



Cardinia

MINUTES OF GENERAL COUNCIL MEETING

MONDAY, 15 OCTOBER 2018

MINUTES OF GENERAL COUNCIL MEETING

held in the Council Chambers, 20 Siding Avenue, Officer
on Monday, 15 October 2018
The meeting commenced at 7pm

PRESENT: Mayor, Collin Ross, Chairman

Councillors Michael Schilling, Jodie Owen, Graeme Moore, Ray Brown, Jeff Springfield, Brett Owen

Messrs Carol Jeffs (CEO), Mike Ellis (GMAS), Jenny Scicluna (GMCWB), Debbie Tyson (A/GMPD), Doug Evans (MG)

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 and pay our respects to their elders past present and emerging.

APOLOGIES:

Crs Leticia Wilmot and Carol Ryan

CONFIRMATION OF MINUTES OF MEETINGS

Moved Cr J Owen Seconded Cr G Moore

THAT MINUTES OF THE FOLLOWING MEETINGS BE CONFIRMED-

- General Council Meeting 17 September 2018
- Town Planning Committee 1 October 2018
- Special Council Meeting 1 October 2018

Cd.

DECLARATION OF PECUNIARY AND OTHER INTERESTS

Nil.

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1 AMENDMENT C238 - GLISMANN ROAD PLANNING SCHEME AMENDMENT - REZONING, OVERLAY CONTROLS, GLISMANN ROAD DEVELOPMENT PLAN (DP) AND MECHANISM TO DELIVER INFRASTRUCTURE INTO THE DEVELOPMENT PLAN AREA

FILE REFERENCE INT1870374

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Lorna Lablache

RECOMMENDATION

- That authorisation be sought from the Minister for Planning under Section 9(2) of the Planning and Environment Act 1987 to prepare amendment C238 to the Cardinia Planning Scheme to facilitate the following in the Glismann Road Development Plan area:
 - Rezone land from the Rural Living Zone (RLZ2) to the General Residential Zone (GRZ2)
 - Rezone 11 Mahon Avenue from General Residential Zone (GRZ1) to General Residential Zone (GRZ2)
 - Remove the amendment area from the Environmental Significance Landscape Overlay (ESO1)
 - Amend the Schedule to Clause 43.04 (Development Plan Overlay) to include schedule 19 (DPO19) 'Glismann Road Development Plan'
 - Amend Planning Scheme Maps 12, 12ESO and 12DPO.
- That the Minister be advised that Council's request for authorisation is subject to the Minister's approval that:
 - Council's request to seek authorisation from the Minister for Planning under Section 9(2) of the Planning and Environment Act 1987 to prepare amendment C238 to the Cardinia Planning Scheme as resolved by Council on the 19 February 2018 has now been superseded by Council's resolution of the 15 October 2018
 - an Infrastructure Contributions Plan (ICP) or a Development Contributions Plan (DCP) is not proposed for the Glismann Road Development Plan area
 - the proposed Development Plan Overlay (DPO) will ensure that any development must demonstrate how services and infrastructure will be delivered as part of the site development.
- Officers may make changes to the Glismann Road Development Plan (Rev. M dated 29 January 2018) (Attachment 1) that do not change the intent or direction of the plan.

Attachments

1	Cardinia Planning Scheme Amendment C238	1 Page
2	Council Meeting Minutes 19 February 2018	1 Page
3	Comparison table of Council Resolution of 19 February 2018 versus Council Recommendation for 15 October 2018	2 Pages

EXECUTIVE SUMMARY

The Glismann Road Development Plan project (Glismann Road DP) has a very long planning history spanning over 11 years.

This report addresses the further investigations/assessment that have taken place since a report was presented to Council on the 19 February 2018 seeking authorisation from the Minister for Planning to prepare an amendment to facilitate the development of the Glismann Road area (Amendment C238 to the Cardinia Planning Scheme).

When the initial assessment was carried out for the Glismann Road DP area (pre February 2018 Council resolution) an ICP was considered to place Council in a better financial position than a DCP and was consistent with legal advice received on the applicable approach as per the Ministerial guidelines. This position was reflected in Council's resolution of the 19 February 2018, whereby the Minister was advised that its request to seek authorisation to prepare an amendment was subject to an ICP and not a DCP.

The Department of Environment, Land, Water and Planning (DELWP) advised Council that C238 required further review, in particular with regards to the following:

- matters to be addressed with regards to the Development Plan Overlay Schedule, the General Residential Zone Schedule 2 and the Environmental Significance Overlay
- the *Ministerial Direction on the Preparation and Content of the Infrastructure Contributions Plans* will be amended on the 2 July 2018
- an ICP will not be able to be prepared for the land affected by this amendment (C238)
- it is recommended that Council prepare a Development Contributions Plan for the land affected by this amendment (C238).

Council has sought further legal advice with regard to the new *Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans* and the *Ministerial Reporting Requirements for Infrastructure Contributions Plans* issued by the Minister for Planning on 2 July 2018, which has determined that:

- the changes made via the 2 July 2018 amendment (to the *Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans* and the *Ministerial Reporting Requirements for Infrastructure Contributions Plans*), does not prevent Council from applying to prepare an ICP for the Glismann Road area
- an ICP for Glismann Road would be complex and difficult to prepare due to the absence of a PSP (Glismann Road is a DP) and the 'land' component of an ICP (which was amended by the Minister for Planning on 2 July 2018).

Now that Council is not in a position to apply an ICP to the Glismann Road DP area, an assessment needs to be made on what is the best mechanism to fund future infrastructure within the Glismann Road DP area.

Pursing a Development Contributions Plan (DCP) for the Glismann Road DP area at this point in time is not supported for the following reasons:

- Elements of a DCP (need, nexus, equity, accountability and costs) are subject to examination during the planning scheme panel process.
 - The panel process for a DCP is a time intensive and costly exercise, both in terms of officer input and external support. It is not considered to be a cost effective use of council resources at this point in time.
 - The panel process exposes Council to a future financial risk/liability
 - There is no guarantee that all sites within the Glismann Road DP area will develop, resulting in the DCP failing to collect its full potential, which is an additional financial risk/liability to Council.
- It is not considered that a DCP for the Glismann Road DP area is cost effective for developers at this point in time. The upfront costs are extremely high and the potential for reimbursement with DCP funds in the short or medium term is unlikely.

- Future development applications for other sites impacting on the Glismann Road / Old Princes Highway / Beaconsfield Avenue intersection may be required to deliver (i.e. trigger) this intersection. If the signalised intersection is delivered through another source, the development of the Glismann Road DP area may become more financially viable.
- A future ICP is proposed to be delivered by the Minister for strategic development areas. Whilst there is no commitment from the government with regards to the timing of this ICP, this may be an option for the Glismann Road DP area in the future.

It is possible to proceed with the Glismann Road DP amendment without a DCP or an ICP. The proposed amendment will still deliver the same outcome.

An alternative planning statutory mechanisms can be put in place as part of this amendment to effectively and efficiently deliver infrastructure to the Glismann Road DP area.

As part of this amendment (C238) it is proposed to introduce a Development Plan Overlay (DPO) for the Glismann Road area. The DPO for this amendment will have a schedule detailing specific requirements to be met prior to development of Glismann Road area.

The DPO will also include requirements with regard to infrastructure delivery and staging, in particular the requirement to demonstrate how services and key infrastructure will be delivered as part of the site development. The use of the DPO will not only reduce the future financial liability to Council, but it will also 'future proof' the Glismann Road DP area by allowing developers / landowners to coordinate the delivery of infrastructure as development of this area becomes viable.

Other elements raised by DELWP (with regards to the documentation of the proposed amendment), for the Development Plan Overlay Schedule, the General Residential Zone Schedule 2 and the Environmental Significance Overlay can be addressed at officer level and does not change the intent of the original council resolution in February 2018.

The revised elements of amendment proposed in this report still propose to rezone land to allow residential development. Through the provisions of a detailed development plan overlay (DPO), development within the Glismann Road Development Plan area will develop through the guidance of a future development plan that will:

- be generally in accordance with the Council adopted 'Glismann Road Development Plan' (Rev. M dated 29 January 2018) provided in attachment 1
- consist of written text, plans and drawings
- provide clear direction and certainty for the fair and orderly provision of the road network, public open space and traffic management
- ensure that all major planning issues are resolved prior to the commencement of subdivision development
- safeguard natural features by carefully integrating them into the development of the land to minimise adverse impact on the amenity of the area
- balance the need for new housing against the environmental constraints and opportunities of the area
- ensure that the proposed use, development and/or subdivision is viewed in a holistic manner rather than a series of smaller planning approvals.

It is recommended Council seek authorisation from the Minister for Planning to prepare and exhibit Amendment C238 to the Cardinia Planning Scheme, subject to specific requirements as outlined in the recommendation.

BACKGROUND

The Glismann Road Development Plan project (Glismann Road DP) has a very long planning history spanning over 11 years.

Development Contributions Plan (DCP) versus Infrastructure Contributions Plan (ICP)

Throughout the investigative work of the Glismann Road DP area it was envisaged that a Development Contributions Plan (DCP) would be the mechanism used for the collection of funds to deliver infrastructure plan for the area. However, the Infrastructure Contributions Plan (ICP) system took effect on 27 October 2016. The ICP system is based on standard levies that are preset for particular development settings and land uses.

Three development settings are proposed for ICPs:

- metropolitan greenfield growth areas
- regional greenfield growth areas, and
- strategic development areas.

The development settings are defined in the Ministerial Direction. The ICP system currently operates only in metropolitan greenfield growth areas.

Council sought legal advice to confirm what mechanism Council must apply to collect an infrastructure contribution for land within the Glismann Road development area (a development contributions plan (DCP) or the new system via an infrastructure contributions plan (ICP)).

In January 2018 Council was advised that based on the assessment of the *Planning and Environment Act 1987* and the Ministerial Direction, Council must apply for an infrastructure contributions plan (ICP) and not a development contributions plan (DCP).

Council report 19 February 2018 - seeking authorisation from the Minister to prepare an amendment

A report was presented to Council on the 19 February 2018 seeking authorisation from the Minister for Planning to prepare an amendment to facilitate the development of the Glismann Road area (Amendment C238 to the Cardinia Planning Scheme (C238)). Council minutes for the 19 February 2018 meeting is provided as Attachment 2.

In summary, Council resolved that Amendment C238 to the Cardinia Planning Scheme proposes to:

- rezone the land from the Rural Living Zone (RLZ) (and General Residential (GRZ1)) to the General Residential 2 Zone (GRZ2)
- apply a Development Plan Overlay (DPO) to the area
- remove the Environmental Significance Landscape Overlay Schedule 1 (ES01)
- introduce an Environment Audit Overlay (EAO) on a property that has identified as having a high potential contamination risk

Specifically with regard to the ICP, Council resolved that the Minister be advised that Council's request for authorisation is subject to the Minister's approval that an Infrastructure Contributions Plan (ICP) is applicable to the Glismann Road Development Plan area and not a Development Contributions Plan (DCP).

Amendment C238 lodged with the Minister for Planning

The authorisation request and proposed amendment documentation was submitted to the Minister for Planning on the 29 March 2018.

In a letter dated, 12 April 2018 the Department of Environment, Land, Water and Planning (DELWP) advised Council that C238 required further review and that a decision on the authorisation application would be made as soon as possible following further review.

In a letter dated 16 April 2018, landowners and occupiers within and surrounding the Glismann Road area were advised that:

- the authorisation request and proposed amendment documentation had been submitted to the Minister for Planning.
- Council can only prepare an amendment if authorised to do so by the Minister for Planning.
- The Department of Environment, Land, Water and Planning (DELWP) had advised Council that proposed Amendment C238 requires further review and that a decision on the authorisation application will be made as soon as possible following further review.
- A copy of the DELWP letter was attached.

In a further letter to Council dated 6 June 2018, DELWP advised that:

- some matters needed to be addressed with regards to the Development Plan Overlay Schedule, the General Residential Zone Schedule 2 and the Environmental Significance Overlay
- the *Ministerial Direction on the Preparation and Content of the Infrastructure Contributions Plans* will be amended on the 2 July 2018
 - as a result of these changes, an ICP will not be able to be prepared for the land affected by this amendment (C238)
- it is recommended that Council prepare a Development Contributions Plan for the land affected by this amendment (C238).

Changes to the Ministerial Direction on the Preparation and Content of the ICPs

On 2 July 2018, the *Planning and Environment Amendment (Public Land Contributions) Act 2018* came into effect, introducing:

- a land contribution model for the ICP system that replaces the monetary component of the standard levy for public land.
- changes to the community infrastructure levy (CIL) and increases the maximum amount of the CIL that may be imposed under a Development Contribution Plan (DCP) for the construction of a dwelling from \$900 to \$1150 an amended annual indexation method.

On the 9 July 2018, Council sought further legal advice with regard to the new *Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans* and the *Ministerial Reporting Requirements for Infrastructure Contributions Plans* issued by the Minister for Planning on 2 July 2018.

Council has been advised that:

- As a matter of law and fact, there is no reason why an ICP cannot be prepared for the Glismann Road area.
- Given the small size of the Glismann Road area and the lack of a precinct structure plan for the area, **it would be complex and difficult to prepare an ICP**, in particular with regard to the 'land' component.
- Council will need to seek a Ministerial exemption to apply for a Development Contributions Plan (DCP) for the Glismann Road area (i.e. to depart from clause 3 of the Ministerial Direction on the Preparation and Content of Development Contributions Plans).

Glismann Road DP constraints

The Glismann Road DP (as adopted by Council in February 2018) is provided as Attachment 1.

There are important elements of the Glismann Road DP that must be considered when assessing the future funding mechanism:

- The DP has small lots with fragmented landownership - there are 21 individual lots/landowners, with lots ranging from 0.41 ha to 1.47 ha, with an average lot size of 0.94 ha.
- 7 lots contain a cluster of slope greater than 20% and is considered to be encumbered land - 2.09 ha of land falls within this category.
- The net developable area (NDA) of the Glismann Road DP is 17.28 ha.
- A varied density is proposed (which is based on the slope of the land) and around 250 lots will ultimately be provided in the DP area.
- Old Princes Highway / Glismann Road / Beaconsfield Avenue intersection currently operates unsatisfactorily (i.e. above theoretical capacity) - the intersection must be signalised prior to any further development.
- Glismann Road is currently a gravel road with an approximate width of 6.0m with open drains on both sides - the road must be sealed prior to any further development.
- An area of 0.3ha has been designated for public open space within the DP area to cater to immediate local needs.

What if a DCP was proposed for Glismann Road DP area?

The following items that could be funded through a DCP is listed in Table 1.

Table 1. Infrastructure items that could be funded through a DCP

Development Infrastructure Items (DIL)	Estimated Cost
• Glismann Road - Construction of the section of the from Old Princes Highway to the first roundabout	\$1,492,262
• Signalised intersection - Glismann Road/Old Princes Highway/Beaconsfield Avenue (was \$2,273,500 but now increased based on more recent costings for Princes Highway intersections)	\$3,260,243
• Roundabout - 1st roundabout located on Glismann Road and the proposed west loop road	\$25,000
• Shared path - from Glismann Road to O'Neil Road Recreations Reserve (230m @ \$200 l/m)	\$46,000
• Local park & embellishment	\$1,400,000
• Cost of preparation of the Glismann Road DCP	\$70,000
• O'Neil Road Recreation Reserve Masterplan - 10% all facilities (excluding pavilion which would form part of a Community Infrastructure Levy (CIL))	\$192,500
<i>Estimated amount of Development Infrastructure Items that could possibly be funded by the DCP for Glismann Road</i>	\$6,486,005
Community Infrastructure Items (CIL)	Estimated Cost
• O'Neil Road Recreation Reserve Masterplan -10% of cost of pavilion	\$ 276,000

It is envisaged that the Net Developable Area (NDA) for the Glismann Road DP area will be 17.28 ha. Based on list of items in Table 1 the DCP rate collected for the Glismann Road area could be around \$375,347 per ha (based on the assumption that 100% of the signalised intersection would be funded by the DP area). However, the rate per ha would reduce if the percentage allocation of the traffic signals for the Glismann Road area was to vary.

This estimate figure of a DCP for the Glismann Road area is in line with Council's 2 existing DCPs.

- Cardinia Road DCP (as at December 2017 and updated January 2019) is up to \$300,853 per ha
- Officer DCP (as at June 2017 and updated July 2018) is \$356,455 per ha

With regards to a Community Infrastructure Levy (CIL), it is envisaged that the Glismann Road DP will allow around 250 new dwellings. As at June 2018 the CIL payment was capped at \$1,150 which equates to \$287,500. The money collected through the CIL would meet the 10% contribution of the Glismann Road DP towards the O'Neil Road Recreation Reserve pavilion.

What are the risks associated with a DCP for the Glismann Road DP area?

Costings

A DCP for the Glismann Road DP area would need to be 'fully' costed. These costs are subject to scrutiny during the panel process. This exposes Council to a future financial risk/liability.

Apportionment allocated to the DP area versus external demand

A DCP allocates the apportionment of the cost for each item based on its projected share of use. An item can be included in a development contributions plan regardless of whether it is within or outside the DCP area. All items set out in the DCP need to ensure that they have a relationship or nexus to proposed development in the DCP area.

Whilst it has been identified that the intersection at Glismann Road / Old Princes Highway / Beaconsfield Avenue currently operates unsatisfactorily (i.e. above theoretical capacity) if a DCP was sought for Glismann Road Council would propose that the DCP fund 100% of the traffic signals. The basis for this allocation is based on the fact that it is the future subdivision of the Glismann Road DP that is the 'trigger' for the construction of the signalised intersection (at this point in time).

Also, as identified in Table 1 a 10% funding contribution would be sought from the DCP (which includes a DIL and CIL payment) to assist with the O'Neil Recreation Reserve Masterplan.

Apportionment of costs are subject to scrutiny during the panel process. This exposes Council to a future financial risk/liability.

Upfront costs required are not cost effective

An important objective of any DCP is to ensure that the timing of infrastructure delivery appropriately supports development.

There are two key, **non-negotiable infrastructure items** within the Glismann Road DP area that are required at the outset (prior to creation of any new lots):

- Glismann Road construction up to the point of any development site. If a DCP was introduced it would fund the section of Glismann Road from Old Princes Highway to the first roundabout.
- The signalised intersection at Glismann Road / Old Princes Highway / Beaconsfield Avenue.

In addition to this, the Glismann Road DP area is currently fragmented with 21 individual lots / landowners, with lots ranging in size from 0.41 ha to 1.47 ha (with an average lot size of 0.94 ha).

These constraints (in addition to other levies from other agencies and development costs) make financing the development of the Glismann Road DP problematic. Furthermore it is unlikely that the development of the Glismann Road will be viable if it is developed one parcel of land at a time due to the small size of the lots and fragmented ownership.

Projects required early on in the subdivision process are generally provided by a development proponent as 'works-in-kind', which is done 'in lieu of cash contributions' (subject to the satisfaction of Council). The 'value of the works' provided are 'off-set' against the development contributions liable to be paid by the development proponent. In some circumstances there may be a credit for the provision of 'works-in-kind'. This is common practice in Council's implementation and management of its DCPs.

However, in the case of Glismann Road, the 'value of works' (i.e. 'works-in-kind') required at the outset (being the delivery of the signalised intersection and the construction of Glismann Road) will substantially exceed the contributions liable to be paid by a developer, especially if the net developable area is nominal.

For example (based on the projects items and estimated costs in Table 1):

- Estimated rate for the Glismann Road DCP area could be around \$375,347 per ha.
- Lots in the Glismann Road DP area range in size from 0.41 ha to 1.47 ha (with an average lot size of 0.94 ha).
- The estimated 'value of works' (i.e. 'works-in-kind') of the two key, non-negotiable infrastructure items required at the outset is estimated at \$4,752,505.
- 1.0 ha of net developable land could generate \$375,347

Therefore, over 70% of the 17.28 ha (within the Glismann Road DP area) would need to be developed to recover the cost of the signalised intersection and the construction of the first section of Glismann Road alone.

What is the preferred course of action re the funding of infrastructure for Glismann Road?

Correspondence from DELWP (dated 6 June 2018) stated that an ICP will not be able to be prepared for the land affected by this amendment (C238) and that it is recommended that Council prepare a Development Contributions Plan for the land affected by this amendment (C238).

A DCP is not supported for Glismann Road

However, pursuing a DCP for the Glismann Road DP area is not supported for the following reasons:

- Elements of a DCP (need, nexus, equity, accountability and costs) are subject to examination during the planning scheme panel process.
 - The panel process for a DCP is a time intensive and costly exercise, both in terms of officer input and external support. It is not considered to be a cost effective use of council resources at this point in time.
 - The panel process exposes Council to a future financial risk/liability
 - There is no guarantee that all sites within the Glismann Road DP area will develop, resulting in the DCP failing to collect its full potential, which is an additional financial risk/liability to Council.
- It is not considered that a DCP for the Glismann Road DP area is cost effective for developers at this point in time. The upfront costs are extremely high and the potential for reimbursement with DCP funds in the short or medium term is unlikely.
- Future development applications for other sites impacting on the Glismann Road / Old Princes Highway / Beaconsfield Avenue intersection may be required to deliver (i.e. trigger) this intersection. If the signalised intersection is delivered through another source, the development of the Glismann Road DP area may become more financially viable.
- A future ICP is proposed to be delivered by the Minister for strategic development areas. Whilst there is no commitment from the government with regards to the timing of this ICP, this may be an option for the Glismann Road DP area in the future.

A DPO schedule can address the funding of infrastructure with the Glismann Road DP area

An alternative planning statutory mechanisms can be put in place as part of this amendment to effectively and efficiently deliver infrastructure to the Glismann Road DP area. This alternative mechanism will not only reduce the future financial liability to Council, but it will also 'future proof'

the Glismann Road DP area by allowing developers / landowners to coordinate the delivery of infrastructure as development of this area becomes viable.

As part of this amendment (C238) it is proposed to introduce a Development Plan Overlay (DPO) for the Glismann Road area. A DPO is used to identify an area which requires the form and conditions of future use and development be shown on a development plan before a permit can be granted to use or develop the land. It is also a tool used to exempt an application from notice and review if it is generally in accordance with a development plan.

The DPO for this amendment will have a schedule detailing specific requirements to be met prior to development of Glismann Road area. The development plan will need to address the requirements in the DPO schedule and be generally consistent with a proposed development concept plan (shown in Attachment 1). The DPO also includes a schedule of requirements such as subdivision layout, movement network, image and character, etc.

The DPO can also include requirements with regard to infrastructure delivery and staging. For example, a DPO can specify how the infrastructure delivery and staging could be implemented, whether it be through a formal agreement between landowners outlining cost sharing of infrastructure provision or provided by one developer who may have purchased multiple properties. The arrangement for coordination between landowners and/or agreement regarding cost sharing and timing of infrastructure provision is a matter for and between developers / landowners, depending on the circumstances at the time.

Other elements of the amendment raised by DELWP

It is considered that other elements raised by DELWP (with regards to the documentation of the proposed amendment), for the Development Plan Overlay Schedule, the General Residential Zone Schedule 2 and the Environmental Significance Overlay can be addressed at officer level and does not change the intent of the original council resolution in February 2018.

POLICY IMPLICATIONS

The land in the development plan area is currently zoned Rural Living Zone (RLZ), which is an anomaly under the current planning provisions. It is also inconsistent with the surrounding areas (zoned General Residential Zone (GRZ)) and with State planning policy which is focused on reducing urban sprawl by promoting increased urban densities and maximising the use of existing infrastructure, particularly in areas that are close to public transport.

In addition to this, the Beaconsfield Structure Plan (2013) identifies that the Glismann Road area is to be rezoned for residential use with a Development Plan (master plan) and infrastructure plan. Proceeding this this amendment ensures that this Glismann Road DP area is suitable for urban development. A DPO will ensure that, in the interim, the land is not used or developed in a manner which could prejudice its future urban purposes.

RELEVANCE TO COUNCIL PLAN

Preparation of the Glismann Road Development Plan was a specific action of the Council Plan for 2014-15.

The Glismann Road DP process is consistent with the Council Plan 2018-19:

3.5.2 Plan 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

It is anticipated that Planning Scheme Amendment C238 documents will be exhibited to the public early November for a period of 8 weeks (although regard will also need to be given to the lead up to the Christmas period).

FINANCIAL AND RESOURCE IMPLICATIONS

Extensive internal and external council resources have been allocated to this project.

The development facilitated by this amendment triggers the need for additional infrastructure such as public open space, roads and traffic management within and on the boundary of the development plan area.

The amendment facilitates the Glismann Road DP and the future infrastructure requirements through the provision of a Development Plan Overlay (DPO). The DPO provides certainty to developers, the standards and specifications of the infrastructure within the development plan area.

The issue of Council's financial liability has been discussed in this report.

As Council has requested the planning scheme amendment, Council is liable for all the planning scheme amendment fees. Council resources will also need to be allocated towards the preparation of the amendment documentation, including supporting information and possibly expert witness reports for any future panel hearing if required.

CONCLUSION

It is imperative that this project moves forward in a timely manner. This report identifies that it is possible to proceed with the Glismann Road DP amendment without a DCP or an ICP.

Attachment 3 provides a comparison of the Recommendations of the Council on the 19 February 2018 against the 15 October 2018 (this report). The proposed amendment will still deliver the same outcome.

The revised elements of amendment still seeks to rezone land to all residential development. Through the provisions of a detailed development plan overlay (DPO), development within the Glismann Road Development Plan area will develop through the guidance of a future development plan that will:

- be generally in accordance with the Council adopted 'Glismann Road Development Plan' (Rev. M dated 29 January 2018) provided in attachment 1
- consist of written text, plans and drawings
- provide clear direction and certainty for the fair and orderly provision of the road network, public open space and traffic management

- ensure that all major planning issues are resolved prior to the commencement of subdivision development
- safeguard natural features by carefully integrating them into the development of the land to minimise adverse impact on the amenity of the area
- balance the need for new housing against the environmental constraints and opportunities of the area
- ensure that the proposed use, development and/or subdivision is viewed in a holistic manner rather than a series of smaller planning approvals.

Once the land has been rezoned and the Development Plan Overlay is in place (with guidelines that specify the type of development that is expected for the area and places a requirement with regard to the delivery of key infrastructure), the market will guide when the area will be viable for development and how the provision of infrastructure will be funded.

It is recommended Council seek authorisation from the Minister for Planning to prepare and exhibit Amendment C238 to the Cardinia Planning Scheme, subject to specific requirements as outlined in the recommendation.

**1 AMENDMENT C238 - GLISMANN ROAD PLANNING SCHEME
AMENDMENT - REZONING, OVERLAY CONTROLS, GLISMANN
ROAD DEVELOPMENT PLAN (DP) AND MECHANISM TO DELIVER
INFRASTRUCTURE INTO THE DEVELOPMENT PLAN AREA**

Moved Cr B Owen Seconded Cr J Springfield

- That authorisation be sought from the Minister for Planning under Section 9(2) of the Planning and Environment Act 1987 to prepare amendment C238 to the Cardinia Planning Scheme to facilitate the following in the Glismann Road Development Plan area:
 - Rezone land from the Rural Living Zone (RLZ2) to the General Residential Zone (GRZ2)
 - Rezone 11 Mahon Avenue from General Residential Zone (GRZ1) to General Residential Zone (GRZ2)
 - Remove the amendment area from the Environmental Significance Landscape Overlay (ESO1)
 - Amend the Schedule to Clause 43.04 (Development Plan Overlay) to include schedule 19 (DPO19) 'Glismann Road Development Plan'
 - Amend Planning Scheme Maps 12, 12ESO and 12DPO.
- That the Minister be advised that Council's request for authorisation is subject to the Minister's approval that:
 - Council's request to seek authorisation from the Minister for Planning under Section 9(2) of the Planning and Environment Act 1987 to prepare amendment C238 to the Cardinia Planning Scheme as resolved by Council on the 19 February 2018 has now been superseded by Council's resolution of the 15 October 2018
 - an Infrastructure Contributions Plan (ICP) or a Development Contributions Plan (DCP) is not proposed for the Glismann Road Development Plan area
 - the proposed Development Plan Overlay (DPO) will ensure that any development must demonstrate how services and infrastructure will be delivered as part of the site development.
- Officers may make changes to the Glismann Road Development Plan (Rev. M dated 29 January 2018) (Attachment 1) that do not change the intent or direction of the plan.

Cd.

2 SUBDIVISION OF THE LAND AND THE REMOVAL OF NATIVE VEGETATION 82-88 AHERN ROAD PAKENHAM

FILE REFERENCE INT1870400

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Matthew Schreuder

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T170831 be issued for Subdivision of the land and the removal of native vegetation at 82-88 Ahern Road, Pakenham VIC 3810 subject to the conditions attached to this report.

Attachments

- | | | |
|---|--|---------|
| 1 | Development Plans | 1 Page |
| 2 | Locality Map | 1 Page |
| 3 | Copy of Objections, circulated to Councillors only | 5 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T170831
APPLICANT:	Peter and Monique Verbaten
LAND:	82-88 Ahern Road, Pakenham VIC 3810
PROPOSAL:	Subdivision of the land and the removal of native vegetation
PLANNING CONTROLS:	General Residential Zone Development Contributions Plan Overlay Schedule 1
NOTIFICATION & OBJECTIONS:	The application has been advertised by sending notices to the owners and occupiers of adjoining land and placing two (2) signs on site. Five (5) objections have been received to date.
KEY PLANNING CONSIDERATIONS:	Neighbourhood Character, environmental impacts
RECOMMENDATION:	Approval

BACKGROUND:

The subject site includes a restrictive covenant E991227 that relates to the creation of an easement for the gas pipeline easement that is located within the parent property which now is located on the property to the north. The application has no statutory requirement for referral to the authority and given the gas pipeline is not located within the subject site comment was not sought. The application will not breach this restrictive covenant.

SUBJECT SITE

The site is located on the west side of Ahern Road approximately 80 metres north of Allan Close in Pakenham. The site is generally rectangular in shape with a frontage of 83.09 metres and depth of 258.6 metres with an overall area of 2.14 hectares.

The site slopes from north west to south east with a moderate slope across the site and is not burdened by any easements.

The site is currently developed with a single storey brick dwelling located on the north side, well setback from the site frontage and common boundaries. The dwelling includes a garage and outbuilding surrounding the dwelling with a cluster of vegetation surrounding this, including a number of large canopy trees, with additional scattered vegetation and habitat areas near the Ahern Road frontage for the remaining areas of the site generally grassed areas with some scattered vegetation. The existing driveway and crossover are located on the north side with a gravel driveway located adjacent to the north boundary.

Surrounding use and development includes:

North: The land to the north is current developed with a single storey brick dwelling located centrally within the site well setback from the site frontage and common boundaries. The dwelling includes a garage and outbuilding with a cluster of vegetation surrounding the dwelling including a number of large canopy trees, with additional scattered vegetation and grassed areas for the remaining areas of the site. The existing driveway and crossover are located on the north side with a gravel driveway located within the gas pipeline easement. The site has been subject to recent approvals for multi dwelling development.

South: The properties to the south includes the rear boundaries of a number of properties fronting Pownceby Court. These properties are generally developed with single storey dwellings setback 12.7 – 16.7 metres from the common boundary with open space areas located between the common boundaries and dwelling. A number of these properties include some canopy planting near the common boundary. The western portion of the common boundary including reserve which accommodates a footpath connecting Ahern Road with Allan Close.

East: The land to the east includes a number of single dwellings with frontage to Thwaites Road which are developed with single dwellings setback 7.7 – 11 metres from the subject site with private open space accommodating grassed areas and outbuildings between the common boundary and the dwellings.

West: The land to the west is the Ahern Road road-reserve including nature strip, with scattered small trees and overhead power lines with road including kerb and channel and two way sealed road adjacent to the subject site. The properties to the west include an open public reserve and some residential development.

The area is generally single storey dwellings with pitched roof form and modern design with canopy vegetation a feature of the area.

PROPOSAL

The proposal includes the subdivision of the land into twenty eight (28) lots and the removal of native vegetation.

Subdivision:

The subdivision includes the provision of twenty seven lots (Lots 1 – 27) with area between 442 – 673 square metres with access provided for each of the lots via a 15 – 16 metre road reserve extending from Allan Close on the south boundary with a court bowl arrangement and roads termination in the eastern portion of the lot. Each lot has varied widths although generally provide a width between 14 – 15 metres and lengths of between 32 – 34 metres. Lot 28 is proposed as a superlot for future medium density

development with an area of 4,728 square metres located in the western portion of the lot with frontage to both Ahern Road and access from Allan Close road extension proposed as part of the subdivision.

Vegetation Removal:

The proposal includes the removal of a number of trees scattered throughout the site with the proposed subdivision including the removal of eight (8) trees located near the existing dwelling established on the site and for additional shrubs. The proposal has been amended to retain vegetation along the north boundary and within the superlot which includes a number of trees and habitat zone.

PLANNING SCHEME PROVISIONS

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11 Settlement
 - Clause 11.01-1S Settlement
- Clause 12 Environmental and Landscape Values
 - Clause 12.01-1S Protection of biodiversity
 - Clause 12.01-2S Native vegetation management
- Clause 15 Built Environment and Heritage
 - Clause 15.01-3S Subdivision Design
 - Clause 15.01-4S Healthy neighbourhoods
 - Clause 15.01-5S Neighbourhood character
- Clause 16 Housing
 - Clause 16.01-1S Integrated housing
 - Clause 16.01-2S Location of residential development
 - Clause 16.01-3S Housing Diversity
 - Clause 16.01-4S Housing affordability
- Clause 18.02 Movement Networks
- Clause 19.03 Development infrastructure.

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- 21.02-2 Landscape
- 21.02-8 Resource conservation;
- 21.03-1 Housing; and
- 21.06-1 Design and built form.
- 21.05-1 Infrastructure provision
- 21.05-3 Local roads

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/documents are:

- Clause 52.02 Easements, restrictions and reserves
- Clause 53.01 Public Open Space contribution and subdivision
- Clause 52.17 Native Vegetation
- Clause 65 Decision Guidelines
- Clause 66 Referral and Notice Provisions;
 - Clause 66.01 Subdivision Referrals
- Clause 71.02 Operation of the Planning Policy Framework
 - Clause 71.02-3 Integrated Decision Making

Zone

The land is subject to the **General Residential Zone – Schedule 1**

Overlays

The land is subject to the following overlays:

- Development Contributions Plan Overlay (DCPO1)

PLANNING PERMIT TRIGGERS

The proposal for the subdivision of the land and removal of native vegetation requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.08-2 General Residential Zone a planning permit is required for the subdivision of the land.
- Pursuant to Clause 52.17 Native Vegetation, a permit is required to remove, destroy or lop native vegetation.

PUBLIC NOTIFICATION

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

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

Council has received five (5) objections to date.

The key issues that were raised in the objections are:

- Impact on traffic safety, driver behaviour, noise and traffic volumes in the area particularly on Allan Close and Ahern Road;
- Impact that the medium density lot will have on the surrounds both in terms of the potential number of dwellings and associated traffic;
- Impact on flora and fauna for the area due to vegetation removal;
- Devalue surrounding properties and lack of time to object.

REFERRALS

The application was referred to the following authorities, and a summary of each response is provided.

Referral Authority	Response
AusNet	Approval subject to conditions
APA Group	Approval subject to conditions
Country Fire Authority	Approval subject to conditions
Melbourne Water	Approval subject to conditions
South East Water	Approval subject to conditions
DELWP	While the application was initially referred to DEWLP, the amended application was no longer required to be referred and therefore no conditions are required.

DISCUSSION

Planning Policy Framework

There is support in the Planning Scheme for the growth and development of Pakenham recognising the potential for substantial growth within the area. At the same time, state and local policies also recognise the need for any development to respond to key natural features, the surrounding landscape and the existing and preferred character of an area.

Relevant state policies such as clauses 15.01-3S (Subdivision design) and 15.01-5S (Neighbourhood character) encourage development to respond to its context and special characteristics of the local environment and protect and enhance native habitat. The protection of natural environment is reinforced by clauses 12.01-1S (Protection of biodiversity) and 12.01-2S (Native vegetation management), which aim to ensure that native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

Local policies serve to reinforce these themes, with Clause 21.02-3 (Biodiversity) aiming to achieve a net gain in the quantity and quality of native vegetation in the municipality and maintain and enhance the diversity of indigenous habitats and species.

The increase in the number of lots does result the removal vegetation removal however, the vegetation removal has been minimised through the appropriate placement of lot boundaries and required building envelopes as detailed below. The vegetation removal will also be appropriate offset via permit conditions to ensure no net loss of in the contribution made by native vegetation to Victoria's biodiversity.

The proposal demonstrates a strong response to the residential development objectives as the site is located well within the urban growth boundary and protects the majority of vegetation on the site. The proposed lot arrangement and lot areas provide consistency with the surrounds. With the provision of a super lot which will be subject to future development approvals will ensure that the proposal provides for housing diversity in the area and any development will be required to be consistent with the surrounding neighbourhood and it is considered that the development is in accordance with the Planning Policy Framework.

Cardinia Shire's Liveability Plan 2017-2029

Cardinia Shire's Liveability Plan has been developed to provide a clear framework for public health planning within the Shire, and it has a number of goals and actions relating to policy domains that include active travel, education, employment and housing. The application is considered consistent with this Plan as it supports an increase of housing and alternative housing types in close proximity to transport and services.

Clause 32.08 General Residential Zone & Clause 56 Residential Subdivision

Pursuant to Clause 32.08-3 a planning permit is required to subdivide land. An application must meet the requirements of Clause 56 Residential Subdivision. This application meets the objectives and generally meets the standards of this clause subject to the provision of a number of conditions including the provision of building envelopes for some lots, increased width of the proposed Allan Court extension and provision of a 5 metre drainage reserve in the south east corner of the site. A summary of the proposed subdivision response Clause 56:

- Clause 56.01 Subdivision site and Context and Design Response, 56.02 Policy Implementation & Clause 56.03 Liveable and sustainable communities: The proposed subdivision provides a site responsive design with the lot sizes are consistent with development in the immediate and wider site context as such achieves the objectives of these provisions.
- Clause 56.04 Lot Design: each lot has been designed with an appropriate width and length to allow for appropriate development of the site with some of the lots required to provide building envelopes to ensure the vegetation on the site and on adjacent land can be retained. This includes lots 7 – 10 and Lots 17 – 25 to be consistent with the vegetation report submitted Ecological Features and Constraints (Revised DELWP 2017) Paul Kelly and Associates Ecological Services dated 10 September 2018. These can be provided by permit condition. Additionally the lots have been appropriate orientated to ensure for energy efficiencies

- Clause 56.05 Urban Landscape: The site has allowed for the retention of vegetation in portions of the site with the habitat area and noted areas of vegetation retained within the superlot with future development approvals required for the development of this land. The design will allow for appropriate street planting with lot areas able to allow for development that will comply with garden area requirements of the General Residential Zone.
- Clause 56.06 Access and Mobility Management: The design has provided for appropriate road alignment subject to the minor increase in the Allen Court width to 16 metres as requested by Council's Engineers. Further the provision of a drainage reserve in the south east corner will ensure that the site allows for improved pedestrian links between Ahern Road, Thwaites Road and Pownceby Court
- Clause 56.07 Integrated Water Management Clause 56.08 Site Management & Clause 56.09 Utilities: The subdivision has allowed for integrated water management and appropriate conditions to ensure water management is achieved to Council and Melbourne Water requirements will be addressed by permit conditions with issues regarding site management and utilities can be addressed by permit condition

Clause 52.02 Easements, Restrictions and Reserves

A permit is required prior to a permit proceeding under Section 24A of the Subdivision Act 1988 to create, vary or remove a reserve. The proposal includes the creation of the road reserve although some alterations to the submitted plans have been requested by Council's engineering department including the increase in the Allan Close road extension to be a minimum 16 metre width with a road pavement of 6.5 metres. These changes can be addressed by permit conditions and are consistent with this clause in that it will provide for an appropriate road reserves in accordance with Council standards.

The second required reserve raised by Councils Engineering department relates to a 5 metre wide drainage reserve in the south east corner of the site extending from the court head to the south east corner this will provide connection with existing reserves with the provision of a pedestrian path that will allow for pedestrian linkages to Thwaites Road and Pownceby Court. The creation of this reserve will allow for pedestrian links and drainage provision for the site as such is consistent with this provision.

Clause 52.17 Native Vegetation

Clause 52.17 (Native Vegetation) provides further protection of vegetation, with an objective to ensure that the permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:

- Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.
- Minimise impacts on Victoria's biodiversity from the removal of native vegetation.
- Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.

It is considered that the proposal has avoided vegetation removal where possible, and has implemented measures such as building envelopes to minimise vegetation removal. The proposed tree removal is also not expected to compromise the environmental outcome for the area. Any impact on the vegetation retained within the super lot will be considered at the development application stage for this lot.

Clause 53.01 Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the *Subdivision Act 1988*.

Schedule to Clause 53.01 specifies an amount of 8 per cent for the subdivision of land for urban resident purposes. The subject land is within the urban growth boundary of Garfield and is considered to create urban

residential type allotments, and as such, the amount specified in the schedule is considered applicable to this proposal.

Clause 65 Decision Guidelines

The proposed subdivision is consistent with the strategic direction for the site and surrounds as such is consistent with both the State and Local Planning Policy Framework. The subdivision is well designed consistent with adjoining subdivisions and will not detrimentally impact on surrounding properties subject to appropriate permit conditions. Overall it is considered that the proposed subdivision is consistent with the orderly and proper planning of the area.

Objections

A response to the key themes of the objections is provided below.

Character of the area and lot sizes

The objectors raised concerns that the proposal is not consistent surrounding neighbourhood with the medium density lot noted as a concern by a number of the objectors.

It is noted that the adjoining property to the north has recent approval for a medium density development as such medium density is not uncommon in the immediate and wider site context. The assessment of the future developments integration with the surrounding area will be assessed at the stage of development approval being lodged and any development on this site is likely to undergo a notification process allowing for the viewing of the proposed development and opportunity to object if desired.

Vegetation removal

The objectors noted that the proposal results in vegetation removal uncharacteristic of the area and will impact on fauna. The majority of vegetation on the site is located along the boundaries of the site, and the proposed lot boundaries and building envelopes minimise the loss of any vegetation. The permit conditions requiring offsets and landscaping elsewhere on the site are expected to provide a net benefit. The application was amended after notification to retain all the native vegetation within the super lot as well as some trees within the subdivided lots.

Increased traffic and reduced safety for the area

A number of objectors raised concerns with increased traffic through increased density of the site and will result in reduce traffic and pedestrian safety in the area. The application has been referred to Council's Engineering and Traffic Departments, who had no objection to the proposal subject to conditions that will be placed on any planning permit. These conditions include including the increased width of the Allan Court extension and provision of drainage reserve and connecting pedestrian path in the south east corner of the site ensuring good pedestrian connections.

The proposal includes the provision of twenty eight lots and will not significantly increase traffic in the immediate and wider site context that cannot be accommodated within the existing and proposed road infrastructure. The subdivision is modest and any additional impact that may be caused by the development of the super lot will be assessed when the development proposal is lodged and consideration of traffic will be made at this stage.

Devalue Properties & Length of time for objection

The objections raised concerns with the proposal devaluing their properties. As established through a number of VCAT cases this is not a planning consideration.

The second concern raised by the objector was that the length of time that was given for an objection was not enough time to sell her property before it is devalued by the super lot. The proposed application has been notified in accordance with the Planning and Environment Act 1987.

Clause 65 Decision Guidelines

Clause 65 requires the consideration of a range of matters, including the State Planning Policy Framework and the Local Planning Policy Framework and the purpose and decision guidelines of the relevant zone, overlay or other provisions. Other relevant guidelines of Clause 65 include the orderly planning of the area, the effect on the amenity of the area, and the matters set out in Section 60 of the Act.

The proposal is considered consistent with Clause 65 and will deliver an orderly planning outcome with minimal impact on the amenity of the area.

CONCLUSION

The proposed subdivision is consistent with the strategic direction for the site and surrounds as such is consistent with both the State and Local Planning Policy Framework. The subdivision is consistent with planning scheme requirements and will not detrimentally impact on surrounding properties subject to appropriate permit conditions. Overall it is considered that the proposed subdivision is consistent with the orderly and proper planning of the area.

CONDITIONS

1. Before the plan of subdivision is certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements.
 - b) Building envelopes for lots 7 – 10 and Lots 17 – 25 to be consistent with the retention of vegetation shown in Ecological Features and Constraints (Revised DELWP 2017) Paul Kelly and Associates Ecological Services dated 10 September 2018.
 - c) Provision of a 5.0 metre wide reserve for municipal and drainage purposes extending from the proposed court head to the south east corner of the subject land.
 - d) A notation on the plan that boundary fences along the 5.0 metres wide reserve will be less than 1 metre in height from the court head to the main building line of any future dwellings on the adjoining lots.
 - e) Notation of road reserve width of Allan Close as 16.0 metres.
 - f) Notation of a road pavement width of Allan Close as a minimum of 6.5 metres
 - g) A court head design that will accommodate the turning movements of an 8.8 metre long service vehicle.
2. The layout of the subdivision, and access as shown on the endorsed plan/s, may not be altered or modified without the prior written consent of the Responsible Authority.
3. To offset the removal of 0.289 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) as specified below:
 - a) A general offset of 0.053 general habitat units:
 - located within the Port Phillip and Westernport CMA boundary or the Cardinia Shire municipal district
 - with a minimum strategic biodiversity score of at least 0.173
 - b) Prior to the issue of the Statement of Compliance, evidence that the required offset for the subdivision has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:
 - an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site. The applicant must provide the annual offset site report to the

responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority and/or

- credit extract(s) allocated to the permit from the Native Vegetation Credit Register. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

- c) Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

4. Before the plan of subdivision is certified under the *Subdivision Act 1988*, a landscape masterplan for the entire estate to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format. The plan must show and include:

- a. How the proposed development is responsive to the Cardinia Shire Council Developer Landscape Guidelines, including the Landscape Masterplan checklist (as amended from time to time) https://www.cardinia.vic.gov.au/landscaping_guidelines
- b. The type of species to be used for street tree planting in various stages of the subdivision. The plant schedule must be consistent with adjoining sites where roads are continued through.
- c. Key themes, landscape principles and character that will define the subdivision.
- d. Locations of substations.
- e. Entrance treatments.
- f. Locations of any protected trees or patches of protected native vegetation to be retained
- g. The tree protection zone for each protected tree must be clearly shown on the site plan.
- h. The principles and graphical concepts of the proposed treatment of the open space and drainage reserves; and

(Please note: The landscaping works shown on the endorsed landscape master plan/s are to be used to inform the final construction drawings and landscape specifications developed for construction and approved by open space. The landscaping works shown on the approved landscape plan/s must be carried out and completed to the satisfaction of the Responsible Authority).

5. The owner of the land must enter into an agreement with:

- a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

7. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
8. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

Before Statement of Compliance

9. Prior to issue of a Statement of Compliance, the permit holder must:
 - a) Provide construct concrete vehicle crossings to service all lots to the satisfaction of the Responsible Authority.
 - b) Construction of a 2.5 metre wide concrete shared pathway within the required municipal and drainage reserve, extending from the proposed court head to connect with the existing pedestrian pathway adjacent to the south/east corner of the subject land.
 - c) Outfall drainage for the subdivision must be designed and constructed to a satisfactory point of discharge in accordance with plans and specifications approved by the Responsible Authority and Melbourne Water.
 - d) All road and drainage infrastructure must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority. The works must comply with the standards nominated in the Cardinia Shire Council "*Guidelines for the Development & Subdivision of Land*", "*Development Construction Specification*" and the "*Water Sensitive Urban Design (WSUD) Guidelines*".
 - e) All services, including drainage and/or sewerage, servicing any existing dwelling or building on the lot(s), must be relocated (if required) to the satisfaction of the Responsible Authority, to ensure that they do not cross the boundaries between the proposed lots.
 - f) Provide evidence in the form of a plumbers report that verifies the removal and backfilling of any septic tank system on the site to the satisfaction of the Responsible Authority.
10. Before a Statement of Compliance is issued for the subdivision, the building envelopes and a restriction on the height of boundary fences along the 5 metre high reserve must be created as a restriction on the Plan of Subdivision submitted to the Responsible Authority for certification and lodged with the Titles Office for registration.
11. Before a statement of compliance is issued for the subdivision, the landscaping works shown on the approved detailed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority or by agreement with the Responsible Authority bond landscaping works incomplete at the completion of civil works. Payment can be in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council Developer landscape guidelines (as amended from time to time) for bond calculation details. Please note – At Practical Completion the outstanding landscape works bond will be released and only a landscape maintenance bond will be retained.

(Please contact Council's Development Services Unit in relation to the approval of the cash bond or bank guarantee)

Practical completion for landscape works will not be granted until 'as constructed' plans are provided in PDF and AutoCAD. The submitted information is to be to the satisfaction of the Responsible Authority.

12. Before a Statement of Compliance is issued for the subdivision, bonding must be provided to the Responsible Authority to cover all landscaping works for a twenty four (24) month maintenance period. Payment can be in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council Developer landscape guidelines (as amended from time to time) for bond calculation details. A Certificate of Final Completion will be issued by the Responsible Authority and the bond released, less any moneys retained for imperfect works following the satisfactory completion and satisfactory maintenance of the landscaping for a minimum of 24 months. Final completion will not be granted between 1 November and 31 March.

(Please contact Council's Development Services Unit in relation to the approval of the cash bond or bank guarantee)

Practical completion for landscape works will not be granted until 'as constructed' plans are provided in AutoCAD as well as digital landscape information in accordance with the current version of A-SPEC. All graphical information is to be provided in the datum of GDA94 and projection of MGA Zone 55. Refer to A-SPEC website www.a-specstandards.com.au/o-spec for minimum Council requirements. The submitted information is to be to the satisfaction of the Responsible Authority.

13. Before the statement of compliance is issued, a cash contribution to the satisfaction of the Responsible Authority must be provided for the provision or augmentation of public infrastructure in accordance with the relevant approved Development Contribution Plan.

Please Note: The current contribution is \$3,606 per additional lot created. The contribution is subject to periodic review, therefore the contribution may vary depending on when the contribution is paid.

14. Prior to issue of a Statement of Compliance is issued for the subdivision, the applicant or owner of the land must pay to the Responsible Authority a cash payment equivalent to the value of 8 per cent of Net Developable Area of the land in lieu of the provision of land for Public Open Space in accordance with the Schedule to Clause 53.01 of the Cardinia Planning Scheme.
15. Before a statement of compliance is issued for the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
 - a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

16. Before the submission and approval of detailed design construction plans (engineering plans) and the certification of the relevant plan of subdivision for each stage, a functional layout *plan* for the subdivision or stage of subdivision, generally in accordance with the standards nominated in the Cardinia Shire Council "Guidelines for the Development & Subdivision of Land", "Development Construction Specification" and the Water Sensitive Urban Design (WSUD) Guidelines, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority.

When approved, the *functional layout plan* will be endorsed and will then form part of the permit. Three copies of the *functional layout plan* must be drawn to a scale of 1:500 to acceptable drafting standards and an electronic copy (pdf) must be provided.

The *functional layout plan* must show:

- a) A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations,
- b) Topography and existing features, including contours for the subject land and any affected adjacent land,
- c) Identification by survey of all trees (or group of trees) existing on the subject land, including dead trees and those that overhang the subject land from adjoining land,
- d) Details of tree protection zones (TPZs) for all trees to be retained on the subject land,
- e) All trees proposed for removal from the subject land clearly designated,
- f) Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements identified in the Development Plan,
- g) Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls,

- h) The proposed minor drainage network and any spatial features requiring access,
- i) The major drainage system, including any watercourse, lake, wetland, sediment pond rain gardens, bio-infiltration system and/or piped elements showing preliminary sizing,
- j) Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination,
- k) Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for the construction and maintenance,
- l) A table of offsets for all utility services and street trees,
- m) Preliminary location of reserves for electrical kiosks and
- n) Traffic management plan showing sufficient notional (unmarked) on-street car parking spaces, at the rate of one space per lot, traffic control devices and large vehicle turning overlays.

Sites that are not adjacent to existing or approved infrastructure will be required to show the following information in addition to the above standard requirements:

- a) The relationship between the subject subdivision stage and surrounding land,
 - b) Proposed linkages to future streets, open space, regional path network and upstream drainage,
 - c) Works external to the subdivision, including both interim and ultimate access requirements,
 - d) Intersections with Category 1 roads showing interim and ultimate treatments,
 - e) Drainage and sewerage outfalls including any easements required over other property.
17. Before the installation of trees to be planted within the road reserve, an inspection of the plant stock must be undertaken by Council's Landscape Development unit. Any trees deemed unsuitable must not be planted within the streetscape.
18. The permit holder must notify Council's Landscape Development unit a minimum of seven (7) days before commencing street tree planting and landscaping within the road reserve so that surveillance of the works can be undertaken.
19. The landscaping shown on the endorsed landscape plans must be maintained to the satisfaction of the Responsible Authority for a minimum of 24 months from the date of practical completion of the landscaping. All maintenance activities are to be undertaken until a Certificate of Final Completion is issued by the Responsible Authority. During this period:
- a) any dead, diseased or damaged plants or landscaped areas must be repaired or replaced except for within the final 12 months of the maintenance period whereby trees must not be replaced. In accordance with the Cardinia Shire Council developer landscape guidelines (as amended from time to time) funds will be retained from the landscape maintenance bond for the works to be undertaken by Council following issuing of final completion.; and
 - b) the Responsible Authority may direct maintenance activities to be undertaken.
- The direction to undertake maintenance activities must be completed within 14 days of the written notification being received from the Responsible Authority.
20. Lighting of streets and pedestrian/cycle paths must be designed and provided (prior to the issue of a Statement of Compliance for the relevant stage) in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.
21. The applicant must provide reflective street number markers on the kerb in front of each lot to the satisfaction of the Responsible Authority.
22. At least 14 days before any works start, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP.

The CEMP must address all environmental risks and include:

- a) Temporary stormwater management including sedimentation control;

- b) Provision of pollution and contamination controls including noise and dust;
- c) Location of stockpiles and stockpile management;
- d) Location of site office and facilities;
- e) Equipment, materials and goods management; and
- f) Tree protection zones, trees to be retained and trees to be removed.

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

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

24. Before a certificate of practical completion is issued, "as constructed" digital road and drainage information in AutoCAD format with all Xrefs binded into the drawings and showing any amendments during construction, must be submitted for all civil works where Council is the Responsibility Authority.

25. Before a certificate of practical completion is issued, CCTV results for the full length of all stormwater drainage pipes where Council is the Responsible Authority, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.

26. Before the responsibility for the future care and maintenance of the works is transferred to Council, the developer must provide to the Responsible Authority:

- a) Survey enhanced "as constructed" GIS data for the drainage, road and footpath information components of the subdivision, in accordance with the current version of D-SPEC and R-SPEC. Council's preferred format for the submission of the graphical data is in "MapInfo Native Format". A secondary format is "MapInfo MID/MIF". Grid Co-ordinates must be MGA zone 55 (GDA 94). Please refer to the A-SPEC website for further information: www.dspec.com.au.

Sketches of the details of the permanent survey marks.

APA Group Conditions:

27. Easements in favour of "Australian Gas Networks (VIC) Pty Ltd" must be created on the plan to the satisfaction of APT

28. The Plan of Subdivision submitted for certification must be referred to APT O & M Services Pty Ltd in accordance with Section 8 of the *Subdivision Act 1988*.

AusNet Services Conditions:

29. The Plan of Subdivision submitted for certification must be referred to AUSNET ELECTRICITY SERVICES PTY LTD in accordance with Section 8 of the *Subdivision Act 1988*.

30. The applicant must –

- a) Enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.
- b) Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.
- c) Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AUSNET ELECTRICITY SERVICES PTY LTD.
- d) Provide easements satisfactory to AUSNET ELECTRICITY SERVICES PTY LTD for the purpose of "Power Line" in the favour of "AUSNET ELECTRICITY SERVICES PTY LTD" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AUSNET ELECTRICITY SERVICES PTY LTD electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.

- e) Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.
- f) Adjust the position of any existing AUSNET ELECTRICITY SERVICES PTY LTD easement to accord with the position of the electricity line(s) as determined by survey.
- g) Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations.
- h) Provide survey plans for any electric substations required by AUSNET ELECTRICITY SERVICES PTY LTD and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AUSNET ELECTRICITY SERVICES PTY LTD requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- i) Provide to AUSNET ELECTRICITY SERVICES PTY LTD a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- j) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AUSNET ELECTRICITY SERVICES PTY LTD. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- k) Ensure that all necessary auditing is completed to the satisfaction of AUSNET ELECTRICITY SERVICES PTY LTD to allow the new network assets to be safely connected to the distribution network.

Country Fire Authority conditions:

Hydrants

31. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:

- a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
- b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Note –CFA’s requirements for identification of hydrants are specified in ‘Identification of Street Hydrants for Firefighting Purposes’ available under publications on the CFA web site (www.cfa.vic.gov.au)

Roads

32. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

- a) 3.1 The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- b) 3.2 Curves must have a minimum inner radius of 10 metres.
- c) Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

Melbourne Water conditions:

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

34. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or watercourses. Prior to the issue of a Statement of Compliance for the subdivision, a Site

Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water.

35. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.
36. Prior to certification of the plan of subdivision under the Subdivision Act 1988 the permit holder must submit to Melbourne Water a stormwater management strategy including associated modelling. The strategy and modelling must be approved by Melbourne Water and Council and must demonstrate the following:
 - a) The proposed alignment for any 1 in 5 year drainage infrastructure and any associated overland flow paths directions for the 1 in 100 year ARI flood event;
 - b) That the lot layout adequately accommodates the overland flows and the current layout and/or number of lots may need to change.
 - c) The details of the outfall/s for the development and calculate the appropriate flow volumes and flood levels for the 100-year ARI storm event within the property;
 - d) Stormwater runoff from the subdivision will achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater.
 - e) Stormwater Quality Treatment Assets are designed to comply with Melbourne Water's Constructed Wetlands Design Manual.
37. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
38. Prior to the issue of a Statement of Compliance for the subdivision, engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records. These plans must show road and drainage details and any overland flow paths for the 100 year ARI storm event.
39. All new lots are to be filled to a minimum of 300mm above the 1 in 100 year flood levels associated with any existing or proposed Melbourne Water pipeline and/or all new lots are to be filled to a minimum of 600mm above the 1 in 100 year flood level associated with any existing or proposed Melbourne Water wetland, retarding basin or waterway.
40. Prior to the issue of a Statement of Compliance for the subdivision, a certified survey plan prepared by or under the supervision of a licensed land surveyor, showing finished lot levels reduced to the Australian Height Datum, must be submitted to Melbourne Water for our records.
41. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.
42. The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.
43. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined within Melbourne Water's Land Development Manual.
44. Easements and/or reserve widths for the purpose of overland flow paths are to be to the satisfaction of Melbourne Water and Council.
45. Any temporary outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s).
46. Prior to the issue of a Statement of Compliance for the subdivision, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.

South East Water Conditions:

47. The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.
48. The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.
49. All lots on the Plan of Subdivision are to be provided with separate connections to out potable water supply and sewerage systems.
50. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the *Subdivision Act 1988*.

Permit Expiry

This permit for subdivision will expire if--

- a) the subdivision is not commenced within two (2) years of the date of this permit; or
- b) the subdivision is not completed within five (5) years of the date of commencement.

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

(Note: The starting of the subdivision is regarded by Section 68(3A) of the Planning and Environment Act 1987 as the certification of a plan, and completion is regarded as the registration of the plan.)

Notes:

- The site is within close proximity of a high pressure gas pipeline and is burdened by a restrictive covenant as such it is recommended that APA VTS (formally Gasnet) be contacted prior to works commencement to ensure works are completed in accordance with any of the authorities requirements.

AusNet Services Notes:

- It is recommended that, at an early date the applicant commences negotiations with AUSNET ELECTRICITY SERVICES PTY LTD for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).
- Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.
- Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.

South East Water Notes:

- The owner of the subject land is required to obtain a 'Notice of Agreement' from South East Water. All requirements must be fulfilled to its satisfaction prior to South East Water consenting to the issuing of a Statement of Compliance.
- The following South East Water agreement options are available:
 - 1) Application to enter into a Development Agreement-Works – If South East Water reticulated sewer/water/recycled water (as applicable) is required to be extended to service lots within the development
 - 2) Application For Notice of Agreement Subdivision-Non Works – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner only requires Statement of Compliance to release the titles (i.e. subdivision prior to building)
 - 3) Plumbing Industrial, Commercial, Units & Private Water application – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner wishes to commence construction of the building/s (i.e. building prior to subdivision)

To lodge an application please visit our website: www.southeastwater.com.au.

2 SUBDIVISION OF THE LAND AND THE REMOVAL OF NATIVE VEGETATION 82-88 AHERN ROAD PAKENHAM

Moved Cr M Schilling Seconded Cr J Owen

That a Notice of Decision to Grant Planning Permit T170831 be issued for Subdivision of the land and the removal of native vegetation at 82-88 Ahern Road, Pakenham VIC 3810 subject to the following conditions:

1. Before the plan of subdivision is certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements.
 - b) Building envelopes for lots 7 – 10 and Lots 17 – 25 to be consistent with the retention of vegetation shown in Ecological Features and Constraints (Revised DELWP 2017) Paul Kelly and Associates Ecological Services dated 10 September 2018.
 - c) Provision of a 5.0 metre wide reserve for municipal and drainage purposes extending from the proposed court head to the south east corner of the subject land.
 - d) A notation on the plan that boundary fences along the 5.0 metres wide reserve will be less than 1 metre in height from the court head to the main building line of any future dwellings on the adjoining lots.
 - e) Notation of road reserve width of Allan Close as 16.0 metres.
 - f) Notation of a road pavement width of Allan Close as a minimum of 6.5 metres
 - g) A court head design that will accommodate the turning movements of an 8.8 metre long service vehicle.
2. The layout of the subdivision, and access as shown on the endorsed plan/s, may not be altered or modified without the prior written consent of the Responsible Authority.
3. To offset the removal of 0.289 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) as specified below:
 - a) A general offset of 0.053 general habitat units:
 - located within the Port Phillip and Westernport CMA boundary or the Cardinia Shire municipal district
 - with a minimum strategic biodiversity score of at least 0.173
 - b) Prior to the issue of the Statement of Compliance, evidence that the required offset for the subdivision has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:
 - an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site. The applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year,

the landowner must provide a report at the reasonable request of a statutory authority and/or

- credit extract(s) allocated to the permit from the Native Vegetation Credit Register. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.
- c) Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.
4. Before the plan of subdivision is certified under the *Subdivision Act 1988*, a landscape masterplan for the entire estate to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format. The plan must show and include:
- a. How the proposed development is responsive to the Cardinia Shire Council Developer Landscape Guidelines, including the Landscape Masterplan checklist (as amended from time to time) https://www.cardinia.vic.gov.au/landscaping_guidelines
 - b. The type of species to be used for street tree planting in various stages of the subdivision. The plant schedule must be consistent with adjoining sites where roads are continued through.
 - c. Key themes, landscape principles and character that will define the subdivision.
 - d. Locations of substations.
 - e. Entrance treatments.
 - f. Locations of any protected trees or patches of protected native vegetation to be retained
 - g. The tree protection zone for each protected tree must be clearly shown on the site plan.
 - h. The principles and graphical concepts of the proposed treatment of the open space and drainage reserves; and
- (Please note: The landscaping works shown on the endorsed landscape master plan/s are to be used to inform the final construction drawings and landscape specifications developed for construction and approved by open space. The landscaping works shown on the approved landscape plan/s must be carried out and completed to the satisfaction of the Responsible Authority).*
5. The owner of the land must enter into an agreement with:
- a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband

Network will not be provided by optical fibre.

6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
7. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
8. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

Before Statement of Compliance

9. Prior to issue of a Statement of Compliance, the permit holder must:
 - a) Provide construct concrete vehicle crossings to service all lots to the satisfaction of the Responsible Authority.
 - b) Construction of a 2.5 metre wide concrete shared pathway within the required municipal and drainage reserve, extending from the proposed court head to connect with the existing pedestrian pathway adjacent to the south/east corner of the subject land.
 - c) Outfall drainage for the subdivision must be designed and constructed to a satisfactory point of discharge in accordance with plans and specifications approved by the Responsible Authority and Melbourne Water.
 - d) All road and drainage infrastructure must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority. The works must comply with the standards nominated in the Cardinia Shire Council "*Guidelines for the Development & Subdivision of Land*", "*Development Construction Specification*" and the "*Water Sensitive Urban Design (WSUD) Guidelines*".
 - e) All services, including drainage and/or sewerage, servicing any existing dwelling or building on the lot(s), must be relocated (if required) to the satisfaction of the Responsible Authority, to ensure that they do not cross the boundaries between the proposed lots.
 - f) Provide evidence in the form of a plumbers report that verifies the removal and backfilling of any septic tank system on the site to the satisfaction of the Responsible Authority.
10. Before a Statement of Compliance is issued for the subdivision, the building envelopes and a restriction on the height of boundary fences along the 5 metre high reserve must be created as a restriction on the Plan of Subdivision submitted to the Responsible Authority for certification and lodged with the Titles Office for registration.
11. Before a statement of compliance is issued for the subdivision, the landscaping works shown on the approved detailed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority or by agreement with the Responsible Authority bond landscaping works incomplete at the completion of civil works. Payment can be in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council Developer landscape guidelines (as amended from time to time) for bond calculation details. Please note – At Practical Completion the outstanding landscape works bond will be released and only a landscape maintenance bond will be retained.

(Please contact Council's Development Services Unit in relation to the approval of the cash bond or bank guarantee)

Practical completion for landscape works will not be granted until 'as constructed' plans are provided in PDF and AutoCAD. The submitted information is to be to the satisfaction of the Responsible Authority.

12. Before a Statement of Compliance is issued for the subdivision, bonding must be provided to the Responsible Authority to cover all landscaping works for a twenty four (24) month maintenance period. Payment can be in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council Developer landscape guidelines (as amended from time to time) for bond calculation details. A Certificate of Final Completion will be issued by the Responsible Authority and the bond released, less any moneys retained for imperfect works following the satisfactory completion and satisfactory maintenance of the landscaping for a minimum of 24 months. Final completion will not be granted between 1 November and 31 March.

(Please contact Council's Development Services Unit in relation to the approval of the cash bond or bank guarantee)

Practical completion for landscape works will not be granted until 'as constructed' plans are provided in AutoCAD as well as digital landscape information in accordance with the current version of A-SPEC. All graphical information is to be provided in the datum of GDA94 and projection of MGA Zone 55. Refer to A-SPEC website www.a-specstandards.com.au/o-spec for minimum Council requirements. The submitted information is to be to the satisfaction of the Responsible Authority.

13. Before the statement of compliance is issued, a cash contribution to the satisfaction of the Responsible Authority must be provided for the provision or augmentation of public infrastructure in accordance with the relevant approved Development Contribution Plan.

Please Note: The current contribution is \$3,606 per additional lot created. The contribution is subject to periodic review, therefore the contribution may vary depending on when the contribution is paid.

14. Prior to issue of a Statement of Compliance is issued for the subdivision, the applicant or owner of the land must pay to the Responsible Authority a cash payment equivalent to the value of 8 per cent of Net Developable Area of the land in lieu of the provision of land for Public Open Space in accordance with the Schedule to Clause 53.01 of the Cardinia Planning Scheme.

15. Before a statement of compliance is issued for the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

- a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

16. Before the submission and approval of detailed design construction plans (engineering plans) and the certification of the relevant plan of subdivision for each stage, a functional layout *plan* for the subdivision or stage of subdivision, generally in accordance with the standards nominated in the Cardinia Shire Council "Guidelines for the Development & Subdivision of Land", "Development Construction Specification" and the Water Sensitive Urban Design (WSUD) Guidelines, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority.

When approved, the *functional layout plan* will be endorsed and will then form part of the permit. Three copies of the *functional layout plan* must be drawn to a scale of 1:500 to acceptable drafting standards and an electronic copy (pdf) must be provided.

The *functional layout plan* must show:

- a) A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations,
- b) Topography and existing features, including contours for the subject land and any affected adjacent land,
- c) Identification by survey of all trees (or group of trees) existing on the subject land, including dead trees and those that overhang the subject land from adjoining land,
- d) Details of tree protection zones (TPZs) for all trees to be retained on the subject land,
- e) All trees proposed for removal from the subject land clearly designated,
- f) Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements identified in the Development Plan,
- g) Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls,
- h) The proposed minor drainage network and any spatial features requiring access,
- i) The major drainage system, including any watercourse, lake, wetland, sediment pond rain gardens, bio-infiltration system and/or piped elements showing preliminary sizing,
- j) Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination,
- k) Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for the construction and maintenance,
- l) A table of offsets for all utility services and street trees,
- m) Preliminary location of reserves for electrical kiosks and
- n) Traffic management plan showing sufficient notional (unmarked) on-street car parking spaces, at the rate of one space per lot, traffic control devices and large vehicle turning overlays.

Sites that are not adjacent to existing or approved infrastructure will be required to show the following information in addition to the above standard requirements:

- a) The relationship between the subject subdivision stage and surrounding land,
- b) Proposed linkages to future streets, open space, regional path network and upstream drainage,
- c) Works external to the subdivision, including both interim and ultimate access requirements,
- d) Intersections with Category 1 roads showing interim and ultimate treatments,
- e) Drainage and sewerage outfalls including any easements required over other property.

17. Before the installation of trees to be planted within the road reserve, an inspection of the plant stock must be undertaken by Council's Landscape Development unit. Any trees deemed unsuitable must not be planted within the streetscape.

18. The permit holder must notify Council's Landscape Development unit a minimum of seven (7) days before commencing street tree planting and landscaping within the road reserve so that surveillance of the works can be undertaken.

19. The landscaping shown on the endorsed landscape plans must be maintained to the satisfaction of the Responsible Authority for a minimum of 24 months from the date of practical completion of the landscaping. All maintenance activities are to be undertaken until a Certificate of Final Completion is issued by the Responsible Authority. During this period:

- a) any dead, diseased or damaged plants or landscaped areas must be repaired or replaced except for within the final 12 months of the maintenance period whereby trees must not be replaced. In accordance with the Cardinia Shire Council developer landscape guidelines (as amended from time to time) funds will be retained from the landscape maintenance bond for the works to be undertaken by Council following issuing of final completion.; and
- b) the Responsible Authority may direct maintenance activities to be undertaken.

The direction to undertake maintenance activities must be completed within 14 days of the written notification being received from the Responsible Authority.

20. Lighting of streets and pedestrian/cycle paths must be designed and provided (prior to the issue of a Statement of Compliance for the relevant stage) in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.
21. The applicant must provide reflective street number markers on the kerb in front of each lot to the satisfaction of the Responsible Authority.
22. At least 14 days before any works start, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP.

The CEMP must address all environmental risks and include:

- a) Temporary stormwater management including sedimentation control;
- b) Provision of pollution and contamination controls including noise and dust;
- c) Location of stockpiles and stockpile management;
- d) Location of site office and facilities;
- e) Equipment, materials and goods management; and
- f) Tree protection zones, trees to be retained and trees to be removed.

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

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

24. Before a certificate of practical completion is issued, "as constructed" digital road and drainage information in AutoCAD format with all Xrefs binded into the drawings and showing any amendments during construction, must be submitted for all civil works where Council is the Responsibility Authority.

25. Before a certificate of practical completion is issued, CCTV results for the full length of all stormwater drainage pipes where Council is the Responsible Authority, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.

26. Before the responsibility for the future care and maintenance of the works is transferred to Council, the developer must provide to the Responsible Authority:

- a) Survey enhanced "as constructed" GIS data for the drainage, road and footpath information components of the subdivision, in accordance with the current version of D-SPEC and R-SPEC. Council's preferred format for the submission of the graphical data is in "MapInfo Native Format". A secondary format is "MapInfo MID/MIF". Grid Co-ordinates

must be MGA zone 55 (GDA 94). Please refer to the A-SPEC website for further information: www.dspeg.com.au.

Sketches of the details of the permanent survey marks.

APA Group Conditions:

27. Easements in favour of “Australian Gas Networks (VIC) Pty Ltd” must be created on the plan to the satisfaction of APT
28. The Plan of Subdivision submitted for certification must be referred to APT O & M Services Pty Ltd in accordance with Section 8 of the *Subdivision Act 1988*.

AusNet Services Conditions:

29. The Plan of Subdivision submitted for certification must be referred to AUSNET ELECTRICITY SERVICES PTY LTD in accordance with Section 8 of the *Subdivision Act 1988*.
30. The applicant must –
- a) Enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.
 - b) Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.
 - c) Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AUSNET ELECTRICITY SERVICES PTY LTD.
 - d) Provide easements satisfactory to AUSNET ELECTRICITY SERVICES PTY LTD for the purpose of “Power Line” in the favour of “AUSNET ELECTRICITY SERVICES PTY LTD” pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AUSNET ELECTRICITY SERVICES PTY LTD electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
 - e) Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.
 - f) Adjust the position of any existing AUSNET ELECTRICITY SERVICES PTY LTD easement to accord with the position of the electricity line(s) as determined by survey.
 - g) Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations.
 - h) Provide survey plans for any electric substations required by AUSNET ELECTRICITY SERVICES PTY LTD and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AUSNET ELECTRICITY SERVICES PTY LTD requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
 - i) Provide to AUSNET ELECTRICITY SERVICES PTY LTD a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
 - j) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AUSNET ELECTRICITY SERVICES PTY LTD. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
 - k) Ensure that all necessary auditing is completed to the satisfaction of AUSNET ELECTRICITY SERVICES PTY LTD to allow the new network assets to be safely connected

to the distribution network.

Country Fire Authority conditions:

Hydrants

31. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:

- a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
- b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Note –CFA’s requirements for identification of hydrants are specified in ‘Identification of Street Hydrants for Firefighting Purposes’ available under publications on the CFA web site (www.cfa.vic.gov.au)

Roads

32. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

- a) 3.1 The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- b) 3.2 Curves must have a minimum inner radius of 10 metres.
- c) Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

Melbourne Water conditions:

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

34. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or watercourses. Prior to the issue of a Statement of Compliance for the subdivision, a Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water.

35. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

36. Prior to certification of the plan of subdivision under the Subdivision Act 1988 the permit holder must submit to Melbourne Water a stormwater management strategy including associated modelling. The strategy and modelling must be approved by Melbourne Water and Council and must demonstrate the following:

- a) The proposed alignment for any 1 in 5 year drainage infrastructure and any associated overland flow paths directions for the 1 in 100 year ARI flood event;
- b) That the lot layout adequately accommodates the overland flows and the current layout and/or number of lots may need to change.
- c) The details of the outfall/s for the development and calculate the appropriate flow volumes and flood levels for the 100-year ARI storm event within the property;
- d) Stormwater runoff from the subdivision will achieve State Environment Protection Policy

(Waters of Victoria) objectives for environmental management of stormwater.

- e) Stormwater Quality Treatment Assets are designed to comply with Melbourne Water's Constructed Wetlands Design Manual.
37. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
38. Prior to the issue of a Statement of Compliance for the subdivision, engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records. These plans must show road and drainage details and any overland flow paths for the 100 year ARI storm event.
39. All new lots are to be filled to a minimum of 300mm above the 1 in 100 year flood levels associated with any existing or proposed Melbourne Water pipeline and/or all new lots are to be filled to a minimum of 600mm above the 1 in 100 year flood level associated with any existing or proposed Melbourne Water wetland, retarding basin or waterway.
40. Prior to the issue of a Statement of Compliance for the subdivision, a certified survey plan prepared by or under the supervision of a licensed land surveyor, showing finished lot levels reduced to the Australian Height Datum, must be submitted to Melbourne Water for our records.
41. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.
42. The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.
43. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined within Melbourne Water's Land Development Manual.
44. Easements and/or reserve widths for the purpose of overland flow paths are to be to the satisfaction of Melbourne Water and Council.
45. Any temporary outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s).
46. Prior to the issue of a Statement of Compliance for the subdivision, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.
- South East Water Conditions:**
47. The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.
48. The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.
49. All lots on the Plan of Subdivision are to be provided with separate connections to out potable water supply and sewerage systems.
50. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the *Subdivision Act 1988*.

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3 USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AT 740 SEVEN MILE ROAD, NAR NAR GOON

FILE REFERENCE INT1870392

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Tara Hooper

RECOMMENDATION

That a Refusal to Grant Planning Permit T180349 be issued for the use and development of the land for a dwelling at 740 Seven Mile Road, Nar Nar Goon VIC 3812 for the reasons set out in this report.

Attachments

- 1 Development Plans 3 Pages
- 2 Locality Map 1 Page

EXECUTIVE SUMMARY:

APPLICATION NO.	T180349
APPLICANT:	Mr Ranko Djurovic
LAND:	740 Seven Mile Road, Nar Nar Goon VIC 3812
PROPOSAL:	Use and development of the land for a dwelling
PLANNING CONTROLS:	Special Use Zone Schedule 1 Land Subject to Inundation Overlay
NOTIFICATION & OBJECTIONS:	Notice of the application was given by way of sending notices to adjoining and near-by land owners/occupiers and by placing a sign on the road frontage. No objections were received.
KEY PLANNING CONSIDERATIONS:	Appropriateness of land use Protection of agricultural land Amenity impacts
RECOMMENDATION:	Refusal

BACKGROUND:

A crown grant created the subject site's parent lot, which originally measured .25 hectares.

Planning Permit T000401 approved the re-subdivision of the land (boundary realignment) between the subject site and the neighbouring allotment on 24 July 2000. The re-subdivision increased the size of the lot from .25 hectares to 1 hectare.

There has been no permit activity since the re-subdivision, and the land remains vacant.

SUBJECT SITE

The 1 hectare rectangular parcel is located on the western side of Seven Mile Road, with a frontage of approximately 87 metres and depth of 117 metres. It is located approximately 6.6 kilometres south of central Nar Nar Goon, and approximately 6.9 kilometres north of the Koo Wee Rup township.

The site is currently vacant, and the topography of the land is flat. A crossover is located on the south-eastern property boundary onto Seven Mile Road. No easements burden the lot.



The subject site is located in the centre of a corridor designated by the 'Special Use Zone - Schedule 1', which is a precinct prioritised for soil-based agricultural and horticultural use. It is in the immediate vicinity of the surrounding properties:

- The adjacent parcel immediately to the north and west is in the same ownership and east measures approximately 21.5 hectares. It contains an existing dwelling and is currently used for cattle grazing and growing potatoes, sweet corn, asparagus, and Lucerne (alfalfa).
- The approximately 37 hectare parcel immediately to the south is used for cattle and horse breeding. A plan of subdivision dated 1991 shows a 1 hectare parcel excised from the south eastern corner of the allotment, with frontage to Seven Mile Road. That lot is now in separate ownership and is used for rural residential living.
- Directly to the east, across Seven Mile Road, is an approximately 48 hectare parcel used for asparagus farming.

PROPOSAL

The Application seeks a planning permit for the use and development of the land for a dwelling on the property at 740 Seven Mile Road, Nar Nar Goon.

The dwelling will measure 331 square metres, containing five (5) bedrooms, a study, rumpus room, two (2) bathrooms with an additional powder room, an open living/dining area, an attached garage, and alfresco area. It will feature a typical ranch-style design, with a sweeping verandah enclosed by balustrades, as well as a hipped roof punctuated by box gabled elements along the front façade.

The dwelling will be set back approximately 56 metres from the road, and approximately 33 metres from the northern property boundary.

The site plan submitted with the Application notes that habitable rooms will have finished floor levels of 11.20 RL, and the garage will have a finished floor level of 10.55 RL. Natural ground levels measure between 10.00 RL and 10.20 RL. The structure will measure approximately 6.17 metres from natural ground level to the top of the ridge.

Additionally, a 189 square metre shed is proposed approximately 14 metres from the western property boundary and approximately 1.5 metres from the southern boundary. The outbuilding will have 'Paperbark' Colorbond cladding, and measure approximately 4.3 metres from natural ground level to the top of the gabled roof. The Applicant submits that the shed will be used to store farm machinery and hay/Lucerne.

Access to the dwelling and shed will be provided via an existing crossover onto Seven Mile Road.

The Applicant submits that the dwelling will accommodate family members, allowing them to manage the farm on the adjacent lot that is within the same ownership.

The adjacent lot is currently used for cattle grazing, and growing potatoes, sweet corn, asparagus, and Lucerne. Whilst the Applicant has noted in his written submissions that it is his intent to plant a fruit orchard and vegetable garden near the proposed dwelling, no predominant agricultural activities are proposed on the subject site itself.

PLANNING SCHEME PROVISIONS:

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- 13.03-1S Floodplain management
- 14.01-1S Protection of agricultural land
- 14.01-1R Protection of agricultural land – Metropolitan Melbourne
- 16.01-2S Location of residential development
- 16.01-5S Rural residential development

Municipal Planning Strategy (MPS)

The relevant clauses of the MPS are:

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

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 51.02 Metropolitan Green Wedge Land: Core Planning Provisions
- Clause 65 Decision guidelines

Zone

The land is subject to the **Special Use Zone Schedule 1**

Overlays

The land is subject to the following overlays:

- Land Subject to Inundation Overlay

PLANNING PERMIT TRIGGERS

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

- Pursuant to Clause 37.01-2 (Special Use Zone – Schedule 1), a planning permit is required to use the land for a dwelling.
- Pursuant to Clause 37.01-4 (Special Use Zone – Schedule 1), a planning permit is required to construct a building or construct or carry out works.
- Pursuant to Clause 44.04-2 (Land Subject to Inundation Overlay), a planning permit is required to construct a building or to construct or carry out works.

PUBLIC NOTIFICATION

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

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

Council has received no objections to date.

REFERRALS

Melbourne Water

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

DISCUSSION

The Application seeks approval for a dwelling on a 1 hectare lot in the Special Use Zone – Schedule 1, a zone specifically established to preserve high quality agricultural land for farming activities.

Under the Special Use Zone – Schedule 1, an application to use and develop the land for a dwelling must demonstrate that the dwelling is reasonably required to operate a rural activity on the land itself. This burden is placed on applicants to prevent the incremental loss of agricultural land by the encroachment of rural residential development and other incompatible uses.

Contrary to the provisions of the zone, as well as state and local policy, no predominant agricultural activity is planned (or indeed possible with a dwelling) on the subject site. The Application proposes precisely what the Special Use Zone – Schedule 1 was designed to discourage: rural residential development unconnected to any agricultural activity on the parcel itself.

By introducing a rural residential use, the proposal presents a potential conflict between the current and future residents of the dwelling and the nearby farming activities. In addition to amenity concerns, the proposed development will permanently remove the subject site from agricultural production. As Melbourne's population continues to expand, protecting key agricultural land is more vital than ever to ensure Victoria's food security. This is recognised and reinforced by key state and local policies.

Whilst the Applicant obtained a permit for a re-subdivision to create the 1 hectare allotment in 2000 for the express purpose of constructing a dwelling, that outcome over eighteen years ago is a result of past decision making made under different policies. Current state and local policies direct Council to consolidate small agricultural lots and restructure inappropriate subdivisions. If a dwelling is constructed on the site, the opportunity to consolidate or integrate the lot into another farming enterprise will be lost forever.

For these reasons, as discussed in detail below, a refusal to grant a permit should be issued.

Clause 37.01 (Special Use Zone – Schedule 1)

The Site is within the Special Use Zone – Schedule 1. The zone was specifically established within an area of the Koo Wee Rup Swamp that contains a soil recognised as being of high quality, making it agricultural land of state significance.

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

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

The following decision guidelines of the Special Use Zone – Schedule 1 have been considered:

- Whether the dwelling is reasonably required for the operation of the rural activity being conducted on the land.
- Whether the use, building, works or subdivision will be detrimental to the horticultural significance of the area.
- Whether the use utilises the high quality soils for horticultural or agricultural pursuits.
- The impact of the use, building, works or subdivision on the character and appearance of the area.
- Whether the site is suitable for the use, building, works or subdivision and the compatibility of the proposal with adjoining and nearby farming and other land uses.
- The Land Capability Study for the Cardinia Shire (February 1997).
- Whether the land is liable to flooding and any advice received from Melbourne Water.

The proposal is inconsistent with the purposes and decision guidelines of the Special Use Zone – Schedule 1 because: (1) the proposed dwelling is not reasonably required for the operation of a rural activity on the subject site itself, (2) the Application proposes a rural residential type development that will result in the permanent loss of agricultural land, and (3) the introduction of a rural residential use on the property will lead to a potential conflict between residents and surrounding farming activities.

i. No predominant rural activity is proposed on the land

The proposed dwelling is not reasonably required for the operation of any rural activity being conducted on the land. The Applicant has submitted that a fruit orchard and vegetable gardens are planned on site; however given the size of the allotment, it is clear these activities are merely ancillary to the proposed dwelling use. Indeed, if a dwelling is constructed, no predominant agricultural activity will be feasible on the subject site.

An application to use and develop the land for a dwelling in the Special Use Zone – Schedule 1 must establish that the dwelling is reasonably required to operate a rural activity on the land itself. This burden is placed on applicants to prevent the incremental loss of agricultural land by the encroachment of rural residential development and other incompatible uses.

In an analogous proposal described by *Troy Spencer Town Planning Services v Wangaratta Rural CC* [2013] VCAT 314 (18 March 2013), a permit applicant sought to construct a dwelling on a 2 hectare parcel in an

agricultural zone that was adjacent to a larger family farming enterprise. The subject lot was specifically created 16 years prior to accommodate a dwelling and allow for a farm succession plan. The applicant sought to construct the dwelling for a family member to live near the farm and manage its operation. Nonetheless, Wangaratta Rural City Council refused the permit application.

The Tribunal upheld the Council's refusal of the permit application on the grounds that, *inter alia*, the dwelling was not 'reasonably required for the operation of the agricultural activity conducted on the land'. In the decision, Member Wilson concluded that whilst the 2 hectare site was small, it was still capable of being used for agriculture in conjunction with the adjoining farm. The addition of a new dwelling would instead result in the permanent loss of agricultural land. And although the dwelling was proposed to accommodate a family member operating the adjoining farm, with a dwelling on the subject site that land would be lost to agriculture forever.

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

Like the lot in *Troy Spencer* and those in many of the cases cited above, the 1 hectare subject site is too small for farming pursuits in isolation. However, that does not mean the site is better suited as a rural residential or lifestyle property. Because the land is currently vacant, it still remains a candidate to incorporate into a larger agricultural enterprise. Permitting a dwelling on the lot would remove that opportunity forever.

Nonetheless, the Applicant submits the proposed dwelling is required so family can manage the farm on the adjacent Lot 2 PS441737K ('Lot 2'), which is used for cattle grazing and growing Lucerne, potatoes, sweet corn, and asparagus. However, the Applicant currently resides in a dwelling on that lot. If additional living area is required so others can manage the farm or the Applicant can receive the care of family, he has the ability to apply for a permit to conduct other types of land uses on Lot 2, such as a Caretaker's House or Dependent Person's Unit.¹ Because a dwelling already exists on Lot 2, and the Applicant has the option to apply for a permit for other types of uses on that site, an additional dwelling on a separate lot is not reasonably required to operate the existing farm.

Additionally, the proposed dwelling must be considered in light of the rural activity (or here, the lack thereof) proposed on the *same lot*. As both the subject site and Lot 2 have separate freehold titles, nothing prevents the individual sale of each parcel. With a dwelling on the land, it is entirely possible for the subject site to be sold and used for rural lifestyle purposes in the future. At that point, the subject site's already tenuous connection to agriculture will be permanently lost.

ii. The rural residential type development will result in the permanent loss of agricultural land

The proposed rural residential use and development is detrimental to the horticultural significance of the area because it will permanently remove the land from agricultural production. When land is converted to rural residential living, it is likely to be lost to agriculture.

Here, the 1 hectare parcel is currently vacant. Even if it is not integrated or consolidated with the adjoining Lot 2 in the near future, it is still possible to arrange a sale or lease that would incorporate the subject site into a nearby farming enterprise. However, if the land is converted to a rural residential use, a large portion of the site will be used for the dwelling, driveway, shed, and the necessary effluent disposal area to service the house. It is highly unlikely that any of the land could then ever be used for agricultural activities.

iii. The proposal will introduce a potential conflict between residents and normal farming practices that are related to the conduct of agricultural activities

¹ Council would, of course, consider any application separately on its own merits.

The proposal is inconsistent with adjoining and nearby farming uses and increases the potential for conflict between residents and normal farming practices that are related to the conduct of agricultural activities.

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

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

The subject site and the adjacent parcel are currently in the same ownership. As the dwelling is proposed to accommodate family, there is an expectation that the potential occupants are aware of the amenity impacts associated with farming activities. However, because a permit runs with the land and not an individual, the amenity expectations of the Applicant might differ from those of a future land owner. And regardless of the dwelling’s inhabitants, establishing a rural residential use on the land will likely raise property values in the vicinity, which undermines the ability of nearby farm holdings to expand.

- iv. Although a dwelling is not a prohibited use in the Special Use Zone – Schedule 1, it is inappropriate in this instance

A dwelling is a Section 2 use within the Special Use Zone – Schedule 1. Whilst a minimum lot size of 10 hectares is required to use the land for a dwelling, the restriction does not apply to lots that were created under the provisions of a planning scheme.

The 1 hectare subject site was created under a provision of the Cardinia Planning Scheme. The parent lot measured 0.25 hectares under the original crown grant. However, Planning Permit T000401 approved a boundary realignment between that lot and the adjacent crown allotment in 2000. As a consequence, the new Lot 1 PS441737K increased the size of the subject site to 1 hectare, thereby creating a new lot ‘under the provisions of a Planning Scheme’. Therefore, as a threshold matter, the Application is not prohibited under the Special Use Zone – Schedule 1.

It should be noted that although the boundary realignment completed in 2000 through Planning Permit T000401 created a lot under the provision of the Planning Scheme, a permit for a dwelling is still required in light of now-existing policies and strategic direction. And importantly, in the eighteen years since the subdivision permit was issued, development pressure from Melbourne’s expanding population has increasingly threatened agricultural land in the Shire. In response, the State Government and Council have adopted and strengthened policies relating to the preservation of agricultural land.

Protection of agricultural land: state and local policies

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

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

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

- Limit new housing development in rural areas by:
 - Directing housing growth into existing settlements,
 - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses, and
 - Encouraging consolidation of existing isolated small lots in rural zones.

- Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.
- Protect strategically important agricultural and primary production land from incompatible uses.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.

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

The proposal is contrary to policies related to agriculture as it seeks to establish a rural residential use on otherwise productive farmland. The allotment is the vestige of an inappropriate subdivision: a 1 hectare, vacant isolated lot in the rural Special Use Zone – Schedule 1. Policy directs Council to give priority to the re-structure of this inappropriate subdivision, rather than establishing a rural residential use that will result in the permanent loss of crucial agricultural land.

Clauses 16.01-5S (Rural residential development) and 16.01-2S (Location of residential development)

Clauses 16.01-5S (Rural residential development) and 16.01-2S (Location of residential development) have objectives and strategies that seek to discourage rural residential development in agricultural areas, to discourage development of small lots in rural zones for residential use or other incompatible uses, and instead locate new housing in areas that offer good access to key services.

The proposal is inconsistent with these policies as it seeks to establish a rural residential development unconnected to rural activity in an agricultural area. The 1 hectare parcel is a small lot in a rural zone, which is incompatible with surrounding farming uses.

Clause 21.01-3 (Key Issues)

Clause 21.01 Cardinia Shire key issues and strategic vision identifies Western Port as a major landscape feature and that a key influence within the Shire is urban growth, including urban pressures on the rural hinterland and management of green wedge areas. The following relevant key issues are identified:

- The protection of the Koo Wee Rup swamp area which contains important groundwater reserves and horticultural soils in the Western Port basin.
- The management of urban growth, including urban pressures on the rural hinterland.
- The protection and sustainable use of agricultural land.

The proposed use and development raises conflict with these key issues because it will result in the degradation and loss of agricultural land in the Koo Wee Rup Swamp area.

Clause 21.03-4 (Rural residential and rural living development)

The relevant objective of Clause 21.03-4 is to recognise the demand for rural residential and rural living development, and to provide for this development where it is closely integrated with an existing township or urban area. To achieve this objective, key strategies are: (1) to ensure that rural residential and rural living development is appropriately located to minimise its impact on surrounding agricultural land, and (2) to encourage rural residential development within existing urban areas and townships.

As discussed above, the proposal is inconsistent with this policy as it seeks to establish a rural residential development unconnected to rural activity in an agricultural area. The 1 hectare parcel is a small lot in a rural zone, which is incompatible with surrounding farming uses.

Development such as this is more appropriately located within an existing township, as these areas have better access to services and are planned to accommodate residential living. The subject site, however, is in an isolated rural area over 6.5 kilometres from the centre of Nar Nar Goon.

Clause 21.04-2 (Agriculture)

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

A number of strategies give effect to the policy's objective:

- Protect agricultural land, particularly areas of high quality soils, from the intrusion of urban uses, inappropriate development and fragmentation which would lead to a reduction in agricultural viability, the erosion of the right of farmers to farm land, and ultimately the loss of land from agricultural production.
- Recognise the growing demand for food, both domestically and internationally, and capitalise on opportunities to export fresh produce and processed food products.
- Provide for the restructuring of lots in agricultural areas to reduce the impact of old and inappropriate subdivisions on the agricultural viability of the area.
- Ensure the use or development, including subdivision, of agricultural land takes into consideration land capability.

The proposed rural residential use and development unconnected to any agricultural activity on the site itself will further fragment crucial agricultural land, which will lead to a reduction in agricultural viability on the subject site and within the surrounding vicinity. Establishing a rural residential use will remove this land from the Shire's agricultural base.

Additionally, although the Applicant successfully sought a boundary realignment in 2000 for the purposes of constructing a dwelling on the subject site, that subdivision is a remnant of past decision made under a different regime. A permit for a dwelling is still required in light of now-existing policies and strategic direction. And importantly, in the eighteen years since the subdivision permit was issued, development pressure from Melbourne's expanding population has increasingly threatened agricultural land in the Shire. In response, amendments to Clause 21.04-2 and the introduction of Clause 22.05 recognise that protecting key agricultural land is more vital than ever to ensure Victoria's food security.

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

The proposal is inconsistent with Clause 22.05 (Western Port Green Wedge Policy). Amendment C215 introduced this policy on 10 August 2017 to provide guidance in relation to the protection and management of the Western Port Green Wedge. A key vision contained in Clause 22.05 provides:

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

The relevant objectives of this Clause are:

- To give effect to Council's vision for the Cardinia Western Port Green Wedge.
- To ensure that land uses are carefully located and managed to be consistent with the vision for the Cardinia Western Port Green Wedge.

Further, relevant policies include that all use and development within the green wedge should:

- Ensure that green wedge soils and their versatility are recognised as a finite resource and are protected accordingly.
- Maintain and protect the highly productive agricultural land from incompatible uses including non-soil based farming.
- Provide for the restructuring of lots in agricultural areas to reduce the impact of old and inappropriate subdivisions on the economic agricultural viability of the area.
- Minimise the risk of flooding which impacts on agricultural activities in the Koo Wee Rup Flood Protection District.

To provide further guidance, Clause 22.05 introduced the Cardinia Western Port Green Wedge Management Plan (the 'Plan') as a reference document. The Plan provides a strategic planning framework that enables Council to take advantage of opportunities and proactively attend to challenges occurring in the Cardinia Western Port Green Wedge over the next 20 years. It recognises Western Port's key attributes, including its environment, established agriculture industry and, rich agricultural soils.

The Plan divides Western Port into three precincts, with the subject site being within Precinct 1 – Agriculture, horticulture and soil based food production. The vision for Precinct 1 is for to be a hub of agriculture, horticulture and soil-based food production that takes advantage of its highly versatile soils, vegetable production (in particular asparagus), dairy and beef farming, other agricultural pursuits, potential access to Class A recycled water and the important role this precinct plays in food security. As stated in the Plan, the area contained within the Special Use Zone – Schedule 1 now produces nearly 90 percent of Australia's asparagus crop. Dairy farming occurs within the area due to the high quality soil and the ability to grow fodder all year round.

The proposed use and development is inconsistent with Clause 22.05. The rural residential development lacks a nexus to any predominant agricultural activity on the subject site, and will remove the land from potential agricultural production. The use is inconsistent with the agricultural and soil based food production, and is therefore considered to be detrimental to the horticultural significance of the area.

Other relevant considerations

Clause 13.03-1S (Floodplain management)

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

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

Clause 44.04 (Land Subject to Inundation Overlay)

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

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

- Any comments from the relevant floodplain management authority;
- The existing use and development of the land;
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay; and
- The susceptibility of the development to flooding and flood damage.

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

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

- The garage must be constructed with finished floor levels set no lower than 600mm above the applicable flood level, being 300mm above natural ground level.
- The buildings must be constructed on a fill pad that extends a minimum of 5 metres from the building and minimum 150mm above the applicable flood level, which is 300mm above the natural ground level.

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

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

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

As discussed above, the proposed dwelling would result in the permanent loss of agricultural land in a horticulturally significant area. The rural residential use is incompatible with agriculture because the development would not only result in this loss, but it would also introduce myriad amenity conflicts with nearby farming enterprises. Therefore, the Application is inconsistent with Clause 51.02.

CONCLUSION

The proposed use and development of the land for a dwelling is considered to be inconsistent with the provisions of the Cardinia Planning Scheme.

It is recommended that a Refusal to Grant Planning Permit **T180349** be issued for the use and development of the land for a dwelling at **740 Seven Mile Road, Nar Nar Goon, for the following reasons:**

1. The proposal is contrary to Clause 37.01 of the Cardinia Planning Scheme, which aims to preserve land of high agricultural quality for farming activities, to prevent the encroachment of rural residential type development, and to minimise the potential for conflict between residents and normal farming practices that are related to the conduct of agricultural activities.
2. The proposal is contrary to Clause 14.01-1S of the Cardinia Planning Scheme, which aims to limit new housing development in rural areas by directing housing growth into existing settlements, discouraging development of dwellings on isolated small lots, and encouraging consolidation of existing isolated small lots.
3. The proposal is contrary to Clause 14.01-1R of the Cardinia Planning Scheme, which aims to protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations.
4. The proposal is contrary to Clause 16.01-5S of the Cardinia Planning Scheme, which aims to protect agriculture, avoid inappropriate rural residential development, discourage development of small lots in rural zones for residential use, and encourage consolidation of existing isolated small lots in rural zones.
5. The proposal is contrary to Clause 21.03-4 of the Cardinia Planning Scheme, which aims to ensure that rural residential and rural living development is appropriately located to minimise its impact on surrounding agricultural land.
6. The proposal is contrary to Clause 22.05 of the Cardinia Planning Scheme, which aims to protect highly productive agricultural land from incompatible uses and restrict opportunities for development that are not required to complement agriculture.
7. The proposal is contrary to Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions), which aims to protect metropolitan green wedge land from uses and development that would diminish its agricultural values, and to protect productive agricultural land from incompatible uses and development.
8. The proposal is incompatible with state and local planning policies that aim to limit new housing development by directing housing growth into existing settlements, discouraging the development of uses incompatible with agriculture, and avoiding the permanent loss of agricultural land.

3 USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AT 740 SEVEN MILE ROAD, NAR NAR GOON

Moved Cr G Moore Seconded Cr R Brown

That a Refusal to Grant Planning Permit T180349 be issued for the use and development of the land for a dwelling at 740 Seven Mile Road, Nar Nar Goon VIC 3812 for the following reasons:

1. The proposal is contrary to Clause 37.01 of the Cardinia Planning Scheme, which aims to preserve land of high agricultural quality for farming activities, to prevent the encroachment of rural residential type development, and to minimise the potential for conflict between residents and normal farming practices that are related to the conduct of agricultural activities.
2. The proposal is contrary to Clause 14.01-1S of the Cardinia Planning Scheme, which aims to limit new housing development in rural areas by directing housing growth into existing settlements, discouraging development of dwellings on isolated small lots, and encouraging consolidation of existing isolated small lots.
3. The proposal is contrary to Clause 14.01-1R of the Cardinia Planning Scheme, which aims to protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations.
4. The proposal is contrary to Clause 16.01-5S of the Cardinia Planning Scheme, which aims to protect agriculture, avoid inappropriate rural residential development, discourage development of small lots in rural zones for residential use, and encourage consolidation of existing isolated small lots in rural zones.
5. The proposal is contrary to Clause 21.03-4 of the Cardinia Planning Scheme, which aims to ensure that rural residential and rural living development is appropriately located to minimise its impact on surrounding agricultural land.
6. The proposal is contrary to Clause 22.05 of the Cardinia Planning Scheme, which aims to protect highly productive agricultural land from incompatible uses and restrict opportunities for development that are not required to complement agriculture.
7. The proposal is contrary to Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions), which aims to protect metropolitan green wedge land from uses and development that would diminish its agricultural values, and to protect productive agricultural land from incompatible uses and development.
8. The proposal is incompatible with state and local planning policies that aim to limit new housing development by directing housing growth into existing settlements, discouraging the development of uses incompatible with agriculture, and avoiding the permanent loss of agricultural land.

Cd.

4 SJD COMMUNITY HOUSING PROJECT

FILE REFERENCE INT1870415

RESPONSIBLE GENERAL MANAGER Jenny Scicluna

AUTHOR Petrina Dodds Buckley

RECOMMENDATION

That Council resolves to:

- Give public notice in accordance with the provisions of Section 190 and 223 of the Local Government Act 1989 of the proposal to lease 21 Stringy Bark Circuit Pakenham to a Registered Housing Agency under the Housing Act 1983 by private agreement, in accordance with Council Policy, and for the purpose of providing affordable housing. The lease will be conditional upon a planning permit being issued by Council. The principal terms of the lease to be:
 - Fixed Term – 50 years.
 - Commencement date – pending certificate of occupancy.
 - Rent – Nominal.
- In the event of submissions being received, the Chief Executive Officer be authorised to make arrangements to hear such submissions and;
- If Council resolves to enter into the lease of the land that the development agreement with Victorian Homeless Foundation be executed on the key terms set out in the report once the final form of the agreement has been agreed to by all parties.

Attachments

1 Locality Map 1 Page

EXECUTIVE SUMMARY

As detailed at Council Briefing on Monday 27th August, Cardinia Shire Council intends to partner with The Victorian Homeless Fund (VHF) and SJD Homes (SJD) in the construction of a family home. SJD Homes, based in Officer, will be responsible for undertaking construction and engaging local traders to donate materials.

The Victorian Homeless Fund will raise funds through community, corporate and philanthropic donations to pay for labour and administration expenses. It is proposed that 21 Stringy Bark Circuit be used for this development.

Council will retain ownership of the land without any responsibility for grounds, building or tenant management.

A housing association/provider will manage the tenancy.

Agreements with The Victorian Homeless Fund and the Housing Association responsible for managing the property and tenancies are currently in development.

BACKGROUND

The Victorian Homeless Fund (VHF)

- The VHF was founded in 1987, the International Year of Shelter for the Homeless, and is an independent charitable organization with the sole purpose to work in the area of homelessness in Victoria.

- The VHF aims not only to relieve homelessness but also to prevent homelessness by contributing housing stock where it is needed. Generally, the VHF partners with community and charitable agencies that deliver services to those in need and have the capacity to administer the properties.
- Through the work of the VHF, long-term and transitional housing has been provided for an estimated 300 people, predominantly families. In excess of \$9M worth of housing stock has been donated.
- The VHF completed an extremely successful project in Carrum Downs in late 2017 and has recently commenced construction of another family home in Ashwood.

The Cardinia Project

In line with the objective to build a house to provide a home suitable for a family, the project entails construction of a 3-4 bedroom house on a suburban block. Construction will be undertaken by local Officer Builder, SJD Homes, using a standard design and specification.

Funding

Funding is sourced from donors, large and small, to support the construction of the houses. 100% of funds are used directly on the projects. The Housing Industry Association donates administrative support and those companies associated with the committee or the builder donate materials and labour.

Target Group

The VHF's target group for this project is specifically women and children, particularly those made homeless by family violence. The VHF has the skills, experience and commitment to contribute new, desperately needed houses solely for the relief of homelessness. The model brings together donations of building materials, labour and philanthropic funds to produce family homes on land supplied by Government or charitable organisations. The VHF partners with community housing providers who ensure that families in need receive not only shelter but the security and on-going support they require in order to thrive.

SJD Homes:

Local builder SJD Homes has been building homes in the Cardinia Shire for over 20 Years. The Company is committed to serving and giving back to the community and does so in many ways. SJD will build one of its range of quality houses using materials and labour donated by a wide range of suppliers and contractors, many of whom are also locals.

Cardinia Shire Council:

Stringy Bark Circuit

- Address: 21 Stringy Bark Circuit
- Size: 464sqm
- Zone: Comprehensive Development Zone – Schedule 1 (CDZ1)
Overlay: Development Contributions Plan Overlay – Schedule 1 (DCPO1)
- Due to the small land size, this site would be suitable only for a residential development. The development will respond to the surrounding character, which generally consists of conventional single dwellings.

Land History

- In 2004 this parcel of land was transferred into Council ownership as part of the open space contribution associated with Stringy Bark Circuit subdivision of land.
- In August 2017 the land was considered in excess and not required for this use
- Council therefore considered selling the land on the open market and undertook a planning process to remove the Reserve status.
- This process was completed in 2018 and the Reserve status has now been removed.

POLICY IMPLICATIONS

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

Housing has been identified as a critical health issue in our community and as such is a dedicated policy domain area. Living in lower-quality housing has been associated with poorer mental health

and higher rates of infectious diseases, respiratory problems, and injuries. Those who live in rented accommodation have worse physical and mental health than owner-occupiers, and some studies have shown housing tenure to be a better predictor of health compared to other measures.

Together We Can

Council has committed to the large collective impact project 'Together We Can' in partnership with Family Life. This project sees involvement from every sector to act in preventing and ending family violence in Cardinia Shire. Family Violence is recognised as a significant cause of homelessness for women, children and youth.

Cardinia Housing Strategy 2014 -2018

On 16 December 2013, the Housing Strategy Strategic Plan 2013-2018 was endorsed at the General Council Meeting. A number of actions pertaining to affordable housing support this project.

RELEVANCE TO COUNCIL PLAN

Our Community

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

Our People

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

CONSULTATION/COMMUNICATION

- Organisations currently working with Council officers on the social housing projects are: Women's Property Initiatives, Windermere, WAYSS, MIND, and Wintringham.
- SJD will consult with local organisations to receive donations of materials
- VHF will engage with local organisations and philanthropists to encourage donations and support for the project.
- Councillors were briefed on the project most recently on Monday 27th August.

FINANCIAL AND RESOURCE IMPLICATIONS

There is no long term financial implications for Council.

For the purposes of this report, the approximate value of the land is \$300,000 which has been based on adjacent land values, though a formal valuation will need to be undertaken.

CONCLUSION

SJD Homes and the Victorian Homeless Funds in partnership with Council propose to build a residential home for a family in need. This will be a community driven initiative as all tool, materials and labour will be donated from local philanthropists, suppliers and contractors. Council proposes that 21 Stringy Bark Circuit be used for this development.

4 SJD COMMUNITY HOUSING PROJECT

Moved Cr M Schilling Seconded Cr J Owen

That Council resolves to:

- Give public notice in accordance with the provisions of Section 190 and 223 of the Local Government Act 1989 of the proposal to lease 21 Stringy Bark Circuit Pakenham to a Registered Housing Agency under the Housing Act 1983 by private agreement, in accordance with Council Policy, and for the purpose of providing affordable housing. The lease will be conditional upon a planning permit being issued by Council. The principal terms of the lease to be:
 - Fixed Term – 50 years.
 - Commencement date – pending certificate of occupancy.
 - Rent – Nominal.
- In the event of submissions being received, the Chief Executive Officer be authorised to make arrangements to hear such submissions and;
- If Council resolves to enter into the lease of the land that the development agreement with Victorian Homeless Foundation be executed on the key terms set out in the report once the final form of the agreement has been agreed to by all parties.

Cd.

5 APPOINTMENT OF MEMBERS TO CARDINIA ACCESS AND INCLUSION ADVISORY COMMITTEE

FILE REFERENCE INT1870404

RESPONSIBLE GENERAL MANAGER Jenny Scicluna

AUTHOR Marcia Cadoret

RECOMMENDATION

That the following members be appointed to Cardinia Access and Inclusion Advisory Committee

Community representative	Michael Wright
Community group representative	Dennis Alexander-Hale
Disability sector representative	Frank Megens

Attachments

Nil.

EXECUTIVE SUMMARY

This report advises Council of membership to the Cardinia Access and Inclusion Advisory Committee.

These members were recently nominated at the Annual General Meeting (AGM) on 19 September 2018.

BACKGROUND

Members of Special Committees require appointment by Council resolution pursuant to Section 86 of the Local Government Act. The election of Special Committees of management is organised by Council and takes place annually at specified times. The following new members were nominated to positions:

Community representative	Michael Wright
Community group representative	Dennis Alexander-Hale
Disability sector representative	Frank Megens

POLICY IMPLICATIONS

Nil.

RELEVANCE TO COUNCIL PLAN

Establishing and maintaining Committees is directly relevant to the Council Plan goals of actively engaging with communities and increasing levels of community participation.

CONSULTATION/COMMUNICATION

Members to be appointed were nominated at the Annual General Meeting on Wednesday 19 September 2018. A public notice for expressions of interest regarding membership was advertised in the local media and through other communication channels prior to the AGM.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

CONCLUSION

Council to endorse the appointment of these members to the Committee.

5 APPOINTMENT OF MEMBERS TO CARDINIA ACCESS AND INCLUSION ADVISORY COMMITTEE

Moved Cr B Owen Seconded Cr G Moore

That the following members be appointed to Cardinia Access and Inclusion Advisory Committee

Community representative	Michael Wright
Community group representative	Dennis Alexander-Hale
Disability sector representative	Frank Megens

Cd.

6 TENDER REPORT CONTRACT NO. 18/31 COMELY BANKS SPORTS PAVILION DESIGN SERVICES

FILE REFERENCE INT1870351

RESPONSIBLE GENERAL MANAGER Michael Ellis

AUTHOR Walter Carmignani

RECOMMENDATION

That:

1. The tender for Contract No. 18/31 - Comely Banks Sports Pavilion - Design Services, inclusive of Superintendent Services, submitted by Cohen Leigh Architects for the contract sum of \$232,230 (excl. GST) be accepted;
2. Common seal is affixed to the relevant contract documents; and
3. Unsuccessful tenderers are advised accordingly.

Attachments

- 1 Confidential Memorandum, circulated to Councillors only 3 Pages

EXECUTIVE SUMMARY

This report provides consideration for the appointment of a principal architect to provide design services, inclusive of the option for superintendent services, for the Comely Banks Sports Pavilion.

Tenders for the Comely Banks Sports Pavilion - Design Services were advertised with a number of tenders received.

Based on the tender assessment, it is considered that the tender submitted by Cohen Leigh Architects which includes the option for the Superintendent Services provides best value for money for Council.

BACKGROUND

The proposed new sporting facility pavilion is to be located at the new sporting precinct to be known as Comely Banks Recreation Reserve, 125 Bridge Road, Officer. The recreation reserve is located beside the Bridgewater Primary School.

The new pavilion will provide provisions for football, rugby league, lawn bowling (synthetic surface), cricket, public toilets and other related activities.

Tenders were advertised on Saturday 11 August 2018 with a closing time and date of 2:00pm Tuesday 4 September 2018. Seven (7) organisations provided submissions.

Tenders were checked against a range of non-weighted selection criteria to ensure the viability of the relevant submissions. The criteria comprised of Financial Viability, Insurances, Conditions of Contract, Conflict of Interest, and OHS.

Tenders were also assessed against weighted criteria, such as Compliance with the Specifications, Capability, Relevant Experience and Performance, Project Program, Quality System, and Customer Service.

It is recommended that the tender submitted by Cohen Leigh Architects which includes the option for the Superintendent Services provides best value for money for Council. Rates were also obtained for additional services that maybe required being: Landscape, Land Surveyor and Geotechnical.

POLICY IMPLICATIONS

Nil

RELEVANCE TO COUNCIL PLAN

- 1 Our people
 - 1.5 Variety of recreation and leisure opportunities
 - 1.5.1 Provide active and passive recreation facilities to meet the needs of residents
 - 1.5.2 Increase opportunities for residents to participate in a range of sport, recreation and leisure activities
- 2 Our community
 - 2.1 Our diverse community requirements met
 - 2.1.4 Plan for the provision of facilities to service and support the changing community
- 3 Our Environment
 - 3.1 Provision and maintenance of assets on a lifecycle basis
 - 3.1.3 Provide accessible facilities to meet identified community needs

CONSULTATION/COMMUNICATION

Throughout the Masterplan creation phase of the overall project, with no user groups currently established, consultation has been undertaken with AFL Victoria and their South East Region and Cricket Victoria. Various standards that are also applicable to the design layout where also taken into consideration.

At Council's General Council meeting 18 June 2018, Council resolved to appoint Sport Eng. Pty Ltd to undertake the detailed design of the reserve, which includes determining the exact location of the sports pavilion, geotechnical testing, reserve services provisions, etc. The appointed principal architect will need to work closely with Sport Eng.

FINANCIAL AND RESOURCE IMPLICATIONS

The 2018/19 Capital Works budget for the Comely Banks Recreation Reserve has sufficient funds for the required design consultancy services.

CONCLUSION

It is recommended that Council accept the tender submitted by Cohen Leigh Architects for Contract No. 18/31 Comely Banks Sports Pavilion - Design Services, inclusive of Superintendent Services, for the contract sum of \$232,230 (excl. GST).

6 TENDER REPORT CONTRACT NO. 18/31 COMELY BANKS SPORTS PAVILION DESIGN SERVICES

Moved Cr J Owen Seconded Cr G Moore

That:

1. The tender for Contract No. 18/31 - Comely Banks Sports Pavilion - Design Services, inclusive of Superintendent Services, submitted by Cohen Leigh Architects for the contract sum of \$232,230 (excl. GST) be accepted;
2. Common seal is affixed to the relevant contract documents; and
3. Unsuccessful tenderers are advised accordingly.

Cd.

7 CONTRACT 18/30 OFFICER RECREATION RESERVE OVAL NO. 2 REALIGNMENT

FILE REFERENCE INT1870409

RESPONSIBLE GENERAL MANAGER Michael Ellis

AUTHOR Shell Wilkes

RECOMMENDATION

That:

- The tender submitted by SJM Turf & Civil Pty Ltd to undertake the works associated with Contract 18/30 - Officer Recreation Reserve Oval No. 2 Realignment be accepted for the contract sum of \$929,422.00 (excluding GST);
- The remaining Tenderers be advised accordingly; and
- The common seal of the Council be affixed to the contract documents.

Attachments

- 1 Confidential Memorandum, circulated to Councillors only 3 Pages

EXECUTIVE SUMMARY

required under CT18/30 - Officer Recreation Reserve Oval No. 2 Realignment.

This package of works under the contract includes the re-shaping of the oval, oval sub surface drainage, oval irrigation & perimeter fence.

The final revised tender price submitted by SJM Turf & Civil Pty Ltd for the sum of \$929,422.00 (GST exclusive) represents the best value for money to Council and it is therefore recommended that CT18/30 - Officer Recreation Reserve Oval No. 2 Realignment be awarded accordingly.

BACKGROUND

This package of works includes the re-shaping of the oval, oval sub surface drainage, oval irrigation & perimeter fence.

Tenders were advertised on 4 August 2018 and closed on 28 August 2018. The tenders were checked against a range of weighted and non-weighted selection criteria to ensure the viability of the tender submissions. These criteria include: compliance with the conditions of contract, occupational health and safety, financial viability, locality, risk and insurance, conflict of interest, compliance with the specification, capability and capacity, relevant experience and performance, quality system and project plan.

The tender price submitted by SJM Turf & Civil Pty Ltd for the sum of \$929,422.00 (GST exclusive) provides the best value for money to Council. It is therefore recommended that the tender submitted by SJM Turf & Civil Pty Ltd be accepted for this contract.

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, develop new and maintain existing parks, gardens and reserves in a sustainable way and to plan and develop built environments that support improved health and wellbeing of our communities.

CONSULTATION/COMMUNICATION

Throughout the design phase of this facility, extensive consultation has been undertaken with the Officer Reserve Committee of Management for input into the design of the facilities as well as construction timelines.

FINANCIAL AND RESOURCE IMPLICATIONS

The funding for this project is available through Council's 5yr capital works program, Officer DCP and a successful Sport & Recreation Victoria grant.

CONCLUSION

The tender submitted by SJM Turf & Civil Pty Ltd for Officer Recreation Reserve Oval No. 2 Realignment is considered to be the most beneficial to Council and it is recommended that Contract 18/30 - Officer Recreation Reserve Oval No. 2 Realignment be awarded to SJM Turf & Civil Pty Ltd for the price of \$929,422.00 (Excl. GST).

**7 CONTRACT 18/30 OFFICER RECREATION RESERVE OVAL NO. 2
REALIGNMENT**

Moved Cr B Owen Seconded Cr J Springfield

That:

- The tender submitted by SJM Turf & Civil Pty Ltd to undertake the works associated with Contract 18/30 - Officer Recreation Reserve Oval No. 2 Realignment be accepted for the contract sum of \$929,422.00 (excluding GST);
- The remaining Tenderers be advised accordingly; and
- The common seal of the Council be affixed to the contract documents.

Cd.

8 CONTRACT - 18/06 - MOBILE LIBRARY TRAILER REPLACEMENT

FILE REFERENCE INT1870678

RESPONSIBLE GENERAL MANAGER Michael Ellis

AUTHOR Ben Wood

RECOMMENDATION

That:

1. Council accept the tender submitted by BCVT Pty Ltd for the supply a new mobile library trailer featuring a single flat floor and dual entries for the contract sum of \$668,617 excl. GST).
2. The common seal of council be affixed to the contract documents, and
3. All tenderers be advised accordingly

Attachments

- 1 Confidential memorandum detailing tenders received circulated to Councillors only 3 Pages

EXECUTIVE SUMMARY

This report requests the consideration for the appointment of BCVT Pty Ltd, to undertake the detailed design, construction, testing and delivery of a new mobile library trailer for use by the Casey Cardinia Library Corporation to support Cardinia's rural communities.

The tender was advertised on the 24th of February 2018 and closed on the 27th of March 2018.

Council received tenders from three organisations and assessed these in accordance Council's procurement process and the assessment criteria to determine the best overall value for money submission. It is recommended that the contract be offered to BCVT Pty Ltd (Brimarco) for a trailer with a single flat floor configuration, and dual access points that will best cater for our requirements including maximising accessibility for people who are mobility impaired.

Funding for the trailer purchase will be a split between grant funding (\$327,000 received) and Council funding from the plant replacement budget.

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BACKGROUND

The Cardinia mobile library is the busiest in the state, with approximately 57,000 visits per annum, operating 6 days a week and servicing 11 rural towns within Cardinia Shire. This mobile library service supports the vast majority of the Shire with the only other permanent libraries situated in Pakenham and Emerald.

The current trailer was constructed in 1999 and is at the end of its serviceable life. In addition, a new trailer can provide improved function in a number of areas including accessibility for mobility impaired people, stability and structural rigidity, removing the current split-level configuration, providing a dedicated entry and exit, improving lighting, heating and cooling and better visibility through the trailer from the counter along with reduced deployment times.

Application to the Living Library's fund was made in September 2017 with support from Cardinia Shire and Casey Cardinia Libraries to gain financial support for the trailer replacement. This application was successful with a grant of \$327,000 provided by the fund to support the trailer replacement. Casey Cardinia Libraries as also pursuing additional external funding opportunities to try and further reduce financial burden on Cardinia Council.

Tenders were called on the 24th of February 2018 following an extensive assessment of industry capability. Tenders closed on the 27th of March 2018, with submissions received from three vendors BCVT (Brimarco), Signature Custom Floats (SCT) and Varley. Tenderers had the option to provide a base price for a "standard" split level trailer as well as pricing for alternate configurations and add on options as stipulated in the tender documents.

The assessment of the tenders followed Councils established policy and included consideration of dimensions and details of the offering, compliance with specifications, functionality, innovation, and expected performance, as well a range of non-weighted criteria. This was a detailed and extensive review including input from an experienced independent vehicle engineer on structure of a complex and expensive item of plant.

Additional options included in the tender schedules to further improve the functionality of the trailer for emergency use and to support increased amenity were discarded due to budgetary constraints.

POLICY IMPLICATIONS

Council has complied with The Local Government Act, where it is a requirement to call tenders prior to entering into any contract in excess of \$150,000 for the supply of services.

The tendering process followed Council's Procurement Policy and tenders were assessed accordingly.

RELEVANCE TO COUNCIL PLAN

The Council Plan supports programs and activities that promote, develop and improve the wellbeing of our growing communities including access to a variety of services.

1.1 Access to a variety of services for all.

2.3.1 Promote initiatives by the community and Council that connect and strengthen our communities

3.1.3 Provide accessible facilities to meet identified community needs.

CONSULTATION/COMMUNICATION

Consultation was undertaken with:

- Casey Cardinia Libraries; and
- Independent technical review by Rowan Carter of Cartech - an experienced motor vehicle engineer and VicRoads engineering signatory

FINANCIAL AND RESOURCE IMPLICATIONS

Grant funding of \$327,000 has been received from the Living Libraries Fund, with the remaining \$341,617 to be funded from the current Plant Replacement budget at this stage. Additional grant funding is being sought by CCL to reduce cost to Council but this should not be relied upon at this stage.

CONCLUSION

That the tender submitted by submitted by BCVT Pty Ltd (Brimarco) for the supply of a new mobile library trailer featuring a single flat floor and dual entries for the contract sum of \$668,617 excl. GST be accepted as the best value option.

8 CONTRACT - 18/06 - MOBILE LIBRARY TRAILER REPLACEMENT

Moved Cr J Owen Seconded Cr R Brown

That:

1. Council accept the tender submitted by BCVT Pty Ltd for the supply a new mobile library trailer featuring a single flat floor and dual entries for the contract sum of \$668,617 excl. GST).
2. The common seal of council be affixed to the contract documents, and
3. All tenderers be advised accordingly

Cd.

9 ANNUAL REPORT 2017-18

FILE REFERENCE INT1870143

RESPONSIBLE GENERAL MANAGER Derek Madden

AUTHOR Doug Evans

RECOMMENDATION

That the Annual Report for the year ended 30 June 2018 be received and noted.

Attachments

1 Annual Report 176 Pages

EXECUTIVE SUMMARY

To formally receive the Annual Report for the 2017-18 financial year.

BACKGROUND

As required by various provisions of the Local Government Act a report has been prepared detailing the Council's activities for the financial year to 30 June 2018.

The Report comprises the following:

- Report of Operations, including statutory information that highlights Council's activities and achievements for the year.
- Audited Performance Statement, and
- Audited Financial Report

The Annual Report was lodged with the Minister for Local Government prior to 30 September as required by Section 131(6) of the Local Government Act.

Section 131(10) of the Local Government Act stipulates that after the Annual Report has been submitted to the Minister Council must give public notice that the Annual Report has been prepared and is available for inspection. This notice has been given.

In addition, Section 134 of the Local Government Act stipulates that Council must consider the Annual Report at a meeting that must be held as soon as practicable after the Council has sent the Annual Report to the Minister and must be advertised for at least 14 days before the meeting is held. The Annual Report is now presented to the Council for consideration.

Council's financial result has been audited and the audit opinion is included in the documents attached.

The report contains the requisite information as required by both the Local Government Act 1989 and the Local Government (Planning and Reporting) Regulations 2014.

POLICY IMPLICATIONS

Nil.

RELEVANCE TO COUNCIL PLAN

Monitoring Council's financial position is directly relevant to the Council Plan goal of achieving long term financial sustainability and managing the municipality's finances and assets in a responsible manner

CONSULTATION/COMMUNICATION

Senior management have contributed to the details contained in the report of operations and highlighting Council's major achievements for the financial year.

Public notification that the Annual report is available for inspection at the Shire offices and on line has been given as required by Section 134 of the Local Government Act.

FINANCIAL AND RESOURCE IMPLICATIONS

The result for the 2017-18 financial year, as is shown in the Comprehensive Income Statement, is a surplus of \$87.1 million (2016-17 \$89.7 million surplus). The real or underlying result, which removes capital grants and contributions and other non-recurrent items, is a surplus of \$7.2 million (2016-17 \$6.6 million surplus). This underlying surplus is better than the adopted budget by \$7.2 million primarily as a result of operating revenue being \$7.7 million better than budget, mainly in rates & charges, operating grants and interest income.

The closing cash balance (including term deposits) as at 30 June 2018 is \$109.3 million (30 June 2017 \$91.2 million), a total increase of \$18.1 million from 2016-17. Net operating cash inflows for the year were \$58.4 million, and were partially offset by net cash outflows totalling \$40.3 million for investing (Capital Works) and financing (repayments of loans). Excluding developer related funds, the cash balance is \$66.7 million which is mostly committed to capital projects approved as part of the 2017-18 budget, new projects in the 2018-19 budget, general Council operations and other funds allocated to specific purposes.

CONCLUSION

The structure of the Local Government Act provisions is that the Annual Report must be forwarded to the Minister for Local Government prior to 30 September and then presented to a Council Meeting for consideration as soon as practicable thereafter.

It is appropriate for the Council to receive and note and the Annual Report.

9 ANNUAL REPORT 2017-18

Moved Cr J Owen Seconded Cr G Moore

That the Annual Report for the year ended 30 June 2018 be received and noted.

Cd.

10 MAJOR PROJECTS AND STRATEGIES ACTIVITY REPORT

FILE REFERENCE INT1867752

RESPONSIBLE GENERAL MANAGER Michael Ellis; Jenny Scicluna

AUTHOR Ben Wood; Andrew Barr; Desiree Lovell; Walter Carmignani

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 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.

Capital works

Reserves

James Bathe Recreation Reserve civil works

Project description	Construction of two football/cricket ovals, netball courts and playspace.
Funding	The project is funded by Council and a contribution through Sport and Recreation Victoria.
Timelines	The works are expected to be complete by March 2019.
Update	Bulk earthworks and drainage to both ovals and the car park areas are complete. Stabilisation of the car park areas is complete and footings for the goal posts and behind goal nets are installed. Internal sewer works are complete and work is continuing on the electrical installation. Irrigation has commenced & the spoon drain to oval 1 is complete. The building pad has been completed & handed over to the pavilion contractor.

James Bathe Recreation Reserve pavilion

Project description	Construction of a new pavilion servicing netball, football, cricket activities and includes provision for community use.
Funding	Council and the Victorian Government's Growing Suburbs Fund are jointly funding this project.
Timelines	Construction is expected to be complete December 2019.
Update	The construction tender has been awarded to Lloyd Group Pty Ltd. The contractors have established themselves on site.

Deep Creek Reserve

Deep Creek Reserve is a 48-hectare Council 'greenfield' site, bounded by the Pakenham Golf Course to the North and the railway line to the south.

The development of this site will include new paths and car park, development of infrastructure (including a sustainable environment complex, including new golf club rooms, all abilities playground, indigenous plant nursery, wetland and education facilities, kick about area, car park and associated drainage) and Melbourne Water wetlands.

Deep Creek Reserve – civil works package

Project description	The civil works package includes the construction of a 200 plus car space car park and drainage, demonstration wetland, the kick a bout area, footpaths, solar lighting and associated works. A1 Civil Pty Ltd have been appointed to undertake the civil works.
Funding	This part of the Deep Creek Reserve project is funded by Council.
Timelines	Works are expected to be complete in the second half of the year.
Update	The contractor has now completed all drainage works, as well as kerb to approximately 60% of the car park. The contractor has vacated the site temporarily to allow important work to take place on the building, including steel work, which requires the use of cranes. They will return to continue the project in November once the building frame is complete.

Deep Creek Reserve – regional all abilities playspace

Project description	The installation of play structures and equipment, shelters and barbeques including a community meeting space, landscaping and sensory gardens, sand and water play and associated works. Red Centre Nominees Pty Ltd have been appointed to undertake the playspace works.
	The play items will be withheld until the overall site works are complete (early 2019), to assist in preventing unauthorised access to the site.
Funding	This part of the Deep Creek Reserve project is jointly funded by Council and the Victorian Government's Growing Suburbs Fund.
Timelines	The playspace is due to be complete early 2019 along with the other components of the site.
Update	Many of the play components are now complete. The contractor is now undertaking many of the surfacing and finishing works. Landscaping works are well progressed. Once structural works are complete, the site will remain closed to allow an establishment period for the landscaping.

Deep Creek Reserve – Cardinia Community and Education Centre

Project description	The Cardinia Community and Education Centre is a multi-user shared facility, combining ecological values, education and sport. The building will combine the requirements of the Pakenham and District Golf Club and Cardinia Environment Coalition (CEC). The building will incorporate separate and shared spaces for the golf club and CEC users, including a
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multi-function room, lounge/dining/bar area, café, pro shop, environmental training areas, administration areas, and a commercial kitchen. Kirchner Constructions Pty Ltd have been appointed to undertake the building works.

Funding	This part of the Deep Creek Reserve project is funded by Council.
Timelines	Works expected to be complete in mid-2019.
Update	Building construction works completed include all in ground mains services, floor slab and internal timber stud framing. Stormwater drainage to commence. External structural steel framing, roof truss construction 90% complete.

Deep Creek Reserve – landscape package

Project description	The landscape works will complement the civil and building works and includes planting, furniture installation, hydro seeding, and other associated works. The landscape component of the project was tendered separately to ensure high environmental outcomes are achieved, with a focus on the use of indigenous plants of local providence. Australian Ecosystems Pty Ltd have been appointed to undertake the landscape works.
Funding	This part of the Deep Creek Reserve project is jointly funded by Council and the Victorian Government's Growing Suburbs Fund.
Timelines	Works will commence following completion of the civil works package, estimated spring 2018.
Update	The contractor is propagating plants in preparation for planting in the next few months. A coordination meeting has taken place between the civil and landscape contractors, as well as important stakeholders: Pakenham Golf Club and the Cardinia Environment Coalition (CEC)

Deep Creek Reserve – construction of new holes at Pakenham Golf Course

Project description	The construction of two new holes, practise areas, irrigation and associated works at the Pakenham Golf Course. The proposed works involve drainage, earthworks, landscaping, footpath and buggy path construction, irrigation, shaping and other associated works. SJM Turf & Civil Pty Ltd have been appointed to undertake the golf course expansion works. Works are being undertaken in close contact with the golf club, to minimise any impact during construction and ensure quality greens are delivered.
Funding	This part of the Deep Creek Reserve project is funded by Council.
Timelines	Works are expected to be practically complete by mid-2018, followed by a turf establishment period.
Update	The Pakenham Golf Club continue to undertake the maintenance through the 12-month maintenance period. Couch grass sprigging will take place very soon when the conditions are favourable.

Emerald Netball Facility

Project description	<p>Construction of the new Emerald Netball Facility and associated infrastructure at Pepi's Land. The works will be undertaken in the following three stages:</p> <ul style="list-style-type: none"> • Stage 1a - External works including road widening in Beaconsfield Emerald Road adjacent to the site. • Stage 1b - Internal works including carpark, retaining walls, site services, stormwater drainage, netball courts, lighting and building platform for future pavilion. • Stage 2 - Construction of new pavilion.
Funding	The project is funded by Council.
Timelines	<p>Construction of Stage 1b works are expected to be complete in the coming weeks.</p> <p>Tendering of Stage 1a works are to occur in the coming months.</p>
Update	<p>Works are progressing well and nearing completion for the internal civil works. The courts are complete including lights and coaches boxes. Line marking and fencing of the courts is complete. Outfall drainage and raingarden are also complete.</p> <p>VicRoads has approved the design of Stage 1a while Council officers continue to pursue service authority approvals. The construction contract is currently being prepared.</p> <p>Detailed design of the pavilion is continuing with input from stakeholders.</p>

Catani Tennis Courts

Project description	Construction to upgrade two tennis / netball courts including new lighting, surfacing and shelters.
Funding	The project funding is split between Council and the State Government.
Timelines	The project is about to commence in the coming weeks. Completion is due by the end of December.
Update	Works are about to start and are on schedule.

Officer Recreation Reserve no. 2 (western) oval reconstruction

Project description	<p>Reconstruction of the western oval at the Officer Recreation Reserve, Starling Road Officer.</p> <p>The works include, but are not necessarily limited to reorientation, reshaping and resurfacing of the oval and the installation of subsurface drainage and irrigation. The existing floodlighting will also be upgraded.</p>
Funding	The project is funded by Council.
Timelines	Works scheduled to commence in the 2018-19 financial year.
Update	The tender results have come in & an evaluation is currently being conducted. A tender consideration report separate to this will be

presented to this council meeting.

Worrell Recreation Reserve pavilion

Project description	Redevelopment of the football and cricket pavilion, which will now include an appropriate area for gym.
Funding	The project is fully funded by Council.
Timelines	Construction is programmed to be complete by end of December 2019.
Update	All stakeholders have approved the schematic design. Detailed design documentation has commenced. Statutory approval application is being prepared.

Worrell Recreation Reserve Upgrade

Project description	Redevelopment of the football and cricket oval.
Funding	The project is fully funded by Council.
Timelines	Construction is expected to be complete early 2019, with a maintenance period to follow.
Update	Bulk earthworks are now complete and the installation of the irrigation and sub-surface drainage is underway

Lang Lang Community and Recreation Precinct

Project description	The construction of a major recreation and community precinct being undertaken in partnership with the Lang Lang Community Bank. It will include sporting facilities, multipurpose community spaces, parks and other open spaces for recreational activities.
Funding	Lang Lang Community Bank purchased the 36-hectare parcel of land upon which the precinct will be constructed, and have committed \$3.2 million including land purchase to the project. \$1.5 million has been received from the Australian Government's Building Better Regions Fund. Council and our partners have committed in excess of \$10 million to the project between 2015-16 and 2020-21.
Timelines	Stage 1 works are complete, with the ovals expected ready for the middle of the 2018–19 cricket season (weather dependent).
Update	The Stage 1 Civil works have reached practical completion and have been placed onto maintenance. There is now a grass establishment period for the ovals to enable them to be played on. Stage 2; With reference to the pavilion, Cohen Leigh have been appointed as the Architect. We are now in the Detailed Design phase with continued input from all stakeholders, Tender Documentation is to follow shortly after.

Koo Wee Rup Primary and Secondary School oval upgrades

Project description	<p>Reconstruction of the Koo Wee Rup Primary School oval and the adjacent Koo Wee Rup Secondary School oval.</p> <p>The primary school oval upgrade includes new sub surface drainage, two new cricket nets and some portable barrier netting to protect school infrastructure.</p> <p>The secondary school oval upgrade includes new sub surface drainage, irrigation, and flood lighting, installation of a bore, power upgrade, and construction of a new pavilion and extension of the synthetic hockey pitch to meet Australian standards.</p>
Funding	<p>The primary school upgrade is funded by Sport and Recreation Victoria (\$100,000) and Council (\$50,000)</p> <p>The secondary college is funded by the Victorian Government's Department of Education (\$1.6 million) of which \$500,000 is allocated for the oval upgrade works.</p>
Timelines	Works are scheduled to commence in the 2018–19 financial year.
Update	Designs have been finalised by the consultant and are being reviewed by the VSBA before tenders are sought to deliver the works.

Hills Hub

Project description	<p>The Hills Hub project has been in development since late 2014. The Hills Hub will enhance existing community activities delivered by the Emerald Mechanics Institute, establishing a long-term base for Emerald U3A, Emerald Men's Shed, 3MDR Community Radio station and other existing stakeholders. It will also provide opportunity to respond to emerging local needs, including skill development, training and employment creation. An advisory group of community stakeholders across a wide range of community organisations was established. Council has undertaken extensive consultation and negotiations to design a multipurpose facility.</p>
Funding	<p>The project is funded by Council (\$4.88 million), the Australian Government's National Stronger Regions Fund (\$1.5 million), Victorian Government Growing Suburbs Fund (\$1.5 million) and the Eastern Dandenong Ranges Group/Dandenong Ranges Community Bank Group (\$250,000).</p>
Timelines	Construction is due to be complete by May 2019.
Update	<p>The contractor has prepared the services for the slab to be poured, which includes bored piers and re-routing of the main water supply, which has included works from local water authorities. The base blockwork wall is complete and the earthworks for the installation of the water tank and turntable have commenced. Structural steel and timber framing will follow shortly after the slab is poured.</p>

Cochrane Park Tennis Courts

Project description	The construction of two new tennis courts and the refurbishment of the existing tennis courts. The works include synthetic surfacing, improved lighting and shelters.
Funding	The project is fully funded by Council.
Timelines	Construction is about to commence and should be complete in January 2019.
Update	Construction has commenced and will be complete by January 2019.

Roads, paths, drains and bridges Eastern Dandenong Ranges Trail

Project description	<p>The Eastern Dandenong Ranges Trail is a multipurpose trail linking Emerald to Gembrook. The Emerald to Cockatoo component through Emerald Lake Park and Wrights State Forest providing a link between the two towns was complete some time ago.</p> <p>Council has been successful in securing funds to construct the final 6.5km length from McBride Street, Cockatoo to Gembrook Station. The trail follows existing road reserves and the Puffing Billy train line between the towns to create a unique and scenic trail.</p>
Funding	Council (\$900,000), the Australian Government's Department of Infrastructure (\$1 million election commitment) and the Victorian Government's Growing Suburbs Fund (\$545,000) jointly fund the project.
Timelines	The Cockatoo to Gembrook section expected to be complete early 2018.
Update	The civil components of the trail have now reached completion. Council have commenced design and documentation of wayfinding and emergency signage along the trail, liaising with the Eastern Dandenong Ranges Association in the progress.

Emerald Lake Park

Project description	<p>Replacement of outfall drainage pipe and reconstruction of Emerald Lake Park Road dam wall.</p> <p>The leak in the Emerald Lake Park outfall drain was discovered in March, with expert dam and hydraulic engineers attending the site on the same day. Road closure, response program and inspection regime was put in place immediately.</p>
Funding	The works are fully funded by Council.
Timelines	Initial Emergency works have been undertaken. Final works including the road sealing and landscaping will be

undertaken later in the year.

Update The initial stage of works are complete with the exception of sealing of the road. Due to the nature of this part of Emerald, we are unable to achieve appropriate conditions for sealing. As we approach the warmer months, these sealing works will be programmed. Final landscape works are to occur later in 2018.

Thirteen Mile Road/Bunyip River Road Blackspot Project

Project description This intersection has been identified as a high-risk intersection. The offsetting of the western leg of the Bunyip River Road to the north at this intersection will improve safety at this location.

Funding The project is funded through VicRoads Blackspot Program.

Timelines Works expected to be complete by December.

Update Works have started on the road construction works associated with blackspot project and are progressing well.

2018-19 Footpath maintenance program

Project description The maintenance of Council’s existing footpath network, as set out in Council’s Road Management Plan (RMP).

Timelines This is an ongoing program. Regular inspections are carried out on Council’s footpath networks and defects outside the intervention levels as set out in the RMP are rectified. Customer notifications of footpath issues are covered as part of this program.

Funding The \$189,000 program is fully funded by Council.

Update Any defects outside the intervention levels that are highlighted as part of the regular inspections on Council’s footpath network are currently being repaired.

2018-19 new footpath program

Project description Council’s footpath program looks to extend the footpath network in and around townships. The footpaths to be constructed in 2018-2019 are:

Footpath location	Construction-Dates(proposed)	Completed
Tivendale Road , Officer	Oct	October
Station Street , Pakenham	Pedestrian Crossing-under design	
Kennilworth Ave , Beaconsfield	Sep/Oct	October
Bald Hill Road , Pakenham	Oct/Nov	
Anderson Road , Bunyip	Oct/Nov	October

Main Street , Bunyip	Oct/Nov	October
Gembrook Road + Redwood Road , Gembrook	Nov	
Pinnocks Road , Emerald	Rock path- Feb/Mar	
Grange Crt , Koo Wee Rup	Rock path- Jan/Feb	
O'Neil Road , Beaconsfield	Oct/Nov	September
Webster Way , Pakenham	Nov/Dec	September
Princes Hwy : Brunt Rd to Panorama Ave , Beaconsfield	Oct/Nov	September

Funding The \$680,000 program is fully funded by Council through the footpath and pedestrian and bicycle strategy programs.

Update Detailed project scoping and planning is complete. The concrete component of the program is now 75 percent complete and on track to be completed by the end of December, with the gravel paths to be complete during the summer period.

2018-19 Road renewal and resurfacing program

Project description The significant proactive maintenance and upgrade of Councils road network as per Council's asset management system.

Funding The \$3.8 million program is jointly funded by Council and the Australian Government's Roads To Recovery Program.

Timelines It is anticipated that the program will be complete by the end of May.

Update The rehabilitation program has been awarded to QR Constructions (Gippsland) & MACA Infrastructure respectively, with works scheduled to commence in October and November.

The asphalt renewal program has commenced planning with programs allocated to panel contractors. Works on the reseal and asphalt overlay programs will occur in the summer months.

2018-19 Unsealed road re-sheeting program

Project description The unsealed roads re-sheeting program is aimed to replenish approximately 60 kilometres of unsealed roads throughout the shire with new crushed rock that has been lost due to storms and general wear and tear.

Funding The \$1,049,000.00 program is fully funded by Council

Timelines It is anticipated that the program will be completed by April 2019

Update This project is planned to commence late September 2018

2018-19 Drainage program

Project description The maintenance and upgrading of Council's drainage network.

Funding The \$421,000 program is fully funded by Council.

Timelines This program is complete.

Update Planning for the drainage program is complete with most projects allocated and proposed to be undertaken through the spring and summer seasons.

Major culvert replacement works on Ingram Rd, Nar Nar Goon North and Bald Hill Road, Pakenham are due to be complete in spring as the weather improves. Orders have been placed on materials.

Kenilworth Avenue construction

Project description Construction of the first stage of Kenilworth Avenue, extending from Brunt Road to the Princes Highway underpass. The works include a sealed road pavement, kerb and channel on both sides, underground drainage, a concrete path on the south side and a shared concrete pathway on north side.

Funding This project is funded through the Officer Developer Contributions Plan and is being delivered by an active developer in the immediate area as works in kind against payment of their developer contributions.

Timelines Stage 1 (Brunt Road to Princess Highway underpass) works will recommence once the legal dispute is resolved.

Stage 2 (extending to Coach House Lane) investigations into feasibility for delivery of Stage 2 are favourable conditional that alternate options can be put in place until the completion of Stage 1.

Update Stage 1 Kenilworth Avenue works continue to be on hold due to circumstances beyond our control. Council Officers have been unable to facilitate a favourable outcome between the developer and the delivery contractor. The issue has escalated to Council's legal advisors to attempt to resolve as quickly as possible.

Stage 2 design works are progressing well. Possible options are being considered to deliver Stage 2 of the project, independent of the completion of Stage 1.

Other capital projects

Cardinia Cultural Centre (CCC), Stage 1 upgrade incorporating arts space

Project description The upgrade of the CCC is stage 1 of a proposed 3-stage upgrade. Stage 1 includes the provision of an arts space, significant improvements to the foyer/crush space and the provision of flexible dance of flexible dance/rehearsal rooms.

Funding	The project is funded by Council and a contribution through the Growing Suburbs Fund.
Timelines	Tenders will open on the 27 January and close on the 27 February 2018.
Update	Lloyd Group Pty Ltd have been awarded the contract to undertake the stage 1 upgrade works. Works completed on site include the temporary amenities, civil access track, the slab poured and steel erected.

Pakenham Hall, Library and U3A Solar Electricity System

Project Description	Installation of an 84kW solar electricity system at the Pakenham Library Hall and U3A.
Funding	This project is funded by Council.
Timelines	Works commenced in June 2018.
Update	The solar electricity system installed through the completion of the project is currently awaiting AusNet to undertake works to enable its connection and operation.

Beaconsfield Community Complex Solar Electricity System

Project Description	Installation of a 26kW solar electricity system at the Beaconsfield Community Complex.
Funding	This project is funded by Council.
Timelines	Works to commence once AusNet pre-approval is received.
Update	Suntrix have been appointed as solar installer for the project and will begin works once AusNet pre-approval is received.

Lighting Upgrade at Pakenham Hall, U3A and Library and Koo Wee Rup pool

Project Description	Energy efficiency lighting upgrades will involve the replacement of over 500 inefficient lights in the Pakenham Hall, Library and U3A and the Koo Wee Rup outdoor pool.
Funding	This project is funded by Council.
Timelines	Project is scheduled for completion in July.
Update	Echo Group have been engaged to conduct the upgrades and the project is currently underway.

Decorative Street Lighting Upgrade

Project Description	Stage 3 of the decorative street lighting upgrade. Approximately 280 Toorak street-lights will be retro fitted with energy efficient alternatives in this stage of the project.
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Funding	This project is Council funded.
Timelines	Upgrades are on track to commence at the start of next financial year.
Update	A network modification agreement is being created between Council and AusNet and planning is currently underway to identify remaining Toorak lights before engaging a suitable electrical installer.

Strategies

Biodiversity Conservation Strategy

Project description	The development of a Biodiversity Conservation Strategy (BCS) that will provide clear long term strategic direction within the Shire to conserve biodiversity on both private and public land while working in partnership with the community.
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A detailed community consultation process will be undertaken prior to drafting of the strategy, to understand how land managers and the community value biodiversity. The community consultation will assist Council to develop conservation programs and projects that will make our natural biodiversity healthier, diverse and more resilient. This means the land can be managed for environmental, economic and social outcomes.

The BCS consultation process will also be used in the Pest Plant Strategy review.

Funding	The project is fully funded by Council.
Timelines	The finalised strategy is due to be adopted by Council in June 2019.
Update	The appointed facilitator has undertaken 4 consultation workshops during May and June 2018, including internal, industry and community workshops. Additionally 2 online surveys were conducted. A total of 14 separate consultation events and media articles have been undertaken, this has included 800 direct contact interactions with the community (via email, surveys completed and workshops attended). The results of the surveys and consultation workshops will be analysed by the facilitator, with a report for each strategy due to be complete by the end of July 2018.

Pest plant management strategy

Project description	The pest plant management strategy 2012 to 2017 (PPMS) is currently undergoing review. The strategy aims to reduce pest plant infestations across Cardinia Shire through the identification and implementation of an action plan targeting community education and engagement, planning controls and enforcement, and on ground works and monitoring.
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The strategy highlights the combined role of all land managers including Council, private landholders, and state and federal agencies to control weeds collaboratively. There is an emphasis on community education and extension programs to ensure private landholder participation.

Funding	The project is fully funded by Council.
Timelines	The finalised strategy is due to be adopted by Council in June 2019.
Update	For efficiency, community consultation has been undertaken concurrently with the Biodiversity Conservation Strategy above.

Officer Town Centre Landscape Works

Project description Landscape embellishments to northern part of Siding Avenue, around Central Energy Plant and Stormwater Tanks Park.
Finalisation of landscape works around the Civic Centre

Funding Fully funded by Development Victoria under their permit for Officer Town Centre.

Timelines

Update Works have commenced on the Tank Park. They have completed the tank stabilisation and electrical work to ensure the generator and tanks are not impacted. The scope of work is to install heavy vehicle concrete surrounds, and install stairs and decking up to the existing generator shed, which is being added into to create a park shelter. The stairs will have garden beds and will form an amphitheatre to allow this to become a 'city square' style park for all to enjoy.

Works have been delayed by level issues on site with the contract engineers working on solutions to ensure the space is aesthetic as well as usable.

Works around the Central Energy Plant are awaiting VicTrack signoff to complete the retaining wall works and then paving, garden bed and lighting works will be completed.

Around the trees in Siding Avenue, permeable paving will be installed to replace the granitic sand with a heavy duty, lower maintenance alternative.

Tree planting is due be completed along Bridge Road from Gum Scrub Creek to Officer South Rd to finalise the planting of this road by the end of October. Most of these works were approved before the move to the Civic Centre, and should be completed prior to Christmas Update.

CONCLUSION

This regular activity report is provided for Councillors' information

10 MAJOR PROJECTS AND STRATEGIES ACTIVITY REPORT

Moved Cr B Owen Seconded Cr G Moore

That the report be noted

Cd.

11 NOTICE OF MOTION 1041 CR COLIN ROSS

That Council staff prepare a report that considers the implementation of an Arts Grants Program in the 19/20 financial year and the allocation of a budgeted figure of \$25,000 to be launched to coincide with the opening of the new arts facilities at the Cardinia Cultural Centre and Hills Hub and the new Arts and Culture Strategy.

The Program to potentially consist of:

1. Artist Residencies (1 per year in each ward) to link professional artists with the community sector
2. Community Arts Grants for community artists and arts organisations to support new and emerging artists in the fields of dance, musical theatre, digital arts and traditional arts such as painting and sculpture.

NOTICE OF MOTION 1041 CR COLLIN ROSS

Moved Cr C Ross Seconded Cr J Springfield

That Council staff prepare a report that considers the implementation of an Arts Grants Program in the 19/20 financial year and the allocation of a budgeted figure of \$25,000 to be launched to coincide with the opening of the new arts facilities at the Cardinia Cultural Centre and Hills Hub and the new Arts and Culture Strategy.

The Program to potentially consist of:

1. Artist Residencies (1 per year in each ward) to link professional artists with the community sector
2. Community Arts Grants for community artists and arts organisations to support new and emerging artists in the fields of dance, musical theatre, digital arts and traditional arts such as painting and sculpture.

Cd.

REPORTS OR MINUTES OF COMMITTEES

The Mayor advised of minutes received from various committees that have been tabled in addition to the minutes of recent council briefing sessions and these are available if any councillors wish to view them.

REPORTS BY DELEGATES

Youth Council

Cr Schilling reported on the activities of the Youth Council after its first year of operation and advised of the progress that the Youth Councillors had made during the year. Cr Schilling also advised that applications for the 2019 Youth Council were currently being sought for 16 – 21 year old residents.

Lakeside Dragon Park

Cr Schilling reported that the Dragon was going to be replaced in the Dragon Park at Lakeside with an official ceremony being held on 28 October

Casey Cardinia Foundation Dinner

Cr Brett Owen reported on the conduct of the Casey Cardinia Foundation Dinner held on 12 October and advised that over 300 people were in attendance and the dinner raised \$100,000

New CEO

Cr Brett Owen commented on his introductory tour of Ranges Ward in company with the new CEO Carol Jeffs.

Pick My Project

Cr Brett Owen advised of the outcome of the Pick My Project grant funding State Government project noting that of the 31 successful projects in the southern metro area 6 were Cardinia Shire and congratulated the proponents of those projects.

SCOPE Accreditation

Cr Brett Owen advised that Council had achieved reaccredited for SCOPE access accreditation and congratulated the customer service team in particular Marcia Cadoret and Donna Wade,

Beaconsfield

Cr Brett Owen advised of a Walkthrough of Beaconsfield conducted in company with the Beaconsfield Progress Association and members of the maintenance team that had achieved positive results.

2018 Victorian Senior Awards

Cr Brett Owen advised that two former local residents had achieved recognition in the recent Victorian Seniors Awards including Cheryl Webster and in particular Hamish Russell who was announced of Senior of the Year noting that Mr Russell was the former Chair of the Emerald Village Committee.

Healesville Phillip Island nature link

Cr Moore advised of his attendance in company with Cr Brown at the recent launch of the Healesville Phillip Island nature link

Together We Can

Cr Ross advised of his attendance at the recent Together We Can conference at the Cardinia

Cultural Centre

Cr Ross advised of the activities of the Metro Waste Management Group.

Cr Ross advised of his participation in recent activities arranged by the local Sikh community.

PRESENTATION OF PETITIONS

Manager Governance advised of a petition presented at a recent Special Council Meeting regarding Council's property at 6-10 Main Street.

The petition will lay on the table for consideration by the Council at its next meeting.

COMMUNITY QUESTION TIME

Question received from Michael Smith of Jeanne Street. Cockatoo

Question

'Is the council planning on a permanent solution for the ongoing issues in regards to the inadequate road surface of the corners Lowan road and Maurice street, Lowan Road and Jeanne Street and Lowen Road and Halcyon Roads.'

Answer by General Manager Assets and Services.

Council has been aware of the maintenance problems associated with the steep intersections along Lowan Road under varying weather conditions. Around 12 months ago the roads were gravel resheeted however the stopping, turning and braking on steep grades continues to corrugate the road surface. It is proposed to apply cement stabilised crushed rock at the intersections which has been used successfully in other similar situations.

If this approach is unsuccessful then we would discuss with residents the opportunity of sealing the roads under a special charge scheme arrangement.

Questions submitted by Mrs Gloria O'Connor

Question 1

When answering a question on 17th September regarding council land at 6 – 10 Main Street Pakenham, the CEO stated that the Council had fulfilled its statutory obligation in the advertising of the proposed project. There is an expectation in the community that Council meet a higher standard than the minimum when notifying the community of any development on what is in fact community owned land. At the very least all interested parties adjoining the proposed development should be notified. The Berwick-Pakenham Historical Society's permanent home is the old Council Office at 85 Princes Highway which adjoins 6 – 10 Main Street Pakenham. I now ask the Mayor will he give an undertaking to the community on behalf of the Council that when proposing to make changes to the management of council owned land, all users of adjoining Council owned land facilities will be notified ?

Answer by Manager Governance

Yes, this undertaking can be given.

Question 2

Concerning the required pre-planning application signage on the site at 6 – 10 Main Street, will you please supply the following information: What is the name of the applicant/person who placed the signs on site and on what date and time? After several days when the signs were on the ground

and no longer visible, what action if any was taken to replace them? What date were the signs removed and by whom? When two Statutory Declarations were supplied by residents advising lack of 14 day visibility and continuity of the signage, they were advised by a council officer that it did not matter whether the signs were visible, lying on the ground or in the green vegetation at the end of the site. Can you please advise what is required by development pre-planning permit rules.

Answer by Manager Governance

The applicant was Sienna Building Pty Ltd, as previously advised when council staff noticed that the advertising signage had been blown over due to strong winds the applicant was advised to re-erect them and this was undertaken. Council has been advised that the signs were erected for the period 3 July until 23 July.

Section 52 of the *Planning and Environment Act 1987* (the Act) sets out the requirements of giving notice of an application. If it is deemed that notice is required, the responsible authority must give notice of an application in a prescribed form (a notice) to the owners and occupiers of allotments adjoining the land.

Council sent letters to the owners and occupiers of adjoining properties, therefore Council has satisfied the requirement of the Act.

The responsible authority may also provide notification to any other persons, if the responsible authority considers that the grant of the permit may cause material detriment to them. In this case, Council extended the mail out, beyond the adjoining landholders, 18 properties were advertised in whole.

Council **may** also require the applicant to place signage on the site. It is acknowledged that Council was advised that the signs had fallen over in strong winds one day, the applicant was advised and the signage was replaced in position. Council has received a Statutory Declaration from the applicant stating that the signage on the land was present for a total of 14 days.

Council is satisfied that the advertising was carried out in accordance with the Act, in that the adjoining property owners/occupiers were notified. The four objections received were considered as part of the planning process, and the objectors had the opportunity to appeal the decision at VCAT.

Question 3

There is very strong community opinion that the Pakenham 6 - 10 Main Street site is certainly not suitable for the proposed excessive housing development, and also is not an appropriate location for the described transitional housing. Would you please advise who in Council was initially responsible for the choice of this site for the proposed development?

Answer by Manager Governance

Council staff undertook an audit of all vacant Council land in and around Pakenham, this vacant site on Main Street was considered suitable for this development and the Council has endorsed that development and use.

Questions received from Ms Rosa Santo

Question 1

Who is currently responsible for care and maintenance of the Pakenham outdoor swimming pool which is looking very neglected and untidy in its surrounds?

Answer by General manager Assets and Services

Aligned Leisure are contracted to operate the pool and carry out minor maintenance to deliver their programs taking into account OHS issues. Council maintain the buildings and surrounds and have ongoing problems with ducks soiling the surrounds and pool water. We are trying new ways to control the ducks and ensuring the landscaping is well maintained. Higher levels of landscape maintenance occurs when the pools are in use.

Question 2

Can you please give information about the car parking progress at the Cardinia Cultural Centre, it has been proving difficult for many drivers presently ?

Answer by General Manager Assets and Services

Construction of the new car park at Cardinia Cultural Centre is well underway. The provision of 70 additional sealed car parks will be completed by early November weather permitting.

Question 3

Would you please give information about the works being carried out on the site adjoining the Pakenham Bowling Club building in Henry Street, in particular the very deep hole being excavated in the area ?

Answer by General Manager Assets and Services

The construction works adjacent to the Pakenham Bowling Club on PB Ronald Reserve involves the removal of three underground fuel tanks, the demolition of the old council depot and reconstruction of the car park area to provide additional parking for the Bowling Club, Scope and the reserve in general. These works are in accordance with the approved masterplan for the reserve.

Question from Carol, Redfern Way, Pakenham

How long is a reasonable time for a department to answer a request please? 3 weeks ago we made enquiries who was now responsible for mowing 20 Storey Dr . No one has returned our call. The developer has not returned calls either and the land is now in desperate need of mowing. Unfortunately do to hospitalization I am.unable to attend tonight's meeting but will be viewing online

Answer by The Mayor

The property at 20 Storey Drive has been sold to the Victorian Women's Housing Association and they are responsible for the maintenance of the property.

Before closing the Mayor acknowledged that this was the final Meeting that he will be chairing as his Mayoral Term was coming to an end and took the opportunity of thanking his fellow councillors and staff for their assistance during his term.

Meeting closed at 9.30pm

Minutes Confirmed
Chairman