

# **Ordinary Council Meeting**

## **Minutes**

**Monday 19 July 2021**

**Commenced at 5.45PM to consider confidential business  
'In Camera' and was then adjourned at 6.00PM to  
resume at 7:00 PM**

**Council Chambers  
20 Siding Avenue, Officer  
Victoria**

**Members:** Cr Brett Owen Mayor  
Cr Jeff Springfield Deputy Mayor  
Cr Stephanie Davies  
Cr Jack Kowarzik  
Cr Graeme Moore  
Cr Collin Ross  
Cr Tammy Radford  
Cr Carol Ryan

**Officers:** Peter Benazic Acting Chief Executive Officer  
Ben Wood Acting General Manager Infrastructure and Environment  
Kristen Jackson Acting General Manager Liveable Communities  
Debbie Tyson General Manager Governance, Facilities and Economy  
Jenny Scicluna General Manager Customer, People and Performance  
Doug Evans Manager Governance  
Jack Coogan Governance Officer

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## **1 Opening And Reflection/Prayer**

Meeting opened at 5:45pm to consider confidential business.

The Mayor called for a motion to close the meeting to members of the public.

Moved: Cr Ross

Seconded: Cr Springfield

Carried.

The Mayor called for a motion to reopen the meeting to the public.

Moved: Cr Radford

Seconded: Cr Moore

Carried.

The meeting was adjourned at 6:00pm to resume at 7:00pm to consider general business.

I would ask those gathered to join us now for a few moments of silence as we reflect on our roles in this chamber. Please use this opportunity for reflection, Prayer or thought, to focus on our shared intention to work respectfully together for the well-being of our whole community.

## **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**

The Mayor advised that Cr Kowarzik was an apology for the meeting and took pleasure in advising that Cr Kowarzik's wife had given birth to their second child Franklin Frederick Kowarzik and passed on the Council best wishes to the family

## **4 Adoption And Confirmation Of Minutes**

Moved Cr Graeme Moore, seconded Cr Tammy Radford

That minutes of the following meetings be confirmed:

- General Council meeting 21 June 2021

Carried

## **5 Declaration Of Interests**

Nil.

## 6 Ordinary Business

### 6.1 Town Planning Reports

#### 6.1.1 Pakenham South Employment Precinct Structure Plan - Amendment C265

**Responsible GM:** Luke Connell

**Author:** Kaan Ozyurt

#### Recommendation(s)

That Council:

1. Adopt the Pakenham South Employment Precinct Structure Plan (PSP) with changes as per the Panel recommendations.
2. Under section 29 of Planning and Environment Act 1987 adopt Amendment C265 to the Cardinia Planning Scheme
3. Under section 31 of the *Planning and Environment Act 1987* submit adopted Amendment C265 to the Minister for Planning for approval
4. Advise all submitters to Amendment C265 of Council's resolution.
5. Seek authorisation from the Minister for Planning under section 8A(2) of the Planning and Environment Act 1987 to prepare a Planning Scheme Amendment which proposes to introduce the associated Pakenham South Employment Infrastructure Contributions Plan (ICP).

#### Attachments

1. Cardinia C265 card Explanatory Report [6.1.1.1 - 12 pages]
2. Cardinia C265 Panel Report [6.1.1.2 - 50 pages]

#### Executive Summary

The purpose of this report is for Council to consider the recommendations of the Ministerial Planning Panel, the adoption of Amendment C265 into the Cardinia Planning Scheme and to seek authorisation from the Minister for Planning to prepare the associated Pakenham South Infrastructure Contributions Plan (ICP).

The Pakenham South Employment PSP has been prepared to facilitate 185 hectares of employment land within a State Significant Industrial Precinct. The PSP seeks to provide approximately 3,500 job opportunities and sets the vision for how the land should be developed to ensure a high standard of urban design and amenity.

Amendment C265 was exhibited for a period of six weeks from 15 October 2020 to the 26 November 2020.

Thirteen submissions were received from a mix of state government authorities and landowners. The most prominent issues seen throughout the submissions were in relation to the premature oversupply of employment land, traffic and associated infrastructure, the boundaries of the precinct, suggested changes to the Design Guidelines and various Authority comments.

At the General Council Meeting 15 February 2021, Council resolved to refer the submissions to an independent Planning Panel.

A Planning Panel hearing was held on the 12 and 13 April 2021 and considered all submissions and Council's response to the submissions. The Panel provided their report to Council and recommended Amendment C265 be adopted as exhibited with changes.

Council officers have considered the Panel Report and recommend that Amendment C265 be adopted with the changes outlined in this report and submitted to the Minister for Planning for approval.

The Pakenham South Precinct Structure Plan has established the planning vision for subject area and identified future infrastructure required for the area. The purpose of an Infrastructure Contributions Plan (ICP) is to fund the identified future infrastructure within the PSP. The ICP is a statutory document that will be incorporated into the planning scheme and must be prepared in accordance with Section 46 of the Planning and Environment Act 1987.

## Background

The Pakenham South Employment Precinct forms part of the Pakenham/Officer State Significant Industrial Precincts. The PSP land is located directly south of the Industrial South East Business Park and south west of the Livestock Exchange.

The precinct is bound by:

- Greenhills Road to the north;
- Healesville-Koo Wee Rup Road to the east;
- Green Wedge land to the south; and
- McGregor Road to the west.



Figure 1. Location of PSP precinct

## *The Vision*

The PSP will provide opportunities for industries to operate in a defined employment hub, appropriately located away from sensitive residential areas. Businesses requiring larger lots

and buffer distances will be attracted to the precinct with its limited environmental and topographical issues and accessibility to infrastructure, nearby services and freight connections.

A diverse mix of industrial, manufacturing, warehouses and commercial jobs within the precinct will enable residents living in Cardinia and its surrounds the opportunity to work closer to home and reduce commute times.

The PSP area will include:

- A local convenience centre with adjacent open space
- Local parks
- Shared path network
- Access to public transport and bus capable roads throughout

### **Policy Implications**

The PSP aligns with key Commonwealth, State, and local policies as they relate to the planning of an employment PSP.

#### ***Plan Melbourne 2017 - 2050 Melbourne Metropolitan Planning Strategy***

The relevant directions and policies of Plan Melbourne are as follows:

- Direction 1.1 - Create a city structure that strengthens Melbourne's competitiveness for jobs and investment
- Policy 1.1.6 - Plan for industrial land in the right locations to support employment and investment opportunities
- Direction 1.2 - Improve access to jobs across Melbourne and closer to where people live
- Policy 1.2.2 - Facilitate investment in Melbourne's outer areas to increase local access to employment

#### ***Cardinia Shire Liveability Plan 2017 – 2029***

In particular, it aligns with the following policies:

- Employment - to increase participation in local employment by facilitating investment in the local economy that creates new job opportunities and pathways that enable employment opportunities.
- Open Spaces and Places - to increase participation in open spaces and places by strategically planning and maintaining open spaces and places to be safe, accessible, appealing and connected.

#### ***Cardinia Planning Scheme***

- Clause 11.02-2S Structure planning - to facilitate the orderly development of urban areas through the preparation of precinct structure plans
- Clause 11.03-2S Growth areas - provide for significant amounts of local employment opportunities
- Clause 17.03-1S Industrial land supply - to ensure availability of land for industry
- Clause 17.03-3S State significant industrial land - to protect industrial land of state significance
- Clause 21.03-2 Urban growth area - to create a functional, attractive, safe and sustainable urban environment for the existing and future community
- Clause 21.04-1 Employment - to develop diverse local employment opportunities to meet the needs of a growing residential population

- - The PSP document is also informed by:
    - Precinct Structure Planning Guidelines
    - South East Growth Corridor Plans (2012)
    - Biodiversity Conservation Strategy and Sub Regional Species Strategies for Melbourne's Growth Areas (2013)
    - The Pakenham South Employment Background Report 2019
- 

### ***What does Amendment C265 do?***

Amendment C265 seeks to incorporate the Pakenham South Employment Precinct Structure Plan into the Cardinia Planning Scheme and make a number of related changes.

### **Relevance to Council Plan**

The PSP aligns with Section 4 of the Council Plan, Our Economy which seeks to create and support local employment and business opportunities for our community and the wider region.

- 4.1.1 Plan for and support local employment opportunities
- 4.1.3 Plan for a staged development of the Officer-Pakenham employment precinct

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### ***Climate emergency consideration***

The future implementation and development of the PSP is guided by the following objective:

- Prepare for the impacts of climate change by encouraging resilient, environmentally sustainable design and development across the precinct.

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### ***Exhibition and Submissions***

Amendment C265 was placed on exhibition for a period of six weeks from 15 October 2020 - 26 November 2020.

A notice was placed in the Pakenham Gazette (14 October 2020) and Government Gazette (15 October 2020). Letters were sent to all landowners and occupiers within the precinct and surrounds (274 letters) on 9 October 2020. Emails were sent to all relevant authorities and agencies, community groups and Government Ministers on 13 October 2020.

A total of thirteen submissions were received during the exhibition period.

- Post exhibition changes to the Amendment

Council considered all submissions at its meeting on 15 February 2021.

In response to submissions, Council resolved to refer all submissions for consideration to an Independent Planning Panel in accordance with section 23 of the Planning and Environment Act 1987.

## **The Ministerial Planning Panel and Report**

### ***Directions Hearing***

A Directions Hearing was held via video conference on 12 March 2021, which was attended by Council officers and several submitters.

Planning Panels Victoria advised Council that the Panel would consider all submissions, and the Panel Hearing would be held online on 12 and 13 April with 14 April held in reserve.

**Panel Report**

Council received the Panel Report on 12 May 2021, and DELWP made it public on 20 May 2021. The Panel Report can be found at Attachment 2.

**Issues raised by the submissions**

The Panel summarised the issues requiring consideration as follows:

- Premature release of more employment land
- Traffic and associated issues
- Buffers around existing uses external to the site
- Boundaries of the PSP area
- Changes to design Requirements and Guidelines
- Other minor changes to Amendment documentation.

In summary, in its consideration of these issues, the Panel made the following conclusions and recommendations.

The Panel concluded that:

- The PSP is strategically justified and well supported in State and local policy.
- The approval of the PSP is not premature but will result in the availability of significant zoned and development ready industrial land in the Cardinia Shire to accommodate future job provision.
- Minor changes should be made to the PSP to accommodate a buffer to the G&K O'Connor abattoir approved masterplan area and to accommodate a larger footprint intersection onto Greenhills Road and Koo Wee Rup Road.
- A new road onto Greenhills Road should be provided at the eastern boundary of Property 1, in which the Jane Property Group has an interest.
- Several other minor changes be made to the PSP.

The Panel recommended that the Cardinia Planning Scheme Amendment C265 be adopted as exhibited, subject to the following:

1. Amend Plan 4 to:
  - a. include a buffer to the G&K O'Connor Pty Ltd site, broadly in the location as proposed in Figure 4 of this report and amend Appendix B to reference this buffer.
  - b. include a north south road abutting the eastern boundary of Property 1 with access to Greenhills Road.
  - c. delete the section of road internal to the precinct that is parallel to McGregor Road.
2. Amend Plan 9 to recognise the area to which the Public Acquisitions Overlay is to be applied in the north east corner of the precinct can accommodate an intersection as proposed by Mr Turnbull and represented in Figure 6 of this report.
3. Amend Plan 10 to designate the alignment of the shared path which follows the boundary of the Public Acquisitions Overlay in the south west corner of the Precinct Structure Plan as "future alignment in the vicinity of the Public Acquisition Overlay boundary to be determined to the satisfaction of the Responsible Authority."
4. Amend Plan 12 to delete the sewage pump station located in the north west corner.
5. Amend Table 4 to:
  - a. add the land and construction for a roundabout on McGregor Road approximately half-way along the McGregor Road frontage.
  - b. Delete project RD01
  - c. amend the description of IN02 to make clear the Major Road Projects Victoria is responsible for the project, that 'interim construction' shows that the project is not the responsibility of the PSP and that the timing is 'S'.

6. Amend the text and Plans as outlined in the Panel's recommendations in Table 5 of this Report.
- 7.

### Response to the Panel Report

All recommendations of the Panel are recommended to be accepted.

### Next Steps

We are at the final stage 4 of the Planning Scheme Amendment process.



• **Figure 2. Steps in the Planning Scheme Amendment Process**

As detailed in Figure 2 above, after considering the Panel Report and its recommendations, Council must decide whether to:

- abandon the amendment;
- adopted the amendment;
- adopt the amendment with changes; or
- adopt the amendment with no changes.

If Council resolves to adopt the Amendment with changes as recommended, officers will finalise the Amendment Documents and submit these to the Minister for Planning for Approval (Stage 5). Ministerial Approval timeframes cannot be confirmed at the time of preparing this report and are subject to DELWP's internal processes.

### Financial and Resource Implications

The costs associated with the Amendment are funded by Council and the project is accounted for in the Growth Area Planning budget for 2020-2021 and 2021-2022.

### Conclusion

A Planning Panel has considered all submissions and recommended that Amendment C265 be adopted as exhibited with changes. Therefore, it is recommended that Council:

1. Adopt the Pakenham South Employment Precinct Structure Plan (PSP) with changes as per the Panel recommendations.
2. Under section 29 of Planning and Environment Act 1987 adopt Amendment C265 to the Cardinia Planning Scheme
3. Under section 31 of the *Planning and Environment Act 1987* submit adopted Amendment C265 to the Minister for Planning for approval
4. Advise all submitters to Amendment C265 of Council's resolution.
5. Seek authorisation from the Minister for Planning under section 8A(2) of the Planning and Environment Act 1987 to prepare a Planning Scheme Amendment which proposes to introduce the associated Pakenham South Employment Infrastructure Contributions Plan (ICP).

## Resolution

Moved Cr Graeme Moore, seconded Cr Carol Ryan.

That Council:

1. Adopt the Pakenham South Employment Precinct Structure Plan (PSP) with changes as per the Panel recommendations.
2. Under section 29 of Planning and Environment Act 1987 adopt Amendment C265 to the Cardinia Planning Scheme
3. Under section 31 of the *Planning and Environment Act 1987* submit adopted Amendment C265 to the Minister for Planning for approval
4. Advise all submitters to Amendment C265 of Council's resolution.
5. Seek authorisation from the Minister for Planning under section 8A(2) of the Planning and Environment Act 1987 to prepare a Planning Scheme Amendment which proposes to introduce the associated Pakenham South Employment Infrastructure Contributions Plan (ICP).

Carried

## 6.1.2 Amendment C264 Signs- Adoption of Amendment

**Responsible GM:** Luke Connell  
**Author:** Anita Ransom

### Recommendation(s)

That Council:

1. Under Section 29 of the *Planning and Environment Act 1987* adopt Amendment C264 to the Cardinia Planning Scheme subject to the changes outlined in this report.
2. Under section 31 of the *Planning and Environment Act 1987* submit Amendment C264 to the Minister for Planning for approval.

### Attachments

1. Cardinia Planning Scheme Amendment C264 documents [6.1.2.1 - 18 pages]
2. Advertising Signage Policy (Cardinia Shire, Adopted 2020) for Adoption [6.1.2.2 - 37 pages]

### Executive Summary

At the 20 February 2020 Council Meeting, Council resolved to adopt the *Advertising Signage Policy (2020)* and seek authorisation from the Minister for Planning to prepare Amendment C264 to the Cardinia Planning Scheme.

The Amendment was placed on public exhibition between 6 May and 7 June 2021. Three (3) submissions were received from Public Authorities, including one which raised concerns that the Amendment had not sufficiently addressed signs and would impact upon rail safety. The Amendment has been changed to address this issue, and the submitter is satisfied with this response.

As there are no objecting or unresolved submissions, this Amendment should be submitted to the Minister for Planning for approval.

### Background

At the 20 February 2020 Council Meeting, Council resolved to adopt the *Advertising Signage Policy (2020)* and seek authorisation from the Minister for Planning to prepare Amendment C264 to the Cardinia Planning Scheme.

Amendment C264 inserts two new local policies Clause 22.09 Sign Policy and Clause 22.10 Shopping Centres Sign Policy into the Cardinia Planning Scheme to provide design guidance for new signage. It also amends Clause 21.06-1 Urban Design, by inserting the *Advertising Signage Design Guidelines Cardinia Shire Council 2020* as a background document into the Cardinia Planning Scheme and removes the further strategic work under this clause which seeks to “Develop an advertising signs policy”.

The guidelines apply to planning applications for signs and establish objectives, policy and design guidelines for sign types and specific land uses. The development of the local policies to implement the guidelines will:

- Encourage the development of signage which reflects and respects the context, having regard to built form height and massing, subdivision grain, landscape, road hierarchy, openness of the environment and heritage attributes.
- Protect the important view lines and vistas to key buildings, heritage and landscape qualities which are a highly valued part of the municipality.
- Manage transport corridors with a focus on maintaining road safety, visual order and avoiding clutter.
- Promote economic development and provide equitable identification and marketing of businesses in Cardinia Shire Council.

The local policies will support decision making for the design and placement of signs that are appropriate for various forms of development and context, and will assist developers, building owners, building tenants, planning permit applicants and residents in understanding what type of signs are supported and are not supported in Cardinia Shire Council.

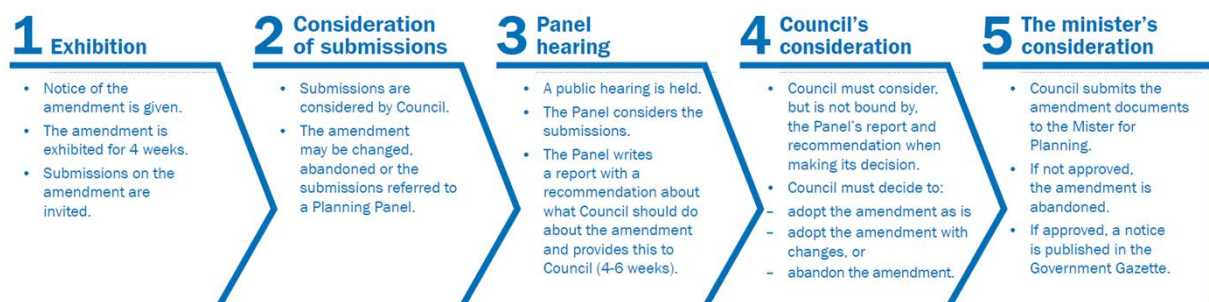
Authorisation to prepare the Amendment was granted on 26 October 2020, and the Amendment was placed on public exhibition between 6 May 2021 and 7 June 2021.

### Policy Implications

This document operates in conjunction with Clause 52.05 (Signs) and Clause 73 (Sign Terms) of the Cardinia Planning Scheme, by outlining the parameters which Council will assess planning permit applications against. Applicants must use the Guidelines as a basis for designing advertising signs that require a planning permit including new signage and/or modifying or replacing existing signage in Cardinia Shire Council.

The key requirements and design performance standards of these Guidelines will form a new Local Policy - Advertising Signs at Clause 22 of the Cardinia Planning Scheme through the Planning Scheme Amendment process.

This document will be used by Council officers in assessing planning permit applications for advertising signs to ensure consistency with Council policy.



*Image 1: The Planning Scheme Amendment process*

We are at Stage 4 of the Planning Scheme Amendment process. Three (3) submissions were received, with one seeking changes, with those changes supported by officers and undertaken in agreement with the submitter. As there are no objecting or unresolved submissions, Stage 3 of the above process is not required.

### Relevance to Council Plan

#### 2.2 Our Community - Engaged communities

2.2.2 Communicate the activities and decisions of Council to the residents in a variety of ways.

**3.5 Our Environment - Balanced needs of development, the community and the environment**

3.5.2 Plan for the development of the urban growth area with a mix of residential, commercial, employment, recreational and community activities to meet the needs of our growing community in a sustainable way.

3.5.3 Provide for the sustainable development of rural townships while taking into account their existing character and community needs.

3.5.4 Ensure the planning of rural (green wedge) areas protects and enhances important agricultural, environmental, natural resource, infrastructure and recreational values.

**4.1 Our Economy - Increased business diversity in Cardinia Shire**

4.1.2 Support the development of existing and new businesses within the Shire.

**Climate Emergency Consideration**

The Amendment will not have any climate change implications.

**Consultation/Communication**

The Amendment was placed on exhibition between 6 May 2021 and 7 June 2021 and was undertaken through the following methods:

- Placing a notice in the Pakenham Gazette on 5 May 2021
- Notifying the Prescribed Ministers
- Emailing all relevant public authorities
- Emailing all relevant township and community groups within the Shire
- Emailing all relevant business groups within the Shire.

It is noted that the draft Advertising Signs Policy went through an extensive community consultation process and very few submissions were received.

A total of three (3) submissions were received, all from public authorities. The submissions from South East Water and the EPA advised that they had no comment to make on the amendment.

A submission was received from V/Line who raised concerns as follows:

- that allowing third parties the right to put up advertising which may impact train running, cause a safety hazard, increase our maintenance etc needs to be brought to their attention, especially as the interface agreement between Council and V/Line states that we should not do anything to affect the safety or operations of each other.
- The placing of signage may impact sighting from a rail perspective, in relation to glare and reflection.
- There is potential for signage to block sighting at level crossing.

In response to the first point, it is noted that VicTrack land (on which V/Line services operate) is located within the Public Use Zone 4 (PUZ4) Transport. Under the PUZ4, any application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager (which in this case would be VicTrack). This means that no application for signage would be able to be made without the consent of VicTrack.

It is considered that some minor changes can be made to Clause 22.09 Signs, to address the other concerns raised by V/Line, with proposed wording changes shown in *italics*:

- signs are not located on the road *or rail* reserve, and

- ensuring signs do not affect road *or rail* safety, *through glare and reflection of the obscuring of sightlines*.

V/Line has advised that they are satisfied with these changes. A tracked changes version of Clause 22.09 has been provided as an attachment, with the other Amendment documents, to this report.

As there are no outstanding submissions, the Amendment does not need to be referred to a Planning Panel.

### **Financial and Resource Implications**

There are no additional resource implications with this project. The inclusion of policy in relation to signage into the Cardinia Planning Scheme will provide a clear framework for Council's planners to assess planning applications for signage.

### **Conclusion**

Amendment C264 was placed on exhibition between 6 May 2021 and 7 June 2021. Three (3) submissions were received, one which sought changes to the Amendment, with those changes supported by officers and undertaken in agreement with the submitter.

As there are no objecting or unresolved submissions, this Amendment should be submitted to the Minister for Planning for approval.

### **Resolution**

Moved Cr Graeme Moore, seconded Cr Stephanie Davies.

That Council:

1. Under Section 29 of the *Planning and Environment Act 1987* adopt Amendment C264 to the Cardinia Planning Scheme subject to the changes outlined in this report.
2. Under section 31 of the *Planning and Environment Act 1987* submit Amendment C264 to the Minister for Planning for approval.

Carried

### **6.1.3 T210053 PA - Demolition of an Existing Fire Damaged Heritage building at 19-21 Woods Street, Beaconsfield**

**Responsible GM:** Luke Connell  
**Author:** Evangeline McGauley-Kennedy

#### **Recommendation(s)**

That Council issue a Notice of Decision to Grant Planning Permit T210053 for the demolition of the heritage building at 19-21 Woods Street, Beaconsfield VIC 3807, subject to the following conditions:

1. Prior to a demolition permit being issued under Section 29A of the Building Regulations, the following must be provided to the satisfaction of the Responsible Authority:
  2.
    - a. An itemised list of the materials that are to be salvaged must be provided and approved to the satisfaction of the Responsible Authority, including:
      - b.
        - i. The front window as pictured in Figure 15 of the Heritage Assessment prepared by The Anthemion Group Pty Ltd;
        - ii.
        - iii. The front door and all lead lighting as pictured in Figure 16 of the Heritage Assessment prepared by The Anthemion Group Pty Ltd;
        - iv.
        - v. The original block weatherboards from the façade as pictured in Figure 15 of the Heritage Assessment prepared by The Anthemion Group Pty Ltd;
        - vi.
        - vii. All timber fretwork as identified in the Heritage Assessment prepared by The Anthemion Group Pty Ltd; and
        - viii.
        - ix. Any undamaged original floorboards, architraves and fireplace bricks within the building.
        - x.
      - c. Details of a commemorative plaque illustrating the former Post Office building, in context with the adjacent Woods Street Commercial and Civic Precinct. The historic marker must include:
        - d.
          - i. An image or photograph of the original Post Office building;
          - ii.
          - iii. Construction date;
          - iv.
          - v. Statement of significance;
          - vi.
          - vii. Reason for demolition; and
          - viii.
          - ix. Any other relevant information.
          - x.
  2. Prior to a demolition permit being issued under Section 29A of the Building Regulations, the owner must enter into an agreement with the Responsible Authority

and made pursuant to Section 173 of the *Planning and Environment Act 1987* to provide for the following obligations:

- a. Require the reinstatement/incorporation of the original façade using as many of the original salvaged materials as possible in accordance with Condition 1(a) of Planning Permit T210053 as part of any future development subject to relevant building standards and to the satisfaction of the Responsible Authority via a Planning Permit application.
- b.
- c. Include a list of the materials required to be salvaged and re-used where possible in any future development subject to planning approval.
- d. Require that the salvaged materials be kept in a safe, secure and weatherproof location on the subject site or an alternative location to the satisfaction to the Responsible Authority.

The application must be made to the Registrar of Titles to register the Section 173 agreement on the title to the land under Section 181 of the Act.

Actions required:

3. During demolition the items listed in Condition 1(a) must be salvaged, with photographic evidence to be provided to the satisfaction of the Responsible Authority.
- 4.
5. The historic marker/ commemorative plaque required by Condition 1(b) must be erected in a prominent position to the site frontage and within the title boundary of 19-21 Woods Street, Beaconsfield within 6 months of demolition, to the satisfaction of the Responsible Authority.

General:

6. The demolition as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
- 7.
8. Once the demolition has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Expiry:**

9. The permit for the demolition expires if—
  - a. the demolition does not start within two (2) years after the issue of the permit; or
  - b. the demolition is not completed within four (4) years after the issue of the permit;

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

**Notes:**

- i. Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the demolition complies with the Building Act and Building Regulations.

**Attachments**

1. Demolition Plans [6.1.3.1 - 3 pages]

2. Heritage Assessment and Photos [6.1.3.2 - 32 pages]
3. Peer Review of Heritage Assessment Prepared by Andronas Conservation Architecture [6.1.3.3 - 7 pages]
4. CONFIDENTIAL - Copy of Objections - Circulated to Councillors only [6.1.3.4 - 18 pages]

### Executive Summary

|                                       |                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>APPLICATION NO.:</b>               | T210053                                                                                                                                                                                                                                                                                                                                    |
| <b>APPLICANT:</b>                     | Julia Lawson                                                                                                                                                                                                                                                                                                                               |
| <b>LAND:</b>                          | L1 TP839044, 19-21 Woods Street, Beaconsfield VIC 3807                                                                                                                                                                                                                                                                                     |
| <b>PROPOSAL:</b>                      | Demolition of existing fire damaged heritage building                                                                                                                                                                                                                                                                                      |
| <b>PLANNING CONTROLS:</b>             | <p>Zone:</p> <ul style="list-style-type: none"> <li>Commercial 1 Zone</li> </ul> <p>Overlays:</p> <ul style="list-style-type: none"> <li>Heritage Overlay - Schedule 133</li> <li></li> <li>Flood Overlay (Partially to rear)</li> <li></li> <li>Public Acquisition Overlay – Schedule 5 (Partially to rear)</li> </ul>                    |
| <b>NOTIFICATION &amp; OBJECTIONS:</b> | <p>Pursuant to Section 55 of the <i>Planning and Environment Act 1987</i>, the application was advertised by the placing of a sign on site and notices in the mail to adjoining property owners.</p> <p>Seven (7) objections have been received to date and one (1) submission stating that it disagreed with the Heritage Assessment.</p> |
| <b>KEY PLANNING CONSIDERATIONS:</b>   | <p>Heritage significance</p> <p>Impact of demolition on heritage streetscape</p> <p>Intactness of the heritage place</p>                                                                                                                                                                                                                   |
| <b>RECOMMENDATION:</b>                | That a Notice of Decision to Grant a permit be issued subject to conditions.                                                                                                                                                                                                                                                               |

### Application Background

This application was heard at the Town Planning Committee Meeting on Monday 7 June 2021, in which Councillors resolved that consideration of the application be deferred for two months, and prior to further consideration of the application a suitable expert be commissioned to attend the site and provide a peer review of the heritage assessment submitted with the application prepared by The Anthemion Group (dated 31 March 2021).

Council commissioned Andronas Conservation Architecture to attend the site and provide an independent peer review of the heritage assessment submitted, a copy of which is attached to this report. An inspection of the site was conducted by Andronas Conservation Architecture on 22 June 2021. Their independent review was consistent with the findings of the Anthemion Group's assessment of the building.

In line with the findings of Andronas Conservation Architecture's independent assessment of the site, the recommendation that a Notice of Decision to Grant Planning Permit T210053 for the demolition of the heritage building at 19-21 Woods Street, Beaconsfield VIC 3807, in accordance with the conditions described above remains unchanged.

### Subject Site Background

The subject site is located on the western side of Woods Street, Beaconsfield, within Beaconsfield's Town Centre and nearby the intersection with Woods Street and Old Princes Highway.

The site is located in an area of Woods Street characterised with a mix of businesses including cafes, restaurants, mechanical workshops, offices and other mixed-use type developments.

The site is a slightly irregular rectangular shape with a frontage to Woods street of 24.59 metres in width and 83.39 metres in depth. It is approximately 2075.49sqm in size and currently contains two (2) buildings and scattered vegetation. The building to the front of the site is subject to this application.

The front building is cited in the Cardinia Shire (North) Heritage Study as the Beaconsfield Post Office and Residence, constructed circa 1910, which is made up of a verandahed, weatherboard building with an attached verandahed residence.

The building is covered by the Heritage Overlay (Schedule 133) which includes a number of other buildings (located at numbers 19-21, 23-25, 24-26 and 37) and Elm trees (located at number 11-17) on Woods Street, as well as the War Memorial (located on Old Princes Hwy). These buildings, trees and war memorial make up the 'Woods Street Commercial and Civic Precinct'.

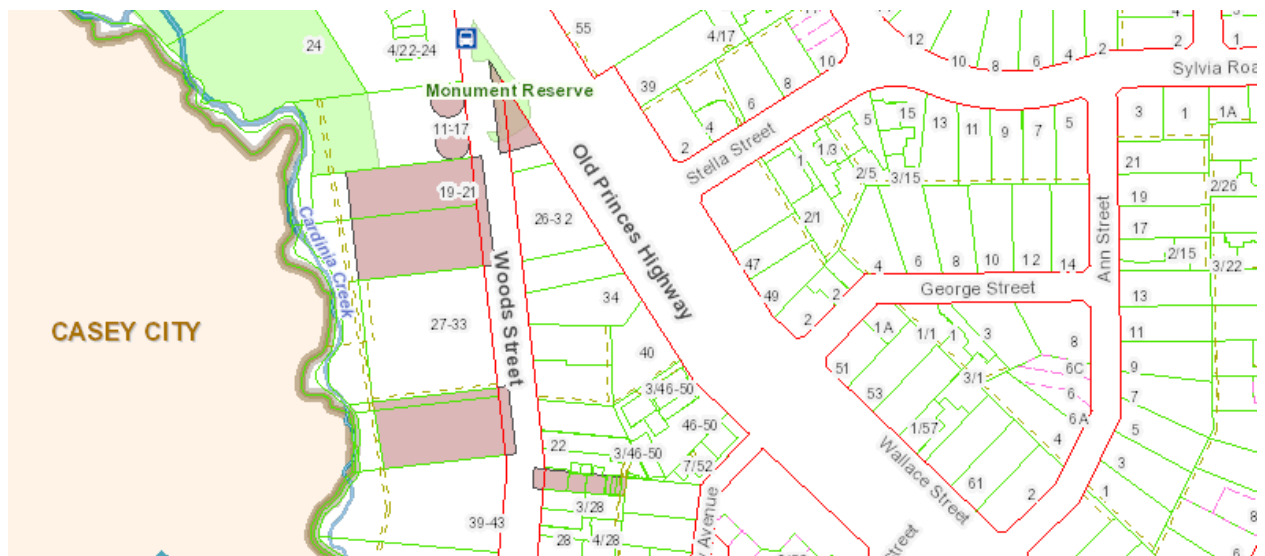


Figure 1: Heritage Overlay 133 – Properties making up the 'Woods Street Commercial and Civic Precinct'

According to records the Beaconsfield Post Office and Residence was originally constructed in a typical Edwardian style, with a steeply-sloped, hipped roof and a prominent, front-facing gable

end. The original front-facing, gabled end of the façade appears to have been the entrance to the former post office, as it contained the post boxes as demonstrated in the photograph below.



Figure 2: Former Beaconsfield Post Office taken from Beaconsfield Progress Association website (circa 1988)

Throughout the years the original building has been renovated and added onto and was used for the post office up until 2004. Most recently it was the site of a restaurant.

The original building has been significantly altered throughout this time, with the most significant changes being the removal of the original front-facing gabled part of the façade to make way for the existing front wing which was constructed following the issue of permit P.10758 (issued around April 1992) as seen in the pictures below.



Figure 3: Additions to the front façade as seen today (Photo dated post April 1992)



Figure 4: Original building (outlined blue) and façade (outlined green) and later additions (outlined red)

In early November 2020 the building was subject to a fire in which according to Council's building file the roof frame of the mid-section of the building (original section of the building), which included the kitchen and dine-in area was completely burnt and remaining members for trusses were completely charred. It was also noted that a section of the ceiling was completely collapsed and parts of the roof sheeting had also been removed by firefighters to help control the fire.

Advice from Council's Deputy Municipal Building Surveyor is that the centre part of the building was severely damaged by fire, and while the structure is still standing, the framing members have been reduced in size by the fire, so are not as structurally strong as they should be. Water damage was also caused from firefighting throughout the entire building, causing further damage to the framing members (i.e. mould and rot).

Photographs taken shortly after the fire identify extensive damage to the interior of the building as a result of the fire and its firefighting efforts (water damage).

The façade and the front wing (later addition) appear to remain generally intact, apart from some damage to the northern side of the original rear part of the building near the fireplace and chimney.



Figure 5: Extent of fire damage to buildings (NearMap image dated 25 Nov 2020)

### Subject Site



Figure 6: Subject site and surrounds

The subject site is located on the western side of Woods Street, near the intersection with Woods Street and Old Princes Highway.

The subject site is developed with two (2) buildings, one (1) being the fire damaged heritage building subject to this application which was used as a restaurant and bar immediately prior to the fire, along with a caretakers dwelling located to the rear.

It is noted that this caretakers dwelling was not impacted by the fire.

The site is located in a commercial pocket of Beaconsfield providing for services such as offices, a kindergarten, mechanical repairs workshops, veterinary and medical practices, salons, restaurants and cafes.

There are no restrictions or agreements registered on title.

The site is subject to Aboriginal Cultural Sensitivity, however the application is not considered a High Impact Activity under the Aboriginal Heritage Regulations 2018.



Figure 7: Subject site (latest NearMap imagery)

### Permit/Site History

The history of the subject property includes:

- Plans for the front wing extension to the post office were found on Council's file under Permit P.10758 and advice was given that a planning permit was not required for these works on 13 April 1992.
- - The front additions appear to have been completed shortly thereafter.
- Planning permit T040522 was issued 23 August 2004 for an on-premises Liquor Licence generally in accordance with the approved plan.
- - Amended Planning Permit T040522-1 was issued 5 October 2004 that amended condition 3 for an alteration to seating numbers.
  - 
  - Amended Planning Permit T040522-2 was issued 26 June 2019 to amend the operating hours and delete condition 4 which related to redundant expiry requirements.
  - 
  - Amended Planning Permit T040522-3 was issued 24 June 2020 to amend the operating hours, remove reference to retail premises and amend the red line plan.
  - 
  - Amended Planning Permit T040522-4 was sort in late 2020 for amendments to the existing liquor license to include on and off premises consumption of liquor, however this application did not proceed due to the fire.
  -
- Planning Permit T050218 was issued for the use and development of the land for the purpose of constructing a care taker's residence on 10 August 2005.
- 
- Planning Permit T120126 was refused for the development of the land for an office and a shop and associated car parking on 6 October 2014.
- 
- Planning permit T160852 was issued for the development of the land for retail and offices, associated vegetation removal, partial demolition of an existing building and associated reduction in on-site car parking (1 space) on 22 March 2018.
- 
- The property was subject to a fire on 13 November 2020.

## Relevance to Council Plan

Nil.

## Proposal

Approval is sought for the demolition and removal of the entire front building citing the damage caused by the fire, and the subsequent water damage caused by fighting the fire.



Figure 8: Proposed extent of demolition

The building to be removed is located to the front of the subject site and is known in the heritage citation for H0133 as the 'Beaconsfield Post Office'.

The building is setback between 8.2 metres and 15.8 metres from the eastern title boundary (Woods Street), between 3.4 metres and 9.5 metres from the northern title boundary and 2.4 metres from the rear (western) title boundary.

Areas damaged by the fire include:

- Entire original middle section of the building and roof; and
- Parts of the later additions (to the front and rear of building).

## Planning Scheme Provisions

### Zone

The land is subject to the following zones:

- Commercial 1 Zone
- 

### Overlays

The land is subject to the following overlays:

- Heritage Overlay - Schedule 133
-

- Flood Overlay (Partially to rear)
- 
- Public Acquisition Overlay – Schedule 5 (Partially to rear)
- 

### **Planning Policy Framework (PPF)**

The relevant clauses of the PPF are:

- Clause 15.03 – Heritage
- - Clause 15.03-1S – Heritage conservation
  -

### **Local Planning Policy Framework (LPPF)**

The relevant clauses of the LPPF are:

- Clause 21.01 – Cardinia Shire Key Issues and Strategic Vision
- 
- Clause 21.02-6 – Post contact heritage
- 

### **Relevant Particular/General Provisions and relevant incorporated or reference documents**

The relevant provisions/ documents are:

- Clause 65 – Decision guidelines
- 
- Clause 66 – Referral and notice provisions
- 
- Cardinia Shire (North) Heritage Study (1996) - Woods Street Commercial and Civic Precinct
- 
- Beaconsfield Structure Plan (December 2013 – expires 31 December 2021)
- 
- Urban Design Guidelines – Woods Street (North) Beaconsfield (May 2013)

### **Planning Permit Triggers**

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

- Pursuant to Clause 43.01-1 (HO) a planning permit is required to demolish or remove a building.
- 

### **Public Notification**

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

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site
- 

The notification has been carried out correctly, and the statutory declaration has been submitted to Council on 11 May 2021.

Council has received seven (7) objections to date, and one (1) submission disagreeing with the heritage assessment.

The main concerns raised by the objections are:

- Lack of perceived objectivity and evidence in the Heritage Assessment.
- 
- The demolition would result in the loss of an important historic building to the Beaconsfield community.
- 
- Community wants to see the building repaired rather than demolished.
- 
- Personal and emotional attachment to the building and its connection to Beaconsfield's history.

## Referrals

### External Referrals/Notices:

| Referrals/<br>Notice    | Referral Authority | Brief summary of response |
|-------------------------|--------------------|---------------------------|
| Section 55<br>Referrals | N/A                |                           |
| Section 52<br>Notices   | N/A                |                           |

### Internal Referrals:

| Internal Council<br>Referral | Advice/ Response/ Conditions                                                                    |
|------------------------------|-------------------------------------------------------------------------------------------------|
| Heritage                     | Supports the demolition of the building, subject to conditions outlined in the discussion.      |
| Building                     | Provided advice on the scope of the fire/ water damage and viability of repairing the building. |

## Discussion

A heritage assessment was submitted with the application prepared by The Anthemion Group (dated 31 March 2021) which identified that throughout the years, the original building has been subject to numerous alterations and additions, most of which occurred during the latter part of the 20<sup>th</sup> Century (c. 1970's-90's). The report identified that what heritage fabric was left of the building, was the section of the building destroyed by the fire and fire-fighting measures. Council's Heritage Officer agreed with these findings based on their own knowledge and inspection of the building.

Because of the irreversible damage that has occurred to what was left of the original section of the building, combined with the limited heritage intactness of the building prior to the fire, the proposal for demolition and removal of the building is considered appropriate given the extreme circumstances.

### **Planning Policy**

Policies such as Clause 15.03-1S (Heritage conservation) and Clause 21.02-6 (Post-contact heritage) are in place to protect and conserve places of historic significance to the state, as well as the Shire.

Clause 15.03-1s (Heritage conservation) seeks to ensure the conservation of places of heritage significance. Similarly, Clause 21.02-6 (Post-contact heritage) seeks to provide for the protection and appropriate management of sites of heritage significance.

Whilst it is recognised that the subject building at 19-21 Woods Street contributes to the Woods Street Commercial and Civic Heritage Precinct, it is not individually significant (under the provisions of the planning scheme). As the unfortunate and unforeseen circumstances of the building fire have caused severe damage to the original section of the building, which would otherwise continue to be conserved and protected, the viability to retain or repair the building must be contemplated.

Due to these circumstances, sometimes there is no ability to meet the objectives of the policy through repairing and retaining the building due to the impracticality of doing so.

In these instances, although the physical building would be lost, a proportionate response to ensure that the demolition is consistent with the objectives of the above policies can be requiring that any approval to demolish the building includes conditions that certain parts of the building to be salvaged and re-used in future development (where practical), as well as ensuring that future development is designed to be sympathetic to the heritage of the place, to ensure that the heritage is not completely lost.

Additionally, as the Heritage Overlay will still apply to the land if the building is removed, Council can encourage the architecture of the original building to be interpreted in any building that is constructed on the land in the future, and also through the installation of historical markers or signage so that the community can remember and learn about the original building.

Furthermore, as the Heritage Overlay relates to a 'precinct', the loss of one (1) building, although unfortunate, is unlikely to disrupt the intention of the overlay to protect a 'pocket' of historical architecture and local significance.

Based on the above, it is considered that even if the building is lost, it would not be completely detrimental to the 'precinct' as a whole.

### **Heritage Overlay – Schedule 133**

The Heritage Overlay aims to conserve and enhance heritage places of natural or cultural significance and elements that contribute to the significance of heritage places. It also seeks to ensure that development does not adversely affect the significance of heritage places.

Pursuant to Clause 43.01-1, a permit is required under this overlay to demolish or remove a building. The relevant decision guidelines of this overlay include:

- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place;

- Any applicable statement of significance, heritage study and any applicable conservation policy;
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place; and
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.

The Cardinia Shire (North) Heritage Study (1996) refers to the subject site as the 'Beaconsfield Post Office and Residence', which forms part of the 'Woods Street Commercial and Civic Precinct'. The precinct is made up of seven (7) nearby sites located along Woods Street and Old Princes Highway.

The study states that this precinct includes the post office and residence, the shops or stores further south on Wood Street, the war memorial and planting outside the health centre, all of which can still be recognised as an early commercial and civic centre in a town overtaken by more recent development.

The heritage significance of the place is more closely aligned with the social values of the precinct (as a whole), rather than a specific building or place for its architectural style. The Study identifies that the mainly Edwardian-era Wood Street Commercial and Civic Precinct as significant to the Cardinia Shire because it:

*Provides evidence of the variety of buildings (shops, post office) and landscaping (elms) which made up the fabric of the Shire's early service centres, in this case Beaconsfield.*

*The precinct is early, judged among other similar precincts within the Shire, and the comparative completeness of the group allows scope to interpret the place historically, as part of the day to day lives of local people over a long period.*

In terms of the subject site, the Study provides limited description of the Beaconsfield Post Office and Residence apart from stating that it is a verandahed, weatherboard building with an attached verandahed residence constructed circa 1910.

Contrary to this assessment, the Beaconsfield Progress Association's website suggests that the original building was constructed in 1889 and became the Beaconsfield Post Office in 1916, which was in operation at the site until 2004.

Whatever the case, what is not mentioned are the numerous alterations and additions the Post Office building and residence has undergone in the decades since its construction, most detrimentally of which is the construction of the 'mock-heritage' style 'front wing' which, as seen from photographic records of the site (see Figure 2, 3 & 4) was constructed around 1992 and is not the original façade.

Further changes include the replacement of most of the original elements, including windows, weatherboards, verandahs, decking and fretwork with modern materials. All these changes are considered by Council's Heritage Officer to significantly degrade the overall intactness of the heritage place. Combining this with the building fire that destroyed and compromised the entire original middle section of the building, it is deemed that there is now little heritage fabric that can realistically be preserved.

However, despite the fire damage and the intactness of the building, it is still valued due to the social significance to the Shire as well as the local community and therefore, the following decision guidelines of the Heritage Overlay and the implications demolition may have on the heritage precinct as a whole must be considered.

*The significance of the heritage place (including any applicable statement of significance, heritage study and any applicable conservation policy) and whether the proposal will adversely affect the natural or cultural significance of the place*

The Cardinia Shire (North) Heritage Study, 1996, identifies that the significance of the heritage place is linked to the precinct as a whole, not the specific building at 19-21 Woods Street. Based on the findings of the study the building contributes to the streetscape of the precinct, and to the communities understanding of the early civic and commercial history of the township during the Edwardian era, rather than being individually important.

As identified in the Heritage Assessment prepared with the application, it is suggested that the proposed demolition is unlikely to adversely affect the significance of the precinct or the building, given the little remaining heritage fabric in what could be salvaged from what has been damaged:

*The fire has impacted on the roof of the residence and variously internally. However, the fundamental consideration is that only the façade of the residence is original and appears to date from c.1910 – everything else is later and from different eras. This appears to have been the case when the heritage citation was prepared, but in an assessment from the street, this may not have been apparent. The building had little intrinsic significance in its fabric before the fire but it is acknowledged that it is/was a historical marker in Beaconsfield. The only element which does have intrinsic significance in its fabric is the façade to the residence.*

The Heritage Assessment submitted identifies that the only original elements of the building left are the timber block-fronted façade, window, eaves bracket and possibly the doorcase (the door and leadlight appears to be later or reproduction although this is not confirmed) located



on the eastern elevation of the building. This assessment supports Council's Heritage Officers findings.

Figure 9: What is left of the original façade (Note: weatherboards to the right are not original).

As discussed, the original front facing gable end façade (pictured in Figure 2) which at one stage contained the post boxes was removed to facilitate the construction of the 'mock-heritage' front wing which can be seen today. This appears to have been constructed in or around mid-1992 under permit P.10758.

The Assessment identifies that the verandah and faux stone flooring is not original. It also details that the cladding along the northern, southern and western elevations is also not original as they are not timber, but rather compressed fibre weatherboards. The original windows have also been replaced at some point along this elevation as they would have been vertically oriented, timber-framed double-hung sash windows with moulded architraves, whereas the existing window is a horizontally-oriented rectangular window with a central cross glazing bar.

Further, the entire front wing, as discussed previously is not original and likely constructed sometime in 1992 based on photographic records and Council's historic planning and building files, therefore it has no heritage value. Additionally, there have been a number of additions to the side and rear including a garage and rear verandah.

As a result of the fire, the entire middle section of the roof and framing have been destroyed and removed to deal with the fire as well as make the building safe, along with severe internal damage to other various elements of the original building.

Council's Heritage Officer's agrees with the Assessment provided based on their knowledge and inspection of the building that there is little remaining heritage fabric to the building. Therefore, the significance is to the character of the precinct rather than the individual site or building.

*Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place*

As discussed, based on the Heritage Assessment submitted, as well as site inspections conducted following the fire by Council's Heritage Officer and Deputy Municipal Building Surveyor, it is clear that what parts of the building that are left (relatively) intact are of no heritage value. The original fabric of the building (middle section) bore the majority of the fire and water damage, with the entire roof being lost and substantial damage being done to the internal structure of the building as a result of the heat of the fire, as well as physical fire and water damage.

As discussed above, Council's Deputy Municipal Building Surveyor identified that:

- The centre part of the building was severely damaged by fire, and while the structure is still standing, the framing members have been reduced in size by the fire, so are not as strong as they should be.
- 
- The fire travelled throughout the ceiling space, so all the roof framing members have been damaged by fire.
- 
- There is also water damage from the firefighters throughout the entire building, so the framing members would likely have mould and rot in them.

Based on the information submitted and Council's own inspection of the building following the fire, it is not confident that repairing the existing building and its structure is viable given the damage that has been done. The extensive works that would be required would essentially see the building demolished and rebuilt in order to facilitate repairing it.

The structural work required to rebuild a site effected by fire damage has previously been considered by the Tribunal in considering demolition of heritage buildings. One of the main tests discussed by the Tribunal in *The Roman Catholic Trusts Corporation for the Diocese of Melbourne v Yarra CC* [2012] VCAT 1379 (4 September 2012) is:

*Whether rectification works would require substantial reconstruction replacing visible fabric.*

As advised by Council's Deputy Municipal Building Surveyor, due to the timber construction of the building, along with its age and the extensive damage, the rectification works required to repair the fire damaged sections of the building to today's standards would certainly require substantial reconstruction which would result in the replacement of visible fabric.

Based on this alone, demolition could be supported, however it is further justified by the lack of original fabric remaining of the building which the Overlay seeks to protect.

Following from this test, the question is also raised of whether it is fair to refuse an application to demolish a building, which prior to an event (such as a building fire), already had little intact heritage elements.

The Tribunal in *The Roman Catholic Trusts Corporation for the Diocese of Melbourne v Yarra CC* held that before granting permission for demolition of a significant building it is not necessary to show that a building is dangerous, ruinous or liable to collapse, but also that costs associated with the reconstruction of a heritage building can be a relevant factor (in certain cases) when contemplating whether a heritage building should be demolished, following an event, such as fire which was beyond the owners control.

The fact that the owners have advised that even though they were insured, the costs of repairing the building, compared to the insurance payout make repairing the building prohibitive for them, should also be considered. They have advised that hardship of losing the building (which they also once lived in and conducted their family business from) and not having the funds to repair it, has also been devastating to them.

*The Roman Catholic Trusts Corporation for the Diocese of Melbourne v Yarra CC* discusses:

*The cost of repair or renovation, and whether a building is uneconomic to repair, are relevant, particularly given section 4(a) of the Planning and Environment Act 1987 which is 'to provide for the fair, orderly, economic and use, and development of land.'*

*The Tribunal has observed that section 4(a) has sometimes been taken to mean there is an unreasonable hardship on the current owner ('fair') and significance of the building does not warrant undue expenditure ('orderly, economic and sustainable'). However, it is not sufficient to demonstrate that there has been a loss of expectations or 'simply demonstrate a cost of repairs or maintenance.' Furthermore, the effect of demolition must be examined 'with regard to the overall planning impact and direct evidence regarding the heritage place.'*

*The Tribunal has held that 'It is not simply a matter of saying that as long as it is possible to carry out the required repairs and/or renovations that it is reasonable to require this to occur at any cost in dollars terms.'*

*The condition of the building is a relevant consideration in a demolition application. For instance, the Tribunal has held that it would be unfair to refuse to allow demolition and a replacement when, amongst other things, 'The cost of reinstating the building would appear to be inordinately high and/or reinstatement may well diminish the heritage values of the heritage place'.*

*Section 73(b) of the Heritage Act 1995 allows consideration of the extent to which refusal of an application 'would affect the reasonable or economic use of the registered place... or cause undue financial hardship to the owner.' Although there is no similar provision in the Planning and Environment Act 1987, or the Cardinia Planning Scheme, it would be anomalous if such considerations were not also relevant to buildings of local significance.*

Effectively, both factors of fairness and the likelihood that repair works would further detrimentally impact the heritage place have been considered in this assessment. In considering this, Council finds that given the limited intactness of heritage fabric of the building prior to the fire, and the extensive works that would be required to repair the building would effectively all but diminish any remaining heritage value, the demolition can be supported.

Even disregarding the above, Council cannot require the repair or reconstruction of a building in private ownership via the planning process. Because of this, and as a permit is required for demolition (as well as any reconstruction works in general), the risk that the building will continue to fall further and further into disrepair if not demolished is a real possibility and must also be considered.

In considering all of the above, in order to determine the suitability for demolition in this scenario, the proposal has been referred to Council's Heritage Officer who advised that based on the information provided, their inspection of the site following the fire and given the unforeseeable circumstances in which the application is being submitted, that:

- The Heritage Assessment provided supports their assessment that there is little intactness of the original heritage fabric of the building;
- 
- What little original building that remains (façade of the left rear wing pictured in Figure 9) has been the most damaged by the fire and water damage (both internally and externally); and
- 
- The remaining alterations and additions to the building (garage, front wing, rear verandahs pictured in Figure 4) which are not as severely damaged by the fire and water damage have no heritage value.

Based on this, Council's Heritage Officer concluded that the demolition is not considered to adversely affect the significance of the heritage site (in isolation) as:

- The majority of the remaining fabric which was of heritage significance has been severely damaged by the fire and firefighting works and is structurally compromised;
- 
- Works required to repair the building have the potential to further diminish the little heritage intactness of the building that remains;

- 
- Due to the alterations and additions the building is of limited heritage significance in isolation, its significance derives from its contribution to the overall significance of a heritage place; and
- 
- The remaining lesser damaged sections of the building to be removed are not significant to the heritage building as they are later additions with no heritage values.

However, as this building contributes to a heritage precinct, whether the demolition will adversely affect the significance, character or appearance of the heritage precinct as a whole has also been considered.

*Whether the proposed works will adversely affect the significance, character or appearance of the heritage place*

Due to the changes that have occurred to the original building throughout the years, the Heritage assessment submitted contemplates that demolition of the building would not adversely affect the significance, character or appearance of the 'heritage place' (being the Woods Street Commercial and Civic Precinct) citing:

*The visual presence of the residence and its role as a historical marker in the Wood Street Commercial & Civic Precinct will be lost. However, in the context of considerably less original fabric than perhaps assumed, added to which there is fire damage, mainly to the roof of the residence and the interior, this is acceptable in the circumstances and from a heritage perspective. The loss could be compensated by interpretation as suggested above.*

*As a consequence of the proposed demolition, an example of the variety of buildings in the Wood Street Commercial & Civic Precinct will be reduced by one i.e. a post office. The Precinct will still present as an Edwardian pocket of buildings as it does now and thus there will still be an ability to interpret the Precinct historically as a local shopping area servicing a rural community. The amount of change which would occur as a consequence of demolition will not be fatal to the heritage significance of the Precinct.*

Although prior to the fire the intactness of the heritage building was already diminished, Council recognises that this building contributes to the heritage character of the precinct and the community's interpretation of the streetscape as a whole.

It is especially evident through the objections received to the application that this site contributes significantly to the local sense of place and history, and therefore is important to the community.

The main issues raised by objectors are:

- Lack of perceived objectivity and evidence in the Heritage Assessment.
- 
- The demolition would result in the loss of an important historic building to the Beaconsfield community.
- 
- Community wants to see the building repaired rather than demolished.
- 
- Personal and emotional attachment to the building and its connection to Beaconsfield's history.

Council acknowledges these concerns, however, in balancing the advice of Council's Deputy Municipal Building Surveyor and Heritage Officer, the damage to the building and its relatively low-level of intactness prior to the fire, with the local significance of the building in the context of the precinct, demolition of the building, subject to conditions is considered a proportionate response.

To ensure that the overall character and significance of the heritage precinct is maintained as much as possible, any approval granted to demolish the building will require the parts of the original front façade of the building to be salvaged and re-used in a future development on the site (where practical) and a commemorative plaque installed. These measures have been considered an appropriate response to the concerns of the objectors, in a case where requiring the existing building to be retained and repaired is not considered an option due to the damage, its poor condition and limited intactness.

Council's Heritage Officer advised that it is in the best interest of the heritage precinct that any demolition permit will have conditions to ensure that any future development will ensure the features front left wing of the façade is reinstated or incorporated into any future development.

Therefore, it is recommended that every effort is made to salvage the original elements of the front left rear wing including:

- The front window as pictured in Figure 15 of the Heritage Assessment prepared by The Anthemion Group Pty Ltd;
- 
- The front door and all lead lighting as pictured in Figure 16 of the Heritage Assessment prepared by The Anthemion Group Pty Ltd;
- 
- The original block weatherboards from the façade as pictured in Figure 15 of the Heritage Assessment prepared by The Anthemion Group Pty Ltd;
- 
- All timber fretwork as identified in the Heritage Assessment prepared by The Anthemion Group Pty Ltd; and
- 
- Any undamaged original floorboards, architraves and fireplace bricks within the building.

These materials will be required to be kept in a secure safe location (preferably in the remaining buildings on the rear of the site) that is not exposed to weather for use in the reinstatement/incorporation of the original façade as part of any future development subject to relevant building standards and to the satisfaction of the Responsible Authority.

Given the unusual circumstances and state of the building, Council believe that by allowing the demolition of the existing structure to occur, whilst requiring that certain original features be salvaged for future use, a proportionate and fair balance can be achieved that will not cause a detrimental impact to the significance, appearance or character of the heritage precinct as a whole.

Whilst it is acknowledged that preservation is the preferred outcome when it comes to heritage buildings, it must be conceded that in some circumstances such as this one, it is not practical or justified given the state of the building as discussed.

Therefore, in terms of achieving the objectives of the planning controls and policies which seek to protect heritage, it is considered that this is the most sensible approach to ensure that

some control over the outcome of the demolition and also to ensure that the future development pays respect to the origins of the site in its context within the heritage precinct.

The site will remain in the Heritage Overlay, and therefore any subsequent application to develop the site will be required to respond to the aims and objectives of the Overlay and provide a sympathetic building design that incorporates the salvaged materials.

In addition to this, and to ensure that the salvaged parts of the building are appropriately stored and incorporated in any future development, a Section 173 Agreement will be required.

A condition of the permit will also require that a historical marker be installed to identify the original heritage building.

As such, and given the circumstances and limited intactness of the building discussed the proposed demolition is not considered to be catastrophic to the interpretation of the heritage Wood Street Commercial & Civic Precinct as a whole. There will still be examples of other similar era Edwardian buildings in the precinct as it presents today, and future development will continue to be subject to the Heritage Overlay. Therefore, it is considered that on balance the removal of the post office building, although unfortunate, will not be detrimental to the precinct.

## **Conclusion**

Based on the above it is recommended that a Notice of Decision to Grant a Permit be issued for the demolition of the post office building at 19-21 Woods Street, Beaconsfield subject to the following conditions.

## **Conditions**

### Prior to demolition:

1. Prior to a demolition permit being issued under Section 29A of the Building Regulations, the following must be provided to the satisfaction of the Responsible Authority:
2.
  - a. An itemised list of the materials that are to be salvaged must be provided and approved to the satisfaction of the Responsible Authority, including:
  - b.
    - i. The front window as pictured in Figure 15 of the Heritage Assessment prepared by The Anthemion Group Pty Ltd;
    - ii.
    - iii. The front door and all lead lighting as pictured in Figure 16 of the Heritage Assessment prepared by The Anthemion Group Pty Ltd;
    - iv.
    - v. The original block weatherboards from the façade as pictured in Figure 15 of the Heritage Assessment prepared by The Anthemion Group Pty Ltd;
    - vi.
    - vii. All timber fretwork as identified in the Heritage Assessment prepared by The Anthemion Group Pty Ltd; and
    - viii.
    - ix. Any undamaged original floorboards, architraves and fireplace bricks within the building.
    - x.

- c. Details of a commemorative plaque illustrating the former Post Office building, in context with the adjacent Woods Street Commercial and Civic Precinct. The historic marker must include:
  - d.
    - i. An image or photograph of the original Post Office building;
    - ii.
    - iii. Construction date;
    - iv.
    - v. Statement of significance;
    - vi.
    - vii. Reason for demolition; and
    - viii.
    - ix. Any other relevant information.
    - x.
- 2. Prior to a demolition permit being issued under Section 29A of the Building Regulations, the owner must enter into an agreement with the Responsible Authority and made pursuant to Section 173 of the *Planning and Environment Act 1987* to provide for the following obligations:
  - a. Require the reinstatement/incorporation of the original façade using as many of the original salvaged materials as possible in accordance with Condition 1(a) of Planning Permit T210053 as part of any future development subject to relevant building standards and to the satisfaction of the Responsible Authority via a Planning Permit application.
  - b.
  - c. Include a list of the materials required to be salvaged and re-used where possible in any future development subject to planning approval.
  - d. Require that the salvaged materials be kept in a safe, secure and weatherproof location on the subject site or an alternative location to the satisfaction to the Responsible Authority.

The application must be made to the Registrar of Titles to register the Section 173 agreement on the title to the land under Section 181 of the Act.

Actions required:

- 3. During demolition the items listed in Condition 1(a) must be salvaged, with photographic evidence to be provided to the satisfaction of the Responsible Authority.
- 4.
- 5. The historic marker/ commemorative plaque required by Condition 1(b) must be erected in a prominent position to the site frontage and within the title boundary of 19-21 Woods Street, Beaconsfield within 6 months of demolition, to the satisfaction of the Responsible Authority.

General:

- 6. The demolition as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
- 7.
- 8. Once the demolition has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Expiry:**

9. The permit for the demolition expires if—
  - a. the demolition does not start within two (2) years after the issue of the permit; or
  - b. the demolition is not completed within four (4) years after the issue of the permit;

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

**Notes:**

- i. Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the demolition complies with the Building Act and Building Regulations.

The Mayor vacated the chair to which Cr Springfield assumed the role of chair for this item.

**Resolution**

Moved Cr Brett Owen, seconded Cr Tammy Radford.

That Council issue a Notice of Decision to Grant Planning Permit T210053 for the demolition of the heritage building at 19-21 Woods Street, Beaconsfield VIC 3807, subject to the following conditions:

1. Prior to a demolition permit being issued under Section 29A of the Building Regulations, the following must be provided to the satisfaction of the Responsible Authority:
  - a. An itemised list of the materials that are to be salvaged must be provided and approved to the satisfaction of the Responsible Authority, including:
    - i. The front window as pictured in Figure 15 of the Heritage Assessment prepared by The Anthemion Group Pty Ltd;
    - ii.
    - iii. The front door and all lead lighting as pictured in Figure 16 of the Heritage Assessment prepared by The Anthemion Group Pty Ltd;
    - iv.
    - v. The original block weatherboards from the façade as pictured in Figure 15 of the Heritage Assessment prepared by The Anthemion Group Pty Ltd;
    - vi.
    - vii. All timber fretwork as identified in the Heritage Assessment prepared by The Anthemion Group Pty Ltd; and
    - viii.
    - ix. Any undamaged original floorboards, architraves and fireplace bricks within the building.
    - x.
  - b. Details of a commemorative plaque illustrating the former Post Office building, in context with the adjacent Woods Street Commercial and Civic Precinct. The historic marker must include:
    - i. An image or photograph of the original Post Office building;
    - ii. Construction date;

- iii. Statement of significance;
  - iv. Reason for demolition; and
  - v. Any other relevant information.
2. Prior to a demolition permit being issued under Section 29A of the Building Regulations, the owner must enter into an agreement with the Responsible Authority and made pursuant to Section 173 of the *Planning and Environment Act 1987* to provide for the following obligations:
- a. Require the reinstatement/incorporation of the original façade using as many of the original salvaged materials as possible in accordance with Condition 1(a) of Planning Permit T210053 as part of any future development subject to relevant building standards and to the satisfaction of the Responsible Authority via a Planning Permit application.
  - b. Include a list of the materials required to be salvaged and re-used where possible in any future development subject to planning approval.
  - c. Require that the salvaged materials be kept in a safe, secure and weatherproof location on the subject site or an alternative location to the satisfaction to the Responsible Authority.

The application must be made to the Registrar of Titles to register the Section 173 agreement on the title to the land under Section 181 of the Act.

Actions required:

- 3. At least fourteen (14) days prior to the commencement of any demolition, the Responsible Authority must be provided with evidence that a heritage adviser has been engaged to supervise and direct the salvage and storage of the materials required by Condition 1. The heritage adviser must hold suitable qualifications and experience to the satisfaction of the Responsible Authority.
- 4. All works associated with the salvage and storage of the materials required by Condition 1 must be undertaken under the supervision and direction of a suitably qualified heritage adviser to the satisfaction of the Responsible Authority.
- 5. During demolition the items listed in Condition 1(a) must be salvaged, with photographic evidence to be provided to the satisfaction of the Responsible Authority.
- 6. The historic marker/ commemorative plaque required by Condition 1(b) must be erected in a prominent position to the site frontage and within the title boundary of 19-21 Woods Street, Beaconsfield within 6 months of demolition, to the satisfaction of the Responsible Authority.

General:

- 7. The demolition as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.

8. Once the demolition has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Expiry:**

- 9 The permit for the demolition expires if—
  - a. the demolition does not start within two (2) years after the issue of the permit; or
  - b. the demolition is not completed within four (4) years after the issue of the permit;

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

**Notes:**

- i. Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the demolition complies with the Building Act and Building Regulations.

Carried

At the conclusion of this item, Cr Owen regained the position of Chair.

## 6.2 General Reports

### 6.2.1 Disbanding Mountain Road Community Asset Committee

**Responsible GM:** Luke Connell  
**Author:** Cameron Miller

#### Recommendation(s)

That Council disband the Mountain Road Recreation Reserve Community Asset Committee and take over direct management of the site.

#### Attachments

Nil

#### Executive Summary

There are concerns regarding the ability of the Mountain Road Recreation Reserve Community Asset Committee to fulfill their management duties. There are several factors behind this, and Council have enquired about the committee's availability to continue.

Unfortunately, the committee is no longer able to fulfil their requirements and it is recommended that Council assume direct management of the reserve and its assets.

#### Background

Asset maintenance concerns:

- In 2016 Council invested \$504,008 to resurface the oval and athletics pitch in-field. A maintenance plan was given to the committee (developed by the contractor).
- In 2020 Council invested a further \$15,000 in works to bring the oval back up to condition.
- In 2021 Council invested a further \$26,000 in works to bring the oval back up to condition.
- The oval has been declared unfit for use, with both the committee and the local cricket/football league informed no training or games can be held on the oval.

The committee have had difficulty meeting some governance and financial obligations.

The committee has struggled to get others to volunteer and share the load and committee members have stepped back for personal reasons.

#### Policy Implications

This proposal is consistent with both Council policy and requirements for Community Asset Committees.

#### 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.

## **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**

Council has been in regular communication with the committee including a meeting on the 3<sup>rd</sup> of March 2021.

### **Financial and Resource Implications**

Mountain Road Reserve is Council's largest reserve (21.8 Hectares) managed by a Community Asset Committee.

Additional funds are required for Council to directly manage this reserve and have been allocated.

### **Conclusion**

It is recommended that Council resolve to disband the current Community Asset Committee and directly manage the Mountain Road Recreation Reserve.

### **Resolution**

Moved Cr Graeme Moore, seconded Cr Carol Ryan.

That Council disband the Mountain Road Recreation Reserve Community Asset Committee and take over direct management of the site.

Carried

## 6.2.2 Dissolution of Clematis Hall Community Asset Committee

**Responsible GM:** Luke Connell  
**Author:** Kym Ockerby and Helena Moloney

### Recommendation(s)

That Council dissolve the Clematis Hall Community Asset Committee, appointed under the provisions of Section 65 of the Local Government Act (2020).

### Attachments

Nil

### Executive Summary

The Clematis Hall Community Asset Committee has struggled over the past years to attract volunteers and new committee members. As such, the current committee will not be able to function effectively without new committee members and complying with the Deed of Delegation. As such, the committee has notified Council they would like to dissolve and hand the facility back to Council.

Due to the COVID-19 pandemic, the Hall has been closed to the public for over 12 months and currently has no regular hirer's or bookings.

### Background

The Clematis Hall Community Asset Committee has the duty to 'provide a public community centre for the hire of individuals and organisations which will be of benefit and use for present and future residents of Cardinia Shire'.

Following a number of unsubmitted compliance reports, Council was able to speak to the President of the committee who advised that he was the only committee member remaining and wanted to resign and hand the hall back to Council as they had been unable to attract new members to the committee.

The hall was closed to the public for the duration of COVID-19 and did not re-open when restrictions eased as the committee did not feel that they could meet the necessary requirements of re-opening.

Between April and June, Council worked with the committee to complete the handover process. As such, the committee have handed back to Council all documents and information and are in the process of closing the bank account and winding up.

### Policy Implications

Nil

## **Relevance to Council Plan**

### **2.1 We support the creation of liveable spaces and places**

2.1.1 Advocate, plan for and deliver accessible community infrastructure and services that address community need.

## **Climate Emergency Consideration**

N/A

## **Consultation/Communication**

The Clematis Hall Community Asset Committee has worked with Council Officer's directly over the past couple of months to complete the necessary handover including paying of bills, transferring of funds and closing of bank accounts.

The local community will be notified of the change of management of the facility and the committee will be thanked for their service.

## **Financial and Resource Implications**

Nil

## **Conclusion**

On the request of the Clematis Hall Community Asset Committee, it is proposed to dissolve the committee and return the Hall to Council management.

Due to the COVID-19 pandemic, the Hall has been closed to the public for over 12 months and currently has no regular hirer's or bookings. Therefore, the Hall will remain closed to the public in the interim and Council will undertake a maintenance audit and determine the best management options going forward in consultation with the local community.

## **Resolution**

Moved Cr Graeme Moore, seconded Cr Carol Ryan.

That Council dissolve the Clematis Hall Community Asset Committee, appointed under the provisions of Section 65 of the Local Government Act (2020).

Carried

## 6.2.3 Sealing the Hills - Armstrong Road, Upper Beaconsfield Special Charge Scheme - Notice of Decision

**Responsible GM:** Peter Benazic  
**Author:** Ken White

### Recommendation(s)

That Council

1. Acknowledge the majority landowner support as set out in this report to contribute to the construction of Armstrong Road, Upper Beaconsfield, (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works;
2. Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
3. Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
4. Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of Armstrong Road, Upper Beaconsfield.
5. Consider the declaration (attachment 5) at its meeting of 18th October, 2021, or such later date as necessary.
6. Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
7. Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered.
8. Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

### Attachments

1. SCS Process N of D Check list Sealing the Hills Program [6.2.3.1 - 2 pages]
2. Armstrong Catchment Map [6.2.3.2 - 1 page]
3. SCS Benefit Unit Calculation Armstrong Road UB [6.2.3.3 - 3 pages]
4. Armstrong Rd - SCS Apportionment Sheet [6.2.3.4 - 1 page]
5. SCS declaration Armstrong Rd Upper Beaconsfield [6.2.3.5 - 2 pages]
6. SCS Public Notice Armstrong Rd Upper Beaconsfield [6.2.3.6 - 2 pages]

### Executive Summary

This report proposes giving 'notice of intention to declare' a special charge to part fund the construction of Armstrong Road, Upper Beaconsfield. This notice begins the formal consultation process at the commencement of the statutory process that enables Council to levy a special charge, (refer attachment 1).

Armstrong Road is included in the Australian Government funded "Sealing the Hills" program. A recent survey of the landowners in this catchment indicated approximately 55% landowner support to contributing to a scheme from the responses received. Included landowners will receive special benefit as a result of the works including improved resident amenity, reduction

in dust and associated health issues, improved drainage, less wear and tear on vehicles, reduced road maintenance costs and overall improved liveability.

The preliminary estimated cost of the proposed works is \$859,050 of which \$94,500 is proposed to be funded via the proposed special charge contribution received from the included landowners. This will leave an approximate balance of \$764,550 to be funded from the Australian Government grant.

Property owner contributions have been assessed on the basis of the benefit gained by each existing developed or vacant allotment, capped by Council at \$7,000 per benefit unit, (refer to benefit unit definition below). Councils special rates and charges policy provides for levies to be paid in quarterly instalments that include principle and interest. For the Sealing the Hills program it has been decided that a maximum seven (7) payment period be adopted. The financial hardship provisions of this policy provides further relief to those owners demonstrating genuine financial hardship.

## **Background**

Armstrong Road, Upper Beaconsfield is included for construction in Councils Sealing the Hills program. The properties included are shown on the plan included as attachment 2 to this report.

A survey of the property owners within the scheme boundary, (total of 14), was undertaken asking if they were in support of contributing to a special charge scheme at a capped contribution rate of \$7,000 per benefit unit, with a benefit unit being defined as:

- Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit (\$7,000) towards the cost of construction.
- Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit (\$3,500) towards the cost of construction.
- Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit (\$7,000) in total.
- Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
- 

Of the fourteen properties surveyed Council received nine, (9), responses, (or 65%). Five, (55%), of these responses indicated support to contributing to the scheme, while four, (45%), indicated opposition. Although not conclusive given that five properties did not respond, with the majority of responses received in support of the proposal, it is recommended that Council proceeds with the notice of decision to prepare a special charge scheme.

## **Policy Implications**

The proposed special charge scheme has been developed in accordance with the provisions of the Local Government Act, Cardinia Councils Special Rate and Charge Policy and the adopted Sealing the Hills program. It is based on community benefit, health, safety, amenity and landowner support.

Section 163 of the Local Government Act provides that Council may not recover a greater portion of the cost of the works than calculated in accordance with the statutory 'benefit ratio' as set out in attachment 3 to this report. Given that Council has capped the property owner contribution at \$7,000 per benefit unit, the proposed scheme is compliant.

## Relevance to Council Plan

### 3.2 Our Environment - Transport linkages connecting towns

3.2.1 Upgrade Council roads to improve safety while considering the traffic demand of the community.

3.2.2 Continue the use of special charge schemes to finance road, drainage and footpath improvement programs.

## Climate Emergency Consideration

The Sealing the Hills project will consider climate emergency reduction issues such as:

- Minimising tree removal through innovative road design.
- Use of LED lighting to reduce energy emissions.
- Utilising local contractors and local road & drainage construction materials to minimise travel.
- Investigating the reuse and use of recycled road construction materials.

## Consultation/Communication

A letter was sent in April of this year to the landowners of Armstrong Road outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal. A subsequent face to face community consultation session was held at the Upper Beaconsfield Community Centre in early May, from 5.00pm to 7.00pm in the evening, to give owners and residents an opportunity to view plans and comment on the proposal. Disappointingly only two people attended.

In mid May a questionnaire was sent by registered mail to landowners asking them to indicate their support / opposition to contributing to a special charge scheme at the capped rate of \$7,000 per benefit unit. As outlined above 9 questionnaire responses from the 14 included properties were received.

## Financial and Resource Implications

The scheme funding arrangements are as follows:

|                                          |           |
|------------------------------------------|-----------|
| PRELIMINARY ESTIMATED COST OF PROJECT    | \$859,050 |
| Total Council Contribution (89%)         | \$764,050 |
| Benefitting Landowner Contribution (11%) | \$94,500  |

Note: the estimated project cost includes an allowance of 15% for design, supervision and administration of the scheme.

The Australian Government 150 million dollar grant will be used to fund Councils contribution.

Landowners will be offered the option of paying their contribution in full, or by quarterly instalments over seven years. Instalment payments will include principle and interest, with interest calculated at the declaration of the scheme based on Councils borrowing rate at the time plus one percent.

Council will require the first payment, either in full or by instalment, to be made within six months of the practical completion of the works.

## Conclusion

From the responses received to the property owner questionnaire, (with the majority of responses in support of the proposal), it is concluded that Council should commence the

formal consultation process to initiate a special charge scheme for the construction of Armstrong Road, Upper Beaconsfield by proceeding to give notice of its intention to declare a special charge to part fund the works.

### **Resolution**

Moved Cr Graeme Moore, seconded Cr Carol Ryan.

That Council

1. Acknowledge the majority landowner support as set out in this report to contribute to the construction of Armstrong Road, Upper Beaconsfield, (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works;
2. Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
3. Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
4. Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of Armstrong Road, Upper Beaconsfield.
5. Consider the declaration (attachment 5) at its meeting of 18th October, 2021, or such later date as necessary.
6. Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
7. Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered.
8. Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

Carried

## **6.2.4 Sealing the Hills - Station Road-Innes Road, Gembrook catchment Special Charge Scheme - Notice of Decision**

**Responsible GM:** Peter Benazic  
**Author:** Ken White

### **Recommendation(s)**

That Council:

1. Acknowledge the majority landowner support as set out in this report to contribute to the construction of Station Road, Anzac Street, Heroes Avenue and Innes Road, Gembrook, (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works;
2. Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
3. Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
4. Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of Station Road, Anzac Street, Heroes Avenue and Innes Road, Gembrook.
5. Consider the declaration (attachment 5) at its meeting of 19th July, 2021, or such later date as necessary.
6. Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
7. Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered
8. Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

### **Attachments**

1. SCS Process N of D Check list Sealing the Hills Program [40CR] [6.2.4.1 - 2 pages]
2. Station heroes Anzac and Innes Catchment map [6.2.4.2 - 2 pages]
3. SCS Benefit Unit Calculation Station Anzac Heroes Innes catchment [6.2.4.3 - 3 pages]
4. SCS Apportionment - Station Rd- Anzac St- Heroes Ave- Innes Rd Gembrook [6.2.4.4 - 4 pages]
5. SCS declaration Station Rd Innes Rd Gembrook catchment [6.2.4.5 - 2 pages]
6. SCS Public Notice Station Rd Innes Rd Gembrook catchment [6.2.4.6 - 2 pages]

### **Executive Summary**

This report proposes giving 'notice of intention to declare' a special charge to part fund the construction of Station Road, Anzac Street, Heroes Avenue and Innes Road, Gembrook. This notice begins the formal consultation process at the commencement of the statutory process that enables Council to levy a special charge, (refer attachment 1).

The Station Road/Innes Road, Gembrook catchment is included in the Australian Government funded "Sealing the Hills" program. A recent survey of the landowners in this catchment indicated 83% landowner support to contributing to a scheme from the responses received.

Included landowners will receive special benefit as a result of the works including improved resident amenity, reduction in dust and associated health issues, improved drainage, less wear and tear on vehicles, reduced road maintenance costs and overall improved liveability.

The preliminary estimated cost of the proposed works is \$2,970,450 of which \$518,000 is proposed to be funded via the proposed special charge contribution received from the included landowners. This will leave an approximate balance of \$2,452,450 to be funded from the Australian Government grant.

Property owner contributions have been assessed on the basis of the benefit gained by each existing developed or vacant allotment, capped by Council at \$7,000 per benefit unit, (refer to benefit unit definition below). Councils special rates and charges policy provides for levies to be paid in quarterly instalments that include principle and interest. For the Sealing the Hills program it has been decided that a maximum seven (7) payment period be adopted. The financial hardship provisions of this policy provides further relief to those owners demonstrating genuine financial hardship.

## Background

The Station Road/Innes Road catchment that includes Station Road, Anzac Street, Heroes Avenue and Innes Road is included for construction in Councils Sealing the Hills program. The properties included are shown on the plan included as attachment 2 to this report.

A survey of the property owners within the scheme boundary, (total of 68), was undertaken asking if they were in support of contributing to a special charge scheme at a capped contribution rate of \$7,000 per benefit unit, with a benefit unit being defined as:

- Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit (\$7,000) towards the cost of construction.
- Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit (\$3,500) towards the cost of construction.
- Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit (\$7,000) in total
- Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
- 

Of the sixty eight properties surveyed Council received forty one, (41), responses, (or 60%). Thirty four, (83%), of these responses indicated support to contributing to the scheme, while seven, (17%), indicated opposition. The Station Road area had both a higher response rate, (64%), and property owner support percentage, (87%). A response rate of only 52%, (11 of 21 properties), was received for Innes Road, however 73% of responses received, (8 out of 11), indicated support for the proposal. Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Station Road, Anzac Street, Heroes Avenue and Innes Road.

The Gembrook Primary School also lies within the scheme boundary. Given the level of traffic demand generated by the school it is considered that the State Education Department should be contributing to the scheme. Although there is no statutory obligation for the Education Department to contribute, a notice will be sent requesting that they contribute a minimum of \$35,000 or five benefit units, which is based on a conservative estimate of five times the traffic generation of a normal residential lot.

## Policy Implications

The proposed special charge scheme has been developed in accordance with the provisions of the Local Government Act, Cardinia Councils Special Rate and Charge Policy and the adopted Sealing the Hills program. It is based on community benefit, health, safety, amenity and landowner support.

Section 163 of the Local Government Act provides that Council may not recover a greater portion of the cost of the works than calculated in accordance with the statutory 'benefit ratio' as set out in attachment 3 to this report. Given that Council has capped the property owner contribution at \$7,000 per benefit unit, the proposed scheme is compliant.

## Relevance to Council Plan

### 3.2 Our Environment - Transport linkages connecting towns

3.2.1 Upgrade Council roads to improve safety while considering the traffic demand of the community.

3.2.2 Continue the use of special charge schemes to finance road, drainage and footpath improvement programs.

## Climate Emergency Consideration

The Sealing the Hills project will consider climate emergency reduction issues such as:

- Minimising tree removal through innovative road design.
- Use of LED lighting to reduce energy emissions.
- Utilising local contractors and local road & drainage construction materials to minimise travel.
- Investigating the reuse and use of recycled road construction materials.

## Consultation/Communication

A letter was sent in April of this year to the landowners of Station Road, Anzac Street, Heroes Avenue and Innes Road outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal. A subsequent face to face community consultation session was held at the Gembrook Community Centre in early May, from 4.00pm to 7.00pm in the evening, to give owners and residents an opportunity to view plans and comment of the proposal. Approximately 15 people attended.

In mid May a questionnaire was sent by registered mail to landowners asking them to indicate their support / opposition to contributing to a special charge scheme at the capped rate of \$7,000 per benefit unit. As outlined above 41 questionnaire responses from the 68 included properties were received.

## Financial and Resource Implications

The scheme funding arrangements are as follows:

|                                          |             |
|------------------------------------------|-------------|
| PRELIMINARY ESTIMATED COST OF PROJECT    | \$2,970,450 |
| Total Council Contribution (70%)         | \$2,452,450 |
| Benefitting Landowner Contribution (30%) | \$518,000   |

Note: the estimated project cost includes an allowance of 15% for design, supervision and administration of the scheme.

The Australian Government 150 million dollar grant will be used to fund Councils contribution.

Landowners will be offered the option of paying their contribution in full, or by quarterly instalments over seven years. Instalment payments will include principle and interest, with interest calculated at the declaration of the scheme based on Councils borrowing rate at the time plus one percent.

Council will require the first payment, either in full or by instalment to be made within six months of the practical completion of the works.

### **Conclusion**

It is concluded that the majority of property owners support the construction of the Station Road/Innes Road, Gembrook catchment and that Council should commence the formal consultation process to initiate a special charge scheme by proceeding to give notice of its intention to declare a special charge to part fund the works.

### **Resolution**

Moved Cr Graeme Moore, seconded Cr Carol Ryan.

That Council:

1. Acknowledge the majority landowner support as set out in this report to contribute to the construction of Station Road, Anzac Street, Heroes Avenue and Innes Road, Gembrook, (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works;
2. Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
3. Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
4. Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of Station Road, Anzac Street, Heroes Avenue and Innes Road, Gembrook.
5. Consider the declaration (attachment 5) at its meeting of 19th July, 2021, or such later date as necessary.
6. Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
7. Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered
8. Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

Carried

## 6.2.5 Sealing the Hills - Caroline Avenue, Cockatoo catchment - Special Charge Scheme declaration

**Responsible GM:** Peter Benazic

**Author:** Ken White

### Recommendation(s)

That Council

1. Notes that following the issue of the Notice of Decision by Council to declare a special charge scheme on the 17 May, 2021, to part fund the construction of Caroline Avenue, Boronia Crescent and Rouen Road, Cockatoo, no submissions or objections were received by Council in the prescribed 28 day submission period following advertising this decision.
2. That a special charge in accordance with Section 163 of the Local Government, 1989 ('the Act') be declared as follows:
  - a) A special charge is declared for a period until the works have been completed and the scheme finalised.
  - b) The special charge be declared for the purposes of defraying any expenses incurred by Council in relation to the construction of Caroline Avenue, Boronia Crescent and Rouen Road, Cockatoo including sealed road pavement, kerb & channel and associated drainage and incidental works. Council considers that these works will be of special benefit to those persons required to pay the special charge, (and who are described in succeeding parts of this resolution).
  - c) The special benefit accruing to those properties to be levied is considered to include improved access, improved amenity and appearance, improved roadside drainage, reduced mud and dust, reduced erosion and lessened nuisance.
  - d) The following be specified as the area for which the special charge is declared:
    - All those properties described in attachment 4 of this report and as highlighted on the plan included as attachment 2.
  - e) The following be specified as the land in relation to which the special charge is declared:
    - All properties described in attachment 4 of this declaration.
  - f) The following be specified as the criteria which form the basis of the special charge so declared:
    - Those properties fronting, abutting or adjacent to the works.
  - g) The following be specified as the manner in which the special charge so declared will be assessed and levied:
    - Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit.
    - Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit.
    - Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit.
    - Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
    - The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163 (4) of the Local Government Act, 1989.

- h) The total cost of the works is the amount shown in attachment 4 of this report estimated at \$2,019,400.
- i) The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$598,500.
- j) Having regard to the proceeding parts of this resolution but subject to Sections 166(1) and 167(6) of the Local Government Act, 1989, it is recorded that:
  - i) The owners of the land described in columns A and B of the table in attachment 4 are estimated liable for the respective amounts set out in column F of the table in attachment 4 and;
  - ii) Such owners may, subject to any further resolution of Council pay the special charge in the following manner:
    - a. The charge will become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167(3) of the Local Government Act, 1989.
    - b. The charge may be paid by:
      - iii) # Lump sum within one month of the issue of the notice without incurring interest, or
      - iv) # Quarterly instalments of principal and interest over a period of up to seven years.
    - c. Interest will not be charged for three months after the issue of the notice provided the person liable makes timely payment in accordance with the payment arrangements that may be agreed on by Council.
    - d. In accordance with Sections 167(6)(b) and 172 of the Act, the rate of interest which is payable on instalments is set at the 180 day bank bill rate as published in the Australian Financial Review plus one percent and reviewed every three months, (provided that it will not exceed the rate fixed by the Governor in Council by order of the purposes of Section 172(2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by order for the purposes of this section).
- k) There are no incentives for prompt payment, rebates or concessions associated with this special charge.

### Attachments

1. SCS Process Declaration Check list Sealing the Hills Program [6.2.5.1 - 2 pages]
2. Caroline Avenue Cockatoo Catchment - Special Charge Scheme ( SC S) Map [6.2.5.2 - 1 page]
3. Caroline Ave preliminary construct plans [6.2.5.3 - 91 pages]
4. SCS Apportionment Sheet - Caroline Ave Cockatoo catchment [6.2.5.4 - 3 pages]

### Executive Summary

This report proposes to have a special charge declared to part fund the construction of Caroline Avenue, Boronia Crescent and Rouen Road, Cockatoo. It follows Council's resolution of the 17 May, 2021 to communicate its intention to declare a special charge for this purpose.

The Caroline Avenue, Cockatoo catchment is included in the Australian Government funded "Sealing the Hills" program. A recent survey of the landowners in this catchment indicated 65% landowner support to contributing to a scheme from the responses received. Included landowners will receive special benefit as a result of the works including improved resident amenity, reduction in dust and associated health issues, improved drainage, less wear and tear on vehicles, reduced road maintenance costs and overall improved liveability.

The preliminary estimated cost of the proposed works is \$2,019,400 of which \$598,500 is proposed to be funded via the proposed special charge contribution received from the

included landowners. This will leave an approximate balance of \$1,420,900 to be funded from the Australian Government grant.

Property owner contributions have been assessed on the basis of the benefit gained by each existing developed or vacant allotment, capped by Council at \$7,000 per benefit unit, (refer to benefit unit definition below). Council's special rates and charges policy provides for levies to be paid in quarterly instalments that include principle and interest. For the Sealing the Hills program it has been decided that a maximum seven (7) payment period be adopted. The financial hardship provisions of this policy provide further relief to those owners demonstrating genuine financial hardship.

Following Council's resolution on the 17 May, 2021 included property owners were notified of the intention to declare a special charge by mail and by advertisement in the Pakenham Gazette and Hills Trader. No submissions or objections were received by Council in the prescribed 28 day submission period.

### **Background**

The Caroline Avenue, Cockatoo catchment that includes Caroline Avenue, Boronia Crescent and Rouen Road is included for construction in Council's Sealing the Hills program. The properties included are shown on the plan included as attachment 2 to this report.

A survey of the property owners within the scheme boundary, (total of 77), was undertaken asking if they were in support of contributing to a special charge scheme at a capped contribution rate of \$7,000 per benefit unit, with a benefit unit being defined as:

- Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit (\$7,000) towards the cost of construction.
- Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit (\$3,500) towards the cost of construction.
- Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit (\$7,000) in total
- Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
- 

Of the seventy seven properties surveyed Council received fifty, (50), responses, (or 65%). Thirty seven, (65%), of these responses indicated support to contributing to the scheme, while thirteen, (35%), indicated opposition. Both sections of Caroline Avenue, (east and west of Bell Street), and Boronia Crescent had a higher percentage of supporting owners verses opposing owners. Of the four properties in Rouen Road, one owner indicated support, two owners indicated opposition and one owner did not respond. Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Caroline Avenue, Boronia Crescent and Rouen Road.

Following Council's resolution on the 17 May, 2021 affected property owners were notified of the intention to declare a special charge. This included the Education Department who have been levied \$63,000 in relation to the additional traffic generation and parking demand associated with the Cockatoo Primary school that abuts Caroline Avenue. To date no response has been received from the department. No property owner submissions or objections were received within the prescribed 28 day submission period.

## Policy Implications

The proposed special charge scheme has been developed in accordance with the provisions of the Local Government Act, Cardinia Councils Special Rate and Charge Policy and the adopted Sealing the Hills program. It is based on community benefit, health, safety, amenity and landowner support.

Section 163 of the Local Government Act provides that Council may not recover a greater portion of the cost of the works than calculated in accordance with the statutory 'benefit ratio' as set out in attachment 3 to this report. Given that Council has capped the property owner contribution at \$7,000 per benefit unit, the proposed scheme is compliant.

## Relevance to Council Plan

### 3.2 Our Environment - Transport linkages connecting towns

3.2.1 Upgrade Council roads to improve safety while considering the traffic demand of the community.

3.2.2 Continue the use of special charge schemes to finance road, drainage and footpath improvement programs.

## Climate Emergency Consideration

The Sealing the Hills project will consider climate emergency reduction issues such as:

- Minimising tree removal through innovative road design.
- Use of LED lighting to reduce energy emissions.
- Utilising local contractors and local road & drainage construction materials to minimise travel.
- Investigating the reuse and use of recycled road construction materials.

## Consultation/Communication

A letter was sent in January of this year to the landowners of Caroline Avenue, Boronia Crescent and Rouen Road outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal. A subsequent face to face community consultation session was held at the Cockatoo Community Centre in early February, from 4.00pm to 7.00pm in the evening, to give owners and residents an opportunity to view plans and comment of the proposal. Approximately 25 people attended.

In mid February a questionnaire was sent by registered mail to landowners asking them to indicate their support / opposition to contributing to a special charge scheme at the capped rate of \$7,000 per benefit unit. When Council became aware of mail delivery issues in Cockatoo a door knock / reminder letter drop was undertaken of properties who had not responded to the questionnaire and the response date extended by one month. As outlined above 50 questionnaire responses from the 77 included properties were received.

Following the Council resolution on the 17 May, 2021 to issue a notice of intention to declare a special charge, property owners were sent a letter and advertisements outlining the proposal placed in the Pakenham Gazette and Hills Trader, providing owners with the opportunity to make a submission or objection within the prescribed 28 day period.

## Financial and Resource Implications

The scheme funding arrangements are as follows:

|                                       |             |
|---------------------------------------|-------------|
| PRELIMINARY ESTIMATED COST OF PROJECT | \$2,019,400 |
|---------------------------------------|-------------|

|                                          |             |
|------------------------------------------|-------------|
| Total Council Contribution (70%)         | \$1,420,900 |
| Benefitting Landowner Contribution (30%) | \$598,500   |

Note: the estimated project cost includes an allowance of 15% for design, supervision and administration of the scheme.

The Australian Government 150 million dollar grant will be used to fund Councils contribution.

Landowners will be offered the option of paying their contribution in full, or by quarterly instalments over seven years. Instalment payments will include principle and interest, with interest calculated at the declaration of the scheme based on Councils borrowing rate at the time plus one percent.

Council will require the first payment, either in full or by instalment to be made within six months of the practical completion of the works.

## Conclusion

That Council proceed to declare a special charge over the properties listed in attachment 4 to part fund the construction of Caroline Avenue, Boronia Crescent and Rouen Road, Cockatoo, including a sealed road pavement, kerb and channel and associated drainage and ancillary works, generally in accordance with the concept plans included in attachment 3.

## Resolution

Moved Cr Jeff Springfield, seconded Cr Collin Ross.

That Council

1. Notes that following the issue of the Notice of Decision by Council to declare a special charge scheme on the 17 May, 2021, to part fund the construction of Caroline Avenue, Boronia Crescent and Rouen Road, Cockatoo, no submissions or objections were received by Council in the prescribed 28 day submission period following advertising this decision.
2. That a special charge in accordance with Section 163 of the Local Government, 1989 ('the Act') be declared as follows:
  - a) A special charge is declared for a period until the works have been completed and the scheme finalised.
  - b) The special charge be declared for the purposes of defraying any expenses incurred by Council in relation to the construction of Caroline Avenue, Boronia Crescent and Rouen Road, Cockatoo including sealed road pavement, kerb & channel and associated drainage and incidental works. Council considers that these works will be of special benefit to those persons required to pay the special charge, (and who are described in succeeding parts of this resolution).
  - c) The special benefit accruing to those properties to be levied is considered to include improved access, improved amenity and appearance, improved roadside drainage, reduced mud and dust, reduced erosion and lessened nuisance.
  - d) The following be specified as the area for which the special charge is declared:
    - All those properties described in attachment 4 of this report and as highlighted on the plan included as attachment 2.
  - e) The following be specified as the land in relation to which the special charge is declared:
    - All properties described in attachment 4 of this declaration.

- f) The following be specified as the criteria which form the basis of the special charge so declared:
- Those properties fronting, abutting or adjacent to the works.
- g) The following be specified as the manner in which the special charge so declared will be assessed and levied:
- Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit.
  - Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit.
  - Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit.
  - Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
  - The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163 (4) of the Local Government Act, 1989.
- h) The total cost of the works is the amount shown in attachment 4 of this report estimated at \$2,019,400.
- i) The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$598,500.
- j) Having regard to the proceeding parts of this resolution but subject to Sections 166(1) and 167(6) of the Local Government Act, 1989, it is recorded that:
- i) The owners of the land described in columns A and B of the table in attachment 4 are estimated liable for the respective amounts set out in column F of the table in attachment 4 and;
  - ii) Such owners may, subject to any further resolution of Council pay the special charge in the following manner:
    - a. The charge will become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167(3) of the Local Government Act, 1989.
    - b. The charge may be paid by:
      - iii) # Lump sum within one month of the issue of the notice without incurring interest, or
      - iv) # Quarterly instalments of principal and interest over a period of up to seven years.
    - c. Interest will not be charged for three months after the issue of the notice provided the person liable makes timely payment in accordance with the payment arrangements that may be agreed on by Council.
    - d. In accordance with Sections 167(6)(b) and 172 of the Act, the rate of interest which is payable on instalments is set at the 180 day bank bill rate as published in the Australian Financial Review plus one percent and reviewed every three months, (provided that it will not exceed the rate fixed by the Governor in Council by order of the purposes of Section 172(2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by order for the purposes of this section).
- k) There are no incentives for prompt payment, rebates or concessions associated with this special charge.

Carried

## 6.2.6 Sealing the Hills - Princess Avenue, Emerald catchment - Special Charge Scheme declaration

**Responsible GM:** Peter Benazic  
**Author:** Ken White

### Recommendation(s)

1. That Council notes that following the issue of the Notice of Decision by Council to declare a special charge scheme on the 17 May, 2021, to part fund the construction of Princess Avenue and Crichton Road, Emerald, no submissions or objections were received by Council in the prescribed 28 day submission period following advertising this decision.
2. That a special charge in accordance with Section 163 of the Local Government, 1989 ('the Act') be declared as follows:
  - a) A special charge is declared for a period until the works have been completed and the scheme finalised.
  - b) The special charge be declared for the purposes of defraying any expenses incurred by Council in relation to the construction of Princess Avenue and Crichton Road, Emerald including sealed road pavement, kerb & channel and associated drainage and incidental works. Council considers that these works will be of special benefit to those persons required to pay the special charge, (and who are described in succeeding parts of this resolution).
  - c) The special benefit accruing to those properties to be levied is considered to include improved access, improved amenity and appearance, improved roadside drainage, reduced mud and dust, reduced erosion and lessened nuisance.
  - d) The following be specified as the area for which the special charge is declared:
    - All those properties described in attachment 4 of this report and as highlighted on the plan included as attachment 2.
  - e) The following be specified as the land in relation to which the special charge is declared:
    - All properties described in attachment 4 of this declaration.
  - f) The following be specified as the criteria which form the basis of the special charge so declared:
    - Those properties fronting, abutting or adjacent to the works.
  - g) The following be specified as the manner in which the special charge so declared will be assessed and levied:
    - Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit.
    - Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit.
    - Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit.
    - Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
    - The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163 (4) of the Local Government Act, 1989.

- h) The total cost of the works is the amount shown in attachment 4 of this report estimated at \$972,900.
- i) The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$70,000.
- j) Having regard to the proceeding parts of this resolution but subject to Sections 166(1) and 167(6) of the Local Government Act, 1989, it is recorded that:
  - i) The owners of the land described in columns A and B of the table in attachment 4 are estimated liable for the respective amounts set out in column F of the table in attachment 4 and;
  - ii) Such owners may, subject to any further resolution of Council pay the special charge in the following manner:
    - a. The charge will become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167(3) of the Local Government Act, 1989.
    - b. The charge may be paid by:
      - # Lump sum within one month of the issue of the notice without incurring interest, or
      - # Quarterly instalments of principal and interest over a period of up to seven years.
    - c. Interest will not be charged for three months after the issue of the notice provided the person liable makes timely payment in accordance with the payment arrangements that may be agreed on by Council.
    - d. In accordance with Sections 167(6)(b) and 172 of the Act, the rate of interest which is payable on instalments is set at the 180 day bank bill rate as published in the Australian Financial Review plus one percent and reviewed every three months, (provided that it will not exceed the rate fixed by the Governor in Council by order of the purposes of Section 172(2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by order for the purposes of this section).
- k) There are no incentives for prompt payment, rebates or concessions associated with this special charge.

### Attachments

1. SCS Process Declaration Check list Sealing the Hills Program [H8LX] [6.2.6.1 - 2 pages]
2. SCS included properties plan - Princess Ave Emerald Catchment [6.2.6.2 - 1 page]
3. Princess Ave preliminary construct plans [6.2.6.3 - 10 pages]
4. SCS Apportionment Sheet - Princess Avenue Emerald catchment [6.2.6.4 - 1 page]

### Executive Summary

This report proposes to have a special charge declared to part fund the construction of Princess Avenue and Crichton Road, Emerald. It follows Council's resolution of the 17 May, 2021 to communicate its intention to declare a special charge for this purpose.

The Princess Avenue, Emerald catchment is included in the Australian Government funded "Sealing the Hills" program. A recent survey of the landowners in this catchment indicated approximately 90% landowner support to contributing to a scheme from the responses received. Included landowners will receive special benefit as a result of the works including improved resident amenity, reduction in dust and associated health issues, improved drainage, less wear and tear on vehicles, reduced road maintenance costs and overall improved liveability.

The preliminary estimated cost of the proposed works is \$972,900 of which \$70,000 is proposed to be funded via the proposed special charge contribution received from the

included landowners. This will leave an approximate balance of \$902,900 to be funded from the Australian Government grant.

Property owner contributions have been assessed on the basis of the benefit gained by each existing developed or vacant allotment, capped by Council at \$7,000 per benefit unit, (refer to benefit unit definition below). Councils special rates and charges policy provides for levies to be paid in quarterly instalments that include principle and interest. For the Sealing the Hills program it has been decided that a maximum seven (7) payment period be adopted. The financial hardship provisions of this policy provides further relief to those owners demonstrating genuine financial hardship.

## **Background**

The Princess Avenue, Emerald catchment, that includes Princess Avenue and Crichton Road is included for construction in Councils Sealing the Hills program. The properties included are shown on the plan included as attachment 2 to this report.

A survey of the property owners within the scheme boundary, (total of 12), was undertaken asking if they were in support of contributing to a special charge scheme at a capped contribution rate of \$7,000 per benefit unit, with a benefit unit being defined as:

- Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit (\$7,000) towards the cost of construction.
- Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit (\$3,500) towards the cost of construction.
- Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit (\$7,000) in total
- Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
- 

Of the twelve properties surveyed Council received ten, (10), responses, (or 83%). Nine, (90%), of these responses indicated support to contributing to the scheme, while one, (10%), indicated opposition. Following consideration of the survey questionnaire responses a special charge scheme has been prepared to part fund the construction of Princess Avenue and Crichton Road.

Nobelius Heritage Park adjoins a significant portion of the east side of Princess Avenue with access gained at to the park at the east end of Crichton Road. Councils contribution of approximately 93% of the cost of the works more than covers the contribution requirements from the traffic and usage demands created by the park.

Following Council's resolution on the 17 May, 2021 affected property owners were notified of the intention to declare a special charge. No property owner submissions or objections were received within the prescribed 28 day submission period.

## **Policy Implications**

The proposed special charge scheme has been developed in accordance with the provisions of the Local Government Act, Cardinia Councils Special Rate and Charge Policy and the adopted Sealing the Hills program. It is based on community benefit, health, safety, amenity and landowner support.

Section 163 of the Local Government Act provides that Council may not recover a greater portion of the cost of the works than calculated in accordance with the statutory 'benefit ratio' as set out in attachment 3 to this report. Given that Council has capped the property owner contribution at \$7,000 per benefit unit, the proposed scheme is compliant.

## **Relevance to Council Plan**

### **3.2 Our Environment - Transport linkages connecting towns**

3.2.1 Upgrade Council roads to improve safety while considering the traffic demand of the community.

3.2.2 Continue the use of special charge schemes to finance road, drainage and footpath improvement programs.

## **Climate Emergency Consideration**

The Sealing the Hills project will consider climate emergency reduction issues such as:

- Minimising tree removal through innovative road design.
- Use of LED lighting to reduce energy emissions.
- Utilising local contractors and local road & drainage construction materials to minimise travel.
- Investigating the reuse and use of recycled road construction materials.

## **Consultation/Communication**

A letter was sent in January of this year to the landowners of Princess Avenue and Crichton Road outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal. A subsequent face to face community consultation session was held at the Emerald Community Hub in early February, from 4.00pm to 7.00pm in the evening, to give owners and residents an opportunity to view plans and comment of the proposal. Disappointingly only two people attended.

In mid February a questionnaire was sent by registered mail to landowners asking them to indicate their support / opposition to contributing to a special charge scheme at the capped rate of \$7,000 per benefit unit. A follow up door knock / reminder letter drop was undertaken to properties who had not responded to the questionnaire by the nominated response date, with the response date extended by one month. As outlined above 10 questionnaire responses from the 12 included properties were received.

Following the Council resolution on the 17 May, 2021 to issue a notice of intention to declare a special charge, property owners were sent a letter and advertisements outlining the proposal placed in the Pakenham Gazette and Hills Trader, providing owners with the opportunity to make a submission or objection within the prescribed 28 day period.

## **Financial and Resource Implications**

The scheme funding arrangements are as follows:

|                                         |           |
|-----------------------------------------|-----------|
| PRELIMINARY ESTIMATED COST OF PROJECT   | \$972,900 |
| Total Council Contribution (93%)        | \$902,900 |
| Benefitting Landowner Contribution (7%) | \$70,000  |

Note: the estimated project cost includes an allowance of 15% for design, supervision and administration of the scheme.

The Australian Government 150 million dollar grant will be used to fund Councils contribution.

Landowners will be offered the option of paying their contribution in full, or by quarterly instalments over seven years. Instalment payments will include principle and interest, with interest calculated at the declaration of the scheme based on Councils borrowing rate at the time plus one percent.

Council will require the first payment, either in full or by instalment, to be made within six months of the practical completion of the works.

### **Conclusion**

That Council proceed to declare a special charge over the properties listed in attachment 4 to part fund the construction of Princess Avenue and Crichton Road, Emerald, including a sealed road pavement, kerb and channel and associated drainage and ancillary works, generally in accordance with the concept plans included in attachment 3.

### **Resolution**

Moved Cr Graeme Moore, seconded Cr Carol Ryan.

1. That Council notes that following the issue of the Notice of Decision by Council to declare a special charge scheme on the 17 May, 2021, to part fund the construction of Princess Avenue and Crichton Road, Emerald, no submissions or objections were received by Council in the prescribed 28 day submission period following advertising this decision.
2. That a special charge in accordance with Section 163 of the Local Government, 1989 ('the Act') be declared as follows:
  - a) A special charge is declared for a period until the works have been completed and the scheme finalised.
  - b) The special charge be declared for the purposes of defraying any expenses incurred by Council in relation to the construction of Princess Avenue and Crichton Road, Emerald including sealed road pavement, kerb & channel and associated drainage and incidental works. Council considers that these works will be of special benefit to those persons required to pay the special charge, (and who are described in succeeding parts of this resolution).
  - c) The special benefit accruing to those properties to be levied is considered to include improved access, improved amenity and appearance, improved roadside drainage, reduced mud and dust, reduced erosion and lessened nuisance.
  - d) The following be specified as the area for which the special charge is declared:
    - All those properties described in attachment 4 of this report and as highlighted on the plan included as attachment 2.
  - e) The following be specified as the land in relation to which the special charge is declared:
    - All properties described in attachment 4 of this declaration.
  - f) The following be specified as the criteria which form the basis of the special charge so declared:
    - Those properties fronting, abutting or adjacent to the works.
  - g) The following be specified as the manner in which the special charge so declared will be assessed and levied:
    - Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit.

- Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit.
  - Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit.
  - Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
  - The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163 (4) of the Local Government Act, 1989.
- h) The total cost of the works is the amount shown in attachment 4 of this report estimated at \$972,900.
- i) The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$70,000.
- j) Having regard to the proceeding parts of this resolution but subject to Sections 166(1) and 167(6) of the Local Government Act, 1989, it is recorded that:
- i) The owners of the land described in columns A and B of the table in attachment 4 are estimated liable for the respective amounts set out in column F of the table in attachment 4 and;
  - ii) Such owners may, subject to any further resolution of Council pay the special charge in the following manner:
    - a. The charge will become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167(3) of the Local Government Act, 1989.
    - b. The charge may be paid by:
      - # Lump sum within one month of the issue of the notice without incurring interest, or
      - # Quarterly instalments of principal and interest over a period of up to seven years.
    - c. Interest will not be charged for three months after the issue of the notice provided the person liable makes timely payment in accordance with the payment arrangements that may be agreed on by Council.
    - d. In accordance with Sections 167(6)(b) and 172 of the Act, the rate of interest which is payable on instalments is set at the 180 day bank bill rate as published in the Australian Financial Review plus one percent and reviewed every three months, (provided that it will not exceed the rate fixed by the Governor in Council by order of the purposes of Section 172(2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by order for the purposes of this section).
- k) There are no incentives for prompt payment, rebates or concessions associated with this special charge.

Carried

## 6.2.7 2021-2022 Community Wellbeing Support and Festival and Event Grants

**Responsible GM:** Luke Connell  
**Author:** Kym Ockerby and Helena Moloney

### Recommendation(s)

That Council:

- Approve 53 Festival and Event Grants to the value of \$248,166.24.
- Approve 49 Community Wellbeing and Support Grants to the value of \$97,258.81.

### Attachments

Nil.

### Executive Summary

The Festival and Event Grant Program and Community Wellbeing and Support Grant Program both seek to support Cardinia's Liveability Plan outcomes through a range of financial grants for community initiatives.

Applications for the 2021-2022 Festival and Event and Community Wellbeing and Support Grants opened for applications on 25th January and closed on 12th March 2021.

Fifty-three applications were received under the Festival and Event Grant program requesting \$250,623.74. Four ineligible application items were removed, and application discrepancies identified, which left a total of \$248,166.24 applied for under this category.

Seventy-five applications were received under the Community Wellbeing and Support Grant program with 68 eligible for assessment, totalling \$167,712 applied for under this category.

Following an extensive assessment process involving a multidisciplinary group of Council staff, senior leadership, and Councillor Grant Assessment Panel, it is recommended that 53 applications under the Festival and Event Grant program be approved totalling \$248,166.24 and 49 applications under the Community Wellbeing and Support Grant program be approved totalling \$97,258.81.

### Background

Applications across both programs were assessed by a multidisciplinary group of Council officers from the areas of Actives Reserves, Arts and Culture, Passive Reserves, Traffic Management, Social and Community Planning, Community Development, Youth Services, Community Places, Cultural Diversity and Risk, Health and Safety.

These assessments were then taken to the Councillor Grant Assessment Panel and Senior Leadership Team for further input before going to Council Meeting for endorsement.

Below are the outcomes following this process:

| Application status  | Festival and Events | Community Wellbeing and Support |
|---------------------|---------------------|---------------------------------|
| Fully supported     | 53                  | 41                              |
| Partially supported | 0                   | 8                               |
| Not supported       | 0                   | 19                              |
| AMOUNT ALLOCATED    | \$248,166.24        | \$97,258.81                     |

Below is a breakdown of all eligible applications received via Ward:

| Ward area      | Festival and Events | Community Wellbeing and Support |
|----------------|---------------------|---------------------------------|
| Beacon Hills   | 7                   | 5                               |
| Bunyip         | 7                   | 6                               |
| Central        | 2                   | 3                               |
| Henty          | 7                   | 15                              |
| Officer        | 2                   | 6                               |
| Pakenham Hills | 0                   | 2                               |
| Ranges         | 17                  | 13                              |
| Toomuc         | 5                   | 6                               |
| Westernport    | 6                   | 10                              |
| Shire wide     | 0                   | 2                               |

Total applications and amounts approved via Ward:

| Ward area      | Festival and Events | Community Wellbeing and Support | Total Allocated |
|----------------|---------------------|---------------------------------|-----------------|
| Beacon Hills   | 7                   | 4                               | \$36,298        |
| Bunyip         | 7                   | 6                               | \$31,854.43     |
| Central        | 2                   | 2                               | \$19,500        |
| Henty          | 7                   | 9                               | \$57,045.71     |
| Officer        | 2                   | 3                               | \$16,537        |
| Pakenham Hills | 0                   | 1                               | \$840.00        |
| Ranges         | 17                  | 11                              | \$99,710.10     |
| Toomuc         | 5                   | 5                               | \$48,620        |
| Westernport    | 6                   | 8                               | \$35,017.81     |

Total Community Wellbeing and Support Grant applications approved via grant category:

|                         | Applications approved | Total Allocated |
|-------------------------|-----------------------|-----------------|
| Seeding Grant           | 14                    | \$57,553.31     |
| Volunteer Support Grant | 6                     | \$12,760        |
| Small Change Grant      | 29                    | \$26,954.50     |

Total eligible applications and amounts declined due to not meeting grant criteria:

|                                        | Ward Area      | Number of applicatons | Total amount |
|----------------------------------------|----------------|-----------------------|--------------|
| Community Wellbeing and Support Grants | Beacon Hills   | 1                     | \$1,000.00   |
|                                        | Bunyip         | 0                     | 0            |
|                                        | Central        | 1                     | \$2,379.00   |
|                                        | Henty          | 6                     | \$16,990.00  |
|                                        | Officer        | 3                     | \$13,000.00  |
|                                        | Pakenham Hills | 1                     | \$5,000.00   |
|                                        | Ranges         | 2                     | \$8,000.00   |
|                                        | Toomuc         | 1                     | \$927.00     |
|                                        | Westernport    | 2                     | \$4,000.00   |
|                                        | Shire wide     | 2                     | \$7,344      |

#### **COVID-19 considerations**

Council will include a standard condition requiring grant recipients comply with State Government

COVID-19 requirements at all times.

For the 2019-2020 and 2020-2021 Festival and Event grants a commitment was made to cover event organisers out of pocket expenses up to the value of the grant amount. In 2021-2022 it is proposed that this clause is again included in the letter of offer.

## **Policy Implications**

Both grant programs align to Council priorities and objectives, along with Cardinia Shire's Liveability Plan 2017 - 2029.

## **Relevance to Council Plan**

### **1.1 We empower our communities to be healthy, connected and resilient**

1.1.1 Plan for, and support the delivery of, accessible health and social services that address critical gaps in provision.

1.1.2 Enrich local identity and opportunities for the community to connect through art, history and cultural expression.

1.1.3 Lead by example in creating an inclusive and welcoming community for all by facilitating community education, capacity building, connection and celebration of our diversity.

## **Climate Emergency Consideration**

N/A

## **Consultation/Communication**

A comprehensive communications plan was undertaken and widely promoted through various newsletters and distribution channels including community leaders and groups, Council's web and Facebook pages, Connect, the Councillor Bulletin, as well as local community newsletters and social media.

The grant round opened online via Smartygrants on the 25th January and closed 12th March 2021.

The staff who assessed the applications came from a variety of areas across Council including Actives Reserves, Arts and Culture, Passive Reserves, Traffic Management, Social and Community

Planning, Community Development, Youth Services, Community Places, Cultural Diversity and Risk, Health and Safety.

The Councillor Grant Assessment Panel comprised Mayor Cr Brett Owen, Cr Carol Ryan and Cr Tammy Radford.

Following final endorsement at the July 2021 Council meeting, successful applicants will be advised of the outcome via a letter of offer through Smartygrants. Unsuccessful applicants will also be notified via a letter through Smartygrants.

## **Financial and Resource Implications**

### **Festival and Event grants**

The proposed budget for 2021-2022 is \$250,000. The total amount required to fully support the 53 grant applications is \$248,166.24.

### **Community Wellbeing Support grants**

The proposed budget for 2021-2022 is \$97,305. The total amount required to support 49 of the recommended grant applications is \$97,258.81.

### **Conclusion**

The grant programs align to and add value to Cardinia Shire's Liveability Plan and support community reconnection in a post-COVID environment.

It is recommended to support funding of 53 Festival and Event grant applications to the value of \$248,166.24 and 49 Community Wellbeing and Support Grant applications to the value of \$97,258.81.

### **Resolution**

Moved Cr Tammy Radford, seconded Cr Carol Ryan.

That Council:

- Approve 53 Festival and Event Grants to the value of \$248,166.24.
- Approve 57 Community Wellbeing and Support Grants to the value of \$119,058.81

Carried

## 6.2.8 Response to Petition - Lighting in Don Jackson Dog Park

**Responsible GM:** Luke Connell  
**Author:** Samantha Cross

### Recommendation(s)

That the petition requesting the installation of lighting at the Don Jackson reserve dog off leash area be received and the lead petitioner be advised that Council does not support their request on the following grounds:

- Council does not support the use of passive reserves out of daylight hours due the safety concerns associated with such use,
- Don Jackson reserve closely abuts residential properties, and providing lighting and supporting use after dark would potentially create a negative experience for neighbouring residents, and
- Council does not have funds available to install lighting at the reserve

### Attachments

1. Healthy By Design Guidelines [6.2.8.1 - 12 pages]
2. Off Leash Dog Area Hierarchy Draft Jan 2018 [6.2.8.2 - 1 page]

### Executive Summary

This report acknowledges and responds to a petition received from residents requesting the installation of lighting at the recently completed Don Jackson Dog Off Leash area.

### Background

A petition was received by Council with 107 signatures from residents who regularly use the Don Jackson Reserve Dog Park located on Ahern Rd in Pakenham. The petition requested that solar lighting be installed within the reserve to be lit between 5:30pm – 7:30pm during winter months to allow people to safely exercise their dogs after daylight hours.

Council officers recognise Don Jackson Dog Park is a highly utilised and popular off leash area enjoyed by residents and visitors from surrounding areas. However, this reserve was never intended or designed for night-time use. It is located directly behind residential properties, some of whom have complained to Council with regards to excessive dog barking and conflict between dog owners. As these complains have been made during the day, it is likely that supporting after hours use, would increase park use and exacerbate concerns for those residing directly behind the dog off leash area.

It was also mentioned by the petitioner that many of the dog owners are women who feel unsafe in the dark on their own without lights. Providing lighting does not necessarily equate to improved safety. Whilst Don Jackson backs onto residential properties, there is poor natural surveillance into that area of the park. Providing lighting could provide false perceptions of safety as it does not guarantee safe places. Exercising would be better placed utilising existing well-lit pedestrian pathways along key routes.

Council's Dog Off Leash Area Hierarchy does not identify lighting as a consideration in the design and implementation of any level of dog off leash areas. It is recommended that a precedent not be set by supporting lighting in passive reserves outside of daylight hours, unless there was a specific need and site identified, and if a project was designed to support night-time use.

Council officers also do not believe it is financially viable for lighting to be installed for approximately two hours per night, six months of the year at a cost of approximately \$50k plus ongoing maintenance costs. There is currently no capital budget allocation for passive reserve lighting.

## **Policy Implications**

### **Healthy By Design Guidelines (attached for reference)**

#### **4. Seating, signage, lighting, fencing and walls.**

4.10 - locate lighting where people are likely to gather, along walking and cycling routes, at key road crossing points and intersections with pedestrian and/or cyclist demand.

4.11 - Avoid the exclusive use of low level or in-ground lights as it limits visibility for pedestrians and cyclists.

4.12 Provide lighting in areas intended for night use and/or areas accessed by pedestrians after dark. Avoid lighting areas not designed for night use.

### **Off leash Dog Area Hierarchy (Draft 2018) (attached for reference)**

Don Jackson dog park is considered a regional level off leash area. The infrastructure provision as outlined in the off-leash hierarchy includes:

- Dog agility equipment
- Fencing
- Drinking fountain with dog bowl
- Seating
- Rubbish bins
- Natural and built shade structures
- Arboriculture assets
- Pathways
- Garden beds
- Signage
- Sealed car parking
- Turf cells at gate entrance

## **Relevance to Council Plan**

### **1.1 Our People - Access to a variety of services for all**

1.1.1 Continually review services to ensure those provided by Council meet community needs.

### **1.4 Our People - Improved health and wellbeing for all**

1.4.3 Routinely investigate community health and wellbeing issues to inform Council's planning and activities.

### **2.2 Our Community - Engaged communities**

2.2.1 Provide a range of opportunities that encourage community participation in Council policy and strategy development.

2.2.2 Communicate the activities and decisions of Council to the residents in a variety of ways.

### **2.3 Our Community - Increased levels of community participation**

2.3.3 Strengthen Council's community engagement through the development, implementation and promotion of effective practices.

**3.1 Our Environment - Provision and maintenance of assets on a life-cycle basis**

3.1.2 Develop new and maintain existing parks, gardens and reserves in a sustainable way.

**3.4 Our Environment - Natural and built environments supporting the improved health and wellbeing of our communities**

3.4.1 Plan and develop built environments that support improved health and wellbeing of our communities through implementation of the Healthy by Design guidelines.

**5.3 Our Governance - Long-term financial sustainability**

5.3.1 Make financial decisions that achieve the objectives of Council and long-term financial sustainability.

5.3.2 Make financial decisions that are fair and ethical and balance costs and benefits between present and future generations.

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

**Climate Emergency Consideration**

Not applicable.

**Consultation/Communication**

Extensive community consultation and engagement was undertaken for the design of Don Jackson Dog off Leash area. Most of the feedback received was positive, with constructive feedback and suggestions for improvements. Lighting was not raised at all during this process.

**Financial and Resource Implications**

There is currently no capital budget allocated to fund lighting infrastructure in passive reserves.

**Conclusion**

Without a definitive policy guiding the provision of lighting in parks and reserves, Council officers referred to Council's Healthy by Design Guidelines that aim to ensure areas are well planned, safe and attractive, as well as the Dog off Leash Areas Hierarchy which guides infrastructure provision for all off leash areas. These documents in addition to concerns raised by people residing along the boundary of the Don Jackson Dog Park, form the basis for the recommendation to not support the petition.

**Resolution**

Moved Cr Carol Ryan, seconded Cr Collin Ross.

That the petition requesting the installation of lighting at the Don Jackson reserve dog off leash area be received and the lead petitioner be advised that Council does not support their request on the following grounds:

- Council does not support the use of passive reserves out of daylight hours due the safety concerns associated with such use,
- Don Jackson reserve closely abuts residential properties, and providing lighting and supporting use after dark would potentially create a negative experience for neighbouring residents, and

- Council does not have funds available to install lighting at the reserve

Carried

## 6.2.9 NOM 1064 - Gender Equality Update

**Responsible GM:** Jenny Scicluna  
**Author:** Darcy Logan

### Recommendation(s)

That Council:

- Stays informed of Cardinia's commitment and progress towards Gender Equality within the organisation and the community in general.
- Adopts the Gender Equality Leadership Commitment Statement.

### Attachments

Nil

### Executive Summary

The People and Culture team continues working towards the implementation of the Gender Equality Act while delivering organisation-wide training.

Internal committees continue to progress gender actions.

### Background

#### People and Culture Update

#### Gender Equality Act 2020

*The Gender Equality Act 2020* commenced on 31 March 2021. The aim of the Act is to improve Gender Equality in the Victorian public sector, universities and local councils.

Cardinia will be required to create its first Gender Equality Action Plan (GEAP). The GEAP was initially due in October 2021, however in early June the Commission for Gender Equality in the Public Sector (Commission) revised the GEAP due date to 1<sup>st</sup> December 2021.

#### Gender Impact Assessments

A Gender Impact Assessment (GIA) is required to be conducted for any new policy, program or service that directly & significantly impacts the public. These assessments consider how Cardinia's work affects different people in our community.

Gender Impact Assessments are currently being conducted and will contribute to the GEAP.

#### Gender Survey

Cardinia has engaged the Victorian Public Service Commission to obtain the survey requirements of the Gender Audit that will contribute to the Gender Equality Action Plan.

The gender survey forms part of the annual 'People Matter Survey' with additional questions this year contributing to the data required for our Gender Audit.

This survey also investigates workplace behaviours and cultures and provides an anonymous platform for all employees to provide feedback on their experiences at Cardinia. The survey

was distributed to all staff on 31<sup>st</sup> May and closes in the first week of July (running for an extra week this year due to COVID). Results will be available in late July.

Over 30% of Cardinia Employees have now completed the survey (average response rate across all Councils is 25%)

### **Gender Audit**

In late July the Commission will release the final Workforce Reporting Template. Using data from the People Matter Survey and information on-hand, People and Culture will complete the Gender Audit to contribute to the GEAP.

The Gender Audit will analyse 'Gender Equality Indicators' at all levels of Council including;

- Gender pay equity
- Gender composition at all levels of the workforce
- Gender composition of governing bodies
- Workplace sexual harassment
- Recruitment and promotion
- Gendered work segregation
- Leave and flexibility

### **Respectful Workplaces Training**

After a brief pause due to COVID restrictions, Respectful Workplaces Training will recommence in July to be delivered to the few remaining employees who have not yet attended.

The LGA 2020 requires us to deliver training regularly, and while COVID restrictions proved challenging, it was important to Cardinia for this training to be delivered face-to-face.

This year it was created and delivered by the People and Culture team. Content such as bullying, harassment and conflict of interest were covered. This year the training was expanded to include relevant issues such as unconscious bias in discrimination, bystander intervention and the recommendations handed down by Victorian Auditor General's Office in light of the sexual harassment survey.

### **(VAGO) Sexual Harassment Survey Working Group**

Following on from the Victorian Auditor General Office's report on sexual harassment in local government survey, Cardinia continues to contribute to a working group to assist the implementation of VAGO's recommendations.

This group is represented by People and Culture employees from 20 Victorian councils and meets fortnightly with the purpose to learn from one another, explore best practice approaches and to ultimately implement a well-considered and thought-out response to the VAGO Sexual Harassment report and recommendations.

### **Leadership Commitment Statement**

Councillors and the Executive team developed a Gender Equality Leadership Commitment Statement through a guided workshop. The Commitment Statement has been finalised and a Communications Plan has been developed which began with a media release about the tabling of last month's report, and will continue with a photo opportunity for councillors at the July council meeting. Following this, there will be promotion of the adopted statement, and additional activities up to the adoption of the GEAP in December.

**Our Vision (external)**

*We want everyone who lives, works and spends time in Cardinia Shire – regardless of their gender identity – to be treated with respect and fairness, to feel and be safe, and to have equal access to opportunities to reach their potential and pursue their dreams.*

**Barriers to achieving this Vision**

*In our homes, workplaces and across the wider community, stereotypical and outdated views of gender roles, responsibilities and capabilities can lead to inequalities.*

*For example, what is expected of women and girls is often different to what is expected of men and boys. This can result in imbalances in areas including domestic duties, parenting responsibilities and access to resources and opportunities.*

*In addition, gender diverse people are often subject to similar expectations and discrimination based on their gender identity and may feel forced to hide their gender identity as a result. They are at greater risk of mental illness, physical and verbal abuse, and exclusion.*

*In our community, outdated views and stereotypes that reinforce gender inequality are often due to a lack of education and awareness. This causes gender bias, both conscious and unconscious, which perpetuates inequality in our policies, practices, systems and structures.*

**Solutions and Call to Action**

*Council will continuously strive to put policies and practices in place that help to deliver gender equitable programs and services for everyone in Cardinia Shire.*

*We will actively listen to women, girls and gender diverse people in our community, and learn from their lived experiences to help make Cardinia Shire a safer, healthier, fairer and more equitable place for all.*

*We will create opportunities for women, girls and gender diverse people in our community to have a voice and inform our decision making. We will lead by example on gender equality.*

**Policy Implications**

The Gender Equality Commission has informed defined entities that the new Local Government Act 2020 includes a requirement to develop a workforce plan every four years. The workforce plan must include measures relating to gender equality.

A Gender Equality Action Plan that meets the requirements of the Gender Equality Act, will also meet the requirements of the Local Government Act. Complying with the gender equality requirements of the Local Government Act will not satisfy the requirements of the Gender Equality Act.

Section 26 (2)(ba) of the Public Health and Wellbeing Act requires councils to specify (in their municipal public health and wellbeing plan (Cardinia Shire Liveability Plan) measures to prevent family violence and respond to the needs of victims of family violence in the local community.

Other influential gender equity legislation in the Commonwealth and Victorian State Government is:

- The Charter of Human Rights and Responsibilities Act 2006
- The Workplace Gender Equality Act 2012
- The Equal Opportunity Act 2010
- The Fair Work Act 2009

## **Relevance to Council Plan**

### **1.1 We empower our communities to be healthy, connected and resilient**

1.1.1 Plan for, and support the delivery of, accessible health and social services that address critical gaps in provision.

1.1.3 Lead by example in creating an inclusive and welcoming community for all by facilitating community education, capacity building, connection and celebration of our diversity.

1.1.4 Facilitate a partnership approach to create safer communities.

### **2.1 We support the creation of liveable spaces and places**

2.1.2 Plan and maintain safe, inclusive and connected open spaces, places and active travel routes.

### **5.1 We practise responsible leadership**

5.1.1 Build trust through meaningful community engagement and transparent decision-making.

5.1.4 Maximise value for our community through efficient service delivery, innovation, strategic partnerships and advocacy.

## **Consultation/Communication**

This report has been developed with the cooperation and collaboration of teams across Council and designated groups such as the Respect and Equity Committee.

## **Financial and Resource Implications**

Council was required to pay approximately \$1500 to the Victorian Public Service Commission to undertake the employee People Matter Survey.

## **Conclusion**

Cardinia has undertaken several projects to promote and progress towards Gender Equality. Cardinia will continue to do so through various projects that will positively impact Cardinia's employees as well as its residents.

## **Resolution**

Moved Cr Collin Ross, seconded Cr Stephanie Davies.

That Council:

- Stays informed of Cardinia's commitment and progress towards Gender Equality within the organisation and the community in general.
- Adopts the Gender Equality Leadership Commitment Statement.

Carried

## 6.2.10 Update of Delegations to Staff

**Responsible GM:** Debbie Tyson  
**Author:** Doug Evans

### Recommendation(s)

That in the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Cardinia Shire Council resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

### Attachments

1. Council delegations to staff July 2021 [6.2.10.1 - 38 pages]

### Executive Summary

Following the recent organisational structure review several position descriptions have changed and as a result the Instrument of Delegation to staff requires updating to reflect these new positions. An updated Instrument is attached.

### Background

Most Council decisions are not made at Council meetings, effective functioning of the Council would not be possible if they were. Instead, most decision-making power is allocated by formal delegations to specific positions within the organisation.

The *Local Government Act 2020* makes provision for the Council to delegate powers to the Chief Executive Officer and for the Chief Executive Officer to then sub-delegate to Council staff. There are several other Acts and Regulations that empower a Council to delegate certain powers, such as the *Planning and Environment Act 1987* and the *Food Act 1984*, that do not contain express powers of sub-delegation, therefore it is necessary for the delegation to come from Council to the staff members directly.

The attached Instrument of Delegation relates to those Acts and Regulations

This Instrument was last updated in August 2020 the recent Organisational Structure review has resulted in several position titles being changed and therefore there is a need to reflect these changes in an updated Instrument as attached.

### Policy Implications

There are no policy implications as a result of this report.

## **Relevance to Council Plan**

### **5.1 We practise responsible leadership**

5.1.4 Maximise value for our community through efficient service delivery, innovation, strategic partnerships and advocacy.

## **Climate Emergency Consideration**

There are no climate emergency considerations as a result of this report.

## **Consultation/Communication**

Relevant members of staff have been consulted in regard to the updated Instrument of Delegation

## **Financial and Resource Implications**

There are no financial or resource implications as a result of this report.

## **Conclusion**

With the recent organisational review, changes have occurred to position titles within the organisation, it is therefore necessary to introduce an updated Instrument of Delegation to staff reflecting these changes.

## **Resolution**

Moved Cr Graeme Moore, seconded Cr Carol Ryan.

That in the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Cardinia Shire Council resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Carried

## 6.3 Policy Reports

### 6.3.1 Neighbourhood House Policy 2021-2024

**Responsible GM:** Luke Connell  
**Author:** Helena Moloney

#### Recommendation(s)

That Council adopt the Neighbourhood House Policy 2021-2024.

#### Attachments

1. Neighbourhood House Policy - draft 2021 [6.3.1.1 - 5 pages]

#### Executive Summary

The Neighbourhood House Policy outlines Cardinia Shire Council's commitment to Neighbourhood Houses and acts to:

- reinforce the partnership between Cardinia Shire Council and the Neighbourhood Houses.
- recognise the importance of Neighbourhood Houses' role in community strengthening.
- clarify the ways in which Council supports the Neighbourhood House sector.

The proposed 2021-2024 Neighbourhood House Policy aligns with and underpins the 2021-2024 Neighbourhood House funding agreements.

#### Background

Neighbourhood Houses are at the forefront of service provision, playing a positive role in community development. They place great emphasis on social equality addressing educational, social and health needs and Council acknowledges the important role they play in strengthening communities.

Cardinia Shire has eight Neighbourhood Houses. These Neighbourhood Houses receive their core funding from the Department of Families, Fairness and Housing (DFFH) through the Neighbourhood House Coordination Program as well as an operational subsidy from Council where a signed agreement is in place.

The Neighbourhood House Policy acts to reinforce the partnership between Cardinia Shire Council and the Neighbourhood Houses, recognise the importance of Neighbourhood Houses' role in community strengthening and clarify the ways in which Council supports the Neighbourhood House sector.

Following the expiration of the previous policy and changes to the funding agreement, a new Neighbourhood House Policy is required.

Council began by undertaking a benchmarking exercise, looking at other Council's policies. The results from this exercise informed the consultation with the eight Neighbourhood Houses, which was a 4-stage process.

The first stage was run with independent consultant, Foresight Lane who interviewed each Neighbourhood House on the expired policy.

The second stage was a survey, facilitated by Council, which asked questions related to the practical elements of each section of the policy.

The third and fourth stages invited written feedback on the new drafts.

A range of feedback was received through the consultation process. The vast majority was able to be incorporated and addressed as it identified inconsistencies, inequities in funding allocations, confusion around terminology and role clarification.

### **Policy Implications**

The Neighbourhood House funding agreement and policy is underpinned by the State Government's Neighbourhood House Coordination Program and Cardinia Shire's Liveability Plan.

A non-negotiable element is that Neighbourhood House activities must demonstrate linkages to Cardinia Shire's Liveability Plan.

### **Relevance to Council Plan**

#### **1.1 We empower our communities to be healthy, connected and resilient**

1.1.1 Plan for, and support the delivery of, accessible health and social services that address critical gaps in provision.

1.1.2 Enrich local identity and opportunities for the community to connect through art, history and cultural expression.

1.1.3 Lead by example in creating an inclusive and welcoming community for all by facilitating community education, capacity building, connection and celebration of our diversity.

### **Climate Emergency Consideration**

Nil.

### **Consultation/Communication**

An extensive consultation process was undertaken with the Neighbourhood Houses which spanned from November 2020 to May 2021. It consisted of 4 stages:

- An interview with an independent consultant
- A survey
- Written feedback on the first draft
- Written feedback on the final draft

### **Financial and Resource Implications**

The draft 2021-2022 budget for Neighbourhood Houses is \$220,254.

### **Conclusion**

Following a comprehensive review and consultation we are seeking adoption of the Neighbourhood House Policy 2021-2024.

**Resolution**

Moved Cr Graeme Moore, seconded Cr Carol Ryan.

That Council defer the item to a future Council meeting for consideration.

Carried

## 6.4 Activity Reports

### 6.4.1 Planning Scheme Amendment Activity Report

**Responsible GM:** Luke Connell  
**Author:** Keira Lee

#### **Recommendation(s)**

That Council note the report.

#### **Executive Summary**

The report provides an update on the status of active planning scheme amendments and planning scheme amendment requests received.

#### **Relevance to Council Plan**

Nil.

#### **Status of Active Amendments**

The following table provides details relating to planning scheme amendments that are currently being processed.

| A/No. | Proponent              | Address                  | Purpose                                                                                                                                                                                                                                                                                                                                                                                                                                       | Exhibition Start | Exhibition End | Status                                                                                                                                                                |
|-------|------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| C222  | XWB Consulting         | 85 McNamara Road, Bunyip | Amendment C222 proposes to: <ul style="list-style-type: none"> <li>- rezone land from Farming Zone Schedule 1 (FZ1) to Low Density Residential Zone Schedule 3 (LDRZ3) (55 &amp; 85 McNamara Road),</li> <li>- apply a Development Plan Overlay Schedule 21 (DPO 21) (85 McNamara Road),</li> <li>- apply a Design and Development Overlay Schedule 1 (DDO1), and delete the Environmental Significance Overlay Schedule 1 (ESO1).</li> </ul> | Thu 08/08/2019   | Fri 06/09/2019 | Panel Report finalised on 29/04/2020.<br><br>Council is awaiting further information from the proponent in relation to some of the issues raised in the Panel Report. |
| C228  | Cardinia Shire Council | Pakenham Activity Centre | The Activity Centre Zone Schedule 1 (ACZ1) has been prepared in response to conditions of approval to Cardinia Planning Scheme Amendment C211 to ensure that the Pakenham Structure Plan 2018 has been implemented via the appropriate planning tool into the Cardinia Planning Scheme.                                                                                                                                                       | Thu 24/10/2019   | Fri 06/12/2019 | Adopted Amendment submitted to the Minister for Planning for approval on 23/03/2021.                                                                                  |

| A/No. | Proponent              | Address                                   | Purpose                                                                                                                                                                                                                                                                                                                                                                                                                                 | Exhibition Start | Exhibition End | Status                                                                     |
|-------|------------------------|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------|----------------------------------------------------------------------------|
|       |                        |                                           | The ACZ1 is a direct translation of the objectives and strategies as set out in the draft Pakenham Structure Plan 2018 and draft Urban Design Framework 2018. The amendment amends Clauses 21.03, 21.04 and 21.06, implements two new reference documents, deletes parts of two Development Plan overlays Schedule 1 and 2 of 43.04, and deletes the Pakenham Activity Centre Incorporated Provisions, 20 March 2017 from Clause 72.04. |                  |                |                                                                            |
| C229  | Cardinia Shire Council | Tynong, Garfield and Bunyip               | Apply Environmental Significance Overlay Schedule 7 (ESO7) to all land within the Urban Growth Boundary (UGB) of Garfield and Bunyip and all land zoned for urban purposes within Tynong to facilitate the provision of habitat corridors for the Southern Brown Bandicoot.                                                                                                                                                             | Thu 21/11/2019   | Fri 20/12/2019 | Re-exhibition completed.<br><br>A bushfire risk assessment is in progress. |
| C238  | Cardinia Shire Council | Beaconsfield Precinct - Glismann Road and | Amendment C238 proposes to:<br>- Rezone land to the Neighbourhood                                                                                                                                                                                                                                                                                                                                                                       | Thu 09/07/2020   | Mon 14/09/2020 | A Panel Hearing was held from 04/05/2021 to                                |

| A/No. | Proponent              | Address              | Purpose                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Exhibition Start | Exhibition End | Status                                                                                                                                           |
|-------|------------------------|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
|       |                        | Old Princes Highway. | <p>Residential Zone (NRZ2) (CI 32.09 Sch 2)</p> <ul style="list-style-type: none"> <li>- Apply a Development Plan Overlay (DPO19) to the Glismann Road Area (CI 43.04 Sch 19)</li> <li>- Apply Development Contributions Plan Overlay (DCPO5) to the Glismann Road Area (CI 45.06 Sch 5)</li> <li>- Amend Clause 72.04 to incorporate the Glismann Road Development Contributions Plan (GRDCP) into the CPS.</li> </ul> <p>Amend Clause 53.01 to facilitate the provision of local open space through the GRDCP</p> |                  |                | 07/05/2021.<br>At the close of the Hearing Council sought more time to respond to certain issues. A further Panel Hearing date is to be advised. |
| C240  | Cardinia Shire Council | Koo Wee Rup Township | Implement the objectives of the Koo Wee Rup Township Strategy by applying Development Plan Overlays 23 and 24 and Design and Development Overlays 8 and 9 over various precincts within Koo Wee Rup.                                                                                                                                                                                                                                                                                                                | Thu 13/02/2020   | Mon 16/03/2020 | Adopted Amendment submitted to the Minister for Planning for approval on 01/04/2021.                                                             |

| A/No. | Proponent              | Address                            | Purpose                                                                                                             | Exhibition Start | Exhibition End | Status                                                                                                                                                                                           |
|-------|------------------------|------------------------------------|---------------------------------------------------------------------------------------------------------------------|------------------|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| C257  | Cardinia Shire Council | 53-65 Woods Street, Beaconsfield   | Apply a Development Plan Overlay (DPO) for the Woodland Grove Precinct as shown in the Beaconsfield Structure Plan. |                  |                | On 19/04/2021 Council resolved to refer all submissions to a Planning Panel for consideration.<br><br>A Directions Hearing was held on 25/05/2021.<br><br>A Panel Hearing is set for 28/06/2021. |
| C264  | Cardinia Shire Council | Cardinia Shire municipality        | Implement the Advertising Signage Design Guidelines into the Cardinia Planning Scheme.                              | Thu 06/05/2021   | Mon 07/06/2021 | Exhibition phase.                                                                                                                                                                                |
| C265  | Cardinia Shire Council | Pakenham South Employment Precinct | Incorporate the Pakenham South Employment Precinct Structure Plan.                                                  | Thu 15/10/2020   | Thu 26/11/2020 | A Panel Hearing was held on 12/04/2021 and 13/04/2021. The Panel Report was finalised on 12/05/2021.                                                                                             |

### Resolution

Moved Cr Graeme Moore, seconded Cr Carol Ryan.

That Council note the report.

Carried

## 6.4.2 Implementation of Council resolutions report

**Responsible GM:** Debbie Tyson  
**Author:** Doug Evans

### Recommendation(s)

That Council note the report detailing implementation of Council resolutions for the period February to June 2021.

### Attachments

1. Council Resolutions Report July 2021 [6.4.2.1 - 10 pages]

### Executive Summary

The attached report details all resolutions made at Council and Town Planning Committee Meetings for the period February to June 2021 and the actions taken to implement the decisions. The report does not include matters for noting or matters that did not require action to be taken.

### Background

The Chief Executive Officer is responsible for ensuring that Council decisions are implemented without undue delay and, when requested, to report to Council in respect of the implementation of these decisions. The attached report informs the Council about the implementation of these decisions and provides transparency to the community regarding this.

### Policy Implications

This regular report is in keeping with the Governance Rules

### Relevance to Council Plan

#### 5.1 We practise responsible leadership

5.1.1 Build trust through meaningful community engagement and transparent decision-making.

### Climate Emergency Consideration

There are no Climate Emergency consideration in regards to this report.

### Consultation/Communication

All relevant staff have been consulted in the preparation of this report.

### Financial and Resource Implications

There are no Financial or Resource implications in regard to this report.

### Conclusion

This report is provided for the information of Councillors to provide transparency regarding the implementation of Council decisions and provide confidence to the Council that the decisions are implemented without undue delay.

**Resolution**

Moved Cr Graeme Moore, seconded Cr Carol Ryan.

That Council note the report detailing implementation of Council resolutions for the period February to June 2021.

Carried

## 6.4.3 Major Projects Report

**Responsible GM:** Peter Benazic

**Author:** Ben Wood, Kristen Jackson, and Walter Carmignani

### Recommendation(s)

That Council note this report.

### Attachments

1. Major Projects Report [6.4.3.1 - 12 pages]

### 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.

### Background

Projects and updates are included in the attached report

### Relevance to Council Plan

#### 3.1 Our Environment - Provision and maintenance of assets on a life-cycle basis

3.1.1 Maintain all Council roads and supporting infrastructure in accordance with the *Road Management Act 2004*.

3.1.2 Develop new and maintain existing parks, gardens and reserves in a sustainable way.

3.1.3 Provide accessible facilities to meet identified community needs.

3.1.4 Manage Council's assets like roads, drainage, footpaths and buildings, etc. in a way that ensures they are adequately maintained over their life.

#### 3.2 Our Environment - Transport linkages connecting towns

3.2.1 Upgrade Council roads to improve safety while considering the traffic demand of the community.

3.2.2 Continue the use of special charge schemes to finance road, drainage and footpath improvement programs.

3.2.4 Prioritise multi-use pathways, where practicable, to create networks that connect destinations.

### Conclusion

This regular activity report (as attached) is provided for Councillor's information

### Resolution

Moved Cr Tammy Radford, seconded Cr Carol Ryan.

That Council note this 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 Davies advised that she, Cr Ryan and Cr Kowarzik attended the 400th netball game played by Kate McGowan for the Pakenham Lions Club

Cr Ryan mentioned the Forget Me Not Cafe which is a support group for families affected by Alzheimer's and Dementia.

Cr Radford advised of her attendance of the recent Cardinia Citizenship Ceremony and congratulated the new Australian citizens.

Cr Moore advised of his attendance at the Pakenham Library's Child Friendly City Adoption Day and encouraged children to attend their local libraries. Cr Moore congratulated Council staff member Kate Beveridge for her 14 years of devoted service to the Council.

The Mayor advised that he attended the 60th anniversary event for the Pakenham Rotary at Depp Creek Reserve.

The Mayor spoke to the success of the Pakenham Art Show held at the Cardinia Cultural centre.

The Mayor also advised of his attendance at the Biggest Morning Tea fundraiser for breast cancer research conducted by the Beaconsfield Upper CWA.

## **9 Presentation Of Petitions**

Nil.

## 10 Notices Of Motion

### 10.1 Notice of Motion 1066 Cr Collin Ross

#### **Motion**

That council makes a report for the open space maintenance for across Cardinia Shire. This report will include the standard (level of maintenance) for all residential areas in the growth corridor and townships. This report should include the regularity of basic maintenance. Eg mows per year for each. The visits for gardening per annum and other maintenance. The cost for each town of estate should be included. This size of the areas in each estate or town should be included in the report. Now that all residential areas are paying the same rating dollar we should look at the yearly cost for each. This report should include the cost to upgrade all residential and townships to the same maintenance level as the Lakeside estate and the costs to upgrade the contract. This level should include 8 extra mows per annum from 18 to 26 and 11 extra garden maintenance visits. This report will be included in the agenda and presented at the August 2021 General Council meeting.

#### **Resolution**

Moved Cr Collin Ross, seconded Cr Carol Ryan.

That a report be prepared for presentation to the Council meeting in October regarding open space maintenance of all reserves across the Shire.

The report to detail the various open space reserves across the Shire, the level of maintenance undertaken at each reserve and the regularity for maintenance visits.

Carried

## 10.2 Notice of Motion 1067 Cr Jack Kowarzik

### Motion

That officers commence an advocacy process with the appropriate State and Federal Infrastructure agencies that seeks a commitment of additional resources to expand the proposed road infrastructure scope for the Pakenham Roads Upgrades (Racecourse Road duplication project). The current project proposal provides an important and valuable transport connection from the Monash Freeway (M1) to Henry Street Pakenham. Given that there is increasing demand on transport infrastructure required to support Cardinia Shire Council's expanding community and neighbouring regions, it is important that consideration is given to plan for and to expand the scope of current Infrastructure project to include the section of Racecourse Road from Henry Street to the Princes Highway (C101). The expansion would improve the efficiency of the network and provide an important strategic transport link for the community.

### Resolution

Moved Cr Jeff Springfield, seconded Cr Graeme Moore.

That officers commence an advocacy process with the appropriate State and Federal Infrastructure agencies that seeks a commitment of additional resources to expand the proposed road infrastructure scope for the Pakenham Roads Upgrades (Racecourse Road duplication project). The current project proposal provides an important and valuable transport connection from the Monash Freeway (M1) to Henry Street Pakenham. Given that there is increasing demand on transport infrastructure required to support Cardinia Shire Council's expanding community and neighbouring regions, it is important that consideration is given to plan for and to expand the scope of current Infrastructure project to include the section of Racecourse Road from Henry Street to the Princes Highway (C101). The expansion would improve the efficiency of the network and provide an important strategic transport link for the community.

Carried

## 11 Community Questions

The Mayor advised that Council had received 2 questions from Tony O'Hara.

Mr O'Hara's question read:

Preamble to be read in full please.

At the last Cardinia Shire Council Meeting, Monday June 21, 2021. Item 6.1.2 - Adoption of Budget 2021-25 etc.

At 22 min 57 sec into the meeting video, Cr Ross moved an Alternative Motion to the proposed recommendation, in relation to the removal of the Surcharge previously imposed on Lakeside residents. (Link provided for

reference <https://www.youtube.com/watch?v=YXOSXshTku8&t=6s>).

At 24 min 13 sec into the meeting video, Cr Ross made this statement:

"after a series of budget meetings that I attended and most of the council has attended I think all of them attended, we finished up with a group of residents 2,403 rate payers who will get a one percent discount after the um the rate cap comes in there will be 24,832 residents who will pay one percent more in their rates"

As Council officers will be aware, as should Councillors, the Essential Services Commission (ESC) dictates the maximum rate increase to be applied to the Base rate that all residential properties pay. The ESC states, "The 2021-22 rate cap is 1.5 per cent" Therefore and rate cap increase proclaimed by Cr Ross of 2.5 % is not allowed to be applied and would be illegal.

My concern is the incorrect information presented has now been made public and is causing angst with some residents in areas other than Lakeside, who now think they will pay an extra 1% in their rates to compensate for the removal of the Lakeside surcharge.

### Question 1:

As this incorrect information has now been broadcast to the public, I ask, will Council add an addendum to the Minutes, as well as an extension to the video stating that the information provided by Cr Ross was incorrect and that all Cardinia residential property owners will pay the same Base Rate in their Council Rate calculation?

### Question 2:

Will Council make a public statement in the Newspaper and social media, referring to the error in the minutes of the meeting of the Cardinia Shire Council Meeting, Monday June 21, 2021, and stating that all residential properties will pay the standard Base Rate?

The Acting CEO replied with:

Thank you for your question Mr O'Hara

Before I respond to your specific questions I just need to clarify the issues surrounding differential rates and the rates cap.

The Council made a decision regarding differential rates to remove the surcharge that previously applied to Lakeside residents so that all residents in the urban areas paid the same rate in the \$, additionally the rate cap of 1.5% applies to the Council's overall rate income, not individual properties.

The result of the changes made to differential rating categories for the urban areas has been a % decrease for Lakeside properties of 1.3% and an increase in the urban rate of 0.56% for the current financial year.

To answer your specific questions Mr O'Hara, I advise in response to Question 1, no we will not add addendum to the minutes or extension to the video.

And in response to Question 2 we will not make a public statement regarding this matter.

## 12 Urgent Business

There was no urgent business.

## 13 Councillor Questions

Cr Davies asked the Acting CEO the following:

I have been approached by concerned residents regarding the impending closure of the Creche at Cardinia Life and ask if it is possible to defer the closure of the creche until such time as the Council has had an opportunity to discuss this matter.

The Acting CEO responded with:

Thank you for your question Cr Davies, we will endeavour to ensure that the facility remains open until Council has an opportunity to consider the impacts of that decision

## 14 Confidential Business

### Amendment to Minutes

Council resolved at Council Meeting 14 April 2025 to approve the recording of item 14.1 *Dissolving of Casey Cardinia Library Corporation* as an accurate record.

Item *Dissolving of Casey Cardinia Library Corporation* was designated as confidential on the grounds that it relates to *Local Government Act 2020*, section 3(1)(e) legal privileged information, being information to which legal professional privilege or client legal privilege applies.

## 15 Meeting Closure