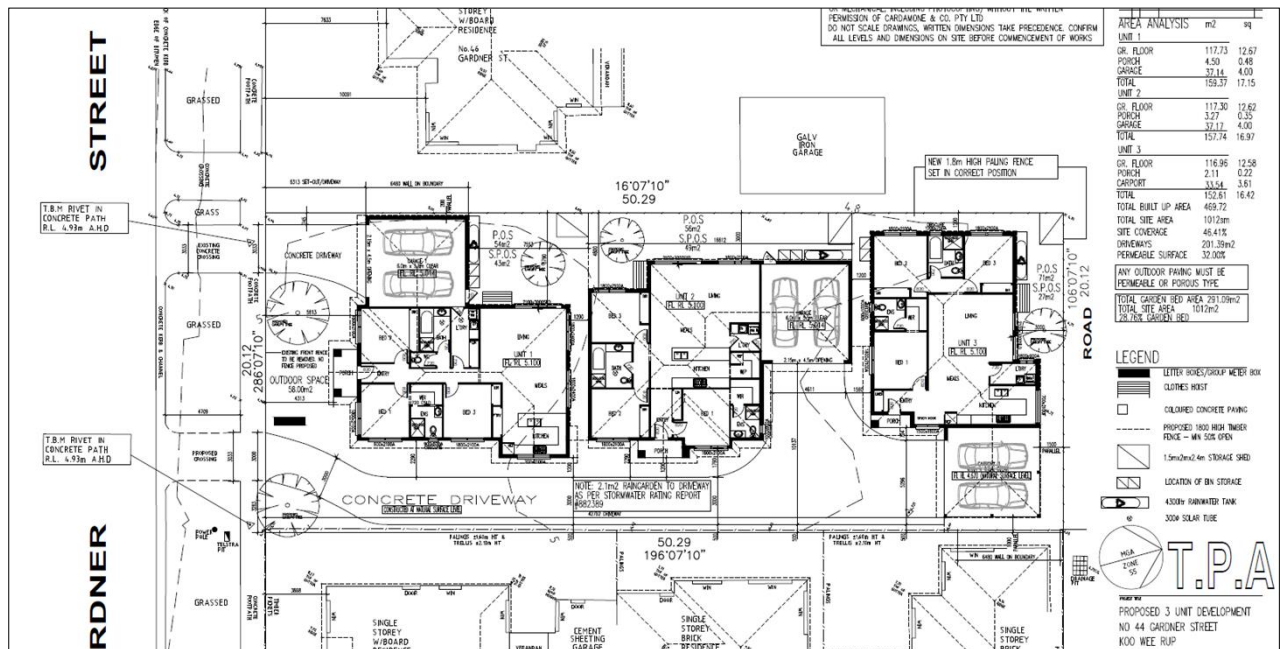
- 42 Gardner Street (three-unit development).
- South-west**
- Gardner Street; a mixture of detached dwelling and unit development.
- North-west**
- Detached dwelling and garage with cultivated garden to the rear.

Relevance to Council Plan

Nil.

Proposal

Approval is sought for the construction of three (3) dwellings at the above-mentioned address.



Dwellings

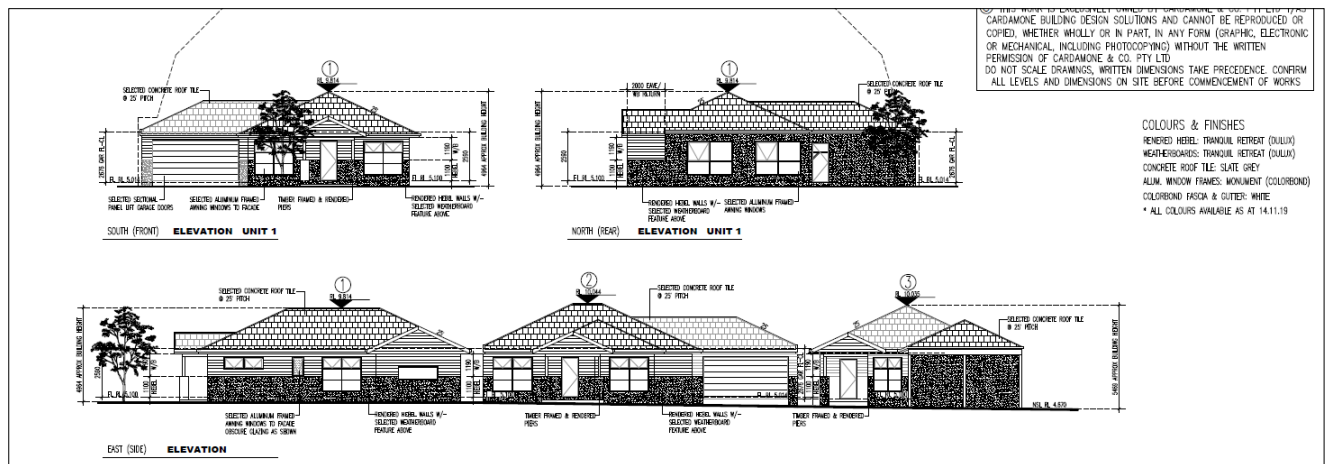
Each dwelling is to be a single storey contemporary design with a mixture of traditional and modern elements and materials. The dwellings will each comprise three bedrooms, an open kitchen and living area, two ensuites/bathrooms and a laundry. The exterior finish will feature a combination of rendered hebel walls along and weatherboard cladding above with pitched tiled roofs and eaves. The colours will include Tranquil Retreat Grey and Slate Grey tiling.

Unit 1 will front Gardner street and utilise the existing single crossover to service a double garage incorporated with the dwelling. The dwelling will be setback a minimum 5.81 metres (4.31 metres to the porch) from frontage with a slightly recessed garage. There will be a 200mm setback from the north-western boundary and 4.7 metre setback from the south-eastern boundary. The Secluded Private Open Space will total 43 square metres in a generally square shape oriented north of the dwelling.

Unit 2 is situated between the other dwellings and oriented south-eastwards. The dwelling will be setback 5.29 metres from this boundary with a recessed garage at 10.14 metres. Secluded Private Open Space (SPOS) and living areas are north-west facing with a total 49 square metre area SPOS.

Unit 3 will be located at the deepest point of the property, 1 metre from the south-eastern boundary, a minimum 1.5 metres from the north-east boundary and 1 metre from the west. 27 square metres of Secluded Private Open space will be accommodated along the northern title boundary. The garage will be situated at the end on a secondary 3-metre wide driveway that services both dwelling 2 and 3. Unit 3 will have a maximum 5.47 metres above natural ground, the tallest of the three dwellings.

	Bedrooms	Car spaces	Secluded Private Open Space (sqm)	Private Open Space (sqm)
Unit 1	3	2	43	54
Unit 2	3	2	49	56
Unit 3	3	2	27	71



Landscaping and garden area

The proposal retains 35% Garden Area with a mixture of open areas provided within the dwelling frontages, and strips along the driveway that allow for generous landscaping. No landscape plan has been submitted for assessment with the proposal.

Each dwelling will include relevant particulars such as a storage shed, clothes line and water tank.

There is no vegetation that has been identified for retention.

Planning Scheme Provisions

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- 11.01-1S Settlement
- 15.01-1S Urban Design;
- 15.01-2S Building Design;
- 15.01-5S Neighbourhood character;
- 15.02-1S Energy and resource efficiency;
- 16.01-1S Integrated housing;
- 16.01-2 Location of residential development; and
- 16.01-3S Housing diversity.

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- 21.03-1 Housing; and
- 21.06-1 Design and built form

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Cardinia Shire's Liveability Plan 2017-2029;
- 52.06 Car Parking;
- 53.18 Stormwater Management
- 55 Two or More Dwellings on a Lot and Residential Buildings;
- 65 Decision Guidelines
- 66.03 Referral and notice provisions
- Koo Wee Rup township Strategy (2015)

Cardinia Shire's Liveability Plan 2017-2029

This proposal has regard to Cardinia Shire's Liveability Plan 2017-2029, in particular:

- Improved safety through layout and design that allows for a strong address to the street and passive surveillance both within the development and to the streetscape.
- Reduce obesity by facilitating residential in-fill to an area of the township in close proximity to transport and amenities.

Zone

The land is subject to the **Neighbourhood Residential Zone Schedule 1**

Overlays

The land is subject to the Land subject to Inundation Overlay

Planning Permit Triggers

The proposal for the development of the land for three (3) dwellings requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.09-6 of the Neighbourhood Residential Zone a permit is required to construct two or more dwellings on a lot.
- Pursuant to Clause 44.04-2 of the Land Subject to Inundation Overlay a permit is required to construct or carry out works.

Public Notification

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

- Sending notices to the owners and occupiers of adjoining land.

Placing a sign on site

The statutory declaration was returned to Council 28 August 2020 and Council has received five (5) objections to date.

The key issues that were raised in the objections are:

- Traffic congestion and safety concerns;
- Advertising not carried out correctly (no signage placed on-site);
- Environmental Impact through loss of vegetation;
- Inconsistent with township strategy;
- Neighbourhood character.

A Section 57A amendment to the proposal was received 31st August 2020 to make minor alterations to the plans including the driveway alignment to unit 1 to ensure the development met could meet mandatory Garden Area requirements. Given the minor nature of these changes, re-advertising of the application was not deemed necessary.

Referrals

Melbourne Water

The application was referred to Melbourne Water as a statutory referral requirement under Section 55 of the Planning and Environment Act 1987. The authority had no objection to the proposal subject to conditions.

Discussion

Planning Policy Framework

A number of regional and local policies are relevant to this application, including Clause 15.01-2 (Building Design) and 15.01-5 (Neighbourhood character), which aim to encourage housing diversity, promote a high standard of design and achieve attractive, diverse, sustainable and liveable neighbourhoods.

Clause 21.03 (Settlement and Housing) of the local policy framework is also applicable to the assessment of this application and builds on the policies mentioned above. This policy presents a range of key issues and a list of objectives and strategies recommended to address them. This includes balancing diversity of housing choices in rural townships while ensuring consistency with the character and encouraging a diversity of housing that meet groups with specific requirements, needs and income levels.

The policy further identifies rural townships where Koo Wee Rup is classified as a large township. Issues identified under this provision including retaining and enhancing the rural character with strategies including providing for the sustainable development of townships in the municipality having regard for environmental and servicing constraints.

The proposal is considered consistent with these state and local policies and facilitate a level of moderate residential in-fill that is reflective of the emerging development pattern in the established areas of Koo Wee Rup. This area is well-serviced and in close proximity to the commercial centre of Rossiter Road, public transport and other amenities.

In retaining the single storey character and borrowing design cues from weatherboard dwellings that are common along Gardner Street, the development seeks to integrate with the established character of the neighbourhood. Although there is a prevailing character of mid to late 20th

century detached dwellings and generous separation between buildings there is also a strong emerging pattern of two and three unit developments along Gardner and adjoining streets that highlight a transitional character. The proposal respects the character through a considered use of materials and traditional building elements while maintaining a comparatively deep street setback and generous open areas for landscaping.

Clauses 16.01-3 (Housing Diversity) and 16.01-2 (Location of residential development) are also relevant to this application. These policies aim to prevent inappropriate development and provide housing diversity close to jobs and services. More specifically, these clauses include strategies that seek to facilitate increased housing in the established areas and in areas with appropriate infrastructure and access to jobs and public transport and deliver a diverse mix of housing types.

The proposal is well-situated to enhance the opportunity of access to local services and amenities and provides a form of housing that allows for a range of needs and income types. The design ensures an efficient use of residential land with high levels of walkability and integration.

Clauses 11.06-6 (Sustainability and resilience), 15.02-1 (Energy and resource efficiency) and 21.02-8 (Resource conservation) are also applicable to this application. These clauses generally seek to create a more sustainable and resilient city by encouraging development to maximise efficient use of energy and minimise greenhouse gas emissions.

The proposal is also consistent with the sustainability and energy efficiency objectives of the Planning Scheme, as the proposal maximises northern orientation and the natural features of the site allowing generous areas for landscaping/permeability.

Overall, the proposed development positively responds to the relevant policies in supporting a restrained level of residential development within an established neighbourhood of Koo Wee Rup that benefits from a high level of access to amenities and services.

Koo Wee Rup Township Strategy (2015)



The township strategy has been implemented to assist in providing strategic direction and guidelines for the growth of Koo Wee Rup township and is recognised as an incorporated document within the Cardinia Planning Scheme.

The subject site is identified within Residential Precinct 1 which is characterised as an established residential area with small to medium lot sizes and older buildings.

Preferred guidelines encourage the retention of 70% of lots over 700 square metres yet also encourage diversity of development styles and unit development in close proximity to the town centre.

Unit development applications are encouraged to moderate site coverage and provide generous private open space and ensure height respects the character of the area.

The proposal responds to the preferred character of this strategy through a considered building layout that provides generous landscaping opportunities, building separation and Private Open Space. The development proposes a contemporary design with some traditional features that integrate with the development of Gardner Street and maintain a single storey profile to maintain continuity through the street.

Neighbourhood Residential Zone – Schedule 1

The Neighbourhood Residential Zone (NRZ) seeks to recognise areas of predominately single and double storey development and ensure development respects the identified character, heritage environmental and landscape characteristics.

The development is consistent with the purpose of this zone where the proposal and has been designed to integrate with a mixed development context. While the prevailing development pattern is characterised by mid to late 20th century detached dwellings, the proposal represents a shift in building typology along Gardner's Street that is predominantly characterised by single storey unit developments.

The proposed development maintains a consistent building rhythm through height and frontage setbacks to ensure it respects the heritage of the street and does not dominate the streetscape.

In doing so the proposal allows a greater level of housing diversity and options to a well-serviced area of Koo Wee Rup.

The development satisfies the requirement of Garden Area with 35% site area distributed throughout the property allowing sufficient landscaping opportunity.

A detailed assessment of how the proposal addresses the objectives and standards for multi-dwelling development can be found in the Clause 55 Assessment.

Land Subject to Inundation Overlay (LSIO)

The LSIO seeks to identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority. To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity and to ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Pursuant to Clause 44.04-2 a permit is required to construct or carry out works. The application was referred to the Floodplain Management Authority (Melbourne Water), who do not objection to the proposal, subject to a range of conditions that including minimum floor levels, internal fence requirements and the conversion of the garage associated with dwelling 3 to an open-sided car port.

As part of the assessment against this overlay, the responsible authority must consider, as relevant:

Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.

The entire property is situated within the overlay limiting alternative development options.

The susceptibility of the development to flooding and flood damage.

Appropriate conditions will be applied to any permit to ensure the development is designed to mitigate the likelihood and impact of any future flood event by constructed above the minimum floor level and allowing the free flow of water around the dwellings.

The potential flood risk to life, health and safety associated with the development.

Flood risk factors to consider include: – The frequency, duration, extent, depth and velocity of flooding of the site and accessway.

By implementing the required conditions, the proposal will respond to the flood risks for the 1 in 100 year flood frequency. While this may not protect against all events it will ensure the dwellings and their occupants are sufficiently prepared.

Clause 52.06 – Car parking

The purposes of Clause 52.06 include the need to ensure the provision of an appropriate number of car parking spaces having regard to the activities on the land and to ensure that car parking does not adversely affect the amenity of the locality

In accordance with the requirements of Clause 52.06-5, three-bedroom dwellings require provision of two car spaces each with one visitor space to be provided for every five dwellings. Each of the dwellings in the proposal provide an incorporated double garage attached to the dwelling, ensuring the proposal is consistent with statutory requirements.

Each access way is dimensioned to accord with the Design standards of a minimum 3 metre width while space is provided for units two and three to allow efficient manoeuvrability and accommodate forward exiting from the site.

Clause 53.18 – Stormwater Management in Urban Development

This provision seeks to ensure stormwater, including retention and reuse is managed to mitigate impacts of stormwater on the environment, property and public safety and to provide cooling, local habitat and amenity benefits.

Objectives to the provision are identified under 53.18-5 include a range of measures such as encouraging stormwater management that maximises the retention and reuse of stormwater and encouraging stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.

The proposal includes a number of measures to address this provision such as the use of 2000 litre water tanks for each dwelling and the inclusion of a 2x1 metre raingarden accommodated within the common property driveway.

These measures are further assisted through the a design with a high amount of permeable area that is evenly distributed across the site.

Further measures to prevent the impact to stormwater infrastructure will be required per condition of a permit for a Stormwater Detention System.

Clause 55 – Construction of two or more dwellings on a lot

A summary of the assessment against the requirements of Clause 55 is shown below, where the proposal has demonstrated that it meets all relevant objectives.

Clause 55 Two or More Dwellings on a Lot and Residential Buildings

The proposed development is considered appropriate for the site and surrounds and complies with all the relevant objectives of Clause 55. A full assessment can be found as an attachment to this report and a summary of these measures can be found below:

Clause 55.02 Neighbourhood character and infrastructure:

It is considered that the proposed development generally accords with the emerging neighbourhood character. The proposal compliments surrounding development and uses a design, layout and materials that integrate with the Gardner Street.

The development can be suitably accommodated into the infrastructure of the existing area and as such, all reticulated services will be available to the development.

The proposal provides a generous depth of frontage to provide a strong sense of address and safe/clear access to each dwelling. No front fencing is proposed to any dwelling.

Clause 55.03 Site layout and building massing:

The street setback at 5.81 metres is consistent with the average of the adjoining properties providing a transition between the adjacent unit development and detached dwelling abutting the subject site. This allows for generous landscaping and maintains a rhythm of development through the streetscape.

Building heights (maximum height of 5.22 metres), site coverage (46.41 per cent) and permeability are all within the required standards.

Energy efficiency, safety, access and parking location are all considered appropriate and also in accordance with the required standards.

Clause 55.04 Amenity Impacts:

The proposed development is expected to have a very limited impact on the amenity of existing dwellings as all dwellings are proposed to be single storey, avoiding impacts associated with overshadowing, overlooking and solar access.

Internal impacts such as views and noise impacts are also managed appropriately and in accordance with the relevant standards.

The garage wall to the western of unit 1 is situated along the property boundary but is of a length and average height that is consistent with the standards and well separated from the neighbouring dwelling to ensure there will be no material detriment to 42 Gardner Street.

Clause 55.05 On Site Amenities and Facilities:

The development has been designed to provide a sense of identity for each dwelling and adequate open space areas in accordance with the requirements of Clause 55. The proposal has been designed to ensure adequate provision of on-site amenities and facilities, including accessibility, daylight and solar access.

Clause 55.06 Detailed Design:

The design details of the proposed development are compatible with the character of the surrounding area.

A conventional yet contemporary residential standard of design is used to compliment with the surrounding area. It includes features such as eaves, front porches and weatherboard that draw on some of the more traditional aspects along the street.

Dwelling 1 includes private access while dwellings 2 and 3 are accessed through one common property access way. It is considered that all site services and facilities can be provided to the site, and this will take the form of conditions on any permit issued.

Storage requirements for each dwelling are satisfied.

Objections

Inconsistent with character of the area

While the subject site is situated in an established area of Koo Wee Rup, this area demonstrates a transitional character of a development pattern characterised by a two and three unit developments on former 1000 square metre allotments. However, the development ensures a level of integration with traditional character through its use of traditional building elements and a generous street setback that allows a modest transition to established dwellings while also retaining the single storey character that is most consistent along Gardner Street.

Inconsistent with the township strategy

The strategy highlights competing objectives including encouraging unit development in proximity to the town centre whilst also seeking to maintain 70% of allotments greater than 700 square metres in area. There is no data available to Council to confirm this objective is met however it is noted there is sufficient supply of large residential allotments to cater for mixed demand in housing. Additionally, although the strategy is an incorporated document in the Cardinia Planning Scheme, stronger strategic weight is given to state and local policies in providing greater housing diversity and housing options within well-serviced areas of our communities.

Traffic congestion, parking and pedestrian safety

The proposal complies with the car parking requirements of the scheme by providing two spaces for each of the dwellings while sufficient frontage is maintained to accommodate overflow or visitor parking. Access is designed to ensure units two and three can enter and exit the property in a forward direction, further minimising road safety risk.

While a greater density of dwellings will result in an increase of traffic through the surrounding road network, this is an anticipated consequence of infill development. Periodic fluctuations in traffic conditions are expected given the proximity to a primary school and not considered to be beyond the capacity of the network.

Loss of vegetation

Measures are taken to retain vegetation where possible, there are no planning controls that protect vegetation on the site and all vegetation is located centrally in the allotment within the development.

To assisting in improving the environmental qualities of the site and soften the built form a landscaping plan with a mixture of tree, shrub and ground cover planting will form a condition of issue to the satisfaction of Council.

Advertising sign not posted on-site.

Signage was required as part of the public notice process and a statutory declaration has been provided to confirm these obligations have been met. Due to the lockdown and challenges obtaining witnessed documents, that Statutory Planning Department are accepting declarations signed by the applicant only. It is further noted that letters have been provided to all adjoining properties in accordance with the Planning and Environment Act 1987.

Clause 65 – Decision guidelines

In addition to the consideration of the above clauses, the responsible authority must also consider:

The orderly planning of the area.

The proposal is uniform development consistent with the emerging pattern of the area.

The effect on the amenity of the area.

Amenity concerns are addressed through building scale and layout to ensure off-site amenity is protected. A single-storey built form that accommodates all parking on-site ensures impact will be offset by the net community benefits.

The proximity of the land to any public land.

There is no public land within proximity to the development.

Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
The proposal is not expected to result in land degradation, salinity or water quality issues.

Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.

Passive and active stormwater solutions are to be employed to manage the impacts of stormwater including the use of Rain Gardens and a Stormwater Detention System.

The extent and character of native vegetation and the likelihood of its destruction.

Native vegetation is not protected by the planning controls on the property.

The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Flood hazard is a recognised risk to the area that is identified by low-lying land. The resulting development, through the inclusion of conditions will ensure on and off site impacts are minimised and the dwellings are designed to ensure a level of future proofing.

Conclusion

It is recommended planning permit application T190541 for the development of the land for three dwellings is supported, subject to conditions.

Conditions

1. Before the development starts, 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 the permit. The plans must be drawn to scale and fully dimensioned. The plans must be generally in accordance with the development plans submitted with the application but modified to show:
 - a) Plans in accordance with condition 18
 - b) A Landscape Plan showing:
 - i. Details of surface finishes of pathways and driveways.
 - ii. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - iii. Landscaping and planting within all open areas of the subject land, including front setbacks to all units, rear private open space and the common property area to the rear of the units
 - iv. A selection of amenity trees (minimum two metres tall when planted) within the front setback of Gardner Street

All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact site lines for vehicles or pedestrians.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Engineering

4. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

Note: As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

5. Before the development is occupied, all proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
6. Before the development is occupied a residential standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
7. Before the development is occupied any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority
8. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system
9. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
10. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties
11. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority
12. The development must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
 - a. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
 - b. Power and telephone lines to all new dwellings must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land.
 - c. A bin storage area must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood.
 - d. A mail box must be provided to the satisfaction of the Responsible Authority and Australia Post.

- e. A clothesline must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood.
- f. Lighting must be provided near the front entrance of each dwelling.
- g. The landscaping works shown on the endorsed plans must be carried out and completed.

Landscaping

13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

Car parking

14. The dimensions and layout of the proposed access and parking areas must be in accordance with the requirements of Clause 52.06 of the Cardinia Planning Scheme.

Amenity

15. All residential waste must be stored within the specified bin storage area for each dwelling. Garbage bins are to be placed on the street for collection in a tidy manner on the appropriate waste collection day for the area.
16. Any external lighting must be designed, baffled and located so as to not detrimentally affect the adjoining land to the satisfaction of the Responsible Authority
17. All residential waste must be stored within the specified bin storage area for each dwelling. Garbage bins are to be placed on the street for collection in a tidy manner on the appropriate waste collection day for the area.

Melbourne Water

18. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
- a) Finished floor levels of Unit 3 set no lower than 5.1 metres to AHD.
 - b) Garage 3 must be changed to a carport, constructed at natural surface level with no sides.
19. The dwellings must be constructed with finished floor levels set no lower than 5.1 metres to Australian Height Datum, which is 300mm above the applicable flood level of 4.8m to AHD.
20. The garages must be constructed with finished floor levels set no lower than the applicable flood level of 4.8m to AHD.
21. The carport at unit 3 must be constructed at natural surface level and remain open for the life of the structure. No doors are to be used on this structure.
22. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
23. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings, garages and driveway ramps
24. The concrete driveway must be constructed at natural surface level to allow for the passage of overland flows.

25. A minimum setback of 1.5m must be maintained from the northern property boundary to allow for the passage of overland flows.
26. Any new internal fence must be of an open style of construction (minimum 50% open) unless with the written consent of Melbourne Water, to allow for the passage of floodwaters/ overland flows.

Notes:

- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.

Melbourne Water

- The property is located within zone 4 of the Koo Wee Rup Flood Protection District. Information available at Melbourne Water indicates that the above property is subject to flooding and the estimated 1% AEP flood level is 4.8m AHD for a storm event with a 1 % chance of occurrence in any one year.

Resolution

Moved Cr Graeme Moore, seconded Cr Michael Schilling.

That Council issue a Notice of Decision to Grant Planning Permit T190541 for development of land for three (3) dwellings at 44 Gardner Street, Koo Wee Rup VIC 3981 subject to the following conditions:

1. Before the development starts, 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 the permit. The plans must be drawn to scale and fully dimensioned. The plans must be generally in accordance with the development plans submitted with the application but modified to show:
 - a) Plans in accordance with condition 18
 - b) A Landscape Plan showing:
 - i. Details of surface finishes of pathways and driveways.
 - ii. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - iii. Landscaping and planting within all open areas of the subject land, including front setbacks to all units, rear private open space and the common property area to the rear of the units
 - iv. A selection of amenity trees (minimum two metres tall when planted) within the front setback of Gardner Street

All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact site lines for vehicles or pedestrians.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Engineering

4. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

Note: As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

5. Before the development is occupied, all proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete,

asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.

6. Before the development is occupied a residential standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
7. Before the development is occupied any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority
8. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system
9. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
10. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties
11. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority
12. The development must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
 - h. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
 - i. Power and telephone lines to all new dwellings must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land.
 - j. A bin storage area must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood.
 - k. A mail box must be provided to the satisfaction of the Responsible Authority and Australia Post.
 - l. A clothesline must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood.
 - m. Lighting must be provided near the front entrance of each dwelling.
 - n. The landscaping works shown on the endorsed plans must be carried out and completed.

Landscaping

13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

Car parking

14. The dimensions and layout of the proposed access and parking areas must be in accordance with the requirements of Clause 52.06 of the Cardinia Planning Scheme.

Amenity

15. All residential waste must be stored within the specified bin storage area for each dwelling. Garbage bins are to be placed on the street for collection in a tidy manner on the appropriate waste collection day for the area.
16. Any external lighting must be designed, baffled and located so as to not detrimentally affect the adjoining land to the satisfaction of the Responsible Authority
17. All residential waste must be stored within the specified bin storage area for each dwelling. Garbage bins are to be placed on the street for collection in a tidy manner on the appropriate waste collection day for the area.

Melbourne Water

18. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
 - a) Finished floor levels of Unit 3 set no lower than 5.1 metres to AHD.
 - b) Garage 3 must be changed to a carport, constructed at natural surface level with no sides.
19. The dwellings must be constructed with finished floor levels set no lower than 5.1 metres to Australian Height Datum, which is 300mm above the applicable flood level of 4.8m to AHD.
20. The garages must be constructed with finished floor levels set no lower than the applicable flood level of 4.8m to AHD.
21. The carport at unit 3 must be constructed at natural surface level and remain open for the life of the structure. No doors are to be used on this structure.
22. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
23. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings, garages and driveway ramps
24. The concrete driveway must be constructed at natural surface level to allow for the passage of overland flows.
25. A minimum setback of 1.5m must be maintained from the northern property boundary to allow for the passage of overland flows.
26. Any new internal fence must be of an open style of construction (minimum 50% open) unless with the written consent of Melbourne Water, to allow for the passage of floodwaters/ overland flows.

Notes:

- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.

Melbourne Water

- The property is located within zone 4 of the Koo Wee Rup Flood Protection District. Information available at Melbourne Water indicates that the above property is subject to flooding and the estimated 1% AEP flood level is 4.8m AHD for a storm event with a

1 % chance of occurrence in any one year.

Carried

6.1.4 Alterations and Additions to Existing Dwelling and Outbuilding, 197 Quamby Road, Beaconsfield Upper

File Reference: T200167
 Responsible GM: Peter Benazic
 Author: Jason Gillbert

Recommendation(s)

That Council issue a Notice of Decision to Grant Planning Permit T200167 for alterations and additions to an existing dwelling and outbuilding at 197 Quamby Road, Beaconsfield Upper VIC 3808 subject to the conditions attached to this report.

Attachments

1. Locality Map [6.1.4.1 - 1 page]
2. Plans and Drawings [6.1.4.2 - 11 pages]
3. CONFIDENTIAL - Copy of Objections - Circulated to Councillors only [6.1.4.3 - 43 pages]

Executive Summary

APPLICATION NO.:	T200167
APPLICANT:	Nine in Six Builders Pty Ltd C/- Planning & Property Partners Pty Ltd
LAND:	197 Quamby Road, Beaconsfield Upper VIC 3808
PROPOSAL:	Alterations and additions to an existing dwelling and outbuilding
PLANNING CONTROLS:	Green Wedge A Zone Schedule 2 Bushfire Management Overlay, Environmental Significance Overlay Schedule 1
NOTIFICATION & OBJECTIONS:	Notification was given by letters to the owners and occupiers of adjoining and surrounding properties. Ten (10) objections have been received to date. One letter of support was submitted.
KEY PLANNING CONSIDERATIONS:	Neighbourhood and rural character; Environmental and landscape values; Bushfire protection; Upper Beaconsfield Township Strategy.
RECOMMENDATION:	Notice of Decision to Grant Planning Permit

Background

The following planning permit history is on file for the subject land:

- Planning Permit T94/337 was issued by the Shire of Pakenham on 15 September 1994 for “the construction and use of a 7.2 x 6.0m domestic shed, including loft generally in accordance with the approved plan.”

Subject Site

The site is legally described as Lot 1 on Lodged Plan 83659 and more generally known as 197 Quamby Road, Beaconsfield Upper. There are no restrictions or other agreements registered on title.

The rectangular-shaped allotment is located on the western side of Quamby Road and has an area of approximately 1,143 square metres, with a frontage of 21.32 metres and maximum depth of 53.63 metres.

The site has been improved by a single-storey dwelling, which is located towards the rear half of the site, with a setback of approximately 25 metres from the street and minimum side setbacks of approximately 3 metres. An outbuilding (shed/loft) is located within the front setback, with a setback of approximately metres 2 from the street and 1.5 metres from the southern side boundary.

The site is mostly clear of vegetation, with the exception of trees along the front boundary and a row of hedging that extends along the majority of the southern side boundary. Aerial photo records indicate that vegetation may have been previously removed, particularly within the front setback.

An unsealed crossover from Quamby Road is located towards the northern end of the site frontage. The site does not contain any easements but appears to benefit from a drainage easement on the adjoining allotment to the north-west. Swale drains are located within Quamby Road.

The land slopes from the east to the west, with levels ranging between approximately 157.5 metres and 156 metres to AHD.

The main characteristics of the surrounding area are:

- An approximate 3.5-hectare irregular-shaped allotment is located to the north and east of the site, known as 201 Quamby Road, which has been developed with a double-storey dwelling, outbuildings and swimming pool. The remainder of the land includes a dam and scattered trees and vegetation.
- Quamby Road is located on the south side of the site, and opposite are large allotments between approximately 3.5 to 8.3 hectares in area, each of which have been developed with single dwellings and feature scattered vegetation.
- To the west of the site is an approximate 0.5-hectare rectangular-shaped allotment, known as 189 Quamby Road, which contains a double-storey dwelling, outbuilding and scattered vegetation.

The site forms part of an area of land zoned Green Wedge A located on the western edge of the Beaconsfield Upper township. With an area of 1,143 square metres, the size of the subject site is an anomaly compared to most lots in the surrounding area which are much larger.

The area has a strong rural character, which is reinforced by the undulating topography, large lot sizes, spacious building setbacks and a mixture of open and vegetated landscapes. Most development is generally screened behind trees and vegetation along the front boundaries.

Further north and south of the site is land zoned Rural Conservation Zone. These areas consist of larger allotments with denser vegetation coverage.

Other features to note include Brisbane Creek, which is located approximately 200 metres to the east, and Beaconsfield-Emerald Road, which is located approximately 150 metres to the north-east.

Relevance to Council Plan

Nil.

Proposal

The proposal is for alterations and additions to the existing dwelling and outbuilding, although very little of the existing dwelling will remain. The existing roof and majority of walls and openings of the dwelling will be removed, as will the deck on the southern side of the building.

The dwelling, which currently consists of three bedrooms, kitchen and living/dining area across a single level, will be transformed into a double-storey dwelling containing living areas at ground floor level and four bedrooms at first floor level.

A new double garage and loft will be constructed on the east side of the dwelling, while a verandah and deck will extend along the south, east and west sides of the dwelling. A swimming pool is located within the front setback and connected to the deck.

The existing outbuilding (shed/loft) close to the Qumaby Road frontage will be retained and the loft will be enlarged to create a larger office space.

The dwelling will be finished in white vertical timber wall cladding, 30-degree pitched metal roofing and white aluminium-framed windows and doors.

Minimal earthworks are proposed. Some trees and vegetation are proposed to be removed under the bushfire protection exemptions of Clause 52.12.

Overall, the dwelling will have a maximum height of 12.325 metres, the expanded shed/loft will have a maximum height of 7.495 metres and the new garage/loft will have a height of 8.135 metres.

Planning Scheme Provisions

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- 11.01-1R Green wedges - Metropolitan Melbourne
- 12.05-2S Landscapes
- 13.02-1S Bushfire planning
- 15.01-2S Building design
- 15.01-5S Neighbourhood character
- 15.01-6S Design for rural areas
- 15.02-1S Energy and resource efficiency

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- 21.01 Cardinia Shire Key Issues and Strategic Vision
- 21.02-2 Landscape
- 21.02-4 Wildfire management
- 21.02-8 Resource conservation
- 21.03-1 Housing
- 21.03-3 Rural townships
- 21.06-1 Design and built form
- 21.07-5 Upper Beaconsfield

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 51.02 Metropolitan Green Wedge Land: Core Planning Provisions
- Clause 53.02 Bushfire Planning
- Clause 65 Decision Guidelines
- Clause 66 Referral and Notice Provisions
- Clause 71.02-3 Integrated decision making
- Upper Beaconsfield Township Strategy (July 2009) (incorporated document)

Zone

The land is subject to the **Green Wedge A Zone (Schedule 2)**

Overlays

The land is subject to the following overlays:

- Environmental Significance Overlay (Schedule 1)
- Bushfire Management Overlay

Planning Permit Triggers

The proposal requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 35.05-5 of the Green Wedge A Zone, a permit is required to construct a building or carry out works
- Pursuant to Clause 42.01-2 of the Environmental Significance Overlay, a permit is required to construct a building or carry out works
- Pursuant to Clause 44.06-2 of the Bushfire Management Overlay, a permit is required to construct a building or carry out works associated with Accommodation.

Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land.

The notification has been carried out correctly, and Council has received ten (10) objections to date. The key issues that were raised in the objections are summarised as:

- Excessive height and bulk and non-compliance with setback/height requirements
- Issues relating to stormwater and wastewater management
- The reliance on adjoining land for defensible space
- The impact on the heritage-listed site to the north-east
- Amenity impacts, including overlooking
- Incompatible with the neighbourhood character
- Non-compliant with the Upper Beaconsfield Township Strategy

One letter of support was received, which encouraged the addition of a 'new family home' to the area.

Referrals

Country Fire Authority

The application was referred to the Country Fire Authority (CFA) as a statutory referral under section 55 of the Act. The CFA had no objection to the proposal subject to conditions.

Discussion

The application is for alterations and additions to an existing dwelling and outbuilding, which requires a planning permit under the provisions of the Green Wedge A Zone, Environmental Significance Overlay and Bushfire Management Overlay.

The Planning Scheme is clear that just because a permit can be granted does not imply that a permit should or will be granted, with Council to decide whether the proposal will produce acceptable outcomes in terms of the Municipal Planning Strategy, the Planning Policy Framework, the purpose and decision guidelines of the zone and overlays and the other decision guidelines in Clause 65.

Both the Green Wedge A Zone (GWAZ) and the Environmental Significance Overlay (ESO) have purposes and decision guidelines that have a strong focus on landscape character and environmental values.

For example, the GWAZ seeks to protect, conserve and enhance the cultural heritage significance and the character of rural and scenic non-urban landscapes. Its decision guidelines cover a range of matters and of particular relevance to the proposal are:

- Whether the site is suitable for the use or development and whether the proposal will have an adverse impact on surrounding land uses.
- The need to protect the amenity of existing residents.
- The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty or importance.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to minimise adverse impacts of the siting, design, height, bulk, colours and materials to be used on major roads, landscape features and vistas.

The ESO applies to the site as it sits within the hills area in the northern part of the municipality, which is identified for its significant landscape and environmental values. Schedule 1 of the ESO seeks to achieve a number of environmental objectives, including:

- To protect and enhance the significant environmental and landscape values in the northern hills area including the retention and enhancement of indigenous vegetation.
- To ensure that the siting and design of buildings and works does not adversely impact on environmental values including the diverse and interesting landscape, areas of remnant vegetation, hollow bearing trees, habitat of botanical and zoological significance and water quality and quantity.
- To ensure that the siting and design of buildings and works addresses environmental hazards including slope, erosion and fire risk, the protection of view lines and maintenance of vegetation as the predominant feature of the landscape.

Similar to the GWAZ, the decision guidelines of the overlay cover matters such as the impacts of development on the environmental and landscape values of the area. It has a strong focus on the retention and enhancement of vegetation, management of soil and water quality and measures to address hazards such as fire and erosion.

In relation to hazards, the existence of the Bushfire Management Overlay (BMO) confirms that the bushfire hazard of the area warrants bushfire protection measures to be implemented. It has a purpose to ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

In addition to the zone and overlays, a number of other state and local objectives and strategies are relevant to the proposal, such as those at:

- Clauses 11.01-1R (Green wedges - Metropolitan Melbourne), 12.05-2S (Landscapes) and 21.02-2 (Landscape), which seek to protect green wedges and landscapes from inappropriate development.
- Clauses 15.01-2S (Building design), 15.01-5S (Neighbourhood character), 15.01-6S (Design for rural areas) and 21.06-1 (Design and built form), which seek to ensure that development responds to the surrounding neighbourhood and rural character.
- Clause 21.03-1 (Housing), which has an objective to encourage a diversity in housing to meet the needs of existing and future residents.
- Clauses 21.03-3 (Rural townships) and 21.07-5 (Upper Beaconsfield), which seek to maintain and enhance the distinct character and environmental qualities of Beaconsfield Upper.

The key considerations of this application can be summarised by the following points, and a response is provided below:

- The design and built form of the development;
- The impact on amenity;
- Managing the risk of bushfire;
- The impact on the environment;
- The objections and submissions received; and
- The overall acceptability of the proposal.

The design and built form of the development

The proposal will deliver a very different design and built form than currently exists on the land, and the perceptibility of this change will be more pronounced due to the relatively small area of the land compared to the surrounding area.

While the proposal significantly transforms the existing dwelling, the dwelling continues to remain based around the footprint and setbacks of the existing dwelling. In relation to building

footprint, this will increase from 283 square metres to approximately 468 square metres, but this remains less than approximately 41 per cent of the overall area of the site.

The architecture provides a contemporary outcome that incorporate barn-style elements to reflect the rural nature of the area. The vertical timber cladding reinforces the verticality of the surrounding treescape. The 'matt basalt' colour of the metal roof helps to soften and reduce the dominance of the prominent roof.

At a maximum height of 12.325 metres, the height is taller than other nearby dwellings. The dwelling remains subordinate to some surrounding trees but it would dwarf others. Its location close to the ridgeline increases the sensitivity of the site and vegetation along boundaries would only provide partial screening.

However, a constraint of the site is its relatively small area compared to others. Clause 21.03-3 describes the diverse range of lot sizes in the hills towns as an "intrinsic part of their character." Inevitably, these diverse lot sizes will also result in diverse development types.

This diversity should not be overwhelming. While the development includes the key elements that respond to the rural nature, there are other elements that are not responsive. The small size of the site means that it is unable to 'hide' these elements through measures such as larger setbacks or intensive landscaping.

The height represents what could be an almost 3 to 4-storey building with no functional justification for such a height. The expansion of the shed/loft along the street front is not in accordance with policies that seek to reduce the dominance of buildings and respect neighbourhood character, which will only be exacerbated by the removal of trees along the front boundary. The 'vivid white' colour of external walls is not a colour that 'complements the natural environment' as encouraged by local policy.

These elements are not fatal to the application and can be addressed via the following proposed conditions of any planning permit:

- The maximum height be reduced to 9 metres. (the 9m height is informed by the maximum heights of dwellings on adjoining sites (e.g. 7.3m at 189 Quamby Rd) and by using the residential zones and Clause 54 as a reference).
- The first-floor changes to the shed/loft be deleted or amended to be similar to the floor plan of the existing floor plan so as not to result in an expansion of the size of this building.
- A revised colour schedule to reflect the bushland character.

It should be noted that there is nothing in the zone, overlays or state and local policies that place a limit on the height or size of a dwelling. There is also nothing that specifies a development should not be visible or should not have a presence in the streetscape or surrounding landscape.

Rather, the relevant provisions of the Planning Scheme seek to ensure that development minimises its environmental and landscape impact, retains the character and appearance of an area and respond to surrounding character.

With conditions managing the colour schedule and limiting the height and expansion of the shed/loft, the development is not incompatible with these intentions. While it would continue to remain large, the development is proportionate to the scale of the landscape, which mostly consists of large allotments. There is no consistency in terms of building patterns, with neighbouring and surrounding sites consisting of a variety of building types, front setbacks, site

coverage and vegetation coverage. The proposal adds to this variety, and importantly, it continues the rural theme of the area.

The impact on amenity

A decision guideline of the GWAZ is the need to protect the amenity of existing residents. Unlike development within residential zones which is captured under the amenity standards and objectives of clauses 54 and 55 of the Planning Scheme, there are no amenity standards or objectives specified in the GWAZ.

It is noted that the proposal does not introduce a new land use but continues the existing residential use of the land, which is consistent with the residential use of surrounding sites. Any amenity impacts of the development are limited by virtue of the lack of neighbouring sites, and location and siting of nearby dwellings.

For example, the site is enveloped by one lot to the north and east, and the dwelling on this lot is located a minimum of 20 metres from the shared boundary. Only one lot is located opposite the site, and the dwelling on this lot is setback approximately 35 metres from the subject site. Similarly, only one lot is located to the south of the site, and this dwelling is setback approximately 15 metres from the shared boundary.

Clause 54 (One Dwelling on a Lot) provides some guidance for amenity impacts and the proposal responds positively to all objectives as per below:

- Side and rear setbacks: the rear setback is well within the requirements of standard A10 but the side setbacks encroach the standard by approximately 2.5 metres. Despite this, any amenity impact is avoided due to the setbacks of the neighbouring dwellings and their primary areas of secluded private open space, which are located well away from the boundaries.
- Walls on boundaries: there are no walls proposed on any boundary.
- Daylight to existing windows: all existing habitable room windows will continue to receive adequate daylight.
- North facing windows: there are no north facing windows of existing dwellings located within 3 metres of the boundary.
- Overshadowing open space: the large size of adjoining allotments means that there will be no unreasonable overshadowing of existing secluded private open space.
- Overlooking: there are no habitable room windows within 9 metres of the proposed development and while there is potential for overlooking of private open space of the dwelling to the west, the primary area of secluded private open space remains unaffected.

The impact on the environment

The development mostly avoids any impact on the environment.

This is achieved by utilising the footprint of the existing dwelling and by siting development within cleared areas of the land. The retention of the existing dwelling also means that earthworks are limited, and where earthworks are being undertaken, there is no impact on surrounding vegetation.

No trees or other vegetation are proposed to be removed (except those exempt under the bushfire protection exemptions of Clause 52.12), which is in accordance with objectives of the Planning Scheme to retain and protect existing vegetation. However, the Planning Scheme also emphasises the need for re-vegetation and enhancement of the environment. With just under 41 per cent site coverage, it is considered that there is ample opportunity for landscaping and re-vegetation of the site, which can be requested via a condition of any planning permit.

Another potential environmental impact is the hazards associated with effluent management. The site does not have access to sewer and therefore any dwelling is required to treat and retain wastewater on-site in accordance with relevant policies and regulations. This is a requirement of Clause 35.05-2 of the GWAZ, and the impact of wastewater management is a decision guideline of the zone and the ESO1.

The applicant has submitted a Land Capability Assessment (LCA) prepared by a qualified geotechnical consultant which concludes the following:

“From this investigation it is concluded that the use of an on-site wastewater treatment and disposal system is environmentally sustainable if the recommendations made in this report are followed.”

The LCA has been reviewed by Council’s Health Department, which provided conditional consent to the proposal. Subject to conditions, it is determined that the site is capable of on-site treatment and retention of wastewater without negative environmental impacts.

Managing the risk of bushfire

The site is located in a Bushfire Prone Area and affected by the Bushfire Management Overlay. The BMO includes the following purposes:

- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.
- To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

The prioritisation of the protection of human life over all other policy considerations is also identified in Clause 13.02-1S. This clause requires consideration to be given to the risk of bushfire to people, property and community infrastructure, the implementation of appropriate bushfire protection measures to address the identified bushfire risk and the implementation of these measures without unacceptable biodiversity impacts. These provisions are supported at a local level by Clause 21.02-4.

As per Clause 44.06-4 of the Bushfire Management Overlay, an application must meet the requirements of Clause 53.02 (Bushfire Planning). In particular, Clause 53.02-4 applies to the proposal and an assessment is provided below.

53.02-4.1 Landscaping siting and design objectives:

AM2.1 – the bushfire risk can be mitigated to an acceptable level, with the site and surrounding properties featuring fragmented vegetation and a low-moderately complex terrain.

AM2.2 – the separation distance from bushfire hazard is maximised as far as possible, and the site is in close proximity to Quamby Road and nearby to Beaconsfield-Emerald Road.

AM2.3 – the design of the building provides an improved response to bushfire risk than the existing dwelling and is of an appropriate design and layout to reduce the impact of bushfire impact on the building.

53.02-4.2 Defendable space and construction objective:

AM3.1 – the development is to be constructed to BAL29 and achieves defendable space to boundaries on all sides of the dwelling and outbuildings.

53.02-4.3 Water supply and access objectives:

AM4.1 – the proposal includes the provision of two 5,000 litre water tanks and vehicle access in accordance with the requirements of Table 4 and Table 5 of Clause 53.02-5 respectively.

The application has been referred to the Country Fire Authority, which has supported the application subject to conditions that will be placed on any planning permit.

Overall, subject to conditions, it is considered the development represents an acceptable outcome in response to bushfire risk, with the building having appropriate measures in regards to siting, construction standards, access and water supply.

The objections and submissions received

Ten objections have been received to date and the key issues are summarised and responded to below.

Excessive height and bulk and non-compliance with setback/height requirements.

- The height and bulk of the development has been discussed previously. With reference to the relevant planning provisions, the key question is what impact will the height and bulk have on the rural, landscape and environmental character of the area?
- The proposal minimises its environmental impact and while the development will result in a change to the immediate landscape, it will have an insignificant impact on the broader landscape significance of the area subject to condition managing the height and scale of certain building elements.
- It should be clarified that the setback and height requirements specified in the zone and overlays are ‘permit triggers’ and not mandatory requirements to be met.
-

Issues relating to stormwater and wastewater management.

- The submitted application documents confirm that the land is capable of on-site wastewater disposal and retention. This has been reviewed by Council’s Health Department and conditions of permit will require that wastewater management is carried out in accordance with requirements.

Conditions of permit will also require that stormwater is appropriately managed.

- The reliance on adjoining land for defensible space.
 - The Bushfire Management Plan (BMP) has been amended to ensure that defensible space for the development is located wholly within the boundaries of the subject site. The amended BMP has been reviewed by the CFA, which has provided conditional consent to the proposal.
- The impact on the heritage-listed site to the north-east.
 - The adjoining site to the north-east (201 Quamby Road) is partially affected by a Heritage Overlay (Schedule 148), which recognises the garden extent, layout, plantings and landscape elements of the property known as 'Staverton'. The elements are identified as being of local historic and aesthetic significance to Upper Beaconsfield.
 - Subject to conditions, including measures for tree management and protection, it is considered that the proposal will not adversely affect the heritage significance of the adjoining site.
- Amenity impacts, including overlooking.
 - As discussed earlier, the proposal is not expected to have any unacceptable amenity impacts on surrounding sites. The land use remains unchanged and while neighbours may experience a change to their amenity, this is not considered unreasonable.
- Incompatible with the neighbourhood character.
 - The neighbourhood character is clearly of a rural nature but there is no consistency in terms of building patterns, with neighbouring and surrounding sites consisting of a variety of building types, front setbacks, site coverage and vegetation coverage. The proposal adds to this variety, but importantly, it is capable of maintaining the rural character of the area.
- Non-compliant with the Upper Beaconsfield Township Strategy.
 - The Upper Beaconsfield Township Strategy is an incorporated document of the Planning Scheme and must be considered where appropriate. The Strategy has limited applicability to the proposal as the subject site is located outside of the township boundaries as shown in Figure 1 of the Strategy.
 - Nonetheless, the Strategy identifies the land as being within 'Precinct 7 - Land Located Outside of Township Boundary' which contains a number of guidelines. Subject to conditions, the development is considered to meet the intent of the guidelines

The overall acceptability of the proposal

The Planning Scheme encourages decision-makers to balance the various policy objectives to achieving acceptable outcomes. With regard to the relevant decision guidelines, the application can achieve an acceptable outcome that minimises its impact on the environment, landscape and amenity of the area. While there will be a change in the appearance of the area, the development provides a contemporary response to the rural nature of the area and this can be further managed via conditions of any planning permit.

Conclusion

Based on the above, the proposal is consistent with the Cardinia Planning Scheme and it is recommended that a Notice of Decision to Grant Planning Permit T200167 be issued for alterations and additions to an existing dwelling and outbuilding at 197 Quamby Road, Beaconsfield Upper VIC 3808 subject to the following conditions:

Conditions

Plans required

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - a. A maximum building height of 9.0 metres for the dwelling.
 - b. The changes to the floor plan of the first floor of the shed/loft be deleted or amended to be similar to that of the existing floor plan.
 - c. Elevations drawings for the shed/loft
 - d. A revised colour schedule to include tones and colours that reflect the bushland character of the area.
 - e. Any changes necessary to address the Tree Protection Plan of Condition 3.
 - f. A Landscape Plan in accordance with Condition 2.
 - g. A Tree protection Plan in accordance with Condition 3.

When approved, the plans will be endorsed and form part of this Permit.

2. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - b. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - c. Details of surface finishes of pathways and driveways.
 - d. Landscaping and planting within all open areas of the subject land.
 - e. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - f. The planning schedule must include a minimum of 85% indigenous plant species and must not include any listed environmental weeds known in Cardinia Shire.

All species selected must be to the satisfaction of the Responsible Authority.

When approved, the plan will be endorsed and will then form part of the permit.

3. Before the development starts, a Tree Protection Plan prepared by a person suitably qualified must be submitted to and approved by the Responsible Authority. When approved, the Tree Protection Plan will be endorsed and will then form part of this permit. The Tree Protection Plan must specify measures necessary to protect the trees to be retained within the site and on adjoining land.

General

4. The development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
6. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the building, including the roof, must be of a non-reflective nature.
7. Before the dwelling is occupied, it must meet the following requirements:
 - a. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
 - b. The dwelling must be connected to a reticulated sewerage system or if not available, the wastewater must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
 - c. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
 - d. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

Environment

8. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Protection Plan, to the satisfaction of the Responsible Authority.

Landscaping

9. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

Bushfire

11. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.
12. The Bushfire Management Plan prepared by Nexus Planning, drawing no. Version 2, dated 3 July 2020 must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

Engineering

13. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.
14. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
15. All stormwater must be conveyed by means of drains to satisfactory points or areas of discharge approved by the Responsible Authority, so that it will have no detrimental effect on the environment or adjoining property owners.
16. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.

Environmental Health

17. All wastewater from proposed dwelling must be treated and contained on site in accordance with the EPA Septic Tank Code of Practice and Council requirements.
18. Backwash from the swimming pool/spa must either be discharged offsite at a legal point of discharge or disposed of on site in such a manner that it will not adversely affect the effluent disposal envelope.
19. All wastewater from the dwelling must be discharged into the reticulated sewerage system to the satisfaction of the responsible authority, within 3 months of the sewerage system becoming available to the property.

Expiry:

A permit for the development of land expires if—

- a. The development does not start within **two (2) years** after the issue of the permit; or
- b. The development is not completed within **four (4) years** after the issue of the permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Resolution

Moved Cr Brett Owen, seconded Cr Leticia Wilmot.

That Planning Permit Application for T200167 for alterations and additions to an existing dwelling and outbuilding at Lot 1 LP83659, 197 Quamby Road, Beaconsfield Upper VIC 3808 be refused and a Refusal to Grant a Permit be issued on the following grounds:

- The scale, size and height of the development are contrary to the purpose of the Green Wedge A Zone as they do not protect, conserve and enhance the character of the rural and scenic non-urban landscape
- The setbacks and design of the development are contrary to the purpose of the Green Wedge A Zone as they do not recognise and protect the amenity of the existing rural living area
- The bulk and footprint of the development does not achieve the environmental objectives of Schedule 1 to the Environmental Significance Overlay to enhance indigenous vegetation and maintain vegetation as the predominant feature of the landscape
- The development is not in accordance with clauses 11.01-1, 12.05-2S and 21.02-2 as it does not recognise and protect the diverse landscape of the surrounding area
- The development is not in accordance with clauses 15.01-2S, 15.01-5S, 15.01-6S and 21.06-1 as it does not respond to local context or the rural character of the surrounding area
- The development is not in accordance with clauses 21.03-3 or 21.07-5 as it does not maintain and enhance the 'hill-top bushland character' or complement the natural environment of the area
- The development is contrary to Clause 65.01 as it does not represent the orderly planning of the area and will have an adverse impact on the amenity of neighbouring land

Carried

6.1.5 Two Lot Subdivision at Lot AA PS814723U, Cotswold Crescent, Officer VIC 3809

File Reference: T200214
Responsible GM: Tracey Parker
Author: Meghan Ablett

Recommendation(s)

That Council issue a Notice of Decision to Refuse to Grant Planning Permit T200214 for two lot subdivision at Cotswold Crescent, Officer VIC 3809 on the following grounds:

1. The proposal is contrary to the strategies of Clause 15.03-1S - Heritage Conservation as it does not ensure an appropriate setting and context for the heritage place is maintained or enhanced and does not support the adaptive reuse of the heritage buildings.
2. The proposal is contrary to the Purpose and Decision Guidelines of Clause 43.01 - Heritage Overlay as the subdivision does not conserve and enhance the significance of the heritage place and will adversely affect the significance of the heritage place.
3. The proposal is contrary to the Planning and Design Guidelines for Image and Character (Table 5, CA3) in the Officer Precinct Structure Plan and the subdivision does not:
 - a) Integrate heritage sites with adjacent subdivision design.
 - b) Ensure view lines to the front of the heritage buildings from existing roads is maintained.

Attachments

1. Locality Map [6.1.5.1 - 1 page]
2. Plans Assessed [6.1.5.2 - 3 pages]

Executive Summary

APPLICATION NO.:	T200214
APPLICANT:	Timbertop East Pty Ltd C/- Veris Australia
LAND:	Cotswold Crescent, Officer VIC 3809
PROPOSAL:	Two lot subdivision
PLANNING CONTROLS:	Clause 37.07 - Urban Growth Zone – Schedule 3 Clause 32.08 - Applied Zone – General Residential Zone Clause 52.29 - Land Adjacent to a Road Zone Category 1

	Clause 45.06 - Development Contributions Plan Overlay – Schedule 4 Clause 43.01 - Heritage Overlay - HO104 Officer Precinct Structure Plan Clause 21 – Municipal Strategic Statement Clause 15.01-3S – Subdivision Design Clause 15.03-1S – Heritage Conservation Clause 56 – Residential Subdivision Clause 65 - Decision Guidelines
NOTIFICATION & OBJECTIONS:	Notice of the application was not given.
KEY PLANNING CONSIDERATIONS:	Compliance with Planning Policy Appropriateness of the proposed subdivision Impact on existing heritage elements
RECOMMENDATION:	Notice of Decision to Refuse to Grant Planning Permit T200214 on the grounds outlined by this report

Background

The James Hicks Pottery site covered by the Heritage Overlay (HO104) contains the brick kiln, chimney and clay pit. These interrelated heritage elements have historical significance for their association with the Hicks family and the origins and development of the important district brick, pipe and pottery industries, dating back to the 1880s.

An aerial image of James Hicks Pty Ltd Pottery showing the clay pit/dam, kiln and chimney (taken from the draft Conservation Management Plan) is shown below:



The Officer Precinct Structure Plan (the PSP) identifies the brick kiln, chimney and clay pit as having regional significance. In March 2019, a nomination for state significance was lodged with Heritage Victoria. This application is under review.

- The subject site has had various planning permits and applications which are listed below:

- Planning Permit T170233 for the Use of the land for a restaurant and alteration of access from a Road Zone Category 1, was issued on 14 September 2017. The permit has been extended and the use must commence prior to 14 September 2023. Twenty seven (27) car parking spaces were permitted.
- Planning Permit T170128 for Buildings and works including demolition of part of a building (associated structure) and construction of a freestanding wall in a Heritage Overlay generally in accordance with the endorsed plans was issued on 7 September 2017.
- Planning Permit T130742 for the subdivision of land and creation of a reserve was issued on 3 November 2016.
- Planning Application T140447 for the demolition of a building (kiln and associated structures) in a Heritage Overlay was refused on 4 May 2015.
- Planning Application T120401 for the subdivision of the land into two lots was withdrawn 14 December 2012.
- Planning Application T070440 for the use and development of the land for a hotel, bottle shop, nightclub, 60 gaming machines and access to the RDZ1 licenced premise and removal of native vegetation was withdrawn.
- Planning Application T070177 for a market was withdrawn on 18 July 2007.
- Planning Permit T060681 issued 12 February 2007 for the removal of heritage building (weatherboard/cement sheet building).
- Planning Permit T060442 for the removal of non-native vegetation was issued on 6 November 2006.

2015 Draft Conservation Management Plan:

Permit T130742 required the endorsement of a Conservation Management Plan (CMP). This report was prepared by Heritage Insight Pty Ltd and was commissioned by Timbertop East Pty Ltd and dated October 2015. This report was submitted by the permit applicant in lieu of submitting an amended CMP, as requested.

The 2015 Conservation Management Report states that the structural remains of the kiln and chimney are in relatively well-preserved condition as they are protected within a shed and that the structural remains of the kiln and chimney are to be retained and all structural instability rectified in a manner approved for heritage conservation. The shedding has since been removed and the structural remains of the kiln and chimney have been exposed to the natural elements over the last 5 years. As an updated report was not provided the exact structural condition of the kiln and chimney at present is unknown, however it has been observed that the structural remains of the kiln and chimney appear to have significantly deteriorated over time.

- Earlier this year, Parklea the landowners and developers of the Timbertop Estate in Officer approached Council with a proposal to transfer ownership of a portion of the site that holds the kiln (514smq) to Council at no cost. At a general Council Meeting held on 16 March 2020 the recommendation of Council was to accept the land associated with the Officer kiln subject to conditions being met to Council's satisfaction. The offer from Parklea was withdrawn on 17 March 2020.

Subject Site

The site is located on the north side of Princes Highway and south of Grace Street. The site is accessed via Grace Street and there are easements along the south, west and north property boundaries. The site contains an existing brick kiln and associated chimney with temporary fencing surrounding. The remainder of the site is vacant and the topography of the land is flat.

The main characteristics of the surrounding area are:

NORTH:

Developing residential land forming part of the Timbertop East Estate

SOUTH:

Princes Highway and south of the highway is Berwick Pottery and developed residential land forming part of Potters Grove Estate.

EAST:

Existing public open space and Eloise Circuit within the Potters North Side Estate

WEST:

Associated heritage clay pit within the reserve, Timbertop retarding basin and developed residential land forming part of Timbertop Estate.

**Relevance to Council Plan**

Nil.

Proposal

The proposal is for two lot subdivision. Details are as follows:

Lot 1:

- 1245 square metres in size
- The indicative building envelope is an irregular shape and is approximately 656 square metres in area.
- Setbacks of the indicative building envelope are as follows: 6 metres from southern boundary, 6 metres from eastern boundary, 4 metres from northern boundary, 3 metres from western boundary and 9 metres from the south west boundary corner

Lot 2:

- Contains the existing kiln and chimney
- 514 square metres in size
- The indicative building envelope is 20 metres by 10 metres.

- Setbacks of the indicative building envelope are as follows: 6 metres from the southern boundary, 2 metres from the eastern boundary and 4 metres from the northern and western boundaries.

It is noted that the indicative building envelopes demonstrates that a dwelling could be developed on each lot. A planning permit would be required for any development on land covered by the Heritage Overlay.

Planning Scheme Provisions

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 15.01-3S – Subdivision Design
- Clause 15.03-1S – Heritage Conservation

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21 – Municipal Strategic Statement

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Officer Precinct Structure Plan
- Clause 52.29 – Land Adjacent to a Road Zone Category 1
- Clause 56 – Residential subdivision
- Clause 65 – Decision Guidelines

Cardinia Shire's Liveability Plan 2017-2029

This proposal has regard to Cardinia Shire's Liveability Plan 2017-2029, in particular:

- *Social Cohesion – conserving heritage places that are of cultural and social significance.*

Zone

The land is subject to the Urban Growth Zone - Schedule 3 and the applied Zone is General Residential Zone

Overlays

The land is subject to the following overlays:

- Development Contributions Overlay – Schedule 4
- Heritage Overlay – H0104

Planning Permit Triggers

The proposal for **two lot subdivision** requires a planning permit under the following Clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 37.07-10 of the Urban Growth Zone a planning permit is required to subdivide land.
- Pursuant to Clause 32.08-3 of the General Residential Zone a planning permit is required to subdivide land.
- Pursuant to Clause 43.01 Heritage Overlay of the Cardinia Planning Scheme a permit is required to subdivide land.

Public Notification

Notice of the application was not given.

Referrals

External Referrals:

Heritage Victoria

The application was referred to Heritage Victoria as a non-statutory referral for comment. No response from Heritage Victoria has been received at the time of drafting this report.

Internal Referrals:

Sustainability and Heritage Planner

The application was referred to Council's Sustainability and Heritage Planner for comment who objects to the proposal for the following reasons:

- The proposed subdivision separates the original clay pit from the associated kiln site, directly impacting on the significance of the site and compromising the context of the site as a whole.
- The applicant has not provided an adequate response to the requested information and there are concerns for the future of the heritage site and the overall impact the subdivision will have on the site.
- The Conservation Management Plan from 2015 is a draft version and the plan does not adequately provide recommendations for future development or subdivision of the kiln site.
- None of the recommendations that were included in the draft Conservation Management Plan have been implemented, including the following;
 - A heritage architect/conservator (built heritage) must be engaged to provide advice on the structural conservation of the kiln and chimney, as well as advice on the removal of the associated shedding that is currently attached to the structures. The heritage architect can assist in the forward planning and design in relation to the future use/s of the structures by providing information as to the best methods of conservation, and whether such conservation works will result in any limitations in terms of the future adaptive reuse.
- Since the development of the Conservation Management Plan the site has not been protected from weather conditions has deteriorated substantially. It has been observed that little to no effort has been made to protect and conserve the Kiln site.

Engineering Department

The application was referred internally to Councils Engineering Department for comment who support the proposal subject to standard conditions.

Discussion

The proposed two lot subdivision is not consistent with the aims and objectives of the State Planning Policy Framework, Local Planning Policy Framework and other relevant planning provisions as outlined below.

Urban Growth Zone – Schedule 3

The application has been assessed against the relevant precinct structure plan, being the Officer Precinct Structure Plan (Amended November 2019), as discussed below.

Officer Precinct Structure Plan (Amended November 2019)

The Officer Precinct Structure Plan identifies the kiln and associated chimney and clay pit to be protected for its heritage values to the local community. The PSP outlines the following relevant Planning and Design Guidelines for Image and Character (Table 5, CA3) that must be met:

- *Integrate heritage sites with adjacent subdivision design*
- *Respond to the key features of identified heritage sites*
- *Ensure view lines to the front of the heritage buildings from existing roads is maintained by:*
 - *siting new development and buildings to the side and rear*
 - *ensuring the land between the front of the heritage buildings and existing road reserves is used for public open space, private open space or a road.*

The PSP identifies the brick kiln, chimney and clay pit as having regional significance for the community.

The proposed subdivision does not adequately integrate the heritage site. The proposed subdivision will result in separation of the interrelated heritage elements being the clay pit located in the reserve to the west of the subject site and the kiln and chimney proposed to be located within Lot 2. The subdivision is excising off the kiln and chimney (Lot 2) with no regard for how the kiln, chimney and clay pit are historically connected.

The applicant has not provided sufficient evidence to show how the subdivision of the land into two lots responds to the key features of the heritage site. The applicant has stated in their letter dated 7 July 2020 that “*Should lot 2 be used/developed Council will have the opportunity to assess the actual proposal and ensure the heritage values of the site are protected and enhanced*”. This is not considered an acceptable response to address how the subdivision responds to the key features of the heritage site. The proposal significantly reduces the land size containing the kiln and chimney which affects the types of use and development opportunities that could be built on the site in the future. It is not considered reasonable to ignore this requirement until an application is received for development of the site.

The proposal does not respond to the heritage features of the site, as it is proposed to excise the heritage features from the remaining vacant land to enable development of that land without having to restore or redevelop the kiln and chimney. In a letter dated 7 July 2020 by the permit applicant, it is stated “*the owner is not obliged to use or develop it [kiln and chimney]*” and “*if lot 2 is not used/developed, then such lot would continue hosting the heritage structures in the same way the subject site hosts them today*”. It is clear that under the current application, it is not proposed to positively restore or adaptively redevelop the heritage place to conserve this place of significance.

The kiln is located 5.1 metres from the southern boundary that abuts the Princes Highway and 5.3 metres from the western boundary abutting an existing reserve. The building envelope plan shows a building envelope on Lot 1 which is setback 6 metres from southern boundary, 6 metres from eastern boundary, 4 metres from northern boundary, 3 metres from western boundary and 9 metres from the south west boundary corner. Currently there are no structures between the kiln/chimney and the reserve to the west where the associated clay pit is located.

There is concern that if proposed Lot 1 was to be developed in the location shown on the proposed building envelope plan, this would block view lines from the public realm including from the existing reserve and impact on view lines from Princes Highway. The proposal creates opportunity to develop the land between the kiln and existing reserve containing the clay pit and it is likely that development on that lot will have an adverse effect on the significance, character and appearance of the kiln and chimney when viewed from the public realm.

The proposal is not in keeping with the Planning and Design Guidelines for Image and Character for the Officer PSP.

Applied Zone – General Residential Zone

In accordance with Clause 32.08-3 an application for subdivision must meet the requirements of Clause 56 - Residential Subdivision (except for Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6). In accordance with Clause 32.08-3 an approved Precinct Structure Plan applies (being the Officer PSP) and therefore the garden area requirements are not applicable.

Clause 56 Residential Subdivision

The application is generally in accordance with the standards and objectives of Clause 56 with an exception of the following:

Clause 56.03-4 – Built environment: The proposal does not contribute to the cultural identity of the site and therefore does not comply with Standard C5.

Clause 56.03-5 – Neighbourhood Character: The proposed subdivision does not respond to neighbourhood character as it does not appropriately protect the significant site features (kiln and chimney) and therefore does not comply with Standard C6.

Land Adjacent to a Road Zone Category 1

The subdivision of land into two lots does not require a planning permit provided no new access is required. The proposal does not create any new access arrangements and therefore a planning permit is not triggered under this Clause.

Heritage Overlay – H0104

The subject site is within a Heritage Overlay, listed as H0104 in the Schedule to the Heritage Overlay. The Heritage Overlay outlines the following purpose:

- To conserve and enhance heritage places of natural or cultural significance
- To conserve and enhance those elements which contribute to the significance of heritage places
- To ensure that development does not adversely affect the significance of the heritage places
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The proposed subdivision separates the original clay pit from the associated kiln and chimney site. The proposed subdivision locates Lot 1 between Lot 2, containing the kiln and chimney, and the original clay pit that adjoins west of the subject site within the existing reserve. In the VCAT hearing *Bucovaz v Greater Geelong CC* [2013] the Tribunal refers to *The Heritage Overlay Guidelines – Subdivision and Consolidation* (Victorian Government Department of Sustainability and Environment 2007). The tribunal states that the Guidelines provide useful rationale for consideration of the subdivision of the land in a Heritage Overlay:

The significance of a Heritage Place sometimes relies on it being seen in its original setting and context, with all the related elements such as gardens, outbuildings, fences, paths or interrelated buildings. The physical relationship of separate structures to each other, as well as the spaces between buildings, may also be of significance. Consequently, in some cases, if a part of a Heritage Place is isolated from its setting, its significance may be diminished or even lost.

This statement is relevant to the proposed subdivision as the proposal impacts on the physical relationship of the separate elements of the heritage place by creating a vacant lot between the clay pit and the kiln and chimney. The proposal isolates parts of the heritage place being the chimney and kiln from its setting adjoining the clay pit. Separating the interrelated heritage elements associated with the Hicks family and early brick and pottery industries in Officer located on the subject site adversely impacts the context and setting of the site as a whole and diminishes the significance of the heritage place.

Clause 15.03-1S Heritage Conservation

The objective of this Clause is to ensure the conservation of places of heritage significance. This Clause identifies strategies to meet this objective, including:

- Ensure an appropriate setting and context for the heritage places is maintained or enhanced.
- Support adaptive reuse of the heritage buildings where *their use has become redundant*.

As discussed above, the clay pit, kiln and chimney are interrelated heritage elements associated with James Hicks Ptd Ltd Pottery and that is why the Heritage Overlay (HO104) covers the area including the kiln and chimney as well as the clay pit located west of the kiln. The proposed subdivision isolates the kiln and chimney from the associated clay pit adjoining west of the subject site. Separating these interrelated heritage elements does not respect the original spacing and setting of James Hicks Pottery Pty Ltd and adversely impacts the context and significance of the heritage place. The proposal will diminish the appearance and character of the heritage Pottery place as the clay pit and the chimney and kiln will no longer be located within adjoining lots. The proposal also creates the potential for development to be located between the interrelated heritage elements which will disrupt the setting and context of the Pottery site.

Reducing the lot size that the kiln and chimney are located within will limit the ability of any future adaptive reuse of the kiln and chimney. The proposal has no regard as to the how the site could be adaptively reused and redeveloped in the future within a reduced lot size (514sqm). It is recognised that the kiln/chimney site is already constrained with existing boundary setbacks on the north, east and south sides, however the land area to west allowed an opportunity for a potential adaptive reuse of the heritage site. The reduction of the lot size containing the kiln and chimney limits the ability of the site to be redeveloped and to conserve the heritage elements, as it would limit the possibility of a range of potential uses due to lack of space for car parking and restricted building size, as shown in the building envelope plan provided by the applicant. The applicant has stated in letter dated 7 July 2020 that *“if Lot 2 is*

to be used/developed, then its most likely would be residential". The applicant has failed to provide evidence of how this site could be used/developed for residential purposes, as the kiln and chimney are located in the middle of the building envelope plan provided by the applicant.

Some other potential adaptive reuses for the kiln and chimney could be a food and drink premises, office and shop. If Lot 2 was to be adaptively reused and redeveloped into a food and drink premises, office or shop, 7-8 car parking spaces would be required for a building of 200m². The distances proposed for Lot 2 to be setback from the building envelope show limited space for car parking and vehicle access. The lack of consideration for the viability and availability of space for potentially adaptive reuse and redevelopment of the kiln and chimney is not in keeping with the strategy outlined above and does not ensure the conservation of places of heritage significance.

Conclusion

The proposed **two lot subdivision** is contrary to the purpose and objectives of the Cardinia Shire Planning Scheme and such should not be supported.

Resolution

Moved Cr Brett Owen, seconded Cr Leticia Wilmot.

That Council issue a Notice of Decision to Refuse to Grant Planning Permit T200214 for two lot subdivision at Cotswold Crescent, Officer VIC 3809 on the following grounds:

1. The proposal is contrary to the strategies of Clause 15.03-1S - Heritage Conservation as it does not ensure an appropriate setting and context for the heritage place is maintained or enhanced and does not support the adaptive reuse of the heritage buildings.
2. The proposal is contrary to the Purpose and Decision Guidelines of Clause 43.01 - Heritage Overlay as the subdivision does not conserve and enhance the significance of the heritage place and will adversely affect the significance of the heritage place.
3. The proposal is contrary to the Planning and Design Guidelines for Image and Character (Table 5, CA3) in the Officer Precinct Structure Plan and the subdivision does not:
 - a) Integrate heritage sites with adjacent subdivision design.
 - b) Ensure view lines to the front of the heritage buildings from existing roads is maintained.

Carried

6.2 General Reports

6.2.1 Officer Sports Club - Lease

File Reference: 35-35-123
Responsible GM: Tom McQualter
Author: Jeanette Blackwood

Recommendation(s)

That Council:

1. enters an agreement for lease and a lease of part of the reserve at 20 Starling Road Officer with the Officer Sports Club on the following terms:
 - Term 9 years
 - Rental \$104 pa
 - Rental increase Annual by 3%
 - Maintenance Responsibility shared in accordance with Council Maintenance Policy
 - Special conditions Tenant to construct Premises subject to Council approval, and
2. Advise the objectors to the proposal to lease that the conditions included in the proposed lease and the management of the reserve by a Council appointed Committee will ensure that their concerns are appropriately addressed.

Attachments

Nil

Executive Summary

Following the public notice of the proposal to lease part of 20 Starling Road Officer in accordance with Section 190 of the Local Government Act 1989 and no submission were received, Council can now consider entering into an agreement to lease and lease with the Officer Sport Club.

Background

The Officer Sport Club Incorporated (OSC) was recently established from members of the section 86 Officer Recreation Reserve Committee, in order to extend the current eastern pavilion to create community space for use by both reserve users and the general community. The OSC have raised funds to carry out the building extension from various government sources, including Council and community groups.

It is proposed that Council will enter into an Agreement for Lease (AFL), which will establish the roles of the party in the construction, the basis of the funding and the right to occupy the site whilst works are occurring. It is proposed that the OSC will contract manager the works and Council will be part of the project construction control group that will oversee the project.

Council at its meeting held on 18 May 2020 resolved that:

1. Council commences the statutory procedures under Sections 190 and 223 of the Local Government Act 1989 (the Act) by giving public notice in the local paper and on

Councils web site advising of the proposal to lease a part of the reserve at 20 Starling Road Officer to the Officer Sports Club Incorporated.

2. In the event of submissions being received, a committee comprising the Ranges Ward Councillors be appointed and the Chief Executive Officer be authorised to set the day, time and means for the hearing of such submissions.
3. Following the hearing of submissions, or if no submissions are received, Council further consider the proposal to lease part of the reserve at 20 Starling Road Officer to the Office Sport Club Incorporated

The requisite public notice appeared in the Pakenham Gazette on 3 June 2020 and one submission was received.

Policy Implications

The leasing of this property is in accordance with Council's Leasing Policy however the period of the lease is in excess of that generally provided in the Leasing Policy (5 years), however section 4.3.4 of the Policy allows for longer lease terms as provided:

'...Council will consider a longer term Lease in circumstances where the Tenant has substantially invested in the Council Facility or there will be community benefits derived by a longer Lease term'

Relevance to Council Plan

Nil.

Climate Emergency Consideration

There are no climate emergency considerations regarding this proposed lease.

Consultation/Communication

Consultation has been undertaken with all relevant parties and public notice has been given of the proposal to lease the land on 3 June 2020 with the submission period closing on 1 July 2020 and one objection has been received.

The key concerns raised in this objection are:

- Noise concerns from Functions operating until 2am
- Mowing lawns at 2am
- Additional noise mitigation measures, including acoustic barriers are required
- The alfresco area should be sound proofed and not to be used after 8pm
- Venue management required
- Concerns around disturbing the peace and quiet of the neighbourhood
- Would like the operating hours restricted to 10pm Monday-Thursday, 11pm Friday - Saturday and public holidays and 10pm on Sundays.

In response to these concerns the following details are provided;

- The Lease proposed will provide important facility usage terms and conditions relating to types of use, hours of use, conditions around the overall management of the building. The draft Lease includes the requirement of the venue to be locked and vacated before 1am.

- The Lease will also define permitted and excluded activities within the building to ensure the use of the building is consistent with the purpose of community and recreation facilities. An example of excluded activities includes birthday parties for anyone turning 16 or 31 or any age in between, bucks or hens functions or any similar celebrations, and the operation of a nightclub or discotheque. Music is not permitted to be put through external building speakers. A breach of these conditions could result in formal action from Council.
- The Reserve is managed by the Section 86 Committee of Management, who is a delegated volunteer committee of Council who are responsible for managing the operation and maintenance of the reserve.
- The Officer Sports Club will be required to enter into a Liquor License that will reflect to terms and conditions of the lease, once the construction is completed.
- The proposed development will also be required to meet state liquor licencing legislation, once a liquor licence is out in place. The liquor licence will be required to reflect the type of use and hours of operation as per the lease.
- The building design and materials are considerate of the need to ensure the operation of the facility does not unreasonably impact on surrounding properties. Some specific measures have been taken in the design and materials of the building, including:
 - The main entrance and exit to the building will have double airlock doors.
 - The proposed addition is located on the far side of the existing Club rooms increasing the distance from the neighbouring residence.
 - The use of a trussed roof provides a void within the roof space which will assist in the acoustic properties of the building.
 - Double glazing will be used to all proposed glazed windows & doors.
 - The required R value of insulation will be installed to the walls and ceilings as determined in the Section J report for the proposed addition, this will provide substantial acoustic performance over the existing club rooms/buildings already located on the subject site.
 - Most of the walls will be built using a Masonry/block veneer wall which uses a dense masonry block on the external skin aiding again in the acoustic properties of the building.

It is considered that the above will satisfactorily address the concerns raised in the objection received

Financial and Resource Implications

The Club have been successful in receiving grants from the Federal and State Government for this project and the Council has also budgeted an amount of \$400,000 agreed to fund the development of the facility that they require and the Club will be responsible for all ongoing maintenance and replacements of the Premises. A peppercorn rental is proposed and there is no expected contribution required by Council.

Conclusion

As the statutory procedures involved in Section 190 and 223 of the Local Government Act 1989 have been completed in regard to the proposal to lease the land to the Officer Sports Club.

It is considered that the conditions attaching to the Planning Permit for this project will adequately address the concerns raised by the objectors and therefore it is appropriate to proceed with the agreement for lease to allow the construction of the building and then a lease for the occupation of the Premises.

Resolution

Moved Cr Brett Owen, seconded Cr Michael Schilling.

That Council:

1. enters an agreement for lease and a lease of part of the reserve at 20 Starling Road Officer with the Officer Sports Club on the following terms:
 - Term 9 years
 - Rental \$104 pa
 - Rental increase Annual by 3%
 - Maintenance Responsibility shared in accordance with Council Maintenance Policy
 - Special conditions Tenant to construct Premises subject to Council approval, and
2. Advise the objectors to the proposal to lease that the conditions included in the proposed lease and the management of the reserve by a Council appointed Committee will ensure that their concerns are appropriately addressed.

Carried

6.2.2 Appointment of Acting Chief Executive Officer

File Reference: 80-115-1083
Responsible GM: Carol Jeffs
Author: Doug Evans

Recommendation(s)

That the General Manager Customer People and Performance, Jenny Scicluna, be appointed Acting Chief Executive Officer for the period 26 September to 4 October and the General Manager Infrastructure and Environment, Peter Benazic for the period 5 October to 11 October during a period of Annual Leave by the Chief Executive Officer.

Attachments

Nil

Executive Summary

To appoint an Acting Chief Executive Officer whilst the Chief Executive Officer, Carol Jeffs, is taking a period of Annual Leave between 28 September to 11 October.

Background

The Chief Executive Officer, Carol Jeffs, is taking a period of Annual Leave from 28 September to 11 October, it is therefore necessary to appoint an Acting Chief Executive Officer during this period. It is recommended that the General Manager Customer People and Performance, Jenny Scicluna be appointed for the period 26 September to 4 October and as Ms Scicluna will also be on leave for the period 5 October to 11 October it is recommended that the General Manager Infrastructure and Environment, Peter Benazic, be appointed for this period.

Policy Implications

Nil.

Relevance to Council Plan

Nil.

Climate Emergency Consideration

Nil.

Consultation/Communication

Nil.

Financial and Resource Implications

Nil.

Conclusion

As the Chief Executive Officer will be on a period of annual between 28 September to 11 October it is necessary to appoint an Acting Chief Executive officer for this period.

Resolution

Moved Cr Graeme Moore, seconded Cr Michael Schilling.

That the General Manager Customer People and Performance, Jenny Scicluna, be appointed Acting Chief Executive Officer for the period 26 September to 4 October and the General Manager Infrastructure and Environment, Peter Benazic for the period 5 October to 11 October during a period of Annual Leave by the Chief Executive Officer.

Carried

6.2.3 Fire Access Track - McKenzie Road Beaconsfield Upper

File Reference: Nil
Responsible GM: Jenny Scicluna
Author: Stewart Matulis

Recommendation(s)

That Council proceeds with the planned upgrade of the fire access track at McKenzie Rd, Beaconsfield Upper, including installation of gates.

Attachments

1. Metropolitan Fire Access Track Standards Guide [6.2.3.1 - 7 pages]
2. Map of Area Effected by McKenzie Road Fire Access Track [6.2.3.2 - 1 page]
3. Fire Access Tracks FRC Report [6.2.3.3 - 16 pages]
4. Fire Access Tracks and Gates Compliance Report [6.2.3.4 - 6 pages]
5. CFA Position Paper [6.2.3.5 - 2 pages]

Executive Summary

This report has been prepared in response to a Notice of Motion carried at the 17 August 2020 Council meeting.

In 2019, the Cardinia Shire Council commissioned a report into the condition of the shire's network of 33 Fire Access Tracks. This report was completed by Fire Risk Consultants Pty Ltd and recommended a range of work to be undertaken on the track network in order to comply with the newly developed Metropolitan Regional Fire Access Track Definition. Fire Risk Consultants also provided quotations for the required work.

Three contractors have been engaged to undertake the works recommended on the fire access tracks within Cardinia Shire. The scope of works involves vegetation management, road surface maintenance and installation or maintenance of access gates.

The site at McKenzie Rd Beaconsfield Upper (south of Tower Rd) is one of council's listed fire access tracks and is subject to the package of works as per other sites. Local residents have presented objections to the works proceeding, which has been subject of representations to Councillors and local Members of Parliament.

Currently McKenzie Road between Split Rock Rd and Tower Road can be split into three sections;

- Southern Section – 345m section, 4C-Local Collector Road
- Middle Section – 380m section, 4E-Fire Access Track. No legal points of access are found on this section.
- Northern Section – 102m section, 4C-Local Collector Road.

It is recommended that Council proceeds with the planned upgrade of the fire access track at McKenzie Rd, Beaconsfield Upper including installation of gates at either end for the following reasons;

- The nature of the track and its status as a fire access track and not a public road.
- To ensure compliance with the Southern Metropolitan Standard for Fire Access Tracks.

- The potential risks and liability issues related to public use of a track which is not designated or maintained as a public road.
- The strategic fire management benefit of the fire access track.
- The risks involved in not gating and preventing vehicular access to a fire access track.
- Concerns with residents having identified the fire access track as a potential escape route in case of a fire emergency.
- The financial and ecological costs of upgrading this fire access track to a 4C-Local Collector Road Standard.

Background

At the Council meeting on 17 August 2020 Cr Brett Owen moved the following Notice of Motion which was carried by Council:

'That a report be prepared for consideration at the September Council Meeting regarding the decision to install gates at either end and upgrade the fire access track section of McKenzie Road, Upper Beaconsfield.'

This report has been prepared in response to the above Notice of Motion.

Cardinia Shire has experienced a number of major bushfires over the years including:

- February 1898 the Koo Wee Rup swamp
- January 1939 'Black Friday'
- February 1983 'Ash Wednesday'
- April 2008 - Bunyip State Forest
- February 2009 'Black Saturday'
- October 2015 - Maryknoll
- March 2019 - Bunyip State Park - Tonimbuk

Since the 1950s, rainfall has decreased in south-east Australia, droughts have become more severe and the number of extremely hot days has risen. Hotter and drier years increase the risk of fire. Climate change projections indicate that the south-east of Australia is likely to become hotter and drier in the future.

As part of an integrated and coordinated fire management plan, Cardinia Shire maintains a network of 33 Fire Access Tracks across the shire. Fire access tracks are intended to facilitate travel for emergency response vehicles to areas inaccessible by the existing public roads and enables rapid first attack suppression of ignitions.

In 2019, Cardinia Shire undertook a review of the condition of the network of fire access tracks, completed by Fire Risk Consultants Pty Ltd (FRC). This report found that of the 33 tracks, only four were compliant with the updated Metropolitan Regional Fire Access Definition requirements. Shortfalls were identified in vegetation clearance, both low levels and box clearance, road surface, gate and sign installations and large tanker accessibility. FRC provided a quotation for rectification of the sites to the updated standard.

The report was tabled and discussed at the February 2020 Municipal Fire Management Planning Committee (MF MPC) meeting, and the report recommendations were endorsed by the committee.

To ensure the most appropriate expenditure of public funds, council officers invited a further two local contractors, previously used by council, to provide quotations on the works on an individual site basis.

An analysis of quotations was undertaken which identified the scope of works offered by each contractor and an assessment of best value for money. This process resulted in the 31 sites (two additional sites in Lang Lang are being reviewed for their usefulness as fire access tracks) being split equitably between the contractors with two contractors allocated 10 sites and the other 11 sites.

Work on the identified fire access tracks began in late June 2020 and as at 8 September 2020, the majority of works have been completed.

The specific concerns related to the McKenzie Rd fire access track as raised by residents were discussed in detail at the August 2020 meeting of the MFMP. Following extensive discussion, the MFMP voted unanimously in favour of proceeding with the works, recognising:

The nature of the track and its status as a fire access track
The potential risks and liability issues related to public use of a track not designated or maintained as a public road
The strategic fire management benefit of the road
The risks involved in not gating and preventing vehicular access to a fire access track
Concerns with residents having identified the track as a potential escape route in case of a fire emergency.

Works at the McKenzie Road fire access track have been paused pending the outcome of this report to Council.

Role of the MFMP

The MFMP has been established pursuant to Division 3 of the Country Fire Authority Act 1958 (CFA Act). The MFMP membership includes representatives from Council, the Country Fire Authority (CFA), Victoria Police, Parks Victoria, Forest Fire Management Victoria, Department of Transport, SP Ausnet and, since July 2020, Fire Rescue Victoria. The membership group has a significant level of experience and knowledge in fire and emergency management and is considered a group of experts.

The MFMP's role is defined in Section 55 of the CFA Act:

The functions of each municipal fire prevention committee shall be—

- (a) to plan the burning or clearing of firebreaks within the area for which it is appointed;
- (b) to advise the appropriate authorities as to the existence of and steps to be taken for the removal of fire hazards within the area;
- (c) to advise and make recommendations to the municipal council in the preparation of its municipal fire prevention plan;
- (d) to recommend to the Authority or to the appropriate authorities (as the case may require) any action which the committee deems necessary or expedient to be taken for reducing the risk of an outbreak of fire or for suppressing any fire which may occur within the area;
- (e) – repealed
- (f) to advise the fire prevention officer concerning the removal of fire hazards under section forty-one of this Act;
- (g) to refer to the regional fire prevention committee for consideration all matters which in the opinion of the municipal fire prevention committee should be so referred; and
- (h) to carry out such other functions as are conferred or imposed upon municipal fire prevention committees by regulations made upon the recommendation of the Authority.

The MFMP provides a highly valued advisory role to council to assist in meeting council obligations under section 43 of the CFA Act.

Risk considerations

The issue of risks arising from unauthorised use of fire access tracks was discussed at length at the August 2020 MFMPC meeting in relation to McKenzie Rd, noting:

Potential liability relating to public vehicular access of track that is not maintained to public road standards

Potential damage to track surface through unauthorised use resulting in inability for track to be used for its primary purpose

Potential loss of life of residents due to using the track as an evacuation route in the case of a fire emergency.

Status of McKenzie Road

The following is a summary of the asset management information relating to the McKenzie Road fire access track:

The Fire Access Track had not existed in Conquest (asset log software) until 6 May 2004 when it appears to have been created as part of a review of all roads maintained by Council. This was undertaken in order to compile the original Register of Public Roads that is required by the Road Management Act which came into force on 1 January 2005.

In 2004 the Fire Access Track was noted as starting at 340m north of Split Rock Rd and the length suggested it went all the way to Tower Rd.

It was in December 2006 that Council actually created a segment for the section of road from No. 30 to Tower Rd, and adjusted the Fire Access Track segment, after Council's Operations Team pointed out that Council maintained that 100m off Tower Road as well.

Any road designated as a Fire Access Track in Conquest is not deemed to be a Public Road for the purposes of the Road Management Act.

The fire access track section of McKenzie Road can be upgraded to public road standard to allow public access. However, an upgrade to public road standard will require significant works and come at significant financial and ecological costs. From a desktop evaluation undertaken as part of the preparation of this report, 380m of Fire Access Track would need to widen by 2m on either side of the existing track. Large numbers of trees would need to be removed in order to upgrade this to a public road, with consequent ecological and biodiversity impacts. The financial cost estimate for this road upgrade is outlined in the financial section of this report.

If this upgrade to public road work was to occur, it is recommended that similar works be completed on 100m section of McKenzie Road off Tower Rd. These works would come at additional environmental and financial costs.

Pedestrian and equestrian access

The installation of gates is intended to limit the access to vehicular traffic only. Pedestrian and equestrian access will be retained along the track. The gates will be able to be opened as required for community events such as the Tower Run.

Emergency access

The gates will be secured with a Cardinia Shire type 5.1 padlock. All CFA brigades within Cardinia Group as well as the Fire Rescue Victoria Station 93 (Pakenham) have been issued these keys for their appliances. As with all fire access track gates fire services can unlock these gates as required for operations or preparedness works.

Leave early messaging

As a result of the Royal Commission into the 2009 Bushfires, the Victorian Government amended the advice to residents in high fire risk areas. CFA advice is:

Leaving early is the safest option to protect yourself and your family. Leaving early means leaving the area before a fire starts – not when you can see flames or smell smoke. Leaving early means avoiding panic, being trapped, making the wrong choices and risking serious injury or death. Talk to your family and friends about how you'll know when to leave and where to go to stay safe.

It has been noted that the McKenzie Road was affected in the 1983 Ash Wednesday Fires and provided an escape route for residents. In light of current advice and learnings, relying on evacuation via McKenzie Road or any other public road is fraught with danger and should be actively discouraged. Council continues to engage with local communities to provide appropriate emergency planning advice to residents, consistent with recognised best practice across emergency management agencies.

Policy Implications

The works on these tracks serves to maintain Council's compliance with the requirements of section 43 of the Country Fire Authority Act 1958. This section requires Council to take all practicable steps to prevent occurrence of fires and minimise the danger of spread of fire on and from any land or road under its control. The works will ensure that fire agencies are able to utilise the Fire Access Track network to undertake fire management and suppression works.

This project aligns with the Council's Liveability Plan outcome of Improved safety. Safety is about being and feeling safe. It's about protecting people from danger and preventing harm where there are known hazards or risks to personal safety.

Relevance to Council Plan

This project relates to section 1.7.3 of the Council Plan - Protect against the impacts of emergencies through effective preparation and community planning and education.

Climate Emergency Consideration

This proposal does not specifically contribute to any mitigation measures pursuant to the Climate Emergency Declaration, however it recognises the potential increased risk and impact of bushfire associated with climate change.

Consultation/Communication

Consultation on this project has been undertaken through the preparation of the initial report, which has been presented and accepted by the Municipal Fire Management Planning Committee (MFMP). Additional consultation has been through the Country Fire Authority's Vegetation Management Officers at Districts 8 and 13. Internal consultation has taken place with staff from the Environment and Operations departments.

Letters outlining the nature of works were sent to affected residents at sites where gates were not previously installed. As a result of these letters, Council officers received eight enquiries from residents across a range of fire access tracks with questions or concerns, with all issues being resolved with the exception of the McKenzie Rd fire access track.

Three of these enquiries relate to the McKenzie Road fire access track and have been raised by five residents representing three properties. These enquires related to general clarification of the scope of the works, concerns regarding the loss of alternative route for everyday

travel/access, the loss of an escape route in case of bushfire for residents as well as the concerns with the cost of installation of gates.

Further discussion and provision of information has been undertaken with two residents relating to the McKenzie Road fire access track including phone conversations and letters sent.

It is also understood that a number of residents from the vicinity of the McKenzie Road Fire Access Track have more recently communicated with Councillors, in particular Cr. Brett Owen, raising similar issues to those raised previously through the formal consultation process but, additionally, the potential for impact on local running events, walking and equestrian activity.

Additional advice has been sought from the Country Fire Authority and is attached to this report.

Financial and Resource Implications

The entire project budget has been funded from existing Council allocations for fire management projects, supplemented by a grant from DELWP/CFA under the Reducing Bushfire Risk program. Of the project cost of approximately \$150 000, the grant has provided funds of \$73 000.

Specifically, in relation to the McKenzie Road site, the costs are:

- Vegetation and road maintenance works: \$585
- Supply and installation of gates: \$7304.

All shire fire access tracks are maintained prior to the fire danger period as part of the parks and gardens maintenance contract. This contract provides for maintenance of tree and vegetation along the fire access track network.

As part of the fire access upgrade project, ongoing monitoring and maintenance of track surfaces, gates and signage will be incorporated within the Council budget for fire prevention works.

Council officers have undertaken a desktop evaluation to understand the cost and work required to construct the 380m section of McKenzie Road, taking it from a 4E-Fire Access Track to a 4C-Local Collector Road to match the southern section of McKenzie Road.

Using Council's Standard Drawing CSC-006 Gravel road partial construction. This standard drawing requires a 5m wide pavement with an additional 1m either side to accommodate a shoulder and drainage, bringing the total width required of 7m wide.

To enable this will require significant vegetation removal 2m either side of the existing track.

The estimated costs to construct this 380m section of McKenzie Road is \$45,835.80, not including vegetation offset. These costs would need to be requested. Estimates range between \$40k to \$80k. Total estimated update cost is \$125,000.

However, this figure can be assumed to be higher, as a detailed site assessment would need to be made to provide a more accurate estimate of costs to Council. Please note this estimate does not include any work required to 100m section of McKenzie Rd off Tower Road.

Conclusion

It is recommended that Council proceeds with the planned upgrade of the fire access track at McKenzie Rd, Beaconsfield Upper including installation of gates at either end for the following reasons;

- The nature of the track and its status as a fire access track and not a public road.
- To ensure compliance with the Southern Metropolitan Standard for Fire Access Tracks.
- The potential risks and liability issues related to public use of a track which is not designated or maintained as a public road.
- The strategic fire management benefit of the fire access track.
- The risks involved in not gating and preventing vehicular access to a fire access track.
- Concerns with residents having identified the fire access track as a potential escape route in case of a fire emergency.
- The financial and ecological costs of upgrading this fire access track to a 4C-Local Collector Road Standard.

Resolution

Moved Cr Brett Owen, seconded Cr Leticia Wilmot.

That:

1. The installation of the Fire Access Gates at McKenzie Road and Tower Road not proceed.
2. That the road remain as a road accessible for vehicles.
3. The road be maintained to the minimum standard permissible to allow vehicular access to continue.

Carried

6.2.4 COVID-19 Community Relief Provider Support Grant Program

File Reference: Nil
Responsible GM: Jenny Scicluna
Author: Jess Azzopardi

Recommendation(s)

That Council note the report.

Attachments

Nil

Executive Summary

The COVID-19 Community Relief Provider Grants program formed part of Council's Community and Business Support Package which includes initiatives to help community members to cope with the impacts of Coronavirus (COVID-19).

This grant program opened for applications on 13 May 2020 and closed 12 August 2020. Grants were available to not-for-profit organisations, locally based groups and/or groups servicing Cardinia Shire residents to meet emergency relief needs of residents, increase capacity of services or to improve resident health and wellbeing during the COVID-19 pandemic.

22 applications were received and assessed. These projects totalled \$164,440.79 and applicants requested \$94,880.38 in funding.

Due to the time critical nature of the grant program, an expedited grant assessment process was implemented, with twice weekly grant assessment panels and grant payments processed weekly. A turnaround time of 2 weeks from each application submission to grant outcome was achieved.

Following an extensive assessment process involving a multidisciplinary panel of staff and senior leadership, a total of 11 grants to the value of \$45,645.50 were approved.

Background

From 27 March 2020, in response to the COVID-19 Pandemic, Council established a Relief and Recovery Committee to oversee the emergency relief needs for community during the Pandemic. Evidence from this group, as well as Council staff, indicated that the social and economic health of the community was negatively impacted, issues were increasing and continuing to rise because of the Pandemic. These included, but were not limited to food shortages, financial hardship, loss of employment, family violence, homelessness, schooling from home impacts, increased poor mental health presentations, substance abuse, social isolation, and reduced community connection.

To support the community through this difficult time, Council developed the COVID-19 Community Relief and Recovery Funding Program, part of Council's Community and Business Support Package. The funding package demonstrated to Cardinia residents a partnership approach in supporting our community during this critical time.

Part of this package was the Community Relief Provider Grants. The total budget allocation for these grants was \$50,000. Grants of up to \$5,000 were available for community groups and organisations to increase capacity of services, improve resident health and wellbeing and meet emergency relief needs of those in the community arising from COVID-19.

Applications were assessed by a multidisciplinary panel of Council staff and senior leadership. Below are the outcomes following this process:

Application status	COVID-19 Community Relief Provider Grants
Fully supported	9
Partially supported	2
Not supported	11
AMOUNT ALLOCATED	\$45,645.50

Below is a breakdown of applications received via Ward:

	Central Ward	Port Ward	Ranges Ward
COVID-19 Community Relief Provider Grants	10	8	4

Total applications and amounts approved via Ward:

	Central Ward	Port Ward	Ranges Ward
COVID-19 Community Relief Provider Grants	5	3	3
Total Allocated	\$24,411.50	\$10,500.00	\$10,734.00

Successful grant recipients:

- ADRA
- Baba Budha Ji Charitable Association Inc
- Beaconhills Christian College
- Bunyip and District Community House
- Cockatoo Community House (Taskforce Community Agency)
- Cranbourne Christian Fellowship Centre (Turningpoint KWR)
- Emerald Centre for Hope and Outreach (ECHO) Inc
- Emerald Community House Inc
- Empower Australia
- Follow Bless Collective
- Mums Supporting Families in Need

Total applications and amounts declined due to ineligibility and/or not meeting grant criteria:

	Ward	Number of applications	Total amount
COVID-19 Community Relief Provider Grants	Central	5	\$24,943.00

	Port	5	\$18,706.88
	Ranges	1	\$705.00

Policy Implications

This grant program aligns to Council priorities and objectives and with Council's Liveability Plan 2017 - 2029.

Relevance to Council Plan

Our Community:

We will foster a strong sense of connection between Cardinia Shire's diverse communities.

1. Our diverse community requirements met
2. Engaged communities
3. Increased levels of community participation
4. Improved health and wellbeing of our residents

Our People:

We support a variety of needs and lifestyles through programs and activities that promote and develop the wellbeing of Cardinia Shire's people.

1. Access to a variety of services for all
2. Access to support services and programs for young people
3. Learning opportunities for all ages and abilities
4. Improved health and wellbeing for all
5. Variety of recreation and leisure opportunities
6. Increased awareness of safety
7. Minimised impact of emergencies

Climate Emergency Consideration

Nil.

Consultation/Communication

A comprehensive communications plan was developed which saw the grants widely promoted through various internal departments, Council's Relief and Recovery Committee, newsletter distribution through various Council and community newsletters, community leaders, local media, Council's web and Facebook pages.

The grant round opened on-line via Smarty Grants on 13 May 2020 and closed on 12 August 2020.

The staff assessment panel consisted of staff from the following areas: Risk, Social and Community Planning and the Pandemic Response and Emergency Management Team. The assessment panel recommendations were then provided to the Manger Pandemic Response and Emergency Management Team and the General Manager – Customer, People and Performance for final assessment and approval.

Successful grants are currently being promoted on Council's web and social media pages and through local media.

Financial and Resource Implications

The budget for the Community Relief Provider Grant program was \$50,000.

This grant program has provided support to 11 applicants, totalling \$45,645.50.

The COVID-19 Community Connection Grant program closed on 30 June 2020 and was over expended by \$5,682.83. Due to a decline in applications for the COVID-19 Community Relief Provider grants and budget not expended, at the time it was decided to fund the over expenditure of the Community Connections grants from the Community Relief Provider grants budget.

The two COVID-19 community grant programs had a combined budget of \$80,000 and have provided funding to the community in the amount of \$81, 328.33.

The Victorian Government recently released a grant program called Let's Stay Connected Fund. The fund provides grants between \$5,000 and \$200,000 to support community-led initiatives. The program will support innovative, community-led and community-based initiatives that build connection, reduce feelings of loneliness and isolation and can be implemented quickly – providing much-needed support across the state. It will also support existing initiatives that can be rapidly scaled up to a local, regional or state level – delivering innovative and practical solutions that will benefit communities as soon as possible.

This means that community groups within Cardinia Shire can now apply for this Victorian Government funding.

Conclusion

The COVID-19 Community Relief Provider Grant program formed part of Council's Community and Business Support Package which includes initiatives to help community members to cope with the impacts of Coronavirus (COVID-19), and provide emergency relief during the social distancing period.

The program has supported 11 grants to the value of \$45,645.50. It is recommended Council note the approved applications and budget expenditure.

Resolution

Moved Cr Graeme Moore, seconded Cr Michael Schilling.

That Council note the report.

Carried

6.2.5 Report in Response to Notice of Motion 1055

File Reference: Nil
Responsible GM: Carol Jeffs
Author: Andrew Pomeroy

Recommendation(s)

That Council:

1. Note that the independent audit by Justitia Lawyers into Councillor Collin Ross' expenses (Justitia Report) has been completed in accordance with the Council Resolution resulting from Notice of Motion 1055 from the 17 August 2020 Council Meeting. (Attachment 1)
2. Note Cr Collin Ross' response to the Justitia Report (Attachment 2)
3. Provide Cr Collin Ross with 14 days within which to provide a further response.
4. Authorise the CEO to liaise with Justitia Lawyers, Cr Ross and Council's legal advisors to ensure that due process is followed in progressing the audit and its conclusions, and that the CEO report on that progress at the November General Council Meeting.

Attachments

1. Audit of Councillor Expenses - Justitia Report [6.2.5.1 - 26 pages]
2. Comment of Cr. Collin Ross on Review Report [6.2.5.2 - 2 pages]

Executive Summary

Council resolved as follows from the Notice of Motion 1055 presented by Cr Leticia Wilmot at the Council meeting on 17 August 2020:

Following the recent publication of the Councillor expenses report and regarding Cr Ross' positions on both the VLGA Board and the Metropolitan Waste and Resource Recovery Group (MWRRG) Board I request:

1. *That the CEO Ms Jeffs, be given the authorisation to contact the CEO of both organisations to gain answers to the following questions and others that she deems necessary.*
 - a. *How much are Board members paid?*
 - b. *What is the purpose of these payments?*
 - c. *Is Cr Ross involved with any sub-committees for the organisation?*
 - d. *How long has Cr Ross been a member of the Board and a member of any other committee's associated with the organisation?*
 - e. *How many meetings has Cr Ross attended and been paid for as a Board or committee member?*
 - f. *What dates were these meetings held?*
2. *The dates and information gathered is to be cross referenced to the Travel Expense and Out-of-pocket Expense claims Cr Ross has been reimbursed for by council.*
3. *A full audit of the kilometres listed for each trip claimed by Cr Ross is conducted using Google Maps as a reference.*

4. *A report with all the findings is presented to the September General Meeting. This report should include a recommendation as to any further actions the council may be required to take.*

Justitia Lawyers were engaged to conduct a review of expense claims made by Councillor Collin Ross in accordance with the Council Resolution. The full report of Justitia Lawyers is provided at attachment 1.

The report outlines the review process undertaken, including opportunities for Cr Ross to participate in the process, provide information and answer questions. As outlined in the report he did not have an opportunity to review a draft of the report before it was finalised. Cr Ross was provided time between the finalisation of the report and the publishing of the report as part of the agenda and has provided his response at attachment 2.

The process in getting this report to council is set out below:

- Justitia Lawyers were appointed on Monday 24th August.
- After a review of the Resolution, clarifying scope and initial review of internal documents and policies, information was sought from the VLGA and MWRRG.
- On Wednesday 26th August Cr Ross was sent an email clarifying the next steps in relation to the Resolution and inviting him to a discussion with Justitia Lawyers to answer some clarifying questions. Ultimately the clarifying questions were sent to Cr Ross on Monday 31st August and a response was sought.
- Further information was provided to Cr Ross on Friday 4th September, including clarifying that the scope of Justitia Lawyers' review (Audit) was as set out in the Resolution.
- On Tuesday 8th September the documentation that was then received from the VLGA and MWRRG to cross reference the claims was also forwarded to Cr Ross.
- Cr Ross provided his response to the clarifying questions on Thursday 10th September.
- Council received the Justitia Report from Justitia Lawyers at 5:04pm on Monday 14th September.
- Cr Ross was provided with the Justitia Report at 9:59am on Tuesday 15th September, and invited to provide a response with 48 hours.

The Justitia Report provides both findings and recommendations that can be found within the Executive Summary of the report.

While the Justitia Report is marked Private and Confidential, Council has resolved that any Report relating to the review/audit (Justitia Report) be presented at the September General Council Meeting. Accordingly, Council waives any legal professional or client legal privilege that may apply in relation to the Justitia Report.

Policy Implications

The relevant policy is the Councillor Expenses Policy. This Policy has been recently updated in line with the new Local Government Act 2020.

Relevance to Council Plan

5.2.2 Our Governance - Open Governance

Govern and make decisions in the best interests of the Cardinia Shire community

Consultation/communication

Justitia Lawyers and Council Officers have communicated and consulted with Cr Ross and his legal representatives during the preparation of this report.

Financial and Resource Implications

The cost involved in obtaining the independent report was covered within Council's adopted budget.

Conclusion

The review/audit was conducted in accordance with the Resolution and it is recommended that Council note this. Cr Ross responded in the time frames but it is evident more time is needed.

Resolution

Cr Ross declared a direct conflict of interest in this matter and left the meeting at 7:57pm.

Cr Brown's speaking time expired. A motion was called to extend his speaking time.

Moved Cr Wilmot, seconded Cr Moore.

Carried.

Moved Cr Brown, seconded Cr Graeme Moore.

That Council:

1. Note that the independent audit by Justitia Lawyers into Councillor Collin Ross' expenses (Justitia Report) has been completed in accordance with the Council Resolution resulting from Notice of Motion 1055 from the 17 August 2020 Council Meeting. (Attachment 1)
2. Note Cr Collin Ross' response to the Justitia Report (Attachment 2)
3. Provide Cr Collin Ross with 14 days within which to provide a further response.
4. Authorise the CEO to liaise with Justitia Lawyers, Cr Ross and Council's legal advisors to ensure that due process is followed in progressing the audit and its conclusions, and that the CEO report on that progress at the November General Council Meeting.

Carried.

Cr Ross returned to the meeting at 8:37pm.

6.3 Policy Reports

6.3.1 Eastern Region Pest Animal Strategy 2020-2030

File Reference: REC-0003052884
Responsible GM: Peter Benazic
Author: Marianne Sawyer

Recommendation(s)

That Council:

- Endorse the Eastern Region Pest Animal Strategy.
- Authorise the CEO to approve expenditure up to \$10,000, as a contribution towards the network Regional Pest Animal Coordinator.

Attachments

1. Eastern Region Pest Animal Strategy 2020-2030 Volume 1 [6.3.1.1 - 80 pages]
2. Eastern Region Pest Animal Strategy 2020-2030 Volume 2 [6.3.1.2 - 64 pages]

Executive Summary

The Eastern Region Pest Animal Network (the Network), of which Cardinia is a member, is seeking endorsement from government agencies of the eastern region of Melbourne, for the Eastern Region Pest Animal Strategy 2020-2030, with a commitment to work in partnership towards its implementation. (See attached Volume 1 & 2).

Endorsement means committing to work with other endorsing organisations towards a common long-term Vision. The Strategy identifies four main goals. Actions to achieve these goals can be tailored to suit each individual endorsing organisation. Organisations are not bound to undertake all actions but continue to work collaboratively with Network partners.

Background

Invasive species pose one of the most significant threats to Australia's ecosystems and agricultural enterprises. In Victoria, pest animal invasions have resulted in sustained declines in biodiversity, reduction in land productivity. Despite pest management being regarded as a priority by many government bodies, community groups and landowners, pest animals continue to increase in range and density.

In 2016, the Eastern Region Pest Animal Network (The Network) was established across Melbourne's East, consisting of a mix of local government, statutory agencies and Victorian government bodies. These include 13 Local Government Authorities in eastern Melbourne, Parks Victoria, DELWP, Vic Roads, Melbourne Water and Port Phillip and Westernport Catchment Management Authority.

This voluntary network came together with the understanding that pest animal management is best implemented at a regional scale, with well-coordinated action across land tenures, sharing knowledge, capacity and resources.

The Network has worked together to develop the Eastern Regional Pest Animal Strategy 2020-2030, with the main purpose to provide a clear direction that coordinates these agencies for

the management of five priority pest species across eastern Melbourne, European Fox, Feral Cat, European Rabbit, Feral Deer and Common Myna.

Twelve members councils of the Network contributed funds to engage Ecological Australia (ELA) to facilitate the development of this Strategy, with Cardinia contributing \$5,000. ELA carried out the desktop research and facilitated a consultation process which included a mix of online surveys, interviews and workshops to draft the strategy with 18 government agencies.

The Strategy sets a common vision 'working together to minimise the impacts of pest animals across the Region.' The vision is supported with four main goals and set of actions.

Goal 1: Provide leadership and coordination for the management of priority pest animal species.

Goal 2: Increase awareness, understanding and capacity building regarding priority pest animal management.

Goal 3: Mitigate the impact of established priority pest animals on biodiversity, agriculture and people.

Goal 4: Monitor, evaluate and report to inform and continuously improve priority pest animal management.

The strategy addresses current and potential pest animal problems that impact on primary industries, natural ecosystems and social well-being across both urban and peri urban environments in the Eastern Melbourne region. It establishes a region-wide planning framework to provide clear direction for the management of the five priority pest species.

The Strategy provides a long-term coordinated approach to pest animal management. It is envisaged that each agency will tailor their own action plan to meet the long-term goals. A template for this is provided in the strategy.

The Strategy itself has a lifespan of ten years. Strategy effectiveness will be monitored and assessed by the Network according to predefined Key Performance Indicators.

Policy Implications

The strategy is consistent with the:

- Sustainable Environment Policy 2018-28.
- Liveability Plan 2019-2027 - Liveability Policy domain - Open spaces and places. Action 7.4 Protecting and enhancing the environmental quality of open spaces and places.
- Biodiversity Conservation Strategy - Action 15 - Continue to support Eastern Region Pest Animal Network initiatives including the development of a regional Pest Animal Management Plan.

Relevance to Council Plan

The strategy goals and objectives align with the following objectives of the Council Plan:

3.3.7 Protect and improve biodiversity by increasing the area of natural ecosystems across the Shire.

3.3.9 Manage agricultural land use by supporting farmers to utilise sustainable farming practises.

3.4 Natural and built environments supporting the improved health and wellbeing of our communities

Consultation/Communication

ELA carried out the desktop research and facilitated a consultation process which included a mix of online surveys, interviews and workshops to draft the strategy with 18 government agencies.

Financial and Resource Implications

Council contributed \$5,000 towards the development of the strategy in 2019-2020. The Strategy enables all stakeholders to work collaboratively on a regional scale towards long-term pest animal management.

Becoming a regional player means that pest animal issues don't conform to land boundaries and that shared resources and investment need to be apportioned to where they have the greatest benefit. It is envisaged that once this strategy is endorsed, Pest Animal Local Action Plans (see Volume 2 for Template) will be prepared by individual councils, and costed on a project by project basis, in collaboration with relevant land managers including community groups and adjacent municipalities. As part of this, opportunities will arise for cost sharing, funding leveraging, and seeking external grant programs which support pest animal management outcomes.

Pest Animal Local Action Plans will be consistent with other Council adopted strategies including the Biodiversity Conservation Strategy and go toward meeting the long-term goals for pest animal management on a region scale.

Another key action identified for Network within the next 2 years, is to establish a joint funding model to support the engagement of a Pest Animal Coordinator to assist the Network in achieving its goals.

Conclusion

As a member of the Eastern Region Pest Animal Network, Cardinia has participated in the development of the Eastern Region Pest Animal Strategy over the past 2 years. The strategy provides a framework guiding the effective management of pest animal species across municipalities to achieve results on a regional scale. It covers management considerations for five dominant pest animal species, and advocates for consistency and collaboration across councils when planning local area pest animal management plans.

Upon endorsement of this strategy, the next step for Cardinia is to seek opportunities for funding to develop collaborative pest animal management programs for the protection of biodiversity in hotspot areas, and to work with the network to establish a joint funding model to support the engagement of a Regional Pest Animal Coordinator.

Resolution

Moved Cr Graeme Moore, seconded Cr Michael Schilling.

That Council:

- Endorse the Eastern Region Pest Animal Strategy.
- Authorise the CEO to approve expenditure up to \$10,000, as a contribution towards the network Regional Pest Animal Coordinator.

Carried

6.4 Financial Reports

6.4.1 Financial Report and Performance Statement

File Reference: Nil
Responsible GM: Tom McQualter
Author: Scott Moore

Recommendation(s)

That Council:

1. Pursuant to Section 132(2) of the *Local Government Act 1989*, gives its approval in principle to the financial statements and performance statement for the year ended 30 June 2020, subject to any changes recommended or agreed to by the auditor;
2. Pursuant to Section 132(5) of the *Local Government Act 1989*, authorises Cr. Ray Brown and Cr. Brett Owen to certify the financial statements and performance statement for the year ended 30 June 2020, in their final form after any changes recommended or agreed by the auditor have been made, in accordance with the *Local Government (Planning and Reporting) Regulations 2014*; and
3. Appoints Scott Moore, Chief Finance Officer, as the Principal Accounting Officer for the purposes of Section 132(5b) of the *Local Government Act 1989*.

Attachments

1. 2019-20 Financial Statement [6.4.1.1 - 50 pages]
2. 2019-20 Performance Statement [6.4.1.2 - 21 pages]

Executive Summary

To approve the Financial Statements and Performance Statement for the year ended 30 June 2020 and authorise Cr. Ray Brown and Cr. Brett Owen as the Audit Committee representatives to sign the documents in their final form after any changes recommended or agreed to by the auditors have been made.

Background

Council is required to prepare an Annual Report in respect to the financial year ended 30 June 2020. The *Local Government Act 1989* prescribes the information that must appear in the Annual Report, the process that the Council must undertake to prepare the report, the audit requirements and the process to be undertaken to adopt the report.

Council is required to authorise two councillors to approve the annual Financial Statements and Performance Statement in their final form after any changes recommended, or agreed to, by the Auditor have been made. It is recommended that the Audit Committee members Cr. Ray Brown and Cr. Brett Owen be the councillors authorised to sign these documents.

The documents were considered by the by the Audit Committee at its meeting on 28 August 2020.

The documents (as part of the Council's Annual Report) will be lodged with the Minister for Local Government by 30 September 2020 as required by Section 133(1) of the *Local Government Act 1989*.

Section 133(2) of the *Local Government Act 1989* stipulates that after the annual report has been submitted to the Minister Council must give public notice that the annual report has been prepared and is available for inspection.

In addition, Section 134 of the *Local Government Act 1989* stipulates that Council must consider the annual report at a meeting that must be held as soon as practicable after the Council has sent the annual report to the Minister and must be advertised for at least 14 days before the meeting is held.

It is proposed to consider the annual report at the Council Meeting to be held on 23 November 2020 and appropriate public notification will be given.

DISCUSSION

Annual Financial Report

The Financial Statements are prepared in accordance with Australian Accounting Standards, the *Local Government Act 1989*, *Local Government (Planning and Reporting) Regulations 2014* and the Local Government Model Financial Report (LGMFR) published by Local Government Victoria as required by the Regulations.

The Financial Statements are a general purpose financial report comprising a Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows, Statement of Capital Works and accompanying notes.

Comprehensive Income Statement

Council achieved a Surplus for the year of \$72.77 million before Net asset revaluation increment, compared to a budget of \$87.58 million and last year's surplus of \$97.98 million.

This Surplus is due to \$78.54 million of income 'tied' and not available for general operational use. It includes non-cash income of \$40.13 million, which relates to the value of roads, drains, bridges, land and land under roads contributed by developers undertaking residential developments within the Urban Growth Corridor. These contributed assets were unbudgeted in this financial year. Also included are capital grants of \$20.23 million and capital contributions - monetary of \$18.18 million, which do not cover operating expenses but relate to capital expenditure for non-current assets summarised in the Statement of Capital Works. The adjusted underlying result, which is a key financial sustainability indicator that excludes these capital and abnormal items, is a deficit of \$4.87 million for the year. This is further detailed below.

The material factors that contributed to the 2019/20 surplus included:

- Rates and charges income was \$1.39 million below budget due to: lower than expected increase in the number of ratable properties; decrease in general and supplementary rates income \$0.83 million; lower than expected garbage charges \$0.22 million from a decrease in new services; interest on rates and charges \$0.20 million; lower green waste charge income \$0.14 million due to a lower number of services than budgeted.
- Statutory fees and fines income was \$0.96 million below budget mainly due to: lower than expected development fees (plan checking and supervision) of \$0.94 million and landscape application fees of \$0.16 million due to reduced development offset by unbudgeted income of \$0.14 million for Pool registrations.

- User fees income was \$1.12 million lower than budget mainly due to: lower than budgeted user fee of \$0.63 million, including Cardinia LIFE, Passive Reserve, Cardinia Cultural Centre and Emerald Lake Park. \$0.49 million included in this category but budgeted in Other Income.
- Operating grant income was \$2.24 million higher than budget mainly due to: higher than budgeted grants received \$1.38 million, including Bunyip State Park bushfire in March 2019, School Crossing Supervisors, Maternal & Child Health universal program, and Victoria Grants Commission (VGC) general purpose and local roads operating grants. Unbudgeted grant income of \$0.86 million was recognised, including for the recycling processing and Cannibal Creek biodiversity project. The amount of capital grant income recognised has been reduced due to grants received in advance as per the new accounting standard.
- Capital grant income was \$0.66 million higher than budget mainly due to \$12.64 million of unbudgeted grants, including for grants received in excess of budget in relation to Sealing the Hills, Officer District Park and Rix Road Integrated Children's Facility, This has been offset by budgeted capital grants of \$11.99 million not be recognised for McGregor Road and Pakenham Bypass interchange upgrade, Roads Sealing Program and Timbertop Integrated Children's facility. The amount of capital grant income recognised has been reduced by \$0.88 million due to grants received in advance recognised in the balance sheet as per the new accounting standard.
- Contributions (monetary) income \$0.19 million lower than budget mainly due to lower demand for decorative light poles in new developments.
- Net gain on revaluation off street car park asset revaluation of \$0.78 million recognised in the income statement was unbudgeted.
- Net gain on disposal of assets \$0.99 million, including land, old roads, buildings, bridges, intangibles, recreational assets and footpaths, resulting from capital works undertaken during the year.
- Other income was \$2.34 million above budget due to cost recoveries from Insurance claims and capital projects \$2.18 million higher than budget, \$ 0.53 of income budgeted in user fees and unbudgeted impairment reversal of \$0.06 million. This was offset by \$0.43 million of investment interest which was lower than the amount budgeted.
- Employee costs were \$1.49 million higher than budget largely due to the impact of new positions approved during the year \$1.72 million which include \$0.32 million of COVID related positions which has been partly offset by the financial saving of other staffing changes \$0.20 million.
- Materials and services expenditure was \$10.53 million over budget due to: \$7.72 million of funded capital works expensed upon not meeting asset capitalisation criteria including works on Bunyip Soccer Pavilion, Peet Street Special Charges Scheme and James Bathe Recreation Reserve; \$1.62 million of maintenance expenditure, \$0.71 million of contract expenditure, and unbudgeted volunteer expenditure of \$0.91 million recognised due to the requirement of the new accounting standard effective 2019/20. These have been partly offset by utility expenditure which is under budget by 0.36 million.
- Borrowing costs were \$0.29 million under budget mainly due to budgeted loan borrowings not being drawn down.

Balance Sheet

Net assets at 30 June 2020 were \$0.13 million higher than budget (\$0.11 million higher than 2018/19), which maintains Council's strong financial position.

Total Cash, cash equivalents and other financial assets \$103.75 million exceeded budget by \$18.25 million (\$7.55 million lower than 2018/19), mainly due to a \$18.58 million reduction in payments for property, infrastructure, plant and equipment.

Council's cash and term deposits are subject to external restrictions of \$63.28 million (Trust funds and deposits and Developer contribution levy) and \$43.81 million intended allocations (discretionary reserves, including capital carried forward, unspent grants and s86 Committee accounts).

External valuers, Westlink Consulting, performed a full annual revaluation of Council's land, excluding land under road, and buildings and experienced internal council valuers performed a full revaluation of Council's Roads, Off Street Car Parks and Footpaths (full revaluation is every 4yrs) and an annual review of fair values of infrastructure at 30 June 2020. These included the review of the carrying value of individual asset classes measured at fair value to ensure each asset materially approximated its fair value. Where the carrying value materially differed from the fair value at balance date, the class of asset was revalued. There were no material differences in 2019/20 that required a desktop adjustment.

The land valuation resulted in land assets increasing by \$16.01 million, consistent with the average movement in market values of properties by suburb by observing sales prices in the municipality since the last valuation. Buildings increased by \$7.35 million due to changes in unit rates and construction date analysis.

Council's Road assets value increased by \$11.60 million due to changes in unit rates offset by adjustments to useful lives and reduction in other costs. Footpaths value increased by \$2.29 million due to changes in unit rates and the inspection and reclassification of older concrete path assets.

The overall increase in revaluation reserve amounted to \$37.26 million.

Off Street Car Park assets value increased by 0.78 million mainly due to changes in unit rates and this was recognized in the income statement to offset losses recognized in previous years.

Statement of Capital Works

Expenditure on capital works of \$70.74 million for the year was \$12.02 million below budget (\$10.73 million higher than 2018/19), mainly as a result of the property at McMullen Road even though settled in May 2020, the payment is due over the next two financial years.

Works already underway totaling \$25.02 million that are carried over to 2020/21 for completion include: Lang Lang Sporting Facilities Masterplan, Koo Wee Rup High School sports facilities upgrade, Emerald Community Hub (Hills Hub), Worrell Reserve Recreation Pavilion, Timbertop Integrated Children's Facility, Cora Lynn Reserve Pavilion, Gembrook Reserve Pavilion, O'Sullivan's Rd / Hill & Peet Streets Pakenham, Sealing the Hills program and Emerald Netball Pavilion.

Statement of Cash Flows

Council's cash and investments with original maturities of 90 days or less were \$91.75 million at

30 June 2020, compared to \$49.29 million in the prior year. This was due to the net impact of the following:

- Decreased net cash from operating activities \$9.13 million mainly through lower inflows from all income sources except for rates and charges and grants;
- Decreased net cash used in investing activities \$59.76 million mainly due to increased proceeds from investments; and
- Lower cash balance at the start of the year \$8.52 million.

At 30 June 2020 loan borrowings were \$32.56 million, after \$13.53 million scheduled principal repayments made during the year offset by proceeds from rolled over loans of \$8.92 million.

Performance Statement

The Local Government Performance Reporting Framework (LGPRF) is a mandatory reporting requirement under the Local Government (Planning and Reporting) Regulations 2014. The framework includes:

- Report of Operations: All service indicator results.
- The Performance Statement: A selection of service indicators and all financial and sustainability indicators. The Performance Statement is audited and is certified by two Councillors, the CEO and Principal Accounting Officer.
- Governance and Management Checklist: A list of 24 policies, plans, strategies and guidelines.

All performance results are reported in Council's Annual Report 2019/20 and published on the 'KnowYourCouncil' website.

Performance Statement

Four financial performance indicators recorded materially unfavourable variations (10% materiality threshold):

Service Performance Indicator	2016/17	2017/18	2018/19	2019/20	Comment to be published in Annual Report
Working capital	291.58%	350.97%	247.49%	215.85%	Current assets have decreased at a lower rate (due a higher balance of cash and cash equivalents) than current liabilities.
Unrestricted cash compared to current liabilities	48.04%	-8.79%	-50.41%	-23.22%	Less unrestricted cash (higher negative balance) in 2019-20 due to higher developer contribution reserves and unspent grants.
Adjusted underlying result	13.09%	7.94%	4.76%	-2.54%	The decrease from 2019 to 2020 is mainly attributable to an increase in expenses (10%) at a higher rate than the increase in underlying revenue (3%). The main expense increases are employee costs (9%), materials and services (16%) and depreciation (12%).
Indebtedness (non-current liabilities compared to own source revenue)	58.21%	49.21%	32.56%	39.44%	The increase from 2019 to 2020 is mainly attributable to higher creditors and lease incentives liabilities (24%), whilst own source revenue increased marginally (2%).

Two service performance indicators recorded materially unfavourable variations (10% materiality threshold):

Service Performance Indicator	2016/17	2017/18	2018/19	2019/20	Comment to be published in Annual Report
Utilisation of aquatic facilities	6.26	7.06	6.93	4.78	Visits have significantly decreased as the centre was closed for over 2 months due to COVID-19. The centre briefly re-opened but was restricted in attendances and no gym or stadium competitions were run.

Satisfaction with sealed local roads	54	55	58	52	The decrease in satisfaction aligns with the increase in sealed local road requests. In addition, we have observed overall dissatisfaction with condition of state managed roads.
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Three indicators were retired during the year and new indicators were introduced:

Service Performance Indicator	2016/17	2017/18	2018/19	2019/20
Asset renewal compared to depreciation	31.54%	47.58%	40.95%	Retired indicator
Asset renewal and upgrade	New in 2020	New in 2020	New in 2020	79.55%
Residential rate revenue/Number of residential property assessments	\$1,800.99	\$1,835.05	\$1,785.02	Retired indicator
General rates and Municipal charges /Number of property assessments	New in 2020	New in 2020	New in 2020	\$1,710.92
Number of successful animal management prosecutions	26	26	14	Retired indicator
Number of successful animal management prosecutions/Total number of animal management prosecutions	New in 2020	New in 2020	New in 2020	100%

Two financial performance indicators, Loans and borrowings compared to rates and Loans and borrowings repayments compared to rates and one service performance indicator, Council planning decisions upheld at VCAT have materially favourable variations, while the remaining measures within the Performance Statement are all within materiality thresholds, with minor improvements or declines.

Policy Implications

Nil.

Relevance to Council Plan

Nil.

Climate Emergency Consideration

Nil.

Consultation/Communication

Nil.

Financial and Resource Implications

Nil.

Conclusion

It is recommended that Council approve the Financial Statements and Performance Statement and authorise Cr. Ray Brown and Cr. Brett Owen to sign the documents in their final form.

Resolution

Moved Cr Graeme Moore, seconded Cr Michael Schilling.

That Council:

1. Pursuant to Section 132(2) of the *Local Government Act 1989*, gives its approval in principle to the financial statements and performance statement for the year ended 30 June 2020, subject to any changes recommended or agreed to by the auditor;
2. Pursuant to Section 132(5) of the *Local Government Act 1989*, authorises Cr. Ray Brown and Cr. Brett Owen to certify the financial statements and performance statement for the year ended 30 June 2020, in their final form after any changes recommended or agreed by the auditor have been made, in accordance with the *Local Government (Planning and Reporting) Regulations 2014*; and
3. Appoints Scott Moore, Chief Finance Officer, as the Principal Accounting Officer for the purposes of Section 132(5b) of the *Local Government Act 1989*.

Carried

6.5 Activity Reports

6.5.1 Major Projects Report

File Reference: 30-80-5
Responsible GM: Peter Benazic
Author: Andrew Barr, Cathal O'Loughlin, Ben Wood, Desiree Lovell, Michael Casey and Walter Carmignani

Recommendation(s)

That Council note the report.

Attachments

Nil

Executive Summary

As part of the reporting process to Council, this monthly report provides an update of the status of major projects in progress. It includes an update on major projects, capital works, special charge schemes and asset management current at the time of this report.

Stage 4 lockdowns imposed by the State Government in response to the Covid19 Pandemic is having an impact on a number of projects as the construction industry looks to adapt to working restrictions. These restrictions will have a time impact on the delivery of projects, of which the extent of this is still being understood and may impact the forward projection of timelines identified in this report

Conclusion

This regular activity report is provided for Councillors' information.

Recreation Reserves

Beaconsfield Recreation Reserve (Perc Allison pavilion)

Project description	Upgrade of the existing change room pavilion to provide unisex change room facilities, umpires change rooms, first aid and strapping room, gym, time-keepers room and a spectator viewing area.
Funding	Council and the Victorian Government's Community Sports Infrastructure Fund jointly fund this project
Timelines	This project is due for completion end of February 2021.
Update	The contract has been awarded and the contractor is due to commence on site.

Upper Beaconsfield Recreation Reserve redevelopment of change room facilities

Project description	<ul style="list-style-type: none"> Provision of new accessible change room facilities including amenities, umpires' room, store and externally accessible toilets.
Funding	Council and the Australian Government jointly fund this project.
Timelines	This project is expected to be completed by June 2021.
Update	Schematic design has commenced for this project. Currently reviewing delivery timeframes to achieve expected deadline of June 2021.

Bunyip Recreation Reserve soccer pitches

Project description	Detailed design for two new soccer pitches with a cricket wicket and roadway access. The design will take into consideration the new pavilion and existing infrastructure.
Funding	This project is fully funded by Council
Timelines	This design is due end of October 2020.
Update	Detailed designs are now complete for the field component. Footing designs for the light towers, artists impression being developed for the residence, showing light spill and carparking design are underway,

Comely Banks Recreation Reserve pavilion

Project description	Construction of a new pavilion providing rugby, football, cricket, and bowls activities, social multi-purpose spaces, kitchen/kiosk and toilet facilities.
Funding	Council and the Victorian Government Growing Suburbs Fund jointly fund this project
Timelines	Pavilion construction is due to be completed in January 2021.
Update	Stage 4 restrictions are impacting the delivery of this project.

Comely Banks Recreation Reserve civil construction

Project description	Construction of four new rugby league fields incorporating two cricket wickets and provision for AFL, lighting, spectator seating, playground, car park and open spaces.
Funding	Council and the Victorian Government Local Sport Infrastructure Fund jointly fund this project
Timelines	Construction to commence January 2021 with completion expected by the middle of 2022, when the grass establishment period will commence.
Update	Council awarded the tender for construction at the August Council meeting, with works due to commence on site in January 2021

Cora Lynn change room pavilion upgrade

Project description	Construction of new change rooms supporting infrastructure at Cora Lynn Recreation Reserve.
Funding	Council and the Victorian Government through Community Sports Infrastructure Loan Funding jointly fund this project.
Timelines	Design completion due May 2021, construction to begin September 2021
Update	Consultant team appointed and progressing with design development. Stakeholder involvement scheduled for late September. .

Emerald Netball Facility (Pepi's Land) – pavilion

Project description	<ul style="list-style-type: none"> Pavilion change room facility for the new netball courts providing home and away change/shower facilities, kitchen kiosk, and external amenities.
Funding	Council is fully funding this project.
Timelines	This project is complete. Please note that the use of the pavilion will be subject to the intersection of Beaconsfield/Emerald Road being finished.
Update	The project has been completed ahead of schedule, progressing with defect period and preparation for handover.

Gembrook Recreation Reserve – football/cricket pavilion redevelopment

Project description	<ul style="list-style-type: none"> Redevelopment and extension of the existing football/cricket pavilion, providing unisex change rooms, umpire change rooms, accessible amenities, first aid, gym, additional social room and provide accessible servery areas. There is a minor upgrade to the existing kitchen and social room areas, reconfiguring of the kiosk servery counter, updating the spectator viewing lounge and time-keeper room at first floor level, providing lift access to first floor level.
Funding	Council and the Australian Government jointly fund this project.
Timelines	Works are now due for completion July 2021, due to time extensions relating to delays.

Update Stage 4 restrictions impacted on provision of materials to site to progress the development, with the contractor ceasing to operate in this period. The stage 3 building permit received on 4 August 2020. A revised date of completion has been provided.

IYU Recreation Reserve athletic facility (design)

Project description Detailed design of new 400-metre athletics track, including triple / long jump, high jump, pole vault, discus, shot put. A new car park is to be included in the design.

Funding This project is fully funded by Council.

Timelines Update of the detailed design to be complete by October

Update The design works have been awarded with survey and geotech investigation complete. A concept plan is currently being reviewed.

Koo Wee Rup Recreation Reserve football/cricket pavilion upgrade

Project description Removal of existing change room facilities and construct new football/cricket change room facilities, gym, meeting and community rooms, male /female/accessible public toilets.

Funding Council, the Victorian Government and the Australian Government (Building Better Regions Fund Program) are providing funding for this project.

Timelines The project is due for completion by June 2021.

Update The contract has been awarded and the contractor is due to commence on site on 5 October 2020.

Koo Wee Rup Recreation Reserve netball pavilion upgrade

Project description Removal of existing netball change room facilities and construct new netball pavilion, providing home and away change, canteen, social room and office, public accessible toilets and unisex toilets.

Funding Council and the Victorian Government are funding this project.

Timelines The project is due for completion by June 2021.

Update The contract has been awarded and the contractor is due to commence on site on 5 October 2020.

Koo Wee Rup Secondary School pavilion

Project description

- New pavilion for the upgraded football oval, providing unisex change room facilities, umpire change rooms, unisex amenities, canteen /kiosk, storage, cleaners' room and covered spectator area.

Funding The project is funded by the Victorian Government (Victorian School Building Authority).

Timelines This project is due for completion in March 2021.

Update Tender is complete with contract negotiations underway with preferred contractor.

Koo Wee Rup Primary and Secondary School oval upgrades

Project description Reconstruction of the Koo Wee Rup Primary School oval and the adjacent Koo Wee Rup Secondary School oval.

The primary school oval upgrade includes new sub surface drainage, two new cricket nets and some portable barrier netting to protect school infrastructure.

The secondary school oval upgrade includes new sub surface drainage, irrigation, and flood lighting, installation of a bore, power upgrade, and construction of a new pavilion and extension of the synthetic hockey pitch to meet Australian standards.

Funding The primary school upgrade is funded by Sport and Recreation Victoria and Council.

The secondary college is funded by the Victorian Government's Department of Education of which a portion is allocated for the oval upgrade works.

Timelines Oval works now complete and are in the establishment phase

Update The ovals are now in the establishment phase. Expected handover to the schools will be late 2020, weather dependant

Electrical works are underway to bring power to the site. Negotiations are progressing with the energy provider on the best location for the power to enter the site

Officer Recreation Reserve (Western) oval pavilion

Project description • Upgrade works to the existing pavilion providing female friendly amenities and provisions.

Funding Council and the Victorian Government (Sports and Recreation Victoria) jointly fund this project.

Timelines This project is due for completion in September 2020.

Update Stage 4 restrictions are impacting completion of this project.

Toomuc Reserve Northern pavilion

Project description Redevelopment of the ground floor area of the existing pavilion to provide netball change facilities with operable walls, umpire change rooms, and unisex amenities. Retrofit existing football/cricket change room amenities/umpire room amenities and modification of First Aid room.

Funding Council, Sport Australia Community Sport Infrastructure Program and the Australian Government jointly fund this project.

Timelines This project is due for completion late 2021 (to be assessed in line with user group approval of revised proposals)

Update Detail design is now complete and tender documents are currently being prepared.

Toomuc Reserve Southern pavilion and little athletics/baseball facility

Project description Redevelopment of the junior football and cricket pavilion to include:

- Four sets of change rooms with unisex amenities, unisex accessible change room, accessible unisex public toilet, male and female public toilets, unisex umpires change room with operable wall
- canteen/kiosk (servicing both ovals) and cool room
- internal and external storage
- first aid room
- external spectator viewing, and timekeepers' room
- existing pavilion to remain

Improvements to the existing little athletics and baseball facilities to upgrade of canteen, storage space, change rooms and amenities, first aid room, accessible public toilets and external covered viewing area.

Funding Council, the Australian Government and the Victorian Government's Sport & Recreation Victoria Fund jointly fund this project.

Timelines This project is due for completion late 2021 (to be assessed in line with user group approval of revised proposals)

Update Detail design is now complete and tender documents are currently being prepared.

Worrell Recreation Reserve car park sealing

Project description Pavement construction and sealing of the carpark between the Hills Hub and the new Emerald oval works.

Funding This project is funded by Council

Timelines Works to commence in October/November 2020

Update Refinements to the draft design are being finalised. Consultation between the stakeholders is underway.

Roads

Blackspot project: Avon Road, Cockatoo/Avonsleigh

Project description	The installation of safety barriers, sealed shoulders and tree removal along Avon Road, Cockatoo/Avonsleigh between Woori Yallock Road and Kennedy Road.
Funding	This project is fully funded by the Australian Government's Blackspot Program.
Timelines	The project is due for completion November 2020.
Update	Further refinements to the design have been made to reduce the environmental impacts of these works. The contract will be awarded with works to commence in late September, with a completion date in November.

Blackspot project: Bessie Creek Road, Nar Nar Goon North

Project description	The installation of safety barriers, sealed shoulders, tree removals and edge line marking along Bessie Creek Road, Nar Nar Goon North between Seymour Road and Moore Road
Funding	This project is fully funded by the Australian Government's Blackspot Program.
Timelines	The project is due for completion by October 2020.
Update	Works are now underway with tree clearing and road and guard rail upgrades. The 2km of shoulder widening requires favourable weather conditions, it is anticipated this will be undertaken in September/October.

Cardinia Road level crossing removal

Project description	Construction of a bridge to take the road over the railway line. This will create some more open space in the area and a community recreation space underneath the southern bridge span as well as reducing congestion in the area.
Funding	This project is fully funded by the Victorian Government
Timelines	Works are expected to be completed mid-2021
Update	<p>Works have commenced on the bridge over the railway with most spans now in place.</p> <p>Designs have been finalised for the community recreation space and the landscape area. The community have recently voted on a graphic design for one of the walls in the community recreation space. The preferred choice was a graphic representation of the Cardinia Shire landscape from the hills down to Westernport.</p>

Connect Cardinia Stage 2

Project description	<p>Council is investing funds to upgrade a number of strategic roads across the shire to improve transport connections. Approximately 25km of roads across the shire have been identified including:</p> <ul style="list-style-type: none"> • McGregor Road, Soldiers Road and Hobsons Road, Pakenham/Rythdale • Thewlis Road, Pakenham • Armytage Road and LL Road, Officer • Huxtable Road, Pakenham Upper • Dore Road, Pakenham • Bessie Creek Road, Nar Nar Goon North • Evans Road, Bunyip • Main Drain Road, Koo Wee Rup • Boundary Drain Road, Koo Wee Rup • Mount Lyall Road, Lang Lang East
Funding	These projects are fully funded by Council
Timelines	It is anticipated that the program will be complete early 2022.
Update	<p>Tender documents for Boundary Drain Road and Main Drain Road have been finalised and prices to undertake the works are currently being sought. Evans Road is progressing through environmental approvals.</p> <p>Detailed design for Bessie Creek Road, Huxtable Road, Mt Lyall Road, McGregor/Soldiers/Hobsons Roads and LL and Armytage Roads are well underway.</p>

Kenilworth Avenue, Beaconsfield

Project description	<p>Construction of the unsealed Kenilworth Avenue in accordance with the Officer Structure Plan. The project is being delivered in two stages:</p> <p>Stage 1 is from Brunt Road to the Freeway overpass and is being delivered by the adjacent developer.</p> <p>Stage 2 is from the Freeway overpass to Coach House Lane and is being delivered by Council.</p>
Funding	This project is being funded through the Officer PSP Development Contribution Funds
Timelines	Stage 1 works are now complete. Stage 2 to reach practical completion in September.
Update	Stage 1 works have been completed by the developer with the construction of the raised asphalt speed control devices to be completed in conjunction with the wearing course asphalt in stage 2

Works on stage 2 are progressing well and anticipated to reach practical completion in September, weather and Covid-19 restrictions permitting.

Monash Stage 2 upgrade

Project description	The construction of an additional lane on both sides of the freeway from Clyde Road to Cardinia Road. The interchange at Beaconsfield will be upgraded to a full diamond. O'Shea Road will be connected into the Princes Highway extension in this area, providing improved access to the city and alternative access to Berwick and Clyde
Funding	This project is fully funded by the Victorian Government
Timelines	Works are expected to be complete by mid-2022
Update	Works have begun on the freeway with traffic management in place. Works to upgrade the bridges at Officer South Road and Gum Scrub Creek have commenced and most of these works will be completed by December, with finalisation of these areas due early in 2021 to prevent disruption to ramp works at Officer South Road.
	Closures of Office South Road from Lecky Road to Flanagan Avenue will be in place intermittently during this time

Officer South Road upgrade works

Project description	Officer South Road is being upgraded from Bridge Road to the freeway. It will be sealed with two lanes in each direction. The roundabout at Bridge Road-Rix Road-Station Street is being converted to a signalised intersection. There is a signalised intersection being installed at Flanagan Ave. A half diamond interchange is being installed at the freeway with associated intersection works giving access to the city bound lanes of the freeway on and off from Officer South Road
Funding	The project is jointly funded by Developer Contributions and the developer of the Arcadia development
Timelines	As per the S173 agreement and permit associated with the Arcadia development works are required to be completed by December 2021
Update	Major culvert works under Officer South Road between Flanagan Avenue and Lecky Road are almost complete and link the waterway on the western side of the road to the outfall on the eastern side.
	The intersection of Bridge Road-Officer South Road-Rix Road-Station Street is about to be closed for upgrade to a signalised intersection. The following detours will be in place during the closure: <ul style="list-style-type: none"> • Rix Road and Bridge Road traffic will detour via Flanagan Avenue, Campenella Way and Parker Street through the Arcadia neighbourhoods. • Officer South Rd will be closed from Bridge Road to Lecky Road with detours via Cardinia Road • Station Street will be a dead end with detours via Siding Avenue and Gum Leaf Lane to access the train station and businesses in this area.

It is planned that Rix Road will be closed for periods over the September school holidays between Stephens Road and Bridge Road to allow sewer and water upgrades to occur for developments beginning in the area. Detours will be in place and managed under traffic management plans.

Designs for the freeway ramps and intersection connecting Officer South Road to the freeway are under review and works are expected to begin on these early in 2021. During construction Officer South Road from Bridge Road to Lecky Road will be closed with detours via Cardinia Road.

Princes Highway intersection upgrades

Project description	<p>Eight intersections along the Princess Highway between Beaconsfield and Pakenham have been identified for upgrading through the associated planning schemes. Upgrades identified include amendments to two existing signalised intersections as well as signalising six previously un-signalised intersections. All intersections have been highlighted for additional or extended turn lanes, additional through lanes, bus priority lanes, and shared cycle/pedestrian lanes.</p> <p>Initial progress will include the detailed design and approvals of these projects to inform the decision-making process for subsequent construction and timing.</p> <p>Identified intersections include:</p> <ol style="list-style-type: none"> 4. Glismann Road 5. O'Neil Road 6. Brunt Road 7. Bayview Road 8. Tivendale Road 9. McMullen Road 10. Arena Parade 11. Thewlis Road
Funding	These projects are jointly funded by Developer Contributions and the Australian Government
Timelines	Works are schedule to be delivered over several stages beginning with works commencing on site in late 2020-early 2021 and completed by June 2024.
Update	<p>The contractor for O'Neil Road intersection has been engaged. Works on site are expected to commence in the coming weeks, pending final approvals from regulatory bodies and further Covid-19 restrictions. Preparations for service asset relocation has begun.</p> <p>Detailed designs for Glismann Road are currently being reviewed for final approval by Department of Transport (DoT). Construction tenders for Glismann Road are expected to be called in the coming months. Preparations for power asset relocation has also begun.</p> <p>The remaining six design packages are well underway. Preliminary works have been completed and the revised functional layout designs have been submitted to DoT for approval.</p>

Reseal and rehabilitation program

Project description	The significant proactive maintenance and upgrade of Council's road network as per Council's asset management system.
Funding	Council and the Australian Government's Roads to Recovery Program jointly fund the program.
Timelines	It is anticipated that the program will be complete in May 2021.
Update	Site inspections and the finalisation of the scope of works for each segment of road have begun on the roads selected for 2020-21 program.

Sealing the hills

Project description	Council has received funds from the Australian Government to seal over 110km of unmade roads in the Dandenong ranges (Emerald, Cockatoo and Gembrook) including a number of connector roads.
Funding	These roads projects are jointly funded by the Australian Government (\$150m) and property owners, who benefit from the project, via special charge schemes (approx. 20% of the overall budget)
Timelines	This large package of works will be delivered over the next 10 years with approx. 2-5% occurring each year in the first four years and ramping up to 10-15% in the following six years.
Update	Final designs have been received for several roads and now will go through the process of safety audits. Engineering consultants are continuing with the concept designs for the balance of the roads that are underway.

Nine design packages constituting 23 roads and approx. 35km have been awarded in and are underway. Approx. 28km of these roads are connector roads and not subject to a special charge scheme and will form the priority of construction works pending planning requirements. The preliminary designs are nearing completion and reviews and comments are underway.

Roads currently being designed are:

- Mt Burnett Road and Morrisons Road (Pakenham Upper/Mt Burnett)
- Ure Road and Mountain road (Gembrook)
- Matters Road, Bourkes Creek Road, Shelton Road and Toomuc Valley Road
- Beenak Road East, (Gembrook) Moore Road, Nar Nar Goon North) and Thewlis Road (Pakenham Upper)
- Dickie Road and Carpenter Road, Beaconsfield Upper
- Telegraph road and Armstrong Road, Beaconsfield Upper
-
- The following roads are also having preliminary designs completed, however final design sign off will be predicated on future scheme process and feedback.
- Caroline Avenue and Boronia Crescent, Cockatoo
- Chrichton Road and Princess Avenue Emerald

- Station Street, Innes Road, Anzac Street and Heroes Avenue Gembrook.

Paths, drains and bridges

2020–21 Bridge renewal program

Project description	Replacement of identified bridges and major culverts
Funding	The program is fully funded by Council
Timelines	This program is due to be completed by June 2021
Update	Quotations are being sort for the design and construction of bridges from the bridge renewal program.

2020–21 Drainage program

Project description	The maintenance and upgrading of Council's drainage network.
Funding	The program is fully funded by Council.
Timelines	This program is due to be completed by June 2021
Update	Quotes are currently being sort for each of the projects and will commence once Covid-19 stage 4 restrictions have been suspended.

2020-21 Footpath maintenance program

Project description	The maintenance of Council's existing footpath network, as set out in Council's Road Management Plan (RMP).
Funding	The program is fully funded by Council.
Update	Works are progressing on addressing defects on the highest priority issues.

2020–21 New footpath program

Project description	<p>Council's footpath program looks to extend the footpath network in and around townships. The footpaths to be constructed in 2020-21 are along:</p> <ul style="list-style-type: none"> • Rosebery Street, Lang Lang • Mary Street, Bunyip • Kilvington Drive, Emerald
Funding	This program is fully funded by Council.
Update	Footpath works at Rosebury Street, Lang Lang has been completed. Quotes have been received for the footpath works in Mary Street, Bunyip and Kilvington Drive, Emerald, however works are currently on hold until the easing of stage 4 Covid-19 restrictions.

Train station carpark upgrade

Project description	Beaconsfield train station will have an additional 150 car spaces constructed as part of the Clyde Road level crossing removal package
	Cardinia Road train station will have an additional 300 car spaces constructed as part of the Cardinia Road level crossing removal package
Funding	This project is fully funded by the Victorian Government
Timelines	Works are due to be completed by mid-2021
Update	Designs are in the final stages of development for both sites, with work expected to commence on both in the coming months. As both sites are adjacent to the existing carpark on separate land parcels, there will be minimal disruption to the current carpark numbers.

Other capital projects

Arcadia neighbourhood 3 (NH03) - new park and open space

Project description	This 1ha park has been designed by Outlines with a fantasy theme and includes a large dragon as the centrepiece with various play equipment coming from it. The dragon is designed and delivered by the same artist that created the dragonfly at Deep Creek Reserve. The park also includes shelters, BBQs, a basketball half court, drinking fountain and kickabout space
	Located on the corner of Flanagan Avenue and Campenella Way, just south of the future school site. This parcel of land including 10 stages of residential development sits between Rix Road and the freeway, west of Officer South Road.
Funding	This project is funded by DCP and the developer (Satterley) The estimated construction cost is around \$1.5m.
Timelines	Satterley hope to have the park open by early 2021 (weather and access dependant)
Update	Civil earthworks have been completed on site and landscape earthworks and drainage installation have commenced.

Officer District Park

Project description	Detailed design including a skate park, walking tracks, downhill mountain board track, parkour, fitness, café and car park.
Funding	The detailed design is funded by Council.
	The construction of the project is jointly funded by Council and the Victorian Government's Growing Suburbs Fund.
Timelines	Detailed design is due to be completed by November 2020. Construction to commence at the start of the 2021-22 financial year.

Update The design works are underway with concept designs out for stakeholder consultation. Detailed design should be complete by November and ready for tender. .

Rix Road Integrated Children's Centre

Project description Proposed new Children's Learning Centre.

Funding The project is funded by Developer Contribution and the Victorian Government.

Timelines The project is due for completion by December 2021.

Update The contract has been awarded and contractor due to commence on site.

2020-21 Playground renewal works

Project description Playgrounds to be renewed include:

- Redwood Road, Gembrook
- Kath Roberts Reserve, Beaconsfield
- Keith Ewenson, Upper Beaconsfield

Each playground design will receive consultation from the local community, schools, children's centres and kindergartens in the area. The final designs will then go out to tender for manufacture and installation

Funding These projects are fully funded by Council

Timelines Works are scheduled to be completed by June 2021.

Update Community consultation is being planned for October with designs completed by December.

Timbertop Integrated Children's Centre

Project description New children's learning centre.

Funding The project is jointly funded by Developer Contributions and the Victorian Government.

Timelines The project is due for completion by January 2022.

Update The detail design is complete and tender documents are currently being prepared. Awaiting outcome of land acquisition. Project unable to progress until land acquisition being resolved.

My Place Youth Facility

Project description Relocation and expansion of the My Place Youth Facility to a parcel of Council owned land at James Street, Pakenham. The new facility will accommodate approximately 1000m² of building structure, together with landscaping and associated car parking, which will be designed to engage and support young people 12-25 years of age.

Funding	This project is jointly funded by Council, the Victorian Government's Growing Suburbs Fund and the Australian Government.
Timelines	This project is planned to open by January 2022.
Update	The detail design is complete and tender documents are currently being prepared.

Multicultural hub feasibility study

Project description	Undertake a feasibility study, including community and key stakeholder consultation that will outline: <ul style="list-style-type: none">• Purpose for the hub• Range of community activities and services to be offered at the hub• Potential locations/sites• Service model• Design features that should be included• Case studies on similar hubs (including learnings)• Concept design including cost estimates
Funding	The study is jointly funded by Council and the Australian Government
Timelines	The preliminary study is planned to be completed by May 2020.
Update	Progressing service model with community consultation session expected in October.

Resolution

Moved Cr Brett Owen, seconded Cr Michael Schilling.

That Council note the report.

Carried

7 Reports Or Minutes Of Committees

The Mayor advised that minutes had recently been received from Committees and Briefing sessions and they were available for any interested Councillors.

8 Reports By Delegates

Cr Brett Owen acknowledged the recent passing of Mr Ralph Smith who was a stalwart of the Friends of Cardinia Creek Group that he and his wife Judy established in 1998. Cr Owen commented that Mr Smith was a great individual who will be sadly missed and passed on his condolences to wife and family

Cr Springfield thanked his Councillor colleagues and council staff for their support and assistance during his term on council in particular the last 11 months whilst he was Mayor and wished those councillors standing for the election good luck and to those councillors that decide to not stand his appreciation for their service to the council.

Cr Wilmot advised that she was not contesting the election and reflected on her two terms as a Councillor noting the major initiatives that had been achieved during this period and in particular advised that her proudest achievement was being elected as Mayor and being able to deliver extensive capital works projects to the hills communities. Cr Wilmot thanked her councillor colleagues, staff and community members for their support and assistance over her term in office

Cr Jodie Owen also advised that she was not contesting the election and advised that she was had enjoyed her two terms as a councillor working with productive and team-oriented group of councillors. Cr Owen also commented that it was an honour to have been elected Mayor and that she was leaving the Council content that she had been able to achieve some positive outcomes and thanks her family, friends supporters and council staff for their assistance during her period as a councillor.

Cr Ross commented on his term as a Councillor and the achievements that he had delivered during this time and in particular considered that his term as Mayor and Deputy Mayor had been difficult times particularly during the Bunyip Bushfire Emergency but also a very satisfying but busy period.

Cr Schilling commented on his term as a councillor over the past four years noting the matters and issues that he was able to deliver that he was passionate about and that he was proud to have been able to serve the community and was appreciative of the teamwork exhibited by his fellow councillors, staff and residents and that although he enjoyed being a councillor noted that this does take a big toll on families.

Cr Moore reflected on his time as a councillor and that it had been an honour to be able to serve his community and residents of the rural communities in the Shire. Cr Moore advised that it was an honour to have been elected Mayor noting that during his term the Bunyip Bushfires had taken a great toll on the local community. Cr Moore commented on some major achievements of the Council during his time as a Councillor and thanked the CEO, Carol Jeffs his ward colleague Cr Brown and his family for the support given to him.

Cr Ryan commented on her term as a Councillor which had at time been challenging noting the achievements that had been realised during this time which had been delivered by the Council acting as a team. Cr Ryan thanks the CEO, staff and community members for their support and assistance.

Cr Brown thanked his fellow councillors and staff for their assistance during his term as a Councillor noting that the southern towns in the Shire were receiving a better deal and wished all councillors contesting the election good luck.

Cr Brett Owen thanked all community members for their hard work and dedication to serving their local community and thanked Councillors Wilmot and Jodie Owen for their service to the Council noting some major achievements that had been delivered during his term and thanked all Councillor and staff and in particular his family for their support.

9 Presentation Of Petitions

Nil.

10 Notices Of Motion

10.1 Notice of Motion 1056 - Cr Graeme Moore

Motion

That Council;

1. Requests that the Victorian Government remove the whole or rural parts of Cardinia Shire from metropolitan Melbourne for the purposes of the COVID-19 Roadmap to reflect the diversity of Cardinia's rural and urban areas, and
2. The CEO, Carol Jeffs, be authorised to advocate to the Victorian Government during caretaker period regarding the Shire's mix of urban and rural settings and how these apply to the COVID-19 Roadmap for Reopening.

Resolution

Moved Cr Graeme Moore, seconded Cr Ray Brown.

That Council;

1. Requests that the Victorian Government remove the whole or rural parts of Cardinia Shire from metropolitan Melbourne for the purposes of the COVID-19 Roadmap to reflect the diversity of Cardinia's rural and urban areas, and
2. The CEO, Carol Jeffs, be authorised to advocate to the Victorian Government during caretaker period regarding the Shire's mix of urban and rural settings and how these apply to the COVID-19 Roadmap for Reopening.

Carried

11 Community Questions

The Mayor advised that Council had received a question from Rosa Santo.

The question read:

Have all Cardinia Shire Councillors been subject to inquiry concerning activity resulting in a financial return, if not why not?

The CEO responded with the following:

Thank you for the question Rosa, I assume you are referring to the Item listed earlier on the agenda regarding a certain councillors travel expenses. This report was the result of a notice of motion at the August Council meeting that referred to only one individual councillor not all councillors.

The Mayor advised that Council had received a question from Gloria O'Connor.

The question read:

Has sufficient information been provided for ratepayers concerning a 2% increase in the current rates charges?

The CEO responded with the following:

Thank you for your question Gloria, yes I think that sufficient information has, and continues to be, provided to all ratepayers regarding the rates set for this financial year and the 2% increase This has been via range of means, information included on Council's website, in media releases and local articles. Additionally the proposed rates were formally on public exhibition via the budget process including submissions etc, and information about the range of supports available to ratepayers has also been provided, further information is covered regularly in advertisements and on council's website. Any resident with queries is encouraged to contact council.

The Mayor took on notice 6 questions from Mark Guinane.

1. According to the Report there have been up to 8 conflicts of council reimbursements for travel expenses within the scope of the investigation. Will council be seeking legal advice on these finding? Will Cr Collin Ross be resigning and repaying council?

Answer

Cr Collin Ross has not yet been given the opportunity to respond to the findings of the report. Council resolved to give Cr Ross 14 days in which to respond to the findings in the report.

2. Point 2 and 3 of the Reviewer's recommendations state that some issues "...may require further action". What further action is council considering, and does this include suspending or standing down Cr Ross?

Answer

At the council meeting, council resolved to: 1. Note that the independent audit by Justitia Lawyers into Councillor Collin Ross' expenses (Justitia Report) has been completed in accordance with the Council Resolution resulting from Notice of Motion 1055 from the 17 August 2020 Council Meeting. (Attachment 1) 2. Note Cr Collin

Ross' response to the Justitia Report (Attachment 2) 3. Provide Cr Collin Ross with 14 days within which to provide a further response. 4. Authorise the CEO to liaise with Justitia Lawyers, Cr Ross and Council's legal advisors to ensure that due process is followed in progressing the audit and its conclusions, and that the CEO report on that progress at the November General Council Meeting.

3. The Reviewer in the report recommends that Council "...undertake a broader review of Cr Ross' Claims to Council". Will council conduct a broad and transparent investigation into all of Cr Ross' expense and travel claims for the entire 12 years of his time as a Cardinia Shire councillor?

Answer

See resolution above (2)

4. Why hasn't council ever verified any of Cr Ross' travel distances to the city?

Answer

The onus is on a councillor to apply for reimbursement of expenses and to point to an entitlement to such reimbursement.

5. Can Cr Ross explain why on approximately 22 occasions he has claimed for travel expenses of 136km on the same day or just a few days either side of the MWRRG board meeting dates, and why there are an additional 29 events/meetings (additional to the MWRRG Board meeting dates) listed in his travel claims for the MWRRG over the time frame of the scope of investigation?

Answer

This question has been forwarded to Cr Ross

6. Cr Ross' claimed distances for every single 136km city trip aren't accurate according to his own statement in the report. Can Cr Ross explain why he doesn't record distances?

Answer

This question has been forwarded to Cr Ross

The Mayor took on notice 6 questions from Wendy Andrews.

1. According to the Report there have been up to 8 conflicts of council reimbursements for travel expenses within the scope of the investigation. Will council be seeking legal advice on these finding?

Answer

Cr Collin Ross has not yet been given the opportunity to respond to the findings of the report. Council resolved to give Cr Ross 14 days in which to respond to the findings in the report.

2. Point 2 and 3 of the Reviewer's recommendations state that some issues "...may require further action". What further action is the report suggesting, and does this include suspending or standing down Cr Ross?

Answer

At the council meeting, council resolved to: 1. Note that the independent audit by Justitia Lawyers into Councillor Collin Ross' expenses (Justitia Report) has been

completed in accordance with the Council Resolution resulting from Notice of Motion 1055 from the 17 August 2020 Council Meeting. (Attachment 1) 2. Note Cr Collin Ross' response to the Justitia Report (Attachment 2) 3. Provide Cr Collin Ross with 14 days within which to provide a further response. 4. Authorise the CEO to liaise with Justitia Lawyers, Cr Ross and Council's legal advisors to ensure that due process is followed in progressing the audit and its conclusions, and that the CEO report on that progress at the November General Council Meeting.

3. The Reviewer in the report recommends that Council "...undertake a broader review of Cr Ross' Claims to Council". Will council conduct a broad and transparent investigation into all of Cr Ross' expense and travel claims for the entire 12 years of his time as a Cardinia Shire councillor?

Answer

See Resolution above (B).

4. Will council consider improvements to the travel claim forms and require details such as an exact address of destination, and organisations and people met with?

Answer

See Resolution above (B)

5. Given the errors of direction and turns in Cr Collin Ross' statement as to his Examples of route in the report, can council clarify every claim made by Cr Ross for etag reimbursements, the dates of the etag travel, how it corresponds to the VLGA and MWRRG board meeting dates, and how it corresponds to the dates in Cr Ross' submitted travel expenses?

Answer

The onus is on a councillor to apply for reimbursement of expenses and to point to an entitlement to such reimbursement.

6. Why hasn't council ever verified any of Cr Ross' travel distances to the city?

Answer

The onus is on a councillor to apply for reimbursement of expenses and to point to an entitlement to such reimbursement.

7. Will council investigate the accuracy of all Cr Ross' travel claims in regards to the claimed distances given his statement in the report

Answer

See resolution above (B)

1. According to the Report there have been up to 8 conflicts of council reimbursements for travel expenses within the scope of the investigation. Will council be seeking legal advice on these finding?

Answer

At the council meeting, council resolved to: 1. Note that the independent audit by Justitia Lawyers into Councillor Collin Ross' expenses (Justitia Report) has been completed in accordance with the Council Resolution resulting from Notice of Motion 1055 from the 17 August 2020 Council Meeting. (Attachment 1) 2. Note Cr Collin Ross' response to the Justitia Report (Attachment 2) 3. Provide Cr Collin Ross with 14 days within which to provide a further response. 4. Authorise the CEO to liaise with

Justitia Lawyers, Cr Ross and Council's legal advisors to ensure that due process is followed in progressing the audit and its conclusions, and that the CEO report on that progress at the November General Council Meeting.

2. Point 2 and 3 of the Reviewer's recommendations state that some issues "...may require further action". What further action is the report suggesting, and does this include suspending or standing down Cr Ross? If so, I hope the council take into account the work and dedication Cr. Ross has put into his role as councillor and as a mayor.

Answer

See resolution above (1)

3. Will council consider improvements to the travel claim forms and require details such as an exact address of destination, and organisations and people met with?

Answer

See resolution above (1)

4. Why hasn't council ever verified any of Cr Ross' travel distances to the city?

Answer

The onus is on a councillor to apply for reimbursement of expenses and to point to an entitlement to such reimbursement.

12 Urgent Business

There was no urgent business.

14 Councillor Questions

Nil.

15 Meeting Closure

Before closing the meeting the Mayor again thanked his Councillor colleagues and council staff for their support and assistance during his term on council in particular the last 11 months whilst he was Mayor and wished those councillors standing for the election good luck and to those councillors that decide to not stand his appreciation for their service to the council.

Meeting closed at 10:04 pm.

Minutes confirmed
Chairman