

Ordinary Council Meeting

Minutes

Monday 17 April 2023

Commenced at 7:00 PM

Council Chambers
20 Siding Avenue, Officer
Victoria

Members: Cr Tammy Radford Mayor

Cr Jack Kowarzik Deputy Mayor

Cr Kaye Cameron

Cr Stephanie Davies

Cr Jeff Springfield

Cr Graeme Moore

Cr Collin Ross

Cr Brett Owen

Cr Carol Ryan

Officers: Carol Jeffs	Chief Executive Officer
Peter Benazic	General Manager Infrastructure and Environment
Lili Rosic	General Manager Liveable Communities
Owen Hardidge	Acting General Manager Governance, Facilities and Economy
Debbie Tyson	Acting General Manager Customer, People and Performance
Doug Evans	Manager Governance

Meeting opened at 7.00pm.

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1 Opening And Reflection/Prayer

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

Apologies were received from Cr Carol Ryan and Cr Brett Owen

4 Adoption And Confirmation Of Minutes

Moved Cr Stephanie Davies, seconded Cr Graeme Moore

That minutes of the following meetings be confirmed:

- General Council meeting 20 March 2023
- Town Planning Committee 3 April 2023

Carried

5 Declaration Of Interests

Item 6.1.2 - Cr Cameron declared a conflict of interest due to a family association

The Mayor advised that several questions had been lodged in regard to the Cardinia Planning Scheme Amendment C262card and Permit Application T190728 that was listed as Item 6.1.2 and brought Community Question forward to be answered before the Council resolved on Item 6.1.2

11 Community Questions

The Mayor advised that Council had received a question from Joanne Robinson, Ms Robinson was not present in the gallery and the Mayor advised that a response to her questions would be provided in writing

The Mayor also advised that a question had been received from Bruce Hood and referred the question to the General Manager Liveable Communities, Lily Rosic to read and answer, as follows:

Question from Bruce Hood

Ref: Cardinia Planning Scheme Amendment C262card and Permit Application T190728.

On behalf of a group of concerned residents of Tresize Court in Lang Lang, I wish to express our disappointment and dismay at the manner in which the Planning Panel has summarily dismissed our objections to the subject Permit Application. We do not believe that our concerns were given due consideration and we were not given the opportunity to address the panel during their deliberations, thus denying the residents due process contrary to Council requirements.

For example; most of our submissions identified the increased traffic in Tresize Court as a major factor in our loss of amenity in our homes, particularly during the development and building stages as this could go on for several years.

The response from the planning panel was; " • The traffic impacts on Tresize Court will be acceptable."

The justification for this conclusion was;

"The Panel accepts that the development will add to the traffic in Tresize Court, but these levels will be within the capacity of the road."

It is apparent that the panel only considered the capacity of the road and NOT the impact on the residents of Tresize Court.

Most residents choose to live in a court because of the peace and quiet and safety that a court environment generally affords. This amenity would be negated should this proposal proceed.

Our questions to the council are:

Question 1

Did anybody from the Planning Panel actually visit the site and speak to the resident to inform their decisions? Did any Councillors visit the site and speak to the resident to inform their decisions?

Answer

The Panel undertook an unaccompanied site inspection on 31 October 2022. All submitters were invited to attend and present to the Planning Panel for Amendment C262. A Directions Hearing was held in September 2022, and the Panel Hearing was held on 2 November 2022. This process was conducted by Planning Panels Victoria and the Panel was independently appointed by the Minister for Planning to hear submissions on Amendment C262. No submitters requested to be heard by the Panel, however, some submitters requested to be emailed documents from the Panel hearing and were provided with all the relevant documents. I am not aware whether any councillors visited the site

Question 2

Has ANY consideration been given to the mental or emotional well-being of the residents of Tresize Court or the safety of the children playing in the court?

Answer

Council Officers and the Panel are required to consider the relevant planning issues under the Planning and Environment Act 1987 and the Cardinia Planning Scheme. The safety of all residents was a consideration of the proposed layout of the development. Council's traffic engineers have reviewed the proposed development and provided advice regarding the safety of the access through Tresize Court and support the proposed arrangement.

Question 3

Has consideration been given to creating alternative access to Thom Road via the commercial area of Lang Lang thus eliminating any impact on residential properties?

Answer

Council officers including traffic engineers considered the alternative access suggestions in the submission, however, it is considered that the existing 16-metre-wide road reserve containing Thom Road and Tresize Court has the capacity to accommodate the additional traffic volumes expected from the proposed subdivision with minor alterations to the existing road pavement width at the right-angle bend in Tresize Court.

6 Ordinary Business

6.1 Town Planning Reports

6.1.1 T220332 PA - Subdivision of land and creation of easements and restrictions at 41 Bayview Road, Officer

The Mayor, Cr Radford advised that she wished to move a resolution in regard to this matter and called on the Deputy Mayor Cr Kowarzik to take the chair for this Item,

Cr Kowarzik took the chair for this matter

Responsible GM: Lili Rosic
Author: Jennifer Lim

Recommendation(s)

That Council grant Planning Permit T220332 for the subdivision of land and creation of easements and restrictions at L1 & L2 TP522064, 41 Bayview Road, Officer VIC 3809, subject to conditions.

Attachments

1. T220332 PA - Officers Report [6.1.1.1 - 29 pages]
2. T 220332 PA - Plans Assessed [6.1.1.2 - 3 pages]
3. T 220332 PA - S 50 Updated Traffic Impact Assessment Report [6.1.1.3 - 8 pages]
4. CONFIDENTIAL - T 220332 P A- Objection- Not Redacted [6.1.1.4 - 24 pages]

Executive Summary

The application proposes the subdivision of land into 66 lots within 3 stages, one superlot and one larger lot of the existing winery. Overall, the application is found to be generally in accordance with the Officer Precinct Structure Plan.

The subdivision proposes the allocation and transfer of one (1) social housing lot to an approved social housing provider, which is aligned to Council's Social and Affordable Housing Strategy and Action Plan 2018-2025. The subdivision appropriately connects into the local road network for the provision of permeability, servicing and integration of neighbourhoods. Furthermore, the inclusion of a superlot to the north abuttal of the local open space provides an appropriate outcome to allow Council to assess a future development and subdivision outcome to acceptably addresses both Renishaw Drive and the local open space interfaces.

Application no.:	T220332
Applicant:	The Bathla Group c/o Whiteman Property & Associates
Land:	L1 & L2 TP522064, 41 Bayview Road, Officer VIC 3809
Proposal:	Subdivision of land and creation of easements and restrictions
Planning controls:	Urban Growth Zone – Schedule 3 Applied Zone: General Residential Zone

	Development Contributions Plan Overlay – Schedule 4
Notification & objections:	<p>Per Clause 37.07-13, the application is exempt from the notice requirements of Section 52(1)(a), (b) and (d) of the <i>Planning and Environment Act 1987</i> as the application is generally in accordance with the Officer Precinct Structure Plan that applies to the land.</p> <p>Ten (10) objections were received to the application.</p>
Key planning considerations:	<p>Continuation and safety of Renishaw Drive On street car parking Neighbourhood character Density</p>
Recommendation:	Grant of Planning Permit

Relevance to Council Plan

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

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

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

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

2.1.3 Plan for housing diversity that meets community need, is affordable and delivers environmental sustainability, safety and healthy living outcomes.

2.1.5 Upgrade Council's road network to improve safety and connectivity while considering traffic demand and freight transport needs.

5.1 We practise responsible leadership

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

Resolution

Moved Cr Tammy Radford, seconded Cr Stephanie Davies.

That Council having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* in relation to Planning Application No. T220332 decides to Grant a Permit in respect of the land known and described as L1 & L2 TP522064, 41 Bayview Road,

Officer VIC 3809, for the subdivision of land and the creation of easements and restrictions, generally in accordance with the endorsed plans, subject to the following conditions:

Introduction Conditions

1. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, amended subdivision plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions and provided in an electronic format. The plans must be generally in accordance with the plans submitted as part of this application, but modified to show:
 - a. Removal of the 4m wide paper road from the superlot.
 - b. A Small Lot Housing Code Plan which identifies the lots that will include a restriction on title allowing the use of the provisions of the Officer Small Lot Housing Code incorporated in the Cardinia Planning Scheme.
 - c. Any changes to reflect an approved Slope Management Plan in accordance with Condition 2.
 - d. Lots 101-103 reduced to two lots.
 - e. Total residential lot yield to be sixty-six (66) lots or less.
2. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, a Slope Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Slope Management Plan must include:
 - a. Approved lot layout.
 - b. Minimum works provided by the developer for all lots (including useable backyard details).
 - c. Lot typology nominations and requirements.
 - d. Retaining wall requirements.
 - e. Open Space and Road interface requirements.
3. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, an amended Public Infrastructure Plan (PIP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the PIP must be implemented to the satisfaction of the Responsible Authority.

The PIP must show the proposed location, type, staging and timing of delivery of all infrastructure on the land which is identified in the Officer Precinct Structure Plan and Development/Infrastructure Contributions Plan, or which is otherwise reasonably required on or to the land or on any other land as a result of the subdivision/development of the land. Without limiting the extent of what must be shown on and in the PIP, it must include the following to the satisfaction of the Responsible Authority:

The plans must be generally in accordance with the plans submitted as part of this application, but modified to show:

 - a. Item 2 Construction of Dangelo Avenue (north side) to clearly include construction within the area identified as Item 1 Provision of land for Dangelo Avenue.

The PIP may be amended with the written consent of the Responsible Authority.
4. The layout of the subdivision, as shown on the endorsed plan/s, must not be altered or modified without the consent in writing of the Responsible Authority.

5. The layout of the subdivision as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
6. The subdivision of the land must proceed in the order of stages shown on the endorsed plan/s except with the prior written consent of the Responsible Authority.
7. Once the subdivision of each stage starts, it must be continued and completed to the satisfaction of the Responsible Authority.
8. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authorities in accordance with Section 8 of that Act and Clause 66 of the Cardinia Planning Scheme.
9. All existing and proposed easements and sites for existing or required utility services, roads, public open space and other infrastructure on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
10. The costs associated with effecting the transfer or vesting of land required for community facilities, public open space, roads or road widening must be borne by permit holder.
11. The owner of the land must enter into an agreement with:
 - a. A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan/s in accordance with the provider's requirements and relevant legislation at the time; and
 - b. A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan/s in accordance with industry specifications or any standards set by the Australian Communications and Media Authority, unless the owner of the land can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Prior to Commencement of Works

12. At least 14 days before any works start, a site-specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will form part of the permit. All works must be undertaken in accordance with the approved CEMP.

The CEMP must address all environmental risks and include:

- a. Temporary stormwater management including sedimentation control.
 - b. Provision of pollution and contamination controls including noise and dust.
 - c. Location of stockpiles and stockpile management.
 - d. Location of site office and facilities.
 - e. Equipment, materials and goods management.
 - f. Tree protection zones, trees to be retained and trees to be removed.
13. Before the start of construction or carrying out of any works, and before the removal, destruction or lopping of any native vegetation, all vegetation must be clearly marked on site as retained or removed in accordance with this permit, to the satisfaction of the Responsible Authority.
 14. Prior to the removal of any street tree, a fee of \$415.00 per tree must be paid to the Responsible Authority for the replacement of the existing street tree/s nominated to be removed for the construction of the intersection at Timbertop Boulevard. Replacement will be undertaken by Council contractors within the streetscape in the next planting season.

Prior to Certification

15. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, the street names proposed for the subdivision must be submitted to and approved by the Responsible Authority.
16. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, the permit holder must nominate the telecommunications fibre to the premises (FTTP) network provider to Council's Subdivision Department.
17. The plan of subdivision submitted for certification under the Subdivision Act 1988, for Stage 3 must show land for Dangelo Avenue widening vested to the Responsible Authority.
18. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, Building Design Guidelines, for the entire estate to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Building Design Guidelines must address the housing planning and design guidelines of the Officer Precinct Structure Plan and include measures to ensure:
 - a. Dwellings, not garages, dominate the streetscape.
 - b. Dwelling design provides for passive surveillance and attractive streetscapes.
 - c. Topography is suitably addressed through dwelling, fencing and retaining wall design in accordance with an approved Slope Management Plan.
 - d. Fencing visible from the public realm is minimised and, provides for passive surveillance and attractive streetscapes.
 - e. Landscaping provides for passive surveillance and attractive streetscapes.
 - f. Any temporary waste collection arrangements.
 - g. Site specific controls for residential lots facing Timbertop Boulevard to include additional front façade, landscape design and front fence requirements, generally reflecting the Timbertop Design Guidelines.

To the satisfaction of the Responsible Authority.

19. Before the plan of subdivision for each stage is certified under the Subdivision Act 1988, the following must be implemented in the form of either a Notice of Restriction or through an agreement with the Responsible Authority under Section 173 of the Planning & Environment Act 1987 on the certified Plan of Subdivision, which is recorded on the Certificate of Title of the land.

The restriction or agreement must provide (as appropriate):

- a. Except with the written consent from the Responsible Authority, the registered proprietor of proprietors of any burdened lot must not, build or allow to be built on the land any dwelling (and/or associated works), other than in accordance with the approved Building Design Guidelines as approved by Cardinia Shire Council.
- b. Build or allow to be built on the land any dwelling (and/or associated works) which have not been approved by the appointed Design Panel.
- c. Only one (1) single dwelling is permitted on each lot, and lots may not be further subdivided (excluding the lots identified as superlot and winery).
- d. Include an appropriate sunset clause being 15 years after each plan of subdivision is certified and expressed as a date (ie. 31 December 2038).

The owner must pay for all reasonable costs (including legal costs) associated with preparing, reviewing, executing and registering the agreement on the certificate of title to the land (including those incurred by the Responsible Authority).

20. Before the plan of subdivision for each stage is certified under the Subdivision Act 1988, where the Officer Small Lot Housing Code applies to lots measuring less than 300sqm in

area in accordance with the Officer Precinct Structure Plan, the Officer Small Lot Housing Code must be implemented in the form of either a Notice of Restriction or through an agreement with the Responsible Authority under Section 173 of the Planning & Environment Act 1987 on the certified Plan of Subdivision, which is recorded on the Certificate of Title of the land.

The restriction or the agreement must provide for the following:

- a. Except with the written consent from the Responsible Authority, build or allow to be built on the land, any dwelling other than in accordance with the Officer Small Lot Housing Code.
- b. Except with the written consent from the Responsible Authority, build or allow to be built any dwelling outside the building envelope as defined by the Officer Small Lot Housing Code.

The owner must pay for all reasonable costs (including legal costs) associated with preparing, reviewing, executing and registering the agreement on the certificate of title to the land (including those incurred by the Responsible Authority).

21. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, a landscape masterplan for the entire estate to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format. The Landscape Master Plan must include:
 - a. How the proposed development is responsive to the Cardinia Shire Council Developer Landscape Guidelines, including the Landscape Masterplan checklist (as amended from time to time).
 - b. Key themes, landscape principles and character that will define the subdivision/development.
 - c. The type of species to be used for street tree planting in various stages of the subdivision/development. The plant schedule must be consistent with adjoining sites where roads are continued through.
 - d. Locations of substations.
 - e. Entrance treatments.
 - f. Locations of any protected trees or patches of protected native vegetation to be retained.
 - g. The tree protection zone for each protected tree must be clearly shown on the site plan.
 - h. Location of any waterway or waterbody on or adjoining the land.
 - i. The principles and graphical concepts of the proposed treatment of the open space and drainage reserves; and
 - j. How any landscape requirements or guidelines within the Officer Precinct Structure Plan are proposed to be implemented.

Note: The landscaping works shown on the endorsed landscape master plan/s are to be used to inform the final construction drawings and landscape specifications developed for construction and approved by Council's Landscaping Department. The landscaping works shown on the approved landscape plan/s must be carried out and completed to the satisfaction of the Responsible Authority.

22. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, a Waste Management Plan to the satisfaction of the Responsible Authority must be

submitted to and approved by the Responsible Authority. The Waste Management Plan must:

- a. Be prepared by a suitably qualified expert.
 - b. Provide detail of the proposed arrangements for collection of waste from the land, including any interim arrangements and temporary turning areas of each stage.
 - c. Be consistent with relevant guidelines prepared by Cardinia Shire Council with respect to waste management for new residential and mixed use developments.
23. Before the submission and approval of detailed design construction plans (engineering plans) and certification of each stage, a functional layout plan for the subdivision or stage of subdivision, generally in accordance with the standards, specifications and processes in the 'Engineering Design and Construction Manual for Subdivision in Growth Areas' dated December 2019 and Water Sensitive Urban Design Guidelines (South Eastern Councils) prepared by Melbourne Water, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the functional layout plan will be endorsed and will then form part of the permit. Three copies of the functional layout plan must be drawn to a scale of 1:500 to acceptable drafting standards and an electronic copy (pdf) must be provided.

The functional layout plan must show:

- a. A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations.
- b. Topography and existing features, including contours for the subject land and any affected adjacent land.
- c. Identification by survey of all trees (or group of trees) existing on the subject land, including dead trees and those that overhang the subject land from adjoining land.
- d. Details of tree protection zones (TPZs) for all trees to be retained on the subject land or adjoining land.
- e. All trees proposed for removal from the subject land clearly designated.
- f. Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements identified in the Officer Precinct Structure Plan.
- g. Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls.
- h. The proposed minor drainage network and any spatial features requiring access.
- i. The major drainage system, including any watercourse, lake, wetland, sediment pond rain gardens, bio-infiltration system and/or piped elements showing preliminary sizing.
- j. Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination.
- k. Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for the construction and maintenance.
- l. A table of offsets for all utility services and street trees.
- m. Preliminary location of reserves for electrical kiosks.
- n. Traffic management plan showing sufficient notional (unmarked) on-street car parking spaces, at the rate of one space per lot, roadway signage and line marking and large vehicle turning overlays.

- o. Traffic management plan showing proposed traffic management control device(s) on Renishaw Drive between Elsham Street and eastern boundary of Lot 202.
 - p. Intersection designs of the proposed road with Timbetop Boulevard, including but not limited to changes to indented parking bays and any changes required to the existing traffic management device.
 - q. Works in accordance with the approved Slope Management Plan.
24. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, a Land Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Land Management Plan must clearly show:
- a. Interim management of the land until ultimate development.
 - b. Details about the placement of fill and prevention of dumping of materials.
 - c. Dust control measures.
 - d. Weed and pest control measures.
 - e. Mowing, slashing and fire risk management.
 - f. Details about grazing and other agricultural activity.
 - g. Access management (ie. limiting access to the land from existing public roads until their construction to an urban standard) and construction access.

All land must be managed in accordance with the Land Management Plan approved by the Responsible Authority.

Prior to Statement of Compliance

25. Before the issue of a Statement of Compliance for Stage 3 of the subdivision under the Subdivision Act 1988, unless otherwise agreed in writing by the Responsible Authority, the following must be constructed in accordance with plans and specifications approved by the Responsible Authority:
- a. Construction of Dangelo Boulevard (north side).
26. Before a statement of compliance is issued for each stage of the subdivision, or at a time otherwise specified in a Section 173 agreement registered on the certificate of title to the land, a public open space contribution must be made to Cardinia Shire Council as a cash payment in respect of that stage. The cash payment is to be equivalent to the value of the percentage of Net Developable Area of the land in that stage as set out in the Schedule to Clause 53.01 of the Cardinia Planning Scheme.
27. A Development Infrastructure Levy must be paid to the Collecting Agency, being Cardinia Shire Council, in accordance with the approved Officer Development Contributions Plan. The Development Infrastructure Levy must be paid to the Collecting Agency within the time specified in the Officer Development Contributions Plan. If no time is specified in the Officer Development Contributions Plan, the Development Infrastructure Levy must be paid to the Collecting Agency, being Cardinia Shire Council after certification of the relevant plan of subdivision, but not more than 21 days prior to the issue of a Statement of Compliance.

Unless otherwise agreed, a Schedule of Development Contributions must be submitted with each stage of the plan of subdivision. This Schedule of Development Contributions must show the amount of development contributions likely to be payable for each subsequent stage and the value of the development contributions in respect of prior stages to the satisfaction of the Collecting Agency.

Note: Development Infrastructure Levy as distinct from Community Infrastructure Levy.

28. Before a statement of compliance is issued for each stage of the subdivision, a detailed landscape works plan must be submitted to and approved by the Responsible Authority. The detailed landscape works plan must be prepared by a person suitably qualified or experienced in landscape design to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The landscape works plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format (PDF and CAD).

The detailed landscape works plan must be consistent with the endorsed landscape master plan and must show and include to the satisfaction of the Responsible Authority:

- a. How the proposed design responds to the requirements of the Cardinia Shire Council developer landscape guidelines, including checklist 2 (as amended from time to time). https://www.cardinia.vic.gov.au/landscaping_guidelines
- b. New plantings, including their layout to be provided in any road reserves and municipal reserves.
- c. A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant. The plant schedule must be consistent with adjoining sites where roads are continued through.
- d. The proposed road reservation widths and the treatment of interfaces with surrounding road reserves, including areas within the road reserves set aside for the retention of existing vegetation.
- e. The removal of existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds.
- f. The implementation of any landscape principles and guidelines contained in the Officer Precinct Structure Plan.
- g. Any public open space area to be provided within the development, including the embellishment works within the public open space.

All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact sight lines for vehicles or pedestrians.

29. Before a statement of compliance is issued for each stage of the subdivision, the landscape works shown on the approved detailed landscape plan for that stage must be carried out and completed to the satisfaction of the Responsible Authority or by agreement with the Responsible Authority, bond landscaping works incomplete at the completion of civil works. Payment can be made in the form of a cash bond or bank guarantee. The bond will be released upon satisfactory completion of works. Refer to the Cardinia Shire Council developer landscape guidelines, (as amended from time to time) for bond calculation details.

Please note: At practical completion the outstanding landscape works bond will be released and only a landscape maintenance bond will be retained.

(Please contact Council's Landscape Development Department in relation to the of the cash bond or bank guarantee amount.)

Practical completion for landscape works will not be granted until 'as constructed' plans are provided in AutoCAD as well as digital landscape information in accordance with the current version of A-SPEC. All graphical information is to be provided in the datum of GDA94 and projection of MGA Zone 55. Refer to A-SPEC website www.a-specstandards.com.au/o-spec for minimum Council requirements. The submitted information is to be to the satisfaction of the Responsible Authority.

30. Before a statement of compliance is issued for each stage of the subdivision, bonding must be provided to the Responsible Authority to cover all landscaping works for a twenty four (24) month maintenance period. Payment can be made in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council developer landscape guidelines, (as amended from time to time) for bond calculation details. A Certificate of Final Completion will be issued by the Responsible Authority and the bond released, less any moneys retained for imperfect works, following the satisfactory completion and satisfactory maintenance of the landscaping for a minimum of 24 months. Final completion will not be granted between 1 November and 31 March.

(Please contact Council's Open Space Department in relation to the costs of the cash bond or bank guarantee)

31. Before a statement of compliance is issued for each stage of the subdivision, all existing structures (including but not limited to dwellings, outbuildings and septic systems) must be removed from the land, except where wholly contained within the land identified for "existing winery site". All existing septic tank and septic tank systems (including fittings and fixtures) must be removed, the tank contents must be pumped out and the existing wastewater treatment system must be decommissioned by a plumber to the satisfaction of the Responsible Authority.

32. Before the Statement of Compliance is issued, outfall drainage for the subdivision must be designed and constructed to a satisfactory point of discharge in accordance with plans and specifications approved by the Responsible Authority.

33. Before the statement of compliance is issued, all road and drainage infrastructure must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority. The works must comply with the standards nominated in the Cardinia Shire Council "Guidelines for the Development & Subdivision of Land", "Development Construction Specification" and the "Water Sensitive Urban Design (WSUD) Guidelines".

34. Before a Statement of Compliance is issued, all services, including drainage and/or sewerage, servicing any existing dwelling or building on the lot(s), must be relocated (if required) to the satisfaction of the Responsible Authority, to ensure that they do not cross the boundaries between the proposed lots.

35. Before a Statement of Compliance is issued under the Subdivision Act 1988 the permit holder must provide:

- a. Provide survey enhanced "as constructed" GIS data for the drainage, road and footpath information components of the subdivision, in accordance with the current version of D-SPEC and R-SPEC. Council's preferred format for the submission of the graphical data is in "MapInfo Native Format". A secondary format is "MapInfo MID/MIF". Grid Co-ordinates must be MGA zone 55 (GDA 94). Please refer to the A-SPEC website for further information: www.a-specstandards.com.au

36. Before a statement of compliance is issued for each stage of the subdivision, the following must be completed to the satisfaction of the Responsible Authority:

- a. Power and telephone lines placed underground from the main point of service supplied by the relevant authority outside the boundaries of the land must be provided to all new dwellings/lots.
- b. All driveways must be designed and constructed in accordance with Cardinia Shire Council's specifications.
- c. To the satisfaction of the Responsible Authority

37. Before a statement of compliance is issued for each stage of the subdivision, the owner of the land must provide Council with written confirmation from a suitably qualified

professional that the requirements of Clause 56.09-3 (Fire Hydrants Objectives Standard C29) of the Cardinia Planning Scheme have been provided on the land.

38. Before a statement of compliance is issued for each stage of the subdivision, lighting of streets and pedestrian/cycle paths must be designed and provided in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.
39. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a. A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b. A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Prior to Practical Completion

40. Before a certificate of practical completion is issued, CCTV results for the full length of all stormwater drainage pipes where Council is the responsibility authority, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.
41. Before a certificate of practical completion is issued, "as constructed" digital road and drainage information in AutoCAD format with all Xrefs binded into the drawings and showing any amendments during construction, must be submitted for all civil works where Council is the Responsibility Authority.

General

42. All service substations, kiosk sites and the like must not be located on/address/front any land identified as public open space (including encumbered open space) or land to be used for any municipal purpose unless otherwise agreed by the Responsible Authority.
43. Before the installation of trees to be planted within the streetscape, an inspection of the plant stock must be undertaken by Council's Landscape Development Department. Any trees deemed unsuitable must not be planted within the streetscape.
44. The permit holder must notify Council's Landscape Development Department a minimum of seven (7) days before commencing street tree planting and landscaping so that surveillance of the works can be undertaken.
45. The landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of the Responsible Authority for a minimum of 24 months from the date of practical completion of the landscaping. All maintenance activities are to be undertaken until a Certificate of Final Completion is issued by the Responsible Authority. During this period:
 - a. any dead, diseased or damaged plants or landscaped areas must be repaired or replaced except for within the final 12 months of the maintenance period whereby trees must not be replaced. In accordance with the Cardinia Shire Council developer landscape guidelines (https://www.cardinia.vic.gov.au/landscaping_guidelines) (as amended from time to time) funds will be retained from the landscape maintenance bond for the works to be undertaken by Council following issuing of final completion; and
 - b. the Responsible Authority may direct maintenance activities to be undertaken.

46. The direction to undertake maintenance activities must be completed within 14 days of the written notification being received from the Responsible Authority.
47. All waste generated by the use of the land must be managed in accordance with the Waste Management Plan for the land approved by the Responsible Authority.
48. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.
49. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
50. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
51. Land to be filled must be filled and compacted (in accordance with AS 3798/1996) to comply with fill density tests in order to support residential house foundations. The results of the tests must be to the satisfaction of the Responsible Authority.
52. Lots within the subdivision must be provided with reticulated water and sewerage, gas, underground power and telecommunications connections to the satisfaction of the Responsible Authority.
53. All roads used for the purpose of haulage of imported or exported materials for construction must be:
 - a. Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use,
 - b. Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period, and
 - c. Reinstated to the satisfaction of the Responsible Authority.

AusNet Services

54. The applicant must:
 - a. Enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.
 - b. Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.
 - c. Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AUSNET ELECTRICITY SERVICES PTY LTD.
 - d. Provide easements satisfactory to AUSNET ELECTRICITY SERVICES PTY LTD for the purpose of "Power Line" in the favour of "AUSNET ELECTRICITY SERVICES PTY LTD" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AUSNET ELECTRICITY SERVICES PTY LTD electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
 - e. Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.
 - f. Adjust the position of any existing AUSNET ELECTRICITY SERVICES PTY LTD easement to accord with the position of the electricity line(s) as determined by survey.

- g. Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations.
- h. Provide survey plans for any electric substations required by AUSNET ELECTRICITY SERVICES PTY LTD and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AUSNET ELECTRICITY SERVICES PTY LTD requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- i. Provide to AUSNET ELECTRICITY SERVICES PTY LTD a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- j. Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AUSNET ELECTRICITY SERVICES PTY LTD. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- k. Ensure that all necessary auditing is completed to the satisfaction of AUSNET ELECTRICITY SERVICES PTY LTD to allow the new network assets to be safely connected to the distribution network.

Melbourne Water

- 55. Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and stormwater from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
- 56. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or watercourses. Prior to the issue of a Statement of Compliance, a Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water.
- 57. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.
- 58. Prior to Certification of the first stage of subdivision, a delivery program outlining the proposed timing of interim and ultimate drainage works and the proposed delivery of subdivisional stages must be submitted to the satisfaction of Melbourne Water.
- 59. Prior to Certification of any Plan of Subdivision associated with the application or Council's endorsement of a Functional Layout Plan, the stormwater management strategy must be submitted and in-principally accepted by Melbourne Water and Council. The version of the strategy accepted by both authorities is to be consistent.
- 60. Stormwater runoff from the subdivision must achieve General Environmental Duty objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
- 61. Prior to the issue of a Statement of Compliance for the subdivision, engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records. These plans must show road and drainage details and any overland flow paths for the 1% AEP storm event. A Certified Survey Plan may be required following our comments on the engineering drawings.
- 62. All new lots are to be filled to a minimum of 300 mm above the 1% AEP flood levels associated with any existing or proposed Melbourne Water pipeline and/or all new lots are to be filled to a minimum of 600 mm above the 1% AEP flood level associated with any

- existing or proposed Melbourne Water wetland, retarding basin or waterway, whichever is greater.
63. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.
 64. The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.
 65. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined in section 8 of the Guidelines for Development in Flood Affected Areas (DELWP 2019), or where appropriate to Council's requirements and standards.
 66. The developer is to negotiate with the downstream landowners to obtain a free draining outfall through their property. Approval is to be forwarded to Melbourne Water for our records prior to construction commencing.
 67. All new lots must achieve appropriate freeboard in relation to local overland flow paths to Council's satisfaction.
 68. Local drainage must be to the satisfaction of Council.
 69. Any temporary or ultimate outfall is to be arranged to the satisfaction of Melbourne Water, Council and any affected downstream property owner(s). The developer is to negotiate with any downstream landowners to obtain a free draining outfall through their property. Approval is to be forwarded to Melbourne Water for our records prior to certification of the first stage of subdivision.
 70. Prior to the commencement of works, a separate application, direct to Melbourne Water, must be made for any works on or around our mains, drains and waterways. Applications shall be made online via the Melbourne Water website. Prior to the issue of a Statement of Compliance, copies of all relevant signed practical completion forms from Asset Services must be submitted.
 71. Plans of Subdivision created under a Section 35 of the Subdivision Act (1988) are to be referred to Melbourne Water.
 72. Development and the delivery of works are to occur in accordance with the in principally approved stormwater management strategy unless otherwise agreed by both Council and Melbourne Water.

South East Water

73. The owner of the subject land must enter into an agreement with South East Water for the provision of drinking water supply and fulfil all requirements to its satisfaction.
74. The owner of the subject land must enter into an agreement with South East Water for the provision of recycled water supply and fulfil all requirements to its satisfaction.
75. The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.
76. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the Subdivision Act 1988.
77. All lots on the Plan of Subdivision are to be provided with separate connections to our drinking water supply, recycled water supply and sewerage systems.
78. The certified Plan of Subdivision will need to show sewerage supply easements over all existing and/or proposed South East Water sewer mains located within the land, to be in favour of South East Water Corporation pursuant to Section 12(1) of the Subdivision Act.

Expiry

79. This permit will expire if:

- a. The plan of subdivision for the first stage is not certified within **two (2) years** of the date of this permit; or
- b. The plan of subdivision for the last stage of the subdivision is not certified within **ten (10) years** of the date of this permit; or
- c. The registration of the last stage of the subdivision is not completed within **five (5) years** from the date of certification of that plan of subdivision.

The starting of the subdivision is regarded by section 68(3A) of the *Planning and Environment Act 1987* as the certification of a plan, and completion is regarded as the registration of the plan.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with section 69 of the *Planning and Environment Act 1987*.

Notes:

- Prior to commencement of the proposed use a Building Permit must be obtained for any retaining wall exceeding 1.0 metres in height

South East Water

- The owner of the subject land is required to obtain a 'Notice of Agreement' from South East Water. All requirements must be fulfilled to its satisfaction prior to South East Water consenting to the issuing of a Statement of Compliance.

Carried

The Mayor, Cr Radford assumed the Chair at this stage

6.1.2 Amendment C262 Planning Permit T190728 11 Thom Road, Lang Lang

Cr Cameron having declared a conflict of interest in this matter due to a family association left the Council Chamber at this stage

Responsible GM: Lili Rosic
Author: Celeste Grossi and Teresa Hazendonk

Recommendation(s)

That Council:

1. Adopt Amendment C262card to the Cardinia Planning Scheme, including proposed Planning Permit T190728, under Section 29 of the *Planning and Environment Act 1987*, generally in accordance with Attachments 2 and 3.
2. Submit adopted Amendment C262card to the Cardinia Planning Scheme and proposed Planning Permit T190728 the Minister for Planning for approval under Section 31 of the *Planning and Environment Act 1987*.

Attachments

1. Attachment 1 - Planning Scheme Amendment C 262 card Panel Report [6.1.2.1 - 46 pages]
2. Attachment 2 - Cardinia Planning Scheme Amendment Documentation [6.1.2.2 - 9 pages]
3. Attachment 3 - Updated Proposed Planning Permit T 190728 [6.1.2.3 - 22 pages]
4. Attachment 4 - Analysis of Proposed Changes to Planning Permit T 190728 [6.1.2.4 - 20 pages]
5. Attachment 5 - Proposed subdivision plan [6.1.2.5 - 1 page]
6. Attachment 6 - Walk to Town analysis [6.1.2.6 - 8 pages]
7. Attachment 7 - Lot Yield analysis [6.1.2.7 - 10 pages]

Attachment 1: Planning Scheme Amendment C262card Panel Report

Attachment 2: Cardinia Planning Scheme Amendment Documentation

Attachment 3: Updated Proposed Planning Permit T190728

Attachment 4: Analysis of Proposed Changes to Planning Permit T190728

Attachment 5: Proposed Subdivision Plan

Attachment 6: Walk to Town Analysis

Attachment 7: Lot Yield Analysis

Executive Summary

On 15 November 2021, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C262card.

Amendment C262 was exhibited from 10 March to 11 April 2022 as per the requirements of the Planning and Environment Act 1987. Eleven (11) submissions were received. On 15 August 2022 Council resolved to refer all submissions to a Planning Panel appointed by the Minister for Planning. Prior to the Panel hearing, Council received an additional late submission to the Amendment and thereby totalling twelve (12) submissions.

A Planning Panel was held on 2 November 2022. The Panel report was received on 6 December 2022. The Panel Report is generally supportive of the amendment; however, based on the reasons set out in the Report, the Panel recommended that Permit Application T190728card be adopted as exhibited subject to the following changes:

1. The subdivision layout be revised to put the road on the west side with links reserved through to developable land to the east and [subject to a S173 Agreement on neighbouring title] appropriate defensible space arrangement on the adjoining land.
2. Issue planning permit T190728 to subdivide the land into twenty-eight lots, create two reserves and create restrictions on the plan of subdivision subject to the permit Conditions contained in Appendix B.

It is considered that the proposed road is optimally located on the east side at the southerly end, and centrally at the northern end of the proposed subdivision, as this will achieve the most balanced outcome given the constraints of this site, the future purpose of the transport corridor, the most appropriate interface with the transport corridor, and also in order to achieve the 'provision of housing' planning policy objectives sought by *Plan Melbourne 2017-2050* and the *Cardinia Planning Scheme*.

Officer's recommendation is that Council:

- does not adopt Panel Recommendation 1 to revise the subdivision layout
- adopts Panel Recommendation 2 to make various changes to the Proposed Planning Permit conditions except those relating to the relocation of the road to the western boundary
- adopt Amendment C262card documentation as exhibited subject to several changes to the associated planning permit T190728 as supported by the Panel, and
- submit the adopted Amendment to the Minister for Planning for approval.

Background

Council received a request from XWB consulting on behalf of the landowner, Greg Thom, to rezone part of the land known as 11 Thom Road, Lang Lang (Lot 11 on PS548063T) from FZ1 to NRZ1.

In association with the amendment request, planning permit application T190728 was also lodged for a staged 28 lot residential subdivision of the land, creation of two (2) reserves and creation of restrictions on the plan of subdivision. Council resolved on 15 November 2021 to consider this application concurrently with the proposed amendment to facilitate timely development of the land for residential purposes.

The Land and surrounds

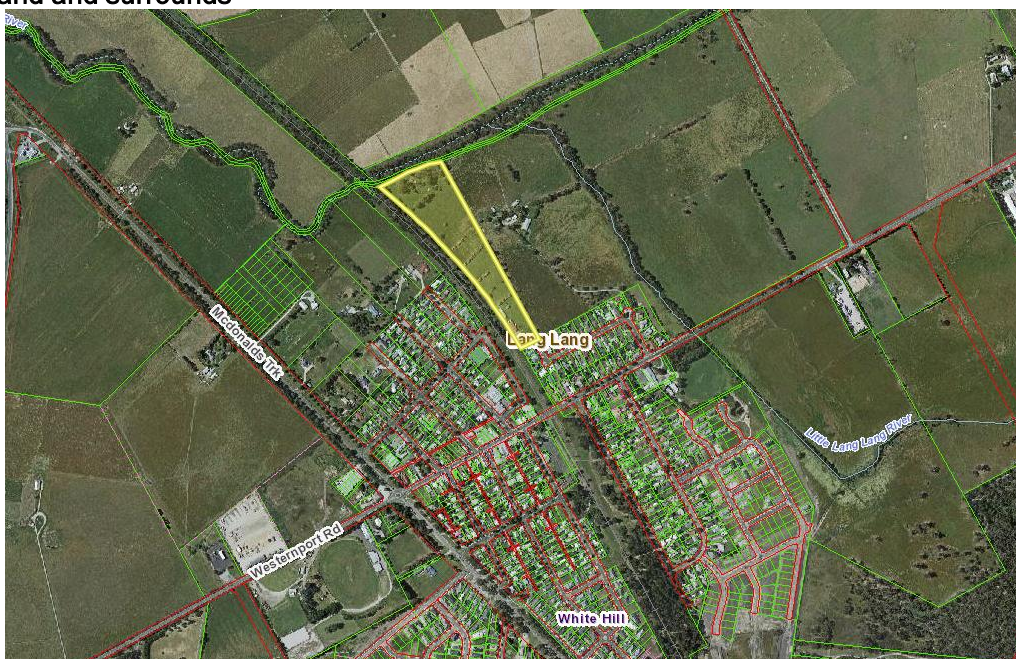


Figure 1. 11 Thom Road, Lang Lang

The subject land is located at the end of Thom Road approximately 200m northeast of the Lang Lang Town Centre. The land is an irregular shaped parcel with a frontage of 17m to Thom Road and an area of 5.364ha.

The subject land is bounded by the Lang Lang River (north), the South Gippsland Railway Line (west), established residential properties (south) and farming land (east).

The subject land is currently zoned Farming Zone – Schedule 1 (FZ1) and Green Wedge Zone Schedule 1 (GWZ1) and part of the land is affected by the Land Subject to Inundation Overlay (LSIO).

What the Amendment does

The amendment request and planning permit application were lodged under Section 96A of the *Planning and Environment Act 1987* (PE Act). Section 96A allows Council to consider a planning permit application concurrently with a planning scheme amendment, even though the proposed subdivision would otherwise be prohibited under the current planning controls.

- In summary, the amendment and proposed Planning Permit seek to:
- Rezone land from Farming Zone – Schedule 1 (FZ1) to Neighbourhood Residential Zone - Schedule 1 (NRZ1);
- Subdivide the land into twenty-eight (28) lots, create two (2) Reserves and create restrictions on the plan of subdivision.

A map of the proposed planning zone is contained in Attachment 2, the proposed Planning Permit has been amended in response to submissions and the Planning Panel Report, and is contained in Attachment 3, while the proposed subdivision plan is contained in Attachment 5.

Net Community Benefit

As with any planning scheme amendment, the rezoning of the subject land must result in a net community benefit beyond the provision of standard urban services and amenity to the new subdivision. In addition to the community benefits that will be provided by the proposed Bushland Reserve and Recreation Reserve at the northern end of Thom Road it is also proposed to construct a missing link in the pedestrian path network along the existing section of Thom Road (western side) and Tresize Court (southern and western side) in accordance with policy at Clause 21.08-1 (Lang Lang) and the Lang Lang Township Strategy. This path is in addition to the pedestrian path that will be constructed within the proposed subdivision along the western side of Thom Road.

As required by Council's resolution on 15 August 2022, the landowner has entered into a Section 173 Agreement with Council, prior to Council considering adoption of the amendment to provide for the timely construction of the pedestrian path. This Section 173 Agreement will also include provisions for the construction of the necessary road widening of the eastern right-angle bend in Tresize Court which is outside the subdivision land.

Exhibition and submissions

Amendment C262 was publicly exhibited from 10 March to 11 April 2022. Eleven (11) submissions were received. Seven (7) were from nearby owners and occupiers, one (1) from the proponent and three (3) late submissions from public authorities (Environment Protection Authority Victoria (EPA) and Country Fire Authority (CFA)) and a nearby property owner. On 15 August 2022, Council considered the submissions and resolved to refer all submissions to an independent Planning Panel.

Just prior to the 15 August 2022 Council meeting, additional questions and statements were received from some submitters in response to the report which had been published on Council's website. Council considered these as additional late submissions and were therefore included in Council's resolution to refer all submissions to a Ministerial Planning Panel.

On the 14 October 2022, just prior to the Panel Hearing, Council received an additional late submission from VicTrack. VicTrack had no objection to the amendment; however, sought that Council apply their recommended conditions to the proposed planning permit.

The Panel Hearing

The Panel Hearing was held on 2 November 2022. The Panel heard submissions from Council Officers, the proponent and the CFA. Submitters from surrounding properties did not lodge requests to be heard at the Panel Hearing.

Unrelated to the concerns raised in submissions, the Panel raised its own additional concerns with Council Officers relating to walking distances into the town centre and the interface with the rail corridor.

The Panel Report - Recommendations and Conclusions

After considering all submissions, the Panel provided its report to Council on 6 December 2022. The Panel Report generally supports Planning Scheme Amendment C262card and recommends that Permit Application T190728card be adopted as exhibited subject to the following changes:

1. *The subdivision layout be revised to put the road on the west side with links reserved through to developable land to the east and appropriate defensible space arrangement on the adjoining land.*
2. *Issue planning permit T190728 to subdivide the land into twenty-eight lots, create two reserves and create restrictions on the plan of subdivision subject to the permit Conditions contained in Appendix B.*

Clarification was sought from the Panel regarding the last part of the sentence of recommendation 1 which states “*appropriate defensible space arrangement on the adjoining land*”. Council, the CFA and DTP (formerly DELWP) have long understood that the Bushfire Planning requirements contained in all Planning Schemes do not allow the provision of bushfire defensible space on adjoining private land unless there is an appropriate mechanism such as a S173 Agreement on the adjoining land title that will mandate appropriate management of the land. The Panel clarified in an email to Council officers on 13 December 2022 that those words are only relevant if the proponent pursues dot point 3 of condition 12 below:

12. *Prior to certification of the Plan of Subdivision for Stage 2 **one** of the following requirements must be satisfied:*
 - *A 19 metre bushfire defensible space setback provided from the eastern boundary of lots within Stage 2. Lots must be reconfigured to ensure each lot can accommodate at least a 10 metre by 15 metre rectangle within the building envelope.*
 - *The land adjoining the eastern boundary is developed and thereby removing the bushfire hazard*
 - *The owner of the land adjoining the eastern boundary enters into an agreement with Council under Section 173 of the Planning and Environment Act 1987, registered on the land title, to maintain a firebreak to CFA standards and the satisfaction of the Responsible Authority.*
 - *Other measure to achieve a BAL 12.5 construction standard to the satisfaction of the Country Fire Authority and the Responsible Authority.*

Throughout the Amendment process and during the Panel Hearing the proponent and Council held fundamentally different positions relating to:

- how bushfire management was to be addressed in permit conditions, and,
- building setbacks to achieve appropriate character outcomes.

The Panel Report supports Council's position on these two issues and states that:

- *"there will need to be ongoing management to achieve acceptable bushfire outcomes and permit Conditions are required for this*
- *policy clearly articulates a character vision for Lang Lang and the proposed setbacks will help achieve this."*

Consideration of the Panel's Recommendations

The Panel Report supports Amendment C262card subject to changes to proposed Planning Permit T190728. Officers have considered the Panel's recommended changes to proposed Planning Permit T190728. All post exhibition changes to permit conditions that were recommended by the Panel or are now recommended by Officers are listed and discussed in Attachment 4. All of the changes to permit conditions that are now recommended by Officers are shown in 'tracked changes' in the attached updated proposed Planning Permit T190728 (Attachment 3).

Panel Recommendation 1: The subdivision layout be revised to put the road on the west side with links reserved through to developable land to the east and appropriate defensible space arrangement on the adjoining land.

This Panel Recommendation considers that the transport corridor adjoining the western boundary of the subject land will be rezoned for public open space, with the Panel Report often referring to the transport corridor as future open space. Recent advice from VicTrack indicates that this is highly unlikely. This Panel Recommendation is also based on a desire to shorten the walk to the town centre for both the existing and proposed residents of this residential area via a potential future rail trail. Recent advice from VicTrack indicates that a future rail trail might be possible, however no initial investigations for this have been commenced.

The Panel Report states on page 14:

"The rail corridor is an important interface to the site, and the opportunity of a shared path on the reserve in the future has not been adequately addressed."

The Panel Report states on page 16:

"A better context plan would have identified the interface to the rail reserve and the development parcel to the east of the site. It seems to the Panel that a more fulsome context plan would have prompted a more fulsome assessment of:

- *the future of the reserve*
- *the walking distance to town*
- *the interface with the railway reserve."*

The Panel Report states on page 17 in relation to 'walking distance to town':

"A path on the rail corridor would dramatically improve pedestrian access to the centre of town for residents of the land.

The land is relatively close to the centre of Lang Lang but is poorly connected by the road network and lacks a direct connection to the town centre. Because there is no access across the railway reserve there is an additional journey distance of 500 metres to get to the town centre: 800 metres as proposed against 300 metres if there were a path along the railway reserve. The lack of a connection would add about 1 kilometre to a round trip to the shops. The Panel considers this should have been more clearly identified in background information."

The Panel Report states on page 17 in relation to 'the interface with the railway':

“If the future of the rail reserve is open space, as sought by policy, then the development should run its roadway along the edge of the open space to avoid houses backing on to the open space. Houses backing onto the open space is not supported by Standard C10 of Clause 56.

...

Houses backing onto the open space may also limit the development of the open space given how it might need to be maintained to deliver defensible space under bushfire considerations.

...

The reintroduction of train services would be a relatively expensive capital project and one might expect that associated pedestrian improvement would be part of the works. The poor street network would limit pedestrian access to any re-established station and so any reintroduction of the rail might realistically address this with a shared path along the rail corridor.

It would seem clear that the best layout in terms of integration with the rail reserve is to front houses onto the reserve as this provides an appropriate interface under all development scenarios.

The Panel Report makes conclusions on page 18 in relation to Recommendation 1:

“The subdivision should adopt a design that can meet policy if the rail corridor is converted to open space. This means lots should front the rail reserve.

The subdivision should support a shared use trail (at least along the eastern side of the rail corridor which is deliverable under all future scenarios for the rail reserve) to avoid adding an extra kilometre to round trips to the town centre.

The Panel understands that a redesign of the subdivision may create difficulties in meeting defensible space requirements in relation to bushfire management. The current layout allows for further road connections to the east and this would also need to be addressed.”

Council Officers recommend that Council does not adopt Panel Recommendation 1 to amend the subdivision layout to relocate the road on the western boundary. The following discussion responds to the Panel’s statements above and provides reasons for this Officer recommendation.

The South Gippsland Railway Line adjoins the western boundary of the subject land. It is zoned Transport Zone 1 (TRZ1) for the purpose of State Transport Infrastructure. This transport corridor is owned by VicTrack. While the rail line is inactive and has not been used to provide train services to the public since the early 1990s, it is in fact still an open rail line,

‘Clause 21.08-1 - Lang Lang’ of the Cardinia Planning Scheme and the Lang Lang Township Strategy 2009 both advocate for the use of this transport corridor for the construction of a regional trail, to form part of the ‘Great Southern Rail Trail’ as shown in Figure 2. While a regional trail aligns with the purpose of the transport corridor under the TRZ1, and Council has budgeted for some design and costing investigations, Council must also ensure this aligns with the VicTrack’s strategic plans for this corridor, as well as obtain their approval for the trail and enter into a lease agreement for the land.

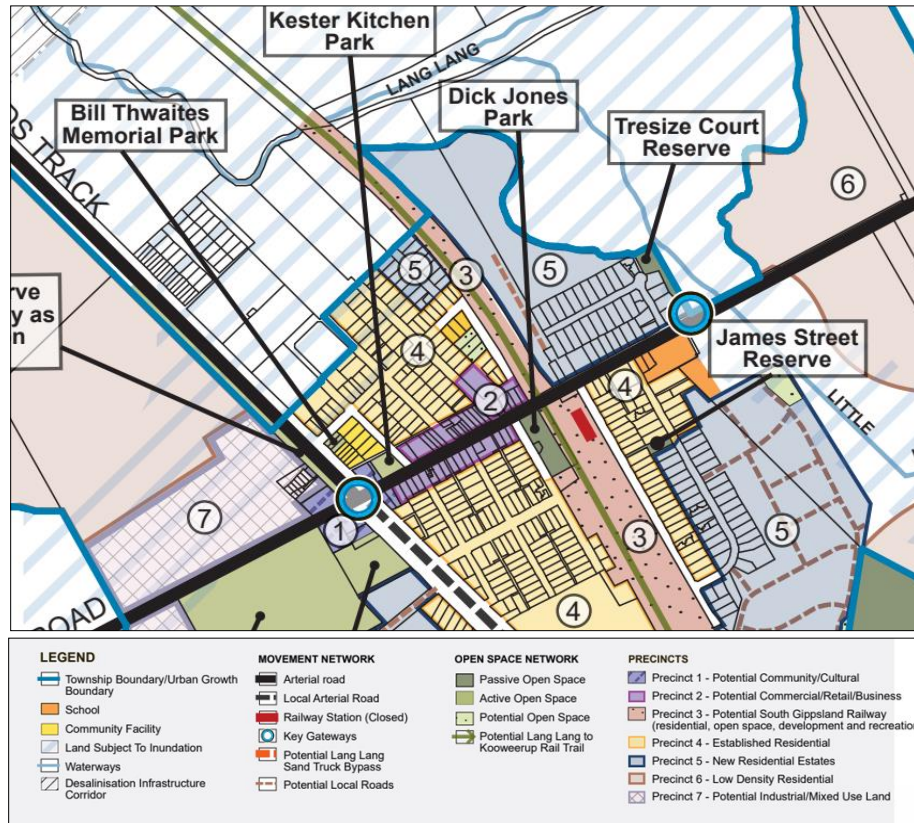


Figure 2. Lang Lang Framework Plan

While 'Clause 21.08-1 Lang Lang' seeks to encourage the construction of a regional trail along the rail line within the transport corridor that creates linkages into the Lang Lang and Koo Wee Rup townships, it does not seek connections across the railway line from residential estates into these towns as implied by the Panel Report.

The Lang Lang Township Strategy 2009 (Incorporated Document) also identifies a portion of the transport corridor as 'Precinct 3 - Potential South Gippsland Railway (residential, open space, development and recreation)' as shown in Figure 2. This rezoning of the land is entirely aspirational, and no investigation of the land's contamination has been conducted to ascertain whether the land is in fact suitable for these sensitive uses, nor had VicTrack's longer term plans for the corridor been ascertained.

Planning Officers have recently engaged with VicTrack in order to inform this report.

As shown by red arrows in Figure 3, the exhibited and preferred subdivision layout allows for future pedestrian connection points onto the transport corridor in the event that Council is able to lease this land from VicTrack for the construction of a regional trail. It should be noted that the feasibility of any pedestrian connection points from the subject land is dependent on the rail trail being constructed on the east side of the rail tracks rather than the western side. It is anticipated that if a trail is constructed it will most likely be located on the western side of the tracks which is wider and contains less vegetation. Also, verbal advice from VicTrack indicates that it is likely that VicTrack will require security fencing along the entire boundary with the subject land and will decide where any openings will be located to allow pedestrian connection points.

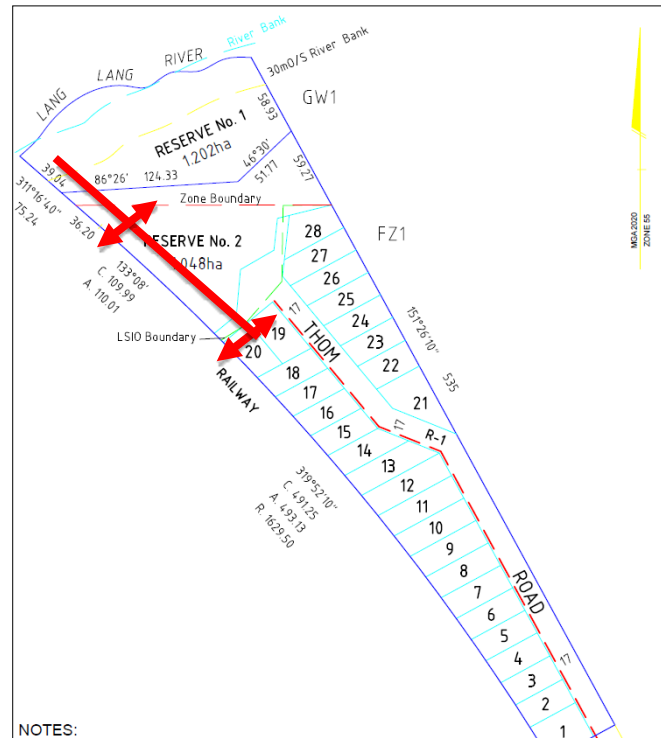


Figure 3. Locations of possible future pedestrian links

What are the consequences of moving the road to the western boundary?

Altering the subdivision layout by moving the road to the western boundary raises many issues that must be properly considered, these include:

- Council officers have no ability to undertake a proper assessment of such a subdivision without the appropriate plan/s.
- What would be the 'walk to town benefit' for both the existing and future residents of Tresize Court and Thom Road?
- What will be the impact on lot yield and provision of housing?
- Is it actually a good planning outcome for the future housing lots to face and view the transport corridor behind a 1.8 metre high chain mesh fence for an indefinite period of time and possibly permanently?
- Do the potential 'walk to town benefits' outweigh the 'provision of housing loss' and a poor interface outcome?
- Will the reduced lot yield and extended road pavement to be constructed be an unreasonable impact on the viability of the development?

Council officers have no ability to undertake a proper assessment of a proposed subdivision without the appropriate plan/s

Any changes to the subdivision layout at this late stage in the planning scheme amendment process can only be conditioned as a requirement on the proposed planning permit, meaning that appropriate plan/s would not be provided to Council prior to the planning permit being issued. This will not allow Council officers the ability to assess important design details, including the impact of the alternate subdivision layout and dimensions of future lots. The site is also required to meet bushfire defendable space requirements; however, without a proposed subdivision plan, Council cannot properly assess whether the minimum defendable space requirements can be achieved and what impacts this may have on the proposed lots.

In addition, if the proposed planning permit is issued requiring an alternative subdivision layout, this will not allow any external referral authorities or internal departments the ability to review and/or provide comments and conditions that may be required in order to mitigate site

constraints and/or ensure the subdivision is developable. Council Officers and the proponent have spent many months prior to the authorisation of Amendment C262card and throughout the Amendment process consulting with various authorities and internal departments to ensure an appropriate planning outcome could be achieved by the proposed subdivision layout that meets the requirements of the planning scheme.

What would be the 'walk to town benefit' for both the existing and future residents of Tresize Court and Thom Road?

The C262card Panel Report assumed that the 'Panel proposed road layout' would provide a shorter walk to town of 500 metres. This would equate to a 'walk to town benefit' of exactly 6 minutes less than the 'exhibited road layout' and would be dependent on a regional rail trail being constructed in the transport corridor on the eastern side of the tracks.

Officers have compared the 'walk to town' outcomes that would be achieved by the exhibited road layout and the Panel proposed road layout against each other, for both the existing and future residents of Tresize Court and Thom Road (based on the 'Walk to Town' analysis contained in Attachment 6).

All 'walk to town' scenarios are less than 20 minutes, satisfying the desired outcomes of 20-minute neighbourhood planning policy.

A maximum 'walk to town benefit' of 2 minutes and 59 seconds (238 metres less distance) could potentially be provided by the 'Panel proposed road layout' to the residents of Tresize Court and Thom Road with the furthest walking distance from town **if** a regional rail trail **is** constructed in the transport corridor on the east side of the rail tracks. The walking benefit decreases for each consecutive lot located closer to the town centre.

However, a 'walk to town loss' of 1 minute and 13 seconds (97 metres more distance) would be provided by the 'Panel proposed road layout' to the future residents of Thom Road with the furthest walking distance from town **if a regional rail trail is not** constructed in the transport corridor on the eastern side of the rail tracks. The walking loss decreases for each consecutive lot located closer to the town centre.

The 'exhibited road layout' provides a walk to town of 9 minutes and 15 seconds (740 metres) for current residents with the furthest walking distance from the town centre **whether or not** a regional trail is constructed in the transport corridor on the east side of the rail tracks. Future residents of the proposed subdivision with the furthest walking distance from the town centre would have a walk of 10 minutes and 58 seconds (1,158 metres) **if a regional rail trail is not** constructed on the transport corridor on the eastern side of the rail tracks. Both these distances fall between the best and worst walking distances and times that would be achieved by the 'Panel proposed road layout'.

The walk to town benefits and/or losses are of small amounts, such that the 20-minute neighbourhood planning policy objectives are achieved in all scenarios.

It is considered that these small walk to town benefits and/or losses alone are not enough to influence a decision to move the road to the western boundary. These small walk to town benefits and/or losses must be considered in balance with other planning considerations such as the future purpose of the transport corridor and the most appropriate interface with the transport corridor (as pointed out by the Panel Report on page 16), and also the 'provision of housing' planning policy objectives which require planning to provide for the efficient use of residential land in proximity to activity centres, in balance with any character objectives, to reduce development pressure on growth fronts and to reduce urban sprawl.

What will be the impact on lot yield and provision of housing?

Officers have undertaken a lot yield analysis to determine the amount and average size of lots expected to be achieved by the exhibited road layout and the Panel proposed road layout (contained in Attachment 7). The below scenarios are expected to have the following impacts on lot yield:

Exhibited road layout

A lot yield of 28 lots at an average size of 851m² is expected to be achieved with the exhibited road layout.

To satisfy Proposed Planning permit conditions

A lot yield of 27 lots at an average size of 882m² is expected to be achieved if the exhibited road layout is provided and circumstances require proposed planning permit condition 12 dotpoint 1 relating to the mitigation of bushfire risk to be satisfied.

Panel proposed road layout

A lot yield of 21 lots at an average size of 1,085m² is expected to be achieved by the Panel proposed road layout.

The Panel proposed road layout would reduce the lot yield from 27 to 21 lots representing a 22% loss in lots from what can be provided by the exhibited road layout if Condition 12 dotpoint 1 is required to be satisfied for bushfire mitigation. If this condition is not required to be satisfied and the lot yield remains at 28, a estimated 25% reduction would occur.

Is it actually a good planning outcome for the future housing lots to face and view the disused transport corridor behind a 1.8 metre high chain mesh fence for an undetermined period of time and possibly permanently?

In an ideal scenario, where a large site is being planned and various site constraints are taken into consideration and balanced, it is better to avoid houses backing onto 'public open space'. In this instance, however, the VicTrack land is in a transport corridor (in Transport Zone 1), and it is highly unlikely to be rezoned to a Public Park and Recreation Zone (PPRZ) for the purpose of public open space as assumed by the Panel Report.

There is currently no timing or guarantees of this transport corridor being leased to Council for the construction of a regional trail, or being formally converted for public open space in the future.

Regardless of whether this transport corridor remains in its current state as a disused but open railway line, or is leased to Council for the construction of a regional trail, VicTrack have required a 1.8 metre high chain mesh or timber paling fence along the entire boundary of their land as per condition 53 of Planning Permit T190728. The VicTrack land is currently managed to a minimum standard and is somewhat unsightly. If houses were to front the transport corridor, residents would view this unsightly interface. In the event the transport corridor is leased to Council for the construction of a regional trail, it is anticipated the transport corridor would be maintained more regularly by Council and would be less unsightly, however VicTrack have provided verbal advice that the 1.8 metre high chain mesh fence would be required to remain in place with only periodic openings to allow pedestrian access to the regional trail.

At any point VicTrack would be entitled to break the lease agreement if they require this land for transport purposes. Only at such time that VicTrack and the State Government declare the transport corridor as surplus land and sell it for a price determined by the Valuer General that is no less than the value of the land's highest and best use, would Council be able to purchase and rezone it to a Public Park and Recreation Zone (PPRZ) for the purpose of public open space and then remove the 1.8 metre high fence.

In addition, given the possibility of a third airport within the surrounding area, it is unlikely VicTrack would give up their ability to use this land for what it was intended as a transport corridor.

Do the potential ‘walk to town benefits’ outweigh the ‘provision of housing loss’ and a poor interface outcome?

It is considered that the small ‘walk to town benefit’ that might be achieved would not provide an efficient or balanced outcome given the estimated 22%-25% loss of residential lots that the exhibited road layout could deliver to this area.

In assessing the suitability of a Planning Scheme Amendment and planning permit application, it is important to ensure that new development satisfies the ‘provision of housing’ planning policy objectives which require planning to provide for the efficient use of residential land in proximity to activity centres, in balance with any character objectives, to reduce development pressure on growth fronts and to reduce urban sprawl while also achieving bushfire defensible space requirements in order to mitigate bushfire risk on site.

The exhibited road layout with a lot yield of 27 lots would provide an average lot size of 882m², while the Panel proposed road layout with a lot yield of 21 lots would provide an average lot size of approximately 1,085m². Both scenarios can provide the generous building setbacks sought by the Cardinia Planning Scheme and the Lang Lang Township Strategy to achieve a spacious rural character objectives, and achieve the necessary bushfire defensible space requirements of the Planning Scheme. The Panel proposed road layout would provide a much less efficient use of residential land within a 20-minute walk to an activity centre as sought by the ‘provision of housing’ policies of *Plan Melbourne (2017-2050)* and *the Cardinia Planning Scheme* and is therefore not the preferred outcome for this site.

There is currently no timing or guarantees for the lease of the transport corridor to Council for the construction and management of a regional trail, and it is highly unlikely that the transport corridor will be converted to public open space, and there will be an unsightly interface for houses fronting the transport corridor which will be contained behind a 1.8 metre high chain mesh fence. It is considered that this poor interface outcome and a 22% reduction in the amount of housing lots that could have been provided in proximity to the town’s activity centre, is not outweighed by a small potential ‘walk to town benefit’ of 2 minutes and 59 seconds that might be provided by the ‘Panel proposed road layout’ to the residents of Tresize Court and Thom Road with the furthest walking distance from town **if** a regional rail trail **is** constructed in the transport corridor on the east side of the rail tracks, and provides justification for the exhibited road layout to be delivered rather than moving the road to the western boundary as proposed by the Panel.

Will the reduced lot yield and extended road pavement to be constructed be an unreasonable impact?

In order to deliver the Panel proposed road layout, there would be an increase of 382m² in road pavement and 97 linear metres of concrete footpaths and 193 linear metres of concrete kerbs. Although the increase in road pavement, footpaths and kerbs may seem minimal, it represents an extra cost. In addition, the lot yield is reduced by 6-7 lots (22%-25%) representing a significant impact on revenue that could have otherwise been received. On balance, consideration of all the issues reveals that the Panel proposed road layout would deliver an overall net dis-benefit when compared to the exhibited road layout. As such, it is considered that the reduced lot yield and the construction of additional road pavement, footpaths and kerbs would be an unreasonable impact on the proponent.

Panel Recommendation 2: Issue planning permit T190728 to subdivide the land into twenty-eight lots, create two reserves and create restrictions on the plan of subdivision subject to the permit Conditions contained in Appendix B

It is considered that Council **should adopt** Panel Recommendation 2 to make various changes to the Proposed Planning Permit conditions **except** those relating to the relocation of the road to the western boundary.

All post exhibition changes to conditions on the Proposed Planning Permit that were recommended by the Panel or are now recommended by Officers are listed and discussed in Attachment 4. All of the Officer recommended changes are shown in 'tracked changes' in the attached Updated Proposed Planning Permit T190728 (Attachment 3).

Next Steps

We are at Stage 4 of the Planning Scheme Amendment process as detailed in Figure 4.



Figure 4. Steps in the Planning Scheme Amendment process

Policy Implications

Strategic Planning Assessment

The full strategic planning assessment is provided in the Explanatory Report contained in Attachment 1.

The strategic planning assessment demonstrates that the proposal is consistent with the relevant planning provisions of the *Plan Melbourne Metropolitan Planning Strategy 2017-2050*, State planning policy contained in the Planning Policy Framework (PPF) in the Cardinia Planning, and Local planning policy contained in the Local Planning Policy Framework (LPPF) in the Cardinia Planning Scheme.

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.

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

2.1.3 Plan for housing diversity that meets community need, is affordable and delivers environmental sustainability, safety and healthy living outcomes.

Climate Emergency Consideration

The proposed amendment and planning permit facilitate housing to be located within the urban growth boundary. This will contribute to housing consolidation within a rural township, reducing the amount of urban sprawl and pressure on Cardinia's main growth front, thereby helping to mitigate the effects on climate change.

Consultation/Communication

Amendment C262 was formally exhibited for one month from 10 March to 11 April 2022 as part of the planning scheme amendment process in accordance with the requirements of the *Planning and Environment Act 1987*. A public notice was published in the Pakenham Gazette and all owners and occupiers adjoining and surrounding the site, community groups, relevant public authorities, and Prescribed Ministers were notified of the exhibition of the Amendment. A total of 99 letters were sent out.

Eleven (11) submissions were received, including additional questions and statements from some submitters in response to the 15 August 2022 Council's report and one (1) late submission received in October from VicTrack. All submitters have received email notification of the release of the Panel Report.

Financial and Resource Implications

There are no additional resource implications associated with undertaking the amendment. The statutory fees and any planning panel costs will be paid by the proponent. Any additional costs associated with this process are provided for by the current and proposed Planning Strategy budget.

Conclusion

Amendment C262card has been considered by an independent planning panel, appointed by the Minister for Planning. The Panel is generally supportive of the amendment subject to changes to Proposed Planning Permit T190728 and changes to the subdivision layout by moving the road to the western boundary.

Panel Recommendation 1 relating to moving the road to the western boundary is based on an assumption that the transport (rail) corridor adjoining the western boundary of the subject land will be rezoned for public open space, with the Panel Report often referring to the transport corridor as future [public] open space which ideally housing should be facing. Recent advice from VicTrack indicates that it is highly unlikely that the transport corridor will be rezoned from a Transport Zone 1 (TRZ1) to a Public Park and Recreation Zone (PPRZ) for the purpose of public open space, nor is there currently any timing or guarantees for this transport corridor to be leased to Council for the construction of a regional trail. VicTrack also advise that in any scenario they will require the construction of a 1.8 metre high chain mesh or timber paling fence along the entire length of their transport corridor. This would result in a poor interface outcome for any houses facing the transport corridor.

Panel Recommendation 1 is also based on a desire to shorten the walk to the town centre for both the existing and proposed residents of this residential area via a potential future rail trail. The maximum walk to town benefit that might be achieved is 2 minutes and 59 seconds if a regional trail is constructed in the transport corridor on the eastern side of the tracks, if this does not occur the Panel proposed road layout would actually result in longer walk to town distances than the exhibited road layout.

It is considered that the small potential walk to town benefits alone are not enough to influence a decision to move the road to the western boundary.

The Panel proposed road layout would also reduce the number of housing lots by 22%-25% from what the exhibited road layout would provide to this area in proximity to the town's activity centre.

It is considered that that the 22%-25% reduction in the amount of housing lots that the exhibited road layout could provide and the poor interface outcomes that would result from the Panel proposed road layout, are not outweighed by the small potential 'walk to town benefit' that might be provided by the Panel proposed road layout.

It is considered that the proposed road is optimally located on the east side at the southerly end, and centrally at the northern end of the proposed subdivision, as this will achieve the most balanced outcome given the constraints of this site, the future purpose of the transport corridor, the most appropriate interface with the transport corridor, and also in order to achieve the 'provision of housing' planning policy objectives sought by *Plan Melbourne 2017-2050* and *the Cardinia Planning Scheme*.

It is recommended that Council **should not adopt** Panel Recommendation 1 to revise the subdivision layout and **should adopt** Panel Recommendation 2 to make various changes to the Proposed Planning Permit conditions **except** those relating to the relocation of the road to the western boundary, adopt Amendment C262card documentation as exhibited subject to several changes to the associated Proposed Planning Permit T190728 as supported by the Panel, and submit the adopted Amendment to the Minister for Planning for approval.

Resolution

Moved Cr Graeme Moore, seconded Cr Stephanie Davies.

That Council:

1. Adopt Amendment C262card to the Cardinia Planning Scheme, including proposed Planning Permit T190728, under Section 29 of the *Planning and Environment Act 1987*, generally in accordance with Attachments 2 and 3.
2. Submit adopted Amendment C262card to the Cardinia Planning Scheme and proposed Planning Permit T190728 the Minister for Planning for approval under Section 31 of the *Planning and Environment Act 1987*.

Carried

Cr Cameron returned to the Council Chamber at this stage having taken no part in the debate or voting on this matter

6.2 General Reports

6.2.1 Appointment of Community Asset Committees for Recreation Reserves

Responsible GM: Lili Rosic
Author: Cameron Miller

Recommendation(s)

That Council:

- Appoint the following persons to the respective recreation reserve Community Asset Committees appointed by Cardinia Shire Council in accordance with the Local Government Act 2020.

Officer Recreation Reserve

President	Rob Porter
Vice President	John Tivendale
Secretary	Gareth Sheean
Treasurer	Gary McCoubrie
Committee Member	Fay McCoubrie
Committee Member	Geoff Porter
Committee Member	Amy Jones

Worrell Reserve

President	Kris Strong
Secretary	Howard Winter
Treasurer	Neil Burns
Committee Member	Gary Campbell
Committee Member	Jamie Grace
Committee Member	Chris Beardshaw
Committee Member	Claude Cullino

Lang Lang Community Recreation Reserve

President	Sam Loughridge
Vice President	Andrew Bullen
Secretary	Laura Healey
Treasurer	Carolyn Wainwright
Committee Member	Andrew Wilson
Committee Member	Jarrold West
Committee Member	Joe Giacco
Committee Member	Jade Thom

- Thanks Committee Asset Committee Members for their valuable contribution to the management of community recreation reserves.

Attachments

Nil

Executive Summary

This report advises Council of the memberships elected for three Community Asset Committees and seeks formal Council appointment of these members. Community Asset Committee members make a significant contribution to community liveability and wellbeing through the management of fifteen recreation reserves.

Background

There are fifteen (15) recreation reserves within Cardinia Shire managed by Community Asset Committees:

- Twelve (12) of the reserves managed by Council appointed Community Asset Committees,
- Three (3) are Department of Environment, Land, Water and Planning (DELWP) owned with Council appointed as Committee of Management under the Crown Land Reserves Act and managed by Council appointed Community Asset Committees,

Members of Reserve Community Asset Committees are elected annually, and upon election require appointment by Council resolution pursuant to Local Government Act 2020. Community Asset Committees can only be approved by Council.

This report recommends Council appoints new members for the following reserve committees following public meetings that have been conducted by Councillors or Council Officers:

- Officer Recreation Reserve.
- Worrell Reserve.
- Lang Lang Community Recreation Reserve.

Cardinia Shire Council has a huge network of volunteers who selflessly give their time, expertise, and energy to provide and develop community resources. A large part of this network is involved with managing community recreation reserves across our shire. Council values the important role that community asset committees have in improvement and ongoing management of Council's facilities. Council is committed to ensuring that these assets are maintained to a high standard by working in partnership with Community Asset Committees.

Council conducts routine maintenance and provides Recreation Reserve Community Asset Committees with maintenance allocations, workshops to up skill volunteers and access to leadership courses. To further support committees with their work, Council has recently launched the Community Asset Committee portal, as a place for committee members to access important resources, information, and dates.

Council employs a full-time Liaison Officer to support the recreation community asset committees including providing training for volunteers and assisting committees in compliance with risk requirements.

Policy Implications

The appointments to these four reserve committees are 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

N/A

Consultation/Communication

Notifications of Annual General Meetings for Community Asset Committees for Recreation Reserves are advertised through local media and internally to all user groups of that reserve.

Financial and Resource Implications

N/A

Conclusion

Community Asset Committees voluntarily assist Council in the ongoing management and improvement of Council's recreation facilities. This enables the community to participate in sport and recreation activities that provide health and social benefits to the broader community. This report presents the committee members for three recreation reserve Community Asset Committees for Council appointment.

Resolution

Moved Cr Stephanie Davies, seconded Cr Jeff Springfield.

That Council:

1. Appoint the following persons to the respective recreation reserve Community Asset Committees appointed by Cardinia Shire Council in accordance with the Local Government Act 2020.

Officer Recreation Reserve

President	Rob Porter
Vice President	John Tivendale
Secretary	Gareth Sheean
Treasurer	Gary McCoubrie
Committee Member	Fay McCoubrie
Committee Member	Geoff Porter
Committee Member	Amy Jones

Worrell Reserve

President	Kris Strong
Secretary	Howard Winter
Treasurer	Neil Burns
Committee Member	Gary Campbell
Committee Member	Jamie Grace
Committee Member	Chris Beardshaw
Committee Member	Claude Cullino

Lang Lang Community Recreation Reserve

President	Sam Loughridge
Vice President	Andrew Bullen
Secretary	Laura Healey
Treasurer	Carolyn Wainwright
Committee Member	Andrew Wilson
Committee Member	Jarrold West
Committee Member	Joe Giacco
Committee Member	Jade Thom

2. Thanks Committee Asset Committee Members for their valuable contribution to the management of community recreation reserves.

Carried

6.2.2 Construction of Garfield Netball Pavilion

Responsible GM: Owen Hardidge
Author: {author-name-do-not-remove}

Recommendation(s)

That Council award Constructive Group Pty Ltd Contract 22-057 – Construction of Garfield Netball Pavilion for a final tender price including Provisional Sums of \$ \$ 2,501,282.00 excluding GST

Attachments

1. Confidential memorandum Contract 22 057 Construction of Garfield Netball Pa [6.2.2.1 - 3 pages]

Executive Summary

This report provides recommendation for the appointment of a Commercial Builder to undertake the works prescribed within Contract 22-057 Construction of Garfield Netball Pavilion.

The facility has been designed to meet the project's scope of works, applicable Australian standards, Building Codes and considers Cardinia Shire Council Enhanced Standards.

The tender evaluation was conducted in two stages followed by the interviews, reference check and financial assessment. A positive response was received, during the reference checks.

Constructive Group Pty Ltd demonstrated a clear understanding of the project within their tender submission.

The Tender submitted by Constructive Group Pty Ltd complies with all the Tender Conditions and their submission represents best value outcome.

Background

The existing Garfield Netball Pavilion is to be replaced to provide improved functionality, accessibility and long-term viability of the facility. The current facility does not meet Council's or Netball Victoria's facility standards. The new building provides the following functionality:

- Changerooms with operable wall/roller door
- Unisex amenities
- Strapping/massage rooms
- Unisex accessible change room with amenities
- Umpires change with amenities and operable wall
- First aid room
- Patron Amenities with female external access
- Patron Amenities with male external access
- Unisex accessible toilet with external access
- External spectator viewing area
- Meeting/office room
- Canteen/kitchen
- Cleaners' storage
- Utility service area
- Internal and external storage

The public tender process for the engagement of a suitably qualified Commercial Builder opened for submissions on Thursday, 27 October 2022 and closed on Tuesday, 14 February 2023. Five conforming Tender submissions were received.

The tender submissions were evaluated in two stages. The panel conducted the first stage of assessment on Monday 27 February 2023 that included the evaluation of the weighted criteria, including Capability and Capacity, Relevant Experience and Performance, Project Program, Quality System, Methodology and program.

Tenders were also assessed against various non-weighted criteria to ensure the viability of the relevant submissions. The criteria included Financial Viability, Insurances, Conditions of Contract, Conflict of Interest, and OHS. The second stage of the evaluation was held on Monday, 6 March 2023 and was based on the financial details and the potential cost savings provided by the tenderers.

Following this, the Tender Evaluation Panel shortlisted two preferred tenderers and conducted the interviews and reference checks.

A rigorous evaluation of the submitted Tenders was undertaken by the Tender Evaluation Panel with the tender provided by Constructive Group Pty Ltd considered to offer the best value for money outcomes, their tender submission was concluded to be the preferred submission.

Policy Implications

The delivery of this project aligns with other Council strategies, policies, and plans, such as:

Cardinia Shire Council Recreation Facility Standards
Garfield Recreation Reserve Masterplan
Cardinia Shire Council's Draft Recreation Strategy
Cardinia Shire Council's Building Maintenance Policy
Cardinia Shire Council's B&F Framework

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

To attain an Environmentally Sustainable Design outcome, the building design has included internal Council requirements.

Consideration and implementation have been made to the following items:

- Energy and Carbon emissions components: locate hot water appliances close together and near the hot water system.
- A central recirculating system is specified, no gas appliances are utilised in this project.
- HVAC components: VRV based system has been specified, to provide the ability to use more outside air.
- Indoor Environment components: good levels of natural light to most of the occupied area.
- Other components: LED Lighting, sustainable materials selection etc.

Consultation/Communication

Consultation and engagement with various stakeholders including user groups, funding departments and Council Officers has occurred throughout all phases of the planning and design processes for this project.

The design of the facility was informed through various workshops undertaken with the user groups and based on the Council sports pavilion standards.

Financial and Resource Implications

The overall budget allocation for this project is \$3,400,000.00.

Funding Sources:

Organisation	Amount
Victorian Government, Sport and Recreation Victoria	\$800,000
Council	\$2,600,000
Total	\$3,400,000.00

An Independent Financial Scorecard for Constructive Group Pty Ltd was obtained returning an acceptable rating.

The final tender price falls within the Council's budget allocation for this project.

Conclusion

It is recommended that the tender (including the provisional sum) submitted by Constructive Group Pty Ltd for \$ 2,501,282 ex GST be accepted for Contract 22-057 Construction of Garfield Netball Pavilion.

Resolution

Moved Cr Graeme Moore, seconded Cr Collin Ross.

That Council award Constructive Group Pty Ltd Contract 22-057 – Construction of Garfield Netball Pavilion for a final tender price including Provisional Sums of \$ \$ 2,501,282.00 excluding GST

Carried

6.2.3 Management of Domestic Basketball Competition

Responsible GM: Lili Rosic
Author: Michael Casey

Recommendation(s)

That Council support transitioning the domestic basketball competition at Cardinia Life to the Pakenham District Basketball Association from April 2023.

Attachments

Nil

Executive Summary

The domestic basketball competition at Cardinia Life has been managed by Council through the major facilities contract.

Following Councillor Briefing in May 2021, the Pakenham District Basketball Association (PDBA) was required to meet a list of criteria and develop several plans and policies explaining how the PDBA would manage all facets of the domestic basketball competition prior to any potential transition. The PDBA were required to develop the following:

- Strategic plan
- Transition Plan
- Business Plan
- Cash Handling Policies
- Financial Management Policy
- Gender Equality and Child Safe Standards Polices
- Debit Card Purchasing Policy
- Referee Payment Policy

The PDBA have been proactive, and worked cooperatively with Council, with the goal of transitioning the domestic basketball competition at the start of the winter season (April 2023).

The PDBA have submitted all required documentation and their performance and conduct has improved

Background

At Council Briefing on 3 May 2021, officers presented the history of management of the domestic basketball competition at Cardinia Life, including information about PDBA.

Over the past 24 months the PDBA's committee members have changed, and the association has established a Board with wide-ranging skills and experience. The PDBA have proactively worked with Council to position themselves to assume management of the domestic basketball competition.

To reach this point the PDBA were required to meet a list of criteria as supported by Councillors at the briefing session in May 2021. The criteria required the PDBA to:

- Provide a business plan to effectively manage the competition and operate a referee program, including referee development, rostering, and payment.
- Implement a cashless payment system.
- Develop and implement a safe cash handling procedure.
- Deliver the 'Aussie Hoops' program.
- Develop and implement a gender equality policy.
- Provide a strategic plan including policy direction on multi-cultural inclusion, female inclusion, and access/inclusion for all ages and abilities.
- Develop a transition plan.

The PDBA have worked with Council, Basketball Victoria and other associations to develop strategic and business plans, implemented cashless payment systems, and provided Council with a range of policies guiding their operation.

Responsibilities included with management of the domestic basketball competition (junior and senior basketball) are referee development, rostering, and payment. The PDBA have been undertaking these referee responsibilities for the past season.

The PDBA will continue to manage all elements of the representative basketball program.

To support the PDBA throughout the transition:

- Council will provide the association with office space.
- Council will pay the establishment cost for internet access. All on going costs for the internet line and data usage is the responsibility of the PDBA.
- Council will provide the PDBA with existing iPads for their use in scoring games. Any maintenance or replacement of those iPads is the responsibility of the PDBA.

The PDBA will pay the hourly court hire fee per hour of court hire and will be responsible for providing clash uniforms.

A usage license with the PDBA must be executed prior to the transition. It will outline responsibilities for management of the competition/hiring facilities, reporting, fees & charges, scheduling, conflict resolution and governance requirements.

Policy Implications

N/A

Relevance to Council Plan

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

1.1.5 Work closely with the community to deliver programs that build community resilience, relating to a pandemic or other disasters.

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.

Climate Emergency Consideration

N/A

Consultation/Communication

Consultation has been ongoing between Council, PDBA, Aligned Leisure and Basketball Victoria for the past 6 years.

Financial and Resource Implications

The cost of transitioning the domestic basketball competition from Council to the PDBA has been built into the budget for the major facilities contract as part of the contract extension.

Conclusion

The domestic basketball competition at Cardinia Life is managed by Council, via the major facilities contract.

The PDBA have established a board with new members, and they have proactively provided Council with all relevant documentation in line with the criteria set by Council. Officers recommend the competition is transitioned from the start of the winter season.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Collin Ross.

That Council support transitioning the domestic basketball competition at Cardinia Life to the Pakenham District Basketball Association from April 2023.

Carried

6.2.4 Economic Development Strategy 2023-2027

Responsible GM: Carol Jeffs
Debbie Tyson
Author: Tim Cooper

Recommendation(s)

That Council formally adopts the Economic Development Strategy 2023-2027

Attachments

1. Prosperous economies Eco Dev Strategy Sept 2022 Final draft [6.2.4.1 - 28 pages]

Executive Summary

Building a stronger economy: Cardinia Shire Council Economic Development Strategy 2023 - 2027, articulates Council's actions and commitment to grow, develop and support local businesses and the economy. The strategy's three primary pillars of partnership, regionalism and experiencing Cardinia and fostering the new economy are the cornerstones of this strategy which was developed in collaboration with business leaders and the local community.

Background

Cardinia Shire Council was previously in a formal partnership with the City of Casey and had a joint Economic Development Strategy that delivered networking and awards events together. Casey experienced some planning issues that came to light in late 2019 and administrators were appointed in mid-2020. These circumstances together with the covid pandemic led Council to review our partnership. The covid pandemic also highlighted some significant differences regarding priority areas for each local government area. This included Cardinia's commitment and focus on supporting and growing our tourism and visitor economy. Ultimately council determined to end our formal partnership regarding economic development but agreed to work together on regional priorities and major projects and advocacy campaigns that benefited each council. These include Thompson's Rd, the south-east airport and several other joint initiatives supporting businesses through the pandemic.

Cardinia Shire Council is committed to building a sustainable shire for present and future generations to enjoy. We recognise that we have some significant challenges ahead; tackling climate change will continue to be one of the greatest challenges of our time, while the global COVID-19 pandemic has rapidly changed how we live, work, and connect.

Cardinia Shire aims to be a place in which our community and visitors thrive and prosper, with a local economy that fosters innovation and supports local jobs. Council aspires to be a leading local authority that leverages the strength of the region in advocacy, regional planning and investment whilst supporting and creating the opportunity for local jobs and business.

Policy Implications

The Economic Development Strategy 2023 - 2027 aligns with Council's Liveability Plan, 2017 - 2029 and aims to meet goals under the employment outcomes: Cardinia Shire residents are skilled to access local jobs in a resilient, innovative, and thriving local economy. Workplaces are inclusive and promote the health, wellbeing, and safety of workers.

Our strategy also addresses the strategic indicator: Increase participation in local employment.

Related Plan Melbourne 2050 Policies:

- 1.1.5 – Support major transport gateways as important locations for employment and economic activity
- 1.1.6 – Plan for industrial land in the right locations to support employment and investment opportunities
- 1.1.7 – Plan for adequate commercial land across Melbourne
- 1.2.2 – Facilitate investment in Melbourne’s outer areas to increase local access to employment
- 1.2.3 – Support the provision of telecommunications infrastructure
- 4.2.3 – Plan and facilitate private-sector tourism investment opportunities
- 4.4.3 – Stimulate economic growth through heritage conservation.
- 6.1.1 – Support a network of vibrant activity centres

Relevance to Council Plan

4.1 We support our productive land and employment land to grow local industries

- 4.1.1 Facilitate better planning for our agricultural land to support industry, innovation, local food economy and local job growth.
- 4.1.2 Plan for sustainable employment precincts to entice new industries to the region and support new business.
- 4.1.3 Improve local learning and employment pathway opportunities through strategic partnerships.
- 4.1.5 Strengthen and promote our shire's unique identity and visitor attractions.

Climate Emergency Consideration

The following activities are included in the Economic Development Strategy 2023–2027 to address the climate emergency concerns:

Increasing business adaptability - Providing a variety of business adaptability training programmes with collaborators like the Southeast Council's Climate Change Alliance

Assessments of the business sector's vulnerability to climate change and the promotion of sustainability initiatives among those businesses to maximise efficiency and the environment. Initiatives and supporting projects related to the circular economy are among them including significant uptake of climate adaptation projects by businesses.

Regional agriculture and food production strategy: Developing an integrated food strategy that produces primary goods locally and secondary goods with added value for the region, reducing food miles and protecting farmland.

Consultation/Communication

Established in late 2020, the Pandemic Business Recovery Committee initially focused on Covid pandemic assistance initiatives, the allocation of state government funding to support outdoor dining activation, and the preparation of the next Cardinia Shire Economic Development Policy.

Through 2021–2022, there was ongoing communication with the recovery committee, business associations, Cardinia Shire organisations, internal business units, SLT, Eastern Dandenong Ranges Group (EDRA), and West Gippsland Progress Association (WGPA).

In April 2022, a draft of the plan was made available on the Creating Cardinia site. Nine individuals, as well as EDRA and WGPA representatives, provided feedback. Changes were made to the second iteration of the strategy after taking into account internal and external feedback, including the addition of further background information, a stronger connection to the Council Plan, and a focus on major priority areas such as local job creation and environmentally sustainable initiatives. Further engagement occurred with our CALD and Access & Inclusion teams and then sent to the respective Advisory Committees.

Financial and Resource Implications

The only project not currently budgeted is the development of a 'Regional Food Production Strategy' - 2027 action and milestone identifies the need to secure funding, including exploring external funding opportunities.

All other actions and initiatives can be delivered within current budgets.

Conclusion

The Cardinia Shire Economic Development Strategy has been created in collaboration with our business leaders and the broader community after extensive consultation and considering the effects of the COVID epidemic between 2020–2022. The strategy has a clear emphasis on local job creation, energising our state-significant industrial precincts, supporting and implementing program initiatives for climate adaptation, and increasing resilience and connections to the Cardinia Shire business community through the growth and strengthening of our local economy.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Stephanie Davies.

That Council formally adopts the Economic Development Strategy 2023-2027

Carried

6.2.5 Tender Evaluation Report - Professional Engineering Consultancy CT21-068

Responsible GM: Peter Benazic
Author: Fran Miller

Recommendation(s)

That Council accept tenders submitted by 2MH Consulting, Beveridge Williams Co Pty Ltd, Bridgeford Group, CMW Geosciences East Coast Pty Ltd, Craig Civil Design, Creo Consultants, Data Audit Systems Pty Ltd, Ecology and Heritage Partners, Emerge Associates, Endeavour Turf Products Pty Ltd, Engeny, Harris Kmon Solutions, HDS Australia, JJ Ryan Consulting Pty Ltd, MLEI Consulting Engineers, Pavement Management Services Pty Ltd, Spiire Australia Pty Ltd, Sporteng, Tonkin and Taylor, Water Technology Pty Ltd for registration of rates for CT21-068 Professional Engineering Consultancy Services. The contract duration is two years from endorsement of this report, with two optional extensions of two years each.

Attachments

1. confidential attachment [6.2.5.1 - 20 pages]

Executive Summary

This report seeks approval to award the tender for CT21-068 Professional Engineering Consultancy Services.

The following provides a summary of the tender evaluation process, for the appointment of the preferred tenderers, 2MH Consulting, Beveridge Williams Co Pty Ltd, Bridgeford Group, CMW Geosciences East Coast Pty Ltd, Craig Civil Design, Creo Consultants, Data Audit Systems Pty Ltd, Ecology and Heritage Partners, Emerge Associates, Endeavour Turf Products Pty Ltd, Engeny, Harris Kmon Solutions, HDS Australia, JJ Ryan Consulting Pty Ltd, MLEI Consulting Engineers, Pavement Management Services Pty Ltd, Spiire Australia Pty Ltd, Sporteng, Tonkin and Taylor, Water Technology Pty Ltd, to be awarded the Contract.

Background

Cardinia Shire have collaborated with Bass Coast Shire in creation of a panel of engineering service consultancies for the establishment of a range of different services as listed in the table below. Both councils serve the community with similar services regarding construction, upgrade and maintenance of community infrastructure. The proposed contract term is three years plus two extension options of two years each, with an option for refresh of the panel during the term of the contract.

Council previously held an Engineering Services Panel contract which expired in January 2022. The re-establishment of an approved panel of suppliers will streamline the procurement process when engaging qualified consultancies for works in a timely manner.

Each council considered the categories of services required and tendered the following areas of speciality:

Area	Bass Coast Shire	Cardinia Shire
Tender A – Civil / Structural Engineering	✓	✓

Tender B – Traffic and Transport Engineering	✓	✓
Tender C – Asset Management	✓	✓
Tender D – Geotechnical Engineering	✓	✓
Tender E – Surveying	✓	✓
Tender F – Environmental and Heritage Services	✓	✓
Tender G – Recreation Services	✓	✓
Tender H – Flood Modelling and Drainage Investigation and Water Sensitive Urban Design Investigation and Designs	✓	✓
Tender I – Sports Lighting Audits and Sport Lighting Designs	✓	✓
Tender J – Public Lighting Audits and Public Lighting Designs	✓	✓
Tender K – Arborists*	✓	✗
Tender L – Landscape Architects**	✓	✗

*Cardinia Shire has already established a panel contract for arborists

** Cardinia Shire did not participate in this category however, may take up the option in future contract refresh opportunities.

Policy Implications

This tender has been actioned in accordance with council's Procurement Policy.

Relevance to Council Plan

5.1 We practise responsible leadership

5.1.2 Manage our finances responsibly and leave a positive legacy for future generations.

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

Financial and Resource Implications

The recommendation of appointment of tenderers to this panel contract will be used throughout the organisation for various works and projects. Individual engagements will occur and will be subject to current budgetary constraints.

Conclusion

It is recommended that council endorse the recommendation to award this tender to the multiple parties as outlined in this report.

Resolution

Moved Cr Stephanie Davies, seconded Cr Jeff Springfield.

That Council accept tenders submitted by 2MH Consulting, Beveridge Williams Co Pty Ltd, Bridgeford Group, CMW Geosciences East Coast Pty Ltd, Craig Civil Design, Creo Consultants, Data Audit Systems Pty Ltd, Ecology and Heritage Partners, Emerge Associates, Endeavour Turf Products Pty Ltd, Engeny, Harris Kmon Solutions, HDS Australia, JJ Ryan Consulting Pty Ltd, MLEI Consulting Engineers, Pavement Management Services Pty Ltd, Spiire Australia Pty Ltd, Sporteng, Tonkin and Taylor, Water Technology Pty Ltd for registration of rates for CT21-068 Professional Engineering Consultancy Services. The contract duration is two years from endorsement of this report, with two optional extensions of two years each.

Carried

6.2.6 Tender Evaluation Report - Microsoft Licensing CT23-012

Responsible GM: Debbie Tyson
Author: Fran Miller

Recommendation(s)

That Council award contract CT23-012 to Data#3 for the provision of Microsoft Licensing for three years, expiring 24 April 2025.

Attachments

1. CONFIDENTIAL - Microsoft Licensing CT23 012 Confidential attachment [6.2.6.1 - 1 page]

Executive Summary

Please note that the Chief Executive Officer has designated this information to be 'Confidential' under the provision of Section 77 (c) of the Local Government Act 1989 as it deals with contractual matters as provided for in Section 89 (2) of the Act.

Council use Microsoft software for key applications throughout the organisation. It is proposed that Cardinia Shire Council will utilise the MAV Procurement panel, contracting with supplier Data#3 for the provision of licensing to cover the suite of software requirements.

Background

Council use Microsoft software extensively throughout council operations, licensing is not provided directly from Microsoft, rather through third party agents, to which Council can form a contract.

MAV Procurement ran a public tender in May 2020 which complies with the requirements of councils Procurement Policy and the Local Government Act 2020. This contract offers a pre-approved list of suppliers to which council now wishes to access for the purposes of gaining best value for the licensing required.

Data#3, a listed supplier with MAV Procurement, are a respected and well known organisation who has partnered with council over many years in the provision of this service. It is recommended that this engagement continue with the establishment of a three year contract.

Policy Implications

This implementation of this contract meets Cardinia's Procurement Policy.

Relevance to Council Plan

5.1 We practise responsible leadership

5.1.2 Manage our finances responsibly and leave a positive legacy for future generations.

5.1.3 Strive to be a customer focused organisation and be a great place to work.

Financial and Resource Implications

All Information Technology costs are appropriately budgeted during each year's operational budget process. Annual licensing costs for Microsoft suite of products are considered and included every year. The final price is determinant according to the number of user licenses required, as well as the type of license required, such as on premise or online. The costs are heavily discounted for users of the MAV Procurement contract, and further discounts have also been obtained.

Utilising today's volume, the following costs are expected:

Transaction Type	Year 1 Total	Year 2 Total	Year 3 Total	3 Years Total
Annual Order (On-premises)	\$41,370.15	\$41,370.15	\$41,370.15	\$124,110.45
Annual Order (Online Services)	\$446,510.40	\$455,190.07	\$463,869.74	\$1,365,570.21
	\$487,880.55	\$496,560.22	\$505,239.89	\$1,489,680.66

Conclusion

It is respectfully requested that Council supports that Data#3 are contracted for the next three years in the provision of Microsoft Licensing according to Microsoft licensing requirements and councils need.

Resolution

Moved Cr Jeff Springfield, seconded Cr Jack Kowarzik.

That Council award contract CT23-012 to Data#3 for the provision of Microsoft Licensing for three years, expiring 24 April 2025.

Carried

6.3 Policy Reports

6.4 Financial Reports

6.5 Activity Reports

Note the **q6.5.1 Quarterly resolutions report January to March 2023**

Responsible GM: Owen Hardidge
Author: Doug Evans

Recommendation(s)

That Council note the report detailing implementation of Council resolutions for the period January to March 2023

Attachments

1. Quarterly Council Resolutions March 2023 [**6.5.1.1** - 9 pages]

Executive Summary

The attached report details all resolutions made for the period January to March 2023, and includes the actions taken to implement the decisions; the report does not include matters listed for noting.

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, in addition provides transparency to our community.

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.

5.1.5 Champion the collective values of the community through the Councillors' governance of the shire.

Climate Emergency Consideration

There are no Climate Emergency considerations regarding this report

Consultation/Communication

All relevant staff have been consulted regarding this report.

Financial and Resource Implications

There are no financial considerations associated with this matter.

Conclusion

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

Resolution

Moved Cr Kaye Cameron, seconded Cr Stephanie Davies.

That Council note the report detailing implementation of Council resolutions for the period January to March 2023

Carried

6.5.2 Major Projects Report

Responsible GM: Peter Benazic
Author: David Fice, Walter Carmignani, Kristen Jackson

Recommendation(s)

That Council note this report

Attachments

1. Major projects report Council meeting 17 April 2023 Final [6.5.2.1 - 20 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.

Background

Projects and updates are included in the attached report

Conclusion

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

Resolution

Moved Cr Stephanie Davies, seconded Cr Collin Ross.

That Council note this report

Carried

8 Reports By Delegates

Cr Davies advised that she had attended the community celebration event at Beaconsfield following the announcement by LXP that the Beaconsfield Station Masters House and heritage listed tree would be preserved.

Cr Ross advised of his attendance at a demonstration event hosted by the Council's Emergency Management Team regarding bush fire preparedness

Cr Moore advised that the fire restrictions had been removed as at 11 April.

Cr Moore advised of his attendance at a Community Safety Policy conference and workshop

Cr Moore advised of his attendance at the Bunyip Show and congratulated the organising committee

Cr Moore advised of his attendance at the Harewood Park Heritage Festival where the funds raised were provided to the Koo Wee Rup Regional Hospital

Cr Springfield advised of his attendance at the Emerald Rotary Club 'Pride of Workmanship' Awards event and congratulated the Club on the work they do in the community

Cr Springfield advised of his attendance at the AGM of the Josie Bysouth Reserve Community Asset Committee and congratulated the volunteers on the work they do at the Reserve

Cr Kowarzik advised of his attendance at the 'Fasting in My Religion' event held during Ramadan

Cr Kowarzik advised of his attendance at a 'Women in Rescue' practice application event conducted by the Pakenham SES

Cr Kowarzik advised of his attendance in company with the Mayor at the Lakeside Primary School where they spoke to students

9 Presentation Of Petitions

Nil.

15 Meeting Closure

Meeting closed at 8.20pm

Minutes confirmed
Chairman