



Cardinia

MINUTES OF GENERAL COUNCIL MEETING

MONDAY, 21 OCTOBER 2019

MINUTES OF GENERAL COUNCIL MEETING

held in the Council Chambers, 20 Siding Avenue, Officer
on Monday, 21 October 2019
The meeting commenced at 7pm

PRESENT: Mayor, Graeme Moore, Chairman

Councillors Michael Schilling, Carol Ryan, Jodie Owen, Collin Ross, Ray Brown, Jeff Springfield, Leticia Wilmot, Brett Owen

Messrs Carol Jeffs (CEO), Peter Benazic (GMIE), Tracey Parker (GMLC), Jenny Scicluna (GMCPP), Tom McQualter (EMOC), 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 and present

APOLOGIES:

Crs Jodie Owen and Ray Brown

CONFIRMATION OF MINUTES OF MEETINGS

Moved Cr C Ryan Seconded Cr M Schilling

THAT MINUTES OF THE FOLLOWING MEETINGS BE CONFIRMED-

- General Council Meeting 16 September 2019

Cd.

DECLARATION OF PECUNIARY AND OTHER INTERESTS

Nil.

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1 REMOVAL OF RESTRICTIVE COVENANT AT 110 BAYVIEW ROAD, OFFICER

FILE REFERENCE INT1978074

RESPONSIBLE GENERAL MANAGER Tracey Parker

AUTHOR Meghan Ablett

RECOMMENDATION

That a Refusal to Grant Planning Permit T190295 be issued for the removal of a covenant U215270U relating to development of single storey dwellings and height restrictions at 110 Bayview Road, Officer VIC 3809 on the following grounds:

- The proposal fails to meet the requirements of Section 60(2) and 60(5) of the Planning and Environment Act 1987, as the Responsible Authority is not satisfied that the owner of any land benefitted by the restriction will be unlikely to suffer financial loss, loss of amenity, loss arising from the change in neighbourhood character or any other material detriment (including perceived detriment) as a consequence of variation to the restriction.

Attachments

1	Locality Map	1 Page
2	Copy of the Restrictive Covenant	4 Pages
3	Copy of Objections - Circulated to Councillors only	1 Page

EXECUTIVE SUMMARY

APPLICATION NO.:	T190295
APPLICANT:	Nathan Miratana
LAND:	110 Bayview Road, Officer VIC 3809
PROPOSAL:	Removal of covenant U215270U relating to development of single storey dwellings and height restrictions
PLANNING CONTROLS:	Urban Growth Zone Schedule 3 Development Contributions Overlay Schedule 4 Clause 52.02 Easements Restrictions and Reserves Officer Precinct Structure Plan September 2011 Officer Development Contributions Plan September 2011.
NOTIFICATION & OBJECTIONS:	The application has been advertised pursuant to Section 52 of the <i>Planning and Environment Act 1987</i> . Council received one objection.
KEY PLANNING CONSIDERATIONS:	Is the removal of the restrictive covenant an appropriate planning outcome

RECOMMENDATION: Refusal

BACKGROUND

The history of the site includes:

Planning permit T180820 was issued on 18 April 2019 for subdivision of the land, the creation of reserves and associated works (including roadworks in land subject to inundation overlay generally in accordance with the endorsed plans).

SUBJECT SITE

The site is located on the eastern side of Bayview Road.

There is a pipeline easement through the centre of the site.

The site currently contains a dwelling and a line of trees running along the north boundary and running north to south in the centre of the site.

The topography of the land is gently sloping north to south.

The main characteristics of the surrounding area are:

NORTH: Undeveloped residential land and Brown Road

EAST: Undeveloped residential land and Tivendale Road

SOUTH: Undeveloped and developing residential land and Princes Hwy

WEST: Bayview Road, developing residential land forming part of Winning Post and Timbertop Estate

PROPOSAL

The proposal seeks to remove restrictive covenant U215270U registered on the title of the subject site.

The covenant states:

“Transferees shall not:-

Build, construct or erect or cause to be built, constructed or erected or to remain on the land hereby transferred, or any part thereof, any dwelling or house unless such dwelling or house is of a single storey or level with the floor of the said dwelling or house not higher than 1.5 metres above the natural surface of the land when measured over the entire floor area,

AND this covenant shall appear on the Certificate of Title to issue for the said land and run with the land.”

PLANNING SCHEME PROVISIONS

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11.02 Managing Growth
 - Clause 11.02-2S Structure Planning
 - Clause 11.02-3S Sequencing of development
- Clause 11.03 Planning for Places
 - Clause 11.03-2S Growth Areas
- Clause 13.07 Amenity
 - Clause 13.07-1S Land Use compatibility
- Clause 14.02 Water
 - Clause 14.02-1S Catchment planning and management
- Clause 15.01 Built Environment
 - Clause 15.01-1S Urban Design
 - Clause 15.01-1R Urban Design Metropolitan Melbourne
 - Clause 15.01-2S Building Design
 - Clause 15.01-3S Subdivision Design
 - 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:

- Clause 21.03 Settlement and Housing
 - Clause 21.03-1 Housing
 - Clause 21.03-2 Urban growth area
- Clause 21.05 Infrastructure provision
 - Clause 21.05-3 Local roads
- Clause 21.06 Particular Uses and Development
 - Clause 21.06-1 Design and built form

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.02 Easements Restrictions and Reserves
- Officer Precinct Structure Plan September 2011
- Officer Native Vegetation Precinct Plan September 2011
- Officer Development Contributions Plan

Zone

The land is subject to the Urban Growth Zone Schedule 3. The applied zone is General Residential (Clause 32.08).

Overlays

The land is subject to the Development Contributions Plan Overlay Schedule 4 (DCPO4).

PLANNING PERMIT TRIGGERS

The proposal for **removal of covenant U215270U** requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 52.02 Easements, restrictions and reserves a permit is required to create and remove a restriction.

PUBLIC NOTIFICATION

Section 52 of the *Planning and Environment Act 1987* requires that the Responsible Authority must give notice of an application in the prescribed form to:

- Owners and occupiers of land benefited by a registered restriction covenant if the application is to remove or vary the covenant;
- Any other persons, if the responsible authority considers the grant of the permit may cause material detriment to them.

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

- Sending notices to the beneficiaries of covenant U215270U
- Placing signs on site frontage
- Placing a notice in the Pakenham Gazette newspaper

Council has received one objection to date. The key issue that was raised in the objections are:

- Approval will be contrary to the restrictive covenant under which the lot was purchased.

REFERRALS

The application was not required to be referred.

DISCUSSION

Section 60(2) and 60(5) of the *Planning and Environment Act 1987* states that Council **must not** issue a permit where it has not been satisfied that the owner of any land benefitted by the restriction will be unlikely to suffer financial loss, loss of amenity, loss arising from the change in neighbourhood character or any other material detriment (including perceived detriment) as a consequence of the variation to the restriction.

The relevant section of the *Planning and Environment Act 1987* is provided below.

The responsible authority **must not grant** a permit which allows the removal or variation of a restriction referred to in subsection (4) unless it is satisfied that—

- (a) The owner of any land benefited by the restriction (other than an owner who, before or after the making of the application for the permit but not more than three months before its making, has consented in writing to the grant of the permit) will be unlikely to suffer any detriment of any kind (**including any perceived detriment**) as a consequence of the removal or variation of the restriction; and
- (b) if that owner has objected to the grant of the permit, the objection is vexatious or not made in good faith.

The objector has expressed concerns that they purchased their respective lot with the expectation the single story and height restriction covenant will remain on the affected lots and that the purchaser of the subject site was aware of the restrictive covenant when they purchased the subject site. As the objection has been received from a legal beneficiary of the covenant and relates to perceived material detriment that will arise from the removal of the covenant, the effect of Section 60(5) of the *Planning and Environment Act 1987* is that a permit **must not** be granted and the application must be refused.

Therefore the Officer's Recommendation is to refuse the application as required by Section 60(2) and 60(5) of the Planning and Environment Act 1987, in accordance with its statutory obligation.

CONCLUSION

It is concluded that the application to remove covenant **U215270UC** does not satisfy the requirement of the owner of any land benefitted by the restriction will be unlikely to suffer financial loss, loss of amenity, loss arising from the change in neighbourhood character or any other material detriment (including perceived detriment) as a consequence of the variation to the restriction.

**1 REMOVAL OF RESTRICTIVE COVENANT AT 110 BAYVIEW ROAD,
OFFICER**

Moved Cr C Ryan Seconded Cr C Ross

That a Refusal to Grant Planning Permit T190295 be issued for the removal of a covenant U215270U relating to development of single storey dwellings and height restrictions at 110 Bayview Road, Officer VIC 3809 on the following grounds:

- The proposal fails to meet the requirements of Section 60(2) and 60(5) of the Planning and Environment Act 1987, as the Responsible Authority is not satisfied that the owner of any land benefitted by the restriction will be unlikely to suffer financial loss, loss of amenity, loss arising from the change in neighbourhood character or any other material detriment (including perceived detriment) as a consequence of variation to the restriction.

Cd.

2 PETITION - CLIMATE CRISIS

FILE REFERENCE INT1974862

RESPONSIBLE GENERAL MANAGER Tom McQualter

AUTHOR Doug Evans

RECOMMENDATION

That Council receive the petition tabled at the Council Meeting held on 16 September 2019 asking that Council address the climate crisis noting that Council resolved at that meeting to declare a climate emergency and undertake certain actions to ensure climate change adaption and mitigation.

Attachments

1 Petition - Circulated to Councillors only 11 Pages

EXECUTIVE SUMMARY

Cr Schilling tabled a petition at the Council Meeting held on 16 September 2019; the petition asks that Council address the climate crisis by:

1. Declaring a state of climate emergency;
2. Committing to a target of 100% Renewable Energy for Council operations by 2025; and
3. Committing to a target of net zero carbon emissions for the community by 2040.

BACKGROUND

At the September Council Meeting Council adopted Notice of Motion 1048 as follows:

That Council resolves to:

- Note that the Municipal Association of Victoria State Council (May 2019) and the Australian Local Government Association National General Assembly (June 2019) have both declared a climate emergency;
- Declare a climate emergency, in response to the overwhelming climate science which indicates rising global temperatures are putting our local economy, people, species, and ecosystems at risk.
- Give priority to policy and actions that will provide for both mitigation and adaptation in response to accelerating global warming and climate change.
- Ensure climate change adaptation and mitigation are emphasised as a key priority in the 2021-2025 council plan.
- Investigate the financial viability of divestment within council financing, with the aim to move away from financial institutions, which fund the fossil fuel industry.
- Fund a climate change action plan in the 2020-2021 budget cycle, with a focus on climate change adaptation and mitigation.
- Investigate the cost effectiveness in purchasing “green energy”.
- Acknowledge the work Cardinia Shire Council has already done in the move to a zero carbon operational target, with a planned 36% reduction in community emissions.

This motion satisfactorily addresses the request contained with the petition.

POLICY IMPLICATIONS

Council's Sustainable Environment Policy in particular the theme of Climate change is relevant to this topic.

RELEVANCE TO COUNCIL PLAN

Several Council Plan actions are relevant to this matter in particular the actions to:

- Adapt to the impacts of climate change by working in partnership with the South East Councils Climate Change Alliance (SECCCA) and both Victorian and Australian Governments, and
- Reduce Council's energy consumption and help the community to do likewise.

CONSULTATION/COMMUNICATION

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

The Notice of Motion adopted by the Council in declaring climate emergency includes reference to the financial impacts of declaring such an emergency.

CONCLUSION

It is appropriate to receive and note the petition tabled at the September Council Meeting

2 PETITION - CLIMATE CRISIS

Moved Cr C Ryan Seconded Cr C Ross

That Council receive the petition tabled at the Council Meeting held on 16 September 2019 asking that Council address the climate crisis noting that Council resolved at that meeting to declare a climate emergency and undertake certain actions to ensure climate change adaption and mitigation.

Cd.

3 PETITION - CARDINIA PRIMARY SCHOOL

FILE REFERENCE INT1979262

RESPONSIBLE GENERAL MANAGER Tom McQualter

AUTHOR Doug Evans

RECOMMENDATION

That Council receive and note the petition tabled at the September Council Meeting and respond to the petitioners in regard to signage and parking conditions at the School as detailed in this report

Attachments

1 Petition from Residents - Circulated to Councillors only 3 Pages

EXECUTIVE SUMMARY

Cr Ross tabled a petition at the September Council meeting, this report responds to the petition. Council is the responsible authority for Cardinia Road as a local road under the Road Management Act, while VicRoads are the responsible authority for Ballarto Road as a declared arterial road.

BACKGROUND

At the September Council meeting, Cr Ross tabled a petition, coordinated by the Cardinia Primary School Council and signed by 113 persons, raising concerns with traffic and parking on Cardinia Road at the intersection of Ballarto Road particularly at School pick up and drop times and seeking an upgrade in signage and improvement in parking conditions on Cardinia Road at Cardinia Primary School.

Concerns in regard to traffic and parking issues at school pick up and drop off times at State Government schools, in particular primary schools, is a matter that is prevalent at all schools, especially state schools that do not generally provide any parking for the parents, and is not just an issue at this school or just within Cardinia Shire.

Council is aware of the issues at Cardinia Primary which are exacerbated by its location on a state arterial road and local arterial road intersection, the traffic volumes are not likely to reduce, and the school will likely need to implement measures to adequately deal with these ongoing issues in a suitable manner similar to other schools fronting onto arterial roads.

In response to the request for upgrade in signage and improved parking conditions the following is provided as a suggested response to the petitioners:

Signage

School Speed Zone Signage is installed in accordance with guidelines and memorandum of authorisations issued by VicRoads, and are determined by the permanent speed limit and traffic volumes in a road like Cardinia Road at this location. The static signage on Cardinia Road complies with the current guidelines based on the current 60km/h speed limit outside of school times and the existing volume of traffic along the road. Minor improvements in signage location are being undertaken currently, however when complete, the signage is considered to be suitable for this location and in accordance with current requirements. If the school wish to fund or seek to improve the current static signage over and above normal requirements, to flashing electronic signage, Council will support the school and advocate to VicRoads for the higher level of school speed zone signage. Initial inquiries with VicRoads indicate that if electronic signage were requested it would

likely be approved. However preliminary conversations with the school principal indications are that the school is unwilling to pay for the upgraded electronic school speed zone signage on Cardinia Road.

Parking

Council is not responsible for the provision of parking for this or any other school, if additional parking is required for school use, then the school in consultation with the Department of Education and Training (DET) should be looking at what options it has to create additional parking to manage the demand that the school is creating. Council facilitated the School relocating its eastern fence along Cardinia Road only a few years ago to create more space for parent parking / student access along Cardinia Road. The School Council may wish to consider further changes within the school to accommodate the apparent increased parking being generated by the school.

In consultation with the previous school principal some alterations to the parking on the west side of Cardinia road were made to try to manage the parking and safety issues, however at that time parking on the east side of the road was not prevalent. Recent observation now show that there is substantial parking occurring on the east side of Cardinia Road in a location where there are neither footpath, pedestrian crossings and there are very narrow shoulders – making this an unsuitable area to continue to allow parking to occur. Given the safety concerns with parking on the east side of the road No Stopping signage will shortly be installed to prohibit this unsafe parking. This is being done in consultation with the school.

POLICY IMPLICATIONS

Nil.

RELEVANCE TO COUNCIL PLAN

The Council Plan is not relevant to this matter as Council is not responsible for the provision of parking at State schools.

CONSULTATION/COMMUNICATION

Council has been in consultation with the current and former School Principal in regard to the ongoing concerns in regard to parking and traffic issues at the school. Topics covered in these discussions have been installation of flashing school speed zone signage on Ballarto and Cardinia Road, additional school crossings, speeding in the school speed zones, parking provision around the school, safety concerns in regard to parking around the school, school bus stop location, potential for installation of traffic lights or roundabout at the intersection, and traffic congestion. It is also understood that the school is continuing discussions with VicRoads in relation to speed zones and traffic on this declared arterial road.

FINANCIAL AND RESOURCE IMPLICATIONS

Current estimates are that electronic school speed zone signage would be in the order of \$70,000 for this site. Council is not in a position to fund any major improvements at the School and such improvements over and above the Road Management Act requirements should be the responsibility of the School as the requester, in conjunction with DET.

CONCLUSION

It is appropriate for the Council to receive and note the petition table at the September Council meeting and it is suggested that the petitioners be advised of the potential to assist with speed zone signage and improved parking provisions as detailed in this report

3 PETITION - CARDINIA PRIMARY SCHOOL

Moved Cr C Ross Seconded Cr C Ryan

That Council receive and note the petition tabled at the September Council Meeting and respond to the petitioners in regard to signage and parking conditions at the School as detailed in this report

Cd.

4 DISSOLUTION OF TOOMUC RECREATION RESERVE COMMITTEE

FILE REFERENCE INT1971493

RESPONSIBLE GENERAL MANAGER Tracey Parker

AUTHOR Doug Evans; Fiona Christopher

RECOMMENDATION

That the Toomuc Recreation Reserve Committee be dissolved and the members of the Committee be thanked for their service.

Attachments

Nil

EXECUTIVE SUMMARY

The Toomuc Recreation Reserve Committee at a meeting held on 9 September resolved that the Committee be disbanded and management of the reserve revert to the Council. Therefore it is necessary to formally resolve to dissolve the Committee.

BACKGROUND

The Toomuc Recreation Reserve Committee passed a resolution at a recent meeting to disband. As this Committee was formally established by resolution of the Council it is necessary for the Council to now formally resolve that the Committee be dissolved.

Council staff are meeting with the Committee to discuss the transition to Council management and maintenance including financial and governance matters, seasonal allocation process for Summer 2019/20, planned events and maintenance. A project plan and transition process has been developed to ensure the intricacies of management handover are resolved as best possible without disruption to the levels of services for the sporting groups accessing the reserve.

POLICY IMPLICATIONS

Council staff will initiate a Seasonal Allocation Process for all clubs onsite in accordance with the Recreation Reserve Management and Usage Policy.

RELEVANCE TO COUNCIL PLAN

The following aspects of the Council Plan will be implemented while transitioning the management and maintenance of Toomuc Recreation Reserve from the Committee to Council:

1. Our People

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

2. Our Community

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

CONSULTATION/COMMUNICATION

Council staff have worked very closely with the Committee since early 2019 in an attempt to help strengthen the governance processes and relationships for the Reserve Committee.

Council staff will continue to work with outgoing committee members and the tenant sporting clubs through the transition process.

The Active Communities Business Unit has been working with relevant staff across Council regarding the dissolution of the Toomuc Recreation Reserve Committee and transition of the reserve to Council management and maintenance. This has included finance, governance, buildings and facilities and parks operations.

FINANCIAL AND RESOURCE IMPLICATIONS

The existing financial resources of the Section 86 Committee will be transferred to Council and all existing outstanding bills of the Committee to contractors will be paid.

There is an ongoing financial and staff resource cost to Council of bringing the management and maintenance of Toomuc Recreation Reserve in-house. Council currently has \$100,852 allocated for the 2019/20 financial year as a maintenance allocation for Toomuc Recreation Reserve.

The cost to bring the sports field to a suitable standard if required and any additional cost to maintain the reserve ongoing will be taken from the existing operating budget. Additional ongoing funds will be sought as part of the 2020/21 budget preparation process.

CONCLUSION

As the Toomuc Recreation Reserve Committee has resolved to disband it is necessary for the Council to formally resolve to dissolve the Committee.

4 DISSOLUTION OF TOOMUC RECREATION RESERVE COMMITTEE

Moved Cr C Ryan Seconded Cr C Ross

That the Toomuc Recreation Reserve Committee be dissolved and the members of the Committee be thanked for their service.

Cd.

5 APPOINTMENT OF COMMITTEE MEMBERS TO THE LANG LANG MEMORIAL HALL COMMITTEE OF MANAGEMENT

FILE REFERENCE INT1976339

RESPONSIBLE GENERAL MANAGER Tracey Parker

AUTHOR Helena Moloney

RECOMMENDATION

That the following appointments be made to the Lang Lang Memorial Hall Committee under Section 86 of the Local Government Act (1989).

That the following members be appointed to the Committee:

- Ken Robinson President
- Robert Taylor Vice President
- Cynthia Gane Secretary/Bookings Officer
- Margaret Robinson Treasurer
- Roni Schell Committee Member
- Bruce Dunn Committee Member
- Nancy Palmer Committee Member
- Rosemary Kruizinga Committee Member
- Karen Brown Committee Member

All previous members are removed from this committee and are acknowledged and thanked for their past contribution.

Attachments

Nil.

EXECUTIVE SUMMARY

This report advises Council of the membership of Committees of Management that have been appointed as the result of public meeting that has been conducted by Councillors or Council Officers.

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 or at other specified times.

The Act requires that Council approves the membership of Special Committees. It also notes those who are no longer members.

At a meeting held on Monday 12th August 2019 the members detailed above were elected to be appointed by Council to the Lang Lang Memorial Hall Committee for the current term as specified in the Instrument of Delegation (bi-annually).

POLICY IMPLICATIONS

Nil.

RELEVANCE TO COUNCIL PLAN

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

CONSULTATION/COMMUNICATION

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

CONCLUSION

It is appropriate for the Council to confirm the appointment of these new members to the Lang Lang Memorial Hall Committee.

5 APPOINTMENT OF COMMITTEE MEMBERS TO THE LANG LANG MEMORIAL HALL COMMITTEE OF MANAGEMENT

Moved Cr C Ryan Seconded Cr C Ross

That the following appointments be made to the Lang Lang Memorial Hall Committee under Section 86 of the Local Government Act (1989).

That the following members be appointed to the Committee:

- Ken Robinson President
- Robert Taylor Vice President
- Cynthia Gane Secretary/Bookings Officer
- Margaret Robinson Treasurer
- Roni Schell Committee Member
- Bruce Dunn Committee Member
- Nancy Palmer Committee Member
- Rosemary Kruizinga Committee Member
- Karen Brown Committee Member

All previous members are removed from this committee and are acknowledged and thanked for their past contribution.

Cd.

6 APPOINTMENT OF MEMBERS TO THE CARDINIA ACCESS AND INCLUSION ADVISORY COMMITTEE

FILE REFERENCE INT1976378

RESPONSIBLE GENERAL MANAGER Tracey Parker

AUTHOR Annmarie Saffin

RECOMMENDATION

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

- David Edwards Community representative
- Sharyn Thomas Community group representative
- Anne McCormick Disability sector representative

Attachments

Nil.

EXECUTIVE SUMMARY

This report advises Council of membership to the Cardinia Access and Inclusion Advisory Committee (CAIAC) members recently nominated at their Annual General Meeting on Wednesday 18 September 2019.

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 or at specified times. The Cardinia Access and Inclusion advisory committee was established in 2005 as a special Committee to council.

The committee has an established membership representing the disability community including:

- Community Representatives (3)
- Disability Sector Representative (3)
- Community Groups representatives (3)
- Councillor Representatives (2), Cr. M. Schilling and Cr. B. Owen

The purpose of the committee is to:

- Monitor and review Councils Cardinia Disability Access and Inclusion 2017-2021 Action Plan
- Provide information and timely advice to council on issues impacting residents with a disability which create barriers to full functioning or participation
- Provide input to strategic planning utilising the lens of accessibility
- Where required represent the Cardinia Access and Inclusion Advisory Committee on other community advisory opportunities

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. This committee has relevance to the following council plan actions;

1. Our People

1.3.3 Support the provision of learning opportunities for all ages and abilities.

1.4.4 Support children, young people, families, older adults and people of all abilities by providing a range of accessible services and facilities.

2. Our Community

2.2.1 Provide a range of opportunities that encourage community participation in Council policy and strategy development

2.4.4 Support the provision of services by Council or others for people of all abilities.

CONSULTATION/COMMUNICATION

Members to be appointed were nominated at the Annual General Meeting on Wednesday 18 September 2019. A public notice calling for expressions of interest on membership was advertised in the local media and through other communication channels prior to the AGM.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

CONCLUSION

Council to confirm the appointment of these members to the Cardinia Access and Inclusion Advisory Committee.

6 APPOINTMENT OF MEMBERS TO THE CARDINIA ACCESS AND INCLUSION ADVISORY COMMITTEE

Moved Cr M Schilling Seconded Cr B Owen

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

- David Edwards Community representative
- Sharyn Thomas Community group representative
- Anne McCormick Disability sector representative

Cd.

7 APPOINTMENT OF LANG LANG COMMUNITY RECREATION RESERVE COMMITTEE

FILE REFERENCE INT1976782

RESPONSIBLE GENERAL MANAGER Tracey Parker

AUTHOR Michael Casey

RECOMMENDATION

That in exercise of the powers conferred by sections 86 and 87 of the *Local Government Act 1989* (the Act), Council resolves that:

1. From the date of this resolution, there be established as a special committee known as the Lang Lang Community Recreation Reserve Committee.
2. The purposes of the Committee are those set out in the schedule to this resolution.
3. Membership of the committee shall be up to 12 members comprised of one representative nominated by each of the:
 - Our community company
 - Lang Lang Football club
 - Lang Lang Cricket club
 - Lang Lang Netball club
 - Lang Lang Junior football club
 - Lang Lang Tennis club (optional until tennis facility is established)
 - Lang Lang Soccer Club (optional until soccer facility is established)
 - Lang Lang Scouts (optional until scouts facility is established, and
 - Up to 3 community representatives
4. The Committee once appointed shall from their number elect a Chairperson, Secretary and Treasurer
5. A quorum for the Committee is a whole number that is an absolute majority of the number of members of the Committee.
6. All members of the Committee have voting rights on the Committee.
7. The Committee is required to report to Council at the intervals specified in the schedule to this resolution.
8. The members of the Committee pursuant to s 81(2A) of the Act, are exempted from being required to submit a primary return or ordinary return.-
9. There be delegated to the Committee the powers, duties and functions set out in the attached Instrument of Delegation (**the Instrument**).
10. The Instrument:
 - a. comes into force immediately the common seal of Council is affixed to the Instrument;
and

b. remains in force until Council determines to vary or revoke it

11. The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with any guidelines or policies Council may from time to time adopt.

12. The Instrument be sealed.

Attachments

- | | |
|----------------------------|---------|
| 1 Reserve Masterplan | 1 Page |
| 2 Instrument of Delegation | 2 Pages |

EXECUTIVE SUMMARY

Stage 1 construction at the Lang Lang Community Recreation Reserve is nearing completion, with ovals and pavilion expected to be completed by the end of 2019. The future management model of the reserve needs to be determined and resolved by Council.

User groups for stage 1 and stage 2 have voted on their preferred management model, with the majority voting to establish a Section 86 Committee under the Local Government Act, to manage the Lang Lang Community Recreation Reserve.

Council is therefore requested to formally establish a Section 86 Committee under the Local Government Act for the management and maintenance of the new Lang Lang Community Recreation Reserve. The area of responsibility of the committee will exclude the existing house and house paddock and the wetland area.

BACKGROUND

The Lang Lang Recreation Reserve master plan was developed in 2015.

Works to the recreation reserve are staged, with stage 1 works including the establishment of:

- Two football/cricket ovals
- Four netball courts
- Cricket practise nets
- Pavilion for football, cricket, netball and tennis clubs
- Car parking

The car park and cricket practice nets have been completed. The ovals and pavilion are expected to be completed at the end of this calendar year. The netball courts have also been completed, however require some rectification works.

A project group was established with representation of users from football, cricket, netball and tennis to work through the scope, concept and detailed design of the pavilion. The Bendigo Community Bank were also represented on the project group.

The project group has since been expanded, with invitations extended to soccer, lawn bowls, and scouts groups to have input into the management model for the reserve. Please note the tennis club have been involved in discussions through stage 1 works.

Council officers have been meeting regularly with the expanded stakeholder group to discuss the implementation of Stage 1 of the development of the new Lang Lang Community Recreation Reserve. As part of these discussions, Council officers have informed users regarding the future management options available and the details and responsibilities of each option.

The two main management options outlined to stakeholders are:

- Council management and maintenance with an Advisory Committee established to facilitate continued user group and community involvement in the reserve, and;
- A Section 86 Committee under the Local Government Act.

All stakeholders involved in the Lang Lang Community Recreation Reserve were asked to consider and advise Council officers of their preferred future management model of the reserve.

The senior football club, junior football club, cricket club, netball club, scouts, soccer club and Our Community Company Ltd (Bendigo community bank) all advised of their preference for the establishment of a section 86 committee. The tennis club voted for Council to manage the reserve. The lawn bowls club have not responded with their preference.

The advantage of establishing a Section 86 Committee for the ongoing management and maintenance of the new Lang Lang Community Recreation Reserve is that it continues the very strong user group and community involvement in the planning and development of this new reserve.

The Instrument of Delegation under Section 86 of the Local Government Act and Council resolution of appointment and delegation to the Lang Lang Community Recreation Reserve committee is attached to this Council report.

The area of responsibility of the committee will exclude the existing house and house paddock and the wetland area.

POLICY IMPLICATIONS

Nil.

RELEVANCE TO COUNCIL PLAN

The proposal to establish as Section 86 Committee for the new Lang Lang Community Recreation Reserve aligns with the following sections of the Council Plan:

Our People

1.4 Improved health and wellbeing for all

1.5 Variety of recreation and leisure opportunities

Our Community

2.3 Increased levels of community participation

Our Environment

3.4 Natural and built environments supporting the improved health and wellbeing of our communities

CONSULTATION/COMMUNICATION

Consultation with stage 1 users and the Our Community Company Ltd have been ongoing since the establishment of a project group as part of the design of stage 1.

As part of the implementation of stage 1 works, stage two user groups have also been invited to attend regular meetings with Council officers.

Extensive consultation has been undertaken with user groups and other stakeholders regarding the management options for the new Lang Lang Community Recreation Reserve.

FINANCIAL AND RESOURCE IMPLICATIONS

If Council resolves to establish a Section 86 Committee for the management and maintenance of the new Lang Lang Community Recreation Reserve, funds will be transferred to enable the payment of the agreed maintenance allocation to the Committee.

CONCLUSION

The management model for the new Lang Lang Community Recreation Reserve needs to be decided upon. Six of the seven user groups/stakeholders involved have advised of their preference for the establishment of a Section 86 committee of management.

Council is requested to endorse the establishment of a Section 86 committee under the Local Government Act to manage the new Lang Lang Community Recreation Reserve. The area of responsibility of the committee will exclude the existing house and house paddock and the wetland area.

7 APPOINTMENT OF LANG LANG COMMUNITY RECREATION RESERVE COMMITTEE

Moved Cr C Ryan Seconded Cr C Ross

That in exercise of the powers conferred by sections 86 and 87 of the *Local Government Act 1989* (the Act), Council resolves that:

1. From the date of this resolution, there be established as a special committee known as the Lang Lang Community Recreation Reserve Committee.
2. The purposes of the Committee are those set out in the schedule to this resolution.
3. Membership of the committee shall be up to 12 members comprised of one representative nominated by each of the:
 - Our community company
 - Lang Lang Football club
 - Lang Lang Cricket club
 - Lang Lang Netball club
 - Lang Lang Junior football club
 - Lang Lang Tennis club (optional until tennis facility is established)
 - Lang Lang Soccer Club (optional until soccer facility is established)
 - Lang Lang Scouts (optional until scouts facility is established, and
 - Up to 3 community representatives
4. The Committee once appointed shall from their number elect a Chairperson, Secretary and Treasurer
5. A quorum for the Committee is a whole number that is an absolute majority of the number of members of the Committee.
6. All members of the Committee have voting rights on the Committee.
7. The Committee is required to report to Council at the intervals specified in the schedule to this resolution.
8. The members of the Committee pursuant to s 81(2A) of the Act, are exempted from being required to submit a primary return or ordinary return.–
9. There be delegated to the Committee the powers, duties and functions set out in the attached Instrument of Delegation (**the Instrument**).
10. The Instrument:
 - a. comes into force immediately the common seal of Council is affixed to the Instrument; and

b. remains in force until Council determines to vary or revoke it

11. The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with any guidelines or policies Council may from time to time adopt.

12. The Instrument be sealed.

Cd.

8 MEMORANDUM OF UNDERSTANDING - METROPOLITAN WASTE AND RESOURCE RECOVERY GROUP (MWRRG) COLLECTIVE CONTRACT FOR LANDFILL SERVICES

FILE REFERENCE INT1979012

RESPONSIBLE GENERAL MANAGER Peter Benazic

AUTHOR Jacqui Kelly

RECOMMENDATION

That Council authorises the CEO to execute all required contract documents to enter into a new Landfill Services agreement subject to negotiations and a satisfactory outcome to the procurement and meeting the council requisites detailed in the MOU.

Attachments

Nil.

EXECUTIVE SUMMARY

This report seeks approval to execute a Memorandum of Understanding (MOU) with the Metropolitan Waste and Resource Recovery Group to enable council to participate in a collective procurement for landfill services. The existing MWRRG contracts for Landfill Services concludes on March 31st 2021.

BACKGROUND

The MWRRG Contract for Landfill Services

The MWRRG procurement for landfill services will be structured to complement other MWRRG initiatives including the procurement of Advanced Waste Processing and Recycling Services. Following preliminary consultation early this year 30 metropolitan councils have indicated an interest in participating in the collective procurement.

The *Environment Protection Act 1970*, formalises MWRRG's role in collective procurement to:

- facilitate waste and resource recovery infrastructure and services by councils;
- facilitate the development of joint procurement contracts for waste and resource recovery facilities and services; and
- manage contracts in the performance of their objectives and functions.

The purpose of the Landfill Services Contract is to seek rates from landfill operators for the receipt of municipal kerbside waste and rates from transfer station operators to receive and transfer waste to a landfill.

The MWRRG collaborative procurement for landfill services is structured to:

- Reduce tendering and contract management costs for local government
- Encourage tenderers to adopt best practice to minimise the impacts on local amenity and the environment
- Enable the appointment of more than one provider
- Ensure consistency across the metropolitan area
- Integrate with other household waste services

- Ensure workable contingency arrangements.

This tender process is being resourced by MWRRG using the support of municipalities and external legal, technical, probity, planning and financial advisors.

Legislative provisions dictate that local governments have sole discretion over their participation in collective procurements facilitated by MWRRG.

Participating councils will have the opportunity to enter into a contract with one or more service providers on either a guaranteed or non-guaranteed supply basis. The non-guaranteed supply will provide for contingency arrangements in the event that the guaranteed supply is not available.

The contract will be structured so that a council wishing to terminate a guaranteed arrangement with a provider will be required to provide 12 months' notice or pay a penalty in lieu of notice.

MWRRG will administer the contracts on behalf of councils in line with Participation Agreements, Direct Deeds and Service Deeds.

Transfer

MWRRG has structured the contract documents so that councils will be able to access a transfer arrangement.

Contract Term

It is anticipated that councils will continue to rely on some form of landfilling in the future, however as councils transition to alternative waste technology for the treatment of residual waste, the volume of material sent to landfill may at some time in the future reduce significantly.

As an Advanced Waste Processing (AWP) facility in the south east may be commissioned prior to 2025 and the rate of filling of some landfill is uncertain *the initial contract period for the residual waste services contract will be four years*. If there is a delay in the provision of AWP infrastructure or councils wish to extend the landfill contract, councils will have the ability to exercise two further options of up to two years. Decisions to exercise options or commence a new procurement will be made in 2023 and 2025.

Tender Evaluation

As this is a panel contract whereby multiple service providers will most likely be appointed the evaluation will consist of a summary report that assess tenders against for compliance with the contract specification.

A report summarising the tender responses will be made available to participating councils so that they can determine which contractor(s) they wish to engage. When tender bids have been evaluated MWRRG will prepare a tender evaluation report for all participating councils.

Memorandum of Understanding

MWRRG has prepared a Memorandum of Understanding which sets out councils specific requirements around logistics – time and distance of travel to a landfill or transfer station and is required that participating councils execute so that they can participate in the tender process.

Attachments to the MOU include documents that will be executed at the conclusion of the tender process:

- A Participation Agreement between MWRRG and participating councils
- A Landfill Services Deed to be executed by successful tenderers and the MWRRG

- A Direct Deed to be executed by successful tenderers and councils

Timelines

It is intended that the tender will be advertised in October 2019 and be open for 8 weeks. MWRRG request that the signed MOU's be received no later than November 29, 2019. It is intended to sign the new contracts by May 2020 - 10 months prior to the existing contracts expiry.

POLICY IMPLICATIONS

Council participating in a collaborative approach to manage our landfill requirements efficiently and effectively, directly aligns with Councils Waste and Resource Recovery Strategy (WRRS).

The WRRS aligns with the objectives of Sustainable environment strategy (SES), which falls under the Council Plan.

RELEVANCE TO COUNCIL PLAN

The relevant actions within the Council Plan are *Our Environment 3.3 Enhance our Environment, 3.3.4 Promote practices that result in the reduction per household of the amount of waste going to landfill, particularly food waste.* Reducing waste to landfill is a strong focus of the WRRS.

CONSULTATION/COMMUNICATION

Collaboration with the MWRRG and associated Councils involved in the process will be ongoing. Communications will be prepared to engage with the community if and when they are required however as this is essentially a continuation of business as usual for an essential service there should be little to no communication required.

FINANCIAL AND RESOURCE IMPLICATIONS

The cost of sending our residual waste to landfill is managed through the annual waste budget and budget assessment occurs each financial year to ensure this service is budgeted and resourced for appropriately. There should be no dramatic variation from previous years landfill costs under a similar contract arrangement.

CONCLUSION

This report seeks Council approval to have the CEO execute a Memorandum of Understanding (MOU) with the Metropolitan Waste and Resource Recovery Group to enable council to participate in a collective procurement for landfill services. The existing MWRRG contracts for Landfill Services concludes on March 31st 2021.

8 MEMORANDUM OF UNDERSTANDING - METROPOLITAN WASTE AND RESOURCE RECOVERY GROUP (MWRRG) COLLECTIVE CONTRACT FOR LANDFILL SERVICES

Moved Cr C Ryan Seconded Cr C Ross

That Council authorises the CEO to execute all required contract documents to enter into a new Landfill Services agreement subject to negotiations and a satisfactory outcome to the procurement and meeting the council requisites detailed in the MOU.

Cd.

9 APPOINTMENT OF AUTHORISED OFFICER

FILE REFERENCE INT1979320

RESPONSIBLE GENERAL MANAGER Peter Benazic

AUTHOR Owen Hardidge

RECOMMENDATION

That the Council resolve to appoint Mr Tim Dredge as an Authorised Officers for the purpose of enforcement of the Planning and Environment Act 1987, and that the Council Seal be affixed to the instruments of appointment attached to this report.

Attachments

1 Instrument of Authorisation - Tim Dredge 1 Page

EXECUTIVE SUMMARY

It is necessary for Council to directly appoint persons as "Authorised Officers" for the purpose of enforcing the Planning and Environment Act 1987.

By doing so, Council ensures that it has the capacity to investigate and enforce the Cardinia Shire Planning Scheme, planning permits and agreements entered between Council and permit applicants.

BACKGROUND

Part 6 of the Planning and Environment Act 1987 ("the Act) provides for enforcement of planning schemes, planning permits and agreements entered in accordance with Section 173 of the Act.

Investigative powers are vested in individuals appointed as "Authorised Officers", such as the power to enter land, apply for an enforcement order, and file a charge and summons. Most regulatory legislation follows a similar "authorisation" process.

Unlike other Acts, the Planning and Environment Act requires Council to directly appoint officers by resolution (rather than delegate the power of appointment to the Chief Executive Officer).

The proposed resolution will appoint a new permanent employee Mr Tim Dredge (Vegetation Management Officer, Compliance Services).

POLICY IMPLICATIONS

The authorisation of officers for this purpose is consistent with previous Council policy and practice.

RELEVANCE TO COUNCIL PLAN

Nil.

CONSULTATION/COMMUNICATION

Public consultation is not required or appropriate in respect of this resolution.

FINANCIAL AND RESOURCE IMPLICATIONS

The proposed resolution has no financial or resource implications.

CONCLUSION

It is recommended that the Council resolve to appoint Tim Dredge referred to above and the Council Seal be affixed to the instruments of appointment.

9 APPOINTMENT OF AUTHORISED OFFICER

Moved Cr C Ryan Seconded Cr C Ross

That the Council resolve to appoint Mr Tim Dredge as an Authorised Officers for the purpose of enforcement of the Planning and Environment Act 1987, and that the Council Seal be affixed to the instruments of appointment attached to this report.

Cd.

10 DRAFT ADVERTISING SIGNAGE POLICY

FILE REFERENCE INT1978834

RESPONSIBLE GENERAL MANAGER Tracey Parker

AUTHOR Yogeshwari Biju

RECOMMENDATION

That Council support the exhibition of the Draft Advertising Signage Policy.

Attachments

1	Key Issues and Recommendations	27 Pages
2	Draft Advertising Signage Policy	33 Pages
3	Engagement Plan	11 Pages
4	Signs Guide Prospectus	2 Pages

EXECUTIVE SUMMARY

Advertising signage plays an important role in the built environment as well as the local economy. Appropriately proportioned and consistent signage avoids the cluttering of streetscapes while also providing guidance and information to customers or potential customers.

The rationale for developing an Advertising Signage Policy came about due to issues resolving the extent and appropriateness of signage for two prominent locations in the Shire. The two signage proposals, one on the highway in Officer and the other on a prominent corner of Main Street, Pakenham, required a significant amount of discussion and redesign over several iterations to achieve a workable solution. This process was taxing on officer time and also had cost implications for the business owners. The review of the Municipal Strategic Statement (MSS) conducted in late 2018 also identifies the need for a signage policy to ensure that signs do not detract from the character or appearance of a street, building or site and to enhance good urban design outcomes. It also manages inappropriate and inefficient signage that degrades the character of streetscapes and public spaces.

The Policy has been written to provide guidance for the design and placement of signs that are appropriate for various forms of development and context and to assist developers, building owners, building tenants, planning permit applicants and residents in understanding what type of signs are supported and are not supported in Cardinia Shire Council. The illustrations in this document are a visual aid to demonstrate examples of good and bad signs that anyone wanting to display one or more signs should consider before submitting a planning application.

This will form the policy basis on which Council will base its decision making on all permanent outdoor signs within the Shire. Municipal signs and temporary signage on Council's Sports Facilities and Recreation Reserves are outside of the scope of this project.

BACKGROUND

Advertising signs are essential to identify, communicate and market businesses, institutions and buildings across the municipality. Well designed and well integrated signage in appropriate locations can add colour, vibrancy and interest to an area. A proliferation of signs and poorly

designed and located signs can significantly detract from the attractiveness and amenity of the Shire's urban and rural environments, as well as reducing the effectiveness of signs. Council considers it necessary to plan for the management of advertising signage in the built environment to balance the expectations of business and economic development with that of the broader community.

Currently there is a policy vacuum in the Local Planning Scheme due to the lack of an outdoor signage policy for Cardinia Shire Council. The Advertising Signage Guidelines 2009 is a reference document in the Scheme and is a "guide" only and does not mandate or assist Statutory Planners effectively. Lack of statutory guidance means that there is no control on the quality of outdoor signage solutions.

Hence, a review of the broader issues associated with signage across the Shire and local planning policy analysis was conducted to help identify common concerns and policy gaps. A Project Working Group led by Urban Design including relevant Officers from across the organisation was set up to prepare an Advertising Signage Policy. Several rounds of internal consultations, workshops & meetings were conducted over the last six months. Major concerns, critical gaps with the local planning policy framework and issues associated with the erection of advertising signage across the Shire were identified. Meetings with neighbouring and other Growth Area Councils also highlighted some common issues and provided insights on how these could be addressed.

Meetings with neighbouring Councils, VicRoads and Signage Consultants provided an overview of the common concerns and industry perspective on signage design solutions. Also VCAT Decisions Review highlighted the changing patterns and challenges that are emerging through VCAT decisions in recent times.

The 'Key Issues & Recommendations Paper' (Refer to Attachment 1) is a summary of the key findings captured during the consultation sessions and observations made by Council officers during site tours of key areas of signage in the municipality. This Paper also provides further recommendations based on the emerging trends in sign design and technology.

Key Issues

The key issues arising through the consultations were:

- The quantity of business signs on the one property are exceeding reasonable levels.
- Scale of signage that are not proportional and responsive to the host building, landscape context, heritage and public realm is a recurring concern.
- Visual clutter is a constant issue associated with advertising signage. The overall amount of signage in relation to the streetscape and the cumulative effect of many signs can create visual clutter.
- VCAT decisions lately show characterisation of signs is an issue across councils, and that the applicability of one sign definition vs another is not quite clear under the planning scheme.
- Driver distraction levels are increasing due to the proliferation of animated signs and electronic signs that affects road safety.
- New forms of signage and technology with the emergence of small to large animated screens and a wider use of illuminated signage for advertising.
- Temporary promotion and major promotion signs on new subdivisions, new estates and construction sites on hoardings and scaffolding are a challenge.
- Lack of guidance for traders and business owners around positive image and branding of businesses through effective signage solutions.

It is noted that, there has also been numerous concerns on the proliferation of signage on fences of recreation reserves. All temporary advertising signage on Council's Sports Facilities and Recreation Reserves are outside of the scope of this project. It is recommended that an exclusive Advertising Signage on Council's Sports Reserves and Facilities be prepared to provide targeted guidance with signage in these areas.

Draft Advertising Signage Policy

This policy applies to outdoor signs on all land within Cardinia Shire Council. The terms used in this policy have the same meaning as specified in Clause 73 (Sign Terms) of the Planning Scheme. The assessment criteria in Clause 52.05 (Signs) should also be considered in conjunction with this policy.

Vision

The underlying vision for Advertising Signage within Cardinia Shire Council are to:

- Encourage the development of signage which reflects and respects the context, having regard to built form height and massing, subdivision grain, landscape, road hierarchy, openness of the environment and heritage attributes.
- Protect the important view lines and vistas to key buildings, heritage and landscape qualities which are a highly valued part of the municipality.
- Manage transport corridors with a focus on maintaining road safety, visual order and avoiding clutter.
- Promote economic development and provide equitable identification and marketing of businesses in Cardinia Shire Council.

Reflective of this vision, the policy sets out some robust criteria that all signs will be assessed against.

This has been prepared with rigorous inputs from VicRoads, internal Traffic Engineering and Local Laws. The draft policy encompasses definitions of all the different types of signs and details the design requirements relating to specific sign types. This provides a one-stop shop reference for both planners and proponents alike to understand Cardinia Shire Council's requirements relating to signs in different land uses.

The 3D model images also provide a strong visual aid to demonstrate examples of encouraged and discouraged signs that anyone wanting to display one or more signs should consider before submitting a planning application.

Signage permit applications could also potentially with the assistance of Economic Development Unit be incorporated into the 'Small Business Friendly Council' (SBFC) initiative which has been developed by the State Government in partnership with local councils to provide small business with the support they need to run their businesses and help set up and support local business networks. This will improve efficiencies in signage permit approvals and increase community/customer satisfaction.

POLICY IMPLICATIONS

Clause 52.05 (Signs) of the Cardinia Planning Scheme specifies those signs, which require a planning permit. Clause 73 (Sign Terms) of the Cardinia Planning Scheme defines the signage terms used in relation to outdoor advertising.

This document operates in conjunction with these Planning Scheme provisions, by setting out the parameters which Council, in exercising its discretion, will assess planning permit applications. Applicants must use the Guidelines as a basis for designing advertising signs that require a planning permit including new signage and/or modifying or replacing existing signage in Cardinia Shire Council.

The key requirements and design performance standards of these Guidelines will form a new Local Policy - Advertising Signage at Clause 22 of the Cardinia Planning Scheme after the Planning Scheme Amendment process which will be undertaken next year.

This document will be used by Council Officer's in assessing planning permit applications for advertising signs to ensure consistency with Council Policy.

RELEVANCE TO COUNCIL PLAN

Section 3 Our Environment

The objective: We will continue to plan and manage the natural and built environment for present and future generations.

Action 3.4.1. Plan and develop built environments that support improved health and wellbeing of our communities.

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

Section 4 Our Economy

The objective: We will create and support local employment and business opportunities for our community and the wider region.

Action 4.1.1 Plan for and support local employment opportunities.

Action 4.1.2. Support the development of existing and new businesses within the Shire.

Action 4.3.1 Support small businesses to remain viable in rural townships.

Action 4.3.3 Advocate for the delivery of small and large scale projects that enhance and drive economic activity.

Action 4.3.5 Support business and organisations to enhance their skills.

Section 5 Our Governance

The objective: We will create an engaged community

Action 5.1.2 Enhance the community's confidence in Council's community engagement.

CONSULTATION/COMMUNICATION

The draft Policy has been prepared in consultation with relevant internal officers across eight Business Units, Department of Environment, Land, Water and Planning, and VicRoads.

Community Engagement

The community engagement activities are aimed at raising awareness of the proposed changes to outdoor signage for shops, offices and industrial areas. Business owners, traders and residents will be able to view the proposed Signage Design Guidelines and make a written submission.

Council's 'have your say' page will be set up with the link to the full policy document and a visual prospectus. Community members will be able to make written submissions from this page when the consultation period opens.

Council will undertake a popup stall in the main street of Pakenham (in collaboration with the Amendment C228 (Pakenham Activity Centre Zone) community consultation event), to provide an opportunity for traders in the local area to have a one on one discussion with Council Officers.

An E-newsletter will be sent out to all business owners and traders within the Shire to promote the project and seek feedback.

Targeted focus group meetings and drop-in sessions with traders and business groups with the support of Economic Development Unit will be held during the exhibition period.

Draft Policy documents will be exhibited to the public for a period of 4 weeks from 28 Oct to 22 Nov 2019, and written submissions will be sought.

FINANCIAL AND RESOURCE IMPLICATIONS

There are no additional resource implications associated with the preparation and adoption of the Policy. The adoption of the Policy provides a clear framework to assist Council Planners and Engineers when assessing and making decisions on signage applications.

CONCLUSION

The draft Advertising Signage Policy has been prepared through a thorough consultation process with key stakeholders and has been benchmarked against State Level Urban Design and Road Safety Guidelines.

It is recommended that the Council support the Draft Advertising Signage Policy to be exhibited for public consultation for a period of 4 weeks from 28 Oct to 22 Nov 2019.

10 DRAFT ADVERTISING SIGNAGE POLICY

Moved Cr C Ryan Seconded Cr C Ross

That Council support the exhibition of the Draft Advertising Signage Policy.

Cd.

11 ANNUAL REPORT 2018-19

FILE REFERENCE INT1974502

RESPONSIBLE GENERAL MANAGER Tom McQualter

AUTHOR Doug Evans

RECOMMENDATION

That the Annual Report for the year ended 30 June 2019 be received and noted.

Attachments

1 Annual Report 194 Pages

EXECUTIVE SUMMARY

To formally receive the Annual Report for the 2018-19 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 2019.

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 a clear audit has been received.

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 Financial Statements are prepared in accordance with Australian Accounting Standards, the *Local Government Act 1989*, *Local Government (Planning and Reporting) Regulations 2014* and the Local Government Model Financial Report (LGMFR) published by Local Government Victoria as required by the Regulations.

The Financial Statements are a general purpose financial report comprising a Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows, Statement of Capital Works and accompanying notes.

Comprehensive Income Statement

Council achieved a Surplus for the year of \$97.98 million before Net asset revaluation increment, compared to a budget of \$4.94 million and last year's surplus of \$87.14 million.

The vast majority of this Surplus is non-cash income of \$66.27 million, which relates to the value of roads, drains, bridges, land and land under roads contributed by developers undertaking residential developments within the Urban Growth Corridor. These contributed assets were unbudgeted in this financial year. Also included are capital grants of \$12.24 million and capital contributions - monetary of \$16.06 million, which do not cover operating expenses but relate to capital expenditure for non-current assets summarised in the Statement of Capital Works. This is further detailed below.

The material factors that contributed to the 2018/19 surplus included:

- *Rates and charges* income was \$1.64 million above budget due to: an increase in the number of rateable properties increasing general and supplementary rates income \$0.69 million; higher than expected garbage charges \$0.31 million from an increase in new services; interest on rates and charges \$0.73 million; less lower green waste charge income \$0.08 million due to a lower number of services than budgeted.
- *Statutory fees and fines* income was \$0.80 million above budget mainly due to: traffic enforcement revenue \$0.11 million above budget due to increased enforcement; building lodgement fee and development plan fee income \$0.32 million above budget due to increased development; and actual landscape development fees \$0.23 million included in this category but budgeted in Other Income.
- *Operating grant income* was \$3.33 million higher than budget mainly due to: higher than budgeted grants received \$1.60 million, including Victorian Grants Commission general purpose and local roads operating grants, Maternal & Child Health, Supported Parent

Groups & Playgroups and School Crossing Supervisor grants. Unbudgeted grant income of \$1.73 million was recognised, including for the bushfire recovery and the Safer Together program.

- *Capital grant income was \$7.62 million higher than budget mainly due to \$8.98 million of unbudgeted grants, including for Comely Banks Recreation Reserve, Gembrook Leisure Playspace & Skatepark, My Place youth facility expansion and Bunyip Rover Road Blackspot project. Partly offsetting this is lower than budgeted grant income of \$1.36 million due to timing of the receipt of the Lang Lang sporting facilities grant.*
- *Contributions (monetary) income exceeded budget by \$15.45 million due to increased community infrastructure, developer and public open space levy income earned from higher than expected levels of development activity.*
- *Contributions (non-monetary) income of \$66.27 million related to the value of roads, drains, bridges, land and land under roads contributed by developers was unbudgeted.*
- *Net gain on roads and off street car park asset revaluation of \$1.33 million was unbudgeted.*
- *Other income was \$3.65 million above budget due to interest on investments \$2.09 million higher than budget and \$1.38 million of cost recovery income for expenditure incurred unbudgeted.*
- *Employee costs were \$1.67 million higher than budget largely due to the impact of new positions approved during the year \$0.94 million and the financial effect of other staffing changes \$0.45 million.*
- *Materials and services expenditure was \$5.62 million over budget due to: \$4.47 million of funded capital works expensed upon not meeting asset capitalisation criteria; unbudgeted bushfire recovery expenditure \$2.45 million. These have been partly offset by contract expenditure which is under budget (by \$1.54m), primarily in recycling processing.*
- *Borrowing costs were \$1.85 million under budget mainly due to budgeted loan borrowings not being drawn down.*
- *Net loss on disposal of assets \$1.24 million, including old roads, buildings, bridges and footpaths, resulting from capital works undertaken during the year.*

Balance Sheet

Net assets at 30 June 2019 were \$804.91 million higher than budget (\$181.19 million higher than 2017/18), which maintains Council's strong financial position.

Total Cash, cash equivalents and other financial assets \$111.29 million exceeded budget by \$73.75 million (\$1.98 million higher than 2017/18), mainly due to a \$65.05 million better starting cash position at 1 July 2018 than forecast, together with higher than expected cash from operating activities during the year of \$41.71 million, less increased payments for property, infrastructure, plant and equipment of \$11.24 million (despite \$45.86 million capital carried over to 2019/20 - 2025/26) and less \$23.11 loan borrowings not drawn down.

Council's cash and term deposits are subject to external restrictions of \$58.21 million (Trust funds and deposits and Developer contribution levy) and \$75.33 million intended allocations (discretionary reserves, including capital carried forward, unspent grants and employee long service leave entitlement provisions, other reserves and s86 Committees).

External valuers, Westlink Consulting, performed a full annual revaluation of Council's land, excluding land under road, and buildings and experienced internal council valuers performed an annual desktop review (unit rates) of infrastructure assets (full revaluation is every 3yrs) at 30 June 2019. These included the review of the carrying value of individual asset classes

measured at fair value to ensure each asset materially approximated its fair value. Where the carrying value materially differed from the fair value at balance date, the class of asset was revalued. This resulted in a net \$84.08 million non-current physical asset valuation increment for 2018/19, with \$82.75 million credited to the asset revaluation reserve and \$1.33 million recognised as income.

The land valuation resulted in land assets increasing by \$42.56 million, consistent with the average movement in market values of properties by suburb by observing sales prices in the municipality since the last valuation. Buildings increased by \$7.29 million due to changes in unit rates and construction date analysis.

Council assessed Road assets value movements by analysing the changes in unit costs to determine their overall depreciated replacement cost. This resulted in a revaluation increment of \$16.81 million.

The desktop assessment of Council's drainage assets based on depreciated replacement cost resulted in a valuation increment of \$10.13 million due to changes in unit rates based on average developer rates, bridges increased by \$3.71 million and recreational, leisure and community facilities increased by \$3.69 million.

Statement of Capital Works

Expenditure on capital works of \$60.01 million for the year was \$4.46 million above budget (\$19.50 million higher than 2017/18), mainly as a result of the unbudgeted acquisition of Gin Gin Bin Reserve \$4.0 million. It was predominantly funded internally by cash flows from operating activities. Asset renewal represented 15% of this expenditure, with upgrade 30% and new assets 55%.

Works already underway totalling \$45.86 million that are carried over to 2019/20 – 2025/26 for completion include: Deep Creek Reserve. Emerald Netball Pavilion/Courts, Cardinia Cultural Centre Exhibition Space, Bunyip Soccer Facility, Worrell Reserve Pavilion construction, Road resurfacing, Roads Sealing Program, Integrated Children's Facility Timbertop, Lang Lang Bypass, Hills Hub and Peet Street Special Charge Scheme construction.

Statement of Cash Flows

Council's cash and investments with original maturities of 90 days or less were \$49.29 million at 30 June 2019, compared to \$57.81 million in the prior year. This was due to the net impact of the following:

- Increased net cash from operating activities \$13.79 million mainly through higher inflows from all income sources except user fees, particularly rates and charges, grants and contributions (monetary);
- Increased net cash used in investing activities \$18.34 million mainly due to increased capital outflows;
- Reduced cash used in financing activities \$1.42 million; and
- Lower cash balance at the start of the year \$5.39 million.

At 30 June 2019 loan borrowings were \$37.16 million, after \$4.51 million scheduled principal repayments made during the year.

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.

11 ANNUAL REPORT 2018-19

Moved Cr C Ryan Seconded Cr C Ross

That the Annual Report for the year ended 30 June 2019 be received and noted.

Cd.

12 QUARTERLY REPORT - IMPLEMENTATION OF COUNCIL RESOLUTIONS

FILE REFERENCE INT1978344

RESPONSIBLE GENERAL MANAGER Tom McQualter

AUTHOR Doug Evans

RECOMMENDATION

That Council note the report detailing the implementation of Council resolutions for the period July to September 2019.

Attachments

1 Quarterly Report - Actions 17 Pages

EXECUTIVE SUMMARY

The attached report details all resolutions made at General and Special Council and Town Planning Committee Meetings for the quarter ended September 2019 and the actions taken to implement the decision.

BACKGROUND

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

POLICY IMPLICATIONS

Nil.

RELEVANCE TO COUNCIL PLAN

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

- 5.2.1 Embrace and demonstrate effective governance and transparency, notwithstanding that on occasions, matters under consideration will be confidential.
- 5.2.2 Govern and make decisions in the best interests of the Cardinia Shire community.

CONSULTATION/COMMUNICATION

All Council staff have been consulted in the preparation of this report

FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

CONCLUSION

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

12 QUARTERLY REPORT - IMPLEMENTATION OF COUNCIL RESOLUTIONS

Moved Cr B Owen Seconded Cr C Ross

That Council note the report detailing the implementation of Council resolutions for the period July to September 2019.

Cd.

13 MAJOR PROJECTS REPORT

FILE REFERENCE INT1979576

RESPONSIBLE GENERAL MANAGER Peter Benazic; Tracey Parker

AUTHOR Andrew Barr; Ben Wood; Desiree Lovell; Kristen Jackson; 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 in progress. It includes an update on major projects, capital works, special charge schemes and asset management current at the time of this report.

Conclusion

This regular activity report is provided for Councillors' information.

Recreation Reserves

James Bathe Recreation Reserve civil works

Project description	Construction of two football/cricket ovals, netball courts and play space.
Funding	The project is funded by Council and a contribution through Sport and Recreation Victoria.
Timelines	The ovals are now on maintenance and not accessible until early 2020. The outstanding works will be completed before the start of Summer.
Update	<p>Asphalt to the internal roads and car parks will be placed in the coming weeks, when weather conditions improve which will complete the car park works. Application of the acrylic surfaces to the netball courts will follow a number of weeks after the asphalt has been placed.</p> <p>Construction of the ovals is complete. The ovals will be re-sown in the spring time to supplement the sprigging that has occurred to date. Light poles have been installed and lights are operational to both ovals & majority of carpark.</p> <p>The following elements are nearing completion:</p> <ul style="list-style-type: none"> • playspace works • planting & landscaping • netball, basketball and practice cricket areas

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 completed by mid-October 2019.
Update	The construction of the pavilion is in the final throes of practical completion and minor defect works prior to the handover in preparation for official opening.

Deep Creek Reserve

Project description	<p>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.</p> <p>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.</p>
Funding	The Deep Creek Reserve development is jointly funded by Council and the Victorian Government's Growing Suburbs Fund, with in-kind support from Pakenham Golf Club
Timelines	An official opening is scheduled on Saturday 26 October.
Update	All works are complete in preparation of the official opening

Deep Creek Reserve – Nursery and Education Centre

Project description	Construction of a community driven indigenous plant nursery including outdoor education space, retail display garden, propagation facilities, irrigation, shade houses and green houses to grow the plants.
Funding	This project is jointly funded by Council and the Andrew's Foundation and is part of the Deep Creek Reserve.
Timelines	The reserve should be ready for public access Spring 2019.
Update	Construction works nearing completion with the roof work and verandas to the main training facility completed. Internal fit out has commenced to form sales /admin /office /toilet and classroom facilities . The drainage works, sub base works to driveway, kerb and channelling, greenhouses and shade areas completed .

Bunyip Recreation Reserve soccer pavilion

Project description	Construction of a new pavilion servicing soccer, cricket activities and includes provision for community use.
Funding	Council and the Victorian Government's Building Better Regions Fund are jointly funding this project.
Timelines	Construction to be completed by March 2020.
Update	The main structural works to the pavilion completed to watertight stage. Internal fit out works commenced and is progressing ahead of schedule at this stage.

Worrell Recreation Reserve pavilion upgrade

Project description	Construction of a new pavilion for football and cricket. Facilities will also include a gym for community use.
Funding	The project is fully funded by Council (\$2.8m)
Timelines	Works are due to be complete in February 2020.
Update	Progress to get to above ground status with this project has been difficult due to adverse weather and unforeseen issues on site. Good progress over the last month or so with all ground floor steelworks completed, sub floor and concrete slab pours for ground floor completed. Steel work structure and external blockwork progressing at first floor level. Project endeavouring to overcome early setbacks to achieve a February completion as programmed.

Lang Lang Community and Recreation Precinct pavilion

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 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 so far \$13.5 Million to the design and construction of civil and building works between 2015-16 and 2020-21.
Timelines	The pavilion is due to be completed by December 2019
Update	Completion of Steelwork and roofing works sees this project at watertight stage with the commencement of the internal fit out and services rough in works. Regular discussions are being held with all user groups and stakeholders regarding the progress of civil and building projects and discussing future management options.

Comely Banks Recreation Reserve – pavilion

Project description	Construction of a new pavilion servicing rugby, football, cricket, bowls activities and includes provision for community use.
Funding	Council and the Victorian Government jointly fund this project
Timelines	Pavilion construction is due to commence in October 2019.
Update	The tender process has been completed and a main contractor has been appointed to commence works on site .Site setup and ground works have commenced.

Koo Wee Rup Recreation Reserve football/cricket pavilion upgrades

Project description	Construct new football/cricket change rooms on the site of the existing building.
Funding	Council, the Victorian Government (\$400,000) and the Australian Government (\$1.208m)- through the Building Better Regions Fund 3 Program fund this project
Timelines	The project is due for completion by December 2020
Update	<p>Council has been working with the football, cricket and equestrian clubs and the reserve committee of management to progress the project and seek additional funding. Draft concept plans for the new pavilion have been prepared for discussion. Following the endorsement of Council's new Sport Facility Standards Policy, the concept plan has now been revised and consultation undertaken with the clubs and committee.</p> <p>Proposals to build as Modular construction currently being prepared. Revised scheme to incorporate changes required by the club has been submitted to club and committee for review/approval.</p>

Koo Wee Rup Recreation Reserve netball pavilion upgrades

Project description	Extend and upgrade the netball pavilion to provide home and away change and unisex toilet and shower facilities
Funding	Council and the Victorian Government (\$400,000) fund this project.
Timelines	The project is due for completion by December 2020
Update	<p>Council has been working with the netball club and the reserve committee of management to prepare draft concept plans for the pavilion upgrade project. Architect appointed and final schematic plans for the upgrade ready prior to detail design. Following the endorsement of Council's new Sport Facility Standards Policy, the concept plans have now be revised and consultation with the club and committee undertaken. The netball club has signed off on the revised concept plan.</p> <p>Proposals to build as Modular construction currently being prepared. Revised scheme to be submitted to club and committee for review/approval</p>

Proposal to review inclusion of floodlighting provisions prior to further progress of the scheme to design documentation.

Koo Wee Rup Tennis Club upgrade

Project description	The construction of two new tennis courts and the refurbishment of the existing tennis courts. The works include acrylic surfacing, improved lighting and shelters. Conversion of swimming clubroom to tennis club facility.
Funding	Council and the Victorian Government – Sports and Recreation Victoria are jointly funding this project.
Timelines	The tennis court construction and refurbishment is complete. The conversion of the swimming clubroom is to be completed by April 2020.
Update	Quotes for the construction have been received and are currently being evaluated. Works on site due to commence late October 2019 following receipt of statutory approvals.

Cora Lynn change room upgrades

Project description	Construction of new change rooms at Cora Lynn Recreation Reserve.
Funding	This project is jointly funded by Council and the Victorian Government (\$3m) through Community Sports Infrastructure Fund
Timelines	Project is currently in the design phase. A construction timeline is to be developed.
Update	Concept plans have been prepared for the new change rooms. Following the endorsement of Council's new Sport Facility Standards Policy, the concept plan has been revised and consultation undertaken with the reserve user groups and the committee of management. The final concept scheme and revised cost estimate has been submitted to Victorian Government for ministerial approval for the reduced loan amount. Appointment of a consultancy team is to be undertaken in the near future.

Officer Recreation Reserve No. 2 (Western) oval reconstruction

Project description	Reconstruction of the western oval at the Officer Recreation Reserve, Starling Road Officer. The works include, but are not necessarily limited to reorientation, reshaping and resurfacing of the oval and the installation of subsurface drainage, irrigation and perimeter fence. A funding application has been made to the Australian Government for ball catch nets, lighting upgrades and to upgrade the proposed gravel footpaths to a concrete footpath.
Funding	This project is fully funded by Council.

Timelines	The project has reached substantial completion, there are some minor works which are still outstanding and these are expected to be complete early spring 2019 subject to favourable weather conditions, with a maintenance period to follow
Update	The oval has been sown with rye grass and this will be sprayed out in the coming weeks, once the temperature warms up to enable growth and it will be replaced with couch. A practical completion inspection has been undertaken and the as constructed drawings have been received.

Koo Wee Rup Primary and Secondary School oval upgrades

Project description	Reconstruction of the Koo Wee Rup Primary School oval and the adjacent Koo Wee Rup Secondary School oval. The primary school oval upgrade includes new sub surface drainage, two new cricket nets and some portable barrier netting to protect school infrastructure. 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.
Funding	The primary school upgrade is funded by Sport and Recreation Victoria and Council. The secondary college is funded by the Victorian Government's Department of Education of which a portion is allocated for the oval upgrade works.
Timelines	After negotiations with the successful contractor, works commenced in July with works expected to be completed in December 2019 (pending a dry winter) however, due to the wet weather, the completion date will be delayed.
Update	Earthworks to the Primary School oval are 100 percent complete and the drainage installation has commenced at the southern end. The centre wicket & cricket practice areas have been poured. Earthworks to the Secondary School oval are 75 percent complete. Due to recent wet weather, the contractor has been experiencing delays on site.

Gembrook Leisure Park redevelopment

Project description	The construction of a new recreation reserve including a new skate park, playground, half court basketball / netball, shelters, BBQs and open space. The public toilets will also receive an upgrade.
Funding	This project is jointly funded by the Australian Government's Building Better Regions Fund (\$500,000), the Victorian Government's Growing Suburbs Fund (\$500,000) and Council.
Timelines	Works are due for completion by early December 2019.
Update	Works have commenced onsite with the complete demolition of the

site. All drainage works are complete, the play equipment has been installed and works are to commence on the skate park elements.

Roads

2019-20 Reseal and rehabilitation program

Project description	The significant proactive maintenance and upgrade of Council's road network as per Council's asset management system.
Funding	Council and the Australian Government's Roads To Recovery Program jointly fund the program.
Timelines	It is anticipated that the program will be complete by the end of May 2020.
Update	The annual reseal, rehabilitation programs for 2019–20 have been tendered, the tender period has closed, submitted tenders are currently being assessed, and recommendations will be presented to the November Council meeting for endorsement.

Blackspot Project – Main Drain Road South

Project description	A 2.3km section of Main Drain Road South, Bunyip, from Bunyip Modella Road to 13 Mile Road, has been identified for blackspot works. The work includes installing guardrail along both sides of the road.
Funding	The Federal Government fully funds this project through their Black Spot Program.
Timelines	The project is due for completion by February 2020
Update	The original proposed completion date of December 2019 was unable to be achieved. Negotiations with Melbourne Water, whose land abuts the Council road reserve where guardrail is to be installed, have taken longer than anticipated. Tenders were advertised on 24 August and closed on 17 September. The submitted tenders are currently being assessed and a report to Council recommending a preferred tenderer is to be submitted to Council's November meeting.

Blackspot Projects – successful 2019–20 applications

Project description	Council have been successful in obtaining funding for three Blackspot projects this year. The projects are: <ol style="list-style-type: none"> 1. The installation of safety barriers and audio tactile edge line marking along Paternoster Road, Emerald between Emerald–Beaconsfield Road and Bailey Road. 2. The installation of safety barriers, sealed shoulders and tree removal along Avon Road, Cockatoo between Woori Yallock Road and Kennedy Road. 3. The installation of safety barriers, sealed shoulders, tree removals and audio tactile edge line marking along Bessie Creek Road, Nar Nar Goon North between Seymour Road and Moore Road.
Funding	These projects are fully funded by the Australian Government's Blackspot Program.
Timelines	The project is due for completion mid-2020.
Update	Funding applications are being finalised and designs are being completed.

Paths, drains and bridges

Toomuc Creek pedestrian bridges north and south

Project description	Toomuc Creek pedestrian bridges are a design and construct project which involves removal and replacement of the existing pedestrian bridge near Toomuc Reserve and design and installation of a new pedestrian bridges over Toomuc Creek south of the train line.
Funding	Council funds the northern bridge and the new pedestrian bridge south of the rail line is funded through the DCP.
Timelines	The project is due for completion by March 2020.
Update	Designs are being finalised and the required approvals from the relevant authorities are being sought. Local schools and other user groups have been contacted regarding the projects progress and will continue to be informed. Environmental impact assessments & cultural heritage investigations are currently underway now that designs have been finalised.

PB Ronald Reserve car park

Project description	The removal of the fuel tanks from the old depot site, the demolition of the old depot building and the construction of a car park.
Funding	The program is fully funded by Council.
Timelines	The car park works are expected to be completed by end of September.
Update	Project has been completed and good feedback received from tenants of the reserve.

Pepis land dam

Project description	Reconstruction of lower dam at Pepi's land, Emerald.
Funding	This project is fully funded by Council
Timelines	Council are seeking to have an agreed solution this calendar year to notify the community of and then for repair works to be implemented in 2020.
Update	<p>A leak in the lower dam was discovered on 2 August. The leak was slowly flowing out around the old irrigation pipe, located on the outside of the bottom of dam. Expert dam and hydraulic engineers advised to lower the depth of water in the dam by approximately 2m as an interim measure to reduce the risk of any further damage occurring. This has been done and it looks to have stopped any further deterioration. Investigations are currently underway to determine best option for remediation of dam wall.</p> <p>Flora and fauna survey has been commissioned to inform remediation design and controls of construction process. These surveys are due to be completed mid October.</p>

2018-19 Drainage program

Project description	The maintenance and upgrading of Council's drainage network.
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Funding	The program is fully funded by Council.
Timelines	This program is due to be completed by end of June 2020.
Update	Due to the proximity of adjacent services that were proved on site this has lead to a minor amendments to the designs, it is expected that these amended plans will be finalised within the next few weeks with construction to start immediately after..

A detailed stormwater investigation has been completed at the Rossiter Road/ Station Street intersection in Koo Wee Rup. This investigation has assessed the existing condition of the stormwater infrastructure in and around the intersection. This information has been used to develop flood models for the surrounding area. The outcome of this investigation has been a number of proposed works that may be undertaken to alleviate flooding. Having reviewed the four proposed options to alleviate flooding within the intersection, one option has been identified as being both feasible and practical. Ownership of assets within the intersection is now being looked into to determine whether Council or VicRoads are best placed to undertake the works required.

A consultant has been engaged to prepare a drainage investigation of a Suffolk Avenue in Cockatoo, The investigation will be used in the development of a designed solution to direct water away from properties, the investigation is due for completion within 6 weeks.

2019-20 Footpath maintenance program

Project description	The maintenance of Council's existing footpath network, as set out in Council's Road Management Plan (RMP).
Funding	The program is fully funded by Council.
Update	A full inspection of Council's entire footpath network has just been completed and the findings from these inspections has been compiled and prioritisation for the repair works has been completed. Works have began on the highest priority issues. Any defects outside the intervention levels that are highlighted as part of this regular inspection or any other inspections of Council's footpath network or through requests from residents are currently being repaired.

2019-20 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 2019-20 are:

Footpath location	Status
Leigh Dive, Pakenham (missing section across properties 51,53 and 53A)	Completed
Belgrave-Gembrook Road, Avonsleigh (connect path to bus stop near Margaret Road)	
High Street, Bunyip (south of roundabout with A'Beckett Road – missing link)	
Fieldstone Boulevard, Beaconsfield (pram Crossings at Holm Park Road	

Intersection)

Malouf Court, Pakenham (end of Malouf Court to Henry Road)	Completed
Webster Way, Pakenham (existing path to bus stop opposite 104)	Completed
Kenilworth Avenue, Beaconsfield (approx 120m north of Soldiers Road to station)	Completed
Belgrave Gembrook Road, Cockatoo (connect footpath to bus stop opposite Amphlett Avenue)	
Slattery Place, Pakenham (Railway Avenue north for approx 235m racecourse development)	Completed
Ahern Road, Pakenham (missing link outside No.118)	Completed
Old Princes Highway, Beaconsfield (Desmond Court to Princes Freeway offramp signalised intersection-south side)	
Princes Highway, Pakenham (path from Racecourse Road north to Princes Highway to bus stop opposite Army Road)	Completed
Emerald-Beaconsfield Road, Emerald (opposite Kings Road to Crighton Road - east side)	
Neville Street, Cockatoo (in front of No. 22 creates a link from Alma Treloar Reserve to Steane Street and Midnight Avenue)	
Steane Street, Cockatoo (between No.3-7 that create a link between Midnight Avenue and existing path through to Alma Treloar)	
Princes Highway, Pakenham (connect bus stop between James Street and Henry Street to footpath network)	Completed
Ahern Road, Pakenham (from No.143 to No.165)	Under Construction
Rosebury Street, Lang Lang (Western Port Road to Carnarvon Street)	Completed
Payne Road, Beaconsfield (Emerald-Beaconsfield Road to opposite No.90) (gravel)	
Kenilworth Avenue, Beaconsfield (Station Street west to Bus Stop)	
Windermere Boulevard, Pakenham (installation of flashing zebra crossing)	In progress

Funding The \$800,000 program is fully funded by Council through the footpath and pedestrian and bicycle strategy programs.

Update Contractors commenced the construction of the footpath program in late August. Works have been delayed from progressing as planned due to poor weather. A number of paths, listed above, have been completed, with construction of the remaining paths ongoing.

Tenders have been received and a contractor is being engaged to undertake the Windermere Boulevard, Pakenham (flashing zebra crossing) works.

Other capital projects

Hills Hub

Project description	The Hills Hub will be a multipurpose facility that will enhance existing community activities delivered by the Emerald Mechanics Institute, establishing a long-term base for Emerald U3A, Emerald Men's Shed 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.
Funding	The project is jointly funded by: <ul style="list-style-type: none"> • Council (\$4.88 million) • Australian Government's National Stronger Regions Fund (\$1.5 million) • Victorian Government Growing Suburbs Fund (\$1.5 million) • Eastern Dandenong Ranges Association/Dandenong Ranges Community Bank Group (\$250,000).
Timelines	Construction is due to be complete late October 2019.
Update	Project at Practical Completion stage and in the completion of defects. Delay with final power supply connections due to NBN relocation works to be completed has delayed the final preparations to open the new Hub facility.

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 jointly funded by Council and the Victorian Government's Growing Suburbs Fund.
Timelines	This project is due for completion in August 2019.
Update	The overall project is now going through practical completion process and commissioning works, with an opening being prepared for the near future.

Operations Centre solar electricity system

Project description	Installation of a solar electricity system at the Operations Centre on the new office building.
Funding	This project is funded by Council.
Timelines	This project is due for completion in 2019.
Update	An updated structural engineering assessment is being completed, following recent works to strengthen the building.

Kaduna Park Neighbourhood Park

Project description	Developer delivered landscape embellishments to 1ha public open space being created in the first stages of Kaduna Park Estate. The centrepiece of the park is a 6m tall slide tower complimented by other play elements such as swings and climbing units. There is also a basketball half court, large kick about zone, shelters and BBQ facilities being delivered. The park will be landscaped with predominantly indigenous and native vegetation fitting the Australian Landscape Theme in the PSP.
Funding	Embellishment works are part of the DCP provisions for Cardinia Road Employment Precinct and any overspend will be fully funded by Parklea. Total cost is estimated at \$1m.
Timelines	Works complete
Update	Park is open to the public

Arcadia Neighbourhood 2 (NH02) Reserve

Project description	Developer delivered landscape embellishments to 1ha public open space adjoining future drainage reserve in Arcadia Estate. Park is adjacent to Officer South Road and Flanagan Avenue. The theme of the park is 'Where the Wild Things Are' highlighted by 5m tall tree sculptures on site. A dual flying fox, accessible carousel, swings, climbing frames, shelters and skate zone will ensure this park caters to all ages and abilities, given its proximity to Officer Specialist School and Officer Secondary College.
Funding	Fully funded by Satterley under their permit for Arcadia Neighbourhood 2. Works are valued at over \$1.4m
Timelines	Works are due to be completed by the end of October.
Update	Works have been delayed by wet weather and access to the wetlands reserve. The park will be unable to be opened until heavy construction machinery has completed the works around the wetland due to safety concerns.

13 MAJOR PROJECTS REPORT

Moved Cr B Owen Seconded Cr J Springfield

That the report be noted.

Cd.

14 NOTICE OF MOTION NO. 1049 CR SPRINGFIELD

Moved Cr J Springfield seconded Cr B Owen

That Council resolves as follows:

1. The Chief Executive Officer must ensure that Council Authorised Officers refrain from enforcing Clause 60H.1.1 of Cardinia Shire Council Local Law 17 to the extent that Clause 60H.1.1 prohibits open air fires from burning, or continuing to burn on Tuesdays, Wednesdays and Thursdays in "Burn off areas" (as defined by Clause 60A of Local Law 17). This resolution applies to conduct occurring during the period commencing 1st November 2019, and continuing until whichever is earlier of:
 - a. midnight on 30th November 2019, OR
 - b. the commencement of the declared Fire Danger Period.
2. All other requirements of Part 5A of Local Law 17 continue to apply during this period.
3. Council notes that the purpose and intention of this resolution is to promote higher levels of fuel reduction in "Burn Off areas" in preparation for the 2019-2020 fire season.

Cd

REPORTS OR MINUTES OF COMMITTEES

The Mayor advised that several reports and minutes of committees and briefing sessions had been received that were available for any councillors.

REPORTS BY DELEGATES

Cr Ross advised that on behalf of the Mayor he had attended a 'Blokes Night Out' at the Bunyip Football Club and reported that the event had been organised by the CFA as part of the Bunyip Bushfire recovery effort and the guest speaker Wayne Schwass, from Pucker Up spoke about mental health and depression.

Cr Ryan reported on her attendance at a forum in Melbourne regarding mental health.

Cr Ryan reported on her attendance at a motivational talk for young African girls 'Girl Child' that involved showing the girls that they had many choices as they were now living in Australia.

Cr Ryan advised that in company with Cr Schilling that she had attended a Country Women's Association 20 year celebrations event.

Cr Ryan advised that she had attended a SES event celebrating the delivery of a new vehicle.

Cr Wilmot advised that he attended a Women in Harmony Group event at Living and Learning Pakenham that was being conducted with the support of the Council and the Department of Premier and Cabinet. The event comprised two courses being conducted one regarding leadership and another regarding social media. Ladies from across the world and across all age groups were participating and Cr Wilmot spoke to the participants about local government. Cr Wilmot advised that it was good to see these ladies becoming involved in the local community.

Cr Wilmot advised that she had attended the AGM of the Josie Bysouth Reserve Committee in Cockatoo noting that the Reserve was home to the Cockatoo Pony Club and although only a small club to their credit they annually hold two of the largest Pony Club events in the State.

Cr Springfield advised that in company with Cr Schilling he had attended an Emerald recycling community forum and reported that good feedback had been received from community members in attendance regarding the current recycling concerns and congratulated Peter Cook from the Dandenong Ranges Renewable Energy Association in arranging the Forum.

Cr Brett Owen noted that November was Walk to School month and encouraged all residents to participate.

Cr Brett Owen advised that the Council had recently been made the Committee of Management for Crown Land along the Toomuc Creek noting that the Toomuc Landcare Group was heavily involved in the management and ongoing maintenance of this land.

Cr Brett Owen noted that construction works had finally commenced on Stage 1 of Kenilworth Ave that were due to be completed in April 2020 and further noted that Stage 2 tenders had been called which should be completed by mid 2020.

Cr Brett Owen advised that the Casey Cardinia Foundation had announced grants in the order of \$90,000 that had been awarded.

Cr Brett Owen advised that the Nobelius Heritage Park and Emerald Museum Committee was

proceeding with their project to create trees project to place several hundred signs in the park indicating the species and name of the individual trees

The Mayor noted community concern regarding the condition of Bald Hill Road and Oakview Lane and that a resolution to this issue was difficult with external contractors being involved.

The Mayor advised that the Herb Thomas Memorial Trust had decided to wind up the Trust and provide their funds amounting to \$55,000 to the Casey Cardinia Foundation for distribution through the Foundation's grant programs.

PRESENTATION OF PETITIONS

Nil

COMMUNITY QUESTION TIME

The Mayor advised that two questions had been received from Mrs Gloria O'Connor and referred the questions to the General Manager Infrastructure and Environment Mr Peter Benazic to read and answer, as follows:

Question 1

Who is responsible for regular cleaning of the Berwick Pakenham Museum building, the Committee and volunteers who open and close the building for visitors or a Council working maintenance team?

Answer

Council provides a modest cleaning service for this facility

Question 2

What planning limitations if any apply to development sites where the site slopes and various bulldozing and earth shifting is carried out? Are any Council inspections made to assess a site if necessary?

Answer

Generally speaking, there are a number of planning controls that seek to control development, particularly on sloping sites or sites which require substantial earthworks (i.e. large subdivisions). These requirements may vary from site to site, depending on the applicable zones, overlays and general provisions.

An application for a permit would be accompanied by the appropriate plans and reports which are then assessed by Council Planners and Council Engineers. Site inspections are a requirement of each permit application and are carried out prior to a permit decision being made. Where a development is deemed appropriate, conditions to control these works are then placed on a permit, and the permit-holder is required to comply with those conditions.

END OF TERM SPEECH

The Mayor advised that this meeting was the final meeting for his Mayoral Term and took the opportunity to thank his Councillor colleagues for their support during his term and also expressed his appreciation to the CEO and all staff for their assistance during the last 12 months. The Mayor wished the incoming Mayor well for their term.

Meeting closed at 8.38pm

Minutes Confirmed
Chairman