

Ordinary Council Meeting

Minutes

Monday 18 May 2020

Commenced at 7:00 pm

Held online

Members: Cr Jeff Springfield Mayor
Cr Graeme Moore Deputy Mayor
Cr Ray Brown
Cr Collin Ross
Cr Jodie Owen
Cr Brett Owen
Cr Michael Schilling
Cr Leticia Wilmot

Officers: Carol Jeffs Chief Executive Officer
Doug Evans Manager Governance

Meeting opened at 07:00 pm.

Order of Business

1	Opening And Prayer	5
2	Acknowledgements	5
3	Apologies	5
4	Adoption And Confirmation Of Minutes	5
5	Declaration Of Interests	5
6	Ordinary Business	6
6.1	Town Planning Reports	6
6.1.1	Amendment C240 Koo Wee Rup Township Strategy Implementation - Consider Submissions And Refer To Planning Panel	6
6.1.2	Amendment To Planning Permit T090757 To Amend Conditions To Allow For Extended Operating Hours Of The Quarry At CP168299 And L1 TP756359 Tynong North Road, Tynong North	12
6.1.3	Two (2) Lot Boundary Realignment At 450 Seven Mile Road, Nar Nar Goon	39
6.1.4	Use And Development Of A Dwelling At Lot 4 Ropers Lane, Cora Lynn.....	47
6.1.5	Planning Enforcement Matters Report	55
6.1.6	Planning Matters Dealt With By Officers Under Delegated Authority.....	58
6.1.7	Planning Scheme Amendment Activity Report	72
6.2	General Reports	79
6.2.1	Instrument Of Delegation - Council To Members Of Council Staff	79
6.2.2	Officer Sports Club Lease	81
6.2.3	Petition - Prohibition Of Nuclear Weapons.....	84
6.3	Policy Reports.....	86
6.3.1	Domestic Wastewater Management Plan 2020-2025.....	86
6.4	Financial Reports	88
6.4.1	Contract 20/03 - Pavement Renewal Works 2020-21.....	88
6.4.2	Contract 20/17 - Drainage Works Annual Supply.....	91
6.5	Activity Reports	95

6.5.1 Quarterly Financial Report	95
6.5.2 Quarterly Environment Report	97
6.5.3 Quarterly Performance Report	105
6.5.4 Major Projects Report	113
7 Reports Or Minutes Of Committees.....	128
8 Reports By Delegates	128
9 Presentation Of Petitions	128
10 Community Questions	129
11 Urgent Business.....	129
12 Councillor Questions.....	129

1 Opening And Prayer

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

2 Acknowledgements

Cardinia Shire Council acknowledges that we are on the traditional land of the Bunurong and Wurundjeri people and pay our respects to their elders past, present and emerging.

3 Apologies

Councillor Carol Ryan.

4 Adoption And Confirmation Of Minutes

Moved Cr Collin Ross, seconded Cr Graeme Moore

That minutes of the following meetings be confirmed:

- General Council meeting 14 April 2020

Carried

5 Declaration Of Interests

Nil.

6 Ordinary Business

6.1 Town Planning Reports

6.1.1 Amendment C240 Koo Wee Rup Township Strategy Implementation - Consider Submissions and Refer to Planning Panel

File Reference: 95-10-544
Responsible GM: Tracey Parker
Author: Teresa Hazendonk

Recommendation(s)

That Council:

1. Receive and consider all submissions made to Planning Scheme Amendment C240card.
2. 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. C 240 Koo Wee Rup Township Strategy Documentation [6.1.1.1 - 65 pages]
2. Summary of Submissions & Responses [6.1.1.2 - 7 pages]

Executive Summary

Council adopted the Koo Wee Rup Town Centre Urban Design Study Design Guidelines (Urban Design Guidelines) in February 2013 and the Koo Wee Rup Township Strategy (Township Strategy) in October 2015. The Township Strategy was incorporated into the Cardinia Planning Scheme through Amendment C189 in February 2016.

At its meeting on 18 March 2019, Council resolved to seek the authorisation of the Minister for Planning to prepare and exhibit Planning Scheme Amendment C240.

The Amendment seeks to implement the Township Strategy through more targeted statutory planning tools, being two Development Plan Overlay schedules (DPO) and two Design and Development Overlay schedules (DDO). The Amendment also seeks to change the status of the Township Strategy from an Incorporated Document to a Reference Document. The Urban Design Guidelines will also become a Reference Document. This approach aligns with advice received from the DELWP, and will improve policy control, and built-form and subdivision outcomes for Koo Wee Rup township. It will also improve Council's ability to defend decisions at the VCAT.

Amendment C240 was formally exhibited for a period of one month from Thursday 13 February to Monday 16 March 2020. One submission was received from South East Water having no objection. Three late submissions were received, one is from the Environment Protection Authority and two are one land owner.

The concerns raised by submissions are not able to be resolved and it is therefore necessary to refer all submissions to a Ministerial planning panel.

Background

Koo Wee Rup Town Centre Urban Design Study Design Guidelines (Feb 2013)

The *Koo Wee Rup Town Centre Urban Design Study Design Guidelines* was finalised in February 2013 and was later used as a background document that informed part of the *Koo Wee Rup Township Strategy*. It identifies urban design and built-form outcomes for the following precincts in the township:

- Precinct 1: Retail Core / Business / Specialty
 - Precinct 1a: Former PMP Printing Site
 - Precinct 1b: Traditional Town Centre
- Precinct 2: Large Format Retail
- Precinct 3: Commercial/Mixed-Use
 - Precinct 3a: Station Street
 - Precinct 3b: Rossiter Road
 - Precinct 3c: Industrial land
- Precinct 4: Consolidated Residential
- Precinct 5: Community/Civic

Koo Wee Rup Township Strategy (Oct 2015)

The Koo Wee Rup Township Strategy was adopted by Council in October 2015 and was incorporated into the Cardinia Planning Scheme via Amendment C189 in February 2016.

The township strategy seeks specific outcomes for Koo Wee Rup's residential areas and the commercial town centre. Residential areas are identified as three main groups: future residential areas; existing and new residential areas; and a consolidated residential area. The Township Strategy also identifies the need for the Development Plan Overlay to be applied to two future residential areas.

Advice from the Department of Environment, Land, Water and Planning (DELWP)

The DELWP have raised concerns with the incorporation of Township Strategies in their entirety into the Cardinia Planning Scheme. Incorporating large documents with specific planning requirements amongst its content makes it difficult for those requirements to be found and in effect are located behind the Cardinia Planning Scheme. The DELWP advise that implementation should occur through targeted statutory planning tools that are easily located and accessed within the planning scheme, such as the Development Plan Overlay (DPO) and the design and Development Overlay (DDO).

Victorian Civil and Administrative Tribunal (VCAT)

As a result of incorporating the entire Koo Wee Rup Township in the Cardinia Planning Scheme through local policy at Clause 21, Council has had little success defending decisions at the VCAT. It is expected that Council will have more success defending decisions once the specific planning requirements contained in the strategic document are applied through these targeted statutory planning tools, as advised by the DELWP.

What the Amendment does

Amendment C240 proposes to implement the planning outcomes sought by the Township Strategy and the Urban Design Guidelines through targeted statutory planning tools, being two DPO schedules and two DDO schedules. The Amendment also proposes to change the status of the Township Strategy from an Incorporated Document to a Reference Document. The Urban Design Guidelines will also become a Reference Document.

Specifically the planning scheme changes are:

- Insert new Schedules 8, and 9 to Clause 43.02 DDO.
- Insert new Schedules 23 and 24 to Clause 43.04 DPO.
- Amend the Schedule to Clause 72.03 - What does this planning scheme consist of?
- Amend the schedule to Clause 72.04 to remove the Koo Wee Rup Township Strategy (Oct 2015) as an Incorporated Document.
- Amend Clause 72.08 to insert the Koo Wee Rup Township Strategy (Oct 2015) and the Koo Wee Rup Urban design Study, Design Guidelines (Feb 2013) as Reference Documents.

This approach aligns with advice received from DELWP, and will the built-form and subdivision outcomes for Koo Wee Rup township.

Proposed Development Plan Overlays

The Township Strategy identifies that DPOs should be applied to guide growth and development in the two future residential areas, known as the Moody Street Residential Area and the Sims Lane Residential Area. Accordingly, it is proposed to apply DPO schedules 23 and 24, which set-out the framework for the preparation and approval of development plans to implement the Township Strategy requirements.

The DPOs will ensure that the character guidelines are given due consideration when assessing planning applications for subdivision and buildings and works and ensure consistency in the design of development within these residential areas. The DPOs will also provide direction on issues such as: Protection of important vegetation and habitats; Drainage and other infrastructure; Traffic movement and vehicle access; Pedestrian links; Public open space and landscaping; Lot sizes; Building setbacks; Front fence heights and treatments.

Proposed Design and Development Overlays (DDO)

The proposed DDOs will strengthen policy control relating to design and built form outcomes, and will ensure that preferred character is given due consideration when assessing planning applications.

Existing and new residential areas – DD08

The Township Strategy identifies most of Koo Wee Rup's residentially zoned areas as 'existing residential areas' or 'new residential estates'. The redevelopment potential and the outcomes sought for these areas are almost the same. It is therefore proposed that one DDO (DD08) be applied to both areas to ensure future development achieves the preferred neighbourhood character identified by Township Strategy.

Commercial town centre - DD09

It is proposed to apply DD09 to the commercial town centre to assist in achieving built-form outcomes that will preserve and enhance the traditional rural character whilst also activating commercial streetscapes, as identified by the Township Strategy and the Urban Design Guidelines.

DD09 will provide direction on: Maximum and minimum building heights; Activated and articulated building facades and street frontages; Pedestrian amenity; Landscaping treatments; Passive surveillance of the public realm; Location of car parking.

Areas not included in the Amendment

Three precincts identified by the Township Strategy and the Urban Design Guidelines have not been included in Amendment C240. The report presented to Council on 18 March 2019 elaborates on reasons why this path was taken. The precincts are:

- *Town centre precinct 3c: Commercial/Mixed-Use - Industrial land*

- *Town centre precinct 4: Consolidated Residential*
- *Town centre precinct 5: Community/Civic*

Policy Implications

Strategic Assessment

The full strategic assessment is provided in the Explanatory Report contained in Attachment 1. A summary is provided here.

Consistency with Plan Melbourne Metropolitan Planning Strategy, 2017 - 2050

Plan Melbourne is the Metropolitan Planning Strategy for Melbourne. It sets out the vision and directions to guide Melbourne's growth through to 2050. The Amendment is consistent with directions relevant to residential and commercial areas by ensuring that subdivision and built-form is well-designed whilst maintaining and enhancing character and amenity.

Consistency with the State Planning Policy

State planning policy is contained in the Planning Policy Framework (PPF) in the planning scheme. The Amendment supports the objectives and strategies of the PPF by:

- Supporting housing growth and diversity in defined new residential areas, whilst recognising local circumstances.
- Providing certainty about the scale of growth in the township by prescribing appropriate lot sizes for different areas.
- Providing a guide for structure, functioning and character of settlements in order to promote sustainable growth and development.
- Establishing controls to recognise and protect cultural identity and create a sense of place.
- Providing a tool to create urban environments and subdivision designs that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Consistency with Local Planning Policy Framework (LPPF)

The Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) provides the vision for land use planning and development within Cardinia Shire. The amendment supports the objectives and strategies of the LPPF by:

- Implementing a statutory planning tool that encourages an attractive, functional, and sustainable built form in existing and future development.
- Ensuring greater housing choice and diversity.
- Assisting in facilitating the development of commercial, community, residential and entertainment activities within Koo Wee Rup township to meet the needs of the existing and future community.

Relevance to Council Plan

{council-plan-do-not-remove}

Climate Emergency Consideration

Nil.

Consultation/Communication

Notification (formal exhibition)

Amendment C240 was formally exhibited for one month from 13 February to 16 March beginning in May 2019 as part of the planning scheme amendment process.

All owner and occupiers within and adjoining the Koo Wee Rup township boundary, community groups and relevant public authorities were notified of the exhibition of the Amendment. A total of 1,802 letters were sent.

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

- Notice in the Pakenham Gazette - 14 February 2019
- Notice in the Government Gazette - 13 February 2019
- A drop in session for business owners at hairdresser, Main Street Koo Wee Rup - 4 March 2020.
- Display on Cardinia Shire Council website
- Display on DELWP website
- Amendment documents made available for viewing at the Cardinia Shire Council Civic Centre.

Submissions and responses

One submission was received during the exhibition period and three late submissions were received. Two of these were from public authorities and two were from the one land owner.

The matters raised by submissions can be summarised as follows:

- Protection of Industrial land.
- Unjust requirement for public open space.
- Lot size requirements are not reasonable.
- Road layout and public open space location is not workable.
- Drainage requirements have not been considered.
- Requiring a Development Plan is unreasonable.

Officers' were unable to resolve all matters raised. A more detailed summary of the issues raised in the submission and a response to these is included in Attachment 2 to this report

Next Steps



Figure 1. Steps in the Planning Scheme Amendment process

We are at Stage 2 of the Planning Scheme Amendment process as detailed above in Figure 1. As concerns raised by submissions cannot be resolved a Ministerial Planning Panel will be necessary Stage 4. It is recommended that Council adopts the amendment as exhibited.

Financial and Resource Implications

There are no additional resource implications associated with undertaking the Amendment. Costs associated with this process are provided for by the current and proposed Planning Strategy budget. The application of the DDOs and DPOs will provide a clear policy framework to assist Council planners when assessing and making decisions on applications in Koo Wee Rup township, and when defending decisions the Victorian Civil and Administrative Tribunal.

Conclusion

The proposed DDOs and DPOs have been prepared in response to the actions identified within the Koo Wee Rup Township Strategy and advice from the DELWP, and will implement the objectives and strategies set out in the Township Strategy. -

The new overlays will ensure that character guidelines are given due consideration when assessing planning applications for buildings and works and ensure consistency in the design of development within residential areas and the commercial town centre of Koo Wee Rup.

Amendment C240 was exhibited for one month from Thursday 13 February to 16 March 2020. A total of four submissions were received.

The concerns raised by submissions cannot be resolved. Therefore it is recommended that Council accepts all submissions and refers those submissions to an independent Ministerial Planning Panel for consideration.

Resolution

Moved Cr Ray Brown, seconded Cr Graeme Moore.

That Council:

1. Receive and consider all submissions made to Planning Scheme Amendment C240card.
2. 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.

Carried

6.1.2 Amendment to Planning Permit T090757 to Amend Conditions to Allow for Extended Operating Hours of the Quarry at CP168299 and L1 TP756359 Tynong North Road, Tynong North

File Reference: INT2033829
Responsible GM: Peter Benazic
Author: Evangeline McGauley-Kennedy

Recommendation(s)

That Council issue a Notice of Decision to Grant Amended Planning Permit for the amendment to conditions of the planning permit T090757 subject to the conditions attached to this report.

Attachments

1. Locality Map [6.1.2.1 - 1 page]
2. CONFIDENTIAL - Copy of Objections - Circulated to Councillors only [6.1.2.2 - 47 pages]

Executive Summary

APPLICATION NO.:	T090757-1
APPLICANT:	Mr Ned Wynen (AECOM)
LAND:	CP168299 and L1 TP756359 Tynong North Road, Tynong North VIC 3813
PROPOSAL:	Amendment to conditions of the Planning Permit T090757 to allow for extended operating hours of the quarry (as outlined in this report).
PLANNING CONTROLS:	Green Wedge Zone - Schedule 1 Environmental Significance Overlay - Schedule 1 Bushfire Management Overlay (partial)
NOTIFICATION & OBJECTIONS:	Pursuant to Section 55 of the Planning and Environment Act 1989, the application was advertised by the placing of three (3) signs on site and notices in the mail to 17 property owners shown in the Acoustic report provided as being potentially affected by the proposal. Nine (9) objections were received.
KEY PLANNING CONSIDERATIONS:	Green Wedges - Metropolitan Melbourne Noise Amenity Earth and Energy resources Transport

TITLE RESTRICTIONS	Section 173 Agreement – AH820116A. This relates to an agreement between Cardinia Shire Council and Fulton Hogan Construction Pty Ltd which refers to an annual payment in recognition of the impacts of the quarry on public roads during the term of the planning permit (T090757). This payment must be made on or before the day of 30 June in each financial year and is ongoing. It is not applicable to this application. Any further impact of the extended hours of the quarry and vehicle movements will continue to be captured by this Agreement.
RECOMMENDATION:	Notice of Decision to Grant a Permit

Background

The subject site is located on the western side of Tynong North Road, approximately 600 metres to the north of the intersection with Princes Freeway to the south. The site is made up of two (2) parcels (CP168299 and L1 TP756359) and is sometimes referred to as 50 Tynong North Road. The site totals a land area of 212.1 Hectares. The site currently contains a 'medium size' aggregate (granite) quarry, which has been in operation since 1987 and is currently run by Fulton Hogan. The Tynong Quarry currently outputs approximately 3000 tonnes of aggregate per day.

The industry currently employs a number of long time employees from the Pakenham and greater Gippsland region, including quarry staff, administration staff, machinery operators and truck drivers and services a number of external producers of asphalt and other products requiring granite used in the construction industry located in Melbourne's industrial areas (such as Dandenong). The Fulton Hogan Dandenong asphalt plant is permitted to receive night time deliveries from Tynong.

The quarry is estimated to remove 24,500,000 tonnes of aggregate, which is expected to have a lifespan of another 20-30 years.

Previous Planning approvals granted the use and development of the site for the purposes of Extractive Industry in 1987 (P.3636D) and for extensions to the existing extraction area in 2010 (T090757).

The quarry (excluding blasting) currently operates under the following operating hours in accordance with Condition 6 of T090757 (once temporary extension is expired):

- Monday to Friday - 7.00am to 6.00pm
- Saturday – 7.00am to 1.00pm
- Sunday – No work

The quarry currently operates its blasting hours in accordance with Condition 7 of T090757:

- Monday to Friday - 9.00am to 4.00pm
- Saturday and Sunday – No blasting

In June 2018 the Victorian Government released its strategy for extractive resources, Helping Victoria Grow (the Strategy). The Strategy outlines the areas for action to ensure the continued supply of extractive resources to support rapid population growth to 2050.

The Strategy is informed by a comprehensive study commissioned by Minerals Development Victoria released in 2016.

This 2016 study presented forecasts of the demand and supply of extractive resources state-wide to 2050, by resource type and by each of Victoria's 79 local government areas. However, the current 2018 data indicates that demand for extractive resources is tracking even higher than the 'high demand' scenario forecast in the 2016 study.

The Quarry currently operates under a Work Authority (Work Plan 25) issued by the former Department of Primary Industries (now known as the Department of Jobs, Precincts and Regions) on 31 December 2009. A Work Plan Variation has been prepared and endorsed by the Department Jobs, Precincts and Regions on 4 November 2019 for the variation of work hours proposed by this amendment and has been provided with this application.

The Department of Jobs, Precincts and Regions supports the minerals sector to create jobs and attract investment to our regions.

Their roles include:

- Regulating the sector and managing access to the earth resources of Victoria.
- Supporting Victoria's quarry sector so the state has enough building materials for our infrastructure boom.
- Facilitating the development of low-emission resources.

Work Plans endorsed by the Department of Jobs, Precincts and Regions such as the one that Tynong Quarry is required to abide by, authorise, monitor and regulate works in Extractive industries. Outlined in the policy document Preparation of Work Plans and Work Plan Variations: *Guideline for Extractive Industry Projects December 2018* a Work Authority and Work Plan are defined as the following:

- Work authority: A work authority relating to an extractive industry granted under MRSDA section 77I.
- Work plan: The work plan is the primary document describing the permitted activities to be undertaken on a work authority. It is intended to provide guidance to operations staff at the quarry as well as informing other readers such as Council or Government officers in order to facilitate decisions, approvals, compliance, and enforcement functions. It must be clear, concise and contain sufficient detail to enable a reader to understand the activities proposed to be undertaken at the site, their potential risks and impacts, and the control or management actions required.

PLANNING PERMIT HISTORY:

- Historic Planning Permit P3636D issued by the Shire of Pakenham for the use and development of Part Crown Allotment 61 & 61A, Parish of Bunyip, for the purposes of extractive industry on 7 March 1987.
- A temporary extension of hours was granted from 22 November 2007 until 30 January 2008.
- A temporary extension of hours was granted on 28 October 2009 for two weekends in November 2009.

- Planning permit T090757 was issued by Council on 19 April 2010 for the use and development of the land for the purpose of extractive industry (extension to the extraction area of the existing quarry).
- No objections were received to this proposal.
- Secondary consent was granted on 21 August 2018 for an extension of the operating hours for the secondary crusher and one front end loader. The operating hours allowed for the machinery was 7.00am – 10.00pm Monday to Friday for a period of three (3) months.
- Secondary consent was granted on 19 December 2018 for an extension of the operating hours for the secondary crusher and one front end loader. The operating hours allowed for the machinery was 7.00am – 10.00pm Monday to Friday for a period of six (6) months.
- Planning permit T180828 was issued for the construction of a building (Machinery Shed) associated with Extractive Industry on 17 May 2019.
- Secondary consent was granted on 18 July 2019 for an extension of the operating hours for the secondary crusher and one front end loader. The operating hours allowed for the machinery was 7.00am – 10.00pm Monday to Friday for a period of six (6) months.
- Secondary consent was granted on 17 January 2020 for an extension of the operating hours for the secondary crusher and one front end loader. The operating hours allowed for the machinery was 7.00am – 10.00pm Monday to Friday for a period of six (6) months.

Subject Site



The site is located on the north-east corner of the intersection of Tynong North Road and Princes Highway. The existing quarry is located in the north-west corner of the site. The site is traversed by major electricity transmission lines which extend east west across the southern part of the site. The site contains existing quarrying infrastructure including roads, a site office, sheds and a crushing and sorting plant.

The site is undulating, with the main quarry and screening plant being located in a low part 'bowl' of the land and buffered by a natural rise in topography on all sides, resulting in the quarry and plant being concealed from views from any adjoining roads or neighbouring properties.

Surrounding land is generally used for farming purposes, with some smaller rural-residential allotments being located in the vicinity. The township of Tynong is located approximately 850 metres to the south.

Relevance to Council Plan

Nil.

Proposal

The quarry is seeking permission to extend the operating hours allowed under Condition 6 of Planning Permit T090757.

The extended operating hours are requested by the operator (Fulton Hogan) to allow for transportation of construction materials outside the current hours that the quarry is allowed to operate under Planning Permit T090757. The justification for seeking this Amendment surrounds the pressures felt from the growing infrastructure sector in Victoria and the demand for these industries to be able to transport and deliver materials to 24/7 manufacturers in our industrial sectors. Currently, the operating hours restrict the quarry to transporting materials within peak times where a majority of other motorists are using the roads or trying to get to work/ home. The volume of materials that this quarry has been producing would see a considerable increase in trucks on the roads within these peak times, which is not sustainable.

The quarry has been operating additional machinery with temporary extended hours (via Secondary Consent applications) since 21 August 2018, but now seek to make the extended hours permanent, and include truck movements into this proposal. The Secondary Consent approvals were issued allowing the quarry to operate a secondary crusher and one front end loader between 7.00am and 8.30pm Monday to Friday for 3 to 6 months at a time.

Evening time hours (Monday to Saturday):

The proposed extended operating hours during the evening period on Monday (from 6.00pm – 10.00pm) will include the following equipment and activities are proposed to be used/undertaken:

- Secondary crusher
- Screening plant
- One (1) front end loader
- Truck movements

During this time the applicant is seeking permission for the use of the secondary crusher, screening plant, Komatsu 500 loader and two (2) trucks per half hour (four movements; two movements in and two movements out), and the use of one (1) loader to load trucks.

Night time hours (Monday to Friday):

The proposed extended operating hours during the night time period on Monday (from 10.00pm – 7.00am – following day) will include the following equipment and activities are proposed to be used/undertaken:

- One (1) front end loader

- Truck movements

During this time the applicant is seeking permission for the use of two (2) trucks per half hour (four movements; two movements in and two movements out) and the use of one (1) loader to load trucks.

The extended hours do not include additional blasting and this condition will remain unchanged. The current hours approved under Condition 7 of T090757 for blasting are:

- Monday to Friday - 9.00am to 4.00pm
- Saturday and Sunday - No blasting

A comparison to what is currently allowed by the permit to what is proposed is demonstrated in this table:

Table 1 Comparison between the existing and proposed operating hours and operations at Tynong Quarry.

	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Time Period: Day Operations Occurring: All normal machinery and plant equipment (excluding blasting). EXISTING OPERATIONS	7AM – 6PM EXISTING OPERATING HOURS	7AM – 6PM EXISTING OPERATING HOURS	7AM – 6PM EXISTING OPERATING HOURS	7AM – 6PM EXISTING OPERATING HOURS	7AM – 6PM EXISTING OPERATING HOURS	7AM – 1PM EXISTING OPERATING HOURS	No Work EXISTING OPERATING HOURS
Time Period: Evening Operations Occurring: Secondary crusher, screening plant, one front-end loader and truck movements. PROPOSED OPERATIONS	6PM – 10PM PROPOSED ADDITIONAL OPERATING HOURS	6PM – 10PM PROPOSED ADDITIONAL OPERATING HOURS	6PM – 10PM PROPOSED ADDITIONAL OPERATING HOURS	6PM – 10PM PROPOSED ADDITIONAL OPERATING HOURS	6PM – 10PM PROPOSED ADDITIONAL OPERATING HOURS	1PM – 10PM PROPOSED ADDITIONAL OPERATING HOURS	No Work EXISTING OPERATING HOURS
Time Period: Night Operations Occurring: One front-end loader and truck movements. PROPOSED OPERATIONS	10PM – 7AM (the following day) PROPOSED ADDITIONAL OPERATING HOURS	10PM – 7AM (the following day) PROPOSED ADDITIONAL OPERATING HOURS	10PM – 7AM (the following day) PROPOSED ADDITIONAL OPERATING HOURS	10PM – 7AM (the following day) PROPOSED ADDITIONAL OPERATING HOURS	10PM – 7AM (the following day) PROPOSED ADDITIONAL OPERATING HOURS	No Work EXISTING OPERATING HOURS	No Work EXISTING OPERATING HOURS

Planning Scheme Provisions

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11.01-1R – Green Wedges – Metropolitan Melbourne
- Clause 13.05-1S – Noise abatement
- Clause 13.06-1S – Air quality management

- Clause 14.03-1s – Resource exploration and extraction
- Clause 17.01-1S – Diversified economy
- Clause 17.03-2S – Sustainable industry
- Clause 18.01-2S – Transport system
- Clause 18.02-3S – Road system
- Clause 18.05-1S – Freight links

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 - Cardinia Shire Key issues and strategic vision
- Clause 21.04-6 – Extractive industry
- Clause 21.05-2 – Freeways, declared arterial roads
- Clause 22.05 – Westernport Green Wedge Policy

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions
- Clause 52.29 – Land adjacent to a Road in a Road Zone Category 1
- Clause 52.09 – Stone Extraction and Extractive Industry Interest Areas
- Clause 65 – Decision guidelines
- Clause 66 – Referral and Notice provisions
- Westernport Green Wedge Management Plan 2017

Cardinia Shire's Liveability Plan 2017-2029

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

- Reduce financial vulnerability by facilitating investment in the local economy that facilitates new job opportunities, due to new staff being required to fill additional hours.

Zone

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

Overlays

The land is subject to the following overlays:

- Environmental Significance Overlay – Schedule 1
- Bushfire Management Overlay (partial)

Planning Permit Triggers

The proposal relates to the amendment of Planning Permit T090757 originally issued for the use and development of the land for the purpose of extractive industry (extension to the extraction area of the existing quarry) to amend conditions relating to the operation hours of the quarry as discussed above. Therefore, there are no new permit triggers as a result of the proposal.

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

- Pursuant to Clause 35.04 (GWZ1) a planning permit was required for Mineral Stone or Soil Extraction.
- Pursuant to Clause 42.01 (ES01) a planning permit was required to construct or carry out works.

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 and those properties shown as being potentially affected on the Acoustics Map prepared by AECOM Australia Pty Ltd dated 8 April 2019 (see Figure 1 below); and
- Placing three (3) signs on site.
- A total of 17 residents within an approximately 1 kilometre radius of the site received notice of the application by mail.

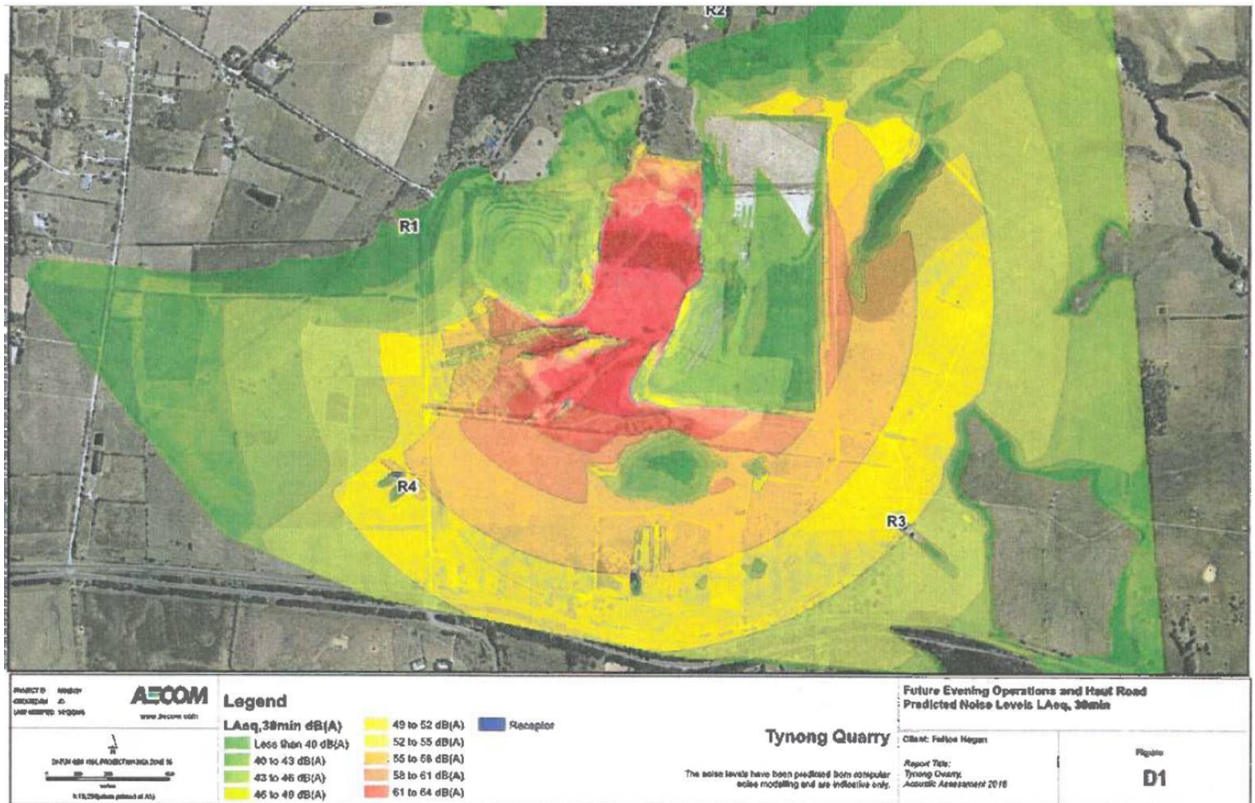


Figure 1: Acoustic mapping used to determine advertising notices for adjoining residences.

The notification has been carried out correctly, with the Statutory Declaration being received on 23 March 2020.

Council has received nine (9) objections to date. One (1) objection was received on 19 March 2020, well outside of the advertising period. However, Council have endeavoured to address these concerns in detail below.

The key issues that were raised in the objections are:

- Noise (arising from trucks, machines, secondary crusher, additional road noise)
- Increased dust (resulting in respiratory issues, increased property maintenance)
- Water use
- Safety of Princes Highway and Tynong North Road/ Tynong Road intersection
- Impact on wildlife (resulting from lighting)
- Sleep quality (resulting from noise and vibration)
- General compliance of the quarry with existing permit

Referrals

Department of Transport (VicRoads)

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

Earth Resource Regulation (ERR)

The application was referred to the ERR as a statutory referral, however no response has been received to date. It is however noted that the application was referred to the ERR in error as Clause 52.08 and Clause 52.09 of the PPF contain a referral exemption.

Referral requirements do not apply to an application to use and develop land for mineral or stone extraction if a copy of the work plan was previously referred to the authority listed in Clause 66 of the VPP under section 77TE of the *Mineral Resources (Sustainable Development) Act 1990* (MRSDA).

Discussion

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

The Planning Scheme puts particular emphasis on the facilitation of the Earth and Energy Resources Industry (when located in appropriate regions) where exploration and extraction of natural resources are undertaken with acceptable environmental standards, in order to facilitate this demand. There are a number of strategies that should be implemented to ensure the protection of long-term natural resources in Victoria, and the opportunity for exploration and extraction. This should be done while recognising that amenity and buffer distances need to be controlled and maintained to avoid conflict with sensitive uses whilst enforcing appropriate limits on the potential effects of the activities may have on them.

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

A number of state and local policies are relevant to this application that aim to ensure that industries such as extractive industries are protected (where located in appropriate locations), as well as ensuring that potential conflicts with sensitive land uses can be appropriately managed and mitigated.

Clause 11.01-1R (Green Wedges – Metropolitan Melbourne) seeks to protect green wedges from inappropriate development as well as support development in green wedges that provides environmental, economic and social benefits including protecting significant resources of stone, sand and other mineral resources for extraction purposes.

Clause 13.05-1S (Noise abatement) seeks to assist the control of noise effects on sensitive land uses by ensuring that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Clause 13.06-1S (Air quality management) seeks to assist the protection and improvement of air quality. Ensure, wherever possible, that there is suitable separation between land uses that reduce air amenity and sensitive land uses.

Clause 14.03-1s (Resource exploration and extraction) seeks to encourage exploration and extraction of natural resources in accordance with acceptable environmental standards to Provide for the long-term protection of natural resources in Victoria, Recognise the possible need to provide infrastructure for the exploration and extraction of natural resources, Develop and maintain buffers around mining and quarrying activities.

Clause 17.01-1S (Diversified economy) seeks to strengthen and diversify the economy and support rural economies to grow and diversify.

Clause 17.03-2S (Sustainable industry) seeks to facilitate the sustainable operation of industry by providing adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.

Clause 18.01-2S (Transport system) seeks to coordinate development of all transport modes to provide a comprehensive transport system by ensuring careful selection of sites for freight

generating facilities to minimise associated operational and transport impacts to other urban development and transport networks. It also seeks to achieve this by planning or regulating new uses or development of land near an existing or proposed transport route to avoid detriment to and where possible enhance the service, safety and amenity desirable for that transport route in the short and long terms.

Clause 18.02-3S (Road system) seeks to manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure by improve the management of key freight routes to make freight operations more efficient while reducing their external impacts and Ensure that road space complements land use and is managed to meet community and business needs.

Clause 18.05-1S (Freight links) seeks to minimise negative impacts of freight movements on urban amenity and limit incompatible uses in areas expected to have intense freight activity by identifying and protecting key freight routes on the Principal Freight Network. It also seeks to plan for improved freight connections that are adaptable to commodity, market and operating changes and link areas of production and manufacturing to export markets. This in turn is expected to improve freight efficiency and increase capacity of Transport Gateways while protecting urban amenity.

The proposal is compatible with the rural character from the area, and given its strategic location an extension to the operation hours is considered acceptable. The quarry has been in operation since 1987 under various planning permits discussed above, and the changes to hours are not considered to cause any major disruption to the surrounding residences. The quarry is strategically located in the appropriate zoning to minimise conflicts with sensitive uses, such as dwellings. It is noted that the Green Wedge is primarily an agricultural zone which should facilitate, above all else the right to farm. Other compatible uses, such as this should also be considered appropriate in the Green Wedge and take precedence over the amenity of rural residences. However, in any case the Planning Scheme requires the appropriate amenity protection measures to be put in place to minimise these effects. Local policies including Clause 21.04-6 (Extractive industry), 21.05-2 (Freeways, declared arterial roads) and 22.05 (Westernport Green Wedge Policy) all seek to facilitate and protect the development and expansion of industries such as this in when appropriately located the Green Wedge.

It is considered that the proposal adequately responds to the above and therefore, it is considered that the proposal is consistent with the PPF and MPS as it appropriately balances the objectives of the policy that will not result in a detrimental impact on the amenity of the surrounding area.

Green Wedge Zone:

Some of the key purposes of the Green Wedge Zone is to implement the MPS and PPF, along with providing for and protecting the use of the land for agriculture. It is also in place to recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities and mineral and stone resources. The decision guidelines of the Zone require the Responsible Authority to consider the following when assessing an application, in particular:

- The capability of the land to accommodate the proposed use or development.
- How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.

- Whether the use or development is essential to the health, safety or well-being of the State or area but is not appropriate to locate in an urban area because of the effect it may have on existing or proposed urban areas or the effect that existing or proposed urban areas may have on the proposed use or development.

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

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

Changes in policy

There have been some changes to the Cardinia Planning Scheme since the permit was issued in 2010, namely the following Planning Scheme Amendments.

Planning Scheme Amendment VC77, which was introduced on 23 September 2011. This amendment saw a number of uses (including Earth and energy resources) deleted in Section 1 of all Zones and included into Clause 62.01 (Uses not requiring a permit) where the conditions have been met. Clause 62.01 states that a planning permit is not required for the use of the land for earth and energy resources industry if the conditions of Clause 52.08 (Earth and Energy Resources Industry) are met.

Although Planning Scheme VC77 was one of the most notable change directly relating to this land use, there have also been some other significant changes to the Planning Scheme since the permit issued.

These changes include changes to the Bushfire Management Overlay mapping which saw part of the subject site included into the overlay via the implementation of Amendment GC13 on 3 October 2017.

There were also some minor 'fix-up' amendments between 2017 and 2020, the most recent being VC160 which amends the Victoria Planning Provisions (VPP) and all planning schemes to correct errors and omissions, clarify the operation of certain provisions, and implement planning reforms for extractive industries.

Amendment VC160 recognises that The building materials used in construction (concrete, road base, asphalt, aggregates, bricks and paving) are all made from stone, sand, clay, most of which come from quarries across Victoria.

These raw extractive resources are the foundation of Victoria's built environment, contributing to the State's economic development, jobs, liveability and community wellbeing. The Victorian Government's Extractive Resources Strategy, Helping Victoria Grow (June 2018) identifies that the demand for extractive resources in Victoria is expected to more than double annual production by 2050 compared to 2016 levels.

Through the Joint Ministerial Statement on Extractive Resources (August 2018) the Victorian Government committed to amending planning rules to provide greater flexibility on commencement of quarry activity to enable quarry sites to respond to market conditions. Under section 68 of the Planning and Environment Act 1987 a permit for the use of land expires if the use does not start within the time specified in the planning permit, or, if no time is specified, within two years after the issue of the permit.

Generally, a quarry requires more than two years from the issue of a permit to commence the use or to respond to market demand for the stone resource. While a responsible authority can specify a longer period in the permit, this is not always done. To ensure quarry permits provide a reasonable and appropriate time for the use to commence, the amendment introduces requirement into Clause 52.09 for permits for extractive industry to include a condition that allows a commencement period of not less than five years.

The amendment also changes the land use term 'stone extraction' to 'extractive industry'. The land use term 'extractive industry' in the VPP was changed to 'stone extraction' by Amendment VC77 in September 2011. The term used in the Mineral Resources (Sustainable Development) Act 1990 (MRSD Act) is 'extractive industry', which is the more commonly used term.

The amendment also changes the corresponding land use definition. It is unclear under the current definition whether the land use term applies to the extraction or removal of stone that is exempt from the provisions of the MRSD Act under section 5AA of that Act. The amendment removes the reference to the MRSD Act and reinstates the pre-Amendment VC77 definition with some modifications to clarify and expand its scope by including reference to activities that are normal or ancillary to extractive industry operations - rehabilitation, crushing and processing of stone, and the manufacture of asphalt products.

Council's own local amendment (C215) was introduced to the Planning Scheme on 10 August 2017, which enacts the principles and guidance of the Western Port Green Wedge Management Plan 2017 into Council's decision making. This policy seeks to protect and enhance the Cardinia Westernport Green Wedge region for its horticultural and agricultural pursuits to provide for food security into the future. It also identifies that the local economy will be driven by its agriculture, horticulture and extractive industry and identifies a number of suitable uses for Cardinia's green wedge land. The Management Plan outlines a number of key strategic locations, which should be set aside and protected for Extractive Industry. The policy document mainly deals with the southern portion of the municipality, however does speak to a small portion of the Shire located north of the Princes Highway along the northern areas of the townships of Nar Nar Goon, Tynong, Garfield and Bunyip. The policy recognises that important natural resources exist within the green wedge and it is important to achieve a balance between being able to retain this resource while protecting environmental assets and local amenity.

One of the objectives of the document is to recognise the importance of extractive industry for both the municipality and metropolitan Melbourne and ensuring that these activities are not detrimental to the environment.

It seeks to do this by implementing strategies to:

- Support potential future extractive industry, particularly in the north area of the green wedge.
- Protect existing and future extractive industry from residential encroachment by ensuring that buffer areas are enforced and protected.

The above changes to the Scheme over time have been implemented to ensure the greater protection of this industry, given its State significance to the Victorian economy and residential growth. The changes to the Scheme over time demonstrate the Planning Scheme's support for these industries. It is noted that the planning permit is only a minor part of the approval quarries require, as there are other stringent Works Approval requirements and approvals at a State level, which further regulate and control this industry to ensure its sustainability.

Given the above, it is considered that the changes in the Planning Scheme since the permits issue further facilitate this land use in the correct locations, and therefore, do not mitigate against the approval of this amendment or render it unsupportable due to changes in Planning Policy over the years.

Advertising and response to objections

Council considers that there will not be any significant effects of the proposed amendment on the locality or environment. This is further discussed in response to the concerns raised by objectors below.

The key issues that were raised in the objections are generally amenity-based concerns and can be summarised into the following categories:

- Noise (arising from trucks, machines, secondary crusher, additional road noise)
- Increased dust (resulting in respiratory issues, increased property maintenance)
- Water use
- Safety of Princes Highway and Tynong North Road/ Tynong Road intersection
- Impact on wildlife (resulting from lighting)
- Sleep quality (resulting from noise and vibration)
- Hours that plants are open to receive goods
- General compliance of the quarry with existing permit

In response to these concerns the following can be said:

Noise (arising from trucks, machines, secondary crusher, creation of additional road noise)

As discussed in further detail below, it is noted that as part of the Work Plan Variation, the Department referred the application to DEDJTR – Earth Resources and Regulations (ERR) Technical Services and the Environmental Protection Authority (EPA) to conduct a technical review of the noise and acoustic modelling, as well as the noise sources report that forms the basis of the amendment with no concerns being raised.

Machinery noise (front-end loader and secondary crusher)

A number of the objections received noted noise as one of the major concerns if the amendment was to be supported. Many of the concerns stem from the perception that the crusher will be operating throughout the night. It should be noted that the proposal seeks permission to operate the Secondary crusher* until 10pm (Monday-Saturday). Therefore, there is no potential for noise and vibration from the quarry after this time.

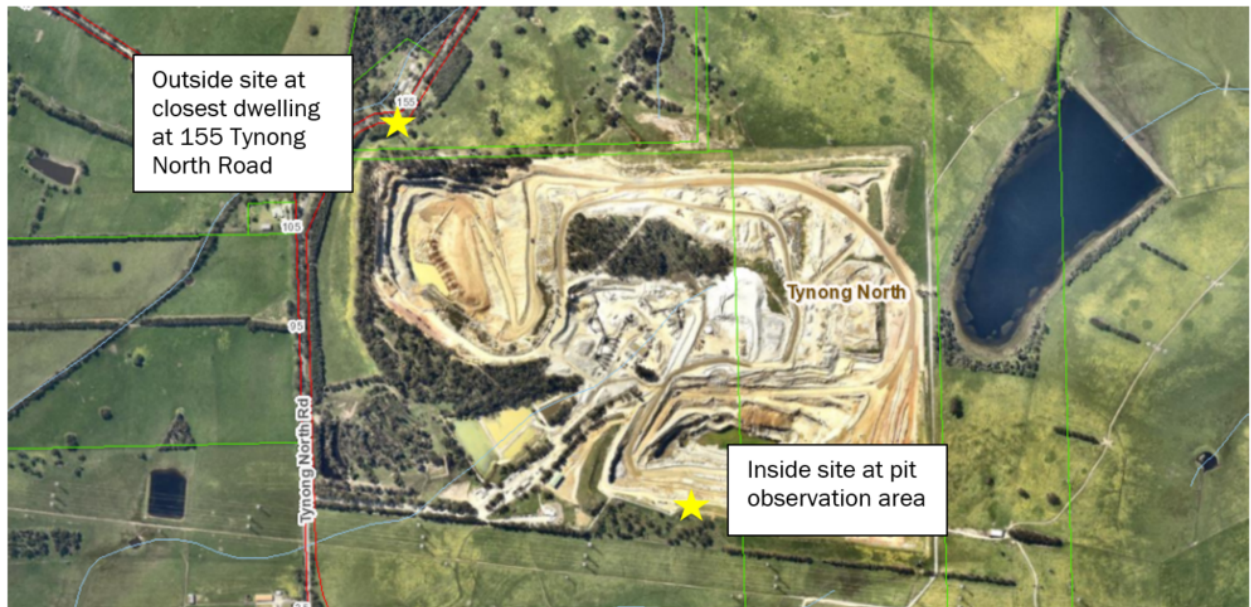
Secondary crusher is a smaller machine ancillary to the primary crusher. The secondary crusher is used to further break up larger material already processed by the primary crusher.

As part of this assessment, Council officers attended the site after hours between 6.00 and 7.30pm on a Monday night during the times that the secondary crusher and front end loader are in operation (current operating under the extended hours approved by Secondary Consent dated 17 Jan 2020).

The officers noted that the noise of the crusher and front-end loader from inside the site was minimal, with noise emanating from outside the site (in front of the closest dwelling) not being heard at all. The officers noted that normal road noise from the Princes Highway was much more of a nuisance.

Based on this site visit, the Council officers were satisfied with the information provided by the Acoustics report that noise levels could be maintained at an acceptable level during the evening and night.

Council Officers observed the noise from the secondary crusher and front-end loader from the two (2) locations shown on the map below.



Truck and additional road noise

A number of objections also raised the issue of additional road noise as a result of trucks using the roads at night. It should be noted that trucks entering and exiting the site can only travel along an approximately 600 metre stretch of Tynong North Road south towards the highway. This stretch of road passes one (1) property (located at 35 Tynong North Rd) before reaching the intersection for the Highway. This property, along with some others discussed below (located on the inbound side of the Highway) would be the most affected by increased vehicle movements during the night-time period. It is noted that no response to the proposal raising this as a concern was received from this landowner.

Sleep quality (resulting from noise and vibration)

Noise levels comply with the NIRV standards and Objector's property would not be impacted by either the proposed evening or night works, as shown in the Acoustic Report.

Trucks will also not be travelling past the objectors properties (Condition 17 prohibits trucks travelling north up Tynong Road without the prior written consent of Responsible Authority), and in most cases well away from these dwellings raising this as an issue therefore, noise emanating from this aspect of the use having impact on sleep quality is considered to be avoided.

Increased dust (resulting in respiratory issues, increased property maintenance)

Objections were also received relating to increased dust resulting in issues such as increased property maintenance and respiratory problems. It is not expected that there will be any additional impact from dust or air borne emissions from the site as a result of the extended hours. It is noted that an objector provided photos taken immediately following a blast taking place within the Quarry at approximately 1.15pm on Thursday 19 March 2020. This photo demonstrates that dust was generated as a result of a blast being undertaken on the site, and not as a result of the use of equipment (secondary crusher, loader or trucks). It is not expected that the use of this equipment during the extended operating hours requested would generate this volume of dust.

A copy of the photos has been provided to the permit applicant for reference and further action. Dust generated by blasts continues to be control by the existing approved Work Plan, and therefore appropriate monitoring and compliance should be undertaken as per the procedures in this Plan to resolve the issue. In accordance with Condition 15(c) Council's Planning Compliance Officer has also been notified.

Any dust generated by the evening operations (secondary crusher until 10pm) and night-time operations (loading and transport via trucks) will be restricted to the secondary crusher location and loading area (located towards the centre of the site) and will be managed through existing approved dust management measures outlined in the Work Plan Variation WA25 issued by the Department of Jobs, Precincts and Regions on 4 November 2019. Existing conditions on the permit relating to management of dust will continue to apply to the permit. With proper management and compliance with the permit and Works Authority, it is not expected that the extended hours will increase issues of dust on surrounding properties.

Water use

Issues with inadequate water supply

It is noted that one objector raised issues with water supply to their residence believing that the Quarry is contributing to this issue. However, the Quarry uses its own on site water supply stored in a number of dams located throughout the property. Issues arising from inadequate water supply to residences is an issue to be discussed with the relevant local Water Authority. Safety of Princes Highway and Tynong North Road/ Tynong Road intersection
Concerns regarding entering and exiting the road.

A number of objectors raised this as an issue and Council agrees that this needs to be appropriately managed. As the Highway is under the management of relevant Roads Corporation (Department of Transport, formally VicRoads) the application was referred to them for comment. One (1) objection in particular suggests that 'flashing lights' should be installed at the intersection (much like what has been installed for Gumbuya World further east), however Council unfortunately cannot put such conditions on a permit as the road is managed by VicRoads who have required lighting to be installed that satisfies their concerns.

As discussed below, the Department of Transport are satisfied with the proposed extended hours, subject to lighting being installed on the Highway near the intersection with Tynong North Road (outbound) and Tynong Road (inbound). Council's Traffic Department are also requiring the installation of flag lighting prior to the commencement of the extended hours on the west side of Tynong North Road opposite the access driveway. Further the proposal is seeking to reduce the impact on this intersection and the surrounding Highway network by the proposal. By allowing night-time vehicle movements it is expected that the number of vehicles entering and exiting the site can be better spread out during the whole day, reducing the stresses on this intersection at peak times.

As the Highway is under the management of VicRoads, Council must consider their response to the extended hours to be sufficient to improve the safety of the intersection.

Impact on wildlife

Impact on wildlife (resulting from lighting & noise)

Noise and vibration from operating plant equipment will only be experienced by local wildlife for an additional 1.5 hours from the current approval. This is unlikely to have any significant impacts on the vitality and wellbeing of the wildlife.

Trucks that travel from the quarry will travel approximately 600 metre south along Tynong North Road before entering the Princes Highway (a road that is constantly and heavily used by vehicles). It is unlikely that any local wildlife will be impacted along this 600 metre stretch of Tynong North Road or the established highway.

The Tynong Quarry currently has lighting operating during the night to assist in undertaking maintenance work, and no complaints in relation to night-time lighting have been received by Council or EPA. The current lighting used by the quarry during the night-time period would not be changed to carry out the night works included in this proposal.

It is also noted that as part of the referral requirements for the Work Plan Variation endorsed by the Department of Jobs, Precincts and Regions and submitted with this application, the Department of Land, Environment, Land, Water and Planning (DELWP) were referred the application to make comment on the potential impacts on flora and fauna (in particular 24 hour noise and lighting impacts) due to the location of the site in the Environmental Significance Overlay – Schedule 1, with no response being received from this authority. DELWP provided a response stating that they had no objection and no conditions to as to changes proposed by the extended operating hours. General Compliance with existing permit.

Council notes that upon inspection of the file, no record of a complaint regarding the operation of the quarry could be found. The permit applicant asserts that they are also unaware of any complaints to Council or the EPA to date regarding the operation of the Fulton Hogan quarry. It is noted that issues regarding 'alleged' permit breaches as outlined in objections are not a relevant consideration for this application that seeks only to amend hours of operation. These are two separate matters which should be dealt with via the appropriate means. Hours that other plants are open to receive goods.

An objector was concerned that there was no point to extending the operation hours to allow truck movements throughout the night, as they state that construction sites are not generally open after hours due to regulations. However, as outlined previously the application states that Fulton Hogan's Dandenong Asphalt Plant is authorised to receive night time deliveries, and this is where most of the material will be transported to during the night-time operating hours.

Acoustic assessment

In addition to the responses above, it is also noted that the application was accompanied by an Acoustic Report prepared by AECOM Australia Pty Ltd which monitored four (4) noise sensitive receptors known as R1, R2, R3 and R4. The receptors were located between 188 and 575 metres away from the Quarry boundaries, near the following addresses:

- 40 Clark Road (R1)
- 260 Tynong North Road (R2)
- 2505 Princes Highway (R3)
- 35 Tynong North Road (R4)

The assessment was undertaken during the times proposed and in accordance with the requirements of the Environmental Protection Authority (EPA) Noise from Industry in Regional Victoria (NIRV) Guidelines (Publication 1411) and concluded that the noise levels emanating from the extension of hours, although audible at times, did not exceed the standards set out in the Noise from Industry in Regional Victoria (NIRV).

The NIRV Recommended Maximum Noise Levels for the four nearby receptors are summarised in Table 7 of the assessment:

Table 7 NIRV Recommended Noise Levels

Receptor Location	Recommended Maximum Noise Level (dB(A))		
	Day (7am to 6pm)	Evening (6pm to 10pm)	Night (10pm to 7am)
R1	49	46	40
R2	49	46	40
R3	56	53	46
R4	60	55	49

The results of the acoustic assessment (see Table 19 of Acoustics report), showed that at each receptor the evening and night limits returned results of between <30 and 55 dB(A), which is equal to or less than the NIRV Recommended Maximum Noise Levels dB(A) (during these times of the day/night) which range between 40 and 55 dB(A), demonstrating compliance with the standards.

Based on the results of the acoustic assessment and noise modelling, the applicant asserts that the noise emissions from the proposed extended operating hours of the Quarry are compliant with the relevant guidelines and requirements of the NIRV for both periods. The report explains that this result has been obtained without additional controls, management or mitigation measures.

It is noted that some objectors raised concerns with how this noise modelling was carried out, however the applicant ensures that the technical merit of the Acoustic Report and Noise Assessment have been carried out correctly in accordance with all relevant guidelines. It is also noted that as part of the Work Plan Variation, the Department referred the application to DEDJTR – Earth Resources and Regulations (ERR) Technical Services and the Environmental Protection Authority (EPA) to conduct a technical review of the noise and acoustic modelling, as well as the noise sources report that forms the basis of the amendment. No response was received from either authority, and therefore, the Department of Jobs, Precincts and Regions in their response directs that if no response is attached, then none was received. No responses were attached in the Work Plan Variation response and therefore it is assumed that they had no comment to make or issues with the technical merit of the assessment.

The assessment concludes that based on the results of the noise modelling it is predicted that the noise emissions from the Quarry will comply with the NIRV Recommended Maximum Noise Levels during the evening and night periods at all noise sensitive receptors.

Conditions relating to general amenity continue to be enforced by the permit. Specific requirements for noise mitigation and monitoring are contained in the endorsed Work Plan.

Works Authority/Plan

It is also noted that the proposed amendment requires a Work Plan Variation endorsed and issued by the Department Jobs, Precincts and Regions which has been given and supplied by the applicant as part of this application. The Works Plan Variation was endorsed by the Department on 4 November 2019.

This approval sets out stringent requirements for the quarry to operate under in accordance with the Mineral Resources (Sustainable Development) Act 1990 (MRSDA) including the following reporting and monitoring requirements:

- Site and Access details;
- Operations;
- Safety and Environmental controls
- Rehabilitation plans
- Community engagement plans

The safety and environmental controls also sets out appropriate limits for noise and vibration, blasting, airborne particles, drainage and waste among other things.

These controls set out the required standard for noise which have been discussed throughout this report and require them to be monitored and maintained in accordance with the Work Plan approval.

Advice from referral authorities

The amended permit application was required to be referred to the Department of Transport (formally VicRoads) and Earth Resource Regulation (ERR) pursuant to Clause 66 (Referral and notice provisions).

The Department of Transport (DoT) provided a response that they were supportive of the amendment to operating hours in principle and subject to conditions.

Department of Transport's condition states:

- Unless otherwise agreed in writing by the Head, Transport for Victoria, within six months of the date of the permit, the permit holder must install street lighting generally in accordance with the Diagram 1 and AustRoads standards to the satisfaction of and at no cost to the Head, Transport for Victoria at the intersection of Princes Freeway, Tynong North Road and Tynong Road.

In their response the Department of Transport states that the rationale behind requiring these upgrades to the intersection of Tynong North Road and Princes Highway surround their data that the intersection of Princes Freeway, Tynong North Road and Tynong Road is currently an accident blackspot. They explain that there have been six (6) crashes occurring in the 5-year period between 1 January 2012 and 31 December 2017 including one (1) fatal crash and two (2) serious injury crashes.

Although these crashes have occurred during daylight hours, the Department is concerned that crash risk in the evening will be increased as a result of slow-moving, heavily laden trucks entering Princes Freeway at a time when their vehicle speeds will be more difficult for approaching motorists on the freeway to ascertain.

The Department's support for the extended operating hours is, therefore, contingent upon the permit holder providing street lighting at the intersection of Princes Freeway, Tynong North Road and Tynong Road.

The diagram below shows the locations of the lighting required by the Department of Transport:



Diagram 1: Location of street lighting required by DoT.

As discussed above, the application was referred to the ERR before it was discovered that a referral was not required. The application documents provided by the applicant contain a response from the Department stating that in accordance with the requirements of Clause 66 of the Victorian Planning Provisions, the responsible authority is advised that the Department (in its capacity as a Determining Authority under Section 55 of the Planning and Environment Act 1987) has considered the proposal with the last three months prior to the date of this letter and does not object to the grant of a planning permit subject to the following condition:

- Any planning permit conditions imposed do not duplicate or copy the requirements contained within the attached Statutorily Endorsed Work Plan and accompanying conditions.
- As such, Council is satisfied that the Department has no objections to the proposed amendment of operating hours.
- The conditions contained within the Work Plan Variation WA25 endorsed by the Department on 4 November 2019 state:

Noise management

- The Work Authority holder must not allow noise to exceed the relevant noise levels specified in the EPA Publication 1411: Noise from Industry in Regional Victoria (NIRV), at sensitive receptors.

- The Work Authority holder must monitor noise level for one (1) week, by suitably qualified independent person(s), within four (4) weeks of the commencement of the front end loader and sales operations* being carried out between 7am Mondays to 6pm Saturdays.
- 'Sales operations' means truck movements.
 - The results of the monitoring, along with an analysis of compliance with the NIRV, must be provided to the Executive Director, Earth Resources Regulation within 28 days of completion of monitoring.
- Any noise complaints must be reported to the Director Regulatory Compliance, Earth Resources Regulation as soon as practical, but no later than 3 working days from receipt of such complaint.

These conditions form part of the Work Plan Variation and are not required to be placed on the amended planning permit.

Increase in detriment to any persons

Based on the afterhours site visit, supporting documents and above assessment and discussion, if the measures are followed in the approved Work Plan Variation and hours of operation undertaken in accordance with the amended permit, there should be no further detriment in the form of noise, vibration, traffic or any other adverse effect arising from the operations to any person living within close proximity to the Quarry and its surrounds.

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

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

Social and economic impacts

It is considered that there will not be any significant detrimental social or economic effects of the proposed amendment. The amendment to extend the hours for extractive industry is expected to have a positive economic effect by providing more flexibility for quarry operators to respond to demand for stone resources by allowing after hours transportation of the raw goods. This will allow places such as asphalt and concrete plants to keep up with the demand of the construction industry and road/transport infrastructure projects that contribute to Victoria's economic development and liveability.

As previously discussed the acoustic report provided with this application and peer reviewed by DEDJTR and the EPA as acceptable demonstrate that if the measures in place under the current Work Plan Variation and the amended permit are implemented and followed, it is considered that the proposed amendment will not cause any accumulative or material detriment to the surrounding area.

Other strategic plans or works

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

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

Section 173 Agreement AH820116A

This restriction relates to an agreement between Cardinia Shire Council and Fulton Hogan Construction Pty Ltd which refers to an annual payment in recognition of the impacts of the quarry on public roads during the term of the planning permit (T090757). This payment must be made on or before the day of 30 June in each financial year. It is not applicable to this application. Any further impact of the extended hours of the quarry and vehicle movements will continue to be captured by this Agreement.

Other relevant matters

It is considered that there are no other relevant matters, other than what has already been discussed which should be considered in the application to amend the permit.

Are the changes to the Planning Permit considered appropriate?

Based on the above assessment, it has been demonstrated that the concerns arising from the proposed extended hours have been appropriately discussed and addressed by this assessment.

The proposed extended operating hours are considered reasonable given their scope and scale. The site is appropriately located in the Green Wedge Zone, an appropriate location for this type of land use, ensuring that land use conflicts from sensitive uses can be minimised. The Quarry has been operating lawfully since 1987, with no records of complaints about amenity being located on Council's file.

Given that there are a number of policies in the Victorian Planning Scheme in place to facilitate and protect extractive industries, it is considered appropriate to consider this request based on the justification and evidence provided in the application that it is unlikely that any further detriment will be caused by the amendment.

As demonstrated by the accompanying technical reports and site visit, Council is satisfied that any additional impact from noise or vibration resulting from the extended operating hours for the secondary crusher, screening plant & one (1) front end loader of between 7.00am and 10.00pm (Monday to Saturday), will be minimal and within the prescribed limits relating to Noise from Industry in Regional Victoria (NIRV).

The extending operating hours for one (1) loader and truck movements are also considered reasonable given the location of the Quarry close-by to Princes Highway, the proposed frequency of trucks (two (2) trucks per half hour equating to four movements; two movements in and two movements out) and the minimal distance (600 metres) that trucks will have to travel in order to access the Highway. The proximity to the Highway is expected to reduce the disruption from road noise of trucks passing residences during the night, as well as relieve congestion at this intersection during peak times.

Given the support of VicRoads, subject to lighting being installed and Council's Traffic Engineer, the proposal to allow 24 hour truck movements Monday – Friday (the following day) is considered reasonable and should be supported.

Furthermore, the planning permit is only a minor aspect of the control and regulations quarries are required to abide by and based on planning policy that seeks to protect and support appropriately located Extractive industry, it is considered reasonable that this application be supported.

Clause 65 Decision Guidelines

The Application has been assessed against the Clause 65 Decision Guidelines, which requires Council to consider additional factors such as:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The effect on the amenity of the area.
- The effect the proposal may have on the orderly planning of the area;
- The amenity of the area, proximity to public land;
- The suitability of the land for subdivision; and
- The existing use and possible future development of the land.
- Traffic and road safety impacts

As discussed the application to amend the operation hours aligns with Planning Policy Frameworks and the purpose of the Zone to provide for and protect Victoria's Extractive Industries due to their significance to the Victorian economy and infrastructure.

The quarry has been in existence allowed via two (2) previous planning permits which identified that this location is a suitable location for this type and scale of land use, which it continues to be. The extended operating hours have been demonstrated to result in compliance with noise levels and are not expected to further reduce the amenity of the surrounding sensitive uses. The potential impacts on road safety and traffic resulting from the extended hours have also been assessed and considered appropriate, subject to conditions being implemented and followed.

Therefore, it is considered that the application is consistent with the decision guidelines of all applicable planning controls.

Conclusion

The proposed amendment is consistent with the requirements of the Cardinia Planning Scheme and based on the assessment above it is not considered that the extended operating hours will cause any unreasonable detriment to adjoining properties. It is therefore recommended that a Notice of Decision for amended planning permit T090757-1 be issued for the amendment to Planning Permit T090757 to amend conditions to allow for extended operating hours of the quarry (secondary crusher, screening plant, one front end loader & truck movements) at CP168299 & L1 TP756359 Tynong North Road, Tynong North subject to the following amended conditions:

Conditions

AMENDED PLANNING PERMIT

Planning Scheme: Cardinia Planning Scheme
Responsible Authority: Cardinia Shire Council

PLANNING PERMIT NUMBER: T090757-1

ADDRESS OF THE LAND: CP168299 & L1 TP756359 Tynong North Road, Tynong North VIC 3813

THIS PERMIT ALLOWS Use and development of the land for the purpose of extractive industry (extension to the extraction area of the existing quarry), generally in accordance with the endorsed plans.

Date amended:	Pursuant to Section 72-76B of the <i>Planning and Environment Act 1987</i> the permit has been amended to:
19 March, 2020	Conditions Conditions 6 amended to allow for extended operating hours Inclusion of new Conditions (26, 27 & 29). Condition 26 renumbered to 28

1. The layout of the site and the size of the proposed works, as shown on the approved plan, must not be altered or modified without the consent in writing of the Responsible Authority.
2. The use and development of the new extraction area must not commence until the "Work Authority" is granted in accordance with the requirements of the Mineral Resources (Sustainable Development) Act 1990 (MRS DA).
3. The use and development of the subject land must at all times be in accordance with the Work Authority, including the Approved Work Plan, issued pursuant to the Extractive Industries Development Act 1995.
4. Prior to the commencement of any works on the land an Environmental Management Plan covering all aspects of site establishment, extraction operations, rehabilitation and monitoring must be submitted to and approved by the Responsible Authority. The Environment Management Program shall be generally in accordance with the detailed environmental and operational reports submitted with the application and include any additional requirements of the responsible authority. The use and development of the land must be at all times in accordance with the Environment Management Plan, and as required by the responsible authority, an audit of the Environment Management Plan must be undertaken by an independent auditor to the satisfaction of the responsible authority.
5. The applicant must apply for and be issued with a works approval from the EPA prior to the commencement of works.

6. Except with the prior written consent of the responsible authority, the quarry (excluding blasting) must only operate between the following hours:
 - a. All machinery and plant equipment:
 - i. Monday to Friday: 7.00 am to 6.00 pm.
 - ii. Saturday: 7.00 am to 1.00 pm.
 - iii. Sunday: No work.
 - b. Secondary crusher, screening plant & one (1) front end loader:
 - i. Monday to Friday 6.00 pm to 10.00 pm.
 - ii. Saturday 1.00 pm to 10.00 pm.
 - iii. Sunday: No work.
 - c. Truck movements & one (1) front end loader:
 - i. 10.00pm Monday to 7.00 am Tuesday.
 - ii. 10.00pm Tuesday to 7.00am Wednesday.
 - iii. 10.00pm Wednesday to 7.00am Thursday.
 - iv. 10.00pm Thursday to 7.00am Friday.
 - v. 10.00pm Friday to 7.00am Saturday.
 - vi. Sunday: No work.
 - d. Blasting on the site must only be carried out between the hours of:
 - i. Monday to Friday: 9.00 am to 4.00 pm.
7. Except for essential maintenance, no activities/ operations are to be undertaken on public holidays or any other time unless authorised by the Responsible Authority and Department of Primary Industries.
8. All internal roads must be properly formed, drained and regularly graded. Dust control measures must be undertaken on all internal roads.
9. Top soil and overburdens stripped from the quarry area unless used in the developmental works shall be disposed of or stored in areas shown on the endorsed plan until it is required for reclamation.
10. Prior to the removal of any resources from the site, the buffer planting and bund walls must be established as shown on the approved plans to the satisfaction of the responsible authority.
11. All mounds in the soil storage area are at all times to be so covered with grass or mulch as to ensure they do not erode whether by wind or water, and the applicants shall endeavour to create the top soil and overburden dump mounds so they blend with the surrounds and the dump shall be protected from erosion by the planting of suitable vegetation. Top soil mounds must not exceed two (2) meters in height.
12. All plantings and existing vegetation outside the works area shall be maintained in a healthy condition to the satisfaction of the Responsible Authority.
13. The screen plantation and screening mound as shown on the endorsed plan shall be completed within six months of the issue of this permit.

14. The amenity of the area must not be detrimentally affected by the use or development, through the:
15. Transport of materials, goods or commodities to or from the land;
 - a. Appearance of any building, works or materials;
 - b. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, dust, wastewater or waste products.
16. Noise levels associated with extraction operations must comply with the Interim Guidelines for Control of Noise from Industry in Country Victoria (EPA Publication N3/89).
17. No vehicle, whether loaded or unloaded, associated with the transport of quarry materials shall travel north along Tynong North Road beyond the access point to the quarry, except with the prior written consent of the responsible authority.
18. The operator of the extractive industry shall ensure that vehicles carrying material to and from the quarry site are loaded in such a manner as to prevent spillage of such materials on to public roads.
19. The wheels of all vehicles leaving the site shall be so cleaned as to ensure that no mud, clay, or silt are deposited on public roads.
20. Adequate provision shall at all times be made on the land for the parking of vehicles under control of the operator, staff and customers, and no vehicle under the control of the operator, staff or customers shall be parked in Tynong North Road.
21. Prior to the Work Authority being relinquished, the Work Authority holder must provide for a registered on title agreement (i.e. Pursuant to Section 173 of the Planning and Environment Act 1987, between the proponent and the Responsible Authority) which provides for the native vegetation offset in accordance with the endorsed offset plan of this Work Authority. The Work Authority holder must pay the reasonable costs of the preparation, execution and registration of the on title agreement.
22. Within 12 months of approval of the Work Plan Variation, an offset Management Plan showing appropriate offsets to compensate for the removal of native vegetation, consistent with the 'Tynong North Quarry Development: Flora, Fauna and Native Vegetation Liability Report' prepared by Norris and Schoeffel (27 November 2009), must be submitted to and approved by the Department of Sustainability and Environment and Responsible Authority. The plan is to be prepared in accordance with the Department of Sustainability and Environment Offset Management Plan Template. When approved, the offset Management Plan will be endorsed and will then form part of the Work Plan.
23. Initiation of the offset actions must commence within twelve months of the date of the endorsement of the Offset Management Plan.
24. Prior to the commencement of the use under this permit, the operator of the extractive industry hereby permitted must enter into an agreement under section 173 of the Planning and Environment Act 1987 with Cardinia Shire Council agreeing to a levy in recognition of the impacts of the quarry traffic on public roads during the term of the permit. The permit holder must pay the reasonable costs of the preparation and execution of the agreement.

25. This permit will expire if the Work Authority for the use issued under the provisions of the Extractive Industries Development Act 1995 is cancelled in accordance with Section 24 of this Act.
26. Before the extension of hours commences, a flag light at the quarry access onto Tynong North Road, must be installed on the west side of Tynong North Road opposite the access driveway, to the satisfaction of the Responsible Authority.
27. Before the extension of hours commences, flag lighting within the central median island at the Tynong North Road / Princes Highway intersection must be installed. This will require consultation with VicRoads and needs to be installed in accordance with VicRoads requirements.
28. This permit will expire if the use is not commenced within two (2) years from the date of this permit. The Responsible Authority may extend the periods referred to, if a request is made in writing before the permit expires or within three (3) months afterwards.

Department of Transport Conditions:

29. Unless otherwise agreed in writing by the Head, Transport for Victoria, within six months of the date of the permit, the permit holder must install street lighting generally in accordance with the Diagram 1 and AustRoads standards to the satisfaction of and at no cost to the Head, Transport for Victoria at the intersection of Princes Freeway, Tynong North Road and Tynong Road.

Resolution

Moved Cr Graeme Moore, seconded Cr Ray Brown.

That Council issue a Notice of Decision to Grant Amended Planning Permit for the amendment to conditions of the planning permit T090757 subject to the following conditions:

1. The layout of the site and the size of the proposed works, as shown on the approved plan, must not be altered or modified without the consent in writing of the Responsible Authority.
2. The use and development of the new extraction area must not commence until the "Work Authority" is granted in accordance with the requirements of the Mineral Resources (Sustainable Development) Act 1990 (MRS DA).
3. The use and development of the subject land must at all times be in accordance with the Work Authority, including the Approved Work Plan, issued pursuant to the Extractive Industries Development Act 1995.
4. Prior to the commencement of any works on the land an Environmental Management Plan covering all aspects of site establishment, extraction operations, rehabilitation and monitoring must be submitted to and approved by the Responsible Authority. The Environment Management Program shall be generally in accordance with the detailed environmental and operational reports submitted with the application and include any additional requirements of the responsible authority. The use and development of the land must be at all times in accordance with the Environment Management Plan, and as required by the responsible authority, an audit of the Environment Management Plan must be undertaken by an independent auditor to the satisfaction of the responsible authority.
5. The applicant must apply for and be issued with a works approval from the EPA prior to the commencement of works.
6. Except with the prior written consent of the responsible authority, the quarry (excluding blasting) must only operate between the following hours:
 - a. All machinery and plant equipment:
 - i. Monday to Friday: 7.00 am to 6.00 pm.
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 - iii. Sunday: No work.
 - b. Secondary crusher, screening plant & one (1) front end loader:
 - i. Monday to Friday 6.00 pm to 10.00 pm.
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 - c. Truck movements & one (1) front end loader:
 - i. 10.00pm Monday to 7.00 am Tuesday.
 - ii. 10.00pm Tuesday to 7.00am Wednesday.
 - iii. 10.00pm Wednesday to 7.00am Thursday.
 - iv. 10.00pm Thursday to 7.00am Friday.

- v. 10.00pm Friday to 7.00am Saturday.
 - vi. Sunday: No work.
- d. Blasting on the site must only be carried out between the hours of:
- i. Monday to Friday: 9.00 am to 4.00 pm.
7. Except for essential maintenance, no activities/ operations are to be undertaken on public holidays or any other time unless authorised by the Responsible Authority and Department of Primary Industries.
 8. All internal roads must be properly formed, drained and regularly graded. Dust control measures must be undertaken on all internal roads.
 9. Top soil and overburdens stripped from the quarry area unless used in the developmental works shall be disposed of or stored in areas shown on the endorsed plan until it is required for reclamation.
 10. Prior to the removal of any resources from the site, the buffer planting and bund walls must be established as shown on the approved plans to the satisfaction of the responsible authority.
 11. All mounds in the soil storage area are at all times to be so covered with grass or mulch as to ensure they do not erode whether by wind or water, and the applicants shall endeavour to create the top soil and overburden dump mounds so they blend with the surrounds and the dump shall be protected from erosion by the planting of suitable vegetation. Top soil mounds must not exceed two (2) meters in height.
 12. All plantings and existing vegetation outside the works area shall be maintained in a healthy condition to the satisfaction of the Responsible Authority.
 13. The screen plantation and screening mound as shown on the endorsed plan shall be completed within six months of the issue of this permit.
 14. The amenity of the area must not be detrimentally affected by the use or development, through the:
 15. Transport of materials, goods or commodities to or from the land;
 - a. Appearance of any building, works or materials;
 - b. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, dust, wastewater or waste products.
 16. Noise levels associated with extraction operations must comply with the Interim Guidelines for Control of Noise from Industry in Country Victoria (EPA Publication N3/89).
 17. No vehicle, whether loaded or unloaded, associated with the transport of quarry materials shall travel north along Tynong North Road beyond the access point to the quarry, except with the prior written consent of the responsible authority.
 18. The operator of the extractive industry shall ensure that vehicles carrying material to and from the quarry site are loaded in such a manner as to prevent spillage of such materials on to public roads.

19. The wheels of all vehicles leaving the site shall be so cleaned as to ensure that no mud, clay, or silt are deposited on public roads.
20. Adequate provision shall at all times be made on the land for the parking of vehicles under control of the operator, staff and customers, and no vehicle under the control of the operator, staff or customers shall be parked in Tynong North Road.
21. Prior to the Work Authority being relinquished, the Work Authority holder must provide for a registered on title agreement (i.e. Pursuant to Section 173 of the Planning and Environment Act 1987, between the proponent and the Responsible Authority) which provides for the native vegetation offset in accordance with the endorsed offset plan of this Work Authority. The Work Authority holder must pay the reasonable costs of the preparation, execution and registration of the on title agreement.
22. Within 12 months of approval of the Work Plan Variation, an offset Management Plan showing appropriate offsets to compensate for the removal of native vegetation, consistent with the 'Tynong North Quarry Development: Flora, Fauna and Native Vegetation Liability Report' prepared by Norris and Schoeffel (27 November 2009), must be submitted to and approved by the Department of Sustainability and Environment and Responsible Authority. The plan is to be prepared in accordance with the Department of Sustainability and Environment Offset Management Plan Template. When approved, the offset Management Plan will be endorsed and will then form part of the Work Plan.
23. Initiation of the offset actions must commence within twelve months of the date of the endorsement of the Offset Management Plan.
24. Prior to the commencement of the use under this permit, the operator of the extractive industry hereby permitted must enter into an agreement under section 173 of the Planning and Environment Act 1987 with Cardinia Shire Council agreeing to a levy in recognition of the impacts of the quarry traffic on public roads during the term of the permit. The permit holder must pay the reasonable costs of the preparation and execution of the agreement.
25. This permit will expire if the Work Authority for the use issued under the provisions of the Extractive Industries Development Act 1995 is cancelled in accordance with Section 24 of this Act.
26. Before the extension of hours commences, a flag light at the quarry access onto Tynong North Road, must be installed on the west side of Tynong North Road opposite the access driveway, to the satisfaction of the Responsible Authority.
27. Before the extension of hours commences, flag lighting within the central median island at the Tynong North Road / Princes Highway intersection must be installed. This will require consultation with VicRoads and needs to be installed in accordance with VicRoads requirements.
28. This permit will expire if the use is not commenced within two (2) years from the date of this permit. The Responsible Authority may extend the periods referred to, if a request is made in writing before the permit expires or within three (3) months afterwards.

Department of Transport Conditions:

29. Unless otherwise agreed in writing by the Head, Transport for Victoria, within six months of the date of the permit, the permit holder must install street lighting generally in accordance with the Diagram 1 and AustRoads standards to the satisfaction of and at no cost to the Head, Transport for Victoria at the intersection of Princes Freeway, Tynong North Road and Tynong Road.

Carried

6.1.3 Two (2) Lot Boundary Realignment at 450 Seven Mile Road, Nar Nar Goon

File Reference: INT2033843
Responsible GM: Peter Benazic
Author: Dean Haeusler

Recommendation(s)

That Council issue a Refusal to Grant Planning Permit T190501 be issued for Two (2) lot boundary re-alignment at 450 Seven Mile Road, Nar Nar Goon VIC 3812 on the following grounds:

- Fragmentation of productive agricultural land; and
- Impact to existing agricultural land uses.

Attachments

1. Locality map [6.1.3.1 - 1 page]
2. Proposed Plan of Subdivision [6.1.3.2 - 2 pages]

Executive Summary

APPLICATION NO.:	T190501
APPLICANT:	Mrs Tarryn McCann
LAND:	450 Seven Mile Road, Nar Nar Goon VIC 3812
PROPOSAL:	Two (2) lot boundary re-alignment.
PLANNING CONTROLS:	Green Wedge Zone Schedule 1 Land Subject to Inundation Overlay
NOTIFICATION & OBJECTIONS:	Section 52 Notice to adjoining neighbours, no objections received. Section 55 referral to Melbourne Water. No objection and no conditions required
KEY PLANNING CONSIDERATIONS:	Agricultural land fragmentation Protection of existing agricultural uses
RECOMMENDATION:	Refusal

Background

- Planning permit application T190110 for the re-subdivision of the land into two (2) lots lapsed 13 August 2019.

- Planning permit application T110665 for use and development of a broiler farm (220,00 birds) lapsed 18 March 2014.

Subject Site



The subject site comprises two allotments legally identified as lot 2, PS520637 (37.56 hectares) and lot 2, TP834278 (9.62 hectares) and located on the western side of Seven Mile Road. Approximately 4 kilometres south of the Nar Nar Goon township.

A single rural crossover is located toward to north-east of the frontage that services the allotments both used from grazing agriculture.

The site currently contains one agricultural building (hay shed) and scattered vegetation.

The topography of the land is generally flat.

The area is characterised by established rural properties with a variety of horticultural and agricultural uses on medium to large sized allotments. The surrounding properties are identified as follows:

North	Northern Boundary Drain; grazing parcels containing agricultural buildings
East	Seven Mile Road; agricultural parcels – one containing a dwelling and associated buildings
South	Broiler farm and dwelling (approx. 155,000 bird capacity)
West	Northern Boundary Drain, Agricultural allotment containing dwelling and agricultural buildings

Relevance to Council Plan

Nil.

Proposal

Approval is sought to realign the boundaries between the two undeveloped lots under the same ownership at 450 Seven Mile Road.

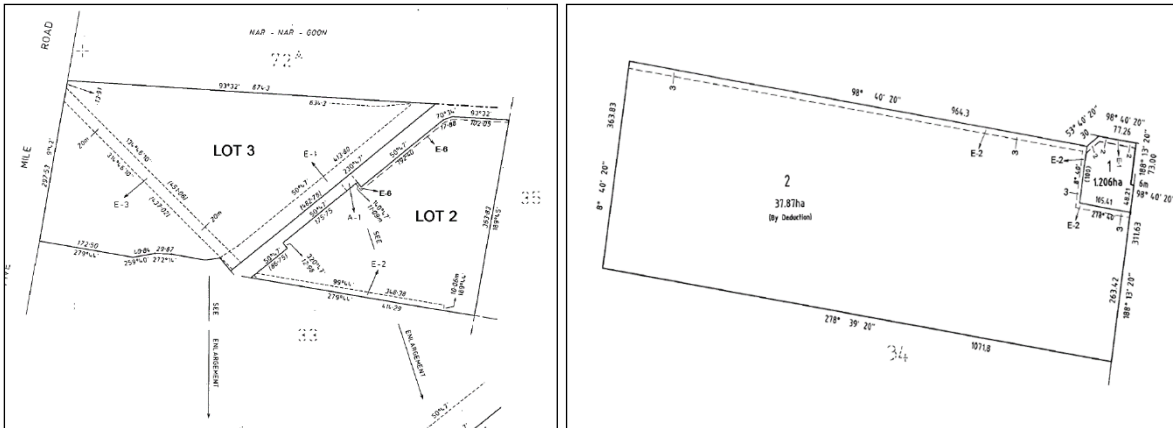


Figure 1: Existing lots

The realignment will alter the boundaries between Lot 2 of PS5206372 (37.56 hectares) and Lot 2 of TP834278 (9.62 hectares) to create lot 1 located with frontage of 151 metres to Seven Mile Road and depth of 106.58 metres.

Proposed lot 2 will form the remainder of the land totalling 45.78 hectares with a road frontage of 112.42 metres and maximum depth along the southern boundary of 1486.09 metres.

The proposed realignment is shown below:

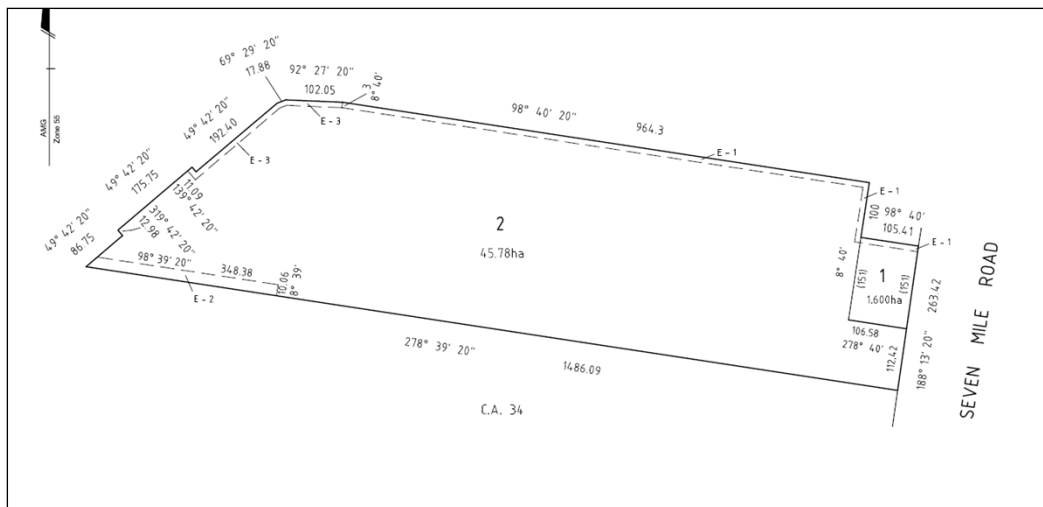


Figure 2: Proposed plan of subdivision

Planning Scheme Provisions

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 14.01-1 Protection of agricultural land

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 Municipal strategic statement

- Clause 21.04-2 Agriculture
- Clause 22.05 Western Port Green Wedge Policy

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 51.02 Metropolitan Green Wedge Land: Core Planning Provisions
- Clause 65 Decision guidelines
- Clause 66 Referral and notice provisions

Cardinia Shire's Liveability Plan 2017-2029

There is no direct link with the proposal and liveability plan however it should be noted that the preservation of agricultural land in the shire increases the connection between locally grown food and its consumption, with a positive impact to overall health of wellbeing of residents. The proposed realignment does not reduce productivity land but contributes to its erosion.

Zone

The land is subject to the Green Wedge Zone Schedule 1

Overlays

The land is subject to the Land Subject to Inundation Overlay

Planning Permit Triggers

The proposal for a two (2) lot boundary re-alignment requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 35.04-3 of the Green Wedge Zone a planning permit is required to subdivide land
- Pursuant to Clause 44.04-3 of the Land Subject to Inundation Overlay, a planning permit is required to subdivide land.

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 no objections to date.

ReferralsMelbourne Water

The application was referred to the floodplain management authority as a statutory referral. The authority had no objection to the proposal and provided no conditions.

Internal ReferralsStrategic

Currently pending referral response.

Discussion

Clauses 14.01-1S (Protection of agricultural land) and 14.01-1R (Protection of agricultural land – Metropolitan Melbourne)

Clauses 14.01-1S (Protection of agricultural land) and 14.01-1R (Protection of agricultural land – Metropolitan Melbourne) have objectives and strategies that seek to protect and support areas of agricultural production.

The objective of Clause 14.01-1S (Protection of agricultural land) is to protect the state's agricultural base by preserving productive farmland. Key strategies in this policy are:

- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect strategically important agricultural and primary production land from incompatible uses
- Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.

Additionally, Clause 14.01-1R aims to protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations.

The boundary realignment will consolidate the majority of land to one allotment, while 1.6 hectares is reserved for the second allotment where both lots will front Seven Mile road.

No specific basis for the subdivision has been given however it is considered each existing parcel is sufficiently large and capable of being used for agricultural purposes in accordance with the purpose of this area.

The realignment consolidates a large portion of land which is likely to improve the agricultural viability of one parcel but consequently diminish or remove the productive value of the smaller parcel as separate disposal of this parcel will likely have little agricultural potential.

The fragmentation of productive land and limited viability that is created will likely increase the chance of non-rural uses in an otherwise highly-productive area of the Shire resulting in permanent loss of agricultural land. While most uses will require further planning permission, the proposed realignment will erode agricultural potential and improve the prospects of alternative land use.

Further Indirect impacts include the limitation on the expansion of existing rural uses and conflict with established uses such as the broiler farm on adjoining land at 500 Seven Mile Road that has an estimated capacity of 155,000 birds (based on Broiler Code calculations).

In summary, it is submitted that the proposal does not align with the strategies of this policy in protection of agricultural land and off-site impacts that are facilitated as a result of this proposal.

Clause 21.04-2 (Agriculture)

Clause 21.04-2 (Agriculture) provides local content to support Clause 14.01 of the Planning Policy Framework. The objective of Clause 21.04-2 is to maintain agriculture as a strong and sustainable economic activity within the municipality.

The following strategies give effect to the policy objective:

- Protect agricultural land, particularly areas of high quality soils, from the intrusion of urban uses, inappropriate development and fragmentation which would lead to a reduction in agricultural viability, the erosion of the right of farmers to farm land, and ultimately the loss of land from agricultural production.
- Recognise the growing demand for food, both domestically and internationally, and capitalise on opportunities to export fresh produce and processed food products.

The realignment does not align with the purpose of this policy in minimising intrusion of urban uses, fragmentation and erosion of the 'right to farm' as discussed in the assessment of Clause 14.01-1.

The proposal does not demonstrate an improvement in agricultural carrying capacity and there is no evidence presented to Council to suggest the current arrangement cannot be farmed. As a result, the realignment will likely undermine the capacity for surrounding agricultural land use through non-rural use of the land.

Clause 22.05 - Western Port Green Wedge Policy and Westernport Green Wedge Management Plan

This policy was introduced to give guidance in relation to the protection and management of the Western Port Green Wedge and further emphasise the objectives of Clause 21.04-2. A key vision contained in Clause 22.05 provides:

The Cardinia Western Port Green Wedge will be a permanent green and rural area. It will remain an internationally significant biodiversity habitat, while also strengthening its agricultural and horticultural role to become a truly innovative and productive farming district. Agriculture, horticulture and soil based food production for the long-term food security of Victoria is at the heart of this vision.

The relevant objectives include:

- To give effect to Council's vision for the Cardinia Western Port Green Wedge.
- To provide guidance and clear direction for preferred land uses for each of the 3 precincts.
- Further, relevant policies include that all use and development proposals within the green wedge should:
- Ensure that green wedge soils and their versatility are recognised as a finite resource and are protected accordingly.
- Maintain and protect the highly productive agricultural land from incompatible uses including non-soil based farming.

The subject site is located within Precinct 1, specifically identified for agriculture, horticulture and soil-based food production.

The vision of the precinct identifies this area as the hub of horticultural and agricultural food production to take advantage of highly versatile soils. Future direction for this precinct include encouraging lot consolidation to improve agricultural viability.

The proposal doesn't explicitly contradict the vision or future direction but does not further the principals of the strategy in protecting green wedge soils and protecting highly productive land. Through the approval of this form of boundary realignment, gradual fragmentation is encouraged that creates rural-residential style allotments that do not increase land productivity and effectively price-out neighbouring farms from consolidation and expansion opportunities.

Holistically, the proposal undermines the protective purpose of this Management Plan and is contrary to its vision of this precinct.

Green Wedge Zone - Schedule 1

The purpose of this zone includes:

- implementation of the planning policy framework;
- providing for the use of land for agriculture;
- To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.

The schedule to the zone requires each lot be at least 40 hectares for subdivision applications however a permit may be granted to create smaller lots if the subdivision is the re-subdivision of existing lots provided:

- No additional lots are created.
- The potential to create new lots is not increased.
- The potential for the number of dwellings is not increased.

The proposal meets the technical requirements of the zone and does not increase lot capacity from the property or increase the potential number of dwellings however it is submitted that the proposal does not meet the objectives of the zone.

Relevant decision guidelines include:

Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses

The subdivision of the land in isolation is not expected to impact adjoining land uses

The maintenance of agricultural production and the impact on the rural economy

The subdivision is expected to undermine the rural economy through fragmentation and sale of smaller parcels.

The impact on the existing and proposed rural infrastructure.

The realignment will have no direct impact to rural infrastructure however the alignment and size of lot 1 may result in off-site effects to neighbouring farming properties.

It is anticipated the adjacent broiler farm would be impacted should this lot be used for residential purposes given the proximity to the farm and buffer zone to sensitive uses based on estimated bird numbers. It should be noted broiler farms can be contentious land uses and any introduction of sensitive land uses may compromise the ability to operate and expand.

The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agriculture and other land uses.

While not explicitly an 'expansion', flow-on effects of the proposal alignment would limit potential rural land uses, encouraging non-rural land use applications for the site.

The protection and retention of land for future sustainable agricultural activities.

The resubdivision does not contribute to the ongoing protection and retention of land for future agricultural use.

Clause 44.04 Land Subject to Inundation Overlay

The purpose of this overlay includes:

- To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

In approving the proposed subdivision, Melbourne Water have determined that the proposal will not redirect or obstruct floodwater, stormwater or drainage water and will not have any significant impact on flood storage or increase flood levels or the flow velocities. The proposed boundary realignment will not have an impact on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance as it does not involve any physical change to the property.

No conditions were required as part of Melbourne Water consent.

Conclusion

The relevant provisions of the Planning Scheme seek to preserve the agricultural values of the Western Port Green Wedge area given the existence of high quality soils required for horticultural activities and proximity to Metropolitan Melbourne, including its transportation and distribution networks.

Through the proposed realignment, incremental land fragmentation is established through the creation of a 1.6 hectare lot. This will likely diminish future agricultural use of the site and reduce carrying capacity to a point that agricultural use would not be viable and rural-residential use would ultimately transpire.

The resultant subdivision proposal would reinforce the rural residential allotments based on current land use decisions, assuring two lots with high quality soil are limited in their capacity to be effectively farmed, resulting in a loss of productivity and employment.

It is expected that a subdivision of this arrangement would further compound any existing residential/agricultural tensions in the context of particularly sensitive surrounding land uses.

This is not consistent with the purpose of the zone or prevailing policies that overwhelmingly seek to prevent these type of uses. It is further contrary to the strategic direction of state policy and the significant research and consultation undertaken in the implementation of the Western Port Green Wedge Policy to recognise the value of highly productive farming areas.

Accordingly, it is recommended that a Refusal to Grant Planning Permit T190501 be issued for a Two Lot Subdivision (boundary re-alignment) at 450 Seven Mile Road on the following grounds:

1. The proposal is inconsistent with Clause 14.01-1 “Protection of agricultural land” of the Planning Policy Framework,
2. The proposal is inconsistent with Clause 21.06-2 - Agriculture local policy),
3. The proposal is inconsistent with the purposes of the Green Wedge Zone -
4. Schedule 1, which aim to protect agricultural land from the intrusion of urban uses, inappropriate development and fragmentation.

Resolution

The Mayor advised that the application had been withdrawn.

6.1.4 Use and Development of a Dwelling at Lot 4 Ropers Lane, Cora Lynn

File Reference: INT2033919
Responsible GM: Peter Benazic
Author: Emma Brennan

Recommendation(s)

That Council issue a Refusal to Grant Planning Permit T190162 be issued for Use and development of the land for a dwelling at Ropers Lane, Cora Lynn VIC 3814 on the following grounds:

- The proposed use and development of a dwelling is inconsistent with the purpose of Schedule 1 to Clause 37.01 Special Use Zone (Schedule 1 – Horticultural Preservation) as it is considered that the lot is not appropriate for rural residential living having regard to the proximity to the existing neighbouring broiler farm.
- The proposal is incompatible with the surrounding land uses, having regard to the separation distance benchmark under the Victorian Broiler Code 2009 (as amended 2018) and will likely create substantial future compatibility problems between the operation of the adjoining free range chicken farm and the amenity of the future occupants of the dwelling.

Attachments

1. Locality Map [6.1.4.1 - 1 page]

Executive Summary

APPLICATION NO.:	INT190162
APPLICANT:	Michael Tyler C/- John McCaffrey - Consultant Town Planner
LAND:	Ropers Lane, Cora Lynn VIC 3814 Lot 4 on LP222475 Vol 10094 Fol 145
PROPOSAL:	Use and development of the land for a dwelling
PLANNING CONTROLS:	Special Use Zone - Schedule 1 (Horticulture Preservation) Land Subject to Inundation Overlay
NOTIFICATION & OBJECTIONS:	Advertised with no objections received
KEY PLANNING CONSIDERATIONS:	Compatibility of the proposed dwelling with the Special Use Zone and the other nearby existing farming activities

RECOMMENDATION:

Refusal to Grant a Planning Permit

Background

A similar planning application T110045 was submitted to Council and refused in 2012 on the following grounds:

- The location of the proposed dwelling results in inappropriate separation distances between conflicting uses to the detriment of the amenity of the residents of the proposed dwelling and the potential future expansion of the existing neighbouring broiler farm.

The applicant appealed this decision at Victorian Civil and Administrative Tribunal (VCAT) and on 13 November 2012, Council's decision was upheld.

Planning Permit T100343 was refused by Council on 27 October 2010 for the use of the land for a caretakers dwelling.

Planning Permit T080621 was issued by Council on 1 December 2008 for the development of the land for the purpose of a farm shed.

Subject Site

The land is located on the north-east side of Ropers Lane, approximately 300m north-west of the Tynong- Bayles Road, Cora Lynn. Ropers Lane is an unmade road and the Tynong - Bayles Road is sealed. The subject land is flat with a number of trees along the southern part of the street frontage. It is approximately rectangular in shape with a total area of about 15.4 hectares. There are a number of outbuildings and farm buildings on the property.



The site is currently used for agricultural activities including racehorse agistment, horse-breaking, beef cattle grazing, cropping (hay), feeding hay and silage to cows and farm contracting services.

The surrounding area is also generally flat, with relevant features being:

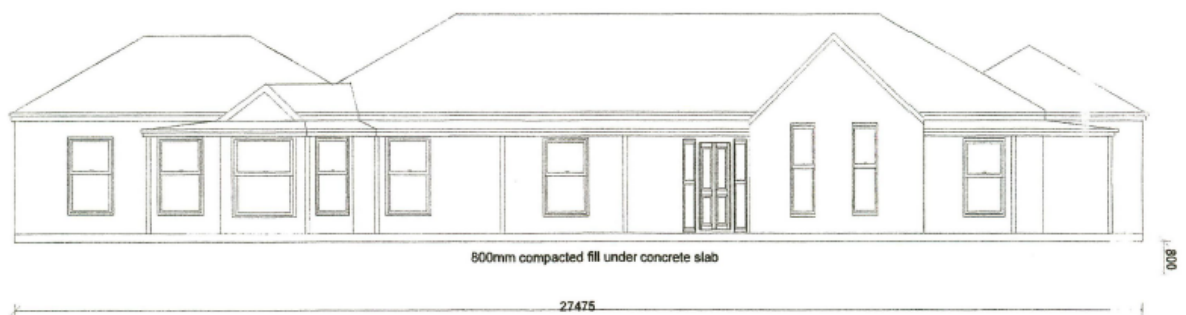
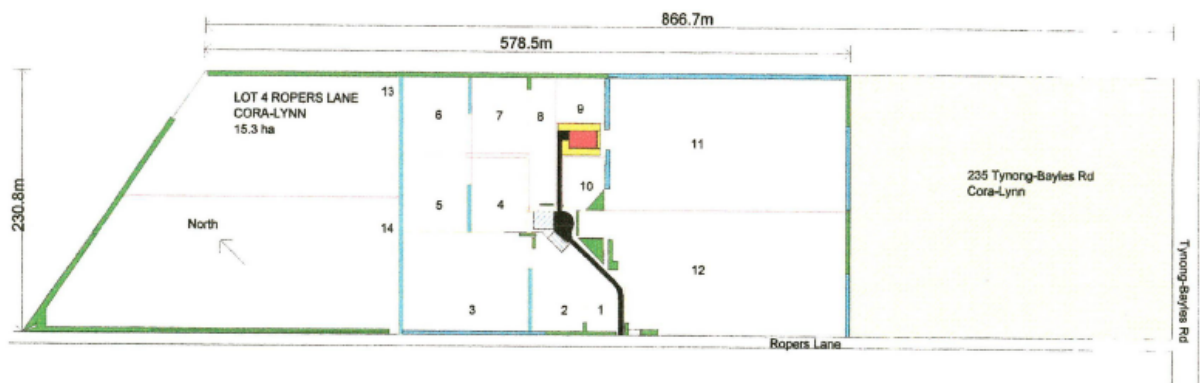
- A free range chicken broiler farm adjoining the subject site to the west, known as Schembri farm.
- An asparagus farm on the south-east corner of Ropers Lane and Tynong Bayles Road, abutting the Schembri farm.

Relevance to Council Plan

Nil.

Proposal

It is proposed to construct a dwelling on the subject land. It is to be single storey, located 165 metres from the Ropers Lane frontage, 51.85 metres from the north-eastern boundary, approximately 335 metres from the northern boundary and 225 metres from the south-eastern boundary. The dwelling is proposed to comprise three bedrooms, a study, kitchen, living rooms and garage.



**Proposed South Elevation
Lot 4 Ropers Lane Cora-Lynn**

1:100

Planning Scheme Provisions

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11 Settlement
 - Clause 11.01-1R Green wedges -
- Clause 14 Natural Resource Management
 - Clause 14.01-1S Protection of agricultural land
 - Clause 14.01-2 Sustainable agricultural land use
- Clause 21.04 Economic Development
 - Clause 21.04-2 Agriculture

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 53.09 Poultry Farm
- Clause 65 Decision Guidelines
- Cardinia Shire's Liveability Plan 2017-2029.

Zone

The land is subject to the Special Use Zone - Schedule 1 (Horticultural Preservation)

Overlays

The land is subject to the Land Subject to Inundation Overlay

Planning Permit Triggers

The proposal for the use and development of a dwelling requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 37.01-1, a planning permit is required for the use of a dwelling.
- Pursuant to Clause 37.01-1-4, a planning permit is required for buildings and works.
- Pursuant to Clause 44.04-1, a planning permit is required for buildings and works.

Public Notification

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

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

The notification has been carried out correctly, and Council has received no objections to date.

It is noted that, pursuant Option 2 to Clause 44.04 (LSIO), the proposal is exempt from third party notice and review rights.

Referrals

The application was referred to Melbourne Water as a statutory referral. No objection to the proposal subject to conditions.

Discussion

Approval is sought for the use and development of the land for a dwelling. Firstly, it is important to note that the proposal is essentially a repeat application, with a previous decision to refuse the application being upheld at the Tribunal on 23 November 2012, being application T110045 (VCAT reference P3350/2011). The key differences between the previously refused application and the current application of T190162 are outlined as follows:

T110045	T190162
Application for the use and development of a dwelling and use of an existing building as a temporary dwelling (to be decommissioned once dwelling is constructed).	Application for the use and development of a dwelling. The temporary dwelling has been removed from the application.
Broiler farm located to the west with 300,000 birds on site.	Broiler farm is now in the form of a free range chicken farm (assessed as a broiler farm under the Victorian Broiler Code as amended in 2018), reducing the number of birds on site to 270,000.
A Farm Management Plan had not been prepared.	A 'property plan' and a 'farm business plan' have been provided (note: not a Farm Management Plan).
n/a	A soil test report has been provided. This report does not provide a significant argument against a non-soil agricultural activity from being carried out on site.
The proposed dwelling was sited in the north eastern portion of the site, 93 metres from the Ropers Lane frontage.	The proposed dwelling is sited in the north eastern portion of the site, 165 metres from the Ropers Lane boundary.

Special Use Zone (Schedule 1 – Horticultural Preservation)

The land is zoned Special Use Zone – Schedule. 1. This is a unique zoning to Cardinia Shire and differs from other Green Wedge farming zones in relation to permit triggers and the purpose of the zone. In essence, the SUZ1 is specifically designed to preserve land of high agricultural quality for soil-based agricultural pursuits.

The purposes of the SUZ1 are:

- *To preserve land of high agricultural quality for horticulture and other farming activities.*
- *To discourage non-agricultural and non-soil-based uses establishing on soil of high agricultural value.*
- *To protect the area from the encroachment of urban and rural residential type development.*
- *To minimise the potential for conflict between residents and normal farming practices that are related to the conduct of agricultural activities.*
- *To encourage sustainable farming activities based on whole farm and catchment planning principles on an individual and community basis.*

Setting aside the concerns raised regarding the proposed dwelling's proximity to the broiler farm, an assessment against the SUZ1 as to whether it is appropriate to locate a dwelling on this site is required.

At the same of the November 2012 hearing, the land was being used for agricultural activities including racehorse agistment, horse-breaking, beef cattle grazing, cropping (hay), feeding hay and silage to cows and farm contracting services. The following assessment was made by the Tribunal with respect to the uses on site requiring a 'living on site' presence on the farm, as part of a viable and genuine agricultural purpose:

[para 18] ... In particular we note that in the course of the cross-examination of Mr Tyler and Ms Goodall during the hearing, they indicated that their total gross income in recent years was approximately \$50 - \$90,000 p.a. from the various activities undertaken. However it was not clear to us how much of this figure related to actual farming of the review site, as opposed to Mr Tyler as a contractor working on other properties.

Since this time, the applicant has submitted that, should a dwelling be approved on the land, the agricultural activities would alter as follows:

- A mixed thoroughbred enterprise, comprising racehorse agistment and foaling down/boarding of brood mares. Beef cattle would also run primarily for pasture management purposes.
- Foaling of mares occurs almost exclusively at night, with the applicant submitting that a dwelling on the property being essential.
- The applicant has submitted that the total gross annual income from the above agricultural activities would range from approximately a \$120,000 to \$133,000pa.

It would appear that these figures directly relate to actual farming activities carried out on the subject site, addressing the Tribunal's concern that the operation results in 'sustainable farming activities.' However, Council officers remain unconvinced that a dwelling on this property is essential to the operation of the farming activities. It is considered that the applicant's decision to live on-site remains a 'rural-residential lifestyle' decision, which directly contravenes the purpose of the SUZ1, 'to protect the area from the encroachment of urban and rural residential type development.' Council officer's remain unconvinced that the revised farming activities would alter the Tribunal's view, being that these activities could readily be undertaken by someone living in an established residential area who commutes to the subject site.

Land Subject to Inundation Overlay

Melbourne Water did not object to the proposal, subject to conditions which primarily related to the LSIO http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2012/1726.html?context=1;query=T110045;mask_path=au/cases/vic/VCAT-fn2. It is noted that there are no third party notice or appeal rights under the LSIO as it applies here.

Proximity to Broiler Farm

Clause 53.09 Poultry Farm is a relevant particular provision given the adjoining broiler (free range chicken) farm located immediately west of the subject site. The purpose of this provision is:

To facilitate the establishment and expansion of poultry farms, including broiler farms, in a manner that is consistent with orderly and proper planning and the protection of the environment.

The Victorian Code for Broiler Farms 2009 ('Code') was amended in 2018 to include free range chicken farms. The Code sets out the appropriate separation distances for new broiler farms, which is calculated using the following formula:

$$D = 27 \times N^{0.54}$$

D = Separation distance

N = number of chickens/1000

The calculation is therefore as follows:

$$27 \times ((270,000/1000)^{0.54}) = 554.85 \text{ metres separation distance.}$$

The Code advises that although separation distance requirements apply to only the development or expansion of broiler farms, they can also be used as a guide to identify locations where a future sensitive use (including a dwelling) may be adversely affected by the broiler farm emissions. This proposal to locate a dwelling within the broiler farm's 554 metre separation distance is indicative of adverse impacts upon its future occupants.

Further to this, the use and development of a dwelling (sensitive use) being located within the separation distance of the broiler farm could potentially limit the ability of this existing agricultural land use (broiler farm) from being able to expand. It was acknowledged in VCAT P3350/2011 that the SUZ1 prohibits Animal Husbandry where the gross floor area of all buildings associated with the use exceeds 500m, however a portion of the Schembri property is zoned Green Wedge Zone (Schedule 1) which allows for expansion of the facility (albeit in the opposite direction to the subject site). Whether a not a planning permit would be issued for an expansion of the broiler farm would be based upon its merits at the time, however it is noted that existing use rights could be considered at the time of any future application.

It is acknowledged that there are other dwellings in closer proximity to the existing broiler farm than the proposed dwelling, however as the Tribunal determined, *'we do not accept that this in itself justifies the proposal. The proposal needs to be worthy on its own merits'*.

Given the above assessment, it is therefore considered that the use and development of a dwelling is inconsistent with the purpose of the Special Use Zone (Schedule 1 – Horticultural Preservation) and is incompatible with the surrounding land uses, having regard to the separation distance benchmark under the Victorian Broiler Code 2009 (as amended 2018) and will likely create substantial future compatibility problems between the operation of the adjoining free range chicken farm and the amenity of the future occupants of the dwelling.

Conclusion

Having regard to the above zoning, overlays and provisions of the Cardinia Planning Scheme, it is recommended that the proposal for the use and development of the land for a dwelling is refused.

Grounds of Refusal:

- The proposed use and development of a dwelling is inconsistent with the purpose of Schedule 1 to Clause 37.01 Special Use Zone (Schedule 1 – Horticultural Preservation) as it is considered that the lot is not appropriate for rural residential living having regard to the proximity to the existing neighbouring broiler farm.
- The proposal is incompatible with the surrounding land uses, having regard to the separation distance benchmark under the Victorian Broiler Code 2009 (as amended 2018) and will likely create substantial future compatibility problems between the operation of the adjoining free range chicken farm and the amenity of the future occupants of the dwelling.

Resolution

Moved Cr Graeme Moore, seconded Cr Ray Brown.

That this Item be deferred for further consideration at the June Council Meeting to allow additional time for Councillors to consider the merits of the application.

Carried

6.1.5 Planning Enforcement Matters Report

File Reference: Nil.
Responsible GM: Peter Benazic
Author: Owen Hardidge

Recommendation(s)

That Council note the list of enforcement matters currently before VCAT, the Magistrates' Court and the County Court.

Executive Summary

The following list of enforcement matters currently before VCAT & the Magistrates' Court is submitted for Councillors information.

Relevance to Council Plan

Nil.

Background

Where breaches of the Planning Scheme are detected, the breaches may give rise to criminal liability, which may result in infringements being issued, or charges being filed in the Magistrates Court of Victoria.

If Council cannot obtain appropriate remediation by consent, Council undertakes enforcement action at the Victorian Civil and Administrative Tribunal (VCAT).

VCAT enforcement actions will usually be delayed until Magistrates' Court proceedings are completed.

These matters can take several forms and the following are the usual steps in the enforcement process.

Current Enforcement Cases

The following list indicates such enforcement activities that are currently before VCAT or the Magistrates' Court.

Property Address	Nature of Contravention	Status
765 Gembrook Rd, Pakenham Upper (OH-LK-16299)	Native vegetation removal, and earthworks creating driveway and hardstand, in breach of Rural Conservation Zone - Schedule 2, Environmental Significance Overlay Schedule 1, and Clause 52.17	<p>On the 18th December 2019, Magistrates' Court found the owner guilty of 11 offences, relating to unpermitted vegetation removal and earthworks over a 2 year period.</p> <p>The owner was convicted and fined \$5,000 with Council costs being referred for further hearing.</p> <p>The accused has appealed the conviction and sentence, which will be heard in the County Court commencing 1 July 2020.</p>
1 Walker Street, Koo Wee Rup (OH-SM-19478)	Land that was developed without a permit, in contravention of planning scheme - Heritage Overlay (43.01)	Following a successful prosecution, VCAT enforcement order application commenced and listed hearing on 26th June 2020 .
709 Gembrook Rd, Pakenham Upper (OH-DA-20511)	Native vegetation removal in contravention of Clause 42.02, Environmental Significance Overlay, of the Cardinia Planning Scheme	<p>Council has filed application for enforcement order with VCAT. This included a concurrent application for interim enforcement order in relation to the alleged breaches.</p> <p>All hearings in the Planning and Environment List are suspended, due to COVID-19, and will be re-scheduled at the discretion of the Tribunal.</p>

Conclusion

The list of current enforcement activities is presented for information.

Glossary of terms

Practice Day Hearing

This is the first stage of the VCAT process and is held shortly after the application is lodged. It is used to assess the future path of the case, and determine if the case can be settled, or will need to proceed to a full hearing.

Mention Hearing

A mention hearing is a brief hearing, where the Court or VCAT lists the matter for brief hearing. If the case can be dealt with swiftly, it will be dealt with at a Mention hearing. For more lengthy matters (such as contested hearings) the case will be further adjourned. In the Magistrates' Court, the Court may hear a "guilty plea" during a mention hearing.

Administrative Mention

Administrative Mention is a hearing held without the parties in attendance and requires written correspondence from both parties to update the Member on the process of the matter.

Adjournment

A court or Tribunal will adjourn a case when the matter is deferred until another date. This can occur for a number of reasons and is at the discretion of the Magistrate or VCAT member.

Land Management Plan

These plans are used to describe actions that will remediate the land, and commonly describe rehabilitation following unlawful vegetation removal. This plan will then become mandatory, by being incorporated into an Enforcement Order or a Section 173 agreement. The contents of the Plan will be decided by Council's Environment Team, or Vegetation Management officer.

Contested Hearing / Full hearing

A contested (or "full" hearing) means the matter is disputed by the accused/respondent, and Council and the respondent will fully present and test each other's evidence and/or submissions. A contested (of "full") hearing is effectively a "trial".

Consent Orders

Consent Orders are an agreement between Council and the Respondents to, in most cases, create an Enforcement Order with conditions that are agreed to by both Parties. This is done where a Respondent has accepted there has been a breach of the Act and wants to comply with Council's proposed Enforcement Order. This saves on time and money by avoiding a hearing or lengthy VCAT processes.

Resolution

Moved Cr Jodie Owen, seconded Cr Graeme Moore.

That Council note the list of enforcement matters currently before VCAT, the Magistrates' Court and the County Court.

Carried

6.1.6 Planning Matters Dealt with by Officers Under Delegated Authority

File Reference: Nil.
Responsible GM: Peter Benazic
Author: Owen Hardidge

Recommendation(s)

That Council note the report.

Executive Summary

The following matters have been dealt with under delegated powers since the last report to Council.

Relevance to Council Plan

Nil.

Planning Matters Report

Central Ward

Date	Permit No	Location	The Proposal	The Decision	Lodged Date
13/02/2020	T180614 - PC1	15 King Street, Pakenham VIC 3810	Subdivision of the land into fourteen (14) lots	Withdrawn	28 January 2020
13/02/2020	T190423	33-35 Main Street, Pakenham VIC 3810	Use and development of the land for an office and medical centre (exceeding 250 square metres)	NOD	22 July 2019
13/02/2020	T190672	13 Skyline Drive, Officer VIC 3809	Buildings and works (outbuilding) within the Significant Landscape Overlay – Schedule 6	Issued	05 November 2019
13/02/2020	T190704	Shop 13/825 Princes Highway, Pakenham VIC 3810	Use of land for the sale and consumption of liquor	Issued	18 November 2019
14/02/2020	T200034	4/1 Livingstone Boulevard, PAKENHAM VIC 3810	Buildings and Works associated with a commercial building	Issued	24 January 2020
14/02/2020	T140742 - PC4	2-4 Village Way, Pakenham Victoria 3810	Use and development of the land for sixty (60) dwellings and a reduction of the visitor rate of Clause 52.06 and use and development for a shop and offices and reduction in loading and unloading of vehicles (shop) of Clause 52.07	Issued	31 October 2019
18/02/2020	T190481	19 Balmoral Way, Pakenham VIC 3810	Development of the land for a two storey dwelling to the rear of the existing dwelling and alterations and additions to the existing dwelling	Issued	14 August 2019
18/02/2020	T190725	125 Mulcahy Road, Pakenham VIC 3810	Development of the land for one (1) warehouse	Issued	03 December 2019
19/02/2020	T160370 - 1	30-34 Toomuc Valley Road, Pakenham VIC 3810	Buildings and works associated with a vehicle access way and car parking and creation of an access to a road in a Road Zone Category 1	Issued	16 July 2019

21/02/2020	T190753	27 Montalto Drive, Pakenham VIC 3810	Building and works (dwelling) within the Significant Landscape Overlay - Schedule 6	Issued	17 December 2019
4/03/2020	T170688 - PC1	90-96 Ahern Road, Pakenham VIC 3810	Conditions 1,2,3&5	Issued	17 February 2019
4/03/2020	T190116	58 Balmoral Way, Pakenham VIC 3810	Removal of Restrictive Covenant T733250S registered on Lot 5 on Plan of Subdivision 311529U	Issued	07 March 2019
11/03/2020	T110214 - 1	144 Army Road, Pakenham VIC 3810	Subdivision of land into twenty (20) lots and the removal of easements E-8, E-9 and E-10 on Lot 2 PS317462 and the creation of E-1 and E-2 on PS640602A	Issued	20 June 2019
16/03/2020	T170282 - PC1	63 Thwaites Road, Pakenham VIC 3810	Development of land for two (2) dwellings	Issued	16 September 2019
16/03/2020	T170283 - PC1	61 Thwaites Road, Pakenham VIC 3810	Development of land for two (2) dwellings	Issued	16 September 2019
19/03/2020	T200047	Hollins Children Centre, 10 Atlantic Drive, Pakenham VIC 3810	Buildings and works associated with a child care centre	Issued	05 February 2020
20/03/2020	T200019	67 Caversham Drive, Pakenham VIC 3810	Creation of sewerage easement	Issued	16 January 2020
30/03/2020	T190694	12-14 Thwaites Road, Pakenham VIC 3810	Subdivision of the land into ten (10) lots	Issued	19 November 2019
31/03/2020	T190120 - PC1	14 Toomuc Valley Road, Pakenham VIC 3810	Development of the land for a Residential Building (replacement motel)	Issued	19 February 2020
31/03/2020	T190321	51 King Street, Pakenham VIC 3810	Development of the land for eight (8) townhouses and associated works	Issued	03 June 2019
31/03/2020	T190698 - PC1	80 Mulcahy Road, Pakenham VIC 3810	Plans to comply with Condition 1 - Truck Swept Paths	Issued	14 January 2020
1/04/2020	T190522	12 Gardiner Street, Pakenham VIC 3810	Buildings and works associated with the construction of two (2) dwellings	Issued	16 September 2019
1/04/2020	T190752	3 Altitude Way, Pakenham VIC 3810	Development of a single dwelling and associated works	Issued	11 December 2019
2/04/2020	T190435	36 Main Street, Pakenham VIC 3810	Use and development of land for two (2) offices (exceeding 250 square metres)	Issued	23 July 2019
7/04/2020	T200078	16 Gardenia Street, Pakenham VIC 3810	Development of the land for a double storey dwelling to the rear of an existing dwelling creating two dwellings on one lot.	Withdrawn	07 April 2020
17/04/2020	T200116	125 Mulcahy Road, Pakenham VIC 3810	Proposed 3 Unit Warehouse Development	Withdrawn	16 April 2020
23/04/2020	T200045	1 Palm Court, Pakenham VIC 3810	Development of the land for a dwelling and associated works	Issued	05 February 2020
24/04/2020	T180415 - PC2	77-79 & 81 Henry Street, Pakenham VIC 3810	Amended plans to comply with Condition 1 and 3 of Planning Permit T180415-1	Issued	10 March 2020
24/04/2020	T200125	10-12 Purton Road, Pakenham VIC 3810	Use of an Education Centre (Music Studio)	Issued	11 March 2020

Port Ward

Date	Permit No	Location	The Proposal	The Decision	Lodged Date
13/02/2020	T190620	34 Bate Close, Pakenham VIC 3810	Development of the land for two (2) warehouses	Issued	08 October 2019
13/02/2020	T190719	58 Hope Street, Bunyip VIC 3815	Use and development of the land for a utility installation (two (2) free standing radio masts)	Issued	28 November 2019
13/02/2020	T190750	15 Sanders Road, Garfield North VIC 3814	Development of the land for an agricultural building	Issued	10 December 2019
14/02/2020	T180553 - PC1	Cardinia Road (Proposed Lot 545 Mortlake Drive), Officer South VIC 3809	PC1 - (Con. 01 C1P)	Issued	19 December 2019
14/02/2020	T190484	4 Kevis Court, Garfield VIC 3814	The development of a second dwelling and alterations and additions to the existing dwelling	Issued	14 August 2019
17/02/2020	T160034 - 1	Peet Street, Pakenham VIC 3810	Subdivision of the land into seventeen (17) lots in stages	Issued	19 August 2019
17/02/2020	T170575 - 1	4 & 6 Industrial Drive, Pakenham VIC 3810	Development of the land for a warehouse	Issued	23 December 2019
17/02/2020	T190168 - PC1	Cambridge Street, Lang Lang VIC 3984	Buildings and works associated with the construction of two (2) dwellings	Issued	06 January 2020
17/02/2020	T190693	6 Mega Rise, Pakenham VIC 3810	Subdivision of land into two (2) lots and creation of common property	Issued	14 November 2019
17/02/2020	T190729	1060 Westernport Road, Lang Lang East VIC 3984	Development of outbuilding (shed) associated with existing agriculture use.	Issued	04 December 2019
17/02/2020	T190761	9 Water Lily Road, Bunyip VIC 3815	Development of the land for a dwelling	Issued	12 December 2019
18/02/2020	T190063	44 Exchange Drive, Pakenham VIC 3810	Staged subdivision of land into two (2) lots and creation of common property.	Issued	11 February 2019
19/02/2020	T190589	18 Pearson Street, Bunyip VIC 3815	Subdivision of land into two (2) lots	Issued	03 October 2019
19/02/2020	T190653	90 Kettles Road, Lang Lang VIC 3984	Development of the land for an outbuilding (shed)	Issued	26 October 2019
19/02/2020	T200049	Butler Road, Bunyip North VIC 3815	Development of the land for an agricultural shed	Issued	06 February 2020
19/02/2020	T200058	1845 Gembrook-Tonimbuk Road, Tonimbuk VIC 3815	Development of the land for an outbuilding (shed)	Issued	10 February 2020
20/02/2020	T200053	77-79 Bald Hill Road, Pakenham VIC 3810	Creation of Reserve No. 1 vested in AusNet Electricity Services P/L.	Withdrawn	06 February 2020
20/02/2020	T200054	Hill Street, Pakenham VIC 3810	Creation of Reserve No. 1 vested in favour of AusNet Electricity Services P/L	Withdrawn	06 February 2020
21/02/2020	T190039 - PC1	11 Kevis Court, Garfield VIC 3814	Development of a second dwelling on a lot	Issued	23 January 2020
21/02/2020	T190300 - PC1	Peet Street (proposed Lot 7 PS747005Y), Pakenham VIC 3810	The Development of the land for two (2) warehouses and ancillary offices	Issued	12 February 2020
21/02/2020	T190301 - PC1	Peet Street (proposed Lot 6 PS747005Y), Pakenham VIC 3810	The Development of the land for two (2) warehouses and ancillary offices	Issued	13 February 2020
25/02/2020	T190549	22 Garfield Road, Garfield VIC 3814	Development of the land for five (5) dwellings	Issued	12 September 2019
25/02/2020	T190758	15 Water Lily Road, Bunyip VIC 3815	Development of the land for a dwelling	Issued	12 December 2019
26/02/2020	T190571	3 Sette Circuit & 15 Exchange Drive, Pakenham VIC 3810	Development of Three Warehouses	Issued	26 September 2019
28/02/2020	T180632 - PC1	10 No 5 Drain Road, Koo Wee Rup VIC 3981	Section 173 Agreement - Re-subdivision of the land (two (2) lot boundary realignment)	Issued	20 January 2020
2/03/2020	T190194 - 1	8 Mary Street, Bunyip VIC 3815	Amendment to Planning permit T190194	Issued	21 November 2019

3/03/2020	T110588 - PC8	270 Cardinia Road, Officer South Victoria 3809	Multi-lot residential subdivision of the land in stages, associated road networks and works to remove two existing waterbodies within the land, generally in accordance with the approved plans	Withdrawn	02 March 2020
3/03/2020	T190636	3 Petty Road, Bunyip VIC 3815	Subdivision of the land into two (2) lots	Issued	17 October 2019
3/03/2020	T190757	17 Water Lily Road, Bunyip VIC 3815	Development of the land for a dwelling	Issued	12 December 2019
4/03/2020	T190477	475 Railway Road, Koo Wee Rup VIC 3981	Use and development of the land for a dwelling, dependent person's unit and outbuilding (shed) associated with agriculture.	Issued	13 August 2019
4/03/2020	T190531	49 Tynong Road, Tynong VIC 3813	Realignment of common boundaries between 2 lots	Withdrawn	06 September 2019
5/03/2020	T200086	35 Wollondilly Road, Garfield North VIC 3814	Development of a Shed	Issued	21 February 2020
5/03/2020	T200090	10 Shinnars Close, Bunyip VIC 3815	Development of the land for an outbuilding (Garage)	Issued	24 February 2020
6/03/2020	T190155 - PC1	9 Sybella Avenue, Koo Wee Rup VIC 3981	Conditions 1 and 2	Issued	29 January 2020
10/03/2020	T190377	140 O` Briens Road, Yannathan VIC 3981	Development of Land for an outbuilding (dependant persons unit)	Withdrawn	27 June 2019
10/03/2020	T190463	650 Seven Mile Road, Nar Nar Goon VIC 3812	Development of the land for an outbuilding and associated earthworks.	Issued	05 August 2019
10/03/2020	T190499	376 Rossiter Road, Koo Wee Rup VIC 3981	Two (2) lot subdivision	Issued	20 August 2019
10/03/2020	T190756	Peet Street, Pakenham VIC 3810	Development of the land for storage units	Withdrawn	12 December 2019
11/03/2020	T190677	30 North Yannathan Road, Catani VIC 3981	Development of the land for a building associated with agriculture	Issued	08 November 2019
11/03/2020	T190686	345 Parish Road, Longwarry VIC 3816	Buildings and works associated with a dwelling extension.	Issued	13 November 2019
11/03/2020	T200068	Princes Highway, Garfield VIC 3814	Development of the land for an extension (carport) to existing outbuilding	Issued	13 February 2020
11/03/2020	T200091	We 2/9 Corporate Terrace, Pakenham VIC 3810	Buildings and works associated with Industry and reduction in car parking requirement of one (1) space	Issued	24 February 2020
13/03/2020	T190764	19 Water Lily Road, Bunyip VIC 3815	Development of the land for a dwelling	Issued	12 December 2019
13/03/2020	T190765	27 Water Lily Road, Bunyip VIC 3815	Development of the land for a dwelling	Issued	12 December 2019
13/03/2020	T190766	29 Water Lily Road, Bunyip VIC 3815	Development of the land for a dwelling	Issued	12 December 2019
16/03/2020	T190680 - PC1	265 Caldermeade Road, Caldermeade VIC 3984	Development of the land for a building associated with agriculture and associated earthworks	Issued	29 January 2020
17/03/2020	T180160	CA1-8 SEC 14 & CA8A SEC 13, 64-78 Nar Nar Goon-Longwarry Road, Bunyip VIC 3815	Use of the land for camping and caravan park (temporary stays) and alteration of access to a Road Zone Category 1	NOD	02 May 2018
17/03/2020	T190624	13, 15 & 17 Hope Street, Bunyip VIC 3815	Staged subdivision of the land into six (6) lots	Issued	14 October 2019
19/03/2020	T190735	14 Henry Road, Bunyip VIC 3815	Development of outbuilding (garage) ancillary to the dwelling with associated earthworks and vegetation removal.	Issued	09 December 2019
20/03/2020	T190716	13 Charles Street, Koo Wee Rup VIC 3981	Two (2) lot subdivision and associated works	Issued	25 November 2019

20/03/2020	T190439	650 Bunyip-Modella Road, Iona VIC 3815	Use and Development of the land for a dwelling	Lapsed	23 July 2019
23/03/2020	T190777	500 Thwaites Road, Yannathan VIC 3981	Building and works associated with the construct of a hay shed	Issued	24 December 2019
24/03/2020	T180410 - 1	10 Cameron Way, Pakenham VIC 3810	Development of Land for A Second Dwelling	Issued	28 November 2019
24/03/2020	T190504	2765 Ballarto Road, Pakenham South VIC 3810	Works associated with the construction of a dam	Issued	20 August 2019
24/03/2020	T200024	37B Wattletree Road, Bunyip VIC 3815	Building and works for an outbuilding (shed)	Issued	17 January 2020
25/03/2020	T190762	21 Water Lily Road, Bunyip VIC 3815	Development of the land for a dwelling	Issued	12 December 2019
25/03/2020	T190763	13 Water Lily Road, Bunyip VIC 3815	Development of the land for a dwelling	Issued	12 December 2019
30/03/2020	T190617	1850 Gembrook-Tonimbuk Road, Tonimbuk VIC 3815	Use and development of the land for a dwelling	Issued	09 October 2019
30/03/2020	T190718	365 Seymour Road, Nar Nar Goon North VIC 3812	Removal of seven (7) trees	Issued	28 November 2019
31/03/2020	T190650	2490 Princes Highway, Tynong VIC 3813	Buildings and works associated with domestic animal boarding	Issued	25 October 2019
31/03/2020	T200060	47 Commercial Drive, Pakenham VIC 3810	Subdivision of the land into three (3) lots	Issued	11 February 2020
1/04/2020	T190556	235 Tynong North Road, Tynong North VIC 3813	Development of the land for a dwelling extension, one (1) outbuilding and associated vegetation removal	Issued	18 September 2019
1/04/2020	T200071	56 Garfield Road, Garfield VIC 3814	Buildings and works for solar panels	Issued	13 February 2020
2/04/2020	T190005 - 1	30 Evans Road, Bunyip VIC 3815	Amendment to planning permit T190005 to alter the endorsed plans and Melbourne Water conditions	Issued	29 January 2020
2/04/2020	T190666	50 Topp Road, Tonimbuk VIC 3815	Development of the land for a replacement dwelling	Withdrawn	28 October 2019
2/04/2020	T200096	2 Hudson Avenue, Lang Lang VIC 3984	Construct a single residential dwelling with attached garage to be built over the building envelope and construct a colourbond shed.	Withdrawn	25 February 2020
7/04/2020	T170722 - 1	245 McDonalds Track, Lang Lang VIC 3984	Subdivision and the removal of native vegetation	Issued	26 September 2019
7/04/2020	T190484 - PC1	4 Kevis Court, Garfield VIC 3814	The development of a second dwelling and alterations and additions to the existing dwelling	Issued	02 March 2020
8/04/2020	T190442	235 Evans Road, Longwarry VIC 3816	Use and development of the land for one (1) dwelling and associated buildings and works	Issued	29 July 2019
8/04/2020	T200026	74 Mortlake Drive, Officer South VIC 3809	Construction of a dwelling on a lot less than 350sqm.	Issued	21 January 2020
8/04/2020	T200100	76 Bridal Road, Tonimbuk VIC 3815	Development of the land for two (2) sheds	Issued	27 February 2020
9/04/2020	T190425 - PC1	510 Mynard Road, Catani VIC 3981	Use and development of the land for a Dependent Person's Unit	Issued	14 February 2020

9/04/2020	T190556 - PC1	235 Tynong North Road, Tynong North VIC 3813	Development of the land for a dwelling extension, one (1) outbuilding and associated vegetation removal	Issued	03 April 2020
9/04/2020	T190695	55 Wollondilly Road, Garfield North VIC 3814	Use and development of the land for a dwelling (replacement) and removal of native vegetation	Issued	15 November 2019
9/04/2020	T190767	We 2/3 Southeast Boulevard, Pakenham VIC 3810	Alterations and extensions to an existing warehouse (additional office space), associated buildings and works and a reduction in car parking	Issued	06 January 2020
9/04/2020	T190778	50 O`Brien Lane, Nar Nar Goon North VIC 3812	Development of the land for a horse arena and one (1) agricultural building	Issued	19 December 2019
9/04/2020	T200065	48 Railway Avenue, Tynong VIC 3813	Use and development of the land for a Postal Agency, display business identification signage and associated works	Issued	11 February 2020
9/04/2020	T200137	76 Wattletree Road, Bunyip VIC 3815	Development of the land for an outbuilding (shed)	Issued	18 March 2020
11/04/2020	T190278 - PC3	30 Bourke Road, Pakenham VIC 3810	Section 173 Agreement (Draft)	Withdrawn	10 September 2019
15/04/2020	T180629 - 1	Peet Street, Pakenham VIC 3810	Amendment to condition 6 of Planning Permit T180629 to include Section 173 Agreement	Issued	19 March 2020
15/04/2020	T180816 - PC2	15 Nar Nar Goon-Longwarry Road, Garfield VIC 3814	Condition 2 of T180816-1.	Issued	15 November 2019
15/04/2020	T190549 - 1	22 Garfield Road, Garfield VIC 3814	Amendment to Planning Permit T190549 to delete condition 12	Issued	02 April 2020
15/04/2020	T190759	25 Water Lily Road, Bunyip VIC 3815	Development of the land for a dwelling	Issued	12 December 2019
15/04/2020	T190760	11 Water Lily Road, Bunyip VIC 3815	Development of the land for a dwelling	Issued	12 December 2019
15/04/2020	T200075	30 Bourke Road, Pakenham VIC 3810	Native vegetation removal	Issued	05 February 2020
15/04/2020	T200117	295 Tynong North Road, Tynong North VIC 3813	Development of the land for an outbuilding (shed) and associated works	Issued	06 March 2020
15/04/2020	T200154	1B Pinehill Drive, Pakenham VIC 3810	Buildings and works associated with a 15m x15m shed	Issued	25 March 2020
15/04/2020	T200169	390 Ellis Road, Tonimbuk VIC 3815	Replacement of damaged Hay Shed	Issued	31 March 2020
16/04/2020	T190699	140 O`Briens Road, Yannathan VIC 3981	Buildings and works for a habitable outbuilding.	Issued	16 November 2019
17/04/2020	T170722 - PC2	245 McDonalds Track, Lang Lang VIC 3984	1a and 34	Issued	17 March 2020
17/04/2020	T190339	1085 Caldermeade Road, Catani VIC 3981	Earthworks (fill) associated with an existing dam	Issued	12 June 2019
17/04/2020	T190685 - PC1	24 Exchange Drive, Pakenham VIC 3810	Condition 1 Landscape Plan	Issued	10 March 2020
20/04/2020	T190502 - PC1	180 Main Drain Road, Koo Wee Rup VIC 3981	Buildings and works associated with an agricultural building extension	Issued	23 March 2020
20/04/2020	T200084	44 Exchange Drive, Pakenham VIC 3810	Installation of advertising signage	Withdrawn	20 February 2020

21/04/2020	T180410 - PC1	10 Cameron Way, Pakenham VIC 3810	Development Of Land For A Second Dwelling	Issued	07 April 2020
22/04/2020	T150681 - 1	62 Bald Hill Road, Pakenham VIC 3810	Melbourne Water condition 20 hasn't been met, a Section 173 agreement has been agreed upon between Melbourne Water and owner.	Issued	03 February 2020
22/04/2020	T190715	Thwaites Road, Yannathan VIC 3981	Use and development of the land for a dwelling and associated outbuilding.	Issued	23 November 2019
22/04/2020	T200048	29 Westernport Road, Lang Lang VIC 3984	Branch Refurbishment	Lapsed	06 February 2020
23/04/2020	T130216 - PC1	Southeast Boulevard, Pakenham Victoria 3810	Use and development of the land for motor vehicle, boat and caravan sales and associated cafe and offices, and development of the land for industry, warehousing and associated offices and reduction in car parking	Withdrawn	19 October 2016
23/04/2020	T150574 - PC1	76 Leask Road, Tonimbuk Victoria 3815	Plans to Comply - Bushfire Management Statement - Use and development of the land for group accommodation in a Rural Conservation Zone Schedule 1 and Bushfire Management Overlay	Withdrawn	01 March 2017
24/04/2020	T190262	9 Sybella Avenue, Koo Wee Rup VIC 3981	Staged Multi-Lot Subdivision	Issued	08 May 2019
24/04/2020	T190759 - PC1	25 Water Lily Road, Bunyip VIC 3815	Development of the land for a dwelling	Issued	16 April 2020
24/04/2020	T190760 - PC1	11 Water Lily Road, Bunyip VIC 3815	Development of the land for a dwelling	Issued	16 April 2020
24/04/2020	T200163	417 Fogarty Road, Maryknoll VIC 3812	Development of the land for a verandah	Issued	01 April 2020

Ranges Ward

Date	Permit No	Location	The Proposal	The Decision	Lodged Date
13/02/2020	T190568	3 Thomson Road, Beaconsfield Upper VIC 3808	Development of the land for an outbuilding and associated earthworks.	Issued	30 September 2019
13/02/2020	T190691	1 Nioka Close, Cockatoo VIC 3781	Construction of a Shed	Issued	14 November 2019
13/02/2020	T190726	5A Desmond Court, Beaconsfield VIC 3807	Development of the land for an outbuilding (shed) and associated works	Issued	03 December 2019
13/02/2020	T200040	225 Split Rock Road, Beaconsfield Upper VIC 3808	Construction of colorbond stable structure on to the side of an existing colorbond indoor horse arena.	Withdrawn	13 February 2020
14/02/2020	T190788	1 Woodlands Avenue, Cockatoo VIC 3781	Development of the land for an outbuilding	Issued	23 December 2019
17/02/2020	T160759 - PC3	7 Neville Street, Cockatoo VIC 3781	Condition 1A, 1B & 1C of Planning Permit T160759.	Issued	17 October 2018
17/02/2020	T190659	Pitt Avenue, Gembrook VIC 3783	Development of the land for an outbuilding	Issued	31 October 2019
17/02/2020	T200029	15 First Avenue, Cockatoo VIC 3781	Development of the land for an outbuilding (shed) and associated works	Issued	22 January 2020
17/02/2020	T200057	27 McKenzie Road, Beaconsfield Upper VIC 3808	Development of the land for an outbuilding (shed)	Issued	09 February 2020

18/02/2020	T190575	56 Neville Street, Cockatoo VIC 3781	Earthworks exceeding 1 metre in depth	Issued	26 September 2019
18/02/2020	T200056	2 Mountain Avenue, Emerald VIC 3782	Remove a tree	Withdrawn	07 February 2020
19/02/2020	T190618	6 Woodlands Avenue, Cockatoo VIC 3781	Use and development of the land as a plant nursery	Withdrawn	10 October 2019
19/02/2020	T190621	195 Huxtable Road, Pakenham Upper VIC 3810	Development of the land for a replacement dwelling	Issued	09 October 2019
19/02/2020	T190681	59 Beaconsfield-Emerald Road, Emerald VIC 3782	Development of the land for an outbuilding	Issued	08 November 2019
21/02/2020	T190550	1495 Pakenham Road, Mount Burnett VIC 3781	Subdivision of the land for two (2) lots	Issued	12 September 2019
21/02/2020	T190597	23 Nobelius Street, Emerald VIC 3782	Development of a Dwelling Extension and an associated outbuilding	Issued	07 October 2019
24/02/2020	T170584 - 3	Bridge Road, Officer VIC 3809	Buildings and works in stages associated with the construction of thirty-four (34) residential dwellings, shops/food and drink premises, offices, medical centres, gymnasium, supermarket, restaurant, internally illuminated signs, use of land to sell liquor and a reduction in car-parking, generally in accordance with the approved plans	Issued	08 July 2019
24/02/2020	T190370	72A Woori Yallock Road, Cockatoo VIC 3781	Development of land for a dwelling, and conversion of the existing dwelling to a Dependant Persons Unit	NOD	28 June 2019
24/02/2020	T190742	37 Mary Street, Officer VIC 3809	Stage 2 of subdivision, 10 lots.	Withdrawn	22 January 2020
25/02/2020	T190528	20A Emerald-Monbulk Road, Emerald VIC 3782	Alterations and extension to an existing dwelling	Issued	20 September 2019
27/02/2020	T160812 - PC1	16 Beaconsfield-Emerald Road, EMERALD VIC 3782	Development of the land for the purpose of a minor sports and recreation facility (netball courts, clubrooms), associated car parking and alteration to access to land in a Road Zone Category 1	Issued	05 March 2018
27/02/2020	T200037	Site 108, 20 Brunt Road, Beaconsfield VIC 3807	Building and works associated with an existing residential village	Issued	28 January 2020
28/02/2020	T180083 - PC1	47 Pakenham Road, Cockatoo VIC 3781	Condition 1	Issued	25 February 2019
2/03/2020	T200014	Rix Road, Officer VIC 3809	Roadworks within a land subject to inundation overlay	Issued	24 December 2019
3/03/2020	T180477 - PC1	411 Princes Highway, Officer VIC 3809	Business Identification Signage	Issued	24 January 2019
3/03/2020	T180584	580 Salisbury Road, Beaconsfield Upper VIC 3808	Development of the land for a dwelling extension and the removal of native trees.	Issued	03 September 2018
3/03/2020	T180658 - PC1	24 View Hill Road, Cockatoo VIC 3781	Earthworks exceeding 1 metre (in association with a dwelling)	Issued	11 October 2019
3/03/2020	T190577	Rix Road, Officer VIC 3809	Subdivision of land in stages in accordance with attached submitted plans	Lapsed	30 September 2019
3/03/2020	T200038	Site 26, 20 Brunt Road, Beaconsfield VIC 3807	Building and works associated with an existing residential village.	Issued	28 January 2020
4/03/2020	T180795 - PC1	4 Ann Street, Beaconsfield VIC 3807	Development of the land for three (3) dwellings	Issued	15 October 2019

10/03/2020	T190539	24 Lyle Avenue, Beaconsfield VIC 3807	Development of two (2) dwellings and associated two (2) lot subdivision	Issued	10 September 2019
11/03/2020	T180289 - PC2	35 Station Road, Gembrook VIC 3783	Subdivision of land into two (2) lots and vegetation removal	Issued	29 November 2019
11/03/2020	T200007	6 Ogilvy Road, Clematis VIC 3782	Vegetation Removal	Issued	06 January 2020
12/03/2020	T190135 - 1	247, 251 & 255 Princes Highway, Officer VIC 3809	Development of land for multiple dwellings and associated subdivision	Issued	28 February 2020
12/03/2020	T190337	1 Seaview Road, Cockatoo VIC 3781	Development of the land for a dwelling extension, vegetation removal and earthworks	Issued	12 June 2019
13/03/2020	T190163	124 McMullen Road & 427 Brown Road, Officer VIC 3809	Subdivision of land, associated works, creation of restrictions, use of the land for a child care centre, use of the land for an indoor recreation facility (swimming school) and vegetation removal	Issued	26 March 2019
13/03/2020	T200063	46 Aura Vale Road, Menzies Creek VIC 3159	Development of the land for an outbuilding (shed)	Issued	12 February 2020
13/03/2020	T200102	6 Suffolk Avenue, Cockatoo VIC 3781	Buildings and works for an addition (deck) to existing dwelling	Issued	27 February 2020
16/03/2020	T190533 - PC1	1 Station Street, Officer VIC 3809	PC1 - (Con. 01 C1P)	Issued	23 January 2020
16/03/2020	T190272	Timbertop Boulevard, OFFICER VIC 3809	Subdivision of the land and associated works	Failure	13 May 2019
18/03/2020	T190163 - PC1	124 McMullen Road & 427 Brown Road, Officer VIC 3809	PC1 - (Con. 19 BDG)	Issued	17 March 2020
18/03/2020	T190775	26 Henrietta Avenue, Officer VIC 3809	Installation of Spa & Safety barriers	Withdrawn	18 December 2019
20/03/2020	T190734	415 Evans Road, Cockatoo VIC 3781	For fire management at the above mentioned address, we are seeking to remove trees within 26 metres of the dwelling to reduce our BAL rating, an arborist report is attached to show the trees are in farm land and are of not of significance.	Withdrawn	09 December 2019
20/03/2020	T200028	6 Davey Road, Emerald VIC 3782	Development of the land for a deck	Issued	22 January 2020
23/03/2020	T170584 - PC8	Bridge Road, Officer VIC 3809	Development plans for residential component - Buildings and works associated with the construction of thirty-four (34) residential dwellings, supermarket, shops, medical centres and a reduction in car-parking	Issued	03 March 2020
23/03/2020	T200021	37 Eastbourne Crescent, Officer VIC 3809	Building and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Issued	17 January 2020
23/03/2020	T200135	25 Curran Drive, Officer VIC 3809	Hair cut only & music class	Withdrawn	23 March 2020
24/03/2020	T180169 - PC2	92 Foott Road, Beaconsfield Upper VIC 3808	Boundary realignment of two (2) lots	Issued	09 January 2020
24/03/2020	T180518	44 & 50 Whiteside Road, Officer VIC 3809	Subdivision of land	Issued	15 August 2018
24/03/2020	T190737	112 Stoney Creek Road, Beaconsfield Upper VIC 3808	Development of the land for a replacement dwelling and associated earthworks	Issued	09 December 2019
25/03/2020	T190687	39 Mountain Road, Cockatoo VIC 3781	Development of the land for a dwelling and an outbuilding, and associated earthworks	Issued	13 November 2019
26/03/2020	T190723	20 Auhl Road, Emerald VIC 3782	Buildings and works associated with the construction of a covered deck	Issued	29 November 2019

30/03/2020	T170584 - PC2	Bridge Road, Officer VIC 3809	LMP for Residential component - Buildings and works associated with the construction of thirty-four (34) residential dwellings, supermarket, shops, medical centres and a reduction in car-parking	Issued	26 November 2019
30/03/2020	T170584 - PC3	Bridge Road, Officer VIC 3809	LMP for Residential component PC - Buildings and works associated with the construction of thirty-four (34) residential dwellings, supermarket, shops, medical centres and a reduction in car-parking	Issued	11 December 2019
30/03/2020	T170584 - PC4	Bridge Road, Officer VIC 3809	LMP for Commercial component PC - Buildings and works associated with the construction of thirty-four (34) residential dwellings, supermarket, shops, medical centres and a reduction in car-parking	Issued	11 December 2019
30/03/2020	T170584 - PC5	Bridge Road, Officer VIC 3809	Development plans for commercial PC - Buildings and works associated with the construction of thirty-four (34) residential dwellings, supermarket	Issued	16 December 2019
30/03/2020	T170584 - PC6	Bridge Road, Officer VIC 3809	Sustainability Management Plan for commercial component - Buildings and works associated with the construction of thirty-four (34) residential dwellings, supermarket, shops, medical centres and a reduction in car-parking	Issued	18 December 2019
1/04/2020	T190731	2 Aura Vale Road, Menzies Creek VIC 3159	Dwelling extension and associated outbuildings	Issued	05 December 2019
7/04/2020	T180847	65 Brunt Road, Officer VIC 3809	Use and development of the land for a child care centre and subdivision of land	Issued	07 January 2019
8/04/2020	T160686 - PC7	90 Rix Road, Officer VIC 3809	Section 173 Agreement (DCPs)- Subdivision of land in stages in accordance with the submitted plans.	Issued	13 March 2020
8/04/2020	T180170 - PC8	26A Whiteside Road, Officer VIC 3809	PC8 - (Con. 24 LMP)	Issued	03 April 2020
8/04/2020	T180716 - PC6	1 Damon Street, Officer VIC 3809	PC6 - (Con. 47 CMP)	Issued	28 January 2020
8/04/2020	T190400	113 Woori Yallock Road, Cockatoo VIC 3781	Use and development of the land for one (1) dwelling and one (1) outbuilding	Issued	04 July 2019
9/04/2020	T130581 - PC6	415 Princes Highway, Officer Victoria 3809	Multi-lot subdivision and associated works, subdivision adjacent to land within the road zone category 1 and works within the land subject to inundation overlay	Issued	06 April 2020
15/04/2020	T180169 - PC3	92 Foott Road, Beaconsfield Upper VIC 3808	Section 173 Agreements Boundary realignment of two (2) lots	Issued	09 April 2020
15/04/2020	T190526	26 Old Beaconsfield Road, Emerald VIC 3782	Development of the land for an outbuilding	Issued	04 September 2019
15/04/2020	T190557	8 Sycamore Avenue, Emerald VIC 3782	Development of the land for a non-habitable outbuilding	Issued	20 September 2019
15/04/2020	T200069	49 First Avenue, Cockatoo VIC 3781	Development of the land for an outbuilding (garage) and associated works	Issued	13 February 2020
15/04/2020	T200097	39 Taylor Road, Cockatoo VIC 3781	Retrospective development of the land for two (2) outbuildings	Issued	24 February 2020
15/04/2020	T200124	16 Barrow Court, Officer VIC 3809	Proposed veranda to be built outside the building envelope.	Withdrawn	11 March 2020
15/04/2020	T200172	22 Oakwood Close, Officer VIC 3809	PLANNING PERMIT IS REQUIRED TO BUILD OUTSIDE THE BUILDING ENVELOPE.	Withdrawn	01 April 2020
16/04/2020	T190235 - 1	25 Billaroy Road, Beaconsfield Upper VIC 3808	Amendment to Planning Permit T190235 to amend wording of condition 2 (offset calculation)	Issued	02 April 2020
16/04/2020	T190530	12 Annabel Crescent, Officer VIC 3809	Buildings and works associated with accommodation (dwelling) within the Bushfire Management Overlay	Issued	06 September 2019

16/04/2020	T200111	33 Oakrind Rise, Officer VIC 3809	Buildings and works associated with accommodation (dwelling) within the Bushfire Management Overlay	Issued	03 March 2020
17/04/2020	T190421	6 Lisheen Road, Cockatoo VIC 3781	Development of the land for a Dependent Persons Unit and associated vegetation removal and earthworks.	Issued	17 July 2019
17/04/2020	T200032	4 Maurice Street, Cockatoo VIC 3781	Development of the land for an extension to an existing dwelling	Issued	23 January 2020
17/04/2020	T200050	43 Cotswold Crescent, Officer VIC 3809	Construction of a Dwelling on a lot less than 300sqm	Issued	05 February 2020
20/04/2020	T170671 - PC16	Rix Road, Officer VIC 3809	Subdivision of the land in stages, associated works (including road-works within land affected by the Land Subject to Inundation Overlay) and creation of restrictions	Issued	20 April 2020
20/04/2020	T190416	12-14 Kings Road, Emerald VIC 3782	Development of the land for six (6) dwellings and vegetation removal	Issued	12 July 2019
20/04/2020	T190534	140 Whiteside Road, OFFICER VIC 3809	Use and development of the land for a Telecommunications Facility	NOD	10 September 2019
21/04/2020	T190220	546 Paternoster Road, Mount Burnett VIC 3781	Subdivision of the land into two (2) lots (boundary realignment)	Issued	16 April 2019
21/04/2020	T190370 - PC1	72A Woori Yallock Road, Cockatoo VIC 3781	Development of land for a dwelling, and conversion of the existing dwelling to a Dependant Persons Unit	Issued	01 April 2020
21/04/2020	T190393	68 Fielder Road, Cockatoo VIC 3781	Use and development of the land for a Dependent Person's Unit and the removal of vegetation	Issued	01 July 2019
21/04/2020	T190447	45 Devon Avenue, Cockatoo VIC 3781	Subdivision of the land into two (2) lots and creation of easement	Issued	30 July 2019
22/04/2020	T200149	74 Collie Road, Gembrook VIC 3783	Development of the land for an outbuilding (shed) and associated earthworks.	Issued	20 March 2020
23/04/2020	T150528 - PC1	18 Florence Avenue, Emerald Victoria 3782	Buildings and works for a replacement dwelling within a Bushfire Management Overlay and Design and Development Overlay (dwelling within five (5) metres of a boundary, ten (10) metres of a road and exceeding seven (7) metres above natural ground level) and vegetation removal within a Vegetation Protection Overlay.	Withdrawn	20 May 2016
23/04/2020	T150550 - PC1	175 Bayview Road, Officer VIC 3809	Plans to comply with permit conditions	Withdrawn	18 February 2016
23/04/2020	T170187 - PC1	32-34 St Georges Road, Beaconsfield Upper VIC 3808	Condition 7 - Subdivision of the land into three (3) lots and the removal of vegetation	Withdrawn	22 January 2018
23/04/2020	T190526 - PC1	26 Old Beaconsfield Road, Emerald VIC 3782	Development of the land for an outbuilding	Issued	21 April 2020
24/04/2020	T190163 - PC2	124 McMullen Road & 427 Brown Road, Officer VIC 3809	PC2 - (Con. 17 PIP)	Issued	23 April 2020

Resolution

Moved Cr Jodie Owen, seconded Cr Graeme Moore.

That Council note the report.

Carried

6.1.7 Planning Scheme Amendment Activity Report

File Reference: Nil.
Responsible GM: Tracey Parker
Author: Luke Connell

Recommendation(s)

That Council note the report.

Executive Summary

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

Relevance to Council Plan

Nil.

Status of Active Amendments

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

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C222	XWB Consulting	85 McNamara Road, Bunyip	Amendment C222 proposes to: <ul style="list-style-type: none"> - rezone land from Farming Zone Schedule 1 (FZ1) to Low Density Residential Zone Schedule 3 (LDRZ3) (55 & 85 McNamara Road), - apply a Development Plan Overlay Schedule 21 (DPO 21) (85 McNamara Road), - apply a Design and Development Overlay Schedule 1 (DDO1), and - delete the Environmental Significance Overlay Schedule 1 (ES01). 	Thu 08/08/2019	Fri 06/09/2019	A Panel Hearing was held on 25/02/2020.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C226	Cardinia Shire Council	Lot 5 PS321195 67 Whiteside Rd Officer, Lot 2 PS327845 130 Whiteside Rd Officer and Lot PP PS746064 325 Princes Hwy Officer	<p>Repair inconsistent policy in the Urban Growth Zone Schedule 3 (UGZ3) and the applied Schedule of the Rural Conservation Zone (RCZ) that prevents development in the 3 lots identified from occurring in line with the Officer Precinct Structure Plan (PSP) that was adopted by Council in 2011.</p> <p>The amendment proposes to add a Schedule to the RCZ removing the minimum subdivision requirements for the 3 sites identified, that would otherwise exist in the provision. This ensures there is a match between the policy intention of the PSP and the provisions in the UGZ3 and the applied zone (RCZ).</p>	Thu 22/06/2017	Mon 24/07/2017	On 11/05/2018 Council received advice from DELWP stating that, based on new environmental risk regulations approved via Amendment VC140 on 12/12/2017, further work is required prior to the Minister considering the amendment. A draft Bushfire Development Report (June 2019) was received from Terramatrix. Council officers have provided a response to the draft.
C228	Cardinia Shire Council	Pakenham Activity Centre	The Activity Centre Zone Schedule 1 (ACZ1) has been prepared in response to conditions of approval to Cardinia Planning Scheme Amendment C211 to ensure that the Pakenham Structure Plan 2018 has been implemented via the appropriate planning tool into the Cardinia Planning Scheme.	Thu 24/10/2019	Fri 06/12/2019	On 17/02/2020 Council resolved to refer all submissions to an independent Planning Panel. Due to COVID-19 restrictions, a Directions Hearing was held on the papers on

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			<p>The ACZ1 is a direct translation of the objectives and strategies as set out in the draft Pakenham Structure Plan 2018 and draft Urban Design Framework 2018. The amendment amends Clauses 21.03, 21.04 and 21.06, implements two new reference documents, deletes parts of two Development Plan overlays Schedule 1 and 2 of 43.04, and deletes the Pakenham Activity Centre Incorporated Provisions, 20 March 2017 from Clause 72.04.</p>			<p>Wednesday 01/04/2020.</p> <p>A Panel Hearing is set for the week commencing 04/05/2020.</p>
C229	Cardinia Shire Council	Tynong, Garfield and Bunyip	Apply Environmental Significance Overlay Schedule 7 (ES07) to all land within the Urban Growth Boundary (UGB) of Garfield and Bunyip and all land zoned for urban purposes within Tynong to facilitate the provision of habitat corridors for the Southern Brown Bandicoot.	Thu 21/11/2019	Fri 20/12/2019	Re-exhibition completed. A bushfire risk assessment is in progress.
C234	Victorian Planning Authority and Cardinia Shire Council	Pakenham East Precinct	Incorporate the Pakenham East Precinct Structure Plan (PSP) and rezone the majority of land to Urban Growth Zone Schedule 5 (UGZ5) to facilitate the development of the land generally in accordance with the	Thu 18/01/2018	Fri 23/02/2018	<p>Adopted by VPA on 10/10/2018.</p> <p>A subsequent feedback process was initiated by VPA in mid-October for consideration of land north</p>

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			PSP, and make a number of other consequential changes to the Cardinia Planning Scheme to support the implementation of the PSP. Planning Scheme to support the implementation of the PSP.			<p>of power line easement.</p> <p>The Minister for Planning decided to send submissions received on the additional notice to a Planning Panel.</p> <p>A Planning Panel Hearing was held for 3 days between 23/03/2020 to 26/03/2020.</p>
C235	Planning Central	145 Rossiter Road, Koo Wee Rup	<p>Amendment C235 proposes to:</p> <ul style="list-style-type: none"> - rezone the land from Farming Zone (FZ) to Neighbourhood Residential Zone Schedule 1 (NRZ1) - apply Development Plan Overlay Schedule 22 (DPO22) - amend Clause 21.07-7 and - correct the mapping of the Heritage Overlay (HO198) for adjacent heritage property 'Shepton Mallet'. <p>The Koo Wee Rup Township Strategy (October 2015) supports the rezoning and development of the subject site for residential. DPO22 provides a</p>	Thu 27/06/2019	Fri 02/08/2019	<p>Council adopted the amendment on 16/03/2020.</p> <p>Currently with the Minister for Planning for approval.</p>

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			framework for the development of the site and has considered the sites opportunities and constraints.			
C238	Cardinia Shire Council	Beaconsfield Precinct - Glismann Road and Old Princes Highway.	<p>Amendment C238 proposes to:</p> <ul style="list-style-type: none"> - rezone land to General Residential Zone Schedule 2 (GRZ2) and - introduce a Development Plan Overlay (DPO), - a site specific Environmental Audit Overlay (EAO) and - remove the Environment Significance Overlay Schedule 1 (ES01). <p>An ICP will be implemented at a later stage.</p>			Preparation documents were submitted to DELWP in December 2019. Further advice was provided on 13/02/2020. Awaiting a response from DELWP.
C240	Cardinia Shire Council	Koo Wee Rup Township	Implement the objectives of the Koo Wee Rup Township Strategy by applying Development Plan Overlays 23 and 24 and Design and Development Overlays 8 and 9 over various precincts within Koo Wee Rup.	Thu 13/02/2020	Mon 16/03/2020	Exhibition completed. Continuing to assess the amendment.
C241	Cardinia Shire Council	Officer Precinct	Apply a Public Acquisition Overlay (PA03) to five parcels of land to facilitate intersection development in accordance with the Officer Precinct Structure Plan.	Thu 20/02/2020	Fri 20/03/2020	Council adopted the amendment on 14/04/2020.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C250	Cardinia Shire Council	Cardinia Shire	Implement the findings of the Cardinia Planning Scheme Review 2018 and update the Local Planning Policy Framework by introducing a new Municipal Strategic State (MSS) at Clause 21 of the Cardinia Planning Scheme. The MSS has been revised to reflect the Council's strategic direction for the Cardinia Shire, strategic work that has been completed, and relevant State policy and legislation.	Thu 14/11/2019	Mon 16/12/2019	On 03/02/2020 Council resolved to refer all submissions to an independent Planning Panel. A Directions Hearing was held on 18/03/2020. A Panel Hearing is set for 28/04/2020.
C257	Minister for Planning	53-65 Woods Street, Beaconsfield	Replace the Design and Development Overlay Schedule 7 (DD07) with a Development Plan Overlay (DPO) for the Woodland Grove Precinct as shown in the Beaconsfield Structure Plan.			Landowner is preparing plans and consulting with Melbourne Water.
C263	Minister for Planning	Beaconsfield Activity Centre	Section 20(4) amendment to extend the June 2020 expiry date of the Beaconsfield Structure Plan to ensure the controls remain in place while Amendment C257 progresses.			19/11/2019: Awaiting approval by the Minister for Planning. DELWP has advised approval will be given prior to the June 2020 expiry date of the PSP.
C264	Cardinia Shire Council	Cardinia Shire municipality	Implement the Advertising Signage Design Guidelines into the Cardinia Planning Scheme.			On 17/02/2020 Council resolved to adopt the Advertising Signage

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
						Design Guidelines and to request the preparation of Amendment C264.
C265	Cardinia Shire Council	Pakenham South Employment Precinct	Incorporate the Pakenham South Employment Precinct Structure Plan.			Council resolved to seek authorisation to prepare an amendment on 16/03/2020.

Resolution

Moved Cr Jodie Owen, seconded Cr Graeme Moore.

That Council note the report.

Carried

6.2 General Reports

6.2.1 Instrument of Delegation - Council to Members of Council Staff

File Reference: INT2034010
Responsible GM: Tom McQualter
Author: Jack Coogan

Recommendation(s)

That Council in exercising the powers conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached instrument of delegation, Council resolves that:

1. Duties, functions and powers outlined be delegated to the members of Council staff holding, acting in or performing the duties of the positions referred to in the attached Instrument of Delegation to members of Council staff. The powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to members of Council staff under the Instrument of Delegation dated 20 May 2019 are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Attachments

1. Instrument of Delegation to Members of Council Staff [6.2.1.1 - 45 pages]

Executive Summary

A proposed update to the Instrument of Delegation to amend and reflect changes which are required throughout the organisation.

Background

Council previously resolved in May 2019 to delegate some duties and functions to specified members of Council staff under various legislative instruments. Due to changes to position titles, reporting lines, responsibilities and necessary requirements within the organisation it is essential to update these delegations.

It should be noted with the legislative changes occurring with the Local Government Act 2020, Council will no longer be able to delegate to Council staff (From September 2020) and these delegations take place through the CEO to staff Instrument.

Policy Implications

Nil.

Relevance to Council Plan

Nil.

Climate Emergency Consideration

Nil.

Consultation/Communication

The document attached has been prepared following consultation with relevant Council Business Units.

Financial and Resource Implications

Nil.

Conclusion

The update to the Instrument of Delegation is necessary to allow Council officers to complete required duties, powers and functions in their daily tasks.

Resolution

Moved Cr Jodie Owen, seconded Cr Graeme Moore.

That Council in exercising the powers conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached instrument of delegation, Council resolves that:

1. Duties, functions and powers outlined be delegated to the members of Council staff holding, acting in or performing the duties of the positions referred to in the attached Instrument of Delegation to members of Council staff. The powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to members of Council staff under the Instrument of Delegation dated 20 May 2019 are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Carried

6.2.2 Officer Sports Club Lease

File Reference: Nil.
Responsible GM: Tracey Parker
Tom McQualter
Author: Jeanette Blackwood

Recommendation(s)

That Council:

1. Commences the statutory procedures under Sections 190 and 223 of the Local Government Act 1989 (the Act) by giving public notice in the local paper and on Councils web site advising of the proposal to lease a part of the reserve at 20 Starling Road Officer to the Officer Sports Club Incorporated.
2. In the event of submissions being received, a committee comprising the Ranges Ward Councillors be appointed and the Chief Executive Officer be authorised to set the day, time and means for the hearing of such submissions.
3. Following the hearing of submissions, or if no submissions are received, further consider the proposal to lease part of the reserve at 20 Starling Road Officer to the Office Sport Club Incorporated

Attachments

1. Proposed Leased Area [6.2.2.1 - 2 pages]

Executive Summary

The Officer Sports Club has been established by members of the reserve committee and sporting clubs to extend the sports pavilion to create a social space. They have grants from Federal and State government and from Council as well as funds they have raised themselves to carry out the extension works.

It is proposed that Council enters into an Agreement for Lease to allow the construction to occur on Council land and a lease after construction is complete to allow occupation for 9 years. In order to proceed Council must carry out the statutory procedures under section 190 of the Local Government Act 1989 to consider a proposal to enter into a building improvement lease.

Background

The Officer Sport Club Incorporated (OSC) was recently established in order to extend the current eastern pavilion to create a community space for use by both reserve users and the general community. The attached plan shows the proposed extension which will be defined in the lease as the Premises. The OSC have raised funds to carry out the building extension from various government sources, including Council and community groups.

It is proposed that Council will enter into an Agreement for Lease (AFL), which will establish the roles of the party in the construction, the basis of the funding and the right to occupy the site whilst works are occurring. It is proposed that the OSC will contract manager the works and Council will be part of the project construction control group that will oversee the project.

The AFL will provide that once the works are complete that a lease will commence between the parties. The proposed lease terms are as follows:

Term 9 years
Rental \$1 pa
Contribution by the club towards work: \$200,000

Special conditions to include a requirement that the social space is available for use by the general community and such use will be encouraged.

Policy Implications

Council adopted a Leasing Policy (Policy) in September 2018 and as the OSC have agreed to contribute funds in order to achieve the extension of the Premises, it has been proposed that they are granted a lease in excess of that provided in the Policy, as allowed under section 4.3.4, which provides that:

'Council will consider a longer term Lease in circumstances where the Tenant has substantially invested in the Council Facility or there will be community benefits derived by a longer Lease term.'

Relevance to Council Plan

{council-plan-do-not-remove}

Climate Emergency Consideration

Nil.

Consultation/Communication

Consultation has been carried out with appropriate internal departments who are in support of the proposal to lease the Premises to OSC.

Subject to this report, it is proposed that Council gives public notice of the intention to lease the Premises to OSC, in accordance with Section 190 and 223 of the Local Government Act 1989

Any submissions received following such public notice will be considered by a committee appointed for the purpose. Following the hearing of submissions or if no submissions are received the matter will be reported to Council for a decision whether to proceed to lease the premises to the OSC.

Financial and Resource Implications

The OSC have raised funds from the following sources:

- | | |
|---------------------------------------|--------------------------------|
| • Commonwealth government | \$1,000,000 (inclusive of GST) |
| • State government | \$200,000 (inclusive of GST) |
| • Tenant (and other community groups) | \$200,000 (inclusive of GST) |
| • Total | \$1,400,000 (inclusive of GST) |

Council has also agreed to contribute up to \$400,000 within its Capital Work Program to complete the works.

Conclusion

In order to determine if Council will enter into a lease with the OSC it is necessary to give public notice in accordance with section 190 of the LGA and hear any submissions received.

Resolution

Moved Cr Brett Owen, seconded Cr Leticia Wilmot.

That Council:

1. Commences the statutory procedures under Sections 190 and 223 of the Local Government Act 1989 (the Act) by giving public notice in the local paper and on Councils web site advising of the proposal to lease a part of the reserve at 20 Starling Road Officer to the Officer Sports Club Incorporated.
2. In the event of submissions being received, a committee comprising the Ranges Ward Councillors be appointed and the Chief Executive Officer be authorised to set the day, time and means for the hearing of such submissions.
3. Following the hearing of submissions, or if no submissions are received, further consider the proposal to lease part of the reserve at 20 Starling Road Officer to the Office Sport Club Incorporated

Carried

6.2.3 Petition - Prohibition of Nuclear Weapons

File Reference: INT2033697
Responsible GM: Tom McQualter
Author: Doug Evans

Recommendation(s)

That Council:

1. Receive and note the petition;
2. Thank the petitioners for their interest in this matter and advise that Council is not investing directly in companies that produce nuclear weapons; and
3. Forward the petition to local members of Federal Parliament asking for their support for the petition.

Attachments

1. Text of Petition [6.2.3.1 - 1 page]

Executive Summary

Cr Schilling tabled a petition at the March Council meeting signed by approximately 108 residents on behalf of ICAN (International Campaign to Abolish Nuclear Weapons) asking for Cardinia Shire to:

- Endorse the ICAN Cities Appeal urging the Australian Government to sign and ratify the United Nations Treaty on the Prohibition of Nuclear Weapons,
- Communicate its endorsement to the Prime Minister and various other Government Ministers, leader of the Opposition and shadow ministers and leaders of all political parties, and
- Take steps to ensure that council funds are not invested in companies that produce nuclear weapons.

This report responds to the petition.

Background

ICAN has been very active in its endeavours and the ICAN Cities Appeal has been launched to encourage municipalities to support the United Nations Treaty on the Prohibition of Nuclear Weapons. 180 local residents have joined together to petition the Council to support the Treaty.

Eight Councils in Victoria have so far joined the ICAN Cities Appeal in support of the UN Treaty.

In response to the petition lodged by local residents it is suggested that Council acknowledge the petition, thank the petitioners for their interest in this matter and refer the petition to local members of the Federal Parliament asking for their support of the petition. It is also proposed that the petitioners be advised that Council funds are not invested in companies that produce nuclear weapons.

Policy Implications

Council does not have a policy position on the issues of nuclear weapons.

Relevance to Council Plan

Nil.

Climate Emergency Consideration

Nil.

Consultation/Communication

No community consultation has been undertaken by the Council in regard to the petition.

Financial and Resource Implications

Nil.

Conclusion

It is suggested that the concerns of the local residents be acknowledged and the petition be referred to local members of Federal Parliament for their consideration and asking for their support of the concerns of our residents.

Resolution

Moved Cr Michael Schilling, seconded Cr Leticia Wilmot.

That Council:

1. Receive and note the petition;
2. Thank the petitioners for their interest in this matter and advise that Council is not investing directly in companies that produce nuclear weapons; and
3. Forward the petition to local members of Federal Parliament asking for their support for the petition.

Carried

6.3 Policy Reports

6.3.1 Domestic Wastewater Management Plan 2020-2025

File Reference: INT2030580
Responsible GM: Peter Benazic
Author: Owen Hardidge

Recommendation(s)

That Council adopt the Domestic Wastewater Management Plan 2020 - 2025.

Attachments

1. Cardinia Shire Council Domestic Wastewater Management Plan 2020-2025 [6.3.1.1 - 73 pages]
2. Key Actions Table [6.3.1.2 - 5 pages]

Executive Summary

The Domestic Wastewater Management Plan (DWMP) is the principle strategic document for the management of domestic wastewater and the potential risks it poses to the community of Cardinia Shire. It provides a policy position of Council and actions that Council may implement over the coming five years to improve domestic wastewater management outcomes within the municipality.

Background

In 2003, the State Environment Protection Policy 2003 (Waters of Victoria) included a provision that Councils “should” prepare a DWMP. Due to limited take up of Councils to prepare a DWMP, in 2006 funding from the State Government was provided for Councils to develop a DWMP. Following this, the Auditor General’s Report - Protecting our Environment and Community from Failing Septic Tanks was released to draw public attention to the current situation and to recent State Government announcements to reduce the number of failing septic tanks.

2007 saw Cardinia Shire Council adopt its first DWMP, with a second plan prepared in 2012. This current plan will extend to 2025, where as per the State requirement, it will be reviewed and updated

Policy Implications

Under the Environmental Protection Act 1970 (EP Act), Councils are the primary agency responsible for the management of onsite wastewater treatment systems and the disposal of domestic wastewater in un-sewered areas throughout their municipality.

Relevance to Council Plan

Nil.

Climate Emergency Consideration

Nil.

Consultation/Communication

The Draft DWMP has had internal and external stakeholder engagement, including South East Water, Yarra Valley Water, and Council's Health and Environment teams.

This plan outlines measures for Council to undertake that will support future advocacy to sewer authorities. The measures are internal systems and tools that will provide core data for our municipality moving forward, this data will then guide the future community engagement programs.

On the adoption of this plan, a communication package will be in place for Council to provide information on the plan and to highlight the commitment from Council to our community and the environment.

Financial and Resource Implications

The following key actions have been recognised as part of the plan to be implemented over the next five years, as identified in the DWMP actions section. All but the below actions are currently occurring, or can be absorbed within the existing workload/budget of Kernow and Cardinia.

The implementation of the actions listed in the plan that require extra resources, have been categorised by a risk and benefits analysis and will form part of any future budget bid. Below is a summary of activities that will require extra funding.

Conclusion

The Domestic Wastewater Management Plan demonstrates Cardinia's commitment to successfully managing domestic wastewater, and the potential risks it poses to the community of Cardinia Shire.

The plan shows a number of key actions over a five-year period, many of which has already commenced through our internal Kernow contractors. Actions that will require additional resources will form part of future budget bids.

It is respectfully requested that Councillors provides in principle support of the Domestic Wastewater Management Plan for the endorsement at a future Council meeting.

Resolution

Moved Cr Jodie Owen, seconded Cr Graeme Moore.

That Council adopt the Domestic Wastewater Management Plan 2020 - 2025.

Carried

6.4 Financial Reports

6.4.1 Contract 20/03 - Pavement Renewal Works 2020-21

File Reference: INT2029391
Responsible GM: Peter Benazic
Author: Buddhika Achchige

Recommendation(s)

That Council:

- Accept the tender submitted by Downer EDI Works Pty Ltd to undertake the works associated with Contract 20-03 - Pavement Renewal Works on:
 - Thirteen Mile Road (136m North of Bunyip River Bridge To 534m Nth of Bunyip River Road) in Vervale,
 - Heads Road (Linehams Road To Koo Wee Rup Longwarry Road) in Catani,
 - Seven Mile Road (Bourke Road To Bald Hill Road) in Nar Nar Goon
 - Thwaites Road, including widening (Patullos Road To Heads Road) in Yannathanfor the contract sum of \$1,516,370.17 (Excl. GST);

- Advise the remaining Tenderers accordingly.

Attachments

1. CONFIDENTIAL - Confidential Memorandum - Circulated to Councillors only [6.4.1.1 - 4 pages]

Executive Summary

The four roads under consideration within this contract have been identified as a high priority for treatment under Council's asset management systems and are amongst the highest for maintenance costs for the shire.

This report provides consideration for the appointment of a contractor to undertake works to reconstruct the pavement of the four roads. The proposed works involve pavement rehabilitation and construction, drainage improvements and associated works.

The tender for all four roads submitted by Downer EDI Works Pty Ltd is the most advantageous for Council, providing the best value for money, while providing excellent service.

It is therefore recommended that Contract 20-03 for the construction of Thirteen Mile Road (136m North of Bunyip River Bridge To 534m Nth of Bunyip River Road) in Vervale, Heads Road (Linehams Road To Koo Wee Rup Longwarry Road) in Catani, Seven Mile Road (Bourke Road To Bald Hill Road) in Nar Nar Goon and widening of Thwaites Road (Patullos Road To Heads Road) in Yannathan be awarded accordingly.

Background

Four roads were identified as a high priority for treatment under Council's asset management systems and through discussions with Council's road maintenance team, as they are amongst the highest for maintenance costs for the shire. These four roads were included in the tender documents associated with CT20-03.

Tenders were advertised on 29 February 2020 and closed on 24 March 2020. A total of seven (7) tenders were received from the following tenderers:

The tenders were checked against a range of weighted and non-weighted selection criteria to ensure the viability of the tender submissions. These criteria include: Pricing and value for money, OHS, Risk & Insurance, Compliance with the Specifications, Required Prequalification with VicRoads (DoT) Financial Viability, Locality, Environmental Commitments, Capability and Capacity, Relevant experience and past performance of the Tenderer, Quality system and Project Plan.

The tender advertised contained separate schedules for each listed road, with Council having the option of awarding each of the roads by themselves or in a package to separate tenderers if this demonstrated best value for money for Council.

To provide best value for money, it is recommended that all four roads: Thirteen Mile Road in Vervale, Heads Road in Catani, Seven Mile Road in Nar Nar Goon and Widening of Thwaites Road in Yannathan be awarded to Downer EDI Works Pty Ltd for a sum of \$1,516,370.17 (Excl. GST).

Policy Implications

The works have been developed in accordance with Council's Asset Management Plans.

Relevance to Council Plan

Nil.

Climate Emergency Consideration

Nil.

Consultation/Communication

Consultation with the community, affected property owners and commuters to notify them of disruptions throughout the construction works will form part of the project planning and delivery after the award of this Contract.

Financial and Resource Implications

Funding for these projects will be made available under the 2020-2021 Capital Works Program for Asset Renewal and Upgrade

The total cost for the rehabilitation of Thirteen Mile Road, Heads Road, Seven Mile Road and widening of Thwaites Road is \$1,516,370.17 (Excl. GST). There will be sufficient funds available in the Capital Works program to award these works.

Conclusion

The tender submitted by Downer EDI Works Pty Ltd for Thirteen Mile Road in Vervale, Heads Road in Catani, Seven Mile Road in Nar Nar Goon and widening of Thwaites Road in

Yannathan is considered to be the most beneficial to Council and it is recommended that Contract 20-03 - Pavement Renewal Works be awarded to Downer EDI Works Pty Ltd for \$ 1,516,370.17 (Excl. GST).

Resolution

Moved Cr Jodie Owen, seconded Cr Graeme Moore.

That Council:

- Accept the tender submitted by Downer EDI Works Pty Ltd to undertake the works associated with Contract 20-03 - Pavement Renewal Works on:
 - Thirteen Mile Road (136m North of Bunyip River Bridge To 534m Nth of Bunyip River Road) in Vervale,
 - Heads Road (Linehams Road To Koo Wee Rup Longwarry Road) in Catani,
 - Seven Mile Road (Bourke Road To Bald Hill Road) in Nar Nar Goon
 - Thwaites Road, including widening (Patullos Road To Heads Road) in Yannathanfor the contract sum of \$1,516,370.17 (Excl. GST);

- Advise the remaining Tenderers accordingly.

Carried

6.4.2 Contract 20/17 - Drainage Works Annual Supply

File Reference: INT2030069
Responsible GM: Peter Benazic
Author: Buddhika Achchige

Recommendation(s)

That Council:

- Accept the tender submitted by R & J Kent & Co Pty Ltd trading as Kent Environmental and Vegetation Management to undertake works associated with Contract 20/17 Drainage Works Annual Supply for the initial three (3) year period commencing 1st November 2020, with an option of a two (2) year extension as tendered in accordance with the submitted schedule of rates;
- Accept the tender submitted by Accomplished Plumbing Services Pty Ltd to undertake works associated with Contract 20/17 Drainage Works Annual Supply for the initial three (3) year period commencing 1st November 2020, with an option of a two (2) year extension as tendered in accordance with the submitted schedule of rates;
- Accept the tender submitted by Linct Group Pty Ltd to undertake works associated with Contract 20/17 Drainage Works Annual Supply for the initial three (3) year period commencing 1st November 2020, with an option of a two (2) year extension as tendered in accordance with the submitted schedule of rates;
- Advise the remaining Tenderers accordingly; and
- Execute the contract Documents.

Attachments

1. Confidential Memorandum - Circulated to Councillors only [6.4.2.1 - 4 pages]

Executive Summary

This report considers tenders received for the supply of drainage construction services within Cardinia Shire commencing 1st November 2020 as detailed in Contract 20-17 - Drainage Works Annual Supply. The initial contract period is three (3) years with an optional two (2) year extension.

The works under the contract include the supply and installation of piped drainage, pit construction including associated earthworks, traffic management, road pavement reinstatement and concrete kerb and channel. The works will be delivered on a schedule of rates basis.

Tenders were advertised on Saturday 29 February 2020 and closed on Tuesday 24 March 2020 at 2.00pm. Tenders were received from fourteen (14) tenderers.

A detailed assessment was undertaken in accordance with Councils procurement policy and it was found that the following tenders represented the best value for money;

- R & J Kent & Co Pty Ltd trading as Kent Environmental and Vegetation Management.
- Services South East Pty Ltd
- Linct Group Pty Ltd

It is therefore recommended that Contract 20-17 for the provision of drainage construction works within the Cardinia Shire be awarded accordingly.

Background

The existing Drainage Works Annual Supply contract (Contract 15/32) is due to expire on 1 November 2020. This contract has been used to complete a significant amount of the Drainage works including construction of new and renewal of existing drainage infrastructure throughout the shire.

Contract 20-17 for the Drainage Works Annual Supply is similar to the previous contract. The Contract will be for an initial term of three years, with an option to extend for a further two years. It is subject to a CPI indexed price increase for year two and three and any additional extension period.

Tenders were sought on a schedule of rates basis to allow flexibility in programming of works and ensure a low risk profile to Council. The creation of a schedule of rates contract specific to drainage works will streamline the procurement process and lock in rates for drainage works for the long term.

A total of 14 submissions were received. The tender has been structured to allow for the appointment of multiple contractors. The appointment of multiple contractors will allow security in terms of contractor resourcing and will allow Council to award works based on the strengths of each contractor.

The tenders were checked against a range of non-weighted and weighted selection criteria to ensure the viability of the tender submissions. These criteria include: financial viability, risk and insurance, compliance to conditions of contract, compliance with specifications, conflict of interest, environmental policy and management system, occupational health and safety, compliance with the specification, capability and capacity, relevant experience and past performance of the tenderer and quality systems.

It is considered that the appointment of three contractors will provide council with an adequate spread of resources and experience to deliver required works. The tenders submitted by R & J Kent & Co Pty Ltd trading as Kent Environmental and Vegetation Management, Accomplished Plumbing Services Pty Ltd and Linct Group Pty Ltd represent the best value for money to Council.

Selection of contractors for any particular project will be based on the size and complexity of the project and the contractor's rates, capacity and ability to undertake the associated works to provide best value for money.

Policy Implications

The Local Government Act requires Council to advertise for tenders by public notice prior to entering into any contract valued in excess of \$150,000 for the supply of services and materials, and in the case of civil construction works, where the works are valued in excess of \$200,000.

The creation of this panel of contractors assists Council officers in adhering with this requirement.

Relevance to Council Plan

Nil.

Climate Emergency Consideration

Nil.

Consultation/Communication

As part of the Asset Renewal Program an annual program of works has been developed. Council officers assess and prioritise identified drainage issues based on the risk and extent of property flooding and the cost of the project. The program is reviewed annually to ensure the highest priority projects are attended to. Further consultation and notification occurs prior to construction commencement of individual projects.

Financial and Resource Implications

There is currently an allocation of \$450,000 in Councils 2019-20 Capital Works Program for drainage upgrade and renewal, not including operational works. Similar funding has been proposed on an ongoing annual basis in the draft future capital works programs.

This contract does not guarantee work or prevent Council from engaging consultants outside of the contract. There is no fixed financial implication resulting from the award of these contracts.

Services provided under this contract will be subject to individual project and program budgets and will be approved in line with the thresholds in Councils Procurement Policy.

Conclusion

It is recommended that the tenders submitted by R & J Kent & Co Pty Ltd trading as Kent Environmental and Vegetation Management, Accomplished Plumbing Services Pty Ltd and Linct Group Pty Ltd be accepted for Contract 20-17 - Drainage Works Annual Supply.

Resolution

Moved Cr Jodie Owen, seconded Cr Graeme Moore.

That Council:

- Accept the tender submitted by R & J Kent & Co Pty Ltd trading as Kent Environmental and Vegetation Management to undertake works associated with Contract 20/17 Drainage Works Annual Supply for the initial three (3) year period commencing 1st November 2020, with an option of a two (2) year extension as tendered in accordance with the submitted schedule of rates;
- Accept the tender submitted by Accomplished Plumbing Services Pty Ltd to undertake works associated with Contract 20/17 Drainage Works Annual Supply for the initial three (3) year period commencing 1st November 2020, with an option of a two (2) year extension as tendered in accordance with the submitted schedule of rates;
- Accept the tender submitted by Linct Group Pty Ltd to undertake works associated with Contract 20/17 Drainage Works Annual Supply for the initial three (3) year period commencing 1st November 2020, with an option of a two (2) year extension as tendered in accordance with the submitted schedule of rates;
- Advise the remaining Tenderers accordingly; and
- Execute the contract Documents.

Carried

6.5 Activity Reports

6.5.1 Quarterly Financial Report

File Reference: INT2031226
Responsible GM: Tom McQualter
Author: Richard Williams

Recommendation(s)

That Council note this report.

Attachments

1. Financial Performance Report [6.5.1.1 - 12 pages]

Executive Summary

This report details Council's financial performance for the nine months ended 31 March 2020.

Background

The report is broken into a number of parts highlighting different components that affect the financial performance of Council:

- Income Statement – Analysed by Income, Expenditure and Non-Recurrent Items. Note that if actual income is greater than budgeted income or actual expenditure is less than budgeted, the variance is favourable. If actual income is less than budgeted or actual expenditure is greater than budgeted expenditure, the variance is unfavourable.
- Balance Sheet;
- Cashflow Statement; and
- Capital Works.

Policy Implications

Nil.

Relevance to Council Plan

Nil.

Climate Emergency Consideration

Nil.

Consultation/Communication

Accountants within the Finance business unit meet monthly with Departmental Managers to discuss their year-to-date progress against the budget for both the Operating and Capital Works programs. Results of these discussions provide input to the completion of the Monthly Financial Performance Report and are further discussed with the relevant General Manager.

The Monthly Financial Performance Report is subsequently presented monthly to the Senior Leadership Team and quarterly to Council.

Financial and Resource Implications

The analysis undertaken as part of the Financial Performance Report is based on the differences between the 2019-20 budget adopted in June 2019 and the actual result as at 31 March 2020.

The operating result for the nine months ended 31 March 2020 is a surplus of \$3.8m. This is \$2.2m better than the year-to-date budgeted surplus of \$1.5m.

Operating income is \$1.5m favourable to budget, predominantly in Operating Grants. Operating expenditure is \$0.8m favourable to budget, mainly in Other Expenses. Detailed variance analysis is included in the attached report.

As at 31 March 2020, the forecast operating result for the 2019-20 year is a surplus of \$2.9m, which is \$1.2m unfavourable to the budgeted operating surplus of \$4.1m. Revenue is forecast to be \$1.3m favourable and expenditure \$2.6m unfavourable. The forecast result has been impacted by the financial effects of the COVID-19 pandemic.

The total cash balance as at 31 March 2020 is \$97.6m, which is \$13.7m lower than at the end of June 2019. Excluding developer related funds, the cash balance is \$56.9m. The forecast cash balance at 30 June 2020 is \$71.6m.

Total project expenditure for the nine months to 31 March 2020 is \$49.6m, which is \$7.7m more than at the same time last year and \$3.2m higher than the year-to-date budget. Forecast capital works expenditure for 2019-20 is \$65.9m.

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

Conclusion

It is appropriate that the Council receives and notes the Financial Performance Report for the period
1 July 2019 to 31 March 2020.

Resolution

Moved Cr Jodie Owen, seconded Cr Graeme Moore.

That Council note this report.

Carried

6.5.2 Quarterly Environment Report

File Reference: INT2032612
Responsible GM: Peter Benazic
Author: Desiree Lovell

Recommendation(s)

That Council note this report.

Attachments

Nil

Executive Summary

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

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

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

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

Background

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

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

Relevance to Council Plan

Nil.

Biodiversity

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

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

Ragwort action project

Description	The Cardinia Hills Ragwort Action Project started in November 2019 and is focused in the areas of Cockatoo, Gembrook, Mt Burnett and surrounds. The aim of the project is to support landowners to control weeds on their property, through workshops, assisting with the formation of neighbourhood action groups and providing information and support for weed treatment. The project also aims to re-establish a Landcare group for the area.
Funding	This project is funded by the Victorian Government through the Caring for Our Local Environment (COLE) program.
Update	<p>Brochures about Ragwort and Blackberry, which are significant environmental weeds in the area, have been created and distributed to residents in the project area along with an information sheet about the project. Social media posts have been created, giving more information about identifying and controlling the environmental weed Ragwort to the community.</p> <p>A community weed control workshops was held in Cockatoo in February to provide information about identifying and controlling weeds to residents. The workshop was well attended and received positive feedback from attendees. Two neighbourhood weed action groups have been established in Cockatoo and these groups have been provided with specific weed control information and financial support. A number of individual property visits have been undertaken to give residents site specific information about weed control and native vegetation on their properties. These property visits have also received positive feedback.</p> <p>A second workshop was due to be held at the end of March, but has been postponed due to Covid-19 social distancing requirements.</p> <p>There have been a number of meetings with interested community members willing to be involved in establishing a local Landcare group. Interest for the new Landcare group is being generate through other actions of the project such as property visits and the weed control workshops. ‘Weed warriors unite’ articles, have been in the Ranges Trader Mail, to promote the project, the weed control workshops and new Landcare group to the community. The aim is to have the first Annual General Meeting for the new Landcare group by the end of June 2020.</p>

Cannibal Creek catchment – funding for fire effected roadsides

Description	The Bunyip fires of 2019 affected 85 percent of the Cannibal Creek catchment, including the roadside network throughout the area. This has
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	<p>resulted in some large woody weeds being burnt (such as Sweet Pittosporum), however some weeds have responded favourably from the fire heat and have germinated prolifically since the fires.</p>
Funding	<p>In December 2019, the Department of Environment Land and Water and Planning (DELWP) announced a funding stream called Reducing Fire Risk. Through a sub-category of this funding, Native Vegetation Improvements, the Cannibal Creek Catchment Landcare Group received \$160,000 (2019-2021) for recovery related activities such as:</p> <ul style="list-style-type: none"> • reinstating burnt fences • revegetation • protecting remnant vegetation through fencing • weed control works on private land <p>Of these funds, \$55,000 has been allocated to Cardinia Shire Council for the control of woody weeds on Council roadsides located within the burnt area.</p>
Update	<p>Council has engaged contractors to undertake the works, which have been underway since early this year on newly germinated woody weeds, including blackberry, Sweet Pittosporum and flax leafed broom.</p>

Climate change

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

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

Fleet carbon offset

Description	Council has offset 545 tonnes of carbon that accounts for around 40 percent of Council's entire fleet associated emissions.
Funding	This project is fully funded by Council
Update	<p>The purchase of carbon offsets is a practical option for offsetting unavoidable organisational emissions. The combined annual emissions of Council's heavy and light fleets is approximately 1300 tonnes. Council has offset 545 tonnes of carbon that accounts for around 40 percent of Council's entire fleet associated emissions.</p> <p>Council has taken a mixed portfolio approach purchasing 300 tonnes of offsets from a Gold Standard biodiverse revegetation project in Australia and 245 tonnes from a Verified Carbon Standard wind farm project in India. Carbon offsets projects are ranked according to the accreditation on the international carbon market.</p> <p>Biodiverse Reforestation Project (300 tonnes offsets) The Yarra Yarra Biodiversity Corridor, revegetation project is located in southwest Australia. Within the last 100 years over 90 percent of the region has been cleared for agriculture. Conservation International, a world authority on biodiversity conservation, globally recognises southwest Australia as one of only 35 internationally significant hotspots. Planting of native trees and shrubs for their specific carbon sequestration capacities also promotes the establishment of habitat stepping-stones and links for biodiversity to move and disperse back through the landscape.</p> <p>Chakala Wind Farm Project (245 tonnes) The Chakala wind farm provides a sustainable alternative to fossil fuel and coal fired energy production. The wind farm project supports the global transition to renewable energy, mitigating future greenhouse gas emissions and decreasing the dependence on coal and fossil fuels. In the absence of this project, fossil fuel powered generators would produce an equivalent amount of electricity. The Chakala wind farm supports the uptake of renewable energy alternatives and therefore reduces the global demand for coal; influencing the economic viability and lifespan of unsustainable on-shore projects such as the Adani mine.</p>

Civic centre energy and water efficiency improvements

Description	A NABERS (National Australian Built Environment Rating System) assessment of the Civic Centre was undertaken for both water and energy efficiency.
Funding	This project is fully funded by Council

<p>Update</p>	<p>A NABERS assessment has been completed to assess the Civic Centre’s water and energy efficiency performance. The Civic Centre achieved a 6 star rating for water (the highest available) and a 4 star rating for energy.</p> <p>A rainwater capture system and storage tank has supported the achievement of such a high water rating. There has been an energy reduction since the 2018 rating and the resulting annual energy cost savings equate to approximately \$5,000 annually. These savings have been achieved through minor adjustments including changes to the programming of building lighting. Energy efficiency projects currently being worked on should assist in further improving the energy rating of the civic centre.</p> <p>Buildings use 40 percent of the world’s energy, emit 40 percent of the world’s carbon emissions, and use 20 percent of the world’s available drinking water. By conducting annual NABERS assessments, we are able to evaluate and enhance the sustainability of a building and develop actions to lower the environmental footprint.</p>
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Heritage

'Link to our past' blog

Description	The Casey Cardinia 'links to our past' blog covers the post contact history of people, places, organisations and events in the City of Casey and Cardinia Shire.
Funding	This is a Casey-Cardinia Library Corporation initiative
Update	A link to this informative blog (hosted on the Casey Cardinia Library Corporation website) is included on the 'our heritage' page on Council's website. The page includes a local history general enquiry form, where residents can ask questions about their local area or if they want information about past local residents

Water

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

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

Lakeside wetlands – refresh works

Description	Maintenance of the Lakeside wetland, located off Clearwater Drive, Pakenham, including desilting and weed removal.
Funding	This project is fully funded by Council
Update	<p>The wetland has been desilted and blackberry and willows have been removed.</p> <p>The spoil (removed during the desilting works) will be temporarily stored on-site to dry out. This brief period of on-site stockpiling makes it easier and cleaner to relocate the spoil (expected a total duration of four weeks, during April, pending weather conditions).</p>

Waste and resource recovery

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

Waste reduction rebates results

Description	Waste reduction rebates were introduced to support residents to reduce their waste to landfill. In September 2019, the existing rebates for compost, worm farms, food digesters and mulchers were expanded to include reusable nappies and sanitary items. Nappies and women's sanitary items are essential to healthy and inclusive living but are also items that contribute significantly to landfill.
Funding	This initiative is fully funded by Council.
Update	The nappy and sanitary rebates have been overwhelmingly successful, with a high level of demand from our community. The allocated budget of \$10,000 for these rebates was fully exhausted within 4 months, and the nappy and sanitary rebates closed on Friday 31 January 2020. The other rebates remain open. The increased awareness of the rebates during this time also saw a significant increase in uptake of compost, worm farm, food digester and mulcher rebates. The nappy and sanitary rebates are under review ahead of the next financial year.

Department of Justice litter program

Description	The waste team partnered with the Department of Justice (DOJ) in September 2019 on a program to collect litter in the shire. The Department of Justice provides work programs for people needing to complete community service hours as part of their court order. DOJ supplies supervision and transportation to work sites. Council provides work locations and litter bags, and covers the cost of the supervisor and waste disposal. The partnership provides a low-cost option for litter clean up, reducing pressure on the Operations department and reliance on external contractors.
Funding	This program is fully funded by Council.
Update	Litter collection has been focused around 20 litter hot spots in the growth corridor, usually with one collection held per week. The partnership has enabled timely response to resident requests for litter clean ups. In January and February in excess of 60 bags of litter were collected.

Resolution

Moved Cr Jodie Owen, seconded Cr Graeme Moore.

That Council note this report.

Carried

6.5.3 Quarterly Performance Report

File Reference: 30-80-1/3
 Responsible GM: Jenny Scicluna
 Author: Jo Battin

Recommendation(s)

That Council note the report.

Attachments

1. Q3 2019-20 Performance Report [6.5.3.1 - 65 pages]

Executive Summary

Council has committed to undertake work on 160 Council Plan actions during the 2019-20 financial year. A high number of actions that are currently in progress are on-track to be completed by their due date. However, there has been an increase this quarter in the number of actions that are off-track, some of those due to the current pandemic.

Population growth within the Shire has also declined. There were four families moving to the area per day, for the quarter, and five families moving to the area per day, for the year.

Background

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

Council Plan Performance

There are 160 Council Plan actions to implement during the 2019-20 financial year. 30 Council Plan actions are completed and 107 actions are on-track. There are 21 actions that are currently not on-track for delivery by their due dates. *Please refer to Attachment 1* for detailed Council Plan Action progress

Please refer to *Table 1* for Council Plan action divisional performance statistics, *Table 2* for a summary of off-track Council Plan actions and *Table 3* for proposed updates to Council Plan action completion dates.

Table 1. Council Plan Actions - Performance statistics

	Completed	On Track	Off Track	Total
1. Our People	10	36	11	57
2. Our Community	6	14	1	21
3. Our Environment	7	31	5	43
4. Our Economy	3	19	3	25
5. Our Governance	4	9	1	14
Total	30	109	21	160

Table 2. Council Plan Actions - Off Track

	Action	Business Unit	Executive Comment

1.	5.1.1.3 CP - Implement key outcomes and actions of the Communications Strategy.	Communications	The Communications Strategy was finalised and presented to the Senior Leadership Team for endorsement in December 2019. The outcomes and actions from the strategy are due to be implemented from July 2020 subject to budget approval.
2.	1.1.1.12 CP - Start the design stage of the Integrated Children's Centre at Brunt Road.	Buildings and Facilities	This project is planned to commence in the 2024-25 financial year.
3.	1.1.1.13 CP - Progress the construction and fit-out of the Integrated Children's Centre at Timbertop.	Buildings and Facilities	This project continues to be delayed by land transfer issues. The estimated new end date for this project is December 2021.
4.	1.5.1.6 CP - Construct redevelopment of Cora Lyn Reserve Pavilion	Buildings and Facilities	Council is currently awaiting Ministerial approval of Council's changes to reduce the project scope and loan amount. Council continues to communicate with the State Government seeking updates on this matter. The estimated new end date is March 2022.
5.	1.5.1.11 CP - Progress the construction and fit-out of the KWR Football/Cricket Pavilion.	Buildings and Facilities	Council has progressed the tender documentation and the project is on target to be delivered by June 2021.
6.	1.5.1.12 CP - Progress the construction of the Cora Lynn Reserve Pavilion.	Buildings and Facilities	Duplicate action - Refer to action 1.5.1.6
7.	3.1.3.1 CP - Upgrade of the Gembrook Reserve Sports Pavilion.	Buildings and Facilities	Demolition works have commenced and are progressing well. The project is expected to be completed by March 2021.
8.	3.1.4.1 CP - Review of Open Space Asset Management Plan	Infrastructure Services	Initial work on this review is progressing along with the review of the footpath and bridges

			<p>Asset Management Plans.</p> <p>It is intended for new draft versions of these 3 plans to be completed by end of September.</p>
9.	3.2.1.5 CP - Lang Lang Bypass - Finalise contractual funding arrangements with sand extraction operators ready to commence operations.	Infrastructure Services	<p>Funding arrangements with surrounding quarries have been ongoing for a number of years and are driving the delivery of the road. Negotiations with quarries continues to occur. A report is being prepared for Council's Senior Leadership Team to consider options on progressing this project.</p>
	Action	Business Unit	Executive Comment
10.	3.2.2.6 CP - Commence a Road and Drainage Scheme in Cockatoo pending adequate land owner support.	Infrastructure Services	<p>A Community Meeting was held in Cockatoo in September 2019. Initial community feedback is suggesting good support for the scheme.</p> <p>A scheme in Cockatoo will form part of the sealing the Dandenong Ranges and Surrounds as funded by the Federal Government.</p> <p>A priority list of roads was endorsed at the March 2020 Council meeting.</p> <p>An engagement plan is being reviewed based on the impacts of the Corona Virus and how best to interact with the community.</p> <p>This will now have an impact on ability to initiate schemes prior to council elections.</p>
11.	1.5.1.3 CP - Work with user groups for the design and construct of	Active Communities	<p>Council officers are working with the reserve users groups regarding</p>

	the Officer Recreation Reserve Social Space		the governance and documentation required for Council's contribution to this project and approvals as owner of the land.
12.	1.5.1.5 CP - Present options to Council for the potential redevelopment and expansion of Cardinia Life. If approved, proceed with detailed design.	Active Communities	Planning for the expansion of Cardinia Life will commence in late 2020.
13.	1.5.1.6 CP - Complete design for Bunyip Indoor Stadium.	Active Communities	Draft concept plan has been discussed with Committee of Management and Reserve user groups. The Committee of Management has developed an alternative concept for the Bunyip Indoor Stadium. Council officers are working with the Committee of Management in relation to the finalised design.
14.	1.5.1.7 CP - Complete the construction and fit-out of the KWR Bowls Club. This project is dependent on external funding confirmation.	Active Communities	Council applied for a Growing Suburbs Fund grant for this project but has been notified this application was unsuccessful. Council officers will continue to seek alternative funding sources.
15.	1.5.1.8 CP - Commence the construction and fit-out of the extension of the Bunyip Basketball Stadium. The timing of this project is subject to external funding confirmation.	Active Communities	Once the finalised design of the project has been approved, the project will go to tender.
	Action	Business Unit	Executive Comment
16.	2.1.3.4 CP - Create and implement an overarching Arts Grants Program including	Active Communities	Applications for the Arts Grants program will commence in early May

	support for professional arts residencies (working with the community); community artists, organisations and festivals; and new creative industry initiatives.		2020, with a closing date of late May 2020.
17.	1.1.1.2 CP - Consult with fathers connected to the universal services around their needs and the accessibility of services for them. Implement improvements to service delivery where possible within budget	Community and Family Services	Dad's worker position approved and recruitment was to commence in March however, all recruitment postponed due to pandemic.
18.	3.5.2.1 CP - Ongoing review of PSP's and DCP's and complete the Pakenham East & Pakenham South PSPs. Commence Officer South PSP with the VPA.	Policy, Design and Growth Area Planning	<p>Pakenham East PSP - This has been referred back to an independent planning panel by the Minister for Planning with an undetermined timeframe with regards to approval.</p> <p>Officer South PSP - Preliminary work has commenced by the Victorian Planning Authority. Council officers continue to work with the Victorian Planning Authority.</p> <p>Pakenham South PSP - Council has sought authorisation from the Minister for Planning to exhibit the Planning Scheme Amendment.</p>
19.	4.1.1.1 CP - Undertake review of Cardinia Road Employment precinct to encourage investment & employment opportunities and commence the Officer South PSP. Finalise the Pakenham South PSP.	Policy, Design and Growth Area Planning	Council officers are working with the Victorian Planning Authority (VPA) to understand the context of the review. Review will take place in conjunction with the development of the Officer South PSP.
20.	4.1.3.3 CP - Work with the VPA in the preparation of Pakenham South Employment Precinct	Policy, Design and Growth Area Planning	Council is awaiting advice from the Victorian Planning Authority on the timing of this project.

	Structure Plan and Infrastructure Contribution Plan		
21.	4.1.3.4 CP - In partnership with the Victorian Planning Authority, commence development of the Officer South Precinct Structure Plan.	Policy, Design and Growth Area Planning	Preliminary discussions have commenced with the Victorian Planning Authority.

Table 3. Council Plan Actions - proposed updates to completion dates to a future financial year

	Action	Business Unit	Original End Date(s)	New End Date
1.	4.1.1.1 CP - Undertake review of Cardinia Road Employment precinct to encourage investment & employment opportunities and commence the Officer South PSP. Finalise the Pakenham South PSP.	Policy, Design and Growth Area Planning	30-Jun-2019 30-Mar-2020	30-Jun-2021
2.	4.1.3.3 CP - Work with the VPA in the preparation of Pakenham South Employment Precinct Structure Plan and Infrastructure Contribution Plan	Policy, Design and Growth Area Planning	30-Jun-2019 30-Mar-2020	30-Jun-2022

Council Activity Summary

Coronavirus (COVID-19) pandemic

The world-wide Coronavirus (COVID-19) pandemic has impacted our community, local business and Council.

Like all other local councils – and all levels of government in fact – we’ve had to do our best to respond to this rapidly-changing situation. We have been working closely with government health agencies and following their direction and guidelines.

We have had to change and modify some of our services and programs, with the health and safety of our community and staff at the forefront of everything we do. We are working hard to deliver essential services to our community as we continue to adapt to these challenging and ever-evolving circumstances.

Supporting our community and business through these difficult times is our priority. We developed a virtual relief centre, our Coronavirus Online Help Hub, which offers many useful resources to our community and we took important first steps in developing a support package to assist community and business through this challenging time.

We will continue to work closely with health authorities and advocate for state and federal support for our community.

Advocacy

Council continues to advocate for the needs of our shire. We are continuing to seek grant support from the Victorian and Australian governments, as well as lobby for action on important issues for the benefit of our community.

We also continue to work with other groups of councils, such as South East Melbourne and the Interface Group of Councils, to facilitate investment in the broader region.

Grants

We welcomed the announcement of \$6.7 million in funding for local community projects in Cardinia Shire through the Victorian Government's 2019–20 Growing Suburbs Fund.

Projects to receive funding include the expansion of the My Place youth centre (\$3 million), construction of the Rix Road Family and Children's Centre (\$1.5 million) and the development of the Officer District Park (\$2.2 million). The Victorian Government's Growing Suburbs Fund provides much-needed support towards local infrastructure in the fast-growing outer suburbs, and these grants will accelerate the delivery of critical community infrastructure and complement other funding sources.

Major projects

Major projects across the shire continued to progress well this quarter.

The construction of the Hills Hub at Emerald was completed, and the upgraded Gembrook Leisure Park was officially launched.

The major recreation and sporting precinct Lang Lang Community Recreation Reserve neared completion and construction of a new pavilion as part of stage one works at Comely Banks Recreation Reserve progressed. Bunyip Recreation Reserve soccer pavilion construction was completed and detailed design for two new soccer pitches is now underway.

Roads

As one of our major strategic priorities, roads projects across the shire continued to progress well this quarter. We continued work on our annual road resurfacing program to extend the life of local roads and improve our local road network.

We will also soon start the consultation and information process for our hills' road sealing project. Approximately 100 kilometres of unsealed roads in the shire will be sealed over the next 10 years as part of the project. The Australian Government has committed \$150 million in funding to Council to seal priority roads in the hills and to help subsidise residential contributions to special charge schemes. We look forward to the progress of this project.

Growth Summary

Residential land development in the Shire had varied results this quarter. There were 257 residential subdivision lot applications this quarter, 46% lower than the previous quarter. Annual figures are 34% lower compared to the same time last year. There were 530 residential lots issued a statement of compliance this quarter, 110% higher than the previous quarter. Despite the significant rise, annual results are 8% lower than the same time last year.

Residential building completions are trending downwards, with 248 residential building completions processed this quarter. Results are 39% lower than last quarter, annual figures are 11% lower compared to the same time last year.

The family growth rate in the Shire has decreased to four families per calendar day for the quarter. The annual figure has also decreased from six to five families per calendar day. There were 452 births in the Shire this quarter, 4% higher than last quarter and 2% lower than last year. Enrolments to Maternal and Child Health are 3% higher than last quarter and 5% lower than last year.

Policy Implications

Nil.

Relevance to Council Plan

Nil.

Climate Emergency Consideration

Nil.

Consultation/Communication

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

Financial and Resource Implications

The actions from the Council Plan are funded through the approved budget of Council. Growth data informs the planned expenditure of Council for community assets and services.

Conclusion

Council has adhered to its legislative requirement to produce a Quarterly Performance Report.

Resolution

Moved Cr Jodie Owen, seconded Cr Graeme Moore.

That Council note the report.

Carried

6.5.4 Major Projects Report

File Reference: 30-80-5
Responsible GM: Peter Benazic
 Tracey Parker
Author: Andrew Barr, Cathal O’Loughlin, Ben Wood, Desiree Lovell, Andrew Pomeroy and Walter Carmignani

Recommendation(s)

That Council note the report.

Executive Summary

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

Relevance to Council Plan

Nil.

Conclusion

This regular activity report is provided for Councillors’ information.

Recreation Reserves

Beaconsfield Recreation Reserve (Perc Allison pavilion)

Project description	Upgrade of the existing change room pavilion to provide unisex change room facilities, umpires change rooms, first aid and strapping room, gym, time-keepers room and a spectator viewing area.
Funding	Council and the Victorian Government’s Community Sports Infrastructure Fund jointly fund this project
Timelines	This project is due for completion November 2020.
Update	Detail design documentation is complete. Tender will be advertised late May, with submissions due in June.

Bunyip Recreation Reserve soccer pitches

Project description	Detailed design for two new soccer pitches with a cricket wicket and roadway access. The design will take into consideration the new pavilion and existing infrastructure.
Funding	This project is fully funded by Council
Timelines	This design is due end of October 2020.
Update	Council has awarded the design to the successful consultant. Concept designs will be available by the end of May 2020.

Comely Banks Recreation Reserve pavilion

Project description	Construction of a new pavilion providing rugby, football, cricket, and bowls activities, social multi-purpose spaces, kitchen/kiosk and toilet facilities .
Funding	Council and the Victorian Government Growing Suburbs Fund jointly fund this project
Timelines	Pavilion construction is due to be completed in October 2020.
Update	Works are progressing well and are on schedule due to good site management through the COVID19 situation.

Comely Banks Recreation Reserve civil construction

Project description	Construction of four new rugby league fields incorporating two crickets wickets and provision for AFL, lighting, spectator seating, playground, car park and open spaces.
Funding	Council and the Victorian Government Growing Suburbs Fund jointly fund this project
Timelines	Construction to commence January 2021 with completion expected by the middle of 2022.
Update	This project has recently been tendered, with submissions currently being assessed. A recommended contractor will be taken to a future Council meeting for endorsement.

Cora Lynn change room pavilion upgrade

Project description	Construction of new change rooms at Cora Lynn Recreation Reserve.
Funding	Council and the Victorian Government through Community Sports Infrastructure Loan Funding jointly fund this project.
Timelines	Project is currently awaiting approval of the revised scope and loan amount before an appropriate timeline can be confirmed.
Update	Awaiting response from Victorian Government regarding the revised scope/loan to proceed with timeline confirmation.

Emerald Netball Facility (Pepi's Land) – pavilion

Project description	Pavilion change room facility for the new netball courts providing home and away change/shower facilities, kitchen kiosk, and external amenities.
Funding	Council is fully funding this project.
Timelines	This project is due for completion in December 2020. Please note that the use of the pavilion will be subject to the intersection of Beaconsfield/Emerald Road being finished.

Update	Services conduits installed ready for concrete slab pour. Main Sewer extension works commenced by Water Authority.
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Pepi's Land dam

Project description	<p>A leak in the lower dam was discovered on 2 August 2019. The leak was slowly flowing out around the old irrigation pipe, located on the outside of the bottom of the 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.</p> <p>Reconstruction works are required, design informed by dam break analysis and flora and fauna assessment.</p>
Funding	This project is fully funded by Council
Timelines	Works are due to be completed by end of May (weather dependent).
Update	Works to repair the dam wall are currently underway. A letter was sent to surrounding residents to advise of the works and expected timelines, the Emerald Village Committee and Johns Hill Landcare Group have also been informed.

Gembrook Recreation Reserve – football/cricket pavilion redevelopment

Project description	Redevelopment and extension of the existing football/cricket pavilion, providing unisex change rooms, umpire change rooms, accessible amenities, first aid, gym, additional social room and provide accessible servery areas. There is a minor upgrade to the existing kitchen and social room areas, reconfiguring of the kiosk servery counter, updating the spectator viewing lounge and time-keeper room at first floor level, providing lift access to first floor level.
Funding	Council and the Australian Government jointly fund this project.
Timelines	Works are due for completion February 2021.
Update	Demolition works have commenced and stage two building permit to be received this month to commence construction works.

Gembrook Recreation Reserve – netball courts

Project description	Construction of two new netball courts at Gembrook Recreation Reserve. The project includes two new acrylic courts on a concrete foundation. New lighting, shelters, fencing and a path network are included in the scope of works.
Funding	This project is fully funded by Council

Timelines	Works are due to be completed by the end of May.
Update	Construction is all but complete with the acrylic surface currently being installed. Lighting connections and general landscape works will be complete by the end of May

YU Recreation Reserve athletic facility (design)

Project description	Detailed design of new 400-metre athletics track, including triple / long jump, high jump, pole vault, discus, shot put. A new car park is to be included in the design.
Funding	This project is fully funded by Council.
Timelines	Update of the detailed design to be complete by July 2020.
Update	Quotations are currently being sought for the detailed design, with a consultant to be appointed by the end of May.

Koo Wee Rup Recreation Reserve football/cricket pavilion upgrade

Project description	Removal of existing change room facilities and construct new football/cricket change room facilities, gym, meeting and community rooms, male /female/assessable public toilets.
Funding	Council, the Victorian Government and the Australian Government (Building Better Regions Fund Program) are providing funding for this project.
Timelines	The project is due for completion by June 2021.
Update	Tender documentation is nearing completion, with the tender to be advertised in May. The planning permit is currently being processed and an application has been submitted to AusNet for electricity upgrade.

Koo Wee Rup Recreation Reserve netball pavilion upgrade

Project description	Removal of existing netball change room facilities and construct new netball pavilion, providing home and away change, canteen, social room and office, public assessable toilets and unisex toilets.
Funding	Council and the Victorian Government are funding this project.
Timelines	The project is due for completion by June 2021.
Update	Tender documentation is nearing completion, with the tender to be advertised in May. The planning permit is currently being processed and an application has been submitted to AusNet for electricity upgrade.

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	Oval works now complete and are in the establishment phase
Update	<p>Earthworks, drainage and irrigation to the Primary School oval are complete. The centre synthetic wicket and cricket practice are complete as well as the sprigging for this oval. The oval is now in the establishment phase. Expected handover to the school will be late 2020 , weather dependant</p> <p>Electrical works are underway to bring power to the site. Negotiations are complete with the energy provider on the best location for the power to enter the site.</p>

Koo Wee Rup Secondary School pavilion

Project description	New pavilion for the upgraded football oval, providing unisex change room facilities, umpire change rooms, unisex amenities, canteen /kiosk, storage, cleaners' room and covered spectator area.
Funding	The project is funded by the Victorian Government (Victorian School Building Authority).
Timelines	This project is due for completion in late November 2020.
Update	Detail documentation is nearing completion, ready for the tender to be advertised in late May.

Officer Recreation Reserve oval works stage 2

Project description	Installation of lighting, coaches boxes and high ball net.
Funding	This project is jointly funded by Council and the Committee of Management
Timelines	Works to be completed by June 2020

Update	The coaches boxes and lighting have been installed. The highball net is currently in manufacture with installation expected in June 2020.
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Officer Recreation Reserve (Western) oval pavilion

Project description	Upgrade works to the existing pavilion providing female friendly amenities and provisions.
Funding	Council and the Victorian Government (Sports and Recreation Victoria) jointly fund this project.
Timelines	This project is due for completion in August 2020.
Update	The contract has been awarded and works have commenced on site

Toomuc Reserve Northern pavilion

Project description	Redevelopment of the ground floor area of the existing pavilion to provide netball change facilities with operable walls, umpire change rooms, and unisex amenities. Retrofit existing football/cricket change room amenities/umpire room amenities and modification of First Aid room.
Funding	Council, Sport Australia Community Sport Infrastructure Program and the Australian Government jointly fund this project.
Timelines	This project is due for completion May 2021 (to be assessed in line with user group approval of revised proposals)
Update	Further discussions have taken place with user groups in order to progress to detail design.

Toomuc Reserve Southern pavilion and little athletics/baseball facility

Project description	<p>Redevelopment of the junior football and cricket pavilion to include:</p> <ul style="list-style-type: none"> • two sets of change rooms with unisex amenities, unisex accessible change room, accessible unisex public toilet, male and female public toilets, unisex umpires change room with operable wall • canteen/kiosk (servicing both ovals) and cool room • meeting space/office • internal and external storage • first aid room • social space and associated storage • external spectator viewing, and timekeepers room <p>Improvements to the existing little athletics and baseball facilities to upgrade of canteen, storage space, change rooms and amenities, first aid room, accessible public toilets and external covered viewing area.</p>
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Funding	Council, the Australian Government and the Victorian Government's Sport & Recreation Victoria Fund jointly fund this project.
Timelines	This project is due for completion May 2021 (to be assessed in line with user group approval of revised proposals)
Update	Further discussions have taken place with user groups in order to progress to detail design.

Worrell Recreation Reserve car park sealing

Project description	Pavement construction and sealing of the carpark between the Hills Hub and the new Emerald oval works.
Funding	This project is funded by Council
Timelines	Works to commence in September 2020
Update	The designers have provided the draft design of the car park. Council Management staff are circulating the design to the key stakeholders for review and comment. Endorsement of the layout by the Committee of Management is expected to be completed by the end of May.

Roads

Blackspot project: Main Drain Road South, Bunyip

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 Australian Government fully funds this project through their Black Spot Program.
Timelines	The project is due for completion by June 2020
Update	The works are progressing well and, weather permitting on track to be completed by early June.

Blackspot project: Paternoster Road, Emerald

Project description	The installation of safety barriers and audio tactile edge line marking along Paternoster Road, Emerald between Emerald-Beaconsfield Road and Bailey Road
Funding	This project is fully funded by the Australian Government's Blackspot Program.
Timelines	The project is due for completion mid-2020.
Update	Works are expected to start early June and be completed by August.

Blackspot project: Avon Road, Cockatoo/Avonsleigh

Project description	The installation of safety barriers, sealed shoulders and tree removal along Avon Road, Cockatoo/Avonsleigh between Woori Yallock Road and Kennedy Road.
Funding	This project is fully funded by the Australian Government's Blackspot Program.
Timelines	The project is due for completion mid-2020.
Update	The contract has been awarded with works to commence mid June with a completion date of August.

Blackspot project: Bessie Creek Road, Nar Nar Goon North

Project description	The installation of safety barriers, sealed shoulders, tree removals and audio tactile edge line marking along Bessie Creek Road, Nar Goon North between Seymour Road and Moore Road
Funding	This project is fully funded by the Australian Government's Blackspot Program.
Timelines	The project is due for completion mid-2020.
Update	The contract has been awarded with works to start in early June and completion expected in August.

Connect Cardinia Stage 2

Project description	<p>Council is investing funds to upgrade a number of strategic roads across the shire to improve transport connections. Approximately 25km of roads across the shire have been identified including:</p> <ul style="list-style-type: none"> • McGregor Road, Soldiers Road and Hobsons Road, Pakenham/Rythdale • Thewlis Road, Pakenham • Armytage Road and LL Road, Officer • Huxtable Road, Pakenham Upper • Dore Road, Pakenham • Bessie Creek Road, Nar Nar Goon North • Evans Road, Bunyip • Main Drain Road, Koo Wee Rup • Boundary Drain Road, Koo Wee Rup • Mount Lyall Road, Lang Lang East
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Funding	These projects are fully funded by Council
Timelines	It is anticipated that the program will be complete early 2022.
Update	<p>Boundary Drain Road, Main Drain Road and Evans Road are currently having the detailed designs finalised.</p> <p>Detailed design for Bessie Creek Road and Huxtable Road have commenced.</p> <p>Consultants have been engaged for the detailed design of Thewlis Road, Mt Lyall Road, McGregor/Soldiers/Hobsons Rd, LL and Armytage Roads.</p>

Kenilworth Avenue, Beaconsfield

Project description	<p>Construction of the unsealed Kenilworth Avenue in accordance with the Officer Structure Plan. The project is being delivered in two stages:</p> <p>Stage 1 is from Brunt Road to the Freeway overpass and is being delivered by the adjacent developer.</p> <p>Stage 2 is from the Freeway overpass to Coach House Lane and is being delivered by Council.</p>
Funding	This project is being funded through the Officer PSP Development Contribution Funds
Timelines	Stage 1 works are substantially complete and Stage 2 is to be completed by August 2020. At which stage the final wearing course asphalt will be applied for the full length of the road.
Update	<p>Stage 1 works have been substantially completed by the developer.</p> <p>Works on Stage 2 have commenced but has been delayed due to weather and delays of approval from external agencies and are expected to be completed by August 2020.</p>

Princes Highway intersection upgrades

Project description	<p>Eight intersections along the Princess Highway between Beaconsfield and Pakenham have been identified for upgrading through the associated planning schemes. Upgrades identified include amendments to two existing signalised intersections as well as signalling six previously un-signalised intersections. All intersections have been highlighted for additional or extended turn lanes, additional through lanes, bus priority lanes, and shared cycle/pedestrian lanes.</p> <p>Initial progress will include the detailed design and approvals of these projects to inform the decision making process for subsequent construction and timing.</p> <p>Identified intersections include:</p> <ol style="list-style-type: none"> 1. Glismann Road 2. O'Neil Road 3. Brunt Road 4. Bayview Road
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	<ul style="list-style-type: none"> 5. Tivendale Road 6. McMullen Road 7. Arena Parade 8. Thewlis Road
Funding	These projects are jointly funded by Developer Contributions and the Australian Government
Timelines	Works are schedule to be delivered over several stages beginning with works commencing on site in late 2020-early 2021 and completed by June 2024.
Update	<p>Design works are currently underway with functional layout plans for all the intersections currently with the Department of Transport for approval.</p> <p>Detailed designs for O'Neil Roads and Glismann Road are advanced enough to enable tenders to be called. The remaining six design packages have been awarded. Preliminary works are underway on the designs and are expected to be completed ready for tender in early 2021.</p>

Reseal and rehabilitation 2019-20 program

Project description	The significant proactive maintenance and upgrade of Council's road network as per Council's asset management system.
Funding	Council and the Australian Government's Roads To Recovery Program jointly fund the program.
Timelines	It is anticipated that the program will be complete in May.
Update	Reseal and rehabilitation works are now complete

Paths, drains and bridges

2019–20 Bridge renewal program

Project description	Replacement of identified bridges and major culverts.
Funding	The program is fully funded by Council
Timelines	The works is due for completion mid-2020.
Update	<p>Works on the major culverts in Crosby Road (Deep Creek), Upper Pakenham and Tonimbuk Road (Dingo Creek), have been awarded and permits from Melbourne Water are currently being obtained.</p> <p>The following bridge replacement is currently being tendered:</p> <ul style="list-style-type: none"> pedestrian bridge in Brisbane Road (over Cockatoo Creek)

2019–20 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>Input is still being sought from the Department of Transport regarding potential works at the Rossiter Road/Station Street intersection in Koo Wee Rup. Funding has been sought to modify the drainage layout of the intersection to enable it to drain more effectively in larger rainfall events.</p> <p>Designs have been developed for stormwater works in Suffolk Avenue, Cockatoo and 19 Glenvista Avenue, Emerald and these are currently being reviewed by Council. Works at 19 Glenvista are expected to be completed this financial year, whilst works at Suffolk Avenue will likely commence early in the 2020-21 financial year.</p> <p>Works in Caroline Avenue have been completed.</p> <p>Quotes are being sought for a drainage investigation of Main Street Garfield including the surrounding streets.</p> <p>In order to rectify a drainage issue in Second Avenue, Cockatoo, minor drainage works are being undertaken to redirect stormwater flows away from properties. These works will include the construction of a new road crossing, reshaping of an existing table drain and modification of a number of existing crossovers.</p> <p>A new outfall has been constructed for the road side drainage in Telopea Road, this outfall has been</p>

	upgraded to direct water away from the Telopea Steps.
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	Works are progressing on addressing defects on the highest priority issues, along with the next round of inspections being conducted.
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 listed below:
Funding	The \$800,000 program is fully funded by Council through the footpath and pedestrian and bicycle strategy programs.
Update	The footpath program has been completed. The footpath priority list for 2020-21 is being finalised.
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 south bridge is due for completion by the early June.
Update	<p>The north bridge reconstruction is complete and bridge is now open.</p> <p>The southern bridge fabrication off site has been completed.</p> <p>Works on site will not commence until the COVID-19 restrictions are lifted due to the contractors halt on staff being permitted to live away from home during the works. It is expected that the works will be completed within 4 weeks after commencement.</p>

Other capital projects**Alma Treloar BMX and skate park**

Project description	Construction of new BMX pump track and skate park additions. The BMX pump track has been designed to a competition standard with asphalt construction. The BMX site is located to the rear of Alma Treloar Reserve. The skate park additions to the existing skate park which include minor jumps and obstacles.
Funding	This project is fully funded by Council
Timelines	The BMX track is complete and open to the public. Minor landscape works on are maintenance. The skate Park is expected to be completed June 2020
Update	This project is now complete and open to the public.

Officer District Park

Project description	Detailed design including a skate park, walking tracks, downhill mountain board track, parkour, fitness, café and car park.
Funding	The detailed design is funded by Council. The construction of the project is jointly funded by Council and the Victorian Government's Growing Suburbs Fund.
Timelines	Detailed design is due to be completed by November 2020. Construction to commence at the start of the new financial year.
Update	The design of works are underway, concepts designs should be ready in June.

Playground renewal works

Project description	Playgrounds to be renewed include: <ul style="list-style-type: none"> • Dick Jones Park, Lang Lang • Devine Drive, Pakenham • Tantallon Park, Officer • Nar Nar Goon Recreation Reserve. <p>Each playground design received feedback and were chosen by the local community, schools, children's centres and kindergartens in the area. The final designs have been approved and awarded to various playground manufacturers.</p>
Funding	These projects are fully funded by Council
Timelines	Works are scheduled to be completed by June..
Update	Tantallon Drive, Devine Drive and Nar Nar Goon Reserve are all complete. Dick Jones is under construction and will be complete mid-June.

Rix Road Integrated Children's Centre

Project description	Proposed new Children's Learning Centre.
Funding	The project is funded by Developer Contribution and the Victorian Government.
Timelines	The project is due for completion by December 2021.

Update	The planning application has been submitted. Still awaiting the acquisition of the land to be finalised. Detail design and tender documentation near completion.
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Timbertop Integrated Children's Centre

Project description	New children's learning centre.
Funding	The project is jointly funded by Developer Contributions and the Victorian Government.
Timelines	The project is due for completion by January 2022.
Update	Currently awaiting the acquisition of land to enable submission of planning application.

My Place Youth Facility

Project description	Relocation and expansion of the My Place Youth Facility to a parcel of Council owned land at James Street, Pakenham. The new facility will accommodate approximately 1000m ² of building structure, together with landscaping and associated car parking, which will be designed to engage and support young people 12-25 years of age.
Funding	This project is jointly funded by Council, the Victorian Government's Growing Suburbs Fund and the Australian Government.
Timelines	This project is planned to open by January 2022.
Update	Concept design has been drafted, currently awaiting approval of the concept design.

Multicultural hub feasibility study

Project description	Undertake a feasibility study, including community and key stakeholder consultation that will outline: <ul style="list-style-type: none"> • Purpose for the hub • Range of community activities and services to be offered at the hub • Potential locations/sites • Service model • Design features that should be included • Case studies on similar hubs (including learnings) • Concept design including cost estimates
Funding	The study is jointly funded by Council and the Australian Government
Timelines	The preliminary study is planned to be completed by May 2020.
Update	Consultations with Communities and Community Leaders via video link is well under way in preparation to commence round two of consultation mid-late May.

Resolution

Moved Cr Brett Owen, seconded Cr Leticia Wilmot.

That Council note the report.

Carried

7 Reports Or Minutes Of Committees

The Mayor advised that minutes had recently been received from Committees and Briefing sessions and they were available for any interested Councillors.

8 Reports By Delegates

Nil.

9 Presentation Of Petitions

10 Community Questions

The Mayor advised that Council had received 1 question from Jaime Longmuir. The question read:

What is the Council's view on the APA gas pipeline proposed to be built on between Crib Point and Pakenham? AGL's proposal to build a gas terminal in Westernport Bay?

The Chief Executive Officer answered with the following:

The Council's position regarding the pipelines is that if it proceeds the pipeline should follow road reserves and existing easements to minimise the effect on farming land.

On 8 Oct 2018 The Minister for Planning announced that an Environmental Effects Statement (EES) was required for the AGL Gas Import Jetty and the APA Crib Point Pakenham Pipeline Project.

The EES documents are being finalised by the proponent and Council expects exhibition of the EES to occur in the coming months. Upon exhibition of the EES documents, Council officers will review all the documents and a report will be presented to council for consideration. Council will then be able to make a formal decision on its position in relation to the gas pipeline.

As part of the Technical Reference Group for the EES council has advised the proponent, as previously mentioned, that we want to ensure that the pipelines follows road reserves etc rather than being constructed through operational farmland.

11 Urgent Business

Moved Cr Leticia Wilmot, seconded Cr Brett Owen.

That a matter concerning the planning permit for the property at 400 Mountain Road Gembrook be considered as Urgent Business

Carried

Resolution – 400 Mountain Road Gembrook

Moved Cr Jeff Springfield, seconded Cr Leticia Wilmot.

That a report be prepared for the Council meeting to be held on 15 June relating to the planning permit issued for the conduct of a rural industry at 400 Mountain Road in Gembrook.

Carried

12 Councillor Questions

Nil.

13 Meeting Closure

The Mayor advised that the Council meeting scheduled for 25 May 2020 will not be occurring, as no budget submitters requested to speak to their submission.

Meeting closed at 08:09 pm.

Minutes confirmed
Chairman