

# **Ordinary Council Meeting**

## **Minutes**

**Monday 19 April 2021**

**Commenced at 7:00 PM**

**Council Chambers  
20 Siding Avenue, Officer  
Victoria**

<b>Members:</b>	Cr Brett Owen	Mayor
	Cr Jeff Springfield	Deputy Mayor
	Cr Stephanie Davies	
	Cr Jack Kowarzik	
	Cr Graeme Moore	
	Cr Collin Ross	
	Cr Tammy Radford	
	Cr Carol Ryan	
<b>Officers:</b>	Carol Jeffs	Chief Executive Officer
	Peter Benazic	General Manager Infrastructure and Environment
	Nigel Higgins	General Manager Liveable Communities
	Debbie Tyson	Acting Executive Manager Office of the CEO
	Jenny Scicluna	General Manager Customer, People and Performance
	Jack Coogan	Governance Officer

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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.

The Council Meeting opened at 5:45pm. The meeting was then closed to the public to consider a confidential item and was adjourned until 7:00pm to consider general business.

Upon reopening the meeting for the public the Mayor, on behalf of the Councillors, Council and the community expressed his sympathies on the passing of Cr Ray Brown on 16 April 2021.

Cr Brown was an exceptional Councillor and served a full term from 2016 and was re-elected for Westernport Ward in 2020.

The Mayor further described Cr Brown's impact to the Koo Wee Rup and wider community and acknowledges he will be sorely missed. Cardinia Shire's thoughts are with his family during this time.

## **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**

Cr Radford and Cr Davies are apologies for tonight's proceedings.

## **4 Adoption And Confirmation Of Minutes**

Moved Cr Graeme Moore, seconded Cr Jack Kowarzik

That minutes of the following meetings be confirmed:

- General Council meeting 15 March 2021

Carried

## **5 Declaration Of Interests**

Nil.

## 6 Ordinary Business

### 6.1 Town Planning Reports

## 6.1.1 Amendment C257 - Woods Street Beaconsfield Development Plan Overlay 25

**Responsible GM:** Nigel Higgins  
**Author:** Celeste Grossi

### Recommendation(s)

That Council:

1. Receive and consider all submissions made to Planning Scheme Amendment C257card.
2. As per Section 23 of the *Planning and Environment Act 1987*, refer all submissions for consideration to a Planning Panel to be appointed by the Minister for Planning.

### Attachments

1. Exhibited Planning Scheme Amendment C257 Documentation [6.1.1.1 - 41 pages]
2. Summary of Submissions and Officer Responses [6.1.1.2 - 7 pages]

### Executive Summary

At its meeting on 21 September 2020, Council resolved to seek Minister for Planning authorisation to prepare and exhibit Planning Scheme Amendment C257card.

Amendment C257 was exhibited from Thursday, 11 February to Friday, 12 March 2021 as per the requirements of the *Planning and Environment Act 1987*. Five submission were received. The matters raised by submitters are not able to be resolved, it is therefore recommended to refer all submissions to a Ministerial planning panel.

### Background

The Beaconsfield Structure Plan was adopted by Council in December 2013 and was implemented as an Incorporated Document in the Cardinia Planning Scheme via Amendment C198 in May 2016. Ministerial approval of this Amendment was given with two conditions:

1. The built form requirements for Beaconsfield Point, Princes Highway Gateway and Woodland Grove Precinct be implemented via more appropriate planning controls.
2. An expiry date is placed on the Structure Plan's status as an Incorporated Document to ensure that its objectives are achieved by implementing its built form requirements through the appropriate planning controls in a timely manner.

Amendment C257 proposes to implement the planning outcomes sought by the Beaconsfield Structure Plan for the Woodland Grove Precinct through a targeted statutory planning tool, being a Development Plan Overlay (DPO).

In summary, the Amendment proposes to:

- Insert new Schedule 25 to Clause 43.04 Development Plan Overlay
- Amend the Schedule to Clause 72.04 to remove the Beaconsfield Structure Plan (December 2013) as an Incorporated Document.

- Amend Clause 21.03-2 (Urban Established Area – Beaconsfield and Pakenham) and Clause 21.04-3 (Activity Centres) by removing the December 2021 expiration date of the Structure Plan.

This approach aligns with advice received from DELWP, will improve policy control and built form and subdivision outcomes for the Beaconsfield Town Centre.

## **Policy Implications**

### **Strategic Assessment**

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

### ***Consistency with Plan Melbourne Metropolitan Planning Strategy, 2017-2050***

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

### ***Consistency with State Planning Policy***

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

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

### ***Consistency with the Local Planning Policy Framework (LPPF)***

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

- Implementing a statutory planning tool that encourages an attractive, functional, and sustainable built form in existing and future development.
- Ensuring greater housing choice and diversity.
- Assisting in facilitating residential development within the Beaconsfield town centre to meet the needs of the existing and future community.

## **Relevance to Council Plan**

### **2.1 Our Community - Our diverse community requirements met**

2.1.2 Promote access to and encourage, a mix of housing types to cater for the varying needs of people in the Cardinia community.

2.1.5 Work with local communities to review and implement township strategies that contribute to meeting the needs of those communities.

### **3.2 Our Environment - Transport linkages connecting towns**

3.2.4 Prioritise multi-use pathways, where practicable, to create networks that connect destinations.

### **3.5 Our Environment - Balanced needs of development, the community and the environment**

3.5.3 Provide for the sustainable development of rural townships while taking into account their existing character and community needs.

### **Climate Emergency Consideration**

The proposed Amendment encourages medium density housing to be located within the Woodland Grove Precinct which is a key site located adjacent to the Beaconsfield train station within the town centre. This process will contribute to housing consolidation within this area, reducing the amount of urban sprawl and pressure on the growth front helping to mitigate the effects of climate change.

### **Consultation/Communication**

#### **Notification (formal exhibition)**

Amendment C257 was formally exhibited for one month from 11 February to 12 March 2021 as part of the planning scheme amendment process in accordance with the requirements of the *Planning and Environment Act 1987*.

All owners and occupiers within and adjoining the Woodland Grove precinct, community groups, relevant public authorities, and Prescribed Ministers were notified of the exhibition of the Amendment. A total of 151 letters were sent out.

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

- Public Notice in the Pakenham Gazette – 10 February 2021.
- Public Notice in the Government Gazette – 11 February 2021.
- Presentation to the Beaconsfield Progress Association – 16 March 2021.
- Display on Cardinia Shire Council website.
- Display on DELWP website.

#### **Submissions**

Five (5) submissions were received. Two (2) were from public authorities and three (3) were from landowners within the Woodland Grove Precinct. The late submission was from a local resident.

The matters raised by submissions can be summarised as follows:

- The front door of Unit 5/87 Woods Street addresses the laneway, and the removal of the laneway would remove the only access available to the dwelling.
- Any reference to 'VicRoads' should be amended to 'Head, Transport for Victoria'.
- The proposed amendment is unlikely to represent a risk to the environment, amenity or human health.
- Inadequate strategic justification for many of the requirements listed in DPO25.
- The surrounding landscape and the Heritage buildings in Woods Street must be considered.
- 3-4 Storey buildings would be out of character for the area and future buildings should be well setback from the street.
- The Cardinia Creek Parklands project should be extended further into the site to make way for a larger park area rather than residential housing.

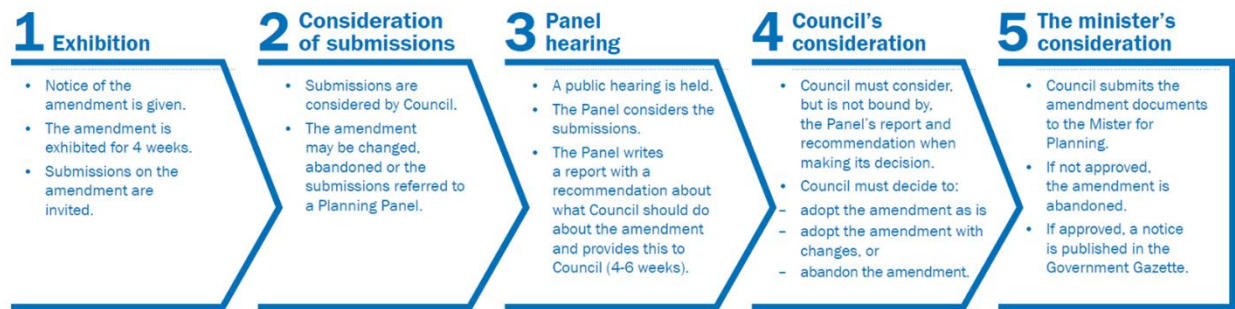
A full summary of the issues raised by submissions and a response to these are included in Attachment 2.

#### **Next Steps**

As it is not possible to resolve all matters raised, it is recommended that all submissions are referred to an independent ministerial panel for consideration.



**Figure 1. Steps in the Planning Scheme Amendment process**



We are at **Stage 3** of the Planning Scheme Amendment process as detailed in Figure 1. A Panel Hearing is pre-set to occur during the week commencing 28 June 2021. Following the hearing, the Panel will prepare a report that will be considered by Council at a future Council meeting with recommendations on how to proceed with the Amendment.

### Financial and Resource Implications

There are no additional resource implications associated with undertaking the Amendment. Costs associated with this process are provided for by the current and proposed Planning Strategy budget. The application of the DPO will provide a clear policy framework to assist applicants and Council planners when preparing, assessing and deciding on applications in the Woodland Grove Precinct.

### Conclusion

Amendment C257card proposes to implement the planning outcomes sought by the Beaconsfield Structure Plan through a targeted statutory planning tool, being a Development Plan Overlay (DPO25). The proposed DPO seeks to ensure that the Woodland Grove Precinct will be developed holistically and in a responsive manner to the surrounding services and built form, and the environmental features of the area, whilst ensuring a functional internal road layout is provided.

Amendment C257 was on exhibition for one month from Thursday, 11 February to Friday, 12 March 2021 and a total of four (5) submission were received.

Given that not all the matters raised by submissions can be resolved, it is recommended that Council refer all submissions to a Planning Panel, to be appointed by the Minister for Planning, for consideration.

## Resolution

Moved Cr Carol Ryan, seconded Cr Graeme Moore.

That Council:

1. Receive and consider all submissions made to Planning Scheme Amendment C257card.
2. As per Section 23 of the *Planning and Environment Act 1987*, refer all submissions for consideration to a Planning Panel to be appointed by the Minister for Planning.

Carried

## 6.1.2 T200296 PA - Development of the land for seven (7) dwellings and associated works at 15 Main St, Nar Nar Goon

**Responsible GM:** Peter Benazic  
**Author:** Evie McGauley-Kennedy

### Recommendation(s)

That Council issue a Notice of Decision to Grant Planning Permit T200296 for the Development of the land for seven (7) dwellings and associated works at 15 Main Street, Nar Nar Goon VIC 3812 subject to the conditions attached to this report.

### Attachments

1. T200296 PA Clause 55 Assessment [6.1.2.1 - 10 pages]
2. T 200296 PA - Locality Map [6.1.2.2 - 1 page]
3. T 200296 PA - Revised development plans [6.1.2.3 - 11 pages]
4. CONFIDENTIAL - T 200296 PA - Copy of objections - Confidential [6.1.2.4 - 15 pages]

### Executive Summary

<b>Application no.:</b>	T200296
<b>Applicant:</b>	Southern Planning Consultants
<b>Land:</b>	L2 LP8643, 15 Main Street, Nar Nar Goon VIC 3812
<b>Proposal:</b>	Development of the land for seven (7) dwellings and associated works
<b>Planning controls:</b>	Neighbourhood Residential Zone (Schedule 1)
<b>Notification &amp; objections:</b>	<p>Pursuant to Section 55 of the <i>Planning and Environment Act 1989</i>, the application was advertised by the placing of a sign on site and notices in the mail to adjoining property owners.</p> <p>Thirteen (13) objections have been received to date.</p>
<b>Key planning considerations:</b>	<p>Car parking            Neighbourhood character            Site coverage and dwelling density            Garden area            Amenity            Carparking</p>
<b>Recommendation:</b>	That a Notice of Decision to Grant a permit be issued.

## Background

The subject site is located on the western side of Main Street, within Nar Nar Goon's Town Centre, approximately 200 metres from Nar Nar Goon Train Station to the north-east.

The site is located in an area of Main Street with a mix of uses including residential uses (single dwellings, unit developments), public uses (church and kindergarten) and commercial type uses.

The site is a rectangular shape with a frontage to Main Street of 20.12m and a depth of 100.58m.

It is 2023sqm in size and currently contains a single storey rendered and weatherboard building, which is constructed with a zero setback to Main Street. It was constructed at an unknown date, but appears to be a Victorian or early Edwardian era building based on its architectural style. Council's Heritage Officer commissioned an assessment of the building as it is not currently listed in a Heritage Overlay under the Cardinia Planning Scheme.

The Heritage Assessment found that the building was likely formerly used for a commercial use (due to its setback off the street) and was likely associated with a pioneering family and the Oaklands homestead (located at 575 Bald Hill Rd which is also not listed in the Heritage Overlay), however that over the years it has been significantly altered to the point where the building has therefore lost most of its heritage significance and unable to be included into a Heritage Overlay.

The Planning Permit history for the site includes:

- Planning Permit T950343 which was issued for dwelling additions on 5 July 1995.
- 
- Planning Permit T070028 which was issued for the development of the land for business identification signs on 21 May 2007.
- 

## Subject Site



The site is located on the western side of Main Street, Nar Nar Goon.

A crossover is located on the southern end of the property frontage, providing access to Main Street.

The site currently contains the single building described above, along with a large outbuilding and scattered vegetation.

The topography of the land is relatively flat.

There are no restrictions or agreements registered on title.

The site is not subject to Aboriginal Cultural Sensitivity.

The main characteristics of the surrounding area are:

- North: Directly north of the site is 13 Main Street which contains Nar Nar Goon Kindergarten. Further north is a public car park and park, as well as a small commercial shopping strip.
- South: Directly south of the site is 17 Main Street, which is a similarly sized lot containing a single dwelling, swimming pool and outbuildings. Further south are other residential properties, including a mixture of single dwelling sites and unit developments.
- East: Directly east of the site is Main Street. Across Main Street is St. John's Church and its grounds. Further east is the site of Nar Nar Goon Scout Hall and Recreation Reserve.
- West: Directly west of the site is 2 Richards Road, which is a similarly sized residential parcel containing a single dwelling and outbuilding. Further west are larger Low Density Residential Zone properties.

## Relevance to Council Plan

### 3.5 Our Environment - Balanced needs of development, the community and the environment

3.5.3 Provide for the sustainable development of rural townships while taking into account their existing character and community needs.

## Proposal

Approval is sought for the development of the land for seven (7) dwellings and associated works at the subject site. The application originally proposed eight (8) double storey dwellings on the site, however amendments to the plans were made to reduce the number of dwellings from eight (8) to seven (7) and reduce the number of double storey dwellings, following Council's and Objectors concerns.

### Site layout

The site is rectangular in shape and access to all seven (7) dwellings is proposed by a common driveway along the southern boundary and a common crossover to Main Street.

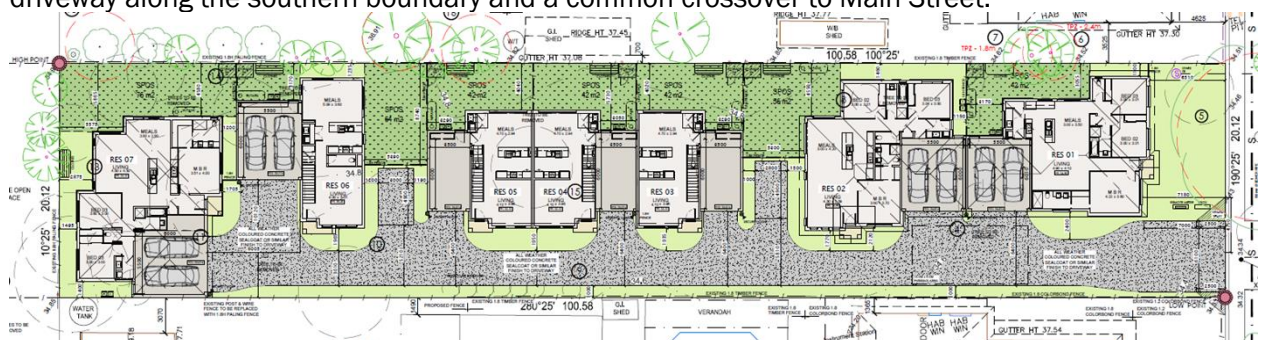


Figure 1: Site layout



The development will comprise of three (3) double storey, two (2) bedroom dwellings, one (1) double storey, three (3) bedroom dwelling and three (3) single storey, three (3) bedroom dwellings. The proposal provides for a number of floor plans and layouts, each containing an open kitchen, living and dining area at ground floor level. The existing buildings on the site will be demolished to make way for the development. The proposed dwellings will have a maximum height of between 5.24 metres (Dwelling 1) and a maximum height of 7.52 metres (Dwelling 6) to the peak of the pitched roof(s) measured from natural ground level.

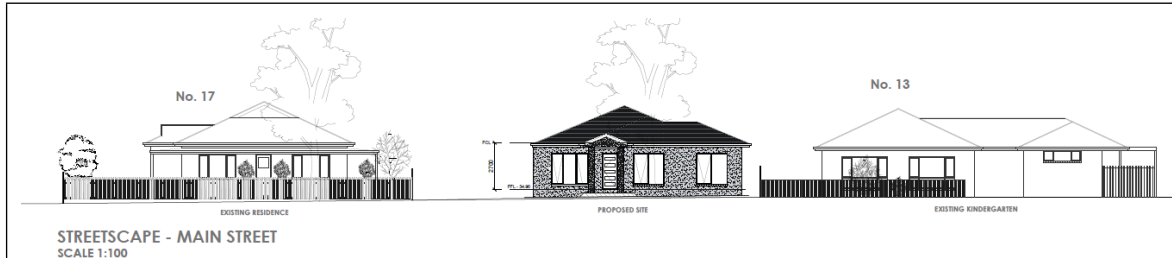


Figure 2: Streetscape elevation

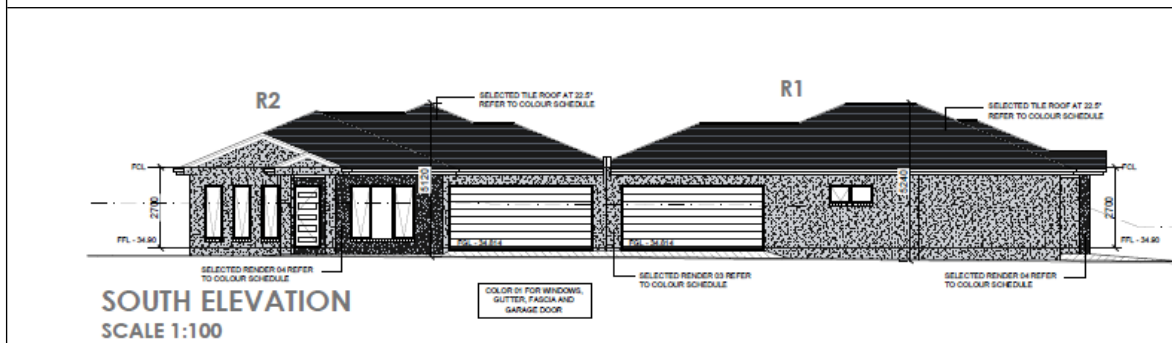


Figure 3: Southern elevation (Dwellings 1 & 2)

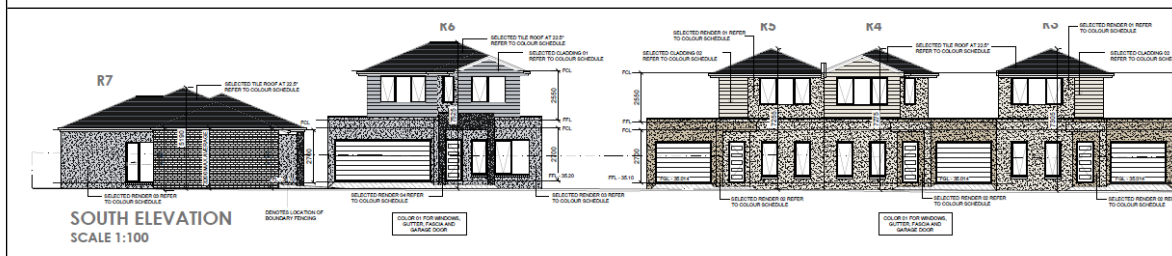


Figure 4: Southern elevation (Dwellings 3 to 7)

The proposed dwellings provide a contemporary design incorporating ‘weatherboard look’ clad and rendered facades with porches and eaves, along with tile roofs. The colour schemes chosen include a mixture of white, cream and brown tones for Dwellings 3 to 5, specifically the use of Dulux/ Colourbond colours ‘Surfmist’, ‘Evening Haze’ and ‘Paperbark’, along with a charcoal tiled roof.

Dwellings 1, 2, 6 and 7 will have a colour scheme consisting of light and dark grey tones, specifically the use of Dulux/Colorbond colours ‘Shale Grey’ and ‘Monument’, with a charcoal tiled roof.

The designs takes cues from the surrounding neighbourhood character, using colours and materials complimentary to the township character, as well as providing for a variety of articulated facades which adds visual interest and reduces visual bulk.

The dwellings are orientated towards the southern boundary (internal driveway), except for Dwelling 1 which addresses Main Street and the private open spaces are mainly located on the northern alignment of the site.

Site coverage:

The details of the proposed dwellings are as follows:

	Unit 1	Unit 2	Unit 3	Unit 4	Unit 5	Unit 6	Unit 7
Size	153.5sqm	155.5sqm	132.9sqm	132.9sqm	132.9sqm	178.8sqm	167.0sqm
Bedrooms	3	3	2	2	2	3	3
Storeys	Single	Single	Double	Double	Double	Double	Single
Private Open Space	42.0sqm	56.0sqm	42.0sqm	42.0sqm	42.0sqm	64.0sqm	76.0sqm

The proposal provides a site coverage of 41 percent (excluding driveways and paths) and has 36 percent of permeable area (area of the site not covered by buildings, driveways & paths). Garden area has been provided at 35.03 percent (or 708.68sqm of the 2023sqm site), which satisfies the mandatory requirement for dwellings on lots over 650sqm.

Setbacks:

Dwelling 1 will be setback between 6.5 and 7 metres from Main Street, with the front porch slightly encroaching into this setback.

The ground floors of the proposed dwellings have setbacks of between 1.25 and 4.5 metres from the northern boundary and over 6 metres from the southern boundary (except for Dwelling 7 which has a garage wall constructed on a boundary). The upper floor levels of the double storey dwellings are generally setback between 2.7 and 4 metres from the northern boundary and over 6 metres from the southern boundary.

Visitor car parking and Access

One (1) visitor space is required as the proposal contemplates a development of five or more dwellings on a lot. Two (2) visitor spaces have been provided on the site within central locations and spacing between the Dwellings.

Dwellings 1, 2, 6 and 7 are provided with two (2) car spaces each in a double lock-up garage as required for a dwelling with three (3) or more bedrooms. Dwellings 3 to 5 are each provided with an attached single lock up garage, as required for each two (2) bedroom dwelling.

Access from Main Street is proposed via the existing crossover to the property. The driveway is approximately 3 metres in width and will provide access to all three (3) dwellings. The driveway and crossover are to be extended to 6 metres at the entrance to Main Street to allow safe access to the site for vehicles entering and exiting the site at the same time.

Vegetation removal:

A total of fourteen (14) trees and one (1) small street tree require removal to accommodate the development. Most are exotcic species and since there are no vegetation controls effecting the site, a planning permit is not required for their removal. The small street tree that requires removal to facilitate the extension of the crossover will be required to be compensated for to be replanted elsewhere via permit condition. The plans demonstrate that the Tree Protection Zones (TPZ's) of trees on neighbouring sites, including a large mature street tree to be retained, will not be impacted by the development.

### Landscaping

A concept landscaping plan has been provided and demonstrates that design and layout of the proposal can accommodate meaningful landscaping along both the driveway and within the rear yards for each unit. The retention of a large mature street tree will also have a positive contribution to the streetscape and the appearance of the site.

### **Planning Scheme Provisions**

#### **Zone**

The land is subject to the following zones:

- Neighbourhood Residential Zone – Schedule 1

#### **Overlays**

The land is not subject to any Overlays

#### **Planning Policy Framework (PPF)**

The relevant clauses of the PPF are:

- Clause 11.01-1S Settlement
- Clause 15.01 Built Environment
  - Clause 15.01-2S Building Design
  - Clause 15.01-5S Neighbourhood Character
- Clause 15.02-1S Energy and resource efficiency
- Clause 16.01 Residential development
  - Clause 16.01-1S Housing supply
  - Clause 16.01-2S Housing affordability
- Clause 18.01 Transport

#### **Local Planning Policy Framework (LPPF)**

The relevant clauses of the LPPF are:

- Clause 21.03-1 Housing
- Clause 21.03-4 Rural Townships
- Clause 21.06-1 Urban design

#### **Relevant Particular/General Provisions and relevant incorporated or reference documents**

The relevant provisions/ documents are:

- Clause 52.06 Car Parking;
- Clause 53.18 Stormwater Management in Urban Development;
- Clause 55 Two or More Dwellings on a Lot and Residential Buildings;
- Clause 65 Decision Guidelines; and
- Clause 66 Referral and Notice Provisions



### Planning Permit Triggers

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

- Pursuant to Clause 32.09-6 (NRZ1) a planning permit is required to construct two (2) or more dwellings on a lot.

### Public Notification

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

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

The notification has been carried out and the statutory declaration has been submitted to Council on 19 February 2021.

Council has received thirteen (13) objection to date.

The key issues that were raised in the objection are:

- Double storey is out of character for the area
- Neighbourhood character and absence of strategic township plans
- Car parking, access and traffic
- Overlooking and privacy of the neighbouring kindergarten
- Boundary fencing
- Drainage

### Referrals

External Referrals/Notices:

Referrals/ Notice	Referral Authority	Brief summary of response
Section 55 Referrals	N/A	
Section 52 Notices	N/A	

Internal Referrals:

Internal Council Referral	Advice/ Response/ Conditions
Engineering	No objection (subject to conditions)
Traffic	No objection (no conditions)

Strategic Planning	No objection (no conditions)
Landscape	No objection (subject to conditions)
Waste	No objection (subject to conditions)
Buildings and Facilities/ Community and Family Services	No objection (subject to conditions)
Heritage	No objection (subject to conditions)

## Discussion

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

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

A number of state and local policies are relevant to this application that aim to ensure dwelling design achieves attractive and diverse neighbourhoods, and to encourage a diversity in housing, close to activity centres, to meet the needs of future and existing residents.

Clause 15.01-2S (Building Design) seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Clause 15.01-5S (Neighbourhood Character) seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Clause 15.02-1S (Energy and resource efficiency) seeks to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

Clause 16.01-1S (Housing supply) seeks to facilitate well-located, integrated and diverse housing that meets community needs.

Clause 16.01-2S (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.

Clause 21.03-1 (Housing) provides local context to Clause 16, with an objective to encourage diversity in housing to meet the needs of existing and future residents.

Clause 21.03-4 (Rural Townships) seeks to ensure that the siting and design of new buildings and works complement the rural character of the township, and does not dominate the landscape or surrounding built form character.

Clause 21.06-1 (Urban Design) seeks to promote a high standard of design which creates a strong character and identity for the area, provides for a functional built environment, and promotes community and personal safety.

The proposal is compatible with the existing and emerging residential character from the area, and due to the proposed setbacks, height and appropriate location of the proposed dwellings, it is not expected to have any negative impacts on the surrounding residences or other uses. The dwellings are contemporary and modern in design, but takes cues from the surrounding neighbourhood and an adequate amount of garden area and P.S.O.S has been provided to each dwelling. The site coverage is considered reasonable and the application complies with the requirements of Clause 55.

Landscaping can be provided to provide for shade of canopy trees and to soften the built form. This is consistent with clauses above that seek ensure that residential development in establishing residential areas results in a good and safe design outcome, adequate access to services and amenities, responsive to neighbourhood character and is compliant with the standards and objectives of Rescode.

It is considered that the proposal adequately responds to the above and compliments the existing and emerging development pattern of this street and the surrounding area.

Therefore, it is considered that the proposal is consistent with the PPF and MPS as it contemplates development of a vacant parcel that will result appropriately dense infill development near public transport and services.

### **Neighbourhood Residential Zone – Schedule 1**

The Neighbourhood Residential Zone seeks to limit opportunities for increased residential development and to manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

Pursuant to Clause 32.09-5 of the NRZ, a permit is required to construct two or more dwellings on a lot. The decision guidelines of this overlay cover a number of matters, such as the purpose of the zone and the objectives, standards and decision guidelines of Clause 55.

The proposed development provides for a diversity of housing types, whilst reinforcing the residential nature of the area and proposes limited housing growth in an area that is within close proximity of the centre of Nar Nar Goon.

It also respects the existing residential character of the area, is consistent, and complies with the relevant purposes and decision guidelines of the Neighbourhood Residential Zone.

The proposal must meet the mandatory garden area requirement stipulated in the Zone, the requirement is for 35% of the site to be free from built form including car parking accommodation. The proposal satisfies this requirement by providing for a minimum of 35.03 percent of the site for 'Garden Area'.

The Zone also identifies a 9 metre mandatory height limit, the overall height limit for the proposal does not exceed a maximum height of between 5.24 metres (Dwelling 1) and a maximum height of 7.52 metres (Dwelling 6). The proposal therefore meets the mandatory height and garden area requirements.

While the general character of the area is standard-sized residential lots, there are some similar sized unit developments along Main Street, and therefore, the development is considered responsive to the character of the area as it limits the development footprint, proposes only minimal dwelling growth within close proximity to Nar Nar Goon Town Centre and provides extensive opportunity for landscaping and re-vegetation.

Although traditionally, development or subdivision of the lots within this area of Nar Nar Goon has been sparse, there is an emerging character for this type of development within close proximity to the town centre. There are a few examples of subdivision and development within the immediate area to the south of the site at 19, 23 and 25 Main Street, Nar Nar Goon.

The site and its surrounds are in close proximity to services and transport and the large size allotments present an opportunity to provide for infill development and affordable housing. Once subdivided, the area of the seven (7) proposed lots will be consistent with the subdivision pattern of the surrounding area.

Services within walking distance of the subject site include Nar Nar Goon Town Centre (approximately 100-250m walk) which provides for a range of services and facilities. The site is also located approximately 7.3 kilometres to the south-east of Cardinia Lakes Shopping and approximately 9.3 kilometres to the south-east of Pakenham Town Centre, both which provide larger retail facilities and services. Pakenham Town Centre is also accessible by train from Nar Nar Goon Train Station, which is a approximately 300 metres to the north of the site.

### **Clause 55 Two or More Dwellings on a Lot and Residential Buildings**

The proposed development is considered appropriate for the site and surrounds and complies with all the relevant objectives of Clause 55. A summary of the assessment of the development against Clause 55 is listed below (see Clause 55 assessment attached for full summary):

#### Clause 55.02 Neighbourhood character and infrastructure:

Pursuant to Standard B1 of Clause 55, it is essential for proposed developments to maintain and enhance the neighbourhood character of the area. It is policy with regard to built form that development complements the current character and contributory elements.

The proposal respects the rhythm of developments in Main Street as adequate setbacks have been provided from the front, side and rear boundaries, with Dwellings 1, 2 and 7 being single storey to ensure that the development will not be visually dominant when viewed from the street and adjoining properties. The development will not dominate the streetscape as Dwellings 2 to 7 are located behind Dwelling 1 to present as one single dwelling, with the new buildings being setback further than the adjoining Kindergarten to the north and the average of the setbacks of the adjoining development (which is 7.05 metres). This will ensure that the streetscape is not adversely disrupted.

Generous areas of open space have been provided at ground floor to the rear and sides of each of the dwellings. The areas of secluded private open space (S.P.O.S) are considered sufficient in size for landscaping and the planting of canopy trees, which will further assist in screening the proposed development.

The built form of the proposed character of the dwellings including external materials and openings (i.e. door and windows) is consistent with the existing dwellings and surrounding area. Each garage is located to the side of the dwellings and will face the internal driveway, further ensuring that the streetscape is not further disrupted.

Additional landscaping opportunities are provided within the front setback and alongside the driveway that will assist in breaking up the appearance of hard surfaces when viewed from the street. The landscaping plan provided with the application has been assessed by Council's Landscape Officer as suitable for endorsement.

There are some canopy trees located on the adjacent property along the north and east boundaries of the site. The plans demonstrate that these trees are unlikely to be impacted by the proposal due to the TPZ's shown. The plans also demonstrate that the large street tree is also unlikely to be impacted by the development. Tree protection fencing conditions will be placed on the permit to ensure that the TPZ's of these trees are maintained during construction.

The driveways provide appropriate and safe access to Main Street, allowing all vehicles to enter and exit the site in a forward-facing direction. Given the width of the allotment and its depth it also allows for the separation of built form, both within the site and in the streetscape. Given the existing multi-dwelling developments within the immediate area, it is considered that

the design responds and provides balance to the existing residential character of Nar Nar Goon.

The objective of Clause 52.02-3 (Dwelling diversity) is also considered to be met as the proposal provides for an alternative to the larger residential and rural properties in the area, resulting in more affordable housing stock close to Nar Nar Goon Town Centre. The two (2) and three (3) bedroom dwellings will suit people at all stages with easily accessible entrances. The mixture of single and double storey dwellings also ensure that some bedrooms and living areas are located at ground level which will also facilitate use of the dwellings by persons with limited mobility. The design also makes good use of private open space and spaciousness between built form, providing for better use of the site and a more useable living arrangement.

It is also noted that the development can be suitably accommodated into the infrastructure of the existing area and as such, all reticulated services (electricity, water, gas and sewerage) will be available to the development.

Clause 55.03 Site layout and building massing:

The site layout and building massing generally meets all standards and objectives, including building height, site coverage, permeability, open space, landscaping and safety. Dwellings are a mixture of single and double storey and designed and sited to ensure appropriate energy efficiency and access as much as possible given the east-west orientation of the site.

The proposal seeks a minor variation to the distance specified by Standard B6 (Street Setbacks). The setback required is based on the first development context in Table B1 (Street setback) as there is an existing building on both abutting allotments facing the same street and the site is not on a corner. Based on this the required setback is the average distance as the front wall of the existing dwellings on the abutting allotments facing the front street or 9 metres (whichever is lesser). The average setback of the front walls on the abutting allotments (when combined) is 7.05 metres. The proposal seeks to construct Dwelling 1, between 6.51 and 7.18 metres from the front title boundary, which is a reduction of 574mm (at the closest point). The front porch complies, as it is less than 3.6 metres in height (at approximately 3.2 metres) and does not encroach into the front setback by more than 2.5 metres. Given the minor reduction of 574mm, combined with the reduced setback of the adjoining Kindergarten (which has a setback of between 860mm and 4.625 metres from Main Street) and given that the remainder of Dwelling 1's front wall is setback more than required by the Standard, the minor variation is not expected to impact the character of Main Street, and supported in this context and location.

The proposal does not vary Standard B7 (Building heights) as maximum height of the double storey dwellings does not exceed 7.52 metres at any point. Standard B7 requires that dwellings on a flat site should not exceed 9 metres in height. The NRZ has a maximum height limit of 9 metres (no more than two-storey), and therefore the proposal sits comfortably within the Standard. Given the pattern of development on the surrounding sites, the proposed mixture of single and double storey design and height is considered suitable as the two (2) front dwellings and one (1) rear dwelling will be maintained as single storey as to not disrupt the streetscape which is considered acceptable in this context and location.

Site coverage is considered acceptable as the standard under Clause 55.03-3 mandates a maximum site coverage of 60 percent. The proposed area covered by buildings in this development is 837sqm of the 2023sqm site complying with this Standard at 41 percent.

Proposed at 36 percent the development also comfortably complies with Standard B9, which requires that the minimum permeable area of a site equal to at least 20 percent of the site area. Standard B9 also outlines that the stormwater management system should be designed to:

- Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (*Victorian Stormwater Committee, 1999*); and
- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

An assessment against Clause 53.18 (Stormwater management in urban development) has been provided with the application which demonstrates compliance with each guideline. The proposal is consistent with ensuring that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits by:

- Installation of retention systems which are to be incorporated into paving and drainage plans
- Installation of rainwater tanks for each dwelling
- Ensuring discharge is normal and safe for a dwelling
- The use of retention systems and rain gardens and water tanks will ease the distribution of additional stormwater
- Gutters, drains, tanks, retention systems will be easily accessible for maintenance.

Stormwater management will be further controlled via the requirement to provide a stormwater management plan via permit conditions.

Standard B10 is also met as the proposed design orientates the dwellings to make better use of solar energy. Living areas and private open space mostly have been orientated to the north side of each dwelling or has access to a northern aspect when not located directly to the north of the dwelling, maximising solar access to north facing habitable room windows and P.O.S. The site makes good use of the east-west orientation by locating the driveway to the south and dwellings on the northern side of the site ensuring that all the dwellings are provided with adequate northern light.

Window sizes and locations have been selected to reflect the use of each room with regard to winter heat loss and summer heat gain.

The proposed Dwellings are proposed to reach a 6-Star Energy Rating and will be required to comply with the relevant requirements of the BCA at building permit and construction stage.

Effort has been made to ensure that the P.O.S is as wide and usable as possible, given the development of the additional dwellings and the orientation of the site.

Standard B13 will also be achievable given the design and layout of the open areas of the site and has been demonstrated by a concept landscaping plan. A full landscaping plan will be required via permit conditions. There are fourteen (14) trees/shrubs to be removed on the subject site and one (1) small street tree, however none are significant. The plans demonstrate that there are a number of trees located on neighbouring sites, however the plans demonstrate that none of the trees will have their TPZ encroached beyond the 10 percent outlined in AS-4970 as discussed above, including the large street tree to be retained. The landscaping shown on the plans will help to maintain the landscape character of the neighbourhood, as the subject site is relatively clear of vegetation. Only drought tolerant native vegetation will be allowed to be planted.

A small street tree requires removal to facilitate the crossover for Dwelling 1 which is accepted by Council's Landscape Department. A contribution to re-plant a street tree elsewhere will be required by permit condition.



Safety in design has also been considered with surveillance of Main Street offered from Dwelling 1 and entrances to dwellings being clearly visible from Main Street or the internal driveway.

All dwellings have been designed with car turning circles in mind. As a result, sufficient reversing area has been provided to allow vehicles to exit the site in a forward motion.

The subject property fronts Main Street to the east (total length 20.12 metres). One existing crossover is located there along the southern boundary, which will be retained and upgraded to the satisfaction of Council to provide access to all the dwellings. The existing crossover is approximately 3 metres, however, is required to be widened to allow for opposing vehicles to pass one another at the entrance of the site. Once widened the crossover will be 6.1 metres in width, which represents 30.31 percent of the frontage, and as this is under 33 percent, it complies with Standard B14.

A visitor space is required as the development involves the construction of five (5) or more dwellings and two (2) visitor spaces have been provided, which along with the provision of adequate car parking on site (within garages), it is expected that there will be no adverse effect on street parking or normal traffic flows is expected.

Access ways to all dwellings comply with the prescribed requirements of B14 in respect to width. The proposed access has been assessed by Council's Traffic Engineer as satisfactory.

Further, an attached garage is provided for each new dwelling providing convenient and secure parking for residents. The garage dimensions have been assessed by Council's Traffic Engineer as complying with requirements of the Planning Scheme. The minimum setback of 1.5 metres is exceeded between habitable room windows and common driveways for all dwellings, which is consistent with Standard B15.

#### Clause 55.04 Amenity Impacts

The proposed dwellings are well setback from the southern boundary as they are separated by the common driveway (apart from Dwelling 7) which has part of its southern wall (garage) constructed on the boundary. This wall does not exceed 10 metres in length, and it has an average wall height under 3.2 metres complying with the Standard.

The proposed dwellings are also well setback from the northern and western boundaries, as the minimum setback at ground level for all the Dwellings is between 1.2 and 5.8 metres, which given the wall height of each dwelling is required to be setback at least 1 metre from all boundaries, complying with the Standard.

The upper floor levels also comply with setback requirements along the northern and western boundaries as the minimum setback proposed at the upper floor level along these elevations is between 2.7 and 4.16 metres, which given the wall height of each dwelling is required to be setback at least 1.66 metre from all boundaries, complying with the Standard.

The height and setbacks of the development respect the existing and preferred neighbourhood character and overshadowing diagrams demonstrate that the double storey dwellings are designed to ensure that the development will not create significant overshadowing to adjoining properties, limiting the impact on the amenity of existing dwellings within the vicinity. According to the shadow diagrams, none of the double storey dwellings will cause overshadowing beyond the property boundaries, with the maximum overshadowing occurring over the common driveway.

Dwelling 7 will cause the maximum overshadowing which will occur on the property to the south. This overshadowing is proposed to occur at 9am, 12pm and 3pm and will affect a small portion in the rear of secluded private open space (S.P.O.S) of 17 Main Street. Given the size of this allotment the overshadowing does not reduce sunlight to the private open space of the dwelling at these time to under 40sqm.



Shadows at 9am (Sept 22<sup>nd</sup> Equinox) at 17 Main Street



Shadows at 12pm (Sept 22<sup>nd</sup> Equinox) at 17 Main Street



Shadows at 3pm (Sept 22<sup>nd</sup> Equinox) at 17 Main Street

Figure 5: Shadow diagrams

Therefore within this five (5) hour span, this properties will receive at least 75 percent or 40sqm of adequate sunlight, complying with the Standard.

Overlooking is avoided by the use of obscured glazing and raised sill heights for the double storey dwellings (Dwellings 3 to 6) and is avoided for the single storey dwellings with adequate boundary fencing to be required to be constructed by permit condition.



Preventing overlooking is also important in this context to comply with the regulations relating to protecting the privacy of children attending the Kindergarten next door to the north. To confirm the relevant requirements the application was both advertised to the Kindergarten Manager and a referral was sent to Council's internal Buildings and Facilities and Community and Family Services Departments who manage Council Kindergartens. They advised that permit conditions were required to ensure that upper floor windows overlooking the Kindergarten were (at the minimum) obscured to prevent views into the site. The proposal demonstrates that the upper floor windows on the northern side of Dwellings 3 to 6 are to be obscured to a height of 1.9 metres above finished floor level (FFL) to comply with this requirement.

Upper floor windows on the southern side of Dwellings 3 to 6 will also be required to be obscured or screened via permit condition in accordance with the Standard to ensure that no overlooking occurs onto the neighbouring private open space to the south.

Permit conditions will require that overlooking be dealt with as shown in the plans prior to the occupancy of the dwellings, via the installation of the measures chosen to prevent overlooking.

Based on compliance with Standards B19, B20 and B21 it is demonstrated that there will be no impact on the daylight to existing windows, north facing windows or private open space of the neighbouring lots. There are north facing windows located on the neighbouring lot to the south within 3 metres of the property boundary. Therefore, the buildings on the subject site are required to be setback at least 3.8 metres from the southern boundary. The buildings are setback over 6 metres from the southern boundary (due to the common driveway), therefore, complying with the Standard.

There will also be no internal view issues due to the design of floor levels, window sill heights, proposed and existing screening fences and the location of secluded private open space.

#### Clause 55.05 On Site Amenities and Facilities:

The development has been designed to provide a sense of identity for each dwelling and adequate open space areas in accordance with the requirements of Clause 55. The proposal has been designed to ensure adequate provision of on-site amenities and facilities, including accessibility, daylight and solar access. Given the orientation of the site, north facing windows have been provided where possible to all dwellings. All the dwellings also benefit from a northern aspect to their respective S.P.O.S.

The proposal also complies with Standard B27, as direct access from a living area to P.O.S has been provided and there is adequate solar access from north facing habitable room windows (living areas). The P.O.S. to each Dwelling have been designed to face north.

All proposed Dwellings, within the constraints of the site, have been provided with individual functional areas as part of the private open space provisions. Private open space, where possible, has been located to maximise solar access.

The layout of private open spaces is such that they provided in rear yards with direct access to the living areas of the dwellings. Each Dwelling is provided at least 40sqm of open space, with 25sqm of SPOS with a minimum dimension of 3 metres at ground level.

#### Clause 55.06 Detailed Design:

The design details of the proposed development are compatible with the character of the surrounding area. The proposal is of a good standard of design that responds to the residential character of the area.

No new front fencing is proposed.

The proposed driveways are functional and capable of efficient management. The remainder of the internal side fencing between the three dwellings will be required by permit conditions to be constructed of timber palings to a maximum height of 1.8 metres. It is proposed that the existing 1.8-metre high combination Colorbond and paling fences on the south boundary will

be retained and the section of post-and-wire fencing to the rear will be replaced with 1.8m high timber paling fence along the southern boundary, and the existing 1.8m high timber paling fence to the west will also be retained. There is an existing 1.8m high timber paling fence along the northern boundary, however due to the regulations of the Kindergarten, this fence will be required to be replaced to ensure it complies with the relevant standards for childcare centres in terms of the material, height and location of rails (to ensure children cannot climb over the fence). Conditions will require the fences be shown as 1.8 metre high timber paling (minimum) and will require them to be constructed in accordance with the plans.

It is considered that all services and facilities can be provided to the site, and this will take the form of conditions on any permit issued.

#### **Clause 52.06 Car Parking**

As detailed above the proposed development includes two (2) spaces (within double garages) for the three (3) bedroom dwellings (Dwellings 1, 2, 6 and 7) and one (1) car space (within single garages) for the two (2) bedroom dwellings (Dwellings 3 to 5). Clause 52.06 requires that each 1 to 2 bedroom dwelling be provided one (1) car parking space, and each 3 or more bedroom dwelling be provided two (2) car parking spaces, therefore the application complies with the Standard.

As the proposal consists of five (5) or more dwellings, visitor spaces are also required. The development proposes two (2) visitor spaces located on-site and evenly distributed through the site. Clause 52.06 requires that one (1) visitor space be provided for every five (5) dwellings. As this proposal provides two (2) visitor spaces it exceeds the requirement therefore, complying with the Standard.

The proposed design has incorporated internal dimensions for the garages and accessway width is consistent with minimum requirements. Council's Traffic Engineer, deems the development to have suitable space to perform safe vehicle movements. Vehicles will be able to enter and exit the site in a forward-facing direction. As such, the proposal is consistent with the car parking and access requirements of the Cardinia Planning Scheme.

#### **Clause 65 Decision Guidelines**

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

- The effect the proposal may have on the orderly planning of the area;
- The amenity of the area, proximity to public land;
- Factors likely to contribute to land degradation;
- The quality of stormwater within and exiting the site;
- Effects on native vegetation;
- Potential hazards;
- The suitability of the land for subdivision; and
- The existing use and possible future development of the land.

The application proposes seven (7) dwellings which is considered to be in a suitable location that is consistent with the orderly planning of the area because it increases density in a location close to amenities and public transportation in accordance with existing and future planning policy. The proposal allows for infill development contained in an established residential area clear of significant vegetation and therefore it will not affect native vegetation or cause degradation to the land in any meaningful way. Stormwater drainage impacts will be further addressed via permit conditions. Therefore, it is considered that the application is consistent with the decision guidelines of all applicable planning controls.

### Response to Objections

In response to both Council and Objector concerns the permit applicant has provided a revised set of drawings for consideration. To summarise the main changes include:

- Reduction in the number of dwellings from eight (8) to seven (7);
- 
- Reduction in the number of double storey dwellings from eight (8) to four (4), resulting in three (3) single storey dwellings and four (4) double storey dwellings;
- 
- Incorporated additional materials (i.e. weatherboard look cladding) sympathetic to the township character;
- 
- Incorporated obscured windows to 1.7m height above finished floor level (FFL) to comply with overlooking requirements;
- 
- Incorporated fencing to a height of 1.8m; and
- 
- Incorporated single storey dwellings to the front and rear of the site to address neighborhood character concerns



Figure 6: Advertised plans showing eight (8) double storey dwellings



Figure 7: Revised plans showing seven (7) dwellings (3 single storey and 4 double storey)

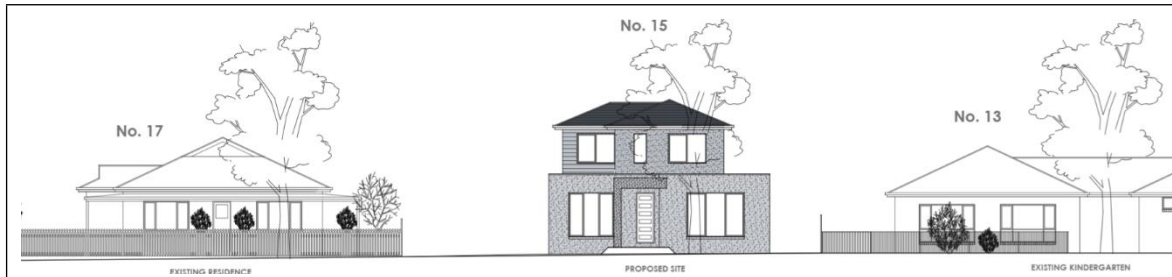


Figure 8: Advertised streetscape plan showing Dwelling 1 as double storey

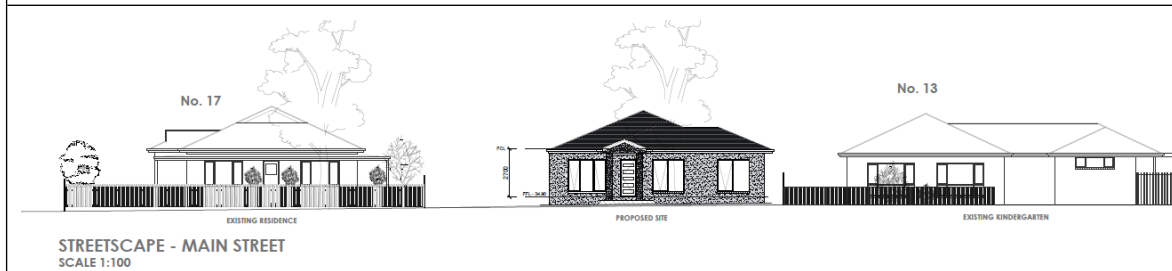


Figure 9: Revised streetscape plan showing Dwelling 1 as single storey



Figure 10: Advertised southern elevation showing all eight (8) dwellings as double storey



Figure 11: Revised southern elevation showing seven (7) dwellings and a mixture of single and double storey

The following addresses the specific concerns raised by the objections received:

Car parking, Traffic & Access:

A number of objections raised concerns about increased traffic and potential car parking issues that may be caused by this development (especially at school and kinder drop off and pick up times) on Main Street.

The amount of car parking provided is compliant in accordance with the requirements of Clause 52.06 (Car Parking) of the Cardinia Planning Scheme. Clause 52.06 requires the following number of spaces to be provided for this type of development:

- For each 1-2 bedroom dwelling a total of 1 car parking space are to be provided for that dwelling:
- - Each 2 bedroom dwelling is provided 1 car space in a single lock up garage as required.



- For each 3+ bedroom dwelling a total of 2 car parking spaces are to be provided to that dwelling:
- - Each 3 bedroom dwelling is provided 2 car spaces in a double lock up garage as required.
- For every 5 dwellings (in developments of five dwellings or more) 1 visitor space is to be provided for the site.
- - The site is provided with 2 visitor spaces, exceeding the number of visitor spaces required.

Access, turning circles and garage sizes have been assessed by Council's Traffic Engineer and are compliant with their standards and the standards of the planning scheme..

Main Street is a Road Zone Category 2 (a main road under Council control) and Council's Traffic Department did not raise any concerns about increased Traffic onto the road network at this location. The road is designed to accommodate more traffic when compared to other local roads. Access has been designed to ensure that all vehicles exiting the site can do so in a forward facing direction and on-site visitor spaces should ensure that the proposal does not detrimentally affect on-street parking or traffic into the local road network.

Therefore, it is considered that the proposal appropriately contemplates car parking, traffic and access.

#### Overlooking & privacy issues for the neighbouring Kindergarten:

A number of objections raised concerns about overlooking of S.P.O.S of neighbouring properties, and also issues of privacy and overlooking into the neighbouring Kindergarten.

The dwellings are required to be designed to prevent overlooking onto the private open space and habitable windows of adjoining lots. This can be done via obscured glazing, raised sill heights (to at least 1.7m above FFL) or screening. Where the windows have not been shown as any of these treatments, and are within 9m of a property boundary which results in direct views into the private open space of the neighbouring property, they will be required to comply via permit conditions. As discussed above, any approval will be subject to such conditions.

Also as discussed above, Council's Community and Family Services team that oversees the management of the neighbouring kinder (located on Council land) have been given a copy of the application for review. They have requested a number of requirements of the plans to ensure that the kindergarten and children are adequately protected from overlooking and loss of privacy as required under the relevant Act/s that govern Kindergartens and Child Care Centres. These measures include requiring the use of obscured glazing to a minimum height of 1.7m above FFL or highlight windows to a minimum height of 1.7m above FFL on the upper floor levels facing the kinder, as well as appropriate boundary fencing.

The amended plans demonstrate that any windows with potential overlooking into the kindergarten have been appropriately designed. Fencing is also shown to comply. These measures will also be included as conditions of any approval granted.

In response to these concerns the number of double storey dwellings has also been reduced, which further reduces the potential for overlooking into the kinder to occur from an upper floor level.

Neighbourhood character & absence of strategic township plans:

A number of objections raised concerns about the proposal not aligning with the existing neighbourhood character of Nar Nar Goon, especially the double storey design in an area predominantly made up of single storey development.

The original design was not considered to have a sympathetic approach to the character of Main Street and the surrounding area, and therefore, the applicant was asked to consider changes to the plans to ensure the development was more sympathetic. The results are the amended plans which show less double storey development, spacing between buildings and a range of different materials and colours more sympathetic to the neighbourhood.

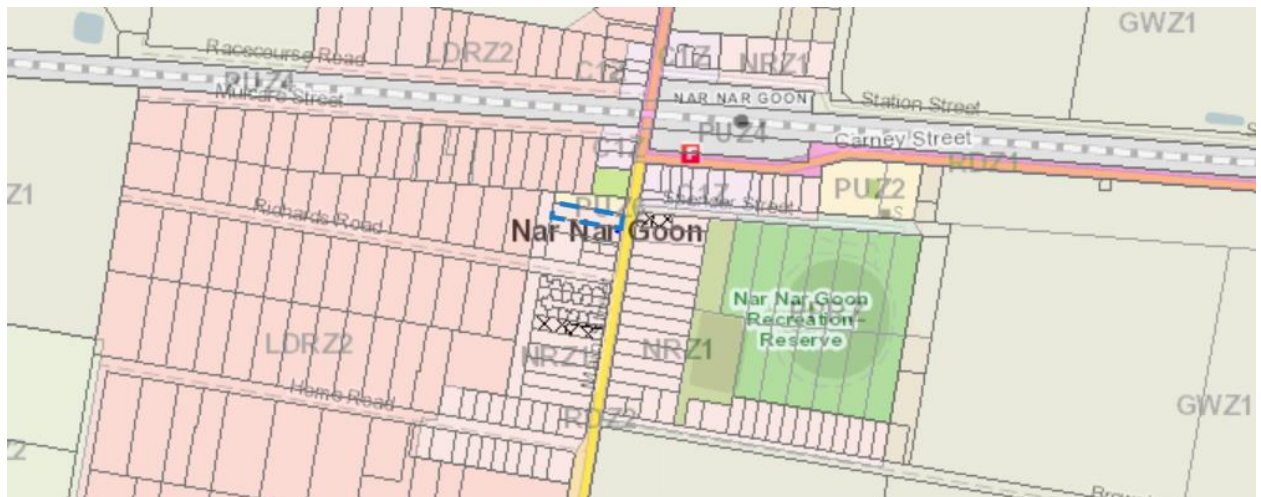
The amended plans also demonstrate that the two (2) front dwellings will be single storey in design, which is more in-line with the existing streetscape character. The double storey dwellings have been situated in the centre of the site, with a single storey dwelling to the rear, providing a better transition to the larger, low density residential area to the rear of the site.

A number of objectors also raised concerns that Nar Nar Goon does not have its own Township Strategy to help guide development and protect neighbourhood character within the township.

Unfortunately, in the absence of an enforceable township strategy for Nar Nar Goon, Council can only rely on the existing planning policy in the Planning Scheme when assessing applications. This can make it more difficult to advocate for preferable outcomes. Council is aware of this issue and in response is working on a township policy (Cardinia Shire Railway Towns) which will include Nar Nar Goon and provide more guidance for development in the area if approved.

However, currently there is only a very small portion of Nar Nar Goon township which this type of development can be considered on (mainly consisting of the Neighbourhood Residential Zone along parts of Main Street, Nar Nar Goon-Longwarry Rd, Station St, Spencer St and Carney St). The remaining areas of the township centre are Low-Density Residential Zone which would require re-zoning to allow for this type of development to occur. The Planning Scheme recognises that it is important to provide for a range of housing types in regional towns to cater for all different types of households and families within the area. However, these comments were taken on board and the design response in the changes demonstrated in amended plans (reduction in dwellings and reduction in storey's) are intended to help address these concerns.

A map of the town centre and zoning showing the small area of Neighbourhood Residential Zone (NRZ) is below for reference (NRZ is shown in LIGHT PINK):



### Boundary Fencing:

Some objections raised issues about appropriate boundary fencing where the fencing is currently not adequate. Concerns were also raised about fencing adjoining the kindergarten.

Although not normally a planning consideration (as fencing is a civil matter) Council can consider the inclusion of permit conditions requiring the permit holder to construct the appropriate boundary fencing. This is normally required to be a minimum of 1.8m high, timber paling fencing, and any areas which have not been shown on the plans as being constructed as such, will be required by permit condition. Alternatives to this can be discussed civilly between the permit holder and the adjoining neighbour as would normally be required when dealing with boundary fencing.

As discussed above, appropriate fencing with rails facing internally to the subject site to prevent children from climbing the fence will be included on the permit.

All boundary fencing will be required to be constructed prior to occupancy of the dwellings via permit condition.

### Drainage:

Some objections also raised concerns about drainage and how it will be managed for the property.

The Stormwater management strategy provided is intended to provide options to deal with stormwater run-off. It includes the use of water tanks, on-site detention and landscaping all to combat and reduce stormwater run-off, as well as improve its quality.

This application has also been assessed by Council's Drainage Engineer and a number of conditions will address drainage, including conditions for the submission of drainage plans and an on-site stormwater detention system provided.

### **Conclusion**

The proposed development is consistent with the requirements of the Cardinia Planning Scheme and will not cause detriment to adjoining properties. It is therefore recommended that a Notice of Decision for planning permit T200296 be issued for the development of the land for seven (7) dwellings and associated works at 15 Main Street, Nar Nar Goon, VIC, 3812 subject to the following conditions:

## Conditions

### Plans required:

1. Before the development starts, 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 and fully dimensioned. The plans must be generally in accordance with the amended development plans prepared by Thomas Anderson Design, Revision C, submitted with the application but modified to show:
  - a. Amended site plan showing:
    - i. Boundary fencing constructed to be a minimum of 1.8-metre-high timber paling fencing along the south and west boundaries.
    - ii. Northern boundary fencing adjoining the kindergarten to be constructed:
      1. With fence railings facing internal to 15 Main Street, Nar Nar Goon;
      2. To a minimum height of 1.8 metres; and
      3. Treated pine palings must not be used unless paint sealed.
    - iii. Upper floor habitable room windows on the southern elevation designed to comply with Standard B22 (Overlooking).
  - b. Coloured photos of the existing building as a record of the building for Council's records to show:
    - i. All four (4) exterior elevations of the existing building.
  - c. A Waste Management Plan to the satisfaction of the Responsible Authority. The plan must include but is not limited to:
    - i. The manner in which waste will be stored and collected including the type, size and number of containers.
    - ii. Provision for on-site storage.
    - iii. Details whether waste collection is to be performed by Council's services or privately contracted.
    - iv. The size of the collection vehicle and the frequency, time and point of collection.
2. Before the development starts drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

### Prior to commencement (Street trees):

3. Before the development starts a fee of \$375.00 must be paid to the Responsible Authority for the removal and replacement of any existing street tree requiring removal to facilitate the extension of the common driveway crossover.
4. Before the development including demolition starts, a tree protection fence must be erected around the existing street trees to be retained outside the canopy zone of the tree to define a "Tree Protection Area". The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area without the



written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Area. Any pruning that is required to be done to the canopy or roots of any tree to be retained is to be done with permission by Council's Arborist by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007.

Prior to commencement (Tree Protection Fencing):

5. Before works start, a fence must be erected around the areas of TPZ encroachment of Trees 6, 7, 16, 17 and 18 located on the adjoining land known as 13 Main Street, Nar Nar Goon as shown on the endorsed plan. This fence will protect the trees by demarcating the tree protection zone that extends onto the subject site and must be erected at a radius of  $12 \times$  the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees, excepting the approved area of encroachment for construction as shown on endorsed plans to the satisfaction of the Responsible Authority. The protection fence must be constructed of star pickets and flagging tape/chain mesh or similar to the satisfaction of the Responsible Authority. The protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority. Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:
  - a. Vehicular access.
  - b. Trenching or soil excavation.
  - c. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
  - d. Entry and exit pits for underground services.
  - e. Any other actions or activities that may result in adverse impacts to retained native vegetation.

General:

6. The layout of the site and the size of the proposed buildings and works, as shown on the approved plan/s, must not be altered or modified without the consent in writing of the Responsible Authority
7. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.
8. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the development must be of a non-reflective nature in accordance with the endorsed plans.
9. 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.
10. All residential waste must be stored within the specified bin storage area for each dwelling. Garbage bins are to be placed on the street for collection in a tidy manner on the appropriate waste collection day for the area.
11. Any external lighting must be designed, baffled and located so as to not detrimentally affect the adjoining land to the satisfaction of the Responsible Authority.
12. The dimensions and layout of the proposed access and parking areas must be in accordance with the requirements of Clause 52.06 of the Cardinia Planning Scheme.
13. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

Kindergarten boundary:

14. Privacy screening/ or obscured glazing for all upper floor windows along the northern boundary with the Kindergarten as shown on the endorsed plans must be maintained at all times to the satisfaction of the Responsible Authority.
15. Boundary fencing along the northern boundary with the Kindergarten as shown on the endorsed plans must be maintained at all times to the satisfaction of the Responsible Authority.

Engineering:

16. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
17. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.
18. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority
19. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
20. The slope of batters, both cut and fill, must not exceed 2:1 (horizontal: vertical) or, where this is not practicable, batters must be stabilised by other means to the satisfaction of the Responsible Authority.

Prior to Occupancy:

21. The development approved by this permit must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
  - a. Fixed privacy screens (not adhesive film) and/or obscured glazing in accordance with the endorsed plans designed to limit overlooking as required Standard B22 of Clause 55.04-6 must be installed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
  - b. Any new fencing shown on the endorsed plans must be constructed at the cost of the owner/permit holder in accordance with the endorsed plans.
  - c. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority unless an alternative date is agreed to in writing by the Responsible Authority.
  - d. All proposed 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. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
  - e. A residential standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
  - f. Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.

- g. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
- h. Power and telephone lines to all new dwellings must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land.
- i. A bin storage area must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
- j. A mail box must be provided to each dwelling to the satisfaction of the Responsible Authority and Australia Post.
- k. A clothesline must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
- l. Lighting must be provided near the front entrance of each dwelling to the satisfaction of the Responsible Authority.

**Expiry:**

A permit for the development of land expires if-

- a. the development does not start within two (2) years after the issue of the permit; or
- b. the development is not completed within four (4) years after the issue of the permit.

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.

**Notes:**

- i. Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development (including boundary fencing) complies with the Building Act and Building Regulations.
- ii. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- iii. Prior to commencement of the proposed use a Building Permit must be obtained for any retaining wall exceeding 1.0 metres in height.

**Drainage notes:**

- iv. As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

**Resolution**

Moved Cr Graeme Moore, seconded Cr Jeff Springfield.

That Council defer the consideration of this item until the May 2021 Council Meeting to allow the applicants to amend the Permit Application to address objector concerns.

Carried

## 6.2 General Reports

### 6.2.1 Report in Response to the Cockatoo Community Market Petition

**Responsible GM:** Nigel Higgins  
**Author:** Cheryl Casey

#### Recommendation(s)

That Council:

1. Note the petition
2. Request officers work with the Cockatoo Country Market organising committee to require the safe ongoing operation of their twilight and regular market events, including any suggestions for alternative locations.
3. Undertake an assessment of the 'regular market' in operation to inform future traffic management options.
4. Undertake a range of traffic management investigations for Pakenham Road including signage and line marking to better manage event activity.
5. Note Councils Festival and Events Officer role currently being recruited.

#### Attachments

Nil

#### Executive Summary

A petition (648 signatures) was received requesting Cardinia Shire Council supply a suitable permanent location in Cockatoo for the Cockatoo Country Market to ensure it can continue. Officers will support the market organising committee to manage safe ongoing events.

#### Background

A petition to Council has been received (648 signatures) about the Cockatoo Country Market.

*"The petition of residents in Victoria calls on the Cardinia Shire Council to secure a suitable permanent location in Cockatoo for the Cockatoo Country Market, soon to celebrate its 6<sup>th</sup> birthday is a volunteer run market that has become a much-loved monthly event in Cockatoo. The market just in 2020 alone donated \$5000 back into the Cockatoo community- all funds raised through the market. Cardinia Council has recently withdrawn permission for the market to occupy the carpark at the Cockatoo Community Complex, citing parking and traffic concerns. Cardinia Council have as yet been unable to provide the Cockatoo Country Market a suitable all weather indoor / outdoor location to hold their markets year-round – placing the future of the market under threat. The Market is a great support for small business owners and local tourism and needs a secure future. We call on the Cardinia Shire Council to provide a suitable permanent location in Cockatoo for the Cockatoo Country Market and ensure it can continue for years to come."*

During March to November the regular monthly market occurs at the Cockatoo Community Complex Hall and car park (at Alma Treloar Reserve). Each market attracts approximately 500 people across the 5 hours of the event. The market has been operating successfully for the past 6 years without incident.

The Cockatoo Country Market also operates two Twilight events per year in December and February using the lower amphitheatre space at Alma Treloar Reserve.

In December 2020, the Twilight Market (a larger event) was held with approximately 1000 people in attendance. This was the first market following the pandemic lock down. Parking overspilled onto nearby Pakenham Road causing a range of traffic and pedestrian safety concerns. A significant concern was vehicle and pedestrian movements on the Arterial Pakenham Road with inadequate traffic management. Vehicles were illegally parking at 90 degrees on a busy road, parking on grass verges and pedestrian were mostly crossing uncontrolled.



Pakenham Road Illegal 90degree parking.  
Parking needs to be parallel



The February 2021 Twilight Market operated with approximately 750 people attending with no reported concerns.

The recent March 2021 regular market operated from Alma Treloar Reserve lower amphitheatre with a Council approved traffic management plan in place. There were no traffic and pedestrian safety matters raised. The April 2021 market will also run from the lower amphitheatre with a similar traffic management plan.

During winter, the market organisers would prefer to resume operating with the shelter afforded from the Cockatoo Community Complex and carpark site. An assessment of the forthcoming regular market event will be undertaken to guide future event management. In addition, investigation of parking controls and line marking for Pakenham Road will be undertaken (in conjunction with Vic Roads) to inform any improvements.

Council supports the continuation of the market from the location, but a traffic management plan must be developed and undertaken to ensure protection and safety of the community attending the event. Should the markets outgrow this location, alternative locations in Cockatoo could be considered. Councils new Festival and Event officer in that case will work with the organising committee to consider these options.

### **Policy Implications**

Nil.

### **Relevance to Council Plan**

1.5 Our People - Variety of recreation and leisure opportunities

1.5.1 Provide active and passive recreation facilities to meet the needs of residents.

1.6 Our People - Increased awareness of safety

1.6.2 Improve awareness of township safety in local communities.

4.3 Our Economy - Diverse and resilient business community

4.3.1 Support small businesses to remain viable in rural townships.

### **Climate Emergency Consideration**

Nil.

### **Consultation/Communication**

Petition received from Cardinia Community

### **Financial and Resource Implications**

Nil.

### **Conclusion**

Officers will support and require the Cockatoo Market Committee to run safe markets utilising a traffic management plan approach without compromising the safety of the community. Council Festival and Events Officer will work with the organising committee to meet these requirements.

## **Resolution**

Moved Cr Jeff Springfield, seconded Cr Jack Kowarzik.

That Council:

1. Note the petition
2. Request officers work with the Cockatoo Country Market organising committee to require the safe ongoing operation of their twilight and regular market events, including any suggestions for alternative locations.
3. Undertake an assessment of the 'regular market' in operation to inform future traffic management options.
4. Undertake a range of traffic management investigations for Pakenham Road including signage and line marking to better manage event activity.
5. Note Councils Festival and Events Officer role currently being recruited.

Carried



## 6.2.2 Notice of Motion 1058 - Beaconsfield Reservoir

**Responsible GM:** Peter Benazic  
**Author:** Doug Evans

### Recommendation(s)

That Council note that the report requested by the Mayor regarding Beaconsfield Reservoir will not be presented to this meeting but delayed until the May Council meeting to enable a more detailed report to be prepared.

### Attachments

Nil

### Executive Summary

To note that Notice of Motion 1058 from Cr Owen resolved at the November Council Meeting called for a report to be listed for this Council Meeting but preparation of the report has been delayed and will now be listed for the May Council Meeting

### Background

At the November Council Meeting Notice of Motion 1058 tabled by Cr Owen's was adopted, the Notice of Motion reads:

'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'

A detailed report to respond to this Notice of Motion has not been finalised and this report will now be listed for consideration at the May Council Meeting.

### Policy Implications

Nil

### Relevance to Council Plan

Nil.

### Climate Emergency Consideration

Nil

### Consultation/Communication

Discussions regarding plans for the Beaconsfield Reservoir with Melbourne Water and the community have occurred over the past months, These discussions are proceeding with a full understanding of Melbourne Water's plans for the reservoir expected in the near future and a detailed report on this matter will be listed for the May Council Meeting.

**Financial and Resource Implications**

Nil

**Conclusion**

A report is being prepared to respond to Notice of Motion 1058 regarding the Beaconsfield Reservoir however completion of this report has been delayed and will be listed for the May Council Meeting rather than this meeting.

**Resolution**

Moved Cr Jeff Springfield, seconded Cr Graeme Moore.

That Council note that the report requested by the Mayor regarding Beaconsfield Reservoir will not be presented to this meeting but delayed until the May Council meeting to enable a more detailed report to be prepared.

Carried

## 6.3 Financial Reports

### 6.3.1 Mayor and Councillor allowances

**Responsible GM:** Debbie Tyson  
**Author:** Doug Evans

#### Recommendation(s)

That Council sets the level of Mayor and Councillor allowances on and from 1 July 2021 at the level allowed as a Category 3 Council, as identified by the Victorian Government, and these allowances be:

- Mayor: \$100,434 per annum
- Councillors: \$31,444 per annum
- Plus an additional 9.5% of the above allowances as an equivalent of the Commonwealth Superannuation Guarantee

#### Attachments

Nil

#### Executive Summary

The Council at its meeting held on 15 February 2021 resolved to propose to set the level of Mayor and Councillor allowances at the level allowed as a Category 3 Council, as set by the Victorian Government, and to seek submissions on this proposal.

As per the requirements of the Local Government Act, public notice was undertaken between 17 February 2021 and 17 March 2021, allowing 28 days for submissions to be lodged.

#### Background

The 2020 Local Government Act contains provisions regarding the setting of allowances. These new provisions introduce the concept of the allowances payable being set by the Victorian Independent Remuneration Tribunal. However, the Minister for Local Government must first request the Tribunal to undertake a review of the allowances and the Minister has not yet made this request.

Until such time as the Tribunal sets the allowances payable the provisions in the 1989 Act continue.

These provisions require the Council to review and determine the level of allowances payable within 6 months after a general election or by the next 30 June, whichever is later. Any such determination is subject to a community consultation exercise where members of the community can provide any submissions on the review.

The current level of allowances are those that apply to a Category 2 Council, these are currently  
Mayor \$81,204 and Councillors \$26,245.

The Council was advised in January 2020 that following a review of the Councillor allowance categories the Minister for Local Government had approved Cardinia moving to a Category 3 Council, up from a Category 2 Council.

The level of allowances payable for a Category 3 Council are:

- Mayors: Up to \$100,434 per annum
- Councillors: Between \$13,123 and \$31,444 per annum
- Plus an additional 9.5% of the above allowances is payable as an equivalent of the Commonwealth Superannuation Guarantee.

When the Council considered this matter in January 2020 it was decided not to propose an increase in the allowances payable and to continue to receive the allowances previously set.

Council now can move to the Category 3 Level of allowances if it sees fit to do so, it is the Officers recommendation that this be undertaken.

Under the provisions of the 1989 Local Government Act, Council placed a notice in the local newspaper advising of this proposal, seeking submissions from the community. The notice appeared in the Pakenham Gazette on Wednesday 17 February 2021, no submissions were received.

### **Policy Implications**

Nil

### **Relevance to Council Plan**

#### **5.2 Our Governance - Open governance**

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 is currently required to comply with the provisions of the 1989 Local Government Act to set the level of Mayor and Councillor allowances in particular Section 223 of that Act. These provisions require the Council to publish a public notice regarding the proposal and to call for submissions on the proposal, allowing at least 28 days for submissions to be lodged.

No submissions were lodged in response to the public notice.

### **Financial and Resource Implications**

The draft Council budget 21/22 includes an additional \$66,000 to cover the additional costs of this increase in the level of allowances payable.

### **Conclusion**

Council has undertaken the process required to move to the increased level of allowances payable with no submissions received. It is recommended that Council sets the level of Mayor and Councillor allowances as of the 1 July 2021 at the level allowed as a Category 3 Council, as identified by the Victorian Government.

## Resolution

Moved Cr Collin Ross, seconded Cr Carol Ryan.

That the Councillor allowance should be increased at the level 3 Category. The Mayoral Allowance should not be lifted to the higher category 3 level and be reviewed in 12 months. The Mayor as a Councillor should have an increase to the salary at the same financial dollar increase as the Councillors category increase.

Cr Springfield foreshadowed Cr Ross' alternate motion with the report's recommendation.

Lost.

Cr Collin Ross called for a division.

Councillors for: Collin Ross and Carol Ryan.

Councillors against: Jeff Springfield, Jack Kowarzik, Graeme Moore and Brett Owen.

Upon the lost alternative motion, the foreshadowed motion was raised to Council.

Moved Cr Jeff Springfield, seconded Cr Graeme Moore.

That Council sets the level of Mayor and Councillor allowances on and from 1 July 2021 at the level allowed as a Category 3 Council, as identified by the Victorian Government, and these allowances be:

- Mayor: \$100,434 per annum
- Councillors: \$31,444 per annum
- Plus an additional 9.5% of the above allowances as an equivalent of the Commonwealth Superannuation Guarantee

Councillors for: Jeff Springfield, Jack Kowarzik, Graeme Moore and Brett Owen.

Councillors against: Collin Ross and Carol Ryan.

Carried.



## 6.4 Activity Reports

### 6.4.1 Major Projects Report

**Responsible GM:** Peter Benazic  
**Author:** Andrew Barr, Ben Wood, Kristen Jackson, and Walter Carmignani

#### Recommendation(s)

That Council note this report

#### Attachments

1. Major projects report - April 2021 [6.4.1.1 - 11 pages]

#### 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.

Stage 4 lockdowns imposed by the Victorian Government in response to the Covid19 Pandemic is having an impact on a number of projects as the construction industry looks to adapt to working restrictions. These restrictions will have a time impact on the delivery of projects, of which the extent of this is still being understood and may impact the forward projection of timelines identified in this report

#### Background

Projects and updates are included in the attached report

#### Relevance to Council Plan

##### 3.1 Our Environment - Provision and maintenance of assets on a life-cycle basis

3.1.1 Maintain all Council roads and supporting infrastructure in accordance with the *Road Management Act 2004*.

3.1.2 Develop new and maintain existing parks, gardens and reserves in a sustainable way.

3.1.3 Provide accessible facilities to meet identified community needs.

3.1.4 Manage Council's assets like roads, drainage, footpaths and buildings, etc. in a way that ensures they are adequately maintained over their life.

##### 3.2 Our Environment - Transport linkages connecting towns

3.2.1 Upgrade Council roads to improve safety while considering the traffic demand of the community.

3.2.2 Continue the use of special charge schemes to finance road, drainage and footpath improvement programs.

3.2.4 Prioritise multi-use pathways, where practicable, to create networks that connect destinations.

#### Conclusion

This regular activity report (as attached) is provided for Councillor's information

**Resolution**

Moved Cr Graeme Moore, seconded Cr Jack Kowarzik.

That Council note this 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 Ryan advised that she participated in candle making at My Place with Cardinia's youth. She also attended an interfaith meeting and discussed what the group can do for the community. Cr Ryan also attended the Sikh Volleyball competition with Cr Moore, Cr Ross and members of Victorian Parliament. Cr Ryan then reflected on her time with Cr Brown and expressed her sadness.

Cr Springfield spoke to the greatness of Ray Brown and gave his condolences to his family.

Cr Kowarzik advised that Respect Victoria launched Pride Respect Equality to prevent family violence against LGBTQI family members. Cr Kowarzik also attended the first CALD advisory group meeting of the year. Cr Kowarzik also spoke to his memories of Ray Brown and his respect for him.

Cr Moore expressed his admiration for Ray Brown, shared stories of their past and will remember him as the brother he never had. Cr Moore also spoke to the legacy that Cr Brown will leave for the Koo Wee Rup community.

Cr Ross advised he will speak to Cr Brown at a later date. Cr Ross attended the Sikh Volleyball competition.

The Mayor attended the Sikh Volunteers Thanksgiving along with the First Year 12 Officer Secondary College Valedictory Dinner. The Mayor also met with all of Cardinia's citizens of the year to ascertain what they would like done for the community within the coming year. The Mayor expressed his sadness of Ray Brown's passing, but spoke to his life both before and during his time on Council.

## 9 Presentation Of Petitions

The Mayor tabled a petition with over 200 signatories, the prayer reads:

*We the undersigned, being residents in the Shire of Cardinia, do hereby humbly petition the Cardinia Council Chief Executive Officer and Councillors to accord the highest priority in 2021/2022 budget considerations for the proposed redevelopment of youth, community, and sporting facilities at Upper Beaconsfield Recreation Reserve. These facilities should meet all current Australian Standards, especially for female friendly changing facilities and toilets suitable for all current and future User Groups.*

## 10 Notices Of Motion

### 10.1 Notice of Motion 1064 Collin Ross

#### **Motion**

That Council includes in every General Council Meeting, beginning with the June 2021 General Council Meeting, an agenda item covering 'Gender Equity and Equality.' Once the legislated Gender Equality Action Plan is developed and approved by the relevant Commissioner, that this monthly report is replaced by a quarterly report updating progress against the Action Plan.

**Resolution**

Moved Cr Collin Ross, seconded Cr Jeff Springfield.

That Council includes in every General Council Meeting, beginning with the June 2021 General Council Meeting, an agenda item covering 'Gender Equity and Equality.' Once the legislated Gender Equality Action Plan is developed and approved by the relevant Commissioner, that this monthly report is replaced by a quarterly report updating progress against the Action Plan.

Carried

## 11 Community Questions

The Mayor advised that Council had received 5 questions from Andrew McNabb.

The questions read:

1. *Mayor Cr Brett Owen as a three time mayor, have you taken the option of having the use of the mayoral vehicle for 3 years, is this correct?*
2. *Have you ever used the mayoral vehicle for personal use in any way over this 3 year period?*
3. *Have you ever used the mayoral car for personal use such as dropping and picking up your children from school?*
4. *Have you ever used the mayoral car for a family holiday?*
5. *How much would the mayoral vehicle cost the ratepayers annually to provide for use as the mayor?*

**The Mayor responded to the questions with the following:**

*Thank you for your questions Mr McNabb received on 15th March 2021.*

*The council expense policy provides the mayor of the day the choice to have a mayoral vehicle to fulfill their duties, rather than it being a mandatory requirement.*

*In the three terms that I have been mayor for Cardinia shire council, I have chosen to utilise the mayoral vehicle, in accordance with the council expense policy and Cardinia's vehicle policy, I have used the vehicle for full private use.*

*The mayoral vehicle forms part of council's existing vehicle fleet and incurs an estimated cost to council per year of \$15,000. (inclusive of Fringe Benefits Tax)*

The Mayor advised that Council had received 2 questions from Jessica Walton.

Question 1 read:

*I have a permanent physical disability. My amputated leg will never grow back. And yet, every three years, I have to make a doctor's appointment to confirm that yes, I'm still disabled, and reapply to council for a disabled parking permit. Why is there no option for a lifetime parking permit for those with permanent disabilities, or at least a longer period than three years?*

**The General Manager Customer, People and Performance responded:**

Thank you for your question Ms Walton.

In the past, Victorian councils have been responsible for administering the state government disability parking permit program. The terms and conditions of this program have been directed by the state government rather than the local councils, however local councils were the process point and deliverer of the permits.



Fortunately, the Victorian government has recently reviewed its program and is, this year, working with councils to implement a new program. The problem you describe with the with the current permit system has been addressed with the introduction of the New Accessible Parking Permit Scheme.

The new APP Scheme streamlines the application process, making it easier, simpler and more consistent across the state.

Improvements to the Scheme include:

- introduction of a permanent disability classification, so reassessments are not required for future permit renewals
- introduction of temporary permits for 6, 12 or 24 months
- increased permit length from three years to five years for individuals
- a new single and secure state-wide permit design that will reduce the misuse of permits
- the inclusion of occupational therapists as assessors, in addition to GPs
- better alignment between Victoria and the COAG 2010 Australian Disability Parking Permit Scheme (ADPS)

The new APP Scheme and online system has replaced the previous Victorian Code for the Disabled Persons Parking Scheme and individual council administration systems. Cardinia Councillors will receive a briefing on the new system in the coming weeks.

Cardinia has begun implementation of the new system and residents are able to apply now by returning to their normal GP and asking to apply for a permit renewal through the new Accessible Parking Permit Scheme.

Question 2 read:

*Many local councils have stopped using a Christian prayer at the beginning of council meetings, in recognition of the diversity of religious beliefs in our community, and the fact that some members of our community have no religious beliefs at all. The Australian Local Government Association, a national advocacy group for local government interests, agrees that the prayer should no longer be said at the beginning of meetings, to make them more inclusive. Why, then, does Cardinia Shire Council still use the Christian prayer? Which councillors would support removing it?*

**The Acting Executive Manager Office of the CEO responded:**

*As per a previous Council Resolution, the Cardinia Shires Governance Rules requires that the Order of Business includes an Opening and Prayer. To remove the requirement for the Prayer, an amendment to the Governance Rules would be required, this would be at the discretion of Councillors, and would require a Council Resolution and public consultation as per the Local Government Act.*

*Thank you for your question.*

The Mayor advised that Council had received 5 questions from Rosa Santo.

*Travelling expenses will be paid to councillors at the local government award rate claims are to be submitted at a frequency convenient to the Councillor but not less than once per quarter.*

1. *Why is this information on the Council Website not up to date for 2020/21 for residents to see? Who oversees this information? Claims are to be submitted at a frequency convenient to the Councillor but not less than once per quarter.*

**The Acting Executive Manager Office of the CEO responded:**

*The Council Governance team is responsible for posting of approved travel expenses into the Cardinia Shire Council website. This practice is normally performed mid-month to capture all possible expenses from the prior month, to ensure the website is up to date.*

*Under the Local Government Act, travelling expenses claims are to be itemised on Council website, like last term they were itemised, but are not itemised this term on Council website.*

2. *Why is this not itemised lately? When was this decision made to exclude this information? Who is responsible to enter this information online? Can it be updated please?*

**The Acting Executive Manager Office of the CEO responded:**

*Approved travel expenses are posted into the Cardinia Shire Council website as itemised amounts that were reimbursed to each Councillor. The practice has not altered between Council terms.*

*The Council Governance team is responsible for accurately posting of itemised travel expense reimbursements into Cardinia Shire Council website.*

*The Council will reimburse the cost of childcare expenses incurred by Councillors for their immediate family necessarily. The Council will reimburse the cost of family necessarily incurred under the following circumstances.*

3. *How does this work? Is childcare carried out by a reputable company? What is their hourly rate for childcare? How are they paid through Council? Is it documented? If not why not? And by whom it is overseen by? Where can this information be found?*

**The Acting Executive Manager Office of the CEO responded:**

*Council reimburses all eligible Councillor expenses, including childcare in line with our Councillor Expenses Policy. Each Councillor expense item is independently assessed and approved by the Office of the CEO, prior to reimbursement. All Councillor expenses, including Childcare amounts, is reported on Councils website*

*During COVID-19 pandemic 2020, the Mayoral role of face-face appearances were limited to around 5% to 10% workload. BUT still the Mayor received their full allowance of \$81,204.00. Now the allowance has gone up to \$100,434.00. But the Mayor's workload of face-face appearances will still be limited as we are still in recovery stage and don't know when you will be able to carry out your full workload. Considering that a lot of out residents in Cardinia Shire have lost their jobs or are limited on the Centrelink payments and are struggling to pay their bills.*

4. *How can you justify this pay rise? Of nearly \$20,000. Per annual. When residents In our shire are in this predicament. However I would accept a pay rise for the mayoral role the same as councillors pay rise of nearly \$6,000.00 due to becoming single councillor wards.*

**The Acting Executive Manager Office of the CEO responded:**

*Mayor and Councillors are entitled to receive an allowance whilst performing their duties. Councils are divided into three categories based on the income and population. The Minister for Local Government has set Cardinia Shire Council as a Category 3 level Council, the Victorian Independent Remuneration Tribunal allocates the amount to be paid to the Mayor and all Councillors. Officers recommendation is that Council sets the level of Mayor and Councillor allowances in accordance with the level allowed as a Category 3 Council, as identified by the Victorian Government.*

5. *Why was this mayoral vehicle not utilised for other staff members during covid-19 pandemic instead of sitting at the Mayor's home due to limited of 5%-10% work capacity? Why was this vehicle not returned to Council premises on time once the Mayoral role had finished?*

**The Acting Executive Manager Office of the CEO responded:**

The Mayoral vehicle forms part of Council's existing fleet of vehicles and was assigned to the Mayor to fulfil his duties. This is in line with the Council Expense and Motor Vehicle Expense Policies.

## **12 Councillor Questions**

Nil.

## **13 Confidential Business**

Items considered in the closed Council meeting were done so under section 3(1) of the Local Government Act 2020. If the item was considered in public it would prejudice Council's position in commercial negotiations.

**14 Meeting Closure**

Meeting closed at 09:05 pm.

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Minutes confirmed  
Chairman