

6.5.4 Quarterly Resolutions Report

Responsible GM: Deb Tyson
Author: Doug Evans

Recommendation(s)

That Council note the report detailing the implementation of Council resolutions for the quarter ended December 2020

Attachments

1. Quarterly resolutions report Jan 2021 [6.5.4.1 - 7 pages]

Executive Summary

The attached report details all resolutions made at Council Meetings for the quarter ended December 2020 and the actions taken to implement the decision.

This report commences with the first Council Meeting of the newly elected Council in November.

There were no outstanding matters during the period of the previously elected Council.

The report does not include matters for noting or matters that required no action to be taken.

Background

One of the responsibilities of the Chief Executive Officer is ensure that Council decisions are implemented without undue delay, this report is intended to inform the Council about the implementation of these decisions and provide transparency to the community regarding this.

Policy Implications

Nil

Relevance to Council Plan

Nil.

This regular reporting is relevant to the Council Plan goals included in the Our Governance section, in particular:

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

5.2.2 Govern and make decisions in the best interests of the Cardinia Shire community.

Climate Emergency Consideration

Nil

Consultation/Communication

Council staff have been consulted in the preparation of this report

Financial and Resource Implications

Nil

Conclusion

This report is provided for the information of Councillors to provide a transparent report and provide confidence to the Council that the decisions taken are implemented in a timely manner and without undue delay.

Quarterly Council Action report
November 2020 to February 2021

Meeting	Item Number and subject	Resolution	Responsible Officer	Completion date
Council 30/11/2020	10.1 Notice of Motion 1057 Cr Jeff Springfield	<p>Moved Cr Jeff Springfield, seconded Cr Graeme Moore.</p> <p>That Council resolves as follows: The Chief Executive Officer must ensure that Council Authorised Officers refrain from enforcing Clause 60H.1.1 of Cardinia Shire Council Local Law 17 to the extent that Clause 60H.1.1 prohibits open air fires from burning, or continuing to burn on Tuesdays, Wednesdays and Thursdays in "Burn off areas" (as defined by Clause 60A of Local Law 17).</p> <p>This resolution applies to conduct occurring during the period commencing 1 December 2020 and concludes at the commencement of the declared Fire Danger Period.</p> <p>All other requirements of Part 5A of Local Law 17 continue to apply during this period.</p> <p>Council notes that the purpose and intention of this resolution is to promote higher levels of fuel reduction in ""Burn Off areas"" in preparation for the 2020-2021 fire season.</p>	Samantha McMahon	Implemented 1 December Declared fire danger period now in place
	10.2 Notice of Motion 1058 Cr Brett Owen	<p>Moved Cr Brett Owen, seconded Cr Collin Ross.</p> <p>That Council prepare a report for the February Council meeting regarding proposed works to be undertaken at the Beaconsfield Reservoir by Melbourne Water, such report to recommend whether Council should adopt a position in regard to the height of the dam wall and other proposed works.</p>	Desiree Lovell	Report drafted for February Council meeting

	10.3 Notice of Motion 1059 Cr Stephanie Davies	Moved Cr Stephanie Davies, seconded Cr Jeff Springfield. That the Mayor writes to Premier Daniel Andrews and Minister James Merlino Minister for Education: 1. To voice Council support on the announcement as part of the Victorian Budget handed down on 24 November of an additional \$1.6b for Victorian Students with disabilities, and 2. To seek further detail on the scope of this initiative, 3. To voice Council support for their attention to improvements in access to the education support including specialist schooling provisions, for children with Autism Spectrum Disorder, irrespective of IQ score, and 4. To advise in-principle support for new education services to be delivered in Cardinia's growth area	Deb Tyson	Correspondence sent 9 December
Town Planning Committee 7/12/2020	5.1 Amendments to Planning Permit T190304 (Issued for the Use and Development of the Land for Dog Breeding) to Increase Dog Numbers (For Commercial Dog Breeding) and Include Additional Buildings and Works	Moved Cr Graeme Moore, seconded Cr Collin Ross. That this application be deferred for further consideration at the Town Planning Committee meeting to be held on Monday 1 February.	Owen Hardidge	Listed for 1 February Town Planning Committee Meeting
	5.2 33 Henry St, Koo Wee Rup - Development of the Land for a Rooming House and Associated Works	Moved Cr Ray Brown, seconded Cr Stephanie Davies. That Council refuse Planning Permit T200473 for the development of the land for an accommodation building (rooming house) and associated works at 33 Henry Street, Koo Wee Rup VIC 3981 on the following grounds: 1. The proposal is contrary to section 60(1)(f) of the Planning and Environment Act 1987 and Clause 65 of the Planning Scheme as it will have a significant social effect	Melanie Wright	Refusal issued 21/12/2020

		2. The proposal is contrary to clauses 16.01-1S (Housing supply) and 21.03-1 (Housing) of the Planning Scheme as the design is not integrated with the surrounding area and is poorly located		
	5.3 Use of the Land for a Place of Worship and Works Associated With the Construction of a Car Park at 90 Soldiers Road, Pakenham South	Moved Cr Stephanie Davies, seconded Cr Carol Ryan. That Council issue a Refusal to Grant Planning Permit T200082 for Use of the land for a place of worship and works associated with the construction of a car park at 90 Soldiers Road, Pakenham South VIC 3810 on the grounds detailed in the report.	Dean Haeusler	Refusal issued 24/12/2020
	5.4 T200500 Army Road Pakenham - Use and Development of the Land for a Place of Worship and Associated Works	Moved Cr Jack Kowarzik, seconded Cr Carol Ryan. That Council issue a Notice of Decision to Grant Planning Permit T200500 for the use and development of the land for a place of worship and associated works at Army Road, Pakenham VIC 3810 subject to the conditions attached to this report.	Melanie Wright	NOD issued 3/1/2021
	5.5 Planning Permit Application for the Use and Development of the Land For Rural Industry and a Caretakers Dwelling Associated With Industrial Hemp at 565 Murray Road, Vervale.	Moved Cr Ray Brown, seconded Cr Jack Kowarzik. That Council issue a Notice of Decision to Refuse Planning Permit T190712 for the use and development of the land for Rural Industry and Caretakers Dwelling at 565 Murray Road, Vervale VIC 3814 on the following grounds: 1. The Caretaker's House is not reasonably required for the operation of a rural activity being conducted on the land. 2. The proposed manufacture of hemp based building products is an 'Industry' use that is prohibited in the Special Use Zone - Schedule 1 and Clause 51.02-2 of the Cardinia Planning Scheme. 3. The proposal is inconsistent with Clause 22.05 of the Cardinia Planning Scheme because it	Frances Stipkovic	Refusal issued 21/12/2020 Matter appealed to VCAT

		<p>does not support soil-based food production, does not support the existing vegetable industry, and does not have regard to the role of the Westernport Green Wedge in maintaining food security.</p> <p>4. The proposal is inconsistent with the objectives, land use policies, and the Precinct 1 vision and future directions/preferred land uses of Clause 22.05 of the Cardinia Planning Scheme.</p> <p>5. The proposal will have the potential to limit the operation and expansion of adjoining and nearby agricultural uses and is therefore incompatible with adjoining uses.</p> <p>6. The proposal is inconsistent with the purposes and decision guidelines of the Special Use Zone - Schedule 1.</p> <p>7. The proposal is inconsistent with Clause 21.04-2 of the Cardinia Planning Scheme.</p> <p>8. The proposal is inconsistent with Clause 14.01-1S of the Cardinia Planning Scheme.</p>		
Council Meeting 14/12/2020	6.1.1 Amendment to Planning Permit T170516 and Plans Merretts Rd, Avonsleigh (Issued for the Use and Development of the Land For a Dwelling, Construction of an Outbuilding, the Removal of Native Vegetation and Associated Earthworks)	<p>Moved Cr Carol Ryan, seconded Cr Jeff Springfield.</p> <p>That Council support the following position, in VCAT proceeding P1270/2020, namely that the Tribunal should refusal to grant an amended planning permit T170516 - 1 to make changes to the permit and plans at Merretts Road, Avonsleigh VIC 3782 on the following grounds:</p> <ul style="list-style-type: none"> • Failure to meet the application requirements of the Green Wedge Zone and Environmental Significance Overlay (Schedule 1) • Failure to avoid and minimise vegetation removal required by Clause 52.17 (Native Vegetation) 	Evangeline McGauley-Kennedy	Position adopted to be tabled at VCAT when Appeal heard

		<ul style="list-style-type: none"> • Failure to protect biodiversity as required by Clause 12.01-1S (Protection of biodiversity) and Clause 13.02-1S (Bushfire Planning) • Failure to protect metropolitan green wedge land from uses and development that will diminish its environmental value <p>Transformation of the proposal from the originally assessed plans associated with Planning Permit T170516</p>		
	6.1.2 Use and Development of the Land for a Place of Assembly (Youth Centre) and Works Associated with a Car Park	Moved Cr Carol Ryan, seconded Cr Collin Ross. That Council issue Planning Permit T200520 for Use and development of the land a place of assembly (Youth Centre) and works associated with a car park at 37, 39 and 43 James Street, Pakenham VIC 3810 subject to the conditions attached to this report.	Melanie Wright	Permit issued 22/12/2020
	6.2.1 Appointment of Delegates	Moved Cr Carol Ryan, seconded Cr Jeff Springfield. That Council proceed to make appointments of Councillors as representatives and delegates to the various groups and organisations as detailed below	Doug Evans	Relevant organisations advised accordingly
	6.2.2 Cardinia Shire Municipal Emergency Management Planning Committee (MEMPC) - Emergency Management Act Reform	Moved Cr Carol Ryan, seconded Cr Jeff Springfield. That Council passes the following motion to meet its responsibilities under Emergency Management Act 2013 and the Emergency Management Legislation Amendment (EMLA) Act 2018: 1. That council authorises the disestablishment of the existing Municipal Emergency Management Planning Committee (MEMPC) established under s21(3)-(5) of the Emergency Management Act 1986, in recognition that on 1 December these provisions are repealed by s82(2) of the Emergency Management Legislation Amendment Act 2018 and replaced by the provisions of s68 of the	Janette Schimleck	New Committee now established, effective 14/12/2020

		<p>Emergency Management Legislation Amendment Act 2018.</p> <p>2. That council authorises the CEO to facilitate the establishment of the MEMPC in accordance with the provisions of s68 of the Emergency Management Legislation Amendment Act 2018 (which inserts a new 'Part 6-Municipal Emergency Management Planning Committees' into the Emergency Management Act 2013 on 1 December 2020).</p> <p>3. That council notes that, under the MEMPC Terms of Reference provided and the Emergency Management Legislation Amendment Act 2018 (which inserts s59 and 59F into the Emergency Management Act 2013 on 1 December 2020), council's role is to establish the committee. Once established, the committee exists separately to Council and is not a committee of Council.</p>		
	6.2.3 Petition - Table Tennis Hall, Beaconsfield	<p>Moved Cr Brett Owen, seconded Cr Stephanie Davies.</p> <p>That Council receive and note the petition received requesting the construction of a permanent table tennis hall in Beaconsfield and consider a report on this matter at the February 2021 Council Meeting.</p>	Kristen Jackson	Report drafted for February Council Meeting
	6.2.4 Report - Audit of Expenses Matter	<p>Moved Cr Jeff Springfield, seconded Cr Jack Kowarzik.</p> <p>That Council:</p> <p>1. Note that the independent audit by Justitia Lawyers into Councillor Collin Ross' expenses (Justitia Report) has been completed in accordance with the Council Resolution resulting from Notice of Motion 1055 from the 17 August 2020 Council meeting (Attachments 1 and 2).</p> <p>2. Note Cr Collin Ross' responses to the Justitia Report (Attachments 3 & 4).</p>	Andrew Pomeroy	Matter referred to Inspectorate 17/12/2020

		<ol style="list-style-type: none"> 3. Note Cr Collin Ross' offer to reimburse claims that are at issue within this audit, as outlined in his response to the Draft Supplementary Report of Justitia Lawyers. 4. Review the Councillor Expenses Policy and Councillor claim forms, taking into consideration the information and findings provided in the Justitia Report. 5. Refer this matter to the Local Government Inspectorate for investigation in an independent setting, to enable the most open and transparent governance process to be followed, noting that there are a number of matters that are not resolved or easily explained through the audit conducted by Justitia Lawyers. 6. Note the assistance of the VLGA and the MWRRG in enabling this audit to be completed. 		
	<p>6.2.5 Appointment of Acting Chief Executive Officer</p>	<p>Moved Cr Carol Ryan, seconded Cr Jeff Springfield. That the General Manager Infrastructure and Environment, Peter Benazic, be appointed Acting Chief Executive Officer for the period 25 December to 14 January during a period of Annual Leave by the Chief Executive Officer.</p>	<p>Doug Evans</p>	<p>Appointment effective 25/12/2020</p>