

Ordinary Council Meeting

Minutes

Monday 17 August 2020

Commenced at 7:04 pm

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 Carol Ryan
Cr Leticia Wilmot

Officers: Carol Jeffs Chief Executive Officer
Doug Evans Manager Governance

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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.

Meeting opened at 07:04 pm.

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

Nil.

4 Adoption And Confirmation Of Minutes

Moved Cr Collin Ross, seconded Cr Ray Brown

That minutes of the following meetings be confirmed:

- General Council meeting 20 July 2020
- Town Planning Committee 3 August 2020

Carried

5 Declaration Of Interests

Item 10.2 - Cr Collin Ross declared a direct financial conflict of interest.

Community Questions

Community question time was brought forward by the Mayor as the questions received directly related to one of the items for consideration on this meeting's agenda.

The Mayor advised that a number of questions were raised by Tony O'Hara.

The Chief Executive Officer read out and answered Mr O'Hara's questions as follows:

In DP016, it was recommended by acoustic consultants Marshall Day, that "Respite packages which enable a resident to travel at times when the highest noise level events are scheduled."

Q. I do not see any reference to respite in this Planning Application. Will Council enforce this suggested requirement?

A. This will form part of the Noise Management Plan prepared along with event schedules for endorsement by the Council. Specific arrangements made with individual landowners will be a matter between those parties and form part of the Noise Management Plan.

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The future Precinct Structure Plans (PSPs) are yet to be fully developed, being the Pakenham West, Pakenham South Employment and the Cardinia Road precincts. Ultimately, it is envisaged that these PSP areas will not be residential.

Based on the Cardinia Road Employment Precinct which has now been partially used for Kaduna Park Housing estate and the word “envisaged” is not definitive enough.

Q. Will Council guarantee and put into writing that the land designated as Pakenham West Employment, Pakenham South Employment, will not eventually used for Housing or other forms of accommodation?

A. Council will be working with the State Government Agencies (Victorian Planning Authority and Department of Environment, Land, Water & Planning) to achieve the vision of their State Policies (South East Growth Corridor Plan) to deliver state significant employment land to the south of the Princes Fwy through the future Precinct Structure Plans (PSPs). The ultimate decision of what land designation these Precinct Structure Plans achieve is a decision for the Minister for Planning. Specifically in response to the mentioned PSPs:

- Pakenham South PSP has been planned for 100% employment and should be on exhibition (out for public comment) later this year and has undergone a substantive planning process to date.
- Pakenham West PSP is not on any state government business plans at the moment (no planning work undertaken), however state government policy (South East Growth Corridor Plan) shows this land as Industrial.

Council will continue to work with State Government and landowners to deliver employment land to deliver jobs for the future residents of Cardinia and our surrounding Councils.

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It is proposed to use the motor racing track (excluding set up/pack down times) during the following times:

Monday to Thursday: 8.00am to 6.00pm

Friday to Sunday: 8.00am to 6.00pm during Winter hours and to 8.00pm during summertime.

Friday or Saturday for a maximum of two events per calendar month: 6.00pm to 11.00pm

Now that the true scope on Racetrack operation times has been declared and recognising the Noise Management Plan will assist in managing noise limits.

Q. Do Councillors think that up to 26 events a year up to 11pm will not have an impact on the amenity of the residents of Pakenham, especially Blue Horizons, Arden estates and the Shanagolden Aged Care facility?

A. The hours of operation that are referred to represent the base level of operating hours. The actual schedule of events and noise requirements will be assessed through the Noise Management Plan and supporting acoustic reports. This will be reviewed and authorised by Council on a periodic basis that will allow adjustments to be made to each iteration of the Noise Management Plan.

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Clause 21.04-5 (Tourism) notes:

“Support the development of tourist accommodation within the municipality which does not adversely impact on the environment or affect the amenity of local residents”.

“Ensure that tourism development is of a scale and design that is compatible with the locality and minimises adverse impacts on the environment”.

Q. Could you please confirm in writing, that this insidious Major Motor Sports Complex known as the innocuous Cardinia Motor Recreation and Education Park, will have no adverse impact on the environment or affect the amenity of local residents?

A. Council assesses all applications within the requirements of the planning scheme including amenity and environmental considerations to minimise any adverse impacts. The conditions of this permit are designed to achieve this.

6 Ordinary Business
6.1 Town Planning Reports

6.1.1 T190147 - Planning Permit Application for Cardinia Motor Recreation and Education Park (Stage 1)

File Reference: T190147
Responsible GM: Peter Benazic
Author: Emma Brennan

Recommendation(s)

That Council issue Planning Permit T190147 for the Use and Development of a Motor Racing Track and the Removal of Native Vegetation at 75-115 Key Lane, Pakenham VIC 3810 subject to the conditions outlined in the report.

Attachments

- Appendix A - Assessed Plans [6.1.1.1 - 12 pages]

Executive Summary

APPLICATION NO.:	T190147
APPLICANT:	Podium 1 Pty Ltd
LAND:	75-115 Key Lane, Pakenham VIC 3810 ('The Subject Site') 75 Key Lane: Lot 2 on PS746980A ('Lot 2') Lot 115 Key Lane: Lot 3 on PS746980A ('Lot 3')
PROPOSAL:	Use and development of the land for a Motor Racing Track and the Removal of Native Vegetation
PLANNING CONTROLS:	<ul style="list-style-type: none"> Special Use Zone (Schedule 5 – Cardinia Motor Recreation and Education Park ('SUZ5')) Development Plan Overlay (Schedule 16 – Cardinia Motor Recreation and Education Park) ('DPO16') Land Subject to Inundation Overlay ('LSIO') Flood Overlay ('FO') Public Acquisition Overlay (Schedule 1) – ('PAO')
NOTIFICATION & OBJECTIONS:	Nil.

RESTRICTIONS	Section 173 Agreement AR283639T (relating to stormwater management, maintenance and obligations)
RECOMMENDATION:	Approval

Background

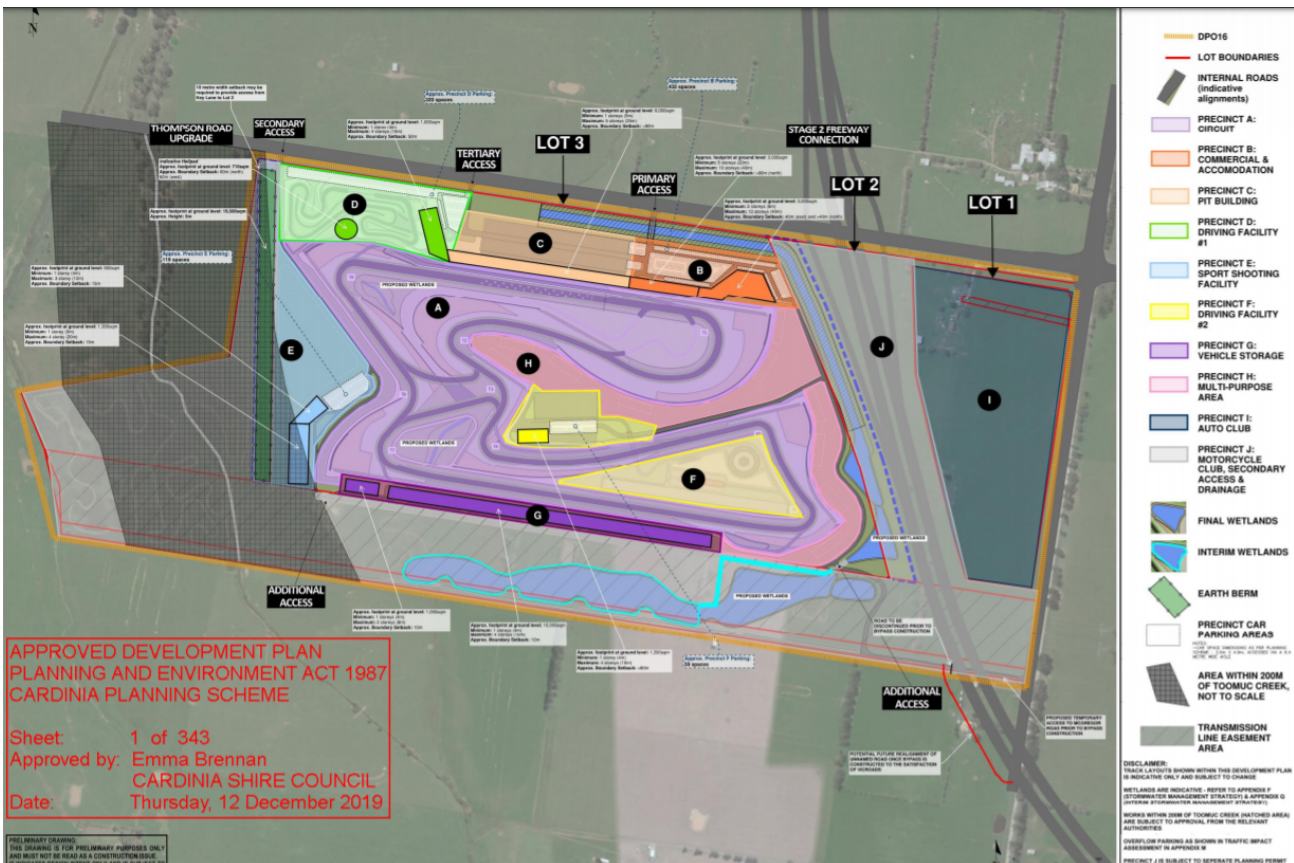
Council resolved to approve the Development Plan for the Cardinia Motor Recreation and Education Park ('CMREP') under the Development Plan Overlay (Schedule 16) on 12 December 2019. The approved Development Plan provides the framework in which planning permits will be assessed. Upon completion, the development of the land will include a motor racing track, pit facilities, driver education centre, hotel, commercial developments (restaurants, offices and function centre), sport shooting range and associated works, including car parking and drainage works.

Any proposal which is not generally in accordance with the approved Development Plan will either be refused, or require a prior amendment to the Development Plan to bring the proposal being approved.

The land to which the Development Plan applies is 21, 75 and 115 Key Lane, Pakenham:

- 21 Key Lane: Lot 1 on PS746980A ('Lot 1')
- 75 Key Lane: Lot 2 on PS746980A ('Lot 2')
- 115 Key Lane: Lot 3 on PS746980A ('Lot 3')

The land is formerly known as 335 McGregor Road, Pakenham (Lots 1, 2 and 3 on PS746979J).



The approval of the CMREP Development Plan proceeded several years of broader planning work, including:

- **Amendment C160** (6 September 2011) introduced the Special Use Zone (Schedule 5) and the Development Plan Overlay (Schedule 16) into the Cardinia Planning Scheme. This resulted in the parent site being rezoned from the Green Wedge Zone.
- **Amendment C217** (19 January 2017) introduced an Incorporated Document into the Scheme. This amendment allowed the use of 335 McGregor Road, Pakenham (parents site) for a Motor Recreation and Education Park. The purpose of this document was for a site specific control to override the use provisions of Clause 57 Metropolitan Green Wedge (which otherwise prohibited this use and development).
- **Amendment VC148** (31 July 2018) was since approved to introduce changes to the Victorian Planning Provisions (VPP), which now sees the clause relating to Metropolitan Green Wedge Land now found at Clause 51.02. This clause continues to prohibit a motor racing track and associated ancillary uses on the land that is outside the Urban Growth Boundary. The Incorporated Document can be found at the Schedule to Clause 72.04.
- **335 McGregor Road, Pakenham** (the parent site), which is wholly owned by Cardinia Shire Council, was subdivided into the lot configuration as described above. This was approved on 4 December 2017 on Plan of Subdivision PS746980A. A summary of each lot is as follows:
 - **Lot 1** is currently leased from Cardinia Shire Council by the Pakenham Auto Club.
 - **Lot 2** is currently leased from Cardinia Shire by the Koo Wee Rup Motorcycle Club under a recreation licence.
 - **Lot 3** was resolved to be sold to Podium 1 Pty Ltd following the issuance of a planning permit.

It is acknowledged that Council is involved with this proposal in several aspects, including being the landowner with a contract to sell the land, an economic driver to create investment in the region, as well as the responsible authority in assessing this planning permit application. This report provides an assessment of the merits of this planning application only. Nonetheless, a background into Council's involvement to date is relevant for context:

- Council purchased the parent site in 2004. At a Special Council Meeting on 23 July 2018, Council resolved to sell Lot 3 on PS746980A, which if approved, will see the development of the land in keeping with the zoning of the land and significant investment into the local economy. The proceeds from the sale of land will be injected into capital works for the Koo Wee Rup and District Motorcycle Club and the Pakenham Auto Club.
- Podium 1 Pty Ltd have submitted a planning application for Stage 1 of the CMREP, the merits of which are assessed in this report.

Subject Site

Distinct from the land subject to the Development Plan, the subject site for the purposes of the assessment of the Stage 1 planning permit is 75 and 115 Key Lane, Pakenham (Lot 2 and Lot 3 on PS746980A) i.e. excluding 21 Key Lane being Lot 1 on PS746980A. Lot 2 has an area of 49.7ha and Lot 3 has an area of 64.43ha, a combined total of 114.13ha.

Native vegetation on site is predominately confined to the areas around the McGregor Road drain and Toomuc Creek and within three of the farm dams. Six canopy trees are also present on site. Potential habitat for Southern Brown Bandicoot and Growling Grass frog are also present on site. Large sections of the site have been disturbed by agricultural activities, primarily grazing. These areas are devoid of native vegetation and instead see exotic pasture grasses.

Lot 2 currently contains numerous tracks and temporary clubrooms/shipping containers which facilitate motor racing activities for the Koo Wee Rup Motorcycle Club. Toomuc Creek bisects the western portion of the lot, running north to south. The McGregor Road Drain bisects the lot approximately midway through. A major electricity easement, containing pylons and transmission lines is located within a 140 metres wide easement in the southern area of Lot 2.

Lot 3 will be sold to Podium 1 Pty Ltd if planning permission is provided for this proposal. The McGregor Road Drain bisects the centre of the site. Approximately five dams are present on this lot. At its closest point, Lot 3 is located 60 metres from Toomuc Creek.

Surrounding area (current conditions)

At present, the immediate surrounding areas are predominantly used for agriculture (grazing), with ancillary dwellings supporting the agricultural activity. This surrounding land is zoned either Urban Growth Zone (which is in place to manage the transition of non-urban land into urban land and is subject to future precinct structure plan) or Green Wedge Zone (which is provided for the use of agriculture and conserve green wedge areas).

The surrounding area can be described as follows:

North: Land immediately to the north forms part of the Urban Growth Zone and is predominately used for agricultural activities. Toomuc Creek and McGregor Road Drain flow from the north into the subject site. Approximately 850m north of the site are the McGregor Road on/off ramps to the Princes Freeway. Beyond the freeway, at approximately 1.3km, is the established residential area of Pakenham.

East: Land immediately to the east also forms part of the Urban Growth Zone, predominately used for agricultural purposes. Beyond this, approximately 1km east of the subject site, is an emerging industrial estate in the vicinity of Corporate Terrace.

South: Land immediately and further south of the subject site is located within Green Wedge Zone, used predominately for agricultural activities.

West: Land immediately and further west of the site also forms part of the Urban Growth Zone, predominately used for agricultural purposes.

Surrounding area (future conditions)

In the coming years, the surrounding area will undergo widespread change, with the current semi-rural conditions expected to convert to employment generating land uses with the associated major infrastructure upgrades. Future employment generating land uses will ultimately infill the areas to the north, east and west of the site. The future Precinct Structure Plans (PSPs) are yet to be fully developed, being the Pakenham West, Pakenham South Employment and the Cardinia Road precincts. Ultimately, it is envisaged that these PSP areas will not be residential.

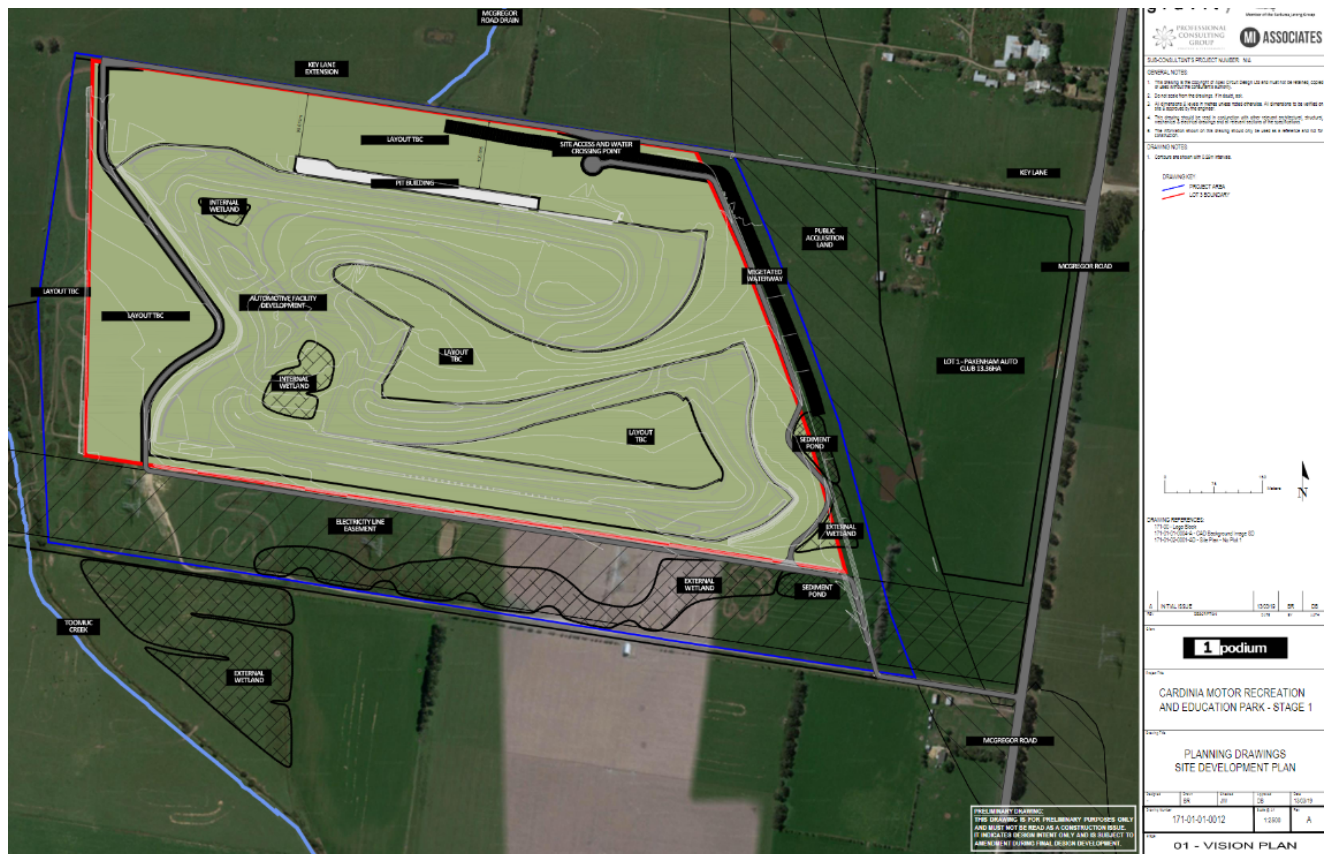
Other future changes include significant arterial road development and other major road upgrades, including the north-south Koo Wee Rup Bypass (Stage 1A) , with land set aside on

Lot 2, encumbered by the PAO1, as well as the future Greenhills/Thompsons road extension (bordering Lot 1 and 3 to the north).

Proposal

This application is for Stage 1 of the CMREP, comprising the use and development of the land for a motor racing track, the removal of native vegetation and associated works.

The project will primarily occupy the land at No. 115 Key Lane (indicated in red boundary below). Components of the stormwater management system will be located on No. 75 Key Lane. In combination, these two allotments form the subject land of the application (indicated in blue boundary below).



Use and Development of a Motor Racing Track

The proposed racetrack is located centrally on Lot 3, being a 3.6km FIA Grade 2/FIM Grade B facility. The circuit has the ability to be split into two smaller configurations, averaging 1.8km in length each, which can be operated independently of each other. This would allow driver experiences or club events to operate independent of other events occurring on the track. The northern straight of the track will be integrated with the pit facilities.

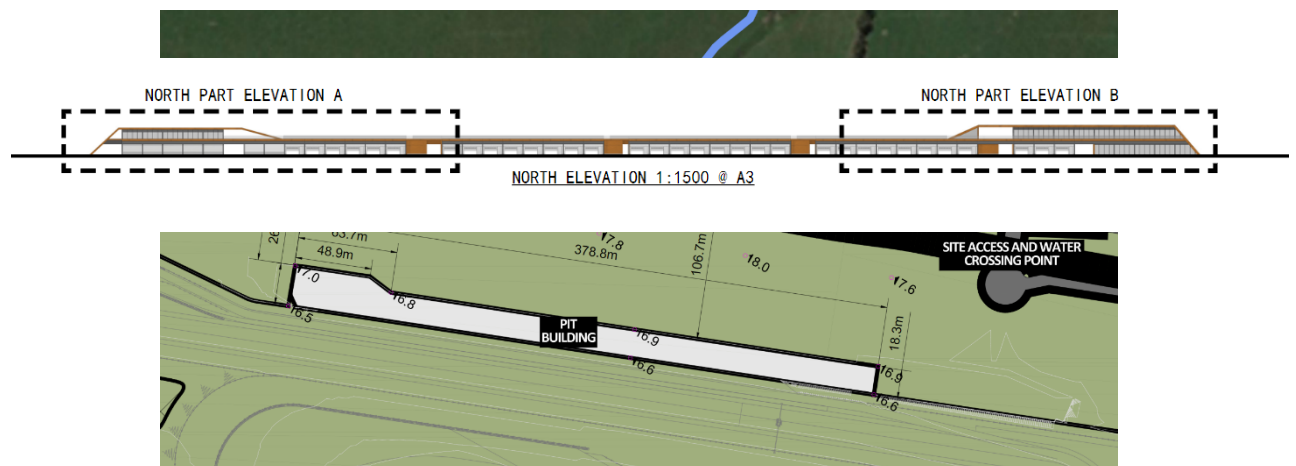
The water crossing point over Key Lane is located on the northern boundary at the site access. Water is proposed to be diverted around eastern boundary of the lot, through sediment ponds before entering internal wetlands. The grassed areas within the racetrack will serve as internal wetlands as to manage surface run-off.

A pit building is proposed in the northern portion of Lot 3, setback between 98 - 106.7 metres from the northern boundary. The building is proposed to be 378.8 metres in length, 18.3 metres in depth tapering to 26.4 metres at the western end, with a total footprint of 5,800sqm. The

building is proposed to fluctuate in height, from a minimum height of 6 metres (single storey) and maximum height of 11 metres (two storey).

At ground level, the pit building will comprise 33 pit garages (including 3 scrutineering bays) in single storey form, a welcome centre, briefing room, office, amenities and ancillary medical centre. At first floor, a hospitality area/viewing deck expands for most of the length of the floor, with a race control section located at the eastern end of the first floor.

The building is proposed to be contemporary in design, clad with Corten steel, aluminium wall panels, a concrete and aluminium roof, glass balustrade and electric roller shutter doors. Steel staircases will feature as main access points between floors, with the exception of a lift for access to race control.



It is proposed to use the motor racing track (excluding set up/pack down times) during the following times:

- Monday to Thursday: 8.00am to 6.00pm
- Friday to Sunday and public holidays outside daylight savings: 8.00am to 6.00pm
- Friday to Sunday and public holidays during daylight savings: 8.00am to 8.00pm
- Friday or Saturday for a maximum of two events per calendar month: 6.00pm to 11.00pm

Any use of the track outside these operating hours is proposed to be subject to additional approval from Council, subject to the assessment of relevant noise management reports.

It is proposed to submit an Event/Patron Management Plan as a condition of permit which will set out patronage numbers for each calendar year, subject to approval by Council. This is proposed to occur once the operator has booked in events into the race calendar each racing season.

Stormwater Management System

The proposal includes works associated with a stormwater management system across the subject site (Lots 2 and 3) which will provide for the treatment and passage of stormwater flows from the upstream catchment north of Key Lane, diverted around and throughout the site, to an existing outfall midway along the southern boundary of Lot 2.

A Storm Water Management Plan (SWMP) has been submitted with the proposal and addresses specific drainage objectives as set out in the section 173 agreement between Council and Melbourne Water Corporation. Stormy Water Solutions prepared this SWMP, which provides the drainage strategy for the subject site, including an interim wetland arrangement for Lot 2 (approved in principle by Melbourne Water).

The plan has been informed by the previous masterplan and advice from Melbourne Water. It proposes a series of outfall drains and wetlands throughout the site, including Lot 2. The drainage strategy provides the plan for the treatment of stormwater via the following strategies:

- Augmenting the McGregor Road Drain, which runs north to south through the subject site by diverting the flow along a new vegetated waterway which runs along the eastern boundary of Lot 3, into Lot 2 which connects to an interim wetland channel. This will flow into wetlands beyond the second set of pylons within Lot 2, with the outlet located central to the southern boundary of Lot 2.
- Diverting a small percentage of the McGregor Road Drain flow into the subject site for additional treatment and to provide landscape wetland features within the site;
- Retrofitting waterways, sediment ponds and wetlands along the McGregor Road Drain to perform flood conveyance, flood reduction and stormwater treatment functions; and
- Using the “lower” water levels of the wetland systems to facilitate site drainage outfall and outfall for upstream and adjacent catchments.

It is also noted that unless Section 173 Agreement AR283639T is ended, amended or ceases, all stormwater management, maintenance and obligations must comply with this agreement.

Native Vegetation Removal

It is proposed to remove 9.37ha of native vegetation (being Plains Grassy Wetland EVC, listed as endangered in the Gippsland Plains bioregion) which also serves as habitat for a significant fauna species (Growling Grass Frog), three native scattered trees and potential impacts to Southern Brown Bandicoot movement corridor (being the Toomuc Creek corridor).

Future applications

The future applications for development will include additional facilities and will be subject to separate applications and are to be generally in accordance with the approved Development Plan prior to any planning permission being granted.

Planning Scheme Provisions

The following lists the relevant provisions of the Cardinia Planning Scheme against which this application is being assessed.

Planning Policy Framework (PPF)

- Clause 11 Settlement
 - Clause 11.01-1S Settlement
 - Clause 11.03-2S Growth Areas
- Clause 12 Environmental and Landscape Values
- Clause 14.02 Water
 - Clause 14.02-1S Catchment planning and management
 - Clause 14.02-2S Water quality
- Clause 13.03-1S Floodplain management

- Clause 15.01 Built environment
- Clause 15.03 Heritage values
- Clause 17 Economic development
 - Clause 17.02-2S Out of centre development
 - Clause 17.04-1R
 - Clause 17.04-1S
- Clause 18
 - Clause 18.02-3S
 - Clause 18.02-4S
- Clause 19
 - Clause 19.02-3R
 - Clause 19.03-3S
- Clause 21.02-1 Catchment and coastal management
- Clause 21.02-2 Landscape
- Clause 21.02-3 Biodiversity
- Clause 21.02-7 Aboriginal cultural heritage
- Clause 21.02-8 Resource conservation
- Clause 21.04 Economic Development
- Clause 21.04-5 Tourism
- Clause 21.05-2 Freeways, declared arterial roads
- Clause 21.05-3
- Clause 21.06 Particular Uses and Development

Zoning and Overlays

- Special Use Zone (Schedule 5 – Cardinia Motor Recreation and Education Park)
- Development Plan Overlay (Schedule 16 – Cardinia Motor Recreation and Education Park)
- Floodway Overlay
- Land Subject to Inundation Overlay
- Public Acquisition Overlay (Schedule 1)

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 Car Parking
- Clause 52.17 Native Vegetation
- Clause 65 Decision Guidelines
- Cardinia Shire’s Liveability Plan 2017-2029

Planning Permit Triggers

The proposal the use and development of the land for a Motor Racing Track, the removal of native vegetation and associated works (Stage 1) requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 37.01-4 (Special Use Zone – Schedule 5) a planning permit is required for the development of a motor racing track.
- Pursuant to sub-Clause 1.0 of Schedule 5 to the Special Use Zone, a planning permit is required for the use of a motor racing track.

- Pursuant to Clause 44.04-2 (Land Subject to Inundation Overlay) a planning permit is required for building and works.
- Pursuant to Clause 44.03-2 (Floodway Overlay), a planning permit is required for works (earthworks, construction of wetlands and the internal road system).
- Pursuant to Clause 45.01-1 (Public Acquisition Overlay), a planning permit is required for works (construction of an internal road leading from McGregor Road along the southern boundary of the site)
- Pursuant to Clause 52.17-1 (Native Vegetation), a planning permit is required for the removal of native vegetation.

Development Plan Overlay Requirements

Pursuant to Clause 43.04-2 (Development Plan Overlay), a planning permit must not be granted to use land, construct a building or carry out works until a development plan has been prepared to the satisfaction of the Responsible Authority. Pursuant to the same clause, any permit granted must be generally in accordance with the development plan and include any conditions or requirements specified in a schedule to this overlay.

Council resolved to approve the Development Plan for the Cardinia Motor Recreation and Education Park ('**CMREP**') under the Development Plan Overlay (Schedule 16) on 12 December 2019.

Development Plan Overlay (Schedule 16) requires a condition on any permit granted for land uses associated with the Motor Recreation and Education Park relating to the use and development of the site being undertaken in accordance with the management plan and environmental management plan approved as part of the development plan.

Public Notification

Pursuant to Clause 43.04-3 of the Cardinia Planning Scheme, once a Development Plan is prepared to the satisfaction of the Responsible Authority, all subsequent planning permit applications are exempt from public notification requirements of the proposal are exempt from the notice requirements of Section 52(1)(a), (b) and (d) of the *Planning and Environment Act 1987*.

Referrals

Department of Environment, Water, Land and Planning (DELWP)

The application was referred to DELWP as a recommending authority pursuant to Clause 55 of the Act. DELWP provide no objection to the proposal and require conditions relating to native vegetation offsets to be placed upon any permit issued.

Minister for Planning

The application was self-referred by Podium 1 Pty Ltd to the Minister for Planning on 1 April 2020 under the *Environment Effects Act 1978*. Although sitting outside the *Planning and Environment Act 1987*, it was pertinent that the proponent should ask the Minister administering the EE Act 1978 as to whether an Environment Effects Statement (EES) was required to be prepared for the project.

The '*Ministerial guidelines for assessment of environment effects under the Environment Effects Act 1978*' state this referral should occur prior to a planning permit being issued for

the project. Despite the EES referral process sitting outside the P&E Act 1987, it was strongly advised by DELWP this occurs prior to the issuance of a planning permit, as to mitigate the risk of the Minister directing Council to refer the project under the *EE Act 1978*. Given the significance and scale of this project, it was considered by both the applicant's ecologist (Ecology and Heritage Partners) and DELWP that the project could have a significant effect upon the environment.

The Minister for Planning issued a decision on the referral on 14 June 2020 under section 8B(3)(b) of the *Environment Effects Act 1978* that an EES is not required for the following reasons:

- *The project site is subject to a specific land use planning framework that supports the development of a motorsport facility and is surrounded by land intended for future commercial development. Except for potential adverse effects on native vegetation and biodiversity values, the environment effects of the project are unlikely to have the extent or complexity to warrant an environment effects statement.*
- *The proposed removal of 9.468 ha of native vegetation, including 9.37 ha of endangered Plains Grassy Wetland ecological vegetation class, has the potential to result in significant impacts to habitat and dispersal corridors of threatened flora and fauna, particularly Growling Grass Frog.*
- *Uncertainties remain regarding the extent of potential adverse effects on the biodiversity values within the project site and adjacent conservation areas and the efficacy of the project's proposed avoidance, mitigation and management measures.*
- *The conditions set out through this decision provide the most appropriate means for ensuring adequate consultation and rigour is applied to the examination of these potentially significant impacts, related uncertainties and to the development of avoidance and mitigation measures. These conditions will also ensure subsequent planning or approval processes are well informed.*
- *Potential adverse effects on Aboriginal cultural heritage and historical heritage values can be addressed through the respective statutory requirements under the Aboriginal Heritage Act 2006 and Heritage Act 2017.*
- *Other residual potential effects should be readily addressed through respective statutory requirements, under the Planning and Environment Act 1987 and Environment Protection Act 1970 (to be superseded by the Environment Protection Amendment Act 2018 from 1 July 2021).*

The referral is, however, subject to conditions:

- An environment report must be prepared in consultation with DELWP and completed to the satisfaction of the Minister for Planning.
- Prior to the commencement of works, a flora and fauna management plan must be prepared in consultation with and to the satisfaction of DELWP.
- The design of drain diversion, wetlands and associated drainage infrastructure needs to be completed to the satisfaction of DELWP.
- The environment report and flora and fauna management plan will be completed to inform the planning approval process under the *Planning and Environment Act 1987*.

DELWP have consented to a set of appropriate conditions being placed upon any planning permit issued for Stage 1 of CMREP which reflect the above conditions to be complied with prior to the commencement of any works on site. Such conditions include the preparation of an environment report or flora and fauna management plan; amended plans to be submitted

should either of the aforementioned reports require; and ensure all use and development on site be undertaken in accordance with these reports.

Environment Protection Agency (EPA)

The application was referred to the Environment Protection Agency as a statutory referral for the Works Approval as it relates to the wastewater discharged from the site. No objection to the proposal was made and no conditions are required to be placed upon any permit issued. A note is required to be placed upon any permit issued outline the requirements for work approval in accordance with the *Environment Protection (Scheduled Premises and Exemptions) Regulations 2017*.

Melbourne Water

The application was referred to Melbourne Water as a statutory referral and had no objection to the proposal subject to conditions. Conditions related to the lodgement of plans for earthworks, storm water systems and connections and building heights above AEP flood levels. The owner must also enter into an agreement with Melbourne Water for the acceptance of stormwater from the subject land into Melbourne Water's drainage system.

AusNet Transmission

The application was referred to AusNet Transmission Group as it relates to the transmission line easement which traverses the southern portion of Lot 2. The proposal is supported subject to conditions relating to how the easement is to be managed and used, including:

- No buildings to be permitted within this area
- Limiting the type of vehicles which may park on the land.
- Height restrictions on light poles.
- Strict requirements for any roads which are placed within the easement.
- How the easement will be utilised during construction.

Discussion

Planning Policy Framework

Clause 11 (Settlement) of the PPF sets out the community's expectation that among other things, the planning system will provide zoned and serviced land for recreation and will avoid land-use conflicts and environmental issues by separating incompatible uses. Furthermore, the provision indicates that planning should seek to take advantage of existing settlement patterns and investments in infrastructure and services.

Clause 11.01-1S (Settlement) provides numerous strategies in support of the objective "*to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements*". The strategies include to:

- *Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks*
- *Provide for growth in population and development of facilities and services across a regional or sub-regional network.*
- *Plan for development and investment opportunities along existing and planned transport infrastructure.*

Policy for growth areas at **Clause 11.03-2S** seeks to ensure that urban growth occurs in a planned fashion. This includes maximising the efficiency of land conversion, ensuring that urban growth is accompanied by supporting infrastructure, and protecting and managing sites of natural resource, heritage, cultural and environmental significance. The proposal is generally consistent with Clause 11 as it provides for appropriately zoned land for motor recreation.

Biodiversity considerations are emphasised in **Clause 12 (Environmental and Landscape Values)**. This requires that biodiversity values be identified, and protected, conserved and/or managed appropriately. Decision-making processes are required to account for the impacts of land use and development on biodiversity. This includes ensuring that there is “...*no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation*” by way of the “three-step” approach to native vegetation management, being to “avoid” impacts where possible, and, where avoidance is not wholly possible, to “minimise” and “offset” native vegetation removal. The proposal is generally consistent with Clause 12 as the land has been assessed by the Minister for Planning which determined that an EES was not required to be prepared and biodiversity impacts may be adequately addressed via conditions under the EES referral and planning permit conditions. Further discussion pertaining to this can be found above in the referrals section.

Clause 14.02 (Water) seeks to achieve the following objectives:

- “*To assist the protection and restoration of catchments, water bodies, groundwater, and the marine environment*” (Clause 14.02-1S (Catchment planning and management); and
- “*To protect water quality*” (Clause 14.02-2S (Water Quality)).

These provisions require decision-making to consider the effects of development on water quantity and quality. This includes protecting potable water supply catchments, providing vegetated riparian corridors and ensuring that discharges of contaminated run-off is captured and treated to protect ground-and surface water quality.

Given the site is partially subject to flooding overlays, **Clause 13.03-1S (Floodplain management)** is a relevant policy. It seeks to manage flood hazards and protect the flood storage and environmental values associated with floodplains. Of note, the policy seeks to ensure that:

- Land uses involving the storage of environmentally hazardous materials (e.g. various fuels and other chemicals used in motor racing) are designed to ensure that floodplain contamination does not occur; and
- The impacts of flooding are not intensified by development (e.g. by inappropriate reductions of floodplain storage capacity or inappropriate diversion or intensification of flood flows).

The proposal is generally consistent with Clauses 13 and 14, with extensive consideration to the implication of the proposed works on water systems on site, but on adjoining properties and the wider catchment areas. These discussions have been amongst Council’s engineers, Melbourne Water and Podium 1’s consultants and appropriate conditions will be placed upon any permit issued to ensure the appropriate stormwater management system is implemented as the project evolves.

Objectives and strategies pertaining to the design and quality of the built environment are set out at **Clause 15.01 (Built Environment)**. This provision encourages the design and construction of new buildings to respond to site context, including through consideration of the private-public interface, climate, landscape, natural features and the amenity of the public realm. The proposal is generally consistent with Clause 15 with the proposed buildings being contemporary in design and given the context of the site, will not have a detrimental visual impact upon any adjoining properties or significant landscape features of the surrounding area.

Clause 15.03 requires heritage values (pre-and post-contact) to be identified, assessed, documented, retained, protected and conserved where appropriate. It is a requirement for

planning permits to align with the recommendations of any relevant approved Cultural Heritage Management Plan. The western areas of Lots 2 and 3 are within a mapped area of Potential Aboriginal Heritage Sensitivity. It is noted that Aboriginal cultural heritage was dealt with under Amendment C160, with Aboriginal Affairs Victoria approving the Cardinia Motor Recreation & Education Park Cultural Heritage Management Plan (reference 11147) on 30 September 2010.

Clause 17 (Economic Development) includes strategies supportive of the development of business clusters and the facilitation of “...investment in Melbourne’s outer areas to increase local access to employment”. Generally, new commercial development is encouraged to locate within nominated activity centres. Out-of-centre development is generally discouraged (**Clause 17.02-2S**), albeit this general discouragement is unlikely to extend to a proposal of this nature, given the particular operational and functional requirements and siting considerations that must be taken into account. To this end, the proposal supports the objectives seeking to development Melbourne as a desirable tourist destination and encouraging investment in tourism activities (**Clause 17.04-1R and 17.04-1S**).

The operation of the transportation system, and particularly, the road system and car parking, are relevant considerations under **Clauses 18.02-3S and 18.02-4S**. These provisions seek to ensure that land use and transport planning are integrated, insofar as the Scheme contemplates that major commercial developments include integrated transport plans, that road improvements will be undertaken to “ensure access to jobs and services in growth areas and outer suburban areas” and that new development sets aside adequate land for car parking, that is designed to address safety, efficiency and amenity considerations. Extensive consideration has been given to the existing and future road network surrounding the subject site, with significant arterial road development and other major road upgrades set to occur, including the north-south Koo Wee Rup Bypass (Stage 1A) , with land set aside on Lot 2, encumbered by the PA01, as well as the future Greenhills/Thompsons road extension (bordering Lot 1 and 3 to the north).

Given the scale and standard of facility that is proposed, the objectives and strategies for cultural facilities at **Clause 19.02-3R and 19.03-3S** are pertinent. These provisions envisage that the planning system will support the development and accessibility of arts, recreation and other cultural facilities, including sport facilities, to “maintain and strengthen Melbourne’s distinctiveness as a leading cultural and sporting city with world-class facilities”. The proposal is generally consistent with Clause 19 as it provides for motor recreation on the appropriately zoned land.

The provisions of the MSS and LPPF support and provide local interpretation and application of the board principles in the PPF. Within Cardinia, local policy at **Clause 21.02-1 (Catchment and coastal management)** responds to Clauses 13 and 14 of the PPF insofar as the Scheme seeks to protect and improve the environmental health of waterways through riparian revegetation and buffers, construction and erosion management, stormwater capture and treatment.

The proposed is consistent with **Clause 21.02-2 (Landscape)** which notes the values associated with Cardinia’s landscapes and includes a specific strategy to “recognise the landscape values associated with rural land including areas south of the Princes Highway”. The policy encourages the use of locally appropriate external materials and colours in new building design, as well as sensitive building siting having regard to topography and significant views.

The proposed is consistent with **Clause 21.02-3 (Biodiversity)** which supports Clause 12.01 (Biodiversity) of the PPF. The provision notes the range and presence of State and nationally significant species in Cardinia, and the need to ensure that habitat values are maintained, including through “...a net gain in the quantity and quality of native vegetation in the municipality”. Supporting strategies seek to protect areas with ecological/habitat significance

and encourage “*the retention and re-establishment of native vegetation*” including the protection and enhancement of the habitat of threatened flora and fauna and the management of pest plants and animals. The proposal is generally consistent with Clause 21.02-3 as the land has been assessed by the Minister for Planning which determined that an EES was not required to be prepared and biodiversity impacts may be adequately addressed via conditions under the EES referral and planning permit conditions. Further discussion pertaining to this can be found above in the referrals section.

The proposed is consistent with **Clause 21.02-7 (Aboriginal cultural heritage)** which reinforces Clause 15.03 of the PPF, noting the objective to protect and manage significant cultural heritage sites and ensure that Cultural Heritage Management Plans are prepared as required. As noted above, cultural heritage was dealt with under Amendment C160 for this application.

Local economic development policies are at **Clause 21.04 (Economic Development)** of the Scheme. These build on Clauses 11 (Settlement), 14 (Natural Environment) and 17 (Economic Development) of the PPF. Policy identifies that with the significant population growth in Cardinia, there is a need to develop a diversified employment base, supported by infrastructure, land releases and transport linkages. As such, strategies seek to facilitate the supply and development of employment land (i.e. within the PSPs adjoining the site), infrastructure and road development and delivery, and to advocate for and support the establishment of, access to skills and training and educational facilities. The proposal is entirely consistent with Clause 21.04 as it will deliver significant employment opportunities and will trigger upgrades to key infrastructure and road networks.

Clause 21.04-5 (Tourism) notes that tourism is an important economic contributor to the local economy and seeks to protect areas with high landscape values (e.g. “the rural outlook from key tourist routes”). Among other strategies, Council policy is to:

- *“Facilitate the development of recreational facilities and events that attract people into the municipality”.*
- *“Support the development of tourist accommodation within the municipality which does not adversely impact on the environment or affect the amenity of local residents”.*
- *“Ensure that tourism development is of a scale and design that is compatible with the locality and minimises adverse impacts on the environment”.*

The proposal is entirely consistent with Clause 21.04-5 as it will attract visitors at a local, national and international scale.

Clause 21.05-2 (Freeways, declared arterial roads) builds on Clause 18.02 (Movement Networks) of the PPF and notes that a key issue is “*designating and managing future declared arterial roads (e.g. McGregor Road)*”. Further strategies immediately relevant to the site are those that seek to provide for arterial road upgrades including:

- *“Provide for the timely future upgrading of interchanges with the Pakenham bypass to meet increasing traffic demands at Beaconsfield, Officer South Road, Cardinia Road and McGregor Road”.*
- *“Provide for the extension at Thompsons Road from Cranbourne through to Koo Wee Rup Road”.*

With regards to local roads, such as Key Lane, Clause 21.05-3 notes Council’s intention to prioritise local road upgrades based on a consideration of various factors, but ultimately to “*ensure access to new development is not allowed from an unused or unconstructed road unless no other option is available for access to land via the existing road network*”. Taking into account the ultimate scale of the project, it is noted that strategies to Objective 2 to Clause 21.05-3 include to “*ensure that development that will significantly increase the amount of traffic*

or heavy vehicles using the local road network be located where access is available from a declared arterial road, local arterial road or collector road". The proposal is entirely consistent with this policy.

Clause 21.06 (Particular Uses and Development) of the MSS seeks to complement Clause 15 (Built Environment and Heritage) of the PPF. The proposal seeks to develop a high-quality, functional and safe built environment having regard to the site context,

Although the subject site is identified on Map 1: Cardinia Green Wedge Precincts to Clause 22.05-3 as being within "*Precinct 1: Agriculture, horticulture and soil-based food production,*" it is considered that the Clause 22.05-4 Application Requirements are not relevant to this proposal. Given the site-specific provisions that apply to the site, which were delivered through two Planning Scheme amendment processes (with the latter Amendment C217/C224 pursued specifically to ensure that green wedge planning provisions would not compromise the intended use and development of the site).

Special Use Zone (Schedule 5 – Cardinia Motor Recreation and Education Park)

The purposes of Schedule 5 to the Special Use Zone are:

- *To provide for the use and development of a motor recreation and education facility.*
- *To provide for complementary recreation and community uses.*

Pursuant to sub-clause 1.0, the use of a Motor Racing Track requires a permit. Pursuant to 37.01-4 (Special Use Zone), a planning permit is required for buildings and works unless a schedule to the zone specifies otherwise. Schedule 5 does not specify otherwise, thus planning permission required for both the use and development.

The use of the land for a motor racing track is entirely consistent with the purpose of this policy for the following reasons:

Hours of Operation and Patron Management

The cumulative impact of all events and meetings held on site will be carefully managed through the implementation of an Event and Patron Management Plan which will require approval for all types of events (ordinary events and major events) prior to the use commencing. The plan will outline the number or ratio of patrons which can be accommodated by on-site facilities, associated staffing arrangements and a break down in the number of patrons, events based on noise level and hours of operation for both ordinary and major events.

It is proposed to use the motor racing track (excluding set up/pack down times) during the following times:

- | | |
|--|--------|
| • Monday to Thursday:
to 6.00pm | 8.00am |
| • Friday to Sunday and public holidays outside daylight savings:
to 6.00pm | 8.00am |
| • Friday to Sunday and public holidays during daylight savings:
to 8.00pm | 8.00am |
| • Friday or Saturday for a maximum of two events per calendar month:
to 11.00pm | 6.00pm |

These hours of operation have been informed through research of similar facilities within the country, advice from experts in the field having regard to the context of the site, balanced with the feasibility of operating such a facility. A mechanism will be built into the Noise Management

Plan which allows additional hours of operation to be considered to the satisfaction of Council. Consideration of these hours will be informed by the approved Acoustic Report, any noise-related complaints which may arise during the use of the motor track, and/or any peer reviews by suitably qualified persons to the discretion of the Council officers.

Noise Attenuation and Mitigation

An acoustic report prepared by Marshall Day Acoustics was submitted with the application in support of the overall Development Plan. It is noted that, in Victoria, there are no policies or guidelines which set mandatory requirements or noise limits for competition motor sports noise. In lieu of this, noise from this facility will be managed in accordance with the recommendations of a detailed acoustic report which is required to be submitted to Council for approval prior to the use commencing.

It is noted that planned changes of land use in the surrounding area are expected to involve a reduction in the number of sensitive receiver locations near to the site. Longer term background noise levels in the area are also likely to change as a result of the introduction of new road traffic routes. For these reasons, the implementation of a Noise Management Plan is appropriate, as to allow flexibility in line with changes to the land use of the surrounding areas.

The Noise Management Plan will be required to be prepared in accordance with the recommendation of the Acoustic Report, which will identify all noise sensitive locations which are to be protected, appropriate maximum permissible noise levels for each class of event, monitoring and compliance strategies, complaints procedures. A mechanism requiring the periodic review of the plan will be included as to take into account the evolving development on site and within the surrounding area.

Traffic Impacts

Extensive consultation and discussions regarding traffic impacts upon nearby road networks have occurred between Council officers, the Department of Transport (formerly VicRoads) and the applicant's traffic engineers.

It is noted that land directly north of the site and south of the Princes Freeway is earmarked to be developed as the Pakenham West Employment Precinct, however the commencement of this Precinct Structure Plan (PSP) has not been scheduled. To the west, the Cardinia Road Employment Precinct was approved by the Minister for Planning in 2010. The land immediately to the east has been identified as the Pakenham South Employment Precinct, a PSP which is being undertaken by Council.

The following future road network upgrades have been identified in the surrounding area:

- McGregor Road as a future 4-6 lane arterial road between Princes Highway and Watson Road. Signalisation of the Greenhills Road/McGregor Road intersection is to occur as part of this upgrade, with this proposal triggering the Key Lane leg modified as a fourth signalised leg of the McGregor Road / Greenhills Road intersection.
- The alignment of a future Koo Wee Rup Bypass is proposed to bisect the site within the mapped Public Acquisition Overlay partially encumbering Lot 2.
- Key Lane (Thompsons Road/Greenhills Road), is currently a local road, which will ultimately become subservient when Thompsons Road is constructed, which is proposed to be a dual carriageway, arterial road connecting the Western Port Highway and Koo Wee Rup Road.

Taking into consideration these future road networks, conditions of this permit will require the appropriate plans to be submitted to and approved by the responsible authorities. This includes the submission of a Traffic Impact Assessment Report (which will deal with car

parking, traffic flow, loading and waste collection and broader road network access arrangements), a functional layout plan of the relevant parts of the intersection upgrade (with all costs to be borne by the developer) and the submission of a Major Event Traffic Management Plan for the appropriate management of the road network during larger-scale events (including overflow parking on and off-site).

A condition will also ensure the installation of adequate lighting of the upgraded roadways, any pedestrian/cycle paths and the internal car parking areas in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.

Landscaping

Conditions will be placed upon any permit issued requiring a landscape plan to be submitted to and approved by the Responsible Authority. This landscaping must be completed before the use commences and be maintained in perpetuity.

Development Plan Overlay (Schedule 16 – Cardinia Motor Recreation and Education Park)

The Development Plan Overlay provides a framework for the broad configuration of a project/site to be approved by way of a Development Plan. Clause 43.04-2 states that a permit must not be granted until a development plan has been prepared to the satisfaction of the responsible authority.

Council resolved to approve the Development Plan for the Cardinia Motor Recreation and Education Park ('**CMREP**') under the Development Plan Overlay (Schedule 16) on 12 December 2019. The approved Development Plan provides the framework in which future planning permits will be assessed. Upon completion, the development will include a motor racing track, pit facilities, driver education centre, hotel, commercial developments (restaurants, offices and function centre), sport shooting range and associated works, including car parking and drainage works.

Clause 43.04-2 states that any permit granted for the land must be generally in accordance with the approved development plan.

This proposal sits within Precinct A (Circuit) and Precinct C (Pit Buildings) of the approved Development Plan. The proposed stormwater management system (including wetlands) is also located within the indicative wetlands areas shown on the plan (for both interim and final wetland treatments). The location of the proposed use and development is therefore consistent with the approved Cardinia Motor Recreation and Education Park Development Plan.

Floodway Overlay and Land Subject to Inundation Overlay

Flood Overlay

The extent of the Flood Overlay is applied to areas which have "*...the greatest risk and frequency of being affected by flooding*". This is in contrast the LSI0 (as discussed below), which is used to identify land in a flood storage or flood fringe area that would be affected by a 1-in-100-year flood. The purpose of the Flood Overlay also includes maintaining flood storage capacity, minimising flood damage, protecting the environmental health of waterways, wetlands and floodplains and reflecting any relevant declarations under Division 4, Part 10 of the *Water Act 1989*.

Pursuant to Clause 44.03-2, a planning permit is required to construct or carry out works, including roadworks, if the water flow path is redirected or obstructed. It is noted that an exemption from permit requirements applies to flood mitigation works, but only if these are carried out by the responsible authority or floodplain management authority. As such, while the

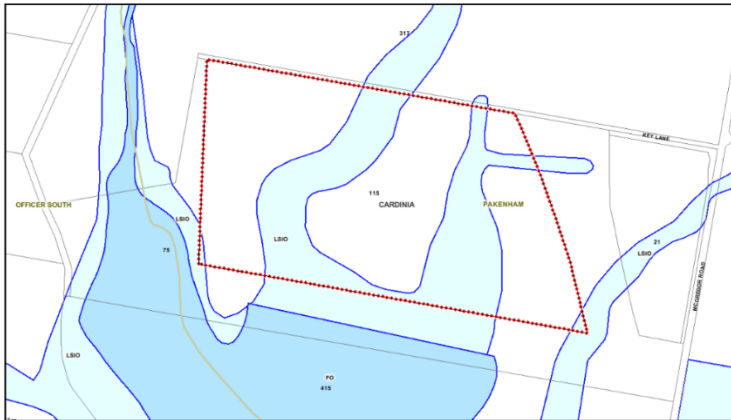
proposed wetlands will have a flood mitigation function, they are not exempt, given the proponent is a private entity.

Applications under the Flood Overlay are exempt from notice and review requirements (Clause 44.03-5) and must be referred to the floodplain management authority (Melbourne Water) pursuant to Clause 44.03-6.

As can be seen in the image below, the Flood Overlay mapped area only covers a portion of Lot 2. Works proposed within this overlay triggering planning permission comprise earthworks, the construction of wetlands (associated with the stormwater management system) and the internal road system. No habitable structures will be located within the extent of the overlay. The application was referred to Melbourne Water and Council's engineers.

Land Subject to Inundation Overlay

The Purposes of the LSIO include the identification of land affected by a 1-in-100-year flood, the maintenance of floodplain functions and management of effects on flood levels and velocities, the protection of water quality and environmental health, and to reflect relevant declarations under the Water Act 1989. Similar planning permit requirements apply under Clause 44.04-2 of the LSIO as under the FO.



An application under the LSIO is exempt from notice and review requirements (Clause 44.04-6) and must be referred to the floodplain management authority (in this case, Melbourne Water) pursuant to Clause 44.04-7.

As can be seen in the image below, the LSIO mapped area only covers a portion of the subject site, being part of Lots 2 and 3. The proposed race track and stormwater management system are located partially within this overlay and therefore trigger referral to Melbourne Water.

Discussion

Melbourne Water have required conditions to be placed upon any permit issued requiring agreements to be entered into as they relate to Melbourne Water's drainage systems, engineering drawings, survey plans, site management plan to be submitted for approval, and standard conditions relating flood levels.

Council's engineers have required conditions to be placed upon any permit issued requiring plans to be submitted which generally accord with the functional layout plan prepared by "Stormy Water Solutions", for both interim and ultimate storm water treatment, with the approval of Melbourne Water and the Responsible Authority.

Public Acquisition Overlay (Schedule 1)

The purpose of the Public Acquisition Overlay (Schedule 1) is to identify land which is proposed to be acquired by a public authority, this case a road for public purposes, to ensure this is reserved and any use or development does not prejudice this purpose.

A planning permit is required for works within the PAO, being the construction of an internal road on Lot 2, leading from McGregor Road along the southern boundary of Lot 3. VicRoads have provided support for this internal road to traverse the PAO area, however once the bypass in place, this access may no longer be accommodated or restored access. Given the bypass is not occurring for some time, it is considered appropriate to approve this internal access road in the interim.

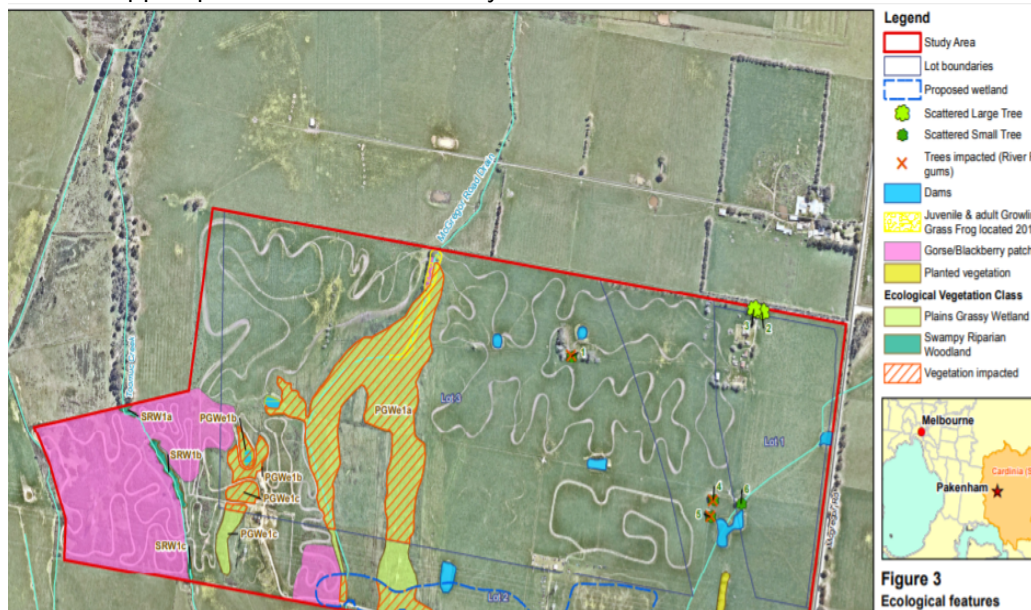
Relevant Particular/ General Provisions and relevant incorporated or reference documents

52.06 Car Parking

Clause 52.06-5 does not set out a car parking requirement for the use of a motor racing track. As such, parking must be provided to the satisfaction of Council. As such, prior to the use and development commencing, a Traffic Impact Assessment Report (TIAR) must be submitted to the satisfaction of both Council and the Department of Transport as the responsible road authorities. The TIAR will deal with car parking, traffic flow, loading and waste collection and broader road network access arrangements.

52.17 Native Vegetation

Pursuant to Clause 52.17-1 (Native Vegetation), a planning permit is required for the removal of native vegetation. It is proposed to remove 9.37ha of native vegetation (being Plains Grassy Wetland EVC, listed as endangered in the Gippsland Plains bioregion) which also serves as habitat for a significant fauna species (Growling Grass Frog), three native scattered trees and potential impacts to Southern Brown Bandicoot movement corridor (being the Toomuc Creek corridor). The ecological features of the site are shown on the plan below, with a large portion of the mapped patches of Plains Grassy Wetland and the three scattered trees to be impacted.



The application was referred to DELWP as a recommending authority. DELWP provide no objection to the proposal and require conditions relating to native vegetation offsets to be placed upon any permit issued.

Cardinia Shire’s Liveability Plan 2017-2029

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

- Improved social cohesion, as the application will assist in bringing communities and people together
- Reduce financial vulnerability, as the proposal will generate a significant number of jobs both during construction and in an ongoing capacity.

The proposal is generally consistent with Cardinia's Liveability Plan, providing a community facility that brings people together and generates significant jobs during construction and from an on-going operational perspective. Refer to assessments against Clause 17 Economic Development and Clause 21.04 above for details assessment regarding economic benefits.

Other relevant legislation

For completeness, the following legislation has also been considered in the preparation of the planning permit application:

Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)

As the site is not within the Melbourne Strategic Assessment (MSA) area, the proponent has considered the possibility that a referral, and theoretically, an assessment, under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC) for effects on Matters of National Environmental Significance (MNES) may be required. Council lodged a referral in accordance with the EPBC in December 2012 in relation to the site, with the then-Commonwealth Department of Sustainability, Environment, Water, Population and Communities (ref. 2013/6733).

The proposed action was "*To construct a motor recreation and education facility*". The Department issued a decision on 11 April 2013 stating that the proposed action was not a controlled action. Given the passage of time, consideration has been given to whether the proposal should be re-referred. The observations/potential of occurrence, of MNES, are recorded in section 4.1.1 of the Flora and Fauna Assessment. Ultimately, the Assessment concludes that "*Pending the results of the Growling Grass Frog targeted surveys, a referral to the Commonwealth Environment Minister may be required for assessment and approval*". Targeted Growling Grass Frog surveys have subsequently been undertaken. The species was not observed as occurring on-site. As such, no referral under the EPBC was undertaken by the proponent.

Environment Effects Act 1978

The Environment Effects Act 1978 requires that projects with the potential to cause a significant effects on the environment should be referred to the Minister for Planning, for consideration of whether an Environment Effects Statement process should be followed in lieu of the planning permit application process.

As discussed above, the application was self-referred by Podium 1 Pty Ltd to the Minister for Planning on 1 April 2020. The Minister for Planning issued a decision on the referral on 14 June 2020 under section 8B(3)(b) of the *Environment Effects Act 1978* that an EES is not required, subject to conditions.

Environment Protection Act 2017

The Environment Protection Act 2017 provides a framework for the management of emissions to air, land and water, waste management and obliges certain land uses ("Scheduled Premises") to obtain a works approval or license. "Scheduled Premises" include bulk fuel storage facilities, premises that discharge more than 500kg of Co2 per day to the atmosphere. As such, any necessary approvals will be obtained in line with the EPA.

Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2018

As noted previously, the site has previously been the subject of a CHMP, which revealed that the site has low potential Aboriginal Heritage Sensitivity. This was dealt with under Amendment C160, with Aboriginal Affairs Victoria approving the Cardinia Motor Recreation & Education Park Cultural Heritage Management Plan (reference 11147) on 30 September 2010.

Conclusion

Given the above assessment, the proposal for Stage 1 of the Cardinia Motor Recreation and Education Park is considered to be consistent with the relevant policies of the Planning Policy Framework, including the zone, overlays, particular provisions and decision guidelines. It is also considered to be generally in accordance with the Cardinia Motor Recreation and Education Park Development Plan,

The recommendation is that Council, having considered all the matters required under Section 60 of the Planning and Environment Act 1987 in relation to Planning Application No. T190147, grant a permit in respect of the land known and described as 75 Key Lane (Lot 2 on PS746980A) and 115 Key Lane (Lot 3 on PS746980A), Pakenham for the Use and Development of a Motor Racing Track and the Removal of Native Vegetation subject to the following conditions:

Conditions

Amended Plans Required

1. Prior to the commencement of the use and development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and the plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) Any modifications required as a result of the environment report approved by the Minister for Planning under Condition 2 of this Permit.
 - (b) Any modifications required as a result of the flora and fauna management plan approved by the Secretary of DELWP under Condition 3 of this Permit.
 - (c) Any modifications required as a result of recommendations within the Acoustic Report approved by the Responsible Authority under Condition 4 of this Permit.
 - (d) The fully dimensioned racetrack layout.
 - (e) The location for bin storage and collection of garbage.

Plans Required

Environment Report

2. Prior to the endorsement of plans under condition 1 of the permit, an environment report must be prepared in consultation with the Department of Environment, Land, Water and Planning (DELWP) to the satisfaction of the Minister for Planning and approved by the Minister for Planning. The report needs to examine and document:

- (a) the predicted impacts (direct and indirect), on biodiversity values within the site and surrounding areas, including loss of habitat, noise disturbance and impacts on habitat connectivity, particularly associated with:
 - (i) listed flora and fauna species under the *Flora and Fauna Guarantee Act 1988* and *Environment Protection and Biodiversity Conservation Act 1999* including; Growling Grass Frog, Southern Brown Bandicoot, Latham's Snipe, Dwarf Galaxias and Variable Groundsel;
 - (ii) listed communities under the *Flora and Fauna Guarantee Act 1988* and *Environment Protection and Biodiversity Conservation Act 1999* including; Seasonal Herbaceous Wetlands, Plains Grassy Wetland and Swampy Riparian Woodland;
 - (iii) nearby wetlands, waterways and waterbodies;
- (b) the results of targeted surveys for Latham's Snipe and Dwarf Galaxias that must be undertaken by suitability qualified persons and completed in consultation with DELWP, which should confirm the suitability of method and timing applied; and
- (c) assessment of project design refinements and mitigation measures to avoid and minimise adverse environmental effects, including for the project layout and timing of events.

Flora and Fauna Management Plan

- 3. Prior to the commencement of works under condition 1 of the permit, a flora and fauna management plan must be prepared in consultation with DELWP to the satisfaction of the Secretary of DELWP and approved by the Secretary of DELWP. The flora and fauna management plan needs to be informed by the assessments included within the environment report approved under condition 2 of this Permit and must include detailed measures to avoid, minimise and mitigate potential impacts on flora and fauna within the project site and adjacent conservation areas during construction and operation of the project including:
 - (a) measures to mitigate noise disturbance on fauna within the project site and in adjoining surrounding areas;
 - (b) measures for providing habitat suitable for Growling Grass Frog and other native fauna along and within constructed waterways and waterbodies;
 - (c) measures to mitigate pollutants and contaminated run-off from entering waterways;
 - (d) measures to prevent and control weeds (non-native species) and pest (non-native) animals;
 - (e) rehabilitation and revegetation to establish suitable native flora species across the site, particularly along Toomuc Creek, McGregor Road drain and the constructed wetlands, including suitable measures to avoid impacting fauna during works;
 - (f) a program for on-going monitoring and adaptive management of listed communities and listed species of flora and fauna within the project site.

Acoustic Report

4. Prior to the use and development commencing, a detailed Acoustic Report prepared by a suitably qualified acoustic engineer must be submitted to and approved by the Responsible Authority. The report must detail noise impacts associated with the use, provide recommendations on noise management, attenuation and mitigation techniques. Response must be provided to the noise impacts associated with any biodiversity values within the site and surrounding areas, as informed by the Environment Report approved under Condition 2 of this permit and the Flora and Fauna Management Plan approved under Condition 3 of this permit, to the satisfaction of the Responsible Authority.

Noise Management Plan

5. Prior to the use and development commencing, a Noise Management Plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. The Noise Management Plan must be informed by the recommendations of the Acoustic Report as approved under Condition 4 of this permit and must detail:
 - a. Description of all noise sensitive locations that the noise management plan is designed to protect, including any location-specific considerations (e.g. private agreements where relevant).
 - b. Description and definitions of the activities permitted and any applicable exclusions,
 - c. Permitted hours of operation for each respective activity (including patron entry/exit and bump-in/bump-out times) in accordance with the Event and Patron Management Plan approved under Condition 6 of this permit.
 - d. Permitted frequency of events, (or a method for determining the permitted frequency of events) that is informed by the frequency, duration and volume level that will impact noise sensitive locations, particularly for high noise level events.
 - e. Details of when and the manner in which notice of certain events are to be published or distributed to members of the public.
 - f. Maximum permissible noise levels and methods for each respective activity or events (or class of events) of monitoring compliance (where relevant).
 - g. Details of measures to be implemented to manage noise, including noise monitoring.
 - h. Identification of individuals responsible for the management and implementation of the noise management plan.
 - i. A complaint response procedure, including how these are received from the public and responded to.
 - j. Details of any planned or periodic noise management plan reviews, including a comprehensive review of the noise management plan within 12 months of the commencement of the use.
 - k. Details of any public address systems and other amplified noise.

to the satisfaction of the Responsible Authority.

Event and Patron Management Plan

6. Prior to the use and development commencing, an Event and Patron Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be consistent with the recommendations of the Acoustic Report and Noise Management Plan as approved under Conditions 4 and 5 respectively and include:

- a. Details of the number/ratio of patrons which can be accommodated by on site facilities, for the purposes of distinguishing between ordinary and major events.

Ordinary Events

- b. Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons.
- c. The training of staff in the management of patron behaviour.
- d. Staff communication arrangements
- e. Signage to be used to encourage responsible off-site patron behaviour.
- f. Security measures
- g. A breakdown in the number of patrons expected at each type of ordinary event.
- h. A breakdown in the number of ordinary events based upon noise levels
- i. A breakdown in hours of operation for each type of ordinary event.

Major Events

- j. The ratio at which patronage numbers exceed the limitation of on-site facilities at which point triggers the implementation of the following additional requirements for a major event.
- k. A breakdown in the number of patrons expected at each type of major event.
- l. A breakdown in the number of major events based upon noise levels
- m. A breakdown in hours of operation for each type of major event
- n. Security measures.
- o. A summary of additional on-site requirements for major events

to the satisfaction of the Responsible Authority.

Major Event Traffic Management Plan

7. Prior to any major events (as defined in the notes of this permit) occurring at this site, a Major Event Traffic Management Plan (METMP) must be submitted to the satisfaction of Council and the Department of Transport. Initially it must be supplied to Council's Traffic Engineers and the Department of Transport at least 6 months prior to the inaugural major event occurring, then for all subsequent events at least 3 months prior to the event (or notification of use of this METMP). This METMP (or a suitable modified, mutually agreed variation) must be utilised in all events over and above the regular traffic generation as identified in the development's masterplan Traffic Impact Assessment Report. The METMP must include the following as a minimum:
 - p. Information of event size, patron numbers and event activities anticipated (The METM could be broken down into events of different categories / sizes if desired).
 - q. Assess and provide mitigation measures for direct site access
 - r. Assess and provide mitigation measures for traffic flow / accessibility in the surrounding road network including Keys Lane, McGregor Road, Greenhills Road and the Monash Freeway, including any traffic management plans for the locations
 - s. Assess and provide mitigation measures for parking issues, including additional on and off-site (overflow) parking requirements where parking generation is

- expected to exceed the formal on-site parking provision, including parking management plans
- t. Assess other impact on the surrounding road network
 - u. Investigate and implement strategies for additional bus or public transport access, to reduce the reliance on private vehicles.

Traffic, Car Park and Intersection Design Plans

- 8. Prior to the use and development commencing, a Traffic Impact Assessment Report (TIAR) must be submitted to the satisfaction of both Council and the Department of Transport as the responsible road authorities. When approved the TIAR will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved TIAR.
- 9. Prior to the endorsement of the Function Layout Plan as approved by the Responsible Authority under Condition 10 of this permit, detailed car park design must be provided in accordance with the recommendations within the Traffic Impact Assessment Report as approved by the Responsible Authority under Condition 8 of this permit.
- 10. Prior to the endorsement of the Function Layout Plan as approved by the Responsible Authority under Condition 11 of this permit, detailed intersection design (interim and ultimate) are required to be submitted to and approved by the Responsible Authority, in accordance with the recommendations within the Traffic Impact Assessment Report as approved by the Responsible Authority under Condition 8 of this permit.
- 11. Prior to the use or development commencing, a Functional Layout Plan must be submitted to and approved by the Responsible Authority. When approved, the functional layout plan will be endorsed and will then form part of the permit. The functional layout plan must show:
 - a. A fully dimensioned road layouts, including widths of street reservations,
 - b. Topography and existing features, including contours for the subject land and any affected adjacent land,
 - c. Car park layout on site.
 - d. Identification by survey of all trees (or group of trees) existing on the subject land, including dead trees and those that overhang the subject land from adjoining land,
 - e. Details of tree protection zones (TPZs) for all trees to be retained in the subject roadways,
 - f. All trees proposed for removal from the subject roadways clearly designated,
 - g. Typical cross-sections for each street, dimensioning individual elements, services offsets and any other identified spatial requirement,
 - h. Location and alignment of existing / proposed / future kerbs, property boundaries, footpaths, shared paths, bus stops and traffic control devices,
 - i. The proposed minor drainage network and any spatial features requiring access,
 - j. The major drainage system, including any watercourse or piped elements showing preliminary sizing,
 - k. Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination,
 - l. Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for the construction and maintenance,
 - m. A table of offsets for all utility services and street trees,
 - n. Preliminary location of reserves for electrical kiosks if required.
 - o. Preliminary street lighting layout.
 - p. Intersection designs for the McGregor Road / Greenhills Road / Keys Lane intersection showing:

- i.* 26m B Doubles for all turning movements at this intersection.
- ii.* Consent from both the Shire of Cardinia and Department of Transport as bot the current and future road authorities for this intersection as a Major Traffic Control Item (as per the Road Safety Regulations).
- iii.* Intersection layouts and accompanying SIDRA analysis for the:
 - a.* GW controlled double offset staggered T intersection (based upon the South East Business Park intersection upgrade plans), AND
 - b.* Signalised double offset staggered T intersection (based upon the most recent Pakenham South Employment PSP, with the Keys Lane leg modified as a fourth signalised leg of the McGregor road / Greenhills Road intersection).

Construction Environmental Management Plan

12. At least 14 days before any works start, a site-specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP. The CEMP must address all environmental risks and include:
 - a. Temporary stormwater management including sedimentation control,
 - b. Provision of pollution and contamination controls including noise and dust,
 - c. Location of stockpiles and stockpile management,
 - d. Location of site office and facilities,
 - e. Equipment, materials and goods management,
 - f. Tree protection zones, trees to be retained and trees to be removed;
 - g. Details of what vegetation has been approved for removal on site (in accordance with Condition 39 of this permit) and what vegetation is to be retained.
 - h. A Fauna Management Plan to the satisfaction of the Responsible Authority and DELWP. This plan must outline steps taken to mitigate impacts to wildlife that may be displaced/injured during works. A suitably qualified wildlife handler or zoologist is to be present when felling trees/ removing native vegetation. If native fauna species are located, they are to be salvaged and relocated in accordance with all relevant legislation and approvals.
13. Prior to the use and development commencing, a Waste Management Plan (WMP) prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved the WMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved WMP.
14. Before a certificate of practical completion is issued, "as constructed" digital road and drainage information in AutoCAD format with all Xrefs binded into the drawings and showing any amendments during construction, must be submitted for all civil works where Council is the Responsibility Authority.
15. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a. *A survey (including botanical names) of all existing vegetation to be retained and/or removed.*
- b. *Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.*
- c. *Details of surface finishes of pathways and driveways.*
- d. *A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.*
- e. *Landscaping and planting within all open areas of the subject land.*

All species selected must be to the satisfaction of the Responsible Authority.

Actions Required

16. Prior to the commencement of the use, the following roads must be upgraded in accordance with detailed construction plans and specifications submitted to and approved by the Responsible Authority that include a full depth sealed road pavement and appropriate roadside drainage:
 - a. McGregor Road between the Pakenham Bypass and Greenhills Road, (if not already upgraded) and the section of McGregor Road between Greenhills Road and Keys Lane.
 - b. Keys Lane between McGregor Road and the agreed site access point.
 - c. The intersection of McGregor Road, Greenhills Road and Keys Lane.
17. Prior to the commencement of the use, all proposed internal areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority.
18. Prior to the commencement of the use, outfall drainage works must be designed and constructed in accordance with plans and specifications submitted to and approved by Melbourne Water and the Responsible Authority. These plans must be generally in accordance with the functional layout plan prepared by "Stormy Water Solutions", for the ultimate storm water treatment, drawing number 1863/SWMP/1, revision D, dated 14/03/2019, or as otherwise amended with the approval of Melbourne Water and the Responsible Authority. Stage 1 development, outfall drainage works must be designed and constructed in accordance with the "Stormy Water Solutions" interim arrangements shown in drawing number 1957/SWMP/1.
19. Prior to the commencement of the use, lighting of the upgraded roadways, any pedestrian/cycle paths and the internal car parking areas must be designed and installed in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.
20. Prior to laying the base course asphalt on any affected roadway, CCTV results for the full length of all stormwater drainage pipes where Council is to become the asset owner, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.

21. Prior to a certificate of practical completion being issued for any works where Council is the Responsible Authority, the permit holder must provide survey enhanced “as constructed” GIS data for the drainage, road and footpath information components of the subdivision, in accordance with the current version of D-SPEC and R-SPEC. Council’s preferred format for the submission of the graphical data is in “MapInfo Native Format”. A secondary format is “MapInfo MID/MIF”. Grid Co-ordinates must be MGA zone 55 (GDA 94). Please refer to the A-SPEC website for further information: www.a-specstandards.com.au

General

22. The use and development as shown on the endorsed plans and reports must not be altered without the further written consent of the Responsible Authority.
23. The use and development must be continued and completed to the satisfaction of the Responsible Authority.
24. The use and development must be undertaken in accordance with the Environment Report approved under Condition 2 of this permit to the satisfaction of the Responsible Authority and DELWP. No alterations to the report may occur without the prior written consent of the Responsible Authority and DELWP.
25. The use and development must be undertaken in accordance with the Flora and Fauna Management Plan approved under Condition 3 of this permit to the satisfaction of the Responsible Authority and DELWP. No alterations to the plan may occur without the prior written consent of the Responsible Authority and DELWP.
26. The use and development must be undertaken in accordance with the Acoustic Report approved under Condition 4 of this permit to the satisfaction of the Responsible Authority. No alterations to the report may occur without the prior written consent of the Responsible Authority.
27. The use and development must be undertaken in accordance with the Noise Management Plan approved under Condition 5 of this permit to the satisfaction of the Responsible Authority. No alterations to the report may occur without the prior written consent of the Responsible Authority.
28. The use and development must be undertaken in accordance with the Event and Patron Management Plan approved under Condition 6 of this permit to the satisfaction of the Responsible Authority. No alterations to the report may occur without the prior written consent of the Responsible Authority.
29. Traffic management measures as per the TIAR (as approved under condition 8 of this permit) and the METMP (as approved under condition 7 of this permit) must be implemented to the satisfaction of the Responsible Authority.
30. Prior to the use commencing, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
31. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

32. The development must not have an unreasonable detrimental impact upon the amenity of the area, including works associated with construction, through the:

- v. Transport of materials, goods or commodities to or from the land.
- w. Appearance of any building, works or materials.
- x. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
- y. Presence of vermin.
- z. Hours of construction activity.

to the satisfaction of the Responsible Authority.

Hours of Operation

33. Subject to the conditions of the Noise Management Plan under Condition 5 of this permit, the use for motor vehicle racing (excluding patron entry/exit and bump in/out) may operate within the following hours unless otherwise approved by the Responsible Authority:

- a. Monday to Thursday: 8.00am to 6.00pm
- b. Friday to Sunday and public holidays outside daylight savings: 8.00am to 6.00pm
- c. Friday to Sunday and public holidays during daylight savings: 8.00am to 8.00pm
- d. Friday or Saturday for a maximum of two events per calendar month: 6.00pm to 11.00pm

to the satisfaction of the Responsible Authority.

Development Plan Overlay (Schedule 16) Condition

34. The use and development of the site must be undertaken in accordance with the management plan and environmental management plan approved as part of the development plan, as amended or superseded from time to time, to the satisfaction of the Responsible Authority.

Engineering Conditions

35. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.

36. All roads used for the purpose of haulage of imported or exported materials for construction must be:

- aa. Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use;
- bb. Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period; and
- cc. Reinstated to the satisfaction of the Responsible Authority.

37. No fill or excavated material for or from this development is to be carted/hailed into or from the site without first obtaining the further written consent from Council's

Engineering Department at least seven (7) days prior to the cartage/haulage works commencing to the satisfaction of the Responsible Authority.

38. All costs associated with the Keys Lane leg intersection upgrade (including the intersection upgrade initially and the future signalised intersection upgrade and any additional land acquisition required) are borne by the developer / operator of the motorsports complex. The developer must enter into a section 173 to this effect to satisfaction of the Responsible Authority.

DELWP Vegetation Removal Conditions

39. Prior to works commencing, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
40. Prior to works commencing, the applicant must provide a Native Vegetation Report to the Responsible Authority for approval of the extent of Native Vegetation to be removed under this permit. The total area of native vegetation proposed to be removed is to be confirmed to the satisfaction of the Responsible Authority once further investigation and planning (as outlined in the conditions of this permit) has occurred.
41. Prior to the removal of any native vegetation, evidence that the required offset, as detailed in the Native Vegetation Report approved under Condition 40 of this permit, has been secured must be provided to the satisfaction of the Responsible Authority. This evidence must be one or both of the following:
- dd. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
 - ee. credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
42. A copy of the offset evidence must be endorsed by the Responsible Authority and will then form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning, Port Phillip, regional office.
43. Within six (6) months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the Responsible Authority and the Department of Environment, Land, Water and Planning.

Melbourne Water Conditions

44. Prior to the construction of buildings and works, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.

45. Prior to the construction of buildings and works, Engineering drawings are to be submitted to Melbourne Water for review and approval, showing existing and proposed surface levels. Any earthworks must be done such that the volume of fill does not exceed the volume of cutting. Volume calculations must be submitted with these drawings, and must demonstrate that flood levels will not be increased as a result of the development, to the satisfaction of Melbourne Water.
46. A Certified Survey Plan is to be submitted after the completion of earthworks to demonstrate compliance with accepted Engineering drawings, for the purpose of ensuring appropriate flood plain management, to the satisfaction of Melbourne Water.
47. At least 21 days before construction commences a Site Management Plan detailing pollution and sediment control measures during construction must be submitted to Melbourne Water for review and acceptance, to the satisfaction of Melbourne Water.
48. Melbourne Water approval must be obtained for any new or modified stormwater connection to Melbourne Water's drains or watercourses.
49. All floors of sheds or workshop facilities or any other non-habitable building(s) must be set a height of 300mm above the 1% AEP flood level, to the satisfaction of Melbourne Water.
50. All floors of office or function rooms, warehouses or any other habitable building(s) must be set to a minimum height of 600mm above the 1% AEP flood level, to the satisfaction of Melbourne Water.
51. Post construction of new building(s), a Certified Survey Plan is to be submitted to Melbourne Water for review and acceptance, demonstrating compliance with Melbourne Water's minimum flood level requirements.
52. Unless otherwise agreed, any new fences must be of an open style (50 percent open up to the applicable 1% AEP flood level) for the purpose of flood flow conveyance, to the satisfaction of Melbourne Water.
53. Any open space area intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria either as outlined in Melbourne Water's Land Development Manual, or where appropriate to Council's requirements and standards.
54. Environmental, geological, ground water, and any other relevant investigations must be undertaken to ensure that the existence of flora and fauna of importance, areas of rock, prevailing groundwater or any other conditions do not inhibit the use and construction of works associated with the development.
55. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.

AusNet Conditions

56. No part of the proposed buildings, including eaves, awnings, canopies, shelters and the like, is permitted on AusNet Transmission Group's easement.

57. The proposed car park must be used only by domestic and small commercial vehicles not exceeding 3 metres in height. Parking, loading, unloading and load adjustment of large commercial vehicles is not permitted on the easement.
58. The use of vehicles and equipment involved in construction work on the easement must not exceed 3 metres operating height without prior written permission from AusNet Transmission Group Pty Ltd.
59. Any lighting poles erected on the easement must not exceed 3 metres in height and must be designed so as to allow lanterns to be lowered to ground level for servicing. Higher poles may be permitted subject to available conductor to ground clearances at this site. Power to lighting poles must be installed underground.
60. Approval must be obtained from AusNet Transmission Group as to the position and/or suitability of any roads that are proposed within the AusNet Transmission Group easement.

In this regard, the applicant must make contact with AusNet Transmission Group (LMG@ausnetservices.com.au) at an early stage to ensure that any road proposals within a transmission line easement are acceptable to AusNet Transmission Group.

There are strict requirements regarding roads in transmission easements including road length, clearance to existing and future towers and overhead conductors as well as safety within road reserves.

61. Details of proposed road construction and the installation of services within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of work on site.
62. Gates must be installed in any new boundary fences that cross the easement to enable access for AusNet Transmission Group vehicles.
63. Scaffolding is not permitted on the easement.
64. All trees and shrubs planted on the easement must not exceed 3 metres maximum mature growth height.
65. The storage of flammable materials, including that within waste bins, is not permitted on the easement.
66. Natural ground surface levels on the easement must not be altered by the stockpiling of excavated material or by landscaping without prior written approval from AusNet Transmission Group.
67. All services traversing the easement must be installed underground.
68. The use of construction equipment including cranes that have the ability to extend into the easement are not permitted.
69. Details of all future works within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of work on site.

Permit Expiry

This permit will expire if one of the following circumstances applies:

- a. The development is not started within three (3) years of the date of this permit.
- b. The development is not completed within five (5) years of the date of this permit.
- c. The use has not commenced within two (2) years of the development being completed.

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

DELWP Note:

- (i) Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 1. Any vehicle or pedestrian access, trenching or soil excavation, and
 2. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
 3. Entry or exit pits for underground services, and
 4. Any other actions or activities that may result in adverse impacts to retained native vegetation.

EPA Note:

- (ii) This permit is not an EPA works approval or licence. The permit holder must ensure that any obligations or duties that arise under the Environment Protection Act 1970 are met. This may include obtaining a works approval or licence prior to the commencement of works.

Other Notes:

- (iii) It is acknowledged that the time and upgrade of the Keys Lane leg of the future signalised intersection is unknown and will be determined by development in the adjacent PSP.
- (iv) It is noted that noise associated with commercial uses outside of competition motorsport is assessable under Victorian EPA Publication 1411 *Noise from Industry in Regional Victoria* (NIRV).
- (v) **Major Event** is defined by any event whereby the ratio of patrons exceeds the limitations of the on-site facilities. This ratio is stated in the approved Patron and Event Management Plan approved under Condition 6 of this permit.
- (vi) **Ordinary Event** is defined by any event whereby the ratio of patrons is below the limitations of the on-site facilities. This ratio is stated in the approved Patron and Event Management Plan approved under Condition 6 of this permit.
- (vii) **Daylight Savings** is defined by the period referred to in a proclamation made in accordance with the *Summer Time Act 1972* (Vic)

Resolution

Moved Cr Brett Owen, seconded Cr Ray Brown.

That Council issue Planning Permit T190147 for the Use and Development of a Motor Racing Track and the Removal of Native Vegetation at 75-115 Key Lane, Pakenham VIC 3810 subject to the following conditions:

1. Prior to the commencement of the use and development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and the plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) Any modifications required as a result of the environment report approved by the Minister for Planning under Condition 2 of this Permit.
 - (b) Any modifications required as a result of the flora and fauna management plan approved by the Secretary of DELWP under Condition 3 of this Permit.
 - (c) Any modifications required as a result of recommendations within the Acoustic Report approved by the Responsible Authority under Condition 4 of this Permit.
 - (d) The fully dimensioned racetrack layout.
 - (e) The location for bin storage and collection of garbage.

Plans Required

Environment Report

2. Prior to the endorsement of plans under condition 1 of the permit, an environment report must be prepared in consultation with the Department of Environment, Land, Water and Planning (DELWP) to the satisfaction of the Minister for Planning and approved by the Minister for Planning. The report needs to examine and document:
 - (a) the predicted impacts (direct and indirect), on biodiversity values within the site and surrounding areas, including loss of habitat, noise disturbance and impacts on habitat connectivity, particularly associated with:
 - i. listed flora and fauna species under the *Flora and Fauna Guarantee Act 1988* and *Environment Protection and Biodiversity Conservation Act 1999* including; Growling Grass Frog, Southern Brown Bandicoot, Latham's Snipe, Dwarf Galaxias and Variable Groundsel;
 - ii. listed communities under the *Flora and Fauna Guarantee Act 1988* and *Environment Protection and Biodiversity Conservation Act 1999* including; Seasonal Herbaceous Wetlands, Plains Grassy Wetland and Swampy Riparian Woodland;
 - iii. nearby wetlands, waterways and waterbodies.
 - (b) the results of targeted surveys for Latham's Snipe and Dwarf Galaxias that must be undertaken by suitability qualified persons and completed in consultation with DELWP, which should confirm the suitability of method and timing applied; and

- (c) assessment of project design refinements and mitigation measures to avoid and minimise adverse environmental effects, including for the project layout and timing of events.

Flora and Fauna Management Plan

3. Prior to the commencement of works under condition 1 of the permit, a flora and fauna management plan must be prepared in consultation with DELWP to the satisfaction of the Secretary of DELWP and approved by the Secretary of DELWP. The flora and fauna management plan needs to be informed by the assessments included within the environment report approved under condition 2 of this Permit and must include detailed measures to avoid, minimise and mitigate potential impacts on flora and fauna within the project site and adjacent conservation areas during construction and operation of the project including:
 - (a) measures to mitigate noise disturbance on fauna within the project site and in adjoining surrounding areas;
 - (b) measures for providing habitat suitable for Growling Grass Frog and other native fauna along and within constructed waterways and waterbodies;
 - (c) measures to mitigate pollutants and contaminated run-off from entering waterways;
 - (d) measures to prevent and control weeds (non-native species) and pest (non-native) animals;
 - (e) rehabilitation and revegetation to establish suitable native flora species across the site, particularly along Toomuc Creek, McGregor Road drain and the constructed wetlands, including suitable measures to avoid impacting fauna during works;
 - (f) a program for on-going monitoring and adaptive management of listed communities and listed species of flora and fauna within the project site.

Acoustic Report

4. Prior to the use and development commencing, a detailed Acoustic Report prepared by a suitably qualified acoustic engineer must be submitted to and approved by the Responsible Authority. The report must detail noise impacts associated with the use, provide recommendations on noise management, attenuation and mitigation techniques. Response must be provided to the noise impacts associated with any biodiversity values within the site and surrounding areas, as informed by the Environment Report approved under Condition 2 of this permit and the Flora and Fauna Management Plan approved under Condition 3 of this permit, to the satisfaction of the Responsible Authority.

Noise Management Plan

5. Prior to the use and development commencing, a Noise Management Plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. The Noise Management Plan must be informed by the recommendations of the Acoustic Report as approved under Condition 4 of this permit and must detail:
 - (a) Description of all noise sensitive locations that the noise management plan is designed to protect, including any location-specific considerations (e.g. private agreements where relevant).
 - (b) Description and definitions of the activities permitted and any applicable exclusions,

- (c) Permitted hours of operation for each respective activity (including patron entry/exit and bump-in/bump-out times) in accordance with the Event and Patron Management Plan approved under Condition 6 of this permit.
- (d) Permitted frequency of events, (or a method for determining the permitted frequency of events) that is informed by the frequency, duration and volume level that will impact noise sensitive locations, particularly for high noise level events.
- (e) Details of when and the manner in which notice of certain events are to be published or distributed to members of the public.
- (f) Maximum permissible noise levels and methods for each respective activity or events (or class of events) of monitoring compliance (where relevant).
- (g) Details of measures to be implemented to manage noise, including noise monitoring.
- (h) Identification of individuals responsible for the management and implementation of the noise management plan.
- (i) A complaint response procedure, including how these are received from the public and responded to.
- (j) Details of any planned or periodic noise management plan reviews, including a comprehensive review of the noise management plan within 12 months of the commencement of the use.
- (k) Details of any public address systems and other amplified noise. to the satisfaction of the Responsible Authority.

Event and Patron Management Plan

6. Prior to the use and development commencing, an Event and Patron Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be consistent with the recommendations of the Acoustic Report and Noise Management Plan as approved under Conditions 4 and 5 respectively and include:
- (a) Details of the number/ratio of patrons which can be accommodated by on site facilities, for the purposes of distinguishing between ordinary and major events.

Ordinary Events

- (b) Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons.
- (c) The training of staff in the management of patron behaviour.
- (d) Staff communication arrangements.
- (e) Signage to be used to encourage responsible off-site patron behaviour.
- (f) Security measures.
- (g) A breakdown in the number of patrons expected at each type of ordinary event.
- (h) A breakdown in the number of ordinary events based upon noise levels.
- (i) A breakdown in hours of operation for each type of ordinary event.

Major Events

- (j) The ratio at which patronage numbers exceed the limitation of on-site facilities at which point triggers the implementation of the following additional requirements for a major event.
- (k) A breakdown in the number of patrons expected at each type of major event.
- (l) A breakdown in the number of major events based upon noise levels.
- (m) A breakdown in hours of operation for each type of major event.
- (n) Security measures.
- (o) A summary of additional on-site requirements for major events to the satisfaction of the Responsible Authority.

Major Event Traffic Management Plan

7. Prior to any major events (as defined in the notes of this permit) occurring at this site, a Major Event Traffic Management Plan (METMP) must be submitted to the satisfaction of Council and the Department of Transport. Initially it must be supplied to Council's Traffic Engineers and the Department of Transport at least 6 months prior to the inaugural major event occurring, then for all subsequent events at least 3 months prior to the event (or notification of use of this METMP). This METMP (or a suitable modified, mutually agreed variation) must be utilised in all events over and above the regular traffic generation as identified in the development's masterplan Traffic Impact Assessment Report. The METMP must include the following as a minimum:
 - (a) Information of event size, patron numbers and event activities anticipated (The METM could be broken down into events of different categories / sizes if desired).
 - (b) Assess and provide mitigation measures for direct site access.
 - (c) Assess and provide mitigation measures for traffic flow / accessibility in the surrounding road network including Keys Lane, McGregor Road, Greenhills Road and the Monash Freeway, including any traffic management plans for the locations.
 - (d) Assess and provide mitigation measures for parking issues, including additional on and off-site (overflow) parking requirements where parking generation is expected to exceed the formal on-site parking provision, including parking management plans.
 - (e) Assess other impact on the surrounding road network.
 - (f) Investigate and implement strategies for additional bus or public transport access, to reduce the reliance on private vehicles.

Traffic, Car Park and Intersection Design Plans

8. Prior to the use and development commencing, a Traffic Impact Assessment Report (TIAR) must be submitted to the satisfaction of both Council and the Department of Transport as the responsible road authorities. When approved the TIAR will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved TIAR.
9. Prior to the endorsement of the Function Layout Plan as approved by the Responsible Authority under Condition 10 of this permit, detailed car park design must be provided in accordance with the recommendations within the

- Traffic Impact Assessment Report as approved by the Responsible Authority under Condition 8 of this permit.
10. Prior to the endorsement of the Function Layout Plan as approved by the Responsible Authority under Condition 11 of this permit, detailed intersection design (interim and ultimate) are required to be submitted to and approved by the Responsible Authority, in accordance with the recommendations within the Traffic Impact Assessment Report as approved by the Responsible Authority under Condition 8 of this permit.
11. Prior to the use or development commencing, a Functional Layout Plan must be submitted to and approved by the Responsible Authority. When approved, the functional layout plan will be endorsed and will then form part of the permit. The functional layout plan must show:
- (a) A fully dimensioned road layouts, including widths of street reservations.
 - (b) Topography and existing features, including contours for the subject land and any affected adjacent land.
 - (c) Car park layout on site.
 - (d) Identification by survey of all trees (or group of trees) existing on the subject land, including dead trees and those that overhang the subject land from adjoining land.
 - (e) Details of tree protection zones (TPZs) for all trees to be retained in the subject roadways.
 - (f) All trees proposed for removal from the subject roadways clearly designated.
 - (g) Typical cross-sections for each street, dimensioning individual elements, services offsets and any other identified spatial requirement.
 - (h) Location and alignment of existing / proposed / future kerbs, property boundaries, footpaths, shared paths, bus stops and traffic control devices.
 - (i) The proposed minor drainage network and any spatial features requiring access.
 - (j) The major drainage system, including any watercourse or piped elements showing preliminary sizing.
 - (k) Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination.
 - (l) Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for the construction and maintenance.
 - (m) A table of offsets for all utility services and street trees.
 - (n) Preliminary location of reserves for electrical kiosks if required.
 - (o) Preliminary street lighting layout.
 - (p) Intersection designs for the McGregor Road / Greenhills Road / Keys Lane intersection showing:
 - i.* 26m B Doubles for all turning movements at this intersection.
 - ii.* Consent from both the Shire of Cardinia and Department of Transport as bot the current and future road authorities for this intersection as a Major Traffic Control Item (as per the Road

Safety Regulations).

- iii. Intersection layouts and accompanying SIDRA analysis for the:
 - (iv) GW controlled double offset staggered T intersection (based upon the South East Business Park intersection upgrade plans), AND
 - (v) Signalised double offset staggered T intersection (based upon the most recent Pakenham South Employment PSP, with the Keys Lane leg modified as a fourth signalised leg of the McGregor road / Greenhills Road intersection.

Construction Environmental Management Plan

12. At least 14 days before any works start, a site-specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP. The CEMP must address all environmental risks and include:
 - (a) Temporary stormwater management including sedimentation control.
 - (b) Provision of pollution and contamination controls including noise and dust.
 - (c) Location of stockpiles and stockpile management.
 - (d) Location of site office and facilities.
 - (e) Equipment, materials and goods management.
 - (f) Tree protection zones, trees to be retained and trees to be removed.
 - (g) Details of what vegetation has been approved for removal on site (in accordance with Condition 39 of this permit) and what vegetation is to be retained.
 - (h) A Fauna Management Plan to the satisfaction of the Responsible Authority and DELWP. This plan must outline steps taken to mitigate impacts to wildlife that may be displaced/injured during works. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation. If native fauna species are located, they are to be salvaged and relocated in accordance with all relevant legislation and approvals.
13. Prior to the use and development commencing, a Waste Management Plan (WMP) prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved the WMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved WMP.
14. Before a certificate of practical completion is issued, "as constructed" digital road and drainage information in AutoCAD format with all Xrefs binded into the drawings and showing any amendments during construction, must be submitted for all civil works where Council is the Responsibility Authority.
15. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

- (a) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
- (b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
- (c) Details of surface finishes of pathways and driveways.
- (d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- (e) Landscaping and planting within all open areas of the subject land.

All species selected must be to the satisfaction of the Responsible Authority.

Actions Required

16. Prior to the commencement of the use, the following roads must be upgraded in accordance with detailed construction plans and specifications submitted to and approved by the Responsible Authority that include a full depth sealed road pavement and appropriate roadside drainage:
 - (a) McGregor Road between the Pakenham Bypass and Greenhills Road, (if not already upgraded) and the section of McGregor Road between Greenhills Road and Keys Lane.
 - (b) Keys Lane between McGregor Road and the agreed site access point.
 - (c) The intersection of McGregor Road, Greenhills Road and Keys Lane.
17. Prior to the commencement of the use, all proposed internal areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority.
18. Prior to the commencement of the use, outfall drainage works must be designed and constructed in accordance with plans and specifications submitted to and approved by Melbourne Water and the Responsible Authority. These plans must be generally in accordance with the functional layout plan prepared by “Stormy Water Solutions”, for the ultimate storm water treatment, drawing number 1863/SWMP/1, revision D, dated 14/03/2019, or as otherwise amended with the approval of Melbourne Water and the Responsible Authority. Stage 1 development, outfall drainage works must be designed and constructed in accordance with the “Stormy Water Solutions” interim arrangements shown in drawing number 1957/SWMP/1.
19. Prior to the commencement of the use, lighting of the upgraded roadways, any pedestrian/cycle paths and the internal car parking areas must be designed and installed in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.
20. Prior to laying the base course asphalt on any affected roadway, CCTV results for the full length of all stormwater drainage pipes where Council is to become the asset owner, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.
21. Prior to a certificate of practical completion being issued for any works where Council is the Responsible Authority, the permit holder must provide survey enhanced “as constructed” GIS data for the drainage, road and footpath information components of the subdivision, in accordance with the current version of D-SPEC and R-SPEC. Council’s preferred format for the submission of

the graphical data is in “MapInfo Native Format”. A secondary format is “MapInfo MID/MIF”. Grid Co-ordinates must be MGA zone 55 (GDA 94). Please refer to the A-SPEC website for further information: www.a-specstandards.com.au

General

22. The use and development as shown on the endorsed plans and reports must not be altered without the further written consent of the Responsible Authority.
23. The use and development must be continued and completed to the satisfaction of the Responsible Authority.
24. The use and development must be undertaken in accordance with the Environment Report approved under Condition 2 of this permit to the satisfaction of the Responsible Authority and DELWP. No alterations to the report may occur without the prior written consent of the Responsible Authority and DELWP.
25. The use and development must be undertaken in accordance with the Flora and Fauna Management Plan approved under Condition 3 of this permit to the satisfaction of the Responsible Authority and DELWP. No alterations to the plan may occur without the prior written consent of the Responsible Authority and DELWP.
26. The use and development must be undertaken in accordance with the Acoustic Report approved under Condition 4 of this permit to the satisfaction of the Responsible Authority. No alterations to the report may occur without the prior written consent of the Responsible Authority.
27. The use and development must be undertaken in accordance with the Noise Management Plan approved under Condition 5 of this permit to the satisfaction of the Responsible Authority. No alterations to the report may occur without the prior written consent of the Responsible Authority.
28. The use and development must be undertaken in accordance with the Event and Patron Management Plan approved under Condition 6 of this permit to the satisfaction of the Responsible Authority. No alterations to the report may occur without the prior written consent of the Responsible Authority.
29. Traffic management measures as per the TIAR (as approved under condition 8 of this permit) and the METMP (as approved under condition 7 of this permit) must be implemented to the satisfaction of the Responsible Authority.
30. Prior to the use commencing, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
31. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.
32. The development must not have an unreasonable detrimental impact upon the amenity of the area, including works associated with construction, through the:
 - (a) Transport of materials, goods or commodities to or from the land.
 - (b) Appearance of any building, works or materials.
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour,

steam, soot, ash, dust, waste water, waste products, grit or oil.

- (d) Presence of vermin.
- (e) Hours of construction activity.

to the satisfaction of the Responsible Authority.

Hours of Operation

33. Subject to the conditions of the Noise Management Plan under Condition 5 of this permit, the use for motor vehicle racing (excluding patron entry/exit and bump in/out) may operate within the following hours unless otherwise approved by the Responsible Authority
- (a) Monday to Thursday: 8.00am to 6.00pm.
 - (b) Friday to Sunday and public holidays outside daylight savings: 8.00am to 6.00pm.
 - (c) Friday to Sunday and public holidays during daylight savings: 8.00am to 8.00pm.
 - (d) Friday or Saturday for a maximum of two events per calendar month: 6.00pm to 11.00pm.

to the satisfaction of the Responsible Authority.

Development Plan Overlay (Schedule 16) Condition

34. The use and development of the site must be undertaken in accordance with the management plan and environmental management plan approved as part of the development plan, as amended or superseded from time to time, to the satisfaction of the Responsible Authority.

Engineering Conditions

35. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
36. All roads used for the purpose of haulage of imported or exported materials for construction must be:
- (a) Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use;
 - (b) Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period; and
 - (c) Reinstated to the satisfaction of the Responsible Authority.
37. No fill or excavated material for or from this development is to be carted/hailed into or from the site without first obtaining the further written consent from Council's Engineering Department at least seven (7) days prior to the cartage/haulage works commencing to the satisfaction of the Responsible Authority.
38. All costs associated with the Keys Lane leg intersection upgrade (including the intersection upgrade initially and the future signalised intersection upgrade and any additional land acquisition required) are borne by the developer / operator of the motorsports complex. The developer must enter into a section 173 to this effect to satisfaction of the Responsible Authority.

DELWP Vegetation Removal Conditions

39. Prior to works commencing, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
40. Prior to works commencing, the applicant must provide a Native Vegetation Report to the Responsible Authority for approval of the extent of Native Vegetation to be removed under this permit. The total area of native vegetation proposed to be removed is to be confirmed to the satisfaction of the Responsible Authority once further investigation and planning (as outlined in the conditions of this permit) has occurred.
41. Prior to the removal of any native vegetation, evidence that the required offset, as detailed in the Native Vegetation Report approved under Condition 40 of this permit, has been secured must be provided to the satisfaction of the Responsible Authority. This evidence must be one or both of the following:
 - (a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
 - (b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
42. A copy of the offset evidence must be endorsed by the Responsible Authority and will then form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning, Port Phillip, regional office.
43. Within six (6) months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the Responsible Authority and the Department of Environment, Land, Water and Planning.

Melbourne Water Conditions

44. Prior to the construction of buildings and works, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
45. Prior to the construction of buildings and works, Engineering drawings are to be submitted to Melbourne Water for review and approval, showing existing and proposed surface levels. Any earthworks must be done such that the volume of fill does not exceed the volume of cutting. Volume calculations must be submitted with these drawings, and must demonstrate that flood levels will not be increased as a result of the development, to the satisfaction of Melbourne Water.
46. A Certified Survey Plan is to be submitted after the completion of earthworks to demonstrate compliance with accepted Engineering drawings, for the purpose of ensuring appropriate flood plain management, to the satisfaction of Melbourne Water.
47. At least 21 days before construction commences a Site Management Plan detailing pollution and sediment control measures during construction must be submitted to Melbourne Water for review and acceptance, to the

- satisfaction of Melbourne Water.
48. Melbourne Water approval must be obtained for any new or modified stormwater connection to Melbourne Water's drains or watercourses.
 49. All floors of sheds or workshop facilities or any other non-habitable building(s) must be set a height of 300mm above the 1% AEP flood level, to the satisfaction of Melbourne Water.
 50. All floors of office or function rooms, warehouses or any other habitable building(s) must be set to a minimum height of 600mm above the 1% AEP flood level, to the satisfaction of Melbourne Water.
 51. Post construction of new building(s), a Certified Survey Plan is to be submitted to Melbourne Water for review and acceptance, demonstrating compliance with Melbourne Water's minimum flood level requirements.
 52. Unless otherwise agreed, any new fences must be of an open style (50 percent open up to the applicable 1% AEP flood level) for the purpose of flood flow conveyance, to the satisfaction of Melbourne Water.
 53. Any open space area intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria either as outlined in Melbourne Water's Land Development Manual, or where appropriate to Council's requirements and standards.
 54. Environmental, geological, ground water, and any other relevant investigations must be undertaken to ensure that the existence of flora and fauna of importance, areas of rock, prevailing groundwater or any other conditions do not inhibit the use and construction of works associated with the development.
 55. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.

AusNet Conditions

56. No part of the proposed buildings, including eaves, awnings, canopies, shelters and the like, is permitted on AusNet Transmission Group's easement.
57. The proposed car park must be used only by domestic and small commercial vehicles not exceeding 3 metres in height. Parking, loading, unloading and load adjustment of large commercial vehicles is not permitted on the easement.
58. The use of vehicles and equipment involved in construction work on the easement must not exceed 3 metres operating height without prior written permission from AusNet Transmission Group Pty Ltd.

Any lighting poles erected on the easement must not exceed 3 metres in height and must be designed so as to allow lanterns to be lowered to ground level for servicing. Higher poles may be permitted subject to available conductor to ground clearances at this site. Power to lighting poles must be installed underground.

59. Approval must be obtained from AusNet Transmission Group as to the position and/or suitability of any roads that are proposed within the AusNet Transmission Group easement.

In this regard, the applicant must make contact with AusNet Transmission Group (LMG@ausnetservices.com.au) at an early stage to ensure that any road proposals within a transmission line easement are acceptable to AusNet Transmission Group.

There are strict requirements regarding roads in transmission easements including road length, clearance to existing and future towers and overhead conductors as well as safety within road reserves.

60. Details of proposed road construction and the installation of services within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of work on site.
61. Gates must be installed in any new boundary fences that cross the easement to enable access for AusNet Transmission Group vehicles.
62. Scaffolding is not permitted on the easement.
63. All trees and shrubs planted on the easement must not exceed 3 metres maximum mature growth height.
64. The storage of flammable materials, including that within waste bins, is not permitted on the easement.
65. Natural ground surface levels on the easement must not be altered by the stockpiling of excavated material or by landscaping without prior written approval from AusNet Transmission Group.
66. All services traversing the easement must be installed underground.
67. The use of construction equipment including cranes that have the ability to extend into the easement are not permitted.
68. Details of all future works within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of work on site.

Permit Expiry

This permit will expire if one of the following circumstances applies:

- (a) The development is not started within three (3) years of the date of this permit.
- (b) The development is not completed within five (5) years of the date of this permit.
- (c) The use has not commenced within two (2) years of the development being completed.

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

DELWP Note:

Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:

- (a) Any vehicle or pedestrian access, trenching or soil excavation, and
- (b) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
- (c) Entry or exit pits for underground services, and

- (d) Any other actions or activities that may result in adverse impacts to retained native vegetation.

EPA Note:

This permit is not an EPA works approval or licence. The permit holder must ensure that any obligations or duties that arise under the Environment Protection Act 1970 are met. This may include obtaining a works approval or licence prior to the commencement of works.

Other Notes:

- (a) It is acknowledged that the time and upgrade of the Keys Lane leg of the future signalised intersection is unknown and will be determined by development in the adjacent PSP.
- (b) It is noted that noise associated with commercial uses outside of competition motorsport is assessable under Victorian EPA Publication 1411 Noise from Industry in Regional Victoria (NIRV).
- (c) **Major Event** is defined by any event whereby the ratio of patrons exceeds the limitations of the on-site facilities. This ratio is stated in the approved Patron and Event Management Plan approved under Condition 6 of this permit.
- (d) **Ordinary Event** is defined by any event whereby the ratio of patrons is below the limitations of the on-site facilities. This ratio is stated in the approved Patron and Event Management Plan approved under Condition 6 of this permit.
- (e) **Daylight Savings** is defined by the period referred to in a proclamation made in accordance with the Summer Time Act 1972 (Vic).

Permit Expiry

This permit will expire if one of the following circumstances applies:

- a. The development is not started within three (3) years of the date of this permit.
- b. The development is not completed within five (5) years of the date of this permit.
- c. The use has not commenced within two (2) years of the development being completed.

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

Carried

6.1.2 Subdivision of Land at L1 PS809394, Brunt Road, Officer

File Reference: T200140
Responsible GM: Tracey Parker
Author: Emily Cook

Recommendation(s)

That a Notice of Decision to Refuse to Grant Planning Permit T200146 be issued for the subdivision of land at L1 PS809394, Brunt Road, Officer VIC 3809 on the following grounds:

1. The proposal is not generally in accordance with the Officer Precinct Structure Plan.
2. The proposal is contrary to the Officer Precinct Structure Plan objectives for Community Facilities.
3. The proposal prejudices the delivery of the future State Special School.
4. The proposal is contrary to Clause 21.05-6 Community Services and Facilities as it prevents the provision of adequate community facilities in accordance with the Officer Precinct Structure Plan.
5. The Victorian School Building Authority objects for the following reasons:
 - a) The proposed Lot 1 to be created by this subdivision is not generally in accordance with the PSP.

At two hectares in land area, it is significantly smaller than the land allocated in the PSP. It is assumed that the two hectare parcel that is the subject of this application represents land for the proposed Special School. However, the required land parcel is larger, as it also includes part of the land set aside for the proposed secondary school. The VSBA expects this subdivision to provide 4.48 hectares of land, as required by the PSP, or an alternative subdivision plan that addresses the changes outlined in VSBA's letter to Linda Sahhar (Surveyor) dated 12 November 2019 (reference COR1936160).

- b) The VSBA requires the roads surrounding the proposed government school land to be shown, and to be of a sufficient width and alignment, to provide for school buses and other vehicle access requirements. No roads are shown in the current subdivision plan.

Attachments

1. Locality Map [6.1.2.1 - 1 page]
2. Plans Assessed [6.1.2.2 - 2 pages]
3. Referral Response Department of Education Letter [6.1.2.3 - 2 pages]

Executive Summary

APPLICATION NO.:	T200146
APPLICANT:	Nobelius Land Surveyors Pty Ltd/Jan Cussen
LAND:	L1 PS809394, Brunt Road, Officer VIC 3809
PROPOSAL:	Subdivision of land
PLANNING CONTROLS:	11.03-2 Growth Areas 21.05-6 Community Services and Facilities Urban Growth Zone – Schedule 3 General Residential Zone Development Contribution Plan Overlay – Schedule 4. Clause 65 Decision Guidelines Officer Precinct Structure Plan (September 2011) Officer Native Vegetation Precinct Plan (September 2011) Officer Development Contributions Plan (September 2011)
NOTIFICATION & OBJECTIONS:	Victorian School Building Authority (ie. Department of Education) - non-statutory referral
KEY PLANNING CONSIDERATIONS:	Urban Growth Zone Officer Precinct Structure Plan (September 2011) Objection from VSBA Generally in accordance with the PSP
RECOMMENDATION:	Planning permit application T200140 be refused on the grounds outlined by this report.

Background

Pre-application discussions between the Owners Representative and Council occurred in April 2019. Council provided advice relating to the size of the future school, the formulation/widths of roads and, the formulation/density of residential development contained within the subject site.

The Department of Education was consulted in relation to the size of the future school site and formulation/widths of roads adjoining the future school site. This resulted in a letter provided by the Department of Education in November 2019. This letter included in principal support for a layout with an alternative road network (20m wide roads adjoining the future school site) and a marginally reduced school site area (3.6ha).

The current proposal does not provide for either the Officer PSP requirements or the above negotiated and anticipated outcome.

Subject Site

The site is located on the southern side of the Princes Highway, the eastern side of Brunt Road and the northern side of the future extension of Pioneer Way/Gin Gin Bin Reserve.

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

The site currently is vacant.

The topography of the land is flat.

The main characteristics of the surrounding area are:

NORTH	Princes Highway, Heritage Rise Estate and developing residential land.
SOUTH	Future extension of Pioneer Way, Gin Gin Bin Reserve (currently undeveloped), the Pakenham Railway Line, Savannah Estate and Rix Road.
EAST	Undeveloped future residential/Department of Education land and, Prominence, Cheerington and Potters Grove Estates.
WEST	Brunt Road, Blue Gum Caravan Park and the Panorama Estate. The future (currently undeveloped) Whiteside Neighbourhood Activity Centre is located north-west of the subject site.

Relevance to Council Plan

Nil.

Proposal

The proposal is for the subdivision of land.

The proposal includes the creation of two (2) lots.

	Area	Accessed Via	Future Use
Lot 1	2ha	Future Extension of Pioneer Way	State Special School
Lot 2	5.110ha	Future Extension of Pioneer Way and/or Brunt Road	Residential/Roads

Planning Scheme Provisions

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- 11.03-2 Growth Areas

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- 21.05-6 Community Services and Facilities

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 65 Decision Guidelines
- Officer Precinct Structure Plan (PSP) (November 2019)
- Officer Native Vegetation Precinct Plan (September 2011)
- Officer Development Contributions Plan (September 2011)

Cardinia Shire's Liveability Plan 2017-2029

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

- Social Cohesion, the proposal detracts from the future Community Hub and 'super-school' planned for the subject site.

Zone

The land is subject to the Urban Growth Zone – Schedule 3 with the applied zone being the General Residential Zone.

Overlays

The land is subject to the Development Contribution Plan Overlay – Schedule 4.

Planning Permit Triggers

- The proposal for the subdivision of land requires a planning permit under the following clauses of the Cardinia Planning Scheme:
 - Pursuant to Clause 37.07-10 of the Urban Growth Zone a planning permit is required to subdivide land.
 - Pursuant to Clause 32.08-3 of the General Residential Zone a planning permit is required to subdivide land.

Public Notification

Pursuant to Clause 37.07-13 of the Cardinia Planning Scheme an application which is generally in accordance with an applicable Precinct Structure Plan is exempt from notice and review. However, Pursuant to Clause 37.07-9 and Clause 37.07-10 of the Urban Growth Zone planning permits must be generally in accordance with the precinct structure plan (PSP) applying to the land.

Therefore, where the Urban Growth Zone applies either: the application is in accordance with the applicable PSP and is exempt from notice or, the application is not in accordance with the PSP and must not be granted.

This application is not considered to be generally in accordance with the Officer Precinct Structure Plan (PSP).

Referrals

Victorian School Building Authority (ie. Department of Education)

The application was referred to the Department of Education as a non-statutory referral. The Victorian School Building Authority has objected to the application on the following grounds:

1. The proposed Lot 1 to be created by this subdivision is not generally in accordance with the PSP. At two hectares in land area, it is significantly smaller than the land allocated in the PSP. It is assumed that the two hectare parcel that is the subject of this application represents land for the proposed Special School. However, the required land parcel is larger, as it also includes part of the land set aside for the proposed secondary school. The VSBA expects this subdivision to provide 4.48 hectares of land, as required by the PSP, or

- an alternative subdivision plan that addresses the changes outlined in VSBA's letter to Linda Sahhar (Surveyor) dated 12 November 2019 (reference COR1936160).
2. The VSBA requires the roads surrounding the proposed government school land to be shown, and to be of a sufficient width and alignment, to provide for school buses and other vehicle access requirements. No roads are shown in the current subdivision plan.

Discussion

- The subdivision of land is not consistent with the aims and objectives of the State Planning Policy Framework, Local Planning Policy Framework and other relevant planning provisions as outlined below.
- The Officer Precinct Structure Plan (PSP) applies to the subject site and has been created in accordance with *Clause 11.03-2 Growth Areas*. The current proposal undermines the ability of the Officer PSP to deliver accessible, integrated and adaptable community infrastructure.
- *Clause 21.05-6 Community Services and Facilities* seeks to ensure the provision of adequate community facilities within new developments which are consistent with relevant precinct structure plans. As discussed below, the proposal is not in accordance with the Officer Precinct Structure Plan (PSP) and prejudices the delivery of a future State Special School.

Urban Growth Zone

- The purpose of the Urban Growth Zone is to manage the transition of non-urban land into urban land *in accordance with a precinct structure plan*.
- Clause 37.07-9 and Clause 37.07-10 of the Urban Growth Zone require planning permits, including for subdivision, to be generally in accordance with the precinct structure plan applying to the land.
- The Officer Precinct Structure Plan (PSP) applies to the subject site. The proposal is not generally in accordance with the Officer PSP.

Urban Growth Zone – Schedule 3

In accordance with Clause 2.2 of Schedule 3 to the Urban Growth Zone, the applied zone for the subject land is the General Residential Zone. The application does not seek residential lots and therefore was not assessed against *Clause 56 Residential Subdivision*.

Clause 3.0 of Schedule 3 to the Urban Growth Zone mandates application requirements to be submitted with planning permit applications for general subdivision. Most of these requirements were not considered relevant to the proposal given further subdivision/development could occur within the site.

Council did however require a hydrogeological assessment and a potentially contaminated land assessment to determine if the land is suitable for future uses (ie. school site and residential development). This is because the proposal would create a separately transferable parcel on which further planning permits are not expected (state government schools being exempt from planning permits). The applicant declined to provide the requested information.

Officer Precinct Structure Plan (November 2019)

The Officer Precinct Structure Plan (PSP) identifies the subject site as containing various roads, a future State Special School and medium density residential land.

The current proposal seeks to create:

- One (1) land parcel containing all of the future roads and residential land (Lot 2).
- One (1) land parcel containing the future State Special School site (Lot 1).

Proposed Lot 1 which contains the future school site, does not provide for the minimum area required for a State Special School.

The subject site forms part of Urban Hub D (Brunt Road/Timbertop Boulevard South) and is planned to contain: a Council owned Children's Centre, Youth Meeting Space, Active Open Space (Gin Gin Bin Reserve) and 'super-school'. The 'super-school' encompasses a State Primary School, State Post Primary School and State Special School.

It is noted that *Table 11: Community facilities and Services* includes the area for the special school as 2.0ha. This figure is incorrect.

In accordance with the Land Use Budget, which was the foundation for the Officer PSP, the required land areas for the 'super-school' are:

	Land Use Budget	Provided/Proposed
State Primary School	2.66ha	2.55ha Parcel created.
State Post Primary School	6.67ha	6.84ha Parcel created.
State Special School	<i>4.48ha</i>	<i>2.00ha</i> <i>Parcel Proposed.</i>

The above land designations are clearly shown on all scaled plans forming part of the Officer PSP. Planning permits have been issued for land to the east of the subject site. These permits include the required land for the State Primary School and State Post Primary School generally in accordance with the Officer Land Use Budget.

Correspondence from the Victorian School Building Authority (ie. Department of Education) confirm Lot 1 (2.0ha) does not provide for the required land area to accommodate a future State Special School.

The proposal therefore is not in accordance with the requirements of the Officer PSP and should not be supported.

Conclusion

The proposed subdivision of land is contrary to the purpose and objectives of the Cardinia Shire Planning Scheme and should not be supported.

Resolution

Moved Cr Jodie Owen, seconded Cr Michael Schilling.

That a Notice of Decision to Refuse to Grant Planning Permit T200146 be issued for the subdivision of land at L1 PS809394, Brunt Road, Officer VIC 3809 on the following grounds:

1. The proposal is not generally in accordance with the Officer Precinct Structure Plan.
2. The proposal is contrary to the Officer Precinct Structure Plan objectives for Community Facilities.
3. The proposal prejudices the delivery of the future State Special School.
4. The proposal is contrary to Clause 21.05-6 Community Services and Facilities as it prevents the provision of adequate community facilities in accordance with the Officer Precinct Structure Plan.
5. The Victorian School Building Authority objects for the following reasons:
 - a) The proposed Lot 1 to be created by this subdivision is not generally in accordance with the PSP.

At two hectares in land area, it is significantly smaller than the land allocated in the PSP. It is assumed that the two hectare parcel that is the subject of this application represents land for the proposed Special School. However, the required land parcel is larger, as it also includes part of the land set aside for the proposed secondary school. The VSBA expects this subdivision to provide 4.48 hectares of land, as required by the PSP, or an alternative subdivision plan that addresses the changes outlined in VSBA's letter to Linda Sahhar (Surveyor) dated 12 November 2019 (reference COR1936160).

- b) The VSBA requires the roads surrounding the proposed government school land to be shown, and to be of a sufficient width and alignment, to provide for school buses and other vehicle access requirements. No roads are shown in the current subdivision plan.

Carried

6.1.3 Cardinia Planning Scheme Amendment C250

File Reference: Nil.
Responsible GM: Tracey Parker
Author: Anita Ransom

Recommendation(s)

That Council:

- Adopt the recommendations of the Amendment C250 Panel Report, with the exception of dot point number one of Recommendation 1, for the reasons discussed in this report.
- Adopt the modified Amendment C250 to the Cardinia Planning Scheme under Section 29 of the Planning and Environment Act 1987 and submit to the Minister for Planning for approval under Section 31 of the Planning and Environment Act 1987

Attachments

1. Amendment C250 Documentation [6.1.3.1 - 90 pages]
2. Cardinia C250 Panel Report [6.1.3.2 - 20 pages]

Executive Summary

Under Section 12B of *Planning and Environment Act 1987*, Council is required to regularly review and update the Cardinia Planning Scheme.

The *Cardinia Planning Scheme Review* was prepared and presented to Council in June 2018. Following Council's endorsement of this review, it was placed on public consultation, and nine (9) submissions were received. The *Cardinia Planning Scheme Review* was then adopted by Council on 10 December 2018.

Following this process, Amendment C250 was prepared to implement the changes identified in the Cardinia Planning Scheme Review December 2018 into the Cardinia Planning Scheme.

The amendment was exhibited between 14 November and 16 December 2019 and eight (8) submissions were received. As several submissions sought changes to the amendment, it was referred to an independent panel appointed by the Minister for Planning.

The Panel was held on 28 April 2020. The Panel Report was received on 9 June 2020. The report was generally supportive of the amendment.

Background

Under Section 12B of the Planning and Environment Act 1987, every Municipal Council must review its planning scheme within one year after approving a Council Plan that is required under Section 125 of the Local Government Act 1989.

The review of Cardinia Planning Scheme was completed and endorsed by Council on 10 December 2018 and was then submitted to the Minister for Planning for consideration.

The review identified sixty-one (61) actions to update the Municipal Strategic Statement (MSS) in the Local Planning Policy Framework (LPPF) of the Cardinia Planning Scheme. Amendment C250 seeks to implement the changes to the MSS.

Authorisation to prepare the amendment was granted by the Minister for Planning on 21 August 2019, subject to conditions.

The amendment was then placed on public exhibition between 14 November and 16 December 2019, and eight (8) submissions were received.

Two (2) of the submissions were supportive of the amendment and one (1) had no objection to it. Five (5) of the submissions seek changes to the amendment and therefore it was required to be referred to an independent planning panel appointed by the Minister for Planning.

A one-day Panel Hearing was held via video conference on 28 April 2020. The Panel Report was received on 9 June 2020.

The Panel Report

The Panel recommended that Amendment C250 be adopted subject to four changes. These are outlined below with a response to each.:

1. Make the changes proposed by Council in response to submissions, namely:

- **include an updated map of Extractive Industries Interest Area in an appropriate location in the Municipal Strategic Statement.**
- **include a further strategic work item to identify uses that need protection from encroachment from sensitive uses Area in an appropriate location in the Municipal Strategic Statement.**

Recommendation 1 is in response to submissions made by authorities, with the first dot point being in relation to a submission received from Department of Jobs, Precincts and Regions (DJPR) and the second from the Environment Protection Authority (EPA).

The submission from DJPR was in relation to the Extractive Industries Interest Area (EIIA) map that identifies areas within the Shire that contain significant sand or stone resources. The map that is currently included in the MSS is from 2003, and therefore is now outdated.

After further discussion with DJPR, following receipt of the Panel Report, they have noted it is preferred that the map is not included at all as it will become outdated over time.

There is also a process currently being undertaken by Department of Environment, Land, Water and Planning (DELWP) to streamline planning schemes and minimise repetition between local sections of planning schemes and state policy. As well, the State Government is currently reviewing the provisions in relation to Extractive Industries to make these provisions more transparent within Planning Schemes, including enhancing the provisions in relation to Extractive Industries at a state and regional level.

It is considered that between these two changes, the need for this map will likely become obsolete, and so it recommended that this map be removed.

The submission from the EPA sought some changes to the MSS, some of which the Panel considered appropriate and some that were considered outside the scope of the MSS review.

A change to Clause 21.04-4 Industry includes, under Future strategic work, "*preparing further policy that identifies uses, including major hazard facilities and significant industrial uses, that require protection from encroachment from sensitive uses*".

- Amend Clause 21.04-3 Activity Centres Overview to include reference to all three large neighbourhood centres – Beaconsfield, Lakeside Boulevard and Lakeside Square/Cardinia Road.

The Panel considered that the current references to Beaconsfield, Lakeside Boulevard and Lakeside Square/Cardinia Road were inconsistent within Clause 21.04-3. This has been updated to ensure that all three activity centres are recognised as large neighbourhood activity centres through out the relevant sections of the MSS.

- Include a map and list along the lines provided to the Panel (Figure 1 of this Report) in Clause 21.04-3, and consider also noting the location of the Pakenham Homemaker Precinct as it is referred to in the text of the Municipal Strategic Statement.

A new map has been included at Clause 21.04-3, which shows all of the activity centres, including the Pakenham Homemaker Centre, and the status of each of these.

- Review the Municipal Strategic Statement text to ensure there is consistent naming of activity centres and making sure there is no confusion between ‘Lakeside Boulevard’, and ‘Lakeside Square/Cardinia Road’.

The naming of Lakeside Boulevard and Lakeside Square/Cardinia Road caused some confusion during the Panel Hearing. After further consideration by Council Officers, it is considered that Lakeside Boulevard is the best option to refer to the activity centre adjacent to the Cardinia Cultural Centre, and Lakeside Square to refer to the activity centre adjacent to Cardinia Station, to avoid confusion with Arena Shopping Centre, which is also located on Cardinia Road. This is consistent with how these activity centres are referred to by Growth Area Planning. The relevant clauses in the MSS have been updated accordingly.

Next Steps

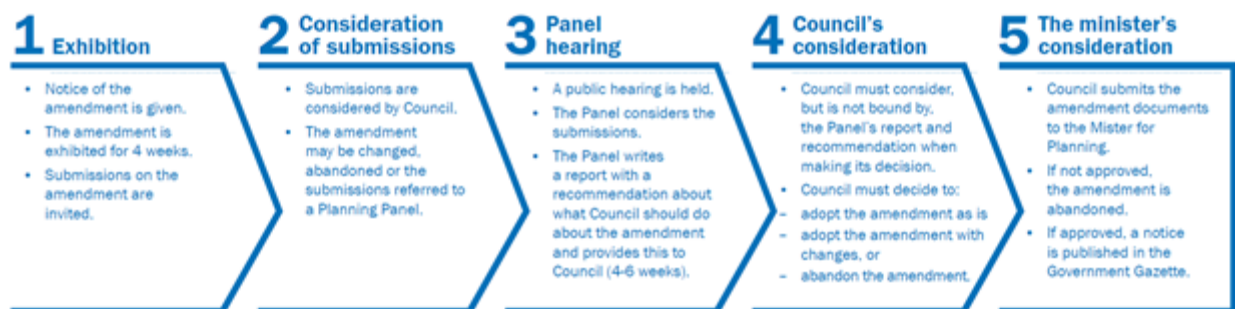


Figure 21. Steps in the Planning Scheme Amendment process

Following adoption of the modified Amendment documentation, Council officers will prepare the final documents and submit these to the Minister for Planning for Approval (Stage 5). Approval timeframes of the Amendment cannot be confirmed and are subject to processes undertaken by DELWP.

Policy Implications

Amendment C250 seeks to make a number of changes to the MSS to ensure it is consistent with the Council Plan, the Liveability Plan, Pedestrian and Bicycle Strategy, Casey Cardinia Visitation Strategy, Arts and Cultural Facility Feasibility Study, Equestrian Strategy, and Play Space Strategy.

A number of relevant State government policies have also been reviewed to identify any areas where the Cardinia Planning Scheme is inconsistent with these policies.

Relevance to Council Plan

Nil.

Climate Emergency Consideration

Nil.

Consultation/Communication

Amendment C250 was placed on exhibition from 14 November to 16 December 2019. A notice was placed in the Pakenham Gazette and letters sent to community groups and township committees, as well as to organisations and individuals who made submissions during the public consultation period for the 2018 review of the Cardinia Planning Scheme. Individual letters were not sent to residents as this would have required a letter to be sent to every owner and occupier within the Shire and would have been a significant cost and resource burden to Council.

A total of eight (8) submissions were received during the exhibition period. Six (6) were from authorities and two (2) were from or on behalf of landowners.

Financial and Resource Implications

The cost of this amendment is covered by the operational budget of Planning, Strategy and Urban Design. The review of the MSS will ensure that the Cardinia Planning Scheme is up to date and therefore there are no redundant or unnecessary clauses included in the MSS, which will ensure efficiency in planning decisions.

Conclusion

Amendment C250 has been considered by an independent planning panel, appointed by the Minister for Planning. The Panel is supportive of the amendment subject to some minor changes.

It is considered that majority of these changes should be made, the amendment adopted and sent to the Minister for Planning for approval.

Resolution

Moved Cr Jodie Owen, seconded Cr Michael Schilling.

That Council:

- Adopt the recommendations of the Amendment C250 Panel Report, with the exception of dot point number one of Recommendation 1, for the reasons discussed in this report.
- Adopt the modified Amendment C250 to the Cardinia Planning Scheme under Section 29 of the Planning and Environment Act 1987 and submit to the Minister for Planning for approval under Section 31 of the Planning and Environment Act 1987

Carried

6.1.4 Cardinia Planning Scheme Amendment C249card - Correction of Anomalies and Errors (Fix-up)

File Reference: Nil.
Responsible GM: Tracey Parker
Author: Celeste Grossi

Recommendation(s)

That Council:

1. Note the exemptions granted by the Minister for Planning which removed the need to publish public notices in local papers and the Government Gazette under Sections 19(2) and 19(3) of the *Planning and Environment Act 1987* during the exhibition of Amendment C249card.
2. Note that under Section 19(1)(c) of the *Planning and Environment Act 1987* and Regulation 8 of the *Planning and Environment Regulations 2005*, Amendment C249card was placed on limited exhibition to prescribed Ministers and the landowners that were considered to be materially affected for a four week period from 4th June to 2nd July 2020.
3. Adopt the modified Amendment C249card to the Cardinia Planning Scheme under Section 29 of the *Planning and Environment Act 1987*, with changes, generally in accordance with attachment 1 and 2.
4. Submit adopted Amendment C249card to the Cardinia Planning to the Minister for Planning for approval under Section 31 of the *Planning and Environment Act 1987*.

Attachments

1. Planning Scheme Amendment C 249 card Documents for Adoption [6.1.4.1 - 83 pages]
2. Cardinia Local Heritage Study Review, Volume 3 - Heritage Places, Precincts Citations [6.1.4.2 - 525 pages]

Executive Summary

In order to ensure the ongoing effective operation of the Cardinia Planning Scheme, a planning scheme amendment is required to correct anomalies and errors, such as minor zoning and overlay errors and grammatical mistakes.

Amendment C249card seeks to:

- Rezone two (2) properties to a zone that more appropriately reflects the current and future land use of that property.
- Remove a heritage overlay from six (6) properties that no longer contains significant heritage elements.
- Amend the mapping of several Heritage Overlay references to more accurately reflect the location of seventeen (17) significant properties or precincts.
- Amend the incorporated document "Cardinia Local Heritage Study Review, Volume 3: Heritage Places and Precinct citations (February 2020)" to ensure the map, property addresses, property information, and heritage grading of properties within Bunyip, Garfield and Koo Wee Rup commercial precincts, are correct.

The Amendment was placed on limited public exhibition from 4th June to 2nd July 2020 and during this time no submissions were received.

As no objecting submissions were received an independent planning panel is not required to be appointed by the Minister for Planning to consider submissions. Therefore, it is recommended that the Amendment be adopted by Council under Section 29 of the *Planning and Environment Act 1987* (the Act) and submitted to the Minister for Planning for approval pursuant to Section 31 of the Act.

Background

Council regularly carries out 'fix-up' amendments where identified anomalies and errors in the Cardinia Planning Scheme are corrected; Amendment C249card is such an amendment. These anomalies and errors have either been identified by Council officers in their day-to-day work, or have been brought to Council's attention by land-owners or occupiers.

The majority of anomalies identified were those relating to heritage within the Shire; as such, Council officers engaged Context Pty Ltd to undertake a review of the Koo Wee Rup, Gembrook, Garfield and Bunyip commercial precincts. It is important for Council to ensure that the Cardinia Planning Scheme is consistent and up to date so that the community is accurately informed and that the provisions and mapping in the Planning Scheme are correct.

By ensuring that land is in the most appropriate zone, Council, land-owners and the community are well informed of what land uses can occur in their area and across the Shire. This will also ensure that planning permit applications are being assessed against the most relevant controls.

By amending Heritage Overlay mapping errors, Council is ensuring that heritage sites within the Shire are properly recognised and protected.

The attached explanatory report provides further detail on the affected landowners and the changes that are proposed in Amendment C249card.

On 10 October 2019, under delegation, Council resolved to lodge request for authorisation to the Minister for Planning to prepare the Section 20(2) Corrections Amendment C249card to the Cardinia Planning Scheme. Authorisation with conditions was received, and officers proceeded to place the Amendment on public exhibition from Thursday 4th June to Thursday 2nd July 2020.

Changes to the Amendment post exhibition

The exhibited Amendment documents have been updated due to an error that was identified during the exhibition period. The exhibited documents and a letter sent to the landowner at 89 Main Street, Gembrook stated that there are inconsistencies with the current wording and mapping within the document *Cardinia Local Heritage Study review and the Cardinia Commercial Precincts Incorporated Plan*, and that the recent review of that document undertaken by Context Pty Ltd determined that the property should be graded as contributory rather than non-contributory to the Gembrook Commercial Precinct HO189. It has become apparent that this is incorrect. Context Pty Ltd have now confirmed that they made an error during their recent 2020 review of the Gembrook Commercial Precinct and that 89 Main Street, Gembrook should be graded as non-contributory rather than contributory. Both *the Cardinia Local Heritage Study review and the Cardinia Commercial Precincts Incorporated Plan* have been updated accordingly and a retraction email was sent to the landowner on 10 June 2020.

Policy Implications

Plan Melbourne Metropolitan Planning Strategy 2017-2050

- Plan Melbourne is the Metropolitan Planning Strategy for Melbourne and sets the vision for, and guides Melbourne's growth, through to the year 2050. Key directions of the Metropolitan Strategy relevant to this Amendment are those relating to location, design and built form outcomes.
- The relevant directions and initiatives of Plan Melbourne are as follows:
Direction 4.4 - Respect Melbourne's heritage as we build for the future.
Policy 4.4.2 - Recognise the value of heritage when managing growth and change.
Policy 4.4.4 - Protect Melbourne's heritage through telling its stories.

Planning Policy Framework (PPF)

- The amendment is consistent with Clause 15.03-1S - Heritage conservation.
- The relevant objective of Clause 15.03-1S is *"to ensure the conservation of places of heritage significance"*.
- By correcting mapping errors in the Heritage Overlay, Amendment C249card is ensuring places of heritage significance within Cardinia Shire Council are appropriately recognised and protected.

Local Planning Policy Framework (LPPF)

- The Amendment is consistent with, and gives effect to, the Local Planning Policy Framework of the Cardinia Planning Scheme.
- The Amendment supports the following objectives of Clause 21.02-6 - Post-Contact Heritage by ensuring the mapping of the significant heritage places is accurate:
 - *"Protect sites of State, regional and local heritage significance"*
 - *"Recognise and protect the cultural significance of war memorials"*
 - *"Recognise the significance of heritage buildings and sites in contributing to the character of townships within the municipality"*.

Relevance to Council Plan

Amendment C249card is consistent with the Cardinia Shire Council Plan 2020-2021. The following key actions are relevant to the Amendment:

Section 3 Our environment

The objective is *"we will continue to plan and manage the natural and built environment for present and future generations."*

- **Action 3.5.1 of the Council plan** seeks to *"review the Municipal Strategic Statement and the Cardinia Planning Scheme regularly to ensure it continues to meet Council objectives."*

Climate Emergency Consideration

Nil.

Consultation/Communication

As the amendment is made up of corrections to improve the operation of the planning scheme by correcting mapping anomalies and removing redundant provisions, Council's Delegate saw limited benefit in placing public notices in local papers or the Government Gazette and requested Ministerial exemptions from these requirements.

Under Section 20(2) of the Act, the Minister for Planning granted exemptions from the requirements to publish public notices in local papers and the Government Gazette under Sections 19(2) and 19(3) of the Act.

The Amendment was placed on limited public exhibition from Thursday 4th June to Thursday 2nd July 2020. Notice was given to prescribed Ministers as required by Section 19(1)(c) of the Act. Notice was also given by post to 19 landowners that officers believed were materially affected by the Amendment.

During the exhibition period, no submissions were received.

Next Steps

We are at Stage 4 of the Planning Scheme Amendment Process as detailed below in Figure 1.

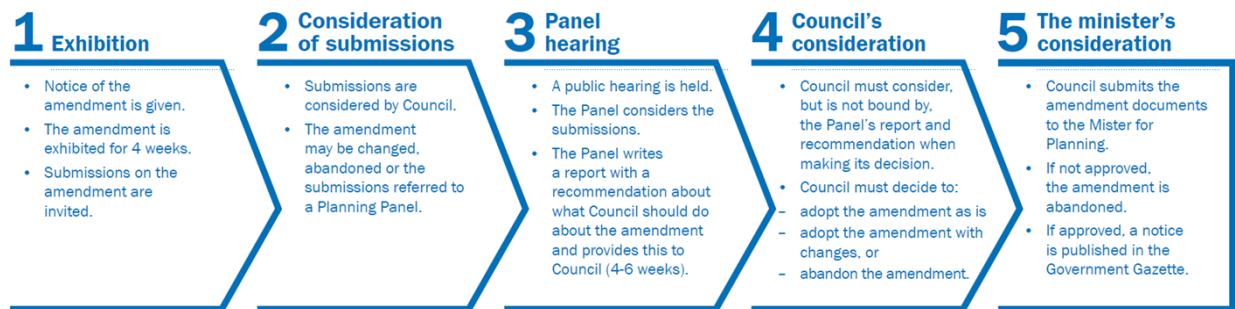


Figure 1. Steps in the Planning Scheme Amendment Process

If Council resolves to adopt the Amendment, officers will prepare the final documents and submit these to the Minister for Planning for approval (Stage 5). Approval timeframes of the Amendment cannot be confirmed and are subject to processes undertaken by DELWP.

Financial and Resource Implications

Preparation of the Amendment has been funded under the operating budget for the Planning Strategy and Urban Design team. Amendment C249card has no significant financial or resource impact for Council.

Conclusion

Planning Scheme Amendment C249card makes corrections that are administrative in nature, and that are required to ensure that the Cardinia Planning Scheme is up to date and accurate.

The Amendment was undertaken via a Section 20(2) amendment process under the Act and was placed on limited exhibition from 4th June to 2nd July 2020. No submissions were received during this period. Therefore, it is recommended that Council resolve to adopt Amendment C249card to the Cardinia Planning Scheme under Section 29 of the Act and submit to the Minister for Planning for approval under Section 31 of the Act.

Resolution

Moved Cr Jodie Owen, seconded Cr Michael Schilling.

That Council:

1. Note the exemptions granted by the Minister for Planning which removed the need to publish public notices in local papers and the Government Gazette under Sections 19(2) and 19(3) of the *Planning and Environment Act 1987* during the exhibition of Amendment C249card.
2. Note that under Section 19(1)(c) of the *Planning and Environment Act 1987* and Regulation 8 of the *Planning and Environment Regulations 2005*, Amendment C249card was placed on limited exhibition to prescribed Ministers and the landowners that were considered to be materially affected for a four week period from 4th June to 2nd July 2020.
3. Adopt the modified Amendment C249card to the Cardinia Planning Scheme under Section 29 of the *Planning and Environment Act 1987*, with changes, generally in accordance with attachment 1 and 2.
4. Submit adopted Amendment C249card to the Cardinia Planning to the Minister for Planning for approval under Section 31 of the *Planning and Environment Act 1987*.

Carried

6.1.5 Submission to Exhibition - APA-AGL Gas Import Jetty and Pipeline - Crib Point to Pakenham - Environmental Effects Statement (EES)

File Reference: Nil.
Responsible GM: Tracey Parker
Author: Teresa Hazendonk

Recommendation(s)

That Council:

- Notes the *Issues Paper for Council: Exhibition of Environmental Effects Statement: Proposed AGL-APA Gas Import Jetty, Pipeline and Delivery Facility - Crib Point to Pakenham, 17 August 2020*, contained in Attachments 1 and 2.
- Does not support the exhibited Environmental Effects Statement in its current form.
- Endorses a submission to the Department of Environment, Water and Planning generally in accordance with Attachment 3 which details issues to be resolved, generally relating to:
 - Inconsistency with The Renewable Energy (Investments and Jobs) Act 2017, the Climate Change Act 2017, the Victorian Reductions Emissions Targets, and incorrect and insufficient data relating to gas demands and sustainability of the proposal.
 - Impacts on groundwater have not been satisfactorily addressed and may exceed acceptable levels.
 - Inaccurate traffic impact data and the need for a traffic management strategy to be prepared based on accurate information.
 - Refinement of the pipeline alignment to reduce impacts on the future viability of agricultural land in the Green Wedge Zone.
 - Insufficient information relating to the ongoing impacts on all types of land holdings that fall within the 640 metre Measurement Length of the proposed pipeline.
 - No direct consultation with owners and occupiers of land holdings that fall within the 640 metre Measurement Length of the proposed pipeline.

Attachments

1. Issues Paper [6.1.5.1 - 66 pages]
2. Pipeline Maps [6.1.5.2 - 29 pages]
3. Cardinia Shire Submission - Gas Import Jetty and Pipeline Crib Point [6.1.5.3 - 8 pages]

Executive Summary

The Minister for Planning requires an Environmental Effects Statement (EES) to be undertaken for the provision of an importing and degasifying liquid natural gas facility at Crib Point and the provision of a 56km gas pipeline from Crib Point to the mains pipeline north of Pakenham.

Consultation with the Technical Reference Group (TRG) was completed on 14 April 2020, and the Minister for Planning has assessed the adequacy of the EES against the scoping requirements. Formal exhibition commenced on 2 July 2020. Submissions are to be made to the Minister for Planning no later than 26 August 2020. Planning Panels Victoria (PPV) have

pre-set a tentative dates for a Directions Hearing on 17 September 2020, and the Enquiry and Advisory Committee Hearing to commence on 12 October 2020.

Officers have assessed the exhibited EES reports within the scope of officer expertise, as contained in the attached Issues Paper and made recommendations accordingly. The Issues Paper seeks to assist Council in forming a position on the proposal. The draft Submission consolidates officers' recommendations on the various matters identified in the Issues Paper. The draft Submission can be modified to reflect Council's position on the proposal. The Submission will then be submitted to the Minister for Planning.

Officers have retained the services of Maddocks Lawyers to provide advice, engage a Groundwater expert, and represent Council the Enquiry and Advisory Committee public hearings should it be required.

Background

On 8 October 2018 the Minister for Planning required AGL and APA to prepare an Environmental Effects Statement (EES) under the Environmental Effects Act 1978 to assess the potential environmental effects of the project.

The proponent (AGL and APA) is responsible for preparing the EES documents. The Department of Environment, Land, Water and Planning (DELWP) is responsible for managing the EES process. This EES process has the following steps:

Preparation of a draft study program and draft schedule by the proponent.	completed
Preparation and exhibition of draft scoping requirements by DELWP on behalf of the Minister with public comments received during the advertised exhibition period.	completed
Finalisation and issuing of scoping requirements by the Minister.	completed
Review of the proponent's EES studies and draft documentation by DELWP and a Technical Reference Group (TRG). The proponent held community consultation and information sessions prior and during this period.	Completed
Completion of the EES by the proponent.	completed
Review of the complete EES by DELWP to establish its adequacy for public exhibition.	Completed
Exhibition of the proponent's EES and invitation for public comment by DELWP on behalf of the Minister for 40 business days from 2 July to 26 August 2020.	Current step
Appointment of an inquiry by the Minister for Planning to review the EES and public submissions received (likely including a panel hearing) and provide a report to the Minister.	September - October
Following receipt of the inquiry report, the Minister provides an assessment of the project to inform decision-makers.	

Table 1: Steps in the EES process

Step 7 of the of the EES process, formal exhibition of the EES, began on 2 July 2020. Documents, including technical reports, relating to the following matters are currently on exhibition:

- Project rationale
- Project development
- Project description
- Key approvals and assessment framework
- Marine biodiversity

- Terrestrial and freshwater biodiversity
- Surface water
- Groundwater
- Contamination and acid sulphate soils
- Greenhouse gas emissions
- Climate change risk
- Sustainability
- Air quality
- Noise and vibration
- Landscape and visual
- Transport
- Safety, hazard and risk
- Land use
- Social
- Business
- Agriculture
- Aboriginal cultural heritage
- Historic heritage
- Environmental management framework
- Stakeholder engagement
- Pipeline Licence Application
- Works Approval Application (only relevant to Mornington Peninsula Shire)

The exhibition period will end on 26 August 2020 and this is the final day to make a submission.

PPV have tentatively pre-set dates for a Directions Hearing on 17 September 2020, and the Public Hearing to commence on 12 October 2020.

Policy Implications

The legislation that requires the preparation of the EES requires that it should assess the environmental effects of all components and stages of the project. The assessment should include:

- the likelihood of adverse effects and associated uncertainty of available predictions or estimates.
- the potential effects on individual environmental assets – magnitude, extent and duration of change in the values of each asset – having regard to intended avoidance and mitigation measures and (if different) both maximum operational capacity and intended operational rates.
- further management measures that are proposed where avoidance and mitigation measures do not adequately address effects on environmental assets, including specific details of how the measures address relevant policies.
- risk ratings of unintended but foreseeable events such as spills, leaks or other mishaps that could result from construction or operation of the project.
- the likely residual effects that are likely to occur after all proposed measures to avoid and mitigate environmental effects are implemented.
- potential cumulative impacts arising in conjunction with the impacts of other projects or actions that may affect the same environmental asset or assets.

The attached Issues Paper seeks to assist Council in forming a position on the proposal. It provides full discussions on the various assessments that have been carried out by officers.

Officers have assessed the exhibited EES reports within the scope of in-house expertise, and have made recommendations accordingly.

Relevance to Council Plan

- 2.2 Engaged communities
 - Provide a range of opportunities that encourage community participation in Council policy and strategy development.
 - Communicate the activities and decision of Council to the residents in a variety of ways
- 3.3 Enhanced natural environment
 - Protect and improve biodiversity by increasing the area of natural ecosystems across the Shire.
 - Manage agricultural land use by supporting farmers to utilise sustainable farming practices.
- 3.5 Balanced needs of development, the community and the environment.
 - Ensure the planning of rural (green wedge) areas protects and enhances important agricultural, environmental, natural resource, infrastructure and recreational values.
- 4.2 Our economy
 - Support our farmers and growing agricultural industry in adapting to the changing economy and climate.
 - Identify innovative ways to value-add to the region's primary production and transportation.
- 5.4 Appropriate funding and support from all levels of government
 - Work with both interface and regional Councils to strengthen advocacy campaigns to Australian and Victorian governments aimed at increasing awareness and support for joint issues.

Consultation/Communication

The proponent has consulted with every landowner whose property is proposed to be traversed by the pipeline to determine the alignment through their properties and to advise them of their compensation rights. The proponent mailed out over 30,000 letters to communities in the vicinity of the proposal and also held an information session for the public.

DELWP convened the Technical Reference Group (TRG) which Cardinia is a member of. During the TRG consultation period numerous technical reports were circulated by the proponent to the TRG for comments.

Officers have recently mailed letters to landowners directly affected by the proposed pipeline alignment inviting them to contact officers to inform us of any concerns they may have in relation to the pipe alignment through their properties.

DELWP has confirmed to Council officers that Enquiry and Advisory Committee Hearing will occur regardless of the COVID19 situation.

Financial and Resource Implications

- A Groundwater Impacts expert is being engaged to inform Council's submission, and Maddocks have been retained to provide advice, and to represent Council at the public hearing if needed. The costs of the EES process were not forecast in the Planning Strategy and Urban Design Team's budget.
- The proposed pipeline would cross or run parallel to unsealed roads which will be upgraded at some time in the future. Given the nature of the land in these areas, these road upgrades will include drainage installation. Excavations for road

construction and drainage installation around gas pipelines are highly regulated and may add to Council's costs in the future when these roads require to be upgraded.

- There is a concern that if in the future APA's easements are pushed into public ownership, maintenance such as lawn mowing, weed and rubbish clearing etc., will become the responsibility of Council.
- There will be financial implications for each affected landowner. The extent is not entirely clear.

Conclusion

Officers have assessed various EES reports within the scope of in-house expertise. Officer assessments and recommendations are discussed in detail in the attached Issues Paper.

Based on the findings of the Issues Paper it is recommended that Council does not support the exhibited Environmental Effects Statement for the Gas Import Jetty and High-pressure Gas Pipeline from Crib Point to Pakenham in its current form until the identified issues have been satisfactorily addressed, generally relating to:

- Inconsistency with The Renewable Energy (Investments and Jobs) Act 2017, the Climate Change Act 2017, the Victorian Reductions Emissions Targets, and incorrect and insufficient data relating to gas demands and sustainability of the proposal.
- Impacts on groundwater have not been satisfactorily addressed and may exceed acceptable levels.
- Inaccurate traffic impact data and the need for a traffic management strategy to be prepared based on accurate information.
- Refinement of the pipeline alignment to reduce impacts on the future viability of agricultural land in the Green Wedge Zone.
- Insufficient information relating to the ongoing impacts on all types of land holdings that fall within the 640 metre Measure length (ML) of the proposed pipeline.
- No direct consultation with owners and occupiers of land holdings that fall within the 640 metre Measurement Length (ML) of the proposed pipeline.

A separate Submission document has been prepared, which consolidates the recommendations made by officers in the Issues Paper, and it is recommended that Council makes a submission to DELWP generally in accordance with the Submission document.

Resolution

Moved Cr Graeme Moore, seconded Cr Michael Schilling.

That Council:

- Notes the *Issues Paper for Council: Exhibition of Environmental Effects Statement: Proposed AGL-APA Gas Import Jetty, Pipeline and Delivery Facility - Crib Point to Pakenham, 17 August 2020*, contained in Attachments 1 and 2.
- Does not support the exhibited Environmental Effects Statement in its current form.
- Endorses a submission to the Department of Environment, Water and Planning generally in accordance with Attachment 3 which details issues to be resolved, generally relating to:
 - Inconsistency with The Renewable Energy (Investments and Jobs) Act 2017, the Climate Change Act 2017, the Victorian Reductions Emissions Targets, and incorrect and insufficient data relating to gas demands and sustainability of the proposal.
 - Impacts on groundwater have not been satisfactorily addressed and may exceed acceptable levels.
 - Inaccurate traffic impact data and the need for a traffic management strategy to be prepared based on accurate information.
 - Refinement of the pipeline alignment to reduce impacts on the future viability of agricultural land in the Green Wedge Zone.
 - Insufficient information relating to the ongoing impacts on all types of land holdings that fall within the 640 metre Measurement Length of the proposed pipeline.
 - No direct consultation with owners and occupiers of land holdings that fall within the 640 metre Measurement Length of the proposed pipeline.

Carried

6.1.6 Garfield Township Development Plan (DP06)

File Reference: DP06
Responsible GM: Peter Benazic
Author: Emma Brennan

Recommendation(s)

That Council approve the Garfield Development Plan subject to the recommendations of this report.

Attachments

1. Development Plan Submission [6.1.6.1 - 95 pages]
2. Development Plan Map [6.1.6.2 - 1 page]

Executive Summary

APPLICATION NO.:	DP06
APPLICANT:	Nobelius Land Surveyors Pty Ltd ('Applicant')
LAND:	Land subject to Schedule 6 of the Development Plan Overlay as per Figure 1 ('Subject Site'; or the 'Site')
PROPOSAL:	Garfield Township Development Plan pursuant to DP06
PLANNING CONTROLS:	<ul style="list-style-type: none"> • General Residential Zone (Schedule 1) ('GRZ1') • Development Plan Overlay (Schedule 6 - Garfield Township) ('DP06') • Vegetation Protection Overlay (Schedule 1 - Low Density Residential) ('VPO1')
NOTIFICATION & OBJECTIONS:	Public consultation was undertaken by the applicant by way of 19 letters and two public consultation meetings on 3 and 4 March 2020. No submissions were received and one landowner attended the public consultation meeting with no objections.
KEY PLANNING CONSIDERATIONS:	Whether the proposal meets the requirement of Clause 2.0 of the Development Plan Overlay (Schedule 6)
RECOMMENDATION:	That Council approve the Garfield Township Development Plan pursuant to Development Plan Overlay (Schedule 6) in accordance with the approved documents. The Development Plan will provide the framework in which planning permits will be assessed.

Background

The following provides some background to the processes which have led to the preparation of this development plan:

Amendment C20

In March 2004, Amendment C20 was incorporated into the Cardinia Planning Scheme, which sought to rezone land within the Garfield township. The intent of this amendment was to allow the development of land for residential and low density residential purposes as to facilitate growth of the Garfield township, consistent with the Garfield Township Strategy (August 2002) ('Strategy'). It was envisaged to create a compact township which can be adequately services and provide access to existing community facilities, whilst ensuring development occurs in an integrated way.

As a result of this amendment, land previously zoned as Rural and Low Density Residential was rezoned as Residential 1 Zone (the now General Residential Zone – Schedule 1) and new Schedule 6 to the Development Plan Overlay was introduced.

The relevant external agencies were consulted on Amendment C20 (DELWP, VicRoads, South East Water, Melbourne Water, VicTrack Access and the relevant electricity, gas and telecommunications providers at the time), all of which provided support for the proposal.

Subject Site

The site comprises a 23.8ha area corresponding to the DPO6 mapped area as shown below in Figure 1.



FIGURE 1

The subject site sits within the Garfield township, which is located approximately 14 kilometres east of Pakenham and is defined as a 'large rural township' in the Scheme. The Garfield Township has direct access from the Princes Freeway to the north and Nar Nar Goon/Longwarry Road central to the town. The Gippsland Railway traverses in an east-west direction through Garfield, with a station also servicing the town. Garfield has been identified as a strategic location for residential development with the Cardinia Shire Council.

The majority of residential development within Garfield is located on the northern side of the railway line, while commercial and recreational areas are generally located to the south. Land to the north of the railway is undulating, while land to the south is relatively flat and prone to flooding.

The subject site comprises the land which falls within the DPO6 mapped area as per Figure 1 above*. The site is generally bound by the northern boundary of the three properties on Barker Road subject to the DPO6, Railway Avenue to the south, the Low Density Residential land to the west. The eastern boundary of the site is partially bound by Garfield Road, then stepping on lot back to the rear boundaries of properties along Garfield Road. The southern boundary of the development plan area is bound by Railway Avenue.

The DPO6 area makes up a significant portion of existing and future residential land. At present, the land is a mix of small and large lot residential development:

- Small lots (being less than 0.4ha) generally occurs on the corner of Barker Road and Garfield Road, as well as the area formerly known as 14 Barker Road. Small lots generally comprise well established gardens associated with a residence and variety of outbuildings. Native vegetation is generally absent on these lots, as are the adjoining roadside areas.
- Larger lots vary between 0.4ha and 3.6ha, having a variety of uses including grazing. Any native vegetation is generally retained on the larger lots. Native roadside vegetation is generally confined to Barker Road and Railway Avenue.

*It is noted that additional DPO6 mapped land is located approximately 1km west of the land being considered under this development plan application, which has been developed separately to this proposal.

Relevance to Council Plan

Nil.

Proposal

On behalf of Premier Builders Group, Nobelius Land Surveyors have prepared the Garfield Township Development Plan, as per Figure 2 below and Attachments 1 - 3. The purpose of this Development Plan is to set out the high-level parameters which guide future planning applications and approvals for the four areas.

It is proposed to divide the Development Plan into four (4) areas as follows:

Area 1 of the Development Plan is the central lot to the north of Barker Road, formerly known as 14 Barker Road. A site-specific development plan has been previously approved for this area under application T140745-1 (known as Oreti Development Plan), with a simultaneous subdivision application. This area was assessed and considered consistent with the requirements of the Planning Scheme and the Garfield Township Strategy. Area 1 was subsequently subdivided in its current configuration in 2016. This area will continue to be identified on the Development Plan as 'Large Lot Residential' in accordance with the strategy.

Areas 2, 3 and 4 of the Development comprise the balance of the land which are not subject to any prior approval. A Development Plan prepared for the overall DPO6 mapped area prior to any further planning permissions being granted. Nobelius Land Surveyors have engaged a range of specialist technical consultancies to provide inform the outcome of this Development Plan. As such, the site's features, opportunities and constraints have been identified, providing a high-level configuration for the area which will ultimately support the future subdivision, vegetation impacts and infrastructure.

Any planning permits granted for the use and development of land mapped in the DPO6 must be generally in accordance with this Development Plan. The approved Development Plan may be amended with the prior written consent of the Responsible Authority.

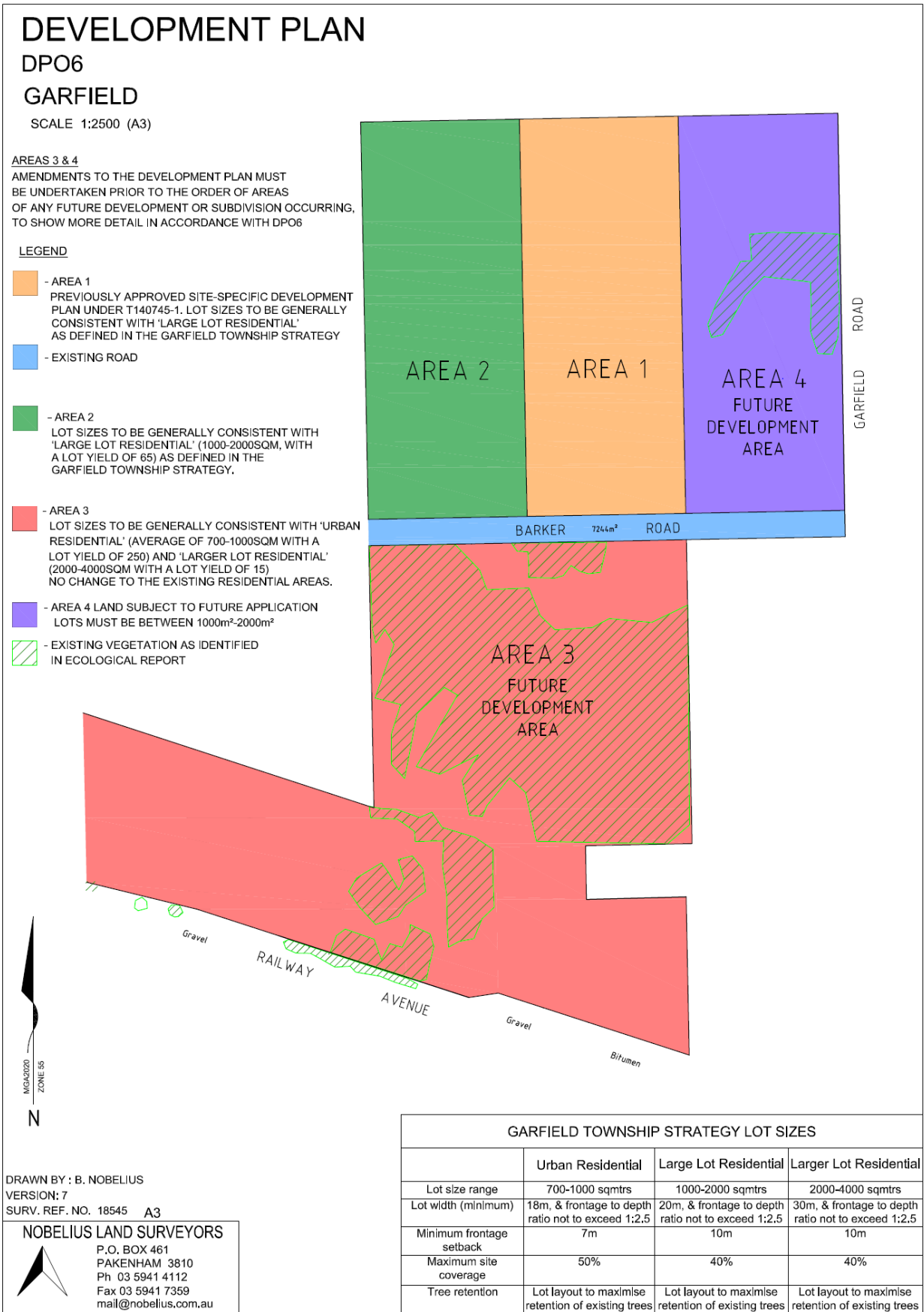


FIGURE 2

Planning Scheme Provisions

The following planning controls apply to the site:

- General Residential Zone (Schedule 1)
- Development Plan Overlay (Schedule 6 – Garfield Township)
- Vegetation Protection Overlay (Schedule 1 – Low Density Residential) (partial)

Public Notification

Public consultation was undertaken by the applicant in March 2020. It is noted that the Development Plan Overlay does not direct for notice to be given. Consultation was undertaken by way of:

- 19 letters to landowner and occupiers located within the DPO6 area.
- Two public consultation sessions were held over 3 and 4 March 2020.

No submissions were received regarding the proposed Development Plan. One landowner (of 405 Railway Avenue) attended the public consultation session and had queries answered and did not have any further concerns as a result.

The owner of 94 Railway Avenue contacted Council with respect to the timing of approval for this Development Plan. It was advised that as it has not yet approved, any planning permit application for subdivision cannot be approved until a Development Plan is in place and it has been demonstrated that the proposal is generally in accordance with the Development Plan. This includes the preparation of the relevant technical reports.

Referrals

Internal Referrals

The application was referred to the relevant internal departments:

- **Strategic:** The applicant responded to extensive feedback provided by strategic planning, with a majority of concerns being addressed. See discussion below in 'Assessment'.
- **Environment:** supported with any future planning application to be referred.
- **Parks & Gardens:** supported with any future planning application to be referred.
- **Engineering:** supported with any future planning application to be referred.
- **Health:** connections available for reticulated sewerage. Supported.

External Referrals

The proposal was referred to the following external authorities:

Department of Environment, Water, Land and Planning (DELWP)	Supported subject to future planning applications being referred.
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Additionally, it is noted that at the time of Amendment C20, the relevant external agencies were consulted (DELWP, VicRoads, South East Water, Melbourne Water, VicTrack Access and the relevant electricity, gas and telecommunications providers at the time), all of which provided no objections.

Discussion

Clause 43.04-4 requires a development plan to describe the land to which the plan applies, the proposed use and development of each part of the land and any requirements specified for the plan in a schedule to this overlay.

The following provides an assessment of the proposed Garfield Township Development Plan against the application requirements as set out at sub-clause 2.0 of the Development Plan Overlay (Schedule 6), being the document under which any Development Plan is approved.

The subdivision layout of the land

As previously discussed, **Area 1** of the Development Plan was subject to a site-specific development plan and subsequently subdivided in its current configuration in 2016.

It is noted that the **Area 2** is within single ownership, known as 24 Barker Road. This landowner has initiated the preparation of this Development Plan and prepared the required technical reports for Areas 2, 3 and 4. The landowner intends to proceed with a subdivision application of Area 2, should an approval be granted for this Development Plan.

Areas 3 and 4 are in multiple ownerships and given the complexity in achieving a coordinated approach, as well as the circumstances surrounding previous approvals, the applicant has been advised to prepare desktop assessments for the entire Development Plan area, with detailed specialist reports provided for Area 2 only. Any future planning permissions which propose changes to the subdivision layout for Areas 3 and 4 as shown below will require these multiple landowners to coordinate and amend this Development Plan relevant technical reports



accordingly.

FIGURE 3

The staging of the development

The applicant has worked closely with Council officers to determine the appropriate approach to staging for this Development Plan. Council officers advised that their preference is for flexibility to be built into the staging, given the multiple landowners involved (particularly in Areas 3 and 4). Rather than identifying 'Stages', which would dictate future sequencing unless otherwise amended, it was resolved to break down the Development Plan into 'Areas'. This approach allows the multiple landowners to be divided into smaller areas and therefore resulting in a more practical coordinated approach when preparing future technical reports.

The landowner intends to proceed with a subdivision application of Area 2, should an approval be granted for this Development Plan. As this area is the most likely to progress following any approval, this has been labelled as the second area.

Area 3 has been identified as land south of Barker Road. At present, the land is a mix of small and large lot residential lots in multiple ownerships.

Area 4 is located immediately east of Area 1, bound by Garfield Road to the east and Barker Road to the south. At present, the land is a mix of small and large lot residential lots in multiple ownerships.

The relationship of the land to existing or proposed development on adjoining land to achieve the integrated subdivision of land in the area; and***Infrastructure required to service the development of the land and arrangements for the provision of the infrastructure includes access to the development from a sealed road, and provisions for pedestrian linkages.***

Area 1 has been previously developed as part of the 'Oreti Court Development Plan', with an internal court bowl connecting to Barker Road. An easement has been provided along the southern boundary to provide drainage and sewerage services, located outside the road reserve. No pedestrian linkages have been provided. It was a requirement of permit issued for the subdivision of this area to enter into agreements with relevant telecommunications, electricity, gas and water providers.

Land to the north of the Areas 1 and 2 is undeveloped and is subject of a rezoning request and a Section 96A planning application proposing to subdivide the land into low density lots of 2,000 square metres. Undeveloped land to the west is, in part, able to be subdivided into low density lots of 4,000 square metres.

A road connection from Area 2 through to Barker Road will provide a future connection to the undeveloped land north. Provisions for Area 2 to connect to services including telecommunications, electricity, gas and water are available. Upgrades and provisions of footpaths are identified in the Strategy along Garfield Road, just north of Barker Road. Given this Strategy was incorporated in 2002, these footpaths have since been constructed as to provide for additional linkages within the township. Footpaths were not provided as part of the Area 1 development, despite the Strategy identifying Barker Road as a pedestrian linkage. Given the permit has been previously issued for this, the landowner has no obligation to provide for this.

Area 3 adjoins Barker Road to the north and Railway Avenue to the south. This area has moderate coverage of native vegetation, which is reflected by the Vegetation Protection Overlay (Schedule 1), providing for habitat for Southern Brown Bandicoot and other local fauna. Any future subdivisions within Area 3 will require landowners to coordinate the relevant technical

reports to inform how flora and fauna will be preserved in conjunction with any subdivision or development. At this time, details of future road and pedestrian connections will be explored.

Area 4 adjoins Barker Road to the South and Garfield Road to the east. The future internal road layouts and interconnections of Area 3 and 4 are subject to future amendment/s to the development plan, requiring landowners to coordinate and amend this Development Plan relevant technical reports as required.

It is considered that due to the proximity of the above-mentioned amenities and infrastructure is considered appropriate for encouraging the future urban renewal of the land to accommodate complementary residential land use and development.

Overall, it is considered the proposed Development Plan will enable an integrated approach of future subdivisions, given the availability and proximity of existing amenities and infrastructure. This is further supported from a strategic standpoint, with the Strategy (2002) identifying that existing services are able to meet the demands of any growth generated by the Development Plan, provided it is generally in accordance with the lot sizes set out in the Strategy. To support this, the proposed Development Plan sets out preferred lot sizes and yield across the DPO6 area, as to facilitate future development of the land in a manner which that respects the pattern of surrounding development whilst also suitably managing population growth. An assessment of the proposal against preferred lot sizes is below.

A range of lot sizes and lot development criteria consistent with the Garfield Township Strategy (August 2002).

One of the key principles of the Garfield Township Strategy is to ensure the long-term sustainability of Garfield by designating residential growth boundaries to ensure that the area retains its 'rural township' character and its distinct identity from neighbouring railway townships. It is also recognised that Garfield has an interdependence of facilities located within neighbouring Bunyip and Pakenham. The future development of the Garfield Township is shown in the strategic framework plan below, with the DPO6 area highlighted in pink:

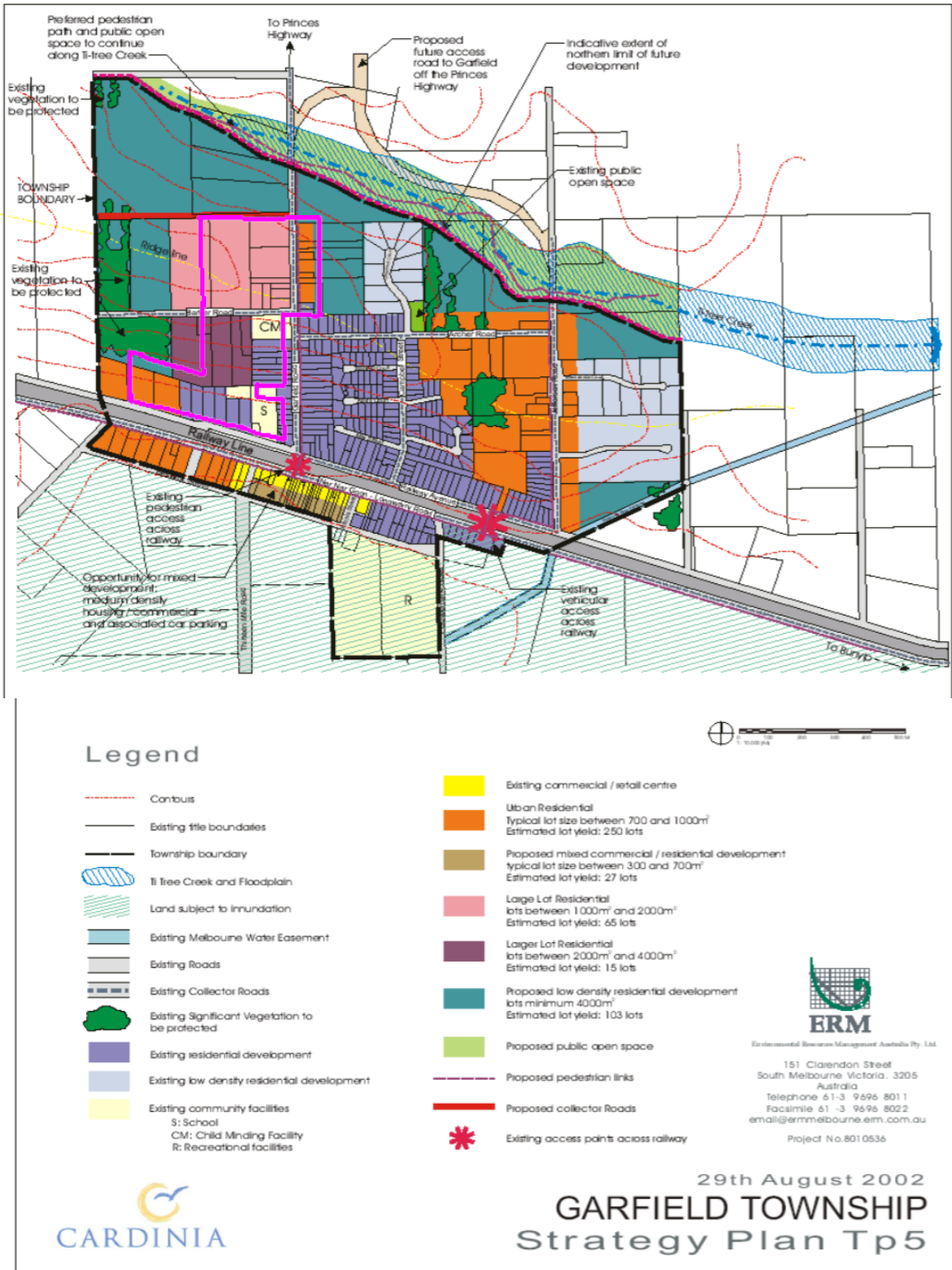


FIGURE 4

The Strategy identifies the preferred future pattern of residential lot sizes, based upon the principles of environmental, economic and social sustainability. Land has been designated for future residential development as identified in the following design guidelines table (Figure 2 from the Strategy):

	Urban Residential	Large Lot Residential	Larger Lot Residential
Lot size range	700-1000sqm	1000-2000sqm	2000-4000sqm
Lot width (minimum)	18m & frontage to depth ratio not to exceed 1:2.5	20m & frontage to depth ratio not to exceed 1:2.5	30m & frontage to depth ratio not to exceed 1:2.5
Minimum frontage setback	7 metres	10 metres	10 metres
Maximum site coverage	50%	40%	40%
Tree retention	Lot layout to maximise retention of existing trees	Lot layout to maximise retention of existing trees	Lot layout to maximise retention of existing trees

This Development Plan sets out four areas (Areas 1 – 4) which provide the following residential lot sizes:

Area 1

This area is in single ownership with a site-specific development plan (Oreti Court Development Plan) and subsequent subdivision being approved T140745-1. Lots are accessed via an internal court bowl off Barker Road, running in a north-south direction. A summary of the lot size range for Area 1 is below:

Lot	Size (square metres)	Lot width	Front setback (m)
1	740	20	7 metres
2	676	17	7 metres
3	536	11.80	7 metres
4-6	1026	19	7 metres
7-9	1215	22.5	7 metres
10	1173	22.50	7 metres
11	1101	22.50	7 metres
12	5982	22.08	7 metres
13	6472	22.5	7 metres
14	937	16.7	7 metres
15-17	1014	20	7 metres
18 - 21	913	18	7 metres
22	578	17	7 metres
23	676	17	7 metres

24	618	16.7	7 metres
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Area 1 contains a total of 24 lots. Lot sizes range from 536 square metres to 6474 square metres. Eleven of the 24 lots are less than 1000 square metres, eleven lots are between 1000 – 2000 square metres, and two lots are greater than 2,000 square metres. Area 1 averages a lot size of 985.7 square metres. Whilst average lot size is less than the preferred 1000-2000sqm as set out in the Strategy, planning application T140745 which approved this development cited it is satisfactory given the date of this policy (2002) and the vision and objectives of the Strategy are still relevant, as the proposal continues to ensure long term sustainability of the township.

Area 2

The Garfield Township Strategy identifies the land located within Area 2 of the Development Plan to provide for subdivision which provides for an average lot size of 1,000 – 2,000 square metres, being 'Large Lot Residential' lots.

It is noted that a concurrent planning permit application is being considered for Area 2, which proposes a 33 lot subdivision with varying lot sizes. Proposed access will be via a north/south road accessed via Barker Road. A summary of the proposed lot size range for Area 2 is below:

Lot	Size (square metres)	Lot width	Front setback
1	648	18	7 metres
2	655	16	7 metres
3	590	17	7 metres
4	896	17	10 metres
5 -7	949	18	10 metres
8, 9, 10, 11	1001	19	10 metres
12	1000	18.98	10 metres
13, 14	949	18	10 metres
15, 16	1001	19.25	10 metres
17	1009	19.50	10 metres
18, 19	1014	19.50	10 metres
20	1001	19.25	10 metres
21	1001	19.25	10 metres
22, 23	884	17	10 metres
24	910	17.25	10 metres
25, 26	936	18	10 metres

27	983	16	10 metres
28, 29	1054	20	10 metres
30	1055	20.05	10 metres
31	952	18.28	10 metres
32	962	18.50	10 metres
33	1001	19.25	10 metres

The lot sizes vary from 590 square metres up to 1,055 square metres. Three of the 33 lots range between 590 – 655 square metres. Fourteen lots vary between 884 – 983 square metres. Sixteen lots are between 1,000 – 2,000 square metres resulting in an average lot size of 945 square metres. The planning permit application number for this proposal is T180314 and the justification for reduced lot sizes will be assessed upon its merits.

This Development Plan will require Area 2 to be generally consistent with 'Large Lot Residential' and consistent with the vision and objectives of the Garfield Township Strategy.

Area 3

The Garfield Township Strategy identifies the land located within Area 3 of the Development Plan to provide for subdivision into varying average lot sizes:

- 'Urban Residential' with an average lot size of 700 – 1000 square metres.
- 'Larger Lot Residential' with an average lot size of 2,000 – 4,000 square metres.
- And existing residential lots.

The proposed Development Plan identifies Area 3 as being consistent with these average lot size requirements.

Area 4

The Garfield Township Strategy identifies the land located within Area 4 of the Development Plan to provide for subdivision which provides for an average lot size of 1,000 – 2,000 square metres, being 'Large Lot Residential' lots. The proposed Development Plan identifies Area 4 as being consistent with these average lot size requirements.

The identification of any remnant vegetation on the land and adjoining road reserve, and measures to provide for the protection and conservation of the vegetation; and

The identification of any noxious and environmental weeds on the land and adjoining road reserve and measure to control the weeds; and

The identification of areas for revegetation with indigenous species as part of the subdivision of the land.

Area 1

Area 1 has been subject to prior development, with remnant vegetation considerations dealt with under the Oreti Development Plan.

Area 2

Area 2 is characterised by a garden dominated with planted native trees, exotic trees and shrubs. It includes some indigenous large trees some of which are dead. A plantation of Monterey Pine has been established along the eastern and northern boundary of Area 2. The understorey of the plantation is dominated by weeds.

Area 2 proposes to retain most trees on the road reserve in addition to those being retained within the subdivision. However, there is some loss of native vegetation within Area 2 which is unavoidable to achieve the road layout and connections required for appropriate and safe vehicle access, as well as service provision such as drainage and sewer connections. The loss of any native vegetation must be offset as a condition of any permit issued pursuant to the requirements of Clause 52.17 Native Vegetation.

An Ecological Features and Constraints report has been prepared by Paul Kelly & Associates (Attachment 2). This report provides an assessment of the vegetation quality, record and maps the location of any significant species. Vegetation on site has also been classified and mapped in accordance with DELWP (2017), i.e. scattered trees or patches of native vegetation. In addition, the objective of the report for Area 2 was to determine the native vegetation offsets required for the subdivision of the site.

No flora and fauna of conservation significance was recorded on the site or the adjoining roadsides. The vegetation quality and Southern Brown Bandicoot (SBB) habitat on the subject site and adjoining roadside is low due to historic and current land use. The conservation significance of the roadside will be improved by providing the proposed native vegetation and SBB reserve adjoining the roadside.

The report concluded that the impact of development of the site and biodiversity is not considered to be significant.

Areas 3 and 4

With respect to Areas 3 and 4, an Ecology Response report prepared by Paul Kelly & Associates, (Attachment 3). The purpose of the report was to prepare a desktop ecological response to Stages 3 and 4 of the Garfield Township – Development Plan Overlay.

The report concludes that biodiversity values within Areas 3 and 4 have been significantly modified by historic and current legitimate land uses, primarily historic clearing of native vegetation, urban development, grazing, weed invasion and pest animals. The retained yet modified biodiversity values include the presence of linear but fragmented road reserves, large tree overstorey and remnant patches of Swamp Scrub on both private land and within the road reservation.

Revegetation with indigenous vegetation should be encouraged particularly on roadsides of Barker Road and Railway Avenue. These roadsides may become important linear connecting habitat for SBB and nomadic birds and bats.

Further work will be required for any future areas within this Development Plan which seek to further subdivide or develop the areas. Any future planning applications will be required to consider the current guidelines for the removal of native vegetation as to slow the rate of removal of habitat.

Conclusion

Having assessed the submitted documentation against the application requirements of Clause 2.0 of the Development Plan Overlay (Schedule 6), it is recommended that the Garfield

Township Development Plan be approved and the Garfield Township Development Plan prepared by Nobelius Land Surveyors dated August 2020 be endorsed.

Resolution

Moved Cr Jodie Owen, seconded Cr Michael Schilling.

That Council approve the Garfield Development Plan subject to the recommendations of this report.

Carried

6.1.7 Use and Development of the Land for a Dwelling and Building Associated with Agriculture at 130 Murphy Lane, Bunyip

File Reference: 4609300200TP/1
Responsible GM: Peter Benazic
Author: Mary Rush

Recommendation(s)

That Council issue a refusal to Grant Planning Permit T200080 for Use and development of the land for a dwelling and building associated with agriculture at 130 Murphy Lane, Bunyip VIC 3815 on the following grounds:

- The proposal is contrary to the strategic directions of Clauses 14.01-1S-Protection of agricultural land; 21.04-2-Agriculture and 22.05-Western Port Green Wedge Policy
- The proposal is inconsistent with relevant purposes and decision guidelines of the Green Wedge Zone-Schedule 1
- The proposal is inconsistent with relevant purposes and decision guidelines of the Restructure Overlay-Schedule 1
- The proposal is inconsistent with the relevant provisions of Clause 51.02 of Metropolitan Green Wedge Land: Core Planning Provisions

Attachments

1. Development Plans [6.1.7.1 - 7 pages]

Executive Summary

APPLICATION NO.:	T200080
APPLICANT:	Mr Marcus Boulter
LAND:	130 Murphy Lane, Bunyip VIC 3815
PROPOSAL:	Use and development of the land for a dwelling and building associated with agriculture
PLANNING CONTROLS:	Green Wedge Zone Schedule 1 Land Subject to Inundation Overlay
NOTIFICATION & OBJECTIONS:	Notices to adjoining land owners
KEY PLANNING CONSIDERATIONS:	Appropriateness of land use Protection of agricultural land
RECOMMENDATION:	Refusal

Background

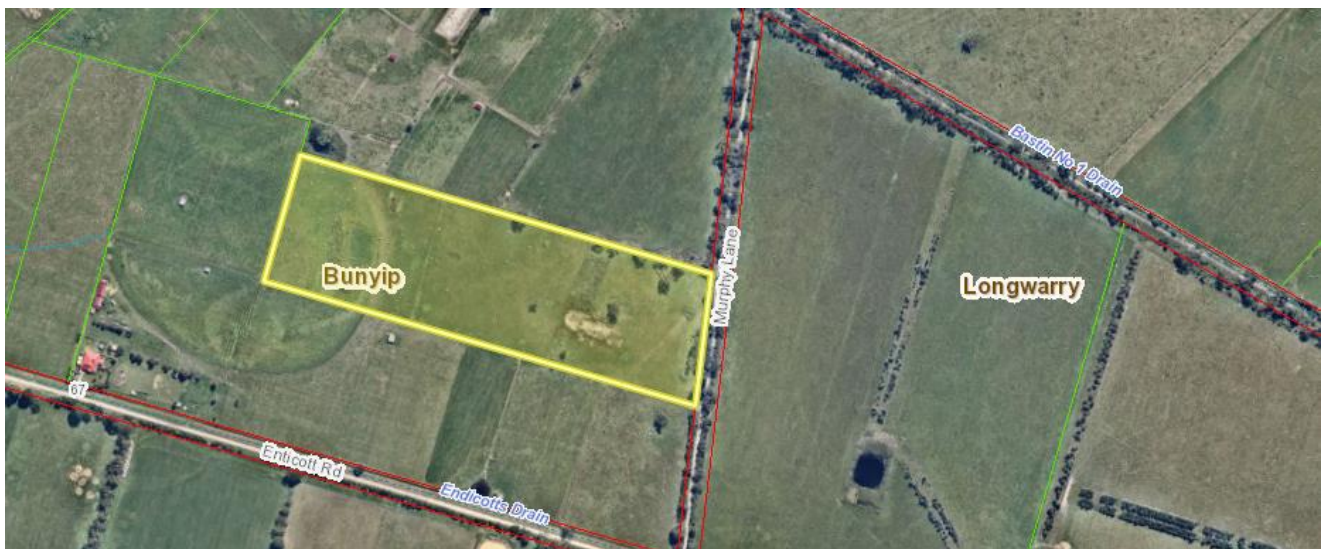
There is no planning permit history for this site.

Prior to the sale of the property to the current owner in May, 2017, Council provided written advice in March 2017 to a planning consultant advising that as the property was the whole of a tenement in April, 1975, that a permit could be applied for. The advice further concluded however:

“please be advised that a planning permit can be applied for and will be assessed against the provision and requirements of the Cardinia Planning Scheme. Please be reminded that although a planning permit can be applied for there is no certainty that the application will be supported.”

Subject Site

The site is located on the west side of Murphy Road.



A crossover is located toward the southern boundary and there are no easements.

The site currently vacant and has scattered remnant vegetation.

The topography of the land is flat.

The main characteristics of the surrounding area are:

- *North-large cleared rural lot used for grazing*
- *South large cleared rural lot used for grazing*
- *East-Across Murphy Land are large cleared rural lots used for grazing*
- *West- large cleared rural lot used for grazing*

Relevance to Council Plan

Nil.

Proposal

An application has been received for the use and development of the land for a dwelling and building associated with agriculture.

The proposed dwelling measures 34 metres by 11 metres and has a gable 'Colourbond' roof with a maximum height of 6.7 metres. The dwelling is to be clad in weatherboard.

The proposed dwelling includes four bedrooms, kitchen, living, family/meals area and the usual amenities. The dwelling includes an attached double garage and alfresco outdoor area.

The proposed dwelling is to be located 26 metres from the front boundary, 40 metres from the northern boundary and greater distances from all other boundaries. The dwelling would be accessed from a new crossover located along the front boundary.

The proposed building associated with agriculture measures 36 metres by 18 metres and has a wall height of 5.1 metres and a gable roof with a maximum height of 6.7 metres. The proposed building is to be located

36 metres from the front boundary, 5 metres from the southern boundary and greater distances from all other boundaries.

The applicant has submitted a plan showing that the land is to be divided into 4 four paddocks, 3 to be used for cattle grazing and one paddock of 3000 square metres for domestic use.

Planning Scheme Provisions

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- 13.03-1S Floodplain management
- 14.01-1S Protection of agricultural land
- 14.01-1R Protection of agricultural land – Metropolitan Melbourne
- 16.01-5S Rural residential development

Municipal Planning Strategy (MPS)

The relevant clauses of the MPS are:

- 21.01-3 Key issues
- 21.03-4 Rural residential and rural living development
- 21.04-2 Agriculture
- 22.05 Western Port Green Wedge Policy
- 21.06-3 Subdivision restructure

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

Zone

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

Overlays

The land is subject to the following overlays:

- Land Subject to Inundation Overlay
- Restructure Overlay 51

Planning Permit Triggers

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

- Pursuant to Clause 35.04-2 (Green Wedge Zone – Schedule 1), a planning permit is required to use the land for a dwelling.
- Pursuant to Clause 35.04-5 (Green Wedge Zone – Schedule 1), a planning permit is required to construct a building or construct or carry out works.
- Pursuant to Clause 44.04-2 (Land Subject to Inundation Overlay), a planning permit is required to construct a building or to construct or carry out works.
- Pursuant to Clause 45.05-2-Dwellings and other buildings, a planning permit is required to construct or extend a dwelling or other building.

Public Notification

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

- Sending notices to the owners and occupiers of adjoining land.

Council has received no objections to date.

Referrals

Melbourne Water

The Application was referred to Melbourne Water as a statutory referral. Melbourne Water had no objection to the proposal subject to conditions.

Discussion

Clause 35.04 (Green Wedge Zone – Schedule 1)

The site is within the Green Wedge Zone – Schedule 1. The zone applies to large areas of the Koo Wee Rup Flood Protection District which contains soil recognised as being of high quality, making it agricultural land of state significance.

This highly productive agricultural and horticultural area plays a vital role in providing food for Victoria's population and food security. As such, the purposes of the Green Wedge Zone – Schedule 1 are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide 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.

- To encourage use and development that is consistent with sustainable land management practices.
- To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.
- To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes. To protect and enhance the biodiversity of the area

The following decision guidelines of the Green Wedge Zone – Schedule 1 have been considered as relevant:

- The maintenance of agricultural production and the impact on the rural economy.
- The environmental capacity of the site to sustain the rural enterprise.
- The need to prepare an integrated land management plan.
- The impact on the existing and proposed rural infrastructure.
- 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.
- The protection and retention of land for future sustainable agricultural activities.

The proposal is inconsistent with the relevant purposes and decision guidelines of the Green Wedge Zone – Schedule 1 as follows:

- **To implement the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF)**

The relevant clauses to consider are:

- Clause 14.01-1S-Protection of agricultural land; and
- 21.04-2-Agriculture
- 22.05-Western Port Green Wedge Policy

The above Clauses require that agricultural land be protected to ensure food production into the future.

The land has previously been used for grazing. The current applicant has indicated his intent to continue to graze cattle on the land and has submitted a farm management plans showing paddock layout and a domestic are for the dwelling of 0.3 Ha.

There is however, no practical way of ensuring that the applicant will either commence or continue to use the land for cattle grazing or any other type of agricultural activity, once the permit has been issued and the dwelling has been constructed.

It is considered that the refusal of a dwelling will likely result in the land being used for its base value ie agriculture. If no dwelling is possible, it is likely that the land value will drop and enable existing farmers to increase their landholdings. This would assist with the maintenance of agricultural production in the future with a positive impact on the rural economy.

On the contrary, supporting a dwelling on the land will reduce the productivity of the land given that 0.3 ha is proposed for domestic area and the likelihood that the remainder of the land will not farmed to its maximum productivity.

The land is identified as being part of the Western Port Green Wedge area and subject to a specific policy aimed to protect agricultural land to ensure food production into the future.

Given the above, It is considered that the proposal is in direct conflict with the aims of the policy and inconsistent with the directions of the MPS and PPF.

- **To provide 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 same reasons that are provided above are also relevant here. The proposal will immediately remove 0.3 ha from agricultural production and there is no need for a dwelling to be constructed on the land to supervise grazing animals.

In an analogous proposal described by *Troy Spencer Town Planning Services v Wangaratta Rural CC* [2013] VCAT 314 (18 March 2013), VCAT upheld Councils' refusal for dwelling on the grounds that, *inter alia*, the dwelling was not 'reasonably required for the operation of the agricultural activity conducted on the land'.

In the decision, Member Wilson concluded that whilst the 2 hectare site was small, it was still capable of being used for agriculture in conjunction with the adjoining farm. The addition of a new dwelling would instead result in the permanent loss of agricultural land

The Tribunal has reached a similar conclusion in many other refusals of permits for dwellings in agricultural zones lacking a nexus between the dwelling and any rural activity being conducted on the subject site itself. *See, e.g., Noonan v Mount Alexander SC* [2017] VCAT 412 (22 March 2017), *Milan v Macedon Ranges SC* [2014] VCAT 717 (16 June 2014), *Mischkulnig v Moyne SC* [2013] VCAT 2110 (17 December 2013), *Zobec v Campaspe SC* [2013] VCAT 1830 (29 October 2013), *Andrews v Hepburn SC & Anor* [2013] VCAT 408 (5 April 2013), *Strachan v LaTrobe CC* [2012] VCAT 414 (12 April 2012), *Panter & Ors v Mt Alexander SC* [2012] VCAT 248 (6 March 2012), *Rehn v Mitchell SC* [2011] VCAT 229 (18 February 2011), *Nicholas v South Gippsland SC* [2009] VCAT 1470 (30 July 2009), *Stone v Colac Otway SC* [2009] VCAT 2251 (23 October 2009), *Gippsland Coastal Board v South Gippsland SC & Ors (No 2)* (Red Dot) [2008] VCAT 1545 (29 July 2008), *Awty v Greater Bendigo CC* [2008] VCAT 14 (16 January 2008), *Pratt v Greater Geelong CC* [2006] VCAT 2654 (20 December 2006).

- **To encourage use and development that is consistent with sustainable land management practices.**

Supporting a dwelling on the subject site can lead to direct conflict with other existing agricultural practices. The proposal for a dwelling is likely to increase the potential for conflict between residents and normal farming practices that are related to the conduct of agricultural activities.

In *Lehmann v Indigo SC* [2009] VCAT 470 (24 March 2009), Member O'Leary succinctly described the conflict between rural residential living and adjacent farming uses:

"The usual illustration of a farm conflict is householders introducing domestic pets which can then escape and threaten livestock or where a farmer may use noisy machinery, or spray or run live stock in close proximity to a dwelling or plough a paddock and cause dust and disturbance to the occupants of the dwelling. Other conflict arises when a landowner may sell off small farming lots for a house or rural residential lot at residential land prices. This exercise artificially inflates the value of the land and places pressure on other farm holdings to follow. It also undermines the opportunity for a nearby farmer to purchase farming land and expand existing farm holdings at farm values."

- **The maintenance of agricultural production and the impact on the rural economy.**

As identified above, the proposal has an immediate impact on the agricultural productivity of the land with a domestic area associated with the dwelling being removed from production. There is also no effective method of ensuring that the land will continue to be used for agriculture and there is a great risk that it will not be used for its maximum agricultural potential. Farmers are aware and understand appropriate management practices as they have a direct

link to productivity. Hobby farmers are unlikely to outlay significant financial investment into pasture management and improvement practices as they are costly. The current applicant is unlikely to rely on the income from the land, being employed full time in another occupation and would therefore lack the time and financial incentive to improve productivity.

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

As previously discussed, supporting a dwelling on the land will immediately reduce the productivity of the land in the short term given that 0.3 ha is proposed for domestic area with the likelihood that the remainder of the land will not be farmed to its maximum productivity. Once the dwelling has been constructed there is no practical way of ensuring that the land will be used or available for future sustainable agricultural activities.

Restructure Overlay-Schedule 51 (R051)

Clause 45.05-2 of the Restructure Overlay-Schedule 51(R052) requires that a planning permit be obtained to construct a dwelling.

In particular it states:

- A permit must be in accordance with a restructure plan for the land listed in a schedule to this overlay. This does not apply if:
- No restructure plan is listed in the schedule and the permit is required to extend an existing dwelling or other building.
- The land is a lot for which a permit has been granted under Clause 45.05-1

The land within the restructure overlay is shown on separate tenement maps which are effectively the restructure plan for this Schedule.

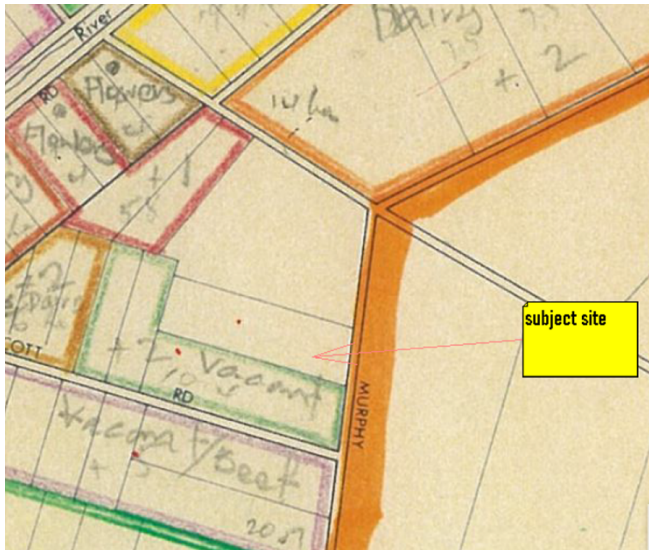
The purposes of the Restructure Overlay are:

- Purpose To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify old and inappropriate subdivisions which are to be restructured.
- To preserve and enhance the amenity of the area and reduce the environmental impacts of dwellings and other development.

The Decision guidelines of the Restructure Overlay require consideration of:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The objectives of the restructure plan for the area.
- Appropriate measures to cope with any environmental hazard or constraint affecting the land, including slope, drainage, salinity and erosion.
- The protection and enhancement of the natural environment and the character of the area including the retention of vegetation and fauna habitats and the need to revegetate along waterways, gullies, ridge lines and property boundaries.
- The availability of utility services, including sewerage, water, drainage, electricity, gas and telecommunications. The relationship of the intended use and development to the existing or likely use and development of adjoining and nearby land.
- The effect on surrounding uses, especially agricultural uses and nearby public land.
- The design of buildings.

The tenement map for the subject lot is shown below:



Whilst the lot is not outlined by a highlight colour, the lot has been determined to constitute a separate tenement at the time the restructure plan was created in April, 1975. That is, the lot existed as the same title at that date.

As Council is able to consider an application for a dwelling, it must now consider whether or not this proposal is consistent with the purpose of the Overlay.

The purposes of R051 are to:

- a) Limit the construction of dwellings on properties to ensure the long term viability of the land; and
- b) Protect the high quality agricultural soils and recognise that the area is subject to regular flooding.

It is considered that supporting a dwelling on the subject site is not consistent with the purpose of Overlay to limit dwellings and ensure the long term (agricultural) viability of the land. As discussed elsewhere in this report, approving a dwelling has the immediate result of the loss of agricultural land for the domestic area associated with the dwelling ie 0.3 ha. Furthermore, there is no way to ensure that the land will continue to be used for agriculture and ensure that it is utilised to its best and highest use given that the occupants main source of employment is offsite.

Approving a dwelling would reinforce the expectation of a dwelling on other sites within the restructure area. This would result in landowners advertising properties at higher prices which is normally reflective of its ability to achieve a dwelling and purchasers also having this expectation. This places additional pressure on Council to defend the planning scheme.

Refusing dwellings will protect the long term viability of the land to be owned and used for agriculture for several reasons. Firstly, the land will not be locked away for unproductive hobby farm uses which cannot be controlled. Secondly, the property prices will drop if the hobby farmers realise that they are unlikely to achieve a dwelling, which means they are more affordable for someone to own and farm without the need to live on the property or consolidate with their existing landholdings.

Refusing dwellings will also support the purpose of R051 by preventing non-agricultural pursuits which are likely to result in the long term degradation of soils. Farmers know and understand the importance of pasture maintenance involving weed suppression, fertilising and regenerating pasture to achieve the highest productivity. Hobby farmers do not generally

understand these requirements and overgraze and deplete soils to the point where erosion can result in significant loss of soils. This is increasingly important with climate change and increasing likelihood of droughts and dust storms where valuable soils can be lost.

The need to limit the number of dwellings has previously been supported by Council's refusal of a similar case to this application.

In *Regan v Cardinia SC* [2005] VCAT 804 (3 May 2005), VCAT upheld Council's refusal of a dwelling on lot which formed the whole of a tenement in April 1975.

Member Margaret Baird stated:

"I am not satisfied that a dwelling ... would assist the long term viability of the land, as is sought by the Restructure Overlay. The Overlay states that "*development of housing on lots at the density of the original subdivision will compromise the long term agricultural productivity of the land and would substantially alter the character of the area*".

Member Baird further went on to state:

"the land could be sold and used for rural residential purposes and that is completely at odds with the directions pursued by the Scheme for this area. There are no safeguards against that. Instead the potential outcome would be to add to a proliferation of dwellings that the Overlay is in place to avoid."

Given the above discussion and precedent, it is considered that the proposal is inconsistent with the purposes of R051 to limit dwellings and the need protect the agricultural areas from degradation and should be refused.

Other relevant considerations

Clause 13.03-1S (Floodplain management)

The objective of Clause 13.03-1S is to assist the protection of (1) life, property and community infrastructure from flood hazard, (2) the natural flood carrying capacity of rivers, streams and floodways, (3) the flood storage function of floodplains and waterways, and (4) floodplain areas of environmental significance or of importance to river health. A key strategy is to avoid intensifying the impact of flooding through inappropriately located use and development.

The property is located within the Koo Wee Rup Flood Protection District and is subject to flooding. In accordance with the Land Subject to Inundation Overlay, the susceptibility of the development to flooding and flood damage has been considered. With adequate construction measures implemented, the proposed development can appropriately address these concerns.

Clause 44.04 (Land Subject to Inundation Overlay)

The proposal is consistent with the provisions of the Land Subject to Inundation Overlay. This overlay identifies land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority, and seeks to that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

A permit is required for buildings and works on land affected by the Land Subject to Inundation Overlay, and the relevant decision guidelines include:

- Any comments from the relevant floodplain management authority;
- The existing use and development of the land;

- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay; and
- The susceptibility of the development to flooding and flood damage.

The Application was referred to Melbourne Water, which had no objection subject to the following conditions:

Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne

Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor

levels to Australian Height Datum (AHD) and modified to show:

- a) The dwelling must be set with finished floor levels set no lower than 900 mm above the natural ground level, which is 600mm above the applicable flood level.
- b) The garage must be set with finished surface levels set no lower than 300 mm above the natural ground level which is the applicable flood level.

With the conditions above satisfied, appropriate measures to manage and mitigate flood risk can be implemented during the construction stage of the development.

Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions)

The proposal is contrary to the purposes of Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions). The relevant purposes within this particular provision are: (1) To protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values, and (2) To protect productive agricultural land from incompatible uses and development for the reasons outlined above.

Conclusion

The proposed use and development of the land for a dwelling is considered to be inconsistent with the provisions of the Cardinia Planning Scheme. It is recommended that a Refusal to Grant Planning Permit **T200080** be issued for the use and development of the land for a dwelling at 130 Murphy Lane, Bunyip.

Resolution

Moved Cr Jodie Owen, seconded Cr Michael Schilling.

That Council issue a refusal to Grant Planning Permit T200080 for Use and development of the land for a dwelling and building associated with agriculture at 130 Murphy Lane, Bunyip VIC 3815 on the following grounds:

- The proposal is contrary to the strategic directions of Clauses 14.01-1S-Protection of agricultural land; 21.04-2-Agriculture and 22.05-Western Port Green Wedge Policy
- The proposal is inconsistent with relevant purposes and decision guidelines of the Green Wedge Zone-Schedule 1
- The proposal is inconsistent with relevant purposes and decision guidelines of the Restructure Overlay-Schedule 1
- The proposal is inconsistent with the relevant provisions of Clause 51.02 of Metropolitan Green Wedge Land: Core Planning Provisions

Carried

6.1.8 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. The July 2020 appeal hearing has been nominally adjourned to Oct 2020, due to COVID case listing restrictions.</p>
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>VCAT heard the application for interim orders on 14 and 19 May 2020. After considering the application, the Tribunal declined to make interim orders.</p> <p>The full hearing of the application (for final enforcement orders) is listed for hearing on 8 October 2020.</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 Michael Schilling.

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

Carried

6.1.9 Planning Scheme Amendment Activity Report

File Reference: 95-10-68
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: - rezone land from Farming Zone Schedule 1 (FZ1) to Low Density Residential Zone Schedule 3 (LDRZ3) (55 & 85 McNamara Road), - apply a Developme nt Plan Overlay Schedule 21 (DPO 21) (85 McNamara Road),	Thu 08/08/201 9	Fri 06/09/201 9	Panel Report received 29/04/202 0. Council is awaiting further information from the proponent in relation to some of the issues raised in the Panel Report.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			<ul style="list-style-type: none"> - apply a Design and Development Overlay Schedule 1 (DDO1), and - delete the Environmental Significance Overlay Schedule 1 (ESO1). 			
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</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.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			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).			
C228	Cardinia Shire Council	Pakenham Activity Centre	<p>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.</p> <p>The ACZ1 is a direct</p>	Thu 24/10/2019	Fri 06/12/2019	<p>On 17/02/2020 Council resolved to refer all submissions to an independent Planning Panel.</p> <p>A Panel Hearing was held on 04/05/2020.</p>

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			translation of the objectives and strategies as set out in the draft Pakenham Structure Plan 2018 and draft Urban Design Framework 2018. The amendment amends Clauses 21.03, 21.04 and 21.06, implements two new reference documents, deletes parts of two Development Plan overlays Schedule 1 and 2 of 43.04, and deletes the Pakenham Activity Centre Incorporated Provisions, 20 March 2017 from Clause 72.04.			
C229	Cardinia Shire Council	Tynong, Garfield and Bunyip	Apply Environmental Significance Overlay Schedule 7 (ES07) to all land within the Urban	Thu 21/11/2019	Fri 20/12/2019	Re-exhibition completed. A bushfire risk assessment is in progress.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			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.			
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 PSP, and make a number of other consequential changes to the Cardinia Planning Scheme to support the implementation of the PSP. Planning Scheme to	Thu 18/01/2018	Fri 23/02/2018	Adopted by VPA on 10/10/2018. A subsequent feedback process was initiated by VPA in mid-October for consideration of land north of power line easement. The PSP was amended by VPA in March 2020. The amendment is currently with the Minister for Planning for approval.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			support the implementation of the PSP.			
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 (H0198) for adjacent heritage property 'Shepton Mallet'. <p>The Koo Wee Rup Township Strategy (October 2015) supports the rezoning and development of the</p>	Thu 27/06/2019	Fri 02/08/2019	<p>Council adopted the amendment on 16/03/2020.</p> <p>The amendment is 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
			subject site for residential. DPO22 provides a 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 the Neighbourhood Residential Zone (NRZ2) (CI 32.09 Sch 2) - Apply a Development Plan Overlay (DPO19) to the Glismann Road Area (CI 43.04 Sch 19) - Apply Development Contributions Plan Overlay (DCPO5) to the Glismann Road Area (CI 45.06 Sch 5) - Amend Clause 72.04 to 	Thu 09/07/2020	Mon 14/09/2020	On exhibition.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			incorporate the Glismann Road Development Contributions Plan (GRDCP) into the CPS - Amend Clause 53.01 to facilitate the provision of local open space through the GRDCP			
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.
C250	Cardinia Shire Council	Cardinia Shire	Implement the findings of the Cardinia Planning Scheme Review 2018 and update the Local Planning	Thu 14/11/2019	Mon 16/12/2019	On 03/02/2020 Council resolved to refer all submissions to an independent Planning Panel.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			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.			A Panel Hearing was held on 28/04/2020. The Panel Report was received on 09/06/20 and is under consideration.
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.
C264	Cardinia Shire Council	Cardinia Shire municipality	Implement the Advertising Signage Design			On 17/02/2020 Council resolved to adopt the

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			Guidelines into the Cardinia Planning Scheme.			Advertising Signage 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 Michael Schilling.

That Council note the report.

Carried

6.2 General Reports

6.2.1 Community Capital Works and Major Equipment Grants Review

File Reference: Nil
Responsible GM: Tracey Parker
Author: Debbie Tyson

Recommendation(s)

That Council adopt the Community Capital Grants and Major Equipment Grants Review to be implemented for the 2020/2021 program.

Attachments

Nil

Executive Summary

In September 2018, Council began an internal review of the Community Capital Works and Major Equipment Grants model. Through consultation, it was recognised that the current grant process is onerous on our community, provides a financial barrier for groups to apply, is resource intense and places risk on Council in relation to statutory requirements, strategic direction, environmental standards and contractor risk/safety requirements not being met.

It is proposed to streamline the Community Capital Works and Major Equipment Grants Program by implementing three categories, reducing the amount of administration for Community groups and Officers, lessening the upfront financial requirement for groups and strengthening the communication between Council and committees.

Background

The 2017-18 Community Capital Works Grants process identified several issues and risks to the organisation and applicants. Some minor changes were made to the eligibility of the grants Terms and Conditions for the 2018-2019 process; however, it was recognised that a further review was required after a survey was undertaken with Community Groups. This review was undertaken throughout 2019.

The concerns that came from this review include a decline in applications, an increase in workload for community groups and Council staff, an increased complexity of projects being applied for, difficulty for community groups to raise the match funding requirement and projects not being completed within timeframes.

Since the 2014 CCWG, Council has seen a decline in applications and funding allocations:

- 2014-2015 - 53 applications, 41 supported by Council and a total allocation of \$484,124.79
- 2015-2016 - 54 applications, 46 supported by Council and a total allocation of \$440,729
- 2016-2017 - 47 applications, 40 supported by Council and a total allocation of \$419,662.25
- 2017-2018 - 40 applications, 30 supported by Council and a total allocation of \$311,720

- 2018-2019 - 22 applications, 18 supported by Council and a total allocation of \$178,931.31
- 2019-2020 - 34 applications, 26 supported by Council and a total allocation of \$213,857.59*

* note that a further \$87,626.20 was recently supported by Council through the underspend of the 19/20 program

Policy Implications

The Community Capital Works Grant Policy and Major Equipment Policy will be required to be updated if this proposal is supported.

Relevance to Council Plan

The below areas of the Council Plan are reflected in this review

Our People - Access to a variety of services for all

- 1.4 Our People - Improved Health and well-being for all
- 1.5 Our People - Variety of recreation and leisure opportunities
- 2.1 Our Community - Our diverse community requirements met
- 3.1 Our Environment - Provision and maintenance of assets on a life-cycle basis
- 3.3 Our Environment - Enhanced natural environment
- 3.4 Our Environment - Natural and built environments supporting the improved health and wellbeing of our communities
- 5.1 Our Governance - An engaged community
- 5.3 Our Governance - Long-term financial sustainability

Climate Emergency Consideration

Nil.

Consultation/Communication

Consultation began with the CCWG Community Survey undertaken in 2016/2017 and 2017/2018. Throughout 2019, the CCWG Internal Working Group and CCWG Project Steering Group formed part of this review, this was followed up with communication with SLT and Councillors.

All this consultation has formed the outcomes of this review, now submitted to Council for adoption.

Financial and Resource Implications

It is proposed to introduce three categories of grants available to our community for Community Capital Works. Budget allocation for the 20/21 program has been set at \$400,000*. In implementing this review, the following is a breakdown of allocations:

Funds Allocation	Fund Type
\$20,000	Project Management Costs - 5% of total package to be directed to Building & Facilities to manage the Category 1 program
\$180,000	Category 1 - Capital Works Grants
\$150,000	Category 2 - Capital Works Partnerships Grants
\$50,000	Category 3 - Major Equipment Grant

* note - a further amount of approx. \$100k has been directed to the 20/21 program from the 19/20 underspend

It is recognised that Officers will play a more direct role in the grants process in the initial stages (through the EOI process) and this will require further administration resources, however the proposed categories and requirements reflects the response to the feedback of making the capital work projects more accessible and simplified.

Although more work upfront work, these administration changes will result in the workload of Officers during and post application process more streamlined and efficient, as they will be managing the projects internally and/or, had communicated prior to applications being lodged unsuccessfully. It is therefore considered a positive outcome for Officers.

It is recognised that the 5% Project Management costs will reduce the total funding available by \$20k, however the benefit of Council managing the projects, and the financial savings to do this, will enable more opportunities being available to groups, providing greater opportunity for our community to engage with Council and achieving actual outcomes needed.

Proposal - Three New Categories

The aim of the grants is to upgrade community and recreational facilities and help community groups to improve facilities that are being used to support local community networks and enhance community wellbeing. Three categories of grants are proposed.

CATEGORY 1 - CAPITAL WORKS GRANTS

Summary

- \$180,000 allocated to the Capital Works Grants
- Maximum of \$20,000 (per project)
- Grants available from a Set Priorities list that will benefit the enhancement of the facility.
- Internal Council Cross Divisional Group (ICCDG) to determine Set Priorities
- EOI application process for Community Groups only
- Works will be managed and completed by Cardinia Shire Council

The implementation of Category 1

What is the Internal Council Cross Divisional Group?

The ICCDG is a group of five Council Officers from Active Communities, Building & Facilities, Risk, Asset Management and Community Places.

What are Set Priorities?

It has been recognised that our community needs help in having a better management of the facilities they house, use, and maintain. Many facilities are suffering due to lack of appropriate attention as members do not have sufficient or able to raise funds for such activities. Set Priorities for infrastructure will be based on Councils Strategic Objectives in consultation with a Building Assessment Report, Condition Rating (where applicable), an Asset Management Plan (currently being developed) and community consultation.

Examples of Set Priorities could be:

- Electrical Switchboards
- Asbestos removal
- Hot water systems providing effective outcomes
- Lighting Upgrades for security, improved internal lighting and energy reduction.
- Replacement of Fencing
- Improvements to amenities
-

What is the EOI Process

The EOI process will be a more simplified version of the current CCWG program. A community group will provide an expression of interest (EOI) that will consist of:

- Committee or Community group details
- Written submission stating how the project will assist the facility/committee
- Mud map identifying where the infrastructure will be located on the site
- Written confirmation that landowner approves proposal

The Community Group will not be required to submit quotes, detailed plans, building permits, product specifications, Public Liability and Workcover Certificate, removing the barrier for Community Groups to apply for this category.

The ICCDG will be responsible for assessing the EOI applications. If there is an abundance of EOIs, Officers will base the decision of success using Councils Building Condition Assessment and the Asset Management Plan. Alternatively, if there is budget left over in this category, the money will be directed to category two.

All works to be carried out from the grant will be co-ordinated by Council, with a no match funding asked of by the Community Group and no works undertaken by committee's/clubs.

Benefits to community and Council

By having a list of Set Priorities to be supported yearly will allow savings in the implementation of infrastructure (bulk ordering of material, one contract to deliver construction etc) delivering more for less, to our community.

EOI application for Community Groups will be required only, resulting in less work for our community groups, and less financial burden, allowing groups to concentrate their funds elsewhere.

Works will be managed and completed by Cardinia Shire Council, streamlining Officers administration time in assisting groups with paperwork, financial requirements etc.

With the works delivered by Cardinia Shire Council, this will result in less risk and liability to Council.

Although the introduction of category 1, will require a 5% project management element, and this has been reflected by reducing the amount of category 1, by \$20,000, it is offered that this Category will reach more community groups by Council delivering the projects. It also enables groups to gain improvements to their facilities, without a contribution and the added stress of managing the project, allowing our community members to focus their time and finance to other projects in their program.

CATEGORY 2 - CAPITAL WORKS PARTNERSHIP GRANTS

Summary

- \$150,000 allocated to the Capital Works Partnership Grants
- Maximum \$70,000 - \$1 to \$1 contribution (\$35,000 Council contribution)
- Grants must benefit the enhancement of a Council asset. This could include building extensions and improvements, capital improvements at recreation reserves and sporting facilities, built-in or fixed equipment installations or portable items which meet best practice standards (for example, playground equipment in kindergartens).
- Grant contribution by the Community Group is based on a rating scale pending the overall annual income of the group. The rating scale being:
 - Up to \$5,000 - 10% contribution

- \$5,000 – \$15,000 – 30% contribution
- \$15,000 and above - 50% contribution
- The ICCDG will be responsible for assessing the EOI applications
- Two stage process:
 - Stage 1 - Expression of Interest (EOI)
 - Stage 2 - Detailed application process for projects that are invited to proceed to Stage 2.
- Works implemented by community organisation with assistance from Cardinia Shire Council

The implementation of Category 2

What are the Stages?

Stage 1 -

Stage one will require Community Groups to submit an EOI, the EOI to consist of:

- Committee or Community group details
- Written submission stating how the project will assist the facility/committee
- Mud map identifying where the infrastructure will be located on the site
- Approximately cost to deliver project
- Confirmation that the committee can meet the financial scaling requirements by providing their annual financial statement for the preceding two financial years
- Written confirmation that landowner approves proposal

Stage 1 EOI applications will be assessed by the Community Places Grants Officer with assistance from Project Supports Officers from the appropriate team. If application is supported, community group is invited to submit requirements for Stage two.

If an application is not supported, Project Support Officers will work with community groups to find a solution to have their application recognised or work with community group to provide other more suitable opportunities.

Stage 2 -

Stage two will require a community group to supply details of the proposal including:

- Full costings of the project,
- Detailed plans,
- OH&S and insurance requirements,
- Proposed timelines, with evidence of the applicant's capacity to deliver the project within the year
- Annual financial statement for the preceding two financial years and a bank statement for the past three months to show a consistent bank balance in line with the Council prescribed rating scale threshold
- If Section 86 committees (Community Assets Committee) require a Loan or donation, written approval from Councils Governance department is required. (Noting that Section 86 committees (Community Assets Committee) are unable to enter into Loan agreements unless approval is provided by Council and a formal loan agreement between the Committee and the Company is entered into, to protect the rights of both sides and include a loan repayment schedule).

Stage 1 applications will go through a preliminary assessment process and be short-listed by the ICCDG and provided to SLT for endorsement.

The Stage 2 applications will be assessed by a Cross Division Assessment Panel including Councillor representatives. Once agreement is reached in this forum, grants are referred to full Council for endorsement and formal approval.

What does the Funding Scale requirements mean?

Previous grant requirements are that a committee must show 100% of the total grant in their account prior to submitting an application, this has become increasingly difficult, with a majority of submitted applications unable to be supported, or some clubs not applying at all, as they do not meet this condition. It has also been problematic for smaller groups to raise 50% of funding (\$ to \$1), due to the size of their club, resourcing avenues and membership capacity.

To enable all our community groups to apply for grants, and not being restricted by their size or membership, it is proposed to introduce a funding scaling. Whereby if a community group has an annual income of up to \$5,000, their contribution will be set up 10%. Between \$5,000 and \$15,000, contribution to be 30% and for clubs/committees with an annual turnover of \$15,000, their contribution to be at 50%. All groups must have the % contribution available in the bank before applying.

Example of funding contribution

Size (determined by income)	Overall Annual Income	Total Grant	Council Contribution	Group Contribution
Small group 10%	up to \$5,000 overall annual income	\$5000	\$4,500	\$500
Medium group 30%	\$5,000 to \$15,000 overall annual income	\$15,000	\$10,500	\$4,500
Large Group 50%	\$15,000 and above	Max \$70,000	\$1 (max \$35,000)	\$1 (max \$35,000)

Currently, larger groups may find it easier to show the required amount of 50%, due to more revenue or memberships and therefore successfully applying for grants. Whilst smaller clubs, with limited revenue, do not have the capacity to apply and are missing out on grants or not applying in the first instance. This model allows smaller groups to still deliver capital improvement projects to their spaces but makes it affordable and achievable, ensuring that nobody in the community is disadvantaged by the funding contribution because they are a small not for profit community group who are applying alongside larger community groups who gain a larger financial profit.

This model has been benchmarked across a number of LGA's.

Benefits to community and Council

As with current requirements, the changes result in not all community groups having to fund 50% of project, the amount to fund is on a scale relating to their income, resulting in more realistic and sustainable contributions by clubs.

Staged application process so that Community Groups are communicated earlier in the process regarding their proposal. Community groups do not have to undertake onerous work for applications that are not considered supported.

Less money and resources spent at stage 1, with the final commitment and work undertaken in stage 2 by community groups.

Less administration for Council staff during and post the application process

CATEGORY 3 - MAJOR EQUIPMENT GRANT

Summary

- \$50,000 allocated to the Major Equipment Grants
- \$1 from Council and \$1 from the applicant to a maximum grant of \$20,000
- The ICCDWG will be responsible for assessing the applications and selecting successful applications based set priorities.
- Applications must be consistent with any agreed reserve maintenance schedules
- Community group must demonstrate financial capacity to purchase the equipment by supplying a current bank statement

The implementation of Category 3

This grant category is similar to the existing Major Equipment Grant process, however with a change to the policy, which currently restricts clubs/committees applying for grants unless the machinery demonstrates it will be used to maintain a 'playing surface' or 'surrounds at a reserve'. This currently restricts clubs not associated with a reserve etc, applying for the grant.

What are the set priorities?

The set priorities under the Major Equipment Grants concentrate on:

- Priority 1 - Demonstrated need for major equipment
- Priority 2 - Demonstrated need for funding assistance
- Priority 3 - Ability to maintain and house the equipment

What are the financial requirements?

As a part of council grant qualification, committees will be required to provide annual financials statement for the preceding financial year at the time of the submission of the grant application ensuring their organisations capacity to pay for the project (\$1 from Council and \$1 from the applicant).

If Section 86 committees (Community Assets Committee) require a Loan or donation, written approval from Councils Governance department is required at time of applying for stage 2. (Noting that Section 86 committees (Community Assets Committee) are unable to enter into Loan agreements unless approval is provided by Council and a formal loan agreement between the Committee and the Company is entered into, to protect the rights of both sides and include a loan repayment schedule).

Conclusion

A review of the Community Capital Works and Major Equipment Grants Program has been undertaken, with three main changes proposed.

1. The introduction of three categories:
 - Capital Works Grants - (EOI application for Community Groups, if deemed successful works will be undertaken and managed by Council
 - Capital Works Partnership Grants (two stage application process), Community groups submit an EOI for stage one, if deemed supported, Community groups invited to supply all relevant information for stage two.
 - Major Equipment Grants
2. Grant contribution by the Community Group is based on a rating scale pending their overall annual financial situation
 - up to \$5,000 - 10% contribution
 - \$5,000 – \$15,000 – 30% contribution
 - \$15,000 and above - 50% contribution

3. Changes to the Major Equipment Grant Policy that currently restricts clubs/committees applying for grants unless the machinery demonstrates it will be used to maintain a 'playing surface' or 'surrounds at a reserve'. The guidelines of the Major Equipment Grants will still be required to be met in relation to risk and management.

In addition to the above, a full review of the administration and communication process will be undertaken, from when the applications are announced open to the community, on how we communicate pre, during and post the program.

It is respectfully submitted that Council adopt the Community Capital Grants and Major Equipment Grants Review to be implemented for the 2020/2021 program.

Resolution

Moved Cr Jodie Owen, seconded Cr Michael Schilling.

That Council adopt the Community Capital Grants and Major Equipment Grants Review to be implemented for the 2020/2021 program.

Carried

6.2.2 Regional Local Government Charter Homelessness and Social Housing

File Reference: Nil.
Responsible GM: Tracey Parker
Author: Fiona Cost

Recommendation(s)

That Council endorse the Regional Local Government Charter Homelessness & Social Housing which represents 13 Eastern and South-Eastern Councils and two million residents.

Attachments

1. Charter [6.2.2.1 - 2 pages]
2. Making a difference - effective local government responses to homelessness [6.2.2.2 - 20 pages]
3. Homelessness in Eastern and Southern Melbourne [6.2.2.3 - 2 pages]
4. Terms of reference - Regional Local Government Charter Homelessness & Social Housing - [6.2.2.4 - 3 pages]
5. Housing rights are human rights [6.2.2.5 - 16 pages]

Executive Summary

The purpose of the Charter is for the 13 Councils to collectively act to address the urgent need for increased social housing and a more effective, integrated and supported homelessness service system.

The Charter recognises that housing is a human right for every person, that housing solves homelessness and that social housing is core infrastructure for local communities.

The Charter represents a powerful example of the local government's sector ability to come together in a relatively short period of time to unite agendas and timelines with the fundamental commitment to solve homelessness through housing.

The Charter does not dictate specific actions; however, it requires each Council to take on the challenge by ensuring their decisions align with the intent and the principles of this Charter.

Specifically, the 13 Councils commit to:

1. Working in partnership with federal and state government, public and private sector partners to coordinate our approach and deliver meaningful outcomes to increase the provision of social housing and respond to homelessness in south and east Melbourne.
2. Scoping land within each LGA that has the potential to be re-purposed for adaptable housing needs, and to share these insights on a regional scale with the intention of identifying suitable sites for the development of social housing.
3. Advocating together for inclusive housing growth including mandatory inclusionary zoning.

This Charter aligns with Cardinia Shire's Social and Affordable Housing Strategy. The strategy highlights that Cardinia Shire requires significant increase in social and affordable housing to cater for unmet household need and respond to forecast population demand. An analysis of the evidence has established three key areas where action is urgently required.

- Increase the supply of affordable, social and community housing, for very low and low-income households and people with specialised needs.

- Increase the supply of affordable private rental for very low and low-income households.
- Increase the diversity of dwelling types to respond to population demographics and needs.

Cardinia Shire Council is well placed advancing these Charter commitments. Through the Social and Affordable Housing Strategy and Action Plan, a Land Register was developed to help Cardinia Shire Council identify land across the municipality where there is the greatest opportunity to facilitate the provision of Affordable Housing. The register is an internal and confidential document which has three parts – Council-owned land, government-owned land, and privately owned land. It is important to note that the land register does not provide a list of land that will be used for Affordable Housing. Instead, the land register is to be used as a tool to help Council focus discussion, resources, and actions for facilitating Affordable Housing.

Background

During late 2019 – July 2020 a coalition of 13 Eastern and South-Eastern Councils united to develop a regional local government Charter to respond to homelessness and to advocate for an increased supply to social housing across Victoria. Please find attached the draft Charter [attachment 1].

Regional Local Government CEO Forum on Homelessness & Social Housing, November 2019

On 26 November 2019, CEOs and executive staff representing 13 Eastern and South-Eastern Councils came together in a forum focused on homelessness and social housing hosted by Monash Council in response to an increase in homelessness and rough sleeping across the region.

CEOs present at the forum agreed that there had been increase in homelessness across the Eastern and South-Eastern metropolitan communities and that local government staff are often first responders to people experiencing homelessness in local communities. Councils representing the 13 municipalities often do not have access to the same resources and support services as inner metro Councils to adequately respond to increased homelessness and people experiencing rough sleeping.

There was strong consensus from the CEOs that the local government sector must come together urgently to champion the issue of homelessness as a collective and work to find a solution.

The CEO Forum: Local Government Regional Response to Homelessness, reached consensus that adopting a Regional Charter with three clear leverage points for local government would create the power and pressure for systemic change.

The Charter recognises that housing is a human right for every person, that housing solves homelessness and that social housing is core infrastructure for local communities. The 13 metropolitan Councils representing more than 2 million residents are united in seeking to influence the urgent need for increased social housing and a more effective, integrated and supported homelessness service system.

It is important to note that the agenda set by the coalition of Councils elected not to focus on service and crisis response to homelessness and community education, whilst recognising the critical importance and value of these interventions. The focus of the Charter's agenda was to prioritise the most impactful strategic levers available to the local government sector to achieve large-scale change.

Social Housing

The emphasis on social housing in the Charter is informed by research that Monash Council had commissioned through the Council to Homeless Persons in October 2019 'Making a Difference – effective local government responses to homelessness.' [attachment 2]

Council to Homeless Persons recommends that the most powerful action that local governments can undertake to reduce homelessness is to support the delivery of homes that people can afford. For the lowest income households most vulnerable to homelessness, this means the provision of social housing.

Social housing refers to housing owned either by the state government or by not-for-profit community housing providers that is rented to low income households at either 25% (public housing) or 30% (community housing) of household income. Social housing does not generally include crisis or rooming houses.

For further information on Homelessness in Melbourne's East & South-East region, please refer to attachment 3.

Regional Charter Working Group

Following the forum in November 2019, the CEOs of all 13 Councils nominated 'Charter Champions' to represent the 13 Eastern & Southern Councils in a Working Group.

Since February 2020 the Working Group has met monthly to produce the draft Charter. The Working Group has received significant partnership support by the Eastern Region Group of Councils, Eastern Affordable Housing Alliance, Municipal Association of Victoria [MAV] and the Department of Health & Human Services.

For more information on the Terms of Reference of the Working Group, please refer to 'Terms of Reference' [attachment 4].

COVID-19

During the process of drafting the Charter, the COVID-19 pandemic emerged. The Working Group has re-pivoted the Charter to ensure it captures the COVID-19 pandemic and the 2019-20 bushfires impact on homelessness and social housing.

The economic and health and wellbeing implications of COVID-19 means that now more than ever, the local government sector needs to be a powerful champion in advocating for permanent, safe and timely housing for the those experiencing homelessness or at-risk of homelessness.

Policy Implications

The Charter will be used as a local government sector platform and partnership tool with federal and state governments, and public and private sector partners.

By endorsing the Charter, each of the 13 Councils commit to implementing the three strategic commitments in their municipalities, guided by its core principles.

The Charter requires each Council to take on the challenge by ensuring their decisions align with the intent and the principles of the Charter.

The Working Group representing the Charter will re-convene at key intervals over the 12-month period following its endorsement to ensure the Charter is prioritised, progressed and implemented at a regional and local level.

Each Council may wish to include the Charter's principles and strategic commitments in their relevant policies and plans associated with housing, human rights and health and wellbeing.

Social Implications

The Charter seeks systemic change to increase the supply of permanent, safe, appropriate and timely housing for the most vulnerable members of our community and to embed 'Housing First' as key foundational principle, fundamental to health, recovery and safety.

Human Rights Considerations

The Charter recognises that housing is a human right for every person and that housing solves homelessness. It adopts a 'Housing First' approach which is a strategic response that prioritises permanent and stable housing for people experiencing homelessness.

Social Justice and Equity Policy

Cardinia Shire Council recognises the importance of supporting diversity in our vibrant and growing communities. Our diversity is highly valued and a source of great strength and resilience. Promoting an inclusive municipality that respects human rights, celebrates diversity and fosters participation in all aspects of community life is central to our goal of achieving better outcomes for every resident.

Council's Social Justice and Equity Policy 2019 -2023 (the policy) provides a framework to uphold the human rights of our diverse communities and promote the social justice principles of participation, access and equity in all aspects of community life.

Relevance to Council Plan

Nil.

Climate Emergency Consideration

Nil.

Consultation/Communication

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

Our Community

- Improved health and wellbeing of our residents - Assist with establishing partnerships and social infrastructure opportunities that improve health and wellbeing outcomes for residents
- Our diverse requirements are met - Promote access to a mix of housing types to cater for the varying needs of people

Our People

- Access to a variety of services for all - routinely review overall community needs for services and either deliver or advocate for others to provide services to meet these needs.
- Improved health and wellbeing for all - Support children, young people, families, older adults and people with disabilities by providing a range of accessible services and facilities

Cardinia's Liveability Health Plan 2017 -20121 (Municipal Public Health and Wellbeing Plan)

Housing has been identified as a critical health issue in our community and as such is a dedicated policy domain area. Housing is a fundamental human right and a key factor in neighbourhood Liveability and an identified policy domain in Cardinia's Liveability Plan 2017-2029.

In 2016, Council undertook a comprehensive social research into the nature and extent of homelessness and financial vulnerability in the Shire. A key recommendation of the report was to develop the Social and Affordable Housing Strategy.

- Cardinia's Social and Affordable Housing Strategy is the first of its kind for Cardinia with its fundamental premise being 'housing rights are human rights'.
- The evidence within the Strategy confirms that Cardinia Shire lacks sufficient appropriate and affordable housing for lower income residents and that without intervention and investment, the situation will only get worse.
- Only 0.9% of all dwellings (317 dwellings) were dedicated to social housing in Cardinia Shire in 2016, resulting in a social housing supply gap of 2,230 dwellings.

To meet the 2016 estimated shortfall and projected population demand, an average of 17.03% of all new dwelling supply between 2016 and 2036 is required to be provided as Social Housing for lower income households. This is an average of 265 dwellings per annum per year for 20 years.

Financial and Resource Implications

Nil.

Conclusion

The Charter represents the commitment of 13 East & South-East Councils to collectively act to address the urgent need for increased social housing and a more effective, integrated and supported homelessness service system.

It is recommended that Council publicly endorse the Regional Local Government Charter Homelessness & Social Housing.

Resolution

Moved Cr Michael Schilling, seconded Cr Leticia Wilmot.

That Council endorse the Regional Local Government Charter Homelessness & Social Housing which represents 13 Eastern and South-Eastern Councils and two million residents.

Carried

6.2.3 Audit and Risk Committee Charter

File Reference: Nil.
Responsible GM: Tom McQualter
Author: Tom McQualter

Recommendation(s)

That Council adopt the Audit and Risk Committee Charter August 2020

Attachments

1. Draft Council Audit Risk Committee Charter 2020 [6.2.3.1 - 9 pages]

Executive Summary

As part of the new Local Government Act 2020 (the Act") provisions the Council is required to consider and adopt an updated Audit and Risk Committee Charter that incorporates the new provisions and reporting requirements within the Act.

Background

The Act introduces a range of new provisions and requirements for Council's Audit and Risk Committee. Local Government Victoria have prepared a model Charter for the use of all Council's in Victoria to assist in ensuring that the Audit and Risk Committee adequately undertakes its duties in accordance with the Act.

Officers and the existing members of the Audit and Risk Committee have had the opportunity to review the model Charter presented by LGV and are satisfied that they are appropriate for Cardinia Shire Council. The only minor variations to the LGV model charter are:

- Appointment of independent members for four years, with an option for a further four year term rather than the model which has a three by three clause;
- The Council will appoint the Chair for period consistent with the term of Council;
- An additional requirement requiring the development of a three year policy and strategy review program
- Consideration of whether council's internal audit function is resourced appropriately with any recommendations to be made to the Chief Executive Officer.

These changes have been developed in conjunction with the current members of the Audit and Risk Committee.

Policy Implications

Nil.

Relevance to Council Plan

5.2.1 Embrace and demonstrate effective governance and transparency, notwithstanding that on occasions, matters under consideration will be confidential.

Climate Emergency Consideration

Nil.

Consultation/Communication

Consultation with the current members of the Audit and Risk Committee has been undertaken in preparation of this report and Charter.

Financial and Resource Implications

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

Conclusion

Council is required to adopt a new Audit and Risk Charter prior to 1 September 2020 in accordance with the Act. The new Charter includes the new and additional responsibilities of the Audit and Risk Charter under the new Act and the additional reporting requirements.

Resolution

Moved Cr Jodie Owen, seconded Cr Michael Schilling.

That Council adopt the Audit and Risk Committee Charter August 2020

Carried

6.2.4 COVID-19 Community Connection Grant Program

File Reference: Nil.
Responsible GM: Jenny Scicluna
Author: Kym Ockerby

Recommendation(s)

That Council note the report.

Attachments

Nil

Executive Summary

The COVID-19 Community Connection Grants program formed part of Council's Community and Business Support Package which includes initiatives to help community members to cope with the impacts of Coronavirus (COVID-19).

This grant program opened for applications on 13 May 2020 and closed 30 June 2020. Grants were available to community groups, services and not-for-profit organisations that deliver projects, programs or services to the Cardinia Shire community which aim to increase social connection and reduce social isolation, promote healthy relationships or improve social, physical and mental health during COVID-19 restrictions.

Fifty-four applications were received. Two applications were withdrawn at the request of the applicant; therefore 52 applications were assessed. These projects totalled \$170,815.47 and applicants requested \$94,642.14 in funding.

Due to the time critical nature of the grant program, an expedited grant assessment process was implemented, with twice weekly grant assessment panels and grant payments processed weekly. A turnaround time of 2 weeks from each application submission to grant outcome was achieved.

Following an extensive assessment process involving a multidisciplinary panel of staff and senior leadership, a total of 20 grants to the value of \$35,682.83 were approved.

Background

From 27 March 2020, in response to the COVID-19 Pandemic, Council established a Relief and Recovery Committee to oversee the emergency relief needs for community during the Pandemic. Evidence from this group, as well as Council staff, indicated that the social and economic health of the community was negatively impacted, issues were increasing and continuing to rise because of the Pandemic. These included, but were not limited to food shortages, financial hardship, loss of employment, family violence, homelessness, schooling from home impacts, increased poor mental health presentations, substance abuse, social isolation, and reduced community connection.

To support the community through this difficult time, Council developed the COVID-19 Community Relief and Recovery Funding Program, part of Council's Community and Business Support Package. The funding package demonstrated to Cardinia residents a partnership approach in supporting our community during this critical time.

Part of this package was the Community Connection Grants. The total budget allocation for these grants was \$30,000. Grants of up to \$2,000 were available for community groups and organisations to deliver projects that work to connect the community during this time of social distancing and assist in the prevention of feelings of isolation, emerging family violence, mental and physical health issues.

Applications were assessed by a multidisciplinary panel of Council staff and senior leadership. Below are the outcomes following this process:

Application status	COVID-19 Community Connection Grants
Fully supported	18
Partially supported	2
Not supported	32
AMOUNT ALLOCATED	\$35,682.83

Below is a breakdown of applications received via Ward:

	Central Ward	Port Ward	Ranges Ward
COVID-19 Community Connection Grants	19	19	14

Total applications and amounts approved via Ward:

	Central Ward	Port Ward	Ranges Ward
COVID-19 Community Connection Grants	7	5	8
Total Allocated	\$11,984.00	\$9,438.19	\$14,260.64

Successful grant recipients:

- Bestchance Child Family Care
- Bunyip and District Community House
- Cardinia Men's Recovery Learning Community
- Cockatoo Community House (supported by Taskforce Community Agency)
- Cockatoo Township Committee
- Emerald Community House Inc
- Emerald Village Association Inc
- Garfield Netball Club
- Kaduna Park Residents Group
- Konnext RightNow Inc
- Kooweerup Regional Health Service
- Living and Learning Pakenham Inc
- Mount Burnett Observatory
- Reclink Australia

- Region of Pakenham Gamers Inc
- Tribes Basketball Club
- U3A Emerald Inc
- Upper Beaconsfield Men's Shed
- Western Port Catchment Landcare Network
- Woman's Friendship Cafe Pakenham

Total applications and amounts declined due to ineligibility and/or not meeting grant criteria:

	Ward	Number of applications	Total amount
COVID-19 Community Connection Grants	Central	12	\$21,315.93
	Port	14	\$25,226.38
	Ranges	6	\$10,417.00

Policy Implications

This grant program aligns to Council priorities and objectives and with Council's Liveability Plan 2017 - 2029.

Relevance to Council Plan

Our Community:

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

1. Our diverse community requirements met
2. Engaged communities
3. Increased levels of community participation
4. Improved health and wellbeing of our residents

Our People:

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

1. Access to a variety of services for all
2. Access to support services and programs for young people
3. Learning opportunities for all ages and abilities
4. Improved health and wellbeing for all
5. Variety of recreation and leisure opportunities
6. Increased awareness of safety
7. Minimised impact of emergencies

Climate Emergency Consideration

Nil.

Consultation/Communication

A comprehensive communications plan was developed which saw the grants widely promoted through various internal departments, Council's Relief and Recovery Committee, newsletter

distribution through various Council and community newsletters, community leaders, local media, Councils web and Facebook pages.

The grant round opened on-line via Smarty Grants on 13 May 2020 and closed on 30 June 2020.

The staff assessment panel consisted of staff from the following areas: Risk, Community Development and the Pandemic Response and Emergency Management Team. The assessment

panel recommendations were then provided to the Manger Pandemic Response and Emergency Management Team and the General Manager – Customer, People and Performance for final assessment and approval.

Successful grants are currently being promoted on Council's web and social media pages and through local media.

Financial and Resource Implications

The budget for the Community Connections Grant program was \$30,000.

This grant program has provided support to 20 applicants, totalling \$35,682.83.

The additional \$5,682.83 was offset by the COVID-19 Community Relief Provider Support Grant program, which has a budget of \$50,000 and currently has supported grants totalling \$43,145.50.

The COVID-19 community grants program has a combined budget of \$80,000. That leaves a current amount of \$1,171.67 available.

The Victorian Government recently released a grant program called Let's Stay Connected Fund. The fund provides grants between \$5,000 and \$200,000 to support community-led initiatives. The program will support innovative, community-led and community-based initiatives that build connection, reduce feelings of loneliness and isolation and can be implemented quickly – providing much-needed support across the state. It will also support existing initiatives that can be rapidly scaled up to a local, regional or state level – delivering innovative and practical solutions that will benefit communities as soon as possible.

This means that community groups within Cardinia Shire can now apply for this Victorian Government funding.

Conclusion

The COVID-19 Community Connection Grants program formed part of Councils Community and Business Support Package which includes initiatives to help community members to cope with the impacts of Coronavirus (COVID-19), and connect during the social distancing period.

The grant program aligns to and adds value to Cardinia Shire's Liveability Plan. This grant program has proved popular with a high number of applications received.

The program has supported 20 grants to the value of \$35,682.83. It is recommended Council note the approved applications and budget expenditure.

Resolution

Moved Cr Jodie Owen, seconded Cr Michael Schilling.

That Council note the report.

Carried

6.2.5 Phase 4 Response to COVID-19 Impact

File Reference: Nil
Responsible GM: Jenny Scicluna
Author: Lucy Divers

Recommendation(s)

That Council:

1. Note the 'Phase 4 response to COVID-19 impact' report.
2. Recognise that the coronavirus state of emergency has had and will continue to have considerable impact on the community groups that manage or use Council facilities, and in response, implement the following targeted relief measures:
 - a. Waiver of tenancy fees for the winter season for all Council owned and managed sporting facilities (1 April – 30 September 2020).
 - b. Provision of financial support towards utility bills and building /playing surface maintenance expenses, where necessary, for sporting clubs and recreation reserve Section 86 and Crown Land Committees of Management for the 1 April – 30 September 2020 period.
 - c. Freeze repayments for sporting club and recreation reserve Committee of Management debtors until 31 March 2021.
 - d. Provision of a once-off payment to Neighbourhood Houses to the value of 15% of their annual allocation for the 2020/21 financial year.
 - e. Provision of a once-off payment to Senior Citizen Centres to the value of 15% of their annual allocation for the 2020/21 financial year.
 - f. Provision of a once-off payment to U3As to the value of 15% of their annual allocation for the 2020/21 financial year.
 - g. In accordance with the COVID-19 Omnibus Regulations, offer eligible tenants (or those with like arrangements) a 100% rental waiver for the 29 March to 30 June 2020 period, followed by a 50% rental waiver for the 1 July to 29 September 2020 period.
 - h. Provision of a once-off payment to the value of \$1000 to the Emerald Museum Section 86 Committee, in addition to the usual provision of the annual maintenance grant.
 - i. Provision of financial support towards utility bills and cleaning expenses, where necessary, for Section 86 Committees who manage community halls.
 - j. Provision of required COVID-19 signage, social distancing floor markings and space occupancy signage at all Section 86 Committee managed community halls.
 - k. Waiver of all hire fees for all existing community users and not for-profit organisations of Integrated Child and Family Centres, who have an annual booking agreement with Council (not a licence or lease agreement), from 1 July 2020 until 1 February 2021.
3. Recognise that several of the relief measures announced within phases 1 and 2 of Council's Community and Business Support Package require review, and in response, implement the following secondary relief measures:
 - a. Further extension to the interest free period on unpaid rates payments until 31 March 2021.

- b. Further extension to the deferral of debt collection/legal action in relation to rates matters until 31 March 2021.
- c. Provision of a full refund of all 2020 Food Act and Public Health and Wellbeing Act registration fees, for businesses impacted by mandatory closures of premises, or mandatory changes to the operations of their businesses.
- d. Provision of a full refund of all 2020-21 street trading permit fees, where outdoor dining is no longer allowed.
- e. Further extension to the due date of animal registration fees until 30 September 2020.

Attachments

Nil

Executive Summary

The outbreak of coronavirus disease 2019 (COVID-19) has created a global health crisis that has had a significant impact on Cardinia Shire's local community groups and businesses. The adverse financial impacts of COVID-19 on community groups using and operating from both Council and Crown Land facilities are without precedent. This report presents information on the impacts of COVID-19 on these community groups for the period of 1 April to 30 September 2020, unless otherwise stated, and recommends initial relief measures for Council to consider. In addition, several of the relief measures announced within phases 1 and 2 of Council's Community and Business Support Package are also discussed within this report. Given the current state, and realised impacts, of the COVID-19 pandemic, further extension to these specific relief measures is proposed, to provide additional relief to the Shire's ratepayers, local businesses, and domestic animal owners.

Table 1 outlines each of the relief measures described within this report, including the initial relief measures aimed at community groups using and operating from both Council and Crown Land facilities, as well as the secondary relief measures, following those initially announced as part of phases 1 and 2 of Council's Community and Business Support Package. The relief measures described within this report have been recommended by business unit experts from across the organisation. It is proposed that, if possible, the allocated \$1.6M COVID-19 community and business support package is used to cover these items.

Table 1. Recommended relief measures with estimated financial impact

Community Group	Recommended relief	Estimated financial impact
Sporting Clubs	Waiver of tenancy fees for the winter season for all Council owned and managed sporting facilities (1 April – 30 September 2020)	\$20,543
Sporting Clubs/Committees of Management	Provision of financial support towards utility bills and building/playing surface maintenance expenses, where necessary, for the 1 April – 30 September 2020 period	\$105,000
Sporting Clubs/Committees of Management	Freeze debtor repayments until 31 March 2021	Payment deferral not waiver
Community Group	Recommended relief	Estimated financial impact
Neighbourhood Houses	Provision of a once-off payment to the value of 15% of their annual allocation for the 2020/21 financial year	\$32,381
Senior Citizen Centres	Provision of a once-off payment to the value of 15% of their annual allocation for the 2020/21 financial year	\$13,500
U3As	Provision of a once-off payment to the value of 15% of their annual allocation for the 2020/21 financial year	\$900
Eligible commercial tenants (or those with like arrangements)	In accordance with the COVID-19 Omnibus Regulations, offer a 100% rental waiver for the 29 March to 30 June 2020 period, followed by a 50% rental waiver for the 1 July to 29 September 2020 period	\$31,473
Emerald Museum Section 86 Committee	Provision of a once-off payment, in addition to the usual provision of the annual maintenance grant	\$1000
Community hall Section 86 Committees	Provision of financial support towards utility bills and cleaning expenses, where necessary	\$25,000
Community users and not for profit users of Integrated Child and Family Centres, who have an annual booking agreement with Council (not a licence or lease agreement)	Waiver of all hire fees for all existing users from 1 July 2020 until 1 February 2021	\$114,212 at full capacity

Community hall Section 86 Committees	Provision of required COVID-19 signage, social distancing floor markings and space occupancy signage at all Section 86 Committee managed community halls	\$12,000
Ratepayers	Further extension to the interest free period on unpaid rates payments from 1 October 2020 until 31 March 2021	\$315,000
Ratepayers	Further extension to the deferral of debt collection/legal action in relation to rates matters until 31 March 2021	Payment deferral not waiver
Community Group	Recommended relief	Estimated financial impact
Eligible businesses	Provision of a full refund of all 2020 Food Act and Public Health and Wellbeing Act registration fees, for businesses impacted by mandatory closures of premises, or mandatory changes to the operations of their businesses	\$120,000*
Eligible businesses	Provision of a full refund of all 2020-21 street trading permit fees, where outdoor dining is no longer allowed	\$16,000
Domestic animal owners	Further extension to the due date of animal registration fees until 30 September 2020	Payment deferral not waiver
Total		\$807,009**

* A 25% rebate on all 2020 Food Act and Public Health and Wellbeing Act registration fees was announced and provided within phase 1 of Council's Community and Business Support Package. Therefore, the financial impact of the extension to this initial relief item, to a full refund of these fees would equate to \$120,000 (the remaining 75% of total fees paid for the 2020 calendar year).

** Total includes all amounts given above – both actual cash disbursements and waived fees and charges.

Background

The outbreak of coronavirus disease 2019 (COVID-19) has created a global health crisis that has had a significant impact on Cardinia Shire's local community groups and businesses. Since the first stage of restrictions for Victoria were announced on 22 March 2020, all non-essential activities at the Shire's local recreation reserves, community centres, neighbourhood houses, senior citizen centres, U3As, community halls and integrated facilities were forced to cease, with community recreation and social activities deemed non-essential.

While some facilities have been permitted to reopen under specific conditions, in line with the State Government's staged approach since 20 April 2020, the widespread closures have already had, and will continue to have, a significant impact on the financial viability of many of the community groups who use and manage these facilities.

Facilities which had reopened were then forced to close again with the re-introduction of stage 3 'stay at home' restrictions for metropolitan Melbourne and Mitchell Shire for a six week period from Thursday 9 July 2020.

In a time when the physical and mental health of residents, and social and community cohesion, has never been more important, it is crucial that Council continues to support the operational viability of these groups. Financial assistance during this time will support the Shire's clubs, committees of management, community groups and commercial tenants through the COVID-19 state of emergency period and beyond, to ensure they are equipped to recommence the delivery of their activities to the community following the lifting of restrictions.

Local businesses within the Shire have suffered significant financial losses as a result of the enforced COVID-19 restrictions. The full impact of the COVID-19 pandemic on local businesses, ratepayers and residents has not yet been realised, and it is critical that Council continues to support the community through targeted relief measures.

This report describes the proposed targeted relief measures, as recommended by business unit experts from across the organisation. The proposed measures aim to ensure consistency in the treatment within the different classes of groups, for example, that all recreation reserve Section 86 Committees be offered the same support. Analysis on the financial status of individual groups is outside of the scope of this report and has not been considered in the proposed relief measures, so as to ensure the fair and equal treatment of all individual groups within each class.

Impact of the COVID-19 pandemic on community groups that manage or use Council facilities and associated proposed relief measures

Sporting Clubs and recreation reserve Section 86 and Crown Land Committees

Sporting clubs have been heavily impacted by the COVID-19 pandemic. From the announcement of the first stage of restrictions on Sunday 22 March 2020, until Monday 22 June 2020, sporting clubs were unable to operate in any capacity. While restrictions were eased on Monday 22 June to allow for the opening of indoor sports venues and the resumption of some training and competition under specific conditions, clubs have experienced significant income loss during this period, and this is likely to continue into the immediate future. With the current strict limitations around permitted activities, and the possibility of ongoing reactive amendments to the restrictions, the ability of sporting clubs to generate income in the near future may be challenged. While up to \$1000 per club in State Government funding is available, this is unlikely to provide the level of assistance required during this time, and Council assistance will be critical.

Council Officers recommend the implementation of several measures aimed at providing immediate financial relief to the Shire's sporting clubs and recreation reserve Committees of Management. The State Government, through Sport and Recreation Victoria, has encouraged Local Government Areas (LGAs) to assist sporting clubs in the immediate future by waiving the recreation reserve tenancy fees for the 2020 winter season. Council Officers recommend Council agree to this relief item and waive all winter season tenancy fees from 1 April to 30 September 2020, totalling approximately \$20,543.

It is also recommended that Council provides the Shire's sporting clubs and recreation reserve Committees of Management with financial support, to assist them in meeting the costs of utility bills and building/playing surface maintenance expenses, where necessary, for the 1 April – 30 September 2020 period. This relief item is proposed in recognition that sporting clubs may be unable to meet these costs as a direct result of their limited ability to generate income, and to reduce the risk of financial pressure being passed from sporting clubs to the associated Section 86 or Crown Land Committee of Management. While it is noted that Crown Land Committees of Management have access to additional hardship support via DELWP,

under this provision, Council could financially assist both recreation reserve Section 86 Committees and Crown Land Committees experiencing financial difficulties. It would enable users to manage one off issues that impact their financial viability, such as vandalism, as well as being able to meet critical building and playing surface maintenance costs for the 1 April to 30 September 2020 period. Council Officers anticipate this provision would total \$105,000.

In a further offer of support, Council Officers recommend that repayments by sporting club and Committee of Management debtors be frozen until 31 March 2021. Given the impact of COVID-19, it is unlikely that many will be in a position to settle these debts in the immediate future, and the freezing of these debts would offer substantial relief to these groups. Upon the unfreezing of these debts, Council Officers would support users to commit to payment plans.

Neighbourhood Houses, Senior Citizen Centres and U3As

Cardinia's neighbourhood houses, senior citizen centres and U3As have also experienced significant financial loss as a result of the enforced COVID-19 restrictions. In line with the State Government's announcement of Stage 1 restrictions, all neighbourhood houses, senior citizen centres and U3As closed for non-essential services/activities on 24 March 2020. Four neighbourhood houses temporarily reopened when restrictions eased on 1 June 2020, to provide limited activities in line with State Government advice, however reclosure was forced when Stage 3 restrictions came into effect on 8 July 2020. To date, all of Cardinia's U3As and senior citizen centres remain closed. Many of these centres rely heavily on fee-for-service and space hire fees as primary revenue streams, both of which have been significantly impacted during the closures. While some centres continued to offer substitute services and classes online, they were unable to charge users to generate income from these activities.

To support these groups, Council Officers recommend the provision of a once-off payment to the value of 15% of their annual allocation for the 2020/21 financial year, to neighbourhood houses, senior citizen groups and U3As, to account for the direct financial impact of COVID-19. While this additional funding may still leave some groups with a shortfall as a direct result of the COVID-19 pandemic, it would account for a proportion of the income lost as a result of the closures, and assist the groups in meeting the additional costs associated with the heightened hygiene, sanitation and cleaning requirements, that will be essential upon reopening. The total cost of the provision of a once-off payment to each of the Shire's neighbourhood houses, equal to the value of 15% of their annual allocation for the 2020/21 financial year, would be \$32,381. Council financial support is not the only source of funding for neighbourhood houses. The total cost of the provision of a once-off payment to each of the Shire's senior citizen centres and U3As, equal to the value of 15% of their annual allocation for the 2020/21 financial year, would be \$13,500 and \$900 respectively.

Commercial tenants of Council facilities

The Council resolution to defer the rent payable by commercial tenants for April, May and June, resolved at a Special Council Meeting on 30 March 2020, is now outdated by the new COVID-19 Omnibus Act and Regulations. The COVID-19 Omnibus (Emergency Measures) Act 2020 came into effect on 24 April 2020, and the Governor in Council made the COVID-19 Omnibus (Emergency Measures) (Commercial Leases & Licences) Regulations 2020 on 1 May 2020. The Act and the Regulations now govern the rights and obligations of landlords and tenants in relation to the commercial leasing principles that are to apply to address the consequences of the COVID-19 pandemic.

As the Regulations are retrospective and have effect as from 29 March 2020, Council is bound to comply with the requirements of the Regulations from 29 March 2020, even though the Regulations were not in force at that date. Provided the tenant meets the eligibility criteria, Council has an obligation to offer rent relief of up to 100% of the rent payable under the lease during the period 29 March 2020 to 29 September 2020, with no less than 50% of the rent

relief offered for the relevant period in the form of a waiver of rent, unless otherwise agreed by the tenant and Council in writing.

To align Council's provision of COVID-19 rent relief with the Regulations, it is recommended that, if and when Council is approached by eligible tenants (or those with like arrangements) seeking rent relief, Council offers a 100% rental waiver for the 29 March to 30 June 2020 period, followed by a 50% rental waiver for the 1 July to 29 September 2020 period. While this provision would exceed the minimum waiver specified in the Regulations, it would demonstrate Council's full support to these groups during this time. If Council resolved to the abovementioned rent relief agreement for the commercial tenants who initially approached Council seeking rent relief, for the 29 March to 29 September 2020 period, Council's loss of income would be approximately \$31,473.

Emerald Museum Section 86 Committee

Emerald Museum Section 86 Committee has also suffered financially as a result of the enforced COVID-19 restrictions. In line with the State Government's announcement of Stage 1 restrictions, the museum was closed to visitors by 23 March 2020, resulting in loss of income.

The income usually generated from visitors bolsters the annual maintenance grant provided by Council to cover basic maintenance costs. To assist the Emerald Museum Section 86 Committee, Council Officers recommend that Council provide the committee with a once-off payment to the value of \$1000, in addition to the usual provision of the annual maintenance grant. This payment would cover a portion of the lost income resulting from the COVID-19 closures, to enable the committee to continue to meet basic maintenance costs.

Community hall Section 86 Committees and users of Council community halls, hubs and integrated centres

Community hall Section 86 Committees and users of Council community halls, hubs and integrated centres have been significantly impacted by the COVID-19 pandemic. From the roll-out of the first stage of the State Government restrictions on 23 March 2020 to date, many of these facilities have been unable to operate in any capacity. Whilst restrictions were eased on 20 April 2020 to allow for the resumption of kindergarten and child service programs, and furthermore on 1 June 2020 to allow for the limited resumption of certain other programs under specific conditions until 8 July 2020, the financial impact of the closures has been substantial for these groups.

Council has been made aware of the concerns of several community hall Section 86 Committees with regards to meeting the utility costs and cleaning requirements during this time. The impact of the COVID-19 pandemic on these committees is twofold, with significant income loss resulting from the inability to hire out spaces during closures, as well as the anticipated increase in cleaning expenses upon reopening. Proactive Council support for community hall Section 86 Committees will be crucial during this time, to minimise the risk of the impacts becoming so overwhelming that committees disband. To assist in the first stages of reopening under the State Government's social distancing advice, it is recommended that Council provides all 12 Section 86 Committee managed halls with the required COVID-19 signage, social distancing floor markings and space occupancy signage, at an estimated total cost of \$1000 per hall. In addition, Council Officers recommend that, where necessary, Council provides community hall Section 86 Committees with financial support, to assist them in meeting the costs of utility bills and cleaning expenses. This assistance would align with the proposed assistance for recreation reserve Section 86 Committees.

At the time of writing this report, no community groups or not-for-profit organisations have returned to Council managed facilities, despite the temporary easing of State Government restrictions between 1 June and 8 July 2020. Strict restrictions were in place for the duration of Term 2, causing the widespread cancellation of casual bookings, with an estimated income

loss to Council of approximately \$15,382. While restrictions did not allow for casual users to use the spaces in any capacity during Term 2, several grassroots community groups indicated their strong desire to return to service during the period in which the restrictions were temporarily eased, however were unable to cover the cost of booking the space, due to social distancing capacity restrictions. To support these groups, Council Officers recommend that all community users and not for-profit groups, who have an annual booking agreement with Council (not a licence or lease agreement), are offered a payment free period for the duration of Term 3 and 4, from 1 July 2020 until 1 February 2021. This would allow groups to resume the provision of vital community services without financial viability concerns, and the provision of services to continue in the event of continued space capacity limits or low session attendance, as the facility hire costs would be met by Council. This would equate to approximately \$114,212 for the 1 July 2020 - 1 February 2021 period. Groups that have entered licence agreements with Council for the use of Council facilities will continue to be invoiced in line with their respective licence agreements.

Proposed extension to relief measures announced within phases 1 and 2 of Council's Community and Business Support Package

In addition to the consideration of the relief measures proposed to assist the community groups that manage or use Council facilities, it is timely to review several of the relief measures that were announced within phases 1 and 2 of Council's Community and Business Support Package, to ensure Council assistance is in line with current community needs.

To alleviate potential financial pressure experienced by ratepayers, it is proposed that the interest free period on unpaid rates payments be extended from 1 October 2020 until 31 March 2021.

Similarly, it is proposed that the deferral of debt collection/legal action in relation to rates matters also be extended until 31 March 2021. Extension of these two relief measures would provide ratepayers experiencing financial difficulties with additional time to make payment, without accruing additional interest.

At a special Council meeting on 30 March 2020, Council resolved to offer a 25% rebate on all 2020 Food Act and Public Health and Wellbeing Act registration fees. In light of the recent reintroduction of Stage 3 restrictions, it is recommended that Council further this initial rebate to offer a refund of the remaining 75% of fees paid, so as to provide eligible businesses with a full refund of the registration fee paid for 2020. In a similar manner, Council Officers recommend that Council provides eligible businesses with a full refund of 2020-21 street trading permit fees, where outdoor dining is no longer allowed.

In addition, Council Officers recommend a further extension to the due date of animal registration fees until 30 September 2020. This extension would provide domestic animal owners with an additional three months to make payment, to encourage owners to maintain active registrations.

Policy Implications

Nil.

Relevance to Council Plan

The '*Phase 4 response to COVID-19 impact*' report is relevant to the following Council Plan Outcomes:

- *Outcome 1.1 - Access to a variety of services for all*
- *Outcome 1.5 - Variety of recreation and leisure opportunities*
- *Outcome 1.7 - Minimised impact of emergencies*

Climate Emergency Consideration

Nil.

Consultation/Communication

A number of key internal stakeholders were consulted with to identify the impacts and recommendations for financial assistance set out in this report, including representatives from Active Communities, Community Strengthening, Compliance, Community and Family Services and Environment and Heritage. Representatives from Governance, Finance and Communications were also consulted. Community groups were not directly consulted with during the development of this report, however the recommendations for financial relief proposed by business unit experts were based on their knowledge of the needs and current financial status of the community groups they manage/liase with.

Financial and Resource Implications

The financial implications associated with the recommended relief measures discussed within this report are outlined in Table 1. It is proposed that, if possible, the \$1.6M allocated to the COVID-19 Community and Business Support Package is used to cover these items.

While phases one, two and three of the \$1.6M COVID-19 Community and Business Support Package have already been announced and rolled out, it is too early to quantify the uptake of these measures. It is anticipated that the usage of these relief measures will accelerate, as knowledge of the Council assistance available spreads within the community and the impact of the COVID-19 pandemic is realised. Without a better understanding of the potential usage of the relief measures included in phases 1, 2 and 3, it is not possible to know whether or not the amount remaining in the \$1.6M COVID-19 Community and Business Support Package will completely cover the funds required to deliver the recommendations in this report.

It is noted this report relates only to community groups who specifically manage or use Council or Crown Land facilities, and the direct recipients of the specific relief items initially announced within phases 1 and 2 of the Community and Business Support Package which are proposed for extension. This report does not describe any negative financial impact on the operation of facilities or services directly delivered by Council, including the Cardinia Cultural Centre, My Place, Emerald Hills Hub, Council managed community halls or aquatic and leisure centres. The financial impact of the COVID-19 state of emergency on these facilities and services will be reported separately as part of Council's normal operating budget reporting process.

Conclusion

The adverse financial impacts of the COVID-19 pandemic on community groups using and operating from both Council and Crown Land facilities are without precedent. Financial assistance during this time will support the Shire's clubs, Committees of Management, community groups and commercial tenants through the COVID-19 state of emergency period and beyond, to ensure they are equipped to recommence the delivery of their activities to the community following the lifting of restrictions. In addition, the extension to several of the relief measures announced within phases 1 and 2 of Council's Community and Business Support Package will provide additional relief to the Shire's ratepayers, local businesses, and domestic animal owners.

Resolution

Moved Cr Brett Owen, seconded Cr Leticia Wilmot.

That Council:

1. Note the 'Phase 4 response to COVID-19 impact' report.
2. Recognise that the coronavirus state of emergency has had and will continue to have considerable impact on the community groups that manage or use Council facilities, and in response, implement the following targeted relief measures:
 - a. Waiver of tenancy fees for the winter season for all Council owned and managed sporting facilities (1 April – 30 September 2020).
 - b. Provision of financial support towards utility bills and building /playing surface maintenance expenses, where necessary, for sporting clubs and recreation reserve Section 86 and Crown Land Committees of Management for the 1 April – 30 September 2020 period.
 - c. Freeze repayments for sporting club and recreation reserve Committee of Management debtors until 31 March 2021.
 - d. Provision of a once-off payment to Neighbourhood Houses to the value of 15% of their annual allocation for the 2020/21 financial year.
 - e. Provision of a once-off payment to Senior Citizen Centres to the value of 15% of their annual allocation for the 2020/21 financial year.
 - f. Provision of a once-off payment to U3As to the value of 15% of their annual allocation for the 2020/21 financial year.
 - g. In accordance with the COVID-19 Omnibus Regulations, offer eligible tenants (or those with like arrangements) a 100% rental waiver for the 29 March to 30 June 2020 period, followed by a 50% rental waiver for the 1 July to 29 September 2020 period.
 - h. Provision of a once-off payment to the value of \$1000 to the Emerald Museum Section 86 Committee, in addition to the usual provision of the annual maintenance grant.
 - i. Provision of financial support towards utility bills and cleaning expenses, where necessary, for Section 86 Committees who manage community halls.
 - j. Provision of required COVID-19 signage, social distancing floor markings and space occupancy signage at all Section 86 Committee managed community halls.
 - k. Waiver of all hire fees for all existing community users and not for-profit organisations of Integrated Child and Family Centres, who have an annual booking agreement with Council (not a licence or lease agreement), from 1 July 2020 until 1 February 2021.
3. Recognise that several of the relief measures announced within phases 1 and 2 of Council's Community and Business Support Package require review, and in response, implement the following secondary relief measures:
 - a. Further extension to the interest free period on unpaid rates payments until 31 March 2021.
 - b. Further extension to the deferral of debt collection/legal action in relation to rates matters until 31 March 2021.
 - c. Provision of a full refund of all 2020 Food Act and Public Health and Wellbeing Act registration fees, for businesses impacted by mandatory closures of premises, or mandatory changes to the operations of their businesses.
 - d. Provision of a full refund of all 2020-21 street trading permit fees, where outdoor dining is no longer allowed.

- e. Further extension to the due date of animal registration fees until 30 September 2020.

Carried

6.2.6 Level Crossing Removal Project Pakenham and Pakenham Station Redevelopment

File Reference: Nil.
Responsible GM: Tracey Parker
Author: Narelle Bulleid

Recommendation(s)

That Council:

1. Support the Level Crossing Removal Project Pakenham and Pakenham Station Redevelopment whilst advocating for the project to include:
 - a. Improvements to support and enhance opportunities for existing and future businesses.
 - b. Integration of the train station, bus exchange and car parking with the town centre and surrounding communities including improved pedestrian connections.
 - c. Provision of safe, functional, and maintainable community spaces.
 - d. Improvement of amenity of the area including landscaping throughout the precinct.
 - e. Provision of improved traffic circulation including new pedestrian and bicycle connections that are integrated with existing paths.
 - f. Minimal disruption to local businesses and wider community during construction.

Attachments

1. LXR Pakenham - Community - Update [6.2.6.1 - 2 pages]

Executive Summary

This report seeks to provide an update on the Level Crossing Removal Project for Pakenham and provide direction on the advocacy focus for the project during consultation with the State Government.

The project has been initiated through the Level Crossing Removal Project (LXR) with a project team working on the initial planning stages of the project as indicated in the community update attached to this report. Cardinia Shire Council is a critical stakeholder and LXR have initiated discussions with Council officers seeking local information and initial input for the first phase of the project.

The project incorporates the McGregor Road, Main Street and Racecourse Road level crossings with the likely design an elevated rail solution providing for open space and connection opportunities between the north and south of the town. The Pakenham Station redevelopment is likely to include an elevated station with three platforms including a dedicated V/Line track and platform, integrated bus exchange and parking.

A working control group and governance group has been formed with a single point of contact to provide a consistent voice for Council.

Background

LXRP has announced the commencement of the initial site investigations and planning for this project, with one newsletter as attached being provided for the project with this noting the likelihood of the rail over road design.

Level Crossing Removal Project (LXRP) Pakenham includes the removal of the McGregor Road, Main Street and Racecourse Road the likely design an elevated rail solution. The project also includes the redevelopment of Pakenham Station with the station noted as a superstation which will include better bus connections and car parking, with a third platform and dedicated V/Line track at Pakenham Station to ensure an easier interchange with regional services. The total project area has yet to be defined although it is estimated to extend along the existing rail corridor (including the station precinct) from west of McGregor Road through to east of Racecourse Road.

To coordinate the advocacy and Council input into the design and construction of the whole project a Project Control Group has been established with representatives across the organisation with regular meetings providing an update on the progress of the project and provide a coordinated Council response to LXRP information requests. The group includes planners, urban designers, engineers and infrastructure officers, economic development officers, active and passive open space officers, and a communications representative.

A governance group has also been established to provide regular updates and seek feedback from leadership with meetings on regular basis. These groups will guide advocacy of Council's position and will ensure a consistent approach across the organisation. The project will be managed by the project officer with one point of contact at Council for the LXRP enabling timely responses to the project to ensure the best outcome for the community. The advocacy directions for the project to ensure the best outcome for the community to provide direction for Council advocacy.

The suggested advocacy directions seek to ensure the protection and improvements of local businesses, assets and to deliver a better outcome for the broader community. It is considered that Council should advocate for the project to achieve:

- Improvements to support and enhance opportunities for existing and future businesses.
- Integration of the train station, bus exchange and car parking with the town centre and surrounding communities including improved pedestrian connections.
- Provision of safe, functional and maintainable community spaces.
- Improvement of amenity of the area including landscaping throughout the precinct.
- Provision of improved traffic circulation for Pakenham including new pedestrian and bicycle connections that are integrated with existing paths.
- Minimal disruption to local businesses and wider community during construction.

Policy Implications

The project is consistent with previous Council lobbying for the Level Crossing Removal of the three level crossings within Pakenham which is clearly identified in the Council Plan, the Cardinia Planning Scheme and in the adopted Pakenham Structure Plan 2019 and Pakenham Major Activity Centre Urban Design Framework 2019.

Relevance to Council Plan

Section 1 Our People is relevant which the objective is: *we support a variety of needs and lifestyles through programs and activities that promote and development wellbeing of Cardinia Shire's people.*

Action 1.4. Improved health and wellbeing for all

- 1.4.1. Source funding and deliver a range of initiatives that promote health and wellbeing.

Action 1.5 Variety of Recreation and leisure opportunities

- 1.5.1 Provide active and passive recreation facilities to meet the needs of residents
- 1.5.2 Increase opportunities for residents to participate in a range of sport, recreation and leisure activities.

Section 2 Our Community the objective is: *We will foster a strong sense of connection between Cardinia Shire's diverse community.*

Action 2.2 Engage Communities

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

Section 3 Our environment is relevant of which the objective is: *we will continue to plan and manage the natural and built form environment for present and future generations.*

Action 3.1 Provision and maintenance of assets on a life-cycle basis

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

Action 3.2 Transport linkages connecting towns

- 3.2.3 Development transport networks that incorporate effective public transport
- 3.2.4 Priorities multi-use pathways, where practical, to create networks that connect destinations
- 3.2.5 Advocate for and facilitate improved public transport option and major arterial roads to help link employment, educational, recreational and retail activities between the Shire's rural and growth areas.

Action 3.4 Natural and built environments supporting the improved health and wellbeing of our communities

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

Section 4 Our Economy is relevant of which the objective is: *we will create and support local employment and business opportunities for our community and the wider region.*

Action 4.1 Increased business diversity in Cardinia Shire

- 4.1.1 Plan for and support local employment opportunities

Action 4.3 Diverse and resilient business community

- 4.3.3 Advocate for the delivery of small and large scale projects that enhance and drive economic activity

Section 5 Our governance is relevant, of which the objective is: *we will consult with the community, as appropriate, in an open and accountable way to help in determining the key direction of Council.*

Climate Emergency Consideration

Nil.

Consultation/Communication

The project is being managed and delivered by the LXRП and State Government. In February, a newsletter update online was provided noting that the project planning had commenced.

The project is in its initial planning and design stages. The community will be able to directly input into the design through the LXRП community consultation although Council's advocacy position needs to be established to ensure the best outcome for the community throughout the project.

Financial and Resource Implications

The project will require input from departments throughout Council although given the importance of the project as an economic driver and improvements that can be achieved for Pakenham this is considered a project that these resources should be allocated to.

At this stage the input required has been considered by managers and coordinators with the officers associated with the project group being able to provide expert advice in a timely manner whilst providing community advocacy.

There will be points of the project where additional resources will be required.

Conclusion

The Level Crossing Removal Project and Pakenham Station redevelopment is a project that Council has advocated for a number of years. The project offers a number of opportunities for Pakenham and the project can provide a number of benefits for the community subject to careful advocacy.

The Project Officer, supported by the Project Control Group and Governance will liaise with the LXRП to advocate for the best outcome for the Pakenham and wider community subject to clear direction on the advocacy focus to be resolved by Council.

Resolution

Moved Cr Michael Schilling, seconded Cr Jodie Owen.

That Council:

1. Support the Level Crossing Removal Project Pakenham and Pakenham Station Redevelopment whilst advocating for the project to include:
 - a. Improvements to support and enhance opportunities for existing and future businesses.
 - b. Integration of the train station, bus exchange and car parking with the town centre and surrounding communities including improved pedestrian connections.
 - c. Provision of safe, functional, and maintainable community spaces.
 - d. Improvement of amenity of the area including landscaping throughout the precinct.
 - e. Provision of improved traffic circulation including new pedestrian and bicycle connections that are integrated with existing paths.
 - f. Minimal disruption to local businesses and wider community during construction.

Carried

6.2.7 Local Government Power Purchase Agreement Project

File Reference: Nil.
Responsible GM: Tom McQualter
Author: Bruce Walker, Aruna Dias and Brett Munckton

Recommendation(s)

That Council:

1. Approves Council's participation in the LG PPA project and procuring renewable electricity for all of Council's electricity load from July 2022, through its group tendering process.
2. Delegate limited authority to the CEO to execute the Renewable Electricity Supply Agreement (RESA) or agreements resulting from the LG PPA project tender process, subject to the following conditions:
 - a) The net present cost impact of the LG PPA project offer is no more than Business as Usual based on the mid-renewables scenario, where 'Business as Usual' includes the cost of renewable energy and associated LGCs as per the methodology established in the project's business case.
 - b) The project meets all other agreed project parameters as set out in Schedule 2 of the Participation Deed (attached) between all participating Councils; and
 - c) There is not sufficient time to present the final report to Council to allow Cardinia Shire to enter into such a contract.
3. In the event that the CEO makes this decision under this delegation a further report is provided to Council at the earliest possible Council meeting providing the details of the contract entered into.

Attachments

1. CONFIDENTIAL REDACTED - Confidential Attachment - Circulated to Councillors only
[6.2.7.1 - 1 page]

Executive Summary

Council officers have been investigating options for the most cost-effective reduction of organisational electricity related greenhouse gas emissions. This is required to enable the achievement of the zero net emissions by 2024 target, as outlined in the Aspirational Energy Transition Plan (AETP). Various options have been investigated, and a Power Purchase Agreement (PPA) has been identified as the most advantageous option.

The LG PPA project led by Darebin City Council, has significant participation and may represent the only viable local government renewable energy PPA at this stage. 41 Councils have already committed to the LG PPA project representing over 230 GWh per annum of electricity and approximately 40% of Victorian local government electricity load. The large collective load is likely to prove attractive to the energy market and provide a competitive financial outcome.

To participate in this project Council is required to contribute a \$35,000 participation fee. Limited delegated authority is sought for the CEO to enter into the electricity agreement(s) associated with the outcomes of the LG PPA tender process, subject to specific objectives and conditions. This authorisation is required, due to the nature of the tendering process and short timeframes that maybe available to execute the resulting agreements.

Background

The Aspirational Energy Transition Plan includes an action to purchase renewable energy from 2022/23 through a Power Purchase Agreement or other competitive means, as part of the pathway to achieve zero net emissions by 2024.

Council's current energy contract expires on 30 June 2022, and it is proposed to have alternative arrangements in place by this date to enable council to progress towards its 2024 target. As reported to Council Briefing on July 13 (item no. 2), the LG PPA project provides the opportunity for Council to pursue the cost-effective procurement of renewable energy to achieve its emissions reductions objectives and long-term energy security.

Through our membership to the South East Council Climate Change Alliance (SECCCA), Council has been invited to participate in this LG PPA project, which is being led by Darebin City Council. The LG PPA Project is the collective effort of Councils from across Victoria seeking a new, long-term (7-10 years) retail electricity contract for Council operations that is sourced from 100% renewable energy sources.

The LG PPA business case demonstrated that using a PPA model for procurement, is likely to secure 100% renewable energy at a lower cost than buying energy in a business as usual way. The procurement activity for the LG PPA is planned to be completed over the next 9 months to enable Councils to commence the purchase of energy through this agreement from 1 July 2021. To coincide with Council's target, it is recommended that 100% of Council's electricity demand is incorporated into the LG PPA.

Darebin City Council have advised that to participate in the LG PPA project, the CEOs of participating Councils are required to be provided with the delegated authority to execute a Renewable Electricity Supply Agreement (RESA) resulting from the tender process. Legal advice recommended this authority is obtained. Due to the dynamic nature of the electricity market and the number of Councils involved in the tendering activity, the outcomes of the tender process may not be available to present to all Councils prior to the deadline for signing the resulting agreements.

Other Councils participating in this project have provided the delegated authority to their CEOs. The PPA is critically based upon the aggregated committed load volumes from every participating council entering into the resulting electricity agreements.

This delegated authority is to be conditional on the tender achieving the agreed project outcomes, and the opportunity not being available to present the tender outcomes to Cardinia Shire Council for their review/approval. The project outcomes that would need to be achieved to enable the execution of the agreement(s) under this delegated authority are:

1. The net present cost impact of the LG PPA project offer is no more than Business as Usual based on the mid-renewables scenario, where 'Business as Usual' includes the cost of renewable energy and associated LGCs as per the methodology established in the project's business case.
2. The project meets all other agreed project parameters as set out in Schedule 2 of the Participation Deed (attached) between all participating Councils; and

3. There is not sufficient time to present the final report to Council to allow Cardinia Shire to enter into such a contract.

Policy Implications

Reducing Council's emissions from electricity consumption is consistent with climate leadership considerations outlined in the AETP, and supports actions associated with Council's climate emergency declaration.

Relevance to Council Plan

Nil.

Consultation/Communication

Internal consultation has taken place with the various council units that are involved in the procurement and management of electricity. The outcomes of the LG PPA project are intended to be promoted to the community at the appropriate time.

Financial and Resource Implications

Council is required to contribute \$35,000 to the project to help cover various project costs, such as advisory services (including an independent Probity Advisor) legal costs, procurement and tendering activities. This is the participation fee for a Metropolitan and Interface Council, which is intended to be funded from this financial year's Council utility accounts.

Council currently incurs over \$1.5 million dollars per annum of electricity costs, it is estimated approximately 45% of these costs are contestable energy charges, with the remainder made up of fixed network and other costs. The LG PPA project is committed to providing electricity and renewable energy certificates (LGCs) at a 'no more than business as usual' scenario based on a mid-level modelled broader market uptake of renewable energy. The business as usual base model includes the purchase of renewable energy certificates (LGCs) to provide a like for like scenario. Modelling completed as part of the LG PPA business case indicates that savings or a cost neutral outcome is likely to be achieved compared to business as usual, even without the additional cost of LGCs included in the business as usual model. This outcome would provide renewable energy including LGCs without any additional cost.

If the process was to provide the worst case outcome and deliver power at a business as usual level including LGCs, this would incur an additional cost to Council, as Cardinia currently does not purchase LGCs, but is required do so in order to meet its emissions reduction target. Whilst the market is unpredictable, the additional cost of LGCs for Council's current electricity demand has been estimated at approximately \$50,000 per annum on average from 2022 to 2030. This is consistent with the allowance for this cost nominated in the AETP to purchase 100% renewable energy from 2022/23.

Conclusion

Council needs to secure renewable energy to achieve its AETP target. Based on a detailed review of available options, participation in the LG PPA project provides the most viable and cost-effective way to achieve the organisational emissions reduction goals and long-term energy security for council.

Resolution

Moved Cr Jodie Owen, seconded Cr Michael Schilling.

That Council:

1. Approves Council's participation in the LG PPA project and procuring renewable electricity for all of Council's electricity load from July 2022, through its group tendering process.
2. Delegate limited authority to the CEO to execute the Renewable Electricity Supply Agreement (RESA) or agreements resulting from the LG PPA project tender process, subject to the following conditions:
 - a) The net present cost impact of the LG PPA project offer is no more than Business as Usual based on the mid-renewables scenario, where 'Business as Usual' includes the cost of renewable energy and associated LGCs as per the methodology established in the project's business case.
 - b) The project meets all other agreed project parameters as set out in Schedule 2 of the Participation Deed (attached) between all participating Councils; and
 - c) There is not sufficient time to present the final report to Council to allow Cardinia Shire to enter into such a contract.
3. In the event that the CEO makes this decision under this delegation a further report is provided to Council at the earliest possible Council meeting providing the details of the contract entered into.

Carried

6.3 Policy Reports

6.3.1 2020 Local Government Act Policies

File Reference: Nil.
Responsible GM: Tom McQualter
Author: Doug Evans

Recommendation(s)

That Council:

2. Adopts the following Policies and Rules required to be in place by 1 September in accordance with the Local Government Act 2020;
 - Governance Rules
 - Councillor Expenses Policy, and
 - Public Transparency Policy
3. Revokes the Policy adopted by the Council on 11 November 2013 regarding election of the Deputy Mayor

Attachments

1. Clean Draft Governance Rules [6.3.1.1 - 32 pages]
2. Council Expenses Policy [6.3.1.2 - 8 pages]
3. Public Transparency Policy [6.3.1.3 - 6 pages]

Executive Summary

The Local Government Act 2020 requires that Council adopts a range of new rules, policies and plans progressively over time concluding in June 2022 the documents required to be in place by 1 September 2020 are:

- Governance Rules,
- Council Expenses Policy,
- Public Transparency Policy,
- Delegated Committees,
- Community Asset Committees and
- Audit and Risk Committee

This report deals with three of these requirements

Background

The Local Government act 2020 Received royal assent on 24 March 2020 and is based on 5 major key reforms:

- Improve service delivery,
- Strong local democracy,
- Improve conduct,
- Community confidence and
- A new relationship

The Act is being proclaimed in four stages:

- Stage 1: 6 April 2020
- Stage 2: 1 May 2020
- Stage 3: 24 October 2020
- Stage 4: 1 July 2020

As part of this staged implementation various plans, rules, visions, and codes are required to be adopted by the Council.

The first stage of these are due to be in place by 1 September 2020.

This report deals with three of these requirements, being:

- Governance Rules
- Council Expenses Policy, and
- Public Transparency Policy

Governance Rules

Section 60 of the Act requires the Council to adopt a set of Governance Rules, these are required to include details regarding;

- Conduct of council and delegated committee meetings
- Form and availability of meeting records
- Election of Mayor and Deputy mayor
- Election Period Policy
- Procedures for disclosure of conflict of interest

The draft Governance Rules have been structured as follows

Chapter 1 – Introduction (new)

Chapter 2 – Context (new)

Chapter 3 - Meeting Procedure (existing Meeting Procedure Local Law with minor changes to meet the new legislation)

Chapter 4 – Conflicts of interest (new)

Chapter 5 – Joint Council Meetings (new if any such meetings are held)

Chapter 6 – Council records (new)

Chapter 7 – Community Asset Committees (new)

Chapter 8 – Election Period Policy (existing Policy with minor changes)

As far as possible the draft Governance Rules have been prepared based on the existing Meeting Procedure Local Law and existing Election Period Policy with only minor changes necessitated by the new Local Government Act. The new sections above provide greater clarity on how we propose to operate but in general do not alter the general way in which the council conducts its business.

It is suggested that Council revoke the previous Policy adopted relating to appointment of the Deputy Mayor as this position is now a legislated position and does not require a policy to be in place.

Councillor Expenses Policy

This policy supports councillors to perform their role, as defined under the Local Government Act 2020, by ensuring that expenses reasonably incurred in the performance of their role are reimbursed.

Council's current Councillor Expense and Entitlements Policy has been reviewed and updated as required and the revised policy is attached for adoption.

The policy provides guidance on:

- entitlements
- processes for reimbursement
- reporting requirements.

The policy is intended to ensure that councillors are supported to perform their duties without disadvantage.

Public Transparency Policy

This policy supports Council in its ongoing drive for good governance and the importance of open and accountable conduct and how council information is to be made publicly available. Council must adopt and maintain a public transparency policy under section 57 of the Local Government Act 2020 (the Act). This policy gives effect to the Public Transparency Principles outlined in section 58 of the Act

The Public Transparency Policy has been drafted based on a recommended Policy prepared by Local Government Victoria as a best practice guideline and is attached for adoption.

Policy Implications

Adopting the:

- Governance Rules
- Councillor Expenses Policy, and
- Public Transparency Policy

Will embed these as Council policy

Relevance to Council Plan

Implementing these policies is in accordance with the Council Plan goal of open governance to embrace and demonstrate effective governance and transparency, notwithstanding that on occasions, matters under consideration will be confidential and to govern and make decisions in the best interests of the whole Cardinia Shire community.

Climate Emergency Consideration

Adopting these policies and rules have no climate emergency implications.

Consultation/Communication

As required by the Local Government Act 2020 the Draft Governance Rules have been subject to a community consultation exercise via a public notice in the Pakenham Gazette, social media, Council's website and distribution local community groups and associations.

There were 66 'views' of the Governance Rules information on the 'Creating Cardinia' platform on the Council's website and at the close of consultation period one submission was received.

This submission suggested that the Governance Rules should include reference to a requirement that councillors must attend all general meetings, unless for exceptional circumstances, and that after 4-6 absences a replacement Councillor should be considered.

This requirement in the Governance Rules is not required and is appropriately covered by the provisions of Section 35 (1)(e) of the Local Government Act 2020 that stipulates that a Councillor ceases to hold office if they are absent from Council meetings for a period of 4 consecutive months without leave obtained from the Council.

Financial and Resource Implications

There are no financial implications associated with this matter. The operating budget adopted for the 2020/21 financial year includes any implications resulting from implementation of the new Local Government Act initiatives.

Conclusion

It is suggested that to comply with the provisions of the Local Government Act 2020 Council adopts the:

- Governance Rules,
- Councillor Expenses Policy, and
- Public Transparency Policy

Resolution

Moved Cr Leticia Wilmot, seconded Cr Michael Schilling.

That Council:

1. Adopts the following Policies and Rules required to be in place by 1 September in accordance with the Local Government Act 2020;
 - Governance Rules
 - Councillor Expenses Policy, and
 - Public Transparency Policy
2. Revokes the Policy adopted by the Council on 11 November 2013 regarding election of the Deputy Mayor

Carried

6.3.2 Appointment of the Town Planning Committee

File Reference: Nil.
Responsible GM: Tom McQualter
Author: Jack Coogan

Recommendation(s)

In exercise of the powers conferred by s 63 of the Local Government Act 2020 (the Act) and s 188 of the Planning and Environment Act 1987, Council resolves that:

1. From the date of this resolution, there be established as a delegated committee, the Town Planning Committee.
2. The purposes of the Committees established by this resolution is to exercise Council's powers, discretions and authorities and perform Council's functions under the Planning and Environment Act 1987 in accordance with relevant policies and guidelines of Council
3. The members of the Town Planning Committee are the whole number of Councillors.
4. The Committee is required to meet at the intervals set annually by the Council.
5. The Committee is required to report to Council at the first available Council Meeting
6. The Chairperson of the Planning Committee is the Mayor of the day.
7. A quorum for the Town Planning Committee is a whole number that is an absolute majority, which is the number of members that is greater than half the total number of members of the Committee.
8. There be delegated to the Town Planning Committee the powers discretions and authorities set out in the attached Instrument of Delegation (the Instrument).
9. The Instrument:
 - a. comes into force immediately the common seal of Council is affixed to the Instrument; and
 - b. remains in force until Council determines to vary or revoke it.
 - c. The powers discretions and authorities conferred on the Town Planning Committee by the Instrument must be exercised in accordance with the delegations and limitations set out in the Instrument and with any guidelines or policies Council may from time to time adopt.
 - d. The Instrument be sealed.

Attachments

1. Instrument of Delegation Town Planning Committee August 2020 [6.3.2.1 - 1 page]

Executive Summary

To create the Town Planning Committee as a delegated Committee under the provisions of the Local Government Act 2020.

Background

Under the provisions of the Local Government Act 2020 the delegations to any Committees established under the provisions of the Local Government Act 1989 cease to have effect on and from 1 September 2020.

As the Council wishes to continue to have a Town Planning Committee established it is necessary to appoint this Committee and delegate appropriate powers to it under the provisions of Section 63 of the Local Government Act 2020 and Section 188 of the Planning and Environment Act 1987.

Policy Implications

It has been the Council's practice for many years to have a Town Planning Committee consisting of the whole Council to consider matter under the Planning and Environment Act, it is recommended that Council continues that practice.

Relevance to Council Plan

Appointing the Town Planning Committee in in keeping with the Council Plan goal of having open governance and embracing and demonstrating effective governance and transparency.

Climate Emergency Consideration

Nil.

Consultation/Communication

No community consultation has been undertaken regarding this matter.

Financial and Resource Implications

Nil.

Conclusion

It is appropriate for the Council to create the Town Planning Committee as a delegated committee under the provisions of the Local Government Act 2020 and delegate to the Committee the Council's powers under the Planning and Environment Act 1987.

Resolution

Moved Cr Jodie Owen, seconded Cr Michael Schilling.

In exercise of the powers conferred by s 63 of the Local Government Act 2020 (the Act) and s 188 of the Planning and Environment Act 1987, Council resolves that:

1. From the date of this resolution, there be established as a delegated committee, the Town Planning Committee.
2. The purposes of the Committees established by this resolution is to exercise Council's powers, discretions and authorities and perform Council's functions under the Planning and Environment Act 1987 in accordance with relevant policies and guidelines of Council
3. The members of the Town Planning Committee are the whole number of Councillors.
4. The Committee is required to meet at the intervals set annually by the Council.
5. The Committee is required to report to Council at the first available Council Meeting
6. The Chairperson of the Planning Committee is the Mayor of the day.
7. A quorum for the Town Planning Committee is a whole number that is an absolute majority, which is the number of members that is greater than half the total number of members of the Committee.
8. There be delegated to the Town Planning Committee the powers discretions and authorities set out in the attached Instrument of Delegation (the Instrument).
9. The Instrument:
 - a. comes into force immediately the common seal of Council is affixed to the Instrument; and
 - b. remains in force until Council determines to vary or revoke it.
 - c. The powers discretions and authorities conferred on the Town Planning Committee by the Instrument must be exercised in accordance with the delegations and limitations set out in the Instrument and with any guidelines or policies Council may from time to time adopt.
 - d. The Instrument be sealed.

Carried

6.3.3 Instrument of Delegation to the Chief Executive Officer

File Reference: Nil.
Responsible GM: Tom McQualter
Author: Jack Coogan

Recommendation(s)

That Council execute the 17 August 2020 Instrument of Delegations to the Chief Executive Officer.

Attachments

1. Instrument of Delegation - Council to CEO 17 August 2020 [6.3.3.1 - 4 pages]

Executive Summary

Changes incoming with the Local Government Act 2020 have altered the provisions in which delegations can be made and the restrictions that the delegations can apply. The new proposed instrument is aimed to rectify the inconsistencies that would arise with the transition from the Local Government Act 1989 to the 2020 Act.

Background

Section 11 of the Local Government Act 2020 will come into force on 1 September 2020 and will invalidate the previous delegations made on 30 March 2020., therefore the proposed instrument is required to ensure Council meets it's legal obligations in everyday activities.

Policy Implications

If executed this instrument would revoke and supersede the previous version from 30 March 2020.

Relevance to Council Plan

Nil.

Climate Emergency Consideration

Nil.

Consultation/Communication

Nil.

Financial and Resource Implications

Nil.

Conclusion

Council is advised to delegate its power to be able to provide daily services throughout the community.

Resolution

Moved Cr Jodie Owen, seconded Cr Michael Schilling.

That Council execute the 17 August 2020 Instrument of Delegations to the Chief Executive Officer.

Carried

6.3.4 Instrument of Delegation - Council to Members of Council Staff

File Reference: Nil.
Responsible GM: Tom McQualter
Author: Jack Coogan

Recommendation(s)

That Council in exercising its powers conferred by the legislation referred to in the attached instrument of delegation, Council resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, 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 (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Attachments

1. Instrument of Delegation to other members of Council staff - 17 August 2020 [6.3.4.1 - 48 pages]

Executive Summary

The attached instrument is proposed to reflect changes in the organisation and legislative amendments to ensure legislative compliance.

Background

Council previously resolved in May 2020 to delegate its power to specific members of Council staff under various statutes. The changes will be:

- To reflect the delegation changes in the Local Government Act 2020 which no longer allows Council to delegate to members of staff under this specific piece of legislation.
- Include a new planning position to the delegations.
- General formatting.

Policy Implications

Nil.

Relevance to Council Plan

Nil.

Climate Emergency Consideration

Nil.

Consultation/Communication

The instrument has been prepared following consultation with relevant Council business units and advice received from the sector.

Financial and Resource Implications

Nil.

Conclusion

The update to the Instrument is necessary to allow Council officers to complete required duties, powers and functions.

Resolution

Moved Cr Jodie Owen, seconded Cr Michael Schilling.

That Council in exercising its powers conferred by the legislation referred to in the attached instrument of delegation, Council resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, 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 (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Carried

6.3.5 Revised Investment Policy

File Reference: Nil.
Responsible GM: Tom McQualter
Author: Scott Moore

Recommendation(s)

That Council endorses the revised investment policy.

Attachments

1. Revised Investment Policy [6.3.5.1 - 5 pages]

Executive Summary

The revised investment policy sets out the overarching framework for Council to invest surplus funds from current cashflow requirements. The funds are to be invested while maintaining a balanced risk profile, with a view to maximise return on investment. The investment portfolio will be managed with the view to maintain Council's commitment towards the Climate emergency action.

Background

Council's investment policy sets out practices and guidelines on how Council manages surplus cash to achieve best return on investment, balanced with risk exposure. The existing policy was adopted in 2015. With the current pandemic and an ongoing market downturn, the interest rates are at historic lows, reducing Council's investment options and ability to maximise returns. RBA has reduced its interest rate from 1% in July 2019 to 0.025% in July 2020, which is the lowest interest rate in RBA's history.

Council declared a climate emergency in September 2019, with a resolution to investigate a move away from financial institutions that fund the fossil fuel industry. Investment of funds with Authorised Deposit-Taking Institutions (ADI) that are not funding fossil fuel companies is a step consistent with the resolution.

Key changes from existing investment policy are as follows:

1. Extend maximum term to maturity from 3 months to 12 months

Our existing policy only allows investment for up to 3 months. This timeframe is very short and restricts the Council to achieve better returns as a lot of banks shy away from small term deposits due to the borrowing cost involved for the bank. Our recent experience with the banks and data received from market updates is that the rates are much more attractive for terms ranging from 6, 9 or 12 months. Our market analysis and dealings with a variety of institutions gives us confidence of achieving a better return on investment by extending the investment term up to 12 months. We have enhanced and will continue to further refine our cash flow monitoring and projection through our improved reporting and analysis model, forecasting practices and building a rolling investment maturing schedule.

2. Expand the current range of eligible investment institutions from Big 4 banks plus Bendigo Bank only to also include authorised deposit-taking institutions (ADIs) with Long Term Standard & Poor (S&P)/Fitch credit ratings starting from BBB to AAA.

In the existing policy, Council is only prescribed to invest in Big 4 banks and Bendigo Bank. A review of the latest S&P/Fitch Long Term credit ratings showed several ADIs offering greater investment returns with low risk exposures, that is, BBB rating or above. The institutions we invest with currently offer rates between 0.46% to 0.79%, whereas some other AAA rated banks outside our prescribed banks are offering up to 1.15% for 12 months, which is 36 basis points higher. This is a consistent trend. On a \$5 million dollar deposit over 12 months, an additional \$18K interest income could be earned. The additional flexibility in eligible investment institutions would provide an opportunity for higher returns on Council's \$70-100 million portfolio, while maintaining a balanced risk approach.

In the revised Investment policy, a threshold of a maximum total investments is applied to control Council's risk exposures according to ADI credit ratings. For example, all investments with BBB to BBB+ ADIs cannot exceed 50% of the total investment, whereas AA- to AAA investments can account for a maximum of 100%. In addition, the spread of investments would be limited to no more than 40% of the investment portfolio with any single institution when the portfolio is above \$4 million.

As our current policy is limited to five institutions, we are not able to take advantage of more competitive rates offered by other ADIs within our risk tolerance. We recommend Council allow an extension in our investment options to include ADIs with S&P/Fitch Long Term credit ratings of BBB and above within our maximum total investment threshold.

3. Specify a minimum of 25% total investments value be placed with approved ADIs currently not funding fossil fuel industry.

Adopting an investment policy that includes ADIs currently not funding fossil fuel industry supports Council's commitment to the climate emergency. There are a number of ADIs within the proposed new Long Term S&P/Fitch credit ratings that have no current record of funding fossil fuels, while maintaining competitive investment rate offerings like ME Bank, Bendigo Bank and Rabo bank.

However, based on research, ADIs with no current record of funding fossil fuels are mostly in lower level credit ratings, for example, Bendigo Bank BBB+, ME Bank BBB+ and Defence Bank BBB. Although the probability is very low that ADIs default on repayment of Council investments or fall into liquidation, lower credit rating ADIs have a higher risk to be invested in compared to ADIs with better credit ratings. Therefore, it is prudent for Council to spread investments into different ADIs with different levels of credit ratings and not to put all investments into BBB+ or lower ADIs. Therefore, we recommend a minimum 25% investment allocation to such ADIs to be part of Council's divestment of fossil fuels industry exposure strategy and a maximum 50% of total investment can be placed in BBB to BBB+ credit rating category.

4. Provide Council with the option to use an investment broker or advisor to optimise investment returns and administrative efficiency.

There are numerous investment brokers in the market used by ADIs to attract funds with better interest rates. These investment brokers provide access to rates that are not directly available to Council. Investment of council funds through investment brokers does not change the nature of Council investments with ADIs. Council will continue to transfer the funds directly into the ADI's account. There will be no transfer to a broker's account, thus eliminating the risk of funds misdirection.

Investing through brokers or advisors will allow Council to secure better returns and enhance investment efficiency. Current practice is to reach out to each bank for their quotes individually, which is time consuming and can limit the reach to a few banks. Using the services of a broker or advisor will provide access to multiple rates through a single avenue. It is proposed to use online investment platforms to manage Council's investment portfolio, which would allow Council to manage the funds efficiently and expand the options by capitalising on time limited promotional offers and real time opportunities.

Policy Implications

This policy is to be read in conjunction with Section 143 – (Investments) of the *Local Government Act 1989* (as amended), which sets out the requirements in relation to the Financial Institutions with whom a Council may invest.

The current policy has not been reviewed since May 2015 and it is a good opportunity to review and update.

Relevance to Council Plan

Investing council funds in ethical and responsible way is in line with the long-term financial sustainability plan. Investment policy meets the following Council plan objectives:

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

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

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

Climate Emergency Consideration

Nil.

Consultation/Communication

The revised policy was developed internally by the Finance team and consulted with the Senior Leadership Team for their guidance and input.

Financial and Resource Implications

The revised Investment policy aims to achieve improved returns and enable investment strategy aligned with Council's commitment to the Climate emergency action in an ethical, responsible and efficient manner.

Conclusion

Request the Council to endorse the revised Investment policy to manage Council funds.

Resolution

Moved Cr Jodie Owen, seconded Cr Michael Schilling.

That Council endorses the revised investment policy.

Carried

6.4 Financial Reports

6.4.1 Contract 20/23 - Comely Banks Recreation Reserve Civil Construction

File Reference: NII.
Responsible GM: Peter Benazic
Author: Thomas Nicholls

Recommendation(s)

That:

- The tender submitted by to Evergreen Turf Group Pty Ltd for \$7,607,779.08 (excl GST), excluding the bowling green construction, be accepted by Council for Contract 20-23 Comely Banks Recreation Reserve Civil Works.
- On condition of Council be successful in receiving the additional grant funding through the Community Sports Infrastructure Stimulus Program grant application for \$1,151,280, the contract with Evergreen Turf Group Pty Ltd be increased from \$7,607,779.08 (excl GST) to \$8,604,236.78 (excl GST) to reflect the tender submitted by Evergreen Turf Group Pty Ltd including the bowling green construction, be accepted by Council for Contract 20-23 Comely Banks Recreation Reserve Civil Works.
- The remaining Tenderers be advised accordingly; and
- Council execute the contract documents.

Attachments

1. CONFIDENTIAL REDACTED - Confidential Memorandum - Circulated to Councillors only [6.4.1.1 - 6 pages]

Executive Summary

The proposed multi use four rectangular pitches (rugby union & league), cricket and bowling playing facilities are located in the Comely Banks Recreation Reserve on Bridge Road, Officer. Comely Banks will be one of a number of community sporting facilities being planned within the South East growth area. Significant population growth and the arrival of several families per day into the Shire continue to increase the demand for accessible, multi-use and well-designed community infrastructure.

The reserve will have, four rectangular pitches (rugby union & league), which can be repurposed to become two cricket pitches, along with two bowling greens, playground, access roads and car parking and the associated facilities catering for the district communities. The reserve also provides passive recreation elements including pathways, a playground and open space areas.

This report provides consideration for the appointment of a suitably qualified civil contractor to undertake construction works of the sports fields, car park and associated open space infrastructure.

The tender for the Comely Banks civil construction submitted by Evergreen Turf Group Pty Ltd is the most advantageous for Council, providing the best value for money and excellent service through their experience and innovation in sports field and civil construction.

It is therefore recommended that Contract 20-23 for the civil construction of Comely Banks be awarded accordingly.

Background

In 2016, community consultation was undertaken, the information that was collected during this consultation feed into the development of a masterplan, which has been endorsed by Council. The master plan identifies all the key elements including sports play, buildings, traffic and infrastructure

Key components of the total project include:

- Four senior rugby pitches
- Two cricket wickets
- Two bowls greens
- 251 sealed car spaces with additional bus parking and through road
- Additional sealed car parking for the Bridgewood Primary School
- Passive open space areas
- Play space with accessible paths and linkages

Comely Banks is proposed to be the home to the new Pakenham Eels Rugby league club. The facility will also be home to a new cricket team and bowls complex.

Tenders were advertised on 28 March 2020 and closed on 21 April 2020 at 2.00pm.

Tenders were evaluated against the criteria of compliance with the specifications, financial viability, risk and insurance, compliance to conditions of contract, conflict of interest, OHS, quality systems, quality of previous work, project plan, pricing and value for money, compliance with the specifications, capability, relevant experience and past performance of the tenderer,

A shortlist of four tenderers were invited to provide a Best and Final Offer to seek further savings and innovations that would allow the project to be constructed within the budget constraints.

Policy Implications

The works have been developed in accordance with Council's Asset Management Plans, Open Space Strategy, Pedestrian and Bicycle Strategy, Cultural Heritage Assessment, Developer Landscape Guidelines, Recreation Facility Guidelines and Community Facility Guidelines.

Relevance to Council Plan

Nil.

Climate Emergency Consideration

Nil.

Consultation/Communication

In 2016, two rounds of community consultation were undertaken as well as consultation with key stakeholders such as Rugby League Victoria, Bowls Victoria, Cricket Victoria and Council

stakeholders such as Community Services, Passive Reserve, Active Reserves and the Development team. This consultation provided Council with an endorsed master plan.

Financial and Resource Implications

There is a capital works budget allocation for this project over the next two financial years, 2020/21 and 2021/22 of \$7,715,000.

Council Officers have also applied for a grant from the State Government Community Sports Infrastructure Covid Stimulus Program for \$1,151,280, specifically for the construction of the bowling greens. If this grant application is successful, it would mean a revised budget of \$8,866,280.

Is it recommended that the contractor be awarded to Evergreen Turf Group Pty Ltd and that the extent of works be determined in relation to if Council is successful in obtaining the additional Community Sports Infrastructure Stimulus Program.

If Council are successful in obtaining the grant, then the tender be awarded to Evergreen Turf Group Pty Ltd for \$8,604,236.78, which would be within the available budget of \$8,866,280

If Council are unsuccessful in obtaining the grant, then the tender be awarded to Evergreen Turf Group Pty Ltd for \$7,607,779.08, excluding the bowling greens construction, which would be within the available budget of \$7,715,000

Conclusion

The tender submitted by to Evergreen Turf Group Pty Ltd for \$7,607,779.08 (excl GST), excluding the bowling green construction, be accepted by Council for Contract 20-23 Comely Banks Recreation Reserve Civil Works.

On condition of Council be successful in receiving the additional grant funding through the Community Sports Infrastructure Stimulus Program grant application for \$1,151,280, the contract with Evergreen Turf Group Pty Ltd be increased from \$7,607,779.08 (excl GST) to \$8,604,236.78 (excl GST) to reflect the tender submitted by Evergreen Turf Group Pty Ltd including the bowling green construction, be accepted by Council for Contract 20-23 Comely Banks Recreation Reserve Civil Works.

Resolution

Moved Cr Brett Owen, seconded Cr Ray Brown.

That:

- The tender submitted by to Evergreen Turf Group Pty Ltd for \$7,607,779.08 (excl GST), excluding the bowling green construction, be accepted by Council for Contract 20-23 Comely Banks Recreation Reserve Civil Works.
- The remaining Tenderers be advised accordingly; and
- Council execute the contract documents.

Carried

6.4.2 Contract 20/31 and 20/32 - Koo Wee Rup Football and Cricket Changerooms and Koo Wee Rup Netball Pavilion

File Reference: Nil.
Responsible GM: Peter Benazic
Author: Trevor Kitchin

Recommendation(s)

That Council:

1. Award the tenders submitted by 2 Construct Pty Ltd for Contract 20-31 - Kooweerup Football and Cricket Changerooms for the amount of \$1,810,460 and Contract 20-32 - Kooweerup Netball Pavilion for the amount of \$1,088,009.
2. Advise all tenderers accordingly.
3. Execute the contract documents.

Attachments

1. CONFIDENTIAL REDACTED - Confidential Memorandum - Circulated to Councillors only [6.4.2.1 - 5 pages]

Executive Summary

This report provides consideration for the appointment of an appropriate contractor to undertake the following projects.

Contract 20-31 Kooweerup Football and Cricket Changerooms

This involves the demolition of the existing changerooms and construction of a new changeroom facility that meets Council's standards and provides unisex and accessible facilities, changerooms, including first aid, umpires and gymnasium components.

Contract 20-32 Kooweerup Netball Pavilion

This project includes the demolition of the existing netball pavilion and construction of a new facility that meets Council's Facilities Standards.

The tender submitted by 2Construct Pty Ltd complies with all the conditions of tendering and their respective tender price is within Council's available budget for these projects.

2Construct are very experienced in delivering large scale projects, have a solid reputation and performance with similar projects, deliver good quality project outcomes, have demonstrated excellent cost control on projects, and deliver within required timelines.

Background

The pavilion projects are located at the Koo Wee Rup Recreation Reserve, Denhams Road, Koo Wee Rup. Koo Wee Rup Recreation Reserve is Crown Land with a community Committee of Management appointed under the Crown Land Reserves Act.

The Koo Wee Rup Recreation Reserve masterplan has been developed to meet the growing needs of the community.

Further, to meet the growing needs for sports in Koo Wee Rup and surrounding areas, the football/cricket pavilion provides for sporting female friendly change rooms, female friendly/standard and universally accessible amenities, umpires amenities, a gym and first aid room.

The new netball pavilion provides social space, change and amenities, umpires amenities, canteen, first aid, storage and an office all which meet Council's facility standards.

Tenders were advertised on Saturday 9 May 2020 with a closing time and date of 2:00pm Tuesday 16 June 2020. Eighteen (18) contractors provided tender submissions.

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

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

A detailed assessment of the submitted tenders was completed by the Evaluation Panel with the tenders by 2Construct Pty Ltd providing best value for money outcomes.

Policy Implications

Council's Sports Facility Standards Policy (2019).

Relevance to Council Plan

The construction and delivery of the Koo Wee Rup Recreational Reserve Sporting projects addresses the following Council Plan objectives:

1 Our People

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

2 Our Community

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

3 Our Environment

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

Climate Emergency Consideration

Nil.

Consultation/Communication

Extensive consultation and engagement with various and relevant stakeholders including, local user groups at the reserve, sporting associations, Reserve Committee of management, DELWP and Council Officers has occurred during the development of the projects.

There has been regular meetings and involvement by the relevant stakeholders and decision makers in outlining the required process and outcomes to be achieved for these projects.

In particular, the Koo Wee Rup Recreation Reserve working group and key stakeholders were able to collectively make recommendations on requirements for the projects, collaborating closely with Council Officers, design consultants and external funding bodies.

Financial and Resource Implications

The tender amounts submitted by 2Construct Pty Ltd is within Council's available budget for these projects, and being:

Contract No	Project Description	Amount
20-31	Construction of football/cricket changerooms	\$1,810,460.00
20-32	Construction of netball pavilion	\$1,088,009.00

Conclusion

That the tenders submitted by 2 Construct Pty Ltd for Contract 20-31 - Kooweerup Football and Cricket Changerooms for the amount of \$1,810,460 and Contract 20-32 - Kooweerup Netball Pavilion for the amount of \$1,088,009 be approved.

Resolution

Moved Cr Ray Brown, seconded Cr Collin Ross.

That Council:

1. Award the tender submitted by 2 Construct Pty Ltd for Contract 20-31 - Kooweerup Football and Cricket Changerooms for the amount of \$1,892,929, which includes the additional spectator shelter at a cost of \$69,638 and completion of the Community Room at a cost of \$12,831 acknowledging that the Kooweerup Football and Cricket clubs have agreed to reimburse the cost of the completion of the Community Room component, and
2. Award the tender submitted by 2 Construct Pty Ltd for Contract 20-32 – Kooweerup Netball Pavilion at a cost of \$1,088,009, and
3. Advise all tenderers accordingly, and
4. Execute the contract documents

Carried

6.4.3 Contract 20/35 - Rix Road Early Learning Centre Construction

File Reference: Nil.
Responsible GM: Peter Benazic
Author: Marlene Battista

Recommendation(s)

That Council:

1. Accept the tender Contract No. 20-35 for Rix Road Early Learning Centre submitted by Alchemy Construct Pty Ltd for \$5,391,010.55 (excl. GST), plus Provisional Sum of \$43,000.00, with an overall tender price of \$5,434,010.55 (excl GST).
2. Advise all tenderers accordingly, and
3. Execute the contract documents.

Attachments

1. CONFIDENTIAL REDACTED - Confidential Memorandum - Circulated to Councillors only [6.4.3.1 - 4 pages]

Executive Summary

This report provides consideration for the appointment of a contractor to undertake the Rix Road Early Learning Centre Construction at Officer, Victoria.

The Rix Road facility will cater for the growing family needs within Officer. This report provides an overview of the Rix Road Early Learning Centre at Officer and background information for Councillors to consider in their endorsement and approval of the Recommendations.

The Tender submitted by Alchemy Construct Pty Ltd complies with all the conditions of tendering and provides best value for money outcomes for Council.

Background

Contract 20-35, Rix Road Early Learning Centre Construction encompasses the construction of a centre which will contain a kindergarten comprising three (3) program rooms catering for 164 children, five (5) consulting rooms for professionals (such as Maternal and Child Health), a community room, staff room, amenities, equipment, furniture, outdoor play areas and carparking.

This is a greenfield site, located within Arcadia Estate in Officer, with vehicular access from Campanella Avenue.

Cohen Leigh Architects were appointed as Council's principal Design Consultants for the project. Design documentation was prepared after extensive consultation with Stakeholders including Children, Children's Services and Maternal & Child Health Staff.

Tenders were advertised on Saturday, 30 May 2020 and closed at 2pm, Tuesday, 7th July 2020.

Eleven (11) submissions were received. The tender evaluation panel comprising of Council Officers undertook a detailed assessment of all tenders lodged including reference and financial checks in accordance with the tender evaluation process and set criteria. The evaluation panel endorsed the tender submission of Alchemy Construct Pty Ltd as best value for money for Council.

Alchemy Construct Pty Ltd has undertaken multi-million builds of a similar nature for Local Government and the Victorian School Building Authority (VSBA).

Policy Implications

Nil.

Relevance to Council Plan

The Rix Road Early Learning Centre, Officer, relates to the following areas of "Creating the future - Council Plan 2020":

1 Our People

- 1.1 Access to a variety of services for all
 - 1.1.1 Continually review services to ensure those provided by Council meet community needs.
 - 1.1.2 Routinely review overall community needs for services and either deliver or advocate for others to provide services to meet those needs.
- 1.3 Learning opportunities for all ages and abilities
 - 1.3.3 Support the provision of learning opportunities for all ages and abilities.
- 1.4 Improved health and wellbeing for all
 - 1.4.4 Support children, young people, families, older adults and people of all abilities by providing range of accessible services and facilities.

Climate Emergency Consideration

Nil.

Consultation/Communication

Design plans and specifications were prepared after extensive consultations with Stakeholders, Children, Child and Family Services and Maternal & Child Health Staff. There has been and will be ongoing consultation between Council Staff and the Contractor during the contract period.

Financial and Resource Implications

The available funds for the Rix Road Early Learning Centre Construction project are:

\$5,784,149.00	Developer Contribution Plan (DCP)
\$2,000,000.00	Victorian School Building Authority (VSBA)
\$1,500,000.00	Growing Suburbs Fund (GSF)

Thus, the total available budget is \$9,284,149.00.

The final Cost Plan for the Rix Road Early Learning Centre (dated 24 June 2020) indicated a project cost for Construction, Services, Fees and Equipment at \$5,236,000.00.

To date:

- there has been initial expenditure towards Design, Investigations and Project Management of approximately \$260,000.00;
- there is additional committed expenditure of \$66,000;
- there is predicted expenditure (approximately \$1,900,000.00) for the following items:
 - . Arts Response (1%)
 - . Superintendent fees and Project Management fees
 - . Construction Contingency (10%) and Drainage Contingency
 - . External Service Mains and Fees and Charges
 - . FF&E - Children's equipment and furniture (\$500K).

In total, there is over \$7,000,000.00 available to complete this project.

Tender Sum	\$5,391,010.55
Provisional Sums and Options	\$43,000.00
Total Contract Amount	\$5,434,010.55 (excl. GST)

There are sufficient funds to complete this project.

Conclusion

It is recommended that the tender submitted by Alchemy Construct P/L for \$5,391,010.55 (excl GST), plus Provisional Sum of \$43,000.00, with an overall tender price of \$5,434,010.55 (excl GST) be accepted for the Contract 20-35, Rix Road Early Learning Centre Construction.

Resolution

Moved Cr Jodie Owen, seconded Cr Michael Schilling.

That Council:

1. Accept the tender Contract No. 20-35 for Rix Road Early Learning Centre submitted by Alchemy Construct Pty Ltd for \$5,391,010.55 (excl. GST), plus Provisional Sum of \$43,000.00, with an overall tender price of \$5,434,010.55 (excl GST).
2. Advise all tenderers accordingly, and
3. Execute the contract documents.

Carried

6.5 Activity Reports

6.5.1 Quarterly Environment Report

File Reference: Nil.
Responsible GM: Peter Benazic
Author: Desiree Lovell, Jacqui Kelly

Recommendation(s)

That Council note the 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'.

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.

Deep Creek Reserve interpretation plan

Description	Deep Creek Reserve Interpretation Plan
Funding	This project was fully funded by Council
Update	<p>Consultants were engaged to create an interpretation plan for the Deep Creek Reserve. The aim is to activate the visitor experience and “to create pride of place through understanding, education and connection to natural systems to inspire solutions or sustainable living.”</p> <p>The plan was developed in consultation with:</p> <ul style="list-style-type: none"> • Council’s environment, waste, recreation, diversity, communications, and engineering teams • Deep Creek Golf Club and cafe, Cardinia Environment Coalition, and Ecolinc • Bunurong Land Council, Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, and Boon Wurrung Foundation <p>Deep Creek Reserve abounds in environmental education opportunities as it was developed with Environmental Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD) principles, all abilities nature-based playground, indigenous display gardens and nursery, wetlands, and is located at the historic convergence of three creeks that would have been significant to our traditional owner groups.</p> <p>The interpretation plan addresses elements that complement the features of the site and the education topics provided by Ecolinc, including:</p> <ul style="list-style-type: none"> • Biodiversity • Water • Waste • Energy <p>Initiatives in the interpretation plan will be implemented in the coming years as grants and other funding opportunities arise.</p>

Online resources for our natural environment

Description	Training webinars, video resources and social media engagement for community education about the environment and weed control.
Funding	Funded by the Victorian Government through the Caring for Our Local Environment (COLE) program
Update	<p>To adhere to COVID-19 restrictions several community engagement activities under the COLE program were modified. While a weed control workshop and training sessions for environmental community groups were cancelled, other resources have been developed.</p> <p>Two short weed control and identification videos have been created, each focusing on a specific weed within the shire. Both these videos remain as an ongoing resource to promote weed identification and control to the community.</p> <p>As part of a future citizen science initiative, training webinars for using phone applications to record local biodiversity will be undertaken over the next few months for the environmental volunteer groups within the shire.</p>

Environmental planning annual update

Description	Environmental planning referrals annual update
Funding	This is fully funded by Council
Update	<p>Environment Planners have provided 320 referral responses to planning applications in the 2019-20 financial year.</p> <p>Environment Planners provide advice to avoid and minimise the impacts of development to native vegetation and waterways protected through both state and local planning scheme controls, and threatened species that are protected under the Commonwealth Environment Protection and Biodiversity Conservation Act (EPBC Act).</p> <p>Some of the larger projects that Environment Planners have responded to in the past year include:</p> <ul style="list-style-type: none"> • Motorsports facility • Puffing Billy Discovery Centre • AGL Crib Point to Pakenham gas pipeline • Healesville-Koo Wee Rup Road duplication • Pakenham East Rail Stabling Yards project completion • Subdivision in Bunyip with Southern Brown Bandicoot recorded • Multiple road safety and upgrade projects

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.

Household energy efficiency resources

Description	Household energy efficiency information available on Council's website
Funding	This project was fully funded by Council
Update	<p>Council's website has been updated with a household energy efficiency page. The information provided will support residents to increase their household energy efficiency, improve the internal comfort of their homes and save on utility related costs. The home energy efficiency page features a range of information and resources, including:</p> <ul style="list-style-type: none"> • Information to help residents understand their energy and gas bill • Tips to help find the right household energy plan • A guide to building, buying and renovating environmentally sustainable homes • A home energy improvement handbook developed for the Cardinia community in partnership with Federation University

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

Pepis Land dam restoration project

Description	Repair of leak in lower dam at Pepi's land, Emerald
Funding	This project is fully funded by Council
Update	<p>In August last year Council observed a leak coming from an irrigation pipe at the base of the lower dam at Pepi's land. A pump was put into place to lower the water level of the dam, this relieved the pressure on the pipe and stopped the leak in the short term. This allowed Council officers time to review the options available and assess the best way forward.</p> <p>Dam repair and revegetation is nearing completion. The repair of the dam has improved the structure, made it safer and allows for easier maintenance. This has ensured that the dam and local environment is protected for the community.</p>

	<p>Large trees on the downstream bank were removed as the roots create pathways for leaks, tree ferns were retained, and a layer of rock was bought in to protect the surface from natural erosion and wombat burrows. A new spillway was created as the previous spillway was inadequate for flows and lead to frequent overtopping of the wall, which eroded the downstream slope.</p> <p>The work balanced the needs of engineering and maintenance with the environmental sensitivity of the site. Native fish and turtles were translocated for the works, all wombat burrows in the vicinity were monitored for activity and one-way doors were installed to make sure they were empty prior to works. Remnant vegetation downstream of the wall was not disturbed.</p>
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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.

Virtual waste education program

Description	Council provides education programs to residents through a variety of formats including online materials, talks, workshops, event stalls and school and kinder programs
Funding	This service is fully funded by the annual garbage charge
Update	<p>During the COVID-19 crisis, waste education was adapted to a virtual format. These engagements included:</p> <ul style="list-style-type: none"> • A page on Connecting Cardinia created in collaboration with the Environment Team to provide resources and engagement with residents. • An activity pack for children, including a letter from a driver, colouring pages and worksheets. This was posted to all supported playgroup families and made available online and by post. • A video starring a well-known Cardinia Shire waste truck driver to be used on social media. • An instructional video for beeswax wraps, in partnership with Casey Cardinia Libraries. • Our first virtual workshop will be held Sunday 12 July in celebration of Plastic Free July, in partnership with Casey Cardinia Libraries. <p>The online contents, particularly the activity sheets, have been well received by internal teams, peers at other councils and residents and are here to stay!</p>

Hardwaste collection results

Description	Biannual, shire-wide hard waste collections previously occurred over five weeks in April-May and October-November each year.
Funding	This service fully funded by the annual garbage charge

Update	<p>The final shire wide hard waste collection was successfully implemented from Monday 20 April to Friday 22 May. The contractor made modifications to this service to adhere to COVID-19 restrictions and ensure the service was not interrupted.</p> <p>Over the five weeks 3269.95 tonnes was collected, including:</p> <ul style="list-style-type: none"> • 32.9 tonnes of e-waste, • 92.36 tonnes of green waste • 448.85 tonnes of scrap metal <p>This can be compared to the April-May 2019 collection of 2,174.98 tonnes collected. The increase can be contributed to COVID-19 as residents have had additional time to clear houses and property, we offered assistance through additional green waste collection requests and had significantly less material collected by 'pickers' ahead of the contractor trucks, particularly scrap metal.</p> <p>Following this collection, Council have now moved to a bookable hard waste service from 1 July 2020. A comprehensive communication and behaviour change program, including monitoring of unbooked hard waste, is being rolled out over the coming months.</p>
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Green waste drop-off service

Description	<p>Free Green Waste drop-off days are held at two transfer stations in April-May and October-November each year. They allow residents the opportunity to drop-off garden material for free, helping to reduce reliance on burning off and reduce fuel loads on property. The green waste is transferred to composting facilities and becomes soil improver that is sold commercially.</p>
Funding	<p>This service fully funded by the annual garbage charge</p>
Update	<p>The planned free green waste drop-off days were initially cancelled due to the COVID-19 restrictions. Prior to the first service, the Victorian Government provided updated information that waste transfer stations and their services should remain operational and would be considered a valid reason to leave home. As a result, both services went ahead with modifications. These modifications included a contact-less and socially distanced service, with reduced hours of operation.</p> <p>Residents were also offered the option of an additional three cubic meters of green waste collected as part of their hard waste service. This option was available to those not wishing to leave home, and those who were not aware that the service was continuing. 76 residents booked this service.</p> <p>The Pakenham service ran Friday 17 April, Saturday 18 April and Monday 20 April. 26.48 tonnes were collected from 144 vehicles. In May 2019, 69.17 tonnes were collected from 317 vehicles.</p> <p>The Lysterfield service ran Friday 1 May, Saturday 2 May (until 12pm), Sunday 3 May (until 12pm) and Monday 4 May. 42.12 tonnes was</p>

	collected from 179 resident drop-offs. In May 2019, 103 vehicles presented, with 16.8 tonnes collected.
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Projects planned for 2020–21

Strategy delivery

The projects listed below were scheduled to be delivered in 2020-21, before COVID-19 restrictions came into effect. Some projects require face to face interaction with the community and will be delivered in alternate ways to meet COVID-19 restrictions. Where this is not possible projects may need to be suspended until restrictions are lifted.

- Implementation of Weed Management Strategy 2019
 - Peri Urban Weed Partnerships Project 2016–20 working across tenures to reduce effects of high threat weeds along Cardinia Creek corridor.
 - Undertake weed mapping of selected bushland reserves and roadsides of high conservation significance
 - Cannibal Creek Catchment Biodiversity project – A multi-stakeholder project aiming to reduce the impact of weeds, deer and fox in remnant vegetation in the Cannibal Creek Catchment, south of Bunyip State Park, working across both private and public land.
 - Increase the number of available weed grants – The increased budget for this program allows a greater number of properties to access these grants. Grants are provided for activities such as weed disposal costs, equipment hire, herbicides, the purchase of tools and hiring of contractors.
- Implementation of Biodiversity Conservation Strategy 2019
 - Continue to participate in the Eastern Region Pest Animal Network, including development of Regional Pest Animal Strategy
 - Continued development and adoption of Cardinia Shire’s Biolinks Plan
 - Finalise the volunteer bushland reserve friends groups works plans
 - Recruit a full time Environment Education Officer (subject to COVID-19 restrictions on community outreach work)
 - Prepare guidelines for developers to encourage indigenous plantings
 - Develop and install interpretation signage at Mt Cannibal
- Implementation of the Waste and Resource Recovery Strategy
 - Implementation of a kerbside food waste diversion service and behaviour change program
 - Implementation of bookable hard waste collection
- Implementation of the Integrated Water Management Plan (IWMP)
 - Undertake minor works at various Council facilities to improve water efficiency
 - Complete Gembrook Park erosion control works
 - Participate in the Integrated Water Management Forums for Westernport catchment including implementation of key regional projects
- Implementation of the Aspirational Energy Transition Plan
 - LED lighting upgrade at the civic centre and continued feasibility for a solar system
 - Purchase of fleet carbon offsets
 - Continuation of community engagement programs i.e. New Home Energy Advisory Service, Sustainable Living workshops
 - Continued involvement in carbon mitigation and adaptation projects delivered by the South East Councils Climate Change Alliance (SECCCA)
 - Begin development of a Climate Change Adaptation Plan

Annual programs

- Coordination of grants:
 - Annual Weed control grants to reduce weeds on private and public land

- Annual Heritage grants to conserve places protected under the heritage overlay
- Biodiversity Incentive grants on private land
- Distribute annual friends group support grant
- Trust for Nature rate reimbursement scheme
- Continued community collaboration and awareness programs:
 - Annual trees for weeds swap day
 - Gardens for wildlife program
 - Kinders biodiversity education program
 - Indian Myna trapping program (sale of traps)
 - Schools and kindergarten waste education program
 - Community waste education program

Resolution

Moved Cr Jodie Owen, seconded Cr Michael Schilling.

That Council note the report.

Carried

6.5.2 Quarterly Performance Report

File Reference: Nil.
Responsible GM: Jenny Scicluna
Author: Jo Battin

Recommendation(s)

That Council note the report.

Attachments

1. Q4 2019-20 Performance Report [6.5.2.1 - 59 pages]

Executive Summary

Council committed to undertake work on 160 Council Plan actions during the 2019-20 financial year. The organisation completed 137 actions, achieving 86% Council Plan completion.

Population growth within the Shire has 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

The organisation completed 137 of the 160 Council Plan actions due for completion in the 2019-20 financial year. The remaining 23 actions are still in progress, and therefore, are off-track. *Please refer to Attachment 1* for detailed Council Plan Action progress.

Please refer to *Table 1* for Council Plan action performance statistics and Table 2 for a summary of off-track Council Plan actions.

Table 1. Table 1. Council Plan Actions - Performance statistics

	Completed	In Progress	Grand Total	% Complete
1. Our People	43	14	57	75%
2. Our Community	21		21	100%
3. Our Environment	36	7	43	84%
4. Our Economy	23	2	25	92%
5. Our Governance	14		14	100%
Grand Total	137	23	160	86%

Table 2. Council Plan Actions - Off Track

	Action	Business Unit	Executive Comment
1	1.1.1.2 CP - Start the design and in part the construction of the Integrated Children's Centre at Timbertop.	Building and Facilities	Documentation for this project is complete. However, Council is unable to progress construction until the land is transferred from the developer. It is expected that the land will be transferred from the developer to Council in the new financial year.
2	1.1.1.12 CP - Start the design stage of the Integrated Children's Centre at Brunt Road.	Building and Facilities	The Brunt Road Integrated Children's Centre project is part of the Council's commitments, in the Long Term Financial Plan, to deliver children's facilities across the Shire. This Centre will be a collaborative project with the Victorian School Building Authority (VSBA) and is currently scheduled to commence with design 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	Building and Facilities	Documentation for this project is complete. However, construction is unable to progress until the land is transferred from the developer. It is expected that the land will be transferred from the developer to Council in the new financial year. The estimated new end date for this project is December 2021.
4	1.5.1.6 CP - Construct redevelopment of Cora Lyn Reserve Pavilion	Building and Facilities	This project has been delayed due to the approval of modified loan arrangements by the Minister for Jobs, Precincts and Regions. Council received Ministerial approval for changes to the scope in June 2020. The estimated new end date is March 2022.
5	1.5.1.10 CP - Complete the construction and fit-out of the Emerald Netball Pavilion.	Building and Facilities	This project has been delayed due to re-scoping to meet sports facility standards. Site works have commenced and the project is now progressing well. The concrete slab is completed and steel framing is in progress. In-ground services are connected.
6	1.5.1.11 CP - Progress the construction and fit-out of the KWR Football/Cricket Pavilion	Building and Facilities	The project has been delayed due to extensive consultation with user groups and the resulting redesign. The tender for this project closed 16 June 2020. The project is on target to be delivered by June 2021.
7	1.5.1.12 CP - Progress the construction of the Cora Lynn Reserve Pavilion.	Building and Facilities	Duplicate action - refer to action 1.5.1.6
8	3.1.3.1 CP - Upgrade of the Gembrook Reserve Sports Pavilion.	Building and Facilities	This project has been delayed due to budget reconsideration and project management arrangements. Demolition works have been completed. Connection to in-ground services and concrete slab works are progressing. The project is expected to be completed by March 2021.
9	3.1.3.4 CP - Annual prioritised works to existing buildings, which will improve access, use and engagement by our diverse community. Works will meet enhanced and over and above Disability	Building and Facilities	The majority of the identified annual priorities for this program will be completed by the end of financial year. Two projects are expected to take longer to finalise and will run concurrently with next year's program of priorities.

	Action	Business Unit	Executive Comment
	Discrimination Act requirements where feasible.		
10	1.5.1.3 CP - Complete construction of netball courts, car parking and pavilion at Pepi's Land Emerald	Infrastructure Services	Project delayed due to Council finalising designs of the external intersection works and awaiting external authority approvals. Works associated with the internal car park and netball courts are complete. The pavilion construction is underway.
11	3.1.4.1 CP - Review of Open Space Asset Management Plan	Infrastructure Services	Collating the relevant condition data to support the review of the plans has been delayed, in turn delaying the completion of works. The plan is now being completed along with the review of the footpath and bridges asset management plans. Draft versions of these three plans are expected to be completed late 2020.
12	3.1.4.2 CP - Review of Road Asset Management Plan and Buildings Asset Management Plan.	Infrastructure Services	These plans have been delayed due to the collection of the relevant condition data. Development of long-term modelling for building assets has commenced based on the 2019 condition assessments.
13	3.2.1.1 CP - Commence construction of the Lang Lang Bypass from Westernport Road to McDonalds Track, including Milner's Road.	Infrastructure Services	The project has been delayed due to ongoing negotiations with quarry operators. Construction will commence after funding is secured.
14	3.2.2.6 CP - Commence a Road and Drainage Scheme in Cockatoo pending adequate land owner support.	Infrastructure Services	Project delayed due to the impact of COVID-19. A community meeting was held in Cockatoo in September 2019. Initial community feedback suggested support for the scheme. A scheme in Cockatoo will form part of the sealing the Dandenong Ranges and surrounds as funded by the Federal Government. A priority list of roads was endorsed at the March 2020 Council meeting. An engagement plan is being reviewed based on the impacts of the Coronavirus and how best to interact with the community. This will now have an impact on the ability to initiate schemes prior to Council elections.
15	1.5.1.1 CP - Prepare a master plan for Gin Gin Bin Reserve Officer	Active Communities	The project has been delayed due to awaiting direction from the Victorian Department of Education and Training and Victorian School Building Authority. A consultant was appointed and a draft master plan has been prepared. Discussions have been proposed with the Victorian Department of Education and Training in relation to combined master planning for an education precinct and Gin Gin Bin Reserve.
16	1.5.1.2 CP - Prepare a master plan for McMullen Recreation Reserve Officer	Active Communities	Project delayed due to budget re-prioritisation. Council secured the land for the site in May 2020. Preparation of the McMullen Recreation Reserve master plan is on hold pending settlement of the purchase of land required to create the new reserve.

	Action	Business Unit	Executive Comment
17	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	Project delayed due to budget re-prioritisation. Funding has been allocated in the 2020-21 budget for design works.
18	1.5.1.6 CP - Complete design for Bunyip Indoor Stadium.	Active Communities	Project delayed due to agreement not having yet been reached with the committee of management and reserve user groups. The draft concept plan has been discussed with the 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.
19	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 that this application was unsuccessful. Council officers will continue to seek alternative funding sources.
20	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.
21	3.5.3.1 CP - Review of township strategies in line with the adopted program	Policy, Design and Growth Area Planning	Project delayed due to challenges gathering technical information from service authorities. Commenced review of railway towns. Draft background document has been finalised. Exhibition was held in May 2019. Technical reports in relation to servicing and bushfire control being undertaken.
22	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	Cardinia Road Employment Precinct Structure Plan: Council officers have drafted a project brief to initiate the review. Review will take place in conjunction with the development of the Officer South PSP which has strong links and sharing of infrastructure between the two precincts. The Victorian Planning Authority (VPA) has recently commenced the background report for Officer South PSP. Officers will work with the VPA to progress the development of this PSP. Pakenham South Precinct Structure Plan is being prepared for an authorisation request, subject to engineering technical reports being finalised.
23	4.1.3.1 CP - Finalise planning scheme amendment to incorporate Pakenham South Precinct Structure Plan into the Cardinia Planning Scheme.	Policy, Design and Growth Area Planning	The timing of this Precinct Structure Plan has been delayed while working through traffic and drainage issues. Council has recommended that authorisation be sought, however this is still on hold while traffic issues are being worked through.

Council Activity Summary

COVID-19 pandemic

Our focus and priority throughout the COVID-19 pandemic has remained the same – continuing to deliver essential services and provide support and assistance to our community.

As a Council, we've had to adapt and do things differently, but we have continued to deliver essential services and programs, even if we've had to modify the way we do it.

Continuing to support our community and business through the pandemic remains our priority. Through our Community and Business Support Package we're providing practical support initiatives to help community and business cope with the effects of the pandemic, and our COVID-19 support grants programs are assisting eligible service providers, agencies and groups to provide relief services and support to our community. We are also advocating strongly for additional support for our local businesses.

A community survey has been created to help us better understand local community needs during the pandemic so we can continue to support residents and businesses.

Council is supporting state health requirements and we are working with, and advocating to, other levels of government for greater support for our community.

Budget 2020–21

Council adopted its 2020–21 budget and Council Plan at its June Council meeting. The 2020–21 budget reflects Council's responsible financial management. Careful and compassionate consideration was given to this budget by Council, particularly in light of the current and future impacts of COVID-19.

This budget will fund the delivery of community services across more than 70 service areas and an \$86 million capital works stimulus program to boost the local economy. It also includes a \$1.6 million commitment to our COVID-19 Community and Business Support Package to provide ongoing community support.

Advocacy

Council has been working collaboratively with the Victorian Government in responding to the COVID-19 pandemic.

Council continues to actively seek grant funds from a variety of state and federal government funding programs. As a result of our advocacy efforts this quarter, we attracted \$7.1 million in government grants, bringing the total for 2019–20 to \$10.4 million, with 15 of our 34 grant applications successful. In 2018–19, we received \$9.3 million in grant funding and, through our advocacy in the lead up to the 2019 Federal Election, commitments of \$592.8 million were made for various projects in the La Trobe electorate, which takes in part of Cardinia Shire. This brings the total amount of grant funding commitments to more than \$612 million in the past two years.

I'm proud to say that Cardinia Shire Council is amongst the most successful councils in Victoria when it comes to securing external grants, ensuring that our rate dollars stretch further. The funding we receive through the various state and federal grant programs, such as the Growing Suburbs Fund, Community Sports Infrastructure Stimulus Program, Melbourne Water Living Rivers Program and Native Vegetation Improvement Program, is used for a range of projects and initiatives that benefit our community.

Council continues to lobby the state and federal governments for action on important local issues, and we're working hard to influence government priorities that will benefit our community. We're also working with other groups of councils, such as South East Melbourne and the Interface Group of Councils, to facilitate investment in the broader region.

Major projects

A number of major projects across the shire commenced, progressed or were completed this quarter.

A number of playground construction and upgrade projects were undertaken across the shire. The major recreation and community precinct at Lang Lang Community Recreation Reserve has been completed and works to redevelop the sporting pavilion at Gembrook Recreation Reserve have started. Construction of the new community and sports pavilion at Comely Banks Recreation Reserve in Officer progressed well.

Plans are also underway for a new regional athletics facility at IYU Recreation Reserve in Pakenham and the redevelopment of the pavilions at Toomuc Recreation Reserve.

Roads

Council is progressing its Better Local Roads program to improve 111km of unsealed roads in the hills. The Australian Government has committed \$150 million in funding to be provided in stages over 10 years starting later this year. Funds will be used to seal priority roads in the hills and to help subsidise residential contributions to special charge schemes. Works on the first road upgrades are expected to start this summer, so we look forward to the progress of this project.

Work is also progressing on a project to upgrade eight intersections along the Princes Highway from Beaconsfield to Pakenham. The detailed design for two intersections in Beaconsfield is underway as part of stage 1. The intersection upgrades aim to reduce congestion and travel time and accommodate increased traffic and development into the future.

We are also continuing on our annual road maintenance and resurfacing programs to extend the life of local roads and improve our local road network.

Service delivery

Council has continued to deliver essential services to our community this quarter, despite the challenges presented by the COVID-19 pandemic.

Our Maternal and Child Health (MCH) centres transitioned to a booked, over-the-phone consultation service and young people were able to access support from our Youth Services team by phone or email during the temporary closure of the My Place youth centre.

Household bin collections continued as normal, our community immunisation service continued with some changes and our customer service team was still available to assist community members with their enquiries.

Growth Summary

Residential land development in the Shire had varied results this quarter, however, compared to last year's results, development has slowed. There were 285 residential subdivision lot applications this quarter, 11% higher than the previous quarter. That said, the annual total is 20% lower, compared to the same time last year. There were 389 residential lots issued a statement of compliance this quarter, 27% lower than the previous quarter. The annual total for this measure is 13% lower than the same time last year.

Residential building completions are trending downwards, with 265 residential building completions processed this quarter. While this measure is 7% higher than last quarter, it is 17% lower compared to the same time last year.

The family growth rate in the Shire remains at four families per calendar day for the quarter. The annual figure remains at five families per calendar day. There were 450 births in the Shire this quarter, 1% lower than last quarter and on par with last year's result. Enrolments to Maternal and Child Health are 7% lower than last quarter and 6% lower than last year.

Policy Implications

Nil.

Relevance to Council Plan

A major component of the Quarterly Performance Report details progress in achieving the actions adopted to deliver the Council Plan. The Quarterly Performance Report is part of Council's efforts to embrace and demonstrate effective governance and transparency.

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

This is the final quarterly report for the 2019-20 year. Council committed to undertake work on 160 Council Plan actions during this period. The organisation completed 137 actions, achieving 86% Council Plan completion

Resolution

Moved Cr Jodie Owen, seconded Cr Michael Schilling.

That Council note the report.

Carried

6.5.3 Major Projects Report

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

Recommendation(s)

That Council note the report.

Attachments

Nil

Executive Summary

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

Conclusion

This regular activity report is provided for Councillors’ information.

Recreation Reserves

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	Site set up has commenced and is on track as scheduled.

Upper Beaconsfield Recreation Reserve redevelopment of change room facilities

Project description	Redevelopment of new accessible change room facilities including amenities, umpires' room, store and associated earthworks.
Funding	Council and the Australian Government Department of Health jointly fund this project.
Timelines	This project is expected to be completed by June 2021.
Update	Detail design is progressing.

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	Detailed designs are now complete.

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 November 2020.
Update	Works progressing on schedule. The pavilion is at secure lock up stage. Fit out of plumbing and lighting fixtures commenced. Changeroom flooring installation ongoing and external works well advanced with Southern side of the building completed and the northern side progressing.

Comely Banks Recreation Reserve civil construction

Project description	Construction of four new rugby league fields incorporating two cricket 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	Tenders have been assessed and a report recommending the preferred contractor is included as a separate report to this Council meeting.

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	Progressing with engagement of relevant design consultants.

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	Construction works in final stages of completion. Internal finishes progressing with Sewer pump installation and car park works completed.

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	Service risers and concrete slab works, drainage and sewer works are complete. Final stage of building permit should be obtained. .

IYU 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 September
Update	The design works have been awarded with survey and Geotech investigation complete. A concept plan is currently out for review.

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/accessible 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	Tenders have been assessed and a report recommending the preferred contractor is included as a separate report to this Council meeting. Works are expected to commence mid-September.

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	Tenders have been assessed and a report recommending the preferred contractor is included as a separate report to this Council meeting. Works are expected to commence mid-September.

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 February 2021.
Update	Seeking confirmation of project budget prior to engaging contractor to commence

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>The ovals are now in the establishment phase. Expected handover to the schools will be late 2020, weather dependant</p> <p>Electrical works are underway to bring power to the site. Negotiations are progressing with the energy provider on the best location for the power to enter the site</p>

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 project is on track, with new internal walls and services reticulation complete. Internal fit out works are progressing.

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	Detail design is progressing.

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>
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	Detail design is progressing.

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 October/November 2020
Update	Refinements to the draft design are being finalised. Consultation between the stakeholders is underway to keep them informed.

Roads

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 August 2020.
Update	This project is now complete.

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 September 2020.
Update	Further refinements to the design have been made to reduce the environmental impacts of these works. The contract will be awarded with works to commence in late August, with a completion date in September.

Blackspot project: Bessie Creek Road, Nar Nar Goon North

Project description	The installation of safety barriers, sealed shoulders, tree removals and edge line marking along Bessie Creek Road, Nar 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 by October 2020.
Update	Works are now underway with tree clearing and road and guard rail upgrades. The 2km of shoulder widening requires favourable weather conditions, it is anticipated this will be undertaken in September/October.

Cardinia Road level crossing removal

Project description	Construction of a bridge to take the road over the railway line. This will create some more open space in the area and a community recreation space underneath the southern bridge span as well as reducing congestion in the area.
Funding	This project is fully funded by the Victorian Government
Timelines	Works are expected to be completed mid-2021
Update	<p>Works have commenced on the bridge over the railway with most spans now in place.</p> <p>Designs have been finalised for the community recreation space and the landscape area. The community have recently voted on a graphic design for one of the walls in the community recreation space. The preferred choice was a graphic representation of the Cardinia Shire landscape from the hills down to Westernport.</p>

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
Funding	These projects are fully funded by Council
Timelines	It is anticipated that the program will be complete early 2022.
Update	<p>Tender documents for Boundary Drain Road and Main Drain Road are currently being finalised, with tenders to be called shortly. Evans Road is progressing through environmental approvals.</p> <p>Detailed design for Bessie Creek Road, Huxtable Road, Mt Lyall Road, McGregor/Soldiers/Hobsons Roads and LL and Armytage Roads are well underway.</p> <p>Initial survey has been completed for Thewlis Road. A design consultant has been engaged for Dore Road.</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 now complete. Stage 2 to reach practical completion in August.
Update	<p>Stage 1 works have been completed by the developer with the construction of the raised asphalt speed control devices to be completed in conjunction with the wearing course asphalt in stage 2</p> <p>Works on stage 2 are progressing well and anticipated to reach practical completion in late August.</p>

Monash Stage 2 upgrade

Project description	The construction of an additional lane on both sides of the freeway from Clyde Road to Cardinia Road. The interchange at Beaconsfield will be upgraded to a full diamond. O'Shea Road will be connected into the Princes Highway extension in this area, providing improved access to the city and alternative access to Berwick and Clyde
Funding	This project is fully funded by the Victorian Government
Timelines	Works are expected to be complete by mid-2022
Update	<p>Works have begun on the freeway with traffic management in place. Works to upgrade the bridges at Officer South Road and Gum Scrub Creek have commenced and most of these works will be completed by December, with finalisation of these areas due early in 2021 to prevent disruption to ramp works at Officer South Road.</p> <p>Closures of Office South Road from Lecky Road to Flanagan Avenue will be in place intermittently during this time</p>

Officer South Road upgrade works

Project description	Officer South Road is being upgraded from Bridge Road to the freeway. It will be sealed with two lanes in each direction. The roundabout at Bridge Road-Rix Road-Station Street is being converted to a signalised intersection. There is a signalised intersection being installed at Flanagan Ave. A half diamond interchange is being installed at the freeway with associated intersection works giving access to the city bound lanes of the freeway on and off from Officer South Road
Funding	The project is jointly funded by Developer Contributions and the developer of the Arcadia development
Timelines	As per the S173 agreement and permit associated with the Arcadia development works are required to be completed by December 2021
Update	<p>Major culvert works under Officer South Road between Flanagan Avenue and Lecky Road are almost complete and link the waterway on the western side of the road to the outfall on the eastern side.</p> <p>The intersection of Bridge Road-Officer South Road-Rix Road-Station Street is about to be closed for upgrade to a signalised intersection. The following detours will be in place during the closure:</p> <ul style="list-style-type: none">• Rix Road and Bridge Road traffic will detour via Flanagan Avenue, Campenella Way and Parker Street through the Arcadia neighbourhoods.• Officer South Rd will be closed from Bridge Road to Lecky Road with detours via Cardinia Road• Station Street will be a dead end with detours via Siding Avenue and Gum Leaf Lane to access the train station and businesses in this area. <p>Rix Road will be closed for periods over the September school holidays between Stephens Road and Bridge Road to allow sewer and water upgrades to occur for developments beginning in the area. Detours will be in place and managed under traffic management plans.</p> <p>Designs for the freeway ramps and intersection connecting Officer South Road to the freeway are under review and works are expected to begin on these early in 2021. During construction Officer South Road from Bridge Road to Lecky Road will be closed with detours via Cardinia Road.</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> <ul style="list-style-type: none"> • Glismann Road • O'Neil Road • Brunt Road • Bayview Road • Tivendale Road • McMullen Road • Arena Parade • 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>The contractor for O'Neil Road intersection has been engaged. Works on site are expected to commence in the coming weeks, pending final approvals from regulatory bodies. These works are expected to be completed by March 2021.</p> <p>Detailed designs for Glismann Road are currently being reviewed for final approval by Department of Transport (DoT). Construction tenders for Glismann Road are expected to be called in the coming months.</p> <p>The remaining six design packages are well underway. Preliminary works have been completed and the revised functional layout designs have been submitted to DoT for approval. Completed detailed designs are expected by October and further construction tenders called, with construction anticipated to start in early 2021.</p>

Reseal and rehabilitation program

Project description	The significant proactive maintenance and upgrade of Council's road network as per Council's asset management system.
Funding	Council and the Australian Government's Roads to Recovery Program jointly fund the program.
Timelines	Redwood Road, Gembrook is anticipated to be completed by end of August.
Update	Works are currently being finalised on Redwood Road, Gembrook and site inspections have begun on the roads selected for 2020-21 program.

Sealing the hills

Project description	Council has received funds from the Australian Government to seal over 110km of unmade roads in the Dandenong ranges (Emerald, Cockatoo and Gembrook) including a number of connector roads.
Funding	These roads projects are jointly funded by the Australian Government (\$150m) and property owners, who benefit from the project, via special charge schemes (approx. 20% of the overall budget)
Timelines	This large package of works will be delivered over the next 10 years with approx. 2-5% occurring each year in the first four years and ramping up to 10-15% in the following six years.
Update	Nine design packages constituting 23 roads and approx. 35km have been awarded in May and are underway. Approx. 28km of these roads are connector roads and not subject to a special charge scheme and will form the priority of construction works pending planning requirements. Final design of all nine packages is due to be delivered by late September.

The preliminary designs are nearing completion and reviews and comments are underway.

Roads currently being designed are:

- Mt Burnett Road and Morrisons Road (Pakenham Upper/Mt Burnett)
- Ure Road and Mountain road (Gembrook)
- Matters Road, Bourkes Creek Road, Shelton Road and Toomuc Valley Road
- Beenak Road East, (Gembrook) Moore Road, Nar Nar Goon North) and Thewlis Road (Pakenham Upper)
- Dickie Road and Carpenter Road, Beaconsfield Upper
- Telegraph road and Armstrong Road, Beaconsfield Upper
- The following roads are also having preliminary designs completed, however final design sign off will be predicated on future scheme process and feedback.
- Caroline Avenue and Boronia Crescent, Cockatoo
- Chrichton Road and Princess Avenue Emerald
- Station Street, Innes Road, Anzac Street and Heroes Avenue Gembrook.

Paths, drains and bridges

2020–21 Bridge renewal program

Project description	Replacement of identified bridges and major culverts
Funding	The program is fully funded by Council
Timelines	This program is due to be completed by June 2021
Update	Quotations are being sort for the design and construction of bridges from the bridge renewal program.

2020–21 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 June 2021
Update	The drainage program works are now underway with works currently underway at Caroline Avenue, Cockatoo, Haupt Place, Upper Beaconsfield and Gembrook Reserve. Quotation requests are out for works to Toomuc Valley Road, Pakenham.

2020-21 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. The latest round of footpath inspections on high and medium priority footpaths as set out in the Road Management Plan have now been completed.

2020–21 New footpath program

Project description	<p>Council's footpath program looks to extend the footpath network in and around townships. The footpaths to be constructed in 2020-21 are along:</p> <ul style="list-style-type: none"> • Rosebery Street, Lang Lang • Mary Street, Bunyip • Kilvington Drive, Emerald
Funding	This program is fully funded by Council.
Update	Quotes are currently being sort for each of the projects and will commence once favourable weather conditions are available.

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	Both the northern and southern bridges are now complete
Update	Both bridges are now open to the public

Train station carpark upgrade

Project description	Beaconsfield train station will have an additional 150 car spaces constructed of as part of the Clyde Road level crossing removal package Cardinia Road train station will have an additional 300 car spaces constructed as part of the Cardinia Road level crossing removal package
Funding	This project is fully funded by the Victorian Government
Timelines	Works are due to be completed by mid-2021
Update	Designs are in the final stages of development for both sites, with work expected to commence on both in the coming months. As both sites are adjacent to the existing carpark on separate land parcels, there will be minimal disruption to the current carpark numbers.

Other capital projects

Arcadia neighbourhood 3 (NH03) - new park and open space

Project description	This 1ha park has been designed by Outlines with a fantasy theme and includes a large dragon as the centrepiece with various play equipment coming from it. The dragon is designed and delivered by the same artist that created the dragonfly at Deep Creek Reserve. The park also includes shelters, BBQs, a basketball half court, drinking fountain and kickabout space
	Located on the corner of Flanagan Avenue and Campenella Way, just south of the future school site. This parcel of land including 10 stages of residential development sits between Rix Road and the freeway, west of Officer South Road.
Funding	This project is funded by DCP and the developer (Satterley) The estimated construction cost is around \$1.5m.
Timelines	Satterley hope to have the park open by early 2021 (weather and access dependant)
Update	Civil earthworks have been completed on site and landscape earthworks and drainage installation have commenced.

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 2021-22 financial year.
Update	The design works are underway with concept designs out for stakeholder consultation. Detailed design should be complete by November and ready for tender. .

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	Tenders have been assessed and a report recommending the preferred contractor is included as a separate report to this Council meeting.

2020–21 Playground renewal works

Project description	Playgrounds to be renewed include: <ul style="list-style-type: none">• Redwood Road, Gembrook• Kath Roberts Reserve, Beaconsfield• Keith Ewenson, Upper Beaconsfield <p>Each playground design will receive consultation from the local community, schools, children’s centres and kindergartens in the area. The final designs will then go out to tender for manufacture and installation</p>
Funding	These projects are fully funded by Council
Timelines	Works are scheduled to be completed by June 2021.
Update	Community consultation is being planned for October with designs completed by December.

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	Awaiting outcome of land acquisition. Project unable to progress until land acquisition being resolved.

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	Progressing with preparation of tender documentation.

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	The operational model is being prepared prior to the finalisation of the Feasibility Study.

Resolution

Moved Cr Brett Owen, seconded Cr Graeme Moore.

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

Cr Brett Owen advised that Councillors are still doing their duties by virtual means during the current COVID19 climate.

Cr Graeme Moore advised that he, the Mayor and other Councillors attended a virtual White Ribbon event.

9 Presentation Of Petitions

Nil.

10 Notices Of Motion

10.1 Notice of Motion 1054 - Cr Brett Owen

Motion

That a report be prepared for consideration at the September Council Meeting regarding the decision to install gates at either end and upgrade the fire access track section of McKenzie Road, Upper Beaconsfield.

Resolution

Moved Cr Brett Owen, seconded Cr Leticia Wilmot.

That a report be prepared for consideration at the September Council Meeting regarding the decision to install gates at either end and upgrade the fire access track section of McKenzie Road, Upper Beaconsfield.

Carried

10.2 Notice of Motion 1055 - Cr Leticia Wilmot

Motion

Following the recent publication of the Councillor expenses report and regarding Cr Ross's positions on both the VLGA Board and the Metropolitan Waste and Resource Recovery Group (MWRRG) Board I request:

1. That the CEO Ms Jeffs, be given the authorisation to contact the CEO of both organisations to gain answers to the following questions and others that she deems necessary.
 - a. How much are board members paid?
 - b. What is the purpose of these payments?
 - c. Is Cr Ross involved with any sub-committee's for the organisation?
 - d. How long has Cr Ross been a member of the Board and a member of any other committee's associated with the organisation?
 - e. How many meetings has Cr Ross attended and been paid for as a board or committee member?
 - f. What dates were these meetings held?
2. The dates and information gathered is to be cross referenced to the Travel Expense and Out-of-pocket Expense claims Cr Ross has been reimbursed for by council.
3. A full audit of the kilometres listed for each trip claimed by Cr Ross is conducted using Google Maps as a reference.
4. A report with all the findings is presented to the September General Meeting. This report should include a recommendation as to any further actions the council may be required to take.

Cr Collin Ross declared a direct conflict of interest in this item and was directed by the Mayor to leave the meeting.

Cr Ross left the meeting at 9:18pm.

Resolution

Moved Cr Leticia Wilmot, seconded Cr Brett Owen.

Following the recent publication of the Councillor expenses report and regarding Cr Ross's positions on both the VLGA Board and the Metropolitan Waste and Resource Recovery Group (MWRRG) Board I request:

1. That the CEO Ms Jeffs, be given the authorisation to contact the CEO of both organisations to gain answers to the following questions and others that she deems necessary.
 - a. How much are board members paid?
 - b. What is the purpose of these payments?
 - c. Is Cr Ross involved with any sub-committee's for the organisation?
 - d. How long has Cr Ross been a member of the Board and a member of any other committee's associated with the organisation?
 - e. How many meetings has Cr Ross attended and been paid for as a board or committee member?
 - f. What dates were these meetings held?
2. The dates and information gathered is to be cross referenced to the Travel Expense and Out-of-pocket Expense claims Cr Ross has been reimbursed for by council.
3. A full audit of the kilometres listed for each trip claimed by Cr Ross is conducted using Google Maps as a reference.
4. A report with all the findings is presented to the September General Meeting. This report should include a recommendation as to any further actions the council may be required to take.

Carried

11 Councillor Questions

Nil.

12 Community Questions

Questions were raised at the start of the meeting.

13 Meeting Closure

Meeting closed at 09:43 pm.

Minutes confirmed
Chairman