



# Cardinia

**MINUTES OF GENERAL COUNCIL MEETING**

**MONDAY, 20 MARCH 2017**

## MINUTES OF GENERAL COUNCIL MEETING

held in the Chandler Reserve Clubrooms  
on Monday, 20 March 2017  
The meeting commenced at 7pm

**PRESENT:** Mayor, Brett Owen, Chairman

Councillors Jodie Owen, Collin Ross, Leticia Wilmot, Michael Schilling, Jeff Springfield, Carol Ryan (7.03pm)

Messrs Garry McQuillan (CEO), Derek Madden (GMCS), Andrew Paxton (GMPD), Jenny Scicluna (GMCWB), Doug Evans (MG)

The Mayor opened the meeting at 7pm and welcomed the gallery to the recently completed facilities at Chandler Reserve and congratulated all those involved in the upgrade to the facilities in particular Bill and Robyn Keys from the Emerald Sporting Club.

### OPENING PRAYER

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

### ACKNOWLEDGEMENT OF TRADITIONAL LANDOWNERS

The Cardinia Shire Council respectfully acknowledged that we are on the traditional land of the Bunurong and Wurundjeri people.

### APOLOGIES:

Councillors Graeme Moore, Ray Brown

### CONFIRMATION OF MINUTES OF MEETINGS

Moved Cr J Owen Seconded Cr L Wilmot

### THAT MINUTES OF THE FOLLOWING MEETINGS BE CONFIRMED-

- General Council Meeting 20 February 2017
- Special Council Meeting 20 February 2017
- Town Planning Committee 6 March 2017
- Special Council Meeting 6 March 2017

Cd.

### DECLARATION OF PECUNIARY AND OTHER INTERESTS

Cr Ryan declared a direct conflict of interest in Item 12, Notice of Motion 1029, due to being a Civil Celebrant that could benefit by same sex marriages if the government decided to change the legislation.

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**TOWN PLANNING****1 CARDINIA PLANNING SCHEME AMENDMENT C209 AND CONCURRENT PLANNING PERMIT P1502 FOR A TWO LOT SUBDIVISION**

FILE REFERENCE INT1716324

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Tracey Parker

**RECOMMENDATION**

1. That Council split Amendment C209 into two parts
2. That Council adopts Part A of the Amendment C209 under Section 29 of the Planning and Environment Act 1987 (The Act) and submit it to the Minister for Planning for approval under Section 31 of the Act.
  - Part A proposes to rezone Oaktree Drive road reserve from Road Zone Category 2 (RDZ2) to Public Park and Recreation zone and apply the Design and Development Overlay (DDO1) and Vegetation Protection Overlay (VPO1) to the land proposed to be rezoned and rezone the existing Council owned land within the Pakenham Golf Course that is zoned Road Zone category 2 to Public Park and Recreation zone.
3. That Council abandon Part B of the amendment under Section 28 of the Planning and Environment Act 1987 and advise the Minister for Planning in writing of its decision. Part B of the amendment proposed to:
  - Rezone part (proposed to be Lot 1 PS743978C) of the land from a Public Park and Recreation Zone (PPRZ) and the land in the Oaktree Drive road reserve from Road Zone Category 2 (RDZ2) to Low Density Residential Zone Schedule 3 (LDRZ3), allowing a minimum subdivision size of 0.2 hectares. Apply the Design and Development Overlay (DDO1) and Vegetation Protection Overlay (VPO1) to the land proposed to be rezoned
  - 1, 3, 5, 7, 9, 11 and 13 Ryan Road Pakenham and 1, 2, 3, 4, and 5 Johanna Court Pakenham
  - Remove the land from Schedule 1 to the LDRZ and include it in Schedule 3 to the LDRZ to include the land providing for a minimum subdivision of 0.2 hectare.
  - 62 Cameron Way, Pakenham- Rezone land in the existing Oaktree Drive road reserve (to be known as Proposed Lot 2 PS743978C) from Road Zone Category 2 to Public Park and Recreation Zone.
  - Planning Permit Application P1502 - Consider concurrently planning permit application P1502 for a two lot subdivision (boundary realignment), to Council owned land to create a lot at 25 Oaktree Drive to include the land to be rezoned to LDRZ3, with the balance lot to contain land in the PPRZ.

**Attachments**

1 Zoning maps 1 Page

## EXECUTIVE SUMMARY

Council exhibited planning scheme Amendment C209 to make the following changes to the Cardinia Planning Scheme and consider concurrently Planning Permit P1502 in accordance with The Deep Creek Master Plan 2010, as follows:

### **25 Oaktree Drive, Pakenham:**

- Rezone part (proposed to be Lot 1 PS743978C) of the land from a Public Park and Recreation Zone (PPRZ) and the land in the Oaktree Drive road reserve from Road Zone Category 2 (RDZ2) to Low Density Residential Zone Schedule 3 (LDRZ3), allowing a minimum subdivision size of 0.2 hectares.
- Apply the Design and Development Overlay (DDO1) and Vegetation Protection Overlay (VPO1) to the land proposed to be rezoned.

1, 3, 5, 7, 9, 11 and 13 Ryan Road Pakenham and 1, 2, 3, 4, and 5 Johanna Court Pakenham: Remove the land from Schedule 1 to the LDRZ and include it in Schedule 3 to the LDRZ to include the land providing for a minimum subdivision of 0.2 hectare.

### **62 Cameron Way, Pakenham:**

Rezone land in the existing Oaktree Drive road reserve (to be known as Proposed Lot 2 PS743978C) from Road Zone Category 2 to Public Park and Recreation Zone.

### **Planning Permit Application P1502**

Consider concurrently planning permit application P1502 for a two lot subdivision (boundary realignment), to Council owned land to create a lot at 25 Oaktree Drive to include the land to be rezoned to LDRZ3, with the balance lot to contain land in the PPRZ.

The amendment was placed on public exhibition between 24 June 2016 until the 31st August 2016, for a period of seven weeks and at the conclusion of the exhibition period 13 submissions were received.

The matter was referred to an independent panel appointed by the Minister for Planning for consideration. The Panel hearing was held on 17 Nov 2017. The panel recommended the approval of the rezoning of the land within the Oak Tree Drive Road Reserve zoned Road Zone Category 2 and part of the Golf Course zone Road zone Category 2 to be rezoned to the relevant adjoining zone, Public Park and Recreation zone. The Panel also recommended that the balance of the amendment with rezones part of the existing golf course from Public Park and Recreation Zone to Low Density Residential Schedule 3 and a two lot subdivision of part of the golf course, and rezoning the Low Density Residential Land 1, 3, 5, 7, 9, 11 and 13 Ryan Road Pakenham and 1, 2, 3, 4, and 5 Johanna Court Pakenham, as well as the proposed two lot subdivision of the land to not be supported and therefore should be abandoned.

## BACKGROUND

Amendment C209 sought to

- Implement The Deep Creek Master Plan adopted by Council on the 20th September 2010.
- Allow for surplus Council land to be rezoned to Low Density Residential Zone and the application of the Vegetation Protection Overlay and Design and Development Overlay consistent with adjoining land.
- Allow for the appropriate application of a schedule to the Low Density Residential Zone consistent with serviced land with limited environmental constraints allowing for suitable housing choice within the urban growth boundary.

- Allow for Council owned land that was previously earmarked for a road widening that is no longer required to be incorporated into the adjacent public open space.

The Deep Creek Reserve Master Plan was developed after a comprehensive consultation process with all Government stakeholders and the local community. The Master Plan contains the following features:

- Passive recreation, including a 2.8 kilometre walking trail and linkages with adjacent recreational trail networks.
- Revegetation of endangered plant communities and creation of threatened wildlife habitat over more than 20 hectares.
- Sustainably manage threatened species including the Growling Grass Frog located on site and provide direction for environmental activities while managing fire hazard obligations.
- Siting all development features around a retarding basin area of 5.4 hectares that is required to be developed by Melbourne Water.
- Extension of golf course by two holes into the Greenfield area
- The redevelopment and relocation of the golf course club house with a catering, community spaces and function room combined with a sustainable living eco-centre and associated car park, at the southern end of the golf course.
- Consideration of future uses of 2.7 hectares of land if the golf course club house is to be relocated.
- Recreational facilities including, playground, BBQ, toilets, community garden area and informal kick around area.
- Possible relocation of the Cardinia Environment Coalition to the sustainable living eco-centre.
- Introduction of a native nursery for provision of plant stock to natural reserves.
- Providing clear direction on recreational access points, including potential access through private property and the railway line.
- A 9.4 hectare area of private land south of the railway line that Melbourne Water is seeking to acquire for flood mitigation and a biodiversity link.
- Identification that there is a need to increase permanent surveillance over the site to sustainably manage infrastructure in the reserve.

The master plan has identified that Council funding is limited and external funding is required for the development proposals to be achieved. During the development of the Deep Creek Master Plan two parcels of land within the Pakenham Golf Course have been identified as surplus land, being:

- Parcel 1 contains the existing club house. It is bordered by the Princes Highway to the north, Oak tree Drive to the west, vacant land in private ownership to the east and the golf course fairways to the south. The area available is approximately 2.5 hectares.
- Parcel 2 is an unused area of the golf course. It is located on the eastern boundary is land locked and not serviced by any infrastructure. The land to the north, east and south is privately owned properties, with the land to the south being part of the golf course. The area available is approximately 1.9 hectares.

All land within the golf course is currently zoned Public Park and Recreation Zone (PPRZ). It was proposed to rezone two parts of the land to allow development of the land for future residential purposes.

## POLICY IMPLICATIONS

It was considered that the amendment complied with the Victorian Planning Provisions, through the application of underlying zoning and overlays to existing Council land identified as surplus and the application of an appropriate schedule to the Low Density Residential Zone allowing a minimum subdivision area of 0.2 hectares for the area serviced by reticulated sewerage with no environmental constraints consistent with the Planning Practice Note 78 - June 2015 -Applying the Residential Zones.

The amendment was based on the view that it satisfied the relevant policies of the State Planning Policy Framework, in particular:

Clause 11 (Settlement) requires that planning to is anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Clause 13 (Environmental Risks) requires that planning should adopt a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards. More specifically;

Clause 15 (Built environment and heritage) requires that planning should ensure that all new land use and development appropriately responds to its landscape, valued built for and cultural context, and protect places and sties with significant heritage, architectural, aesthetic, scientific and cultural value. More specifically;

Clause 16 (Housing) acknowledges that planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure. More specifically;

Clause 19.03-2 (Water supply, sewerage and drainage) identifies the need to plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment. Strategies to address this objective include providing for sewerage at the time of subdivision, or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.

The amendment sought to facilitate as appropriate zoning of public land and satisfies the relevant policies of the Municipal Strategic Statement and the Local Planning Policy Framework, in particular:

- Clause 21.01-3 (Key Issues) provides for the provision of infrastructure which meets the needs of the existing and future community.
- Clause 21.02-5 (Open space) acknowledges that Cardinia Shire has a significant amount of regional open space and significant waterways and streams that provide passive open space linkages. It is also recognised that land is provided and developed for a range of open space functions to meet community needs for active and passive open space.
- Clause 21.03 - (Settlement and Housing) recognises that housing within Cardinia Shire is currently dominated by detached dwellings in both urban and rural areas. Objectives to address this issue include to encourage a diversity in housing to meet the needs of existing and future residents, and to encourage the provision of housing to cater for groups within the community with specific housing requirements.
- Clause 22.04-2 (Housing choice and affordability) seeks to provide a diversity of housing in defined locations that cater for different households and are close to jobs and services. This is to be achieved through measures including reducing the cost of living by increasing housing supply near services and public transport.

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## RELEVANCE TO COUNCIL PLAN

The rezoning sought to implement a number of directions of the Council Plan including improved health and wellbeing for all through the provision of active and passive recreation facilities to meet the needs of residents, increases opportunities for participation in a range of sport, recreation and leisure activities and develops new parks gardens and reserves in a sustainable manner.

## CONSULTATION/COMMUNICATION

Amendment C209 to the Cardinia Planning Scheme was placed on public exhibition from the 24th June 2016 to the 1 August 2016. Council became aware that a plan demonstrating the proposed subdivision of the land into two lots (boundary realignment) was omitted from the exhibition documents. Based on this occurrence, the exhibition of Amendment C209 and concurrent planning permit P1502 was extended for two weeks until Wednesday 31st August 2016.

Notice of the Amendment was given by direct mail to all residents living adjacent, government departments and service authorities while a notice was placed in the Pakenham-Berwick Gazette. The amendment was also made available for viewing at the Pakenham Library and Cardinia Shire Council.

At the conclusion of the exhibition period 13 submissions were received, of which three were from referral agencies.

Most of the submissions object to the amendment, while 4 supported the amendment, with 2 submissions requesting their properties to be included as the part of the rezoning to allow their land to be rezoned to 0.2 hectares.

At the September 2016 Council meeting, Council recommended that the matter be referred to an independent planning panel appointed by the Minister for Planning. The Panel was heard on 17 November 2017.

### Discussion

Council received the recommendations of the Planning Panel on 9 January 2017.

The panel state in their recommendation as follows:

"Based on the reasons set out in this report, the Panel recommends that Amendment C209 be abandoned and that Planning Permit Application P1502 for a two lot subdivision (realignment of title boundaries) be refused."

While the recommendation of the panel states to abandon the amendment, the report does identify support to rezone the Road Zone Category 3 land to the relevant adjoining Low Density Zone (LDRZ) and Public Park and Recreation Zone (PPRZ) on the basis that the road zone is no longer required for the bypass road. This can be split for the balance of the amendment and be submitted to the Minister for Planning for approval. This will facilitate fixing up inappropriate zones within the Cardinia Planning Scheme.

In relation the balance of the amendment the panel does not support the amendment as there is no strategic justification to support the amendment. The panel provides the following comments:

- To support this amendment Council would need to further consider the future of the surplus Golf Club land within the broader open space network.
- Review all Low Density land within this area to determine what role this land plays in not only accommodating housing growth, but also providing a diversity of housing types, including



appropriate lot sizes and ensure this clearly identified within the local strategic framework in the Cardinia Planning Scheme. This work needs to be undertaken in consultation with current landowners

- Should further subdivision of this LDRZ land be considered appropriate, how should this occur taking into consideration the existing subdivision layout, built form as well any environmental constraints/values that may exist in the area. It should also consider what the appropriate planning tool would be to ensure that any future subdivision/development of the land is undertaken in a coordinated manner.

**Where to from here?**

We are currently at Stage 4 in the process of the planning scheme amendment.

Council must consider the content of the panel report and determine whether to;

- adopt the amendment as is;
- adopt the amendment with changes: or
- abandon the amendment.



The Minister for planning takes seriously the comments provided by planning panel reports, on the basis of the panel's report it is recommended that the amendment be split into two parts. Part A, which supports the rezoning of the Oak Tree Drive Road Reserve and the part of the Golf Course that is also in the Road zone, from Road Zone Category 2 to the adjoining zone of PPRZ, and the balance of the amendment be abandoned in accordance with the panel's recommendation.

**CONCLUSION**

It is therefore recommended that Part A of the amendment be submitted to the Minister for Planning for approval, and that Part B be abandoned and the Minister for Planning advised of this decision.

## **1 CARDINIA PLANNING SCHEME AMENDMENT C209 AND CONCURRENT PLANNING PERMIT P1502 FOR A TWO LOT SUBDIVISION**

Moved Cr J Springfield Seconded Cr M Shilling

1. That Council split Amendment C209 into two parts
2. That Council adopts Part A of the Amendment C209 under Section 29 of the Planning and Environment Act 1987 (The Act) and submit it to the Minister for Planning for approval under Section 31 of the Act.
  - Part A proposes to rezone Oaktree Drive road reserve from Road Zone Category 2 (RDZ2) to Public Park and Recreation zone and apply the Design and Development Overlay (DDO1) and Vegetation Protection Overlay (VPO1) to the land proposed to be rezoned and rezone the existing Council owned land within the Pakenham Golf Course that is zoned Road Zone category 2 to Public Park and Recreation zone.
3. That Council abandon Part B of the amendment under Section 28 of the Planning and Environment Act 1987 and advise the Minister for Planning in writing of its decision. Part B of the amendment proposed to:
  - Rezone part (proposed to be Lot 1 PS743978C) of the land from a Public Park and Recreation Zone (PPRZ) and the land in the Oaktree Drive road reserve from Road Zone Category 2 (RDZ2) to Low Density Residential Zone Schedule 3 (LDRZ3), allowing a minimum subdivision size of 0.2 hectares. Apply the Design and Development Overlay (DDO1) and Vegetation Protection Overlay (VPO1) to the land proposed to be rezoned
  - 1, 3, 5, 7, 9, 11 and 13 Ryan Road Pakenham and 1, 2, 3, 4, and 5 Johanna Court Pakenham
  - Remove the land from Schedule 1 to the LDRZ and include it in Schedule 3 to the LDRZ to include the land providing for a minimum subdivision of 0.2 hectare.
  - 62 Cameron Way, Pakenham- Rezone land in the existing Oaktree Drive road reserve (to be known as Proposed Lot 2 PS743978C) from Road Zone Category 2 to Public Park and Recreation Zone.
  - Planning Permit Application P1502 - Consider concurrently planning permit application P1502 for a two lot subdivision (boundary realignment), to Council owned land to create a lot at 25 Oaktree Drive to include the land to be rezoned to LDRZ3, with the balance lot to contain land in the PPRZ.

Cd.

## **2 PLANNING SCHEME AMENDMENT C221 - REZONE OF URBAN FLOOD ZONE TO GENERAL RESIDENTIAL ZONE FOR LAND AT CARDINIA VIEWS ESTATE**

FILE REFERENCE INT1716460

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Craig Lyon

### **RECOMMENDATION**

That Council adopt Planning Scheme Amendment C221 to the Cardinia Planning Scheme under Section 29 of the Planning and Environment Act 1987 and submit the Amendment to the Minister for Planning for approval under Section 31 of the Planning and Environment Act 1987 in the form attached to this report.

### **Attachments**

1 Planning Scheme Amendment C221 documents 8 Pages

### **EXECUTIVE SUMMARY**

Council received a request from Villaworld Development Pty Ltd Group to rezone the areas of Urban Floodway Zone (UFZ) to General Residential Zone Schedule 1 (GRZ1) for the residential lots at 27-39, Vantage Drive, Pakenham and part Lot A of PS738364U as these are no longer subject to flooding as a result of the works that have been undertaken on the lots and within the Deep Creek corridor. The amendment was authorised under delegation due to the urgency of the amendment as the UFZ prohibits residential development on the lots.

The amendment was exhibited from 15 December 2016 to 6 January 2017 and no submissions were received. Melbourne Water have already provided support for the Amendment prior to exhibition. As no opposing submissions have been received, it is recommended that Amendment C221 to the Cardinia Planning Scheme be adopted under Section 29 of the Planning and Environment Act 1987 and the Amendment be submitted to the Minister for Planning for approval under Section 31 of the Planning and Environment Act 1987.

### **BACKGROUND**

Melbourne Water as a referral authority requested planning permit conditions which have now been completed under subdivision permit T060603 (issued 2/11/2007) and amended Planning Permit T060603-1 (issued 14/12/2015) which means the lots are no longer subject to Flooding Risk. The inclusion of small portions of the lots within the Urban Floodway Zone is an administrative mapping error which effectively prohibits residential use over the lots in their entirety. The error occurred in the revision to the Development Plan DPO7 (originally approved 19/7/2007) and subsequently revised and approved 19/11/2014. This amendment realigned Vantage Drive and inadvertently included UFZ land within residential lots.

A request has been made by the Villaworld Development Pty Ltd Group to rezone the areas of Urban Floodway Zone (UFZ) to General Residential Zone Schedule 1 (GRZ1) for the residential lots at 27-39, Vantage Drive, Pakenham and part Lot A of PS738364U.

The site is currently fully serviced vacant residential lots with titles issued and is primarily zoned General Residential Zone Schedule 1, with a small portion of the lots zoned as Urban Floodway Zone.

The General Manager Planning and Development resolved to seek authorisation from the Minister of Planning and exhibit the amendment under delegation due to the administrative nature of the amendment and as a result of the request being received during caretaker period. This authorisation was received and the amendment was exhibited from 15 December 2016 to 6 January 2017. No submissions were received and Melbourne Water support from the Amendment was obtained prior to authorisation.

## **POLICY IMPLICATIONS**

The following clauses in the Cardinia Planning Scheme are relevant to this amendment:

- State Planning Policy Framework

### **Clause 9 – Plan Melbourne**

A key direction for liveable communities and neighbourhoods is to support a network of vibrant and safe neighbourhood centres that demonstrate 20-minute neighbourhood principles.

The proposed rezoning will facilitate the residential use of the land within a residential area with good access to a range of services and facilities including shops, cafes and restaurants, early-years centres, schools, retail precincts and community facilities as envisaged in a city of 20-minute neighbourhoods.

This rezoning is also supported by Direction 4.3 that seeks to ensure that our communities are designed to be healthy, safe and active places. The relationship between well-designed communities and enhanced individual and community health is increasingly recognised by health professionals concerned with preventable chronic disease. Healthy communities are those in which housing is within walking, cycling or public transport distance of employment, education, social, cultural, recreational and health facilities, and where people have access to open space and places where they can gather.

### **Clause 10 - Operation of the State Planning Policy Framework**

The State policies must be considered in preparing amendments. The proposed rezoning meets the following objectives of planning in Victoria:

- To provide for the fair, orderly, economic and sustainable use, and development of land.
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- To balance the present and future interests of all Victorians.

### **Clause 11 – Settlement**

The objective of this clause is for planning to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment recreation and open space, commercial and community facilities and infrastructure.

Of relevance is sub Clause 11.02-1 Supply of urban land of which the objective is to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses which considers the limits of land capability and natural hazards and environmental quality.

Sub Clause 11.04-4 Liveable communities and neighbourhoods seeks to create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities. The relevant strategies include:

- Create a city of 20-minute neighbourhoods
- Create neighbourhoods that support safe communities and healthy lifestyles.

#### Clause 13 – Environmental Risks

The objective of this clause is planning should adopt a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards. Planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society.

Of relevance is sub Clause 13.02 Floodplain management of which the objective is to assist the protection of life, property and property and community infrastructure from flood hazard, the natural flood carrying capacity of rivers, streams and floodways, the flood storage function of floodplains and waterways, floodplain areas of environmental significance or of importance to river health.

The proposed amendment satisfies this policy as the works are in accordance with Melbourne Water requirements and the lots are outside the area of flooding hazard.

#### Clause 16 Housing

Of relevance is sub Clause 16.01-2 Location of residential development of which the objective is to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.

The amendment is also consistent with and gives effect to the Local Planning Policy Framework (LPPF) as outlined below:

#### Clause 21.01 Cardinia Shire Key Issues and strategic vision

This clause identifies that the anticipated population growth within the Cardinia growth area from 77,000 people (2011) to 120,000 people by 2021 and to approximately 155,000 people by 2031. Sub Clause 21.01-3 Key Issues outlines the key issues which include environment – the protection of life and property in terms of flooding and wildfire and particular use and development – encouraging and attractive, functional and sustainable built form in existing and future development.

Sub Clause 21.01-4 Strategic vision outlines the Vision for Cardinia which is Cardinia will be developed in a planned manner to enable future generations to enjoy and experience the diverse and distinctive characteristics of our Shire.

#### Clause 21.02 - Environment

Sub Clause 21.02-1 Housing identifies that a key issue is that a catchment is an integrated environmental system and that development and actions undertaken in one part of the catchment have an effect on other parts of the catchment.

The relevant Objective is to effectively manage development to mitigate impacts on the operation and health of waterway systems.

It is submitted that by undertaking the subdivisional works in accordance with Melbourne Water and Cardinia Shire Councils conditions that these matters have been considered and addressed.

#### Clause 21.03 - Settlement and Housing

Sub Clause 21.03-1 Housing identifies that housing within Cardinia Shire is currently dominated by detached dwellings in both urban and rural areas. The urban growth area in the Cardinia Shire will continue to attract predominantly young families into the foreseeable future. However, as the housing market progressively matures and the needs of households change there will be increasing demand for more diverse forms of housing. Housing needs may differ between the townships of the municipality and the urban growth area.

The relevant key issue is as follows:

- Providing for a diversity of housing types and densities, including increased housing density around activity centres.

Sub Clause 21.03-2 Urban growth area identifies the subject site as being within the Casey-Cardinia Growth Area Framework Plan and located in the Pakenham Precinct. The objective of this clause is to create a functional, attractive, safe and sustainable urban environment for the existing and future community of the Cardinia Urban Growth Area.

The amendment supports the relevant clauses and their objectives of the LPPF by rezoning the subject land to GRZ1 to enable residential use. It is considered that the land is suitable and identified for residential use.

The amendment is consistent with these policies and will allow for land that is currently restricted from residential development to be developed for housing in a location with good access to services and facilities and public transport in an area no longer subject to flooding risk.

**RELEVANCE TO COUNCIL PLAN**

The amendment responds to Section 3.5 of the Council Plan which seeks to achieve balancing the needs of development, the community and the environment by planning for the development of the urban growth area with a mix of residential, commercial, employment, recreational and community activities to meet the needs of our growing community in a sustainable way.

**CONSULTATION/COMMUNICATION**

The amendment was placed on exhibition from the 15 December 2016 to 6 January 2017 with a direct mail to landowners, adjacent neighbours, service authorities and relevant Ministers. As the Amendment is a 20(2) Amendment no public notice or gazette notice was required.

**Next steps**

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



Figure 1

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

#### **FINANCIAL AND RESOURCE IMPLICATIONS**

The fees for the amendment have been met by the proponent.

#### **CONCLUSION**

The amendment removes the redundant Urban Floodway Zone and will allow the future development of the sites in accordance with the appropriate residential zoning and the approved subdivision permit. It is recommended that Planning Scheme Amendment C221 be sent to the Minister for Planning for adoption.

**2 PLANNING SCHEME AMENDMENT C221 - REZONE OF URBAN FLOOD ZONE TO GENERAL RESIDENTIAL ZONE FOR LAND AT CARDINIA VIEWS ESTATE**

Moved Cr J Springfield Seconded Cr M Shilling

That Council adopt Planning Scheme Amendment C221 to the Cardinia Planning Scheme under Section 29 of the Planning and Environment Act 1987 and submit the Amendment to the Minister for Planning for approval under Section 31 of the Planning and Environment Act 1987 in the form attached to this report.

Cd.



### **3 ADOPTION OF PLANNING SCHEME AMENDMENT C211 AND THE SUITE OF PAKENHAM STRUCTURE PLAN DOCUMENTS**

FILE REFERENCE INT1716339

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Emily Killin

#### **RECOMMENDATION**

That Council:

1. Adopt the following changes to Amendment C211 to the Cardinia Planning Scheme:
  - a. Add the Pakenham Structure Plan as a Reference Document in Clauses 21.03-2, 21.04-1, 21.04-3 and 21.04-4.
  - b. Add the *Pakenham Activity Centre Incorporated Provisions* as an Incorporated Document in Clause 81.01 and refer to it in Clause 21.03-2.
  - c. Add an expiry date of 31 December 2019 to the *Pakenham Activity Centre Incorporated Provisions* in the list at Clause 81.01.
2. Adopt the modified Amendment C211 to the Cardinia Planning Scheme under Section 29 of the *Planning and Environment Act 1987 (The Act)* and submit it to the Minister for Planning for approval under Section 31 of the Act.
3. Re-adopt the *Pakenham Structure Plan (March 2017)*.
4. Adopt the *Pakenham Activity Centre Incorporated Provisions (March 2017)*.
5. Adopt the *Pakenham Structure Plan Implementation Plan (2015 - 2035) (March 2017)*.

#### **Attachments**

1	Amendment documents	76 Pages
2	Changes to Pakenham Structure plan	3 Pages
3	Pakenham Structure Plan (March 2017)	169 Pages
4	Pakenham Activity Centre Incorporated Provisions (March 2017)	45 Pages
5	Pakenham Structure Plan implementation plan (March 2017)	11 Pages

#### **EXECUTIVE SUMMARY**

The Pakenham Structure Plan was adopted in April 2015, since this time officers have commenced implementing components of this document which includes pursuing Amendment C211 (the Amendment) to the Cardinia Planning Scheme.

Planning Scheme Amendment C211 proposed to incorporate the structure plan into the Planning Scheme. The amendment was exhibited May to June 2016. As there were unresolved objecting submissions to the Amendment, on 15 August 2016 Council resolved to appoint an Independent Planning Panel to consider all the submissions received.

The Planning Panel was held in October 2016 and in November 2016 officers received the Panel's report. The Panel recommended several changes to the amendment as well as the Pakenham Structure Plan. The Panel also recommended the creation of a new document to be known as the Pakenham Activity Centre Incorporated Provisions.

Officers support the recommendations made by the Panel. The required changes have been made to the Amendment documents and the Pakenham Structure Plan. Officers have also modified the

suite of documents linked to the structure plan (which are also discussed in this report) to ensure the content of all documents is consistent.

This report is seeking Council adopt:

- the revised Pakenham Structure Plan (March 2017)
- the new Pakenham Activity Centre Incorporated Provisions (March 2017)
- the new Pakenham Activity Centre Implementation Plan (2015 - 2035) (March 2017)
- the modified Amendment C211 and submit it to the Minister for Planning for approval pursuant to section 31 of the Planning and Environment Act (1987) (the Act).

## **BACKGROUND**

### **Amendment C211 to the Cardinia Planning Scheme**

The Pakenham Structure Plan was adopted by Council in April 2015, since this time officers have commenced the process of implementation, including proceeding with Planning Scheme Amendment C211 to introduce the Pakenham Structure Plan into the Cardinia Planning Scheme.

Planning Scheme Amendment C211 proposed to:

- revise the Municipal Strategic Statement (MSS) to incorporate the Pakenham Structure Plan (April 2015) into the Local Planning Policy Framework (LPPF) and reference the document where applicable.
- amend the MSS to consider 'Activity Centre Structure Plans' in general and correct minor grammatical errors in the LPPF.

The Amendment was on public exhibition from Thursday 12 May to Tuesday 14 June 2016 and six submissions were received. Two submissions supported the Amendment, one submission was withdrawn and three submissions requested changes to the Amendment. Discussions occurred with the objecting submitters, however the submissions were not able to be resolved. Therefore, on 15 August 2016 Council resolved to appoint an independent planning panel to consider all submissions received.

### **The Panel report**

The Panel hearing for Planning Scheme Amendment C211 was held on 25 October 2016 with Council and one of the objectors requesting to be heard. The Panel report was provided to Council on 21 November 2016 through the Councillor Bulletin and released to the public on 6 December 2016.

The panel report provides a number of recommendations including specific changes to clauses in the Cardinia Planning Scheme as well as changes to the contents of the Pakenham Structure Plan:

- Adopt the Pakenham Structure Plan (2015) as a reference document in Clauses 21.03-2, 21.04-1, 21.04-3 and 21.04-4.
- Prepare a revised document to be known as the Pakenham Activity Centre Incorporated Provisions (or similar) that extracts the content of the Structure Plan that directly relate to decision making on permit applications into a more succinct document suitable for incorporation. The elements that should be extracted are:
  - Vision
  - Overarching framework plan
  - Key objectives
  - Strategies and plan
  - Application requirements
- Amend Clause 81.01 and Clause 21.03-2 Urban Growth Areas to refer to the Pakenham Activity Centre Incorporated Provisions document.

- Add an expiry days of 31 December 2019 to the Pakenham Activity Centre Incorporated Provisions in this list at Clause 81.01.
- Amend the Structure Plan in line with the requests by VicTrack and PTV (Public Transport Victoria) in their submissions.
- The Pakenham Structure Plan Implementation Plan (2015 - 2035) and 5 Year Action Plan (2016 - 2021) which support the Amendment should be updated to include specific action items to either make a request to VicTrack to acquire the land, or apply a Public Acquisition Overlay to the land, as part of implementation of the Structure Plan open space plan.

The Amendment documents and the Pakenham Structure Plan and associated documents have been updated to reflect these recommendations. An explanation of the changes recommended by the Panel are outlined below.

#### **Incorporated provisions document**

Developing an incorporated provisions document, in this case the Pakenham Activity Centre Incorporated Provisions, ensures the most important components of the Pakenham Structure Plan are incorporated into the Cardinia Planning Scheme. One of the benefits of incorporating documents into the planning scheme is that the document carries the same weight as other parts of the scheme. If a document is incorporated into a planning scheme, its content or strategic basis is less likely to be capable of challenge when using it to make a planning decision.

This report recommends Council adopt the Pakenham Activity Centre Incorporated Provisions (March 2017) and adopt Amendment C211 to add it as an Incorporated Document in the Cardinia Planning Scheme.

#### **Pakenham Structure Plan as a reference document**

The Pakenham Structure Plan becoming a reference document still ensures that the structure plan is an important planning document. The structure plan will complement the incorporated provisions by providing the background information that will assist in understanding the context of the incorporated provisions document.

This report recommends Council adopt the Pakenham Structure Plan (March 2017) and adopt Amendment C211 to add it as a Reference Document in the Cardinia Planning Scheme.

#### **Expiry date for incorporated provisions document**

Officer's accept the Panel recommendation that an expiry date of 31 December 2019 be added to the Incorporated Document. The addition of an expiry date for an incorporated document is not unusual. In this instance, the purpose of the expiry date is to ensure that the future strategic work for the Pakenham Activity Centre (as identified by Council in its submission to the Panel) remains a priority.

The further strategic work for the Pakenham Activity Centre includes urban design guidelines, a car parking precinct plan, further detailed work in relation to the orbital road as well as other investigative work as outlined in the actions in the structure plan. Officer's envisage that this strategic work will lead to a future amendment to the Cardinia Planning Scheme (prior to the expiry of the incorporated provisions documents) to consolidate all the work done for the Pakenham Activity Centre by introducing the Activity Centre Zone (ACZ) into the scheme.

The ACZ was developed specifically for activity centres in metropolitan Melbourne and is the preferred tool to guide and facilitate the use and development of land in activity centres, such as the Pakenham Activity Centre.

**Text changes to reflect VicTrack & PTV submission**

The past, present and future use of Bourke Park was considered by the Panel. The Pakenham Structure Plan identifies the use of Bourke Park as a park. The agreement for Bourke Park between VicTrack and Council has been in place since 1948. From this time the land has been used as a park and Council has been responsible for the maintenance and upkeep of the land. Council will continue to maintain and manage Bourke Park until such time the lease agreement is terminated.

The Panel acknowledged that there has not been a request from VicTrack to amend or terminate the agreement therefore it is Council's position that until such a time that the agreement is broken, it is understood that both VicTrack and Council's intention was for this land to be utilised as a park.

As requested by VicTrack (and agreed by Council prior to the panel hearing), various text and figures referring to Bourke Park have been amended. The land has been identified as 'VicTrack owned land', however the land is still referred to and shown as a 'park' or as 'open space'.

Public Transport Victoria (PTV) requested minor changes to the structure plan which were agreed by Council in its submission to the Panel.

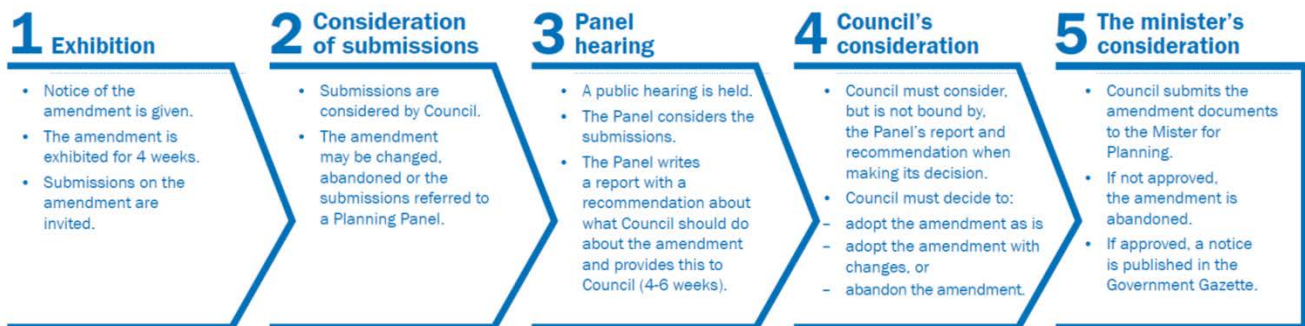
**New action relating to Bourke Park**

Officers agree with the Panel's assessment that a 'historic impasse existed' between Council and VicTrack in relation to Bourke Park. The Panel stated that both VicTrack and Council would benefit from this matter being resolved.

A new action has been included in the structure plan as suggested by the Panel. The outcome of this process will help resolve the future use and designation of Bourke Park (VicTrack owned land).

**Council's consideration**

Figure 1 below outlines the steps in the planning scheme amendment process. We are at **Stage 4** of the process.



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

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

**POLICY IMPLICATIONS**

Introducing the amended Pakenham Structure Plan (March 2017) into the Cardinia Planning Scheme as a reference document and the new Pakenham Structure Plan Incorporated Provisions

as an incorporated document will provide developers, investors and the local community greater certainty and confidence about future development in Pakenham. It will ensure provide a framework, as well as conditions and requirements for the consideration of planning permits.

## RELEVANCE TO COUNCIL PLAN

The Pakenham Structure Plan is relevant to all of the strategic objectives of the Council Plan:

Council Plan	Pakenham Structure Plan & suite of documents
Our People	
We support a variety of needs and lifestyles through programs and activities that promote and develop the wellbeing of Cardinia Shire's people.	The Pakenham Structure Plan facilitates the identification of opportunities and places where Council can achieve this.
Our Community	
We will foster a strong sense of connection between Cardinia Shire's diverse communities.	The Pakenham Structure Plan will help create a sense of place.
Our Environment	
We will continue to plan and manage the natural and built environment for present and future generations.	The Pakenham Structure Plan is the key land use planning tool that will enable this to occur
Our Governance	
We will consult with the community, as appropriate, in an open and accountable manner to assist in determining the key direction of Council.	An extensive consultation phase was carried out in relation to the development of the Pakenham Structure Plan. Additional consultation was carried out during the public exhibition of The Amendment.

## CONSULTATION/COMMUNICATION

### External

Comprehensive consultation occurred during the development of the Pakenham Structure Plan prior to its adoption in April 2015. Furthermore, all landowners and occupiers within the Pakenham Activity Centre were sent notification of Amendment C211 when it was exhibited from Thursday 12 May to Tuesday 14 June 2016. Notification was also sent to community groups, government authorities and Ministers.

### Internal

Prior to SLT endorsing the Pakenham Structure Plan Implementation Plan (2015 - 2035) on 23 August 2016, a number of meetings/discussions were conducted with staff at officer, co-ordinator/team leader and/or manager level from a number of business units/departments including Engineering, Environment, Buildings & Facilities, Statutory Planning, Economic Development, Sustainable Communities, Recreation, Community Strengthening, Preventative

Health Partnership, Social & Community Planning, Health Promotion, Operations, Open Space and Communications. Advice was sought in relation to current work plans and action plans. Input was also sought in relation a detailed literature review which assessed the Pakenham Structure Plan actions against a number of Council adopted documents.

The changes that have been made to the Pakenham Structure Plan and associated documents are not significant enough to warrant further consultation. However, the new action that requires investigative work in relation to Bourke Park will require input/discussion with several business units across the organisation.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The *Pakenham Structure Plan Implementation Plan (2015 - 2035)* will have an impact on the resource and administrative costs of Council, both in terms of delivery of actions identified as well as the administration side of managing and monitoring the progress of the actions.

The implementation plan will be a public document that takes the Pakenham Structure Plan to the 'next level' committing Council to deliver actions within a particular timeframe.

Council is responsible for the majority of actions in the implementation plan, however there are also several actions that Council will play an advocacy role.

### **Capital Works Program (CWP)**

The action plan (internal working document which is informed by the implementation plan) ensures that items specific to the Pakenham AC are identified within the CWP. It also highlights actions that are dependent on external funding contributions.

### **Development Contributions Plans (DCPs) vs Infrastructure Contributions Plans (ICPs)**

The structure plan identifies a series of actions which relate to a review of the DCP and/or new ICP system and whether it could assist in funding actions identified for the Pakenham Activity Centre.

The new ICP system took effect on 27 October 2016. Ministerial Directions and changes to the Planning and Environment Act 1987 have been introduced for both the ICP and DCP. Further investigation is required to see if either of these funding mechanisms could be applied within the Pakenham Activity Centre.

### **Future budget allocations and work plans**

Actions identified in the structure plan/implementation plan place an additional financial strain on the existing Council budget. Council will need to explore a range of other sources to assist in funding these projects. Only some actions are to be funded through Councils existing budget.

Business units will also need to explore a range of external sources to assist in funding actions identified in the Pakenham Structure Plan. The time constraints and work load placed on officers to undertake this task needs to be reflected in current and future work plans.

## **CONCLUSION**

Planning Scheme Amendment C211 has been modified as per the recommendations made by the Panel, subsequent changes to the suite of Pakenham Structure Plan documents have also been made. Council has adopted:

- the revised Pakenham Structure Plan (March 2017).
- the new Pakenham Activity Centre Incorporated Provisions (March 2017).
- the new Pakenham Activity Centre Implementation Plan (2015 - 2035) (March 2017).

- 
- the modified Amendment C211 and submitted it to the Minister for Planning for approval pursuant to section 31 of the Planning and Environment Act (1987) (the Act).



## **3 ADOPTION OF PLANNING SCHEME AMENDMENT C211 AND THE SUITE OF PAKENHAM STRUCTURE PLAN DOCUMENTS**

Moved Cr M Shilling Seconded Cr C Ross

That Council:

1. Adopt the following changes to Amendment C211 to the Cardinia Planning Scheme:
  - a. Add the Pakenham Structure Plan as a Reference Document in Clauses 21.03-2, 21.04-1, 21.04-3 and 21.04-4.
  - b. Add the *Pakenham Activity Centre Incorporated Provisions* as an Incorporated Document in Clause 81.01 and refer to it in Clause 21.03-2.
  - c. Add an expiry date of 31 December 2019 to the *Pakenham Activity Centre Incorporated Provisions* in the list at Clause 81.01.
2. Adopt the modified Amendment C211 to the Cardinia Planning Scheme under Section 29 of the *Planning and Environment Act 1987 (The Act)* and submit it to the Minister for Planning for approval under Section 31 of the Act.
3. Re-adopt the *Pakenham Structure Plan (March 2017)*.
4. Adopt the *Pakenham Activity Centre Incorporated Provisions (March 2017)*.
5. Adopt the *Pakenham Structure Plan Implementation Plan (2015 - 2035) (March 2017)*.

Cd.



## **4 BEACONSFIELD CAR PARKING PRECINCT PLAN**

FILE REFERENCE INT1716513

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Marcelle Bell

### **RECOMMENDATION**

That Council:

1. Note all submissions received during the public exhibition of the Draft Beaconsfield Car Parking Precinct Plan (May 2016)
2. Be advised of the proposed revisions to the Draft in response to the concerns of the submitters (where possible)
3. Adopt the Beaconsfield Car Parking Precinct Plan policy (December 2016).
4. Endorse the preparation of an implementation plan for actions/recommendations outlined in the Beaconsfield Car Parking Precinct Plan and
5. Prepare a Planning Scheme Amendment to include the Beaconsfield Car Parking Precinct Plan as a reference document in the Cardinia Planning Scheme.

### **Attachments**

1	Summary of submissions received to draft, with Council reply	30 Pages
2	Beaconsfield car parking precinct plan December 2016	141 Pages
3	Summary of actions/recommendations	5 Pages

### **EXECUTIVE SUMMARY**

This report recommends that the Beaconsfield Car Parking Precinct Plan be adopted with changes as noted in this report.

This report explains what a Car Parking Precinct Plan is, the steps involved in the preparation of the Draft Car Parking Precinct Plan, summarises the submissions received during the exhibition of the Draft Car Parking Precinct Plan and what changes have occurred to the draft prior to finalising the report.

Car parking is an important component of the Beaconsfield town centre. The provision of a sufficient amount of well-located car parking is important to the town's success. To support and facilitate the development of Beaconsfield's town centre it is important to have a clear plan for car parking provision and management. A Car Parking Precinct Plan identifies car parking demands, issues and opportunities and provides a strategic approach to guide future decisions, with either statutory (Parking Overlay) or non-statutory mechanisms example: (management, design and signage). A Car Parking Precinct Plan sets out what car parking objectives Council wishes to achieve and how it will do this.

The Beaconsfield Car Parking Precinct Plan marks the first step in providing a strategic approach to guide future decisions in relation to car parking in the Beaconsfield's town centre.

### **BACKGROUND**

The Beaconsfield Structure Plan was adopted by Council on the 17 December 2013. The various works undertaken by Council over a three (3) year period has culminated in:

- The Beaconsfield Structure Plan (2013)
- The Beaconsfield Structure Plan Background Paper (2013) and
- Wood Street North Urban Design Guidelines (May 2013)

Under Section 12.3 (Movement network) on page 19 of the Beaconsfield Structure Plan, a future action is 'develop a parking precinct plan for the Beaconsfield town centre'. This action was informed largely by previous work Council had undertaken for the Beaconsfield Structure Plan.

**What is a Car Park Precinct Plan?**

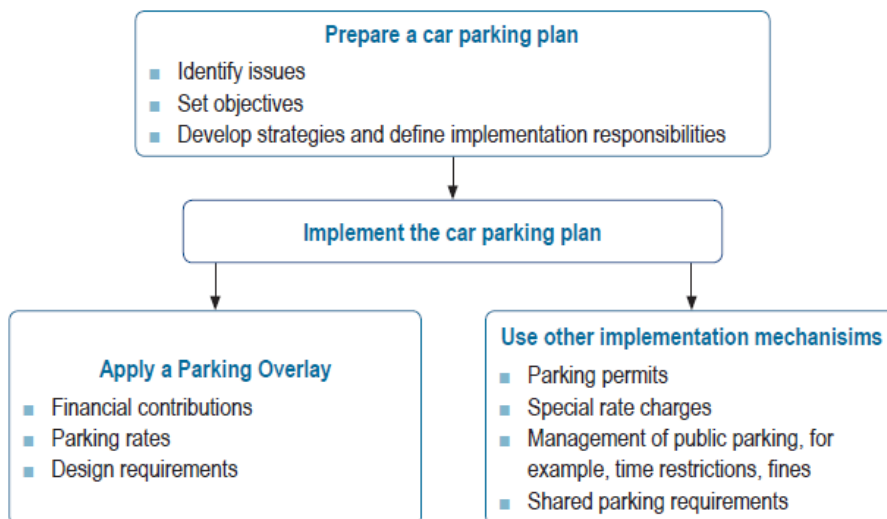
A car parking precinct plan analysis the car parking conditions and needs of an area. An assessment of car parking demand and supply must be carried out to provide the factual material and analysis needed to justify future decisions, with either Statutory (Parking Overlay) or non-statutory mechanisms (example: signage).

A car parking precinct plan must include the following:

- The objectives of the plan.
- The area to which the plan applies
- Findings from research and surveys that provide factual material to support the plan
- An assessment of car parking demand and supply of the investigation area
- Car parking strategies proposed to facilitate the plans objectives
- Any locational, financial, design or other actions necessary to implement the objectives and strategies

Diagram 1 as shown below, explains the steps to prepare and implement a car parking precinct plan

**Diagram 1**



***What is a Parking Overlay?***

The Parking Overlays' primary function is to manage car parking in a precinct, rather than on a site-by-site basis. It is a statutory planning tool available to implement a car parking precinct plan. The Parking Overlay can specify:

- The number of car parking spaces to be provided for any use
- The financial measures (such as cash in lieu scheme) to be made as a way of meeting car parking requirements
- Design requirements
- Decision guidelines and
- Application requirements

The steps involved in preparing the Beaconsfield Car Parking Precinct Plan

The steps involved in preparing the Beaconsfield Car Parking Precinct Plan included the following:

1. Council appointed Ratio Consultants to complete the Car Parking Precinct Plan.
2. Ratio Consultants and Council:
  - Surveyed existing conditions to quantify, record and map the number of parking spaces, the location of parking spaces, ownership or management, restrictions on use (for example, access, time or cost) and enforcement data
  - Defined the area to which the plan would apply
  - Identified the existing conditions and the planning, transport or parking issues the plan should seek to resolve and
  - Undertake background research as shown in Table 1

Table 1. Background research conducted:

Context	What was reviewed
Planning	<ul style="list-style-type: none"> <li>• Parking policy across Victoria</li> <li>• Car Parking Policy in Cardinia's Neighbouring Municipalities</li> <li>• Cardinia Policies, Strategies and Plans</li> <li>• VicRoads Network Plans</li> <li>• Cardinia Ride 2 School Plan</li> </ul>
Characteristics of Beaconsfield	<ul style="list-style-type: none"> <li>• Demographic profile and forecast population growth</li> <li>• Vehicle and travel patterns</li> <li>• Public transport infrastructure and services</li> </ul>
Growth forecasting	<ul style="list-style-type: none"> <li>• Development application trends</li> <li>• Strategic land use planning</li> </ul>
Existing car parking conditions	<ul style="list-style-type: none"> <li>• Parking supply and restrictions for cars, loading areas, taxi ranks, disabled car parking and bicycles</li> <li>• Car parking occupancies</li> </ul>
Elements of the parking system	<ul style="list-style-type: none"> <li>• Councils role and responsibility</li> <li>• Ownership and control of car parking</li> <li>• Individual parking and shared parking</li> <li>• Free and pay parking</li> <li>• Car parking signage</li> <li>• Parking enforcement</li> <li>• Travel behaviour</li> </ul>

Designs of car parking	<ul style="list-style-type: none"> <li>• Existing urban design and car parking layouts</li> <li>• Design standards for off-street car parking</li> <li>• Improving the design and supply of on-street car parking</li> </ul>
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1. Established a community reference group and a multi-disciplinary Council reference group:
  - A community reference group was created comprising of six residents who either lived in Beaconsfield, a member of the school community, business group and a person who catches public transport. The group provided advice and assisted in the preparation of the Car Parking Precinct Plan, public consultation of the Draft and reviewed submissions.
  - A Council reference group was created comprising of a traffic engineer, a land-use planner, social planner, and an enforcement officer to provide advice and assist in the preparation of the Car Parking Precinct Plan.
2. Workshop on car parking issues and opportunities
  - A workshop involving Ratio Consultants, the Ward Councillors, the community reference group and Council reference group was conducted to help identify the issues and opportunities in Beaconsfield.
3. Ratio consultants released the Draft Car Parking Precinct Plan for review
  - The community reference group and Council's reference group reviewed the draft, tested initial assumptions and provided feedback to Ratio Consultants prior to the document being placed on public exhibition.
4. Public exhibition of the Draft Car Parking Precinct Plan.
5. Review of submissions received to Draft Car Parking Precinct Plan
  - All submissions received and proposed changes to the Draft Car Parking Precinct Plan were reviewed by the community and Council reference group prior to the report being finalised.
6. Public exhibition of the Draft Car Parking Precinct Plan.
7. Review of submissions received to Draft Car Parking Precinct Plan
  - All submissions received and proposed changes to the Draft Car Parking Precinct Plan were reviewed by the community and Council reference group prior to the report being finalised.

### ***Summary of the Beaconsfield Car Parking Precinct Plan:***

The key objectives of the parking precinct plan are as follows:

1. To understand the issues relating to the location, provision (supply and demand) and management of existing car parking across the Beaconsfield town centre
2. To identify car parking shortfalls in existing and long term (future) parking provisions and recommend strategies and appropriate tools (statutory and non-statutory) to address the identified shortfall(s) and their impacts on the surrounding areas.
3. To identify car parking issues facing users of Beaconsfield Railway Station
4. To review the Beaconsfield Structure Plan Scenarios for Change (on page 22) and identify any impacts these scenarios of change may have on car parking, particularly in relation to key congestion areas and how they will be relieved in the future.
5. Specify a way forward in terms of the application of the strategy and the mechanisms which could be adopted to apply and implement the strategy.

### **The key findings of the Beaconsfield Car Parking Precinct Plan:**

The key findings indicate the existing parking facilities in terms of quantity appear to meet the current parking demand, with traders, customers and residents being able to find a parking space near their destination, but the current parking supply must be better managed to:

- Provide better access to the available car parking resources, be it private or Council owned
- Encourage the use of sustainable transport travel modes, rather than private vehicle travel and
- Give priority to people with a disability, high turnover users and other special user groups,
- Outside the central Commercial Area there is evidence of localised car parking congestion around each of Beaconsfield's schools (Beaconsfield Primary School and St Francis Xavier College) and the Beaconsfield train station.

A summary of the actions for the Beaconsfield Car Parking Precinct Plan can be found in Attachment 1

The Car Parking Precinct Plan will not resolve all parking issues experienced in Beaconsfield, although it provides a strategy to clarify what statutory and non-statutory mechanisms should be implemented to alleviate car parking demand and competition. The Beaconsfield car parking precinct plan highlights the following:

#### **Zone 1: Supermarket Hub**

- The Supermarket hub provides 410 publicly available car parking spaces and 166 staff car parks
- Car parking demand is generally high around 12 noon at which 77-79% of publicly available spaces were occupied (both on Thursday and Saturday)
- The design of the existing car park is encouraged to be redesigned to provide:
  - A clear and logical directional and parking restriction signs;
  - Convenient and accessible parking bays and aisles;
  - Pedestrian crossing facilities to/from and within the car parking areas that are safe, consistent and convenient; and
  - Provision of adequate lighting both within the car park and along adjoining pedestrian walkways to provide safety and security for patrons during the evening
  - Appropriate landscaping with shade trees and good visibility
- Council to work with the landowners of the Central Hotel at the time of redevelopment to integrate proposed car parking and accessibility with the Supermarket Hub

#### **Zone 2: Wood Street North**

- The area has 103 on-street car parking spaces and 462 off-street car parking spaces
- The more informal car parking at the rear of the retail hubs along the Princes Highway north-west of Wood Street were underutilised on the whole.
- Many of the off-street car parks are publicly accessible (despite signage denoting 'customer' use only), while some are concealed at the rear of buildings or signed for private use only, and not generally intended as part of the public parking pool.
- Along much of Wood Street during business hours, the unrestricted supply is used partly for long term (staff) car parking, train travellers and partly for short term (visitor) car parking.
- The report recommends:
  - Through agreements with private car parking owners, Council to allocate and promote the use of underutilised car parks for either long stay (staff) car parking or short stay (publicly available visitor) car parking.
  - Enhance signage in the centre in a holistic manner. Example: convert unrestricted car parking along both sides of Wood Street, between Princes Highway and the start of the residential dwellings to short stay (2P) car parking and install high turnover (1/4P or 1/2P) car parking at the start of the parking blocks.

- Through agreements with private car parking owners redesign existing piecemeal car parking to increase traffic flow and sharing of car parking spaces
- Council to consider the application of reduced car parking rates for redevelopments and extension applications subject to accessibility to shared publicly available car parking and a car parking demand assessment.

### **Zone 3: Commercial Triangle (influenced by St Francis Xavier College)**

- The area has 217 on-street car parking and 159 off-street car parking spaces
- This zone is heavily influenced by St Francis Xavier College.
- Beaconsfield Avenue experiences a high level of on-street parking and congestion during school drop off and pick-up times. Outside these times, car parking demand is low and various publicly available car parking spaces are available
- Council is recommended to continue working with St Francis Xavier College to minimise the off-site impacts of car parking and traffic on Beaconsfield Avenue and Princes Highway. For example, investigate alternative ingress and egress from Princes Highway and Desmond Court to the school grounds
- Council to consider the application of reduced car parking rates for redevelopment and extension applications (excluding St Francis Xavier College) subject to accessibility to shared publicly available car parking and car parking assessment.

### **Zone 4: Beaconsfield Railway Station**

- The area has 120 off-street car parking and 296 off-street car parking (station car parking)
- Car parking demand at the Beaconsfield train station is generally high with overspill into nearby residential streets. Commuters overspill into Wood Street (where there is unrestricted and 4P parking), Beaconsfield Avenue and Kenilworth Avenue but not into the residential streets such as Railway Avenue and Souter Street.
- Council is encouraged to lobby the Department of Transport and Vic Track for expansion of the Railway Car Parking supply; to open the gates to the existing gravel car park to enable this to be used as a temporary public car park; install secure bicycle lockers at Beaconsfield Railway Station and for the frequency of premium and connector bus services to be increased from and to Beaconsfield and align with the train timetable.

### **Zone 5: Beaconsfield Primary School**

- The area has 502 on-street car parking spaces and no off-street car parking spaces
- Car parking occupancies in the residential streets were recorded to be minimal on both the Thursday and Saturday, indicating the Supermarket Hub is not overspilling into surrounding residential areas
- Parking demand generated by the Primary School during pick-up and drop-off times combined with car parking generated by St Francis Xavier College creates widespread congestion for short periods of duration.
- Council in cooperation with the Primary School should advocate for Education Department funding for on-street car parking and traffic management improvements;
- Encourage the Beaconsfield Primary School to work with its school community to change travel behaviours, including the promotion of walking and cycling to school and ride share
- Construct kerb and channel along the outer northern carriageway of Princes Highway between the Supermarket Hub and Lyle Road in partnership with Vic Roads.

## **POLICY IMPLICATIONS**

The proposed car parking precinct plan is an action of the Beaconsfield Structure Plan adopted by Council in December 2013. The car parking precinct plan will provide the framework for what actions need to be implemented to develop better car parking experiences in Beaconsfield.

## **RELEVANCE TO COUNCIL PLAN**

The Council Plan vision is for "Cardinia Shire to be developed in a planned manner to enable present and future generations to enjoy and experience the diverse and distinctive characteristics of our Shire." Car parking is an important component of the Beaconsfield town centre. The provision of a sufficient amount of well-located car parking is important to the town's success, and as further development occurs in the town, additional car parking must be appropriately provided. To support and facilitate the development of Beaconsfield's town centre it is important to have a clear plan for car parking provision and management.

Preparation of the car parking precinct plan is a specific action of the Council Plan for 2015-1

## **CONSULTATION/COMMUNICATION**

The Draft Beaconsfield Car Parking Precinct Plan was placed on public exhibition for a period of four weeks from the 1 July 2016 until 29th July 2016.

The exhibition program included:

- A large mail out to all residents in the Beaconsfield postcode, people who'd ask to be kept informed, local community and sporting groups, State government departments and agencies.
- The development of an exhibition poster and flier which was displayed in various locations around Beaconsfield and at the Council offices.
- Copies of the Draft Car Parking Precinct Plan were left at the Beaconsfield Neighbourhood Centre for the community to view and collect.
- A drop in/information session was held on the 12 July 2016 at the Beaconsfield Neighbourhood Centre from 3.30 pm until 8.00 pm. A total of 72 people attended the information session.
- Meeting with the Beaconsfield Progress Association.
- An article appeared in the Pakenham Berwick Gazette and notices were placed in the Berwick News
- Two listening posts were held, one outside the front of the Safeway and the Beaconsfield Train Station. Unfortunately, bad weather did not permit a listening post along Wood Street.
- An article was displayed in St Francis Xavier College newsletter
- Information displayed on Councils website, twitter and Facebook

### **Summary of Submissions**

Council received a total of 36 submissions with 32 submissions from the community and 4 submissions from State Governmental agencies.

A copy of the submissions is available in Attachment 1.

A summary of the key issues raised in the submissions include (in no hierarchal order):

- Car parking congestion experienced along Railway Avenue, Arthur Street and Goff Street
- Lack of appropriate view lines to exist Wood Street and Arthur Street
- Congestion and car parking issues experienced during school pick-up and drop off times at Beaconsfield Primary School and St Francis Xavier College
- Design, function and traffic movement in the Supermarket Hub
- Location of high turn- over and long term car parking spaces.
- Lack of disabled car parking at Beaconsfield Primary School
- The car parking precinct plan recommends no additional land for car parking purposes
- Lack of parking officers to enforce car parking areas

- Reliance on co-operation with landowners to enter private agreements with Council to create change in car parking areas.
- Competition for car parking spaces at the Beaconsfield Train Station
- Safety of pedestrian and bicycle users as people travel around Beaconsfield
- Council has caused the problem by allowing planning permits to be issued with a reduction in car parking
- The methodology for the car parking surveys was questioned.

#### Response to submissions

Each submission was reviewed and discussed by the Community reference group and Council reference group, prior to modifications to the report being finalised.

Councils response to each submission is available in Attachment 1.

The following modifications were made to the Draft:

- Recommendations 3, 4, 7, 9, 10, 16, 33, 37,38, 41 were revised to make the actions/recommendations clearer.
- Deletion of recommendation 6 which stated "Council to allocate sufficient staff resources or other options (technology) to increase the enforcement of car parking controls across Beaconsfield" At present it is considered Council has appropriate staff resources to enforce car parking controls in Beaconsfield. If Council enters into private agreements with private car park owners, this matter will be required to be reviewed at this point of time.
- Eight new actions/recommendations were included in the report, consisting of:
  - Through agreements with private car park owners, accessible (disabled) car parking that are not compliant with current Australian Standard AS2890.6-2009 are to be upgraded to meet the current standard.
  - In consultation with taxi organisations, traders and the community establish suitable taxi zone and locations for bicycle loops.
  - Investigate the suitability to use Council owned land located on the corner of Sylvia Road and Kathleen Court for car parking (preferable staff car parking). If the land is not considered suitable for car parking or alternative use, Council is to investigate the statutory process to sell the land.
  - Council does not support the reduction of car parking rates for redevelopment or extension applications in the Supermarket Hub in accordance with Clause 52.06-6 of the Cardinia Planning Scheme.
  - Council to investigate implementing line marking along Wood Street for car parking spaces, south of Arthur Street.
  - Through agreements with private car park owners, Council to work with Wood Street North private car park owners to improve the design of car parking facilities (with consideration given to signs, pedestrian access, accessible parking bays, pram parking and loading zones) and to ensure that they are appropriately maintained.
  - Council to lobby Public Transport Victoria and Department of Economic Development, Jobs, Transport and Resources for bus stop shelters
  - Investigate options for indented car parking along Beaconsfield Avenue opposite train station in discussion with Vic Track, Public Transport Victoria and Department of Economic Development, Jobs, Transport and Resources.

## FINANCIAL AND RESOURCE IMPLICATIONS



The first stage of this project is the development of a Car Parking Precinct Plan. A separate implementation plan will need to be developed to inform future budget allocations and ensure the timely delivery of all of the proposed actions/recommendations in the report.

## CONCLUSION

That Council:

1. Note all submissions received during the public exhibition of the Draft Beaconsfield Car Parking Precinct Plan (May 2016)
2. Be advised of the proposed revisions to the Draft in response to the concerns of the submitters (where possible)
3. Adopt the Beaconsfield Car Parking Precinct Plan policy (December 2016).
4. Endorse the preparation of an implementation plan for actions/recommendations outlined in the Beaconsfield Car Parking Precinct Plan and
5. Prepare a Planning Scheme Amendment to include the Beaconsfield Car Parking Precinct Plan as a reference document in the Cardinia Planning Scheme.

## 4 BEACONSFIELD CAR PARKING PRECINCT PLAN

Moved Cr J Springfield Seconded Cr B Owen

That Council:

1. Note all submissions received during the public exhibition of the Draft Beaconsfield Car Parking Precinct Plan (May 2016)
2. Be advised of the proposed revisions to the Draft in response to the concerns of the submitters (where possible)
3. Adopt the Beaconsfield Car Parking Precinct Plan policy (December 2016).
4. Endorse the preparation of an implementation plan for actions/recommendations outlined in the Beaconsfield Car Parking Precinct Plan and
5. Prepare a Planning Scheme Amendment to include the Beaconsfield Car Parking Precinct Plan as a reference document in the Cardinia Planning Scheme.

Cd.

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## GENERAL REPORTS

### **5 APPOINTMENT OF MAV REPRESENTATIVE**

FILE REFERENCE INT1715987

RESPONSIBLE GENERAL MANAGER Derek Madden

AUTHOR Doug Evans

#### **RECOMMENDATION**

That Council reappoint the Mayor, Cr Brett Owen, to be its representative to the Municipal Association of Victoria (MAV) with Cr Jodie Owen as substitute representative.

#### **Attachments**

*Nil.*

#### **EXECUTIVE SUMMARY**

At the Council Meeting held on 12 December 2016 Council appointed Cr Jodie Owen as its representative to the MAV with the Mayor Cr Brett Owen as substitute representative. This appointment was made to allow Cr Jodie Owen to nominate as the Interface Council's representative to the MAV Board.

#### **BACKGROUND**

At the Statutory Council Meeting Cr Brett Owen, as the Mayor of the day, was appointed as Council's representative to the MAV with Cr Jodie Owen as substitute representative. It is the Council's practice to appoint the Mayor of the day as the MAV representative.

This appointment was amended at the December Council Meeting to allow Cr Jodie Owen to nominate for the vacant position to the MAV Board as the Interface Council's representative.

The outcome of the MAV board elections has now been declared and Cr Jodie Owen was not successful at the election, with Cr Peter Perkins from Nillumbik Shire being elected as the Interface Council's representative.

It is now proposed to reinstate the Mayor as the MAV representative.

#### **CONCLUSION**

It is appropriate for the Council to reappoint Cr Brett Owen as the MAV representative following the outcome of the MAV Board elections.

## **5 APPOINTMENT OF MAV REPRESENTATIVE**

Moved Cr J Springfield Seconded Cr M Shilling

That Council reappoint the Mayor, Cr Brett Owen, to be its representative to the Municipal Association of Victoria (MAV) with Cr Jodie Owen as substitute representative.

Cd.

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## **6 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER**

FILE REFERENCE INT1715997

RESPONSIBLE GENERAL MANAGER Garry McQuillan

AUTHOR Doug Evans

### **RECOMMENDATION**

That Council appoint Mr Andrew Paxton as Acting Chief Executive Officer for the period 11 to 18 April during a period off annual leave by the Chief Executive Officer.

### **Attachments**

*Nil.*

### **EXECUTIVE SUMMARY**

To appoint an Acting CEO during a period of leave by the CEO, Mr Garry McQuillan

### **BACKGROUND**

The CEO is taking a brief period of annual leave from 11 to 18 April 2017, to allow the smooth functioning of the administration during this period it is necessary to appoint an Acting CEO who will assume the role. Function and delegated authorities of the CEO during this period. It is suggested that the General Manager Planning & Development, Mr Andrew Paxton be appointed as Acting CEO for this period.

### **CONCLUSION**

To facilitate the continued functioning of the administration during a brief period of annual leave by the CEO it is suggested that Mr Andrew Paxton be appointed as Acting CEO.

**6 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER**

Moved Cr J Springfield Seconded Cr M Shilling

That Council appoint Mr Andrew Paxton as Acting Chief Executive Officer for the period 11 to 18 April during a period off annual leave by the Chief Executive Officer.

Cd.

## **7 CONTRACT 17/10 - DEEP CREEK RESERVE BULK EARTHWORKS**

FILE REFERENCE INT1716252

RESPONSIBLE GENERAL MANAGER Michael Ellis

AUTHOR Kurt Pitts

### **RECOMMENDATION**

That the:

- Tender submitted by Goldsmith Civil & Environmental Pty Ltd to undertake the works associated with Contract 17/10 - Deep Creek Reserve Bulk Earthworks be accepted for the contract sum of \$675,907.99 (Excl. GST);
- Remaining Tenderers be advised accordingly; and
- Common seal of the Council be affixed to the contract documents.

### **Attachments**

1 Contract 17/10 - Deep Creek Reserve bulk earthworks 3 Pages

### **EXECUTIVE SUMMARY**

This report provides consideration for the appointment of a contractor to undertake works to complete the bulk earthworks package for the Deep Creek Reserve. The proposed works involve stripping and stockpiling of topsoil, excavation of wetlands and filling of the site, including level one fill under building pads, to prepare for future works associated with the environmental building, playground, car park and other associated works.

The tender submitted by Goldsmith Civil & Environmental Pty Ltd is the most advantageous for Council, while providing the best value for money, together with excellent service.

It is therefore recommended that Contract 17/10 for the completion of the bulk earthworks package at the Deep Creek Reserve (62 Cameron Way, Pakenham) be awarded accordingly.

### **BACKGROUND**

The Deep Creek Reserve, located at 62 Cameron Way in Pakenham (at the end of Cameron Way) is a 42 hectare site owned by Council. It contains a Melbourne Water retarding basin which consists of two cells (split into two halves). Deep Creek flows into the eastern cell, while the converged combination of Pakenham Creek, Kennedy Creek and Whiskey Creek flow into the western cell via an underground pipe system through the township of Pakenham.

The site has been identified as a key recreation space in the centre of Pakenham. The following key components are being developed at the reserve:

- The Eco Building incorporating golf club house, Environment Coalition and community meeting and training space,
- Wetlands including a demonstration wetland,
- Regional all-abilities eco playground and kick-a-bout area,
- Car park and associated civil works,
- Walking trails, improved habitat, revegetation and seed collecting area; and

- Indigenous nursery.

The proposed works are stage 1 of the site development and involve stripping and stockpiling of topsoil, excavation of wetlands and filling of the site, including level one fill under building pads, to prepare for future works associated with the environmental building, playground, car park and other associated works.

Tenders associated with the bulk earthworks package for the reserve were advertised on 21 January 2017 and closed on 14 February 2017. A total of five (5) tenders were received from the following tenderers:

BKO Plant Hire	Goldsmith Civil & Environmental
Max Bright & Sons	R&C Asphalt Paving
Sure Constructions	Winslow Constructions

Tenders were evaluated against the stipulated non-weighted criteria of Financial Viability, Risk and Insurance Levels, Compliance to Part B Conditions of Contract, Conflict of Interest, OH & S, Compliance with the Specification and location.

The tenders were also assessed against the weighted criteria: capability and capacity, relevant experience and past performance, quality system and project plan.

To provide best value for money, it is recommended that the completion of the bulk earthworks package at the Deep Creek Reserve in Pakenham be awarded to Goldsmith Civil & Environmental Pty Ltd for a sum of \$675,907.99 (Excl. GST).

## **POLICY IMPLICATIONS**

Nil.

## **RELEVANCE TO COUNCIL PLAN**

The delivery of this project aligns with Councils' plan to:

- provide active and passive recreation facilities to meet the needs of our residents;
- increase opportunities for our residents to participate in a range of sport, recreation and leisure activities
- support children, young people, families, older adults and people of all abilities by providing a range of accessible services and facilities
- support the provision of learning opportunities for all ages and abilities
- support the provision of services by Council or others for people of all abilities
- provide accessible facilities to meet identified community needs
- protect and improve biodiversity by increasing the area of natural ecosystems across the Shire
- develop new and maintain existing parks, gardens and reserves in a sustainable way and
- develop built environments that support improved health and wellbeing of our communities.

## **CONSULTATION/COMMUNICATION**



Community engagement was undertaken during the development of the masterplan. Similarly, extensive community consultation has been undertaken through the development of the all-abilities playspace. The detailed design of the civil works component, of which the bulk earthworks forms stage 1, has been subjected to an extensive internal consultative process along with engagement with Melbourne Water. Additional information will be provided in the lead up to the commencement of these works to notify surrounding residents.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

The 2016/17 capital works program has an allocation of \$2,500,000 for Deep Creek with further funds identified in the future draft capital works program for the development of the reserve.

These earthworks are the first stage of the project development. Based on the tender submitted by Goldsmith Civil & Environmental Pty Ltd for the contract sum of \$675,907.99 (Excl. GST), there are adequate funds available to award these works.

### **CONCLUSION**

It is recommended that the tender submitted by Goldsmith Civil & Environmental Pty Ltd for \$675,907.99 (Excl. GST) be accepted for Contract 17/10 - Deep Creek Reserve Bulk Earthworks Package.

## **7 CONTRACT 17/10 - DEEP CREEK RESERVE BULK EARTHWORKS**

Moved Cr L Wilmot Seconded Cr J Owen

That the:

- Tender submitted by Goldsmith Civil & Environmental Pty Ltd to undertake the works associated with Contract 17/10 - Deep Creek Reserve Bulk Earthworks be accepted for the contract sum of \$675,907.99 (Excl. GST);
- Remaining Tenderers be advised accordingly; and
- Common seal of the Council be affixed to the contract documents.

Cd.

## **8 GARFIELD ROUNDABOUT PETITION**

**FILE REFERENCE** INT1716256

**RESPONSIBLE GENERAL MANAGER** Michael Ellis

**AUTHOR** Christopher Marshall

### **RECOMMENDATION**

That Council advise the chief petitioner that the matter has been referred to VicRoads for attention as they are the responsible authority for the intersection.

### **Attachments**

*Nil.*

### **EXECUTIVE SUMMARY**

Council received a petition to install a roundabout at the intersection of Nar Nar Goon-Longwarry Road and Thirteen Mile Road, Garfield. As an intersection with a declared main road, VicRoads is the responsible road authority for this intersection.

This petition has been forwarded to VicRoads to investigate and respond to the chief petitioner with the outcome of the investigation.

### **BACKGROUND**

A petition for a roundabout to be installed at the intersection of Nar Nar Goon-Longwarry Road and Thirteen Mile Road, Garfield that was tabled at the February Council meeting.

This petition draws attention to issues regarding turning around on Nar Nar Goon-Longwarry Road to be able to access parking on the opposite side of the road between Ritchie Street and Thirteen Mile Road, particularly when travelling towards Nar Nar Goon. Council officers have not received any concerns regarding the issue of being unable to turn around to access parking in Garfield prior to receiving this petition.

Nar Nar Goon-Longwarry Rd is a declared arterial road managed by VicRoads. Under the Road Management Act 2004, VicRoads is the responsible road authority for the intersection of Nar Nar Goon-Longwarry Road and Thirteen Mile Road and therefore responsible for any improvements that may be required. There is only one crash recorded in this section of road in the last five years which does not appear to be related to this issue.

Council officers have forwarded this petition to the appropriate VicRoads department to investigate and respond to the chief petitioner with the outcome of the investigation.

### **POLICY IMPLICATIONS**

Garfield Township Strategy 2002

Objective: Promote and facilitate a road network that provides effective and safe commuter use for the community.

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**RELEVANCE TO COUNCIL PLAN**

3.2.5 Advocate for and facilitate improved public transport options and major arterial roads to help link employment, educational, recreational and retail activities between the Shire's rural and growth areas.

**CONSULTATION/COMMUNICATION**

Petition has been forwarded to VicRoads to investigate and respond to chief petitioner.

**FINANCIAL AND RESOURCE IMPLICATIONS**

As this intersection is the responsibility of VicRoads, Council has an advocacy role in any improvements at this location. Any financial implications are expected to be borne by VicRoads.

**CONCLUSION**

VicRoads is the responsible road authority for the intersection of Nar Nar Goon-Longwarry Road and Thirteen Mile Road, Garfield. This petition has been forward to VicRoads to investigate and respond to the chief petitioner.

## **8 GARFIELD ROUNDABOUT PETITION**

Moved Cr J Springfield Seconded Cr M Shilling

That Council advise the chief petitioner that the matter has been referred to VicRoads for attention as they are the responsible authority for the intersection.

Cd.

## **9 SALE OF LAND 1 MCGREGOR ROAD, PAKENHAM**

FILE REFERENCE INT1716271

RESPONSIBLE GENERAL MANAGER Derek Madden

AUTHOR Doug Evans

### **RECOMMENDATION**

That

1. Council commence the statutory procedures under sections 189 and 223 of the Local Government Act 1989 to sell the Council property at 1 McGregor Road, Pakenham being Lot 1 on PS613734K.
2. In the event of submissions being received, a committee comprising of the Central Ward Councillors be appointed to hear such submissions and the Chief Executive Officer be authorised to set the day, time and place to hear such submissions.
3. In the event of no submissions being received, the Chief Executive Officer be authorised on behalf of Council to:
  - a. affect the sale of land, at market value, and
  - b. executes all documentation associated with the sale.

### **Attachments**

- 1 Plan of land 1 Page

### **EXECUTIVE SUMMARY**

Council acquired the property at 1 McGregor Rd Pakenham as the result of a compensation settlement for the compulsory acquisition of part of the property for road widening purposes. The balance of the property is not required for municipal purposes and can now be sold.

### **BACKGROUND**

In order to complete the widening of McGregor Road Council commenced compulsorily acquisition processes for a section of land from the property known as 1 McGregor Rd. This matter was subject to a long period of negotiation and in order to finalise the matter Council agreed to purchase the entire property.

It is now planned to sell the property to recoup some of the purchasing costs.

### **POLICY IMPLICATIONS**

The State Government developed a guideline for the sale of Council land, known as "Local Government Best Practice Guideline for the Sale and Exchange of Land" (the Guideline). This document provides guidance for the sale of Council land. The Guideline proposes that Council should undertake a market tested sales campaign, unless circumstances exist that justify an alternative method of sale, such as private treaty.

### **RELEVANCE TO COUNCIL PLAN**

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Nil

### **CONSULTATION/COMMUNICATION**

If the land is to be sold, Council would be required to give public notice of the proposed sale and consider any submissions received from the community.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

If Council decides to sell the land a market valuation will be arranged to enable the establishment of a sale/reserve price. The valuation in accordance with section 189 of the Local Government Act must be carried out within six months of the date of sale.

The land is not required for municipal purposes and can now be sold to recoup some of the purchase costs.

### **CONCLUSION**

As the land is not required for municipal purposes, disposal of the land should proceed by public sale in accordance with sections 189 and 223 of the Local Government Act.

**9 SALE OF LAND 1 MCGREGOR ROAD, PAKENHAM**

Moved Cr J Springfield Seconded Cr M Shilling

That

1. Council commence the statutory procedures under sections 189 and 223 of the Local Government Act 1989 to sell the Council property at 1 McGregor Road, Pakenham being Lot 1 on PS613734K.
2. In the event of submissions being received, a committee comprising of the Central Ward Councillors be appointed to hear such submissions and the Chief Executive Officer be authorised to set the day, time and place to hear such submissions.
3. In the event of no submissions being received, the Chief Executive Officer be authorised on behalf of Council to:
  - a. affect the sale of land, at market value, and
  - b. executes all documentation associated with the sale.

Cd.



## 10 DOCUMENTS FOR SEALING

FILE REFERENCE INT1716665

RESPONSIBLE GENERAL MANAGER Derek Madden

AUTHOR Sharon Voltan

### RECOMMENDATION

That Council note the fixing of the Common Seal to the documents listed below and the seal be affixed to the other documents as listed.

### Attachments

Nil.

### EXECUTIVE SUMMARY

Under Council's Meeting Procedure Local Law, the Common Seal may be affixed to a document for the purpose of giving effect to a decision:

- a) Made by Council resolution;
- b) Made by resolution of a Special Council meeting under delegation; or
- c) Made by the Chief Executive Officer under delegation.

Accordingly, the Council Seal was affixed to the following documents:

Description	Authorisation	Seal Date
<i>Creation of easement Section 45(1) transfer of land act 1958 Nash Road, Bunyip</i>	Council resolution 21 November	28 November 2016
<i>Trust for Nature Covenant, Lot 12 Sunnyside Terrace Emerald</i>	CEO under delegation	2 February 2017
<i>Trust for Nature Covenant Lot 10 &amp; 11 Sunnyside Terrace, Emerald</i>	CEO under delegation	2 February 2017
<i>Trust for Nature Covenant Lot 9 Sunnyside Terrace Emerald</i>	CEO under delegation	2 February 2017
<i>Trust for Nature Covenant Reserve 1 Monbulk Emerald Road Emerald</i>	CEO under delegation	2 February 2017
<i>Form of Agreement - Contract CT16/06D Engineering Technical Services - HDS Australia Pty Ltd</i>	Council resolution 16 January 2017	21 February 2017
<i>Form of Agreement - Contract CT16/06B Engineering Technical Services - Craig Civil Design Pty Ltd</i>	Council resolution 16 January 2017	21 February 2017
<i>Form of Agreement - Contract CT16/06E Engineering Technical Services - Trafficworks Pty Ltd</i>	Council resolution 16 January 2017	21 February 2017
<i>Form of Agreement - Contract CT16/06C Engineering Technical Services - Civil Road Solutions Pty Ltd</i>	Council resolution 16 January 2017	21 February 2017
<i>Form of Agreement - Contract CT16/06G</i>	Council resolution 16 January 2017	21 February 2017

Description	Authorisation	Seal Date
<i>Engineering Technical Services – Assetic Australia Pty Ltd</i>		
<i>Form of Agreement - Contract CT16/06Q Engineering Technical Services – 2MH Consulting Pty Ltd</i>	Council resolution 16 January 2017	21 February 2017
<i>Form of Agreement - Contract CT16/06R Engineering Technical Services – Engeny Management Pty Ltd</i>	Council resolution 16 January 2017	21 February 2017
<i>Form of Agreement – Contract 16/06G Engineering Technical Services Assetic Australia Pty Ltd</i>	Council resolution 16 January 2017	6 March 2017
<i>Form of Agreement Contract 16/06C Engineering Technical Services Civic Road Solutions Pty Ltd</i>	Council resolution 16 January 2017	6 March 2017
<i>Form of Agreement Contract 16/06E Engineering Technical Services Trafficworks Pty Ltd</i>	Council resolution 16 January 2017	6 March 2017
<i>Form of Agreement Contract 16/06T Engineering Technical Services Water Technology Pty Ltd</i>	Council resolution 16 January 2017	6 March 2017
<i>Form of Agreement Contract 16/06M Engineering Technical Services Archaeology At Tardis Pty Ltd</i>	Council resolution 16 January 2017	6 March 2017
<i>Form of Agreement Contract 16/06J Engineering Technical Services Tonkin &amp; Taylor Pty Ltd</i>	Council resolution 16 January 2017	6 March 2017
<i>Form of Agreement Contract 16/06X Engineering Technical Services Context Pty Ltd</i>	Council resolution 16 January 2017	6 March 2017
<i>Form of Agreement Contract 16/06R Engineering Technical Services Engeny Management Pty Ltd as trustee for Engeny M Trust</i>	Council resolution 16 January 2017	6 March 2017
<i>Form of Agreement Contract 16/06B Engineering Technical Services Craig Civil Design Pty Ltd</i>	Council resolution 16 January 2017	6 March 2017
<i>Form of Agreement Contract 16/06D Engineering Technical Services HDS Australia Pty Ltd</i>	Council resolution 16 January 2017	6 March 2017
<i>Form of Agreement Contract 16/06Q Engineering Technical Services 2MH Consulting Pty Ltd</i>	Council resolution 16 January 2017	6 March 2017
<i>Form of Agreement Contract 16/06W Engineering Technical Services Biosis Pty Ltd</i>	Council resolution 16 January 2017	6 March 2017
<i>Form of Agreement Contract 16/06O Engineering Technical Services Taylor Miller Pty Ltd trading as Taylor Miller Consulting</i>	Council resolution 16 January 2017	6 March 2017
<i>Form of Agreement Contract 16/06N Engineering Technical Services</i>	Council resolution 16 January 2017	6 March 2017

Description	Authorisation	Seal Date
<i>Ecology and Heritage Partners Pty Ltd</i>		
<i>Form of Agreement Contract 16/06U Engineering Technical Services Traffic Focus Pty Ltd</i>	Council resolution 16 January 2017	6 March 2017
<i>Form of Agreement Contract 16/06V Engineering Technical Services Powerplant Project Services Pty Ltd ATF Powerplant Trust</i>	Council resolution 16 January 2017	6 March 2017
<i>Form of Agreement Contract 16/06I Engineering Technical Services Cardno Victoria Pty Ltd</i>	Council resolution 16 January 2017	6 March 2017
<i>Form of Agreement Contract 16/06P Engineering Technical Services Meinhardt Infrastructure and Environment Pty Ltd</i>	Council resolution 16 January 2017	6 March 2017
<i>Form of Agreement Contract 16/06L Engineering Technical Services Zenith Surveys Pty Ltd</i>	Council resolution 16 January 2017	6 March 2017
<i>Form of Agreement Contract 17/03E Services General Conditions – Long Form Ultimate Group Australia Pty Ltd</i>	Council resolution 20 February 2017	6 March 2017
<i>Form of Agreement Contract 17/03F Services General Conditions – Long Form Uniscape Pty Ltd</i>	Council resolution 20 February 2017	6 March 2017
<i>Form of Agreement Contract 17/03A Services General Conditions – Long Form McDonough Contracting Pty Ltd</i>	Council resolution 20 February 2017	6 March 2017
<i>Form of Agreement Contract 17/03D Services General Conditions – Long Form Hydradig Pty Ltd</i>	Council resolution 20 February 2017	6 March 2017
<i>Form of Agreement Contract 17/03C Services General Conditions – Long Form Alan Ackland – All Repairs Building Maintenance</i>	Council resolution 20 February 2017	6 March 2017
<i>Form of Agreement Contract 17/03B Services General Conditions – Long Form Rabot Paving Pty Ltd</i>	Council resolution 20 February 2017	6 March 2017
<i>Form of Agreement Contract 16/06S Engineering Technical Services Afflux Consulting Pty Ltd</i>	Council resolution 16 January 2017	6 March 2017

The following documents require the affixing of the Council Seal:

**Lease – Premises known as art of 6e Henry Street, Pakenham  
CSC & Cardinia U3A**

## CONCLUSION

It is appropriate for the Council to note the fixing of the Common Seal to the documents listed above and resolve to seal the other documents listed.

## 10 DOCUMENTS FOR SEALING

Moved Cr J Springfield Seconded Cr M Shilling

That Council note the fixing of the Common Seal to the documents listed below and the seal be affixed to the other documents as listed.

Cd.

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**ACTIVITY REPORTS****11 MAJOR PROJECTS AND ACTIVITIES REPORT**

FILE REFERENCE INT1716571

RESPONSIBLE GENERAL MANAGER Michael Ellis

AUTHOR Andrew Barr; Walter Carmignani; Charles Taveira

**RECOMMENDATION**

That the report be noted.

**Attachments***Nil.***EXECUTIVE SUMMARY**

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

**CONCLUSION**

This regular activity report is provided for Councillor's information.

**CAPITAL WORKS****Recreation reserves***IYU Recreation Reserve pavilion*

The project is progressing as per schedule with external brickworks nearing completion, electrical, mechanical, fire and hydraulics service installations are now complete, along with carpentry works and plaster works have commenced. Painting and tiling works are underway. Works are scheduled for completion May 2017

*Chandler Recreation Reserve pavilion*

Construction works have been completed. Occupancy permit inspections for both stages, first floor and ground floor works has been undertaken. The passenger lift is currently being installed and is on schedule.

*Bunyip tennis and netball facility*

The Bunyip tennis and netball facility has been completed with an occupancy permit obtained and the project now in the defects liability period. An official opening was held on Thursday 2 March.

*James Bathe Recreation Reserve*

The design works for the civil components are progressing through functional design with the detailed design/tender package to be completed by May 2017. An integrated skate and play space are being incorporated to the north-east of the site along with the half basketball courts which provides one multi use space on the reserve. Architectural Design has commenced with the consultation process established and underway.

Nar Nar Goon netball court reconstruction

Works on the reconstruction of the two existing netball courts at Nar Nar Goon Recreation Reserve commenced in January and are programmed to be ready for this year's netball season. The works will address issues with the run-off areas and the grades of the playing surface. Poor subgrade conditions have resulted in a change to a concrete pavement which will provide a much more robust solution for the site.

#### *Mountain Road Recreation Reserve resurfacing works*

Works on the resurfacing of the main Mountain Road Recreation Reserve sports oval has been completed. The Little Athletics oval was the subject of flooding in February, and works were temporarily halted. The works have resumed with irrigation completed and subsurface drainage currently being installed.

#### *Deep Creek Reserve*

A tender assessment report for the earthworks package will be presented as a separate report to this Council meeting.

#### *Hills Hub*

The Hills Hub will bring a range of major community services and organisations under one roof to meet the needs of residents in the Cockatoo, Emerald, Gembrook and surrounding townships. The current Emerald library and Mechanics Hall precinct will be renovated, with a new building to be constructed in the space currently occupied by the Men's Shed and U3A buildings.

Extensive community engagement and consultation has taken place. A Hills Hub Advisory Group was established at the beginning of the project and local residents have had a large say in the shaping of the hub. The community have selected their preferred design and detailed design is occurring at present.

This project will be jointly funded by Council, Australian Government's National Stronger Regions Fund and the Eastern Dandenong Ranges Group and Dandenong Ranges Community Bank Group.

## **ROADS, PATHS, DRAINS AND BRIDGES**

#### *2016 17 Bridge renewal program*

The replacement of the Bunyip-Modella Road Bridge is progressing well with works expected to be complete by the end of March

Construction works on the Manestar Road Bridge works are scheduled to commence following the completion the Bunyip-Modella Bridge replacement (in April).

#### *2016 17 Road program*

Rehabilitation works at Spencer Street in Nar Nar Goon are expected to commence at the end of March, to take advantage of the school holidays. Works are expected to continue through to May pending weather conditions.

#### *2016 17 Drainage program*

The 2016-17 drainage program is almost complete. Some of the projects included are:

- renewal works associated with the replacement of aging infrastructure in Beatty Pde, Cockatoo has been procured and awarded
- An engineering consultant is being engaged for the design of a Water Sensitive Urban Design (WSUD) solution for Toomuc Creek site along Council's depot site.

*2016 17 Footpath program*

The 2016 17 footpath program is 95 per cent complete. The last footpath is to be constructed in late March from the Emerald Senior Citizens Centre to the Belgrave Gembrook Road bus stop opposite Pinnocks Road, Emerald.

Additional paths that have been completed also include:

- Spencer Street Nar Nar Goon, south side from the recreation reserve entrance to Seven Mile Road
- Wakenshaw Crescent, Pakenham from the bowl of the court through to McGregor Road, Pakenham
- Rundell Way Pakenham, from the existing school crossing to the existing footpath on Princes Highway, Pakenham.

## **11 MAJOR PROJECTS AND ACTIVITIES REPORT**

Moved Cr L Wilmot Seconded Cr C Ross

That the report be noted.

Cd.



## NOTICES OF MOTION

Cr Ryan having declared a conflict of interest in the following matter left the meeting room at this stage.

### **12 NOTICE OF MOTION NO. - 1029 - CR MICHAEL SCHILLING**

Council resolves to:

1. Publically support marriage equality irrespective of sex or gender identity.
2. Write to our local Federal Members of Parliament and the Commonwealth Human Rights and Equal Opportunity Commission advising them of council's support.
3. Investigate ways as a council we can make our community and council facilities an inclusive place for the LGBTI community.

### **12 NOTICE OF MOTION NO 1029 - CR MICHAEL SCHILLING**

Moved Cr M Shilling Seconded Cr J Owen

That Council resolves to:

1. Publically support marriage equality irrespective of sex or gender identity.
2. Write to our local Federal Members of Parliament and the Commonwealth Human Rights and Equal Opportunity Commission advising them of council's support.
3. Investigate ways as a council we can make our community and council facilities an inclusive place for the LGBTI community.

Cd.

Cr Ryan returned to the meeting room at this stage having taken no part in the discussion or voting on this matter.

## REPORTS OR MINUTES OF COMMITTEES

The mayor advised that minutes had been received from various Committees and recent Briefing Sessions that were available for perusal.

## REPORTS BY DELEGATES

### *Festival of Colours*

Cr Schilling advised that in company with the mayor he had attended the Festival of Colours in PB Ronald Reserve.

### *Relay for Life*

Cr Wilmot reported that the relay for life conducted at Toomuc Reserve had raised \$123,145.36 and that the Council team had raised \$2,762.

### *VL:GA Forum*

Cr Ross advised that he had attended the VLGA Forum and that the major topic discussed was 'digital destruction' and commented on the savings that could be achieved through digital transformation.

### *Gippsland Labor Country Forum*

Cr Ryan advised of her attendance at the Gippsland Labor Country Forum where she was invited to speak regarding challenges facing the Council.

## REPORTS BY THE MAYOR

The Mayor reported on recent activities involving advocacy with both the State and Federal Governments as follows:

### **Official openings, sod turnings etc**

- Official opening of Chandler Reserve Pavilion on 18 March in company with Jason Wood MP, member for LaTrobe, and representatives of the Chandler Reserve Committee and Emerald Sporting Club.
- Official opening of the Bunyip Netball Pavilion

### **Meetings or official functions with Government Departments, both State and Federal**

Council's management have met with

- Darren Chester MP in relation to the National Growth Areas Alliance
- Harriet Shing MP,
- Jason Wood MP regarding heritage lighting in Gembrook, and
- Greg Hunt MP regarding the new entrance to the Koo Wee Rup Community Centre
- Visit by City of Fremantle to inspect new Civic Office accommodation and the activity based working concept

Meetings have also been held with:

- representatives of the Department of Environment Land Water and Planning, Department of Economic Development, Jobs, Transport and Resources, Victorian Planning Authority and Office for Suburban Development in regard to developments in the Cardinia Road Employment Precinct.
- Department of Training and Education re the Linking Learning Project
- Department of Education and Training re the activation model for Gum Scrub Creek Primary School
- Department of Health and Human Services regarding affordable housing and the State Government's Housing Plan priorities
- Department of Education and Training regarding respectful Relationships, Safety Houses and Early Years Management

- Again with the Department of Education and Training regarding the rollout of the National Disability Insurance Scheme and Early Childhood Intervention Services

#### **Grant Applications**

- No major applications were lodged in the month and the only announcement made was the success of the National Youth Week grant for \$2,000.

The mayor noted that so far this financial year a total of 46 grant applications have been lodged totalling over \$37M the disappointing part of this however is that only 19 of these have so far been approved for a total of \$8.2M

#### **PRESENTATION OF PETITIONS**

Nil

#### **COMMUNITY QUESTION TIME**

Nil

Meeting closed at 8.11pm

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Minutes Confirmed  
Chairman