



Cardinia

MINUTES OF GENERAL COUNCIL MEETING

MONDAY, 19 AUGUST 2019

MINUTES OF GENERAL COUNCIL MEETING

held in the Council Chambers, 20 Siding Avenue, Officer
on Monday, 19 August 2019

The meeting was commenced at 6pm to consider a confidential matter 'In Camera'
and adjourned at 6.02pm to reconvene at 7pm.

PRESENT: Mayor, Graeme Moore, Chairman

Councillors Michael Schilling, Carol Ryan, Jodie Owen (left 9.17pm), Collin
Ross, Ray Brown, Jeff Springfield, Leticia Wilmot, Brett Owen

Messrs Carol Jeffs (CEO), Peter Benazic (GMIE), Tracey Parker (GMLC), Jenny
Scicluna (GMCPP), Tom McQualter (EMOC), Doug Evans (MG)

OPENING PRAYER

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

ACKNOWLEDGEMENT OF TRADITIONAL LANDOWNERS

The Cardinia Shire Council respectfully acknowledged that we are on the traditional land of the Bunurong and Wurundjeri people and pay our respects to their elders past present and future

APOLOGIES:

Nil

CONFIRMATION OF MINUTES OF MEETINGS

Moved Cr J Owen Seconded Cr C Ryan

THAT MINUTES OF THE FOLLOWING MEETINGS BE CONFIRMED-

- General Council Meeting 15 July 2019
- Town Planning Committee 5 August 2019

Cd.

DECLARATION OF PECUNIARY AND OTHER INTERESTS

Nil.

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Due to several community questions being received relevant to the Glismann Road development Plan being Item 1 on the Agenda these questions were brought forward to this stage of the meeting.

The Questions and answers were as follows:

Linda Amos

Question 1

Given that the Glismann Road Development process has been ongoing for the last 12 years leaving landowners living in a state of uncertainty. What strategies will Council put in place to ensure that this process is dealt with as a matter of priority? Will a timeline be provided to landowners?

Answer by Tracey Parker General Manager Liveable Communities

Council Officers are keen to proceed with this amendment. We originally lodged this in March 2018, however the Minister for Planning would not provide authorisation to exhibit the amendment in its current form.

Once authorisation is obtained council officers will be able to provide residents with exhibition dates and estimated panel hearing dates. Exact dates will be determined by Planning Panels Victoria. At the end of the process if approval is recommended the final decision lies with the Minister for Planning. Council cannot control the time frames for the Minister making a decision.

Question 2

I understand that no development can commence until the traffic lights and other infrastructure (roads) are installed/put in place. What steps have/will Council take to ensure this occurs as a priority?

Answer by Tracey Parker General Manager Liveable Communities

Yes – the intersection is at capacity and no development can commence until the traffic lights and other infrastructure (roads) are installed/put in place.

The report states " Glismann Road is an unsealed road and any future development within the Glismann Road DP area not only triggers the need for road construction and traffic management but also additional infrastructure such as public open space and shared paths both within and on the boundary of the development plan area. The intersection of Old Princes Highway / Glismann Road / Beaconsfield Avenue currently operates unsatisfactorily (i.e. above theoretical capacity) and this intersection must be signalised prior to any further development."

When the Council report was prepared the staging of the Princes Highway intersections was not confirmed.

The report states "\$17.8 million has been allocated for eight intersection upgrades along the Princes Highway at Beaconsfield Avenue; O'Neil Road; Brunt Road; Bayview Road; Tivendale Road; McMullen Road; Arena Parade; and Thewlis Road. Council officers are currently working with representatives from the Federal Government's infrastructure group around the funding requirements for the Princes Highway intersections (including the programming and delivery of these projects). At this stage there has been no further development on the prioritisation for delivery nor the exact timelines."

Council Officers are currently seeking prices for the detail design of O'Neil Road, Glismann Roads & Bayview Rd intersections. Taking into consideration the pre planning required, given the magnitude of the program, works on ground are possibly to commence as soon as late 2020.

Question 3

Over many years landowners have been told that no land would be compulsorily acquired for this process. How then does Council see this plan proceeding if landowners refuse to sell land that is

crucial for surrounding sites to develop (i.e land crucial for roads)?

Response

Answer by Tracey Parker General Manager Liveable Communities

The proposed Glismann Road amendment does not propose to include a public acquisition overlay. The Development Plan aims to provide a framework for an integrated design approach to the fragmented land ownerships.

How then does Council see this plan proceeding if landowners refuse to sell land that is crucial for surrounding sites to develop (i.e land crucial for roads)?

The amendment proposes a development plan. The aim of this is to ensure that all landowners are aware of what land is required to allow development to occur. Development plans may take a number of years to implement as a result of landowners not wanting to sell or develop. The development plan cannot force any landowners to sell or develop.

Question 4

Can you explain, in layman terms, the financial impact on current landowners under the proposed DCP model:

- Will current landowners be asked for financial contributions such as levies or DCP contributions up front regardless of whether or not they intend to develop? Or,
- Will Council contribute all of the funds up front and recoup costs when development applications are sought by future developers?

Answer by Tracey Parker General Manager Liveable Communities

The DCP contribution is triggered at the time of subdivision. A planning permit for subdivision will include a condition for payment of the Development Infrastructure Levy prior to the issue of a Statement of Compliance. A Statement of Compliance is required from Council before separate titles can be released.

The DCP will be prepared in accordance with the Planning and Environment Act. The exhibited amendment documentation will include the DCP which will outline all items proposed to be included in the DCP, the cost, the timing of the delivery of this infrastructure, how the cost is distributed as well as items not included in the DCP and how the DCP will be managed.

The DCP document will also address how the DCP will be administered, the timing of payment and how funds generated by the DCP will be managed in terms of reporting, indexation and review periods.

Development proponents who wish to bring projects forward of the timing identified in the DCP will need to discuss their proposal with the Council (a works in kind agreement with the timing of any credit for works may also be negotiated between the parties).

Lynn Williams

Question 1

In regards to costings, what percentage of the infrastructure items will be met by Council? What percentage by developers and what percentage by landowners? Have the costs to Council been budgeted for, or does this mean further time spent holding up the process? As landowners have continuously indicated, the plan has been designed for one or two developers to implement. How has this plan and Council, reconciled the issue of reliance upon neighbours and neighbouring properties, for development to occur?

Answer by Tracey Parker General Manager Liveable Communities

Once the Minister for Planning provides consent for Council to prepare and exhibit a planning scheme amendment for Glismann Road full documentation about the proposed changes to the Cardinia Planning Scheme will be made available. Council has committed to an 8 week exhibition period (which is an extension of the standard 4 week exhibition period). The exhibited amendment documentation will include the DCP which will outline all items proposed to be included in the DCP, the cost, the timing of the delivery of this infrastructure, how the cost is distributed, items not included in the DCP and how the DCP will be managed. In regard to the reliance on neighbours we have attempted to allow development by individual properties however this may not be possible due to fragmented land ownership.

Question 2

What has Council spent in monetary figures on the plan to date, including wages, reports, meetings, plans etc? What is budgeted for in the future?

Answer by Tracey Parker General Manager Liveable Communities

I cannot provide an exact cost spent on this matter. I can advise that no additional funding has been provided to the planning team to process this amendment. It has been undertaken within normal annual budget allocations.

Question 3

What are the benefits to ratepayers, who will be funding this project, when the developers are the ones who will profit the most?

Answer by Tracey Parker General Manager Liveable Communities

Ratepayers will see additional openspace areas, footpaths and key pedestrian networks as well as improvements to the O'Neil Rd Reserve area.

Cathy Briant

Is Council planning to force Glismann Rd residents to pay for the road and other infrastructure even when they don't want their property developed?

Answer by Tracey Parker General Manager Liveable Communities

Council is proposing a planning scheme amendment. Landowners and local residents will have the opportunity to make submissions to council regarding the rezoning, the development plan and the DCP.

Council will consider all submissions received. After consideration of submissions, if Council wishes to proceed with the amendment, then all submissions will be referred to an independent Planning Panel appointed by the Minister for Planning. Submitters will have the opportunity to be heard by the panel.

If the amendment is approved the DCP will only be payable, after a subdivision permit has been granted. Payment will be required prior to a SOC (title release). If landowners do not want to develop their land no DCP fees are payable.

Question 2

Is Council so determined to develop Glismann Rd that they will go to the extent of compulsorily acquiring residents' land? Is it worth it?

Answer by Tracey Parker General Manager Liveable Communities

The proposed Glismann Road amendment does not propose to include a public acquisition overlay. The Development Plan aims to provide a framework for an integrated design approach to the

fragmented land ownerships.

1 AM C238 - GLISMANN ROAD DEVELOPMENT PLAN AND DEVELOPMENT CONTRIBUTIONS PLAN AUTHORISATION REQUEST

FILE REFERENCE INT1960403

RESPONSIBLE GENERAL MANAGER Tracey Parker

AUTHOR Lorna Lablache

RECOMMENDATION

That:

- Authorisation be sought from the Minister for Planning under Section 9(2) of the Planning and Environment Act 1987 to prepare and exhibit amendment C238 to the Cardinia Planning Scheme to facilitate the following in the Glismann Road Development Plan area:
 - Rezone land from the Rural Living Zone (RLZ2) to the General Residential Zone (GRZ1)
 - Remove the amendment area from the Environmental Significance Landscape Overlay (ESO1)
 - Amend the Schedule to Clause 43.04 (Development Plan Overlay) to include schedule 'Glismann Road Development Plan'
 - Amend the Schedule to Clause 45.06 (Development Contributions Plan Overlay) to include 'Glismann Road Development Contributions Plan'
 - Amend Planning Scheme Maps 12, 12DCPO, 12DPO and 12ESO.
- Council's request to seek authorisation from the Minister for Planning under Section 9(2) of the Planning and Environment Act 1987 to prepare amendment C238 to the Cardinia Planning Scheme as resolved by Council on the 15 October 2018 has now been superseded by Council's resolution of the 19 August 2019.
- Officers may make changes to the Glismann Road Development Plan (Rev. M dated 29 January 2018) (Attachment 2) that do not change the intent or direction of the plan.

Attachments

- | | | |
|---|---|--------|
| 1 | Glismann Road Proposed DCP Items August 2019 | 1 Page |
| 2 | Glismann Road Development Plan (Rev. M dated 29 January 2018) | 1 Page |

EXECUTIVE SUMMARY

The development of land within the proposed Glismann Road DP area triggers the need for additional infrastructure such as public open space, roads and traffic management both within and on the boundary of the development plan area.

Over the last few years there has been ongoing discussion and debate about what is the most appropriate planning tool that 'could' be used to fund and deliver infrastructure within the Glismann

Road Development Plan area. There has been significant change in planning legislation with regards to infrastructure contributions, in particular:

- current legislations with regard to development contribution plans (DCPs) has been amended
- new legislation with regard to infrastructure contribution plans (ICPs) has been introduced
- 'new legislation' with regard to ICPs has been amended.

An analysis of the potential cost of a DCP for the Glismann Road DP area was undertaken and several factors influenced Council's position to not support a DCP, in particular the fragmented ownership, the high cost of non-negotiable infrastructure (that was required at the outset) and the 'potential' future financial risk to Council during the amendment process. As a result of this analysis, Council advised the Minister that it did not support a DCP or an ICP for the Glismann Road DP area. Council's preferred option was to use the Development Plan provisions in the planning scheme to provide guidelines that specify the type of development that is expected for the area and place a requirement with regard to the delivery of key infrastructure.

In March 2019, DELWP advised Council that it did not support Council's preferred option and directed Council to prepare a DCP for the Glismann Road DP area.

It is important to note that since the assessment was made by Council (October 2018) to not support a DCP (or an ICP) for the Glismann Road area there has been a significant event that impacts on the proposed development of this area. Specifically, funding has been 'secured' for the signalised intersection at Glismann Road / Old Princes Highway / Beaconsfield Avenue. As a result of this funding, this infrastructure item no longer needs to form part of the Glismann Road DCP and significantly reduces Council's financial risk/liability and the significant upfront costs for developers.

This report addresses the investigations/assessment and significant milestones that have taken place since a report was presented to Council on the 15 October 2018 seeking authorisation from the Minister for Planning to prepare an amendment to facilitate the development of the Glismann Road area (Amendment C238 to the Cardinia Planning Scheme).

BACKGROUND

Glismann Road is an unsealed road and any future development within the Glismann Road area not only triggers the need for road construction and traffic management but also additional infrastructure such as public open space and shared paths both within and on the boundary of the development plan area.

There are several complex planning issues that have placed a significant delay on the Glismann Road project. Specifically, over the last few years there has been:

- a great deal of discussion about the type and extent of infrastructure required within the Glismann Road DP area
- significant change in planning legislation with regards to infrastructure contributions, in both development contribution plans (DCPs) and infrastructure contribution plans (ICPs)
- an assessment of what 'planning tool' should be and/or could be used to facilitate the provision of the infrastructure for the Glismann Road DP area. The 'planning tool' ultimately influences what infrastructure can or can't be funded through a particular infrastructure contribution.

As a result of the changes in legislation (and anomalies in the revised wording of the legislation), Council has:

- sought legal advice on two occasions in relation to what planning tool should be used for the Glismann Road DP area

- undertaken a substantial amount of work to determine the cost of infrastructure items (which included alternative development/design scenarios to determine the most cost effective option) and financial risk to Council in relation to the use of a Development Contribution Plans (DCP), Infrastructure Contribution Plans (ICP) and Section 173 Agreements.

Table 1: Provides a summary of key decisions for the Glismann Road Development Plan area with regards to the planning tool used to collect infrastructure contributions.

Table 1: Summary of Key Decisions for the Glismann Road DP area

Milestone	Council resolution/correspondence re DCP or ICP
<p>16 October 2017 Council Meeting (In Camera) Purpose of report:</p> <ul style="list-style-type: none"> • Present a revised development plan and a change in direction of key elements of the plan, specifically in relation to public open space, the road network, housing densities and the DCP. 	<p>Council resolved: That the DCP for the Glismann Road Development Plan (GRDP) area include the following:</p> <ul style="list-style-type: none"> • The full cost of the construction of Glismann Road as an access street. • The GRDP's share of the signalised intersection at Glismann Road / Old Princes Highway and Beaconsfield Avenue. • The full cost of the embellishment works of the public open space area located within the development plan area. • The full cost of the preparation of the Glismann Road Development Plan DCP.
<p>19 February 2018 Council Meeting Purpose of report:</p> <ul style="list-style-type: none"> • Make public the resolutions from the closed Council meeting (16 Oct 17), to ensure transparency. • Seek authorisation from the Minister for Planning for Council to prepare Am C238 to rezone the land to allow for residential development and implement the Glismann Road Development Plan. • Council was advised, that based on the assessment of the Planning and Environment Act 1987 and the Ministerial Direction, Council must apply for an infrastructure contributions plan (ICP) and not a development contributions plan (DCP). • The amendment area will be bound to an Infrastructure Contributions Plan (ICP) via a separate planning scheme 	<p>Council resolved: The Minister be advised that Council's request for authorisation is subject to the Minister's approval that:</p> <ul style="list-style-type: none"> • an Infrastructure Contributions Plan (ICP) is applicable to the Glismann Road Development Plan area and not a Development Contributions Plan (DCP) • an Infrastructure Contribution Plan (ICP) for the Glismann Road Development Plan area will be implemented at a later stage via a separate amendment • should the future amendment for the Infrastructure Contribution Plan (ICP) for the Glismann Road Development Plan area impose only a standard levy and be in accordance with the Ministerial Direction that the Minister prepare an amendment under section 20A of the Planning and Environment Act 1987 (the Act).

Milestone	Council resolution/correspondence re DCP or ICP
amendment	
29 March 2018 Council letter to Minister	Authorisation request and proposed amendment documentation submitted to Minister for Planning.
12 April 2018 Letter from Minister to Council	DELWP advised Council that C238 required further review and that a decision on the authorisation application would be made as soon as possible following further review.
16 April 2018 Council letter to landowners	Landowners and occupiers within and surrounding the Glismann Road area were advised of DELWPs correspondence.
6 June 2018 Letter from Minister to Council	<p>DELWP advised that:</p> <ul style="list-style-type: none"> • the Ministerial Direction on the Preparation and Content of the Infrastructure Contributions Plans was to be amended on the 2 July 2018. As a result of these changes, an ICP will not be able to be prepared for the land affected by this amendment (C238) • it was recommended that Council prepare a Development Contributions Plan for the land affected by this amendment (C238).
9 July 2018 Council sought further legal advice	Council sought further legal advice with regard to the new Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans and the Ministerial Reporting Requirements for Infrastructure Contributions Plans issued by the Minister for Planning on 2 July 2018.
<p>15 October 2018 Council Meeting Purpose of report:</p> <ul style="list-style-type: none"> • Addresses the further investigations /assessment that have taken place since a report was presented to Council on the 19 February 2018. • An assessment of what is the best mechanism to fund future infrastructure within the Glismann Road DP area. 	<p>Council resolved:</p> <p>That the Minister be advised that Council's request for authorisation is subject to the Minister's approval that:</p> <ul style="list-style-type: none"> • Council's request to seek authorisation from the Minister for Planning under Section 9(2) of the Planning and Environment Act 1987 to prepare amendment C238 to the Cardinia Planning Scheme as resolved by Council on the 19 February 2018 has now been superseded by Council's resolution of the 15 October 2018 • an Infrastructure Contributions Plan (ICP) or a Development Contributions Plan (DCP) is not proposed for the Glismann Road Development Plan area • the proposed Development Plan Overlay (DPO) will ensure that any development must demonstrate how services and infrastructure will be delivered as part of the site development.

Milestone	Council resolution/correspondence re DCP or ICP
30 October 2018 Council letter to Minister	Authorisation request and revised amendment documentation submitted to Minister for Planning.
1 November 2018 Council letter to landowners	Landowners and occupiers within and surrounding the Glismann Road area were advised: <ul style="list-style-type: none"> • of Council's updated position (outcome of 15 October 2018) • that Council submitted the revised documentation to DELWP • DELWP has advised Council that the Minister for Planning will not be able to make a decision about the Glismann Road amendment during the 'caretaker period'
February 2019 Media release - \$121 million to bust congestion in East and South-East Melbourne	\$17.8 million for eight intersection upgrades along the Princes Highway at Beaconsfield Avenue; O'Neil Road; Brunt Road; Bayview Road; Tivendale Road; McMullen Road; Arena Parade; and Thewlis Road.
14 March 2019 Letter from Minister to Council	DELWP advised that it has revised the request and considers that there are still outstanding issues that need to be addressed before the authorisation request can be considered further: <ul style="list-style-type: none"> • It is not clear how the infrastructure items are to be funded and how it will be proportioned to each landowner • A DCP is the most suitable funding arrangement to ensure a coordinated delivery of infrastructure, transparency between council and landowners and to ensure the proper and orderly planning for the area.
16 April 2019 Council letter to landowners	Landowners and occupiers within and surrounding the Glismann Road area were advised: <ul style="list-style-type: none"> • of DELWPs correspondence (DELWP letter attached) • that further correspondence will be sent with regards to the Council Meeting date that will address the matters raised by DELWP and the anticipated next steps for Amendment C238.

Glismann Road DCP

Glismann Road is an unsealed road and any future development within the Glismann Road DP area not only triggers the need for road construction and traffic management but also additional infrastructure such as public open space and shared paths both within and on the boundary of the development plan area.

The intersection of Old Princes Highway / Glismann Road / Beaconsfield Avenue currently operates unsatisfactorily (i.e. above theoretical capacity) and this intersection must be signalised prior to any further development.

February 2019 - Media release - \$121 million to bust congestion in East and South-East Melbourne

\$17.8 million has been allocated for eight intersection upgrades along the Princes Highway at Beaconsfield Avenue; O'Neil Road; Brunt Road; Bayview Road; Tivendale Road; McMullen Road; Arena Parade; and Thewlis Road.

Council officers are currently working with representatives from the Federal Government's infrastructure group around the funding requirements for the Princes Highway intersections (including the programming and delivery of these projects). At this stage there has been no further development on the prioritisation for delivery nor the exact timelines.

Original elements of a DCP for Glismann Road (October 2018)

Figure 1 provides the costing assessment that was provided in the Council report (15 October 2018) (Table 1: Infrastructure items that could be funded through a DCP). The table clearly identifies that the cost of the signalised intersection is not only the most expensive item in the DCP list and significantly higher than all the other items listed.

Figure 1: Extract from Council Report 15 October 2018

Table 1. Infrastructure items that could be funded through a DCP

Development Infrastructure Items (DIL)	Estimated Cost
• Glismann Road - Construction of the section of the from Old Princes Highway to the first roundabout	\$1,492,262
• Signalised intersection - Glismann Road/Old Princes Highway/Beaconsfield Avenue (was \$2,273,500 but now increased based on more recent costings for Princes Highway intersections)	\$3,260,243
• Roundabout - 1st roundabout located on Glismann Road and the proposed west loop road	\$25,000
• Shared path - from Glismann Road to O'Neil Road Recreations Reserve (230m @ \$200 l/m)	\$46,000
• Local park & embellishment	\$1,400,000
• Cost of preparation of the Glismann Road DCP	\$70,000
• O'Neil Road Recreation Reserve Masterplan - 10% all facilities (excluding pavilion which would form part of a Community Infrastructure Levy (CIL))	\$192,500
<i>Estimated amount of Development Infrastructure Items that could possibly be funded by the DCP for Glismann Road</i>	<i>\$6,486,005</i>
Community Infrastructure Items (CIL)	Estimated Cost
• O'Neil Road Recreation Reserve Masterplan -10% of cost of pavilion	\$ 276,000

Elements of a DCP for Glismann Road (August 2019)

Items within a DCP must be justified and comply with principles such as equity, strategic justification and projected share of use. The proposed list of items to be included in the DCP for the Glismann Road area is as follows:

- Glismann Road from Old Princes Highway to the first roundabout - construction within existing road reservation
- First roundabout on Glismann Road - construction and purchase of land (splays) on the eastern side of Glismann Road
- Part of west loop road southern end (from Glismann Road first roundabout to the west loop road along the easement) - construction and purchase of land
- Part of west loop road northern end (from Glismann Road second roundabout to the west loop road along the easement) - construction and purchase of land

- Local park - embellishment and purchase of land
- Shared path (from Glismann Road to O'Neil Road Recreations Reserve) - construction
- Cost of preparation of the Glismann Road DCP
- A financial contribution (percentage) to O'Neil Road Recreation Reserve

The location of these items are provided in Attachment A. The cost and specifications of the listed items will form part of the planning scheme amendment and will be made available during the exhibition period for public comment. All elements of a DCP, such cost, specifications, assessment of equity, strategic justification and/or projected share may be challenged through the planning scheme amendment process.

POLICY IMPLICATIONS

The land in the Glismann Road DP area is currently zoned Rural Living Zone (RLZ), which is an anomaly under the current planning provisions. It is also inconsistent with the surrounding areas (zoned General Residential Zone (GRZ)) and with State planning policy which is focused on reducing urban sprawl by promoting increased urban densities and maximising the use of existing infrastructure, particularly in areas that are close to public transport.

In addition to this, the Beaconsfield Structure Plan (2013) identifies that the Glismann Road area is to be rezoned for residential use with a Development Plan (master plan) and infrastructure plan.

Proceeding this this amendment ensures that:

- the Glismann Road DP area is suitable for urban development
- in the interim, the land is not used or developed in a manner which could prejudice its future urban purposes.

RELEVANCE TO COUNCIL PLAN

Preparation of the Glismann Road Development Plan was a specific action of the Council Plan for 2014-15.

The Glismann Road DP process is consistent with the Council Plan 2018-19:

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

CONSULTATION/COMMUNICATION

A letter was sent out to all affected landowners on the 16 April 2019 advising that:

- a response has been received from DELWP (in response to Council's documentation submitted 30 Oct 2018)
- DELWP has advised that outstanding issues need to be addressed before the authorisation request can be further considered
- Council is reviewing the matters raised in DELWP's letter
- further correspondence will be sent to them with regards to the Council Meeting date that will address the matters raised by DELWP and the anticipated next steps for Amendment C238.

A letter was sent out to the affected residents on the 31 July 2019 advising them of this Council Meeting agenda item.

It is anticipated that once authorisation has been received from the Minister to prepare this amendment, the Amendment C238 documents will be exhibited to the public for a period of 8 weeks.

FINANCIAL AND RESOURCE IMPLICATIONS

Extensive internal and external council resources have been allocated to this project.

The potential development facilitated by this amendment triggers the need for of additional infrastructure such as public open space, shared paths, roads and traffic management within and on the boundary of the development plan area.

As Council has requested the planning scheme amendment, Council is liable for all the planning scheme amendment fees. Council resources will also need to be allocated towards the preparation of the amendment documentation, including supporting information and possibly expert witness reports for any future panel hearing if required.

CONCLUSION

Over the last few years there has been ongoing discussion about what planning tool should be used to fund the provision of infrastructure within the Glismann Road DP area.

DELWP supports the use of a DCP for the Glismann Road area. Now that funding has been 'secured' for the signalised intersection at Glismann Road / Old Princes Highway / Beaconsfield Avenue Council's financial risk/liability with a DCP for Glismann Road has been significantly reduced.

It is recommended Council seek authorisation from the Minister for Planning to prepare and exhibit Amendment C238 to the Cardinia Planning Scheme, subject to specific requirements as outlined in the recommendation.

1 AM C238 - GLISMANN ROAD DEVELOPMENT PLAN AND DEVELOPMENT CONTRIBUTIONS PLAN AUTHORISATION REQUEST

Moved Cr B Owen Seconded Cr J Springfield

That:

- Authorisation be sought from the Minister for Planning under Section 9(2) of the Planning and Environment Act 1987 to prepare and exhibit amendment C238 to the Cardinia Planning Scheme to facilitate the following in the Glismann Road Development Plan area:
 - Rezone land from the Rural Living Zone (RLZ2) to the General Residential Zone (GRZ1)
 - Remove the amendment area from the Environmental Significance Landscape Overlay (ESO1)
 - Amend the Schedule to Clause 43.04 (Development Plan Overlay) to include schedule 'Glismann Road Development Plan'
 - Amend the Schedule to Clause 45.06 (Development Contributions Plan Overlay) to include 'Glismann Road Development Contributions Plan'
 - Amend Planning Scheme Maps 12, 12DCPO, 12DPO and 12ESO.
- Council's request to seek authorisation from the Minister for Planning under Section 9(2) of the Planning and Environment Act 1987 to prepare amendment C238 to the Cardinia Planning Scheme as resolved by Council on the 15 October 2018 has now been superseded by Council's resolution of the 19 August 2019.
- Officers may make changes to the Glismann Road Development Plan (Rev. M dated 29 January 2018) (Attachment 2) that do not change the intent or direction of the plan.
- That during the formal exhibition process of the proposed planning scheme amendment, that the Minister for Education be sent a copy of previous correspondence between Council and the Minister with regards to the possible options for Beaconsfield Primary School as part of the Development Plan and planning scheme amendment process.

Cd.

2 SUBDIVISION OF LAND INTO NINE (9) LOTS AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 400 ROSSITER ROAD, KOO WEE RUP

FILE REFERENCE INT1960755

RESPONSIBLE GENERAL MANAGER Peter Benazic

AUTHOR Tara Hooper

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T180293 be issued for the Subdivision of land into nine (9) lots and creation of access to a Road Zone Category 1 at 400 Rossiter Road, Koo Wee Rup VIC 3981 subject to the conditions attached to this report.

Attachments

- | | | |
|---|---|----------|
| 1 | Plan of Subdivision | 1 Page |
| 2 | Locality Map | 1 Page |
| 3 | Copy of Objections - Circulated to Councillors only | 13 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T180293
APPLICANT:	Joey Whitehead
LAND:	400 Rossiter Road, Koo Wee Rup VIC 3981
PROPOSAL:	Subdivision of land into nine (9) lots and creation of access to a Road Zone Category 1
PLANNING CONTROLS:	Neighbourhood Residential Zone Schedule 1 Land Subject to Inundation Overlay Land adjacent to a Road Zone, Category 1 Clause 56 Residential Subdivision
NOTIFICATION & OBJECTIONS:	The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by sending notices to adjoining land owners and occupiers and placing a sign on site Six (6) objections were received
KEY PLANNING CONSIDERATIONS:	Neighbourhood and township character, impact on surrounding properties
RECOMMENDATION:	Notice of Decision to Grant a Permit

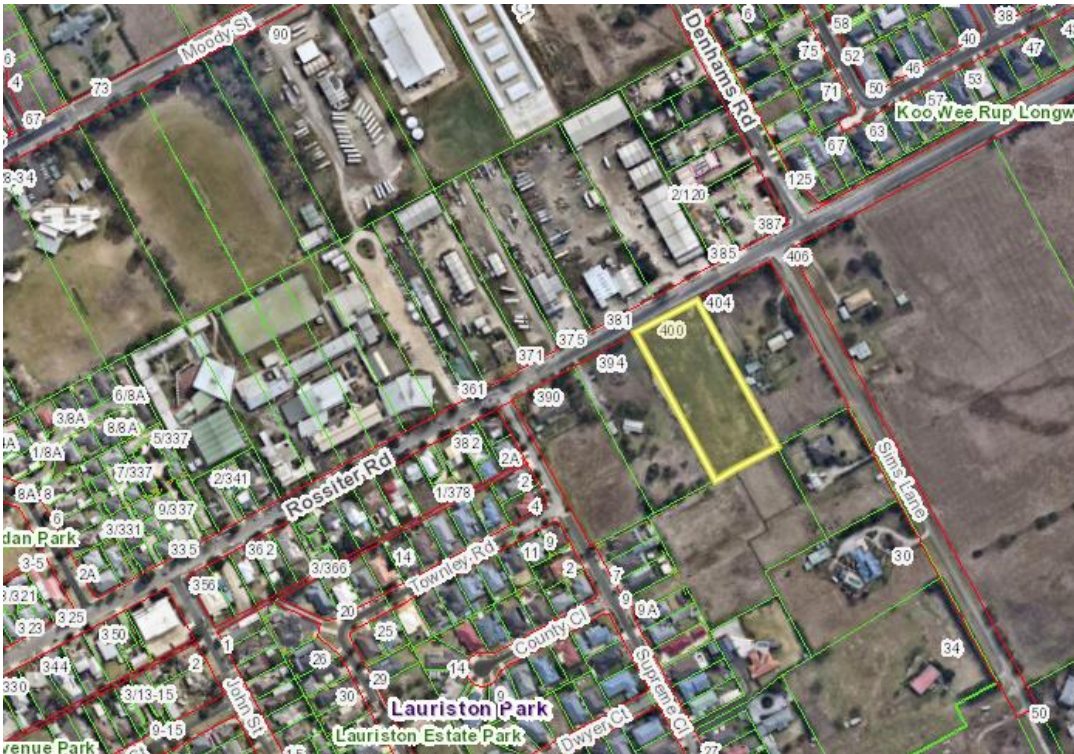
BACKGROUND:

Planning Permit T030273 authorised the subdivision of the land into nine (9) lots. The plan approved by this permit had largely the same configuration as the current proposal.

The original plan submitted with the current application included the subdivision of the land into 10 lots, with a central court-bowl access designed as common property. After negotiations with Council's Planning Department, the applicant submitted revised plans. These revised plans are currently under consideration.

SUBJECT SITE

The 8564 square metre rectangular site is located on the south eastern side of Rossiter Road.



A 3 metre wide drainage easement spans the eastern property boundary.

The site is currently vacant.

The topography of the land is generally flat.

The subject site is located towards the north eastern entrance of the Koo Wee Rup Township along Rossiter Road. The intersection of Rossiter Road and Station Street, at the centre of Koo Wee Rup's commercial district, is approximately 675 metres from the site. A shopping centre containing a supermarket is approximately 250 metres west of that intersection.

The site is well-placed with regards to access to town services, and is less than 200 metres from Koo Wee Rup Secondary School, approximately 500 metres from Koo Wee Rup Primary School. A bus stop serviced by V-Line is approximately 850 metres from the site. Cochrane Park is approximately 1 kilometre southeast, and Koo Wee Rup Regional Health Centre is approximately 1.3 kilometres southeast.

PROPOSAL

The application proposes the subdivision of the land into nine (9) lots. The lots will measure between 700 and 768 square metres,¹ and will be serviced by a single road at the eastern property boundary onto Rossiter Road.

¹ The size of lots 1 and 2 will be reduced in accordance with a condition to provide an internal service road that will eventually eliminate access from Rossiter Road (discussion below).



PLANNING SCHEME PROVISIONS

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 15.01-1S Urban design
- Clause 15.01-3S Subdivision design
- Clause 15.01-4S Healthy neighbourhoods
- Clause 15.01-5S Neighbourhood character
- Clause 16.01-1S Integrated housing
- Clause 16.01-2S Location of residential development
- Clause 16.01-3S Housing diversity
- Clause 18.02-1S Sustainable personal transport

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.03 Settlement and housing
- Clause 21.03-1 Housing
- Clause 21.03-3 Rural townships
- Clause 21.05-5 Pedestrian and bicycle network
- Clause 21.06-1 Design and built form
- Clause 21.07-7 Local Areas - Koo Wee Rup

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.01 Public open space contribution and subdivision
- Clause 56 Residential subdivision
- Clause 65 Decision guidelines
- Clause 66 Referral and notice provisions
- Clause 71.02 Integrated decision making
- Koo Wee Rup Township Strategy 2015

Zone

The land is subject to the **Neighbourhood Residential Zone Schedule 1 and a Road Zone, Category 1.**

Overlays

The land is subject to the following overlays:

- Land Subject to Inundation Overlay
- Development Plan Overlay 24 (amendment currently under preparation)

PLANNING PERMIT TRIGGERS

The proposal for **Subdivision of land into nine (9) lots and creation of access to a Road Zone Category 1** requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.09-3 (Neighbourhood Residential Zone), a planning permit is required for subdivision.
- Pursuant to Clause 52.29-2 (Land Adjacent to a Road Zone, Category 1), a permit is required to create or alter access to a road in a Road Zone, Category 1 and subdivide land adjacent to a road in a Road Zone, Category 1.

PUBLIC NOTIFICATION

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

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

Council has received six (6) objections to date.

It is noted that the six objections were submitted prior to a substantial revision of the proposal under Section 57A of the *Planning and Environment Act 1987*. After the revision, the application was readvertised by:

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

Only one (1) objector submitted a further objection after notice of the amended application. However, under Section 57A(7)(b), Council is required to consider all objections made in relation to the original application to be an objection of the amended application.

The key issues that were raised in the objections were:

- Noncompliance with the Koo Wee Rup Township Strategy, including lot yield mentioned in Section 4.12/Table 6, guideline for 80% of lots to measure over 700 square metres, provision of larger allotments near Urban Growth Boundary, and footpath access.
- Noncompliance with public access provisions of Clause 56.04-5, 56.06-5 and 56.07-4.
- A lack of respect for neighbourhood character, specifically with regard to the 'country feel' of Koo Wee Rup and the contrast with nearby Lauriston Park Estate, which has predominantly 3 and 4 bedroom residences on 900 square metre allotments.
- No provision of footpath to Townley Road, and the only footpath into town located across Rossiter Road.
- Addition of new intersection to cause traffic issues, especially with nearby industrial land and secondary school.
- Provision of sewerage.
- Issues with common property.

REFERRALS

APA Group

The application was referred to APA Group as a statutory referral. APA Group had no objection to the proposal and required no conditions.

AusNet Services

The application was referred to AusNet Services as a statutory referral. AusNet Services had no objection to the proposal subject to conditions.

Country Fire Authority

The application was referred to the Country Fire Authority as a statutory referral. The CFA had no objection to the proposal subject to conditions.

Melbourne Water

The application was referred to Melbourne Water as a statutory referral. Melbourne Water had no objection to the proposal and required no conditions.

South East Water

The application was referred to South East Water as a statutory referral. South East Water no objection to the proposal subject to conditions.

VicRoads

The application was referred to VicRoads as a statutory referral. VicRoads had no objection to the proposal subject to conditions.

DISCUSSION

The proposed nine lot subdivision has been assessed against all relevant provisions of the Cardinia Planning Scheme and represents an acceptable planning outcome. As such, the application should be supported by Council.

State and Local Planning Policy Framework

The proposal is consistent with State and Local Planning Policy Frameworks. In particular, the application meets State policies that encourage residential development within the designated urban growth boundary, within a close proximity to commercial centres and along public transport routes. The subdivision will increase the supply of residential land within a small township and therefore increase housing diversity and improving housing affordability whilst providing a subdivision layout that can integrate well with the surrounding neighbourhood and township character.

Koo Wee Rup Township Strategy

The proposed subdivision is generally in accordance with the Koo Wee Rup Township Strategy (the 'Township Strategy').

The Township Strategy is an incorporated document in the Planning Scheme. In addition, Clause 21.07-7 Koo Wee Rup seeks to:

- *Ensure that any proposed use or development within or around the Koo Wee Rup Township is generally consistent with the Koo Wee Rup Township Strategy (October 2015), including the Koo Wee Rup Framework Plan (Figure 18).*

Of relevance to this application is Section 4, which specifies guidelines for residential development. Section 4.4 specifies that the Subject Site is located within Precinct 2 (new residential estates). Also relevant to this proposal is section 4.12, which identifies the subject site as suitable for infill development.

Precinct 2 and Development Guidelines

The proposed subdivision is generally consistent with the preferred character statement identified for the area. The preferred character statement for Precinct 2 provides that:

The open and semi-rural atmosphere of Koo Wee Rup's new residential estates will be retained particularly with provision of larger allotments. Existing asphalt roads with pathways on either side will continue into new developments and maintain existing styles and features including brick paved thresholds and street lighting. Other features which improve the overall appearance and functionality of the existing developments, such as underground power and grassed road verges will be combined with street tree planting, wide footpaths and generous street widths with an overall focus on continuity and quality within all new developments.

An excerpt of the Township Strategy providing the location of Precinct 2 is shown below:



Development guidelines are provided for this precinct, with relevant guidelines including:

- *Maintain 80% of the lots with sizes over 700 square metres;*

- *Orientate dwellings to maximize retention of existing vegetation and allow only one access driveway to the site;*
- *Maintain spaciousness in new estates with:*
 - *Providing a minimum front setback of 7 metres or no less than the average setback of the adjoining two dwellings;*
 - *Side setbacks of 2.5 metres minimum;*
 - *Respect for the predominant building height of the neighbourhood;*
 - *No fences or if fenced, only low fences; and*
 - *Minimum lot width of 18 metres.*
- *Encourage larger allotments of over 1000 square metres towards the edge of the Urban Growth Boundary;*
- *Discourage small allotments of less than 600 square metres in the new residential estates;*
- *In the case of subdivisions, clearly outline how the new development relates to the existing and intended use and development of adjoining land;*
- *Discourage cul-de-sacs and, if used, they should be connected through to another street by a wide reserve and path for safe pedestrian and bicycle access.*

The subdivision is generally in accordance with the Koo Wee Rup Township Strategy with most lots measuring over 700 square metres, the ability of the subdivided lots to maintain a sense of spaciousness, and the absence of a cul-de-sac (with future connectivity to be provided through the realisation of the future DPO24).

This consistency with the Township Strategy is determined despite some minor deviations required to realise the aims of Council's proposed Development Plan Overlay in this area.² Whilst the plans submitted show all lots measuring over 700 square metres, it is noted that a 16 metre wide (approximately) service road will be required via condition to run parallel to Rossiter Road to align with the future Development Plan Overlay 24 and minimise permanent road access points to Rossiter Road (see discussion below). This condition will reduce the lot sizes of lots 1 and 2 (which both currently measure 720 square metres) by approximately 384 square metres each. Considering the amendment that will be required by this condition, approximately 78 percent of lots will measure over 700 square metres. This will also result in lots 1 and 2 measuring less than 600 square metres. Finally, it is noted that the lot width of lots 3 – 8 will measure less than 18 metres, they will still maintain a sense of spaciousness at approximately 16 metres in width.

In this instance, it is important to consider Clause 71.02-3 (Integrated decision making), which notes that responsible authorities should integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit. Although 80% of lots will not measure over 700 square metres, (siting at 78%) the lot width of lots 3 - 8 are slightly less than the guideline, and two lots will measure less than 600 square metres, the subdivision achieves an appropriate balance between the need to provide a range of housing options to meet the needs of the community, recognising the existing rural township character of the area, and providing for the future orderly planning of the area to the west of Sims Lane. The proposed subdivision results in lot areas and a layout that is not uncharacteristic of the surrounds and provides appropriate lot widths combined with building envelopes that will ensure development on the site can ensure the township character is maintained, including appropriate front and side setbacks.

With respect to the guideline to 'encourage larger allotments of over 1000 square metres towards the edge of the Urban Growth Boundary', it is noted that this is an inherently relative measure and the Township

² A detailed discussion and diagram of the proposed Development Plan Overlay is provided later in this report.

Strategy is unclear as to how close to the boundary this guideline should be applied. As shown in the diagram of residential precincts above, Precinct 2 lies exclusively in the outer reaches of the Koo Wee Rup township. Additionally, the subject parcel does not abut the Urban Growth Boundary (shown by a dotted line in the diagram above). Whilst this guideline is open to a certain amount of interpretation, it is reasonable to construe that it is not relevant to the subject parcel as the site does not abut the Urban Growth Boundary.

It is important to note that the Tribunal has decided on several occasions that the Township Strategy's guidelines should not be applied in a prescriptive fashion. The recent decision of *Fox Corp Australia Pty Ltd v Cardinia SC*,³ which concerned the subdivision of 19 lots at 65 Moody Street, set aside Council's refusal. In that proposal, only 57 percent of lots measured over 700 square metres. Additionally, the allotment is located at the northern edge of the Urban Growth Boundary. The Tribunal noted that '*We acknowledge the development guidelines for precinct 2 in the Strategy specify that 80% of lots are to be over 700 square metres and this will not be achieved. However, we are not persuaded that this figure needs to be applied in a prescriptive way, noting that the MSS seeks development to be generally consistent with the Strategy. . . . The above inconsistency demonstrates to us that the Development Guidelines are just that: guidelines and a rigorous application of them to permit applications is not the correct approach to be taken.*'⁴

In the only other Tribunal decision issued since the Township Strategy became an incorporated document, Council's refusal of a two lot subdivision on a 1013 square metre site at 7 Henry Street was set aside. There, the member noted that 70 percent guideline in Precinct 1 was a 'difficult measure to implement' as '*it is unclear what geographic area this applies to, at what point in time it is to be measured and whether it is then intended that no multi unit should be allowed on lots of this size.*'⁵

Potential for infill development – Section 4.12

Under Section 4.12 of the Township Strategy, the Subject Site is identified as having potential for infill development because of its proximity to the town centre.

[O]pportunities [for infill development] exist for subdividing the large blocks to the west of Sims Lane and south of Rossiter Road, where existing lots range in size from 8,139 square metres to 9,868 square metres. The preparation of a Development Plan Overlay needs to be considered, to address the issues of access, traffic movement, permeability, infrastructure provision and flood mitigation. Again, any subdivision should be of a medium to larger allotment size, to provide a range of housing options which cater for the needs of a diverse range of ages and households.

With respect to the future development of these lots, Section 4.12 of the Township Strategy notes:

In general, infill development will display a sense of spaciousness, with a front set back of 7 metres minimum, driveway orientated along one side of the property. It will provide new trees and garden space, no front fence which enables garden and nature strip to merge and site coverage of 50%.

It is possible to achieve these objectives through restrictions on title where practicable, which will be implemented via permit conditions.

It is also noted that Table 6 in Section 4.12 identifies potential infill land supply on the assumption that yield will approximate 9 lots per hectare and lots will have a development area of 70 percent of the total lot area. At 0.87 hectares, the Subject Site is predicted in this table to have a yield of 5 lots. Whilst the application proposes 9 lots, it is suggested that prescriptive approach to this table should not be followed, particularly in light of the assumptions required to reach its conclusions and the previous decisions of the Tribunal. Again, the proposal is generally in accordance with the Township Strategy as it achieves a balance between maintaining township character and providing for increased infill development close to the town centre.

³ [2017] VCAT 1837.

⁴ *Ibid.* at [24-25].

⁵ *Ibid.* at [34].

In sum, the proposal is generally consistent with the Township Strategy. It achieves a sense of spaciousness with 78% of lots measuring over 700 square metres, and with adequate restrictions on title it can be assured that setbacks and garden areas will require future development to respect the preferred township character. Whilst the proposal does not strictly comply with the development guidelines within the Township Strategy relating to lot sizes and lot width, it achieves its overall purpose. Importantly, as noted by the Tribunal, Clause 21.07-7 of the Planning Scheme only requires a proposal to be *generally consistent* with the Township Strategy—it does not prescribe strict compliance.

Neighbourhood Residential Zone/Clause 56 Residential Subdivision

The proposal is suitable with regard to the Neighbourhood Residential Zone and the objectives of Clause 56 of the Planning Scheme. A subdivision within the Neighbourhood Residential Zone is to be consistent with the purpose of the zone and the relevant objectives and standards of Clause 56- Subdivision of the Cardinia Planning Scheme for subdivisions between 3 and 15 lots (All subsections of Clause 56 except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6).

The proposed subdivision is consistent with the purposes of this zone as it provides for limited increased residential development that is respectful of the surrounding neighbourhood character. Further the application has been assessed against the relevant clauses of Clause 56 and it is considered that the subdivision generally complies.

- Clause 56.03 (Liveable and Sustainable Communities): the proposal complies with the relevant standards and objectives under this clause as the subdivision achieves a preferred neighbourhood character consistent with the relevant neighbourhood character statement set out in the Koo Wee Rup Township Strategy.
- Clause 56.04 (Lot Design): the proposal complies with the relevant standards and objectives under this clause as it provides a range of lot sizes. Lots can provide a suitable area to contain a dwelling and building envelopes will be required as a condition to the permit and will ensure adequate solar access and street orientation.
- Clause 56.05 (Urban Landscape): a landscape plan will be required to be implemented prior to the issuance of a statement of compliance in order to ensure compliance with the relevant objective in this clause.
- Clause 56.06 (Access and Mobility Management): footpaths will be required within the internal road network and to the south of Rossiter Road to ensure the relevant objectives of this clause are satisfied. Roads will be designed to provide safe and efficient movement for all vehicles, and the submission of a functional layout plan to be approved by Council's Engineering Department will form a condition of a permit to ensure the relevant standards of this clause are adequately addressed. As discussed below, a condition will be required to slightly modify the splay on lots 8 and 9 to provide for the safe and efficient access of a waste vehicle.
- Clause 56.07 (Integrated Water Management): the lots within the subdivision will be required to be connected to services, as conditions are required by servicing authorities. Conditions related to stormwater management will be required to be completed to the satisfaction of Council prior to issuance of a statement of compliance. With these measures in place, it is determined that the proposal satisfies the objections of Clause 56.07.
- Clause 56.08 (Site Management): Conditions will be placed on the permit to ensure compliance with this clause is met, including protection of drainage infrastructure, as well as the prevention of environmental degradation and nuisance during construction.
- Clause 56.09 (Utilities): Conditions will be placed on the permit to ensure compliance with objectives relating to electricity, telecommunications, gas, and fire hydrants. It is therefore determined that the proposal is compliant with the objectives of this clause.

Land Subject to Inundation Overlay

The proposal is consistent with the purposes and decision guidelines of the Land Subject to Inundation Overlay. This overlay identifies land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority, and seeks to that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible

with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

A permit is required to subdivide land affected by the LSIO, and the relevant decision guidelines include:

- Any comments from the relevant floodplain management authority;
- The existing use and development of the land;
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay; and
- The susceptibility of the development to flooding and flood damage.

The application was referred to Melbourne Water, who did not object to the proposal and did not provide any conditions.

Clause 52.29 Land Adjacent to a Road Zone Category 1

The proposal is consistent with the purposes and decision guidelines of Clause 52.29. This Clause applies to land adjacent to a Road Zone Category 1 and aims to ensure appropriate access to identified roads and appropriate subdivision of land adjacent to identified roads. A permit is required to subdivide land adjacent to a road in a Road Zone Category 1 as well as to create access to a road in a Road Zone, Category 1.

The relevant decision guidelines include the PPF and LPPF, the views of the relevant road authority and the effect of the proposal on the operation of the road and on public safety.

The application has been referred to VicRoads, who had no objection subject to conditions. Further, the proposal is considered acceptable under this clause with a condition requiring a service road to eventually connect to an internal road network and allow for the closure of the access point to Rossiter Road in accordance with the future Development Plan Overlay 24 (see discussion below). Based on these factors, the proposal is considered consistent with this Clause.

Clause 52.01 Public Open Space Contribution and Subdivision

Under Clause 52.01, a person who proposes to subdivide land for urban residential purposes must make a contribution to council for public open space of an amount specified in the schedule to this clause. The Schedule specifies an amount of eight per cent and this will be placed as a condition of the planning permit.

Clause 65.01 Approval of an Application or Plan/Clause 65.02 Approval of an Application to Subdivide Land

The proposal is considered consistent with clauses 65.01 and 65.02 and will deliver an orderly planning outcome with minimal impact on the amenity of the area. The land is suitable for subdivision and has been identified in the Township Strategy as having potential for infill development. This subdivision will help realise that objective, and create additional housing close to the town centre.

Clauses 65.01 and 65.02 require the consideration of a range of matters, including the Planning Policy Framework and the Local Planning Policy Framework and the purpose and decision guidelines of the relevant zone, overlay or other provisions. Other relevant guidelines of Clause 65 include the orderly planning of the area, the effect on the amenity of the area, and the matters set out in Section 60 of the Act.

Stormwater and drainage

With respect to Clause 65.02's requirement to consider the *'effect of development on the use or development of other land which has a common means of drainage'*, and Clause 65.01's requirement to consider *'whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site'*, specific conditions related to drainage and stormwater will be placed on the permit to ensure impacts to surrounding properties are minimised.

Movement of pedestrians and vehicles

Concerning 'the movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots', it is noted that Council's Waste and Traffic departments have expressed a concern with the feasibility of an 8.8 metre waste vehicle to turnaround at the end of the current road leading to lot 9. Therefore, prior to the endorsement of plans, the Applicant will be required to submit swept paths demonstrating that an 8.8 metre waste vehicle can turnaround at the end of the proposed road, and modify the configuration of lots 8 and 9 to enable this to occur, if necessary. It is anticipated this condition will have a small effect on the splay traversing lots 8 and 9 and only require a small reduction in lot size. The benefit of this condition will allow waste vehicles to reach all lots in the subdivision.

Existing vegetation

With respect to Clause 65.02's requirement to consider 'the subdivision pattern having regard to the physical characteristics of the land including existing vegetation', it is noted that the adjacent parcel at 404 Rossiter Road contains vegetation within 3 metres of the boundary shared with the subject site. The apparent pattern of this vegetation suggests the vegetation is planted. The structural root zones of these trees measure between 1.50 and 2.67 metres. Additionally, a 3 metre wide drainage easement spans the eastern boundary of the subject site, providing an additional buffer from the root zones of this vegetation. To ensure impacts are not caused to this vegetation, submission of a Tree Management Plan and Construction Environmental Management Plan addressing vegetation impacts will be required via condition. It is noted that Council approved a substantially similar subdivision under Planning Permit T030273.

Condition relating to the provision of a service road parallel to Rossiter Road

A condition has been provided in this recommendation from VicRoads requiring the submission of revised plans to show:

Before certification of the plan of subdivision hereby approved, amended plans that show land being set aside for a one-way, temporary service lane along the northern boundary of the site must be prepared to the satisfaction of the Roads Corporation and the Responsible Authority. The temporary service road carriageway (excluding the temporary Rossiter Road connections) must be constructed to sufficient width to allow it to ultimately function as a two-way Access Street 1 as per the Engineering Design and Construction Manual (EDCM).

There are several justifications for this condition, including:

- The existing use and possible future development of the land and nearby land;
- The layout of the roads and relationship to existing roads; and
- Consideration of Amendment C240 and the Development Plan Overlay 24.

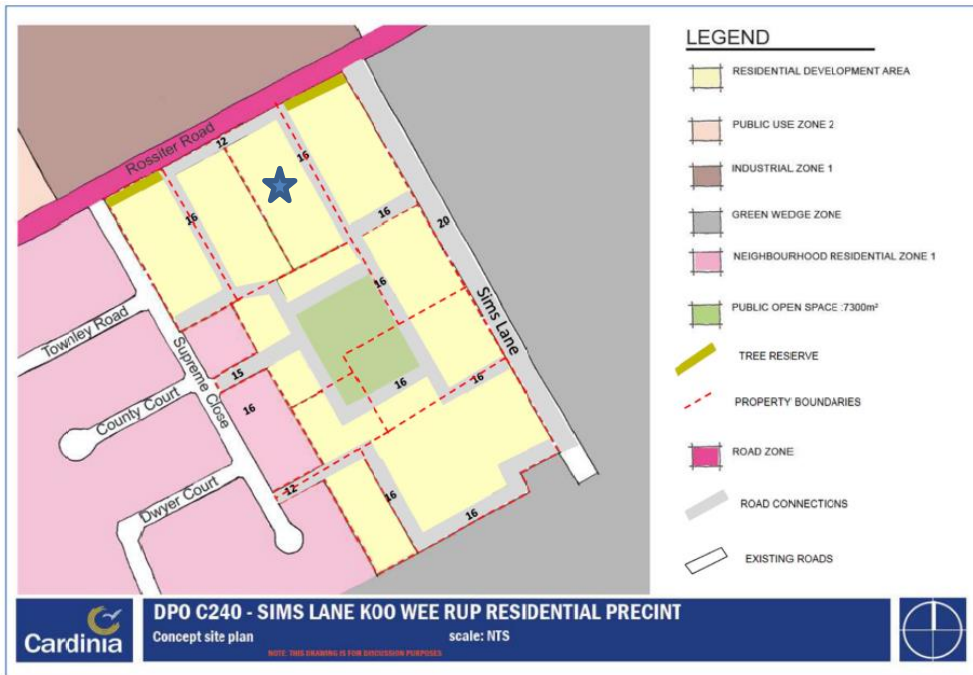
The existing use and possible future development of the land and nearby land/The layout of roads having regard to their function and relationship to existing roads

Clause 65.02 requires Council to consider 'the existing use and possible future development of the land and nearby land' and 'the layout of roads having regard to their function and relationship to existing roads.' These are relevant factors with respect to the importance of the service road to provide internal connectivity to adjacent land and eventually provide for the closure of access points to Rossiter Road. Approving the subdivision without a service road or allowing for a different configuration will likely cause a cascading effect on the subdivision of future lots in this area that would result in future subdivision applications requesting additional access points to Rossiter Road. This sort of piecemeal development will cause additional traffic impacts and ultimately result in a poor planning outcome for this area. Therefore, the application as submitted, with the inclusion of a condition requiring a service road parallel to Rossiter Road, should be approved.

Section 60 of the Planning and Environment Act 1987/Orderly planning and consideration of Amendment C240

Additionally, the provision of a 12 metre wide service road parallel to Rossiter Road is essential to the realisation of the Development Plan Overlay 24 (DPO24), which is included in Amendment C240.

Council's Strategic Planning Department is currently undergoing work for Amendment C240, which includes a Development Plan Overlay (DPO24) for the land between Sims Lane and Supreme Close, including the Subject Site.



Whilst significant background work has been completed to prepare the amendment, it is noted that the DPO24 is in the early stages of development, with Council currently awaiting the Minister's authorisation. However, permit conditions to enable the Amendment to proceed can still be considered when the absence of the works required by the condition would otherwise defeat the purposes of the Amendment. Therefore, it is noted that the DPO24 can be considered under Section 60(j) of the Act, as it is a 'relevant matter' and Clause 65.01 of the Planning Scheme as the proposal (when including proposed conditions) is consistent with the orderly planning of the area.⁶

As evidenced by the diagram above, the placement of the service road parallel to Rossiter Road is critical to provide the safe and efficient flow of vehicles from Sims Lane to Supreme Close and is a key element of the DPO24. The placement of the service lane will allow for the eventual closure of all access points to Rossiter Road once the development contemplated by the DPO is realised.

Because the plans submitted with the application do not include the provision of this service road, a condition will be placed on the permit to submit amended plans including the service road prior to certification. This condition will allow for the orderly planning of the area and compliance with Section 60(j) of Act by enabling the ultimate plan for the DPO24 to proceed. To allow the subdivision to occur without such a condition would substantially obstruct efforts to realise the DPO24 by creating a cascading effect on the subdivision of future lots that would result in future subdivision applications for adjacent lots requesting additional access points to Rossiter Road. This will provide additional traffic impacts in the future, as well as destroy the potential for the internal connectivity contemplated by the DPO24.

Condition relating to the provision of a footpath to Towley Road

Council's Engineering Department has requested inclusion of the following condition:

Construction of a minimum 1.5 metre wide concrete footpath along the south side of Rossiter Road extending from the proposed development access to Towley Road.

⁶ This interpretation is supported by the Supreme Court decision of *Burns Bridge Services Pty Ltd v Greater Bendigo City Council* [2005] VSC 422.

This condition would require the construction of over 120 metres of concrete footpath beyond the boundaries of the subject site.

However, with regard to the common law and statutory tests governing the validity of permit conditions, it is recommended to limit the construction of the footpath to the site boundaries. Therefore, included in the recommended conditions is the following revised condition:

Construction of a minimum 1.5 metre wide concrete footpath along the south side of Rossiter Road extending across the length of the proposed development.

The common law test for the validity of permit conditions is contained in the High Court case of *Allen Commercial Constructions Pty Ltd v North Sydney Municipal Council*,⁷ where it was held that for a condition to be valid it must be reasonably capable of being related to the implementation of planning policy and the scope of that policy must be ascertained from the relevant planning statute and planning instrument. Further, under the statutory test of Section 62(5)(c)(i) of the *Planning and Environment Act 1987*, the Responsible Authority may 'include a condition that specified works, services or facilities that the responsible authority considers *necessary* (emphasis added) to be provided on or to the land or other land as a result of the grant of the permit be provided by the applicant.'

There are several planning policies that regard footpath linkages, including the following:

- Within the Koo Wee Rup Township Strategy:
 - Section 7.8 contains an objective to 'encourage pedestrian and bicycle usage to reduce car dependency for short trips within the township' and 'to provide a safe and well-maintained network of footpaths'.
 - Section 7.9 contains policy to 'provide a well-connected network of paths to encourage walking and cycling'.
 - Additionally, Section 9.8 identifies that 'There is a need for well-maintained footpaths and bike paths to link recreation facilities, the town centre and all sections of the township. . .'
- Clause 21.05 (Infrastructure provision) contains a strategy to 'Encourage the development of both pedestrian and bicycle links throughout the municipality'.
- Clause 21.05-5 (Pedestrian and bicycle network) has an objective to 'develop well-located, safe and interconnected pedestrian and bicycle networks within the municipality.' Strategies within this policy include 'Provide for safe and efficient pedestrian and bicycle movements to connect railway stations, bus stops, activity centres and major community facilities . . . in rural townships' and to 'Ensure connectivity between new and existing development including pedestrian and bicycle paths.'
- Clause 56.06-2 (Walking and cycling network objectives) contains standards to ensure the walking and cycling network should be designed to 'link to any existing pedestrian and cycling networks' and 'provide an interconnected and continuous network of safe, efficient and convenient footpaths . . .'
- Clause 56.06-5 (Walking and cycling network detail objectives) contains a standard to ensure footpaths should be designed to 'be part of a comprehensive design of the road or street reservation'.
- Clause 15.01-4S (Healthy neighbourhoods) contains a strategy to provide 'connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as a part of daily life'.
- Clause 18.02-1S (Sustainable personal transport) contains a strategy to 'develop high quality pedestrian environments' and 'provide direct and connected pedestrian and bicycle infrastructure to and between key destinations including . . . public transport interchanges, [and] employment areas. . .'

These planning policies all support the requirement to construct a footpath along the south side of Rossiter Road for use by the residents of the proposed subdivision with the expectation that future development will provide linkages to the existing footpath network.

⁷ [1970] HCA 42.

Despite the existence of these policies to encourage footpath connectivity and networks, there is a genuine question of necessity of the extended footpath beyond the length of the site to span neighbouring parcels. It is uncertain whether such an extension would achieve the aims of the policies with relation to the proposal, and the reasonableness of such a condition is questionable. Therefore, it is suggested to include the revised condition as provided in this report. It is unfortunate that limiting the footpath construction to the development of the current site will result in ad hoc development with regard to footpath linkages; however having regard to reasonableness and necessity, the revised condition is considered appropriate in this instance.

Objectors' Concerns

Six (6) objections were submitted in relation to the proposal. These objections were submitted prior to a substantial revision of the proposal under Section 57A of the *Planning and Environment Act 1987*. The amended application reduced the lot yield from 10 to 9, increased most lot sizes, and replaced the central common property accessway with a road to be vested to Council on the eastern portion of the parcel.

Whilst only one (1) further objection was received by an original objector after the amendment, under Section 57A(7)(b), Council is required to consider all objections made in relation to the original application to be an objection of the amended application.

A response is provided to the following concerns lodged by objectors:

- *Noncompliance with the Koo Wee Rup Township Strategy, including lot yield mentioned in Section 4.12/Table 6, guideline for 80% of lots to measure over 700 square metres, provision of larger allotments near Urban Growth Boundary, and footpath access.*
 - As mentioned in the section of this report dedicated to the Township Strategy, the proposal is generally in accordance with this document. Reference is made to the above section, which responds to each of these concerns.
- *Noncompliance with public access provisions of Clause 56.04-5, 56.06-5 and 56.07-4.*
 - 56.04-5 concerns common areas. The amendment to the application replaced all common property with a road. Therefore, this section is not relevant to the current proposal.
 - 56.06-5 concerns walking and cycling networks. A footpath will be required on site via condition. Functional layout plans required via condition will also ensure adequate detail is provided to enable safe travel for pedestrians, vehicles and cyclists.
 - 56.07-4 concerns stormwater management. This objective is specifically addressed by standard engineering conditions.
- *A lack of respect for neighbourhood character, specifically with regard to the 'country feel' of Koo Wee Rup and the contrast with nearby Lauriston Park Estate, which has predominantly 3 and 4 bedroom residences on 900 square metre allotments.*
 - Building envelopes and fencing controls will be required via a restriction on title to ensure any subsequent development respects the preferred neighbourhood character. Allotments within Lauriston Park Estate to the west measure between 500 and 1 hectare, with the smaller allotments abutting Townley Road and Supreme Close (closest to the subject site). The lots proposed by the application are comparable and do not unreasonably deviate from the pattern of subdivision in the area.
- *No provision of footpath to Townley Road, and the only footpath into town located across Rossiter Road.*
 - Reference to the section of this report regarding a condition requiring a footpath to Townley Road is made, which responds to these concerns.
- *Addition of new intersection to cause traffic issues, especially with nearby industrial land and secondary school.*
 - The new intersection has been considered by VicRoads, who have provided conditional consent. It is noted that the provision of a service road along the northern property boundary will allow for the future closure of access to Rossiter Road when the Development Plan Overlay 24 is realised. The DPO24 provides for an internal loop road with access from Sims Land and Supreme Close.
- *Provision of sewerage.*

- A condition on the permit required by determining referral authority South East Water will require the owner of the subject land to enter into an agreement with for the provision of sewerage and fulfil all requirements to its satisfaction.
- *Issues with common property.*
 - The Applicant submitted an amendment to the proposal removing the common property and replacing it with a road.

CONCLUSION

The proposed application is consistent with State and Local Planning Policy, and the zone and overlay provisions that apply to the Subject Site. The application has been assessed against the relevant policy and it has been determined that the application satisfactorily complies with the vision for the area and should be supported.

It is recommended that Council issues a Notice of Decision to grant Planning Permit Application **T180293** for the **subdivision of land into nine (9) lots and creation of access to a Road Zone, Category 1** at **400 Rossiter Road, Koo Wee Rup** subject to the following conditions:

CONDITIONS

Amended Plans Required

1. Before the plan of subdivision is certified under the *Subdivision Act 1988*, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. An adequate road width to accommodate the turning movements of an 8.8 metre long service vehicle at the head of the court adjacent to lots 8 and 9. Adequate road width must be demonstrated with swept paths to the satisfaction of the Responsible Authority.
 - b. A title plan showing building envelopes with a front setback of at least 7 metres and side setbacks of at least 2.5 metres for lots 3 – 9, and the following restrictions to the satisfaction of the Responsible Authority:
 - i. Burdening lots 3 – 9:
 1. Building site coverage must not exceed 50 percent.
 2. No building or part of a building may be constructed outside of a building envelope.
 - ii. Burdening all lots:
 1. Front fences must not exceed 1.5 metres in height and must not have less than 30 percent transparency.
 - c. The location of tree protection fencing that will protect vegetation on neighbouring lots from construction impacts.
 - d. The retention of all trees on the adjoining property that are listed in the arborist report submitted with the application, with their tree protection zones free from any buildings, roads, footpaths, earthworks, trenching or any other works and/or the implementation of adequate measures supported by an arborist's report to ensure the retention of these trees to the satisfaction of the Responsible Authority.
 - e. Any changes to the site plans required by the endorsed Tree Management Plan required by Condition 24.

Roads Corporation (VicRoads) Conditions

2. Before certification of the plan of subdivision hereby approved, amended plans that show land being set aside for a one-way, temporary service lane along the northern boundary of the site must be prepared to the satisfaction of the Roads Corporation and the Responsible Authority. The temporary service road

carriageway (excluding the temporary Rossiter Road connections) must be constructed to sufficient width to allow it to ultimately function as a two-way Access Street 1 as per the Engineering Design and Construction Manual (EDCM).

3. Unless otherwise agreed in writing by VicRoads, prior to the commencement of any works, a Functional Layout Plan (FLP) must be submitted to and approved by the Roads Corporation (VicRoads). The plans must be drawn to scale with dimensions and must show details of the two new temporary vehicle crossovers onto Rossiter Road that includes but is not limited to:
 - a. Details of the shape and sealing of the crossovers to be generally in accordance with SD SD6024, but modified for entry-only and exit-only.
 - b. Details of the culverts, with their size being based on drainage analysis provided by the permit holder.
4. Prior to Statement of Compliance, the temporary service lane and associated works must be provided and available for use to the satisfaction of the Responsible Authority and at no cost to VicRoads.

Agreement Required

5. Before a Statement of Compliance is issued, an agreement must be made with the Responsible Authority under Section 173 of the *Planning & Environment Act 1987* that is recorded on the Certificate of Title to the land. The agreement must state to the satisfaction of the Responsible Authority:
 - a. The owner of each lot acknowledges that direct access to and from Rossiter Road is temporary and will be closed at the discretion of Council after suitable alternative access to the local road network is available.

Engineering Conditions

6. Before a Statement of Compliance is issued, the following works must be completed in accordance with plans and specifications approved by and to the satisfaction of the Responsible Authority:
 - a. Construction of an access from Rossiter Road to a standard nominated and approved by VicRoads and the Cardinia Shire Council.
 - b. Construction of kerb & channel and associated underground drainage across the Rossiter Road frontage of the subject land.
 - c. Construction of a minimum 1.5 metre wide concrete footpath along the south side of Rossiter Road extending across the length of the subject site.
 - d. Construction of the internal roads in accordance with Council standards that includes a sealed full depth road pavement, kerb & channel, underground drainage, concrete footpath on one side only and concrete vehicle crossings.
7. Before the submission and approval of detailed design construction plans (engineering plans) and the certification of the relevant plan of subdivision for each stage, a *functional layout plan* for the subdivision or stage of subdivision, generally in accordance 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, 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,
 - 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 Development 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, and
 - n. Traffic management plan showing sufficient notional (unmarked) on-street car parking spaces, at the rate of one space per lot, traffic control devices and large vehicle turning overlays.
8. 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”.
9. 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.
10. 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 then 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:

Engineering requirements

- 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.

Environment requirements

- f. Tree protection zones, trees to be retained and trees to be removed.
- g. Native vegetation protection measures including tree protection fencing in accordance with the Tree Management Plan required by Condition 24.

11. 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.

12. 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.
13. Before a Statement of Compliance is issued under the *Subdivision Act 1988* the permit holder must 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.
14. 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.
15. Lighting of streets and pedestrian/cycle paths must be designed and provided (prior to the issue of a Statement of Compliance for the relevant stage) in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.

Parks and Gardens Conditions

16. Before a Statement of Compliance is issued, 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).
 - 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 Koo Wee Rup Township Strategy.

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 must not impact sight lines for vehicles or pedestrians.

17. Before a Statement of Compliance is issued, the landscape works shown on the approved Detailed Landscape Works Plan must be carried out and completed to the satisfaction of the Responsible Authority or bond landscaping works incomplete at the completion of civil works by agreement with the Responsible Authority. Payment must be made in the form of a cash bond or bank guarantee.
18. Prior to the grant of Practical Completion for landscape works by the Responsible Authority (‘Practical Completion’), ‘as constructed’ plans must be provided to the satisfaction of the Responsible Authority. The ‘as constructed’ plans must be provided in AutoCAD as well as digital landscape information in

accordance with the current version of A-SPEC. All graphical information must be provided in the datum of GDA94 and projection of MGA Zone 55.

19. Before a Statement of Compliance is issued, bonding must be provided to the Responsible Authority to cover all landscaping works for a twenty four (24) month maintenance period. Payment must be made in the form of a cash bond or bank guarantee.
20. 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.
21. 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.
22. The landscaping shown on Detailed Landscape Works 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 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.

The direction to undertake maintenance activities must be completed within 14 days of the written notification being received from the Responsible Authority.

Environment Conditions

23. Before the commencement of works, a fence must be erected around any tree shown for retention on the endorsed plan including neighbour's trees. This fence will protect the trees by demarcating the tree protection zone and must be erected at a radius of $12 \times$ the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees, excepting the approved area of encroachment as shown on site plans to the satisfaction of the Responsible Authority. The protection fence must be constructed of chain mesh or similar to the satisfaction of the Responsible Authority. The protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority.

Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:

- a. vehicular access.
 - b. trenching or soil excavation.
 - c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
 - d. entry and exit pits for underground services.
 - e. any other actions or activities that may result in adverse impacts to retained native vegetation.
24. Prior to the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist must be submitted to and approved by the Responsible Authority. The Tree Management Plan must detail the following to the satisfaction of the Responsible Authority:
 - a. The location of tree protection zones for any retained tree including neighbouring trees.

- b. All construction and earthworks must not result in the destruction of any retained trees. This may require specific construction methods and/or a grassed/mulched nature strip along the boundary.
- c. The location of any utilities. Underground services must not encroach into a Structural Root Zone of any tree retained including neighbouring trees. Services must not be installed by open trenching, but employ boring/tunnelling if they pass through a tree protection zone, and be at $\geq 1000\text{mm}$ depth.
- d. Landscaping works (e.g. paving, new turf) must not reduce the natural soil level $>50\text{mm}$ within retained tree protection zones including neighbouring trees. Any landscaping works within the tree protection zones must be done by hand, and large roots ($>50\text{mm}$ diameter) if encountered must be left intact.
- e. Any other recommendations deemed appropriate by the qualified arborist.

25. Before a Statement of Compliance is issued under the *Subdivision Act 1988* all works directed under the Tree Management Plan must be completed to the satisfaction of the Responsible Authority.

General Subdivision Conditions

26. 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 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 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.

27. 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.

Public open space contribution

28. Before a Statement of Compliance is issued under the *Subdivision Act 1988*, a sum equivalent to 8 per cent of the site value of all the subject land in the subdivision must be paid to the Responsible Authority.

South East Water Conditions

Potable water

29. 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.

Sewer

30. 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.

General conditions

31. The Plan of Subdivision must be accompanied by an Owners Corporation Schedule. All lots shown on the Plan of Subdivision must be included in the Owners Corporation Schedule.

Or

The owner of the subject land can enter into an agreement with South East Water for the provision of separate services to each individual lot.

32. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the *Subdivision Act 1988*.

Country Fire Authority ConditionsHydrants

33. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:

- a. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
- b. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Roads

34. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

- a. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- b. Curves must have a minimum inner radius of 10 metres.
- c. Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
- d. Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

AusNet Services Conditions

35. 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.

Expiry

This permit for subdivision will expire if--

- a) the subdivision is not commenced within **two (2) years** of the date of this permit; or
- b) the subdivision is not completed within **five (5) years** of the date of commencement.

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

(Note: 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.)

Notes

- No work shall be commenced in, on, under or over the road reserve without having first obtaining all necessary approvals under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.
- A “Vehicle Crossing Permit” must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- Cardinia Shire Council developer landscape guidelines are available at https://www.cardinia.vic.gov.au/landscaping_guidelines. The guidelines are amended from time to time.
- At Practical Completion of landscape works 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.
- 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.
- With respect to the bonding required by Condition 19:
 - 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.
- A Certificate of 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.
- Refer to A-SPEC website www.a-specstandards.com.au/o-spec for minimum Council requirements with regard to 'as constructed' plans in accordance with Condition 18.
- CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' publication available on the CFA web site (www.cfa.vic.gov.au).

2 SUBDIVISION OF LAND INTO NINE (9) LOTS AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 400 ROSSITER ROAD, KOO WEE RUP

Moved Cr R Brown Seconded Cr C Ross

That a Notice of Decision to Grant Planning Permit T180293 be issued for the Subdivision of land into nine (9) lots and creation of access to a Road Zone Category 1 at 400 Rossiter Road, Koo Wee Rup VIC 3981 subject to the following conditions:

CONDITIONS

Amended Plans Required

1. Before the plan of subdivision is certified under the *Subdivision Act 1988*, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. An adequate road width to accommodate the turning movements of an 8.8 metre long service vehicle at the head of the court adjacent to lots 8 and 9. Adequate road width must be demonstrated with swept paths to the satisfaction of the Responsible Authority.
 - b. A title plan showing building envelopes with a front setback of at least 7 metres and side setbacks of at least 2.5 metres for lots 3 – 9, and the following restrictions to the satisfaction of the Responsible Authority:
 - i. Burdening lots 3 – 9:
 1. Building site coverage must not exceed 50 percent.
 2. No building or part of a building may be constructed outside of a building envelope.
 - ii. Burdening all lots:
 1. Front fences must not exceed 1.5 metres in height and must not have less than 30 percent transparency.
 - c. The location of tree protection fencing that will protect vegetation on neighbouring lots from construction impacts.
 - d. The retention of all trees on the adjoining property that are listed in the arborist report submitted with the application, with their tree protection zones free from any buildings, roads, footpaths, earthworks, trenching or any other works and/or the implementation of adequate measures supported by an arborist's report to ensure the retention of these trees to the satisfaction of the Responsible Authority.
 - e. Any changes to the site plans required by the endorsed Tree Management Plan required by Condition 24.

Roads Corporation (VicRoads) Conditions

2. Before certification of the plan of subdivision hereby approved, amended plans that show land being set aside for a one-way, temporary service lane along the northern boundary of the site must be prepared to the satisfaction of the Roads Corporation and the Responsible Authority. The temporary service road carriageway (excluding the temporary Rossiter Road connections) must be constructed to sufficient width to allow it to ultimately function as a two-way Access Street 1 as per the Engineering Design and Construction Manual (EDCM).
3. Unless otherwise agreed in writing by VicRoads, prior to the commencement of any works, a Functional Layout Plan (FLP) must be submitted to and approved by the Roads Corporation (VicRoads). The plans must be drawn to scale with dimensions and must show details of the two new temporary vehicle crossovers onto Rossiter Road that includes but is not limited to:
 - a. Details of the shape and sealing of the crossovers to be generally in accordance with SD SD6024,

but modified for entry-only and exit-only.

- b. Details of the culverts, with their size being based on drainage analysis provided by the permit holder.
4. Prior to Statement of Compliance, the temporary service lane and associated works must be provided and available for use to the satisfaction of the Responsible Authority and at no cost to VicRoads.

Agreement Required

5. Before a Statement of Compliance is issued, an agreement must be made with the Responsible Authority under Section 173 of the *Planning & Environment Act 1987* that is recorded on the Certificate of Title to the land. The agreement must state to the satisfaction of the Responsible Authority:
- a. The owner of each lot acknowledges that direct access to and from Rossiter Road is temporary and will be closed at the discretion of Council after suitable alternative access to the local road network is available.

Engineering Conditions

6. Before a Statement of Compliance is issued, the following works must be completed in accordance with plans and specifications approved by and to the satisfaction of the Responsible Authority:
- a. Construction of an access from Rossiter Road to a standard nominated and approved by VicRoads and the Cardinia Shire Council.
 - b. Construction of kerb & channel and associated underground drainage across the Rossiter Road frontage of the subject land.
 - c. Construction of a minimum 1.5 metre wide concrete footpath along the south side of Rossiter Road extending across the length of the subject site.
 - d. Construction of the internal roads in accordance with Council standards that includes a sealed full depth road pavement, kerb & channel, underground drainage, concrete footpath on one side only and concrete vehicle crossings.
7. Before the submission and approval of detailed design construction plans (engineering plans) and the certification of the relevant plan of subdivision for each stage, a *functional layout plan* for the subdivision or stage of subdivision, generally in accordance 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, 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,
- 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 Development 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, and
 - n. Traffic management plan showing sufficient notional (unmarked) on-street car parking spaces, at the rate of one space per lot, traffic control devices and large vehicle turning overlays.
8. 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”.
9. 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.
10. 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 then 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:

Engineering requirements

- 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.

Environment requirements

- f. Tree protection zones, trees to be retained and trees to be removed.
- g. Native vegetation protection measures including tree protection fencing in accordance with the Tree Management Plan required by Condition 24.

11. 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.
12. 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.
13. Before a Statement of Compliance is issued under the *Subdivision Act 1988* the permit holder must 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.
14. 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.

15. Lighting of streets and pedestrian/cycle paths must be designed and provided (prior to the issue of a Statement of Compliance for the relevant stage) in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.

Parks and Gardens Conditions

16. Before a Statement of Compliance is issued, 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).
- 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 Koo Wee Rup Township Strategy.

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 must not impact sight lines for vehicles or pedestrians.

17. Before a Statement of Compliance is issued, the landscape works shown on the approved Detailed Landscape Works Plan must be carried out and completed to the satisfaction of the Responsible Authority or bond landscaping works incomplete at the completion of civil works by agreement with the Responsible Authority. Payment must be made in the form of a cash bond or bank guarantee.
18. Prior to the grant of Practical Completion for landscape works by the Responsible Authority ('Practical Completion'), 'as constructed' plans must be provided to the satisfaction of the Responsible Authority. The 'as constructed' plans must be provided in AutoCAD as well as digital landscape information in accordance with the current version of A-SPEC. All graphical information must be provided in the datum of GDA94 and projection of MGA Zone 55.
19. Before a Statement of Compliance is issued, bonding must be provided to the Responsible Authority to cover all landscaping works for a twenty four (24) month maintenance period. Payment must be made in the form of a cash bond or bank guarantee.
20. 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.
21. 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.

22. The landscaping shown on Detailed Landscape Works 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 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.

The direction to undertake maintenance activities must be completed within 14 days of the written notification being received from the Responsible Authority.

Environment Conditions

23. Before the commencement of works, a fence must be erected around any tree shown for retention on the endorsed plan including neighbour's trees. This fence will protect the trees by demarcating the tree protection zone and must be erected at a radius of $12 \times$ the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees, excepting the approved area of encroachment as shown on site plans to the satisfaction of the Responsible Authority. The protection fence must be constructed of chain mesh or similar to the satisfaction of the Responsible Authority. The protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority.

Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:

- a. vehicular access.
 - b. trenching or soil excavation.
 - c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
 - d. entry and exit pits for underground services.
 - e. any other actions or activities that may result in adverse impacts to retained native vegetation.
24. Prior to the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist must be submitted to and approved by the Responsible Authority. The Tree Management Plan must detail the following to the satisfaction of the Responsible Authority:
- a. The location of tree protection zones for any retained tree including neighbouring trees.
 - b. All construction and earthworks must not result in the destruction of any retained trees. This may require specific construction methods and/or a grassed/mulched nature strip along the boundary.
 - c. The location of any utilities. Underground services must not encroach into a Structural Root Zone of any tree retained including neighbouring trees. Services must not be installed by open trenching, but employ boring/tunnelling if they pass through a tree protection zone, and be at ≥ 1000 mm depth.
 - d. Landscaping works (e.g. paving, new turf) must not reduce the natural soil level >50 mm within retained tree protection zones including neighbouring trees. Any landscaping works within the tree protection zones must be done by hand, and large roots (>50 mm diameter) if encountered must be left intact.
 - e. Any other recommendations deemed appropriate by the qualified arborist.

25. Before a Statement of Compliance is issued under the *Subdivision Act 1988* all works directed under the Tree Management Plan must be completed to the satisfaction of the Responsible Authority.

General Subdivision Conditions

26. 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 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 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.

27. 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.

Public open space contribution

28. Before a Statement of Compliance is issued under the *Subdivision Act 1988*, a sum equivalent to 8 per cent of the site value of all the subject land in the subdivision must be paid to the Responsible Authority.

South East Water Conditions

Potable water

29. 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.

Sewer

30. 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.

General conditions

31. The Plan of Subdivision must be accompanied by an Owners Corporation Schedule. All lots shown on the Plan of Subdivision must be included in the Owners Corporation Schedule.

Or

The owner of the subject land can enter into an agreement with South East Water for the provision of separate services to each individual lot.

32. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the *Subdivision Act 1988*.

Country Fire Authority Conditions

Hydrants

33. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following

requirements must be met to the satisfaction of the CFA:

- a. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
- b. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Roads

34. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- a. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
 - b. Curves must have a minimum inner radius of 10 metres.
 - c. Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
 - d. Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

AusNet Services Conditions

35. 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.

Expiry

This permit for subdivision will expire if--

- a) the subdivision is not commenced within **two (2) years** of the date of this permit; or
- b) the subdivision is not completed within **five (5) years** of the date of commencement.

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

(Note: 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.)

Notes

- No work shall be commenced in, on, under or over the road reserve without having first obtaining all necessary approvals under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.
- A "Vehicle Crossing Permit" must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- Cardinia Shire Council developer landscape guidelines are available at https://www.cardinia.vic.gov.au/landscaping_guidelines. The guidelines are amended from time to time.
- At Practical Completion of landscape works 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.
- 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.
- With respect to the bonding required by Condition 19:
 - 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.
 - A Certificate of 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.
- Refer to A-SPEC website www.a-specstandards.com.au/o-spec for minimum Council requirements with regard to 'as constructed' plans in accordance with Condition 18.
- CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' publication available on the CFA web site (www.cfa.vic.gov.au).

Cd.

3 LAKESIDE DISCOVERY CENTRE AT EMERALD LAKE PARK

FILE REFERENCE INT1956770

RESPONSIBLE GENERAL MANAGER Tom McQualter

AUTHOR Doug Evans

RECOMMENDATION

That Council:

1. Note that the Heads of Agreement document with Emerald Tourist Railway Board has been executed,
2. Proceed with the sale of 8068 square metres of land at Emerald Lake Park, shown as Lot 1 of PS 829353T, to the Emerald Tourist Railway Board for the valuation to be set by the Victorian Valuer General to allow construction of the Lakeside Discovery Centre,
3. Use the proceeds from the sale to provide improvements to both Emerald Lake Park and Puffing Billy Place Reserve in Emerald, and
4. Note that this sale is in accordance with section 191 of the *Local Government Act 1989* (Vic).

Attachments

- | | | |
|---|---|----------|
| 1 | Plan of Subdivision | 2 Pages |
| 2 | Heads of Agreement - Circulated to Councillors only | 45 Pages |

EXECUTIVE SUMMARY

This report proposes that the Council proceed with the sale of part of Emerald Lake Park to the Emerald Tourist Railway to facilitate development of the Lakeside Discovery Centre.

BACKGROUND

Planning Approval

In February 2017 the Emerald Tourist Railway Board (ETRB) finalised and adopted the Puffing Billy Railway Masterplan and one of the key projects of the Master Plan is the development and construction of the Discovery Centre at Emerald Lake Park which received \$15.7 million in funding from both the State and Federal Governments for its construction. Development of this facility is central to the Master Plan in ensuring that Puffing Billy Railway can achieve the outcomes that it is seeking.

Since 2016, Council officers have been working closely with Puffing Billy Railway (PBR) on development and finalisation of the Puffing Billy Railway Masterplan (February 2017).

It was agreed that the ETRB would lodge a planning scheme amendment request to the Minister for Planning under Section 20(4) of the Planning and Environment Act 1987 (the Act) to incorporate a site specific control into the Cardinia Planning Scheme to enable the construction of the Discovery Centre.

On the 1 May 2018 the Emerald Tourist Railway Board requested that the Minister for Planning prepare, adopt and approve a planning scheme amendment under Section 20(4) of the Planning and Environment Act (1987).

The amendment process was also to be supported by a month long non statutory community engagement process whereby the community could view the relevant documents and provide a submission to the amendment which would be considered by the Minister for Planning in his decision making process. 31 submissions were received.

On 1 June 2018, Council provided a submission to the Amendment. The submission was supportive, with a number of minor technical/administrative changes to the draft amendment documents. The submission also reiterated Council's commitment to transparent and genuine community engagement and the request for the appointment of an Advisory Committee should there be unresolved submissions.

The Minister for Planning enacted his powers under 20(4) of the Act and approved the amendment. This was done without formal engagement of an Advisory Committee to provide him with advice prior to the final decision.

The Minister for Planning approved Amendment C243 which introduced a site specific control into the Cardinia Planning Scheme in Oct 2108. The purpose of the controls in the document are to allow the use and development of a Discovery Centre at the Puffing Billy Railway Lakeside Station precinct, including works and display of business identification signage to be undertaken generally in accordance with the Puffing Billy Railway Master Plan, February 2017.

To date, council officers approved the plans A, B, C, F, G, H, J, M and P under Condition 5.2 of the Puffing Billy Railway Discovery Centre Incorporated Document (August 2018).

Heads of Agreement

A detailed 'Heads of Agreement' document has been entered into between the Council and the Emerald Tourist Railway Board in relation to the Puffing Billy Railway – Discovery Centre at Emerald Lake Park in relation to:

- a) access by ETRB and its contractors, consultants and agents to the Lake Land and Emerald Lake Park for the purpose of construction of the Discovery Centre and the construction of the Car Park;
- b) construction of the Car Park by ETRB on behalf of the Council;
- c) the relocation of certain assets in Emerald Lake Park by ETRB, necessitated by the construction of the Discovery Centre and the Car Park; and
- d) the increased contribution by ETRB to maintenance costs associated with the assets in Emerald Lake Park on the basis that the Emerald Lake Park and facilities will be used by Puffing Billy Railway and Discovery Centre patrons as well as other visitors to Emerald Lake Park.

Negotiated Planning Outcomes

In consultation with the relevant internal departments, planning officers have negotiated the following outcomes on site:

- Detailed assessments of the relevant ecological and native vegetation reports against the development plans have resulted in reduced tree removal on site.
- A safe and functional car park design which accommodates passenger vehicles, buses and pedestrians.
- Appropriate waste management practices, including sufficient bin storage, litter collection and suitable vehicle access for waste collections.
- Appropriate drainage practices from throughout the site.
- Appropriate Amenity & Patron Management Plan and Operations Management Plan which govern the use and operation of the site with regards to hours of operation, patron numbers, staffing and patron behavior, noise attenuation measures and communication arrangements.

Emerald Lake Road

As part of the analysis undertaken by Council in the development of the Discovery Centre a Traffic Impact Assessment Report was prepared by ETRB. This report identified that Emerald Lake Road was not required to be upgraded as part of the Discovery Centre development. It has been determined that minor vegetation clearance improvement works will be undertaken and Council is investigating the installation of speed humps to make the best use of the current pavement to suitably cater for the increased traffic. Council will continue to monitor the traffic and use of Emerald Lake Road during and after construction of the Discovery Centre.

POLICY IMPLICATIONS

The State Government developed guidelines for the sale of Council land, known as “Local Government Best Practice Guidelines for the Sale and Exchange of Land” (the Guidelines).

The guidelines reaffirm that the public notification requirements detailed in Section 189 of the Local Government Act do not apply to the sale of land to any public body such as the Emerald Tourist Railway Board that has been established for a public purpose by an Act of the Parliament of Victoria (Local Government Act Section 191(1)).

RELEVANCE TO COUNCIL PLAN

Development of the Discovery Centre is relevant to several Council Plan goals such as:

- Plan for and support local employment opportunities.
- Support the development of existing and new businesses within the Shire, and
- Support tourism and local businesses

CONSULTATION/COMMUNICATION

Since 2016, Council officers have been working closely with Puffing Billy Railway on the development and finalisation of the Puffing Billy Railway Masterplan and the approvals required for the Lakeside Discovery Centre.

Both Council and ETRB have prepared plans to allow effective and timely communication with the community throughout the development and construction of the Discovery Centre.

FINANCIAL AND RESOURCE IMPLICATIONS

The proceeds from the sale of this land will be used to provide improvements to both Emerald Lake Park and Puffing Billy Place Reserve in Emerald.

CONCLUSION

After lengthy negotiations and discussions with the Emerald Tourist Railway Board it is considered appropriate to sell the 8068 square metres of land at Emerald Lake Park to facilitate development of the Lakeside Discovery Centre.

3 LAKESIDE DISCOVERY CENTRE AT EMERALD LAKE PARK

Moved Cr J Springfield Seconded Cr L Wilmot

That Council:

1. Note that the Heads of Agreement document with Emerald Tourist Railway Board has been executed,
2. Proceed with the sale of 8068 square metres of land at Emerald Lake Park, shown as Lot 1 on PS 829353T, to the Emerald Tourist Railway Board for the valuation to be set by the Victorian Valuer General to allow construction of the Lakeside Discovery Centre,
3. Use the proceeds from the sale to provide improvements to both Emerald Lake Park and Puffing Billy Place Reserve in Emerald, and
4. Note that this sale is in accordance with section 191 of the *Local Government Act 1989* (Vic).

Cd.

4 SALE OF PART OF 2 STATION STREET, OFFICER

FILE REFERENCE INT1959812

RESPONSIBLE GENERAL MANAGER Tom McQualter

AUTHOR Jeanette Blackwood

RECOMMENDATION

That Council authorises the Chief Executive Officer to effect the sale of part of 2 Station Street Officer and sign and seal all documentation associated with the sale of the Council land.

Attachments

- 1 Locality Plan 1 Page
- 2 Council Land Plan of Subdivision 1 Page

EXECUTIVE SUMMARY

Council resolved in August 2017 to give public notice of the intention to sell part of the Council land at 2 Station St Officer. Public notice was given on 12 June 2019 and no submissions were received in relation to the proposal to sell. Therefore it is proposed to proceed with the sale of the land to the abutting owner.

BACKGROUND

In 2017 the owner of 432 Princes Hwy approached Council with a proposal to purchase part of the Council carpark (Council Land), shown as lot 1 on the attached plan of subdivision and also identified on the locality plan as land proposed for sale. The Council Land is currently used as a carpark and part of the Council Land is also required for the intersection upgrade at the corner of Station Street and Princes Hwy. It is proposed that 211 square metres of the Council Land is excess to Council's requirements and could be considered for sale.

Council resolved in August 2017 to proceed with the statutory procedures and give public notice of the intention to sell the Council Land. Prior to giving public notice a decision was taken to delay any sale until Council had considered the intersection works and was clear the Council Land would not be required following the intersection upgrade, therefore a decision was made not to proceed with giving public notice at that time.

Recently Council officers approached the owner of 432 Princes Hwy requesting that he transfers 23 square metres from his property, as shown on the attached locality plan, (DCP Land) to Council to allow for intersection upgrade works as proposed by the DCP on the corner of Princes Hwy and Station St Officer. The owner was agreeable to the transfer of the DCP Land to Council and requested that Council reinvigorate the sale of the Council Land to him.

Officers have reviewed the land requirements for the intersection upgrade and have confirmed the 211 square metres of Council Land can be considered as excess to Council's needs. Therefore a market valuation of the Council Land was carried out and the owner agreed to purchase the Council Land at market value.

Public notice of the proposal to sell the Council Land was given on 12 June 2019, allowing for submissions to be received for 28 days. No submissions were received.

POLICY IMPLICATIONS

The sale of the Land to the owners of the 432 Princes Hwy Officer is not considered to raise any significant policy implications, as the Land is not required for open space, drainage or other public purposes.

The State Government has developed guidelines for the sale of Council land, known as “Local Government Best Practice Guidelines for the Sale and Exchange of Land” (the Guidelines). This document provides guidance for the sale of Council land but Council is not bound by the Guidelines. The Guidelines provide that all sales or transfers should be in the best interest of the community. Generally it is expected that land will be offered to the market by a public marketing campaign, however where the purchasers are limited, as is the case in this situation it is considered reasonable to negotiate directly with an abutting owner and sell the land based upon a market valuation.

RELEVANCE TO COUNCIL PLAN

The relevant Council Plan objective is that ‘We continue to plan and manage the natural and built environment for future generations’. The objective is to be achieved through balancing the needs of development, the community and the environment

CONSULTATION/COMMUNICATION

The report to Council in August 2017 proposed that Council give public notice of the proposal to sell part of 2 Station St Officer to the abutting owner. Public notice was given in accordance with section 189 of Local Government Act 1989 on 12 June 2019, allowing for submissions to be received until 11 July 2019. No submissions were received.

FINANCIAL AND RESOURCE IMPLICATIONS

The abutting owner has agreed to purchase the Council land for market value assessed at \$75,000. They have also agreed to accept the DCP assessed value of \$24,150 for Council to purchase the DCP Land from them, to allow for Council to carry out the intersection upgrade works.

CONCLUSION

Council officers have reached an in principle agreement with the abutting owner to sell the Council Land at 2 Station Street Officer to them at market value, subject to the statutory procedures being completed. The public notice process has been completed and no submissions have been received. Furthermore the abutting owner has agreed to sell part of their land to Council (DCP Land) at the assessed DCP value. It is proposed that Council proceed with the sale of the Council Land and purchase of the DCP Land.

4 SALE OF PART OF 2 STATION STREET, OFFICER

Moved Cr J Owen Seconded Cr L Wilmot

That Council authorises the Chief Executive Officer to effect the sale of part of 2 Station Street Officer and sign and seal all documentation associated with the sale of the Council land.

Cd.



5 PROPOSED DISCONTINUANCE OF ROADS ENCROACHING PROPERTIES AT PEET STREET, PAKENHAM AND 17 HILL STREET, PAKENHAM

FILE REFERENCE INT1955590

RESPONSIBLE GENERAL MANAGER Tom McQualter

AUTHOR Fiona Shadforth

RECOMMENDATION

That:

1. Council commence the statutory procedures in accordance with clause 3 schedule 10 of the Local Government Act, 1989, (the Act) to discontinue the portions of road abutting O'Sullivan Street (of the Peet Street property which is bounded by O'Sullivan Street and Hill Street) and 17 Hill Street Pakenham, as shown on the attached locality plan; and
2. Council publish a notice in the local paper for Pakenham in accordance with Sections 207A and 223 of the Act advising of the proposed road discontinuances and such notice state that, if discontinued, that the land may be transferred to the abutting owners; and
3. In the event of no submissions being received, the matter be reported to Council again for resolution on how to proceed; and
4. In the event of submissions being received, a committee comprising of the ward Councillors be appointed and the Chief Executive Officer be authorised to set the day, time and place for the hearing of such.

Attachments

1	Locality Plan	1 Page
2	Plan of Subdivision - Creation of R1 & R2	4 Pages
3	Plan of Subdivision 2 - Removal of R1 & R2	1 Page
4	Proposed Plan of Subdivision	2 Pages

EXECUTIVE SUMMARY

This report recommends that Council, acting under clause 3 of schedule 10 of the Local Government Act 1989 (the Act) and also in accordance with sections 207A and 223 of the Act, commence the statutory procedures to discontinue the portions of road abutting O'Sullivan Street and 17 Hill Street Pakenham, shown hatched on the attached locality plan (Road).

BACKGROUND

In 1991 a large part of the land that now comprises Peet Street Industrial Estate was in the ownership of an individual. The individual continues to hold land parcels in the Estate but a reduced holding. In July 1991 the landowner submitted a Planning Application to subdivide and develop the land held, part of this Permit required widening of roads with a notation that the road widenings and new roads were to vest in Council.

In May 1994 Council negotiated with the landowner to acquire two reserves ('Municipal Reserves 1 and 2') which ran east west between O'Sullivan Street and Hill Street and further east from Hill Street, as shown in attachment 2. This plan also shows the road widenings noted as R1 and R2 ('roads') with allowance for a splay ('splays') on each road where the road connects with the Municipal Reserves 1 and 2. This plan was registered in July 1994. The Permit expired in 1997 and the Estate was not constructed.

A subsequent plan was lodged in September 2004 to remove the reserve status of Municipal Reserves 1 and 2, as shown in attachment 3. The purpose of the removal of the reserve status was to sell the land back to the original land owner. The land had been acquired for the purpose of a bypass arterial road but the location for the arterial road was changed and therefore the land was no longer required by Council for this purpose.

Council removed the reserve status of Municipal Reserves 1 and 2 and sold the land to the individual. The roads remained in Council's ownership.

At the time of the removal of reserve status, Council should also have removed the road status of the splays and transferred these to the individual. As Council did not remove the road status of the splays, the alignment of the roads is unusual with a small encroachment into two privately owned properties, one of which remains in the ownership of the landowner, being the Peet Street property.

As the Peet Street Industrial Estate is currently being constructed, in accordance with the Special Charge Scheme, it would be an appropriate time to rectify the unusual alignment of the roads. The landowner has requested that this be done as it is impacting on the future development and sale of the (proposed) subdivided property, in particular proposed Lot 12 which carries the encroachment, as shown in attachment 4. It would be in Council's best interest to remove the splays as they are not required for the construction of the roads. Removing Council's responsibility and risk of the surplus splays would be beneficial long term.

The landowner has recently disputed Council's financial contribution for the roads when the roads were acquired in 1994. Upon checking our records, we have located a Transfer of Land which shows an amount of \$100,000 paid for the acquisition of Municipal Reserves 1 and 2 and Roads 1 and 2. There is also an accompanying Development Agreement in relation to a number of land Developments owned by the individual at that time which also supports the financial contribution to the acquisition of the Municipal Reserves and roads. The individual asserts that the Transfer and Agreement were signed under duress with the threat to delay his land developments if they were not signed. They claimed to have been advised that he would be compensated at the appropriate time.

The individual has recently submitted a claim to Council to compensate him for the roads, however, he has been advised that the documentation supports the financial compensation that was made at the time, and we have no evidence to the contrary. In addition to the compensation sought, they have requested that the splay encroaching his property be transferred to him, as this should have been done at the time of the sale back to him of the Municipal Reserves. We have agreed to pursue this process as it would seem to be in the best interests of all parties. The area of the splays is surplus to Council's need and should have been rectified in 2004 and it seems reasonable for us to now remedy the situation.

POLICY IMPLICATIONS

The proposal to discontinue and sell the Roads has been carried out in accordance with the 'Discontinuance of Roads Policy' (Policy). The Policy provides that Land will sold at market value however it allows for land to be transferred at a

'lower price if it is considered that the benefits that accrue to the community by the achievement of one or more of the objectives of this policy are not reasonably obtained unless a lower sale price is received'.

RELEVANCE TO COUNCIL PLAN

The relevant Council Plan objective is that 'We continue to plan and manage the natural and built environment for future generations'. The objective is to be achieved through balancing the needs of development, the community and the environment.

CONSULTATION/COMMUNICATION

The roads fall within the Peet Street Industrial Estate Special Charge Scheme and the splays have not been required for any infrastructure and are considered surplus to Council's purposes. In accordance with sections 207A and 223 of the Act it is proposed that Council give public notice of the proposal to discontinue the Road and transfer the land and consider all submissions received within 28 days of the giving of the notice.

FINANCIAL AND RESOURCE IMPLICATIONS

If the splays are discontinued Council will meet the costs to rectify the alignment of the roads which will reduce Council's long term ongoing costs to maintain the unused splays which have no benefit to Council.

CONCLUSION

As the proposal to discontinue the splays has no apparent detrimental effect in relation to access or use within this area, the splays are considered to be suitable for discontinuance and transfer.

**5 PROPOSED DISCONTINUANCE OF ROADS ENCROACHING PROPERTIES
AT PEET STREET, PAKENHAM AND 17 HILL STREET, PAKENHAM**

Moved Cr J Owen Seconded Cr L Wilmot

That:

1. Council commence the statutory procedures in accordance with clause 3 schedule 10 of the Local Government Act, 1989, (the Act) to discontinue the portions of road abutting O'Sullivan Street (of the Peet Street property which is bounded by O'Sullivan Street and Hill Street) and 17 Hill Street Pakenham, as shown on the attached locality plan; and
2. Council publish a notice in the local paper for Pakenham in accordance with Sections 207A and 223 of the Act advising of the proposed road discontinuances and such notice state that, if discontinued, that the land may be transferred to the abutting owners; and
3. In the event of no submissions being received, the matter be reported to Council again for resolution on how to proceed; and
4. In the event of submissions being received, a committee comprising of the ward Councillors be appointed and the Chief Executive Officer be authorised to set the day, time and place for the hearing of such.

Cd.

6 COLLECTIVE SUBMISSION TO THE ROYAL COMMISSION INTO MENTAL HEALTH

FILE REFERENCE INT1960440

RESPONSIBLE GENERAL MANAGER Tracey Parker

AUTHOR Sarah Dyce

RECOMMENDATION

That the submission made by Cardinia Shire Council and Partnering organisations for the Royal Commission into Mental Health be noted.

Attachments

1 Collective Submission to the Royal Commission into Mental Health 14 Pages

EXECUTIVE SUMMARY

The Victorian Royal Commission into Mental Health is the first of its kind in Australia and one that provides an opportunity to improve the health and social outcomes for those living with a mental illness.

On Tuesday 18 June, eight mental health service agencies from Cardinia's Mental Health and Wellbeing Strategic Leadership Group, including Uniting, EACH, Monash Health, Windermere, Wayss Ermha, Wellways and Cardinia Shire Council met to workshop and draft a collective submission to the Royal Commission into Mental Health.

The remaining six agencies that form part of Cardinia's Mental Health and Wellbeing Strategic Leadership Group but did not contribute to this collective submission have made their own individual submissions.

Mental Health Victoria played a pivotal role in assisting with this submission by providing feedback on the draft document and providing advice and support through the process of development.

The submission provided comprehensive local insight in response to the terms of reference.

BACKGROUND

The Cardinia Mental Health and Wellbeing Strategic Leadership Group was established in 2018 to advocate, collaborate and deliver on a collective action plan consisting of 10 community actions or projects to achieve over a three-year term.

Members include senior management level representation from Wellways, Mind Australia, EACH, Southern Migrant & Refugee Centre, Victoria Police, Wayss, Windermere, Mental Health Victoria, Ermha, Uniting, Monash Health, NDIA and the Department of Health and Human Services.

The Cardinia Mental Health and Wellbeing Strategic Leadership Group welcomed Angus Clelland, CEO of Mental Health Victoria, as a member in early 2019. Mental Health Victoria provide pivotal information and insight into State Government's direction on mental health related concepts and policy's. Mental Health Victoria support the work of the Cardinia's Mental Health and Wellbeing Strategic Leadership Group by fostering collaboration leading to opportunity and positive outcomes.

POLICY IMPLICATIONS

The Liveability Plan 2017-2029 sets the strategic direction for improving health and wellbeing across the shire for the next 12 years.

Mental Health specifically, is one of the most significant priorities within the Liveability Plan as well as Social Cohesion, Safety, Obesity, Family Violence, Financial Vulnerability and Alcohol, drugs and gambling harm. All of which can be directly related to Mental Health.

RELEVANCE TO COUNCIL PLAN

Our People

- 1.1 Access to a variety of services for all
- 1.2 Access to support services and programs for young people
- 1.4 Improved health and wellbeing for all

Our Community

- 2.1 Our diverse community requirements met
- 2.3 Increased levels of community participation
- 2.4 Improved health and wellbeing of our residents

CONSULTATION/COMMUNICATION

Consultation for this submission included a variety of both internal and external groups and networks.

Internally the Youth Services and Maternal Child Health teams contributed to the submission focusing on these particular cohorts and providing local specific insight in response to the terms of reference.

Cardinia's Mental Health Alliance was established in 2017 with the objective of providing a platform for local Mental Health Service Providers to work collectively towards improving the mental health and wellbeing outcomes for residents of Cardinia Shire.

The Alliance consists of membership from more than 30 different organisations and a Strategic Action plan consisting of 13 actions over a three-year term.

The Community Workers in Cardinia Shire Network is one of our largest networks with more than 80 members. The purpose of this network is to bring together a range of skills and knowledge to promote efficiency, innovation and improve community outcomes with the objectives including integrated planning and partnerships, advisory and advocacy and information sharing and networking.

Members have an opportunity to share and participate in a community of practise setting.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

CONCLUSION

This Collective Submission for the Royal Commission into Mental Health was submitted on Friday 5 July and the Cardinia Mental Health and Wellbeing Strategic Leadership Group have requested to speak to this report (and our recommendations) at a public hearing in the near future.

6 COLLECTIVE SUBMISSION TO THE ROYAL COMMISSION INTO MENTAL HEALTH

Moved Cr C Ryan Seconded Cr M Schilling

That the submission made by Cardinia Shire Council and partnering organisations for the Royal Commission into Mental Health be noted.

Cd.

7 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

FILE REFERENCE INT1943667

RESPONSIBLE GENERAL MANAGER Tom McQualter

AUTHOR Doug Evans

RECOMMENDATION

That Council appoint the General Manager Customer, People and Performance Jenny Scicluna, as the Acting Chief Executive Officer for the period 2 September 2019 to 13 September 2019 during a period of Annual Leave by the Chief Executive Officer.

Attachments

Nil

EXECUTIVE SUMMARY

To appoint an Acting Chief Executive Officer during a period of Annual leave by the Chief Executive Officer.

BACKGROUND

The Chief Executive Officer is taking a period of annual leave between 2 September and 13 September 2019 and it is therefore necessary for the Council to appoint a person to act in this role during this period.

The Chief Executive Officer has recommended that the General Manager Customer, People and Performance Jenny Scicluna, be appointed to this position during her absence.

POLICY IMPLICATIONS

Council is required to appoint a person to act as the CEO whilst the CEO is absent during a period of annual leave.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

CONCLUSION

The Chief Executive Officer has recommended that the General Manager Customer, People and Performance Jenny Scicluna be appointed to act on her behalf whilst she is away from the Office on annual leave between the 3rd and 13th of September 2019.

7 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

Moved Cr J Owen Seconded Cr L Wilmot

That Council appoint the General Manager Customer, People and Performance Jenny Scicluna, as the Acting Chief Executive Officer for the period 2 September 2019 to 13 September 2019 during a period of Annual Leave by the Chief Executive Officer.

Cd.



8 APPOINTMENT OF AUTHORISED OFFICERS UNDER PLANNING AND ENVIRONMENT ACT 1987

FILE REFERENCE INT1952070

RESPONSIBLE GENERAL MANAGER Peter Benazic

AUTHOR Owen Hardidge

RECOMMENDATION

That the Council resolve to appoint the persons named in this resolution as Authorised Officers for the purpose of enforcement of the Planning and Environment Act 1987, and that the Council Seal be affixed to the instruments of appointment attached to this report:

- a) Mr Troy Ledbury
- b) Mr David Au
- c) Mr Kelly Richards
- d) Ms Selina Morley

Attachments

- 1 Instruments of Appointment 4 Pages

EXECUTIVE SUMMARY

It is necessary for Council to directly appoint persons as "Authorised Officers" for the purpose of enforcing the Planning and Environment Act 1987.

By doing so, Council ensures that it has the capacity to investigate and enforce the Cardinia Shire Planning Scheme, planning permits and agreements entered between Council and permit applicants.

BACKGROUND

Part 6 of the Planning and Environment Act 1987 ("the Act) provides for enforcement of planning schemes, planning permits and agreements entered in accordance with Section 173 of the Act.

Investigative powers are vested in individuals appointed as "Authorised Officers", such as the power to enter land, apply for an enforcement order, and file a charge and summons. Most regulatory legislation follows a similar "authorisation" process.

Unlike other Acts, the Planning and Environment Act requires Council to directly appoint officers by resolution (rather than delegate the power of appointment to the Chief Executive Officer).

The proposed resolution will appoint the specified officers for this purpose..

The persons referred to in the resolution are either members of the Compliance Services team (who directly investigate Planning and Environment Act breaches) or members of the Building, Environmental Health and Prosecutions teams, whose work frequently overlaps with that of the Compliance Services team. All staff are employees, or direct employees of Kernow Environmental Services.

POLICY IMPLICATIONS

The authorisation of officers for this purpose is consistent with previous Council policy and practice.

RELEVANCE TO COUNCIL PLAN

Nil

CONSULTATION/COMMUNICATION

Public consultation is not required or appropriate in respect of this resolution.

FINANCIAL AND RESOURCE IMPLICATIONS

The proposed resolution has no financial or resource implications.

CONCLUSION

It is recommended that the Council resolve to appoint the designated officers referred to above and the Council Seal be affixed to the instruments of appointment.

8 APPOINTMENT OF AUTHORISED OFFICERS UNDER PLANNING AND ENVIRONMENT ACT 1987

Moved Cr J Owen Seconded Cr L Wilmot

That the Council resolve to appoint the persons named in this resolution as Authorised Officers for the purpose of enforcement of the Planning and Environment Act 1987, and that the Council Seal be affixed to the instruments of appointment attached to this report:

- a) Mr Troy Ledbury
- b) Mr David Au
- c) Mr Kelly Richards
- d) Ms Selina Morley

Cd.

9 APPOINTMENT OF COMMITTEE MEMBERS TO THE NOBELIUS HERITAGE PARK AND EMERALD MUSEUM COMMITTEE OF MANAGEMENT

FILE REFERENCE INT1959825

RESPONSIBLE GENERAL MANAGER Peter Benazic

AUTHOR Desiree Lovell

RECOMMENDATION

That the following appointments be made to the Nobelius Heritage Park and Emerald Museum Committee of Management for a two year term:

- Pauline Murphy (President)
- Lynne Schrull (Secretary)
- Many Porter (Treasurer)
- Elaine Morris
- Roy Kendall
- Chris Scarlett
- Kerry Champness

Attachments

Nil.

EXECUTIVE SUMMARY

This report advises Council of the members elected to the Nobelius Heritage Park and Emerald Museum Committee of Management following the Biennial General Meeting held on 18 July 2019.

BACKGROUND

The Nobelius Heritage Park and Emerald Museum Committee of Management operate as a Section 86 Committee of Cardinia Shire Council. The Committee manages the daily operations of the Emerald Museum and surrounding Nobelius Heritage Park.

A total of seven committee members were elected onto the Nobelius Heritage Park and Emerald Museum Committee at the Biennial General Meeting (BGM) held on the 18 July 2019. The BGM was held at the Emerald Museum.

The current Instrument of Delegation (2016) for the Nobelius Heritage Park and Emerald Museum Committee of Management requires the committee of management to be made up of between five and ten members. The elected committee meets this requirement.

POLICY IMPLICATIONS

Nil.

RELEVANCE TO COUNCIL PLAN

Maintaining members of special Committees to Council, directly relates to Council Plan area 2 - Our Community - Increased levels of community participation.

CONSULTATION/COMMUNICATION

Council officers developed various promotional media in the lead up to the BGM, aiming to increase awareness within the community of the museum, and seek nominations to the committee of management. Mayor Graeme Moore chaired the nomination process, and welcomed the new committee. Cr Leticia Wilmot, Cr Jeff Springfield and Cr Brett Owen also attended the meeting.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

CONCLUSION

The BGM of the Nobeliuss Heritage Park and Emerald Museum Committee of Management was held on the 18 July 2019. Seven members were nominated to the committee.

9 APPOINTMENT OF COMMITTEE MEMBERS TO THE NOBELIUS HERITAGE PARK AND EMERALD MUSEUM COMMITTEE OF MANAGEMENT

Moved Cr B Owen Seconded Cr L Wilmot

That the following appointments be made to the Nobelius Heritage Park and Emerald Museum Committee of Management for a two year term:

- Pauline Murphy (President)
- Lynne Schrull (Secretary)
- Many Porter (Treasurer)
- Elaine Morris
- Roy Kendall
- Chris Scarlett
- Kerry Champness

Cd.

10 DOCUMENTS FOR SEALING

FILE REFERENCE INT1960060

RESPONSIBLE GENERAL MANAGER Tom McQualter

AUTHOR Sharon Voltan

RECOMMENDATION

That Council note the fixing of the Common Seal to the documents listed below and the Seal be affixed to the document as listed.

Attachments

Nil.

EXECUTIVE SUMMARY

Under Council's Meeting Procedure Local Law, the Common Seal may be affixed to a document for the purpose of giving effect to a decision:

- a) Made by Council resolution;
- b) Made resolution of a Special Council meeting under Delegation; or
- c) Made by the Chief Executive officer under Delegation.

Accordingly, the Council Seal was affixed to the following documents:

Description	Authorisation	Seal Date
CT 18/09 Road resealing program – CSC & QR Constructions	Council resolution 19 November 2018	27 March 2019
CT 18/06 Cardinia mobile library trailer replacement	Council resolution 15 October 2018	27 March 2019
Contract 18/02 – PB Ronald Reserve carpark upgrade and construction	Council resolution 15 April 2019	9 May 2019

The following document/s requires the affixing of the Common Seal.

CONCLUSION

It is appropriate for the Council to note the fixing of the Common Seal to the documents listed above and resolve to Seal the document listed.

10 DOCUMENTS FOR SEALING

Moved Cr J Owen Seconded Cr L Wilmot

That Council note the fixing of the Common Seal to the documents listed below and the Seal be affixed to the document as listed.

Cd.

11 SHORT TERM RECYCLING PROCESSING CONTRACT

FILE REFERENCE INT1962377

RESPONSIBLE GENERAL MANAGER Peter Benazic

AUTHOR Jacqui Kelly

RECOMMENDATION

That Council delegate authority to the CEO to enter into a short-term contract (up to 2yrs) with Polytrade Recycling for the processing of kerbside recycling.

Attachments

- | | |
|---|------------|
| 1 Section 186 Signed by Minister for Local Government and Minister for Energy, Environment and Climate Change | 2
Pages |
|---|------------|

EXECUTIVE SUMMARY

Problems within the recycling industry arose early in 2018, driven primarily by changes to the environmental policies in China which restricted imports of recyclables, and reduced acceptable contamination levels. As a result, our processor, SKM Industries, has struggled to appropriately manage their received material, resulting in multiple work orders and warnings from the Victorian Environmental Protection Authority (EPA).

In February of 2019 SKM was issued cease works notices by the Victorian EPA for environmental non-compliance regarding the fire and health risks of stockpiled material on their Laverton and Coolaroo sites impacting our service for 11 weeks. During this shut down period Cardinia Shire Council had no option but to send our kerbside recyclable material to landfill resulting in an increased cost to Council and major environmental concerns.

At the end of July SKM were again unable to meet requirements set by the EPA and ceased accepting material, forcing Council to divert recycling to landfill. SKM Corporations have since been put into liquidation leaving Council again with no recycling processor.

Options are now available for council to enter into short term contracts with other providers to process portions of collected materials.

BACKGROUND

Cardinia Shire Council entered into a contract with SKM in 2011 to process all recycling collected from kerbside and public place bins. This contract would have expired in September 2020.

On the 1st of January 2018 China's General Administration of Customs implemented the National Sword Policy restricting the import of recycled materials. This policy has severely disrupted recycling markets worldwide with significant impacts in Victoria. Since this policy was enacted our processor, SKM, has struggled to appropriately manage their material, resulting in multiple work orders and warnings from the Victorian Environmental Protection Authority (EPA).

Cardinia Shire officers have been and will continue to work with 61 other Victorian Councils in regional clusters on a group procurement process to invite new players into the recycling processing market in Victoria. This process is being facilitated by the Metropolitan Waste and Resource Recovery Group (MWRRG). Once this contract is established we will have an option to move to a long term solution with our other Local Government Counterparts. It is expected that the availability of these new services are still over twelve to eighteen months away.

On the 27th of June 2019 the Minister for Local Government along with the Minister for Energy, Environment and Climate Change signed a state-wide exemption for all Victorian Councils under Section 186 of the Local Government Act 1989. This exemption allows Councils to extend current recycling collection and/or processing contracts or enter into new contracts up until June 2021 without having to go through a time consuming public tender process.

On Friday 26th July 2019, for the second time in six months, SKM ceased accepting material from all of its Victorian customers, including Cardinia Shire and 31 other councils. This resulted in Cardinia Shire Council sending collected recyclables to landfill. On Friday 2nd August 2019 Council was notified that SKM Corporate was put into liquidation.

An alternative recycling processor, Polytrade, have limited additional capacity (50 tonnes per day) for additional clients and have offered to receive and process a proportion of kerbside recyclables with Cardinia Shire and our neighbour the City of Casey, sharing the available capacity. Available immediately, this agreement may include 13 tonnes per day from Cardinia Shire as an initial amount, and 37 tonnes from City of Casey, based on annual tonnages produced.

Polytrade has indicated an intention to upgrade its Hallam processing facility within 4-6 weeks to a full materials recovery facility (MRF). It has been indicated that this will enable Polytrade to receive the remaining recycling tonnes from both Cardinia Shire Council and City of Casey.

Based on the procurement exemption and SKM no longer receiving Councils kerbside material, it is recommended that Council will be best served by an initial short term agreement with Polytrade ending June 2021.

It is recommended that the Chief executive Officer be delegated authority to finalise and enter in contract negotiations for this short term recycling processing contract.

Alternately Cardinia Shires recycling will continue going to landfill until additional facilities are opened in Victoria through the new joint procurement process.

POLICY IMPLICATIONS

This work and direction aligns with the general vision of the Waste and Resource Recovery Strategy (2017-2026), and some of its top priorities:

- increased resource recovery with a particular focus on hard waste service, food within garbage waste, additional kerbside programs and e-waste
- continuing to drive value for money within services
- supporting local community to be responsible and accountable for their waste generation and disposal practices

RELEVANCE TO COUNCIL PLAN

This work helps deliver the following actions

3 Our Environment

3.3 Enhanced natural environment

3.3.4 Promote practices that result in the reduction per household of the amount of waste going to landfill, particularly food waste.

CONSULTATION/COMMUNICATION

Updates on Recycling industry issues, and its impacts to Council and ratepayers have been made on Councils website and Social Media platforms. Extensive media coverage of this issue also helped explain the wider issue to the community.

Legal advice regarding options for Council have been obtained from Maddocks Lawyers who will continue to support any contractual alterations.

FINANCIAL AND RESOURCE IMPLICATIONS

The current proposed processing rate by Polytrade is higher the contractual rate with SKM, however appears to be in line with other rates across the industry with providers maintaining an operational business.

Although this is an additional cost to the previous operation, this is still a saving to Council compared to the alternate landfill rate.

With regards to the annual waste fees, taking into consideration contingencies, paying a rate more typical of the industry trend will see an increase in the expected annual cost of approximately \$440,000 for 2019/20. Based on projected figures, the annual cost relating to this service is approximately \$1.4million.

Given the 2019/20 waste charges have been set, the full waste program will need to be reviewed to identify any program cost savings.

These costs will be monitored throughout the year and variations will be dependent on contamination and tonnages experienced.

The expenditure experienced will be considered when establishing the Waste charges for the 2020/21 financial year.

CONCLUSION

The Recycling industry issues experienced across the country and internationally, which affected commodity prices, has significantly impacted Councils contractor for recycling processing, SKM, resulting in their liquidation.

In order to resume recycling, a new contract must be entered with an alternate operator. It is recommended that the Chief Executive Officer be delegated the authority to finalise any further arising negotiations and execute the relevant contract documentation as required.

11 SHORT TERM RECYCLING PROCESSING CONTRACT

Moved Cr J Owen Seconded Cr L Wilmot

That Council delegate authority to the CEO to enter into a short-term contract (up to 2yrs) with Polytrade Recycling for the processing of kerbside recycling.

Cd.

12 2018-19 Q4 QUARTERLY PERFORMANCE REPORT

FILE REFERENCE INT1959421

RESPONSIBLE GENERAL MANAGER Jenny Scicluna

AUTHOR Jo Battin

RECOMMENDATION

That the Quarterly Performance Report for Quarter 4 2018-19 be received and noted.

Attachments

1 Q4 Performance Report 2018-19 71 Pages

EXECUTIVE SUMMARY

There were 147 Council Plan actions due for completion in 2018-19. The organisation completed 110 actions, achieving 75% Council Plan completion. The organisation planned to deliver sixty-three business improvement projects in 2018-19, representing 87% of our annual efficiency target. Twenty-seven of these business improvement projects were completed. The growth in both the Officer

Precinct and the Cardinia Road Precinct was lower than DCP projections. Despite this, population growth within the Shire has remained stable, at five families moving to the area, per day, for the quarter, and six families moving to the area, per day, for the year.

BACKGROUND

The Quarterly Performance Report provides a variety of information informing Council and the community on key items. These include changes in legislation affecting Council, progress on major capital projects, progress updates on delivering the council plan and statistical information relating to growth and service delivery.

Council Plan Performance

There were 147 Council Plan actions due for completion in the 2018-19 financial year. 110 Council Plan actions were completed, achieving 75% Council Plan completion, compared to 85% for 2017-18. Please refer to *Table 1* for Council Plan Action statistics and [page 28](#) of the Quarter 4 Performance Report 2018-19 for detailed progress.

Table 1. Council Plan Action Achievement 2018-19

	Completed	In Progress	Cancelled	Total
1. Our People	31	15	4	50
2. Our Community	17	3		20
3. Our Environment	34	7	1	42
4. Our Economy	17	5		22
5. Our Governance	11	2		13
Total	110	32	5	147

Council Activity Summary

Bushfire recovery underway

Council continues to work with and support those within our community who have been affected by the Bunyip Complex Fire. We deployed many staff from across the organisation to work in the response, relief and recovery phases. Three full-time bushfire recovery officers, funded by the Australian Government's Disaster Recovery Funding Arrangements, have been appointed for a 12-month period.

We've also advocated strongly to all levels of government for funding and services, co-ordinated the bushfire recovery centre in partnership with community groups, brought together agencies and organisations to attend community meetings and ensured ongoing contact with residents to check on their welfare and connect them with services and assistance.

We are moving forward on the road to recovery, but there is still a long way to go. We are committed to continuing to support our community as we continue on this journey together.

Planning for the year ahead

Council adopted its 2019-20 budget and Council Plan following a period of community consultation. Our strategic planning framework is designed to deliver key outcomes for the community in a financially sustainable manner.

The budget reflects Council's responsible financial management, which has enabled more than \$60 million of capital works to be included in the budget and all vital community services to be maintained or enhanced. It will deliver on important infrastructure works including recreation, leisure and community facilities as well as roads, drains, footpaths and parks, open space and streetscapes. Community services are also planned for in the budget, including support for aquatic and recreation facilities, child and family services, community recreation, libraries, maternal and child health, youth services, community development, the environment, and economic development.

Advocating for our community

Council continued to advocate strongly for the needs of our shire throughout this quarter. We continued to work closely with all levels of government to plan, deliver and maintain the infrastructure necessary for our community. Council met with local federal election candidates in the lead up to the election and put forward a range of projects and as a result of this campaign was promised \$592.8 million worth of grants for a range of projects. Council has also been working with other groups and councils, such as South East Melbourne and the Interface Group of Councils, to facilitate investment into the broader region. We will continue to lobby for action on important local issues and work hard to influence government priorities that will benefit our local communities.

Fostering community participation

We thanked and acknowledged our shire's many volunteers at our annual volunteer reception held during National Volunteer Week in May. The 2019 Stan Henwood Award was presented to Pakenham resident Wendy Andrews, who was recognised for generously giving her time to community and fundraising events. The Stan Henwood Award recognises lifetime achievements in community service and volunteering and commemorates the lifetime contribution that Mr Stan Henwood made to his local community of Tynong, as well as the broader Cardinia Shire.

In June we celebrated the strength and courage that refugees and asylum seekers make to our community as part of World Refugee Day celebrations. We are proud of the richness and diversity of our growing community and of our commitment as a Council to fostering an accessible and inclusive community for all.

Major projects and facilities

A number of major projects were underway this quarter. Some of these projects are highlighted below.

Work on the new sporting facilities at James Bathe Reserve progressed well. Earthworks and drainage were completed in May, as well as lighting, fencing and car park works. Only finishing touches remain, including establishing grass on the ovals. Works to construct the new pavilion are underway and are expected to be completed in December.

The exciting new multi-use recreational space at Deep Creek Reserve is coming to life. Key features of the project include the all-abilities play space, construction of the Cardinia Community and Education Centre, which will also house the golf club and Cardinia Environment Coalition, new holes at the golf course, landscaping and planting. The all-abilities play space, car park and golf course works are now complete, and the building is nearing completion, with the opening scheduled for September.

Work has also started to bring to life a regional sporting hub at Comely Banks Reserve in Officer. The project will develop Comely Banks Reserve into a regional recreation reserve that will serve community groups, individuals and sporting clubs. Council received \$3.5 million funding through the Victorian Government's Growing Suburbs fund and will source additional external funding opportunities.

Other projects have included a newly-upgraded playground at Maryknoll Recreation Reserve and construction of new tennis facilities at Cochrane Park at Koo Wee Rup. Furthermore, work to demolish and rebuild the main pavilion at Worrell Reserve at Emerald has commenced, design and planning has begun for redeveloping the pavilion and change room facilities at Koo Wee Rup Recreation Reserve and preliminary work has started on the new community pavilion at Bunyip Recreation Reserve. Redevelopment of the Cardinia Cultural Centre is also progressing well, with the first stage set to open in September.

Our commitment to the environment

Council's commitment to protecting and enhancing our natural environment was further demonstrated this quarter. Council adopted its new Biodiversity Conservation and Weed Management strategies – key documents to support and guide the protection of our local environment and encourage a natural biodiversity that is healthy, valued and actively cared for.

The Biodiversity Conservation Strategy guides long-term strategic direction and efforts to preserve the natural habitats and wide variety of plant and animal life within the shire. It also provides a framework for private and public land managers, and identifies opportunities for Council to work in partnership with the community to protect the natural environment from a variety of issues. The Weed Management Strategy aims to reduce weed infestations that threaten agriculture, human health and the environment in bushland areas, roadsides and waterways. It provides direction for delivering community education and engagement, planning controls and enforcement, and on-ground works and monitoring.

Furthermore, Council's My Place youth centre at Pakenham had an environmental boost with the installation of a 31kW system installed to reduce electricity-related CO2 emissions by approximately 44 tonnes annually. This new solar electric system will help reduce future energy costs and the impact on the environment.

Business Improvement Summary

Council promotes a culture of continuous improvement. There is an ongoing effort to improve processes and services by identifying opportunities for streamlining within the organisation. The organisation planned to deliver sixty-three business improvement projects in 2018-19. Twenty-

seven business improvement projects were completed, reaching 21% of the business improvement target for the financial year, as shown in Figure 1.

Examples of recently completed improvement projects include:

- Development of a Household Energy Efficiency Handbook.
Federation University teaching staff and students have developed a Household Energy Efficiency Handbook specific to Cardinia, therefore eliminating the need for staff to dedicate time to this task.
- Review of best practice approaches to skip bin licence conditions.
Upon completion of this benchmarking project, collaboration between Waste Services and Compliance resulted in agreement to alter skip licence conditions, to ensure permit holders are responsible for the removal of waste from in and around skip bins, thereby reducing waste removal costs to Council.
- Enhance efficiency and eliminate duplication of key management across Building and Facilities and Community Places.
Internal processes have been developed and documented to ensure keys are managed more efficiently, without an excess of keys being ordered or held by either party.

Growth Summary

Residential land development in the Shire had varied results this quarter. There were 195 residential subdivision applications this quarter, 62% lower than the previous quarter. Annual figures are 5% lower than last year. There were 289 residential lots issued a statement of compliance this quarter. Results are 31% higher than the previous quarter, and have brought the annual figure in line with the 2017-18 financial year results.

The growth in both the Officer Precinct and the Cardinia Road Precinct to date is lower than DCP projections for the 2018 calendar year. The number of titled lots in the Cardinia Road Precinct for June (8,245) was below the 2018 projected lots figure (8,590). Similarly, the number of titled lots in the Officer Precinct for June (3,110) was well below the projected figure for the 2018 calendar year (6,226).

Residential building completions are trending downwards with 358 residential building completions processed this quarter. While results are 6% higher than last quarter, annual figures are 13% lower than the 2017-18 financial year.

The family growth rate in the Shire has increased to five families per calendar day for the quarter. The annual figure remains stable at six families per calendar day. There were 440 births in the Shire this quarter, slightly lower than last quarter but 9% higher than last year. Enrolments to Maternal and Child Health are slightly lower than last quarter, but are 7% higher than last year.

POLICY IMPLICATIONS

Nil.

RELEVANCE TO COUNCIL PLAN

As a key component of the Council Plan, Council undertakes to embrace and demonstrate effective governance and transparency, and this performance report is part of Council's efforts to meet this objective.

CONSULTATION/COMMUNICATION

Relevant managers and officers, from almost all divisions across the organisation, provide updates and comments that feed into the Quarterly Performance report.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

CONCLUSION

It is appropriate to receive the Quarterly Performance Report and note the contents.

12 2018-19 Q4 QUARTERLY PERFORMANCE REPORT

Moved Cr J Owen Seconded Cr L Wilmot

That the Quarterly Performance Report for Quarter 4 2018-19 be received and noted.

Cd.

13 QUARTERLY ENVIRONMENT REPORT

FILE REFERENCE INT1961224

RESPONSIBLE GENERAL MANAGER Peter Benazic

AUTHOR Desiree Lovell

RECOMMENDATION

That this report be noted by Council.

Attachments

Nil.

EXECUTIVE SUMMARY

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

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

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

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

BACKGROUND

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

All actions fall within the Council Plan 2019–20 under the key performance area of Environment 'we will continue to plan and manage the natural and built environment for present and future generations'.

Biodiversity

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

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

Schools and kindergarten education program

Description	Biodiversity education program delivered by experienced educators for
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	primary school students and kindergartens.
Funding	Council fully funds this project
Update	<p>The program has been well received and in high demand this year.</p> <p>The primary school program provides a two-hour session designed for grade 5/6 students. The session starts with a short classroom meeting to discuss the basic concepts of biodiversity and the importance of our local habitat. The students then undertake a biodiversity audit of their school ground, giving scores to good habitat for wildlife. The students discuss their findings and design/create ways they can improve the habitat value within the school grounds. Wonderful ideas that they have developed include installing nest boxes, bee hotels and indigenous planting.</p> <p>The kinder program has been highly popular since it was introduced in 2017. The program involves an incursion from a licenced wildlife handler who bring along animals that are likely to be found in the shire including a ringtail possum, blue-tongue lizard, bat, sugar glider and a frog. They discuss what the animals eat, where they live, what can be harmful to the animal and what they can do to protect them. The sessions are engaging and interactive. The second component includes a tree planting and art activity. The children learn about the different type of plants (tree, shrub, grass) and the teacher receives information about the plants, how to look after them and their importance to wildlife.</p>

Bob James - Emerald Quarry Reserve planting day

Description	Revegetation of the former Emerald Quarry
Funding	Council fully funds this project
Update	<p>In collaboration with Johns Hill Landcare, Council organised a community planting on Sunday 19 May. Over 28 community participants joined in to plant 750 indigenous plants.</p> <p>Council and the community have waited five years for suitable sterile soil to be donated to the project, which presented a significant cost saving to Council. The community have been highly appreciative of Council's tenacity and project management skills to infill the quarry and organise the follow up community planting.</p>

Biolinks plan

Description	<p>Council has partnered with Bass Coast Shire Council to deliver a Biolink Project. This project seeks to create environmental corridors to enable flora and fauna to move through the landscape which will ensure long term viability of our native species. This work will also improve water quality across Western Port and Port Phillip catchments and improve the Western Port Ramsar listed wetland.</p> <p>The first stage will be the development of a Biolink plan that will map</p>
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	critical biolinks throughout the shire and find a consistent approach to biolinks where they cross local government boundaries.
Funding	<p>The Victorian Government provided \$100,000 funding support to the Bass Coast & Cardinia Biolinks project, through the State Government's Integrated Water Management Program. This funding was based on the recommendations provided by the Western Port Integrated Water Management Forum.</p> <p>The funding was equally shared between Cardinia Shire Council and Bass Coast Shire Council with each Council providing matching funding.</p>
Update	<p>An environmental consultant has been engaged to draft the Cardinia Shire Biolink Plan.</p> <p>An inception meeting is scheduled for late July. The first task is to identify key fauna species to be surveyed and to plan for future community workshops.</p>

Caring for our local Environment (COLE) external community grant

Description	Community capacity building programs that will include a series of workshops and a weed education program.
Funding	This project is funded by DELWP (\$62,000)
Update	<p>Council has been successful in a grant application to run environmental community capacity building programs. These programs will educate and empower local environmental friends groups and other community members. Workshop topics include;</p> <ul style="list-style-type: none"> • collaborating and empowering the friends groups in the development of individual long term strategic plans including group recruitment plans • education in the use of online mapping for property planning, utilisation of citizen science programs • snake awareness and safety <p>The weed education program will be based in Cockatoo, Emerald, and Gembrook area. It will use a skilled facilitator to engage with landowners to create neighbourhood weed action groups to help tackle problematic weeds in the hills area.</p>

Eastern Regional Pest Animal Network

Description	The Eastern Regional Pest Animal Network is a partnership of eight Council's that work together to develop programs and strategies to deal with pest animals across the network region.
Funding	This project is jointly funded by the eight councils in the network, Cardinia Shire's contribution is \$10,000
Update	The network has recently engaged a consultant to develop a Regional Pest Animal Strategy as a framework to be used by councils in the eastern region. The strategy will help plan pest animal partnership

	projects using best practise techniques. Knox City Council is administering this project on behalf of the network.
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Climate change

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

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

Civic Centre NABERS rating

Description	NABERS is the National Australian Built Environment Rating System, which measures a building's operational efficiency against the market. To arrive at a whole building energy rating, buildings are assessed on energy consumption, building occupancy and building area.
Funding	Council funds this initiative
Update	<p>Council officers have been working hard with an accredited NABERS assessor to have the Officer civic centre rated and we are excited to announce that we have received a 4-star NABERS energy rating.</p> <p>The rating was based on the 2018 calendar year. Reductions in energy consumption over recent years have contributed to this rating. Under the NABERS criteria, the achieved level of energy efficiency is classified as “good” and provides a benchmark for future actions. Council will be continuing to improve upon this rating over the coming years to further reduce energy costs and greenhouse gas emissions.</p>

Fleet vehicle offsets

Description	Initiatives that aim to offset the carbon emissions from Council's fleet of vehicles
Funding	Council funds this initiative
Update	<p>Council has offset 500 tonnes of fleet related carbon emissions. This includes purchasing offsets from The Yarra Yarra Biodiversity Corridor project in Western Australia, a gold standard Australian Native Reforestation initiative.</p> <p>The project plants native trees and shrubs, to join small patches of remnant vegetation in 1 of only 35 globally recognised biodiversity 'hotspots'. Besides removing carbon from the atmosphere, the trees and shrubs help to reduce salinity, water and soil erosion, and provide habitat for the endangered Carnaby's black-cockatoo, malleefowl and other threatened flora and fauna. A 100-year carbon rights and carbon covenant protect the plantings.</p> <p>Carbon offsets are a suitable solution to offsetting unavoidable carbon dioxide emissions and these offsets support other Council initiatives to reduce organisational emissions.</p>

Community Climate Change Adaptation (3CA) grants program

Description	The 3CA program offers small grants to build resilience to climate change impacts through community-driven adaptation activities that address identified gaps and priorities in Victoria's regions.
Funding	A funding application is currently with the Victorian Government's Department of Land, Environment, Water and Planning for this project
Update	<p>Council has collaborated with Federation University and South East Councils Climate Change Alliance (SECCCA) in submitting an application for a 3CA grants. The funding application is for \$75,000 to conduct the baseline performance study of Water Sensitive Urban Design (WSUD) assets in the shire.</p> <p>The funding will be used to develop an understanding of the operational performance of WSUD assets and the functional role these features play in supporting the resilience of human settlement and urban aquatic ecosystems in a changing climate.</p> <p>The assessment and monitoring of WSUD assets, will inform the strategic management and enhancement of these assets to support the resilience of climate vulnerable ecosystems and urban settlements in Cardinia Shire.</p>

Water

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

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

Gembrook Park sediment/detention basin

Description	<p>Design and construct a sediment/detention basin and associated drainage works within Gembrook Park.</p> <p>Gembrook Park is a beautiful bushland reserve south of Gembrook. Stormwater from approximately 6ha of the town is directed into the north-eastern area of the park. The terrain through the park is very steep and soil is highly erosive. This has set up a pattern of stormwater importing loose gravel to the park and depositing / blocking drainage adjacent to roadways, which causes flooding. There is also extensive, local erosion of road-side table drains. This narrows road access and will de-stabilise mature trees in the future.</p> <p>Further downstream, the change in water regime has modified the vegetation (and therefore habitat) through the reserve. The gully previously supported indigenous vegetation and is now covered in weeds. The increased frequency of flows has destabilised mature vegetation within the park and caused large trees to fall.</p>
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Funding	Council (\$70,000) and Melbourne Water (\$70,000) jointly fund this project
Update	Council has been successful in receiving a grant from Melbourne Water's Living Rivers program to design and construct a sediment/detention basin and associated drainage works within Gembrook Park. Functional design was completed in 2018 and quotes are currently being sought for construction design. Construction is scheduled during the summer months.

Waste and resource recovery

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

Green waste drop off results

Description	Provision of green waste drop off events form part of the waste and resource recovery strategy action to implement a suite of options that provide alternatives to burning off. It helps to reduce risk from bushfire within the shire and provide alternatives to burning off for our community.
Funding	Council funds this initiative
Update	<p>Two free green waste drop-off events were held in May:</p> <ul style="list-style-type: none"> Friday 17 May to Monday 20 May, at Pakenham Cleanaway Resource Recovery Centre Friday 24 May to Monday 27 May, at Lysterfield Cleanaway Resource Recovery Centre. <p>These events were held in response to requests for a drop-off to be held every six months to assist residents to maintain a low fuel load on properties. 69.1 tonnes of green waste was collected at the Pakenham event, and 16.8 tonnes at Lysterfield. Overall 256 residents attended, with 420 drop-offs. The next service will be offered in November 2019.</p>

E-waste ban from landfill

Description	The definition of e-waste is any item with a cord, battery or lead at the end of its life. From 1 July all e-waste will be banned from landfill in Victoria. The ban is a Victorian Government response to the growing issue of hazardous e-waste and results in residents being unable to dispose of these items in any kerbside bin.
Funding	Sustainability Victoria has provided \$10,000 grant to assist Council to educate residents. Council is further supporting this through a provision in the garbage charge.
Update	To educate residents on the definition of e-waste and ban from landfill, officers have included e-waste information in the 2019 waste guide and hard and bundled green waste flyers. We have developed a new e-waste webpage which includes a local directory of drop-off locations for items.

	With the support of the Sustainability Victoria grant, four recycling stations have been ordered to collect small e-waste, mobile phones, batteries and x-rays which will be installed in community spaces in July. They will be installed at Pakenham library, Emerald library, the Civic Centre and Koo Wee Rup Regional Hospital Eco-house.
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Detox and drumMuster results

Description	Detox Your Home is a Sustainability Victoria program supported by Council held annually. drumMUSTER program is a product stewardship scheme of agriculture and veterinary chemical producers supported by Council held biannually. Both programs are held within the shire and are free for the community to use.
Funding	Detox Your Home is funded by Sustainability Victoria including staffing. drumMUSTER is supported by Council through the provision of staff and recycling collection.
Update	Detox Your Home and drumMUSTER were held concurrently on Saturday 27 April. Detox Your Home collected 2.9 tonnes of hazardous chemicals from 162 householders. This was a 38 per cent increase on attendance from last year. drumMUSTER collected 140 drums from six attendees, twice that of last collection.

Compost workshops

Description	The beginner compost workshops aim to increase the confidence of residents in using compost or worm farms, and promote the compost rebate program.
Funding	Council funds this initiative
Update	<p>To support the community to reduce waste and divert food from landfill, Council held three free compost workshops between January and May. These were supported by Casey Cardinia Libraries, Koo Wee Rup Eco-House and used a presenter from Living Learning Pakenham.</p> <p>The workshops were popular with two of the three events booked out and all receiving positive feedback. 87 per cent of participants who completed a feedback survey reported that they would definitely start a compost or a worm farm at home, and 75 per cent strongly agreed that their knowledge on compost and worm farms had increased. Many participants requested additional workshops in the future.</p>

Autumn hard waste service

Description	Blanket service for autumn hard waste was completed in May
Funding	This service is funded through the residential garbage charge
Update	The autumn hard waste collection across the shire took place over five weeks, with 2,175 tonnes of material collected from 38,805 tenements

	<p>across the shire. The total amount of material collected was down 16 per cent on last years' service however recycling was up 1%.</p> <p>The customer service for the hard waste collection was excellent with the number of CRMs recorded totalling half of the amount of previous years and the response rate to those recorded was efficient and complete.</p> <p>There are two more blanket services planned for Oct-Nov 2019 and April-May 2020 before we move to a bookable service.</p>
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Projects planned for 2019–20

- Opening of Deep Creek Ecocentre and indigenous nursery
- Implementation of Weed Management Strategy 2019
 - Peri Urban Weed Partnerships Project 2016–20 working across tenures to reduce effects of high threat weeds along Cardinia Creek Corridor
 - Emerald Lake Park Vegetation Management Project 2019–20 weed control
 - Pepis' land wetlands restoration project 2015–20 weed control and revegetation works
- Implementation of Biodiversity Conservation Strategy 2019
 - Participation in the Eastern Region Pest Animal Network, including development of Regional Pest Animal Strategy
 - Development of Cardinia Biolinks Plan including collaborative workshops with the community
 - Implement Caring for our Local Environment (COLE) DELWP community grant to Friends groups and the community
- Implementation of the Waste and Resource Recovery Strategy including:
 - installation of e-waste recycling stations in community places
 - planning for a kerbside food waste diversion service and behaviour change program
- Implementation of the Integrated Water Management Plan (IWMP) including:
 - Identifying opportunities for environmental improvements along key waterways (incorporated in the development of the Biolinks Plan)
 - Undertake an assessment of water sensitive urban design assets to enable accurate forecasting for maintenance budgets
 - Bring together key internal WUSD stakeholders and initiate steering committee meetings
 - Construct Gembrook Park sediment basin
 - Participate in the Integrated Water Management Forums for Westernport catchment including implementation of key regional projects
- Implementation of the Aspirational Energy Transition Plan (AETP) including:
 - Solar electricity system on the new Depot building, Hollins and Lakeside Children Centres
 - Purchase of fleet carbon offsets
 - Continuation of community engagement programs i.e New Home Energy Advisory Service, Sustainable Living Workshops (Cardinia Casey Libraries), household energy efficiency handbook (Fed Uni).
 - Energy efficiency lighting upgrades Solar PV install at Lakeside Children's Centre
 - Continued involvement in carbon mitigation and adaptation projects delivered by the South East Councils Climate Change Alliance (SECCCA)
 - Business efficiency program- Environmental Upgrade Agreements
- Coordination of grants:
 - Annual Weed control grants to reduce weeds on private and public land
 - Annual Heritage grants to conserve places protected under the heritage overlay
 - Biodiversity Incentive grants on private land
 - Distribute annual friends group support grant

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- Trust For Nature rate reimbursement scheme
 - Continued community collaboration and awareness programs:
 - 2019 National Tree Day at Pepis land.
 - Annual trees for weeds swap day
 - Gardens for wildlife program
 - Schools and kinders biodiversity education program
 - Indian Myna trapping program (sale of traps)
 - Schools and kindergarten waste education program

Community waste education program

13 QUARTERLY ENVIRONMENT REPORT

Moved Cr J Owen Seconded Cr L Wilmot

That this report be noted by Council.

Cd.

14 MAJOR PROJECTS REPORT

FILE REFERENCE INT1962386

RESPONSIBLE GENERAL MANAGER Peter Benazic; Tracey Parker

AUTHOR Andrew Barr; Ben Wood; Desiree Lovell; Kristen Jackson; Walter Carmignani

RECOMMENDATION

That the report be noted.

Attachments

Nil.

EXECUTIVE SUMMARY

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

BACKGROUND

Recreation Reserves

James Bathe Recreation Reserve civil works

Project description	Construction of two football/cricket ovals, netball courts and play space.
Funding	The project is funded by Council and a contribution through Sport and Recreation Victoria.
Timelines	The ovals are now on maintenance and not accessible until early 2020. The outstanding works will be completed before the start of Summer.
Update	Asphalt to the internal roads and car parks will be placed in early spring, when weather conditions improve which will complete the car park works.

Construction of the ovals is complete. The ovals will be re-sown in the spring time to supplement the sprigging that has occurred to date. Light poles have been stood and lights are operational to oval 1

The following elements are underway:

- electrical installation
- playspace works
- finishing works to carpark
- netball, basketball and practice cricket areas

James Bathe Recreation Reserve pavilion

Project description	Construction of a new pavilion servicing netball, football, cricket activities and includes provision for community use.
Funding	Council and the Victorian Government's Growing Suburbs Fund are jointly funding this project.
Timelines	Construction is expected to be completed by mid-October 2019.
Update	<p>The following works associated with the building have been completed:</p> <ul style="list-style-type: none"> • fit outs including change room, • tiling • extract installation <p>The following works are in progress</p> <ul style="list-style-type: none"> • fit outs kitchen, social areas, electrical • internal wall finishes - painting • Internal finishes - joinery • tiling, epoxy floorings • External paving and driveways • Landscaping • VA artwork preparation

Deep Creek Reserve

Project description	<p>Deep Creek Reserve is a 48-hectare Council 'greenfield' site, bounded by the Pakenham Golf Course to the North and the railway line to the south.</p> <p>The development of this site will include new paths and car park, development of infrastructure (including a sustainable environment complex, including new golf club rooms, all abilities playground, indigenous plant nursery, wetland and education facilities, kick about area, car park and associated drainage) and Melbourne Water wetlands.</p>
Funding	The Deep Creek Reserve development is jointly funded by Council and the Victorian Government's Growing Suburbs Fund, with in-kind support from Pakenham Golf Club
Timelines	The reserve should be ready for public access by Spring 2019.
Update	<p>Civil works package: complete. This includes the car park, lighting, golf cart shed, drainage , kick-a-bout area and demonstration wetland. The contractor has returned to site to complete some earthworks and minor footpath works around the building.</p> <p>Play garden: complete. The site is on maintenance and will remain closed until works on the main building are complete to allow an establishment period for the plants. Final play items will be installed prior to opening of the reserve.</p> <p>Landscape package: There is extensive detailed landscaping at this site to enable it to be Council's premium environment education site, for this reason the landscaping has been split into a separate package. The contractor is continuing with the landscaping and shaping works, with</p>

the balance of planting planned for the coming weeks.

Deep Creek Reserve – Nursery and Education Centre

Project description	Construction of a community driven indigenous plant nursery including outdoor education space, retail display garden, propagation facilities, irrigation, shade houses and green houses to grow the plants.
Funding	This project is jointly funded by Council and the Andrew's Foundation and is part of the Deep Creek Reserve.
Timelines	The reserve should be ready for public access Spring 2019.
Update	<p>The following works have been completed:</p> <ul style="list-style-type: none"> • foundation /services risers • concrete slab works <p>The following works are underway:</p> <ul style="list-style-type: none"> • steel framing is currently being erected • off site manufacture of green houses • power cabling to site

Deep Creek Reserve – Cardinia Community and Education Centre

Project description	The Cardinia Community and Education Centre is a multi-user shared facility, combining ecological values, education and sport. The building will combine the requirements of the Pakenham and District Golf Club and Cardinia Environment Coalition (CEC). The building will incorporate separate and shared spaces for the golf club and CEC users, including a multi-function room, lounge/dining/bar area, café, pro shop, environmental training areas, administration areas, and a commercial kitchen. Kirchner Constructions Pty Ltd have been appointed to undertake the building works.
Funding	This part of the Deep Creek Reserve project is funded by Council.
Timelines	The reserve should be ready for public access Spring 2019.
Update	<p>The following works have been completed:</p> <ul style="list-style-type: none"> • reception area joinery • specialist ceiling features • floor tiling to toilet areas • cool room/refrigerated areas • external beer/bin store compound • bar/food servery areas • fire place detail <p>The following works are underway:</p> <ul style="list-style-type: none"> • kitchen /bar servery fit out • painting and wall finishes • pathways to pro shop and cafes • external driveway, paths and porte-cacheur entrance • external seating details • VA Information preparation works (info wall) • installation of joinery units /cupboards /counters • installation of light fittings • final floor preparation works – carpet areas

- solar panelling system

Officer Recreation Reserve No. 2 (Western) oval reconstruction

Project description	Reconstruction of the western oval at the Officer Recreation Reserve, Starling Road Officer. The works include, but are not necessarily limited to reorientation, reshaping and resurfacing of the oval and the installation of subsurface drainage, irrigation and perimeter fence. A funding application has been made to the Australian Government for ball catch nets, lighting upgrades and to upgrade the proposed gravel footpaths to a concrete footpath
Funding	This project is fully funded by Council
Timelines	The project has reached substantial completion, there are some minor works which are still outstanding and these are expected to be complete early spring 2019 subject to favourable weather conditions, with a maintenance period to follow
Update	Irrigation sub-surface drainage to the oval is complete, the spoon drain and external drainage has been laid, oval fencing is well progressed and the new dam is now connected to the old dam. Sand has been placed and the oval has been sown with rye grass. This will be sprayed out in spring and replaced with couch. A practical completion inspection is currently being organised.

Bunyip Recreation Reserve Soccer pavilion

Project description	Construction of a new pavilion servicing soccer, cricket activities and includes provision for community use.
Funding	Council and the Victorian Government's Building Better Regions Fund are jointly funding this project.
Timelines	Construction to be completed by March 2020.
Update	The following works have been completed: <ul style="list-style-type: none"> • all in ground mains services • concrete foundation works • offsite structural steel work manufacture <p>The following works are in progress</p> <ul style="list-style-type: none"> • concrete slab pour to pavilion area • structural steel erection

Worrell Recreation Reserve pavilion upgrade

Project description	Construction of a new pavilion for football and cricket. Facilities will also include a gym for community use.
Funding	The project is fully funded by Council (\$2.8m)
Timelines	Works are due to be complete in February 2020.

Update	<p>The following works have been completed:</p> <ul style="list-style-type: none"> • demolition works/site clearance /preparation • rerouting of the main services • ground excavation and foundation works • underground services and riser locations pre floor slab • structural steel framework manufacture (offsite) <p>The following works are underway:</p> <ul style="list-style-type: none"> • structural steel erection (lower section) • storm water drainage connections • rerouting sewer drainage connections
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Lang Lang Community and Recreation Precinct pavilion

Project description	The construction of a major recreation and community precinct being undertaken in partnership with the Lang Lang Community Bank. It will include sporting facilities, multipurpose community spaces, parks and other spaces for recreational activities.
Funding	<p>Lang Lang Community Bank purchased the 36-hectare parcel of land upon which the precinct will be constructed, and have committed \$3.2 million including land purchase to the project. \$1.5 million has been received from the Australian Government's Building Better Regions Fund.</p> <p>Council and our partners have committed so far \$13.5 Million to the design and construction of civil and building works between 2015-16 and 2020-21.</p>
Timelines	The pavilion is due to be completed by December 2019

Update	<p>The following works have been completed</p> <ul style="list-style-type: none"> • foundation works and services riser locations • pre-cast panel manufacture • pre-cast panelling erection • steel framework • anti graffiti application • storm water pit <p>The following works have commenced</p> <ul style="list-style-type: none"> • concrete slab pour • roofing works • services rough in works • storm water drainage connection • services conduit for scoreboard • staircase details to balcony areas
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Comely Banks Recreation Reserve – pavilion

Project description	Construction of a new pavilion servicing rugby, football, cricket, bowls activities and includes provision for community use.
Funding	Council and the Victorian Government jointly fund this project
Timelines	Pavilion construction is due to commence in October 2019.
Update	The following works have been completed

- statutory approvals submitted
- tender closed

The following works have commenced

- tender analysis and evaluation process
- preparation of tender recommendation
- submission for Council approval of tender recommendation

Koo Wee Rup Primary and Secondary School oval upgrades

Project description	<p>Reconstruction of the Koo Wee Rup Primary School oval and the adjacent Koo Wee Rup Secondary School oval.</p> <p>The primary school oval upgrade includes new sub surface drainage, two new cricket nets and some portable barrier netting to protect school infrastructure.</p> <p>The secondary school oval upgrade includes new sub surface drainage, irrigation, and flood lighting, installation of a bore, power upgrade, and construction of a new pavilion and extension of the synthetic hockey pitch to meet Australian standards.</p>
Funding	<p>The primary school upgrade is funded by Sport and Recreation Victoria and Council</p> <p>The secondary college is funded by the Victorian Government’s Department of Education of which a portion is allocated for the oval upgrade works.</p>
Timelines	<p>After negotiations with the successful contractor, works commenced in July and should be completed in December 2019 (pending a dry winter), which will be the commencement of the establishment/maintenance period.</p>
Update	<p>The contract has commenced site establishment and spraying out of the grass. The ovals have been stripped and some minor demolition have taken place.</p>

Koo Wee Rup Recreation Reserve netball pavilion upgrades

Project description	<p>Extend and upgrade the netball pavilion to provide home and away change and unisex toilet and shower facilities</p>
Funding	<p>Council and the Victorian Government (\$400,000) fund this project.</p>
Timelines	<p>The project is due for completion by December 2020</p>
Update	<p>Council has been working with the netball club and the reserve committee of management to prepare draft concept plans for the pavilion upgrade project. Architect appointed and final schematic plans for the upgrade ready prior to detail design. Following the endorsement of Council’s new Sport Facility Standards Policy, the concept plans have now be revised and consultation with the clubs and committee undertaken.</p>

The following works have been completed:

- final concept scheme submitted for user group /stakeholder approval
- final scheme approved by user groups

The following works are underway

- statutory applications
- detail design and tender documentation preparation

Koo Wee Rup Recreation Reserve football/cricket pavilion upgrades

Project description	Construct new football/cricket change rooms on the site of the existing building.
Funding	Council, the Victorian Government (\$400,000) and the Australian Government (\$1.208m)- through the Building Better Regions Fund 3 Program fund this project
Timelines	The project is due for completion by December 2020
Update	Council has been working with the football, cricket and equestrian clubs and the reserve committee of management to progress the project and seek additional funding. Draft concept plans for the new pavilion have been prepared for discussion. Following the endorsement of Council's new Sport Facility Standards Policy, the concept plan has now been revised and consultation undertaken with the clubs and committee.

The following works have been completed

- final concept scheme submitted for user group /stakeholder approval
- final scheme approved by user groups

The following works are underway

- statutory applications
- detail design and tender documentation preparation

Cora Lynn change room upgrades

Project description	Construction of new change rooms at Cora Lynn Recreation Reserve.
Funding	This project is jointly funded by Council and the Victorian Government (\$3m) through Community Sports Infrastructure Fund
Timelines	Project is currently in the design phase. A construction timeline is to be developed.
Update	Concept plans have been prepared for the new change rooms. Following the endorsement of Council's new Sport Facility Standards Policy, the concept plan has been revised and consultation undertaken with the reserve user groups and the committee of management. The revised scope of the project will be finalised with the Victorian Government for the reduced loan amount,

The following works are underway

- final Concept Scheme submitted for user group /stakeholder approval
- final scheme approved by user groups

Koo Wee Rup Tennis Club upgrade

Project description	<p>The construction of two new tennis courts and the refurbishment of the existing tennis courts. The works include acrylic surfacing, improved lighting and shelters.</p> <p>Conversion of swimming clubroom to tennis club facility</p>
Funding	<p>Council and the Victorian Government – Sports and Recreation Victoria are jointly funding this project.</p>
Timelines	<p>The tennis court construction and refurbishment is complete The conversion of the swimming clubroom is to be completed by April 2020</p>
Update	<p>The courts are now complete with Council staff working with the club to open the courts to the public.</p> <p>With regards to conversion of swimming clubroom to tennis club facility, the schematic layout has been prepared and approval being sought. The planning permit has been submitted in preparation.</p> <p>Detailed documentation for the clubroom conversion is currently being prepared ready to tender later in the year</p>

Roads

Sealed road network

Reseal and rehabilitation program

The annual reseal and rehabilitation program for 2019-20 is currently under development with tenders expected to be advertised in the next two months, with a report to Council scheduled for November.

Blackspot Project – guardrail and w-beam safety barriers on Main Drain Road South

Project description	A 2.3km section of Main Drain Road South, Bunyip, from Bunyip Modella Rd to 13 Mile Road, has been identified for blackspot works. The works include installing W Beam Safety Barriers along the Bunyip River side, and guardrail along the residential side of the road
Funding	VicRoads fully funds this project through their Black Spot Program.
Timelines	The project is due for completion by December 2019
Update	Design is finalised with a tender to be advertised for the works in the coming month.

Blackspot Project – installation of w-beam safety barriers at Paternoster Road

Project description	Installation of profiled (audio tactile) edge lines along entire section of Paternoster Road and installation of w-beam safety barriers at two accident-prone locations identified as black spots.
Funding	VicRoads fully funds this project through their Black Spot Program.
Timelines	The project is due for completion by December 2019
Update	Installation of guardrail with removal of several trees is proposed to be undertaken in September/October and will complete blackspot requirements. The installation of the audio tactile line marking has been completed.

Unsealed road network maintenance

Project description	Council maintains a large unsealed road network, which is 873 km in length. Maintenance works consist of both grading and resheeting done on a cyclic basis, along with response to defects caused by adverse weather conditions such as storms or long dry spells. All works are conducted in accordance with Council's Road Management Plan, which ensures that the network is kept in a safe and trafficable condition.
Funding	Annual maintenance budget \$3.8 million
Update	In the April-June quarter: <ul style="list-style-type: none"> • 831km of unsealed road graded, 4% lower than last quarter and slightly higher than the same time last year. • 16,834 tonnes of unsealed road resheeting, 120% higher than last quarter and 25% lower than the same time last year. The reduction in unsealed road resheeting is due to the need for increased numbers of Council trucks being used for water cartage during the extended dry period.

Paths, drains and bridges

Emerald Lake Park

Project description	Replacement of outfall drainage pipe and reconstruction of Emerald Lake Park Road dam wall. The leak in the Emerald Lake Park outfall drain was discovered in March, with expert dam and hydraulic engineers attending the site on the same day. Road closure, response program and inspection regime was put in place immediately.
Funding	The works are fully funded by Council.
Timelines	This project is due for completion in Spring 2019.
Update	The dam wall downstream protection works are complete. The installation of public safety culvert grille and guardrail along the dam wall to be completed before the end of winter.

Toomuc Creek pedestrian bridges north and south

Project description	Toomuc Creek pedestrian bridges are a design and construct project which involves removal and replacement of the existing pedestrian bridge near Toomuc Reserve and design and installation of a new pedestrian bridges over Toomuc Creek south of the train line.
Funding	Council funds the northern bridge and the new pedestrian bridge south of the rail line is funded through the DCP.
Timelines	The project is due for completion by late 2019.
Update	The contract has been awarded and the design has been approved by Melbourne Water, the construction methodology is currently being finalised. Local schools and other user groups have been contacted regarding the projects progress and will continue to be informed.

PB Ronald Reserve car park

Project description	The removal of the fuel tanks from the old depot site, the demolition of the old depot building and the construction of a car park.
Funding	The program is fully funded by Council.
Timelines	The car park works are expected to be completed in September.
Update	Inclement weather, particularly in July has delayed this project by a few weeks. It is proposed to be completed by early September.

2019-20 New footpath program

Project description	<p>Council's footpath program looks to extend the footpath network in and around townships. The footpaths to be constructed in 2019-20 are:</p> <ul style="list-style-type: none"> • Leigh Dive, Pakenham (missing section across properties 51,53 and 53A) • Belgrave-Gembrook Road, Avonsleigh (connect path to bus stop near Margaret Road) • High Street, Bunyip (south of roundabout with A'Beckett Road – missing link) • Fieldstone Boulevard, Beaconsfield (pram Crossings at Holm Park Road Intersection) • Malouf Court, Pakenham (end of Malouf Court to Henry Road) • Webster Way, Pakenham (existing path to bus stop opposite 104) • Kenilworth Avenue, Beaconsfield (approx 120m north of Soldiers Road to station) • Belgrave Gembrook Road, Cockatoo (connect footpath to bus stop opposite Amphlett Avenue) • Slattery Place, Pakenham (Railway Avenue north for approx 235m to bend 0 racecourse development) • Ahern Road, Pakenham (missing link outside No.118) • Old Princes Highway, Beaconsfield (Desmond Court to Princes Freeway offramp signalised intersection – south side) • Princes Highway, Pakenham (path from Racecourse Road north to Princes Highway to bus stop opposite Army Road) • Emerald-Beaconsfield Road , Emerald (opposite Kings Road to Crighton Road - east side) • Neville Street, Cockatoo (in front of No. 22 creates a link from Alma Treloar Reserve to Steane Street and Midnight Avenue) • Steane Street, Cockatoo (between No.3-7 that create a link between Midnight Avenue and existing path through to Alma Treloar) • Princes Highway, Pakenham (connect bus stop between James Street and Henry Street to footpath network) • Ahern Road, Pakenham (from No.143 to No.165) • Rosebury Street, Lang Lang (Western Port Road to Carnarvon Street) • Payne Road, Beaconsfield (Emerald-Beaconsfield Road to opposite No.90) • Kenilworth Avenue, Beaconsfield (Station Street west to Bus Stop) • Windermere Boulevard, Pakenham (installation of flashing zebra crossing)
Funding	The \$800,000 program is fully funded by Council through the footpath and pedestrian and bicycle strategy programs.
Update	The footpath program for 2019-20 has been finalised and each of the proposed projects is currently being scoped and priced.

2019-20 Footpath maintenance program

Project description	The maintenance of Council's existing footpath network, as set out in Council's Road Management Plan (RMP).
Funding	The program is fully funded by Council.
Update	<p>A full inspection of all of Council's entire footpath network has just been completed and the findings from these inspections are being compiled and priorities for repair works to commence.</p> <p>Any defects outside the intervention levels that are highlighted as part of this regular inspection or any other inspections of Council's footpath network or through requests from residents are currently being repaired.</p>

2018-19 Drainage program

Project	The maintenance and upgrading of Council's drainage network.
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description

Funding The program is fully funded by Council.

Timelines This program is due to be completed by end of June 2020.

Update Final designs and updated flood modelling for Caroline Avenue, Cockatoo to replace and realign drainage assets in the rear of properties has been completed and quotes are being sought for the works.

A detailed stormwater investigation has been completed at the Rossiter Road/ Station Street intersection in Koo Wee Rup. This investigation has assessed the existing condition of the stormwater infrastructure in and around the intersection. This information has been used to develop flood models for the surrounding area. The outcome of this investigation has been a number of proposed works that may be undertaken to alleviate flooding that occurs within the intersection during periods of heavy rain, each of these proposed solutions is being assessed to determine the best option for implementation.

The program of works for the upcoming financial year has been finalised.

Other capital projects

Cardinia Cultural Centre (CCC), Stage 1 Upgrade Incorporating Arts Space

Project description The upgrade of the CCC is stage 1 of a proposed 3-stage upgrade. Stage 1 includes the provision of an arts space, significant improvements to the foyer/crusher space and the provision of flexible dance of flexible dance/rehearsal rooms.

Funding The project is jointly funded by Council and the Victorian Government's Growing Suburbs Fund.

Timelines This project is due for completion in August 2019.

Update The overall project is now nearing completion. Final commissioning works are currently in progress with an opening being prepared for the near future.

Hills Hub

Project description	The Hills Hub will be a multipurpose facility that will enhance existing community activities delivered by the Emerald Mechanics Institute, establishing a long-term base for Emerald U3A, Emerald Men's Shed and other existing stakeholders. It will also provide opportunity to respond to emerging local needs, including skill development, training and employment creation. An advisory group of community stakeholders across a wide range of community organisations was established. Council has undertaken extensive consultation and negotiations to design a multipurpose facility.
Funding	The project is jointly funded by: <ul style="list-style-type: none"> • Council (\$4.88 million) • Australian Government's National Stronger Regions Fund (\$1.5 million) • Victorian Government Growing Suburbs Fund (\$1.5 million) • Eastern Dandenong Ranges Group/Dandenong Ranges Community Bank Group (\$250,000).
Timelines	Construction is due to be complete by September 2019.
Update	<p>The following works are complete:</p> <ul style="list-style-type: none"> • external cladding detail to the perimeter of the building • main stair access to first floor • reception area/foyers • tiling to toilet areas • art work support detail • wall areas to men's shed • toilet amenity fit out • artwork lighting installation • plaster board lining to first floor studio area • plasterboard lining to first floor meeting rooms <p>The following works are underway:</p> <ul style="list-style-type: none"> • ground floor fit out • lift installation • fire tank installation works • artwork lighting installation • plaster board lining to ground floor area • joinery fitout /reception area • sound curtaining detail to the studio area • kitchen area fitout • external paving

Operations Centre solar electricity system

Project description	Installation of a solar electricity system at the Operations Centre on the new office building
Funding	This project is funded by Council.
Timelines	This project is due for completion in 2019.
Update	An updated structural engineering assessment is being completed, following recent works to strengthen the building.

Officer Town Centre landscape works

Project description	<p>Developer delivered landscape embellishments to northern part of Siding Avenue, around Central Energy Plant and Stormwater Tanks Park. Finalisation of landscape works around the Civic Centre.</p> <p>In addition to the required infrastructure around the tank, the works around the stormwater tank are designed to create a public square in the middle of officer. Stairs and decking leading up to the existing generator shed will have garden beds and will form an amphitheatre to allow this to become a 'city square' style park for all to enjoy.</p>
Funding	<p>Fully funded by Development Victoria under their permit for Officer Town Centre.</p> <p>Works on the tank park itself are costed at over \$750,000</p>
Timelines	Works have been completed.
Update	<p>Landscape works are completed and the site is now open to the public</p> <p>Works around the central energy plant are complete, with a treatment to the Ausnet electricity box to be completed within 6 months.</p>

Kaduna Park Neighbourhood Park

Project description	<p>Developer delivered landscape embellishments to 1ha public open space being created in the first stages of Kaduna Park Estate</p> <p>The centrepiece of the park is a 6m tall slide tower complimented by other play elements such as swings and climbing units. There is also a basketball half court, large kickabout zone, shelters and BBQ facilities being delivered. The park will be landscaped with predominantly indigenous and native vegetation fitting the Australian Landscape Theme in the PSP.</p>
Funding	<p>Embellishment works are part of the DCP provisions for Cardinia Road Employment Precinct and any overspend will be fully funded by Parklea. Total cost is estimated at \$1m.</p>
Timelines	Works are due to be complete in Spring 2019.
Update	Bulk landscape works are all that is outstanding to be completed before the park will be open to the public

Arcadia Neighbourhood 2 (NH02) Reserve

Project description	<p>Developer delivered landscape embellishments to 1ha public open space adjoining future drainage reserve in Arcadia Estate. Park is adjacent to Officer South Road and Flanagan Avenue.</p> <p>The theme of the park is 'Where the Wild Things Are' highlighted by 5m tall tree sculptures on site. A dual flying fox, accessible carousel, swings, climbing frames, shelters and skate zone will ensure this park caters to all ages and abilities, given its proximity to Officer Specialist School and Officer Secondary College.</p>
Funding	<p>Fully funded by Satterley under their permit for Arcadia Neighbourhood 2. Works are valued at over \$1.4m</p>

Timelines	Works are due to be completed late 2019.
Update	Works have been held up by weather and access to the wetlands reserve. It is likely the park will be close to complete but unable to be open until heavy construction machinery has completed the works around the wetland due to safety concerns. The playground is adjacent to what will continue to be a construction zone until Spring.

CONCLUSION

This regular activity report is provided for Councillors' information.

14 MAJOR PROJECTS REPORT

Moved Cr J Owen Seconded Cr L Wilmot

That the report be noted.

Cd.

15 NOTICE OF MOTION NO. - 1046 CR SCHILLING

In order to create connected and liveable communities, it's essential that residents have access to local services and infrastructure. This includes the provision of adequate public transport connections, ensuring that residents are not isolated from essential services and local opportunities.

Currently, the public transport connections for those living in the Cardinia Grove Estate in Pakenham and Goldcare Lifestyle Village in Pakenham are limited, resulting in residents having to walk unreasonable distances to the nearest bus stop. This isolation is against Cardinia Shire's liveability standards.

Therefore, council resolves to:

1. Write to the Minister for Transport and Public Transport Victoria, seeking a reroute to the 925 bus service to include 'Orchard Valley Ave, Toomuc Valley Rd and Syme Rd' in Pakenham.
2. Continue to advocate for improved bus services throughout the Cardinia Shire.
3. Request PTV to review the bus network within the Cardinia Shire, ensuring local schools are serviced with adequate bus services to accommodate their relevant catchment area.

15 NOTICE OF MOTION 1046 CR SCHILLING

Moved Cr M Schilling Seconded Cr J Owen

Council resolves to:

1. Write to the Minister for Transport and Public Transport Victoria, seeking a reroute to the 925 bus service to include 'Orchard Valley Ave, Toomuc Valley Rd and Syme Rd' in Pakenham.
2. Request PTV to review the bus network within the Cardinia Shire, ensuring local schools are serviced with adequate bus services to accommodate their relevant catchment area
3. Continue to advocate for improved bus services throughout the Cardinia Shire.

Cd.

16 NOTICE OF MOTION NO. - 1047 CR BRETT OWEN

The intersection of Beaconsfield Emerald Road, St Georges Road and Salisbury Road, Upper Beaconsfield which is a Vic Roads controlled intersection continues to be a safety concern to road users when travelling through the intersection. The Upper Beaconsfield community has been advocating for appropriate and satisfactory changes and improvements since 1983.

I move that:

1. Council write to the Victorian Minister for Roads - The Honourable Jaala Pulford and Vic Roads to complete a new review of road safety at the intersection of Beaconsfield Emerald Road, St Georges Road and Salisbury Road, Upper Beaconsfield
2. Respectfully request that modifications are implemented by Vic Roads in consultation with the community and Cardinia Shire Council.
3. Council seek a delegation to Vic Roads to advocate for the above improvements.
4. Council continue to support and assist the Upper Beaconsfield Association and interested community members to advocate for safety improvements to the intersection.

16 NOTICE OF MOTION 1047 CR BRETT OWEN

Moved Cr B Owen Seconded Cr J Springfield

That:

1. Council write to the Victorian Minister for Roads - The Honourable Jaala Pulford and Vic Roads to complete a new review of road safety at the intersection of Beaconsfield Emerald Road, St Georges Road and Salisbury Road, Upper Beaconsfield
2. Respectfully request that modifications are implemented by Vic Roads in consultation with the community and Cardinia Shire Council.
3. Council seek a delegation to Vic Roads to advocate for the above improvements.
4. Council continue to support and assist the Upper Beaconsfield Association and interested community members to advocate for safety improvements to the intersection.

Cd.

REPORTS OR MINUTES OF COMMITTEES

The Mayor advised that several minutes from Committees and recent briefing sessions had been received and were available to any interested Councillors.

COUNCILLOR REPORTS

Cr Carol Ryan reported on her activities over the previous month involving:

- Attending a Wellsprings for Women meeting
- Attending the Citizenship Ceremony
- Attending a mental health forum and met Brendan Fevola and Matthew Richardson
- Attending a memorial service for Lara Chol
- Attending a roundtable meeting regarding Together We Can
- Attending the Women's Luncheon at the Cardinia Cultural Centre
- Attending the opening of the new play spaces at Hollins and Lakeside Children's Centres
- Holding a Street Talk with Cr Schilling
- Attending the Pakenham Senior Club AGM meeting in company with the mayor

Cr Collin Ross reported on his activities over the previous month involving

- Appointment of new CEO for Metropolitan Waste Management Group
- Attending Pakenham Eels Rugby Club finals games at Cardinia Recreation reserve
- Attending Narre Warren South primary School to inspect modular pavilions
- Attending in company with other Councillors at the launch of the Social and Affordable Housing Strategy
- Attending the Dolphin gymnastics awards
- Attending the announcement of the Casey Cardinia Business Awards finalists at Bunjil Place
- Attending the Citizenship Ceremony
- Attending the Emerald SES Community Information day
- Attending a meeting of the Cardinia Interfaith Network
- Attending to inspect the Deep Creek Reserve development.

Cr Brett Owen reported on his activities over the previous month including:

- Attending the Upper Beaconsfield Country Fire Brigade Awards Night
- Attending the inaugural John Dudley Art Awards night
- Attending a meeting to commence design of the new pavilion for the Upper Beaconsfield Recreation reserve

PRESENTATION OF PETITIONS

Nil

COMMUNITY QUESTION TIME

The following questions from the community were read and answered, as below:

Mr Rodrigo Bardales

As a father of 2 young kids, I made a commitment to look after them and ensure they have promising future to grow up in. Since I found about Climate Change and the implications to our planet if we don't act; I have made a commitment to help as

much as I can to raise awareness around Climate Change and support/implement initiatives where I can. This is at home, work and the community. So I would like to know when our Council will be declaring a Climate Change Emergency. It is a great way to raise awareness and put pressure on the National Government to take action once and for all. The scientific community has already spoken, there is consensus on the issues of Climate Change; we also know the outcomes of the recent IPCC report, so reality is that we don't have much time, we need to act and we need to act now. Our only hope is ACTION. Thank you!

Answer by Peter Benazic General Manager Infrastructure and Environment

Cardinia Shire Council is actively supporting and investing resources in climate change initiatives. At a local level the Council Aspirational Energy Transition Plan, charts mitigation actions, initiatives to reduce organisational and community emissions. The Energy Transition Plan also outlines the emissions reduction targets for both Council and the community; Council has set an aspirational target of zero net organisational emissions by 2024. Investment in around 1500 rooftop solar panels, environmental upgrade projects to improve the energy efficiency of existing and all new Council buildings, are a few of Councils long running projects aimed at mitigating current and future emissions across the Shire.

At a regional level, Cardinia Shire Council is a founding member of the South East Council Climate Change Alliance (SECCCA). SECCCA is a group of eight Councils in the southeast, working collaboratively to respond and adapt to the impacts of climate change. SECCCA provide a regional platform for far reaching climate action projects with regional benefits. Cardinia Shire Council and other member Councils provide response, advocacy to National, State Government climate inquires, and legislature.

These responses articulate and stress to State and National government the urgent need for climate action. Council is aware of the emerging trend to declare a Climate Emergency. At this time, Council is concentrating its resources to continually develop and disseminate projects to reduce emissions and strengthen the resilience of the Cardinia community. Until such time, Council will continue leading by example in the development and implementation of mitigation projects and climate action initiatives.

Wayne Andrews

In the Budget papers, under Garbage Collection/Waste Disposal, the cost for Residential Garbage (1 x 120L garbage bin and 1 recycling bin) is \$283.70. What is the actual cost for collection of the Recycling bin?

Answer by Peter Benazic General Manager Infrastructure and Environment

The composition of the garbage charge is made up by a number of services in addition to the collection and disposal of the various recycling and rubbish bins.

The garbage charge amount also incorporates services such as; public place litter and recycling, hard and green waste collection, waste education and dumped rubbish to name a few.

Unfortunately, during this disruption in the recycling industry, the recycling materials going to landfill comes at an increased cost to the overall waste service.

Of the \$283.70 per residence, approximately \$60 goes towards the recycling bin collection/disposal and \$120 goes towards the landfill bin collection/disposal.

Wayne Andrews

Having reviewed the latest budget 2019-20. Could you please tell me where I can find the true cost of governance compared to Rates, Roads and Rubbish as a percentage?

Answer by Manager Governance Doug Evans

The annual budget will not provide the specific information that you are seeking, the best place to find this type of information is on the Know Your Council Website. This website includes financial

and other information for all Councils in Victoria and you can compare one Council against another or several if you wish to do so. On this website Governance is defined as the operating expenses directly related to the activities of the elected councillors.

You can also refer to the Essential Services Commission reports that provide details of the outcomes of rate capping in Victoria from both an income and expenditure perspective. In these reports governance includes council operations, public safety, general and administrative operations and disaster relief among other things. I will provide the website addresses for these reports in a written response to Mr Andrews.

Gloria O'Connor

Question 1

Can you please advise whether there has been any appeal to VCAT concerning the non-approval of application for Nar Nar Goon Latta Road proposed Landfill project ?

Answer by Peter Benazic General Manager Infrastructure and Environment

I can confirm that, at this point of time, Council has not received an appeal to the refusal issued.

Question 2

Has the identity of the actual owner/s of property 48 and 50 James Street Pakenham been available to interested residents in the application for high rise development on those sites? If not, why not?

Answer by Peter Benazic General Manager Infrastructure and Environment

Title details, as submitted as per the Planning Permit application, show the owners at

- 48 James Street Pakenham as Halcyon International Holdings PTY LTD; and the owners at
- 50 James Street Pakenham as Dufume PTY LTD

Question 3

Why are residents on properties located south of Officer expected to travel on extremely bad unmade and unmaintained roads in the areas that are set aside for future development, and for how long? Who is responsible for the roads once developers have planned the future use of the land?

Answer by Peter Benazic General Manager Infrastructure and Environment

There is limited development growth within Cardinia Shire directly impacting unsealed roads in Officer South and when this does occur these roads are either sealed or maintained by the developer while works are occurring. We are aware of private works that have recently been happening on a property in Officer South that are not subject to planning approval and are not deemed to be a formal development, but that have involve large volumes of truck movements intermittently. Council have been working with this landowner to try to achieve accountability around damage to the road and maintenance when these activities are occurring, and we continue to maintain all roads in accordance with our obligations and road management plan.

COUNCILLOR QUESTION TIME

Councillor Question Time

Questions from Cr Brett Owen to General Manager Infrastructure and Environment – Peter Benazic.

It is disappointing that we have not seen the First stage of Kenilworth Avenue (Section between Brunt Road and Princes Freeway overpass) recommence construction after almost 2 years since works ceased.

Can you please provide council with an update of the current status of the long awaited sealing of Kenilworth Avenue?

Answer by Peter Benazic General Manager Infrastructure and Environment

Council continues to negotiate with the developer responsible to deliver these works to urge the developer to allow the contractor to recommence back on site. Council officers have recently received revised traffic management plans from the contractor indicating there is an intention for works to recommence. It is understood however that there are still business agreements between the parties to be finalised before this occurs. Officers are meeting with the developer this week to confirm that status of the negotiations.

Can you please provide updates on the following projects/issues -

- Intersection upgrades along the Princes Highway as part of the Federal Government commitment, particularly of O'Neil Road and Glismann Roads in Beaconsfield?

Answer by Peter Benazic General Manager Infrastructure and Environment

Council Officers are currently seeking prices for the detail design of O'Neil Road, Glismann Roads & Bayview Rd intersections. Taking into consideration the pre planning required, given the magnitude of the program, works on ground are possibly to commence as soon as late 2020.

- Speed reduction through the Beaconsfield Township as part of the temporary traffic measures for the O'Neil Road/Old Princes Highway intersection?

Answer by Peter Benazic General Manager Infrastructure and Environment

VicRoads are currently reviewing the speed zone signage in Old Princes Highway in the vicinity of O'Neil Rd, Beaconsfield – with a view to potential reduction from 80 to 70km/h, but nothing has been confirmed at this stage. Council has supported the proposed change in the consultation with VicRoads.

- Progress of the development of additional car parking at various railway stations in the growth corridor including the Beaconsfield Railway Station? (Both State/Federal Government election commitments)

Answer by Peter Benazic General Manager Infrastructure and Environment

Council officers have been focussed on the federal commitments relating to the roads packages as council will play a role in the delivery. Communications need to be made with the relevant rail sector organisations responsible for the car park to enable an update. Arrangements are in place to meet with State Agencies to discuss the progress of these projects.

Meeting closed at 9.46pm

Minutes Confirmed
Chairman