

Ordinary Council Meeting

Minutes

Monday 14 December 2020

Commenced at 7:00 PM

Council Chambers
20 Siding Avenue, Officer
Victoria

Members: Cr Brett Owen Mayor
Cr Jeff Springfield Deputy Mayor
Cr Ray Brown
Cr Stephanie Davies
Cr Jack Kowarzik
Cr Collin Ross
Cr Tammy Radford
Cr Carol Ryan

Officers: Carol Jeffs Chief Executive Officer
Doug Evans Manager Governance

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Meeting opened at 6:11pm to consider a confidential item. At the conclusion of the item the meeting was adjourned and recommenced at 7:00pm to consider general business.

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.

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 Stephanie Davies, seconded Cr Graeme Moore

That minutes of the following meetings be confirmed:

- General Council meeting 30 November 2020
- Town Planning Committee 7 December 2020

Carried

5 Declaration Of Interests

Item 6.2.4 - Cr Collin Ross declared a direct conflict of interest.

Before commencing general business the Mayor acknowledged the service of former Councillors Leticia Wilmot, Jodie Owen and Michael Schilling and read letters of appreciation to be forwarded to them illuminating their service during their terms of office.

The Mayor advised that he would attempt to personally deliver the letters under seal to the former Councillors.

6 Ordinary Business
6.1 Town Planning Reports

6.1.1 Amendment to Planning Permit T170516 and Plans – Merretts Rd, Avonsleigh (Issued for the Use and Development of the Land For a Dwelling, Construction of an Outbuilding, the Removal of Native Vegetation and Associated Earthworks)

Responsible GM: Peter Benazic
Author: Evangeline McGauley-Kennedy

Recommendation(s)

That Council support the following position, in VCAT proceeding P1270/2020, namely that the Tribunal should refusal to grant an amended planning permit T170516 - 1 to make changes to the permit and plans at Merretts Road, Avonsleigh VIC 3782 on the following grounds:

- Failure to meet the application requirements of the Green Wedge Zone and Environmental Significance Overlay (Schedule 1)
- Failure to avoid and minimise vegetation removal required by Clause 52.17 (Native Vegetation)
- Failure to protect biodiversity as required by Clause 12.01-1S (Protection of biodiversity) and Clause 13.02-1S (Bushfire Planning)
- Failure to protect metropolitan green wedge land from uses and development that will diminish its environmental value
- Transformation of the proposal from the originally assessed plans associated with Planning Permit T170516

Attachments

1. T 170516-1 APP - Proposed plans [6.1.1.1 - 1 page]
2. T 170516-1 APP - Plans assessed for T 170516 [6.1.1.2 - 1 page]
3. T 170516-1 APP - Existing permit [6.1.1.3 - 4 pages]

Executive Summary

APPLICATION NO.:	T170516 - 1
APPLICANT:	Mr Duane Hines
LAND:	Merretts Road, Avonsleigh VIC 3782

PROPOSAL:	Amendment to Planning Permit T170516 to make changes to the endorsed plans
PLANNING CONTROLS:	Green Wedge Zone - Schedule 1 Bushfire Management Overlay Environmental Significance Overlay - Schedule 1 Clause 52.17 - Native Vegetation
NOTIFICATION & OBJECTIONS:	A “failure to determine” (Section 79, <i>Planning and Environment Act</i>) application has been made to the Victorian Civil and Administrative Tribunal, as Council has not made the decision within the required time frame. Therefore, the applicant has been required to carry out advertising and notice in accordance with Section 55.
TITLE DOCUMENTS:	The land is subject to a section 173 agreement (AK267112P), executed on 3 April 2013 as a condition of the permit that authorised a three lot subdivision in PS407752H. The subject land constitutes Lot 1. The agreement seeks to protect vegetation and exclude livestock within that part of the land shown as EV-1; to prevent any buildings or works within the area shown as DX-1; to preclude the keeping of livestock; and to preclude any further subdivision of the land. The proposed development is clear of the EV-1 and DX-1 zones except for the proposed shed on the eastern boundary which is within the EV-1 area.
KEY PLANNING CONSIDERATIONS:	Impacts on vegetation and biodiversity
RECOMMENDATION:	That Council supports a refusal to grant an amended permit, in VCAT proceeding P1270/2020, listed for next hearing on Feb 5 th 2021.

Background

Planning permit T170516 was granted by Council on 24 April 2019 for the use and development of the land for a dwelling, construction of an outbuilding, the removal of native vegetation and associated earthworks. This application gave permission for the use and development of the land for a dwelling and outbuilding and associated earthworks, along with permission to remove 106 native trees from the subject site (subject to conditions regarding offsetting and replacement planting being met). The majority of the 106 trees given permission to be removed included *Eucalyptus dives* (Broad-leaved peppermint) and *Eucalyptus obliqua* (Messmate).

The majority of the tree removal was required to meet the defensible space requirements of the Bushfire Management Overlay, which requires 5-metre canopy separation between trees for bushfire safety. The defensible space area for this site extends to the property boundary (Merretts Road) to the north, 32 metres to the east of the proposed dwelling, 49 metres to the south of the proposed dwelling and 25 metres to the west of the proposed dwelling.

The remaining trees within the development area require removal for the footprint of the proposed dwelling, driveway and outbuilding.

Twenty-eight (28) trees require removal for the dwelling footprint; twenty-three (23) require removal for the driveway and four (4) for the outbuilding.

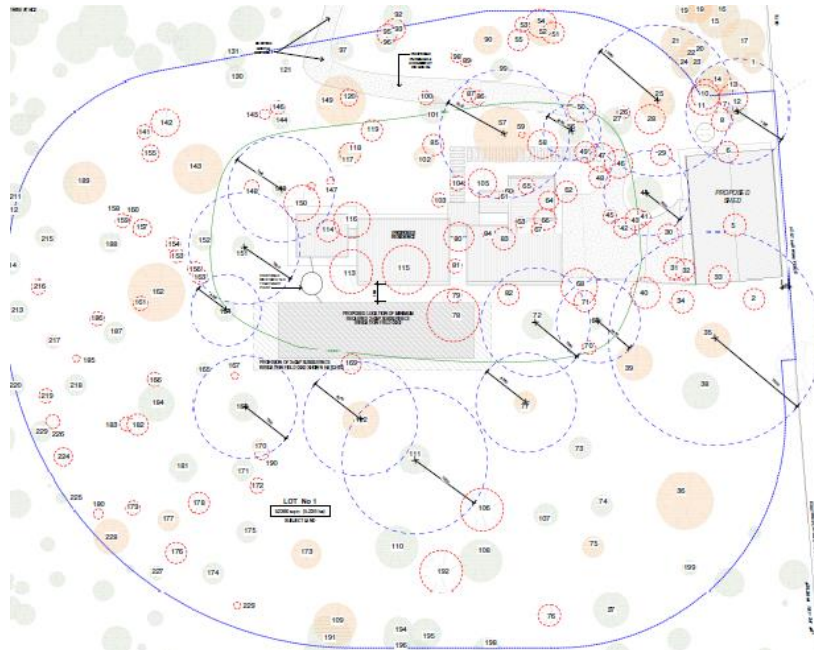


Figure 1: Vegetation removal plan approved by T170516 (subject to conditions being met)

Following the issue of the permit by Council, the applicant sought a review of six (6) conditions (6, 7, 8, 9, 10 and 11) via a Section 80 (Conditions) appeal (P1227/2019), which was heard by the Tribunal on 18 December 2019. The conditions related to tree removal, replacement planting and protection of vegetation, land management and the imposition of a section 173 agreement.

The Tribunal ruled that:

- 1) The decision of the responsible authority was to be varied.
- 2)
- 3) The Tribunal directed that planning permit T170516 must contain the conditions set out in the planning permit T170516 issued by the responsible authority on 24 April 2019 with the following modifications:
- 4)
 - a. Conditions 8, 9, 10 and 11 are deleted.
 - b.
 - c. Conditions in the planning permit are renumbered accordingly.

A modified planning permit in accordance with the changes directed by the Tribunal was issued on 28 January 2020.

Conditions 8, 9, 10 and 11 related to replacement plantings being carried out on the site to compensate for the vegetation removals approved. They also related to certain actions for ensuring these works were protected in perpetuity.

The conditions directed to be deleted from the permit by the Tribunal read:

Replacement planting/Protection of vegetation

8. Prior to endorsement of development plans, it must be demonstrated that the vegetation approved for removal will be replaced through both the protection of trees,

and planting replacement plants. The applicant must, to the satisfaction of the Responsible Authority:

- a. Protect 97 existing trees in perpetuity through a Section 173 Agreement required by Condition 11.
- b.
 - i. The 97 trees for protection must comprise of:
 - i. 13 trees over 60cm diameter at 1.3 metres above ground level
 - ii. 47 trees over 50cm diameter at 1.3 metres above ground level
 - iii. 37 trees at least 3 metres high (diameter not specified)
 - iv.
 - ii. The trees to protect may include trees shown for retention on the tree removal plan. All remaining trees to protect onsite must be outside the development exclusion area shown in the existing Section 173 Agreement AK267112P.
 - iii.
 - iv. A scaled site plan and corresponding table of tree descriptions must indicate all 97 trees that will be protected, including tree identification numbers, location, species, diameter at 1.3m above ground level, and hollow bearing trees must be provided. This plan and table will be endorsed and be registered on the Section 173 Agreement as required by Condition 11.
 - v.
- c. The permit holders must prepare and submit a *Replacement Planting Plan* to compensate for the removal of vegetation approved under this permit, to the satisfaction of the Responsible Authority. When approved by the Responsible Authority, the plan will be endorsed and will form part of this permit. The *Replacement Planting Plan* must show:
 - i. 997 indigenous plants are to be planted within three months of completion of development/works to compensate for the loss of 106 native trees to the satisfaction of the responsible authority. All replacement plantings must be in accordance with any Bushfire Management Plan that may apply.
 - ii. Plantings must include a range of indigenous trees, shrubs and grasses with a minimum of one canopy tree planted per every tree removed.
 - iii. A list of indigenous plant species to be used and the name of the indigenous nursery where plants will sourced from.
 - iv. Show area of replacement planting on a site plan, outside the defendable space area and in addition to the development exclusion zone in the existing section 173 Agreement.
 - v. Actions and timing of all planting preparation and follow up maintenance works including tree guards and mulch.
 - vi. Any plants that do not survive must be replaced.
 - vii.
- d.
 - i. 997 indigenous plants are to be planted within three months of completion of development/works to compensate for the loss of 106 native trees to the satisfaction of the responsible authority. All replacement plantings must be in accordance with any Bushfire Management Plan that may apply.
 - ii. Plantings must include a range of indigenous trees, shrubs and grasses with a minimum of one canopy tree planted per every tree removed.
 - iii. A list of indigenous plant species to be used and the name of the indigenous nursery where plants will sourced from.
 - iv. Show area of replacement planting on a site plan, outside the defendable space area and in addition to the development exclusion zone in the existing section 173 Agreement.
 - v. Actions and timing of all planting preparation and follow up maintenance works including tree guards and mulch.
 - vi. Any plants that do not survive must be replaced.
 - vii.
- e. Photographic evidence must be submitted to Council within three months of the completion of development to demonstrate that the works described in the *Replacement Planting Plan* have been completed to the satisfaction of the Responsible Authority.

- f. The replacement planting must be maintained for a minimum of 2 years to the satisfaction of the responsible authority, and protected in perpetuity.

Land Management Plan

- 9. Prior to the endorsement of development plans, a *Land Management Plan* must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and form part of the permit. The *Land Management Plan* must include:
 - a) Protected vegetation as required by Condition 8a integrated into this plan;
 - b) Replacement planting as required by Condition 8b integrated into this plan;
 - c) The division of the site generally into a defensible space/Domestic Zone and the remainder of the land into a Conservation Zone.
 - d) The delineation or fencing of the Conservation Zone and location and type of any internal fencing or markers to establish the various zones.
 - e) Delineation of existing pathways to be maintained and track to be discontinued to allow re-establishment of vegetation.
 - f) Provide a works program and weed management strategy that details the following as applicable:
 - i. The Conservation Zone clearly defined as a no go area during any construction works on the property
 - ii. No vehicles or machinery is to enter the Conservation Zone
 - iii. Retain all standing trees (dead and alive) within the Conservation Zone and as marked in the Domestic Zone
 - iv. Allow understorey and canopy species to regenerate within the Conservation Zone
 - v. That all soil and/or vegetation disturbance or stockpiling is restricted to the area defined as the Domestic Zone
 - vi. The restriction preventing the keeping any hooved animals on the property
 - vii. Details of the management of domestic pets (cats and dogs) within all zones of the property
 - viii. The protection of hollow bearing trees and limits on collection of firewood (personal use and not from the Conservation Zone)
 - ix. Control and management of noxious weed species (listed under the CaLP Act) identified in the *68 Merretts Road, Avonsleigh, Victoria. High Risk-Based Pathway Biodiversity Assessment for a Proposed Dwelling* (Beacon Ecological, July 2018) report.
 - x. Any imported soil or gravel must be weed seed and pathogen free to prevent importation of weed seed and disease into the site.
- 10. All necessary works as per the endorsed Land Management Plan must be implemented prior to commencement of development, with ongoing management works carried out in perpetuity.

Section 173 Agreement

- 11. Prior to the endorsement of development plans, the owner of the land must enter into a Section 173 Agreement which must be registered on title at the full cost of the owner. The Agreement must provide for the following:
 - a. The Tree Protection Plan and Replacement Planting Plan including relevant obligations as required by Condition 8.

- b. The Land Management Plan including relevant obligations as required by Conditions 9 and 10.

The Tribunal in its decision also spoke to the permit applicants concerns about the ability of the plan required to be endorsed by Condition 6 to achieve the appropriate canopy separation of 5 metres under the Bushfire Management Overlay. Condition 6 of the permit related to the Tree Removal Plan (TP-08, Rev K, July 2017) and required that this plan be endorsed as part of any permit.

At the time, the applicant stated that the tree retention plan shows the driveway weave through trees 97 and 149 and again through 56 and 27. If this occurs, the applicant submitted, the minimum inside radius of the driveway for emergency vehicles of 10 metres cannot be met.

The Tribunal also mentioned should the applicant need to remove additional trees to comply with the requirement of the BMO, they will be required to request an amendment to the permit and the plans considered under the permit.

The Tribunal directed that the applicant for review apply for an amended permit with the Responsible Authority to amend this condition to refer to a different plan.

As such, this amended permit application has been submitted. A decision was not made within 60 statutory days and the applicant is now seeking a review of the amended permit application at the Tribunal under Section 79 (Failure appeal).

PERMIT HISTORY:

Lot 1 PS PS407752 (subject site):

- Planning permit T170516 was granted by Council on 24 April 2019 for the use and development of the land for a dwelling, construction of an outbuilding, the removal of native vegetation and associated earthworks.
-
- Planning permit T170516 was varied at the direction of the Tribunal (to delete conditions 8, 9, 10 & 11) on 28 January 2020.
-
- Amended permit T170516-1 was subsequently applied for in March 2020 and a failure appeal lodged with the Tribunal in August 2020.

Parent title history:

This lot was created through a Planning Scheme Amendment (L100) in 1996 undertaken by the then Shire of Sherbrooke under the Sherbrooke Planning Scheme. This subdivision was undertaken in accordance with the 'Development Master Plan – Merritts Road South' and allowed the creation of the three (3) lots on Plan of Subdivision 407752. This amendment came into effect on 12 August 1996.

- Planning permit T960719 was subsequently issued to subdivide the land into three (3) lots, generally in accordance with the approved plans on 17 February 2004.
 - This planning permit approval required the land owners/ permit holder to enter into a Section 173 Agreement outlining 'Development Exclusion Zones' and potential dwelling/ building locations for each allotment, to align with the documents prepared for the Planning Scheme Amendment.

Subject Site



An inspection of the site and the surrounding area has been undertaken.

The site is located on the southern side of Merretts Road.

A crossover is located towards the middle of the lot and there are no easements within the title boundaries.

The site is currently vacant and densely vegetated.

The topography of the land slopes from north to south, with approximately 40 metres of fall across the entire site. The proposed location of the dwelling and outbuilding are relatively flat.

The main characteristics of the surrounding area are:

- North: Directly north of the site is Merretts Road. Across Merretts Road are large, cleared properties containing dwellings and outbuildings located in the Yarra Ranges Shire.
- South: Directly south of the site is 8 Kennedy Road which is a large rural-residential property containing a large single dwelling, outbuildings and a large patch of remnant vegetation towards the rear of the site. Further south are other large rural-residential properties and smaller Neighbourhood Residential properties located closer to Emerald Town Centre.
- East: Directly east of the site is Lot 2 PS407752 (114 Merretts Road) which is a similarly sized large vacant parcel of land which is also densely vegetated. Further east are large parcels of rural-residential land containing single dwellings, outbuildings and patches of remnant vegetation.
- West: Directly west of the site is 48a Merretts Road which is a similarly sized parcel containing a large single dwelling, outbuildings and outdoor horse arena. This lot is relatively clear of vegetation. Further west is 60 Kennedy Road, which is a large cleared parcel of land containing a large dwelling and outbuilding.

Relevance to Council Plan

Nil.

Proposal

The applicant is seeking permission to amend planning permit T170516 and the plans associated with the permit to increase the number of trees required to be removed to achieve defensible space compliance, make slight changes to the position of the dwelling and substitute a number of plans including:

- Existing plans TP-02 Rev K and TP-08 Rev K are to be replaced with plans MRA-01-A, MRA-02-A, MRA-03-A, MRA-04-A, MRA-05-A, MRA-06-A and MRA-07-A.
- Existing Plan TP-03 Rev K Floor Plan is to remain with the exception that all references to the wastewater system are to be ignored.
- Existing plan TP-04 Rev L, TP-05 Rev L, TP-06 Rev L and TP-07 Rev L to remain.

MRA-01-A Plan:

- The new plan MRA-01-A is to be added to show the existing tree positions on the property and the siting of the dwelling, outbuilding and driveway.

MRA-02-A Plan:

- The new plan MRA-02-A is to replace the existing (dwelling and outbuilding siting plan) known as TP-02 Rev K and shows the dwelling and outbuilding now setback 32 and 1 metres from the eastern boundary respectively, whereas the TP-02 Rev K plan showed setbacks of 30.71 and 1 from this boundary. It also shows the dwelling and outbuilding now setback 28.3 and 20.48 metres from the northern boundary (Merretts Road)s respectively, whereas the TP-02 Rev K plan showed setbacks of 24.08 and 20.41 metres from this boundary respectively.

MRA-03-A Plan:

- The new MRA-03-A Plan is to be added to show how the driveway is to be developed and demonstrate that it meets the relevant bushfire and emergency vehicle access requirements.

MRA-04-A Plan:

- The new MRA-04-A Plan is to be added to show how the defendable space is calculated in relation to the new siting of the dwelling and outbuilding. It also intends to show how the defendable space (5-metre canopy separation) will be achieved.

MRA-05-A Plan:

- The new plan MRA-05-A is to replace the existing (Tree retention and removal plan) known as TP-08 Rev K and shows the removal of 183 trees from the defendable space area, 77 trees more than the existing plan (TP-08 Rev K) which showed the removal of 106 trees.

MRA-06-A Plan:

- The new MRA-06-A Plan is included to show the tree protection zones of the retained trees and demonstrates that the dwelling, outbuilding, driveway and effluent areas will not encroach on these zones.

MRA-07-A Plan:

- The new MRA-07-A Plan is included to show the location of the effluent area and how the area will not impact on surrounding vegetation. This effluent area has also been moved to the show of the outbuilding.

Through this amendment, the permit holder is also seeking Condition 6 be updated to reflect the new plan to be referenced 'MRA-05-A' and other subsequent amendments to conditions, including DELWP's offsetting Condition 1.

Planning Scheme Provisions

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11.01-1S Settlement
 - Clause 11.01-1R2 Green Wedges – Metropolitan Melbourne
- Clause 12.01-1S Protection of biodiversity
- Clause 13.02 Bushfire
 - Clause 13.02-1S Bushfire planning

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 Cardinia Shire Key Issues and Strategic Issues
- Clause 21.02-2 Landscapes
- Clause 21.02-3 Biodiversity
- Clause 21.02-4 Wildfire Management

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.17 Native vegetation
- Clause 53.02 Bushfire Planning
- Clause 57 Metropolitan Green Wedge Land
- Clause 65 Decision Guidelines
- Clause 66 Referral and Notice Provisions
- Clause 71.02 Operation of the Planning Policy Framework
 - Clause 71.02-3 Integrated Decision Making

Zone

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

Overlays

The land is subject to the following overlays:

- Environmental Significance Overlay – Schedule 1
- Bushfire Management Overlay

Planning Permit Triggers

There are no new permit triggers as a result of the proposal. The proposal relates to the amendment of Planning Permit T170516 originally issued for the use and development of the land for a dwelling, construction of an outbuilding, the removal of native vegetation and associated earthworks, as well as changes to the submitted plans as discussed above.

The original application required a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 35.04-1 of the Green Wedge Zone 1 a planning permit is required to use the site for a dwelling.
- Pursuant to Clause 35.04-5 of the Green Wedge Zone 1 a planning permit is required to construct or carry out works (associated with a section 2 use, earthworks and reduced setbacks).
- Pursuant to Clause 42.01-2 of the Environmental Significance Overlay 1 a planning permit is required to construct a building or construct or carry out works (dwelling, outbuilding exceeding 4m in height, outbuilding exceeding 120sqm and vegetation removal).
- Pursuant to Clause 44.06-2 of the Bushfire Management Overlay a planning permit is required to construct a building associated with accommodation.
- Pursuant to Clause 52.17 a planning permit is required to remove a native vegetation.

Public Notification

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

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

▪

The notification has been carried out correctly, and Council has not received any objections to date.

Referrals

Due to the “failure to determine” application being lodged, Council was unable to conduct any external referrals. As per the process for Section 79 applications, the applicant for review is responsible for carrying out referrals.

Pursuant to Clauses 66.02-2 and 66.03 (Referral and Notice clauses) the application was required to be referred to the following authorities by the permit applicant:

Department of Environment, Land, Water and Planning (DELWP):

The application was referred to DELWP as a statutory referral. At the date of writing this report, Council has not received any formal correspondence or referral response from DELWP.

Country Fire Authority (CFA):

The application was referred to the CFA as a statutory referral. At the date of writing this report, Council has received the CFA's Statement of Grounds and they will be attending the VCAT hearing set down for February 2021.

Council's Environment Department:

Council has also sought the comments of our Environmental Officers who object to the granting of the amended permit on the grounds of excessive loss of biodiversity as a result of the additional vegetation removals proposed.

Discussion

The application to amend the permit has been assessed against the decision guidelines of all relevant clauses of the Cardinia Planning Scheme and the proposed changes are considered to be inconsistent with these requirements.

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

A number of state and local policies are relevant to this application that aim to ensure that the use and development of land for dwellings in environmentally sensitive and bushfire prone areas appropriately balances the environmental and biodiversity values of a site, whilst considering the bushfire mitigation and safety measures required to prioritise the protection of human life. The application to amend the permit has considered these Planning Policy Framework and Local Planning Policy Framework, and it is considered that the proposal does not align with the objectives to achieve bushfire safety without adverse impacts on biodiversity and the environmental values of an area.

Clause 12.01-1S Protection of biodiversity

The primary objective of this Clause is:

- “To assist the protection and conservation of Victoria’s biodiversity”

The relevant strategies to achieve this objective are:

- Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites.
-
- Strategically plan for the protection and conservation of Victoria’s important areas of biodiversity.
-
- Ensure that decision making takes into account the impacts of land use and development on Victoria’s biodiversity, including consideration of:
 - Cumulative impacts.
 - Fragmentation of habitat.
 - The spread of pest plants, animals and pathogens into natural ecosystems.
 - Avoid impacts of land use and development on important areas of biodiversity.
-

Clause 13.02 Bushfire Planning

The primary objective of this Clause is to:

- “To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life”.

The relevant strategies are:

- Protection of human life
-
- Give priority to the protection of human life by:

- - Prioritising the protection of human life over all other policy considerations.
 - Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.
 - Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process
 - Areas of biodiversity conservation value
 - Ensure settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are important areas of biodiversity.

Use and development in a Bushfire Prone Area

When assessing a planning permit application for the above uses and development (accommodation):

- Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.

In assessing this application, the focus is on the two (2) policies above and the emphasis they put on the protection of biodiversity. The planning scheme prioritises both the protection biodiversity and human life. Where a new dwelling is to be constructed within a Bushfire Management Overlay, the dwelling must have an area known as defensible space, which is an area modified by the removal of vegetation (both trees and understorey). As outlined in the strategy above, where the development of a site requires unacceptable impacts to biodiversity to create the required area for defensible space, the development of that site is not appropriate.

As this property is a dense bush block, the defensible space cannot be provided without significant impact on the vegetation. The assessment of the original permit (T170516) sought the removal of 106 native trees within the defensible space area, which although still quite significant, was considered acceptable subject to permit conditions requiring replanting and offsetting to compensate for the biodiversity that was lost.

The amended permit application seeks permission to remove an additional 77 native trees along with understorey vegetation, resulting in the retention of only 14 native trees within the defensible space to comply with CFA's defensible space requirements. This is an unacceptable level of biodiversity loss, especially where the Tribunal ruled that no further replanting can occur on the site (via the deletion of Conditions 8, 9, 10 and 11) in a fragmented landscape that has important landscape connectivity values for biodiversity. It is considered that the proposal does not adequately respond to the above and therefore, it is considered that the proposal is inconsistent with the Planning Policy Framework (PPF) and Municipal Planning Strategy (MPS) as it fails to balance the objectives of the policy and is considered to result in a detrimental impact on the biodiversity of the surrounding area.

Green Wedge Zone:

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 an application, in particular:

General issues:

- The Municipal Planning Strategy and the Planning Policy Framework.
- 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.

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.

Environmental issues:

- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- How the use or development relates to sustainable land management and the need to prepare an integrated land management plan.

Design and siting issues:

- The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.
- The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.

- The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.

The current permit allows use and development of the land for a dwelling which is defined under the Planning Scheme as an secondary land use, and triggers a permit for both the use and development of the land for the purposes of a dwelling.

Given that one of the main purposes of the Green Wedge Zone is to protect and enhance the biodiversity of the area, the approved land use is not an 'as of right' use and therefore in order to approve a permit, the application must appropriately respond to the constraints of the site and the planning policy. The current permit (T170516) was considered to appropriately respond to the relevant policy, including the environmental values of the site (by proposing a level of vegetation removal that Council accepted) and therefore, a permit was issued.

The amendments to the permit to include additional vegetation removals has changed the position on this, as the proposed vegetation removals are no longer considered to the minimum extent necessary to maintain adequate canopy separation for bushfire protection. The additional vegetation removals now proposed are considered to transform the proposal from what was originally assessed and approved, due to their excessive nature and drastic departure from the information originally provided which assured the 106 trees to be retained for defendable space could achieve the required canopy separation for bushfire protection.

The proposed removal of 77 more native trees does not align with the objectives of the Green Wedge Zone to ensure that development appropriately responds to the following:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The capability of the land to accommodate the proposed use or development.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- How the use or development relates to sustainable land management and the need to prepare an integrated land management plan.
- The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.

Therefore, based on the above, it is considered that the proposed amendments no longer respond to the above objectives and the application to amend the permit should be refused.

Environmental Significance Overlay – Schedule 1 and Clause 52.17 – Native Vegetation

The Environmental Significance Overlay – Schedule 1 (ES01) relates to the northern hills area of the municipality and the need to protect and enhance the significant environmental and landscape values of the area. This includes the retention and enhancement of indigenous vegetation, and to ensure that the siting and design of buildings and works do not adversely

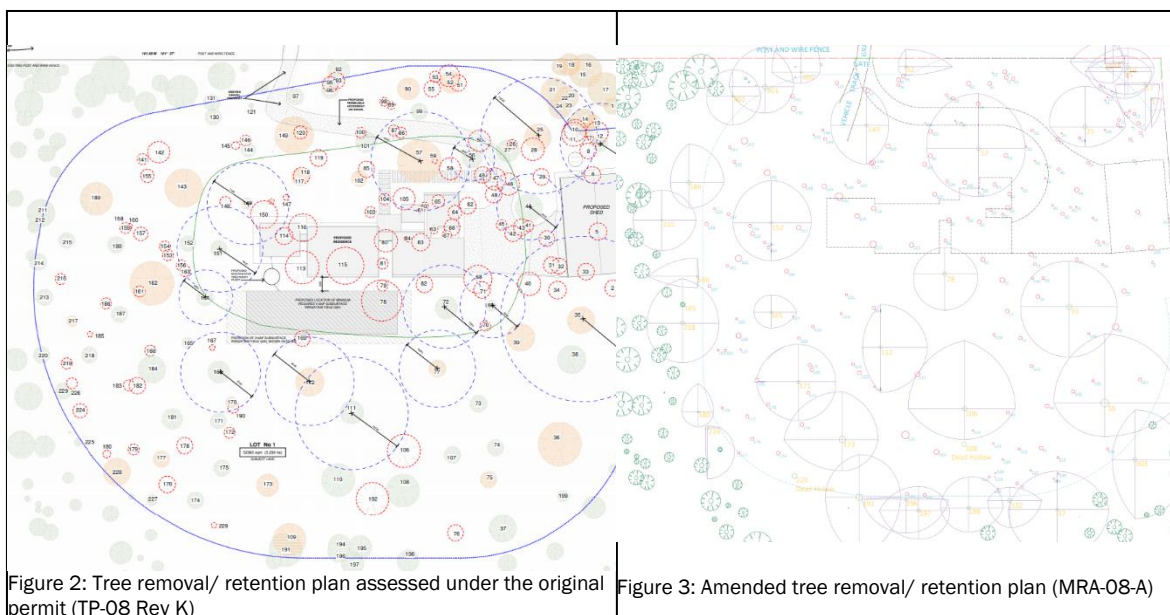
affect environmental and landscape values through ensuring that environmental hazards and risks are addressed.

Pursuant to Clause 42.01-2 of the ESO1 a planning permit is required to construct a building or construct or carry out works (dwelling, outbuilding exceeding 4m in height, outbuilding exceeding 120sqm and vegetation removal).

The decision guidelines of the Overlay require the Responsible Authority to consider the following when assessing an application, in particular:

- 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.
- To protect and enhance biolinks across the landscape and ensure that vegetation is suitable for maintaining the health of species, communities and ecological processes, including the prevention of the incremental loss of vegetation.

As discussed above, the current permit was considered to adequately respond to the above decision guidelines, as the vegetation removal was considered to be represent the minimum extent necessary, and therefore a permit was issued. The changes requested by this amended permit application are considered to transform the proposal, from what was originally determined to be acceptable vegetation loss, to excessive vegetation loss. As such, it is submitted that the amendment should not be supported as it does not align with the decision guidelines of the ESO1 as listed above.



The purpose of Clause 52.17 (Native Vegetation) is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of Native Vegetation. The original application proposed the removal of 106 native Eucalyptus trees which are required to be offset pursuant to Clause 52.17 in accordance with Condition 1 of the existing permit (T170516).

The proposed amendments to the permit are seeking permission to remove an additional 77 trees from the defensible space area, leaving only 14 native trees to be retained.

Clause 52.17 requires applicants to apply the three (3) step approach to vegetation removal outlined in the Guidelines for the removal, destruction or lopping of native vegetation, 2017. The guidelines outline the three (3) step process as follows:

- Avoid – Avoid the removal, destruction or lopping of native vegetation to maintain native vegetation that currently exists is an effective way to ensure native vegetation continues to deliver its important values into the future.
- Minimise - Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided. Minimising ensures that impacts from native vegetation removal on biodiversity or other values are kept to the minimum necessary.
- Offset - Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation. An offset is required to compensate for the loss to biodiversity from the removal of native vegetation.

The proposed amendments are not considered to achieve this principle. The drastic departure from the retention of 91 out of 197 trees within the defensible space area (approved in the original application) to the retention of 14 out of 197 trees now proposed, is not considered to avoid and minimise vegetation loss to the minimum extent necessary.

If the original proposal assured that the canopy separation within the defensible space could be achieved by the removal of 106 trees, then Council is of the opinion that the removal of an additional 77 trees is not warranted and the applicant has not chosen vegetation to be removed to the minimum extent necessary to achieve compliance with bushfire standards.

Therefore, the amendment should not be supported.

Before deciding on an application to amend a plan or permit, the Responsible Authority must also consider:

- The relevant planning scheme or any changes to the scheme;
- All objections and other submissions which it has received and which have not been withdrawn;
- Any decision and comments of a referral authority which it has received;
- Any significant effects which the Responsible Authority considers the changes may have on the locality / environment / etc; and
- Will not cause an increase in detriment to any person.

Changes in policy

There have been some minor changes to the Cardinia Planning Scheme since the permit was issued in 2019, namely the following Planning Scheme Amendments.

- Planning Scheme Amendment VC159, which was introduced in August 2019.
- Planning Scheme Amendment VC160, which was introduced in January 2020.

Planning Scheme Amendment VC159 saw the introduction of changes to the Victoria Planning Provisions (VPP) arising from the Victorian Government's Smart Planning program. Amendment VC159 amends the VPP and all planning schemes to introduce new land use terms, revise the definition of land use terms and change where land use terms are nested.

There were also some minor 'fix-up' amendments between 2019 and 2020, the most recent being VC160 which amends the Victoria Planning Provisions (VPP) and all planning schemes to correct errors and omissions and clarify the operation of certain provisions.

The above amendments to the Planning Scheme in the time since the permit was issued are inconsequential to the application as their main purpose was to consolidate and simplify the Planning Scheme and update land uses to ensure they continue to be relevant.

Despite the changes to the Planning Scheme described above, the Planning Scheme continues to require these types of applications to appropriately balance the impact that bushfire safety measures have on 'bush block' properties when considering an application for a dwelling. Therefore, the changes to the Planning Scheme do not mitigate against the approval of this amendment or render it unsupportable.

Advertising and response to objections

The original application was advertised by Council pursuant to Section 52 of the *Planning and Environment Act, 1987* by:

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

As part of VCAT's orders, the applicant for review was required to carry out advertising for the amended permit.

Neither Council, nor the permit applicant have received any objections to the original permit or the amended application.

Advice from referral authorities

As discussed above, the applicant for review was required to carry out the required referrals in accordance with VCAT's orders.

Council has received the CFA's response to date. They have not objected to the amendments, however will be a party to the appeal.

DELWP was also required to be referred the application, however at the time of writing this report, the applicant for review has not received a response from DELWP.

Early correspondence between Council and DELWP regarding the amendment suggests that DELWP would not be supportive of the proposed amendments to remove additional vegetation, however no formal response has been received to date.

Increase in detriment to any persons

Based on the supporting documents and above assessment and discussion, it is not considered that the application will have any immediate effect on any person's amenity. However the cumulative effect of the gradual removal and destruction of remnant vegetation does have the potential to affect the broader community via the increase effects vegetation removal has on our climate. The Planning Scheme recognises these issues in Clause 13.01 (Climate Change Impacts).

Land use, land use change and forestry are listed in the Victorian Greenhouse Gas Emissions Report 2019 as one of the main contributing factors in Victoria's total net (carbon) emissions in 2017. The additional removals and the precedent this potentially sets for other properties to remove vegetation, can incrementally result in the removal of more and more large trees from the environment, reducing the amount of carbon able to be sequestered from the atmosphere.

Whilst there may not be any immediate effect of these vegetation removals, over time the more and more vegetation required to be removed for bushfire safety, has the potential to increase the frequency and severity of bushfire as a direct result of climate change.

Vegetation removal also contributes to the loss of biodiversity from areas and species extinction, which again may not have any effect on any persons at the present time, but it could have a long lasting effect on the community as a whole.

Therefore, it is considered that although the amendments to the permit will not have any detrimental impact to the properties directly adjoining the site in the short term, there are long lasting effects of excessive and cumulative vegetation removals for the broader community over time.

Before deciding on an application to amend a plan or permit, the Responsible Authority, if the circumstances appear to so require, may consider:

- Any significant social and economic effects of the amendment;
- Any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council;
- Any amendment to the planning scheme which has been adopted by a planning authority but not, as at the date on which the application is considered, approved by the Minister or a planning authority;
- Any agreement made pursuant to section 173 affecting the land the subject of the application; and
- Any other relevant matter.

Social and economic impacts

As discussed above, it is considered that there will not be any immediate significant detrimental social or economic effects of the proposed amendment to the planning permit. However, there are scientific links between the gradual loss of remnant native vegetation and climate change, which does have the potential to contribute to detrimental social and economic impacts on the broader community over time.

Other strategic plans or works

There are no strategic plans, policy statements, codes or guidelines which have been adopted by a Minister, Government Department, Public Authority or Municipal Council which would impact on the approval of the proposed amendment, other than those discussed above.

There has also been no amendment to the Planning Scheme, which has been adopted by a Planning Authority but not approved by the Minister or a Planning Authority, which would affect the approval of the proposed amendment, other than those already discussed above.

Section 173 Agreements

This restriction relates to an agreement between the previous landowner (Norton Ingleigh Welch) and Cardinia Shire Council. This agreement outlines the ongoing obligations of the registered proprietor/s in relation to livestock fencing, development exclusion areas for the protection of the existing vegetation. This agreement relates to a number of parcels making up the original allotment. The subject site (Lot 1) has a development exclusion zone located to the rear of the site, which prohibits the development of this area for any buildings and also the removal of vegetation from within this area.

As the proposed dwelling and outbuilding and subsequent vegetation removal (including the additional removals proposed by the amendment) are located outside of this development exclusion area, it is considered that the application complies with the obligations set out by this agreement.

Other relevant matters

It is considered that the following should be considered in the application to amend the permit.

Council's Environment Officer's conducted a site inspection on 16 July 2020.

The purpose of this site inspection was to:

- Ensure that trees in the defendable space were marked on site in accordance with the requirements of Condition 7 of Planning Permit T170516; and
-
- To confirm whether or not the additional vegetation marked for removal/retention on the new plan (MRA-04-A) were proposed to the minimum extent necessary to create the required 5-metre canopy separation between trees to be retained in the defendable space.

This assessment is considered necessary due to the new plan (MRA-04-A) being vastly different to the vegetation removal/retention plan (TP-08 Rev. K) prepared and provided with the original application by Graham Jones Design which Council made its original decision on.

However, due to the sheer volume of trees to be considered, Council's Environment Officer's did not have enough time to review the new plan (MRA-04-A) on-site during the inspection undertaken on 16 July 2020.

Council's Environment Officer's communicated their intention to arrange another time with the applicant for review to re-attend the site (with a CFA and DELWP representative if possible) to check the plan against the trees marked for retention/removal on-site. The restrictions

imposed by the State Govt. during the COVID-19 pandemic at the time created challenges and delays in arranging face-to-face and site inspections.

Subsequently, the s .79 application was lodged prior to this second visit occurring.

Council's Environment Officer and Planning Departments final position on the application depends on the accuracy of this new plan (MRA-04-A).

Without being able to confirm on site, and given the fact that the amendment seeks to remove approximately 42 percent more vegetation than originally anticipated, the Planning and Environment Department are not in a position to verify (to its satisfaction) the accuracy of this new plan (MRA-04-A) in demonstrating that vegetation removal to create defensible space has been shown to the minimum extent necessary or if more vegetation can be retained where practical. Therefore, based on the information submitted, it is considered that there is no other position except to recommend refusal based on the additional tree removals.

Are the changes to the Planning Permit considered appropriate?

The application to amend the permit has been considered based on the relevant planning controls, policy and the documentation provided and it is not considered appropriate to amend the permit as requested.

The above planning controls require Council to assess the loss of vegetation and the resultant impact on the biodiversity of the site, and whether or not the impact is acceptable.

The application requirements of Clause 52.17-Native vegetation, in particular the requirements of the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning (DELWP) 2017) encompass all of the information required by the GWZ and the ESO1 and will be discussed in detail under this particular provision.

The proposal has also been assessed against the relevant purposes of Clause 51.02 (Metropolitan Green Wedge Land). The proposal does not satisfy one of the primary purposes of the Clause:

“To protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values”

The additional vegetation removal proposed by this amendment will have a significant impact on the environmental qualities of the site and biodiversity of the locality. As the site is one of a handful of relatively undisturbed sites in the area it plays an important role in the preservation of flora and fauna. The information available to date indicates that the amendments to the permit will have a significant and ongoing impact on biodiversity which is unacceptable, when compared to the vegetation removal that was originally approved.

Whilst the full impact of this proposal on the environment and biodiversity of the site cannot be fully assessed without undertaking another site visit to confirm the accuracy of the MRA-04-A plan and compare it to the approved TP-08 Rev K plan, it is reasonable to state that the right of a land owner to use land with a Green Wedge zoning for the purpose of a dwelling, is of lesser importance than the conservation of the environmental qualities of the land. Due to the inconsistencies between these two (2) plans it is also paramount to Council's position that the correct vegetation assessment be considered.

In a recent VCAT decision, *Department of Environment, Land, Water and Planning v Yarra Ranges SC (Red Dot)* [2019] VCAT 323, VCAT overturned the Shire's decision to grant a permit for a dwelling

and vegetation removal and noted that:

“We consider the RCZ [Rural Conservation Zone] is a zone that does not support the use of land for a dwelling unless the impacts from an environmental perspective are minimal and the use is subservient to the zone’s purpose, which is to protect and enhance environmental values”

Although this site is not in the Rural Conservation Zone, the Green Wedge Zone still includes objectives to ensure that the environmental values of sites are protected. The amendment proposal to remove 0.759ha (just under 1/5) of the vegetation from the property is in no way minimal. Over time incremental degradation of surrounding vegetation will occur, further impacting the habitat values.

Furthermore, Council’s Environment and Planning Departments are of the opinion that based on the information and plans provided by the permit holder’s consultant during the assessment of the initial permit application, further vegetation removal (other than the 106 trees already approved) should not be required. Based on the excessive nature of the additional removals proposed, Planning and Environment are led to believe (without being able to confirm on site) that the applicant has not employed the “avoid and minimise” principles for vegetation removal, and more could be done to retain more vegetation which has not been considered.

Should the permit applicant allow Council’s Environment and Planning teams to attend the site again to confirm the accuracy of the most recent plan MRA-04-A, and the additional 77 trees are required to be removed within the defensible space area to achieve canopy separation, seeking a cancellation of the existing permit (T170516) will be contemplated as this would mean that this permit was issued on the basis of false or misleading information being provided to Council in order to gain approval.

Given the failure of the amended proposal to avoid vegetation removal in accordance with the requirements of the Guidelines, the current impact that the proposed amendment to the permit will have on vegetation and the biodiversity is unreasonable. In addition, the offsetting proposed by the amended permit of this vegetation at both a state and local level would also not accurately reflect the loss incurred.

There is a clear need for a site visit to be consented to by the applicant, to enable a full and proper assessment of the immediate and ongoing impacts of the additional vegetation removal on the flora and fauna and overall biodiversity of the area.

Clause 65 Decision Guidelines

The application has been assessed against the Clause 65 – Decision Guidelines. It is considered that the application, as discussed above, does not provide appropriate application documents to enable Council to fully assess compliance with the relevant state and local policies and the purpose of the zone overlays and particular provisions that apply to the site. The information submitted thus far has allowed Council to determine that the proposal does not avoid vegetation removal and has avoidable and therefore unacceptable biodiversity impacts.

Conclusion

That a Refusal to Grant Amended Planning Permit T170516 - 1 be issued for Amendment to Planning Permit T170516 to make changes to the permit and plans at Merretts Road, Avonsleigh VIC 3782 on the following grounds:

- Failure to meet the application requirements of the Green Wedge Zone and Environmental Significance Overlay (Schedule 1)

- Failure to avoid and minimise vegetation removal required by Clause 52.17 (Native Vegetation)
- Failure to protect biodiversity as required by Clause 12.01-1S (Protection of biodiversity) and Clause 13.02-1S (Bushfire Planning)
- Failure to protect metropolitan green wedge land from uses and development that will diminish its environmental value
- Transformation of the proposal from the originally assessed plans associated with Planning Permit T170516

Resolution

Moved Cr Carol Ryan, seconded Cr Jeff Springfield.

That Council support the following position, in VCAT proceeding P1270/2020, namely that the Tribunal should refuse to grant an amended planning permit T170516 - 1 to make changes to the permit and plans at Merretts Road, Avonsleigh VIC 3782 on the following grounds:

- Failure to meet the application requirements of the Green Wedge Zone and Environmental Significance Overlay (Schedule 1)
- Failure to avoid and minimise vegetation removal required by Clause 52.17 (Native Vegetation)
- Failure to protect biodiversity as required by Clause 12.01-1S (Protection of biodiversity) and Clause 13.02-1S (Bushfire Planning)
- Failure to protect metropolitan green wedge land from uses and development that will diminish its environmental value
- Transformation of the proposal from the originally assessed plans associated with Planning Permit T170516

Carried

6.1.2 Use and Development of the Land for a Place of Assembly (Youth Centre) and Works Associated with a Car Park

Responsible GM: Peter Benazic
Author: Melanie Wright

Recommendation(s)

That Council issue Planning Permit T200520 for Use and development of the land a place of assembly (Youth Centre) and works associated with a car park at 37, 39 & 43 James Street, Pakenham VIC 3810 subject to the conditions attached to this report.

Attachments

1. Locality Map [6.1.2.1 - 1 page]
2. Development Plans [6.1.2.2 - 8 pages]

Executive Summary

APPLICATION NO.:	T200520
APPLICANT:	Cardinia Shire Council
LAND:	37, 39 & 43 James Street, Pakenham VIC 3810
PROPOSAL:	Use and development of the land a place of assembly (Youth Centre), creation of an easement and works associated with car park upgrade
PLANNING CONTROLS:	Commercial 1 Zone ('CIZ') Development Contributions Overlay – Schedule 1 ('DCP1') Parking Overlay ('PO')
NOTIFICATION & OBJECTIONS:	Pursuant to Section 55 of the <i>Planning and Environment Act 1989</i> notices were sent to adjoining properties 140 notices were sent and three (3) signs were erected on the site one to each lot. No objections were received.
KEY PLANNING CONSIDERATIONS:	Pakenham Activity Centre Commercial areas Urban Design Car parking Creation of an Easement
TITLE PARTICULARS:	Three title no easements and no registered title restrictions.
RECOMMENDATION:	Approval subject to conditions

Background

The subject site includes three Cardinia Shire owned parcels all of which are being used for public car parking.

The proposal for the utilisation of the site at No. 41 James Street Pakenham (now known as No.43) for the development of the new My Place Youth Centre was tabled as item 6 at the 19th September 2019 General Council Meeting.

Cardinia Shire Council's 'My Place' youth facility is located in Main Street Pakenham, it was opened in 2012. Since that time, the service has provided a holistic approach to meeting the needs of young people by having multi-disciplinary services in the one location. Funding for the redevelopment is being contributed by State and Federal Governments.

No previous planning permit history exists for the site.

Subject Site

The subject site includes three properties Nos 37, 39 and 43 James Street Pakenham.

Each of the lots are located on the south side of James Street in Pakenham Activity Centre.

- No 37 James Street (CP170823 V9899 F421) has a land size of 1022.52sqm and a street frontage 20.12 metres
- No 39 James Street (L1-2 TP836323) Total land area 1968.16 sqm and a street frontage of 40 metres
- No 43 James Street (43A\PP3272) Total land area 1013.97sqm and a street frontage of 21.11 metres
 - Total land area: 4004.65

The sites have a combined street frontage of approximately 80 metres to James Street on the northern boundaries of each site.

There are three crossovers located along the northern boundaries of each of the lots. There are no easements on the titles.

The site currently contains an unsealed public car parking lot with no vegetation.

The topography of the land is flat with a slight undulation across the site.

The main characteristics of the surrounding area is that of a commercial centre, the subject site is on the edge of the Pakenham commercial precinct within the Pakenham Activity centre. In this mixed use area with existing dwellings or buildings incrementally being replaced with commercial uses or more fine grain residential development.

To the south and south-east of the are main commercial precincts of Main Street and John Street. The Pakenham Library is located 200 metres to the east of the site and the Pakenham Railway Station is located 450 metres to the south-east.

Immediately adjoining the site is:

North: Newly constructed childcare centre

East: Two dwellings and one former dwelling utilised as a commercial premise

South: The United Church of Pakenham and associated car park
West: Several properties which contain single or multiple commercial premises fronting to Main Street.

Relevance to Council Plan

Nil.

Proposal

It is proposed to use and develop the subject land for a youth centre (place of assembly), creation of a carriageway easement and buildings and works associated with a car park upgrade.

Use and Development of a youth centre

A three-storey building is proposed on the subject site known as 43 James Street Pakenham to accommodate a youth centre. The use is categorised as a place of assembly. The youth centre will be formally known as My Place which is a Cardinia Shire Council run youth facility that was opened in 2012 in Pakenham.

The proposed use provides a purpose-built building for the multi-agency/disciplinary services that cater to the needs of young people in the area. MyPlace will relocate to the new building once completed, the building will be built for purpose to accommodate their operational needs. The use has been defined as a place of assembly as it reflects the variety of activities that will occur in the building, both formal and informal.

It is proposed that the maximum number of patrons to be on site at one time will be 80 plus staff members.

The building hosts a variety of different rooms that service a range of services from small to large gathering spaces, informal and formal areas, a GP room, laundry, I.T room, consultation rooms, classrooms and recreation space.

The building will present directly to the James Street frontage to provide a highly pedestrian accessible building. The ground floor will present as a formal reception area with a waiting room plus consultation suites, kitchen with some more informal spaces. To the rear of the building is the car parking and bicycle facilities to service the facility.

The second floor of the building provides larger group rooms such as classrooms and breakout areas plus amenities and access to the third level recreational area.

The built form is a modern style with well-articulated facades on each level, the narrowest setback from the James Street frontage is 2 metres. The building will have a minimum setback of 606mm from the northern boundary, a minimum setback of 16 metres from the west boundary and will be constructed on the southern boundary for a length of 9.934 metres.

The overall building height is 11.95 metres from natural ground level.

Creation of a carriage way easement

It is proposed to include a 6.1m carriageway easement on the future consolidated title to ensure on going access to the car parking to the rear of the youth centre. It is proposed that the easement will run from the James Street frontage to approximately 7 metres off the western boundary.

Buildings and works associated with a car park

The sealing of the James Street car parking is proposed in this application. The proposal includes lighting and a new vehicle crossing to the site.

The proposal is for a total of 98 sealed car park spaces on the two vacant car parking lots with 13 car spaces at the rear of the youth centre. The total amount of car spaces across the three lots is 111.

Planning Scheme Provisions

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 11.02-2S Structure Planning
- Clause 11.02-3S Sequencing of Development
- Clause 11.03-1S Activity Centres
- Clause 13.07-1S Land use compatibility
- Clause 15.01-1S Urban design
- Clause 15.01-2S Building Design
- Clause 15.01-4S Healthy Neighbourhoods
- Clause 15.02-1S Energy and Resource Efficiency
- Clause 17.01-1S Diversified economy
- Clause 17.01-1S Innovation and Research
- Clause 18.01-1S Land use and transport planning
- Clause 18.02-1S Sustainable personal transport
- Clause 18.02-2S Public Transport
- Clause 18.02-4S Car parking
- Clause 19.02-1S Health Facilities
- Clause 19.02-4S Social and Cultural infrastructure
- Clause 19.03-2S Infrastructure design and provision

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 Cardinia Shire Key Issues and Strategic Vision
- Clause 21.03-2 Urban Established Area - Beaconsfield and Pakenham
- Clause 21.04-1 Employment
- Clause 21.04-3 Activity Centres
- Clause 21.05-6 Community Services and Facilities
- Clause 21.06-1 Urban design

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Pakenham Parking Strategy,
- Pakenham Activity Centre Structure Plan
- Pakenham Activity Centre Urban Design Framework.

Cardinia Shire's Liveability Plan 2017-2029

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

- *Improved Social Cohesion*
- *Improved safety*
- *Reduce obesity*
- *Reduce harm from tobacco, alcohol, drugs and gaming*
- *Reduce financial vulnerability*

Zone

The land is subject to the **Commercial 1 Zone**

Overlays

The land is subject to the following overlays:

- Development Contributions Overlay – Schedule 1 ('DCP1')
- Parking Overlay ('PO')

Planning Permit Triggers

The proposal for the use and development of the land a place of assembly (Youth Centre), creation of an easement and works associated with a car park requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 34.01-1, a permit is required for the use of a Place of Assembly (Youth Centre)
- Pursuant to Clause 34.01-4, a permit is required for buildings and works associated with a section 2 use and Municipal applications exceeding \$1 million in cost of works.
- Pursuant to Clause 52.02, a permit is required to create an easement

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 no objections to date.

Referrals

Nil.

Discussion

A number of state and local policies are relevant to this application that encourage the use and development to be located in activities centres to provide a fairer distribution of access to communities and health services.

Local policy framework such as 21.05-6 (Community services and facilities) acknowledges the diversity of age groups within the Cardinia Shire and the importance of providing services to meet the needs of particular age groups such as children, youth and the aged.

Additional Council policies such as the Council Plan, Pakenham Precinct Parking Plan, Pakenham Activity Centre Structure Plan and the Pakenham Activity Centre Urban Design Framework provide strategic justification for the proposal to be supported in the location within Pakenham.

A broader range of planning policies provide justification for the proposal including Clause 11.02-2S (Structure Planning) that aims to ensure effective planning and management of the land use and development of an area through the preparation of relevant plans. The proposal will be located in the Pakenham Activity Centre, an area that through the guidance of the Pakenham Activity Centre Structure Plan encourages diversity of enterprise in the area.

This is further encouraged by Clause 11.03-1S (Activity Centres) and Clause 21.04-3 (Activities Centres) that aims to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. This allows Activity Centres to be a focus for community activity and interaction in a location with a strong sense of place and urban character.

In terms of the use of the land Clause 11.02-3S (Sequencing of Development) and Clause 15.01-4S (Healthy Neighbourhoods) seek to manage the sequence of development in areas of growth so that services are available from early in the life of new communities. They also seek to achieve neighbourhoods that foster healthy and active living and community wellbeing. This proposal will allow the expansion of a community service that will accommodate the needs a growing population that particularly focuses on the health and wellbeing of young people. Likewise, the car parking upgrade will provide a service to the greater community. This is also a consideration of Clause 19.03-2S (Infrastructure design and provision) which encourages integrated developments with infrastructure and services, whether they are in existing suburbs, growth areas or regional towns.

With regards to any impacts of the use Clause 13.07-1S (Land use compatibility) aims to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. The site and surrounds are zoned Commercial so a low level of amenity is considered in this context. The proposal will be located in the Pakenham Activity Centre surrounding by commercial uses, some residential uses are north across James Street, and therefore impacts will be minimal. It is considered that the car parking upgrade and the new built form will be a positive addition to the street and with light included in the car park it will make the area a safer place.

Clause 15.01-1S (Urban design) and Clause 15.01-2S (Building Design) seek to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. In terms of streetscape the aim is to achieve building design outcomes that contribute positively to the local context and enhance the public realm. The proposal is a high-quality built form, with an interesting design that will be a landmark building in the Pakenham Activity centre. The upgrade of the car park will revitalise James Street and together with the new building will encourage regeneration in the activity centre.

In terms of building design Clause 15.02-1S (Energy and Resource Efficiency) encourages land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions. The proposal has been designed to have a high energy rating to reduce reliance on greenhouse emissions.

Planning policy that relates to the use of the site for a youth centre and car parking upgrade are Clause 18.01-1S (Land use and transport planning), Clause 17.01-1S (Diversified economy) and Clause 17.01-1S (Innovation and Research Focussing). Each of the policies aim to strengthen and diversify the economy and encourage major government in centres on major transport corridors, particularly railway lines, in order to maximise the access and mobility of communities. They also aim to create opportunities for innovation and the knowledge economy within existing and emerging industries, research and education. The proposal is consistent with each of these, as it is a strong example of a government funded project located in a major transport corridor that is an innovative model of care for the community.

The proposal meets the aims of Clause 18.02-4S (Car parking) by ensuring an adequate supply of car parking is appropriately designed and located and allows for the car parking upgrade further facilitates economic growth in the area by providing car parking facilities for public use.

Transport options are considered in Clause 18.02-1S (Sustainable personal transport) and Clause 18.02-2S (Public Transport). These policies encourage the use of walking and cycling by creating environments that are safe and attractive and to develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters. The proposal is located in an activity centre that has access to quality public transport such as trains and buses. The proposal has been designed to have the building entrance present to the footpath to accommodate the needs of those accessing the site by foot, reflective of the age of the patrons.

The proposal meets the intentions of Clause 19.02-1S (Health Facilities), 19.02-2s (Educational facilities) & 19.02-4S (Social and Cultural infrastructure Facilitate) as the location of youth centre has taken into account demographic trends, the existing and future demand requirements and the integration of services into communities. The proposal responds to demographic trends, existing and future demand requirements by providing an integration community facility. The location will provide fairer distribution of and access to, social and cultural infrastructure

Overall, the proposal meets the objective of number of state and local policies.

Commercial 1 Zone

The purpose of the Commercial Zone is to:

- Create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- Provide for residential uses at densities complementary to the role and scale of the commercial centre.

A permit is required for the use and development of the land for a place for assembly (youth centre) and works associated with the car park upgrade.

Place for assembly (youth centre)

Place of assembly is defined in Clause 73.03 of the Cardinia Planning Scheme as '*land where people congregate for religious, spiritual or cultural activities, entertainment, or meetings*'. This definition is considered appropriate considering the formal and informal use of the site.

The youth centre to be formally known as MyPlace, which is a Council run organisation that is a needs-based facility for youth people in the Shire. The organisation is a place for multi-agency/disciplinary services to provide integrated and holistic services approach to meet the needs of young people. The building will provide spaces for the operation to host formal

appointments, classes and workshops but will also be a place to accommodate informal social and recreational interactions.

The proposed three storey building has a variety of different rooms that service a variety of needs from small to large gather spaces, informal and formal areas, a GP room, laundry, I.T room, consultation rooms, classrooms and the top floor provide recreation space.

It is proposed that use will host a maximum of 80 patrons on the site to access services and facilities. This number of patrons will see the building being well utilised given the number of rooms and spaces available and the number of larger classrooms.

The proposed hours of operation are:

Monday to Friday: 9am to 7pm

Saturday and Sunday: 9am and 7pm

Taking into consideration the site is zoned Commercial and there are not sensitive uses immediately adjoining the site. The site adjoins a Church, St Vincent De Pauls outlet, florist, medical centre and childcare centre therefore there is not anticipated impact of the use so no restriction of hours of operation will be placed on the permit.

The decision guidelines at Clause 34.1.6 requires consideration of the use in terms of any likely impacts to adjoining neighbour's sites. The Youth centre has been defined as a place of assembly but will provide educational and health support to youth people. The impacts of the use are negligible however some conditions will be placed on the permit to avoid impacts of light, waste collection, delivery of materials and car parking.

The nature of the use is compatible with the activity centre location, with classes, appointments and workshops scheduled across the day and into the early evening. The Commercial Zone seeks to encourage a diversity of uses that will add vibrancy to the area. It is considered that this use will be a welcome contribution to the Pakenham Activity Centre as it will increase activity in the area.

This number is considered father below in the Clause 52.06 (Car parking) assessment.

The proposed buildings of works are considered consistent with the requirements of the decision guidelines as it proposes a high quality response to the site. The design responds to the streetscape and has been designed to be an active frontage to the street. The impact of the proposal on neighbouring lots is minimal as they are all commercial or non-sensitive uses.

A construction management plan will be required by condition of approval to ensure the level of disruption to the public realm during construction.

A landscaping plan has been provided to be incorporated into the design, Council's Landscape Department requested some changes to the plan.

Car Park

The proposed car park upgrade requires a permit as it is a Section 2 use in the Commercial Zone.

Pursuant to Clause 73.03 Car park is defined as 'Land used to park motor vehicles. It may include charging of electric vehicles.'

The proposed car parking upgrade will include 98 car spaces including two disabled spaces. The current site conditions are that of an unsealed car park, the site is a public space that

provides all day car parking to the public and is considered to be an underutilisation of the space.

The proposed upgrade of the car park is considered to be an appropriate on going use of the site. The upgrade will revitalise the site and allow for a more efficient use of the site.

On balance the proposal of a youth centre and car parking upgrade is considered appropriate in the location. The works will complement the Pakenham Activity Centre and is consistent with the objectives of the Commercial Zone.

Development Contributions Overlay – Schedule 1

The Pakenham Township Development Contributions Plan relates specifically to residential allotments and does not apply to this application.

Clause 45.09 - Parking Overlay

Pursuant to Clause 52.06 a permit is required to reduce or waiver a car parking requirement.

The proposal does not include a request for a car parking waiver therefore there is no permit trigger under the overlay.

Clause 52.06 – Car parking

The purpose of the Clause is to ensure an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.

Pursuant to Clause 52.06 a permit is required to reduce or waiver a car parking requirement.

The car parking rate for a place of assembly is 0.3 spaces per patron.

A maximum of 80 patrons is proposed to use the site at any one time that equates to 24 spaces.

At the present the proposal includes:

- 13 car spaces provided behind the youth centre use
- 98 car spaces proposed on the existing car parking lots.
 - Total of 111 car spaces.

The car parking proposed for the youth centre cannot entirely be provided within the title boundary of the lot hosting the youth centre, 13 spaces will need to be provided on the other car parking lots.

In the assessment of car parking demand in Pakenham it has been determined that the James Street car park is underutilised. The Assessment suggests that the underutilisations may be as low as 40%-60% in peak times. A maximum of 80 cars are parked there at one time. Therefore, considering that the proposal includes a total of 111 spaces there is likely to be car space surplus in relation to the car parking provided. It is also noted that the car parking proposed across the site will not be allocated specifically for the youth centre.

The youth centre will be predominantly for youth under 18, people who do not have access to a motor vehicle so while Clause 52.06 sets out a car parking rate, in reality it is unlikely that the patrons of the youth centre will need utilise the spaces provided. Considering the age group of the patrons, provides justification for the car spaces of the youth centre and public car park to be combined.

To formalise the combined car parking a condition will be placed on the permit requiring a consolidation of all lots. A lot consolidation will also allow the proposal to formally meet the requirements of car parking spaces as required by the planning scheme.

The subject site for the car parking has been identified in the Pakenham Parking Precinct Plan as a future multi-deck park. The upgrade of the car park which is under consideration in this application will formalise the existing car park and make it more efficiently used in the short – medium term. The future of the car parking site is likely to involve a major redevelopment of the site for a multideck car park to accommodate the growing car park demand in Pakenham Activity centre.

There will be some conditions as part of the permit to ensure a safe and functional layout of the site including an additional vehicle crossover which may result in the loss of two spaces.

Clause 52.34 Bicycle Facilities

The purpose of Clause 52.34 is to encourage cycling as a mode of transport.

The bicycle facility rate for a place of assembly as per the clause is as follows:

Employee: 1 to each 1500 sq m of net floor area

Visitor/ student: 2 plus 1 to each 1500 sq m of net floor area

The proposal includes three bike rings which will accommodate 6 bicycles therefore the standard has been satisfied.

Clause 52.02 Easements, Restrictions and Reserves

It has been proposed to create a carriage way easement to accommodate the proposed rear car parking of the youth centre.

The proposal will not be supported as the three lots all of which are Council owned will be consolidated as a condition of approval. The lot consolidation will remove the need for a carriage way easement.

Activity Centre Zone amendment C228

Amendment C228 is post panel hearing and the incorporated documents are being revised before seeking Council approval in early 2021.

The subject site is located in Precinct 2 (Mixed Use) that encourages a variety of commercial, retail and residential uses. The subject site has been nominated as a future multideck car park to service the growing demand on the Pakenham Activity Centre. The proposal meets the design guidelines in the Pakenham Structure Plan by providing a building that is constructed to the street frontage, is multilevel and provides car parking to rear.

The Pakenham Car Parking Precinct Plan identifies this site for a future multi-deck parking opportunity, with ground floor level commercial development. It is intended that the ground floor-built form be constructed to accommodate future deck parking.

The proposal is considered to be consistent with the objectives of the Pakenham Car Parking Precinct Plan, and Pakenham Activity Centre Urban Design Framework.

Clause 65 – Decision Guidelines

The proposed development is consistent with the PPF & MPS, its zoning, and is consistent with the orderly planning of the area. Further the proposed development will have limited impact on the amenity of surrounding area and will not contribute to land degradation or require native vegetation removal. It is therefore considered appropriate.

OBJECTIONS

No objections have been received.

Conclusion

Having regard to the above, it is considered that the proposal is consistent with the relevant provisions of the Cardinia Planning Scheme. It is therefore recommended that a Planning Permit be granted.

Conditions

- 1) Before the use or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A revised car park plan to show:
 - i) No less than 13 car spaces at the rear of the youth centre
 - ii) A second cross over to car park
 - iii) No less than 94 car spaces provided on the car parking area
 - iv) No less than 3 disabled spaces provided two (2) at the front adjacent to James St, and one (1) at the rear of the Youth centre
 - v) The dimensions of each car space which must accord with Clause 52.06 - 9 of the Cardinia Planning Scheme;
 - b) Construction Management Plan as required by condition 5
 - c) 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 landscaping plan must be generally in accordance with the undated landscape concept plan prepared by Green Change Solutions, except that the plan must show:
 - I. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - II. Buildings and trees (including botanical names) on neighbouring properties and road reserves within three metres of the boundary.
 - III. Details of surface finishes of pathways and driveways.
 - IV. 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.
 - V. Landscaping and planting within all open areas of the subject land.
 - VI. 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 sight lines for vehicles or pedestrians.

To the satisfaction of the Responsible Authority

- 2) The use or 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.
- 4) Not more than 80 patrons (excluding staff) may be present on the premises at any one time without the written consent of the Responsible Authority.
- 5) The Construction Management Plan must include details on how the construction will be undertaken so it has minimal impact on the environment. Details to be provided in the Construction Management Plan will include, but are not be limited to:
 - a) Full work schedule/construction management plan for each individual stage to ascertain impacts on surrounding properties;
 - b) Public/worker access and safety issues;
 - c) Hours of construction activity (including at what stage “out of hours works” are proposed and what type of works are to be conducted outside the hours of operation;
 - d) The location of hoardings, hoists and workers amenities;
 - e) The location of public precautions, loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - f) Details as to how traffic and pedestrian safety and amenity will be controlled within the vicinity of the site and its surrounds;
 - g) The provision of a traffic management plan, including:
 - i) detailed plans that show all items to be placed on any street during all stages of construction in accordance with approval by the responsible Building Surveyor,
 - ii) entry and exit points for construction vehicles (including temporary and permanent vehicle crossings),
 - iii) traffic management during construction including road closures/road occupation/footpath closures,
 - iv) work zones/construction zones to accommodate vehicles and deliveries;
 - v) how the public car park will be accessible during construction (can be staged)
 - h) Service connections/road and footpath openings and anticipated impact on public land during the connection of different services;
 - i) Measures to be used to protect the Council infrastructure from damage;
 - j) Existing services and environmental management;
 - k) A list of all environmental hazards that the activities on-site pose ie; contaminated soil, materials and waste, dust, stormwater contamination from run-off and wash-waters, sediment from the site on roads, construction noise, hours of operation, vibration, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery etc;
 - l) Protection measures that will be undertaken to minimise the risk of the above hazards being realised;
 - m) Regular monitoring/inspections of the above protection measures;
 - n) Identification as to who will be responsible for managing all of the above issues; and

- o) Anticipated staging of the development.
 - p) How public car parking will be managed throughout construction
- 6) The Construction Management Plan must be submitted to the Responsible Authority prior to commencing construction and all buildings and works must be carried out in accordance with the approved Construction Management Plan.
- 7) Provision must be made on the subject land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority
- 8) The use and development 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.
- 9) A minimum of 92 car spaces must be provided on the subject land for the use and development, including 2 spaces clearly marked for use by disabled persons.
- 10) The car parking spaces must not be allocated to MyPlace via signage or any other means at any time without the consent of the Responsible Authority.
- 11) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority
- 12) The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- 13) Noise levels emanating from the subject land must comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.
- 14) Before the development is occupied, or a time specifically approved by the Responsible Authority the following must be completed:
 - a) Certification of consolidation of lots 43A\PP3272, L1-2 TP836323 & CP170823 V9899 F421 into one lot under the Subdivision Act 1988 as evidenced by the certification of a plan by the Responsible Authority and the registration of such a plan by the Registrar of Titles. A copy of the title must be presented to the building surveyor as evidence.
 - b) All proposed areas set aside on the approved plans 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.

- c) A commercial/industrial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
 - d) 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
- 15) Before the development including demolition starts or by such later date as is approved by the Responsible Authority in writing:
- a) a tree protection fence must be erected around the existing street trees to be retained outside the canopy zone of the tree to define a "Tree Protection Area". The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Area. Any pruning that is required to be done to the canopy or roots of any tree to be retained is to be done with permission by Council's Arborist by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007.
 - b) a stormwater management plan showing the stormwater works to the nominated point of discharge must be submitted for the approval of the Responsible Authority. The stormwater management plan must be prepared by a suitably qualified person and show details of the proposed stormwater works including all existing and proposed features that may have impact (including trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc). All works must be undertaken in accordance with the approved stormwater management plan.
 - c) 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.
- 16) The location of any tree protection zones and protection measures including for street trees accurately drawn to scale and labelled and notations referring to any endorsed Arboriculture Assessment Report prepared by Green Change Solutions July 2020.
- 17) 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.

- 18) Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
- 19) 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.
- 20) All public roads must remain trafficable and open during the construction period and allow access to all properties.
- 21) 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.

Expiry:

A permit for the development and use 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; or
- c. the use does not start within **two (2) years** after the completion of the development; or
- d. the use is discontinued for a period of **two (2) years**.

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

Notes:

- i. A Building Permit will be required for this development. To obtain a building permit you will need to contact a registered building surveyor.
- ii. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- iii. Should the future development be used for a commercial enterprise involving handling of food or drink, the applicant must contact the Environmental Health Department for further advice concerning legislative requirements.

Resolution

Moved Cr Carol Ryan, seconded Cr Collin Ross.

That Council issue Planning Permit T200520 for Use and development of the land a place of assembly (Youth Centre) and works associated with a car park at 37, 39 & 43 James Street, Pakenham VIC 3810 subject to the following conditions:

- 1) Before the use or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) A revised car park plan to show:
 - i) No less than 13 car spaces at the rear of the youth centre
 - ii) A second cross over to car park
 - iii) No less than 94 car spaces provided on the car parking area
 - iv) No less than 3 disabled spaces provided two (2) at the front adjacent to James St, and one (1) at the rear of the Youth centre
 - v) The dimensions of each car space which must accord with Clause 52.06 - 9 of the Cardinia Planning Scheme;

- b) Construction Management Plan as required by condition 5

- c) 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 landscaping plan must be generally in accordance with the undated landscape concept plan prepared by Green Change Solutions, except that the plan must show:

- VII. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
- VIII. Buildings and trees (including botanical names) on neighbouring properties and road reserves within three metres of the boundary.
- IX. Details of surface finishes of pathways and driveways.
- X. 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.
- XI. Landscaping and planting within all open areas of the subject land.
- XII. 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 sight lines for vehicles or pedestrians.

To the satisfaction of the Responsible Authority

- 2) The use or 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.
- 4) Not more than 80 patrons (excluding staff) may be present on the premises at any one time without the written consent of the Responsible Authority.
- 5) The Construction Management Plan must include details on how the construction will be undertaken so it has minimal impact on the environment. Details to be provided in the Construction Management Plan will include, but are not be limited to:
 - a) Full work schedule/construction management plan for each individual stage to ascertain impacts on surrounding properties;
 - b) Public/worker access and safety issues;
 - c) Hours of construction activity (including at what stage “out of hours works” are proposed and what type of works are to be conducted outside the hours of operation;
 - d) The location of hoardings, hoists and workers amenities;
 - e) The location of public precautions, loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - f) Details as to how traffic and pedestrian safety and amenity will be controlled within the vicinity of the site and its surrounds;
 - g) The provision of a traffic management plan, including:
 - i) detailed plans that show all items to be placed on any street during all stages of construction in accordance with approval by the responsible Building Surveyor,
 - ii) entry and exit points for construction vehicles (including temporary and permanent vehicle crossings),
 - iii) traffic management during construction including road closures/road occupation/footpath closures,
 - iv) work zones/construction zones to accommodate vehicles and deliveries;
 - v) how the public car park will be accessible during construction (can be staged)
 - h) Service connections/road and footpath openings and anticipated impact on public land during the connection of different services;
 - i) Measures to be used to protect the Council infrastructure from damage;
 - j) Existing services and environmental management;
 - k) A list of all environmental hazards that the activities on-site pose ie; contaminated soil, materials and waste, dust, stormwater contamination from run-off and wash-waters, sediment from the site on roads, construction noise, hours of operation, vibration, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery etc;
 - l) Protection measures that will be undertaken to minimise the risk of the above hazards being realised;
 - m) Regular monitoring/inspections of the above protection measures;
 - n) Identification as to who will be responsible for managing all of the above issues; and
 - o) Anticipated staging of the development.
 - p) How public car parking will be managed throughout construction
- 6) The Construction Management Plan must be submitted to the Responsible Authority prior to commencing construction and all buildings and works must be carried out in accordance with the approved Construction Management Plan.

- 7) Provision must be made on the subject land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority
- 8) The use and development 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.
- 9) A minimum of 92 car spaces must be provided on the subject land for the use and development, including 2 spaces clearly marked for use by disabled persons.
- 10) The car parking spaces must not be allocated to MyPlace via signage or any other means at any time without the consent of the Responsible Authority.
- 11) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority
- 12) The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- 13) Noise levels emanating from the subject land must comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.
- 14) Before the development is occupied, or a time specifically approved by the Responsible Authority the following must be completed:
 - a) Certification of consolidation of lots 43A\PP3272, L1-2 TP836323 & CP170823 V9899 F421 into one lot under the Subdivision Act 1988 as evidenced by the certification of a plan by the Responsible Authority and the registration of such a plan by the Registrar of Titles. A copy of the title must be presented to the building surveyor as evidence.
 - b) All proposed areas set aside on the approved plans 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.
 - c) A commercial/industrial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
 - d) 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

15) Before the development including demolition starts or by such later date as is approved by the Responsible Authority in writing:

- a) a tree protection fence must be erected around the existing street trees to be retained outside the canopy zone of the tree to define a "Tree Protection Area". The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Area. Any pruning that is required to be done to the canopy or roots of any tree to be retained is to be done with permission by Council's Arborist by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007.
- b) a stormwater management plan showing the stormwater works to the nominated point of discharge must be submitted for the approval of the Responsible Authority. The stormwater management plan must be prepared by a suitably qualified person and show details of the proposed stormwater works including all existing and proposed features that may have impact (including trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc). All works must be undertaken in accordance with the approved stormwater management plan.
- c) 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.

- 16) The location of any tree protection zones and protection measures including for street trees accurately drawn to scale and labelled and notations referring to any endorsed Arboriculture Assessment Report prepared by Green Change Solutions July 2020.
- 17) 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.
- 18) Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
- 19) 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.

20) All public roads must remain trafficable and open during the construction period and allow access to all properties.

21) 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.

Expiry:

A permit for the development and use of land expires if—

- b. the development does not start within **two (2) years** after the issue of the permit; or
- c. the development is not completed within **four (4) years** after the issue of the permit; or
- d. the use does not start within **two (2) years** after the completion of the development; or
- e. the use is discontinued for a period of **two (2) years**.

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

Notes:

- ii. A Building Permit will be required for this development. To obtain a building permit you will need to contact a registered building surveyor.
- iii. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- iv. Should the future development be used for a commercial enterprise involving handling of food or drink, the applicant must contact the Environmental Health Department for further advice concerning legislative requirements.

Carried

6.2 General Reports

6.2.1 Appointment of Delegates

Responsible GM: Tom McQualter
Author: Doug Evans

Recommendation(s)

That Council proceed to make appointments of Councillors as representatives and delegates to the various groups and organisations as detailed below:

Committee / Organisation	Delegate/s
Audit Committee	Crs Brown & Kowarzik
Australia Day Reference Group	Crs Owen, Moore and Ross
Arts and Culture Reference Group	Crs Davies, Springfield & Moore
CALD Advisory Group	Crs Kowarzik, Radford and Cr Ross
Cardinia Access & Inclusion Advisory Committee	Crs Davies and Radford
Casey Cardinia Foundation	Cr Owen
Casey Cardinia Library Corporation	Cr Springfield, with Cr Kowarzik as substitute
Casey Cardinia Local History Reference Group	Crs Ryan and Owen
Chief Executive Officer Employment Matters Committee	Mayor of the day and previous two Mayors Crs Owen, Springfield and Moore
Emerald Lake Park Advisory Committee	Cr Springfield
Grants Evaluation Committee	Crs Ryan, Brown and Owen
Interface Councils	Mayor of the day with Deputy Mayor as substitute. Cr Owen and Cr Springfield substitute
Safer Communities Partnership	Crs Davies, Ryan and Radford
Metropolitan Local Government Waste Forum	Cr Ross
Motorsports Clubs Steering Committee	Crs Owen and Brown.
Municipal Association of Victoria	Mayor of the day with Deputy Mayor as Substitute Cr Owen and Cr Springfield substitute
Mt Shamrock Quarry Extension Environmental Review Committee	Cr Jeff Springfield
National Growth Area Alliance	Mayor of the day with Deputy mayor as Substitute Cr Owen and Cr Springfield substitute
PB Ronald Trust	Cr Graeme Moore
South East Councils Climate Change Alliance	Cr Springfield, with Cr Davies as substitute
South East Melbourne Group of Councils	Mayor of the day with Deputy Mayor as Substitute Cr Owen and Cr Springfield substitute
Social & Affordable Housing Partnership	Crs Ryan and Ross with Cr Radford as

	substitute
Together We Can Round Table	Crs Kowarzik, Ryan and Radford
Tourism Board Board may be restructured into Advisory Committee	Crs Springfield and Moore
Town Planning Committee	Committee of the whole Council
Victorian Local Governance Association	Mayor of the day with Deputy Mayor as Substitute Cr Owen and Cr Springfield substitute
Westernport Catchment Implementation Committee	Cr Brown
Western Port Biosphere Councillor liaison committee	Cr Brown
Yallock Drainage Advisory Committee to Melbourne Water	Cr Brown
Youth Strategy Reference Group	Crs Ryan and Radford

Attachments

Nil

Executive Summary

To appoint representatives and delegates to various committees and organisations for the forthcoming year.

Background

Councillor representation is required for a number of internal and external committees and other organisations.

The delegates appointed made by the Council in November 2019 were as follows:

Committee / Organisation	Delegate/s
Audit Committee	Crs Brett Owen & Ray Brown
Australia Day Reference Group	Crs Brett Owen, Graeme Moore and Collin Ross
Arts and Culture Reference Group	Crs Leticia Wilmot, Michael Schilling and Jeff Springfield
CALD Advisory Group	Crs Leticia Wilmot and Michael Schilling
Cardinia Access & Inclusion Advisory Committee	Crs Brett Owen and Michael Schilling
Casey Cardinia Foundation	Cr Brett Owen
Casey Cardinia Library Corporation	Crs Jodie Owen with Cr Ray Brown as substitute
Casey Cardinia Local History Reference Group	Crs Carol Ryan and Brett Owen
Chief Executive Officer Employment Matters Committee	Mayor of the day and previous two Mayors
Communities That Care	Cr Carol Ryan
Emerald Lake Park Advisory Committee	Cr Jeff Springfield

Grants Evaluation Committee	Crs Carol Ryan, Ray Brown and Brett Owen
Interface Councils	Mayor of the day with Deputy Mayor as substitute
International Safer Cities Steering Committee	Crs Jodie Owen and Carol Ryan
Metropolitan Local Government Waste Forum	Cr Collin Ross
Motorsports Clubs Steering Committee	Crs Brett Owen and Ray Brown.
Municipal Association of Victoria	Mayor of the day with Deputy Mayor as substitute
Mt Shamrock Quarry Extension Environmental Review Committee	Cr Jeff Springfield
National Growth Area Alliance	Mayor of the day with Deputy mayor as substitute
PB Ronald Trust	Cr Graeme Moore
South East Councils Climate Change Alliance	Cr Michael Schilling
South East Melbourne Group of Councils	Mayor of the day with Deputy Mayor as substitute
Social & Affordable Housing Partnership	Cr Leticia Wilmot (Chair) and Cr Ross
Together We Can Round Table	Crs Leticia Wilmot and Carol Ryan
Tourism Board	Cr Leticia Wilmot
Town Planning Committee	Committee of the whole Council
Victorian Local Governance Association	Mayor of the day with Deputy Mayor as Substitute
Westernport Catchment Implementation Committee	Cr Ray Brown
Western Port Biosphere Councillor liaison committee	Cr Ray Brown
Yallock Drainage Advisory Committee to Melbourne Water	Cr Ray Brown
Youth Strategy Reference Group	Crs Carol Ryan and Michael Schilling with Cr Ray Brown as substitute

Conclusion

It is appropriate for Council to confirm the appointment of representatives and delegates to the various groups and organisations as detailed above.

Resolution

Moved Cr Carol Ryan, seconded Cr Jeff Springfield.

That Council proceed to make appointments of Councillors as representatives and delegates to the various groups and organisations as detailed below:

Committee / Organisation	Delegate/s
Audit Committee	Crs Brown & Kowarzik
Australia Day Reference Group	Crs Owen, Moore and Ross
Arts and Culture Reference Group	Crs Davies, Springfield & Moore
CALD Advisory Group	Crs Kowarzik, Radford and Cr Ross
Cardinia Access & Inclusion Advisory Committee	Crs Davies and Radford
Casey Cardinia Foundation	Cr Owen
Casey Cardinia Library Corporation	Cr Springfield, with Cr Kowarzik as substitute
Casey Cardinia Local History Reference Group	Crs Ryan and Owen
Chief Executive Officer Employment Matters Committee	Mayor of the day and previous two Mayors Crs Owen, Springfield and Moore
Emerald Lake Park Advisory Committee	Cr Springfield
Grants Evaluation Committee	Crs Ryan, Brown and Owen
Interface Councils	Mayor of the day with Deputy Mayor as substitute. Cr Owen and Cr Springfield substitute
Safer Communities Partnership	Crs Davies, Ryan and Radford
Metropolitan Local Government Waste Forum	Cr Ross
Motorsports Clubs Steering Committee	Crs Owen and Brown.
Municipal Association of Victoria	Mayor of the day with Deputy Mayor as Substitute Cr Owen and Cr Springfield substitute
Mt Shamrock Quarry Extension Environmental Review Committee	Cr Jeff Springfield
National Growth Area Alliance	Mayor of the day with Deputy mayor as Substitute Cr Owen and Cr Springfield substitute
PB Ronald Trust	Cr Graeme Moore
South East Councils Climate Change Alliance	Cr Springfield, with Cr Davies as substitute
South East Melbourne Group of Councils	Mayor of the day with Deputy Mayor as Substitute Cr Owen and Cr Springfield substitute
Social & Affordable Housing Partnership	Crs Ryan and Ross with Cr Radford as substitute
Together We Can Round Table	Crs Kowarzik, Ryan and Radford
Tourism Board Board may be restructured into Advisory Committee	Crs Springfield and Moore

Town Planning Committee	Committee of the whole Council
Victorian Local Governance Association	Mayor of the day with Deputy Mayor as Substitute Cr Owen and Cr Springfield substitute
Westernport Catchment Implementation Committee	Cr Brown
Western Port Biosphere Councillor liaison committee	Cr Brown
Yallock Drainage Advisory Committee to Melbourne Water	Cr Brown
Youth Strategy Reference Group	Crs Ryan and Radford

Carried

6.2.2 Cardinia Shire Municipal Emergency Management Planning Committee (MEMPC) - Emergency Management Act Reform

Responsible GM: Nigel Higgins
Author: Stewart Matulis

Recommendation(s)

That Council passes the following motion to meet its responsibilities under Emergency Management Act 2013 and the Emergency Management Legislation Amendment (EMLA) Act 2018:

1. That council authorises the disestablishment of the existing Municipal Emergency Management Planning Committee (MEMPC) established under s21(3)-(5) of the Emergency Management Act 1986, in recognition that on 1 December these provisions are repealed by s82(2) of the Emergency Management Legislation Amendment Act 2018 and replaced by the provisions of s68 of the Emergency Management Legislation Amendment Act 2018.
2. That council authorises the CEO to facilitate the establishment of the MEMPC in accordance with the provisions of s68 of the Emergency Management Legislation Amendment Act 2018 (which inserts a new 'Part 6-Municipal Emergency Management Planning Committees' into the Emergency Management Act 2013 on 1 December 2020).
3. That council notes that, under the MEMPC Terms of Reference provided and the Emergency Management Legislation Amendment Act 2018 (which inserts s59 and 59F into the Emergency Management Act 2013 on 1 December 2020), council's role is to establish the committee. Once established, the committee exists separately to Council and is not a committee of Council.

Attachments

1. EMPR Municipal Level Planning EMV Fact Sheet [6.2.2.1 - 3 pages]
2. Draft Terms of Reference - Cardinia Shire Municipal Emergency Management Planning Committee V0.1 [6.2.2.2 - 11 pages]
3. EMV Letter to CEOs for MEMPC Chairs 29 October 2020 [6.2.2.3 - 2 pages]

Executive Summary

From 1 December 2020, the EMLA ACT legislation shifts responsibility for municipal emergency management planning from the council to the reformed, multi-agency MEMPC - the peak emergency management planning body in Cardinia Shire municipal district. This shift of responsibility highlights the intent of the reform which supports emergency management planning as an integrated, multi-agency and collaborative effort.

To meet its responsibilities in line with EMLA ACT, Council is required to reform its MEMPC through a council resolution. This resolution will state that Council ensures a MEMPC is established in accordance with the legislation, including recognising that the MEMPC promotes shared responsibility for planning by requiring relevant agencies to participate in the planning process, and that the MEMPC reports directly to the Regional Emergency Management Planning Committee, not to council.

Background

On 1 December, section 82 of EMLA Act repeals the legislative backing for the existing MEMPCs in s21(3)-(4) of the EM Act 1986, and inserts sections 59 and 59F into the Emergency Management Act 2013 under which the council is required to establish a new MEMPC with more specific membership and functions.

In a letter to CEOs on 5 October, CEOs were advised that “In line with section 59(1) of the Local Government Act 2020, you are able to acquit this responsibility [to establish a MEMPC] through a council resolution that ensures a MEMPC is established in accordance with the legislation, including recognising that the MEMPC promotes shared responsibility for planning by requiring relevant agencies to participate in the planning process, and that the MEMPC reports directly to the Regional Emergency Management Planning Committee, not to council.

S59(2) of the Local Government Act 2020 defines a resolution of the Council as including ‘a resolution made at a Council meeting’, ‘a resolution made at a meeting of a delegated committee’ or ‘the exercise of a power or the performance of a duty or function of the Council by a member of Council staff...under delegation’.

EMV advised at that this time, that MEMPC Chairs should ensure that a council resolution is developed to be considered at the next available council meeting.

Policy Implications

The Cardinia Shire Municipal Emergency Management Plan and Subplans become the responsibility of the Cardinia Shire MEMPC. These documents and plans will no longer be Council owned documents and plans. However, Council as the MEMPC chair, will still have a key role in ensuring that these plans and subplans are completed and reviewed in accordance with their review cycle.

The reformed Cardinia Shire MEMPC will report directly to the Southern Metropolitan Regional Emergency Management Planning Committee, not to Council.

Relevance to Council Plan

1.7 Our People - Minimised impact of emergencies

1.7.1 Implement plans that support people in times of emergency.

1.7.2 Implement effective plans and procedures that minimise the impact of all emergencies in the Shire.

1.7.3 Protect against the impacts of emergencies through effective preparation and community planning and education.

Climate Emergency Consideration

Nil.

Consultation/Communication

No external consultation has occurred. Internal consultation and communication has occurred as required with the current Cardinia Shire Municipal Emergency Management Planning Committee members.

Financial and Resource Implications

Nil.

Conclusion

From 1 December 2020, the EMLA ACT legislation shifts responsibility for municipal emergency management planning from the council to the reformed, multi-agency MEMPC.

To meet its responsibilities in line with EMLA ACT, Council is required to reform its MEMPC through a council resolution as per the recommendation to Council.

This resolution will allow a reformed MEMPC to be established in accordance with the legislation, recognising that the MEMPC promotes shared responsibility for planning by requiring relevant agencies to participate in the planning process, and that the MEMPC reports directly to the Regional Emergency Management Planning Committee, not to council.

Resolution

Moved Cr Carol Ryan, seconded Cr Jeff Springfield.

That Council passes the following motion to meet its responsibilities under Emergency Management Act 2013 and the Emergency Management Legislation Amendment (EMLA) Act 2018:

1. That council authorises the disestablishment of the existing Municipal Emergency Management Planning Committee (MEMPC) established under s21(3)-(5) of the Emergency Management Act 1986, in recognition that on 1 December these provisions are repealed by s82(2) of the Emergency Management Legislation Amendment Act 2018 and replaced by the provisions of s68 of the Emergency Management Legislation Amendment Act 2018.
2. That council authorises the CEO to facilitate the establishment of the MEMPC in accordance with the provisions of s68 of the Emergency Management Legislation Amendment Act 2018 (which inserts a new 'Part 6-Municipal Emergency Management Planning Committees' into the Emergency Management Act 2013 on 1 December 2020).
3. That council notes that, under the MEMPC Terms of Reference provided and the Emergency Management Legislation Amendment Act 2018 (which inserts s59 and 59F into the Emergency Management Act 2013 on 1 December 2020), council's role is to establish the committee. Once established, the committee exists separately to Council and is not a committee of Council.

Carried

6.2.3 Petition - Table Tennis Hall, Beaconsfield

Responsible GM: Tom McQualter
Author: Doug Evans

Recommendation(s)

That Council receive and note the petition received requesting the construction of a permanent table tennis hall in Beaconsfield and consider a report on this matter at the February 2021 Council Meeting.

Attachments

1. Copy of the Petition - Circulated to Councillors only [6.2.3.1 - 2 pages]

Executive Summary

A petition was tabled at the 30 November Council Meeting requesting the construction of a permanent table tennis hall, possibly as an extension to the Beaconsfield Community Complex.

Due to the short time between meetings there has not been sufficient time to prepare a report for this Council Meeting to consider the merits of this request, therefore it is proposed that a report on this matter be prepared for consideration at the Council Meeting to be held on 15 February 2021.

Background

The petition states that there are currently about 50 seniors playing table tennis in the hall at the Beaconsfield Community Centre. The tables have to be wheeled in and out before and after play. The seniors have difficulty doing this as the tables are heavy and cumbersome. Table tennis is played on Monday, Wednesday, Thursday and Friday.

The lighting in the hall is also too dark for table tennis. According to the International Table Tennis

Federation (ITTF), the lighting at the surface of the table should be at least 900 lumens. The current lighting is probably around 400 lumens.

The petitioners are seeking hall for 8 table tennis tables to be permanently set up. The standard space for one table is 6m by 12m. The height of the hall should be 5m. Lighting must be of acceptable standard for safety reasons. There should be no windows to prevent sunlight glare. The hall needs air conditioning for both heating and cooling to allow year long exercise. No carpet is required, preferred flooring is gerflor taraflex.

Policy Implications

Nil at this time.

Relevance to Council Plan

1.5 Our People - Variety of recreation and leisure opportunities

1.5.1 Provide active and passive recreation facilities to meet the needs of residents.

1.5.2 Increase opportunities for residents to participate in a range of sport, recreation and leisure activities.

Providing recreation facilities is in keeping with the Council Plan goal to provide a variety of recreation and leisure opportunities, to provide active and passive recreation facilities to meet the needs of residents and to increase opportunities for residents to participate in a range of sport, recreation and leisure activities.

Climate Emergency Consideration

Nil at this time.

Consultation/Communication

No community consultation has been undertaken regarding this matter.

Financial and Resource Implications

At this stage the financial implications of this request are unknown and cost estimates will need to be prepared. There are no funds in the forward capital works program for such a facility at this time.

Conclusion

As there has been insufficient time to prepare a report considering the request contained in the petition it is appropriate to receive and note the petition at this stage and consider a further report on the matter at the February Council meeting

Resolution

Moved Cr Brett Owen, seconded Cr Stephanie Davies.

That Council receive and note the petition received requesting the construction of a permanent table tennis hall in Beaconsfield and consider a report on this matter at the February 2021 Council Meeting.

Carried

6.2.4 Report - Audit of Expenses Matter

Cr Ross having declared a conflict of interest in this matter left the Council Chamber at this stage.

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 (Attachments 1 and 2).
2. Note Cr Collin Ross' responses to the Justitia Report (Attachments 3 & 4).
3. Note Cr Collin Ross' offer to reimburse claims that are at issue within this audit, as outlined in his response to the Draft Supplementary Report of Justitia Lawyers.
4. Review the Councillor Expenses Policy and Councillor claim forms, taking into consideration the information and findings provided in the Justitia Report.
5. Refer this matter to the Local Government Inspectorate for investigation in an independent setting, to enable the most open and transparent governance process to be followed, noting that there are a number of matters that are not resolved or easily explained through the audit conducted by Justitia Lawyers.
6. Note the assistance of the VLGA and the MWRRG in enabling this audit to be completed.

Attachments

1. Audit of Councillor expenses - Justitia Report [6.2.4.1 - 26 pages]
2. Audit of Councillor expenses - Supplementary Justitia Report [6.2.4.2 - 39 pages]
3. Cr Collin Ross' response to initial report [6.2.4.3 - 11 pages]
4. Cr Collin Ross' response to supplementary report [6.2.4.4 - 10 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 Attachments 1 and 2 (in the form of an Initial Report and a Supplementary Report).

The Reports outline the review process undertaken, including opportunities given to Cr Ross to participate in the process, provide information and answer questions. Cr Ross was provided time between the finalisation of the Supplementary Report and the publishing of this Report to include a final response. He has said that he is unable to provide any further response within the timeframe provided.

Through the course of the audit Cr Ross has provided responses to the first Justitia Report and a draft of the Supplementary Report. These responses are provided as Attachments 3 & 4.

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.
- Initial Report from Justitia Lawyers at 5:04pm on Monday 14th September.
- Cr Ross was provided with the Initial Report at 9:59am on Tuesday 15th September, and invited to provide a response with 48 hours.
- Cr Ross was given 14 additional days in which to respond to the Initial Report at the 21 September Council meeting in which Council resolved as follows:
- 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.
 - 2) Note Cr Collin Ross' response to the Justitia Report
 - 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.
- Cr Ross submitted his response on 6 October 2020
 - Justitia Lawyers reviewed Cr Ross response and cross-referenced information with the VLGA and MWRRG. Again this information was also provided to Cr Ross.
 - From this information a draft Supplementary Report was provided to Cr Ross for review and clarification on 30 October.
 - On Friday 6 November an extension of time was granted due to the post election period and Cr Ross needing his Council issued computer and login (which had been disabled during the post-election period) to review the additional material provided.
 - Cr Ross provided a response to the draft Supplementary Report on 17 November.
 - A reviewed timeline was provided to Cr Ross on 27 November, clarifying the steps to enable this report to meet the deadline for the December Council meeting.
 - On 1 December the Supplementary Report was provided to Cr Ross in final form. Cr Ross was also given the opportunity to provide a response to be included with this Council Report if provided before 3pm on 4 December.
 - Cr Ross' legal advisors stated in an email on the 4 December, "In the timeframe provided Cr. Ross is not able to provide any further response to the report."

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

- Recommendations 1 to 3 provide an option for the Council to either accept Cr Ross' explanation and offer of reimbursement or to seek further information and legal advice.
- Recommendation 4 recommends that Council consider its position in relation to reimbursement of travel expenses in particular circumstances and recommends seeking further legal advice.
- Recommendations 5 and 6 recommend Council officers review the expense claim forms and processes.
- Recommendation 7 again provides Council with two options, to either accept Cr Ross' explanation for the route that he travelled or to seek legal advice regarding options.

Give the recommendations and options within presented to the Council in the Justitia Supplementary Report, Council has the following options in addressing this matter as a whole:

Option 1:

Seek further legal advice to assist Council in determining if any breach of the Local Government Act or Council Expenses Policy has occurred, and the courses of action that may follow from this advice.

This option will likely take some time, and will incur additional costs prior to Council having any further information. This option will provide Council with further information about next steps and options and an opinion on legal and governance implications of the Justitia audit findings. This option on its own will not necessarily provide Council with an outcome that will close this matter and may result in further investigation or referral to another authority. This option preserves Council's ability to consider this matter but does not give Council any authority to undertake any action relating to Cr Ross' conduct as a Councillor.

Option 2:

Accept Cr Ross' explanation for the matters raised and accept his offer to reimburse Council. In doing so Council could consider that the audit is completed, and the matter is concluded.

This option will provide a timely conclusion of the matter from a Council perspective. There are, however, several aspects of the Justitia Report findings and recommendations that are inconclusive in this respect, particularly Recommendations 4 and 7 which ask Council for further consideration rather than provide assurance about these matters and recommend Council seeks legal advice. This option is low cost from this point forward, but is unlikely to provide Cardinia Shire community with the highest level of confidence that the matter has been adequately considered. This option also lacks a level of independence that it may need in order to be assured.

Option 3:

That Council refers this matter to the Local Government Inspectorate to investigate the matter in an independent setting to enable the most open and transparent governance process to be followed, noting that there are a number of matters that are not resolved or easily explained through audit conducted by Justitia Lawyers.

This option will give Council and the community an independent view of the matters raised and will be handled by an authority with appropriate powers. This option will take some time and may involve more extensive investigation and broadening of scope. It is also a low-cost option for Council and would allow this matter to continue on in an appropriate institutional setting, separate from Council's other business.

7.

While the Initial Report is marked Private and Confidential, Council has resolved that any Report relating to the review/audit be presented at an 'open' 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 Our Governance - Open governance

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

Climate Emergency Consideration

Nil.

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

That Council Note the independent audit by Justitia Lawyers into Councillor Collin Ross' expenses (Justitia Reports) has been completed in accordance with the Council Resolution resulting from Notice of Motion 1055 from the 17 August 2020 Council Meeting.

Resolution

Moved Cr Jeff Springfield, seconded Cr Jack Kowarzik.

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 (Attachments 1 and 2).
2. Note Cr Collin Ross' responses to the Justitia Report (Attachments 3 & 4).
3. Note Cr Collin Ross' offer to reimburse claims that are at issue within this audit, as outlined in his response to the Draft Supplementary Report of Justitia Lawyers.
4. Review the Councillor Expenses Policy and Councillor claim forms, taking into consideration the information and findings provided in the Justitia Report.
5. Refer this matter to the Local Government Inspectorate for investigation in an independent setting, to enable the most open and transparent governance process to be followed, noting that there are a number of matters that are not resolved or easily explained through the audit conducted by Justitia Lawyers.
10. Note the assistance of the VLGA and the MWRRG in enabling this audit to be completed.

Carried

Cr Ross reentered the meeting at the conclusion of this item having taken no part in the discussion or voting on this matter

6.2.5 Appointment of Acting Chief Executive Officer

Responsible GM: Carol Jeffs
Author: Doug Evans

Recommendation(s)

That the General Manager Infrastructure and Environment, Peter Benazic, be appointed Acting Chief Executive Officer for the period 25 December to 14 January 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 25 December to 14 January 2021.

Background

The Chief Executive Officer, Carol Jeffs, is taking a period of Annual Leave from 25 December to 14 January, it is therefore necessary to appoint an Acting Chief Executive Officer during this period. It is recommended that the General Manager Infrastructure and Environment, Peter Benazic, be appointed for the period 25 December to 14 January.

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 25 December to 14 January 2021 it is necessary to appoint an Acting Chief Executive officer for this period.

Resolution

Moved Cr Carol Ryan, seconded Cr Jeff Springfield.

That the General Manager Infrastructure and Environment, Peter Benazic, be appointed Acting Chief Executive Officer for the period 25 December to 14 January during a period of Annual Leave by the Chief Executive Officer.

Carried

6.4 Financial Reports

6.4.1 Quarterly Financial Report

Responsible GM: Tom McQualter
Author: Richard Williams

Recommendation(s)

That Council note the quarterly financial report for the period 1 July 2020 to 30 September 2020.

Attachments

1. Financial Performance Report Jul to Sep 2020 [6.4.1.1 - 14 pages]
2. Capital Works Report Jul to Sep 2020 [6.4.1.2 - 9 pages]
3. Income Statement and Balance Sheet Glossary [6.4.1.3 - 3 pages]
4. Capital Works Report Jul to Sep 2020 - Circulated to Councillors only [6.4.1.4 - 9 pages]

Executive Summary

This report details Council's financial performance for the three months ended 30 September 2020.

Background

The report is broken into a number of parts highlighting different components that affect the financial performance of Council, and includes the following financial statements:

- Income Statement – Analysed by income, expenditure and non-recurrent Items.
- A favourable budget variance is reported where actual income exceeds budget or actual expenditure is less than budget. An unfavourable budget variance is reported where actual income is less than budgeted or actual expenditure exceeds budget.
- Balance Sheet;
- Cashflow Statement; and
- Capital Works.

Also included is a summary of the COVID-19 impacts on the 2020-21 income statement and performance against the Victorian Auditor General's Office (VAGO) financial sustainability indicators.

Policy Implications

Nil.

Relevance to Council Plan

5.3 Our Governance - Long-term financial sustainability

5.3.3 Manage the municipality's finances and assets in a responsible way.

Climate Emergency Consideration

Nil.

Consultation/Communication

Accountants within the Finance business unit meet monthly with Business Unit Managers to discuss their year-to-date progress against the budget for both the Operating and Capital Works programs. Results of these discussions provide input to the completion of the Monthly Financial Performance Report and are further discussed with the relevant General Manager. The Monthly Financial Performance Report is subsequently presented monthly to the Senior Leadership Team and quarterly to Council.

Financial and Resource Implications

The analysis undertaken as part of the Financial Performance Report is based on the differences between the 2020-21 budget adopted in June 2020 and the actual result as at 30 September 2020.

The adjusted underlying result at the end of September is a surplus of \$1.0m, which is \$2.9m favourable to the year-to-date budgeted deficit of \$1.9m. The adjusted surplus excludes capital income and other abnormals but includes recurrent capital grants. The unadjusted result is a surplus of \$12.3m which is \$1.1m unfavourable to the year-to-date budgeted surplus of \$13.5m.

At the end of September, total income is \$4.4m unfavourable, mainly in capital non-cash contributions and development levies due to lower than expected development activity. These have been partly offset by capital grants and operating grants revenue which are favourable to budget. These are partly due to recognition this financial year of grants received last financial year and the recognition of unbudgeted grants, particularly for the Princes Highway shared pathway project and Comely Banks Recreation Reserve. Total expenditure is \$3.3m favourable. This is mainly in materials & services primarily due to timing variances in contract payments and other major items of expenditure, including recreation reserve grants. These variances are partly offset by depreciation, which is unfavourable to budget due to a one-off adjustment for drainage depreciation following an external review of drainage assets. Detailed variance analysis is included in the attached Financial Performance report.

As at 30 September 2020, the forecast operating result for the 2020-21 year is an adjusted underlying deficit of \$1.3m, which is \$0.7m unfavourable to the adopted budget underlying deficit of \$0.6m. The unadjusted result is forecast to be \$2.5m unfavourable to the adopted budget. Income is forecast to be \$2.4m unfavourable, with the major variances being non-cash capital contributions \$5.0m unfavourable, partly offset by operating grants and non-cash development levies both \$1.0m favourable. Expenditure is forecast to be \$0.1m unfavourable, mainly in depreciation expense due to the drainage adjustment. The forecast result is impacted by the financial implications of the COVID-19 pandemic in a number of areas, including; rates and charges due to the temporary waiving of interest on outstanding rates; user fees due to temporary closure of community facilities; and materials and services due to contractual obligations to service providers in lieu of closed facilities.

The total cash balance at the end of September 2020 is \$99.0m, which is \$28.5m more than budget due to a higher than anticipated cash holding at 30 June 2020 but nevertheless is \$4.8m lower than as at the end of June 2020. Council cash, which is \$1.6m higher, has been offset by DCP cash being \$6.4m lower. A total cash deficit at 30 September of \$10.5m is after external restrictions on cash of \$65.7m and intended allocations of \$43.8m. The 2020-21 rates first instalment and pay-in-full due date of 30 September had a positive effect on the cash balance despite COVID-19 cashflow implications. Council is currently forecasting a total

cash balance including total financial assets of \$87.3m at 30 June 2021 compared to a budget of \$91.6m.

Total project expenditure year to date 30 September 2020 is \$8.0m, which is \$3.4m lower than at the same time last year and \$0.3m lower than the year-to-date budget. Forecast capital work expenditure for 2020-21 of \$86.7m and carryover to 2021-22 of \$3.5m is \$1.6m more than full year budget adjusted for actual carry-overs from 2019-20, mainly in footpaths (\$1.0m), recreational and community (\$0.3m) and buildings (\$0.3m) projects. Further variance details are included in the attached Capital Works report.

Council has committed 9% of the expenditure in first quarter compared to a budget of \$88.6m. Some of the key projects where council have committed funds in the first quarter are: Comely Banks Recreation Reserve, Emerald Netball building works completed in defects/maintenance stage, land acquisitions, Sealing the hills program, works on Footpaths replacement, bridges replacement/upgrade, Unsealed Roads resheeting program. Gembrook Reserve.

The Infrastructure team was successful in receiving unbudgeted grant funding of \$0.99m for the Princes Highway (South Side) shared pathway, with council funding \$0.99m from DCP funds to deliver the program. Economic Development team will also be receiving \$0.5m from the Department of Jobs to support the outdoor dining program for the traders in the Shire.

For further details, Councillors are referred to the detailed Financial Performance Report attached.

Conclusion

It is appropriate that the Council receives and notes the Financial Performance Report for the period 1 July 2020 to 30 September 2020.

Resolution

Moved Cr Carol Ryan, seconded Cr Jeff Springfield.

That Council note the quarterly financial report for the period 1 July 2020 to 30 September 2020.

Carried

6.5 Activity Reports

6.5.1 Performance and Growth Reports - Quarter 1 2020-21

Responsible GM: Jenny Scicluna
Author: Jo Battin

Recommendation(s)

That Council note the Performance and Growth Reports for Quarter 1 2020-21.

Attachments

1. Performance Report [6.5.1.1 - 14 pages]
2. Council Plan Action - Progress Report [6.5.1.2 - 38 pages]
3. Growth Report [6.5.1.3 - 6 pages]

Executive Summary

Council has committed to undertake work on 131 Council Plan actions during the 2020-21 financial year. There are 113 actions currently in progress that are on-track to be completed by their due date. However, there are a small number of actions that are off-track.

The organisation service request performance for the quarter is 82%, and this is below our target of 90% of service requests completed within service standard. The Customer Support service level (percentage of calls answered within 90 seconds) is 70% for the quarter, and this is below our target of 80%. There are a four Local Government Performance Reporting Framework service measures, Councillor Meeting Attendance, Animals Reclaimed, Missed Bins and Planning Application Decisions made within 60 Days where we have observed some variation in results this quarter, while all other metric results remain relatively stable.

Population growth within the Shire has also declined. There are three households moving to the area per day, for the quarter. Subdivision land activity is also slowing, and the construction of sealed roads and footpaths has slowed low due to the reduction in completed estate development.

Background

CEO Report

The first quarter of 2020-21 has presented a number of challenges to both Council and our community as we've have worked hard to continue to support our community, deliver essential services and achieve results across all five key areas of our Council Plan.

COVID-19 pandemic

The impacts of the COVID-19 pandemic have continued to be felt far and wide, and our shire is no exception. During this challenging time, our focus and priority has remained the same: to continue delivering vital services and provide support and assistance to our community.

In addition to the practical and tangible support we announced in the previous quarter, we have implemented a number of further support measures and have continued to work with, and advocate to, other levels of government for greater support for our community.

We announced Phase 4 of our Community and Business Support Package, providing additional relief to ratepayers, community and sporting groups and businesses struggling with the significant impacts of this pandemic. We launched a new interactive online business portal to further support business in the shire and we're delivering the Community Activation and Social Isolation (CASI) initiative for people who may be feeling lonely or isolated and in need of a little extra support during the pandemic.

Advocacy

We're continuing to follow the direction of, and work with, the Victorian Government in response to the COVID-19 pandemic. The health and safety of our community and employees remains at the forefront of everything we do as we continue to deliver essential services in this challenging and ever-changing environment.

We remain committed to actively seeking grant support from both the Victorian and Australian governments; this quarter we lodged 14 separate grant applications valued at \$5.1 million for a range of projects that would benefit our community. We also continue to advocate to other levels of government on behalf of our community and work with other groups of councils to facilitate investment in the broader region.

Infrastructure for our shire

Work continues on a number of important projects across the shire. As one of our major strategic priorities, we are progressing work on a number of key roads projects across the shire. Work is also continuing on projects to upgrade and construct new facilities for our shire.

As a rapidly growing shire, demand on our community infrastructure and services continues to grow with our population, placing greater importance on planning and sustainability to ensure we are able to provide high quality services and facilities, now and into the future.

Carol Jeffs

Chief Executive Officer
Cardinia Shire Council

Government Interaction

Government Advocacy

Council is working collaboratively with the State Government in responding to the Coronavirus (COVID-19) pandemic, and is closely following advice being received while the situation is rapidly evolving,

Our actions are aiming to support the health and wellbeing of our staff and community, and the continuation of essential services.

Council continues to rely heavily on rate revenue to fund the provision of infrastructure and services. Due to the Victorian Government's rate cap, Council is limited in the amount of revenue it is able to achieve through rates and is required to have a strong focus on seeking grant support and advocating to other levels of government on behalf of our community. Council also works with other groups of Councils, such as South East Melbourne and Interface Group of Councils, to facilitate investment into the broader region.

The South East Melbourne Group of Councils is in discussions with both the State and Federal Government in developing a 'City Deal' for the region.

We will continue to lobby for action on important local issues and work hard to influence government priorities that will benefit our local communities.

Grant applications

Council continues to actively seek grant funds from a variety of State and Federal Government Funding programs. For this first quarter of the financial year, Council has lodged 14 separate grant applications for a total of \$5.1M for a range of projects.

Legislative Program

After a prolonged delay, the Local Government Act 2020 was finally passed by Parliament and received Royal Assent earlier in the year.

There has been a staged implementation of the provisions: 6 April 2020, 1 May 2020, 24 October 2020 and 1 July 2021. A compliance timetable has been prepared to ensure that all policies, plans and new initiatives required will be implemented in accordance with this staged approach.

Performance Summary

Council Plan Performance

The Council Plan sets out a medium to long-term vision for how Council will respond to community needs and the opportunities and challenges facing Cardinia Shire. Council delivers the plan through a 4 year action plan which covers 5 Key Priority Areas (KPAs). The performance of the 5 KPAs and their Council Plan Actions is illustrated below. For a more comprehensive account the action progress, please refer to the Council Plan Action Progress Report attached.

There are 131 Council Plan actions to implement during the 2020-21 financial year, of which 5% are completed. There are 12 actions (9%) that are currently not on track for delivery by their due dates. Please refer to Table 1 for further details.

Figure 1. Council Plan Action Performance

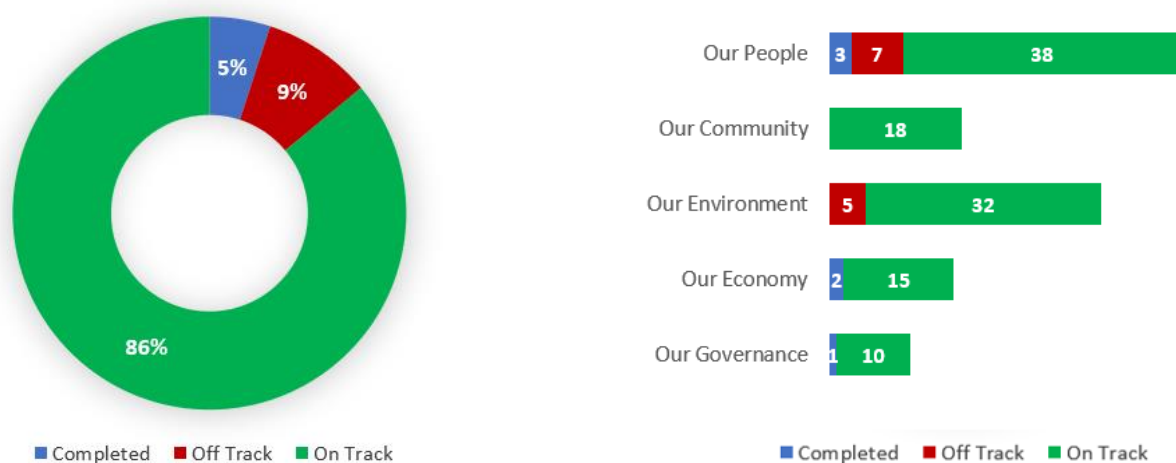


Table 1. Off-track Council Plan Actions

	Action	Business Unit	Executive Comment
8.	1.7.2.2 CP - Continue to implement the long term plan for burning on Council land. Conduct annual fire inspection program.	Pandemic Response and Emergency Management	Undertaking controlled burns within the Shire has been restricted due to COVID-19. However Council has also continued discussions with key agencies and community on opportunities for fuel reduction in the upcoming months. The early stage of planning for the fire hazard inspection program for 20/21 is underway.
9.	3.1.4.1 CP - Review of Open Space Asset Management Plan	Infrastructure Services	Collating the relevant condition data to support the review of the plans has been delayed, in turn delaying the completion of works. The plan is now being completed along with the review of the footpath and bridges asset management plans. Draft versions of these three plans are expected to be completed mid 2021.
10.	3.1.4.2 CP - Review of Road Asset Management Plan and Buildings Asset Management Plan.	Infrastructure Services	These plans have been delayed due to the collection of the relevant condition data. Development of long-term modelling for building assets has commenced based on the 2019 condition assessments.
11.	3.2.1.1 CP - Commence construction of the Lang Lang Bypass from Westernport Road to McDonalds Track, including Milner's Road.	Infrastructure Services	The project has been delayed due to ongoing negotiations with quarry operators. Construction will commence after funding is secured.
12.	3.1.1.3 CP - Inspections and maintenance of the road network in accordance with the Road Management Plan.	Operations	Currently on track and ongoing, all inspections have been completed through September quarter as per the Road Management Plan.
13.	3.3.8.4 CP - Preserve and improve natural environment by undertaking weed management and indigenous plantings.	Operations	Currently on track and ongoing, all inspections have been completed through September quarter.
14.	1.5.1.1 CP - Prepare a master plan for Gin Gin Bin Reserve Officer	Active Communities	The project has been delayed, awaiting direction from the Victorian Department of Education and Training and Victorian School Building Authority. A consultant was appointed and a draft master plan has been prepared. Discussions have been proposed with the Victorian Department of Education and Training in relation to combined master planning for an education precinct and Gin Gin Bin Reserve.

	Action	Business Unit	Executive Comment
15.	1.5.1.2 CP - Prepare a master plan for McMullen Recreation Reserve Officer	Active Communities	Project delayed due to budget re-prioritisation. Council secured the land for the site in May 2020. Preparation of the McMullen Recreation Reserve master plan is on hold pending settlement of the purchase of land required to create the new reserve. Settlement expect October 2021.
16.	1.5.1.5 CP - Present options to Council for the potential redevelopment and expansion of Cardinia Life. If approved, proceed with detailed design.	Active Communities	Project delayed due to budget re-prioritisation. Funding has been allocated in the 2020-21 budget for design works. Those works are due to commence early 2021.
17.	1.5.1.6 CP - Complete design for Bunyip Indoor Stadium.	Active Communities	Project delayed due to agreement not having yet been reached with the committee of management and reserve user groups. The draft concept plan has been discussed with the committee of management and reserve user groups. The committee of management has developed an alternative concept for the Bunyip Indoor Stadium. Council officers are working with the committee of management and to reach an outcome within the coming months (Sep/Oct).
18.	1.5.1.7 CP - Complete the construction and fit-out of the KWR Bowls Club. This project is dependent on external funding confirmation.	Active Communities	Council applied for a Growing Suburbs Fund grant for this project but has been notified that this application was unsuccessful. Council officers will continue to seek alternative funding sources.
19.	1.5.1.8 CP - Commence the construction and fit-out of the extension of the Bunyip Basketball Stadium. The timing of this project is subject to external funding	Active Communities	Once the finalised design of the project has been approved, the project will go to tender.

Service Request Performance

A service request is recorded in Council's Customer Relationship Management System (CRMS) when a call is taken through the call centre or sent via web mail. Each request is assigned a service standard, which is a target timeframe for completion. The term 'Service Level' refers to the percentage of requests completed within their target timeframe. Council's target Service Level is 90%.

Organisation Performance:

The overall Service Level for the organisation for the quarter was 82%, a 2% increase from the previous quarter. A focus on improving the service level performance of the most common service request categories could greatly increase the overall Service Level of the organisation.

A review of this nature could lead to a change in process or an update to an existing service standard. Table 2 illustrates the top 5 service categories by volume and their service level.

Table 2. Organisation Performance

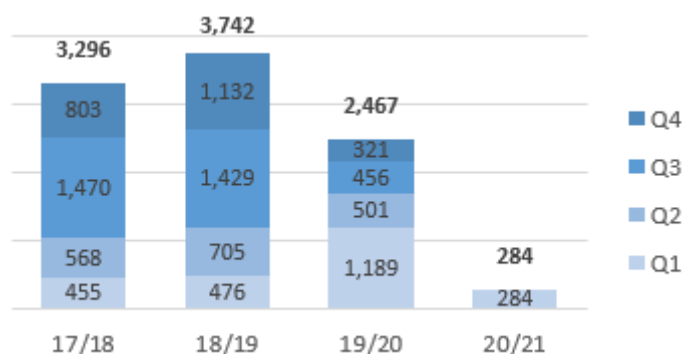
Top 5 service request categories by volume due and their service levels					90% target
1	Waste – Kerbside Bin	2679	92%		
2	Waste – Kerbside Bin - Order/Cancel Service	1172	91%		
3	Trees and vegetation on Public or Council land	796	40%		
4	Planning	606	93%		
5	Dogs	352	98%		

Operations Performance:

Council maintains a large unsealed road network. Maintenance works consist of both grading and resheeting done on a cyclic basis, along with response to defects caused by adverse weather conditions such as storms or long dry spells. All works are conducted in accordance with Council's Road Management Plan, which ensures that the network is kept in a safe and trafficable condition. The number of hours grading roads has decreased by 4% compared to the same time last year. This outcome may be due to more favourable weather conditions this year, a noticeable reduction in traffic volumes due to COVID19 travel restrictions and a reduction in customer requests for inspections under the Road Management Plan. This combined with the efficiency of Operation's predictive maintenance program has led to this result.

The current service level for unsealed road related requests is 29%. This low service level has triggered a review of the unsealed road service area. It has been identified that there has been a concerted effort by management and staff to reduce the number of unsealed road complaints over the past year. This is illustrated in Figure 2 below, where there has been a 76% decrease in the number of unsealed road services requests compared to the same time last year. That is, 284 service requests compared to 1189 the year before! This significant decrease is due to changes in the unsealed road maintenance program enabling roads to be proactively graded before a complaint is lodged.

Figure 2. Unsealed road service requests due



Despite this positive result from the proactive maintenance program, only 29% of the 284 service requests that were lodged in quarter 1 were recorded as completed within the service standard in the CRMS. Unsealed road service requests are recorded initially through the CRMS, however, the work to resolve the service request is handled through the inspection and maintenance management system called Reflect. There is a lag in time between the resolution of the work in Reflect and the subsequent update in the CRMS, resulting in a discrepancy of the in-time completion rate between the 2 systems. Compounding this issue is

the variation of the service standards applied by each system, and this affects the weight that we should put on the current service level being reported through the CRMS.

To improve the confidence in the service level being reported in this area, it will be important to integrate the CRMS and Reflect systems. Integrating the Reflect system with the CRMS should result in a seamless workflow process that should provide accurate reporting of service levels. This integrated solution is complex and will take time to implement, yet the long-term benefits of time and cost efficiencies across Council will ultimately provide a better customer service to our community. This integration project is currently underway and an estimate project completion date will be provided when available.

Council also maintains over 3000 km of open surface drains. These drains are cleaned out using a maintenance system that is driven by proactive inspections and reactive works and supplemented by responding to flooding issues following storms. Works are prioritised based on risk to property or person. The number of linear metres of surface drains cleared this quarter is 304% higher than the same time last year. This significant increase is due to the availability of resources, a combination of both internal staff and contractors. The number of linear metres of underground drains cleared has decreased by 23% this quarter compared to the same time last year. The current service level for drainage related requests 49%. As the drainage service requests are also managed through the Reflect system, the integrated solution will also affect the service level results for this service area.

Waste Management Performance:

The amount of garbage and recycled waste collected last during the 2019-20 financial year was directly affected by one of Victoria's largest recycling processors being placed into administration and being unable to process recyclable material from Councils across Victoria, including Cardinia Shire. Assuming there are no more disruptions to the recycling market, the tonnages of garbage and recycle waste should moving back normal levels this financial year.

As the Shire's population continues to grow, the amount of waste generated is also growing. The average volume of garbage to landfill per household is 563kg to date this financial year. This is a 2% drop from last year's annual average. The amount of garbage waste to landfill is 7% lower than compared to the same time last year.

Cardinia Shire Council will continue to take advantage of recent advancements such as newer technologies and improved markets for products, resulting in improved financial outcomes for resource recovery. The impact of drought can also vary the tonnage of green waste recycling due to moisture content from wet or dry years. The amount of recycled waste is 107% higher and the amount of green waste is 39% higher, both in comparison to the same time last year. The overall service level for waste management is 92%.

Customer Support Call Performance

The organisation's call centre is run by the Customer Support team. As these calls are largely the first interaction our community has with our organisation, it is important that we deliver a positive customer service experience. Monitoring the service level of the call centre is only one of many ways to tap into our customers' experience with Council.

We currently report our Service Level as the percentage of calls that are answered in 90 seconds. At Cardinia, our current Service Level target is 80%. The Service Level for the quarter is 70%. The average wait time for a customer in the call queue last quarter was 77 seconds. Given that our target for this metric is also 90 seconds, this is a positive result. After Call Work Time, the average time taken by Customer Support officers to finalise call details, was 127 seconds for the quarter. This is 22 seconds above the target of 105 seconds. The Abandoned Call rate is 3.61% this quarter, slightly above the 3% target.

LGPRF Performance

The Local Government Performance Reporting Framework (LGPRF) is a platform for key local government service and financial measures. The measures are reported annually in Council Annual Reports and published on the Know Your Council website. A selection of LGPRF service measures that can be reported on a quarterly basis are provided.

Council decisions closed to the public remains high this year at 4.5% and Councillor attendance at meetings has reached 100%. Maternal and Child Health enrolments and the 4-week Key Ages and Stages (KAS) participation rates remain high. The time taken to action animal requests has increased slightly while the rate of animals reclaimed has dropped to 34%. The percentage of kerbside bins collection missed has decreased to 6.4% while the waste diverted from landfill has risen to 45.1. The percentage of planning applications decided in 60 days has dropped to 57%. 100% of planning decisions made by Council have been upheld at VCAT. All other metrics remain relatively stable.

Growth Summary

Residential development activity drives much of the growth in demand for Council's services and facilities. Residential land development in the Shire had varied results this quarter. There were 357 residential subdivision lot applications this quarter, 47% higher compared to the same time last year. There were 222 residential lots issued a statement of compliance this quarter, a 22% decrease compared to same time last year. There are over 20,000 lots still to be developed across the shire, the majority of undeveloped lots are in the Officer Precinct followed closely by the Pakenham East precinct.

Activity within the property sector can help determine the growth rate within a municipality and therefore assist with future decision making. The number of building permits issued this quarter is 6% lower than the same time last year. Residential building completions are trending downwards, with 272 residential building completions processed this quarter, a decrease of 44% compared to the same time last year.

A new household garbage service is requested predominantly when a new home has been completed and is ready to be occupied. This indicator can therefore represent the growth of new households within the Shire. The number of new garbage bin requests has dropped by 45% compared to last year. The household growth rate in the shire has decreased to three households per calendar day for the current financial year.

The Maternal and Child Health statistics are also a lead growth indicator. Birth notices are the number of notifications received from hospitals, for newborn babies in the municipality. There were 452 births in the shire this quarter, 7% higher than the same time last year. Maternal and Child Health Enrolments include the number of babies and children, from birth to school age, that visit and enrol at an MCH centre, including children of families moving to Cardinia Shire. There were 477 enrolments this quarter, 3% lower than the same time last year.

The growth of the sealed road and footpath network provides insight into the progress of infrastructure activity within the Shire. Sealed road growth is due to a combination of subdivision development and Council's sealing of unsealed roads through special charge schemes or other external funding such as Roads to Recovery. There were 1.51 KMs of sealed roads constructed this quarter, 39% lower than the same time last year. Footpath growth is due to a combination of footpaths constructed from subdivision development and Council's capital works program. There were 2.31 KMs of footpaths constructed this quarter, 39% lower than the same time last year.

Policy Implications

Nil.

Relevance to Council Plan

Nil.

Climate Emergency Consideration

Nil.

Consultation/Communication

Relevant managers and officers, from all divisions across the organisation, provide updates and comments that feed into the Performance and Growth reports.

Financial and Resource Implications

Nil.

Conclusion

Council has committed to undertake work on 131 Council Plan actions during the 2020-21 financial year, of which 5% have been completed during the quarter. The organisation service request Service Level was 82% and the Customer Support call Service Level was 70% for the quarter. The LGPRF service measures results remain relatively stable.

Resolution

Moved Cr Carol Ryan, seconded Cr Jeff Springfield.

That Council note the Performance and Growth Reports for Quarter 1 2020-21.

Carried

6.5.2 Environment Quarterly Report

Responsible GM: Peter Benazic
Author: Desiree Lovell, Jacqui Kelly

Recommendation(s)

That Council note the report.

Executive Summary

This report provides a summary of some key projects, services and actions delivering environmental benefits across the work of Council. Projects have been categorised according to the Sustainable Environment Policy (SEP) 2018–28 themes of:

- Biodiversity
- Climate change
- Water
- Waste and resource recovery

The SEP is the roadmap for the future direction of Council's environmental and sustainability strategies, plans and activities.

A similar report will be presented each quarter highlighting new programs or projects that have achieved significant milestones.

Background

There are a broad range of projects, services and actions delivering environmental benefits throughout the organisation. While many of these occur within or are led by the Infrastructure and Environment Division, the vast majority of the organisation is involved in environmental sustainability to some degree. Below is a highlight of some of the key projects currently being undertaken.

All actions fall within the Council Plan 2020–21 under the key performance area of Environment 'we will continue to plan and manage the natural and built environment for present and future generations'.

Biodiversity

Council Plan action – Protect and improve biodiversity by increasing the area of natural ecosystems across the Shire.

Council Plan action – Preserve and improve our bushland and natural environment by implementing weed management strategy and programs and continuing activities on high conservation bushland reserves and roadsides.

1. Cardinia Creek – Peri urban Weed Partnership Project

Description	The Peri Urban Weed Partnership (PUWP) project is an initiative of the Victorian Department of Environment, Land, Water and Planning (DELWP) in partnership with Cardinia Shire and other agencies including Parks Victoria, Melbourne Water, Vic Roads and Cardinia Environment Coalition (CEC). Other stakeholders include environmental groups. The key objective of this 4-year project was to achieve effective control of environmental weed species that are invading high value bushland reserves within the Cardinia Creek corridor, by including works on Council land, crown land and private land. The bushland reserves that are included in the project contain high biodiversity values including threatened native plant and animal species; and are areas of natural scenic beauty.
Funding	This partnership project is jointly funded by Council and DELWP, along with contributions by other agencies. DELWP contribute \$150,000 to this project annually, with Council receiving \$76,000 per year. The remaining funds are distributed to Parks Victoria and the Cardinia Environment Coalition.
Update	The four-year Peri Urban Weed Partnership Project has now been completed and the final report has been submitted to DELWP. In June, an additional \$31,000 was made available by DELWP to extend the role of the Peri Urban Weed Partnerships Project Facilitator (contractor) until November 2020. The facilitator is conducting a review of the project outcomes over the past four years including the effectiveness of weed control, the response of biodiversity and native species, and the relationships built with agency and community stakeholders working together. The project sites will be mapped for the presence and species of weeds, with a comparison made to weed data collected at the commencement of the project. The results of this review will inform future planning for further works. This will enable the partnership to be ready should future funding become available.

2. Emerald Lake Park Vegetation Management Project 2020-21

Description	The Emerald Lake Park Vegetation Management Project aims to increase the biodiversity values in the native bushland areas of the park, predominantly by managing high threat weeds, encouraging natural regeneration and undertaking replanting with indigenous species. Priority zones were identified in Council's <i>Weed Management Strategy 2019-24</i>. The Friends group were successful in receiving grants that have assisted in the delivery of this project from the Australian Government and Melbourne Water.
Funding	The project is jointly funded by Council, the Australian Government's Communities Environment Program and a Melbourne Water Project Grant.
Update	The removal of large, invasive Sycamore Maples within the bushland and waterway area has been undertaken, resulting in significantly fewer future seed burden for the site. Sycamore Maples grow very quickly from seed to a large tree. The large trees create competition for indigenous species, produce approximately 10,000

	seeds a year and drop a large amount of leaf litter in autumn which smother indigenous vegetation. Works are underway across priority zones to treat noxious and environmental weeds such as holly, sweet pittosporum, red cestrum, blackberry, tree tobacco, ivy and Japanese honeysuckle. Revegetation works have been undertaken along the creek near Wishing Well track with 250 indigenous plants (tube stock) planted so far. More indigenous tube stock will be planted across the creek zone during the next planting season. Works are being undertaken with respect to the surrounding native vegetation.
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3. Friends group strategic action plans

Description	Friends group strategic action plans
Funding	This initiative is funded by the Victorian Government's Caring for Our Local Environment (COLE) grant
Update	Friends group strategic action plans have been finalised. Eight groups participated through onsite and virtual workshops. The ninth group already had a strategic plan and did not need to participate in the workshops. The project used an external facilitator to step each group through the creation of a 5-year plan. Each plan is tailored to the groups personal priorities which are then phased over the 5- year period. Council officers were able to provide input into the plans to ensure the volunteers goals and objectives met Council safety standards and procedures. The volunteers were highly complementary of the process.

4. Friends group grants

Description	Annual grants paid to Council's nine volunteer friends groups that work in bushland reserves.
Funding	This program is fully funded by Council
Update	The annual Friends group grant has been paid to each of Council's nine Friends group, to support them in the work they do in bushland reserves, including small tools, first aid equipment, group insurance and administration costs. The Friends groups are made up of dedicated volunteers who work tirelessly to help enhance biodiversity in our bushland reserves. The groups also provide valuable surveillance role to alert Council of issues within the reserve and help to advocate the value of biodiversity and the merits of volunteerism to the broader community.

5. Western Port Biosphere report card

Description	The Western Port Biosphere (WPB) who represent each of the five Council's surrounding Western Port (including Frankston City Council) are refocusing their biennial report card around the 17 United Nations Sustainable Development Goals (SDG). The goals aim to end poverty, fight inequality and injustice and tackle climate change by 2030.
Funding	The initiative is fully funded by the Western Port Biosphere
Update	The Biosphere report card is a biennial report that describes how each of the five councils are contributing to a sustainable environment. This year the 'report card', will document what each of the councils are doing to meet the variety of the 17 goals. Each council will be providing different information against different nominated SDG's so the report will be 'telling a storey' of environmental sustainability in the region, rather than a comparative assessment between the different Councils environmental contribution. The WPB will produce the report card every second year which over time will provide a comparative analysis on how the peri-urban councils are progressing towards the SDG's.

Climate change

Council Plan action - Adapt to the impacts of climate change by working in partnership with the South East Councils Climate Change Alliance (SECCCA) and both Victorian and Australian Governments

Council Plan action – Reduce Council's energy consumption and help the community to do likewise.

6. Environmental Upgrade Finance program

Description	The Environmental Upgrade Finance (EUF) program offers long term, low interest loans via an agreement to owners of commercial and non-residential buildings, so they can upgrade the building to improve its efficiency. Finances can be used for energy, water and waste efficiency projects that will reduce operating costs and environmental impacts.
Funding	The EUF program is a Sustainable Melbourne Fund project and participation in the program comes at no expense to Council. An agreement between a building owner, a financial institution and Council is reached. Repayments are made by the property owner via the rates mechanism and Council functions as the collection agency.
Update	Patties Foods Ltd has entered into an environmental upgrade agreement. The agreement will provide Patties Foods Ltd with upfront project funding to undertake an LED lighting upgrade of their Pakenham facility. Council acts as a collection agent and repayments to the project financing are made back to the Sustainable Melbourne Fund through the Council rates system. This upgrade will support energy efficiency improvements and the reduction of 325 tonnes of carbon emissions. By participating in the EUA program Patties Foods Ltd becomes the second business in Cardinia Shire to take advantage of this opportunity and upgrade to newer more efficient technology.

Water

Council Plan action – Manage water in an integrated way, including the reduction of potable water consumption by Council and households.

Council plan action - Promote water catchment management practices that improve the quality of our waterways

7. Emerald Library – reuse of water tanks

Description	The installation of 10,000-litre rainwater tank at Emerald Library, which had previously been in storage.
Funding	This project was fully funded by Council
Update	A rainwater harvesting system was installed in June at the Emerald library and provides water to the male, female and disabled toilets for flushing and will significantly reduce mains water use and costs for the site. The rainwater harvesting system also provides additional benefits by reducing site run-off and flood peaks. The tank has been installed and is operational.

8. Deep Creek Reserve wetland wonders project

Description	The 'wetland wonders' project includes three boardwalks that link to a central viewing platform located at the demonstration wetlands at Deep Creek Reserve. The three boardwalks represent the three creeks that converge at Deep Creek Reserve; Pakenham Creek, Deep Creek and Whiskey Creek. The boardwalk trail will include education interpretation elements about biodiversity of the wetlands, the importance of wetland systems in protecting Westernport bay and traditional owner stories.
Funding	This project is jointly funded by Council and Victorian Government through the Department of Environment, Land, Water and Planning
Update	The demonstration wetlands, at Deep Creek Reserve, play an important role in the water management of the site, filtering water and creating aquatic ecosystems. They also provide education opportunities for schools' programs offered onsite by Ecolinc. Currently there is limited linkage or access for people of all abilities from the car park and main building to the demonstration wetlands. Planning and design of the three boardwalks has commenced with engagement of key stakeholders, including Cardinia Environment Coalition (CEC), Ecolinc and Deep Creek Golf Club.

Waste and resource recovery

Council Plan action – promote practices that result in the reduction per household of the amount of waste going to landfill, particularly food waste.

9. Bookable hard waste

Description	The bookable hard waste collection service maintains the previous shire-wide disposal amounts, but now with increased flexibility for residents; residents can still access two collections per calendar year, with the same 2m ³ size limit per collection.
Funding	This service is fully funded by the annual garbage charge.
Update	On 1 July 2020, Council changed from a blanket hard waste service to the new bookable hard waste collect service. The changeover saw a successful implementation by Council and the new contractor, Cleanaway, including new vehicles, staff and call centre; moving all calls for hard waste enquiries and bookings from Council's Customer Service team to Cleanaway's. A comprehensive communication and behaviour change program began in July, showing a positive community response to the service change. Within the first eight weeks of launch over 1,700 bookings were made (and completed). The move to bookable hard waste will reduce waste sent to landfill in Cardinia Shire, increase the amount of material recovered and is expected to reduce illegally dumped rubbish.

10. Food waste in green bins

Description	Council's new kerbside collection contract for the collection of residential kerbside rubbish, recycling and green waste services now includes the expansion of the green bin to include food waste.
Funding	This service is fully funded by the annual garbage charge.
Update	The new kerbside collection contract commenced on 1 October 2020 and includes 16 new waste collection trucks, all with updated educational designs. Nine of these new trucks are on the road today, the remaining seven will be rolled out during November. These new trucks have improved efficiencies, are more environmentally friendly and are fitted out with the latest technology, including 360° camera views - to improve safety for the community and video playback to help investigate resident enquiries. Over the last few months collection routes have been reviewed and some bin days changed for areas of the community. Developing our most efficient routes to date and preparing for continuing growth in the shire. Food waste collection in the green bin launched 28 September 2020. Delivery of kitchen caddies and welcome packs (including a letter, flyer and sticker) has commenced for all 23,473 households who currently have a green bin. In the future all new green bin orders will be delivered with a caddy to ensure maximum diversion of food waste from landfill. An ongoing extensive communication plan for food in the green bin has seen a positive response from the community and will be ongoing to educate on correct use and encourage remaining residents to order a green bin.

11. Waste community education

Description	Council provides waste education programs to residents through a variety of formats including online materials, talks, workshops, event stalls and school and kinder programs
Funding	This service is fully funded by the annual garbage charge.

Update	During the COVID-19 restrictions, waste education continues to be adapted to a virtual format. Our most recent engagements included: • 'All Things Reusable' virtual workshop held Sunday 12 July for Plastic Free July, in partnership with Casey Cardinia Libraries. 14 participants. • 'Composting Correctly' virtual workshop held Thursday 3 September in partnership with City of Casey. 36 participants • Two 'Food in the Green Waste Bin' virtual workshops to answer all questions around the changing service, held on Thursday 10 September and Saturday 12 September. 34 participants. • 'Reduce your Impact and Save Money' virtual workshop with tips to reduce waste, energy and water bills be in partnership with City of Casey, held on Thursday 22 October • 'Beeswax Wraps' virtual workshop to make sustainable food wraps in partnership with City of Casey, held on Saturday 24 October. The waste education team has also designed a user-friendly printed <i>Waste and Recycling Guide</i> containing the new bookable hard waste service information, updated green bin service information and a reminder of all the other waste services offered in Cardinia Shire including kerbside bins, drop-off events, rebates, workshops etc. This guide will be posted out via unaddressed mail to all Cardinia Shire residents over the coming weeks.
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Resolution

Moved Cr Jack Kowarzik, seconded Cr Stephanie Davies.

That Council note the report.

Carried

6.5.3 Major Projects Report

Responsible GM: Peter Benazic

Author: Andrew Barr, Ben Wood, Desiree Lovell, Michael Casey and Walter Carmignani

Recommendation(s)

That Council note the report.

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 Victorian 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, 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 by the end of January 2021.
Update	Mechanical services in progress, plaster lining and wall tiling commenced. Portable change room and toilet facility has been installed on site during the internal fit out works.

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	The detailed design is complete
Update	Detailed designs are now complete for the sports field component.

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 February 2021.
Update	Works on internal fit out and external paving nearing completion

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.
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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	Concept development being prepared for further consultation with user groups.

Gembrook Recreation Reserve – football/cricket pavilion redevelopment

Project description	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 server areas. There is a minor upgrade to the existing kitchen and social room areas, reconfiguring of the kiosk server 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 due for completion July 2021.
Update	Structural steel and lightweight steelwork installation is nearing completion.

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 February 2021
Update	A concept plan is currently being reviewed in conjunction with the proposed pavilion design.

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/assessable 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	Services around the site and the floor slab are complete.

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 assessable 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	Temporary change and toilet facilities for user groups are installed.

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 June 2021.
Update	Initial design meeting with the contractor is complete and modular unit detailing in progress

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 by December 2021
Update	Tenders have been received and are currently being evaluated.

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 by December 2021.
Update	Tenders have been received and are currently being evaluated.

Upper Beaconsfield Recreation Reserve redevelopment of change room facilities

Project description	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	Further consultation with club stakeholders has been undertaken to review available options in balance of funds available for this project, which has currently delayed the expected completion date of June 2021.

Update	A review of the project has recently been undertaken with key stakeholders, with delivery of project proposed to be staged.
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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.
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Funding	This project is funded by Council
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Timelines	Works to commence in March 2021
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Update	Refinements to the draft design are being finalised. Consultation with the stakeholders is underway.
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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 by the end of January 2021.
Update	Further refinements to the design have been made to reduce the environmental impacts of these works. The road shoulder improvement works started in late November with completion anticipated by the end of January 2021 (weather dependent)

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 December 2020.
Update	Works are now underway with tree clearing and road and guard rail upgrades. The 2km of shoulder widening has now been completed. The installation of guardrail and edge line marking will proceed before Christmas.

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 and delivered by the Victorian Government
Timelines	Works are expected to be completed mid-2021
Update	Traffic is now using the bridge after a two-week full shutdown of Cardinia Road. Designs have been finalised for the community recreation space and the landscape area. Landscape works have commenced.

Strategic road sealing program

Project description	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: • 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
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- 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	Construction of Boundary Drain Road and Main Drain Road have begun. Tenders for the construction of LL & Armytage roads have been called and works are programmed to begin in February 2021. The design of McGregor/Soldiers/Hobsons roads is being finalised and is programmed to be tendered in February with work to begin in March. Detailed design for Bessie Creek Road, Huxtable Road, Mt Lyall Road, Dore Rd and Thewlis Rd are well underway.

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 and delivered by the Victorian Government
Timelines	Works are expected to be complete by mid-2022
Update	Works have begun on the freeway. Works to upgrade the bridges at Officer South Road and Gum Scrub Creek have commenced 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 are in place to facilitate these works.

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 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 closed for upgrade to a signalised intersection. The following detours will be in place during the closure:

- 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.

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 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 signalling 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.

Initial progress will include the detailed design and approvals of these projects to inform the decision-making process for subsequent construction and timing.

Identified intersections include:

20. Glismann Road
21. O'Neil Road
22. Brunt Road
23. Bayview Road
24. Tivendale Road
25. McMullen Road
26. Arena Parade
27. 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 Service asset relocation works have been completed at O'Neil Road. Civil works for O'Neil Road intersection have begun.

The contract for the Glismann Road Intersection has been awarded, with works due to begin shortly.

The remaining six design packages are due for completion in early 2021.

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
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- 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 identified in 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	Programmed works are now underway including Caroline Avenue, Glenvista Avenue, Nobelius Heritage Park and Suffolk Avenue.

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	Council's footpath program looks to extend the footpath network in and around townships. The footpaths to be constructed in 2020-21 are along: • Rosebery Street, Lang Lang • Mary Street, Bunyip • Kilvington Drive, Emerald
Funding	This program is fully funded by Council.
Update	All new footpath works identified as part of the annual footpath program have now been completed.

Shared footpath and bridges, Princes Highway, Officer

Project description	Construction of a shared use footpath with two pedestrian bridges– a total of 2.6 kms on the south side of Princes Highway from Brunt Road to Heatherbrae Recreation Reserve, Officer
Funding	Jointly funded by Development Contribution Plans and Victorian Government Growing Suburbs Fund. The estimated construction cost is \$1. 9 m.
Timelines	The funding agreement requires construction to commence within 6 months of signing of the agreement and to be completed by December 2021. There is a design of this project currently being prepared.
Update	A shared path has been constructed within Heatherbrae Reserve as Stage 1 of this project which is well in advance of the required starting date.

Train station carpark upgrades

Project description	Beaconsfield train station will have an additional 150 car spaces constructed of 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	Works at Beaconsfield Station are now nearing completion and the works have commenced at Cardinia Road. 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 after delays experienced with Covid-19 restrictions

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 early December 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 late December to enable tenders to be called in the new year.

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	Concrete footings are complete, and the ground slab is progressing. Structural steel has been delivered to site for erecting on once the slab is complete.

2020-21 Playground renewal works

Project description	Playgrounds to be renewed include: • Redwood Road, Gembrook • Kath Roberts Reserve, Beaconsfield • Keith Ewenson, Upper Beaconsfield
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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	Concept designs are complete, and consultation is underway. Final designs will be complete by late December. Construction is expected to commence by March 2021.

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 March 2022.
Update	Tenders have been received and are currently being evaluated.

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 1000m ² 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 anticipated to be complete by May 2022.
Update	The planning permit advertising period is currently underway. Subject to response received during the advertising period, detail design will be finalised and tender documentation will commence in the new year.

Multicultural hub feasibility study

Project description	Undertake a feasibility study, including community and key stakeholder consultation that will outline: • 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 feasibility design study is planned to be complete by June 2021.
Update	Services and Management model consultant finalising case study of existing facilities. Design consultant has undertaken site analysis.

Cockatoo cottages

Project description	Upgrade and refurbishment of five domestic units including minor sub floor structural work, external cladding, roof repairs, new windows, access ramp, internal kitchen joinery, wall linings, flooring and painting, climate comfort control.
Funding	This project is funded by Council
Timelines	Works are due for completing by July 2021
Update	Design details have been completed. The works have been tendered, with submissions currently being evaluated.

Resolution

Moved Cr Carol Ryan, seconded Cr Jeff Springfield.

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 Ryan advised that she attended the White Ribbon Visual awards at the Cardinia Cultural Centre in company with Cr Moore.

Cr Ryan also advised that she will be attending the Women's Café and the Picnic in the Park.

Cr Ryan further advised that with the assistance of several community groups that they had decorated Main Street, Pakenham and were preparing a Christmas Window which is connected to the White Ribbon Visual Gallery.

Cr Brown advised that the 'Tinsel Terror Elf' had again been busy in Koo Wee Rup decorating the town with tinsel.

Cr Brown commented on the activities of the Audit Committee and stated that he was proud to be a Cardinia Shire councillor as the independent members of the Audit Committee are complimentary of Cardinia when considering matter before the Committee and advise that Cardinia compares very well to other Councils.

Cr Davies advised that members of the Lakeside Resident's Group had arranged for Christmas decoration to be adorned through the local area and had held a successful COVID safe Christmas party.

Cr Radford advised that the both the Beaconsfield Progress Assoc and Timbertop Resident's group were holding Christmas carols online.

Cr Owen advised that he attended the online Carols for Emerald will be participating in the upcoming Beaconsfield Carols.

Cr Owen also advised of the recent opening of the Hills Hub conducted by Cr Jeff Springfield and in company with MP's Jason Wood and Harriet Shing and that he had been presented with a History of the former Emerald Mechanics Institute.

Cr Owen also mentioned the recent passing of Robin McCoubrey who was a long serving member of the Officer Reserve Committee and Officer Football, Netball and Cricket Clubs.

9 Presentation Of Petitions

Nil.

10 Notices Of Motion

Nil.

11 Community Questions

The Mayor advised that Council had received questions from Andrew Little. The questions read:

In the town planning meeting of 7/12/20 on Item 5.5, it could be alleged that Cr Brown made a number of misleading oral statements in is speaking for his alternative motion and in his summing up, however neither the Mayor as Chair, nor any of his fellow councillors held him to account for these statements.

These statements include:

- 1. Stating the applicant has 12 months left on the authority licence when the document with council is dated 3 years from 20/12/2019.*
- 2. Rural industry is a prohibited use of the Special Use Zone when the planning report and planning scheme defines this as Permit Required/Schedule 2.*
- 3. That Cr Brown and by extension of the vote, council endorses that spray drift crossing title boundaries is an acceptable farming practice which is in direct conflict to the EPA Act.*

Does the Mayor or any other councillors wish to address why they did not challenge or hold Cr Brown to account for his misleading statements which are in direct conflict with the Councillors Code of Conduct and their obligations as elected officials?

Does upon reflect any Councillors wish to address Cr Brown on his remarks?

Does Cr Brown wish to make any statement or correction of the record in relation to his remarks?

The Mayor responded with:

I have spoken to my councillor colleagues and they are comfortable for me to provide a joint response in general and I will pass to Cr Brown at the end for an opportunity to respond.

Before councillors vote on planning applications at a Town Planning Committee meeting or any agenda item at a general council meeting, councillors are provided with detailed and thorough written information at least 10 days in advance of making their decision at the meetings.

This thorough, factual information forms a strong basis for councillors decision making in determining on application and this was the case for this planning application.

Councillors are free to debate agenda items and express their own opinions and personal views.

I know that you are aware of VCAT and the appeal rights to VCAT that is available to you.

Cr Brown responded with the following:

In response to point the points raised I advise as follows:

1. Stating the applicant has 12 months left on the authority licence when the document with council is dated 3 years from 20/12/2019.

Response

Councillors rely on the advice provided by Officers and in the report regarding this application in the Agenda the advice included was that the permit was dated 29/2/2019

2. Rural industry is a prohibited use of the Special Use Zone when the planning report and planning scheme defines this as Permit Required/Schedule 2.

Response

That Clause is one of 8 grounds for refusal and was provided by Council Staff

3. That Cr Brown and by extension of the vote, council endorses that spray drift crossing title boundaries is an acceptable farming practice which is in direct conflict to the EPA Act.

Response

In no way would I endorsed that spray drift is an acceptable farming practice

The Mayor advised that a written response would be provided to Mr Little.

12 Confidential Business

Amendment to Minutes

Council resolved at Council Meeting 14 April 2025 to approve the recording of item 12.1 *Cardinia Motorsports and Education Park - Section 173 Agreement* as an accurate record.

Item *Cardinia Motorsports and Education Park - Section 173 Agreement* was designated as confidential on the grounds that it relates to *Local Government Act 2020*, section 3(1)(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

13 Urgent Business

There was no urgent business.

14 Councillor Questions

Nil.

15 Meeting Closure

Meeting closed at 8:47PM.

Minutes confirmed
Chairman