



Cardinia

MINUTES OF GENERAL COUNCIL MEETING

MONDAY, 16 SEPTEMBER 2019

MINUTES OF GENERAL COUNCIL MEETING

held in the Council Chambers, 20 Siding Avenue, Officer
on Monday, 16 September 2019
The meeting commenced at 7pm

PRESENT: Mayor, Graeme Moore, Chairman

Councillors Michael Schilling, Carol Ryan, Jodie Owen, Collin Ross, Ray Brown, Jeff Springfield, Leticia Wilmot, Brett Owen

Messrs Carol Jeffs (CEO), Peter Benazic (GMIE), Tracey Parker (GMLC), Jenny Scicluna (GM CPP), 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 acknowledges 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 L Wilmot

THAT MINUTES OF THE FOLLOWING MEETINGS BE CONFIRMED-

- General Council Meeting 19 August 2019
- Town Planning Committee 2 September 2019

Cd.

DECLARATION OF PECUNIARY AND OTHER INTERESTS

Nil.

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1 USE AND DEVELOPMENT OF THE LAND, IN STAGES, FOR A PLACE OF ASSEMBLY (CINEMA), FOOD & DRINK PREMISES, MEDICAL CENTRE, SHOPS (INCLUDING DISCOUNT DEPARTMENT STORE AND SUPERMARKET), CREATION OF EASEMENTS, SIGNAGE, REDUCTION IN CAR PARKING, SALE & CONSUMPTION OF LIQUOR AND, TO CREATE & ALTER ACCESS TO A ROAD ZONE CATEGORY 1 AT LOT 1 PC356180X, 900 PRINCES HIGHWAY, PAKENHAM VIC 3810 & RESERVE 1 PS531572Q.

FILE REFERENCE INT1968612

RESPONSIBLE GENERAL MANAGER Tracey Parker

AUTHOR Emily Cook

RECOMMENDATION

That a Refusal to Grant Planning Permit **T180454** be issued for the use and development of the land, in stages, for a place of assembly (cinema), food & drink premises, medical centre, shops (including discount department store and supermarket), creation of easements, signage, reduction in car parking, sale & consumption of liquor and, to create & alter access to a Road Zone Category 1 **at Lot 1 PC356180X, 900 Princes Highway, Pakenham VIC 3810 & Reserve 1 PS531572Q** on the following grounds:

- The proposal is contrary to the aims and objectives of the State Planning Policy Framework as it relates to Clause 11 Settlement, Clause 15 Built Environment & Heritage and Clause 17 Economic Development as it detracts from the economic viability of existing and planned activity centres and, results in poor urban design outcomes.
- The proposal is contrary to the aims and objective of the Local Planning Policy Framework as it relates to Clause 21.01 Cardinia Shire Key Issues and Strategic Vision, Clause 21.03 Settlement and Housing and Clause 21.04 Economic Development as it does not reflect the hierarchy of existing and planned activity centres, the required format of activity centres and unduly impacts existing and planned activity centres.
- The proposal is not generally in accordance with the Cardinia Road Precinct Structure Plan (September 2008) as it does not reflect requirements for peripheral commercial land and does not provide for required built form outcomes.
- The proposal is contrary to orderly planning as it does not reflect the hierarchy of activity centres, detracts from existing activity centres, inhibits development of future activity centres and results in poor urban design outcomes.

Attachments

1	Locality Map	2 Pages
2	Development Plans	11 Pages
3	3D Renders of the Proposed Development	8 Pages
4	Copy of Objections - Circulated to Councillors only	17 Pages

EXECUTIVE SUMMARY:

APPLICATION NO.:	T180454
APPLICANT:	Roberts Day Pty Ltd/ Anthony Msonda-Johnson
LAND:	Lot 1 PC356180X, 900 Princes Highway, Pakenham VIC 3810 & Reserve 1 PS531572Q.
PROPOSAL:	Use and development of the land, in stages, for a place of assembly (cinema), food & drink premises, medical centre, shops (including discount department store and supermarket), creation of easements, signage, reduction in car parking, sale & consumption of liquor and, to create & alter access to a Road Zone Category 1
PLANNING CONTROLS:	Mixed Use Zone Development Contribution Plan Overlay – Schedule 1 Clause 52.02 Easements, Restrictions and Reserves Clause 52.05 Signs Clause 52.06 Car Parking Clause 52.27 Licenced Premises Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road Clause 65 Decision Guidelines Cardinia Road Precinct Structure Plan (September 2008)
NOTIFICATION & OBJECTIONS:	Six (6) objections received.
KEY PLANNING CONSIDERATIONS:	Hierarchy of Activity Centres Activity Centre Planning/Design Economic Impact and Viability Urban Design Precinct Structure Planning
RECOMMENDATION:	Planning permit application T180454 be refused on the grounds outlined by this report.

BACKGROUND:

Planning permit application T160498, which sought the development of the subject site for shops, restricted retail premises, indoor recreation facility, convenience restaurant, signage and associated buildings and works, waiver of loading bay in association with a restaurant and access to a Road Zone Category 1 was lodged in August 2016. VicRoads objected to this application including the proposed access to the Princes Highway. This application was subsequently withdrawn in September 2017.

Since that time the applicant has entered into discussions and negotiations with VicRoads.

Council received the current planning permit application in July 2018.

SUBJECT SITE

The site is located on the northern and western sides of Olympic Way and, the southern side of the Princes Highway.

There are no existing crossovers to the land and no easements within the site.

A reserve with a width of 0.1m adjoins entire length of the site's southern boundary (229.34 metres). This 'revenge strip' runs parallel between the site and Olympic Way, preventing legal access from Olympic Way to the site.

The site currently is vacant and the topography of the land is flat.

The main characteristics of the surrounding area are:

NORTH Princes Highway, Michael Street, the Pakenham Homemaker Centre and the Pakenham (Purton Road) Industrial Park.

SOUTH Olympic Way, Cardinia Life (gym and Toomuc Recreation Reserve).

EAST Olympic Way and Toomuc Recreation Reserve.

WEST Undeveloped land, Dan Murphy's, Lakeside Boulevard Activity Centre and O'Brien Parade.

PROPOSAL

The proposal is for the use and development of the land, in stages, for a place of assembly (cinema), food & drink premises, medical centre, shops (including discount department store and supermarket), creation of easements, signage, reduction in car parking, sale & consumption of liquor and, to create & alter access to a Road Zone Category 1.

Uses

Use	Area/Details
Place of Assembly (cinema, includes outdoor terrace).	5,150sqm 8 screens 1060 seats
Medical Centre	379sqm 5 practitioners
Supermarket (Coles)	4,112sqm
Shops (including bottle shop, kiosks, speciality retail and food/drink premises)	2,502sqm
Discount Department Store (Kmart)	6,391sqm

Buildings and Works

The proposal includes the construction of a multi storey development to accommodate the above uses in 2 stages. The development is an internalised shopping centre which is rectangular in shape and covering the entire site. Internally, the development is designed around a central entry/foyer at ground level.

Stage 1

The western portion of the ground floor level includes the supermarket and associated bottle shop. The eastern portion of the ground floor level includes the discount department store. Shops, as well as food and drink premises, are located in the centre of this level. The proposal allows for a pedestrian thoroughfare through the ground floor level from the Princes Highway to Olympic Way. An outdoor seating area is proposed adjoining Olympic Way.

Stage 2

Second/upper storey of the development comprising of the cinema and medical centre.

Car Parking, Access, Pathways

Vehicular access to the development is proposed via two access points, one to the Princes Highway and one to Olympic Way. The Princes Highway access includes a single left-in-left out access (and does not include any changes to the existing Princes Highway median). Access to Olympic Way includes full entry and exit in both directions.

The proposal includes a total of 657 car parking spaces. The development includes an underground/basement car park comprising of 597 car parking spaces. The basement car park allows for vehicular circulation with pedestrian access via centralised escalators and lifts.

The proposal also includes an at-grade car park comprising of 61 car parking spaces adjoining the Princes Highway.

A total of 74 bicycle parking spaces are proposed; 40 spaces within the underground/basement car park and 34 spaces within the at-grade car park.

The proposal includes the construction of new pedestrian footpaths along the southern and eastern boundaries of the site. The proposal also includes the realignment of the existing shared path within the Princes Highway and, the inclusion of a new pedestrian/pram crossing point north of the Olympic Way roundabout.

All car parking forms parts of Stage 1.

Additional Works

The proposal also includes:

- Construction of an additional right turn lane from Princes Highway into Lakeside Boulevard.
- Lengthening of the existing right turn lane from Princes Highway into Olympic Way.
- Construction of an exclusive right turn lane from Olympic Way onto Princes Highway.
- Construction of an exclusive left turn slip lane from Olympic Way onto Princes Highway.

Creation of Easements

A 0.10m reserve (Reserve No. PS531572Q) adjoins the length of the subject sites southern boundary. This 'revenge strip' prevents legal access from the site to Olympic Way (southern side). The proposal therefore includes the creation of easements to allow legal access from the site to Olympic Way. The proposed building is not located on this reserve.

Sale & Consumption of Alcohol

The proposal includes a bottle shop and therefore seeks the sale of packaged liquor.

The proposal includes a licenced cinema and therefore seeks the sale and consumption of liquor.

Signage

The proposal includes a range of business identification signage.

Signage includes: centre identification signage, 6 centre tenant pylon signs, additional identification signage for major retailers (supermarket, discount department store, bottle shop), parking availability electronic signage and loading bay demarcation signage.

All signage, excluding Sign 15, are integrated into the built form (ie. attached to the building and not free standing). Sign 15 is free standing.

All signage is to be internally illuminated.

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 11 Settlement
- Clause 15 Built Environment & Heritage
- Clause 17 Economic Development

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 Cardinia Shire Key Issues and Strategic Vision
- Clause 21.03 Settlement and Housing
- Clause 21.04 Economic Development

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.02 Easements, Restrictions and Reserves
- Clause 52.05 Signs
- Clause 52.06 Car Parking
- Clause 52.27 Licenced Premises
- Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road.
- Clause 65 Decision Guidelines
- Cardinia Road Precinct Structure Plan (September 2008)
- Pakenham Township Development Contributions Plan (September 1997)
- Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017)

Cardinia Shire's Liveability Plan 2017-2029

This proposal is not considered to have regard to Cardinia Shire's Liveability Plan 2017-2029, in particular:

- Social Cohesion, while the proposal may assist in bringing people together within the development, it would do so by detracting people from the existing Lakeside Boulevard Main Street Activity Centre.
- Safety, the design of the proposal includes large blank walls to adjoining roads thereby limiting passive surveillance to adjoining walking/cycling areas.
- Reduce Harm, the proposal includes the sale of packaged and a licenced cinema.

Zone

The land is subject to the Mixed Use Zone.

Overlays

The land is subject to the Development Contribution Plan Overlay – Schedule 1.

PLANNING PERMIT TRIGGERS

The proposal for the use and development of the land, in stages, for a place of assembly (cinema), food & drink premises, medical centre, shops (including discount department store and supermarket), creation of easements, signage, reduction in car parking, sale & consumption of liquor and, to create & alter access to a Road Zone Category 1 requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.04-2 of the Mixed Use Zone, a planning permit is required for a Section 2 use - a place of assembly (cinema).
- Pursuant to Clause 32.04-2 of the Mixed Use Zone, a planning permit is required for the use of the land for food & drink premises exceeding 150sqm.

- Pursuant to Clause 32.04-2 of the Mixed Use Zone, a planning permit is required for the use of the land for a medical centre exceeding 250sqm.
- Pursuant to Clause 32.04-2 of the Mixed Use Zone, a planning permit is required for the use of the land for shops exceeding 150sqm.
- Pursuant to Clause 32.04-8 of the Mixed Use Zone, a planning permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2 (place of assembly, food & drink premises, medical centre and shops).
- Pursuant to Clause 52.02 of Easements, Restrictions and Reserves, a planning permit is required to create an easement.
- Pursuant to Clause 52.05-13 of Signs, a planning permit is required for business identification signage and internally illuminated signage.
- Pursuant to Clause 52.06-3 of Car Parking, a planning permit is required to reduce the number of car parking spaces required under Clause 52.06-5.
- Pursuant to Clause 52.27 of Licenced Premises, a planning permit is required to use land to sell or consume liquor (packaged liquor - bottle shop and licenced venue - cinema).
- Pursuant to Clause 52.29-2 of Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road, a planning permit is required to create or alter access to a road in a Road Zone, Category 1 (Princes Highway).

PUBLIC NOTIFICATION

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

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

The notification has been carried out correctly, and Council has received six (6) objections to date.

The key issues that were raised in the objections are:

- The proposal is contrary to the requirements of the Cardinia Road Precinct Structure Plan. The proposed uses are not compatible with the peripheral commercial designation for the site.
- The subject site forms part of the Neighbourhood Activity Centre and is therefore not an appropriate location for a cinema. Cinemas should be located within higher-order Town Centres.
- The proposed retail floorspace exceeds the designation for the Lakeside Neighbourhood Activity Centre as per the Cardinia Road Precinct Structure Plan and is too large for a neighbourhood centre.
- The proposal is contrary to higher order planning policy including Plan Melbourne, the South-East Growth Corridor Plan (GCP) and the Cardinia Planning Scheme. The proposal does not align with the Officer Precinct Structure Plan (September 2011).
- The economic impact assessment submitted in support of the application overstates retail floor area demand, relies upon excessive trade area and population estimates and fails to consider all future planned centres (including the Pakenham East Neighbourhood Activity Centre).
- There is insufficient population within the area to support the 2 existing discount department stores in Pakenham town, the proposal and a future discount department store in the Officer Town Centre.
- The economic impact of the proposal is unjustified and will undermine other existing centres (including Arena and Lakeside).
- The proposal is not integrated with the existing Lakeside Boulevard Activity Centre.
- The proposal will detrimentally impact the existing Lakeside Boulevard Activity Centre and may result in empty shops.

- The proposal is an over-development of site and does not include a sense of space around the proposed building. The boundary-to-boundary design of the building is imposing to the Princes Highway.
- The proposal undermines the growth corridor hierarchy for activity centres.
- The proposal undermines the existing Pakenham Town Centre and future Officer Town Centre.
- The proposal will prevent the development of the future Officer Town Centre.
- The proposal does not have economic or strategic justification and will undermined other existing and planned centres.
- The proposal is not in accordance with the Mixed Use Zone.
- The proposal will result in traffic issues, particularly relating to the safety of the Princes Highway and existing intersections.
- The proposal will result in parking and loading/unloading issues, particular associated with current use of Cardinia Life, Olympic Way and Toomuc Reserve.
- There are currently sufficient shopping centres and/or supermarkets in the area.
- Preference for Kmart to be located in the Pakenham Town Centre instead.

REFERRALS

VicRoads

The application was referred to VicRoads as a statutory referral. VicRoads have consented to the application and the proposed road works, subject to conditions.

Public Transport Victoria

Pursuant to Clause 66.02-11 an application for a new retail premises exceeding 4000sqm, a place of assembly exceeding 400 seats and/or an application which results in the alteration of public transport stops is required to be referred to the Head of Transport for Victoria. It is noted that the application was referred prior to the amendment of this Clause and was therefore referred to Public Transport Victoria.

Public Transport Victoria did not object and did not require any conditions to be included on the permit.

DISCUSSION

The proposed use and development of the land, in stages, for a place of assembly (cinema), food & drink premises, medical centre, shops (including discount department store and supermarket), creation of easements, signage, reduction in car parking, sale & consumption of liquor and, to create & alter access to a Road Zone Category is not consistent with the aims and objectives of the State Planning Policy Framework, Local Planning Policy Framework and other relevant planning provisions as outlined below.

Planning Framework

The Cardinia Shire growth corridor is key to providing for the housing, employment and day-to-day needs of current and future residents. This corridor is centred on the Princes Highway and will ultimately house and employ the majority of Cardinia's residents.

The Cardinia Shire Planning Scheme establishes a framework for considering the retail and commercial needs of the municipality. This is largely done through planning for activity centres, particularly in the growth area.

Clause 21.03-2 *Urban Growth Area*, sets out a framework for the staging and development of activity centres. Pakenham and Officer are Major Activity Centres with supporting Neighbourhood Activity Centres planned at Cardinia Road (Arena) and Lakeside Boulevard. Clause 21.04-3 *Activity Centres*, reaffirms the need to recognise this hierarchy of activity centres by facilitating their development.

The current proposal does not respect this activity centre hierarchy.

At a macro level, the site is located approximately half way between the existing Pakenham Major Activity Centre and the future Officer Major Activity Centre; thereby forming part of neither.

At a micro level, the site does not form part of the Lakeside Neighbourhood Activity Centre. Lakeside is a traditional main street centre (which includes two (2) small supermarkets). The subject site is located approximately 200m away from this main street and therefore does not form a legible or walkable part of the activity centre.

Clause 21.04-3 *Activity Centres*, requires main street development (as opposed to internalised centres) for activity centres within the Shire. The proposal is a standalone internalised centre.

Economic Implications

The applicant submitted a Market Assessment and Economic Implications Report which found that the proposal would not result in an oversupply for retail floor space and would result in economic/social benefits (increased shopping choice and jobs - although these were not quantified). The applicants report asserted that the proposal would not affect the viability of existing retailers, will increase visitation to Lakeside and would not significantly affect the future Officer Major Activity Centre.

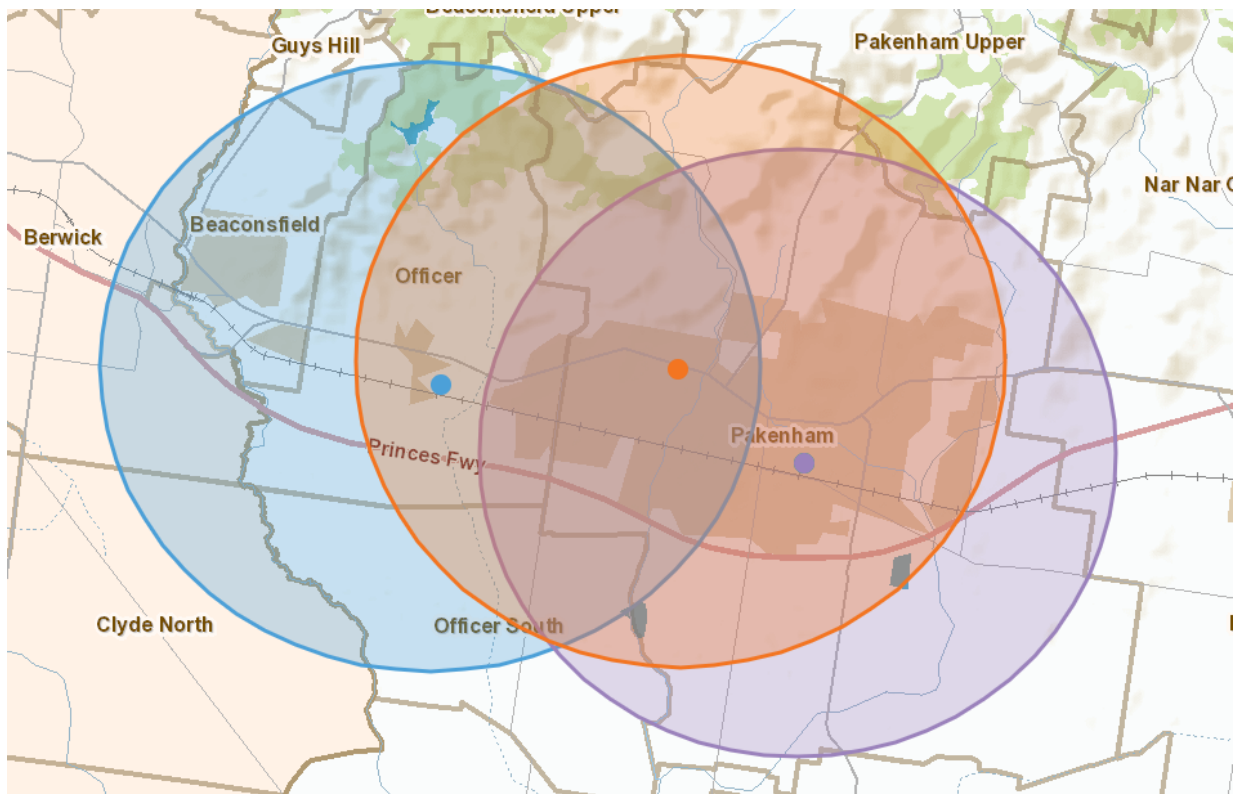
However, key to considering economic impacts is if there is sufficient population to support the proposal as well as other established and planned activity centres. Given the proposal seeks to replace the existing supermarket (albeit with a larger store), this economic impact is considered less than the impact of the proposed discount department store.

The applicant's economic impact assessment asserts that there is sufficient population within the wider area to support not only the 2 existing discount department stores (Pakenham Target and Big W) and the proposal, but ultimately a fourth in the Officer Town Centre as well. However, the statistical population growth relied upon by that report is extensive and includes land almost to Warragul and beyond Lang Lang. This is not considered to accurately represent future patrons.

Furthermore, retail developments typically receive the majority of their revenue (generally around 60%), from people living within 5km of the development. This is referred to as the sites trade area. The subject site is located approximately 2.7km from the existing Pakenham Major Activity Centre and 5km from the future Officer Major Activity Centre.

It is therefore considered that the trade area for the proposal would unreasonably overlap with that of the existing Pakenham Major Activity Centre and the future Officer Major Activity Centre. By encroaching into the existing trade area for Pakenham, the proposal threatens the ongoing economic viability of this Major Activity Centre. By encroaching into the future trade area for Officer, the proposal prejudices the future viability and develop-ability of this Major Activity Centre (identified as regionally significant by the Officer Precinct Structure Plan (September 2011)).

Trade areas:



Furthermore, the subject site is not connected to the existing Lakeside Boulevard Neighbourhood Activity Centre. As an internalised development, with no connection to the main street, the proposal is expected to divert patrons away from the main street thereby detracting from its ongoing economic viability.

Whilst the proposal may result in some economic and social benefits, these have not been quantified. The overall impact of the proposal on the Lakeside Neighbourhood Activity Centre, existing Pakenham Major Activity Centre and future Officer Major Activity Centre is therefore considered to be a community dis-benefit which is not outweighed by possible benefits.

Further Planning Considerations

In opposition to Clause 11 *Settlement* of the State Planning Policy Framework, the proposal detracts from the economic viability of activity centres and represents poor urban design outcomes. While the site has good vehicle and public transport access via the Princes Highway, its distance from Lakeside Neighbourhood Activity Centre mains street discourages walkability.

Contrary to Clause 15 *Built Environment and Heritage*, the large expanses of blank walls and lack of windows limits passive surveillance and safety. The scale and massing of the proposal is not in keeping with the area and detracts from the visual amenity of the public realm (adjoining roads and Toomuc Reserve).

As opposed to the objectives of Clause 17 *Economic Development*, the range of uses is proposed at the expense of other activity centres. While some community benefit may result, overall the impact is considered to be a net community disadvantage. The internalised design, located 200m from Lakeside Boulevard, would detract from the existing centres patronage and viability.

As such, the application is not considered to provide for the orderly planning of the area despite the provisions of Clause 65.

Cardinia Road Precinct Structure Plan (September 2008)

The Cardinia Road Precinct Structure Plan (PSP) guides long term development to meet future community needs. This is done, in part, by establishing a hierarchy of activity centres. Major Activity Centres at Pakenham and Officer are noted and, supporting Neighbourhood Activity Centres specifically planned for at Lakeside and Arena. The proposal does not reflect this hierarchy as the subject site does not form part of the Lakeside Neighbourhood Activity Centre.

The Cardinia Road PSP clearly differentiates commercial land as either core business or peripheral commercial. Core business provides for day-to-day needs while peripheral commercial provides other less utilized services. The subject site is identified for peripheral commercial development.

The proposal includes a supermarket which is the core retail component of any Neighbourhood Activity Centre. By locating this vital component 200m away from the main street, the proposal would divert patrons away from the heart of the activity centre. Furthermore, the proposed design (with long facades and continuous concrete walls), fails to provide for the Cardinia Road PSP objectives relating to built form and active safe frontages.

It is noted that the Cardinia Road PSP includes a draft Urban Design Framework for the Lakeside Neighbourhood Activity Centre and seeks development in accordance with the Toomuc Sports Precinct Urban Design Study (2006). An Urban Design Framework has not been prepared and is no longer considered relevant given the majority of the activity centre has been developed. The Toomuc Sports Precinct Urban Design Study (2006) has been considered however this draft document has not been endorsed by Council.

Urban Design

On this basis, the proposed built form and urban design is not supported.

The subject site is a prominent corner location with 3 road frontages one of which is the Princes Highway. The proposal includes large expanses of high blank walls. While the proposal partially addresses the Princes Highway, only 34% of the ground floor façade is activated. The long inactive frontages do not allow for passive surveillance and reduce safety. Passive surveillance from the upper levels is not achieved due to setbacks.

The proposed building is the same size as a city block. The built form is therefore monolithic and does not respect the scale of area. This scale of built form and lack of passive surveillance does not provide for the objectives of the Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).

The proposed signage is considered compatible with the proposed use and suitable for the scale/type of development.

Traffic & Car Parking

In accordance with Clause 52.06 Car Parking, the proposal generates a requirement for 895 car parking spaces. It is noted that the applicants Traffic Impact Assessment (TIA) calculates a different car parking requirement (total 831). The applicants TIA applies the restricted retail premises car parking rate to the discount department store. However, in accordance with Clause 73.04-13 Nesting Diagrams, department store is included under shop.

The proposal therefore represents a reduction of 238 car parking spaces or 27%. This reduction is justified based on the nature of the mixed use development and the differing peaks usage times associated with those various uses. The application has been referred to Council's Traffic Department who have consented to the reduction. The proposal also includes 34 customer bicycle parking spaces and 40 staff bicycle parking spaces.

In accordance with Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road, the application was referred to VicRoads who have consented to the application (including the proposed road works) subject to conditions.

The proposed road works/upgrades are compatible with the proposed development of the site, subject to VicRoads approval.

The proposal would result in additional traffic, parking and loading/unloading requirements however this is considered to be mitigated by the extensive car parking and road upgrade works.

CONCLUSION

The proposed use and development of the land, in stages, for a place of assembly (cinema), food & drink premises, medical centre, shops (including discount department store and supermarket), creation of easements, signage, reduction in car parking, sale & consumption of liquor and, to create & alter access to a

Road Zone Category 1 is contrary to the purpose and objectives of the Cardinia Shire Planning Scheme and should not be supported.

1 USE AND DEVELOPMENT OF THE LAND, IN STAGES, FOR A PLACE OF ASSEMBLY (CINEMA), FOOD & DRINK PREMISES, MEDICAL CENTRE, SHOPS (INCLUDING DISCOUNT DEPARTMENT STORE AND SUPERMARKET), CREATION OF EASEMENTS, SIGNAGE, REDUCTION IN CAR PARKING, SALE & CONSUMPTION OF LIQUOR AND, TO CREATE & ALTER ACCESS TO A ROAD ZONE CATEGORY 1 AT LOT 1 PC356180X, 900 PRINCES HIGHWAY, PAKENHAM VIC 3810 & RESERVE 1 PS531572Q.

Moved Cr M Schilling Seconded Cr C Ryan

Council, having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* in relation to Planning Permit Application T180454 decides to Grant a Permit for the use and development of the land, in stages, for a place of assembly (cinema), food & drink premises, medical centre, shops (including discount department store and supermarket), creation of easements, signage, reduction in car parking, sale & consumption of liquor and, to create & alter access to a Road Zone Category 1, generally in accordance with the endorsed plans, at Lot 1 PC356180X, 900 Princes Highway, Pakenham VIC 3810 & Reserve 1 PS531572Q, subject to the following conditions:

1. Before the commencement of any buildings and works, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and provided in an electronic format. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. North-south road (between Princes Hwy and existing roundabout) labelled as Olympic Way.
 - b. Wombat crossings:
 - i. Northern leg of existing roundabout.
 - ii. Southern access to Olympic Way.
 - c. External entrances for the retail shops within front façade (north elevation).
 - d. Relocation of substation not adjacent to Princes Highway.
 - e. View lines achieved from the Princes Highway through to the existing Cardinia Life sports centre entry.
 - f. Minimum building setback from Olympic Way of 10 metres.
 - g. Centralised outdoor alfresco area fronting Olympic Way with a minimum depth of 15m and length of 60m.
 - h. Increased passive surveillance to Princes Highway and Olympic Way to be achieved through windows.
 - i. Additional car parking. Total number of car parking space must not represent more than a 10% reduction from the applicable Clause 52.06 requirement.
 - j. Relocation of southern elevation loading bay to western elevation.
2. The use and development of land must be generally in accordance with the plans endorsed under this permit and subject to the conditions set out in this permit.
3. The layout of the access, use and development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
4. The development of the land must proceed in the order of stages shown on the endorsed plans except with the prior written consent of the Responsible Authority.
5. Once the development of each stage starts, it must be continued and completed to the satisfaction of the

Responsible Authority.

6. Before the development starts, as defined by the issue of a building permit under *The Building Act, 1993* unless some other time has been agreed with the Collecting Agency, a Development Infrastructure Levy must be paid to the Collecting Agency, being Cardinia Shire Council, in accordance with the approved Cardinia Road Development Contributions Plan.
7. Before the commencement of any buildings and works, the easements as approved by this permit must be created under the Subdivision Act 1988 as evidenced by the registration of such a plan by the Registrar of Titles. A copy of the title must be presented to the Responsible Authority and relevant building surveyor as evidence.
8. Before the commencement of any buildings and works, land required for the upgrade of Olympic Way/Princes Highway (including footpaths) must be vested in the Responsible Authority. Within four (4) weeks of the registration of the plans at the Land Titles Office, a Certificate of Title for all land vested in the Responsible Authority on the plan of subdivision must be sent to the Responsible Authority.
9. Before the commencement of any buildings and works, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the submitted Waste Management Plan (Leigh Design, 900 Princes Highway, Pakenham, Victoria, 3 July 2018) but amended to reflect plans endorsed under this permit.
10. Before the commencement of any buildings and works, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one electronic copy in an approved format must be provided. The landscaping plan must be generally in accordance with the landscape concept plan dated 18 July 2018 prepared by Outlines Landscape Architecture, except that the plan must show:
 - a. Layout in accordance with plans endorsed under this permit.
 - b. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - c. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - d. Details of surface finishes of pathways and driveways.
 - e. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - f. Landscaping and planting within all open areas of the subject land.
 - g. Street trees along Olympic Way (East/West), extending the existing *Platanus x acerifolia* streetscape from the west, installation size of 45L or equivalent
 - h. Street trees along Olympic Way (North/South), ideally a native or indigenous species, installation size of 45L or equivalent
 - i. Street trees along Princes Hwy frontage (subject to VicRoads approval), installation size of 45L or equivalent
 - j. The proposed layout, materials and finishes of paths, areas of pavement, structures, planters and street furniture
 - k. Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls
 - l. Additional supporting information, such as certified structural designs or building forms of fencing, feature walls, arbours and the like.
 - m. How any landscape requirements or guidelines within the Cardinia Road Precinct Structure Plan are proposed to be implemented.

All species selected must be to the satisfaction of the Responsible Authority and not impact site lines for vehicles or pedestrians.

11. Before the commencement of any buildings and works, 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.

12. Before the submission and approval of detailed design construction plans (engineering plans) of 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.

Sites that are not adjacent to existing or approved infrastructure will be required to show the following information in addition to the above standard requirements:

- o. The relationship between the subject subdivision stage and surrounding land,
 - p. Proposed linkages to future streets, open space, regional path network and upstream drainage,
 - q. Works external to the subdivision, including both interim and ultimate access requirements,
 - r. Intersections with Category 1 roads showing interim and ultimate treatments,
 - s. Drainage and sewerage outfalls including any easements required over other property.
13. Before the commencement of any buildings and works, 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”.

14. 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:

- a. Temporary stormwater management including sedimentation control,
 - b. Provision of pollution and contamination controls including noise and dust,
 - c. Location of stockpiles and stockpile management,
 - d. Location of site office and facilities
 - e. Equipment, materials and goods management.
 - f. Tree protection zones, trees to be retained and trees to be removed.
15. Prior to works commencing on site a drainage strategy for the development (in electronic format) must be submitted to Council for comment/approval. This must demonstrate the proposed alignments and flows of the minor (1 in 10 year ARI) and major (1 in 100 year ARI) drainage systems.

Use

16. Before the use of Stage 1 commences, the following must be constructed in accordance with approved detailed design (engineering plans) to the satisfaction of the Responsible Authority and VicRoads:
- a. Construction of an additional right turn lane from Princes Highway into Lakeside Boulevard.
 - b. Lengthening of the existing right turn lane from Princes Highway into Olympic Way.
 - c. Construction of an exclusive right turn lane from Olympic Way onto Princes Highway.
 - d. Construction of an exclusive left turn slip lane from Olympic Way onto Princes Highway.
 - e. Construction of footpaths (minimum 1.5m wide) in accordance with the endorsed plans (southern and eastern boundaries).
 - f. Construction of footpath connection to existing footpath west of the subject site (north of Olympic Way).
 - g. Reconstruction of shared path along northern property boundary (including provisions for bicycles priority across access).
 - h. Reconstruction of roundabout at Olympic Way and Andrew-Norton Way in accordance with endorsed plans.
 - i. Construction and installation of flashing zebra (wombat style raised pavement) crossing on Olympic Way (south of subject site).
 - j. Construction and installation of flashing zebra (wombat style raised pavement) crossing on Olympic Way immediately north of the existing roundabout.
 - k. Convert (including works and/or signage) existing access to the Toomuc Reserve (between the existing roundabout and Princes Highway - eastern side of Olympic Way) to left-in left-out access only.
17. Before the use of Stage 1 commences, the following must be provided to the satisfaction of the Responsible Authority:
- a. A scooter/wheelchair recharge facility.
 - b. Give way treatments for cyclists using shared path at entry/exit (including green pavement treatment).
 - c. Signage for three (3) taxi car parking spaces.
 - d. Traffic street signs along impacted streets as required by the Responsible Authority.
 - e. Bus stop/s to the satisfaction of Transport for Victoria.
 - f. All proposed areas set aside on the approved plan/s for access, circulation and car parking constructed with concrete, asphalt or other approved hard surfacing material, drained and the

parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.

18. Before the use of Stage 1 commences, a Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Site Management Plan must clearly show:
 - a. Hours of operation.
 - b. Site security including:
 - (i) The number and location of all on and off-site security staff.
 - (ii) Provision of security cameras.
 - c. Details about managing graffiti and its removal.
 - d. Trolley collection.
 - e. Management of the outdoor dining areas.
 - f. Maintenance of parking areas and loading bay areas and any other paved areas. Public access to car parking must not be restricted without the written consent of the Responsible Authority.
 - g. The location of all areas on and/or off-site to be used for staff and patron parking.
 - h. Maintenance of the public realm (including paving, street furniture and landscaping).
 - i. Arrangements for managing the car park, landscape areas, bins, bicycle racks, deliveries (delivery truck routes, delivery times) and waste collection.
 - j. Designated loading and unloading bay/s and times. Loading and unloading must not be permitted during peak usage times for the development or adjoining uses/development.
 - k. Signage and/or devices to direct loading/unloading vehicles.
 - l. Management of rubbish bins and skips.
 - m. Arrangements for achieving surveillance and views into and out of the development, for all external facades, through the provision and maintenance of clear unobstructed glazing (no tinting, reflective film, advertising or storage displays) to at least 80% of all glazing.
 - n. Management of advertising signs.
 - o. Contact details of the site manager.
19. Before the use of Stage 1 commences, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

General

20. 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.
21. No more than five (5) people providing health services may operate on the premises at any time without the prior written consent of the Responsible Authority.
22. No more than one-thousand-and-sixty (1060) patrons are permitted to use the cinema premises at any time without the prior written consent of the Responsible Authority.
23. Prior to installation of any zebra crossings a Memorandum of Authorisation must be obtained from VicRoads.
24. All waste generated by the use of the land must be managed in accordance with the Waste Management Plan for the land approved by the Responsible Authority.
25. Unless with the prior written consent of the Responsible Authority, the use of the site must operate in accordance with the approved Site Management Plan to the satisfaction of the Responsible Authority.
26. All construction activities associated with this permit must be carried out in such a manner so as to not create nuisance to the satisfaction of the Responsible Authority.

27. The site including all buildings and works must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance to the satisfaction of the Responsible Authority.
28. The use and development must be managed so that the amenity of the area is not detrimentally affected through the:
 - a. Transport of materials, goods or commodities to or from the land.
 - b. Appearance of any building, works or materials.
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d. Presence of vermin.To the satisfaction of the Responsible Authority.
29. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the building, including the roof, must be of a non-reflective nature.
30. The areas shown on the endorsed plans for access and car parking must not be used for any other purpose and must be maintained to the satisfaction of the Responsible Authority.
31. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the Responsible Authority.
32. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
33. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay/s and endorsed Site Management plan and, must not disrupt the circulation and parking of vehicles on the land.
34. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.
35. 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.

Signage Conditions

36. No signs other than those allowed by this permit or the planning scheme may be displayed on the subject land without the written consent of the Responsible Authority.
37. The location and details of the signs, including those on the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
38. The sign/s must not be illuminated by external or internal light except as shown on the endorsed plans.
39. The illumination of the sign/s must not detrimentally affect the amenity of the area through the emission of unreasonable levels of light beyond the boundary of the subject land.
40. The sign/s lighting must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
41. The sign/s must not contain any flashing light.
42. The sign/s must be displayed and maintained to the satisfaction of the Responsible Authority.

Liquor Licence Conditions

43. The layout and red line representing the extent of the licenced premises as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

44. Except with further consent of the Responsible Authority, the sale and consumption of liquor shall occur only within the areas, being within the red line, as specified on the endorsed plan.

VicRoads Conditions

45. Before the use and development starts, a fully dimensioned Functional Layout Plan (FLP) and functional stage Road Safety Audit (RSA) must be submitted to and approved by the Roads Corporation. The FLP must be generally in accordance with the Proposed Site Plan (DWG NO: CLP200, revision J, prepared by One Mile Grid Traffic Engineering dated 10 July 2019) appended to the planning application but modified to show:
- a. Associated signage and line marking plan.
 - b. Location of proposed Bus Stop and associated signage and marking to the satisfaction of Public Transport Victoria.
46. Subsequent to the approval of the FLP and prior to the commencement of any roadworks within the arterial road reserve the applicant must submit detailed engineering design plans to the Roads Corporation for review and approval. The detailed design plans must be prepared generally in accordance with the approved FLP and functional stage Road Safety Audit.
47. Before the use of the permitted development, all works required by the Roads Corporation under this permit must be completed to the satisfaction of and at no cost to the Roads Corporation.

Expiry:

This permit expires if—

Development

- a) the development does not start within five (5) years after the issue of the permit; or
- b) the development of the last stage is not commenced within seven (7) years of the date of this permit; or
- c) the development is not completed within nine (9) years after the issue of the permit.

Use

- d) the use does not start within nine (9) years after the completion of the development; or
- e) the use is discontinued for a period of two (2) years.

Easement

- f) the easement is not created within two (2) years after the issue of the permit.

Signage

- g) this permit for signage expires fifteen (15) years after the date it is issued.

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.

Upon being put to the meeting, the motion was declared lost.

Cr Ross called for a Division.

For the Motion were Crs C Ross, M Schilling and C Ryan Total (3).

Against the Motion were Crs G Moore, J Owen, L Wilmot, B Owen, J Springfield and R Brown Total (6).

Motion was lost

Moved Cr J Owen Seconded Cr L Wilmot

That a Refusal to Grant Planning Permit **T180454** be issued for the use and development of the land, in stages, for a place of assembly (cinema), food & drink premises, medical centre, shops (including discount department store and supermarket), creation of easements, signage, reduction in car parking, sale & consumption of liquor and, to create & alter access to a Road Zone Category 1 **at Lot 1 PC356180X, 900 Princes Highway, Pakenham VIC 3810 & Reserve 1 PS531572Q** on the following grounds:

- The proposal is contrary to the aims and objectives of the State Planning Policy Framework as it relates to Clause 11 Settlement, Clause 15 Built Environment & Heritage and Clause 17 Economic Development as it detracts from the economic viability of existing and planned activity centres and, results in poor urban design outcomes.

- The proposal is contrary to the aims and objective of the Local Planning Policy Framework as it relates to Clause 21.01 Cardinia Shire Key Issues and Strategic Vision, Clause 21.03 Settlement and Housing and Clause 21.04 Economic Development as it does not reflect the hierarchy of existing and planned activity centres, the required format of activity centres and unduly impacts existing and planned activity centres.
- The proposal is contrary to the aims and objectives of 52.06 Car Parking as it does not provide for an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality
- The proposal is not generally in accordance with the Cardinia Road Precinct Structure Plan (September 2008) as it does not reflect requirements for peripheral commercial land and does not provide for required built form outcomes.
- The proposal is contrary to orderly planning as it does not reflect the hierarchy of activity centres, detracts from existing activity centres, inhibits development of future activity centres and results in poor urban design outcomes.

Cd.

Upon being put to the meeting, the motion was declared carried.

Cr Ross called for a Division.

For the Motion were Crs G Moore, J Owen, L Wilmot, B Owen, J Springfield and R Brown Total (6).

Against the Motion were Crs C Ross, M Schilling and C Ryan Total (3).

2 USE AND DEVELOPMENT OF LAND FOR A PLACE OF WORSHIP AND CAR PARKING REDUCTION AT 2/6 WEBSTER WAY, PAKENHAM

FILE REFERENCE INT1968634

RESPONSIBLE GENERAL MANAGER Peter Benazic

AUTHOR Vageesha Wellalage

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit **T190196** be issued for **use and development of land for a place of worship, signage and reduction in car parking** at Factory **2/6 Webster Way, Pakenham** subject to the conditions attached to this report

Attachments

1	Locality Plan	1 Page
2	Development Plans	4 Pages
3	Copies of Objections - Circulated to Councillors only	7 Pages

EXECUTIVE SUMMARY:

APPLICATION NO.:	T190196
APPLICANT:	Mrs Pamala D'sa
LAND:	FY 2/6 Webster Way, Pakenham VIC 3810
PROPOSAL:	Use and Development of land for a place of worship, signage and carparking reduction.
PLANNING CONTROLS:	Industrial 1 Zone Land Subject to Inundation Overlay
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. Council received four (4) objections to the proposal to date.
KEY PLANNING CONSIDERATIONS:	Appropriateness of the proposed use within an industrial area Availability of car parking spaces Amenity impacts
RECOMMENDATION:	Approval

BACKGROUND:

There is no relevant planning permit history for the site.

SUBJECT SITE

The subject site is located on Webster Way Pakenham and part of a warehouse development known as 6/25 Bald Hill Road. The development gains access from both Bald Hill Road and Webster Way, via existing crossovers.

The site is affected by four easements named E-1 to E-4. Easements E1, E2 and E3 are for the purpose of drainage. Easement E-4 is created in favour of South East Water for the purpose of sewerage.

The site currently contains a warehouse development consisting of 14 warehouses that are used for various businesses.

The topography of the land is relatively flat.

The main characteristics of the surrounding area are:

- North The properties located on the northern side of the subject site are developed for industrial purposes and contain a warehouse on each allotment.
- South The properties located on the southern side are developed for residential purposes and contain a dwelling on each allotment together with the usual outbuildings.
- East Webster Way is located on the eastern side of the subject site.
- West The property on the western side is developed for industrial purposes and contains a warehouse

PROPOSAL

Approval is sought for the use and development of the land for a place of worship, signage and reduction in car parking.

Use

It is proposed to use the warehouse on Lot 4 of PS616067 for a place of worship, South Eastern Christian Church. The church will be operating from Monday to Sunday while the main church service will be held on Sunday. The operating hours are as follows:

Monday to Saturday	9am-5pm
Sunday	8am – 6pm
Main Service on Sunday	10am-1pm

The maximum number of people attending the church during the above operating hours are as follows:

Monday to Saturday	Maximum of 20 people at all times
Sunday	Maximum of 80 people between 10am -1pm
	Maximum of 20 people between 8am -10am and 1pm-6pm

The church will carry out administrative/cleaning tasks on weekdays and small group gatherings for prayer, Bible study or special interest groups, while the main service is held on Sunday between 10 am -1pm. The application states that the there will be no weddings or funerals hosted at this premises.

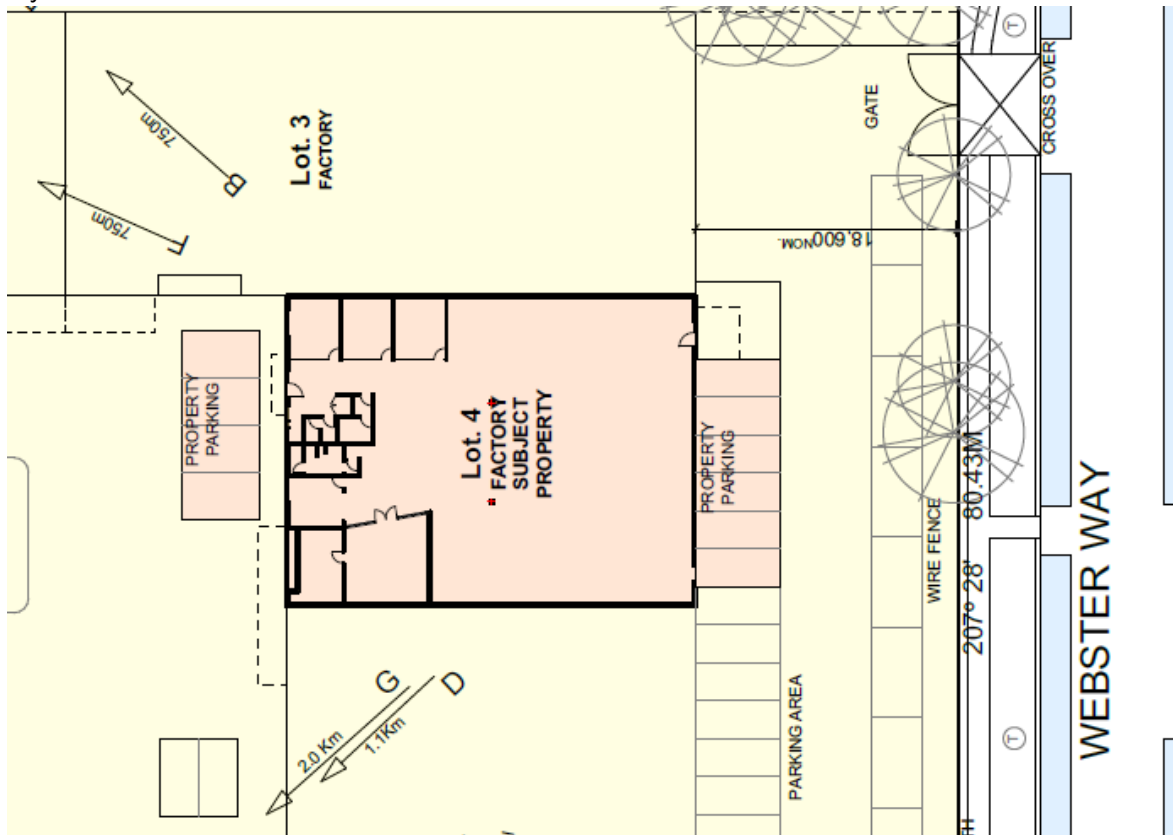
Development

The internal floor layout of the warehouse will remain unchanged. No construction works have been proposed to alter the currently floor layout.

The proposal includes two signs located on the front and rear elevations of the building. Each sign has a dimension of 5.95 square metres (3.5m x 1.7m).

Car parking

The warehouse currently has 10 allocated car parking spaces on the plan of subdivision. Four car parking spaces have been located in the front of the building and the rest is located at the rear of the building. The layout is as follows:



Further in this report outlines the assessment under Clause 52.06 Car Parking, :

The proposed use is also required to provide two bicycle parking spaces for the visitors. Although no formal bike parking spaces are provided within the development, the building includes a storage area to accommodate for two without any operational impacts to the proposed use of the site.

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 11.03 Planning for Places
- Clause 13.07 Amenity
- Clause 15.01 Built Environment
- Clause 17 Economic Development
- Clause 18.02 Movement Networks
- Clause 19.02 Community Infrastructure

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.04-1 Employment
- Clause 21.04-4 Industry

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 Car Parking
- Clause 65 Decision Guidelines

Cardinia Shire's Liveability Plan 2017-2029

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

- Improved Social Cohesion
- Improved safety
- Reduce financial vulnerability (use for any apps creating jobs etc)

Zone

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

Overlays

The land is subject to the following overlays:

- Land Subject to Inundation Overlay

PLANNING PERMIT TRIGGERS

The proposal for use and development of land for a place of worship, signage and reduction in car parking requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 33.01-1 of the Industrial 1 Zone a planning permit is required for the use of the land for a place of worship.
- Pursuant to Clause 52.06-3 of the Car Parking provisions a permit is required to reduce (including to zero) the number of spaces required under Clause 52.06-5.
- Pursuant to Clause 52.05-12 of signs provisions, a permit is required for business identification signage exceeding 8 square metres.

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.

Council has received four (4) objections to date.

The key issues that were raised in the objections are:

- Insufficient car parking spaces to operate the use
- Impact on weekend activities of other warehouses within the development

DISCUSSION

Use

The property is located in an Industrial 1 Zone where the purposes of the zone is to “to provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities”.

Pursuant to Clause 33.01-1, a permit is required for the use of the land for a place of worship, therefore, consideration must be given to the impact of the proposal on the availability of industrial spaces for industrial type uses. The development contains a total of 21 warehouses with the majority of them used for retail/commercial type uses. It is considered that the proposed use is compatible with the surrounding uses. Considering the amount of current and upcoming large industrial developments within the Pakenham area, it is not considered the proposed use will have an impact on the availability of industrial spaces.

Although the proposed use is not a conventional industrial use the location of the use within an industrial area is considered appropriate as it will ensure minimal offsite amenity impacts. The type of use requires a larger floor area than what's available in general commercial areas and separation from residential areas will minimise the impact on the surroundings. As such the location is considered most suitable for the type of use proposed.

The proposed place of worship is not a conventional industrial use, however, these uses provide minimal detrimental impact to the surrounding industrial uses and enable the establishment of a use that can contribute to the local community. Similar uses such as restricted recreation facilities like gymnasiums, play centres and swimming pools, attract a large number of people at one time, and it is not uncommon for them to sit within the industrial areas.

Appropriate conditions in terms of the numbers of patrons and hours of operation can ensure that the development does not detrimentally impact future industrial development surrounding site.

Car Parking

Pursuant to Clause 52.06-2, before a new use commences, the number of car parking spaces required under Clause 52.06-5, must be provided to the satisfaction of the Responsible Authority. Clause 52.06-5 requires that for the use of the land for a Place of Assembly, 0.3 car spaces are provided per patron.

Days	Max No of Patrons	Required	Provided	Shortfall
Monday - Friday	20	6	10	0
Sunday (10am-1pm)	80	24	10	14
Sunday (8am-10am, 1pm-6pm)	20	6	10	0

According to the above, the subject site is allocated ten (10) car spaces, therefore the weekday events meet the required car parking rate and will have surplus spaces available. However for the Sunday Services there will be a shortfall of 14 spaces.

Clause 52.06-6 of the Cardinia Planning Scheme requires that an application to reduce the required car parking provision must be accompanied with a car parking demand assessment. A car parking demand assessment was submitted with the application, prepared by a Traffkd, a qualified traffic engineering consultancy.

The report outlines the availability of additional car parking within the vicinity of the subject site and suggests that the proposed use can operate without detrimental impact on surrounding uses. The report indicates the operating hours of the other tenancies within the development and majority of these tenancies are closed for business on Sundays. The assessment is as follows:

Address	Business	Operating Hours	
		Weekday	Weekend
1/25 Blair Hill Road	Virsa Indian Restaurant and Cafe	5 pm - 10: 30 pm	5 pm - 10: 30 pm
3/25 Blair Hill Road	Miles Mechanic	8 am - 5 pm	Sat 8: 30 am - 12:30 pm
6/25 Blair Hill Road	Elite Body Works	9 am - 5 pm	Sat 8 am - 1 pm
7/25 Blair Hill Road	BOC Tyres	8 am - 5 pm	Sat 8 am - 12 pm
8/25 Blair Hill Road	Cannbro Fencing and Supplies	7:30 am - 4 pm	CLOSED
9/25 Blair Hill Road	GJS Equipment	9 am - 5 pm	CLOSED
10/25 Blair Hill Road	Pakenham Karate Academy	Mon 5pm - 8pm Tue 4:30pm - 7pm Wed 5:30 pm - 8 pm Thur 5 pm - 7 pm Fri 6pm - 8pm	CLOSED
11/25 Blair Hill Road	National Windscreens	8 am - 5 pm	By Appointment Only
12/25 Blair Hill Road	Anchor Right	Opening times not available - Business was not observed to operate during parking occupancy surveys	
13/25 Blair Hill Road	Gym Assist	6:30 am - 6:30 pm	CLOSED
14/25 Blair Hill Road	Stateline Furniture	Opening times not available - Business was not observed to operate during parking occupancy surveys	
15-17/25 Blair Hill Road	Top Tree Furniture	Mon - Thur 10 am - 4 pm Fri - CLOSED	Sat 10 am - 4 pm Sun 10 am -4 pm
20/25 Blair Hill Road	Energy Connections		CLOSED
21/25 Blair Hill Road	Tymbarra	8 am - 4 pm	CLOSED

Although majority of the car parking spaces are available on Sunday, the car parking area within the development is not considered a common car park given the spaces are allocated to each warehouse on the plan of subdivision.

The application provides consent from the owners of five warehouses, which later reduced to three warehouses to use their car parking spaces on Sundays. The warehouses are No 2, No3 and No7 which provides additional 20 car parking spaces for the proposed place of worship on Sunday. Since the consent is not provided as a formal agreement between the two tenancies, it is not guaranteed the 20 additional car parking spaces will be available at all times, should the businesses decide to operate on Sundays. Therefore limited consideration has been given to this aspect.

As mentioned above, the traffic report indicates that there are additional car parking within the vicinity of the subject site including on street parking. The report has been assessed by the Council's Traffic Engineers and they are satisfied that the combination of on street parking and the additional 20 car parking spaces provided by other businesses are sufficient to cater the car parking demand generated by the use on Sundays.

The response also suggest that the demand for car parking can also be controlled by restricting the number of patrons and hours of operation which will be imposed as conditions on the permit.

Signage

The application proposes a total of 11.9 square metres in signage. The maximum signage allowed within the industrial area is 8 square metres without a planning permit. However, additional signage can be erected with planning approval.

The subject site is located within an industrial area where large signage is common. The proposed two signs have 5.95 square metres each and will be located in front and the rear. Therefore, the proposed signs are scattered and will not occupy a large area of the building. As such, will not be prominent in the area. The text and colours of the signs blends well with the environment.

Amenity Impacts

As noted above the subject site is well separated from sensitive uses. The one concern with this type of use relates to the potential noise impacts and traffic management.

The proposed car parking and traffic management for the proposed use can be adequately accommodated on the site without detrimentally impacting on the future industrial uses or impacting on the amenity of the wider site context.

As such it is considered that the proposed development has minimised any off site amenity impacts and satisfies the requirements of the Cardinia Planning Scheme.

Objectors concerns

Four objections were received to the proposal which highlighted concerns with the impact on parking for the surrounding warehouses and potential impacts on the weekend activities of the businesses. Car parking concerns have been addressed above and appropriate conditions will be placed on the permit to ensure the car parking area is managed appropriate to avoid any impacts on adjoining businesses.

CONCLUSION

Considering the above matters discussed on the report, the proposal for the use and development of land for a place of worship, signage and reduction in car parking is consistent with the relevant objectives and decision guidelines of Cardinia Planning Scheme, in particular the Industrial Zone, Clause 52.06 Car Parking and Clause 52.05 Signs.

It is recommended that a Notice of Decision to Grant Planning Permit T190196 be issued for use and development of land for a place of worship, signage and reduction in car parking at FY 2/6 Webster Way, Pakenham 3810 subject to the following conditions.

CONDITIONS

1. Prior to the commencement of the use, a car parking management plan must be submitted to and approved by the Responsible Authority. The plan must outline measures that will be undertaken to ensure patron and staff do not impact on the car parking and access to other uses within the industrial complex. This should include, but is not limited to, information brochures for patrons, car parking plans to be displayed on site and staff checks of the site prior to services.
2. The layout of the site and the size of the proposed buildings and works, as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.
3. The use of the premises must not be changed without the written consent of the Responsible Authority.
4. Except with the written consent of the Responsible Authority, the use may operate only between the hours of:
 - a. Monday to Saturday 9 am – 5 pm
 - b. Sunday: 8am -6pm
5. The maximum number of staff and patrons allowed on the premises are:
 - a. Monday to Saturday maximum of 20 people at all times
 - b. Sunday maximum of 80 people between 10am -1pm
maximum of 20 people between 8am -10am and 1pm-6pm

Except with the prior written consent of the Responsible Authority.

6. The loading and unloading of vehicles must always be carried on entirely within the site and must not interfere with other traffic.
7. Vehicles under the control of the operator of the building and staff vehicles, must not be parked on any nearby road.
8. The areas shown on the approved plan for car parking, access and landscaping must not be used for any other purpose and maintained to the satisfaction of the responsible authority.

9. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) no. N-1.
10. The amenity of the area must not be detrimentally affected by the use or development through the:
 - a. Transport of materials, goods or commodities to or from the land;
 - b. Appearance of any building, works or materials;
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil; or
 - d. Presence of vermin.
11. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
12. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.
13. The location and details of the signs, including those on the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
14. The sign/s must not be illuminated by external or internal light except with the written consent of the Responsible Authority.
15. No signs other than those allowed by this permit or the planning scheme may be displayed on the subject land without the written consent of the Responsible Authority.

Permit Expiry

In accordance with Section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

- a) The use is not started within two years of the date of this permit.
- b) This permit for advertising signage expires 10 years after the date it is issued.

In accordance with Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made before the expiry date or within three months afterwards.

Notes:

Any proposed advertising signs must comply with the provisions of the Cardinia Planning Scheme. Advertising signs which do not comply with the provisions of the Cardinia Planning Scheme will require a planning permit.

2 USE AND DEVELOPMENT OF LAND FOR A PLACE OF WORSHIP AND CAR PARKING REDUCTION AT 2/6 WEBSTER WAY, PAKENHAM

Moved Cr C Ryan Seconded Cr M Schilling

That a Notice of Decision to Grant Planning Permit **T190196** be issued for **use and development of land for a place of worship, signage and reduction in car parking** at Factory **2/6 Webster Way, Pakenham** subject to the following conditions.

CONDITIONS

1. Prior to the commencement of the use, a car parking management plan must be submitted to and approved by the Responsible Authority. The plan must outline measures that will be undertaken to ensure patron and staff do not impact on the car parking and access to other uses within the industrial complex. This should include, but is not limited to, information brochures for patrons, car parking plans to be displayed on site and staff checks of the site prior to services.
2. The layout of the site and the size of the proposed buildings and works, as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.
3. The use of the premises must not be changed without the written consent of the Responsible Authority.
4. Except with the written consent of the Responsible Authority, the use may operate only between the hours of:
 - a. Monday to Saturday 9 am – 5 pm
 - b. Sunday: 8am -6pm
5. The maximum number of staff and patrons allowed on the premises are:
 - a. Monday to Saturday maximum of 20 people at all times
 - b. Sunday maximum of 80 people between 10am -1pm
maximum of 20 people between 8am -10am and 1pm-6pm

Except with the prior written consent of the Responsible Authority.

6. The loading and unloading of vehicles must always be carried on entirely within the site and must not interfere with other traffic.
7. Vehicles under the control of the operator of the building and staff vehicles, must not be parked on any nearby road.
8. The areas shown on the approved plan for car parking, access and landscaping must not be used for any other purpose and maintained to the satisfaction of the responsible authority.
9. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) no. N-1.
10. The amenity of the area must not be detrimentally affected by the use or development through the:
 - a. Transport of materials, goods or commodities to or from the land;
 - b. Appearance of any building, works or materials;
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil; or
 - d. Presence of vermin.

11. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
12. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.
13. The location and details of the signs, including those on the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
14. The sign/s must not be illuminated by external or internal light except with the written consent of the Responsible Authority.
15. No signs other than those allowed by this permit or the planning scheme may be displayed on the subject land without the written consent of the Responsible Authority.

Permit Expiry

In accordance with Section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

- a) The use is not started within two years of the date of this permit.
- b) This permit for advertising signage expires 10 years after the date it is issued.

In accordance with Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made before the expiry date or within three months afterwards.

Notes:

Any proposed advertising signs must comply with the provisions of the Cardinia Planning Scheme. Advertising signs which do not comply with the provisions of the Cardinia Planning Scheme will require a planning permit.

Cd.

3 SUBDIVISION OF LAND AND REMOVAL OF RESTRICTIVE COVENANTS AT RIMPLE WAY, MONICA WAY AND RIX ROAD, BEACONSFIELD

FILE REFERENCE INT1968655

RESPONSIBLE GENERAL MANAGER Tracey Parker

AUTHOR Stephen Powell

RECOMMENDATION

That Council refuse to Grant Planning Permit T180348 be issued for the subdivision of eight (8) lots into twelve lots (12) and the variation of Covenant PS711709M relating to building envelope restrictions at 17 & 19 Rimple Way, 18, 19, 20 & 21 Monica Way, 420 & 422 Rix Road, Beaconsfield VIC 3807 on the following grounds:

- The proposal fails to meet the requirements of Section 60(2) and 60(5) of the Planning and Environment Act 1987, as the Responsible Authority is not satisfied that the owner of any land benefitted by the restriction will be unlikely to suffer financial loss, loss of amenity, loss arising from the change in neighbourhood character or any other material detriment (including perceived detriment) as a consequence of variation to the restriction.
- The subdivision results in excessive crossovers along the Rix Road frontage which will reduce on street parking, impact on an existing bikeway within Rix Road and result in an adverse impact to the streetscape.

Attachments

1	Locality Map	1 Page
2	Subdivision Plan	6 Pages
3	Copy of Objections - Circulated to Councillors only	3 Pages

EXECUTIVE SUMMARY:

APPLICATION NO.:	T180348
APPLICANT:	Banriar Investments Pty Ltd CC/Hansen Partnership - Mr Cameron Gentle.
LAND:	17 & 19 Rimple Way, 18, 19, 20 & 21 Monica Way and 420 & 422 Rix Road, Beaconsfield VIC 3807
PROPOSAL:	Subdivision and removal of restrictive covenants
PLANNING CONTROLS:	Urban Growth Zone Schedule 3 Development Contributions Overlay Schedule 4 Clause 52.02 Easements Restrictions and Reserves Clause 53.01 Public Open Space Contribution and subdivision Clause 56 Residential Subdivision Clause 65 Decision Guidelines Officer Precinct Structure Plan September 2011 Development Contributions Plan 15 September 2011.

NOTIFICATION & OBJECTIONS: The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*. Council has received one objection and one petition with 23 signatories to date.

KEY PLANNING CONSIDERATIONS: Is there variation of the restrictive covenant an appropriate planning outcome.

RECOMMENDATION: Refusal

BACKGROUND:

Planning permits T120317 and T160824 allowed for the subdivision of the land which is known as the Beaconsfield Roses Estate. As part of these subdivisions the eight (8) subject lots were created.

SUBJECT SITE

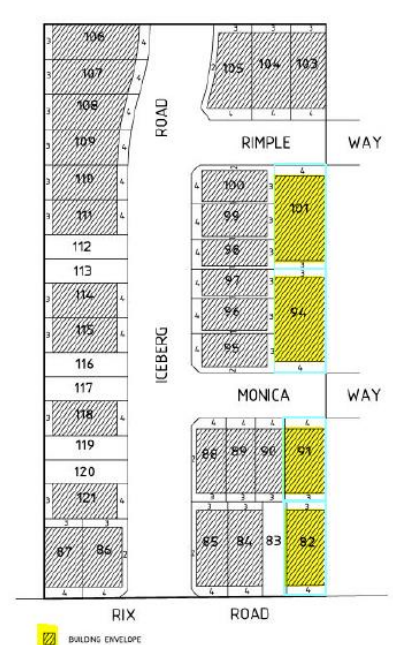
The site includes eight (8) existing lots located on the south side of Rimple Way, north and south side of Monica Way and the north side of Rix Road with the land approximately 30 metres east of Iceberg Road in Beaconsfield. The following is a summary of each of the current lots:

- 17 Rimple Way (Lot 41 PS711708P) located on the south side of the road with a frontage of 20.93m and depth of 37m lot area of 774m². The lot has a 3m wide easement along the south boundary and has a crossover on the west side of the site frontage.
- 19 Rimple Way Beaconsfield (Lot 101 on PS730185N) located on the south side of the road with a frontage of 18.08m and depth of 37m lot area of 669m². The lot has a 3m wide easement along the south boundary and has a crossover on the east side of the site frontage.
- 18 Monica Way (Lot 56 PS711709M) located on the north side of road with a frontage of 20.93m and depth of 37m lot area of 774m² with a crossover on the east side of the site frontage.
- 19 Monica Way (Lot 57 PS711709M) located on the south side of road with a frontage of 20.42m and depth of 30m lot area of 613m². The lot has a 3m wide easement along the south boundary and has a crossover on the east side of the site frontage.
- 20 Monica Way (Lot 94 PS730185N) located on the north side of the road with a frontage of 18.08m and depth of 37m lot area of 669m² and has a crossover on the west side of the site frontage.
- 21 Monica Way (Lot 91 PS730185N) located on the south side of the road with a frontage of 14.58m and depth of 30m lot area of 437m². The lot has a 3m wide easement along the south boundary and has and has a crossover on the west side of the site frontage.
- 420 Rix Road (Lot 80 PS711709M) with a frontage of 18.96m and depth of 33.6m lot area of 636m². The lot has a crossover on the east side of the site frontage.
- 422 Rix Road (Lot 82 PS730185N) with a frontage of 14.04m and depth of 33.7m lot area of 473m². The lot has a crossover on the west side of the site frontage.

Restrictive Covenants/Agreements

Group 1

- 19 Rimple Way (Lot 101 on PS730185)



- 20 Monica Way (Lot 94 on PS730185)
- 21 Monica Way (Lot 91 on PS730185)
- 422 Rix Road (Lot 82 on PS730185)

These lots are subject to:

- Section 173 Agreements AN270798E and AN557615T which relate to the owners obligations in relation to the Officer Development Contribution Plan including both the payment of the applicable levy and the delivery of infrastructure items. The application does not breach this agreement and no further action is required as a result of this proposal.
- Restrictive Covenant PS730185N which requires dwellings to be constructed in accordance with the Building and Design Guidelines and, requires dwellings to be constructed within the prescribed building envelope (shown right).

Group 2

- 19 Monica Way (Lot 57 on PS711708)
- 420 Rix Road (Lot 80 on PS711708)

These lots are subject to:

- Section 173 Agreements AM026664B which relates to the owners obligations in relation to the Officer Development Contribution Plan including both the payment of the applicable levy and the delivery of infrastructure items. The application does not breach this agreement and no further action is required as a result of this proposal.
- Restrictive Covenant PS711709M which requires dwellings to be constructed in accordance with the Building and Design Guidelines but does not include building envelopes.

Group 3

- 17 Rimple Way (Lot 41 on PS711708)

This lot is subject to:

- Restrictive Covenant PS711708P which requires dwellings to be constructed in accordance with the Building and Design Guidelines. No building envelope applies to this lot.

Group 4

- 18 Monica Way (Lot 56 on PS711709)

This lot is subject to:

- Restrictive Covenant PS711709M which requires dwellings to be constructed in accordance with the Building and Design Guidelines. No building envelope applies to this lot.
- Section 173 Agreements AM026664B which relates to the owners obligations in relation to the Officer Development Contribution Plan including both the payment of the applicable levy and the delivery of infrastructure items. The application does not breach this agreement and no further action is required as a result of this proposal.

PROPOSAL

The proposal seeks the subdivision of eight (8) lots into twelve lots (12) and the variation of Covenant PS730185N relating to building envelope restrictions on lots 82, 91, 94 and 101 on Plan of Subdivision 730185N in accordance with the submitted plans.

19 Rimple, 20 Monica, 21 Monica, 422 Rix contain building envelopes on the titles that restricted development on the site and the removal of these covenant to allow the development of the future lots consistent with the new lot boundaries.

The proposed subdivision will include the provision of new crossover to provide access to lot 102, 92 and 81 with the resultant removal of indented parking may on Rix Road.

Subdivision, crossover and building envelope plans below:



PLANNING SCHEME PROVISIONS

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11.02 Managing Growth
 - Clause 11.02-2S Structure Planning
 - Clause 11.02-3S Sequencing of development
- Clause 11.03 Planning for Places
 - Clause 11.03-2S Growth Areas
- Clause 13.07 Amenity
 - Clause 13.07-1S Land Use compatibility
- Clause 14.02 Water
 - Clause 14.02-1S Catchment planning and management
- Clause 15.01 Built Environment
 - Clause 15.01-1S Urban Design
 - Clause 15.01-1R Urban Design Metropolitan Melbourne
 - Clause 15.01-2S Building Design
 - Clause 15.01-3S Subdivision Design
 - Clause 15.01-5S Neighbourhood Character
- Clause 16 Housing

- Clause 16.01-1S Integrated housing
- Clause 16.01-2S Location of residential development
- Clause 16.01-3S Housing Diversity
- Clause 16.01-4S Housing affordability
- Clause 18.02 Movement Networks.
- Clause 19.03 Development infrastructure.

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.03 Settlement and Housing
 - Clause 21.03-1 Housing
 - Clause 21.03-2 Urban growth area
- Clause 21.05 Infrastructure provision
 - Clause 21.05-3 Local roads
- Clause 21.06 Particular Uses and Development
 - Clause 21.06-1 Design and built form

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.01 Public Open Space
- Clause 56 Residential Subdivision
- Clause 65 Decision Guidelines
- Clause 66.01 Subdivision Referrals
- Officer Precinct Structure Plan September 2011
- Officer Native Vegetation Precinct Plan September 2011
- Officer Development Contributions Plan

Cardinia Shire's Liveability Plan 2017-2029

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

- *Improved safety; and*
- *Reduce obesity*

Zone

The land is subject to the Urban Growth Zone Schedule 3. The applied zone is General Residential (Clause 32.08).

Overlays

The land is subject to the Development Contributions Plan Overlay Schedule 4 (DCPO4).

PLANNING PERMIT TRIGGERS

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

- Clause 37.07 Urban Growth Zone (Part B) - where a structure plan applies (Officer Precinct Structure Plan approved September 2011 and incorporated into the scheme), the provisions clauses 37.07-9 to 37.07-16 apply. Pursuant to Clause 37.07-10 of the Urban Growth Zone, a permit is required to subdivide the land. Any requirement in the schedule to this zone or the precinct structure plan must be met. A permit granted must be generally in accordance with the precinct structure plan applying to the

land and include any conditions or requirements specified in the schedule to this zone or the precinct structure plan.

Under the Schedule 3 of the Urban Growth Zone, sub-clause 2.1 refers to applied zones that apply within the Officer Precinct Structure Plan. The subject site is located and zoned within the General Residential Zone, therefore pursuant to Clause 32.08-2 of the General Residential Zone a planning permit is required to subdivide land. The proposed development must meet the requirements of Clause 56.

A permit must include any conditions or requirements specified in the schedule to this zone or the precinct structure plan.

- Pursuant to Clause 52.02 Easements, restrictions and reserves a permit is required to create and remove a restriction.

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 sign(s) on site frontages (Each street frontage)
- Placing a notice in the Pakenham Gazette newspaper

Council has received one objection and one petition with 23 signatories to date. The key issues that were raised in the objections are:

- Area is currently closed off and under traffic stress at peak hours and school.
- Increased parking on nature strips.
- Further subdivision will increase pressures on on-street parking.
- Overcrowding of vehicles on the narrow streets causing vehicle to be crammed and parking on council land causing walkways and accessibility to be blocked, with houses generally having 2-3 vehicles with other vehicles which all restrict visitor parking areas.
- Approval will be contrary to the restrictive covenant under which the lots were purchased.

REFERRALS

External Referrals/Notices Required by the Planning Scheme:

No external referrals required

Internal Referrals

Internal Council Referral	Advice/ Response/ Conditions
<i>Engineering</i>	Raised during a Growth Area Permit Matters meeting. The proposed cross-overs associated with proposed lot 81 will result in the removal of one indented car spaces within Rix Road which is an unacceptable outcome.

DISCUSSION

Section 60(2) and 60(5) of the Planning and Environment Act 1987 states that Council **must not** issue a permit where it has not been satisfied that the owner of any land benefitted by the restriction will be unlikely

to suffer financial loss, loss of amenity, loss arising from the change in neighbourhood character or any other material detriment (including perceived detriment) as a consequence of the variation to the restriction.

The relevant section of the *Planning and Environment Act 1987* is provided below.

*The responsible authority **must not grant** a [permit](#) which allows the removal or variation of a restriction referred to in subsection (4) unless it is satisfied that—*

- (a) the [owner](#) of any [land](#) benefited by the restriction (other than an [owner](#) who, before or after the making of the application for the [permit](#) but not more than three months before its making, has consented in writing to the grant of the [permit](#)) will be unlikely to suffer any detriment of any kind (**including any perceived detriment**) as a consequence of the removal or variation of the restriction; and*
- (b) if that [owner](#) has objected to the grant of the [permit](#), the objection is vexatious or not made in good faith.*

Then objectors have expressed concerns with the detriment that the removal of the covenant and increased numbers of lots will have on the surrounds in terms of on street parking and traffic. As all objections received are from legal beneficiaries of the covenant and relate to perceived material detriment that will arise from the variation of the covenant, the effect of Section 60(5) of the *Planning and Environment Act 1987* is that a permit **must not** be granted and the application must be refused.

Therefore the Officer's Recommendation is to refuse the application as required by Section 60(2) and 60(5) of the *Planning and Environment Act 1987*, in accordance with its statutory obligation.

Impacts of the Subdivision

The proposed subdivision results in an additional crossover on the Rix Road frontage associated with proposed lot 81 and necessitates the removal/alteration of an existing indented on street parking space. There is insufficient room within Rix Road to replace the indented car space, and it is considered that the removal of the car space to allow for a cross-over to lot 81 is inappropriate. Further it is considered that the additional cross-over will result in excessive cross-overs presenting to Rix Road which will result in a detrimental impact to the streetscape.

CONCLUSION

It is considered that the application has not satisfied that the legal beneficiaries of the covenant will be unlikely to suffer detriment as a consequence of the proposed variation of the restriction, and as such, Council has no avenue to consider supporting the application pursuant to Section 60(5) of the *Planning and Environment Act 1987*.

3 SUBDIVISION OF LAND AND REMOVAL OF RESTRICTIVE COVENANTS AT RIMPLE WAY, MONICA WAY AND RIX ROAD, BEACONSFIELD

Moved Cr C Ryan Seconded Cr R Brown

That Council refuse to Grant Planning Permit T180348 be issued for the subdivision of eight (8) lots into twelve lots (12) and the variation of Covenant PS711709M relating to building envelope restrictions at 17 & 19 Rimple Way, 18, 19, 20 & 21 Monica Way, 420 & 422 Rix Road, Beaconsfield VIC 3807 on the following grounds:

- The proposal fails to meet the requirements of Section 60(2) and 60(5) of the Planning and Environment Act 1987, as the Responsible Authority is not satisfied that the owner of any land benefitted by the restriction will be unlikely to suffer financial loss, loss of amenity, loss arising from the change in neighbourhood character or any other material detriment (including perceived detriment) as a consequence of variation to the restriction.
- The subdivision results in excessive crossovers along the Rix Road frontage which will reduce on street parking, impact on an existing bikeway within Rix Road and result in an adverse impact to the streetscape.

Cd.

4 PLANNING SCHEME AMENDMENT C235 145 ROSSITER ROAD, KOO WEERUP SUBMISSIONS AND REQUEST FOR PLANNING PANEL

FILE REFERENCE INT1968383

RESPONSIBLE GENERAL MANAGER Tracey Parker

AUTHOR Genna Walkley

RECOMMENDATION

That Council:

1. Receive and consider all submissions received during the exhibition of Planning Scheme Amendment C235.
2. Resolves to adopt the recommendations from submissions made by Public Authorities VicRoads and Melbourne Water and modify the amendment documentation for the Planning Scheme Amendment C235.
3. In accordance with Section 23 of the *Planning and Environment Act 1987*, refer all submissions for consideration to an independent planning panel to be appointed by the Minister for Planning.

Attachments

- | | | |
|---|---|----------|
| 1 | Submission Responses to Proposed Amendment C235 | 4 Pages |
| 2 | Biofilta Stormwater Management Strategy | 27 Pages |
| 3 | Modified Development Plan Overlay Schedule 22 | 5 Pages |

EXECUTIVE SUMMARY

The *Koo Wee Rup Township Strategy (2015)* identifies the land located at 145 Rossiter Road, Koo Wee Rup as a residential development investigation area and provides in principle support for a future rezoning of this land to residential, subject to additional land capability assessments being prepared.

A request has been made by the landowner to rezone the land from Farming Zone to Neighbourhood Residential Zone 1, apply the Development Plan Overlay Schedule 22 (DPO22), and correct the mapping of the Heritage Overlay for the adjacent heritage property 'Shepton Mallet'.

The proposed Amendment facilitates the implementation of new planning controls, with the future development of the site, being subject to a planning permit application. The proposal will assist with the facilitation of a future development that will provide:

- Approximately 200 residential lots
- Open space of approximately 1.95ha contained in three parks at varying sizes
- Protection of the Southern Brown Bandicoot corridors
- Retarding basin and constructed wetland
- A tree protection reserve along Rossiter Road
- Shared pathways connecting to the town centre

The Amendment was placed on public exhibition from Thursday 27 June 2019 to Friday 2 August 2019 and during this time, six (6) submissions were received, three (3) from individuals and three (3) from the Public Authorities. One individual submission was withdrawn. Two submissions objected to the Amendment. Two submissions from the Public Authorities requested changes and

have been resolved. As two objecting submissions remain, all submissions should be referred to an independent planning panel to be appointed by the Minister for Planning.

BACKGROUND

The site is described as Lot 2 on Plan of Subdivision 321029 or 145-165 Rossiter Road, Koo Wee Rup and is approximately 24.4ha, zoned Farming Zone (FZ) and affected by the Land Subject to Inundation Overlay (LSIO), Heritage Overlay (HO), has an area of Aboriginal Cultural sensitivity and is adjacent to a road in a Road Zone - Category 1 (Rossiter Road). See Figure 1.

A request has been made by the landowner to rezone the land.



Figure 1. Lot 2 at 145 Rossiter Road, Koo Wee Rup

The Proposed Amendment

The proposed Amendment rezones the land from Farming Zone (FZ) to the Neighbourhood Residential Zone - Schedule 1 (NRZ1). The NRZ1 is consistent with the current zoning of all residential land in the township and, is also considered an acceptable zone adjoining a Green Wedge Zone (GWZ), allowing for a transition to larger 1000 square metre lots towards the western boundary. It also seeks to apply DPO22 which will identify the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

The proposed amendment corrects the map for the Heritage Overlay for 'Shepton Mallet' known as HO198 in the Cardinia Planning Scheme's Heritage Overlay as per the heritage assessment undertaken. The assessment recommended a correction to ensure it only applies to the heritage property which is located at Lot 1 of 145 Rossiter Road, Koo Wee Rup and removes it from the subject site.

An assessment of any aboriginal cultural heritage sites at the property identified a moderate size aboriginal cultural heritage site on the north eastern section of the site and recommended its protection and preservation in the open space. However, if disturbance of the site is required during development, a contingency plan is in place and requires the negotiation with the Registered Aboriginal Parties.

The Land Subject to Inundation Overlay (LSIO) will require a referral to Melbourne Water demonstrating the treatment of any flood and water flows, drainage and stormwater. The proposed Amendment demonstrates how to manage flooding and overland flows via the Stormwater Strategy.

DPO22 is proposed to be applied to the site and will assist in facilitating the future subdivision and development of the land which is consistent with the *Koo Wee Rup Township Strategy (2015)*. DPO22 provides guidance on the location of internal road networks, subdivision layout, staging,

open space locations, environment and landscaping, traffic and transport, infrastructure and drainage and urban design and character.

As part of statutory requirements of the Amendment process external referrals were sent to the relevant Referral Authorities and any additional requirements will be added to DPO22.

The proposed Amendment will facilitate the following:

- Approximately 200 residential lots
- Open space of approximately 1.95ha provided by two parks at varying sizes and contains either remnant vegetation or aboriginal cultural heritage site.
- Protection of the Southern Brown Bandicoot corridors
- Retarding basin and constructed wetland
- Tree Protection Reserve
- Shared pathways connecting to the town centre

Planning Scheme Amendment

Specifically, the amendment will:

- Insert Schedule 22 to Clause 43.04 Development Plan Overlay.
- Amend Planning Scheme Map Nos. 26 and 27 rezoning Farming Zone to Neighbourhood Residential Zone Schedule 1.
- Amend Planning Scheme Map No. 27HO to correct HO198, 'Shepton Mallet'.

Response to Submissions – Proposed Changes

Melbourne Water:

- 'Site Development Plan – Diagram 1' should be revised to provide sufficient space for the future drainage infrastructure and overland flow path through the site.
- 'Site Development Plan – Diagram 1' should be revised to provide flexibility to the future subdivision plan and lot layout.

Council Response: The Site Development Plan – Diagram 1 will be revised to ensure the layout provides sufficient space and design for stormwater infrastructure provision.

VicRoads:

- Requires wording changes to the Development Plan Overlay Schedule 22 in the Traffic and Transport section.
- The Site Development Plan does not restrict the location of the site's vehicular access to Rossiter Road to allow for potential variation during the preparation of the relevant traffic and transport material for this Development Plan.

Council Response: The modifications sought by the Department of Transport and VicRoads will be integrated into the Development Plan Overlay Schedule 22. The Development Plan will require input from VicRoads and Council when developing the Integrated Transport and Impact Assessment and Traffic Management Plan to determine the appropriate egress and ingress to the site.

Amendment Document Changes

The Development Plan Overlay Schedule 22 has been modified to reflect the changes requested by Melbourne Water and VicRoads including wording changes to the Traffic and Transport section and the Site Development Plan – Diagram 1.

POLICY IMPLICATIONS

Plan Melbourne 2017-2050 - Melbourne Metropolitan Planning Strategy

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

- Direction 2.2. *Deliver more housing closer to jobs and public transport*
- Policy 2.2.5. *Require development in growth areas to be sequences and stages to better link infrastructure delivery to land release.*
- Direction 2.5. *Provide greater choice and diversity of housing*
- Policy 2.5.1. *Facilitate housing that offers choice and meets changing household needs*

Planning Policy Framework

- *Clause 11 Settlement* - to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlement.
- *Clause 12 Environmental and landscape values* - to protect the health and ecological systems and the biodiversity they support and conserve areas with identified environmental and landscape values.
- *Clause 13 Environment risks and amenity* - to avoid and minimise environmental degradation and hazards. Planning should identify and manage the potential for the potential impact for the environment, and environmental changes, to impact upon the economic, environmental or social wellbeing of society.
- *Clause 14 Natural resource management* - to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development.
- *Clause 15 Built environment and heritage* - ensure all new land use and development appropriately responds to its surrounding landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.
- *Clause 16 Housing* - provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

RELEVANCE TO COUNCIL PLAN

3. Our Environment

3.5. *Balanced needs of development, the community and the environment*

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

CONSULTATION/COMMUNICATION

The intention to rezone 145 Rosstier Road was identified by the *Koo Wee Rup Township Strategy (October 2015)* which was exhibited to the community via Planning Scheme Amendment process C189 in March 2016.

Amendment C235 was placed on public exhibition from Thursday 27 June 2019 to Friday 2 August 2019. All owner/occupiers, community groups and the relevant public authorities were notified of the exhibition of the Amendment and a total of 222 letters and 42 emails were sent.

In addition to the above, the Amendment was promoted using the following methods:

- Notice in the Pakenham Gazette - 26 June 2019
- Notice in the Government Gazette - 27 June 2019
- Relevant Council departments notified
- Cardinia Shire Council website
- Cardinia Shire Council Facebook page
- Media release
- DELWP website

- Presentation to the Koo Wee Rup Township Committee – Wednesday 3 July 2019
- C235 Amendment documents were made available at the Cardinia Shire Council Civic Centre customer service desk.

At the conclusion of the public exhibition period, six (6) submissions were received, with two (2) objecting to the Amendment. A summary of the submissions and Council's response is detailed in Attachment 1.

Next Steps

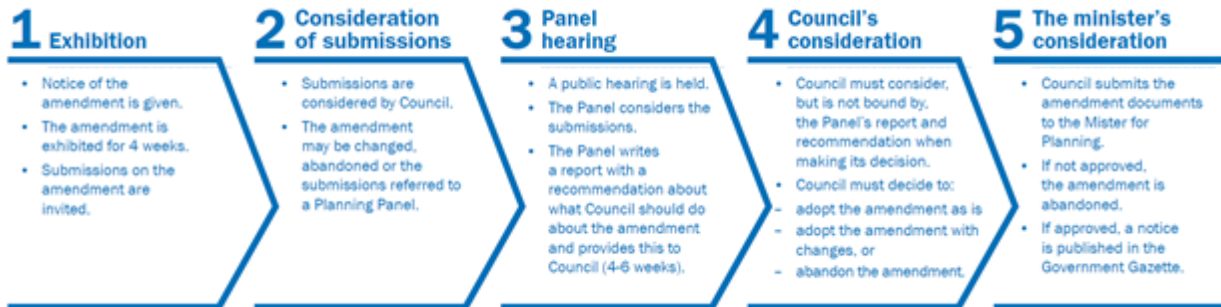


Figure 2. Steps in the Planning Scheme Amendment process

We are at **Stage 3** of the Planning Scheme Amendment process as detailed above in Figure 1. Once the Planning Panel has been appointed, a panel hearing is scheduled to occur in the week of 18 November 2019. Following the panel hearing, the panel will prepare a report that will be put forward to Council at a future Council meeting outlining a recommendation as to how to proceed with the Amendment.

FINANCIAL AND RESOURCE IMPLICATIONS

There are no additional resource implications associated with undertaking the Planning Scheme Amendment and costs associated with this process are paid for by the proponent of the amendment. The rezoning and application of DPO22 Overlay provides a clear framework to assist Council planners when assessing and making decisions for the subject site.

CONCLUSION

The Amendment was placed on exhibition from Thursday 27 June 2019 to Friday 2 August 2019. Six (6) submissions in response to the Amendment were received:

- Submission No. 2 was withdrawn.
- Submission No. 4 was supportive.
- Submission No. 5 and 6 (VicRoads and Melbourne Water) was supportive, requested changes and have been resolved.
- Submission No. 1 and 3 objected the amendment and remains unresolved.

It is recommended that Council in accordance with Section 23 of the *Planning and Environment Act 1987*, refer all submissions that could not be resolved for consideration to an independent planning panel to be appointed by the Minister for Planning.

4 PLANNING SCHEME AMENDMENT C235 145 ROSSITER ROAD, KOO WEE RUP SUBMISSIONS AND REQUEST FOR PLANNING PANEL

Moved Cr C Ryan Seconded Cr R Brown

That Council:

1. Receive and consider all submissions received during the exhibition of Planning Scheme Amendment C235.
2. Resolves to adopt the recommendations from submissions made by Public Authorities VicRoads and Melbourne Water and modify the amendment documentation for the Planning Scheme Amendment C235.
3. In accordance with Section 23 of the *Planning and Environment Act 1987*, refer all submissions for consideration to an independent planning panel to be appointed by the Minister for Planning.

Cd.

5 PURCHASE OF PART 795 PRINCES HIGHWAY

FILE REFERENCE INT1967338

RESPONSIBLE GENERAL MANAGER Tom McQualter

AUTHOR Fiona Shadforth

RECOMMENDATION

That Council purchase 987 square metres of land being part of the land at 795 Princes Highway Pakenham in accordance with the Cardinia Road Precinct Structure Plan (CRPSP) and Cardinia Road Development Contribution Plan (CRDCP) for an amount of \$301,271.88 to facilitate road widening and intersection upgrade works.

Attachments

1 Proposed plan of subdivision 3 Pages

EXECUTIVE SUMMARY

Officers have been negotiating with the land owners (Owners) of 795 Princes Highway Pakenham for the purchase of 987 square metres of their land (Land) in accordance with the requirement of the CRPSP and CRDCP. These negotiations have concluded and the owner has accepted the offer, Council is requested to endorse purchase of the land.

BACKGROUND

The land is located within the CRPSP at the intersection of Princes Highway and Thewlis Road and is required to facilitate road widening and intersection upgrade as designated in the CRPSP and funding is allowed for the land purchase in the CRDCP.

The intersection has been identified as one of eight within the Shire along Princes Highway to receive State Government funding for intersection infrastructure. It is essential that Council successfully acquire the land parcels required for the intersection upgrades to ensure receipt of the funding at the appropriate time and not cause any delay to the progress of the project.

POLICY IMPLICATIONS

The CRPSP and CRDCP have established land items to be purchased to allow for development within the Precinct. There are no other relevant policies associated with the purchase of the land.

RELEVANCE TO COUNCIL PLAN

The following key vision statement articulated by “Our Vision” in the Cardinia Shire Council Plan 2017 underpins the purchase of this land

‘Cardinia Shire will be developed in a planned manner to enable present and future generations to live, healthy and productive lives and to enjoy the richness of the diverse and distinctive characteristics of the shire.’

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

Council Officers have been communicating with the Owner and the Owner's Property Development Representative.

FINANCIAL AND RESOURCE IMPLICATIONS

Council offered the Owner the amount of \$301,271.88 for 987 square metres of land which is in accordance with the CRDCP 2018 land rate, valued at \$305.24 per square metre allowed in the CRDCP for this particular land item. This offer was made in December 2018 under the instruction of Mr Andrew Paxton. A Contract of Sale is presently being prepared in accordance with this offer which was accepted by the Owner.

CONCLUSION

In accordance with the CRPSP and CRDCP Council is requested to resolve to proceed with the purchase of the land required for the amount of \$301,271.88.

5 PURCHASE OF PART 795 PRINCES HIGHWAY

Moved Cr C Ryan Seconded Cr R Brown

That Council purchase 987 square metres of land being part of the land at 795 Princes Highway Pakenham in accordance with the Cardinia Road Precinct Structure Plan (CRPSP) and Cardinia Road Development Contribution Plan (CRDCP) for an amount of \$301,271.88 to facilitate road widening and intersection upgrade works.

Cd.

6 MY PLACE YOUTH FACILITY EXPANSION AND RELOCATION PROJECT- SITE OPTIONS

FILE REFERENCE INT1968421

RESPONSIBLE GENERAL MANAGER Tracey Parker

AUTHOR Emma Firth

RECOMMENDATION

It is recommended that Council approve the My Place Youth Facility to be built at 41 James Street Pakenham in order to meet the needs of young people, increase specialist support services locally and meet the timelines required under the Growth Suburbs Fund.

Attachments

1 41 James Street, Pakenham Site Plan 1 Page

EXECUTIVE SUMMARY

Council's advocacy to the Federal Government to support the expansion and relocation of My Place Youth Facility was successful with the government contributing \$1.5M through the Department of Health- Community Health And Hospitals program. Council have committed \$1.5m towards the project. It is estimated that the project will cost an approximate total of \$5.5M to deliver (this total includes the completion of entire car park surface).

Council officers undertook a review of Council land both in Officer and Pakenham to determine a suitable site. A number of sites were identified and were assessed by Council Officers. There was mutual agreement that 41 James Street, Pakenham was the preferred site.

41 James Street is currently a gravel carpark that accommodates overflow parking from the Pakenham commercial area and consists of 3 existing titles. It is proposed that the southernmost title, with an area of approximately 1,000 square metres, be used for the development of the My Place youth facility. Recent observations suggest that the existing car park has an occupation rate of less than 60% occupied on any given day. The recommended proposal is consistent with the objectives of the Pakenham Parking Strategy, draft Pakenham Activity Centre Structure Plan and draft Pakenham Activity Centre Urban Design Framework. These strategies identify this site for future deck parking opportunities, above ground floor development. It is intended that the ground floor built form be constructed to accommodate future deck parking. The proposal would also include formalising the balance of the existing car park area to minimise the loss of parking in the short term.

BACKGROUND

Cardinia Shire Council's 'My Place' youth facility was opened in 2012 in Pakenham. Since that time it has demonstrated that through the co-location of multi-agency/disciplinary services that an integrated and holistic approach to meeting the needs of young people can be achieved.

My Place has the following services based at or outreaching from the facility to support the needs of young people and families;

- Oakwood School
- Headspace (counselling service)

- South East Centre Against Sexual Assault
- Youth Support and Advocacy Service (drug and alcohol service)
- WAYSS (housing service)
- Centrelink Community Engagement Officer
- Monash Health Youth and Family Counsellor
- TaskForce Community Agency
- SkillsPlus
- Afri Aus Care
- South East Migrant Resource Centre

My Place Youth Facility program and counselling rooms have been at capacity for over 12 months limiting the ability of Council Youth Services to attract additional youth services/programs.

In order to maintain the existing services as well as attract new services locally for young people SLT approved an interim strategy which involved the renovation of The Church and The Chapel. 'The Point' was launched in April 2019 and provides space for youth counselling services and programs to operate.

Council advocated during the 2018 State Election and 2019 Federal Government election for the My Place Expansion and Relocation Project (construction of a 900m2 youth facility). Jason Wood announced in March 2019 that the Federal Government would invest \$1.5M towards the expansion project. Council received funding under the Department of Health - Community Health and Hospitals Program. In addition Council has committed \$1.5M in the budget towards the project leaving a shortfall of approximately \$2.5M (Council will submit an application to the Growing Suburbs fund by 30 September to offset shortfall of funding)

Council Officers undertook a thorough assessment of suitable sites on Council owned land in for a youth facility. The top three options with pros and cons are listed below;

Option 1 - 41 James Street, Pakenham	
Pros for the subject site	Cons against the subject site
Council owned land Meets the selection criteria for a new youth facility which was developed in consultation with young people and services based at My Place Close to public transport Close proximity to public transport Close proximity to skatepark/shopping precinct - areas of interest for young people. Visible from Pakenham Market Place Adequate public surveillance, pedestrian movement and lighting Close proximity to other support services (Uniting, Anglicare, and Job active providers, Centrelink, SECADA Drug and Alcohol Service etc.) Ability for young people to access the venue using different routes	Loss of some at grade car parking Site not as visible as existing Main St site

<p>Ability to keep existing facility at 5-7 Main St Pakenham and lease for community use (annual income to Council estimated to be \$60K) Ability to have recreational/activity space on third level of building as well as outdoor court yard (decreased risk of space being accessed after hours)</p> <p>Ability to increase the number of car parks on site (multi-level car parking and sealing of the gravel car park) for use by patrons of the Pakenham Shopping Precinct.</p> <p>Consistent with the objectives of the Pakenham Parking Strategy, draft Pakenham Activity Centre Structure Plan and draft Pakenham Activity Centre Urban Design Framework</p>	
<p>OPTION 2 - Titan Lodge Walk Pakenham</p>	
<p>Pros for the subject site</p>	<p>Cons against the subject site</p>
<p>Council owned land that has been difficult to sell</p> <p>Size and shape of the land</p> <p>Walking distance to town centre</p> <p>Walking distance from public transport</p> <p>Ability to keep existing site and lease for community use (annual income to Council estimated to be \$60K)</p>	<p>Located next door to Kindergarten</p> <p>Surrounded by residential housing</p> <p>Dead-end street with poor lighting</p> <p>Risk of car parking on site being used for overflow from Pakenham station</p> <p>No foot traffic</p> <p>No neighbouring businesses/recreation spaces that draw young people to the area</p> <p>Building faces train line. Concerns- noise and proximity to train line and possible risk to youth accessing the facility.</p> <p>Although the venue will be accessed by young people catching public transport (trains and buses) there are a large percentage of young people who report not feeling safe around the Pakenham train station/PB Ronald Reserve precinct (evidenced through the 2016 and 2018 youth survey and consultation with current service users)</p>
<p>Option 3 - Redevelopment of 5-7 Main St Pakenham</p>	
<p>Pros for the subject site</p>	<p>Cons against the subject site</p>
<p>Council owned land</p> <p>Visible location</p> <p>Walking distance from public transport</p> <p>Existing facility known to Youth</p>	<p>The size of the land too small</p> <p>Based on the surrounding built form and to provide required car parking a 2 storey development with underground parking would be required</p> <p>Lack of car parking (would need to build 3 storeys)</p>

	<p>Costs involved to relocate the existing services (removalist, IT infrastructure)</p> <p>Disruption to services (risk of losing existing tenants/specialist services and income generated)</p> <p>Lack of available sites/buildings to relocate services</p> <p>Cost to demolish existing building and build three storey building on the site</p> <p>Lack of outdoor recreation space</p>
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POLICY IMPLICATIONS

Project assists the implementation of actions within the Council's Child, Youth and Family Strategy and Council's Liveability Plan Policy (Education and Employment as well as Health and Social Services domains).

RELEVANCE TO COUNCIL PLAN

Supports Council Plan action:

1.1.2 Routinely review overall community needs for services and either deliver or advocate for others

to provide services to meet those needs.

1.2.2 Advocate for increased locally based health services to support our young people.

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

1.4.4 Support children, young people, families, older adults and people of all abilities by providing a range of accessible services and facilities.

CONSULTATION/COMMUNICATION

Consultation regarding the key criteria for a suitable site has taken place with;

- Young People
- Councils Youth Services Team
- Youth Service providers currently based at My Place

Internal consultation has taken place with councils, Active Reserves, Planning and Engineering departments to assess the suitability of the site

Consultation took place with Growth Suburbs Fund Officers on 30 July 2019. Confirmation provided that My Place Youth Facility project meets the GSF funding criteria.

FINANCIAL AND RESOURCE IMPLICATIONS

Council contribution \$1.5M

Federal Government contribution \$1.5M

Growth Suburbs Fund \$2.5M – Application due 30 September 2019

CONCLUSION

It is recommended that Council approve the use of 1000sqm at 41 James Street, Pakenham for the purpose of building a facility which will provide services and programs for young people aged 12-24 years. Based on information contained in this report this site provides the best location for a larger youth facility. It is recommended that Council approve an application to be submitted by Youth Services to the Growth Suburbs Fund for \$2.5M towards the new My Place Youth Facility to be constructed at 41 James St Pakenham.

**6 MY PLACE YOUTH FACILITY EXPANSION AND RELOCATION PROJECT-
SITE OPTIONS**

Moved Cr M Schilling Seconded Cr J Springfield

That Council approve the My Place Youth Facility to be built at 41 James Street Pakenham in order to meet the needs of young people, increase specialist support services locally and meet the timelines required under the Growing Suburbs Fund.

Cd.

7 DRAFT CARDINIA RAILWAY TOWNS - ECONOMIC, SOCIAL & LAND USE ASSESSMENT (BACKGROUND REPORT)

FILE REFERENCE INT1968518

RESPONSIBLE GENERAL MANAGER Tracey Parker

AUTHOR Lorna Lablache

RECOMMENDATION

- That Council:

Support that further work is required as outlined in this report in order to provide Council with information and evidence to:

- satisfy the actions outlined in the 2017-21 Council Plan
- develop clear policy direction
- provide a framework to guide any future township strategy for Nar Nar Goon and Tynong or review the existing strategies of Garfield and Bunyip
- articulate principles that are based on sound evidence and community input that can be used as an advocate tool where Council does not have the authority to make decisions.

Advise all submitters be of Council's resolution and Council's webpage be updated to reflect the next steps of this project.

Attachments

1 The Draft Cardinia Railway Towns - Economic, Social and Land Use Assessment - Nar Nar Goon, Tynong, Garfield and Bunyip	81 Pages
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EXECUTIVE SUMMARY

Council engaged Tract Consultants to undertake an economic, social and land use assessment of Cardinia Shire's four railway towns (Nar Nar Goon, Tynong, Garfield and Bunyip). A draft document was prepared and is titled *The Cardinia Railway Towns - Economic, Social and Land Use Assessment, Nar Nar Goon, Tynong, Garfield and Bunyip*.

The document is a background report and identifies the following:

- an assessment of the role and function of each of the towns
- the relationship between the towns and what role they play in supporting one another
- implications of the development of Pakenham and Pakenham East on the towns
- provides recommendations to guide the future development of these towns.

The need for the report was identified in the 2017-21 Council Plan. Specifically the action states:

- Actions 2017-18 - Commence an economic review of the townships to guide future planning. Support Nar Nar Goon progress association in developing their township strategy.
- Actions 2018-19 - Complete economic review of townships and commence land use planning strategies for priority locations.

The draft background report document was placed on exhibited from 8 May 2019 and feedback on the draft report was due 19 July 2019. A total of 36 submissions were received. Issues raised in the submissions have been grouped into the themes and outlined in this report.

There are several issues within the background report that need to be addressed or amended to ensure that the report:

- satisfies the actions outlined in the 2017-21 Council Plan
- provides a clear policy direction
- can be used to advocate where we do not have the authority to make decisions
- or set a framework to guide any future township strategy.

The additional work required is identified in this report.

Once the background report has been completed Council can then proceed with part 2 of the action detailed in the Council Action Plan, which is to commence land use planning strategies for priority locations which would be directed by the background report.

BACKGROUND

All of the townships located outside the growth corridor are located within the green wedge.

Unlike Garfield and Bunyip, Nar Nar Goon and Tynong do not have a township strategy to guide the growth and development of these towns, nor do they have an urban growth boundary (UGB). Any amendment to the Cardinia Planning scheme that seeks **to insert or amend** an urban growth boundary requires ratification by the Victorian Parliament under Section 46AF of *the Planning and Environment Act*.

Following extensive consultation with the Nar Nar Goon community, Council wrote to the Minister for Planning in April 2015 seeking support for the preparation of a township strategy for Nar Nar Goon which provided for the growth of the town. A response was received from the Minister in July 2015 that was unclear in relation to the Minister's position.

A further letter of clarification was received in November 2015 stated:

The Victorian Government is committed to protecting Melbourne's green wedges and maintaining the Urban Growth Boundary. As such, proposals to expand the Nar Nar Goon Township beyond the existing township footprint are unlikely to be supported by government.

I wish you all the best with your ongoing work to develop a township strategy for Nar Nar Goon and finalise the Westernport Green Wedge Management Plan.

A report was presented to Council Briefing 4 April 2016 advising of the Minister for Planning's advice. Council requested that officers present to the Nar Nar Goon Township Committee regarding the residential development options for the town. The Nar Nar Goon Progress Association Meeting was held on the 19 April 2016 and was attended by Council's General Manager Planning and Development.

On the 16 May 2016 Notice of Motion 1027 resolved:

That Council support the Nar Nar Goon Progress Association to prepare a concept plan demonstrating the communities preferred option for the growth and development of the town, and that Council assist the Progress Association to prepare the concept plan.

A draft plan for Nar Nar Goon has been developed by MESH Urban Planning on behalf of Parklea Developments. It is important to note that the draft plan is not a Council led document nor has the draft report been officially submitted to Council for its consideration. It is our understanding that the Nar Nar Goon Progress Association and Parklea aimed to utilise this plan to advocate for an expansion of the town during the last State Election.

Other key milestones for the railway towns are as follows:

2017-21 Council Plan Actions

- Actions 2017–18 - Commence an economic review of the townships to guide future planning. Support Nar Nar Goon progress association in developing their township strategy.
- Actions 2018–19 - Complete economic review of townships and commence land use planning strategies for priority locations.

Current Council Plan Action

- Our Community - 2.1.5 Work with local communities to review and implement township strategies that contribute to meeting the needs of those communities.
- Proposed Actions 2019-20 through to 2022-23 - Incorporate planning strategies and controls into the planning scheme from studies.

Cardinia Planning Scheme Review

At its meeting on the 10 December 2018, Council endorsed the Cardinia Planning Scheme Review submission. Action 46 of the Cardinia Planning Scheme Review submission, identifies:

- Under further strategic work in Clause 21.03-4 Rural townships, include an action to: “investigate the sustainable development of towns within the green wedge, with a priority to investigate Nar Nar Goon, Tynong, Garfield and Bunyip”.

Economic review of the townships to guide future planning

As outlined in the Council Plan Actions above, in June 2017 Council appointed Tract consultants to commence work on the Cardinia Shire Railway Towns - Economic, Social and Land Use Assessment Project.

The Cardinia Railway Towns - Economic, Social and Land Use Assessment, Nar Nar Goon, Tynong, Garfield and Bunyip was submitted to Council 31 October 2018. A copy of the report is provided as Attachment A.

The draft Cardinia Railway Towns - Economic, Social and Land Use Assessment, Nar Nar Goon, Tynong, Garfield and Bunyip is a background report (for discussion purposes). The report is not a township strategy or a ‘plan’ for the towns.

Overview – what is in the report?

In summary, the report provides:

- an analysis of historical planning policy which has guided growth within the towns - continues to influence the decision making process
- a snapshot of each town - population & demographics, land use controls, community services and facilities
- an analysis of servicing limitations & potential economic opportunities
- an implementation plan - provided to guide Council’s next steps to achieve a sustainable level of growth

The report also identifies 6 principles for the rail towns.

- Principle 1: Separate and distinct towns
- Principle 2: Retaining the rural character
- Principle 3: Strong green wedge buffers
- Principle 4: Connectivity and unity
- Principle 5: Timely provision of services & infrastructure
- Principle 6: Planning for growth and size of towns

An Implementation Strategy within the report identifies important ‘next steps’ which have come about from this assessment (which have also been identified in the assessment in this council

report). A key message in the report is that sustainably managing the growth of each town will help to retain the rural character of the railway townships.

Consultation

The draft background report document was placed on exhibited from 8 May and feedback on the draft report was due 19 July 2019. The draft background report document was exhibited for over two months and forms of consultation included:

- Presentation to the Nar Nar Goon Progress Association on the 30 April 2019 and the Tynong Progress Association on 22 May 2019
- An article for the Garfield and Bunyip Newsletters
- Notification to community groups, Section 86 Committees and authorities
- Internal presentation & feedback
- ‘Have your say’ web page.

At the request of the Tynong Progress Association, officers presented to both the Nar Nar Goon and Tynong Progress Association on Tuesday 13 August. The presentation provided a quick overview of the Background Report, a summary of the submissions received (how many submissions were received and what was the general theme of submissions). Officers advised that it was not possible to provide a ‘Council position’ on the submissions or the next steps as these matters were scheduled to be considered by Council on the 16 September 2019.

Submissions

A total of 36 submissions were received, and was made up of the following:

- 5 Government Department/Agencies ((Department of Transport, V/Line, South East Water, EPA, Baw Baw Shire)
- 5 NNG residents
- 15 Tynong residents
- 3 Garfield residents
- 1 Bunyip resident
- 7 outside area/unsure (as only an email address was provided)

Table 1 - Issues raised in the submissions - grouped into the following themes

Theme	Issues raised
Township Strategy and UGB	<ul style="list-style-type: none"> • Support for a township strategy for both NNG and Tynong and the introduction of a UGB <ul style="list-style-type: none"> – Identifying a vision for each town was identified as being important in the majority of submissions • Majority support rezoning of green wedge land <ul style="list-style-type: none"> – suggestions varied as to what direction the towns should or shouldn’t extend towards – suggestions varied as to what the rezoned land should ‘look like’ and what uses should be permitted within the area • Support varied for the extent of expansion within the towns <ul style="list-style-type: none"> – Some queried whether a rural character currently exists within the towns – 5,000 people was considered by some to be too much (would change character of the townships) – Some felt that 5,000 people was not enough (a suggestion was made to allow each town to have up to 20,000 people)
Housing	<ul style="list-style-type: none"> • Some identified that if additional development was permitted it

	<p>should be in the form of large lots to retain the character of the towns (rail towns should not look like the new suburbs)</p> <ul style="list-style-type: none"> • Others supported a diversity of lot sizes (such as smaller lots within proximity of the railway station transitioning to large lots closer to the edge of town) • Additional lots would: <ul style="list-style-type: none"> – allow more families to live close to the school (in Tynong) – allow elderly residents to stay in the area when they can no longer look after their large properties
<p>More information required / seeking further clarification from Council</p>	<ul style="list-style-type: none"> • Questions and concerns were raised in the majority of submissions with regard to drainage issues (south) and the sewer upgrade <ul style="list-style-type: none"> – this was considered to be an issue with or without further development of the towns • More attention needs to be given to identify and acknowledge the environmental opportunities and constraints (such as the southern brown bandicoot) • More direction is sought with regards to traffic related issues, such as: <ul style="list-style-type: none"> – Safety/speed is a concern for Longwarry Road – Freeway entrance/exit for Tynong – Condition of existing roads and traffic volume on certain roads that provide access to key sites – How would the existing road network cope with additional traffic
<p>Further justification / query rationale of the position in the report</p>	<ul style="list-style-type: none"> • The rationale and logic of the 1 and 2 km buffer was questioned (The report suggests that a one kilometre green wedge buffer distance from Princes Highway (and NNG) be retained and that an approximate two kilometre green wedge buffer be retained between NNG and Tynong) <ul style="list-style-type: none"> – an alternative such as a Visual Impact Assessment was suggested – the 'buffer' impacts on the footprint of the town and sends development south where the drainage issues exist • The logic of the 10 minute walking distance concept for the rural towns was queried, with concern raised on the town footprint if this was mandated. • The population forecasts used for the rural towns was queried (need to be more specific to this alternative rural lifestyle, unlikely to be the same trends as suburban development). • Some submissions raised inaccuracies in the report with regard to services and particular elements in the area.
<p>Green wedge</p>	<ul style="list-style-type: none"> • What uses should be within the green wedge and what should the green wedge look like (The report suggests that each town should be clearly separate from the next strong green wedge corridors between each town) <ul style="list-style-type: none"> – Rural residential with a range of lots sizes was considered to be an appropriate land use for the green wedge by some • Quality of soil / agricultural capability of green wedge land queried and felt it should have been addressed in this report • Council should provide direction on what uses Council would support in the green wedge (The report states that Council should build upon the actions (Cardinia Western Port Green Wedge Management Plan (2017)) in specifying what economically viable

	recreational uses would be supported in the green wedge land between each town)
Support actions in the report	<ul style="list-style-type: none"> • A walking/cycle track connection between towns (The report identifies that the CSC Pedestrian and Bicycle Strategy recommends the inclusion of a cycling track which runs parallel to the railway line between Pakenham to Bunyip) • Each town should be clearly separate from the next – strong green wedge corridors between each town. • Maintain individual town identities.
Tynong specific	<ul style="list-style-type: none"> • Relationship with Pakenham Racecourse important <ul style="list-style-type: none"> – Residential development could be used to consolidate the racecourse with Tynong • Relocation of Tynong Station (The report suggests investigation to relocate Tynong Railway Station closer to Tynong Road intersection) <ul style="list-style-type: none"> – Both support and no support for this suggestion • Old quarry site is a possible tourist attraction
Nar Nar Goon specific	<ul style="list-style-type: none"> • Nar Nar Goon should absorb the most growth <ul style="list-style-type: none"> – Prime for development due to extensive freeway traffic management infrastructure (compared to Tynong) – Closest proximity to Pakenham/Melbourne
Government Departments / Agencies	<ul style="list-style-type: none"> • No objection – acknowledgement that it is not a ‘strategy’ or a ‘plan’ just a background report at this point in time • Outlined issues to be considered if a strategy/plan was to be prepared • Would like to comment/have input as more information becomes available

Feedback has also been provided across the organisation and several issues have been raised with regards to ensuring the background report is more closely aligned with the direction of departments across Council. Some of the issues raised include:

- A drainage study for Bunyip, Garfield and Tynong has not been identified or budgeted for in the work program (not in the next 10 years).
- Further consideration needs to be given to environmental elements such as biodiversity, native vegetation, the future Environmental Significant Overlay for the southern brown bandicoot.
- Bushfire risk assessment and the extent of any vegetation removal that would be required to satisfy Clause 13.02.
- Not all facilities and services have been identified in the report.

Where to from here?

As stated earlier in this report, the relevant 2017-21 Council Plan action that can be broken up into two parts:

1. Complete an economic review of townships and
2. Commence land use planning strategies for priority locations.

Additional work is required to (1) ‘complete the economic review’, before work can commence on (2) land use planning strategies for priority locations.

Additional work required - based on initial assessment and in response to submissions received

There are several issues within the background report that need to be addressed or amended to ensure that the report:

- satisfies the actions outlined in the 2017-21 Council Plan
- provides a clear policy direction
- can be used to advocate where we do not have the authority to make decisions
- or set a framework to guide any future township strategy.

Table 2 provides a snapshot of the issues. The additional work is identified in Appendix A.

Table 2 - Issues that requires further review and why the issue is important

Issue	Why is this important?
1. Nar Nar Goon and Tynong are the priority	<ul style="list-style-type: none"> • Garfield & Bunyip are located within the UGB (satellite areas) and both towns have a township strategy (Bunyip Township Strategy (2009) and Garfield Township Strategy (2002)). • Nar Nar Goon and Tynong, do not have a UGB or a township strategy.
2. Understand of key infrastructure and services – current capacity and impact future expansion occur	<ul style="list-style-type: none"> • Understanding the provision of key infrastructure/services (drainage, sewer and water) is crucial in moving forward with the background report. • Elements that need to be considered, understood and clearly documented in the report include: <ul style="list-style-type: none"> – the capacity and priority of an agency to deliver the infrastructure – the cost of the delivery of new or upgraded infrastructure and who pays. • Just stating that an investigation or review is required does not put Council in a position to make an informed decision on key elements such as the principles or make a decision as to whether an expansion could be accommodated within the towns within a specified timeframe.
3. Principles – clear direction based on evidence	<ul style="list-style-type: none"> • The principles need to be clearly documented and based on evidence to ensure they: <ul style="list-style-type: none"> – provide Council with a set of key ‘positions’ that form the framework of what Council does or doesn’t want to see for the rail towns and the green wedge. – identify key elements that are important to Council that can be used to advocate to the State Government if the railway towns are in a position to seek expansion outside their current footprint. – assist Council in assessing future proposals, such as the NNG Mesh Report should an official Council position be sought in the future.
4. Current footprint of Nar Nar Goon and Tynong – additional work required	<ul style="list-style-type: none"> • The background report should not only provide Council with the necessary analysis to pursue updated policies for the towns with regards to land use and development, but it should also provide a clear understanding of what is the capacity of Nar Nar Goon and Tynong today. • The implementation strategy within the background report identified "Prepare a detailed residential zone review for all four towns to determine opportunities for rezoning" as a high priority.
5. Requirement of a principle identifying	<ul style="list-style-type: none"> • It is important to ensure that if a principle is included in the background report that supports expansion of the rail towns, the

change - the extent and preferred location	<p>principle should provide direction about the extent and preferred location of the expansion as well as the impact of that growth.</p> <ul style="list-style-type: none"> • This information should be clearly documented to help inform any future township strategy.
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Once the additional work has been completed Council can then proceed with part 2 of the council action, that is, to commence land use planning strategies for priority locations.

POLICY IMPLICATIONS

Clause 22.05 Cardinia Planning Scheme Western Port Green Wedge Policy

This policy builds on the vision, objectives, strategies and actions of the Cardinia Western Port Green Wedge Management Plan (May 2017) and guides decision making by implementing the findings of the management plan which details a strategic approach to the management and protection of the Cardinia Western Port Green Wedge.

Clause 22.05-4 states that applications must demonstrate how the proposal responds to the precinct vision and future directions / preferred land uses as detailed in Table 1 of this policy. Table 1: Vision and future directions / preferred land uses by precinct includes Precinct 3: Railway. Clause 22.05-6 identifies the Cardinia Western Port Green Wedge Management Plan (May 2017) as a reference document.

The Cardinia Planning Scheme has clear policy to protect both the green wedge and the rail towns.

It is important to note that a background report does not have the same 'weight' or 'status' as the Planning Scheme. The background report's purpose is to review details and findings and provide a comprehensive assessment of the issues and opportunities within the rail towns that can inform future policy.

In this case, the background report is to provide a clear policy direction that will set the framework for the future township strategy of Nar Nar Goon and Tynong and what elements may to be considered in any future review of the Garfield and Bunyip strategies.

RELEVANCE TO COUNCIL PLAN

As mentioned earlier in this report, the relevance to the Council Plan is as follows:

2017-21 Council Plan Actions

- Actions 2017-18 - Commence an economic review of the townships to guide future planning. Support Nar Nar Goon progress association in developing their township strategy.
- Actions 2018-19 - Complete economic review of townships and commence land use planning strategies for priority locations.

Current Council Plan Action

- 2 Our Community - 2.1.5 Work with local communities to review and implement township strategies that contribute to meeting the needs of those communities.
- Proposed Actions 2019-20 through to 2022-23 - Incorporate planning strategies and controls into the planning scheme from studies.

CONSULTATION/COMMUNICATION

Feedback was sought from the railway communities on the information presented in the draft background report as the first stage of consultation. A commitment has been given that further community consultation will be undertaken throughout the project.

FINANCIAL AND RESOURCE IMPLICATIONS

Staff and financial resources from the Policy, Design & Growth Area Planning Business Unit will be required to take the draft report to a final report.

Future actions arising from the background report, in particular proceeding with the townships strategies for Nar Nar Goon and Tynong may also impact on future budget allocations and internal work plans.

CONCLUSION

Tract consultants were engaged to undertake an economic, social and land use assessment of Cardinia Shire's four railway towns (Nar Nar Goon, Tynong, Garfield and Bunyip). The report identifies the role and function of each of the towns, the relationship between them and what role they play in supporting one another, implications of the development of Pakenham and Pakenham East on the towns and provides recommendations to guide the future development of these towns.

Feedback has been provided from the community, government departments/agencies and across council's business units which identified several issues where additional information and clarity was sought around the information in the Background report.

It recommended that council

- That Council support that further work is required as outlined in this report in order to provide Council with information and evidence to:
 - satisfy the actions outlined in the 2017-21 Council Plan
 - develop clear policy direction
 - provide a framework to guide any future township strategy for Nar Nar Goon and Tynong or review the existing strategies of Garfield and Bunyip
 - articulate principles that are based on sound evidence and community input that can be used as an advocate tool where Council does not have the authority to make decisions.
- That Council all submitters be advised of Council's resolution and Council's webpage be updated to reflect the next steps of this project.

7 DRAFT CARDINIA RAILWAY TOWNS - ECONOMIC, SOCIAL & LAND USE ASSESSMENT (BACKGROUND REPORT)

Moved Cr C Ryan Seconded Cr R Brown

That Council:

Support that further work is required as outlined in this report in order to provide Council with information and evidence to:

- satisfy the actions outlined in the 2017-21 Council Plan
- develop clear policy direction
- provide a framework to guide any future township strategy for Nar Nar Goon and Tynong or review the existing strategies of Garfield and Bunyip
- articulate principles that are based on sound evidence and community input that can be used as an advocate tool where Council does not have the authority to make decisions.

Advise all submitters be of Council's resolution and Council's webpage be updated to reflect the next steps of this project.

Cd.

8 DISSOLUTION OF COCKATOO COMMUNITY HALL COMMITTEE

FILE REFERENCE INT1967113

RESPONSIBLE GENERAL MANAGER Tracey Parker

AUTHOR Doug Evans; Kym Ockerby

RECOMMENDATION

That the Cockatoo Community Hall Committee, appointed under the provisions of Section 86 of the Local Government Act by Council resolution dated 19 May 2008, be dissolved.

Attachments

Nil.

EXECUTIVE SUMMARY

The Cockatoo Community Hall Committee has not been functioning effectively for several years and has not been complying with the Deed of Delegation about holding meetings and providing financial statements and other information to the Council. As such it is proposed that the Committee be dissolved.

BACKGROUND

The Cockatoo Community Hall Committee has the duty to 'provide a public community centre for the hire of individuals and organisations which will be of benefit and use for present and future residents of Cardinia Shire'. Concerns have been raised over recent years that the Committee was not operating effectively and not in accordance with the Instrument of Delegation.

This matter was recently raised as part of an Audit into compliance with the Local Government Act provisions. The Cockatoo Community Complex Committee was found to not be operating effectively and not complying with the provisions of the Act in regard to providing minutes of its meetings which was raised as a risk to the Council. This Audit report was the catalyst for the convening of a meeting with representatives of the Committee and Council. The Committee has been requested to

The Committee has been requested to provide all relevant documents to Council in regards to the Community Complex, including Committee details, meeting minutes, financial details and bank statements and advised that if these documents cannot be provided that it is likely that the Committee will be formally dissolved.

POLICY IMPLICATIONS

Nil

RELEVANCE TO COUNCIL PLAN

Nil.

CONSULTATION/COMMUNICATION

A meeting was recently held with representatives of the Cockatoo Community Complex Committee and Cr Leticia Wilmot and Tim Cooper of the Council to advise of the concerns in regard to the

operation of the Committee. If it is resolved to dissolve the Committee Council will initially assume the responsibility for managing the use and bookings of the hall until a more permanent management model is adopted. Potential organisations that could undertake this role will be identified in consultation with the Cockatoo community.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

CONCLUSION

As the Cockatoo Community Complex Committee has not been able to function effectively in accordance with the Instrument of Delegation, it is proposed to dissolve the committee.

8 DISSOLUTION OF COCKATOO COMMUNITY HALL COMMITTEE

Moved Cr L Wilmot Seconded Cr J Springfield

That the Cockatoo Community Hall Committee, appointed under the provisions of Section 86 of the Local Government Act by Council resolution dated 19 May 2008, be dissolved.

Cd.

9 GROWING SUBURBS FUND 2019 APPLICATIONS

FILE REFERENCE INT1966771

RESPONSIBLE GENERAL MANAGER Tracey Parker

AUTHOR Kristen Jackson

RECOMMENDATION

That the following Growing Suburb Fund 2019 applications in priority order from highest to lowest be endorsed:

- My Place
- Integrated child and family centre at Timbertop/Rix Road
- Pakenham Main Street upgrade
- Beaconsfield Memorial Park
- Koo Wee Rup Community and Bowls Facility
- Officer District Park

Attachments

Nil.

EXECUTIVE SUMMARY

The State Government has announced \$50M for the Growing Suburbs Fund (GSF) for 2019 and applications for funding will open mid-August and close end September 2019. Council officers have workshopped and met with GSF staff and prepared a draft list of projects for Cardinia Shire Council to apply for funding for.

The list of projects in priority order from highest to lowest with the amounts of GSF funding to be applied for is:

- My Place - \$2.5M
- Integrated child and family centre Timbertop/Rix Road - \$1.5M
- Pakenham Main Street upgrade - \$1M
- Beaconsfield Memorial Park - \$300k
- Koo Wee Rup Community and Bowls Facility - \$1.25M
- Officer District Park - \$2M

BACKGROUND

The State Government has announced \$50M for the Growing Suburbs Fund for 2019 and applications for funding will open mid-August and close end September 2019.

Cardinia Shire Council has received the following funding through the first four years of the GSF Program:

GSF Round 1 – 2015/16

Heatherbrae Reserve pavilion - \$2M

IYU Soccer facility development and playgrounds \$3.2M

GSF Round 2 – 2016/17

Growth Corridor District Playgrounds - \$700k

Deep Creek Reserve - \$2.8M

Eastern Ranges Trail - \$545k

GSF Round 3 – 2017/18

CCC Redevelopment - \$3M

Hills Hub - \$1.5M

James Bathe Community and Sports Pavilion - \$500k

GSF Round 4 – 2018/19

Comely Banks Community and Sports Pavilion - \$3.5M

Gembrook Leisure Park - \$500k

This represents a total of \$18.245M of funding over four years.

The following is an overview of the GSF 2019 Program:

- \$50M available for 2019
- A Council resolution is required with the applications in priority order
- Emphasis on projects ready to proceed
- Past performance of councils in delivering projects is considered
- Accelerate the delivery of critical community infrastructure and complement other funding sources
- No limit to the number of projects that can be submitted by each Council
- Generally \$1 for \$1 funding and funding from other sources e.g. federal government or VSBA can be included.

Submissions sought for projects that have a direct benefit to communities:

- community health and well-being;
- early education, learning and training;
- sport, recreation and leisure facilities (multi-use);
- environmental and climate change resilience; and
- placemaking, civic amenity and community connecting

The timelines for the 2019 GSF Program are:

- GSF officers meeting with us on 30 July.
- 2019-20 funding round opens late August and closes late September.
- Need Council resolution from September Council meeting
- Successful projects announced November and funding agreements signed in December 2019;
- Projects need to commence 18 months from announcement i.e. June 2021.
- Projects have to be completed 3 years from commencement.

The following is the draft project list for 2019 GSF applications for Cardinia Shire Council in priority order from highest to lowest.

- My Place - \$2.5M
- Integrated child and family centre Timbertop/Rix Road - \$1.5M
- Pakenham Main Street upgrade - \$1M
- Beaconsfield Memorial Park - \$300k
- Koo Wee Rup Community and Bowls Facility - \$1.25M
- Officer District Park - \$2M

POLICY IMPLICATIONS

The draft GSF project list is consistent with the following Council policies/strategies:

- Pakenham Structure Plan
- Beaconsfield Structure Plan
- Officer District Park Masterplan

RELEVANCE TO COUNCIL PLAN

The draft GSF project list is consistent with Council Plan, in particular:

1 Our people

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

2 Our community

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

CONSULTATION/COMMUNICATION

Significant internal consultation has been undertaken to develop the draft project list.

The draft list was also workshopped with GSF staff and refined after their input.

FINANCIAL AND RESOURCE IMPLICATIONS

Council officers are proposing to apply for \$9.05M of funding through the 2019 GSF program.

Council has traditionally received about \$4M per round through the first 3 rounds of the GSF program.

If the funding applications for the Pakenham Main Street, Beaconsfield Memorial Park, KWR Community and Bowls Facility and Officer District Park are successful, Council will need to bring forward its matching funding into the 2020/21 and 2021/22 Financial Years.

CONCLUSION

The State Government has announced \$50M for the Growing Suburbs Fund for 2019 and applications for funding will open mid-August and close end September 2019. Council officers have workshopped and met with GSF staff and prepared a draft list of projects for Cardinia Shire Council to apply for funding for.

The list of projects in priority order from highest to lowest with the amounts of funding to be applied for is:

- My Place - \$2.5M
- Integrated child and family centre Timbertop/Rix Road - \$1.5M
- Pakenham Main Street upgrade - \$1M
- Beaconsfield Memorial Park - \$300k
- Koo Wee Rup Community and Bowls Facility - \$1.25M
- Officer District Park - \$2M

Council is requested to endorse the list of projects in priority order.

9 GROWING SUBURBS FUND 2019 APPLICATIONS

Moved Cr C Ross Seconded Cr B Owen

That the following Growing Suburb Fund 2019 applications in priority order from highest to lowest be endorsed:

- My Place
- Integrated child and family centre at Timbertop/Rix Road
- Pakenham Main Street upgrade
- Beaconsfield Memorial Park
- Koo Wee Rup Community and Bowls Facility
- Officer District Park

Cd.

10 FINANCIAL REPORT AND PERFORMANCE STATEMENT

FILE REFERENCE INT1969557

RESPONSIBLE GENERAL MANAGER Tom McQualter

AUTHOR Scott Moore

RECOMMENDATION

That:

1. Pursuant to Section 132(2) of the Local Government Act 1989, Council gives its approval in principle to the financial statements and performance statement for the year ended 30 June 2019, subject to any changes recommended or agreed to by the auditor;
2. Pursuant to Section 132(5) of the Local Government Act 1989, Council authorises Councillors Ray Brown and Brett Owen to certify the financial statements and performance statement for the year ended 30 June 2019, in their final form after any changes recommended or agreed by the auditor have been made, in accordance with the Local Government (Planning and Reporting) Regulations 2014; and
3. Scott Moore, Chief Finance Officer, is appointed as the Principal Accounting Officer for the purposes of Section 132(5b) of the Local Government Act 1989.

Attachments

- | | | |
|---|-----------------------|----------|
| 1 | Financial Report | 51 Pages |
| 2 | Performance Statement | 15 Pages |

EXECUTIVE SUMMARY

To approve the Financial Statements and Performance Statement for the year ended 30 June 2019 and authorise Crs Ray Brown and Brett Owen as the Audit Committee representatives to sign the documents in their final form after any changes recommended or agreed to by the auditors have been made.

BACKGROUND

Council is required to prepare an Annual Report in respect to the financial year ended 30 June 2019. The *Local Government Act 1989* prescribes the information that must appear in the Annual Report, the process that the Council must undertake to prepare the report, the audit requirements and the process to be undertaken to adopt the report.

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

The documents were considered by the by the Audit Committee at its meeting on 30 August 2019.

The documents (as part of the Council's Annual Report) will be lodged with the Minister for Local Government by 30 September 2019 as required by Section 133(1) of the *Local Government Act 1989*.

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

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

It is proposed to consider the annual report at the Council Meeting to be held on 21 October 2019 and appropriate public notification will be given.

DISCUSSION

Annual financial report

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

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

Comprehensive Income Statement

Council achieved a Surplus for the year of \$97.98 million before Net asset revaluation increment, compared to a budget of \$4.94 million and last year's surplus of \$87.14 million.

The vast majority of this Surplus is non-cash income of \$66.27 million, which relates to the value of roads, drains, bridges, land and land under roads contributed by developers undertaking residential developments within the Urban Growth Corridor. These contributed assets were unbudgeted in this financial year. Also included are capital grants of \$12.24 million and capital contributions - monetary of \$16.06 million, which do not cover operating expenses but relate to capital expenditure for non-current assets summarised in the Statement of Capital Works. This is further detailed below.

The material factors that contributed to the 2018/19 surplus included:

- *Rates and charges* income was \$1.64 million above budget due to: an increase in the number of rateable properties increasing general and supplementary rates income \$0.69 million; higher than expected garbage charges \$0.31 million from an increase in new services; interest on rates and charges \$0.73 million; less lower green waste charge income \$0.08 million due to a lower number of services than budgeted.
- *Statutory fees and fines* income was \$0.80 million above budget mainly due to: traffic enforcement revenue \$0.11 million above budget due to increased enforcement; building lodgement fee and development plan fee income \$0.32 million above budget due to increased development; and actual landscape development fees \$0.23 million included in this category but budgeted in Other Income.
- *Operating grant income* was \$3.33 million higher than budget mainly due to: higher than budgeted grants received \$1.60 million, including Victorian Grants Commission general purpose and local roads operating grants, Maternal & Child Health, Supported Parent Groups & Playgroups and School Crossing Supervisor grants. Unbudgeted grant income of \$1.73 million was recognised, including for the bushfire recovery and the Safer Together program.

- *Capital grant income* was \$7.62 million higher than budget mainly due to \$8.98 million of unbudgeted grants, including for Comely Banks Recreation Reserve, Gembrook Leisure Playspace & Skatepark, My Place youth facility expansion and Bunyip Rover Road Blackspot project. Partly offsetting this is lower than budgeted grant income of \$1.36 million due to timing of the receipt of the Lang Lang sporting facilities grant.
- *Contributions (monetary) income* exceeded budget by \$15.45 million due to increased community infrastructure, developer and public open space levy income earned from higher than expected levels of development activity.
- *Contributions (non-monetary) income* of \$66.27 million related to the value of roads, drains, bridges, land and land under roads contributed by developers was unbudgeted.
- *Net gain* on roads and off street car park asset revaluation of \$1.33 million was unbudgeted.
- *Other income* was \$3.65 million above budget due to interest on investments \$2.09 million higher than budget and \$1.38 million of cost recovery income for expenditure incurred unbudgeted.
- *Employee costs* were \$1.67 million higher than budget largely due to the impact of new positions approved during the year \$0.94 million and the financial effect of other staffing changes \$0.45 million.
- *Materials and services* expenditure was \$5.62 million over budget due to: \$4.47 million of funded capital works expensed upon not meeting asset capitalisation criteria; unbudgeted bushfire recovery expenditure \$2.45 million. These have been partly offset by contract expenditure which is under budget (by \$1.54m), primarily in recycling processing.
- *Borrowing costs* were \$1.85 million under budget mainly due to budgeted loan borrowings not being drawn down.
- *Net loss on disposal of assets* \$1.24 million, including old roads, buildings, bridges and footpaths, resulting from capital works undertaken during the year.

Balance Sheet

Net assets at 30 June 2019 were \$804.91 million higher than budget (\$181.19 million higher than 2017/18), which maintains Council's strong financial position.

Total Cash, cash equivalents and other financial assets \$111.29 million exceeded budget by \$73.75 million (\$1.98 million higher than 2017/18), mainly due to a \$65.05 million better starting cash position at 1 July 2018 than forecast, together with higher than expected cash from operating activities during the year of \$41.71 million, less increased payments for property, infrastructure, plant and equipment of \$11.24 million (despite \$45.86 million capital carried over to 2019/20 - 2025/26) and less \$23.11 loan borrowings not drawn down.

Council's cash and term deposits are subject to external restrictions of \$58.21 million (Trust funds and deposits and Developer contribution levy) and \$75.33 million intended allocations (discretionary reserves, including capital carried forward, unspent grants and employee long service leave entitlement provisions, other reserves and s86 Committees).

External valuers, Westlink Consulting, performed a full annual revaluation of Council's land, excluding land under road, and buildings and experienced internal council valuers performed an annual desktop review (unit rates) of infrastructure assets (full revaluation is every 3yrs) at 30 June 2019. These included the review of the carrying value of individual asset classes measured at fair value to ensure each asset materially approximated its fair value. Where the carrying value materially differed from the fair value at balance date, the class of asset was revalued. This resulted in a net \$84.08 million non-current physical asset valuation increment for

2018/19, with \$82.75 million credited to the asset revaluation reserve and \$1.33 million recognised as income.

The land valuation resulted in land assets increasing by \$42.56 million, consistent with the average movement in market values of properties by suburb by observing sales prices in the municipality since the last valuation. Buildings increased by \$7.29 million due to changes in unit rates and construction date analysis.

Council assessed Road assets value movements by analysing the changes in unit costs to determine their overall depreciated replacement cost. This resulted in a revaluation increment of \$16.81 million.

The desktop assessment of Council's drainage assets based on depreciated replacement cost resulted in a valuation increment of \$10.13 million due to changes in unit rates based on average developer rates, bridges increased by \$3.71 million and recreational, leisure and community facilities increased by \$3.69 million.

Statement of Capital Works

Expenditure on capital works of \$60.01 million for the year was \$4.46 million above budget (\$19.50 million higher than 2017/18), mainly as a result of the unbudgeted acquisition of Gin Gin Bin Reserve \$4.0 million. It was predominantly funded internally by cash flows from operating activities. Asset renewal represented 15% of this expenditure, with upgrade 30% and new assets 55%.

Works already underway totalling \$45.86 million that are carried over to 2019/20 – 2025/26 for completion include: Deep Creek Reserve. Emerald Netball Pavilion/Courts, Cardinia Cultural Centre Exhibition Space, Bunyip Soccer Facility, Worrell Reserve Pavilion construction, Road resurfacing, Roads Sealing Program, Integrated Children's Facility Timbertop, Lang Lang Bypass, Hills Hub and Peet Street Special Charge Scheme construction.

Statement of Cash Flows

Council's cash and investments with original maturities of 90 days or less were \$49.29 million at 30 June 2019, compared to \$57.81 million in the prior year. This was due to the net impact of the following:

- Increased net cash from operating activities \$13.79 million mainly through higher inflows from all income sources except user fees, particularly rates and charges, grants and contributions (monetary);
- Increased net cash used in investing activities \$18.34 million mainly due to increased capital outflows;
- Reduced cash used in financing activities \$1.42 million; and
- Lower cash balance at the start of the year \$5.39 million.

At 30 June 2019 loan borrowings were \$37.16 million, after \$4.51 million scheduled principal repayments made during the year.

Performance Statement

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

- Report of Operations: All service indicator results.
- The Performance Statement: A selection of service indicators and all financial and sustainability indicators. The Performance Statement is audited and is certified by two Councillors, the CEO and Principal Accounting Officer.

- Governance and Management Checklist: A list of 24 policies, plans, strategies and guidelines.

All performance results are reported in Council's Annual Report 2018/19 and published on the 'KnowYourCouncil' website.

Performance Statement

Four financial performance indicators recorded materially unfavourable variations.

Service Performance Indicator	2015/16	2016/17	2017/18	2018/19	Materiality threshold	Comment to be published in Annual Report
<i>Working capital</i>	239.28%	291.58%	350.97%	247.49%	+/- 10%	Current liabilities have increased at a higher rate (due a higher balance of trade and other payables and interest bearing loans and borrowings) than current assets.
<i>Unrestricted cash compared to current liabilities</i>	94.59%	48.04%	-8.79%	-50.41%	+/- 10%	Less unrestricted cash (higher negative balance) in 2018-19 due to higher capital carryovers and unspent grants. These amounts aren't included in the forecast years as they are unknown.
<i>Asset renewal compared to depreciation</i>	45.06%	31.54%	47.58%	40.95%	+/- 10%	Renewal expenditure is slightly lower in 2018-19 due to the nature of the capital works program, whilst depreciation expense has increased with the inclusion of new and contributed assets. When upgrade expenditure is included, as per VAGO's renewal gap financial sustainability risk indicator, the indicator is 121.60% for 2019.
<i>Adjusted underlying result</i>	3.88%	13.09%	7.94%	4.76%	+/- 10%	The decrease from 2018 to 2019 is mainly attributable to an increase in expenses (12%) at a higher rate than the increase in underlying revenue (8%). The main expense increases are employee costs (12%), materials and services (16%) and depreciation (7%).

One service performance indicator recorded a materially unfavourable variation:

Service Performance Indicator	2015/16	2016/17	2017/18	2018/19	Materiality threshold	Comment to be published in Annual Report
<i>Kerbside collection waste diverted from landfill</i>	46.05%	47.00%	47.62%	42.14%	+/- 10%	Lower diversion rate due to larger landfill volumes during recycling contractor facility closure.

Five financial performance indicators, Workforce Turnover, Loans and Borrowings, Loans and Borrowings Repayments, Indebtedness and Rates Effort, and two service measures, Maternal and Child Health and Statutory Planning, have materially favourable variations while the remaining measures within the Performance Statement are all within materiality thresholds, with minor improvements or declines.

CONCLUSION

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

10 FINANCIAL REPORT AND PERFORMANCE STATEMENT

Moved Cr C Ryan Seconded Cr R Brown

That:

1. Pursuant to Section 132(2) of the Local Government Act 1989, Council gives its approval in principle to the financial statements and performance statement for the year ended 30 June 2019, subject to any changes recommended or agreed to by the auditor;
2. Pursuant to Section 132(5) of the Local Government Act 1989, Council authorises Councillors Ray Brown and Brett Owen to certify the financial statements and performance statement for the year ended 30 June 2019, in their final form after any changes recommended or agreed by the auditor have been made, in accordance with the Local Government (Planning and Reporting) Regulations 2014; and
3. Scott Moore, Chief Finance Officer, is appointed as the Principal Accounting Officer for the purposes of Section 132(5b) of the Local Government Act 1989.

Cd.

11 ELECTRICITY AND GAS FIXED PRICE CONTRACT EXTENSION

FILE REFERENCE INT1969853

RESPONSIBLE GENERAL MANAGER Tom McQualter

AUTHOR Bruce Walker

RECOMMENDATION

That Council extend the existing Fixed Price Contracts for large and small scale metered electricity and gas supply with AGL and Origin through Procurement Australia for a cost of \$2.3 per annum for an additional 2 year period.

Attachments

Nil.

EXECUTIVE SUMMARY

In June 2018, Cardinia entered into a short term, fixed price energy contract through Procurement Australia. At the time we accurately predicted that 2018/19 Cardinia's energy related expenditure would increase by 26% to \$2.3 million, as a result of significantly increased industry costs combined with Cardinia's annual consumption growth of 10%.

As this Contract is fixed price in nature, we can predict a 5% reduction in 2019/20 net retail prices. (Network charges are not negotiable)

This short term contract is due to expire on 30 June 2020. In order for Cardinia to take advantage of extending this fixed price arrangement for a further 2 years, we need to execute an extension letter with Procurement Australia by 20 September 2019.

BACKGROUND

The Australian and in particular the Victorian energy market, is fluctuating significantly in pricing, ability to manage power stability and changes with investment/divestiture in new/old technology solutions. Councils are directly affected by these conditions and face business continuity risk and soaring costs as traditionally sourced short-term energy contracts expire in the near future.

On 14 June 2018, Council executed a fixed term contract for electricity and gas supply for the Shire. This contract was the result of a collaborative process across multiple councils and the private sector, which significantly benefitted Cardinia, as our profile for electricity and gas was a negligible component of the total volume that was leveraged in the Tender process. (Cardinia profile represented only 1.2% of electricity and less than 1% of total gas consumption)

The tender was competitively led by Procurement Australia utilising industry consultants, SavvyPlus on behalf of the 144 participating councils and private sector organisations which resulted in a split award to AGL and Origin Energy for the following services.

- Electricity – Large & Small Market
- Natural Gas – Large & Small Market
- Public Lighting.

This contract is due to expire on 30 June 2020, however there is a one-time option available to extend these services for a further 2 years, so that the contract will remain in effect until June

2022. This strategy is recommended to Council, as it provides time to consider all options and decide a longer term energy strategy that incorporates new innovations across the energy market.

POLICY IMPLICATIONS

Nil.

RELEVANCE TO COUNCIL PLAN

Cardinia Aspirational Energy Transition Plan (AETP) 2014–24.

CONSULTATION/COMMUNICATION

Brett Munckton, Aruna Dias and Bruce Walker are working collaboratively with relevant Industry Energy consultants, multiple Council's and State Authorities.

Senior Leadership Team have been briefed on this matter and are supportive of this recommendation.

FINANCIAL AND RESOURCE IMPLICATIONS

The recommended option to extend our incumbent contract, obviates the need for additional Council resources or budgets to be impacted by this decision until June 2022. The two year extension will cost \$2.3M per annum.

CONCLUSION

It is proposed that Council extend the current Contracts 18/22 A, B, C with AGL and 18/22 D with Origin Energy so that they remain in effect until 30 June 2022.

11 ELECTRICITY AND GAS FIXED PRICE CONTRACT EXTENSION

Moved Cr C Ryan Seconded Cr R Brown

That Council extend the existing Fixed Price Contracts for large and small scale metered electricity and gas supply with AGL and Origin through Procurement Australia for a cost of \$2.3 per annum for an additional 2 year period.

Cd.

12 CONTRACT NO. 19/19 BUSHLAND RESERVE AND NATURAL AREA MAINTENANCE

FILE REFERENCE INT1969644

RESPONSIBLE GENERAL MANAGER Peter Benazic

AUTHOR Lisa Kuriata

RECOMMENDATION

That Council appoint the following seven (7) Tenderers onto a service panel for Contract 19/19 provision of Bushland Reserve and Natural Area Maintenance services for a maximum period of 5 years:

1. Naturelinks Landscape Management
2. Native Habitat
3. Indigenous Design Environmental Services
4. Habitat Creations
5. Eco-Repair
6. Acacia Environmental Management
7. Envirogain

Attachments

- 1 Confidential Memorandum - Circulated to Councillors only 6 Pages

EXECUTIVE SUMMARY

The Bushland Reserve and Natural Area Maintenance tender (Contract 19/19) is for works relating to the maintenance and enhancement of Council's owned and managed 76 bushland reserves, and other natural areas including roadsides across all areas of the municipality.

This tender is for the implementation of three years (plus a two year extension option). It is a schedule of rates contract, with a panel of contractors to be awarded works as required in accordance with their skills and the value proposition to Council.

Schedule of rates activities in this tender include but are not limited to:

- Provision of Management Plans and vegetation surveys incl. GPS mapping
- Brushcutting
- Chipping
- Revegetation
- Chemical Weed Control
- Physical and Mechanical Weed Control
- Pest Animal Control
- Waste & Litter Disposal

It includes supply and operation of plant and equipment and necessary safety precautions to undertake bushland reserve and natural area maintenance and conservation works as part of the Natural Reserves Management Program. It includes preparation and implementation of traffic management plans where required for working on roadsides.

Twenty-two tenders were submitted, with a panel of seven contractors recommended to undertake the implementation of bushland reserve and natural area maintenance within Cardinia Shire (Contract 19/19). The tenders submitted by the following tenderers met all mandatory criteria, and

ranked the top seven value for money and capability to undertake tasks as per the contract specification:

1. Naturelinks Landscape Management
2. Native Habitat
3. Indigenous Design Environmental Services
4. Habitat Creations
5. Eco-Repair
6. Acacia Environmental Management
7. Envirogain

BACKGROUND

In 2018, Cardinia Shire Council developed a Natural Reserves Team, within Parks Services. The Team undertake works in Council bushland reserves and vegetated roadsides, however is not resourced to undertake these works alone.

For many years, Council have engaged external bushland regeneration contractors to aid in the delivery of biodiversity protection and enhancement works across Council managed land, Shire-wide. This also includes the delivery of externally funded projects.

Advertising to market and the development of a panel arrangement will ensure Council are sourcing competitive services with a broad ranging skillset.

Council typically expends approximately \$240,000 in bushland reserves and natural area maintenance activities over the course of the year, which includes items such as weed extent mapping. Additionally, externally funded projects are carried out such as roadside weed control funded by DELWP and Corridors of Green funded by Melbourne Water.

Details of Tenders

The Bushland Reserve and Natural Area Maintenance tender (Contract 19/19) specification includes works relating to the maintenance and enhancement of 76 bushland reserves owned and managed by Council, and other natural areas including roadsides across all areas of the municipality. Works include but are not limited to weed control, revegetation, pest animal control, litter removal and the preparation of management plans and surveys.

It includes supply and operation of plant and equipment, and necessary safety precautions to undertake bushland reserve and natural area maintenance and conservation works as part of the Natural Reserves Management Program. It includes preparation and implementation of traffic management plans where required for working on roadsides.

The proposed works covered under Contract 19/19 include a 3 year initial term (plus an option to extend by up to 2 further years) for a range of activities under a schedule of rates.

Activities included in this tender are:

- Provision of Management Plans and vegetation surveys incl. GPS mapping
- Brushcutting
- Chipping
- Revegetation
- Chemical Weed Control
- Physical and Mechanical Weed Control
- Pest Animal Control

- General Labour
- Traffic Management
- Waste & Litter Disposal

Tenders were advertised on 25 May 2019 and closed 25 June 2019. A total of 22 tenders were received. All of the tenders were deemed to be conforming and were considered.

Tender Assessment

Tenders were checked against a range of non-weighted selection criteria to ensure the viability of the tender submissions. These criteria included Risk & Insurance, Conflict of Interest, OHS, Compliance to Conditions of Tender, Finance and Location.

The evaluation panel assessed tenders against the weighted criteria. These criteria included Compliance with Specifications, Capability, Relevant Experience and Past Performance, Customer Service, Locally Based, and Best practice methods ensuring long term ecologically effective outcomes. This weighted criteria combined with an assessment of the financial competitiveness of the tender formed the basis for the recommendation.

Panel Evaluation

The evaluation panel ranked and nominated the preferred proponents, who provided superior responses throughout the RFT process, including written submissions and pricing.

The evaluation panel determined that:

- A total of seven contractors would be adequate to ensure that all activities can be undertaken across the Shire and deliver projects within the allocated budgets.
- The top seven contractors provides diversity in skill sets and capability to ensure delivery of all forecast projects without the need to seek further engagement of additional contractors.
- The selected contractors provide a good spread of local engagement and close proximity to the Shire, allowing for prompt response times and reduction in travel.

POLICY IMPLICATIONS

The works associated with this tender are aligned with the principles of the Cardinia Shire Council Biodiversity Conservation Strategy and Pest Plant Management Strategy, adopted in 2019.

RELEVANCE TO COUNCIL PLAN

- 3.1. Provision and maintenance of assets on a life-cycle basis
 - 3.1.2. Develop new and maintain existing parks, gardens and reserves in a sustainable way.
- 3.3. Enhanced natural environment
 - 3.3.7. Protect and improve biodiversity by increasing the area of natural ecosystems across the shire.
 - 3.3.8. Preserve and improve our bushland and natural environment by implementing weed management programs and continuing work on high conservation bushland reserves and roadsides.

CONSULTATION/COMMUNICATION

- Parks Services Team - ensure the activities within the contract compliment works undertaken in the Open Space contract.

- GIS officer - development of ArcGIS mapping program for the delivery and auditing of weed management programs and data sharing with contractors.
- Biodiversity Officer - seek feedback for past programming of weed management activities to ensure schedule of rates covers all activities that are foreseeable.

FINANCIAL AND RESOURCE IMPLICATIONS

There will be no impact on the operating or capital works budget.

The development of a contractor panel for operational works will assist in streamlining the Natural Reserves Management Program. Council is already utilising approximately nine different contractors for these works on site or task based basis. The contractor panel will allow for more improved planning, increase in response time to undertaking required works and ongoing, long term outcomes. It will see a reduction in administrative work that is currently required to enable day to day operational work to be undertaken.

CONCLUSION

It is considered that the acceptance of the following Tenders will provide best value and range of services to Council for the provision of Bushland Reserves and Natural Area Maintenance over a maximum term of five years:

1. Naturelinks Landscape Management
2. Native Habitat
3. Indigenous Design Environmental Services
4. Habitat Creations
5. Eco-Repair
6. Acacia Environmental Management
7. Envirogain

12 CONTRACT NO. 19/19 BUSHLAND RESERVE AND NATURAL AREA MAINTENANCE

Moved Cr C Ryan Seconded Cr R Brown

That Council appoint the following seven (7) Tenderers onto a service panel for Contract 19/19 provision of Bushland Reserve and Natural Area Maintenance services for a maximum period of 5 years:

1. Naturelinks Landscape Management
2. Native Habitat
3. Indigenous Design Environmental Services
4. Habitat Creations
5. Eco-Repair
6. Acacia Environmental Management
7. Envirogain

Cd.

13 CONTRACT NO. 19/21 COMELY BANKS RECREATIONAL RESERVE SPORTING PAVILION

FILE REFERENCE INT1969224

RESPONSIBLE GENERAL MANAGER Peter Benazic

AUTHOR John Dowber

RECOMMENDATION

That Council:

- Award the tender for Contract No. 19/21 Comely Banks Recreational Reserve Sporting Pavilion to Dura Construction at the tender price of \$5,402,738.00 (excl. GST) including \$98,000 for Provisional items.
- Advise all tenderers accordingly.
- Seal is affixed to the relevant contract documents.

Attachments

- 1 Confidential Memorandum - Circulated to Councillors only 5 Pages

EXECUTIVE SUMMARY

This report provides consideration for the appointment of an appropriate contractor to construct and deliver the new 1554m² Comely Banks Recreational Reserve Sporting Pavilion. The new Sporting Pavilion will provide provisions for regional level NRL, lawn bowling and cricket as primary sports, including unisex change room facilities, unisex umpires change facilities, fully accessible exterior/interior amenities, kiosk/canteen facilities, integrated social space and external covered spectator areas. This facility can also support AFL and Soccer, as secondary users.

The tender submitted by Dura Construction complies with all the conditions of tendering and their respective tender price is within Council's building project budget.

Dura Construction are very experienced in delivering large scale projects, have a solid reputation and performance with similar build projects, deliver good quality project outcomes, achieve customer service expectations, have demonstrated excellent cost control on projects, and deliver within required project timelines.

BACKGROUND

Through the planning stages for the Comely Banks Recreation Reserve Development and the cooperation of the key stakeholders, it was decided to build a sporting pavilion that allowed for regional level NRL, Cricket and Lawn Bowls facilities located in the middle of the surrounding reserve and sporting fields. The new sporting pavilion would also support AFL and Soccer as secondary users. Further, it was necessary that any proposed pavilion design also consider weather protection and appropriate spectator viewing.

In order to inform a proper design for the sporting pavilion facility, all of the relevant stakeholder user groups formed a committee and working group, assisting Council in bringing together relevant

requirements and subsequent operation for the sporting pavilion. State Sporting Associations of NRL Victoria, Lawn Bowls, Cricket and the Local Pakenham Eels Rugby League Club were consulted to ensure the proposed sporting pavilion facilities complied with their current standards and requirements.

The stakeholder consultation process was directed by Council's Officers and applied the Recreation Reserve Facility Standards 2012. The working group visited the James Bathe pavilion, which at the time was in construction, in considering the requirements for the proposed sporting pavilion.

The working group met regularly and made a number of collective decisions for the proposed sporting pavilion. The proposed sporting pavilion is located at the new sporting precinct to be known as Comely Banks Recreation Reserve, 125 Bridge Road, Officer. The Recreation Reserve is located adjacent to the Bridgewood Primary School and Early Learning Centre.

Tenders were advertised on Saturday 6 July 2019 with a closing time and date of 2:00pm Tuesday 6 August 2019. Eleven (11) contractors provided tender submissions.

Tenders were checked against a range of non-weighted selection criteria to ensure the viability of the relevant submissions. The criteria comprised of Financial Viability, Insurances, Conditions of Contract, Conflict of Interest, and OHS.

Tenders were also assessed against weighted criteria, such as Compliance with the Specifications, Capability, Relevant Experience and Performance, Project Program, Quality System, and Customer Service.

A detailed assessment of the submitted tenders was completed by the Evaluation Panel with the tender submitted by Dura Construction with a tender price of \$5,402,738.00 (excl. GST) including \$98,000 for Provisional items being recommended to Council for award of contract.

POLICY IMPLICATIONS

Nil.

RELEVANCE TO COUNCIL PLAN

The construction and delivery of the Comely Banks Recreational Reserve Sporting Pavilion addresses the following Council Plan areas:

1. Our People

- 1.1 Access to a variety of services for all
- 1.4 Improved health and wellbeing for all
- 1.5 Variety of recreation and leisure opportunities

2. Our Community

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

3. Our Environment

- 3.4 Natural and built environments supporting the improved health and wellbeing of our communities
- 3.5 Balanced needs of development, the community and the environment.

CONSULTATION/COMMUNICATION

Extensive consultation and engagement with various and relevant stakeholders and decision makers, including associated key state sporting associations, local user group and Council Officers has occurred during the life of this project.

Following the master-planning stage for this Recreational Reserve, there has been regular meetings and involvement by the relevant stakeholders and decision makers in outlining the required process and outcomes to be achieved from this project undertaking.

In particular, the Comely Banks Recreation Reserve working group and key stakeholders were able to collectively make recommendations on requirements for the proposed sporting pavilion, collaborating closely with Council Officers, design consultants and external funding bodies.

This strong consultative and collaborative approach led to early design documentation for the proposed pavilion being endorsed and signed off by NRL Victoria, Cricket Victoria and Bowls Victoria.

FINANCIAL AND RESOURCE IMPLICATIONS

The tender price submitted by Dura Construction of \$5,402,738.00 (excl. GST) which includes \$98,000 for Provisional items is below Council's building works budget. Thus, there are sufficient funds to proceed with this project.

CONCLUSION

It is recommended that Council accept the tender submitted by Dura Construction for the construction and delivery of the Comely Banks Recreational Reserve Sporting Pavilion, with a tender price of \$5,402,738.00 (excl. GST) including \$98,000 for Provisional items. This recommendation is supported by the Tender Evaluation Panel.

13 CONTRACT NO. 19/21 COMELY BANKS RECREATIONAL RESERVE SPORTING PAVILION

Moved Cr C Ryan Seconded Cr R Brown

That Council:

- Award the tender for Contract No. 19/21 Comely Banks Recreational Reserve Sporting Pavilion to Dura Construction at the tender price of \$5,402,738.00 (excl. GST) including \$98,000 for Provisional items.
- Advise all tenderers accordingly.
- Seal is affixed to the relevant contract documents.

Cd.

14 CONTRACT NO 19/26 COUNCIL BUILDINGS/ FACILITIES RE-KEYING PROJECT

FILE REFERENCE INT1969218

RESPONSIBLE GENERAL MANAGER Peter Benazic

AUTHOR Rachel Zoldak

RECOMMENDATION

That Council:

- Adopt and endorses the replacement of the existing 3no. master-keys systems with a single and appropriate electronic access and a single new general master-key system, across all of Council's buildings and facilities'.
- Approve the Schedule of Rates tender as recommended in the Confidential Report.

Attachments

1 Confidential Memorandum - Circulated to Councillors only 4 Pages

EXECUTIVE SUMMARY

In mid-2017, an internal audit of the Council's buildings and facilities key systems was undertaken by Oakton that identified the need for Council to improve the governance and management for such keys. Subsequently, a new key management software program was purchased to manage key data, a policy drafted, and roles and responsibilities of staff, contractors and visitors formalised to ensure control and management of keys was appropriate to Council's needs.

In early 2019, a further review of the existing buildings and facilities key systems was carried. The outcomes from the review recommended that, in order to (a) reduce ongoing management and operational risks to Council, (b) achieve better control and accuracy with key data, and in (c) providing improved security to buildings and facilities and safety to occupants, to change over to an electronic access and single master-key system.

Appropriate information was formulated and a Schedule of Rates tender prepared for market response.

BACKGROUND

Council currently has 3no. master-key systems – RCF, BPA and D2 for Children's' Centres, Recreation Reserves, Community Centres, Senior Housing etc. The key systems have been implemented as follows:

- RCF – pre Council amalgamation.
- BPA – post Council amalgamation, where majority of our buildings and facilities were re-keyed to this system.
- D2 – all new buildings and facilities, and any re-keyed facilities starting from approximately 2014, due to no further capacity with the BPA system.

Reconciliation of physical key data against user groups and staff was conducted mid-2017 after an Oakton audit. The audit provided opportunity to update records and identifying areas for further action. As part of the accurate record keeping, a new key management software program was required and purchased, to ensure Council buildings and facilities key data would be appropriately recorded and managed. Other identified actions included a draft policy document, authority approvals for distribution of relevant keys and clearer transparency with obligations when using or holding keys.

Table 1 - Risk Matrix Change-over

The following table provides an overview of the 3-year implementation plan across Council's buildings and facilities:

Priority	Facility Type	Electronic Access	Key
High	Children Centres/MCH	X	
	Recreation/Leisure Facilities	X	
	Senior Citizens	X	
	Senior Housing		X
	Libraries	X	
Medium	Community Centres	X	
	Public Halls (managed by Council)	X	
	Public Halls		X
	Swimming Pool Facilities	X	
Low	Other community buildings including sheds		X

Criteria applied for buildings and facilities that require an electronic access system are:

- Facilities with a high level of users or have multiple user groups;
- Have a high turnover with clubs and committees;
- Facilities that are used, run or managed by Council staff.

Criteria applied for buildings and facilities that require a key system are:

- Low usage facilities, for example public halls not managed by Council;
- Facilities with a low number of keyed entries/exits;
- Facilities with single users with minimal turnover.

Please note the Civic Centre, Pakenham Depot, My Place, Cardinia Cultural Centre and Emerald Hills Hub will remain on the current Commander system (electronic access), as it is not financially viable or practicable to change over these facilities to the a new proposed electronic access system. The present system well supports secured and safe management of entries/exits, and please note that on average to replace the existing Commander system with a new proposed electronic access system would cost in addition of \$1500 for each entry/exit door.

POLICY IMPLICATIONS

Nil.

RELEVANCE TO COUNCIL PLAN

The following Key Strategic Objectives support the proposed recommendations in this report:

1. Our People
 - 1.6 Increased Awareness of Safety
 - 1.7 Minimised Impact of Emergencies
2. Our Community
 - 2.3 Increased Levels of Community Participation
3. Our Environment
 - 3.1 Provision and Maintenance of Assets on a Life-cycle Basis
5. Our Governance
 - 5.2 Open Governance
 - 5.3 Long-term Financial Sustainability

CONSULTATION/COMMUNICATION

The IT, Risk Management, Community Places and Active Communities Units have been appropriately consulted in identifying priorities, logistics and in minimising disruptions to ongoing operations, whilst implementing the proposed recommendations. Further, to ensure a smooth and successful transition, the implementation plan for the proposed electronic access and key systems will continually review and consider any other Council groups and stakeholders as part of its process.

Separate communication plans are currently being developed addressing (1) buildings being changed over to the proposed electronic access system and (2) master-key system. A Q&A document is also included and developed in conjunction with Community Places and Active Communities to accompany the communications that will be sent to the relevant user groups and other Council building/facilities occupiers.

FINANCIAL AND RESOURCE IMPLICATIONS

An implementation plan in transitioning to a new proposed electronic access and single master-key systems for entries/exits is recommended.

Year 1 - 19/20FY: Nil impact to Council with availability of funding from other source.

Following years budget will be reviewed and considered in conjunction with the annual budgeting process.

CONCLUSION

The evaluation of the aforesaid submitted tenders provides value for money to Council and subsequently the Schedule of Rates tender submitted by Rams Security Locksmiths is asked to be accepted by Council for Contract 19/26 Electronic Access Control System and Master Key System for Council Properties.

Further, a change-over implementation plan has been recommended by the relevant Council Officer to be endorsed by Council, ensuring a viable and effective approach in considering the new

installations to the various buildings and facilities across the Shire. The first year of the implementation plan has appropriate financial resourcing.

14 CONTRACT NO 19/26 COUNCIL BUILDINGS/ FACILITIES RE-KEYING PROJECT

Moved Cr C Ryan Seconded Cr R Brown

That Council:

- Adopt and endorses the replacement of the existing 3no. master-keys systems with a single and appropriate electronic access and a single new general master-key system, across all of Council's buildings and facilities'.
- Approve the Schedule of Rates tender as recommended in the Confidential Report.

Cd.

15 MAJOR PROJECTS REPORT

FILE REFERENCE INT1969014

RESPONSIBLE GENERAL MANAGER Peter Benazic; Tracey Parker

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

RECOMMENDATION

That Council note the report.

Attachments

Nil.

EXECUTIVE SUMMARY

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

CONCLUSION

This regular activity report is provided for Councillors' information.

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 the coming weeks, when weather conditions improve which will complete the car park works. Application of the acrylic surfaces to the netball courts will follow a number of weeks after the asphalt has been placed.

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 installed and lights are operational to oval 1.

The following elements are nearing completion:

- playspace works
- planting & landscaping
- 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 • fit outs kitchen, social areas, electrical • internal wall finishes - painting • Internal finishes - joinery <p>The following works are in progress</p> <ul style="list-style-type: none"> • external paving and driveways • landscaping and seating

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	An official opening is currently being prepared for late October to activate the spaces.
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 the site to complete some earthworks and minor footpath work around the building and this is underway and progressing.</p> <p>Play garden: Complete. The site is on maintenance and will remain closed until work on the main building is completed and to allow an establishment period for the plants. Final play items will be installed prior to the 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 and for this reason, the landscaping has been split into a separate package.</p>

The contractor is continuing with the landscaping and shaping works, with the balance of planting planned for the coming weeks.

Community and Education Centre: The new eco education building and golf club house is nearing completion in readiness for the opening. 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.

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 • steel framing for propagation shed • power cabling to site <p>The following works are underway:</p> <ul style="list-style-type: none"> • steel framing for sales /training facility currently being erected • steel cladding to propagation shed is currently being erected • off-site manufacture of green houses

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	<p>The following works have been completed:</p> <ul style="list-style-type: none"> • all in ground mains services • concrete foundation works • offsite structural steel work manufacture • concrete slab pour to pavilion area <p>The following works are in progress</p> <ul style="list-style-type: none"> • structural steel frame erection • fixing framework for cladding detail

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.
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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) • storm water drainage connections • rerouting sewer drainage connections <p>The following works are underway:</p> <ul style="list-style-type: none"> • structural steel erection (lower section) • structural retaining wall detail pre upper floor slab pour

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"> • pre-cast panel manufacture and erection • steel framework • anti-graffiti application • concrete slab pour • storm water drainage connection • services conduit for scoreboard • staircase details to balcony areas <p>The following works have commenced</p> <ul style="list-style-type: none"> • roofing framework • services rough in works • roof covering • balustrade detail <p>Regular discussions are being held with all user groups and stakeholders regarding the progress of civil and building projects and discussing future management options.</p>

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 required statutory approvals submitted. Tenders for this project have been let and closed. A tender analysis and evaluation process is currently underway with the preparation of tender recommendation to be submitted to council.

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	<p>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.</p> <p>The following works have been completed:</p> <ul style="list-style-type: none"> • draft concept plan submitted for user group /committee of management comment • engagement regarding the draft concept plan with user groups and committee of management. <p>The following works are underway:</p> <ul style="list-style-type: none"> • appointment of a consultancy team • progress with schematic design

Koo Wee Rup Recreation Reserve netball pavilion upgrades

Project description	Extend and upgrade the netball pavilion to provide home and away change and unisex toilet and shower facilities
Funding	Council and the Victorian Government (\$400,000) fund this project.
Timelines	The project is due for completion by December 2020
Update	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.

The following works have been completed:

- final concept scheme submitted for user group / committee of management approval
- final scheme approved by user groups and committee of management

The following works are underway:

- statutory applications
- detail design and tender documentation preparation

Koo Wee Rup Tennis Club upgrade

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

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 final concept scheme and revised cost estimate submitted to Victorian Government for ministerial approval for the reduced loan amount. The following works are complete: <ul style="list-style-type: none"> • draft concept plan submitted for user group /committee of management comment

The following works are underway:

- engagement regarding the draft concept plan with user groups and committee of management
- appointment of a consultancy team
- progress with schematic design

Officer Recreation Reserve No. 2 (Western) oval reconstruction

Project description	<p>Reconstruction of the western oval at the Officer Recreation Reserve, Starling Road Officer.</p> <p>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.</p> <p>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.</p>
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	The oval has been sown with rye grass and this will be sprayed out in spring, once the temperature warms up to enable growth and it will be replaced with couch. A practical completion inspection has been undertaken and the as constructed drawings are currently being prepared.

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	After negotiations with the successful contractor, works commenced in July with works expected to be completed in December 2019 (pending a dry winter) however, due to the wet weather, the completion date will be delayed.
Update	<p>Earthworks to the Primary School oval are 95 percent complete and the drainage installation has commenced at the southern end. The centre wicket is ready for concrete to be poured, weather pending.</p> <p>Earthworks to the Secondary School oval are 50 percent complete. Due to recent wet weather, the contractor has been experiencing delays on site.</p>

Gembrook Leisure Park redevelopment

Project description	The construction of a new recreation reserve including a new skate park, playground, half court basketball / netball, shelters, BBQs and open space. The public toilets will also receive an upgrade.
Funding	This project is jointly funded by the Australian Government's Building Better Regions Fund (\$500,000), the Victorian Government's Growing Suburbs Fund (\$500,000) and Council.
Timelines	Works are due for completion by early December 2019.
Update	Works have commenced onsite with the complete demolition of the site. Drainage works are underway.

Roads

Sealed road network

2019-20 Reseal and rehabilitation program

Project description	The significant proactive maintenance and upgrade of Council's road network as per Council's asset management system.
Funding	Council and the Australian Government's Roads To Recovery Program jointly fund the program.
Timelines	It is anticipated that the program will be complete by the end of May 2020.
Update	The annual reseal and rehabilitation programs for 2019-20 are currently under development and tenders documents are being prepared with a report to Council scheduled for November.

Blackspot Project – Main Drain Road South

Project description	A 2.3km section of Main Drain Road South, Bunyip, from Bunyip Modella Road to 13 Mile Road, has been identified for blackspot works. The work includes installing guardrail along both sides of the road.
Funding	The Federal Government fully funds this project through their Black Spot Program.
Timelines	The project is due for completion by February 2020

Update The original proposed completion date of December 2019 was unable to be achieved due to a delay in design caused by negotiations with Melbourne Water, whose land abuts the Council road reserve where guardrail is to be installed. Tenders were advertised on 24 August and close on 17 September. A report to Council recommending a preferred tenderer is to be submitted to Council's November meeting.

Blackspot Project – Paternoster Road

Project description Installation of profiled (audio tactile) edge lines along entire section of Paternoster Road and installation of guardrail at two accident-prone locations identified as black spots.

Funding The Federal Government fully funds this project through their Black Spot Program.

Timelines This project is complete.

Update Installation of guardrail and removal of several trees was undertaken in early September, completing the blackspot requirements earlier than the proposed December completion date.

Blackspot Projects – successful 2019–20 applications

Project description Council have been successful in obtaining funding for three Blackspot projects this year. The projects are:

1. The installation of safety barriers and audio tactile edge line marking along Paternoster Road, Emerald between Emerald–Beaconsfield Road and Bailey Road.
2. The installation of safety barriers, sealed shoulders and tree removal along Avon Road, Cockatoo between Woori Yallock Road and Kennedy Road.
3. The installation of safety barriers, sealed shoulders, tree removals and audio tactile edge line marking along Bessie Creek Road, Nar Nar Goon North between Seymour Road and Moore Road.

Funding The Federal Government fully funds this project through their Blackspot Program.

Timelines The project is due for completion mid-2020.

Update Funding applications are being finalised and designs are being 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 re-sheeting 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:

- 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 re-sheeting, 120% higher than last quarter and 25% lower than the same time last year. The reduction in unsealed road re-sheeting 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.
Funding	The works are fully funded by Council.
Timelines	This project is complete.
Update	The dam wall downstream protection works, safety culvert grille and guardrail along the dam wall are complete.

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	Designs are being finalised and the required approvals from the relevant authorities are being sought. 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 by end of September.
Update	Wet weather (particularly in July) has delayed this project. The bulk of the car park construction has been completed, with some concreting and line marking proposed to be undertaken by the end of September, weather permitting. This will complete the project.

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 Council's entire footpath network has just been completed and the findings from these inspections has been compiled and prioritisation for the repair works is ongoing.</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>

2019-20 New footpath program

Project description	Council's footpath program looks to extend the footpath network in and around townships. The footpaths to be constructed in 2019-20 are:
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Footpath location	Status
Leigh Dive, Pakenham (missing section across properties 51,53 and 53A)	Completed
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)	Completed
Webster Way, Pakenham (existing path to bus stop opposite 104)	Completed
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 racecourse development)	
Ahern Road, Pakenham (missing link outside No.118)	Completed
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)	Completed
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) (gravel)	
Kenilworth Avenue, Beaconsfield (Station Street west to Bus Stop)	

Windermere Boulevard, Pakenham (installation of flashing zebra crossing)

In progress

Funding	The \$800,000 program is fully funded by Council through the footpath and pedestrian and bicycle strategy programs.
Update	Contractors commenced the construction of the footpath program in late August. Works have been delayed from progressing as planned due to wet poor weather. A number of paths, listed above, have been completed, with construction of the remaining paths ongoing.
	Tenders have been received and a contractor is being engaged to undertake the Windermere Boulevard, Pakenham (flashing zebra crossing) works.

2018-19 Drainage program

Project description	The maintenance and upgrading of Council's drainage network.
Funding	The program is fully funded by Council.
Timelines	This program is due to be completed by end of June 2020.
Update	<p>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. Approval from residents of two properties are still be sought in order to establish an easement key to the construction of the designed infrastructure.</p> <p>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. Having reviewed the four proposed options to alleviate flooding within the intersection, one option has been identified as being both feasible and practical. Ownership of assets within the intersection is now being looked into to determine whether Council or VicRoads are best placed to undertake the works required.</p> <p>The program of works for the upcoming financial year has been finalised.</p>

Pepis land dam

Project description	Reconstruction of lower dam at Pepi's land, Emerald.
Funding	This project is fully funded by Council

Timelines	Council are seeking to have an agreed solution this calendar year to notify the community of and then for repair works to be implemented in 2020.
Update	<p>A leak in the lower dam was discovered on 2 August. The leak was slowly flowing out around the old irrigation pipe, located on the outside of the bottom of dam. Expert dam and hydraulic engineers advised to lower the depth of water in the dam by approximately 2m as an interim measure to reduce the risk of any further damage occurring. This has been done and it looks to have stopped any further deterioration. Investigations are currently underway to determine best option for remediation of dam wall.</p> <p>Flora and fauna survey has been commissioned to inform remediation design and controls of construction process.</p>

Other capital projects

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	<p>The project is jointly funded by:</p> <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 late October 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 • art work support detail and lighting installation • wall areas to men's shed • toilet amenity fit out and tiling • plaster board lining • lift installation • kitchen area fitout <p>The following works are underway:</p> <ul style="list-style-type: none"> • ground floor fit out • fire tank installation works • joinery fitout /reception area • sound curtaining detail to the studio area

- external paving

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/crush 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.

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.

Kaduna Park Neighbourhood Park

Project description	Developer delivered landscape embellishments to 1ha public open space being created in the first stages of Kaduna Park Estate. 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.
Funding	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.
Timelines	Park will be open by the end of September.
Update	Landscape works are complete, but the developer is waiting on the large grass area to get grass coverage before the site is open to the public. This will be by the end of September.

Arcadia Neighbourhood 2 (NH02) Reserve

Project description	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.
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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.

- Funding** Fully funded by Satterley under their permit for Arcadia Neighbourhood 2. Works are valued at over \$1.4m
- Timelines** Works are due to be completed by the end of October.
- Update** Works have been delayed by wet weather and access to the wetlands reserve. The park will be unable to be opened until heavy construction machinery has completed the works around the wetland due to safety concerns.

15 MAJOR PROJECTS REPORT

Moved Cr C Ryan Seconded Cr R Brown

That Council note the report.

Cd.

16 NOTICE OF MOTION NO. - 1048 CR SCHILLING

That Council resolves to:

- Note that the Municipal Association of Victoria State Council (May 2019) and the Australian Local Government Association National General Assembly (June 2019) have both declared a climate emergency;
- Declare a climate emergency, in response to the overwhelming climate science which indicates rising global temperatures are putting our local economy, people, species, and ecosystems at risk.
- Give priority to policy and actions that will provide for both mitigation and adaptation in response to accelerating global warming and climate change.
- Ensure climate change adaptation and mitigation are emphasised as a key priority in the 2021-2025 council plan.
- Investigate the financial viability of divestment within council financing, with the aim to move away from financial institutions, which fund the fossil fuel industry.
- Fund a climate change action plan in the 2020-2021 budget cycle, with a focus on climate change adaptation and mitigation.
- Investigate the cost effectiveness in purchasing “green energy”.
- Acknowledge the work Cardinia Shire Council has already done in the move to a zero carbon operational target, with a planned 36% reduction in community emissions.

1048 CR SCHILLING

Moved Cr M Schilling Seconded Cr C Ryan

That Council resolves to:

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- Investigate the cost effectiveness in purchasing “green energy”.
- Acknowledge the work Cardinia Shire Council has already done in the move to a zero carbon operational target, with a planned 36% reduction in community emissions.

Cd.

REPORTS AND MINUTES OF COMMITTEES

The Mayor advised that several reports from various committees have been tabled in addition to the minutes of recent council briefing sessions and these are available if any councillors wish to view them.

REPORTS BY DELEGATES

Cr Jodie Owen advised that the Pakenham Puma's Baseball Club were celebrating their 21st Anniversary on Saturday the September 21st

Cr Ryan congratulated all residents that had attended the recent Red Cross Blood Bank held in Pakenham to donate blood.

Cr Brett Owen advised that the Council was currently undertaking community consultation regarding playground renewals and encouraged all residents particular children to provide comments and feedback.

Cr Brett Owen referred to the recent emergency meeting held by the Officer Public hall to seek new members to the Committee held on 21 August and was pleased to advise that a new Committee had been elected, Cr Owen congratulated the Van Steensel Family for their tireless efforts in managing the hall over many years.

Cr Brett Owen mentioned that the Upper Beaconsfield community were raising a petition to present to State Parliament about the dangerous conditions at the Salisbury Road, Stony Creek Road and Emerald Beaconsfield Road in Upper Beaconsfield and encouraged residents that had not already signed the petition to do so.

Cr Wilmot advised that the third Community leadership Program was launched on 28 August with a record number of participants.

Cr Wilmot advised that she and Cr Ryan has attended Bystander Awareness Training.

Cr Wilmot congratulated the organisers of the Everything Patchwork and Quilting in Gembrook that was a fundraiser for the CFA noting that 400 visitors had attended the event.

The Mayor advised that he had attended the Garfield North State School where the Cannibal Creek Landcare Group the Community Recovery Committee and other volunteers had undertaken a replanting day post the Bunyip Bushfire.

The Mayor advised that he attended Lakeside lake where Victorian Fisheries had released 500 rainbow trout and conducted a fishing fun day.

PRESENTATION OF PETITIONS

Cr Collin Ross presented a petition from concerned residents asking for an upgrade in signage and improvements in parking conditions on Cardinia Road at Cardinia Primary School.

Cr Michael Schilling presented a petition from concerned residents organised by the South East Climate Action Group requesting that the Council declare a climate crisis.

The Mayor advised that in accordance with the Meeting procedure local Law that these two

petitions will lay on the table for consideration by the Council at its next meeting.

COMMUNITY QUESTION TIME

The Mayor advised of questions received from various member of the public and referred them to various members of staff as below to read and answer.

Questions received from Collette Ballard referred to the General Manager Liveable Communities Tracey Parker to answer

Question 1

What time frame is anticipated for the rezoning of land in Tynong?

Answer

In November 2015 the Minister for Planning has advised Council that 'The Victorian Government is committed to protecting Melbourne's green wedges and maintaining the Urban Growth Boundary.' Proposals to expand the Nar Nar Goon or Tynong township beyond the existing township footprint are unlikely to be supported by government.

At this point in time the State Government has not announced any change to its position with regard to the Green Wedge.

Therefore work being undertaken by the strategic planning team is looking at should a UGB be provided around the existing residential zoned land , and a possible review of the existing residential zones. This work will be undertaken over the next 12 months. There are no plans to rezone land within the Green Wedge.

Question 2

What will be the financial structure of an infrastructure tax and will it be spent locally?

Answer

Once the additional work has been completed Council, work can commence on land use planning strategies for priority locations. This may include identifying what new infrastructure is required, what is the trigger for the new infrastructure, who pays for the new infrastructure and what funding mechanism will be used to facilitate the payment. This work has not been undertaken as yet.

Question 3

What future consultation will occur with land holders before possible rezoning?

Answer

Rezoning land within the Shire requires a planning scheme amendment which is driven by State Government legislation within the Planning and Environment Act 1987. Council must obtain the Minister for Planning's authorisation to prepare an amendment. Community consultation is an essential part of the planning scheme amendment process. Anyone can lodge a submission to Council about an amendment.

Question 4

How will the amount of an infrastructure levy be determined?

Answer

Same response as response to Question 2.

Questions received from Mr Tony O'Hara referred to the Executive Manager Office of the CEO Mr

Tom McQualter.

Question 1

In relation to Planning Permit application, DPO16 for the Cardinia Motor Recreation & Education Park Development Plan. As Councillors have already voted in favour of the sale of the land for this purpose at the Special Council meeting on Monday, 23rd July 2018, I believe Councillors will find it very difficult to refuse this application and demonstrate they are acting in an unbiased manor. Also, refusing this application could lead to legal action from Podium 1, for false and misleading actions in the sale of the land as being fit for their purpose.

Question: Will Council refer Application DPO16 to a Planning Panel as a Duty of Care to its residents?

Answer

Councillors are regularly required to make decisions that relate to its own land and its own applications. All Councillors understand their roles and responsibilities in relation to these matters and we do not consider this item to be any different. Council vehemently denies that any false or misleading conduct or behaviour has been undertaken by the Council at any stage in relation to this matter.

There is no provision within DPO16 for this matter to be referred to a Planning Panel for consideration.

Question 2

In relation to Planning Permit application, DPO16 for the Cardinia Motor Recreation & Education Park Development Plan. Due to the recognised potential noise impact (ref, Marshall Day Acoustics report "CARDINIA MOTOR RECREATION & EDUCATION COMPLEX DEVELOPMENT PLAN ACOUSTIC REVIEW. Rp 001 20181004 | 20 May 2019") from this Motor Sports Complex on residential and other sensitive receptors, in particular; Pakenham Springs Primary School. Shanagolden Aged Care and Retirement Home, Blue Horizons, Arden and Heritage Springs Estate.

Question: Will Council publicly advertise this proposal in local papers, including the free delivered papers for an equivalent time of 29 days, as was done for the sale of the land for the Pakenham Auto Car facility, if not, will council extend the period for submissions by another 14 days in all fairness in their responsibility for Duty of Care of the residents?

Answer

Advertising was requested to be undertaken in accordance with the requirements of DPO16. This included advertising on the site (4 signs), notices to adjoining owners and occupiers and notice to be provided in the Pakenham Gazette. Council does not intend to extend the advertising period but note that Council is obligated to consider all submissions that are received right up to the time of the decision.

Question 3

In relation to Planning Permit application, DPO16 for the Cardinia Motor Recreation & Education Park Development Plan. pages 29 and 30 of DPO16 includes part of the 'ecology and heritage partners' report; indicating that the development includes two of the clauses that would triggers an EES in relation to noise: "Potential exposure of a human community to severe or chronic health hazards or safety hazards over the short or long term, due to emissions to air or water or noise or chemical hazards or associated transport." "Potential significant effects on the amenity of a substantial number of residents, due to extensive, or major long term changes in visual, noise and traffic conditions." These are clauses included in the Environment Effects Act 1978. As this document clearly demonstrates the need for an EES, can it be confirmed that EES will be undertaken in accordance with the Ministerial guidelines for assessment of environmental effects under the Environment Effects Act 1978, in particular for the effects of noise?

Answer

We will take this question on notice and provide an answer in writing. Unfortunately the key staff members who have lead all the work are unavailable today and we will provide a full answer in due course.

Questions received from Gloria O'Connor.

Question 1 referred to General Manager Infrastructure and Environment, Peter Benazic

Question

Are you aware of the serious condition and in some places dangerous holes along Seven Mile Road at present between Nar Nar Goon and Ballarto Road, and of course there will be reports of other roads in similar condition. Can you please advise what urgent work if any is planned? Lack of money is not sufficient reason to leave this and other roads without attention as residents in the rural towns provide rates revenue and interface councils have to deal with the condition of the roads if there is bad weather. Roads are also in bad condition to the north of the highway and other areas. Maybe there is need to put on hold some major Central Ward projects while rural road works are attended to.

Answer

Council staff were attending to pot holes along Seven Mile Road today. Generally we complete patch repairs on the unsealed road network within a couple of days and often quicker, but it does depend on how many defects occur at the same time. More significant repairs such as remediation can only be done during warmer months. Some sections of Seven Mile Road are in this year's program for this more extensive work, which will completed over the summer months.

Question 2 was referred to General Manager Liveable Communities, Tracey Parker

Question 2

How is it possible to see details of council projects when there is deadline for comment or objection.

Many are closed for comment before people have had opportunity to see the details?

Answer

Planning Applications that are being advertised can be viewed on Councils web page under planning permits. This details all applications on public exhibition. This page can be updated daily.

Council Strategies or Plans for community comment are displayed on the Have Your Say page of councils web page.

Meeting closed at 9.37pm

Minutes Confirmed
Chairman