

Ordinary Council Meeting

Minutes

Monday 15 February 2021

Commenced at 7:00 PM

Council Chambers
20 Siding Avenue, Officer
Victoria

Members: Cr Brett Owen Mayor
Cr Jeff Springfield Deputy Mayor
Cr Ray Brown
Cr Stephanie Davies
Cr Jack Kowarzik
Cr Graeme Moore
Cr Collin Ross
Cr Tammy Radford
Cr Carol Ryan

Officers: Carol Jeffs Chief Executive Officer
Doug Evans Manager Governance

Order of Business

1	Opening And Prayer.....	5
2	Acknowledgements	5
3	Apologies.....	5
4	Adoption And Confirmation Of Minutes	5
5	Declaration Of Interests.....	5
6	Ordinary Business	6
6.1	Town Planning Reports.....	6
6.1.1	Cardinia Planning Scheme Amendment C228 - Apply The Activity Centre Zone To The Pakenham Major Activity Centre.....	6
6.1.2	Amendment C238 Glismann Road - Consider Submissions And Refer To Planning Panel	294
6.1.3	Pakenham South Employment Precinct Structure Plan.....	320
6.1.4	Submission To DELWP's Consult On Planning For Melbourne's Green Wedge And Agricultural Land	332
6.1.5	Use And Development Of Land For An Early Childhood Centre At 279 Pink Hill Boulevard, Officer	361
6.2	General Reports	394
6.2.1	Appointment Of Committee Members To The Lang Lang Hall Community Asset Committee.....	394
6.2.2	Table Tennis Petition Response	397
6.2.3	Appointment Of Planning Enforcement Authorised Officers.....	400
6.2.4	Internal Audit Charter	407
6.2.5	Sport And Recreation Victoria - Funding Programs	415
6.2.6	Safer Communities Across Cardinia Shire	420
6.2.7	Notice Of Motion 1058 - Beaconsfield Reservoir	426
6.3	Policy Reports.....	429

6.3.1 Councillor Code Of Conduct	429
6.3.2 Updated Community Engagement Policy	447
6.4 Financial Reports	489
6.4.1 Contract 20-62 Toomuc Recreation Reserve Pavilions - Tender Award	489
6.4.2 Contract 20-065 Timbertop Early Learning Centre Construction.....	497
6.4.3 Mayor And Councillor Allowances	504
6.4.4 Facility Management And Maintenance Contract Extension Of Term.....	507
6.4.5 Provision Of Landfill Services.....	521
6.5 Activity Reports.....	531
6.5.1 Environment Quarterly Report	531
6.5.2 Quarterly Financial Report.....	539
6.5.3 Performance And Growth Reports - Q2 2020-21	570
6.5.4 Quarterly Resolutions Report.....	640
7 Reports Or Minutes Of Committees	650
8 Reports By Delegates.....	650
9 Presentation Of Petitions	650
10 Notices Of Motion	651
10.1 Notice Of Motion 1060 Cr Collin Ross.....	652
10.2 Notice Of Motion 1061 Cr Collin Ross.....	652
10.2 Notice Of Motion 1061 Cr Collin Ross.....	654
10.2 Notice Of Motion 1061 Cr Collin Ross.....	656
10.2 Notice Of Motion 1061 Cr Collin Ross.....	658
10.4 Notice Of Motion 1063 Cr Collin Ross.....	659
11 Community Questions	659
12 Urgent Business.....	659
13 Councillor Questions	659

14 Confidential Business.....660

1 Opening And Prayer

Meeting opened at 7:02pm.

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.

2 Acknowledgements

Cardinia Shire Council acknowledges that we are on the traditional land of the Bunurong and Wurundjeri people and pay our respects to their elders past, present and emerging.

3 Apologies

Nil.

4 Adoption And Confirmation Of Minutes

Moved Cr Graeme Moore, seconded Cr Ray Brown

That minutes of the following meetings be confirmed:

- General Council meeting 14 December 2020
- Town Planning Committee 1 February 2021

Carried

5 Declaration Of Interests

Item 6.2.6 - Cr Brett Owen declared a conflict of interest due to his employment with Victoria Police.

6 Ordinary Business

6.1 Town Planning Reports

6.1.1 Cardinia Planning Scheme Amendment C228 - Apply the Activity Centre Zone to the Pakenham Major Activity Centre

Responsible GM: Nigel Higgins
Author: Teresa Hazendonk

Recommendation(s)

That Council:

- Adopts the updated *Pakenham Major Activity Centre Structure Plan, 15 February 2021* as contained in Attachment 1.
- Adopts the updated *Pakenham Activity Centre Urban Design Framework, 15 February 2021* as contained in Attachment 3.
- Adopts Amendment C228 to the Cardinia Planning Scheme, with changes, under Section 29(1) of the *Planning and Environment Act 1987* generally in accordance with Attachment 6.
- Submits adopted Amendment C228 to the Minister for Planning for approval under Section 31(1) of the *Planning and Environment Act 1987*.

Attachments

1. Council Report [6.1.1.1 - 65 pages]
2. Council Report - Pakenham Major Activity Centre Urban Design Framework [6.1.1.2 - 54 pages]
3. Council Report - Cardinia C228 Panel Report 10 7 2020 [6.1.1.3 - 40 pages]
4. Council Report - Cardinia C228 Amendment Documentation Combined [6.1.1.4 - 122 pages]

Executive Summary

Amendment C228 was publicly exhibited in late 2019. Eighteen submissions were received. On 17 February 2020 Council resolved to refer all submissions to a Ministerial Planning Panel.

A Planning Panel was held on 4 May 2020. The final Panel Report was received on 10 July 2020. The Panel Report supports Amendment C228 subject to several changes to the proposed ACZ1 and one change to the Structure Plan. It is considered that all Panel recommendations should be accepted by Council.

The State government has begun planning Pakenham's level rail-crossing removal project (LXRP). The LXRP has influenced changes to the Structure Plan and Urban Design Framework.

It is recommended that the revised Amendment C228 documentation, the revised Structure Plan and revised UDF are adopted by Council, and that Amendment C228 is then submitted to the Minister for Planning for approval and implementation via the Cardinia Planning Scheme.

Background

The first version of the Pakenham Structure Plan was adopted by Council in April 2015. On 19 October 2017 the Minister for Planning gazetted Cardinia Planning Scheme Amendment C211, thereby inserting the *Pakenham Activity Centre Incorporated Provisions, 20 March 2017 (revised May 2017, expires 31 December 2019)* as an incorporated document in the planning scheme to implement the *Pakenham Structure Plan, 2017*. The Minister's approval of this Amendment was received with the following conditions:

- 1. The Structure Plan and its built form requirements be implemented via the appropriate planning tool, the Activity Centre Zone.*
- 2. An expiry date of 31 December 2019 be placed on the structure plan to ensure that the objectives of the structure plan are achieved by implementing its requirements regarding built form through the appropriate planning tool.*
- 3. Council and VicTrack must determine the future of Bourke Park prior to the finalisation of the Activity Centre Zone and future amendment for the Pakenham Activity Centre.*

1. On 12 December 2019 Amendment C260 extended the expiry date of the Structure Plan to 30 June 2021.

Amendment C228 responds to requirements 1 and 2.

In response to requirement three (and a recommendation of the Amendment C211 Panel Report), Council resolved that it will not seek to purchase Bourke Park following discussions with VicTrack which revealed the land would be developed as a transit hub. VicTrack also requested that Council rezone the land to 'Public Use Zone - Schedule 4 Transport' (PUZ4) to appropriately identify the intended land use of the land. While that request is considered outside the scope of Amendment C228, assistance will be provided to VicTrack when a formal amendment request is made.

What the Amendment does

The amendment proposes the following changes to the Cardinia Planning Scheme:

- Amend Local Planning Policy at Clauses 21.03, and 21.04 of the Municipal Strategic Statement.
- Insert Pakenham Major Activity Centre Structure Plan, 15 February 2021 and Pakenham Major Activity Centre Urban Design Framework, 15 February 2021 as Reference Documents to the Cardinia Planning Scheme.
- Insert Clause 37.08 Activity Centre Zone into the Cardinia Planning Scheme.
- Insert a new Schedule 1 to Clause 37.08 Activity Centre Zone titled the "Pakenham Major Activity Centre".
- Delete Schedule 2 to Clause 43.04 Development Plan Overlay.
- Amend the Schedule to Clause 72.04 to remove the Pakenham Activity Centre Incorporated Provisions, 20 March 2017 (revised May 2017) (expires 31 June 2020).
- Amend Planning Scheme Zone Map Numbers 14, 15, 16 and 17 to apply the Activity Centre Zone and remove the Commercial 1 Zone, Mixed Use Zone and General Residential Zone from the Activity Centre.
- Amend Planning Scheme Map Number 14DPO and 15DPO to remove Development Overlay Schedule 1 and Development Plan Overlay Schedule 2.
- Amend Planning Scheme Map Numbers 14DCPO, 15DCPO and 17DCPO to remove the Development Contributions Plan Overlay Schedule 1 from Vic Track and other public land.

Exhibition and submissions

Amendment C228 was publicly exhibited from Thursday 24 October to Friday 6 December 2019. Eighteen submissions were received, including ten from individuals and eight from Public Authorities. Three submissions objected to the Amendment, five supported the Amendment, five were neutral and five were supportive but requested changes. On 17 February 2020, Council considered the submissions and resolved to refer all submissions to an independent Ministerial Planning Panel.

The Ministerial Planning Panel and Report

The Panel Hearing was held via video conference on 4 May 2020 which was attended by Council Officers and three submitters.

After considering all submissions, the Panel provided its report to Council on 23 June 2020, followed by a corrected Panel Report on 10 July 2020.

The Panel recommended that Amendment C228 be adopted subject to the following recommended changes:

2. Acknowledge the traditional owners of the land in the Structure Plan.
3. In the Activity Centre Zone Schedule:
 - a. Update the Framework Plan to include the Railway Station.
 - b. Include Railway as a Section 1 use.
 - c. Include an additional requirement for new buildings adjoining a residential property or Precinct 7 as follows: Achieve Standard B21 of Clause 55.04-5 'Overshadowing open space'.
 - d. Replace all occurrences of 'must' with 'should' in:
 - the Commercial and mixed use requirements and guidelines.
 - the Building height guidelines.
 - the Building setback guidelines.
 - the Precinct guidelines.
 - e. Remove the 'Preferred heights' from Precincts 1, 2, 4, 5, and 6, and the 'Building height requirements' relating to the 'Preferred heights'.
 - f. Include 'Buildings and works should not exceed 13.5 metres' in the guidelines in Precincts 3 and 7.
 - g. Simplify the 'Building height guidelines' to refer to a height of 14 metres to trigger a consideration of the building height guidelines.
 - h. Remove the guidelines for taller buildings relating to:
 - energy, water, waste and renewable technologies,
 - affordable housing
 - the upper levels of buildings to be highly articulated including a variety of floor levels and facades
 - a designated gateway, as shown in the Pakenham Major Activity Centre Framework Plan in Clause 1, or be a significant consolidated site.
 - i. Edit the exemption for service equipment including plant rooms and the like to refer the building height guidelines and move it to after the guidelines.

Further recommendation: Council should revisit the planning for the centre once the government's intentions for the rail corridor, station and Bourke Park are known.

Changes in response to the Panel Report

The Panel Report supports Amendment C228 subject to several changes to the proposed ACZ1 and one change to the Structure Plan. It is considered that all the Panel recommendations listed above should be accepted.

The changes are shown in 'track changes' in the *Pakenham Major Activity Centre Structure Plan, 15 February 2021* (Attachment 2) and the ACZ1 (Attachment 6).

Changes in response to planning for the Level Crossing Removal Project

In the first half of 2020, the Stage Government began planning for Pakenham's level rail-crossing removal project (LXRP). As the LXRP may present new circumstances which influence the content of Amendment C228, the Structure Plan and Urban Design Framework. It was decided to wait until the new year to bring these documents back to Council for adoption. No changes are required to the Amendment C228 documents.

Changes brought about by the LXRP are shown in track changes in the Structure Plan (Attachment 2) and the Urban Design Framework (Attachment 4). The changes include:

- Removing the 'Station Gateway' as Council's vision for this area is now addressed in the newly created Visioning Document for Pakenham's Level Crossing Removal Project.
- Removing the intention to truncate Main Street and creating a pedestrianised plaza adjacent to the Main Street level-rail crossing as the LXRP is now expected to resolve the vehicle congestion in this area.
- RE-investigating the need for the Webster Way extension and associated land acquisition after the 2024 completion of the LXRP.

Next Steps

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



Figure 1. Steps in the Planning Scheme Amendment process

Policy Implications

Plan Melbourne Metropolitan Planning Strategy - 2017-2050

Plan Melbourne is the Metropolitan Planning Strategy that guides Melbourne's growth through to the year 2050. Pakenham is identified as a Major Activity Centre in Plan Melbourne. The relevant directions and initiatives of Plan Melbourne are as follows:

- **Direction 1.2** - Improve access to jobs across Melbourne and closer to where people live
 - Policy 1.2.2 - Facilitate investment in Melbourne's outer areas to increase local access to employment.
- **Direction 2.1** - Manage the supply of new housing in the right locations to meet population growth and create a sustainable city.

- Policy 2.1.2 - Facilitate an increase percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport.
- Policy 2.1.4 - Provide certainty about the scale of growth in the suburbs.
- **Direction 2.2** - Deliver more housing closer to jobs and public transport
 - Policy 2.2.3 - Support new housing in activity centres and other places that offer good access to jobs, services and public transport.
- **Direction 2.4** - Facilitate decision-making processes for housing in the right locations
 - Policy 2.4.1 - Support streamline approval processes in defined locations.

Relevance to Council Plan

1.5 Our People - Variety of recreation and leisure opportunities

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

2.1 Our Community - Our diverse community requirements met

- 2.1.1 Monitor and research emerging community trends to help plan for the needs of residents.
- 2.1.2 Promote access to and encourage, a mix of housing types to cater for the varying needs of people in the Cardinia community.
- 2.1.4 Plan for the provision of facilities to service and support the changing community.

2.2 Our Community - Engaged communities

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

2.4 Our Community - Improved health and wellbeing of our residents

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

3.2 Our Environment - Transport linkages connecting towns

- 3.2.3 Develop transport networks that incorporate effective public transport.
- 3.2.4 Prioritise multi-use pathways, where practicable, to create networks that connect destinations.

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

- 3.4.1 Plan and develop built environments that support improved health and wellbeing of our communities through implementation of the Healthy by Design guidelines.

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

- 3.5.2 Plan for the development of the urban growth area with a mix of residential, commercial, employment, recreational and community activities to meet the needs of our growing community in a sustainable way.

4.1 Our Economy - Increased business diversity in Cardinia Shire

- 4.1.2 Support the development of existing and new businesses within the Shire.
- 4.1.4 Plan the development of Officer and Pakenham town centres.

4.3 Our Economy - Diverse and resilient business community

- 4.3.2 Encourage the establishment of tourism and hospitality in appropriate areas of the Shire.
- 4.3.3 Advocate for the delivery of small and large scale projects that enhance and drive economic activity.

Climate Emergency Consideration

Achieving consolidated development within the Pakenham Major Activity Centre that provides high-quality urban design and includes Ecologically Sustainable Design features will contribute positively to mitigating the climate emergency.

Consultation/Communication

Amendment C228 was publicly exhibited from Thursday 24 October to Friday 6 December 2019. A public Notice was published in the Pakenham Gazette and letters were sent to all land owners, occupiers and community groups within and around the Major Activity Centre.

Eighteen submissions were received. All submitters have received either email or post notification of the release of the Panel Report.

Financial and Resource Implications

Costs associated with this Amendment are provided for within the current and proposed Planning Strategy and Urban Design operating budgets.

Conclusion

Amendment C228 has been considered by an independent planning panel, appointed by the Minister for Planning. The Panel is supportive of the amendment subject to several recommended changes.

It is considered that all these changes should be made, the amendment adopted, and submitted to the Minister for Planning for approval.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Stephanie Davies.

That Council:

- Adopts the updated *Pakenham Major Activity Centre Structure Plan, 15 February 2021* as contained in Attachment 1.
- Adopts the updated *Pakenham Activity Centre Urban Design Framework, 15 February 2021* as contained in Attachment 3.
- Adopts Amendment C228 to the Cardinia Planning Scheme, with changes, under Section 29(1) of the *Planning and Environment Act 1987* generally in accordance with Attachment 6.
- Submits adopted Amendment C228 to the Minister for Planning for approval under Section 31(1) of the *Planning and Environment Act 1987*.

Carried

6.1.2 Amendment C238 Glismann Road - Consider submissions and refer to Planning Panel

Responsible GM: Nigel Higgins
Author: Lorna Lablache

Recommendation(s)

That Council:

- Receive and consider all submissions to Planning Scheme Amendment C238card.
- Supports changes to Planning Scheme Amendment C238card outlined in Attachment 4.
- In accordance with Section 23 of the Planning and Environment Act 1987 refer all submissions to an independent planning panel to be appointed by the Minister for Planning.

Attachments

1. Land affected by the Amendment C238 (as exhibited) [6.1.2.1 - 1 page]
2. Amendment C238 Development Plan (Schedule Plan as exhibited) [6.1.2.2 - 1 page]
3. Amendment C238 Explanatory Report (as exhibited) [6.1.2.3 - 10 pages]
4. Summary of Submissions and Response [6.1.2.4 - 8 pages]

Executive Summary

Council exhibited Amendment C238 from 9 July 2020 to 14 September 2020 and received 15 submissions. A range of matters raised by submitters cannot be resolved and it is recommended Council resolve to refer the submissions to an independent Planning Panel to be appointed by the Minister for Planning. Following receipt of a Planning Panel report a further report will be prepared for Council consideration.

Background

Council received authorisation from the Minister for Planning to prepare Amendment C238 on 23 April 2020 (subject to conditions).

What land is affected by the amendment?

The Amendment applies to the 21 hectares of land in Beaconsfield described as large rural living style lots on Glismann Road including four lots fronting Old Princes Highway at the southern end of Glismann Road and an irregular shaped lot fronting Mahon Avenue (Attachment 1).

Why is the amendment required?

Council adopted the Beaconsfield Structure Plan December in 2013 setting out strategic directions including guidance for built form, use and development outcomes for the next 10 – 15 years. A structure plan action is to rezone land in the 'Glismann Road area' from the Rural Living Zone (RLZ1) to a residential zone with a development plan and infrastructure plan. Amendment C238 is required to achieve the Beaconsfield Structure Plan action.

What does the amendment do?

The amendment proposes to:

- Rezone land within the 'Glismann Road Area' from the Rural Living Zone (RLZ1) and General Residential Zone (GRZ1) to the Neighbourhood Residential Zone (NRZ2) that recognises the natural topography, visual sensitivity, and landscape features of the area.
- Apply a Development Plan Overlay (DPO19) to facilitate an integrated design within an area of fragmented ownership and facilitate best practice planning initiatives in relation to subdivision layout, urban design, service provision and environmental considerations.
- Apply a Development Contributions Plan Overlay (DCPO5) that shares the cost of key infrastructure items triggered by the new development in a fair and reasonable manner.
- Facilitate the provision of local open space through the DCP (that would otherwise be collected under Clause 53.01 of the Cardinia Planning Scheme).
- Incorporate the Glismann Road Development Contributions Plan into the Cardinia Planning Scheme. (The Glismann Road Development Contributions Plan will be exhibited alongside this amendment).

Policy Implications

Plan Melbourne 2017-2050: Metropolitan Planning Strategy

Plan Melbourne is the Metropolitan Planning Strategy for Melbourne. It sets out the vision and directions to guide Melbourne's growth through to 2050. The amendment is consistent with the directions as it facilitates the rezoning of land that is currently within the RLZ1 that is inconsistent with the surrounding area. The topographical constraints of the amendment area are addressed through lot density which will facilitate a range of housing types for the community.

State Policy (PPF)

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

- Infill development that responds to its context in terms of character, cultural identity, natural features (including significant slope) and surrounding landscape (including significant view lines).
- A diverse range of housing options and facilitates an increase of residential and housing supply in an existing urban area.
- A development contributions plan to share the cost of new infrastructure.

Local Planning Policy Framework (LPPF)

The Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) provides the vision for land use planning and development within Cardinia Shire. The amendment will provide for greater housing choice that will create an attractive, functional, well-serviced and sustainable development that is consistent with the MSS. Varying dwelling densities and the use of building envelopes will ensure that the subdivision of the area has minimal impact to the unique environment, in particular the landscape and topographical site features.

Relevance to Council Plan

1.5 Our People - Variety of recreation and leisure opportunities

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

2.1 Our Community - Our diverse community requirements met

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

Climate Emergency Consideration

The land within the Glismann Road area presents an opportunity to create conditions for a more sustainable and resilient community. DPO19 promotes pedestrian connectivity within a street network that has 'walkable' gradients. A connected local street network will enable long term behavioural change and improve the amenity of new neighbourhoods.

Council is seeking to protect the landscape qualities of the Glismann Road Area by implementing planning controls to manage development for this infill area. The DPO19 provisions foster the integration and retention of natural features and landforms of the area. These provisions also help maintain biodiversity and ensure established vegetation and view corridors are key features in the neighbourhood.

The provision of Integrated Water Management (IWM) will also plan for and manage all elements of the water cycle including wastewater management, alternative and potable water supply, and stormwater management.

Consultation/Communication

Notification – formal exhibition of Amendment C238

Amendment C238 was exhibited from 9 July 2020 to 14 September 2020 including a notice published in the Victoria Government Gazette (9 July 2020).

Notification was sent to owners and occupiers within and adjoining the amendment area, community groups, Beaconsfield Progress Association, Beaconsfield Primary School, and relevant Authorities. A letter was also sent to the Minister for Education (as resolved by Council 19 August 2019) requesting options for expanding Beaconsfield Primary School.

The amendment was also displayed on Cardinia Shire Council and DELWP website.

Submissions and responses

15 submissions were received to Amendment C238. 12 submissions were received during the exhibition period, with 3 submissions and 1 letter after the closing date.

- 5 from public Authorities, all in support
- 1 from Beaconsfield Primary School in support.
- 4 from landowners/occupiers from outside the amendment area objecting.
- 6 were from landowners/occupiers and/or consultants on behalf of landowners (one consultant submission was made on behalf of 8 landowners/occupiers). Two objected to the amendment while the remaining 4 supported the amendment in principle but raised objection to content/detail.

- Department of Education and Training (DET) submitted a response advising it was not intended to be a submission for the amendment.

Issues raised in submissions

Some of the submissions are detailed referencing sections across the amendment documentation. Matters raised by submissions include the following topics:

- Request to be excluded from the amendment.

- The land should be rezoned to the General Residential Zone (GRZ) and not the Neighbourhood Residential Zone (NRZ) so that it is consistent with surrounding area.
- Detail in Development Plan Overlay (DPO19) relating to specific provisions, including the loss of notification and third-party review rights in the process that takes place after the DPO19 has been approved by the Minister for Planning.
- Due to the fragmented landownership the development plan should be coordinated and managed by Council and the cost reimbursed through the DCP.
- Density as proposed and density should be driven by a design response not an average density target.
- Areas of substantial slope and how it is addressed in the amendment
- Glismann Road, the road network and open space.
- Development Contributions Plan (projects and cost).

A resolution to all matters raised was not able to be achieved. A more detailed summary of the issues raised in the submission and a response is included in Attachment 4 to this report.

Council officers consider the following changes could be made to the amendment to address some matters raised as follows:

1. Amend Figure 1: Glismann Road Development Plan and text in DPO19 regarding residential density to focus on a design response for individual site features rather than average lot yield. The development density of properties located at the crest of the hill and/or contain clusters with substantial slope of 20% and over is likely to remain low.
2. Review what impact, if any, the changes proposed in (1) will have on the Glismann Rd DCP.
3. Amend DPO19 to state the Development Plan will be facilitated and managed by Council.
4. Amend the Glismann Road DCP with a new \$70,000 item for the cost of preparing a Development Plan.
5. Remove the footpath shown on 4 Glismann Road.
6. Amend text in DPO19 to include a provision to address the impact on adjoining lots regarding access management, the design/levels of Glismann Road and the impact with site boundaries regarding the use of cut/fill and retaining walls.
7. Remove 11 Mahon Avenue from all the documents relating to Amendment C238 and that the submitter be advised that Council maintains its position that the development of 11 Mahon Avenue will be affected by the compounding impact of significant site constraints which impact on the development potential of the site.
8. Address any anomalies or errors if they do not change the intent of the suite of documents that form part of Amendment C238.

Next steps



Figure 1 Steps in the Planning Scheme Amendment Process for Glismann Road

We are at Stage 2 of the Planning Scheme Amendment process (Figure 1). Matters raised by submissions cannot be resolved and must now be considered by an independent Planning Panel to be appointed by the Minister for Planning. It is recommended that Council adopt the amendment with the changes outlined in Attachment 4. A public hearing will be held and all submissions considered prior to a Panel report prepared for Council.

Financial and Resource Implications

Attachment 4 outlines changes to amendment C238 considering submissions received. As outlined in some of the submissions, a practical solution to help overcome the complexities of the fragmented land ownership is for Council to coordinate and prepare a development plan for the area.

It is estimated the Development Plan for Glismann Road would take 6 –7 months to complete and cost \$70,000. This cost (as identified in submissions) could be included in any Development Contributions Plan however, Council would need to fund the project upfront.

Costs associated with the remaining amendment process are to be provided in current and proposed operating budgets.

Conclusion

Amendment C238 was exhibited in response to the Beaconsfield Structure Plan. The rezoning and new Development Plan Overlay will ensure high quality urban design outcomes through a variety of lot sizes responding to the natural topography and landscape features of the development plan area. The Development Contributions Plan shares the cost of key infrastructure triggered by the new development in a fair and reasonable manner

Amendment C238 was exhibited from the 9 July 2020 to 14 September 2020 with 15 submissions and 1 letter received. Matters raised by submissions cannot be resolved. It is recommended Council accepts all 15 submissions, supports changes outlined in Attachment 4, and refers the submissions to a Planning Panel for consideration.

Resolution

Moved Cr Tammy Radford, seconded Cr Jeff Springfield.

That Council:

- Receive and consider all submissions to Planning Scheme Amendment C238card.
- Supports changes to Planning Scheme Amendment C238card outlined in Attachment 4.
- In accordance with Section 23 of the Planning and Environment Act 1987 refer all submissions to an independent planning panel to be appointed by the Minister for Planning.

Carried

6.1.3 Pakenham South Employment Precinct Structure Plan

Responsible GM: Nigel Higgins
Author: Keira Lee

Recommendation(s)

That Council:

1. Receive and consider all submissions received during the exhibition of Planning Scheme Amendment C265.
2. In accordance with Section 23 of the Planning and Environment Act 1987, refer all submissions to an independent planning panel for consideration to be appointed by the Minister for Planning.

Attachments

1. Appendix [6.1.3.1 - 7 pages]

Executive Summary

Planning Scheme Amendment C265 was exhibited from 15 October 2020 - 26 November 2020 seeking to incorporate the Pakenham South Employment Precinct Structure Plan (PSP) into the Cardinia Planning Scheme. The PSP facilitates 185 hectares of employment land within a State Significant Industrial Precinct to provide approximately 3,500 job opportunities. The PSP sets the vision for the land ensuring a high standard of urban design and amenity with a local convenience centre, access to public transport, local parks and a shared path network.

Thirteen (13) submissions were received raising matters including premature oversupply of employment land, traffic and associated infrastructure, precinct boundaries, requests for changes to the Design Guidelines and various Authority comments. Whilst some of these matters can be resolved, for the most part they cannot and therefore must be referred to an independent planning panel for consideration.

Background

The Pakenham South Employment PSP forms part of the Pakenham/Officer State Significant Industrial Precincts, Urban Development Program DELWP 2016 and is located directly south of the South East Business Park and south west of the Livestock Exchange.



Figure 2. Location of PSP precinct

Subject Site

The Vision

The PSP will provide opportunities for industries to operate in a defined employment hub, appropriately located away from sensitive residential areas. Businesses requiring larger lots and buffer distances will be attracted to the precinct with its limited environmental and topographical issues and accessibility to infrastructure, nearby services and freight connections. A diverse mix of industrial, manufacturing, warehousing and commercial jobs within the precinct will enable residents living in Cardinia and its surrounds the opportunity to work closer to home and reduce commute times. The PSP area will include a local convenience centre with adjacent open space, local parks, shared path network and access to public transport and bus capable roads throughout

Relevance to Council Plan

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

3.5.2 Plan for the development of the urban growth area with a mix of residential, commercial, employment, recreational and community activities to meet the needs of our growing community in a sustainable way.

Policy implications

The PSP aligns with key Commonwealth, State, and local policies as they relate to the planning of an employment PSP.

Plan Melbourne 2017-2050 - Melbourne Metropolitan Planning Strategy

The relevant directions and policies of Plan Melbourne are as follows:

- Direction 1.1 - Create a city structure that strengthens Melbourne's competitiveness for jobs and investment
- Policy 1.1.6 - Plan for industrial land in the right locations to support employment and investment opportunities
- Direction 1.2 - Improve access to jobs across Melbourne and closer to where people live
- Policy 1.2.2 - Facilitate investment in Melbourne's outer areas to increase local access to employment

Liveability Plan 2017-2029

The PSP aligns with the following policies:

- Employment - to increase participation in local employment by facilitating investment in the local economy that creates new job opportunities and pathways that enable employment opportunities.
- Open Spaces and Places - to increase participation in open spaces and places by strategically planning and maintaining open spaces and places to be safe, accessible, appealing and connected.

Cardinia Planning Scheme

- Clause 11.02-2S Structure planning - to facilitate the orderly development of urban areas through the preparation of precinct structure plans
- Clause 11.03-2S Growth areas - provide for significant amounts of local employment opportunities
- Clause 17.03-1S Industrial land supply - to ensure availability of land for industry
- Clause 17.03-3S State significant industrial land - to protect industrial land of state significance
- Clause 21.03-2 Urban growth area - to create a functional, attractive, safe and sustainable urban environment for the existing and future community
- Clause 21.04-1 Employment - to develop diverse local employment opportunities to meet the needs of a growing residential population

The PSP document is also informed by:

- Precinct Structure Planning Guidelines
- South East Growth Corridor Plans (2012)
- Biodiversity Conservation Strategy and Sub Regional Species Strategies for Melbourne's Growth Areas (2013)
- The Pakenham South Employment Background Report 2019

Climate emergency consideration

The future implementation and development of the PSP is guided by the following objective:

- Prepare for the impacts of climate change by encouraging resilient, environmentally sustainable design and development across the precinct.

Consultation

Amendment C265 was exhibited for six weeks from 15 October 2020 - 26 November 2020. A notice was placed in the Pakenham Gazette (14 October 2020) and Government Gazette (15 October 2020). Letters were sent to all landowners and occupiers within the precinct and surrounds (274 letters) on 9 October 2020. Emails were sent to all relevant authorities and agencies, community groups and Government Ministers on 13 October 2020.

Thirteen (13) submissions were received from a mix of Authorities and landowners with matters raised including premature oversupply of employment land, traffic and associated infrastructure, precinct boundaries, requests for changes to the Design Guidelines and various Authority comments. Whilst some matters can be resolved, most cannot and must be referred to an independent planning panel for consideration.

The following authorities did not respond in writing within the exhibition period however they can still participate in the panel process:

- South East Water
- Victorian Planning Authority
- Country Fire Authority
- Heritage Victoria
- Department of Environment Land Water and Planning
- Aboriginal Affairs Victoria
- AusNet Electricity Services and AusNet Transmission Group
- APA Group and APA VTS

Financial and resource implications

The costs associated with the Amendment are funded by Council and the project is accounted for in the Growth Area Planning budget for 2020-2021.

Conclusion

Thirteen submissions have been received following the exhibition of Amendment C265 from 15 October 2020 to 26 November 2020.

It is recommended Council refer all submissions in accordance with Section 23 of the Planning and Environment Act 1987 to an independent Planning Panel to be appointed by the Minister for Planning.

Resolution

Moved Cr Jeff Springfield, seconded Cr Jack Kowarzik.

That Council:

1. Receive and consider all submissions received during the exhibition of Planning Scheme Amendment C265.
2. In accordance with Section 23 of the Planning and Environment Act 1987, refer all submissions to an independent planning panel for consideration to be appointed by the Minister for Planning.

Carried

6.1.4 Submission to DELWP's Consult on Planning for Melbourne's Green Wedge and Agricultural Land

Responsible GM: Nigel Higgins
Author: Teresa Hazendonk

Recommendation(s)

That Council endorse the attached submission to the Victorian Government's consultation on Planning for Melbourne's Green Wedge and Agricultural Land

Attachments

1. Cardinia Submission DELWP Planning Melbourne's Green Wedge [6.1.4.1 - 22 pages]

Executive Summary

Cardinia Shire Council has advocated for stronger protection of green wedge and agricultural land and the right-to-farm for more than a decade. Over recent years DELWP has consulted with Council on changes to planning policy and controls that would improve these protections.

DELWP have now prepared 'Planning for Melbourne's Green Wedges and Agricultural Land Consultation Paper May 2020'. This consultation paper proposes 46 Options and 12 Design Elements to improve protections of green wedge and agricultural land and the right-to-farm within a 100km radius of Melbourne. It seeks to address many issues Council has previously raised including:

- Green Wedge Management Plans (GWMPs)
- Proposed 'Right-to-farm' and 'Agent-of-change' provisions
- Subdivision of rural landscapes
- 'Host farm' as a section 1 use
- 'Halls' to mirror requirements for 'Function centres'
- Strengthening of the 'in-conjunction-with' tests
- Strengthening locational requirements for non-green wedge uses
- Decision guidelines and application requirement for new dwellings
- New planning policy and overlay to protect land with access to secure water
- Farm gate sales
- Design Guidelines and Design Requirements

Any State Government initiatives to protect green wedge and agricultural land and the 'right-to-farm' are welcomed, and 25 of the 46 proposed Options and 11 of the 12 proposed Design Elements are supported. There is partial support of 3 Options and 1 Design Element, and conditional support of 15 Options. Options 11, 22, 33 are not supported, and parts of Options 28, 30, 32 and Design Element 2 are not supported.

Several of the proposed options may place an unreasonable workload and funding burden on Council to prepare and review GWMPs, as such Council's submission provides conditional support on many proposed options and requests that funding from the State government be provided to resource some pieces of work should they become mandatory planning requirements.

Background

Cardinia Shire has strongly advocated for better protection of green wedge and agricultural land and the right-to-farm for decades. As such, any effort made by the State government to enhance protection of green wedge and agricultural land and the right-to-farm is welcomed.

In early 2019, the Department of Environment, Land, Water and Planning (DELWP) commenced a consultation by asking ten questions about 'Identifying and protecting strategic agricultural land within green wedge and peri-urban land around Melbourne'. Officers briefed Council on that consultation and Cardinia Shire's submission on 13 May 2019. In response to submissions to that consultation DELWP have now prepared 'Planning for Melbourne's Green Wedges and Agricultural Land Consultation Paper May 2020'. This consultation paper proposes 46 Options and 12 Design Elements to improve protections of green wedge and agricultural land and the right-to-farm within a 100km radius of Melbourne. Officers briefed Council on this consultation and Cardinia Shire's submission (Attachment 1) on 14 December 2020.

Discussion

There is support for 25 of the 46 proposed Options and 11 of the 12 proposed Design Elements, partial support for 3 Options and 1 Design Element, and conditional support for 15 Options. Options 11, 22, 33 are not supported, and parts of Options 28, 30, 32 and Design Element 2 are not supported. A discussion of the main matters follows.

Green Wedge Management Plans

Several proposed options relate to the preparation of GWMPs, such as mandating the preparation of GWMPs plans for the two remaining green wedges in Cardinia Shire's north, reviewing our current Western Port GWMP, followed by ongoing regular reviews of all three plans. This work would have to be carried out in accordance with specific frameworks and requirements to be outlined by new planning provisions and practice notes. Council has previously advocated that preparation of the northern GWMPs needs to be funded by the State government. If these proposed options become mandates in the planning provisions, Council will require State government funding to ensure these pieces of work can be resourced.

The State Government should also make it clear to land speculators that any mandated reviews of GWMPs cannot be used to apply pressure on Council or the State Government to expand the Urban Growth Boundary (UGB) as UGB changes should be considered during the State Government's holistic review of its Metropolitan Strategy (currently 'Plan Melbourne 2017-2050') or through a separate logical inclusions process, and not in an ad-hoc manner through GWMP reviews.

Proposed 'Right-to-farm' and 'Agent-of-change' provisions

Option 8 proposes to establish new right-to-farm legislation that ensures primary production carried out on a farm does not constitute a nuisance, provided that it is conducted lawfully and agriculture is a primary purpose of the zone. This legislative change is supported provided that solar farms, wind farms, horse (or other recreational animal) breeding are not automatically included as farm uses unless specified in a schedule. This option should also ensure that intensive farming is not prioritised over biodiversity protection.

Option 9 proposed to establish new agent-of-change legislation that assigns the responsibility for mitigating impacts from farming operations to those who introduce a new use or development adjacent to the farm. This legislative change is supported provided that it does not create a barrier for existing agricultural uses to expand, pivot or diversify. For example a farm may be currently used for grazing but should be able to retain the right-to-farm in a

different way if they choose to, such as cropping, greenhouses, packing sheds, even if a sensitive use has established nearby and may be affected by noise, dust and odours generated by the changed farm use.

Subdivision of rural landscapes

Options 11 and 12 seek to tighten the ability to subdivide land into more lots or smaller lots than is currently provided for in the Farming Zone and Rural Activity Zone within 100km of Melbourne.

Option 11 seeks that planning scheme amendments that would facilitate an increase in the subdivision potential of Farming Zone and Rural Activity Zone land within 100km of Melbourne must be approved by the Minister for Planning and ratified by of both Houses of Parliament to mirror the approval requirements of the Green Wedge Zone and the Green Wedge A Zone. This change is not supported.

Cardinia Shire has no Rural Activity zoned land. However, the Farming Zone is used as a holding zone for land that is identified for rezoning to an urban zone in approved strategic documents such as the State Government's *Plan Melbourne 2017-2050* and several of Council's Township Strategies. The growth front depicted in Plan Melbourne includes Pakenham East which is in the Farming Zone. This would mean that the Pakenham East Precinct Structure Plan would have to be ratified by both Houses of Parliament. Council has already justified the use of the Farming Zone as a holding zone on land identified by Township Strategies for rezoning to a residential zone (Bunyip) and an industrial zone (Koo Wee Rup) for example, as these strategies have been through a planning scheme amendment process to be included in the Cardinia Planning Scheme. Requiring ratification of both Houses of Parliament will impose unreasonable additional processes and extended timeframes on Council to achieve strategic visions that were already accepted by DELWP when the Farming Zone was initially applied to this land.

If the proposed changes to the Farming Zone are to proceed, it is submitted that a new type of 'holding zone' is simultaneously implemented and applied to land that has been strategically justified for future rezoning to an urban zone and was rezoned to Farming Zone as an interim holding zone.

Host farm as a section 1 use

Option 22 proposes to move host farm to a Section 1 use (as-of-right) in the Farming Zone, rural activity Zone, Green Wedge Zone and Green Wedge A Zone, providing that it is undertaken in conjunction with agriculture and accommodates no more than 10 people. This change is not supported. 'In conjunction with 'agriculture'' provides too many loop-holes for rental accommodation to be established on land that is not an authentic or genuine farming operation. This will create an unreasonable planning enforcement burden for Council. 'Bed and Breakfast' already provides sufficient ability for this kind of rental/tourism accommodation to be established on a property as a Section 1 Use (as-of-right).

'Halls' to mirror requirements for 'Function centres'

Option 33 proposes that 'Hall' mirror the minimum lot size and maximum patron requirement of 'Function centre' in the Green Wedge Zone. This change is not supported. A publicly owned Hall in the green wedge is very different to a privately owned Function centre in the green wedge.

A private Function centre must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery, must have less than 150 patrons, and must be located on at least 40 hectares. A public Hall on the other hand is often a crucial and central community building for a rural area in the green wedge that is provided for the use of

the community and may be used to provide services to the community (immunisation programs for example). While a Hall may be hired out for a function, it is not to make a great profit, and the building regulations restrict the number of patrons for health and safety reasons. In consideration of the community services that are provided, a public Hall in the green wedge should not be subject to 'in conjunction with' tests, nor a minimum lot size of 40 hectares.

Strengthening of the 'in-conjunction-with' tests

The 2013 Zone Reforms increased the number and ability of discretionary uses that can establish in the green wedge zones without connection to the purpose of the zones thereby creating conflict with farming uses. Several proposed options relate to providing new policy to clarify and tighten up the application of 'in-conjunction-with' tests, whereby new uses (such as Host farms and Group accommodation) must demonstrate a genuine connection to the use of the land that accords with the purpose of the zone. This change is supported. It will go a long way to addressing problems such as conflict of use and fragmentation of farmland that have been increasing for several years.

Strengthening locational requirements for non-green wedge uses

The 2013 Zone Reforms increased the number and ability of discretionary non green wedge uses that can establish in the green wedge zones without locational requirements thereby creating conflict with farming uses.

Several proposed options in the Discussion Paper relate to the location where several non-green wedge uses can establish. It is proposed to require Educational facilities, Places of Worship and Data centres to locate adjoining the UGB or urban zones rather than out in the middle of the green wedge. This change is supported. It will go a long way to addressing problems such as conflict of use and fragmentation of farmland that have been increasing for several years.

Decision guidelines and application requirement for new dwellings

Option 13 proposes to introduce decision guidelines and application requirements for new dwellings in green wedge zones requiring them to demonstrate a genuine connection to the use of the land that accords with the purpose of the zone. Cardinia Shire has been advocating for and support this change. As with the proposed changes to strengthen the locational requirements, this proposed change will address problems such as conflict of use and fragmentation of farmland that have been increasing for several years.

New planning policy and overlay to protect land with access to secure water

Options 16, 17, 18 and 19 propose new State planning policy, a new planning overlay, and new referral and notice requirements to protect land that has access to secure water supply and irrigation infrastructure. The proposed Cora Lynn Recycled Water Irrigation Scheme area is earmarked for application of the new overlay. These changes are supported provided that Council has input into the content of the new overlay and the extent of land it is applied to ensure the range of allowable uses are not too limiting, the overlay is versatile enough, and it is applied to the correct extent of land.

Farm gate sales

Option 20 proposes to increase the ability of as-of-right farm gate sales to allow for sale of ancillary goods such as crackers and bottled drinks to consume with the primary produce that is for sale, also the sale of produce from other land that is held in the same ownership, and a percentage of produce sourced from producers within 5km. This change is supported provided that an ancillary test is defined and applied to the sale of 'ancillary goods', and the sales do

not grow to a size that would trigger consideration of car parking, food safety, waste collection etc.

Design Guidelines and Design Requirements

Several proposed options and the 12 Design Elements relate to the introduction of Design Guidelines and Design Requirements for new development in green wedge zones. This change is supported provided that Council has input into the development of the guidelines and requirements prior to their implementation. Part of 'Design Element 2 - Site Layout' is not supported as it would allow buildings to be sited with zero setbacks if surrounding properties have examples of zero setbacks. It is considered that perpetuating bad past decisions should not be allowed and that preferred boundary setbacks should be respected by new development.

Policy Implications

DELWP have posed several options relating to the preparation of Green Wedge Management Plans. If DELWP implement these options, it may become mandatory for Council to prepare the two remaining GWMPs for Cardinia's northern areas, and to review the current Western Port GWMP.

Relevance to Council Plan

3.3 Our Environment - Enhanced natural environment

3.3.4 Manage water in an integrated way, including the reduction of potable water consumption by Council and households.

3.3.5 Promote water catchment management practices that improve the quality of our waterways.

3.3.6 Protect and improve biodiversity by increasing the area of natural ecosystems across the Shire.

3.3.7 Manage agricultural land use by supporting farmers to utilise sustainable farming practises.

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

3.5.4 Ensure the planning of rural (green wedge) areas protects and enhances important agricultural, environmental, natural resource, infrastructure and recreational values.

4.2 Our Economy - Maintained strong agricultural activities

4.2.1 Support our farmers and growing agricultural industry in adapting to the changing economy and climate.

4.2.2 Identify innovative ways to value-add to the region's primary production and transportation.

Climate Emergency Consideration

Protecting Cardinia's green wedge and agricultural land from inappropriate development will contribute positively to mitigating the climate emergency.

Consultation/Communication

In early 2019, the Department of Environment, Land, Water and Planning (DELWP) carried out a consultation by asking ten questions on 'Identifying and Protecting Strategic Agricultural land within green wedge and peri-urban land around Melbourne'.

In response to submissions DELWP have now prepared 'Planning for Melbourne's Green Wedges and Agricultural Land Consultation Paper May 2020'. DELWP commenced

consultation in May 2020. Due to Covid-19 the closing of submissions was postponed twice. Submissions to the consultation period will now close on 5 February 2021. More information about this consultation can be found on DELWP's website via this link: www.engage.vic.gov.au/gwal

Internal consultation was carried out and input was provided by the Statutory Planning, Environment, Economic Development, Growth Area Strategic Planning, and Food Circles teams.

The Senior Leadership Team and Council was briefed in late 2020 and direction was provided and included in the submission.

Financial and Resource Implications

DELWP have proposed several options relating to the preparation of Green Wedge Management Plans. If DELWP implement these options, it may become mandatory for Council to prepare the two remaining GWMPs for Cardinia's northern areas, and to review the current Western Port GWMP. It is not clear at this stage whether the State Government will provide funding to resource these significant pieces of work. This is of concern to Council Officers and has been noted within the submission.

Conclusion

Cardinia Shire Council welcomes any State Government initiatives to protect green wedge and agricultural land and the 'right-to-farm' and supports most of the 46 proposed options. Options 11, 22, 33, and parts of Options 28, 30, 32 and Design Element 2 are not supported.

Several of the proposed options may place an unreasonable workload and funding burden on Council to prepare and review GWMPs, as such Council's submission provides conditional support on many proposed options and requests that funding from the State government be provided to resource some pieces of work should they become mandatory planning requirements.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Stephanie Davies.

That Council endorse the attached submission to the Victorian Government's consultation on Planning for Melbourne's Green Wedge and Agricultural Land

Carried

6.1.5 Use and Development of Land for an Early Childhood Centre at 279 Pink Hill Boulevard, Officer

Responsible GM: Nigel Higgins
Author: Lisa Hall

Recommendation(s)

That Council issue Planning Permit T200595 for the Use and Development of the land for an Early Childhood Centre (kindergarten, consulting rooms and community room) at Lot KK PS831950L, 297 Pink Hill Boulevard, Officer subject to the following :

1. Before the use or development commences a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must:
 - a. Provide calculations for waste generation;
 - b. Show appropriately sized and located waste storage areas;
 - c. Show waste collection locations.
2. The layout of the uses and buildings and works as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
3. At least 14 days before any works start, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will form part of the permit. All works must be undertaken in accordance with the approved CEMP.

The CEMP must address all environmental risks and include:

- a) Temporary stormwater management including sedimentation control.
 - b) Provision of pollution and contamination controls including noise and dust.
 - c) Location of stockpiles and stockpile management.
 - d) Location of site office and facilities.
 - e) Equipment, materials and goods management.
 - f) Tree protection zones, trees to be retained and trees to be removed.
4. Before works commence a stormwater management plan showing the stormwater works to the nominated point of discharge must be submitted to and approved by the Responsible Authority. The stormwater management plan must be prepared by a suitably qualified person and show details of the proposed stormwater works including all existing and proposed features that may have impact (including trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc.). All works must be undertaken in accordance with the approved stormwater management plan.
 5. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
 6. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development of the subject land is

adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

7. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
8. Any roads used for the purpose of haulage of imported or exported materials for construction must be:
 - a. Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use.
 - b. Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period, and
 - c. Reinstated to the satisfaction of the Responsible Authority.
9. The works associated with the construction of the development must not detrimentally affect the amenity of the area, through the:
 - a. Transport of materials, goods or commodities to or from the land.
 - b. Inappropriate storage of any works or construction materials.
 - c. Hours of construction activity.
 - d. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
 - e. Presence of vermin.

To the satisfaction of the Responsible Authority.
10. Before the development starts, a tree protection fence must be erected around the existing street trees to be retained outside the canopy zone of the tree to define a "Tree Protection Area". The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Area. Any pruning that is required to be done to the canopy or roots of any tree to be retained is to be done with permission by Council's Arborist by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007.
11. Unless with the prior written consent of the Responsible Authority, all rooftop plant and equipment (including air conditioning units, heating units and hot water systems) must be concealed or screened from general view to the satisfaction of the Responsible Authority.
12. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the building/s must be of a non-reflective nature.
13. All external plant and equipment must be located to the satisfaction of the Responsible Authority and if required acoustically treated or placed in sound proof housing to reduce noise to residences to a level satisfactory to the Responsible Authority.

14. External lighting must be designed, baffled and located so as to prevent any adverse effect to residences and adjoining landholders to the satisfaction of the Responsible Authority.
15. Before the development is occupied a commercial/industrial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority. Note: A Vehicle Crossing Permit must be obtained from Cardinia Shire Council prior to the commencement of any works associated with any proposed vehicle crossing.
16. Before the development is occupied all proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed these areas must be maintained to the satisfaction of the Responsible Authority.
17. Before the development is occupied all buildings must be connected to reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
18. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing, the landscape works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
19. Except with the written consent of the Responsible Authority, the uses may operate only between the hours of:
 - a. Kindergarten – 8am to 5pm Monday to Friday.
 - b. Consulting room/s – 8am to 10pm Monday to Sunday.
 - c. Community room – 8am to 10pm Monday to Sunday.
20. Except with the written consent of the Responsible Authority:
 - a. A maximum of 132 children may attend the kindergarten at any one time;
 - b. A maximum of 20 patrons may attend the community room during kindergarten opening hours and a maximum of 30 patrons may attend the community room outside of kindergarten opening hours;
 - c. A maximum of six (6) practitioners may attend the consulting rooms at any one time.
21. The amenity of the area must not be detrimentally affected by the development through the:
 - a. Transport of materials, goods or commodities to or from the land;
 - b. Emission of noise, artificial light, vibration, odours, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil;
 - c. Presence of vermin;
 - d. The appearance of the development;or in any other way, to the satisfaction of the Responsible Authority.
22. Noise levels emanating from the premises must not exceed those required to be met under the relevant Environment Protection Agency policy.
23. Waste collection arrangements for the land must be in accordance with the approved plans and to the satisfaction of the Responsible Authority.

24. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes must be stored out of general view and storage areas maintained in a suitable condition to the satisfaction of the Responsible Authority.
25. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.
26. This permit will expire if one of the following circumstances applies:
- The development is not started within **two (2) years** of the date of this permit.
 - The development is not completed within **four (4) years** of the date of this permit.
 - The use does not start within **one (1) year** of the completion of the development.
 - The use is discontinued for a period of **two (2) years**.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

Attachments

- Locality Plan [6.1.5.1 - 1 page]
- Development Plans [6.1.5.2 - 17 pages]

Executive Summary

APPLICATION NO.:	T200595
APPLICANT:	Cohen Leigh Architects for Cardinia Shire Council
LAND:	Lot KK PS831950L, 297 Pink Hill Boulevard, Officer
PROPOSAL:	Use and Development of the land for an Early Childhood Centre (kindergarten, consulting rooms and community room)
PLANNING CONTROLS:	Urban Growth Zone Schedule 3 (Applied zone - General Residential Zone) and Development Contributions Overlay (Schedule 4)
NOTIFICATION & OBJECTIONS:	Nil
KEY PLANNING CONSIDERATIONS:	<ul style="list-style-type: none"> Planning Policy Framework Officer Precinct Structure Plan Car parking and access Urban design
RECOMMENDATION:	That Council issue Planning Permit T200595 for the Use and Development of the land for an Early Childhood Centre (kindergarten, consulting rooms and community room) at Lot KK

	PS831950L, 297 Pink Hill Boulevard, Officer subject to the conditions attached to this report.
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Background

The subject lot was recently created for the purpose of a Community Centre.

Subject Site

The subject land is located within Timbertop Estate. The site is 4000sqm in size and generally rectangular in shape, with a slight fall from north to south. Vehicular access is proposed from Barnsley Road to the east (entry) and Pink Hill Boulevard to the south (exit).

The main characteristics of the surrounding area are:

- North & West – Land to the north and west is being developed for a primary school in accordance with the Officer Precinct Structure Plan.
- East – Barnsley Road runs along the eastern boundary of the land. Land to the east of Barnsley Road contains dwellings and vacant land.
- South – Pink Hill Boulevard runs along the southern boundary of the land. Land to south of Pink Hill Boulevard contains dwellings.

Relevance to Council Plan

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

3.5.2 Plan for the development of the urban growth area with a mix of residential, commercial, employment, recreational and community activities to meet the needs of our growing community in a sustainable way.

Proposal

The proposal includes the use and development of the land for an Early Childhood Centre (kindergarten, consulting rooms and community room). The centre will contain a kindergarten comprising two (2) program rooms catering for a total of 132 children, three (3) consulting rooms principally for maternal and child health nurse appointments and a community room for hire by local service providers for small group activities such as yoga, pilates and parents groups. The consulting program will operate from the three consulting rooms, generally with one practitioner in each room and occasionally two practitioners in each room (e.g. nurse and specialist consultant or nurse and work experience student). A total of 31 car-parking spaces are proposed on site, with entry from Barnsley Road and exit from Pink Hill Boulevard. The kindergarten is proposed to operate between the hours of 8am-5pm Monday to Friday, the consult program between the hours of 8am-10pm Monday to Sunday and the community room Monday to Sunday between the hours of 8am-10pm. These operating hours are consistent with existing operating hours for Cardinia Shire Council early leaning and community facilities.

The building is centrally located within the site and is setback 2.01m from Barnsley Road, with a 10mm setback from the western boundary (school site). Car-parking and access to the centre is located in the southern section of the land and two kindergarten outdoor play areas are located in the northern section of the land. The building presents a modern façade, with external finishes including brick veneer and colorbond, with a variety of fencing proposed.

Planning Scheme Provisions

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11.03-2S Growth areas
- Clause 13.05-1S Noise abatement
- Clause 15.01-1S Urban design
- Clause 19.02-2S Education facilities

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.04-1 Employment
- Clause 21.05-6 Community services and facilities
- Clause 21.06-1 Urban Design

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 65 Decision guidelines
- Clause 67 Applications under Section 96 of the Act
- Officer Precinct Structure Plan, September 2011 (Amended November 2019)
- Officer Development Contributions Plan, September 2011 (Amended November 2019)
- Officer Native Vegetation Precinct Plan (September 2011)

Zone

The land is subject to the **Urban Growth Zone Schedule 3** and the applied zone is **General Residential Zone**.

Overlays

The land is subject to the following overlays:

- Development Contributions Overlay Schedule 4.

Planning Permit Triggers

The proposal for an Early Childhood Centre (kindergarten, consulting rooms and community room)

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

- Pursuant to Clause 32.08-2 of the General Residential Zone a planning permit is required to use land for a kindergarten & place of assembly (Section 2 use).

Pursuant to Clause 32.08-9 of the General Residential Zone a planning permit is required to construct a building or construct or carry out any works for a use in Section 2 of Clause 32.08-2.

Public Notification

As the land is a Council owned/developed facility the provisions of Clause 67 of the Planning Scheme are applicable. Pursuant to Clause 67.02 'Notice Requirements' in accordance with Section 52(1)(c) of the *Planning and Environment Act 1987*, notice must be given to owners and occupiers of adjoining land.

The notification has been carried out correctly to adjoining landholders by sending notices and placing two signs on the site. Council has received no objections to date.

Referrals

The application was not required to be referred externally.

Discussion

Planning Policy Framework

The proposed Early Childhood Centre is consistent with the aims and objectives of the Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement.

The proposed facility will support the surrounding community and satisfies Clause 11.03-2S Growth areas and Clause 19.02-2S Education facilities of the Planning Policy Framework. Clause 13.05-1S Noise abatement needs to be considered given the proposal is located within a residential setting (sensitive land use). The proposed hours of operation, combine with the centres location directly abutting a school, rather than residential lots means the proposal, subject to noise requirement/amenity based conditions, can satisfy the objective of Clause 13.05-2S being to control potential noise effects on sensitive land uses.

Officer Precinct Structure Plan

The Officer Precinct Structure Plan (PSP) is a broad level plan which provides the future urban structure for Officer as it undergoes significant population growth. The Officer PSP identifies the subject land as a future community facility (children's centre) containing a double kindergarten, maternal child health centre and community meeting space. The proposal meets these requirements of the PSP. The proposed facility will form part of a 'neighborhood hub' with the adjoining public school to the west, the existing local park to the west of the school and the future Neighborhood Convenience Centre to the east of the site.

Car-parking & access

The car-parking rate considered most appropriate to assess proposals of this nature (Early childhood centres) and the rate used for previous proposals within Cardinia Shire is the childcare centre rate which requires 0.22 car spaces per child. Under this rate a total of 29 car-spaces are required. The proposal provides a total of 31 spaces, meeting this requirement. The consulting rooms and community room will generate additional car parking demand and as such it is important that these uses be appropriately managed to ensure all services within the centre are not operating at capacity during kindergarten pick-up and drop-off times. This can be a condition of approval. It is noted that similar centres operating within the shire with the same car parking rates have not experienced issues/conflicts with car-parking due to multiple services being offered. It is also expected that the location of this childhood centre within a residential estate will see a number of community members walking rather than driving to utilise the centre.

Vehicular access to the site is via Barnsley Road (entry) and Pink Hill Boulevard (exit). Pink Hill Boulevard is a Connector Street which links into the broader road network of Timbertop Boulevard another Connector Street, providing good access to the centre via main roads.

Council's Traffic Department have reviewed the proposal and have recommended conditions placing restrictions on patron numbers and operating hours for the community room and consulting rooms to manage car-parking during peak demand times for the kindergarten. The conditions recommended below are considered an appropriate balance and in line with other such developments within the Cardinia growth area.

Urban Design

The scale and character of the building is appropriate given the urban context of the area. The building is single storey, with a modern design with the car-parking and the main building entrance fronting Pink Hill Boulevard. Whilst the building presents a minimum setback (10mm) along the western boundary, this is considered satisfactory given this is the interface to the school site.

Conclusion

The proposed Early Childhood Centre incorporating a double kindergarten, consulting rooms and community room is an appropriate community facility for the site and accords with the Officer Precinct Structure Plan. The proposed centre will provide important services for the growing population of Officer and is recommended for approval subject to conditions.

Conditions

1. Before the use or development commences a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must:
 - a. Provide calculations for waste generation;
 - b. Show appropriately sized and located waste storage areas;
 - c. Show waste collection locations.
2. The layout of the uses and buildings and works as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
3. At least 14 days before any works start, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will form part of the permit. All works must be undertaken in accordance with the approved CEMP.

The CEMP must address all environmental risks and include:

- g) Temporary stormwater management including sedimentation control.
 - h) Provision of pollution and contamination controls including noise and dust.
 - i) Location of stockpiles and stockpile management.
 - j) Location of site office and facilities.
 - k) Equipment, materials and goods management.
 - l) Tree protection zones, trees to be retained and trees to be removed.
4. Before works commence a stormwater management plan showing the stormwater works to the nominated point of discharge must be submitted to and approved by the Responsible Authority. The stormwater management plan must be prepared by a

suitably qualified person and show details of the proposed stormwater works including all existing and proposed features that may have impact (including trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc.). All works must be undertaken in accordance with the approved stormwater management plan.

5. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
6. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development of the subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.
7. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
8. Any roads used for the purpose of haulage of imported or exported materials for construction must be:
 - a. Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use.
 - b. Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period, and
 - c. Reinstated to the satisfaction of the Responsible Authority.
9. The works associated with the construction of the development must not detrimentally affect the amenity of the area, through the:
 - a. Transport of materials, goods or commodities to or from the land.
 - b. Inappropriate storage of any works or construction materials.
 - c. Hours of construction activity.
 - d. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
 - e. Presence of vermin.

To the satisfaction of the Responsible Authority.

10. Before the development starts, a tree protection fence must be erected around the existing street trees to be retained outside the canopy zone of the tree to define a "Tree Protection Area". The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Area. Any pruning that is required to be done to the canopy or roots of any tree to be retained is to be done with permission by Council's Arborist by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007.
11. Unless with the prior written consent of the Responsible Authority, all rooftop plant and equipment (including air conditioning units, heating units and hot water systems) must

be concealed or screened from general view to the satisfaction of the Responsible Authority.

12. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the building/s must be of a non-reflective nature.
13. All external plant and equipment must be located to the satisfaction of the Responsible Authority and if required acoustically treated or placed in sound proof housing to reduce noise to residences to a level satisfactory to the Responsible Authority.
14. External lighting must be designed, baffled and located so as to prevent any adverse effect to residences and adjoining landholders to the satisfaction of the Responsible Authority.
15. Before the development is occupied a commercial/industrial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority. Note: A Vehicle Crossing Permit must be obtained from Cardinia Shire Council prior to the commencement of any works associated with any proposed vehicle crossing.
16. Before the development is occupied all proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed these areas must be maintained to the satisfaction of the Responsible Authority.
17. Before the development is occupied all buildings must be connected to reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
18. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing, the landscape works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
19. Except with the written consent of the Responsible Authority, the uses may operate only between the hours of:
 - a. Kindergarten – 8am to 5pm Monday to Friday.
 - b. Consulting room/s – 8am to 10pm Monday to Sunday.
 - c. Community room – 8am to 10pm Monday to Sunday.
20. Except with the written consent of the Responsible Authority:
 - a. A maximum of 132 children may attend the kindergarten at any one time;
 - b. A maximum of 20 patrons may attend the community room during kindergarten opening hours and a maximum of 30 patrons may attend the community room outside of kindergarten opening hours;
 - c. A maximum of six (6) practitioners may attend the consulting rooms at any one time.
21. The amenity of the area must not be detrimentally affected by the development through the:
 - a. Transport of materials, goods or commodities to or from the land;
 - b. Emission of noise, artificial light, vibration, odours, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil;
 - c. Presence of vermin;

- d. The appearance of the development;
or in any other way, to the satisfaction of the Responsible Authority.
- 22. Noise levels emanating from the premises must not exceed those required to be met under the relevant Environment Protection Agency policy.
- 23. Waste collection arrangements for the land must be in accordance with the approved plans and to the satisfaction of the Responsible Authority.
- 24. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes must be stored out of general view and storage areas maintained in a suitable condition to the satisfaction of the Responsible Authority.
- 25. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.
- 26. This permit will expire if one of the following circumstances applies:
 - e) The development is not started within **two (2) years** of the date of this permit.
 - f) The development is not completed within **four (4) years** of the date of this permit.
 - g) The use does not start within **one (1) year** of the completion of the development.
 - h) The use is discontinued for a period of **two (2) years**.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Stephanie Davies.

That Council issue Planning Permit T200595 for the Use and Development of the land for an Early Childhood Centre (kindergarten, consulting rooms and community room) at Lot KK PS831950L, 297 Pink Hill Boulevard, Officer subject to the following conditions:

1. Before the use or development commences a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must:
 - a. Provide calculations for waste generation;
 - b. Show appropriately sized and located waste storage areas;
 - c. Show waste collection locations.
2. The layout of the uses and buildings and works as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
3. At least 14 days before any works start, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will form part of the permit. All works must be undertaken in accordance with the approved CEMP.

The CEMP must address all environmental risks and include:

- m) Temporary stormwater management including sedimentation control.
 - n) Provision of pollution and contamination controls including noise and dust.
 - o) Location of stockpiles and stockpile management.
 - p) Location of site office and facilities.
 - q) Equipment, materials and goods management.
 - r) Tree protection zones, trees to be retained and trees to be removed.
4. Before works commence a stormwater management plan showing the stormwater works to the nominated point of discharge must be submitted to and approved by the Responsible Authority. The stormwater management plan must be prepared by a suitably qualified person and show details of the proposed stormwater works including all existing and proposed features that may have impact (including trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc.). All works must be undertaken in accordance with the approved stormwater management plan.
5. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
6. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development of the subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.
7. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
8. Any roads used for the purpose of haulage of imported or exported materials for construction must be:

- a. Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use.
 - b. Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period, and
 - c. Reinstated to the satisfaction of the Responsible Authority.
9. The works associated with the construction of the development must not detrimentally affect the amenity of the area, through the:
- a. Transport of materials, goods or commodities to or from the land.
 - b. Inappropriate storage of any works or construction materials.
 - c. Hours of construction activity.
 - d. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
 - e. Presence of vermin.

To the satisfaction of the Responsible Authority.

10. Before the development starts, a tree protection fence must be erected around the existing street trees to be retained outside the canopy zone of the tree to define a "Tree Protection Area". The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Area. Any pruning that is required to be done to the canopy or roots of any tree to be retained is to be done with permission by Council's Arborist by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007.
11. Unless with the prior written consent of the Responsible Authority, all rooftop plant and equipment (including air conditioning units, heating units and hot water systems) must be concealed or screened from general view to the satisfaction of the Responsible Authority.
12. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the building/s must be of a non-reflective nature.
13. All external plant and equipment must be located to the satisfaction of the Responsible Authority and if required acoustically treated or placed in sound proof housing to reduce noise to residences to a level satisfactory to the Responsible Authority.
14. External lighting must be designed, baffled and located so as to prevent any adverse effect to residences and adjoining landholders to the satisfaction of the Responsible Authority.
15. Before the development is occupied a commercial/industrial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority. Note: A Vehicle Crossing Permit must be obtained from Cardinia Shire Council prior to the commencement of any works associated with any proposed vehicle crossing.

16. Before the development is occupied all proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed these areas must be maintained to the satisfaction of the Responsible Authority.
17. Before the development is occupied all buildings must be connected to reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
18. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing, the landscape works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
19. Except with the written consent of the Responsible Authority, the uses may operate only between the hours of:
 - a. Kindergarten – 8am to 5pm Monday to Friday.
 - b. Consulting room/s – 8am to 10pm Monday to Sunday.
 - c. Community room – 8am to 10pm Monday to Sunday.
20. Except with the written consent of the Responsible Authority:
 - a. A maximum of 132 children may attend the kindergarten at any one time;
 - b. A maximum of 20 patrons may attend the community room during kindergarten opening hours and a maximum of 30 patrons may attend the community room outside of kindergarten opening hours;
 - c. A maximum of six (6) practitioners may attend the consulting rooms at any one time.
21. The amenity of the area must not be detrimentally affected by the development through the:
 - a. Transport of materials, goods or commodities to or from the land;
 - b. Emission of noise, artificial light, vibration, odours, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil;
 - c. Presence of vermin;
 - d. The appearance of the development;or in any other way, to the satisfaction of the Responsible Authority.
22. Noise levels emanating from the premises must not exceed those required to be met under the relevant Environment Protection Agency policy.
23. Waste collection arrangements for the land must be in accordance with the approved plans and to the satisfaction of the Responsible Authority.
24. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes must be stored out of general view and storage areas maintained in a suitable condition to the satisfaction of the Responsible Authority.
25. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.
26. This permit will expire if one of the following circumstances applies:
 - i) The development is not started within **two (2) years** of the date of this permit.

- j) The development is not completed within **four (4) years** of the date of this permit.
- k) The use does not start within **one (1) year** of the completion of the development.
- l) The use is discontinued for a period of **two (2) years**.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

Carried

6.2 General Reports

6.2.1 Appointment of Committee Members to the Lang Lang Hall Community Asset Committee

Responsible GM: Nigel Higgins
Author: Kym Ockerby

Recommendation(s)

That Council make the following appointments to the Lang Lang Hall Community Asset Committee under Section 65 of the Local Government Act (2020):

- Ken Robinson President
- Bob Taylor Vice President
- Cynthia Gane Secretary/Booking Officer
- Margaret Robinson Treasurer
- Bruce Dunn Committee member
- Ronnie Schell Committee member
- Rosemary Kruizinga Committee member
- Nancy Palmer Committee member
- Karen Brown Committee member

Attachments

Nil

Executive Summary

This report seeks Council resolution to appoint membership to the Lang Lang Community Asset Committee following a public meeting conducted by Councillors.

Background

Members of Community Asset Committees require appointment by Council resolution in accordance with Section 65 of the Local Government Act annually or at other specified times. It also notes those who are no longer members.

At a public meeting held Wednesday 16 December 2020 members detailed above were elected to be appointed by Council to the Lang Lang Hall Community Asset Committee for the current term as specified in the Instrument of Delegation (2 years).

Policy Implications

Nil

Relevance to Council Plan

2.3 Our Community - Increased levels of community participation

2.3.2 Recognise, support and promote the value of volunteerism in our communities.

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

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

Climate Emergency Consideration

Nil

Consultation/Communication

Nil

Financial and Resource Implications

Nil

Conclusion

Following a public meeting election process and in accordance with the Local Government Act it is recommended Council resolve to appoint a list of new members to the Lang Lang Hall Community Asset Committee.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Stephanie Davies.

That Council make the following appointments to the Lang Lang Hall Community Asset Committee under Section 65 of the Local Government Act (2020):

- Ken Robinson President
- Bob Taylor Vice President
- Cynthia Gane Secretary/Booking Officer
- Margaret Robinson Treasurer
- Bruce Dunn Committee member
- Ronnie Schell Committee member
- Rosemary Kruizinga Committee member
- Nancy Palmer Committee member
- Karen Brown Committee member

Carried

6.2.2 Table Tennis Petition Response

Responsible GM: Nigel Higgins
Author: Michael Casey

Recommendation(s)

That Council:

- a) Note the petition.
- b) Support table tennis players by requesting officers provide a range of suitable funding opportunities for the Beaconsfield Community Complex to consider and continue to promote widely the competition grade table tennis program and facility at Cardinia Life, and
- c) Request officers write to the lead petitioner thanking them for the request and advising Council's resolution.

Attachments

Nil

Executive Summary

A petition (six signatures) has been received requesting construction of a new table tennis facility at the Beaconsfield Community Complex. Officers will support users at this site to identify a range of funding opportunities for upgrades to their equipment and the facility. Cardinia Shire has a competition grade facility at Cardinia Life which offers capacity, air quality, and a competition grade lighting environment. Council's forthcoming draft recreation strategy will include a review of all sports provision (including table tennis) to provide future direction for investment.

Background

A petition (six signatures) was received requesting construction of a new table tennis facility at Beaconsfield Community Complex. The petition requests lighting at a 900 lux (international/Olympic competition standard) and improved equipment.

Officers will support users at the Beaconsfield Community Complex by identifying relevant funding opportunities to upgrade their equipment, ensuring it better meets their needs.

A table tennis competition is run nearby (\$5 entry) at Cardinia Life on Wednesday mornings from 9:30-12:30 in the indoor stadium. On site staff assist with set-up/pack-up and the space has both high quality and capacity. Cardinia Life has high quality lighting at 300-400 lux (recommended by Table Tennis Victoria for local competition). The stadium has air handling to assist airflow, a sprung floor, multiple drinking fountains (cooled and filtered), changerooms and a café where players gather socially.

Through the development of Council's draft recreation strategy, officers will ensure table tennis is identified, and that the strategy provides a clear direction for the sport in Cardinia.

Policy Implications

Nil.

Relevance to Council Plan

1.1 Our People - Access to a variety of services for all

1.1.1 Continually review services to ensure those provided by Council meet community needs.

1.4 Our People - Improved health and wellbeing for all

1.4.3 Routinely investigate community health and wellbeing issues to inform Council's planning and activities.

1.5 Our People - Variety of recreation and leisure opportunities

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

Climate Emergency Consideration

Nil.

Consultation/Communication

Petition received from table tennis users at the Beaconsfield Community Complex.

Financial and Resource Implications

Nil.

Conclusion

Officers will support users to identify grant opportunities for upgrades to equipment. An existing program operating at Cardinia Life will be further promoted and a review of all sports investment (including table tennis) will be included in the new recreation strategy development.

Resolution

Moved Cr Tammy Radford, seconded Cr Jack Kowarzik.

That Council:

- Note the petition.
- Support the Beaconsfield table tennis group by requesting council officers provide advice on a range of suitable funding opportunities for the Beaconsfield Community Complex to support the group's current operations
- Continue to promote widely the competition grade table tennis program and facility at Cardinia Life
- Officers directly engage with the Beaconsfield table tennis group in the master plan process for the future indoor sports stadium at the Gin Gin Bin Reserve (Brunt Road, Officer) to ascertain whether they have an interest in being accommodated at this multi-use facility.
- Request officers write to the lead petitioner thanking them for the request and advising Council's resolution.

Carried

6.2.3 Appointment of Planning Enforcement Authorised Officers

Responsible GM: Peter Benazic
Author: Owen Hardidge

Recommendation(s)

That Council resolve to appoint Mr Andrew Webb, Ms Mia Lindblom, Ms Emma Marsh and Ms Collette Belmuda as 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. Planning and Environment Act Council Instrument - Andrew WEBB Feb 2021 [6.2.3.1 - 1 page]
2. Planning and Environment Act Council Instrument - Collette BELMUDA Feb 2021 [6.2.3.2 - 1 page]
3. Planning and Environment Act Council Instrument - Emma MARSH Feb 2021 [6.2.3.3 - 1 page]
4. Planning and Environment Act Council Instrument - Mia LINDBLOM Feb 2021 [6.2.3.4 - 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 4 new permanent employees:

- Mr Andrew Webb (Deputy Municipal Building Surveyor)
- Ms Collette Belmuda (Planning Enforcement Officer)
- Ms Mia Lindblom (Senior Compliance Services Officer)
- Ms Emma Marsh (Compliance Services Officer)

Policy Implications

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

Relevance to Council Plan

Nil.

Climate Emergency Consideration

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 the four staff members referred to above and the Council Seal be affixed to the instruments of appointment.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Stephanie Davies.

That Council resolve to appoint Mr Andrew Webb, Ms Mia Lindblom, Ms Emma Marsh and Ms Collette Belmuda as 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.

Carried

6.2.4 Internal Audit Charter

Responsible GM: Debbie Tyson
Author: Sharon Voltan

Recommendation(s)

That Council adopt the Internal Audit Charter.

Attachments

1. Internal Audit Charter Final [6.2.4.1 - 5 pages]

Executive Summary

This report provides an internal Audit Charter for consideration and adoption by Council as recommended by the Audit & Risk Committee.

Background

Cardinia Shire Council ("Council") does not currently have an Internal Audit Charter. In consultation with the Audit and Risk Committee, the internal auditors ("Crowe") and Cardinia Shire Council staff, it has been determined that Council should have such a charter in place to enable a strong governance framework in accordance with best practice.

Crowe provided a template Internal Audit Charter for internal consideration. This template has only had minor alterations made and was presented to the Audit and Risk Committee which was adopted.

Policy Implications

Nil.

Relevance to Council Plan

5.2 Our Governance - Open governance

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

Climate Emergency Consideration

N/A.

Consultation/Communication

Consultation with the Audit & Risk Committee occurred on the 11 December 2020 at its meeting.

Financial and Resource Implications

Nil.

Conclusion

It is appropriate that the Draft Internal Audit Charter be adopted with the Charter to be reviewed in three years or earlier if decided by the Audit & Risk Committee.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Stephanie Davies.

That Council adopt the Internal Audit Charter.

Carried

6.2.5 Sport and Recreation Victoria - Funding Programs

Responsible GM: Nigel Higgins
Author: Fiona Christopher

Recommendation(s)

That Council support three applications to Sport and Recreation Victoria 2020/21 funding opportunities including;

1. Community Cricket Program,
2. World Game Facilities Fund, and
3. Community Sports Infrastructure Stimulus Program (Round 2) as outlined in this report.

Attachments

Nil

Executive Summary

Sport and Recreation Victoria (SRV) announced three funding programs in late 2020. Potential projects that meet the criteria for each program have been selected from Council's draft capital works program for delivery in the 2021/22 financial year including:

1. Community Cricket Program - Catani Recreation Reserve cricket practice nets upgrade.
2. World Game Facilities Fund - Bunyip Recreation Reserve soccer & cricket sports field surface and lighting upgrade.
3. Community Sports Infrastructure Stimulus Program (Round 2) - IYU Athletics Facility (civil construction).

Background

SRV released three funding programs in late 2020 with guidelines and criteria detailed below:

1. Community Cricket program (CCP)

Targeted to new or upgrade of existing cricket infrastructure only. Must be completed within 18 months of executing a funding agreement. All mandatory criteria MUST be met. Can include PM fees of 7.5% of project cost. Announcement of successful applications expected April 2021 onwards.

2. World Game Facilities Fund (WGFF)

Targeted to new or improvement of existing soccer infrastructure, includes shared sport use infrastructure (for example soccer and cricket). To be completed within 18 months of executing a funding agreement. All mandatory criteria MUST be met. Can include PM fees of 7.5% of project cost. Announcement of successful outcomes expected April 2021 onwards.

3. Community Sports Infrastructure Stimulus Program (Round 2) (CSISP)

Only LGAs invited to resubmit an application from Round 1 of the Community Sports Infrastructure Stimulus Program are eligible to apply for Round 2 funding. Projects must be consistent with those submitted previously unless advised by SRV. Projects must commence construction within six months of executing a funding agreement.

- LGA to meet a min. 10% financial contribution and SRV strongly encourages LGA's to consider increasing their financial contribution in Round 2.

- Applicants cannot apply for more money than indicated in a Round 1 application.
- Evidence of Council resolution in support of applications is mandatory.
- Can include PM fees of 7.5% of project cost.
- All mandatory criteria MUST be met.
- Announcement of successful applications expected May 2021 onwards, with funding agreements to be executed June 2021.

Cardinia Shire is invited to resubmit applications for two of three previous Round 1 submissions including (a) IYU Athletics Facility Civil Construction and (b) Comely Banks Reserve Bowling Green Construction.

- It is proposed to submit one (1) application for the IYU Athletics Facility given its strong alignment to mandatory criteria, community need and opportunity for a significant grant.

Recommended projects are based on alignment to all mandatory criteria, readiness for construction in required timelines and importantly are already within Councils Capital Works Budget.

Program	Max amount (\$) / No. of applications	Project (cost)	Draft Council budget allocation 21/22	\$ request/ Council contribution	Due	Status
1.CCP	\$100,000 (unlimited applications up to max \$100k)	Catani cricket practice nets (\$204,250)	\$145,600	\$100,000 SRV/ \$104,250 CSC	1 Feb 2021	Design underway, consultation underway, will be shovel ready for construct 21/22.
2.WGFF (Soccer Facilities)	\$500,000 (unlimited applications up to max \$500k)	Bunyip soccer & lighting (\$1,386,039)	\$936,000	\$500,000 SRV/ \$886,039 CSC	19 Feb 2021	Detail design completed, awaiting final sign off from user groups, project shovel ready for spring 2021.
3.CSISP (Round 2)	\$1M - \$10M (invitation to resubmit Round 1 application)	IYU Athletics Facility civil construction (\$3,762,709)	\$3,088,800 (across 21/22 and 22/23)	\$2,633,896 SRV/ \$1,128,813 CSC	2 Mar 2021	Detail design near completed, consultation underway. Construction planned to begin before or during Dec 2021.

Future Funding Program Opportunity

SRV have also advised there will be \$27 million available in their 20/21 budget for local sport and active recreation infrastructure targeting:

- Local Sport and Infrastructure Fund (expected announcement February 2021) including a) Better Indoor Stadiums, b) Community Lighting and Scoreboards, c) Seniors Capital Works, and d) Female Friendly Facilities Fund
- Country Football and Netball Program (announcement due April 2021)

These programs have yet to be launched and have no dates or information available. Projects that suit these funding programs will be further reported if grant guidelines are published.

Policy Implications

Nil.

Relevance to Council Plan

1.2 Our People - Access to support services and programs for young people

1.2.1 Ensure Council either provides or advocates for others to provide employment, recreation and leisure opportunities for young people.

1.4 Our People - Improved health and wellbeing for all

1.4.1 Source funding and deliver a range of initiatives that promote health and wellbeing.

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

1.5 Our People - Variety of recreation and leisure opportunities

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

1.5.2 Increase opportunities for residents to participate in a range of sport, recreation and leisure activities.

2.1 Our Community - Our diverse community requirements met

2.1.4 Plan for the provision of facilities to service and support the changing community.

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

3.1.3 Provide accessible facilities to meet identified community needs.

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

3.4.1 Plan and develop built environments that support improved health and wellbeing of our communities through implementation of the Healthy by Design guidelines.

4.3 Our Economy - Diverse and resilient business community

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

5.4 Our Governance - Appropriate funding and support from all levels of government

5.4.1 Advocate on behalf of the community to ensure it receives a fair share of funding and support from the Australian and Victorian governments for infrastructure, facilities and services.

Climate Emergency Consideration

Each project is assessed for Environmentally Sustainable Design considerations and will help Council to achieve its climate emergency requirements (for example LED sport field lighting and warm season grasses).

Consultation/Communication

Each project has been through consultation with stakeholders and letters of support (e.g. sporting clubs, Reserve Committees of Management, Landowners, state sporting associations etc) will be provided with any application.

Financial and Resource Implications

Recommended projects seeking SRV funding are from Councils draft capital works program and no additional financial commitment is required. Successful funding for any of the proposals recommended will represent savings for Council.

Conclusion

SRV funding programs are an opportunity to assist the provision of high quality, accessible community sport and recreation facilities and it is recommended Council support the submission of the three applications.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Stephanie Davies.

That Council support three applications to Sport and Recreation Victoria 2020/21 funding opportunities including;

1. Community Cricket Program,
2. World Game Facilities Fund, and
3. Community Sports Infrastructure Stimulus Program (Round 2) as outlined in this report.

Carried

6.2.6 Safer Communities across Cardinia Shire

Responsible GM: Jenny Scicluna
Author: Janette Schimleck, Jo Campos

Recommendation(s)

That Council:

1. Takes a strong stance in denouncing violence and related anti-social behaviours in our community.
2. Advocates for increased policing resources for our growing Cardinia Community.
3. Advocates for funding for a range of youth engagement programs to be available in Cardinia Shire, such as the Victoria Police Embedded Youth Program, Cardinia Police Connections Program and other local agency programs.
4. Considers, through its budget process, appropriate initiatives to strengthen Council's response to community safety.
5. Affirms that every resident of Cardinia Shire has the right to live in a safe community regardless of race, ethnicity, ability or sexuality.

Attachments

Nil

Executive Summary

A safe community is not just one that is free of crime, violence, and anti-social behaviour; it is one that focuses on creating a safer community at all levels, within all areas. Safety is a fundamental human right and is essential to the wellbeing of our community. It is also a key outcome of Councils Liveability Plan.

Council promotes an inclusive municipality that respects human rights, celebrates diversity, and fosters participation in all aspects of community life and is central to our goal of achieving better outcomes for every resident. Building a safe community is multifaceted and requires a coordinated, whole of community approach to respond effectively to local and regional issues. The formation of building and maintaining strong partnerships between a wide range of government and community services are critical to achieving outcomes that contribute to a cohesive, connected, participatory, empowered, and safe community .

Considering recent events of unsafe behaviour and criminal activity taking place across the Shire it is recommended that Council commit to strengthening its position for a safer Cardinia through endorsing the following recommendations:

- Reiterating Councils view that violence will not be tolerated in respect to all Cardinia residents. Council affirms that each resident has the right to live in a safe community regardless of race, ethnicity, (dis)ability and sexuality.
- Increase advocacy for increased policing to service Cardinia Shire.
- Actively advocate for the Victoria Police Embedded Youth Program be available within Cardinia Shire
- Actively continue to seek community safety funding through a variety of grant opportunities.
- Increased communications to the community on what is a safer community and how we can all work towards creating a safer Cardinia.

Background

In 2014, Council made the commitment to develop a more coordinated and structured approach to creating a safer community, one that is not only free of crime, violence and anti-social behaviour; but one that is focused on creating a safer environment at all levels, and agreed to begin working towards designation as an International Safe Community. At the same time, a decision was made to move away from the term community safety to safer communities so that an all-encompassing, proactive approach was ensured.

In 2015, Council undertook an extensive internal scoping exercise, community consultation and review of existing data, statistics and research in order to develop a baseline; understanding the Shire's current position and the issues that affect and are important to the community. Through this approach six themes became the key focus for Council and the basis of a Cardinia Safer Communities Strategy which was then developed in 2016, these included:

- Road, pedestrian and transport related issues
- Crime
- Family violence
- Mental health related issues
- Drug and alcohol related issues
- Natural hazards (emergency management)

In 2016, to support Cardinia's designation as an International Safe Community, the Cardinia Safer Communities Strategic Committee was established with the purpose of addressing local community safety, injury and crime prevention issues by working in partnership with all major stakeholders through a whole of community partnership response. This committee provided leadership in the identification, development and evaluation of activities and programs. In November 2017 Cardinia Shire Council was awarded the 388 International Safer Communities Designation.

During 2019 a review was undertaken by Council to determine if it was appropriate to continue to operate under the 2016 Safer Communities Strategic Committee structure. A number of key factors influenced this review including the creation of the Cardinia Shire Council Liveability Plan and associated structure in 2018. From this review a new committee, the Cardinia Safer Communities Partnership Committee was established, This Partnership, still in operation, reviews and identifies key priorities areas, while also ensuring no duplication of meetings/misalignment across key programs.

The Safer Communities Partnership Committee consists of representation from the following organisations and community members:

- Cardinia Shire Council
- Victoria Police
- Department of Justice and Community Safety
- Windermere
- Kooweerup Regional Health Service
- Australian Drug and Alcohol Foundation
- Neighbourhood Watch Cardinia
- Department of Environment, Land, Water and Planning (DELWP)
- Chisholm Institute
- Department of Education and Training
- Parks Victoria
- Springvale Monash Legal
- Other invited guests as required

Community Safety as of 2021

The Safer Communities Partnership Committee continues to meet monthly with focus on knowledge sharing, emerging issues, community focussed communication and data analysis. The priority areas determined by the Committee included:

- Mental Health.
- Alcohol and Other Drugs
- General Crime
- Road Safety
- Diversity
- Family Violence
- Crime Prevention Through Environmental Design
- Youth Crime
- Safety Messaging

Since the review in 2019, key work relating to safer communities has included; Council staff trained in Crime Prevention Through Environment Design (CPTED) to enable Council to undertake CPTED audits on new and existing facilities and spaces across the Shire. The development and endorsement of a CCTV Policy. Council successfully awarded a \$500K grant for the 'Safely Connecting the Communities of Cardinia' project enabling increased CCTV cameras and increase monitoring across the Shire. The project also encompasses the development of a Crime Prevention Strategy and upgrading access security at a large number of Council facilities.

The related areas of mental health, emergency management, road and pedestrian safety and Together We Can (family violence) continue to be addressed through Council-run committees, programs and services.

The development of a Safer Cardinia Communications Plan which aims to increase communications on safer communities and assisting to reduce the perception of a high level of crime across the Shire.

The Safer Communities Strategy is now due for review four years from endorsement. Community consultation is again required to determine the key focus areas relating to a safer community. Through the review an integrated framework will be considered, this framework will include the following principles:

1. Recognising crime and safety as quality-of-life issues.
2. Working across boundaries both horizontally and vertically.
3. Recognising the crucial role of local government leadership and advocacy
4. Adapting strategies to local needs based on good analysis and targeted plans.
5. Building capacity.
6. Developing tools and measurements of success.

Round Table

Cardinia Shire Council hosted a Building a Safer Cardinia – Round Table meeting with community representatives and members on Monday, 8th February 2021 to listen to their concerns regarding unsafe behaviour and criminal activity and to discuss positive actions to create a safer Cardinia.

Council's meeting was attended by government, community and agency representatives and was held in response to community concerns about criminal behaviour and to inform Council's advocacy efforts.

A number of ideas were presented to strengthen the feelings and experience of community safety across the Shire. These included:-

- Strengthening inclusion and belonging
- Strengthening the voices of women
- Open space design and maintenance
- Empowering local community to deliver engagement activities that reach across demographics and cultures
- Multi-agency collaboration
- Youth leadership and engagement
- More opportunity for cultural connection
- Raising the profile of equality and respect across the community
- Importance of timely, accurate information
- Crime Prevention through Environmental Design
- Increased personal responsibility for safety
- Utilisation of community facilities as avenues for partnership and collaboration
- Increase in community events such as Harmony Day and Neighbour Day
- Accessing government grant opportunities to enhance community safety
- Whole of community approach founded on community involvement in decision making
- The important role of "place" in bringing people together
- Better access to mental health services
- Cross generational opportunities to build relationships between young people and our older residents
- Anticipating and planning for the impacts of growth and higher density living

Policy Implications

The commitment to Community Safety aligns to the Liveability Plan Domain of:

Health & Social Services: In Cardinia Shire, local services, and community group's work together to ensure residents can access appropriate and affordable services and facilities which promote and protect health and wellbeing throughout life.

Aligns with the Outcomes of:

- Improved Mental Health and Wellbeing
- Improved Social Cohesion
- Improved Safety
- Reduced Family Violence
- Reduce the harm from tobacco, alcohol, drugs, and gambling

Relevance to Council Plan

1.6 Our People - Increased awareness of safety

1.6.1 Work with the Police, Victorian Government and the community to improve safety in homes, businesses, public places and roads.

1.6.2 Improve awareness of township safety in local communities.

Climate Emergency Consideration

Nil.

Consultation/Communication

A significant consultation process was undertaken in 2016 when first establishing the Safer Communities Strategy, this consultation set the key focus areas for Council's safety direction. Since this time a comprehensive governance structure has allowed for feedback from community and our agency partners on emerging focus areas, trends and data on community safety. The recent 'Imagine Cardinia' - community engagement survey again provided residents input on community safety. Going forward a Crime Prevention Panel will be held on 8 February 2021 to allow Councillors and Council to understand the community safety issues currently experienced in the community. This will be followed by a significant community engagement process to inform the review of the Safer Community Strategy due for review as outlined above.

Financial and Resource Implications

There are no increased financial or resource implications associated with this commitment from Council at the time of writing this report.

Conclusion

This report has provided a precis of some of the important work being undertaken since Cardinia Shire's designation of as an International Safer Community in 2017, it has highlighted the importance placed on community safety by Cardinia Shire Council. In conjunction with our key community safety partners, Council has regularly reviewed and when appropriate adjusted the approach needed to achieve a safer community.

With a recent increase in criminal activity and unsafe behaviour across the Shire and the negative impact this is having on our community, Cardinia Council and its elected representatives believe it essential to reaffirm its commitment that all residents should be free to live in a safe community.

The Mayor, Cr Owen called for nominations for a temporary chair for this item as he had declared a conflict of interest in this matter.

Cr Ross moved, Cr Davies seconded the nomination of Cr Springfield to chair.

Carried.

Cr Jeff Springfield took the chair for item 6.2.6

Resolution

Moved Cr Jack Kowarzik, seconded Cr Stephanie Davies.

That Council:

1. Takes a strong stance in denouncing violence and related anti-social behaviours in our community.
2. Advocates for increased policing resources for our growing Cardinia Community.
3. Advocates for funding for a range of youth engagement programs to be available in Cardinia Shire, such as the Victoria Police Embedded Youth Program, Cardinia Police Connections Program and other local agency programs.
4. Considers, through its budget process, appropriate initiatives to strengthen Council's response to community safety.
5. Affirms that every resident of Cardinia Shire has the right to live in a safe community regardless of race, ethnicity, ability or sexuality.

Carried

The Mayor, Cr Owen returned to the meeting.

6.2.7 Notice of Motion 1058 - Beaconsfield Reservoir

Responsible GM: Peter Benazic
Author: Doug Evans

Recommendation(s)

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

Attachments

Nil

Executive Summary

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

Background

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

'That Council prepare a report for the February Council meeting regarding proposed works to be undertaken at the Beaconsfield Reservoir by Melbourne Water, such report to recommend whether Council should adopt a position in regard to the height of the dam wall and other proposed works'

It has not been possible to prepare a detailed report to respond to this Notice of Motion and this report will now be listed for consideration at the March Council Meeting.

Policy Implications

Nil

Relevance to Council Plan

Nil.

Climate Emergency Consideration

Nil

Consultation/Communication

Discussions regarding plans for the Beaconsfield Reservoir with Melbourne Water have been delayed due to the Christmas New Year period and COVID restrictions. These discussions are proceeding and details of Melbourne Water's plans for the reservoir are being obtained to allow a detailed report on this matter to be listed for the February Council Meeting.

Financial and Resource Implications

Nil

Conclusion

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

Resolution

Moved Cr Tammy Radford, seconded Cr Jeff Springfield.

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

Carried

6.3 Policy Reports

6.3.1 Councillor Code of Conduct

Responsible GM: Deb Tyson
Author: Doug Evans

Recommendation(s)

That Council adopt the Councillor Code of Conduct.

Attachments

1. Councillor Code of Conduct 2021 [6.3.1.1 - 15 pages]

Executive Summary

To adopt the Councillor Code of Conduct as required by Section 139 of the Local Government Act 2020.

Background

The Local Government Act 2020 prescribes that a Council must develop a Councillor Code of Conduct within 4 months of an election. The purpose of the Councillor Code of Conduct is to include the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors, including prohibiting discrimination, harassment (including sexual harassment) and vilification.

The Councillor Code of Conduct must include:

- the standards of conduct prescribed by the regulations expected to be observed by Councillors
- any provisions prescribed by the regulations
- provisions addressing any matters prescribed by the regulations for the purpose of this section, and
- may include any other matters which the Council considers appropriate, other than any other standards of conduct

Until the Council adopts a new Code of Conduct the previously adopted Code remains in place.

A new Councillor Code of Conduct has been drafted which is primarily based on the existing Code and updated to include the provisions required by the new Local Government Act. The Code has been referred to Mark Hayes at Maddocks Lawyers who has made some relatively minor amendments to the documents which are included in the version attached

Policy Implications

Adopting a new Councillor Code of Conduct will establish the Code as a new Council Policy document

Relevance to Council Plan

5.2 Our Governance - Open governance

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

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

Climate Emergency Consideration

Nil

Consultation/Communication

No community consultation has been undertaken in developing the Councillor Code of Conduct

Financial and Resource Implications

Nil

Conclusion

It is appropriate for the Council to adopt the revised Councillor Code of Conduct as required by Section 139 of the Local Government Act 2020.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Stephanie Davies.

That Council adopt the Councillor Code of Conduct.

Carried

6.3.2 Updated Community Engagement Policy

Responsible GM: Nigel Higgins
Author: Mark Carter

Recommendation(s)

That Council review and endorse the Community Engagement Policy.

Attachments

1. DRAFT Community Engagement Policy 2021-2025 [6.3.2.1 - 14 pages]
2. Community Engagement Policy infographic [6.3.2.2 - 2 pages]
3. Your Community - Your Say Data Report - January 2021 [6.3.2.3 - 22 pages]

Executive Summary

The Victorian Local Government Act 2020 requires all Local Governments to have a Community Engagement Policy in place by 1 March 2021. The policy is to detail how community engagement is undertaken including specifically include how deliberative engagement practices will be applied.

As part of the policy review consultation has also taken place to gain an understanding of how Cardinia community members would like to be informed of, and included in, Council's decision making. This information has influenced the new policy and updates to Council's engagement processes.

The Draft Community Engagement Policy was placed on Creating Cardinia for the community to review and provide feedback from 16 November to 23 December 2020 and amendments to the policy have been made based on the feedback and is now presented to Council for endorsement.

Background

The Community Engagement Policy and accompanying handbook was updated in 2019 to include latest information based on a VAGO audit of Council's community engagement practice.

With the introduction of the Victorian Local Government Act 2020, it is a requirement that all Councils have an endorsed Community Engagement Policy by 1 March 2021 that outlines their approach to engagement including deliberative engagement practices. Deliberative engagement can take many forms (Forums, Focus Groups, Deliberative Polling, Citizens Juries) however has some common elements that must be met.

- The process of selecting participants is as closely representative of the community as possible
- A clear scope and remit is developed and communicated to participants
- Quality, balanced, information is provided to inform the process
- Appropriate time is provided for the group to consider and make a conclusion
- It is clear how their input has affected the decision-making process

Deliberative engagement practice is required to be applied to at a minimum for the development of the Community Vision, Council Plan, Financial Plan and Asset Plan (due June 2022). The Draft Policy has been developed to address the requirements within the Victorian Local Government Act 2020 and considered feedback from the community in relation to communication and delivery methods.

The requirements of the Local Government Act include;

- Community engagement process must have a clearly defined objective and scope
- Participants in community engagement must have access to objective, relevant and timely information to inform their participation
- Participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement.
- Participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement
- Participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making.

This policy will be applied to all community engagement activities including deliberative engagement utilised in the development of the Community Vision, Council Plan, Financial Plan and Asset Plan.

Policy Implications

This policy will replace the current *Community Engagement Policy 2019* and applies to all areas of Council operations, covering all community engagement activities undertaken by Councillors, staff, volunteers, and contractors/consultants acting as representatives of Council.

Relevance to Council Plan

1.1 Our People - Access to a variety of services for all

1.1.1 Continually review services to ensure those provided by Council meet community needs.

2.1 Our Community - Our diverse community requirements met

2.1.1 Monitor and research emerging community trends to help plan for the needs of residents.

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

2.2 Our Community - Engaged communities

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

2.2.2 Communicate the activities and decisions of Council to the residents in a variety of ways.

2.2.3 Embrace and support community leadership.

2.3 Our Community - Increased levels of community participation

2.3.3 Strengthen Council's community engagement through the development, implementation and promotion of effective practices.

Climate Emergency Consideration

The use of this Community Engagement Policy will help Council with climate emergency considerations particularly through the effective use of online communication.

Consultation/Communication

It was a requirement of the Victorian Local Government Act 2020 that community engagement be undertaken to develop the Community Engagement Policy.

Due to COVID-19 all consultation occurred online with a Creating Cardinia page branded 'Your Community, Your Say'. The community was provided background to the policy and the opportunity to complete a survey to provide input. A child friendly sub-page was also created to encourage higher participation from children in the development of the policy. Two 'virtual drop-in' sessions were also offered as part of the engagement period however no registrations were received. Focus group discussions were undertaken with identified groups including: Access and Inclusion committee, Youth Council and Ageing Well Alliance.

Over 177 Community members contributed to Round 1 of the consultation (the web page was viewed 1396 times) with children being the largest single cohort. The attached data report outlines the results of round one of the consultations which will be utilised to inform future Engagement Plan development in relation to choice of communication and engagement methods. Other qualitative feedback received has been incorporated into addressing the local government act requirements.

Exhibition of the draft policy (Round 2) was undertaken between 16 November to 23 December 2020, the Creating Cardinia page had 259 views and only 2 community feedback contributions.

Promotion of the opportunity to contribute was undertaken via several internal departments to reach the community members they work with including children, young people families, seniors, people with disability and culturally and linguistically diverse communities. Social media advertising was utilised across the consultations. Advertisements were also placed in Connect magazine and three local papers in both rounds to assist in reaching those that do not use social media or visit the council website. The opportunity to provide feedback on the draft was promoted to all community members that registered for updates (22 individuals). Feedback has been considered and alterations have been made to create the final draft of the policy for endorsement.

Financial and Resource Implications

The inclusion of deliberative engagement practices for the development of the Community Vision, Council Plan, Financial Plan and Asset Plan will require appropriate resources to develop and deliver more in-depth processes.

There will be a requirement to allocate appropriate resourcing to undertake higher levels of engagement across other Council consultations. Resources will depend on the engagement scope and communication methods utilised for each project.

Conclusion

The Draft Community Engagement Policy meets the requirements of the Victorian Local Government Act 2020 and will provide a framework for Council's community engagement activities. The policy is required to be endorsed by Council before 1 March 2021, to meet the Victorian Local Government Act requirements.

Resolution

Moved Cr Jeff Springfield, seconded Cr Jack Kowarzik.

That Council review and endorse the Community Engagement Policy.

Carried

6.4 Financial Reports

6.4.1 Contract 20-62 Toomuc Recreation Reserve Pavilions - Tender Award

Responsible GM: Peter Benazic
Author: Jarrad Unsworth

Recommendation(s)

That Council:

1. Award the tender submitted by 2 Construct Pty Ltd for Contract 20-62 – Toomuc Recreation Reserve Sports Pavilions for the amount of \$5,176,928.00 excluding GST.
2. Advise all tenderers accordingly.
3. Seal is affixed to the relevant contract documents

Attachments

1. CONFIDENTIAL - Confidential Memorandum Contract 20 62 Toomuc Recreation Reserve Pavilion [6.4.1.1 - 3 pages]

Executive Summary

This report provides recommendation for the appointment of a Commercial Builder to undertake the works associated with Contract 20-62.

The Contract includes the works as detailed below:

Northern Pavilion - comprises of general demolition, renovation and extension of the ground floor to include universal design amenities and changerooms to service the football and Cricket clubs and separate provision for the netball club, a revised canteen, first aid room and additional storage, with the upper-level receiving a balcony extension.

Southern Pavilion - comprises of new universal design amenities and changerooms, public toilets including an accessible toilet, first aid room and storage, with the existing building receiving a kitchen extension and refurbishment and other minor improvements.

Little Athletics Building - comprises of a refurbished kitchen and other minor improvements to storage and access.

Baseball Pavilion - includes the supply and installation of temporary buildings that include, amenities, accessible toilets, canteen, office, umpires rooms, overarching roof structure and decking with accessible ramps and paths.

All facilities have been designed to meet the applicable sports association standards and considers CSC Enhanced Standards.

The tender submitted by 2Construct Pty Ltd complies with all the Conditions of Tender and their submitted Tender price is within Council's available budget for this project.

2Construct Pty Ltd demonstrates extensive experience in delivering large scale projects and are currently engaged by Council for the construction of the Koo Wee Rup Football/ Cricket Changerooms and Netball Pavilions.

Background

The works associated with this Contract are located at Toomuc Reserve, Pakenham.

To meet the growing needs of the community and sport within CSC, the existing buildings located at Toomuc Reserve require renovation and extension to provide community facilities that provide universal, accessible, and sustainable buildings that comply with today's sporting association codes.

The project scope was developed in line with Councils Sport Facility Standards Policy

Tenders were advertised on Saturday 7 November 2020 with a closing time and date of 2:00pm Tuesday 8 December 2020. Four (4) tenders were received.

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

Tenders were also assessed against various non-weighted criteria to ensure the viability of the relevant submissions. The criteria included Financial Viability, Insurances, Conditions of Contract, Conflict of Interest, and OHS.

A rigorous evaluation of the submitted tenders was undertaken by the Evaluation Panel with the tender provided by 2Construct Pty Ltd considered to provide best value for money outcomes.

Policy Implications

Not applicable.

Relevance to Council Plan

1.4 Our People - Improved health and wellbeing for all

1.4.1 Source funding and deliver a range of initiatives that promote health and wellbeing.

1.5 Our People - Variety of recreation and leisure opportunities

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

1.5.2 Increase opportunities for residents to participate in a range of sport, recreation and leisure activities.

2.4 Our Community - Improved health and wellbeing of our residents

2.4.3 Help establish partnerships and social infrastructure opportunities that improve health and wellbeing outcomes for residents.

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

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

3.1.3 Provide accessible facilities to meet identified community needs.

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

3.3 Our Environment - Enhanced natural environment

3.3.2 Reduce Council's energy consumption and help the community to do likewise.

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

3.5.2 Plan for the development of the urban growth area with a mix of residential, commercial, employment, recreational and community activities to meet the needs of our growing community in a sustainable way.

Consultation/Communication

Consultation and engagement with various stakeholders including, user groups, sporting associations, external funding departments and Council Officers has occurred throughout all phases of Design Development for this project.

Further to the above, collaboration with Council Officers to ensure this project is delivered with consideration made to Councils Enhanced Standards, such as, Environmental Sustainability in Design, Universal, and Access and Inclusion Standards.

Financial and Resource Implications

The combined budget allocation for this project is \$6,300,000.00. State and Federal Government funding along with Council contributions make up the total budget allocation, please refer to the below budget breakdown.

Northern Pavilion - \$2.75M	
Cardinia Shire Council contribution	\$1,000,000.00
Sport Australia Grant	\$500,000.00
Australian Government Grant	\$1,000,000.00
Australian Government Grant - Local Roads and Community Infrastructure Funding	\$250,000.00
Southern (Junior Football), Little Athletics and baseball Pavilions - \$4M	
Cardinia Shire Council contribution	\$500,000.00
State Government Grant	\$50,000.00
Australian Government Grant	\$3,000,000.00

The Tender submitted by 2Construct Pty Ltd provides a base Tender price of \$4,751,413.00 excluding GST.

An alternative Tender was submitted by 2Construct Pty Ltd providing a reduction in the construction schedule, this alternative Tender option has been accepted by the project manager and sponsor representative as a desirable outcome for the user groups of the reserve, the reduced schedule provides a cost saving of \$50,000.00 excluding GST, reducing the base tender to \$4,701,413 excluding GST.

Close to Tender Closure it was determined that the provision of fire services was required for the Southern Pavilion extension, following completion of the evaluation, 2Construct were requested to price the provision of fire services to the Southern Pavilion, the cost of these works have been submitted at \$60,000.00 excluding GST, adjusting the tender amount to \$4,761,413.00 excluding GST.

In addition to the above, Tender options and Provisional Sums have been requested as part of Tender 20-62 to mitigate the risk of receiving Tenders outside of the budget allocation, the cost of these options and Provisional Sums equal \$415,515.00 excluding GST.

The total Tender amount submitted by 2Construct Pty Ltd for \$5,176,928.00 is within Council's available budget for this project.

Tender Price Summary	
Base Tender Price	\$4,751,413.00
Reduced Schedule (alternative Tender option)	-\$50,000.00
Tender variation (Fire Services Southern Pavilion)	\$60,000.00
Tender options/ Provision Sums	\$415,515.00
Total Tender Price	\$5,176,928.00

Conclusion

It is recommended that the tender submitted by 2Construct Pty Ltd for \$5,176,928.00 excluding GST (\$5,694,620.80 Including GST), for the construction works associated with Contract 20-62 - Toomuc Recreation Reserve Pavilions be approved.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Stephanie Davies.

That Council:

1. Award the tender submitted by 2 Construct Pty Ltd for Contract 20-62 – Toomuc Recreation Reserve Sports Pavilions for the amount of \$5,176,928.00 excluding GST.
2. Advise all tenderers accordingly.
3. Seal is affixed to the relevant contract documents

Carried

6.4.2 Contract 20-065 Timbertop Early Learning Centre Construction

Responsible GM: Peter Benazic
Author: Jan Elliot

Recommendation(s)

That Council:

1. Accept the tender submitted by MGCW Pty Ltd trading as Loumain for Contract 20-065 Timbertop Early Learning Centre Construction, which includes a Tender Price of \$3,972,989.07 (excl GST), plus \$48,000.00 for Provisional Items, providing an overall Contract offer of \$4,020,989.07 (excl GST).
2. Advise all tenderers accordingly, and
3. Affix the Council Seal to the relevant Contract Documents.

Attachments

1. CONFIDENTIAL - Confidential Memorandum - Circulated to Councillors only [6.4.2.1 - 3 pages]

Executive Summary

This report provides consideration for the appointment of a contractor to undertake the Timbertop Early Learning Centre Construction at Officer, Victoria.

The Timbertop Early Learning Centre facility will cater for the growing family needs within Officer.

This report provides an overview of the Timbertop Early Learning Centre at Officer and background information for Councillors to consider in their endorsement and approval of the recommendations.

The Tender submitted by MGCW Pty Ltd trading as Loumain complies with all the conditions of tendering and provides best value for money outcomes for Council.

Background

Contract 20-065, Timbertop Early Learning Centre Construction encompasses the construction of a centre, which will contain a kindergarten comprising three (3) consulting rooms for professionals (e.g. Maternal and Child Health/Allied Health), a community room, staff room, amenities, and associated equipment, furniture, outdoor play areas and car-parking.

When purchasing the land the land owner did not adhere to the 173 agreement between Council and himself, he argued that the trigger of the transfer of the land for the ELC had not been met, hence Council instigated proceedings thorough VCAT to get a resolution, which was successful. This delayed the project by 9 months.

This is a greenfield site, located within the Officer precinct, with vehicular access from 297 Pink Hills Boulevard, Officer.

Cohen Leigh Architects were appointed as Council's principal Design Consultants for the project. Design documentation was prepared after extensive consultation with Stakeholders including Children, Children's Services and Maternal & Child Health Staff.

Tenders were advertised on Saturday, 14th November 2020 and closed on Tuesday, 15th December 2020.

Five submissions were received. The tender evaluation panel comprising of Council Officers undertook a detailed assessment of all tenders lodged including reference and financial checks in accordance with the tender evaluation process and set criteria. The evaluation panel endorsed the tender submission of MGCW Pty Ltd trading as Loumain as the best value for money tender for Council.

MGCW Pty Ltd trading as Loumain has undertaken multi-million dollar builds in Aged care facilities, numerous multi-level Healthcare buildings, Integrated community and health centres, Medical centres, Private hospitals, Churches, and numerous commercial buildings.

Policy Implications

Nil.

Relevance to Council Plan

1.1 Our People - Access to a variety of services for all

1.1.1 Continually review services to ensure those provided by Council meet community needs.

1.1.2 Routinely review overall community needs for services and either deliver or advocate for others to provide services to meet those needs.

1.3 Our People - Learning opportunities for all ages and abilities

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

1.4 Our People - Improved health and wellbeing for all

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

Climate Emergency Consideration

Nil.

Consultation/Communication

Design documentation was prepared after extensive consultations with Stakeholders, including Children, Child and Family Services and Maternal & Child Health Staff.

Financial and Resource Implications

The recommended tenderer MGCW Pty Ltd T/A Loumain has provided a Tender Price of \$3,972,989.07 for this project and assigned \$48,000 for Provisional Items that are required to be considered during the delivery of this project.

The current available funds for the Timbertop Road Early Learning Centre project are \$5,055,817, which are funds made up of Developer Contribution Plan (DCP) and Victorian School Building Authority (VSBA).

Thus, there are sufficient funds to complete this project.

Conclusion

The tender by MGCW Pty Ltd trading as Loumain for Contract 20-065, Timbertop Early Learning Centre Construction providing a Tender Price of \$3,972,989.07(excl GST), plus \$48,000.00 for Provisional Items, with an overall Contract offer of \$4,020,989.07 (excl GST) be accepted.

Resolution

Moved Cr Tammy Radford, seconded Cr Collin Ross.

That Council:

1. Accept the tender submitted by MGCW Pty Ltd trading as Loumain for Contract 20-065 Timbertop Early Learning Centre Construction, which includes a Tender Price of \$3,972,989.07 (excl GST), plus \$48,000.00 for Provisional Items, providing an overall Contract offer of \$4,020,989.07 (excl GST).
2. Advise all tenderers accordingly, and
3. Affix the Council Seal to the relevant Contract Documents.

Carried

6.4.3 Mayor and Councillor Allowances

Responsible GM: Debbie Tyson
Author: Doug Evans

Recommendation(s)

That Council

1. note that an increase to the level of Councillor allowances available in January 2020 was not accepted at that stage
2. propose to move to the level of the Mayor and Councillor allowances allowed as a Category 3 Council and these allowances be proposed to be set at:
 - a. Mayor: \$100,434 per annum
 - b. Councillors: \$31,444 per annum
 - c. Plus an additional 9.5% of the above allowances as an equivalent of the Commonwealth Superannuation Guarantee, and
3. undertake a community consultation exercise seeking submissions on this proposal.

Attachments

Nil

Executive Summary

To consider setting the level of Mayor and Councillor allowances for this term of the Council

Background

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

Until such time as the Tribunal sets the allowances payable the provisions in the 1989 Act continue. These provisions require the Council to review and determine the level of allowances payable within 6 months after a general election or by the next 30 June, whichever is later. Any such determination is subject to a community consultation exercise where members of the community can provide any submissions on the review.

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

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

The level of allowances payable for a Category 3 Council are

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

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

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

If Council wishes to move to the new allowance amounts applying to a Category 3, Council must undertake a public review of the allowances payable and call for public submissions on the proposal.

Individual Councillors may choose to receive the entire allowance, to receive a specified part of the allowance or to receive no allowance. It is suggested that Councillors resolve to receive the entire allowance that they are entitled to.

Policy Implications

Nil

Relevance to Council Plan

5.2 Our Governance - Open governance

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

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

Climate Emergency Consideration

Nil

Consultation/Communication

Council must undertake a community consultation exercise inviting public submissions on the proposal before it is able to resolve to formally set the level of allowances payable

Financial and Resource Implications

If Council decides to increase the level of allowances payable this will require an additional \$66,021 to be included in the forthcoming budget

Conclusion

Council is required to review and determine the level of allowances payable and it is recommended that Council resolve to propose to receive the maximum allowances payable as a Category 3 Council and undertake a community consultation exercise seeking submissions in regard to this proposal.

Resolution

Moved Cr Collin Ross, seconded Cr Carol Ryan.

That Council

1. note that an increase to the level of Councillor allowances available in January 2020 was not accepted at that stage
2. propose to move to the level of the Mayor and Councillor allowances allowed as a Category 3 Council and these allowances be proposed to be set at:
 - a. Mayor: \$100,434 per annum
 - b. Councillors: \$31,444 per annum
 - c. Plus an additional 9.5% of the above allowances as an equivalent of the Commonwealth Superannuation Guarantee, and
3. undertake a community consultation exercise seeking submissions on this proposal.

Carried

6.4.4 Facility Management and Maintenance Contract Extension of Term

Responsible GM: Peter Benazic
Author: Walter Carmignani

Recommendation(s)

That Council approves the:

1. Proposed extension period to 30 June 2022 (as per the agreed Deed of Variation drafted by Maddocks for the participating Councils), for the Facility Management and Maintenance Contract with Campeyn Group P/L.
2. Re-tendering of the Services prior to 30 June 2022.

Attachments

1. CONFIDENTIAL - Confidential Memorandum - Circulated to Councillors only [6.4.4.1 - 10 pages]

Executive Summary

The Facility Management and Maintenance Contract is proposed to be extended only to 30 June 2022, across the 3no. participating Councils. A Deed of Variation for the proposed extension date has been agreed by the Service Provider - Campeyn Group P/L, and is now awaiting approval by all participating Councils.

The proposed extension date to the existing Contract term will allow Cardinia Shire Council to re-prepare relevant documentation in re-tendering Services.

Background

In January 2017, the then Infrastructure Directors, Procurement and Facilities Management staff from the 3no. participating Councils - Dandenong, Yarra Ranges and Cardinia, agreed to a framework to jointly tender for Facility Management and Maintenance Services. A collaborative working group was formed consisting of Procurement and Facilities Management Staff to manage the collaborative tender process. The collaborative working group met on a regular basis to update and harmonise their respective contract specifications and a procurement plan was also agreed.

Maddocks was engaged to assist with a common form of contract across all Councils. In addition, an independent probity auditor was engaged to oversee the collaborative tender process to ensure that it was performed in accordance with agreed procurement plan and best practice.

5no. tenders were received with Campeyn Group P/L successfully being appointed in providing the best value for money offer and outcomes in the delivery of Services - Facility Management and Maintenance.

The accepted tender had a term of 3-years with 3no. x 2-year options, which can be exercised by Council.

Policy Implications

Nil.

Relevance to Council Plan

1.1 Our People - Access to a variety of services for all

1.1.1 Continually review services to ensure those provided by Council meet community needs.

1.7 Our People - Minimised impact of emergencies

1.7.1 Implement plans that support people in times of emergency.

1.7.2 Implement effective plans and procedures that minimise the impact of all emergencies in the Shire.

2.1 Our Community - Our diverse community requirements met

2.1.4 Plan for the provision of facilities to service and support the changing community.

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

3.1.3 Provide accessible facilities to meet identified community needs.

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

4.1 Our Economy - Increased business diversity in Cardinia Shire

4.1.1 Plan for and support local employment opportunities.

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

4.1.6 Encourage procurement of local products and services.

5.3 Our Governance - Long-term financial sustainability

5.3.1 Make financial decisions that achieve the objectives of Council and long-term financial sustainability.

5.3.5 Identify ways to contain Council's cost base by a focus on innovation and efficiency.

Climate Emergency Consideration

The Facility Management and Maintenance Contract has been developed to consider Council's climate change strategies and actions throughout the life-cycle of Services, and ensures that impacts to community and Council are mitigated.

Consultation/Communication

Our clients continually provide feedback on the performance and quality delivery of services, and Client Surveys are conducted to further understand how well or otherwise client expectations are being met, including key performance measures.

Financial and Resource Implications

The Council's annual Operating and minor Capital Expenditure budgets allocated for the relevant commitments are sufficient and are maintained.

COVID19 has required a greater focus on cleaning to specific buildings assets and more regular inspections, whilst maintaining compliance and minor works requirements. However, the financial impact has been minimal and there is expectation that year end forecasts will be maintained.

Conclusion

The collaboration with 2 other Councils on this Contract has proven valuable and important, in particular ensuring a continuous focus on best practice, having common ground in dealing with related issues and contractual matters, maintaining required consistency with performance and quality in the delivery of Services, and in obtaining best value return for all Councils.

The collaboration work is expected to continue, as the 3no. Councils are now re-preparing the required documentation in readiness to re-tender the Services by 30 June 2022.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Stephanie Davies.

That Council approves the:

1. Proposed extension period to 30 June 2022 (as per the agreed Deed of Variation drafted by Maddocks for the participating Councils), for the Facility Management and Maintenance Contract with Campeyn Group P/L.
2. Re-tendering of the Services prior to 30 June 2022.

Carried

6.4.5 Provision of Landfill Services

Responsible GM: Peter Benazic
Author: Jacqui Kelly

Recommendation(s)

That Council:

1. Delegate authority to the CEO to execute Agreements with Metropolitan Waste and Resource Recovery Group, Cleanaway Pty Ltd and Suez Recycling and Recovery Pty Ltd for the provision of Landfill Services under a common gate fee arrangement on a 4-year guaranteed basis for a four-year term commencing on April 1, 2021.
2. Execute agreements with more than one provider to ensure that contingency arrangements are in place if a landfill site is not available during the contract term.

Attachments

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Executive Summary

The purpose of this report is to:

- Detail the tender process conducted by the Metropolitan Waste and Resource Recovery Group (MWRRG) for a collective procurement for the Provision of Landfill Services on behalf of Council and 29 other metropolitan councils.
- Provide a summary of tender bids received and future cost implications
- Recommend that Council enter into guaranteed contract arrangements with Cleanaway Pty Ltd and Suez Recycling and Recovery Pty Ltd Suez using a common gate fee to be administered by MWRRG

Background

In 2010 MWRRG conducted a collective procurement process for landfill services and contracts were awarded to each of the major putrescible landfill sites across Melbourne:

- City of Wyndham – Werribee
- Melbourne Regional Landfill (Cleanaway - formerly Boral) – Ravenhall
- Hanson – Wollert
- Suez – Hallam
- Suez – Lyndhurst (Contingency site)
- Cleanaway - Clayton (Now closed)

All available contract extensions have now been exercised; the final contract extension expires on 31st March 2021. 26 of the 31 metropolitan councils are currently a party to one or more of the MWRRG contracts delivering approximately 865,000 tonnes of waste to the landfill operators per year. Cardinia Shire is party to this group contract arrangement and sends approximately 22,000 tonnes of waste to landfill per year. This landfill disposal cost Council approximately \$2,984,000 in 2019/20.

Procurement Objectives

The overall objective of this procurement is to enable metropolitan councils to access services for the disposal and transfer of waste that cannot be recovered or reused through other means. In order to achieve this objective, the collective procurement has been structured to:

- Provide a bridging period for the disposal of waste until an Alternative Waste Processing (AWP) contract is available
- Enable the appointment of more than one provider
- Ensure consistency across the metropolitan area
- Integrate with other household waste services
- Achieve a robust contract model that is based on:
 - Best Value
 - Pricing transparency
 - Appropriate risk allocation
 - Flexible contract terms
 - Reduced tender costs
 - Ensure workable contingency arrangements.

Contract Framework

Prior to the commencement of this procurement, all metropolitan Councils were invited to participate in the procurement process. Thirty councils executed MOUs recognising that MWRRG and Council would benefit in MWRRG:

- working with clusters of Councils that have common needs to be met;
- seeking the provision of Landfill Services for the benefit of Council clusters;
- partially administering and facilitating, on behalf of Council, the contractual arrangements in relation to the provision of these Landfill Services

Attachments to the MOU included the following documents that will need to be executed at the conclusion of the tender process:

- A Participation Agreement between MWRRG and Council.
- A Landfill Services Deed for the provision of Landfill Services to be executed by successful tenderers and the MWRRG
- A Direct Deed to be executed by successful tenderers and councils

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

The Tender Process

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
- manage contracts in the performance of these objectives and functions.
- Ensure consistency across the metropolitan area
- Integrate with other household waste services; and
- Ensure workable contingency arrangements.

This tender process has been resourced by MWRRG on behalf of councils using the support of municipalities and external legal, probity, negotiation and financial advisors.

This collaborative procurement is consistent with the requirements of s186 and with the future requirements of s108/109 of the LGA2020.

The contract documents allow Council to enter into contracts with providers on either a 4-year guaranteed basis or a 12-month guaranteed basis and/or one or more contractors on a non-guaranteed basis. Penalties will apply for the early termination of a guaranteed agreement.

(i) Transfer

Cardinia Shire has previously advised MWRRG that it wished to seek prices for waste transfer as part of the landfill services contract as an alternative to direct hauling to a disposal facility.

(ii) Contract Term

Cardinia Shire will continue to rely on some form of landfilling in the future, however should Council transition to Alternative Waste Technology for the treatment of residual waste, the volume of material sent to landfill may reduce significantly.

The initial contract term is for a four-year period commencing on the 1st of April 2021. There is an option to extend the contract for two further terms of 2 years. Any extension will need to be agreed by Council and the service provider.

Contractors will be invited to resubmit pricing in 2023, for the 1st April 2025 extension, to enable Council to determine if it wishes to exercise an extension option or commence a new procurement. A similar process will be conducted in 2025

Responses Received

A total of 8 responses were received to MWRRG's Invitation to Supply:

(i) Landfill

Cleanaway Pty Ltd - a national company, owns and operates the Melbourne Regional Landfill (MRL) at Ravenhall. Cleanaway takes waste from 9 metropolitan councils under the current MWRRG Landfill Services contract.

Suez Recycling and Recovery Pty Ltd - a multi-national company, owns and operates a landfill in Hampton Park that currently provides services for 9 metropolitan councils under an MWRRG contract.

Hanson Landfill Services Limited - has been providing landfilling services to councils at their Wollert Landfill for two decades. Hanson's Wollert landfill currently provides services to 5 metropolitan Councils under an MWRRG contract.

SBI Landfill Pty Ltd - The offer is for a solid inert landfill in Botanic Ridge, the site is unable to accept residual municipal waste.

(ii) Transfer

Cleanaway Pty Ltd - a national company, operates a network of transfer stations that provides councils with potential collection efficiencies and transport cost savings. Cleanaway has provided pricing for three sites; the South East Melbourne Transfer Station (SEMTS) and Lysterfield Transfer Stations are established facilities. Cleanaway has indicated that the Northern Transfer Station in Coolaroo will be available at the commencement of the contract.

KTS Recycling - has managed and operated waste transfer stations since 2007. KTS proposes two sites:

- Coldstream - for putrescible waste transfer.
- Knox - limited to the transfer of inert waste.

Citywide Service Solutions - has 25 years' experience in providing transfer services from its Dynon Road facility in West Melbourne.

(iii) Alternative Offers

Wyndham City Council – submitted an offer based on; receiving waste in an enclosed facility, mechanical separation to recover metals, baling of waste and anaerobic digestion of recovered organics.

Recovered Energy Australia (REA) and Solo Resource Recovery (Solo) - propose to jointly provide a service based on the high temperature destruction of waste to generate energy (gasification) at a facility to be constructed at Laverton North.

Evaluation Criteria

A Tender Evaluation Panel comprising two council representatives and an MWRRG Procurement Team member has assessed tender responses, the panel was supported by:

- **Probity Advisor** – is responsible for ensuring that the evaluation process is conducted in accordance with probity principles and adherence to the approved evaluation plan.
- **MWRRG Subject Matter Experts and Project Managers** – responsible for providing expert advice as required to confirm tenderer's submissions compliance to the specification and compliance with procurement policies.
- **Legal Advice** - provide legal advice and support throughout the tender process on an 'as needs' basis.

Common Gate Fee

Preliminary discussions with all south east councils indicate a preference to redirect material to the Cleanaway Transfer facilities in Dandenong South and Lysterfield under a new collective contract commencing on 1 April 2021.

As the total volume of waste generated from these municipalities will exceed the combined capacity of the two transfer stations, councils will need to direct some material to the Suez landfill site at Hallam Rd.

The amount of material directed to Suez will increase over the four-year contract term with growth and the potential of Mornington Peninsula Shire joining the contract in 2022.

Councils have also indicated that from a social and environmental perspective it is not desirable to transport all waste generated in the south east of Melbourne to the MRL landfill.

Councils in Melbourne's south east are currently generating in excess of 330,000t of municipal waste per annum, it is expected that during the first four-year term the annual tonnage will grow to in excess of 380,000tpa. The capacity of the Cleanaway SEMTS transfer station for municipal waste is 250,000tpa and Lysterfield 50,000tpa, a total of 300,000tpa available to utilised by councils.

Whist the Cleanaway gate fees, to receive, transfer and dispose of waste via SEMTS and Lysterfield, are substantially lower than the gate fees at Suez it is not possible for all councils in the south east to direct all their waste to Cleanaway sites.

There are two potential solutions that councils can adopt:

Option 1- Enter a relationship with both Cleanaway and Suez

Under this scenario individual councils will enter contract arrangements with both Cleanaway and Suez to ensure that the combined overall volume of waste delivered to the Cleanaway sites does not exceed capacity and limit the amount of material directed to MRL.

All councils will potentially need to allocate a minimum of one to two days per week to Suez. This option may provide some logistical challenges for some councils.

Option 2- Enter into an agreement with MWRRG for a common gate fee arrangement.

Enter into an arrangement with MWRRG to administer a Common Gate Fee (CGF) for south east councils. Under this scenario individual councils will enter into an agreement with MWRRG to administer the allocation of waste across the two sites in accordance with a proportion agreed between participating councils.

Councils would generally be directed to utilise the most convenient site but would pay a gate fee rate that is the average cost that all councils incurred for waste delivered to Cleanaway and Suez for the billing period.

The process would involve:

- Participating councils would deliver to Suez or a Cleanaway site.
- Suez and Cleanaway would invoice MWRRG for waste delivered.
- MWRRG would determine a CGF and invoice each of the participating councils
- MWRRG would receive payments from councils and then pay Suez and Cleanaway
- The contractual model would be like the SE Organics contract. MWRRG would recover the costs involved in administering this arrangement by charging an administration fee on a per tonne basis.

How will waste be allocated?

The objectives of a common gate fee is to minimise the gate fee for participating councils and where possible ensure that waste is transported to the most convenient location for individual councils. The allocation of waste would be determined by the South East Councils User Group.

Under the terms of the contract councils are required to nominate a volume of waste to a provider to access the four-year guaranteed rate. It is proposed that south east councils guarantee a minimum of 90,000 tonnes per annum to Suez and a minimum of 180,000 tonne per annum to Cleanaway. Such an arrangement would ensure all councils have access to both sites and the minimum guaranteed tonnage is below the current 330,000 level.

MWRRG has provided a report detailing the cost implications of a common gate fee and agreements that would need to be varied to facilitate a common gate fee arrangement.

Policy Implications

The group procurement process for the Provision of Landfill Services for the Cardinia Shire community aligns with the objectives of the Waste and Resource Recovery Strategy and the Liveability Plan, which fall under the Council Plan.

Councils work and role in this area is also partly determined by relevant Victorian and Australian government policies, many of which have also been updated in recent years. The Victorian

Government policies - 'Getting Full Value' and 'Recycling Victoria' have turned the focus to thinking of waste as a resource to be extracted and reused or recycled where possible, bringing not just environmental benefits, but also financial and social.

Being part of a group procurement process for this Landfill Services tender highlights that there needs to be more value placed in, and investment in regional infrastructure, which Council recognises and supports.

Relevance to Council Plan

3.3.4 Promote practices that result in the reduction per household of the amount of waste going to landfill, particularly food waste.

Collaborate on regional projects with South East Councils and MWRRG to procure landfill and alternate to landfill services.

Also meets a number of actions in the Waste and Resource Recovery Strategy (2017-26).

Consultation/Communication

The MWRRG have been in regular contact with all Councils involved in the group procurement process and will continue to keep us informed of the progress made.

Financial and Resource Implications

Financial implications: Cardinia Shire population is growing at a rate of 4.6%, with this growth in population comes an increase in waste, even with the consideration of alternatives to landfill which are becoming available. The current tonnage to landfill of 22,000 tonnes is anticipated to grow for the short term until alternative arrangements can become viable after which, a noticeable decrease in landfill should occur. A predicted growth in landfill tonnages of 2% would result in landfill costing Cardinia Shire approximately \$3,200,000 per year at current prices.

The landfill levy in Victoria has planned increases from the current rate of \$65.90 per tonne to \$105.90 in 2021/22 and a further increase to \$125.90 in 2022/23 this will significantly impact the price of landfill for the foreseeable future.

Transfer/Direct Access: it is within Cardinia Shires best interests to have a transfer arrangement included in the contract. The transfer site located in Dandenong (Cleanaway, South East Melbourne Transfer Station) is currently utilised by Cardinia Shire and prevents the need to have kerbside vehicles from travelling to Melbourne Regional Landfill (160km+ round trip). The residential material is instead delivered to SEMTS by kerbside collection vehicle and long-hauled in more efficient transport options to MRL at Ravenhall.

Collection contractor: As the current Kerbside collections contract allows for both a nominated site and alternative site (already suggested as Cleanaway SEMTS and SEUZ Hampton Park) there are no foreseeable implications on collection arrangements for Cardinia Shire

Non-guaranteed v Guaranteed: The prices supplied for non-guaranteed tonnages are not a viable option for this contract and as such have not been considered.

Contingency Arrangements: It is within Councils best interest to enter into multiple arrangements so that Cardinia Shire is able to ensure continuity of service for our community in the event that a facility is not available.

Environmental Considerations: The length of the contract (4 years plus extensions) allows for the introduction of the planned Alternative Waste Processing option by acting as a bridging period until more sustainable options become viable in the management of waste in Victoria.

Social Considerations: participating in the group contract arrangement outlined above allows Cardinia Shire to maintain strong working relationships with the State Government of Victoria

and our Local Government counterparts. These relationships help to build a stronger and more sustainable waste management industry in Victoria.

Conclusion

That the CEO be delegated authority to execute Agreements with Metropolitan Waste and Resource Recovery Group, Cleanaway Pty Ltd and Suez Recycling and Recovery Pty Ltd for the provision of Landfill Services under a common gate fee arrangement on a 4-year guaranteed basis for a four-year term commencing on April 1, 2021.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Stephanie Davies.

That Council:

1. Delegate authority to the CEO to execute Agreements with Metropolitan Waste and Resource Recovery Group, Cleanaway Pty Ltd and Suez Recycling and Recovery Pty Ltd for the provision of Landfill Services under a common gate fee arrangement on a 4-year guaranteed basis for a four-year term commencing on April 1, 2021.
2. Execute agreements with more than one provider to ensure that contingency arrangements are in place if a landfill site is not available during the contract term.

Carried

6.5 Activity Reports

6.5.1 Environment Quarterly Report

Responsible GM: Peter Benazic
Author: Desiree Lovell and Jacqui Kelly

Recommendation(s)

That Council note this report.

Attachments

1. Environment quarterly report - February 2021 [6.5.1.1 - 6 pages]

Executive Summary

This report provides a summary of some key projects, services and actions delivering environmental benefits across the work of Council. Projects have been categorised according to the Sustainable Environment Policy (SEP) 2018–28 themes of:

- Biodiversity
- Climate change
- Water
- Waste and resource recovery

The SEP is the roadmap for the future direction of Council's environmental and sustainability strategies, plans and activities.

A similar report will be presented each quarter highlighting new programs or projects that have achieved significant milestones.

Background

There are a broad range of projects, services and actions delivering environmental benefits throughout the organisation. While many of these occur within or are led by the Infrastructure and Environment division, the majority of the organisation is involved in environmental sustainability to some degree. Below is a highlight of some of the key projects currently being undertaken.

All actions fall within the Council Plan 2020–21 under the key performance area of Our Environment 'we will continue to plan and manage the natural and built environment for present and future generations'.

Biodiversity

Council Plan action – Protect and improve biodiversity by increasing the area of natural ecosystems across the Shire.

Council Plan action – Preserve and improve our bushland and natural environment by implementing weed management strategy and programs and continuing activities on high conservation bushland reserves and roadsides.

Community participation opportunities

Description	<p>In 2021, Council has some exciting community participation opportunities, these include an indigenous plant giveaway (through the new nursery at Deep Creek Reserve) and online gardens for wildlife workshops.</p> <p>Trial plant giveaway – residents can attend the nursery with their rates notice or driver’s license and pick two free indigenous plants.</p> <p>Online gardens for wildlife workshops – run by Sustainable Gardening Australia and will cover garden design using indigenous plants and how to attract birds, butterflies, bees, lizards, mammals and frogs to your backyard.</p>
Funding	These initiatives are fully funded by Council
Update	<p>Trial plant giveaway The Deep Creek Nursery is scheduled to open in April 2021 and to help encourage residents to use the nursery and understand the benefits of indigenous plants, Council will be offering an indigenous plant giveaway. The trial giveaway is limited to the first 2000 people who take up the offer. One of the plants must be a woody stem (small to large tree) to assist with carbon uptake as outlined in Councils Aspirational Energy Transition Plan.</p> <p>The trial indigenous plant giveaway will run April-June 2021.</p> <p>Online Gardens for Wildlife Council has lots of great information about making a ‘garden for wildlife, on our website, however due to COVID-19 restrictions site visits by volunteer community garden guides are currently suspended. Council has adapted its gardens for wildlife program to allow it to continue regardless of restrictions and in 2021, will run online workshops during February and March.</p> <p>The following online workshops are proposed. Each workshop is linked to a factsheet available on Council’s website:</p> <ul style="list-style-type: none"> • Your garden for wildlife - garden design, preparation and maintenance • Beautiful birds – attracting small birds to your garden • Beautiful butterflies and native bees – creating an insect friendly garden • Lovely lizards – creating a lizard, skink and gecko friendly garden • Furry friends – creating a native mammal friendly garden • Fabulous frogs - creating a frog pond <p>Residents who participate in one of the online workshops are eligible for \$20 of free plants to help create their wildlife garden.</p>

Friends groups return to bushland reserves

Description	Friends groups returning to their bushland reserves post COVID-19 restrictions
Funding	Friends groups are volunteer groups that are supported by Council
Update	<p>Friends groups are now returning to their bushland reserves for their regular working bees, following the long break during COVID-19 restrictions. Groups have been submitting their requests for approval to Council's Pandemic Response Team to ensure they have all of the necessary information and plans in place to work CovidSafe.</p> <p>It has been a challenging year for our friends' groups who have not been able to maintain their regular activities at respective bushland reserves. Council staff will be on hand to assist the groups with their annual activities such as weed control, mulching and preparation of planting beds and revegetation projects.</p>

Climate change

Council Plan action - 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

Council Plan action – Reduce Council's energy consumption and help the community to do likewise.

Fleet carbon offset

Description	Council has offset 733 tonnes of fleet related carbon emissions by supporting native forest reforestation projects
Funding	This project is fully funded by Council
Update	<p>The purchase of fleet carbon offsets is a practical option for offsetting unavoidable organisational emissions. The combined annual emissions of Council's vehicles is approximately 1300 tonnes. Council has partnered with GreenFleet to offset a portion of its vehicle related carbon emissions. Around 730 tonnes of fleet related carbon dioxide emissions have been offset through the partnership this financial year.</p> <p>GreenFleet are actively working to restore native forests around Australia. These reforestation projects rejuvenate crucial habitat for endangered wildlife, help to counter the adverse effects of bushfires and reduce the impacts of climate change by sequestering carbon dioxide. The planting of native trees and shrubs for their specific carbon sequestration capacity promotes the establishment of habitat stepping-stones and links for biodiversity to move and disperse back through the landscape. Promoting the resilience of native biodiversity and ecosystems to climate change.</p>

Asset vulnerability assessment

Description	Council is participating in a regional asset vulnerability assessment through its membership in South East Councils Climate Change Alliance (SECCCA). The assessment will evaluate the vulnerability of Council's drainage, roads, and buildings assets to the adverse effects of climate change. This assessment will consider the vulnerability of these council asset classes to floods, bushfires, heat, and sea level rise.
Funding	This project is funded through SECCCA with contribution from Council's insurance provider.
Update	<p>The project is being undertaken by Spatial Vision; a Melbourne based GIS data consultancy with extensive experience in undertaking asset-based vulnerability assessments. Council specific asset data from the various SECCCA member councils is being collecting and compiled for verification and standardisation.</p> <p>Spatial Vision are completing the process of collecting individual council asset data and have completed a workshop with the project working group. The project working group consists of asset managers from the participating SECCCA councils. The workshop enabled Spatial Vision the opportunity to consult with council asset managers to identify key climate change and extreme weather events of concern to each participating council. Council representatives from the Assets Management team are participating in the project working group and the Environment team is involved as a member of the project steering committee.</p> <p>The project outcomes will include a report with case study examples of vulnerability of specific asset types across the SECCCA region, as well as a spatial data toolkit. Capacity building will be offered to asset managers of all councils in the use of the visualisation tool. Asset managers will be able to utilise the tool to identify the vulnerability of council assets to different climate impacts and scenarios. This report and visualisation tool are aimed at providing asset managers with the data and information needed to inform decisions in order to develop climate smart assets and maintenance plans. The project is set for completion by mid-2021.</p>

Water

Council Plan action – Manage water in an integrated way, including the reduction of potable water consumption by Council and households.

Council plan action - Promote water catchment management practices that improve the quality of our waterways

Gembrook Park stormwater works

Description	Improvement to stormwater flow into Gembrook Park included replacing the small stormwater pits on Redwood Road with much larger pits, construction of a retention basin to slows the flow of water.
Funding	This project was jointly funded by Council and Melbourne Water's Living Rivers program
Update	<p>The final component of drainage upgrade works to protect Gembrook Park have been completed. Historically, stormwater has run through the park at a high-speed, spreading road-gravel and weeds through the gully. This has waterlogged and destabilised large trees and smothered the native vegetation below.</p> <p>The larger stormwater pits installed on Redwood Road capture a greater amount of water, especially in periods of heavy rain, and the larger drainage pipes under the road now flow into the new retention basin. The retention basin slows the flow of water, reducing the erosion damage in the park and captures gravel and leaf litter.</p> <p>An interpretation sign for the retention basin has recently been installed, informing the community of the works and reason for the construction of the retention basin.</p> <p>Thank you to the Friends of Gembrook Park for their ongoing work to protect this precious environment.</p>

Waste and resource recovery

Council Plan action – promote practices that result in the reduction per household of the amount of waste going to landfill, particularly food waste.

“Do the right thing” Waste education videos

Description	<p>In October 2020, Council’s new kerbside collection contract with waste provider Cleanaway started and included the rollout of 16 new waste trucks, with new educational signage.</p> <p>COVID-19 restrictions impacted on face-to-face events in 2020 resulting in new ways of engaging with our community needing to be developed. Three new videos have been created to inform the community of the improvements to our waste collection (including food waste in green bin) and invoke residents to <i>do the right thing, use the right bin!</i></p>
Funding	This initiative is fully fund by Council, through the annual garbage charge.
Update	<p>To encourage community members to “<i>Do the right thing, use the right bin</i>” (a message feature on several of the new waste collection trucks) Council has developed multiple video’s highlighting this message and supporting broader waste education.</p> <p>The videos focus on the importance of correct recycling at home, benefits of the food and green waste recovery service and the new and improved trucks which feature state of the art technology improving efficiency, safety, and contamination reduction.</p> <p>The videos all feature local families, encouraging residents to take responsibility in the role they play within the waste system and “<i>Do the right thing, use the right bin</i>”.</p> <p>The videos will continue to be featured on Council’s social media channels and website, which has already had strong engagement from the community.</p>

Deep Creek Reserve – compost garden

Description	<p>Deep Creek Reserve’s compost corner is a working display, designed to educate the community about food waste and help reduce the amount of food waste going to landfill. The area features a range of worm farms and compost bins suitable for home use. Compost corner links in with our existing compost rebate program and workshops aiming to reduce household waste.</p>
Funding	This project is fully funded by Council.
Update	<p>The compost systems and worm farms were installed in early 2020 but the project was put on hold during Covid-19 restrictions. Work on site to complete the project was able to occur in December 2020. An engaging space with displays, signage and information about food waste was developed which highlights the benefits of home composting and worm farms. This area will be used for planned education and engagement workshops through EcoLink and Council, as well as creating a learning environment for those passing by.</p> <p>The compost corner includes:</p> <ul style="list-style-type: none"> • composting systems which will be used by the deep creek café for food scraps • a herb garden for the cafe to use, demonstrating the circular economy • informative signage about food waste and benefits of composting • a paved pathway encouraging residents to walk through and explore the area • native plants in keeping with the rest of Deep Creek Reserve’s landscape.

Contamination education – bin inspections

Description	The bin inspection program aims to reduce contamination in kerbside recycling and green waste bins by inspecting presented bins and providing individual feedback to residents. Positive reinforcement is used to encourage and reward those who are already doing an excellent job. Educational resources are provided to those households with incorrect items which are contaminating our recovery streams.
Funding	This initiative is fully fund by Council, through the annual garbage charge
Update	<p>Changes are underway to further improve this program with the development of new educational material, redesigning existing material such as stickers, flyers and letters which include more images and diagrams for simple but clear messages that can be better understood by all members of the community. As well as a detailed awareness campaign.</p> <p>Contamination not only has a negative environmental impact due to increasing the potential of recoverable material ending up in landfill, but there are also increased costs associated with processing contaminated material. Contamination can also cause significant OH&S risks to staff and cause damage to expensive sorting equipment and waste collection trucks.</p> <p>It's important that Council continue working with the community to reduce contamination. Some of the common mistakes made by our community include:</p> <p>Recycling contamination</p> <ul style="list-style-type: none"> • plastic bags and soft plastics (wrappers) • Clothing and textiles • garden and food waste • nappies <p>Green bin contamination:</p> <ul style="list-style-type: none"> • plastic bags • household rubbish • textiles • kitty litter and animal poo • treated timber and gardening equipment

Resolution

Moved Cr Jack Kowarzik, seconded Cr Stephanie Davies.

That Council note this report.

Carried

6.5.2 Quarterly Financial Report

Responsible GM: Debbie Tyson
Author: Richard Williams

Recommendation(s)

That Council

- Receives and notes the quarterly financial report for the period 1 July 2020 to 31 December 2020.
- Notes that the Chief Executive Officer, as required under Section 97(3) of the Local Government Act 2020, is of the opinion a revised budget is not required.

Attachments

1. Financial Performance Report - December 2020 [6.5.2.1 - 16 pages]
2. Capital Works Report - December 2020 [6.5.2.2 - 8 pages]
3. Income Statement and Balance Sheet Glossary [6.5.2.3 - 3 pages]

Executive Summary

This report summarises Council's financial performance for the six months ended 31 December 2020.

Background

The report is broken into a number of parts highlighting different components that affect the financial performance of Council, and includes the following financial statements:

- Income Statement – Analysed by income, expenditure and non-recurrent Items. A favourable budget variance is reported where actual income exceeds budget or actual expenditure is less than budget. An unfavourable budget variance is reported where actual income is less than budgeted or actual expenditure exceeds budget.
- Balance Sheet;
- Cashflow Statement; and
- Capital Works.

Also included is a summary of the COVID-19 impacts on the 2020-21 income statement and performance against the Victorian Auditor General's Office (VAGO) financial sustainability indicators.

Policy Implications

Nil

Relevance to Council Plan

5.3 Our Governance - Long-term financial sustainability

5.3.3 Manage the municipality's finances and assets in a responsible way.

Climate Emergency Consideration

Nil

Consultation/Communication

Accountants within the Finance business unit meet monthly with Business Unit Managers to discuss their year-to-date progress against the budget for both the Operating and Capital Works programs. Results of these discussions provide input to the completion of the Monthly Financial Performance Report and are further discussed with the relevant General Manager. The Monthly Financial Performance Report is subsequently presented monthly to the Senior Leadership Team and quarterly to Council.

Financial and Resource Implications

The analysis undertaken as part of the Financial Performance Report is based on the differences between the 2020-21 budget adopted in June 2020 and the actual result as at 31 December 2020.

The adjusted underlying result at the end of December is a surplus of \$6.1m, which is \$10.0m favourable to the year-to-date budgeted deficit of (\$4.0m). The adjusted surplus excludes capital income and other abnormals, but does include recurrent capital grants. The unadjusted result is a surplus of \$47.2m which is \$13.8m favourable to the year-to-date budgeted surplus of \$33.4m.

At the end of December, total income is \$7.4m favourable. Non-cash development levies are \$12.4m favourable, but have been offset by non-cash capital contributions which are (\$12.5m) unfavourable. Operating grant and capital grant revenue are \$4.1m and \$3.5m favourable respectively, partly due to recognition this financial year of grants received last financial year and recognition of unbudgeted grants. The major unbudgeted operating grants are for Working for Victoria and Local Councils Outdoor Eating & Entertainment Package, and the major unbudgeted capital grants are for the Princes Highway shared pathway and Comely Banks Recreation Reserve sport fields and car parks projects.

Total expenditure is \$6.4m favourable. Materials & services expenditure \$4.8m favourable, primarily due to timing variances in contract payments and other major items of expenditure, including recreation reserve grants. Employee benefits are \$1.8m favourable mainly as a result of vacant positions within the organisation, planned delayed recruitment, and favourable adjustments to leave provisions. These have been partly offset by depreciation expense, which is (\$1.1m) unfavourable due to a one-off adjustment for drainage depreciation following an external review of drainage assets. Detailed variance analysis is included in the attached Financial Performance report.

The year-end result forecast as at the end of December is an adjusted underlying deficit of (\$722k) which is (\$137k) unfavourable to the adopted budget adjusted underlying result of a (\$585k) deficit. The unadjusted result is forecast to be \$37k favourable to the adopted budget, with income forecast to be \$291k favourable and expenditure (\$253k) unfavourable.

Combined non-cash capital contributions and developer levies are forecast to be in line with budget, with capital contributions (\$15.0m) unfavourable and developer levies \$15.0m favourable. Operating grants are forecast to be \$2.7m favourable mainly due to recognition of unbudgeted grants.

These are partly offset by income forecasts under budget for: interest income (\$1.1m) due to lower interest rates; rates and charges (\$362k) mainly in interest charges, due to the impact

of COVID-19, and in garbage charges; statutory fees & fines (\$431k) mainly due to the impact of COVID-19; and user fees (\$279k), also mainly due to the impact of COVID-19.

Depreciation is forecast to be (\$822k) unfavourable by 30 June 2021, mainly due to a one-off adjustment for drainage, and materials & services are forecast to be (\$508k) unfavourable. These are partly offset by forecast budget underspends in employee benefits \$536k, mainly as a result of vacancies within the organisation, other expenses \$153k and finance costs \$150k.

The total cash balance at the end of December 2020 is \$103.4m, which is \$29.9m more than budget due to a higher than anticipated cash holding at 30 June 2020, but nevertheless is (\$334k) lower than as at the end of June 2020. Council cash, which is \$2.6m higher, has been offset by DCP cash being (\$2.9m) lower. A total cash deficit at 31 December of (\$3.2m) is after external restrictions on cash of \$62.7m and intended allocations of \$43.9m. Council is currently forecasting a total cash balance including total financial assets of \$93.2m at 30 June 2021 compared to a budget of \$91.6m.

Total capital works project expenditure to 31 December 2020 is \$21.8m, which is (\$15.5m) lower than at the same time last year and (\$737k) lower than the year-to-date budget. The combined forecast capital works expenditure for 2020-21 of \$80.5m and carryover to 2021-22 of \$10.2m is (\$2.1m) greater than full year budget adjusted for actual carry-overs from 2019-20. This is mainly in footpaths (\$1.8m), buildings (\$884k), and plant & machinery (\$358k). Further variance details are included in the attached Capital Works report.

Council has committed approximately 62% of the expenditure \$88.6m full year budget as at 31 December 2020, with 25% actually spent. Some of the key projects where council have committed funds in the second quarter are: Comely Banks Recreation Reserve, Emerald netball building works completed in defects/maintenance stage, land acquisitions, plant replacement, Sealing the Hills program, works on footpaths replacement, bridges replacement/upgrade, roads resealing, unsealed roads resheeting program, and Gembrook Reserve.

The Infrastructure team was successful in receiving unbudgeted grant funding of \$0.99m for the Princes Highway (South Side) shared pathway, with council funding \$999k from DCP funds to deliver the program.

For further details, Councillors are referred to the detailed Financial Performance Report attached.

Conclusion

It is appropriate that the Council receives and notes the Financial Performance Report for the period 1 July 2020 to 31 December 2020.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Stephanie Davies.

That Council

- Receives and notes the quarterly financial report for the period 1 July 2020 to 31 December 2020.
- Notes that the Chief Executive Officer, as required under Section 97(3) of the Local Government Act 2020, is of the opinion a revised budget is not required.

Carried

6.5.3 Performance and Growth Reports - Q2 2020-21

Responsible GM: Jenny Scicluna
Author: Jo Battin

Recommendation(s)

That Council note the report.

Attachments

1. Performance Report 2020-21 Q 2 [6.5.3.1 - 14 pages]
2. Council Plan Action - Progress Report - Q 2 2020-21 [6.5.3.2 - 38 pages]
3. Growth Report 2020-21 Q 2 [6.5.3.3 - 6 pages]

Executive Summary

Council has committed to undertake work on 131 Council Plan actions during the 2020-21 financial year. Nine actions have already been completed, and 115 actions are on-track to be completed by their due date. There are 16 actions that are currently off-track.

The organisation service request performance for the quarter is 81%, below our target of 90% of service requests completed within service standard. The Customer Support service level (percentage of calls answered within 90 seconds) is 40% for the quarter, below our target of 80%. This reduced performance level can be attributed to a much higher than expected number of calls into the contact centre this quarter as well as new staff training and staff leave. There are four Local Government Performance Reporting Framework (LGPRF) service measures, Councillor Meeting Attendance, Animals Reclaimed, Planning Application Decisions made within 60 Days and Waste Diverted from Landfill where we have observed some variation in results this quarter, while all other metric results remain relatively stable.

Population growth within the Shire has also declined. There are four households moving to the area per day, for the quarter. Subdivision land activity is also slowing, and the construction of sealed roads and footpaths has slowed low due to the reduction in completed estate development

Background

CEO Report

The second quarter of 2020–21 has been a busy and eventful time for Cardinia Shire Council. We welcomed our newly elected councillors for the 2020–24 term, we continued to respond to the challenges presented by the COVID-19 pandemic while supporting our community and delivering essential services, and we took important steps in the development of a new Community Vision, Council Plan, Financial Plan and Council Budget.

Welcome to our new Council

Following the election on 24 October, the shire has been divided into nine wards, each represented by one councillor. Congratulations to our returning councillors, welcome to our new councillors and thank you to our outgoing councillors for their valuable contribution to the shire. Beacon Hills Ward Councillor Brett Owen has been elected Mayor for 2020–21 and Ranges Ward Councillor Jeff Springfield elected Deputy Mayor.

Supporting our community during COVID-19

Providing practical and tangible support to our community and ensuring the ongoing delivery of essential services continues to be a priority for Council during the COVID-19 pandemic. With the easing of restrictions in the second quarter, we were pleased to welcome the reopening of many local businesses and we are working closely with local hospitality businesses to fast-track and support their applications to expand outdoor dining operations. We've also developed a COVID-19 Community Recovery Plan and Structure that includes eight committees and action teams to support initiatives, community organisations and the wider community.

Imagine Cardinia

The first stage of community engagement in the development of a new Community Vision, Council Plan, Financial Plan and Council Budget was undertaken in November and December 2020. Community members were invited to share their thoughts and ideas by completing a survey and attending information sessions. We look forward to involving community members in further opportunities for input and feedback as part of the development of these plans.

Advocating for our community

We're continuing to work with the Victorian Government in responding to the COVID-19 pandemic, and are following the advice and direction provided by health authorities. Our primary concern continues to be the health and wellbeing of our staff and community and the continuation of essential services.

We're working with all levels of government to advocate for action on important local issues and to influence government priorities for the benefit of the Cardinia Shire community. For this first half of this financial year, we have lodged 19 grant applications valued at \$6 million for a range of projects.

The staged implementation of the Local Government Act 2020 also continues; a compliance timetable has been prepared to ensure that all policies, plans and new initiatives will be implemented in line with this staged approach.

Infrastructure for our growing shire

Key infrastructure projects across the shire progressed well this quarter. Our Better Local Roads Program continued to gain momentum, Hills Hub at Emerald was officially opened and a new state-of-the-art youth centre is a step closer following Council's approval of the planning permit. Many other projects are also underway, further details for which can be found in this report.

Carol Jeffs

Chief Executive Officer
Cardinia Shire Council

Government Interaction**Government Advocacy**

Council continues to work collaboratively with the State Government in responding to the Coronavirus (COVID-19) pandemic and is closely following advice being received while the situation is rapidly evolving. Our primary concerns are to support the health and wellbeing of our staff and community, and the continuation of essential services.

Council works with all levels of Government to lobby for action on important local issues and works hard to influence government priorities that will benefit our local communities. Council also works with other groups of Councils, such as South East Melbourne and Interface Groups, to facilitate investment into the broader region. The South East Melbourne Group of Councils is in discussions with both the State and Federal Government in developing a ‘City Deal’ for the region.

Grant applications

Council continues to rely heavily on rate revenue to fund the provision of infrastructure and services. Due to the Victorian Government’s rate cap, Council is limited in the amount of revenue it is able to achieve through rates and is required to have a strong focus on seeking grants. For this first half of the financial year, Council has lodged 19 separate grant applications for a total of \$6M for a range of projects.

Legislative Program

The staged implementation of the Local Government Act 2020 continues. All matters required to be addressed by 1 September were completed. A compliance timetable has been prepared to ensure that all policies, plans and new initiatives required will be implemented in accordance with this staged approach. The Audit Committee is monitoring this timetable.

Performance Summary

Council Plan Performance

The Council Plan sets out a medium to long-term vision for how Council will respond to community needs and the opportunities and challenges facing Cardinia Shire. Council delivers the plan through a 4-year action plan which covers 5 Key Priority Areas (KPAs). The performance of the 5 KPAs and their Council Plan Actions is illustrated in Figure 1. For a more comprehensive account of the action progress, please refer to the Council Plan Action Progress Report attached.

There are 131 Council Plan actions due to be completed during the 2020-21 financial year, of which nine actions (7%) have already been completed. There are 16 actions (12%) that are currently not on track for delivery by their due dates. Please refer to Table 1 for further details.

Figure 3. Council Plan Action Performance

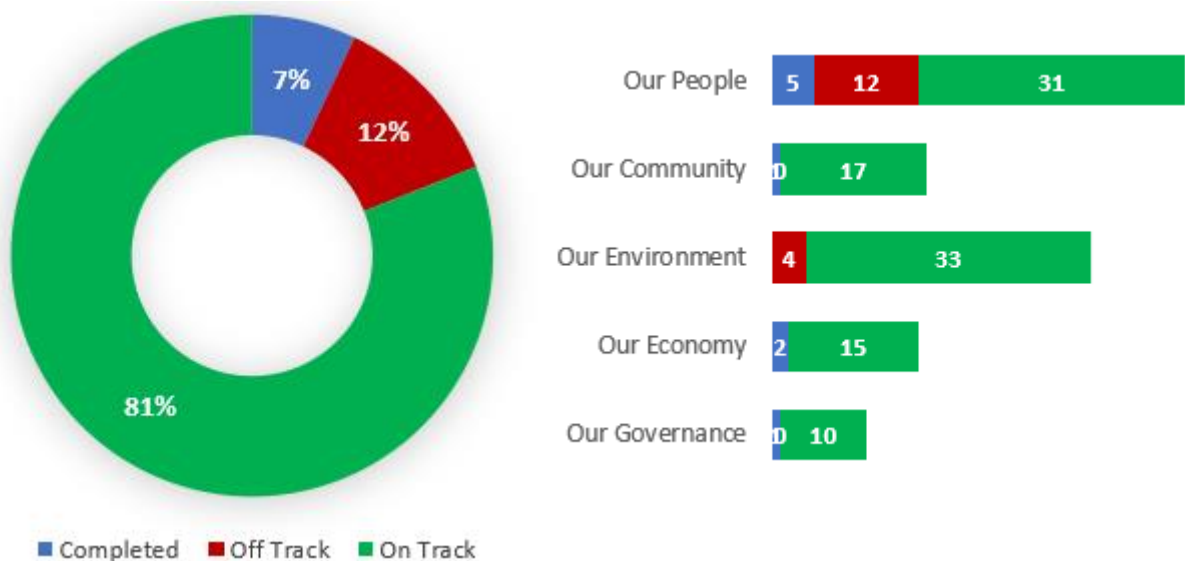


Table 1. Off-track Council Plan Actions

	Action	Business Unit	Executive Comment
4.	1.1.1.13 CP - Commence the construction of a Children's Centre in Timbertop.	Buildings and Facilities	. The Developer has not finalised the transfer of land to Council, which has impacted on the actual planned start date for this project. Tenders have now been received and construction start is expected to be late February / early March 2021, with scheduled completion date for opening of this facility by January 2023.
5.	1.5.1.1 CP - Prepare a master plan for Gin Gin Bin Reserve Officer	Active Communities	The project has been delayed, awaiting direction from the Victorian Department of Education and Training and Victorian School Building Authority. A consultant was appointed and a draft master plan has been prepared. Discussions have been proposed with the Victorian Department of Education and Training in relation to combined master planning for an education precinct and Gin Gin Bin Reserve.
6.	1.5.1.2 CP - Prepare a master plan for McMullen Recreation Reserve Officer	Active Communities	Project delayed due to budget re-prioritisation. Council secured the land for the site in May 2020. Preparation of the McMullen Recreation Reserve master plan is on hold pending settlement of the purchase of land required to create the new reserve. Settlement expected October 2021.
7.	1.5.1.3 CP - Complete civil works to enable access to Pepi's Land facilities in Emerald.	Infrastructure Services	Project delayed due to Council finalising designs of the external intersection works. Designs have been submitted to DOT and awaiting approvals to tender. Works associated with the internal car park and netball courts are complete. The pavilion construction is complete.
8.	1.5.1.5 CP - Present options to Council for the potential redevelopment and expansion of Cardinia Life. If approved, proceed with detailed design.	Active Communities	Feasibility study underway to be presented to Councillor briefing and Council report.
9.	1.5.1.6 CP - Complete design for Bunyip Indoor Stadium.	Active Communities	Project awaiting agreement with committee of management and user groups. Officers are working with the committee of management and to reach an outcome within the coming months (Dec/Jan).
10.	1.5.1.6 CP - Start the construction and fit-out for opening of the Cora Lynn Reserve Pavilion.	Buildings and Facilities	This action will remain off-track, as it does not reflect the current stage of this project. This project has had considerable delays, due to complexity of communications with the funding body, impact from COVID19 restrictions and ongoing evolving

	Action	Business Unit	Executive Comment
			requirements from club committee. The 20/21FY will now see the full and complete design documentation for this project, which is progressing well and is on-track to finish accordingly. The construction stage for this project will commence in the 21/22FY and is expected to be completed in the 12-month period.
11.	1.5.1.7 CP - Complete the construction and fit-out of the KWR Bowls Club. This project is dependent on external funding confirmation.	Active Communities	Growing Suburbs Fund grant application for this project was unsuccessful and alternative funding sources being sought.
12.	1.5.1.8 CP - Commence the construction and fit-out of the extension of the Bunyip Basketball Stadium. The timing of this project is subject to external funding confirmation.	Active Communities	Project delayed as agreement not yet reached with the committee of management and user groups. The committee of management has developed an alternative concept for the Bunyip Indoor Stadium. Officers are working with the committee of management and to reach an outcome within the coming months (Dec/Jan).
13.	1.5.1.11 CP - Continue to implement recommendations of the Recreation Reserves management and maintenance review.	Active Communities	Consultant engaged to complete the project earlier this year. All committees have been met with individually, risk data has been gathered and is being reviewed. Risk treatment plan completed October, committee training was to be delivered face to face, however the project was delayed as we developed a virtual training session to deliver to volunteers. The training session will be delivered in February 2021. Following training and the provision of templates for committees, committees will then be required to implement changes.
14.	1.5.1.14 CP - Develop a buildings masterplan and start construction of new change rooms at Upper Beaconsfield Recreation Reserve.	Buildings and Facilities	COVID19 restrictions and difficulty in getting various groups and Committee of Management (CoM) together, to review, discuss and agree on the scope of the project, has added significant delay. However, CoM and groups are meeting late January to re-commence discussions, with project likely to be back on track and finalise by expected deadline.
15.	1.5.2.3 CP - Comely Banks Reserve - commence the playing fields and associated works.	Active Communities	Construction on playing fields and civil works is set to commence in January 2021. Tenders have been assessed, with the contract awarded at the August Council meeting. The project was delayed with restrictions on site access through COVID.

	Action	Business Unit	Executive Comment
16.	3.1.4.1 CP - Review of Open Space Asset Management Plan	Infrastructure Services	Collating the relevant condition data to support the review of the plans has been delayed and further delayed during Covid, in turn delaying the completion of works. The plan is now being completed along with the review of the footpath and bridges asset management plans. Draft versions of these three plans are expected to be completed mid-2021.
17.	3.1.4.2 CP - Review of Road Asset Management Plan and Buildings Asset Management Plan.	Infrastructure Services	These plans have been delayed due to the collection of the relevant condition data which has been further delayed during COVID-19. Development of long-term modelling for building assets has commenced based on the 2019 condition assessments.
18.	3.1.4.3 CP - Review of Drainage Asset Management Plan.	Infrastructure Services	Drainage information is being validated and missing information is currently being collected.
19.	3.2.1.1 CP - Commence construction of the Lang Lang Bypass from Westernport Road to McDonalds Track, including Milner's Road.	Infrastructure Services	The project has been delayed due to ongoing negotiations with quarry operators. Construction will commence after funding is secured.





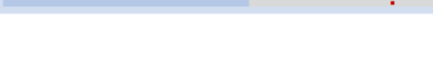
Service Request Performance

Service requests are recorded in Council's Customer Relationship Management System (CRMS) when a request for service is made to Council via an established channel, including telephone, Council's website, and web mail. Each request type is assigned a service standard, which is a target timeframe for completion. The term 'Service Level' refers to the percentage of requests completed within their target timeframe. Council's target Service Level is 90%.

Organisation Performance:

The overall Service Level for the organisation for the quarter was 81%, a 1% decrease from the previous quarter. Table 2 illustrates the top 5 service categories by volume and their service level, for the quarter. A focus on improving Service Levels across these service categories is expected to have a strong effect on the overall Service Level for the organisation.

Table 2. Top 5 Service Request Categories by Volume, and their Service Levels

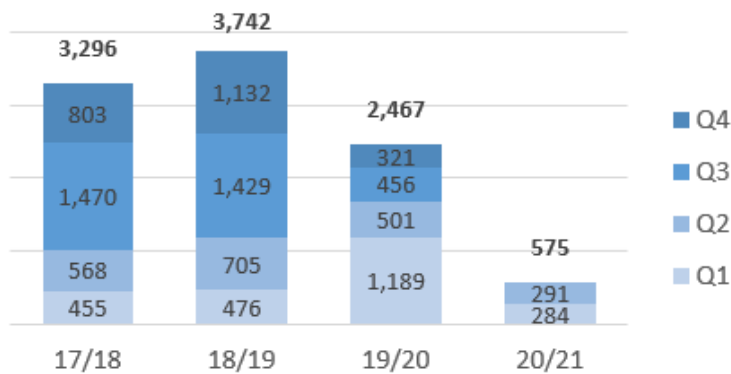
					90% target
1	Waste – Kerbside Bin	3,537	94%		
2	Waste – Kerbside Bin - Order/Cancel Service	1,641	90%		
3	Trees and vegetation on Public or Council land	897	44%		
4	Planning	788	91%		
5	Parks, Reserves, Streetscapes	655	57%		

Operations Performance:

Council maintains a large, unsealed road network. Maintenance works consist of both grading and resheeting done on a cyclic basis, along with response to defects caused by adverse weather conditions such as storms or long dry spells. All works are conducted in accordance with Council’s Road Management Plan, which ensures that the network is kept in a safe and trafficable condition. The number of hours grading roads has decreased by 19% compared to the same time last year. This outcome may be due to more favourable weather conditions this year, a noticeable reduction in traffic volumes due to COVID-19 travel restrictions and a reduction in customer requests for inspections under the Road Management Plan. These factors combined with the efficiency of Operation’s predictive maintenance program has likely led to this positive result.

The current service level for unsealed road related requests is 28%. This low service level has triggered a review of the unsealed road service area. It has been identified that there has been a concerted effort by management and staff to reduce the number of unsealed road complaints over the past year. This is illustrated in Figure 2 below, where there has been a 66% decrease in the number of unsealed road services requests compared to the same time last year. That is, 575 service requests compared to 1690 the year before! This significant decrease is due to changes in the unsealed road maintenance program enabling roads to be proactively graded before a complaint is lodged.

Figure 4. Unsealed road service requests due



Despite this positive result from the proactive maintenance program, only 28% of the 291 service requests that were lodged in quarter 2 were recorded as completed within the service standard in the CRMS. Unsealed road service requests are recorded initially through the CRMS, however, the work to resolve the service request is handled through the inspection and maintenance management system called Reflect. There is a lag in time between the resolution of the work in Reflect and the subsequent update in the CRMS, resulting in a discrepancy of the in-time completion rate between the 2 systems. Compounding this issue is the variation of the service standards applied by each system, and this affects the weight that we should put on the current service level being reported through the CRMS.

To improve the confidence in the service level being reported in this area, it will be important to integrate the CRMS and Reflect systems. Integrating the Reflect system with the CRMS should result in a seamless workflow process that delivers accurate reporting of service levels. This integrated solution is complex and will take time to implement, yet the long-term benefits of time and cost efficiencies across Council will ultimately provide a better customer service to our community. This integration project is currently underway, and an estimate project completion date will be provided when available.

Council also maintains over 3000 km of open surface drains. These drains are cleaned out using a maintenance system that is driven by proactive inspections and reactive works and

supplemented by responding to flooding issues following storms. Works are prioritised based on risk to property or person.

The number of linear metres of surface drains cleared is 304% higher than the same time last year. This significant increase is due to the availability of resources, a combination of both internal staff and contractors. The number of linear metres of underground drains cleared has decreased by 23% compared to the same time last year. The current service level for drainage related requests is 34%. As the drainage service requests are also managed through the Reflect system, it is expected that the integrated solution will also affect the service level results for this service area.

Waste Management Performance:

As the Shire's population continues to grow, the amount of waste generated is also growing. Cardinia Shire Council will continue to take advantage of recent advancements such as newer technologies and improved markets for products, resulting in improved financial outcomes for resource recovery. The impact of drought can also vary the tonnage of green waste recycling due to moisture content from wet or dry years.

The average volume of garbage to landfill per household is 539kg to date this financial year. This is a 6% drop from last year's annual average, a promising result. The amount of garbage waste to landfill is 8% lower than compared to the same time last year. The amount of recycled waste is 68% higher and the amount of green waste is 27% higher, both in comparison to the same time last year. The service level achieved for waste management requests this quarter was 92%, exceeding the organisation's 90% target.

Customer Support Call Performance

The organisation's call centre is run by the Customer Support team. As these calls are largely the first interaction our community has with our organisation, it is important that we deliver a positive customer service experience. Monitoring the service level of the call centre is only one of many ways to tap into our customers' experience with Council.

We currently report our Service Level as the percentage of calls that are answered in 90 seconds. At Cardinia, our current Service Level target is 80%. The Service Level for the quarter is 40%, well below the target. All performance metrics in the service area did not meet target this quarter. The average wait time for a customer in the call queue last quarter was 182 seconds, 92 seconds above target. After Call Work Time, the average time taken by Customer Support officers to finalise call details, was 147 seconds for the quarter. This is 42 seconds above the target of 105 seconds. As a result, the Abandoned Call rate is 9.13% this quarter, well above the 3% target.

The reduced performance level in the Customer Support Team is primarily due to a change to the Waste Management contract, which drove a much higher than expected number of calls into the contact centre, and issues surrounding the second rates instalment notice. Simultaneously, two new staff were being trained during the quarter, and staff were required to take leave to assist in reducing leave balances. The customer support team has begun a coaching program to review the time spent on calls, to reduce this where possible, while also increasing consistency in our responses to customers.

LGPRF Performance

The Local Government Performance Reporting Framework (LGPRF) is a platform for key local government service and financial measures. The measures are reported annually in Council Annual Reports and published on the Know Your Council website. A selection of LGPRF service measures that can be reported on a quarterly basis are provided.

Council decisions closed to the public remains high this year at 4.3%. For the first 6 months of the year there have only been 4 matters considered at meetings closed to the public. Due to suspension of Council Meetings during the Election Period and new Council induction, the number of resolutions made at Council Meetings has fallen substantially, and this has adversely affected this statistic. Councillor attendance at meetings has reached 100%. Maternal and Child Health enrolments and the 4-week Key Ages and Stages (KAS) participation rates remain high. The time taken to action animal requests has increased slightly while the rate of animals reclaimed has dropped to 31%. The percentage of kerbside bins collection missed has increased slightly to 9.7%, while the percentage of waste diverted from landfill is 48.5%, a positive result. The percentage of planning applications decided in 60 days has dropped to 71%. 100% of planning decisions made by Council have been upheld at VCAT. All other metrics remain relatively stable.

Growth Summary

Residential development activity drives much of the growth in demand for Council's services and facilities. There are 4 main precincts across the Shire in which residential land is currently in development. On 21 January 2021 the structure plan for the Pakenham East Precinct was approved and the development for this new precinct will begin shortly. There are over 20,000 lots still to be developed across the shire, the majority of which being within the Officer and the Pakenham East precincts. Residential land development in the Shire had varied results this quarter. The number of residential subdivision lot applications lodged is 16% lower compared to the same time last year. The number of residential lots issued a statement of compliance is 21% higher compared to the same time last year. There are over 20,000 lots still to be developed across the shire, the majority of which being within the Officer and the Pakenham East precincts.

Activity within the property sector can help determine the growth rate within a municipality and therefore assist with future decision making. The number of building permits that were issued is 5% higher than the same time last year. Residential building completions continued to trend downwards, with 230 residential building completions processed this quarter. The number of residential building completions processed is 42% lower than the same time last year.

A new household garbage service is requested predominantly when a new home has been completed and is ready to be occupied. This indicator can therefore represent the growth of new households within the Shire. The number of new garbage bin requests received is 43% lower than the same time last year. The household growth rate in the Shire remains steady at four households per calendar day for the current financial year.

The Maternal and Child Health statistics are also a lead growth indicator. Birth notices are the number of notifications received from hospitals, for newborn babies in the municipality. There were 452 births in the shire this quarter. Birth notifications are 3% higher than the same time last year. Maternal and Child Health Enrolments include the number of babies and children, from birth to school age, that visit and enrol at an MCH centre, including children of families moving to Cardinia Shire. Enrolments are 4% lower than the same time last year.

The growth of the sealed road and footpath network provides insight into the progress of infrastructure activity within the Shire. Sealed road growth is due to a combination of subdivision development and Council's sealing of unsealed roads through special charge schemes or other external funding such as Roads to Recovery. There were 3.69 KMs of sealed roads constructed this quarter. Sealed road construction is 50% lower than the same time last year. Footpath growth is due to a combination of footpaths constructed from subdivision development and Council's capital works program. There were 5.23 KMs of footpaths constructed this quarter. Footpaths construction is 59% lower than the same time last year.

The construction of both sealed roads and footpaths has slowed due to the reduction in completed estate development.

Policy Implications

Nil

Relevance to Council Plan

5.2 Our Governance - Open governance

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

Climate Emergency Consideration

Nil.

Consultation/Communication

Relevant managers and officers, from all divisions across the organisation, provide updates and comments that feed into the Performance and Growth reports.

Financial and Resource Implications

Nil.

Conclusion

Council has committed to undertake work on 131 Council Plan actions during the 2020-21 financial year, of which 7% have been completed during the quarter. The organisation service request Service Level was 81% and the Customer Support call Service Level was 40% for the quarter. The LGPRF service measures results remain relatively stable.

Resolution

Moved Cr Tammy Radford, seconded Cr Stephanie Davies.

That Council note the report.

Carried

6.5.4 Quarterly Resolutions Report

Responsible GM: Deb Tyson
Author: Doug Evans

Recommendation(s)

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

Attachments

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

Executive Summary

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

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

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

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

Background

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

Policy Implications

Nil

Relevance to Council Plan

Nil.

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

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

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

Climate Emergency Consideration

Nil

Consultation/Communication

Council staff have been consulted in the preparation of this report

Financial and Resource Implications

Nil

Conclusion

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

Resolution

Moved Cr Jack Kowarzik, seconded Cr Stephanie Davies.

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

Carried

7 Reports Or Minutes Of Committees

The Mayor advised that the various minutes were available if any interested Councillor wished to view them.

8 Reports By Delegates

Cr Carol Ryan advised that she attended the opening of the Don Jackson Dog Park. Cr Ryan also attended the AGM of the Aria Calisthenics Club and the official opening for the new roof at the Pakenham Bowls club allowing for all weather activities.

Cr Tammy Radford advised that Cardinia COVID19 Community Recovery Committee is up and running and is currently working on the social impacts of the pandemic and that a further meeting would be held the following day.

Cr Jack Kowarzik advised that in company with Cr Moore he had attended the Cardinia Lakes Residents Group AGM and advised of the potential forming of a Pakenham Heights Residents Group. Cr Kowarzik also advised of the passing of Audrey Tyrell.

9 Presentation Of Petitions

Cr Jeff Springfield tabled a petition requesting that the Council provides a permanent location in Cockatoo for the Cockatoo Country market

In accordance with the Governance Rules this petition will lay on the table for consideration by the Council at its next meeting.

10 Notices Of Motion

10.1 Notice of Motion 1060 Cr Collin Ross

That council amends the Councillor Expenses Policy and the Audit Committee Charter to require the internal audit of all councillors, Deputy Mayor and Mayors expenses. This will include travel expenses, driving routes, parking expenses and any other expenses. This will be then signed off by the Council Officer responsible for payment and reported to the Council Audit committee. This will commence from the beginning of the council term in 2020.'

Resolution

Moved Cr Collin Ross, seconded Cr Carol Ryan.

That council amends the Councillor Expenses Policy and the Audit Committee Charter to require the internal audit of all councillors, Deputy Mayor and Mayors expenses. This will include travel expenses, driving routes, parking expenses and any other expenses. This will be then signed off by the Council Officer responsible for payment and reported to the Council Audit committee. This will commence from the beginning of the council term in 2020.

Cr Collin Ross called for a division.

Councillors For: Cr Carol Ryan, Cr Collin Ross, Cr Ray Brown

Councillors Against: Cr Brett Owen, Cr Graeme Moore, Cr Jack Kowarzik, Cr Jeff Springfield, Cr Stephanie Davies, Cr Tammy Radford

Lost

10.2 Notice of Motion 1061 Cr Collin Ross

That council amends the Councillor Expenses Policy to require the development of a quarterly internally audited report of the Mayors expenses. This will include the expense of the Mayoral car if taken by the Mayor instead of the councillor drive your own car and only claim trip by trip. This will be quarterly report will be included in the General Council meeting as a report. This report will include the expense of the vehicle either purchase price, lease or rental of the vehicle, expenses such as registration, insurance, repairs, tyres and maintenance and fuel costs. A log of travel will be the same as all other councillors having to prepare for claiming expenses on a trip by trip basis. All other expenses such as parking, taxis, accommodation and event costs to be included in the report. This will commence from the beginning of the council term 2020. This report will be publicly displayed on the council website under councillor expenses.

Resolution

Moved Cr Collin Ross, seconded Cr Carol Ryan.

That council amends the Councillor Expenses Policy to require the development of a quarterly internally audited report of the Mayors expenses. This will include the expense of the Mayoral car if taken by the Mayor instead of the councillor drive your own car and only claim trip by trip. This will be quarterly report will be included in the General Council meeting as a report. This report will include the expense of the vehicle either purchase price, lease or rental of the vehicle, expenses such as registration, insurance, repairs, tyres and maintenance and fuel costs. A log of travel will be the same as all other councillors having to prepare for claiming expenses on a trip by trip basis. All other expenses such as parking, taxis, accommodation and event costs to be included in the report. This will commence from the beginning of the council term 2020. This report will be publicly displayed on the council website under councillor expenses.

Cr Collin Ross called for a division.

Councillors For: Cr Carol Ryan, Cr Collin Ross

Councillors Against: Cr Brett Owen, Cr Graeme Moore, Cr Jack Kowarzik, Cr Jeff Springfield, Cr Ray Brown, Cr Stephanie Davies, Cr Tammy Radford

Lost

10.3 Notice of Motion 1062 Cr Collin Ross

That the Council Governance Rules be amended to require an attendance record be displayed on the council website of councillor attendances at meetings. The meetings will include councillor briefings, town planning committee meetings, monthly general council meetings and special council meetings. This list of attendances will have ongoing totals for each councillor for the term of the council. This list will have an attendance, an apology or neither being stated for each event and be included in the individual totals.

Resolution

Moved Cr Collin Ross, seconded Cr Carol Ryan.

That the Council Governance Rules be amended to require an attendance record be displayed on the council website of councillor attendances at meetings. The meetings will include councillor briefings, town planning committee meetings, monthly general council meetings and special council meetings. This list of attendances will have ongoing totals for each councillor for the term of the council. This list will have an attendance, an apology or neither being stated for each event and be included in the individual totals.

Cr Collin Ross called for a division.

Councillors For: Cr Carol Ryan, Cr Collin Ross, Cr Ray Brown

Councillors Against: Cr Brett Owen, Cr Graeme Moore, Cr Jack Kowarzik, Cr Jeff Springfield, Cr Stephanie Davies, Cr Tammy Radford

Lost

10.4 Notice of Motion 1063 Cr Collin Ross

That council from the date of this motion advises and invites the councillor of his or her single ward to attend and participate any council meetings, attendances of Managers, discussions, meetings of any State or Federal MP's, this will include visits of the Mayor and or the Deputy Mayor. Openings and announcements will be included. The councillor will be contacted as early as possible by email, phone and txt with details of the reason of event, time and date of event, so the councillor can RSVP to attend and participate.

Resolution

Moved Cr Collin Ross, seconded Cr Carol Ryan.

That council from the date of this motion advises and invites the councillor of his or her single ward to attend and participate any council meetings, attendances of Managers, discussions, meetings of any State or Federal MP's, this will include visits of the Mayor and or the Deputy Mayor. Openings and announcements will be included. The councillor will be contacted as early as possible by email, phone and txt with details of the reason of event, time and date of event, so the councillor can RSVP to attend and participate.

Cr Collin Ross called for a division.

Councillors For: Cr Carol Ryan, Cr Collin Ross, Cr Graeme Moore, Cr Ray Brown

Councillors Against: Cr Brett Owen, Cr Jack Kowarzik, Cr Jeff Springfield, Cr Stephanie Davies, Cr Tammy Radford

Lost

11 Community Questions

The Mayor advised that Council had received 1 question from Andrew Little. The question read:

Council has prepare a detail submission to DELWP's consultation on green wedge and agriculture land. What is council doing about it's agriculture areas in its current planning scheme that are not meeting the planning practices outlined in planning practice note 3 issued in May 2017 by DELWP?

The Chief Executive Officer responded with:

Yes Council has prepared a detailed submission for DELWP's consultation on green wedge and agriculture land which was considered earlier in tonight's meeting. Agricultural land is appropriately zoned in the Cardinia Planning Scheme. These Zones meet the requirements of the Cardinia Western Port Green Wedge Management Plan (May 2017) and Local Planning Policy 22.05 Western Port Green Wedge Policy, satisfying the requirements of 'Planning Practice Note 3 - Applying the Special Use Zone'.

12 Urgent Business

Nil.

13 Councillor Questions

Cr Collin Ross asked the Chief Executive Officer the following:

'If a councillor drives to an event or meeting and travels the fastest and shortest distance on paper. This calculation would not take into account any traffic, road works, break downs or delays on travelling and only considers one person is using the road at this time. If the delays took the councillor longer than the calculation and misses the meeting but still arrives at the destination late or after the event, would the travel expense claim still be paid in a councillors expense claim? Or would they not be paid?

The Chief Executive Officer responded with:

The Councillor Expense Policy states that travel must be undertaken as quickly as possible and by the shortest route possible. Travel expenses are paid for Councillors attending Council business, if a Councillor does not attend a meeting or function, then a travel claim will not be reimbursed.

15 Meeting Closure

Meeting closed at 10:47 pm.

Minutes confirmed
Chairman