

Ordinary Council Meeting

Minutes

Monday 20 September 2021

Commenced at 6:25PM

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

Members: Cr Brett Owen Mayor
Cr Jeff Springfield Deputy Mayor
Cr Kaye Cameron
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
Jack Coogan Governance Officer

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1 Opening And Reflection/Prayer

Meeting opened at 6:25pm the Mayor called for a motion to close the meeting to members of the public to consider confidential business.

Moved: Cr Jeff Springfield
Seconded: Cr Tammy Radford

Carried.

At the conclusion of the confidential business, the meeting was reopened to the public and adjourned to recommence at 7pm to consider general business.

Moved: Cr Jeff Springfield
Seconded: Cr Jack Kowarzik

Carried

Reflection/ Prayer

I would ask those gathered to join us now for a few moments of silence as we reflect on our roles in this chamber. Please use this opportunity for reflection, Prayer or thought, to focus on our shared intention to work respectfully together for the well-being of our whole community.

2 Acknowledgements

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

3 Apologies

Cr Graeme Moore.

4 Adoption And Confirmation Of Minutes

Moved Cr Carol Ryan, seconded Cr Jack Kowarzik

That minutes of the following meetings be confirmed:

- General Council meeting 16 August 2021
- Town Planning Committee 6 September 2021

Carried

5 Declaration Of Interests

Nil.

6 Ordinary Business

6.1 Town Planning Reports

6.1.1 Amendment C257card - Beaconsfield Development Plan Overlay (DPO25)

Responsible GM: Lili Rosic
Author: Celeste Grossi

Recommendation(s)

That Council:

- Adopt the updated Beaconsfield Structure Plan (December 2013) as contained in Attachment 1.
- Adopt Amendment C257card to the Cardinia Planning Scheme, with changes, under Section 29 of the *Planning and Environment Act 1987*, generally in accordance with Attachment 3.
- Submit adopted Amendment C257card to the Minister for Planning for approval under Section 31 of the *Planning and Environment Act 1987*.

Attachments

1. Beaconsfield Structure Plan (December 2013) [6.1.1.1 - 47 pages]
2. Planning Scheme Amendment C257card Panel report 29 July 2021 [6.1.1.2 - 44 pages]
3. Cardinia Planning Scheme Amendment C257card Documentation [6.1.1.3 - 44 pages]
4. Cardinia C257 Analysis of Panel Recommendations Final 16 08 2021 [6.1.1.4 - 4 pages]

Executive Summary

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

Amendment C257 was exhibited from 11 February to 12 March 2021 as per the requirements of the *Planning and Environment Act 1987*. Five submissions were received. On 19 April 2021 Council resolved to refer all submissions to a Ministerial Planning Panel.

A Planning Panel was held on 28 June 2021. The Panel report was received on 29 July 2021. The Panel report generally supports Amendment C257 subject to changes to the proposed DPO25 Schedule.

It is recommended that Council supports all Planning Panel recommendations except two, adopts the revised Amendment C257 documentation with changes, and submits the adopted Amendment to the Minister for Planning for approval.

Background

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

1. The built form requirements for Beaconsfield Point, Princes Highway Gateway and Woodland Grove Precinct be implemented via more appropriate planning controls.

2. An expiry date is placed on the Structure Plan's status as an Incorporated Document to ensure that its objectives are achieved by implementing its built form requirements through the appropriate planning controls in a timely manner.

Amendment C257 proposes to implement the planning outcomes sought by the Beaconsfield Structure Plan for the Woodland Grove Precinct through a targeted statutory planning tool, being a Development Plan Overlay (DPO). The Amendment also proposes to remove the expiration date and change the status of the Beaconsfield Structure Plan from an Incorporated Document to a Reference Document. The Structure Plan will continue to provide guidance for future use and development applications in the town centre.

In summary, the Amendment proposes to:

- Insert new Schedule 25 to Clause 43.04 Development Plan Overlay
- Amend the Schedule to Clause 72.04 to remove the Beaconsfield Structure Plan (December 2013) as an Incorporated Document.
- Amend Clause 21.03-2 (Urban Established Area – Beaconsfield and Pakenham) and Clause 21.04-3 (Activity Centres) by removing the December 2021 expiration date of the Structure Plan.

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

Exhibition and submission

Amendment C257 was publicly exhibited from 11 February to 12 March 2021. Five (5) submissions were received, including two (2) from public authorities, two (2) from landowners within the Woodland Grove Precinct and one (1) from a local resident. On 19 April 2021, Council considered the submissions and resolved to refer all submissions to an independent Planning Panel.

The Planning Panel and Report

The Panel Hearing was held on 28 June 2021 which heard submissions from Council Officers and one submitter.

After considering all submissions, the Panel provided its report to Council on 29 July 2021. The Panel recommended that Amendment C257 be adopted subject to the following changes to proposed DPO25 Schedule:

- *In the second dot point objective the word 'neighbourhood' should be replaced by 'landscaped'.*
- *The first two dot points in Clause 3.0 under the heading Conditions should be reworded to be clear about the setbacks required.*
- *The third dot point under conditions in Clause 3.0 should be deleted.*
- *In Clause 3.0 conditions reword dot point 4, sub point 6 to ensure consistency in wording to changes made to dot point 3, sub point 3 in Clause 4.0 Infrastructure and Drainage.*
- *The requirement for a 7.5-metre-wide road in Clause 3.0 under the heading requirements should be deleted.*
- *The changes to Clause 4.0 agreed by Council post exhibition are appropriate.*
[These changes were considered and approved by Council on 19 April 2021 as follows:
 - At Clause 4.0 under the heading Environment, dot point 1, delete "(including a habitat hectare assessment)".

- At Clause 4.0 under the heading Environment, dot point 4, insert “in accordance with the methodology of AS4970-2009”, and replace “diameter at 1.3 metres” with “diameter at 1.4 metres”.
 - At Clause 4.0 under the heading Traffic and Transport, dot point 1, replace “VicRoads” with “Head, Transport for Victoria”.
 - At Clause 4.0 under the heading Traffic and Transport, dot point 3, sub point 2, insert:
 - “Figure 2”.
 - “between the northern boundary of Woods Street and Trythall Street”.
 - “Note: Council will carry out the necessary road closure processes under the Local Government Act to formally close this portion of the laneway”.
 - “Bollards to prevent vehicle access to the remaining portion of the laneway must be provided at the Beaconsfield Avenue service lane”.
 - At Clause 4.0 under the heading Traffic and Transport, dot point 3, sub point 6, insert “where appropriate”.
 - At Clause 4.0 under the heading Infrastructure and Drainage, dot point 3, sub point 3, replace “which must be reconfirmed by” with “or otherwise to the satisfaction of”.
 - At Clause 4.0 under the heading Infrastructure and Drainage, dot point 3, sub point 4, insert “without the consent of VicTrack and the rail operator – Metro Trains Melbourne”.
 - At Clause 4.0 under the heading public open space and landscaping, dot point 1, delete sub point 1.
 - At Clause 4.0 under the heading public open space and landscaping, dot point 1, sub point 3, insert “where appropriate”.
 - At Clause 4.0 under the heading Urban Design, dot point 1, replace “maximise” with “provide”.
 - At Clause 4.0 under the heading of Urban Design, dot point 2, replace “gardens and nature strips to merge” with “views of front gardens”.
 - At Clause 4.0 under the heading of Housing, dot point 7, insert “without the consent of VicTrack and the rail operator – Metro Trains Melbourne”.
 - At Clause 6.0, amend Figure 1 and add Figure 2 to depict the retention of part of the laneway to allow for ongoing pedestrian access to Unit 5/87 Woods Street via the laneway.]
- *Under the heading Environment in Clause 4.0, the flora and fauna assessment should show vegetation to be removed and retained.*
 - *Under the heading Public Open Space and Landscaping the sentence ‘Including maintaining the long term, sustainable health and condition of existing vegetation’ should be deleted.*
 - *Under the heading Urban Design, a fourth dot point ‘New development should not adversely impact the heritage significance of a heritage place’ should be inserted.*
 - *Under the heading Housing delete dot point 6 which requires the rail corridor to be fenced to the rail operator’s requirements.*
 - *The rail corridor should be clearly marked on both figures.*
 - *Figure 1 should be renamed to ‘Indicative Traffic and Transport Plan Woodland Grove Precinct’.*

Changes in response to the Panel Report

The Panel Report supports Amendment C257 subject to several changes to the proposed DPO25 schedule.

Officers have considered the changes recommended by the Planning Panel and an assessment of those recommendations can be found at Attachment 4.

It is considered that Council should support all the Planning Panel recommendations except for the following two recommendations:

Panel recommendation	Council officer response and recommendation
<p>Under the heading Housing delete dot point 6 which requires the rail corridor to be fenced to the rail operator's requirements.</p>	<p><u>Response:</u> Partially support.</p> <p>This requirement was provided to Council by VicTrack during preliminary referrals of the draft DPO25. Officers agree with the Panel in that this requirement could potentially be onerous depending on the rail operators fence design requirements; however, it is important that both the applicant and Council's Statutory Planner consider safety and noise concerns on the boundary of the rail corridor.</p> <p><u>Recommendation:</u> Reword this requirement to read: "Within Precinct B, fencing along the rail corridor should be appropriately designed to address safety and noise concerns".</p>
<p>Figure 1 should be renamed to 'Indicative Traffic and Transport Plan Woodland Grove Precinct'.</p>	<p><u>Response:</u> Partially support.</p> <p>The concept plan provided at Figure 1 depicts other important information apart from traffic and transport and therefore should not be renamed to suggest it is strictly a traffic and transport plan. Officers agree with the Panel in that Figures 1 and 2 should be renamed to provide a better description.</p> <p><u>Recommendation:</u> It is proposed that Figure 1 should be renamed to "Woodland Grove Precinct – Indicative Concept Plan – DPO25".</p>

All of the recommended changes are shown in 'tracked changes' in the attached DPO25 schedule (Attachment 3).

Next Steps

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

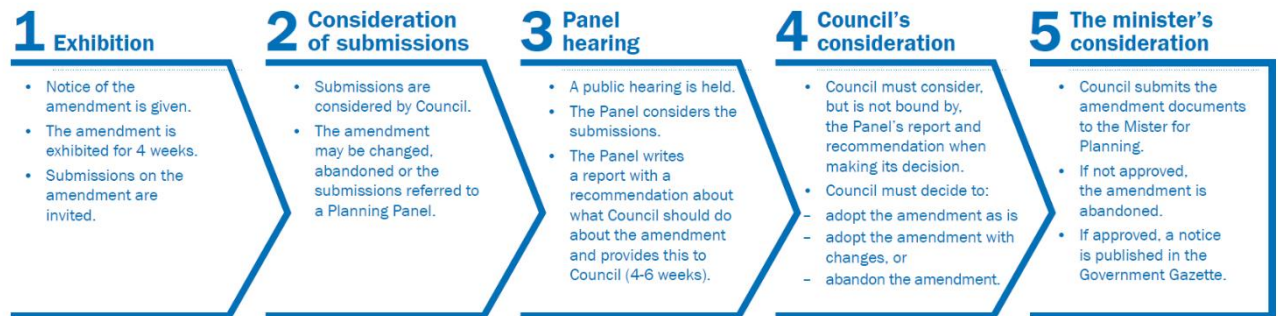


Figure 1. Steps in the Planning Scheme Amendment process

Policy Implications

Strategic Assessment

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

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

2.1.2 Plan and maintain safe, inclusive and connected open spaces, places and active travel routes.

2.1.3 Plan for housing diversity that meets community need, is affordable and delivers environmental sustainability, safety and healthy living outcomes.

2.1.4 Advocate for increased and more-connected public transport options.

Climate Emergency Consideration

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

Consultation/Communication

Amendment C257 was formally exhibited for one month from 11 February to 12 March 2021 as part of the planning scheme amendment process in accordance with the requirements of the *Planning and Environment Act 1987*. A public notice was published in the Pakenham Gazette and all owners and occupiers within and adjoining the Woodland Grove precinct, community groups, relevant public authorities, and Prescribed Ministers were notified of the exhibition of the Amendment. A total of 151 letters were sent out.

Five (5) submissions were received. All submitters have received email notification of the release of the Panel Report.

Financial and Resource Implications

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

Conclusion

Amendment C257 has been considered by an independent planning panel, appointed by the Minister for Planning. The Panel supports the amendment subject to the recommended changes to the proposed DPO25 schedule.

It is considered that all except two of the Panel recommended changes, plus two additional changes should be made to Amendment C257, the updated amendment be adopted by Council, and submitted to the Minister for Planning for approval.

Resolution

Moved Cr Tammy Radford, seconded Cr Stephanie Davies.

That Council:

- Adopt the updated Beaconsfield Structure Plan (December 2013) as contained in Attachment 1.
- Adopt Amendment C257card to the Cardinia Planning Scheme, with changes, under Section 29 of the *Planning and Environment Act 1987*, generally in accordance with Attachment 3.
- Submit adopted Amendment C257card to the Minister for Planning for approval under Section 31 of the *Planning and Environment Act 1987*.

Carried

6.1.2 Amendment C270card - Significant Tree Register

Responsible GM: Lili Rosic
Author: Celeste Grossi

Recommendation(s)

That Council:

1. Seek the authorisation of the Minister for Planning under Section 8A(2) of the *Planning and Environment Act 1987* to prepare Amendment C270card to the Cardinia Planning Scheme, generally in accordance with Attachment 1.
2. Give notice of Amendment C270card to the Cardinia Planning Scheme under Section 19 of the *Planning and Environment Act 1987*, subject to receiving the authorisation of the Minister for Planning under Part 1.

Attachments

1. Amendment C270card Amendment Documentation [6.1.2.1 - 70 pages]
2. The Cardinia Shire Council, Significant Trees - Statement of Significance January 2021 [6.1.2.2 - 69 pages]

Executive Summary

On 17 March 2016, the Minister for Planning approved Amendment C162 which implemented the findings of Cardinia Shire Council's significant tree study. During the Panel Hearing for C162, Council advised that it would undertake a community nomination process for additional trees to be assessed for significance every two years.

During June to September 2018 the community nomination consultation process and the preparation of various technical reports were undertaken to assess the nominated trees and as a result, nine (9) trees across seven (7) properties have been identified as having historical significance. The recommended tool for protection in the Cardinia Planning Scheme to protect these trees is the application of the Heritage Overlay.

It is recommended that Council resolve to seek Authorisation from the Minister for Planning to prepare and exhibit Amendment C270card to the Cardinia Planning Scheme in order to provide heritage protection to the nine (9) trees.

Background

The *Cardinia Significant Tree Study (May 2009)* was adopted by Council on 20 July 2009 which identified trees of cultural and heritage significance within the Shire, with the aim of providing adequate protection of these trees. Amendment C162 implemented the findings of the *Cardinia Shire Council, Significant Tree Study, May 2009* Volume 1 and 2 by:

- Applying a Heritage Overlay to 24 sites and 169 historically significant trees and a hedge.
- Inserting the Cardinia Shire Council Significant Tree Study May 2009 – Volume 1 into the Cardinia Shire Planning Scheme as a reference document at Clause 21.02 – Environment.
- Include the Cardinia Shire Council Significant Tree Study (May 2009) – Volume 2 into the Cardinia Shire Planning Scheme into Clause 81.01 as an incorporated document.

After the public exhibition of Amendment C162, an independent Planning Panel Hearing was held, where the following was raised:

Council advised at the Hearing that it intends to call for community nominations every two years for additional trees to be assessed for the heritage significance and potentially be added to the HO. In addition to public advertising, Council undertook to contact directly those organisations that had proposed additional trees for listing (as part of the Amendment C162 process), including Beaconsfield Progress Association, Emerald for Sustainability and the National Trust.

The Panel strongly supports Council in its intention to involve the community in nominations of additional trees for assessment and potential protection. The three trees in Emerald that are on the National Trust register but not currently proposed for protection should have a high priority for assessment.

In response to the statements made by the Panel, an online nomination form was developed and made available to the community from June 2018 to September 2018 for the nominations of trees believed to be of significance. In response to the recommendations from the Panel Report in relation to trees on the National Trust Register, the National Trust was consulted and they provided a list of potential trees to be included in the amendment. All nominations were reviewed, and any nominations that were not suitable for this process were removed.

A final list of 12 nominations with a total of 16 trees or groups of trees was developed and referred to Greenwood Consulting P/L for assessment. This determined their significance and provided a recommendation on whether the trees warranted additional protection through the Cardinia Planning Scheme.

Greenwood Consulting P/L provided Cardinia Shire Council with the *Significant Tree Assessment report 2019*, which recommended 12 trees required additional planning controls to ensure adequate protection. John Patrick Landscape Architects were then engaged to review the *Significant Tree Assessment report 2019*, to determine which planning controls were appropriate and prepare a Statement of Significance for each tree. A total of nine (9) trees, (three of which are located on the same property), met the test for the application of the Heritage overlay.

Amendment C270card proposes to apply the Heritage Overlay to nine (9) historically significant trees in the following locations:

- Road reserve, 185 Mountain Road, Gembrook
- 45 Mentiplay Road, Gembrook
- 4 Dewhurst Road, Emerald
- 44 Beaconsfield-Emerald Road, Emerald
- Cochranes Park, Rossiter Road, Koo Wee Rup

Specifically, the Amendment:

- Amends the Schedule to Clause 43.01 Heritage Overlay to insert the Heritage Overlay on nine (9) historically significant trees over seven (7) properties as recommended in the *Cardinia Shire Council, Significant Trees – Statement of Significance January 2021*.
- Amends Clause 21.02 Environment adding the *Cardinia Shire Council, Significant Trees – Statement of Significance January 2021* as a reference document.
- Introduces planning scheme maps 6HO, 7HO and 10HO
- Amends the Schedule to Clause 72.03 What does this planning scheme consist of?
- Amends the Schedule to Clause 72.04 Documents incorporated in this planning scheme

Proposed Change to Process

The financial and time resources required to undertake this work were higher than anticipated and given the small number of nominations received, it is proposed to undertake this process every four years rather than every two. This is a deviation from the decision made during Amendment C162 which saw a commitment to doing this work every two years. Aligning this process with the four-year Council cycle will assist with consistency in decision making and will provide for the allocation of sufficient resources.

In the interim, a Significant Trees page will be developed on the Creating Cardinia platform which will provide information in relation to the process, timeframes, past decisions and provide the ability to nominate trees in the interim.

Next steps

We are at **Stage 1** of the Planning Scheme Amendment Process as detailed below in Figure 1.

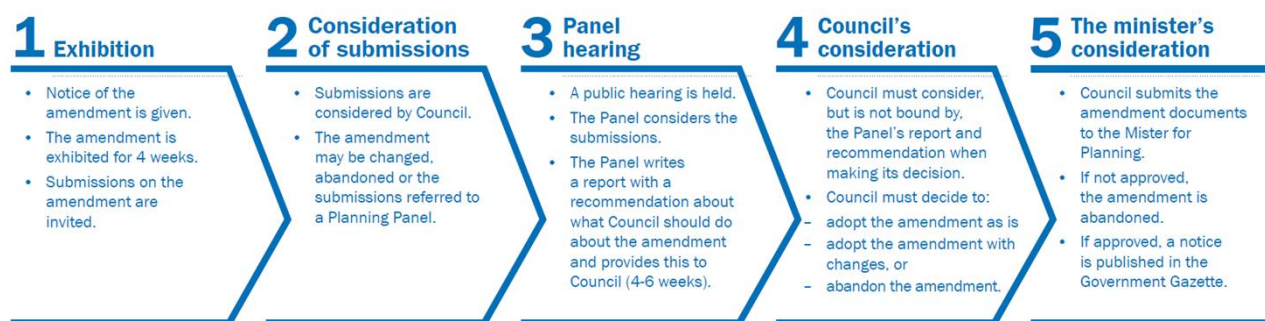


Figure 2. Steps in the Planning Scheme Amendment process

If Council resolves to seek Authorisation from the Minister for Planning, the sub stages within Stage 1 will be undertaken and public exhibition of the Amendment will commence.

Policy Implications

Strategic Assessment

Amendment C270card is consistent with *Plan Melbourne Metropolitan Planning Strategy* (2017-2050), State Planning Policy and Local Planning Policy. The full strategic assessment is provided in the Explanatory Report contained in Attachment 1.

Relevance to Council Plan

3.1 We value our natural assets and support our biodiversity to thrive

3.1.3 Work with community to improve and manage our natural assets, biodiversity and cultural heritage.

5.1 We practise responsible leadership

5.1.1 Build trust through meaningful community engagement and transparent decision-making.

Climate Emergency Consideration

The proposed Amendment applies a statutory planning tool which will protect nine (9) trees across the Shire, therefore discouraging the removal of and encouraging the retention of these trees, contributing to mitigating the effects of climate change.

Consultation/Communication

The Significant Tree Register was open for nomination from June 2018 to September 2018, which gave the community, Council officers, and Councillors the opportunity to nominate any tree they believed to be significant. Various media releases occurred during that consultation period and the nomination process and form was advertised on Council's webpage and social media. Advertisements were placed in the local newspaper and key land care and community groups were notified.

All landowners regardless of whether a tree on their property was nominated by themselves or someone else, were notified of the nomination and whether it was successful in making it to the Planning Scheme Amendment stage.

Amendment C270card documents will be exhibited to the public for a period of one month as part of the Planning Scheme Amendment process.

Financial and Resource Implications

There are no additional resource implications associated with undertaking the Amendment. Costs associated with this process are provided for by the current and proposed Planning Strategy budget.

Conclusion

On 17 March 2016, the Minister for Planning approved Amendment C162 which implemented the findings of Cardinia Shire Council's significant tree study. During the Panel Hearing, Council advised that it would undertake a community nomination process for additional trees to be assessed for significance every two years. During June to September 2018 the community nomination consultation process, and the preparation of various technical reports were undertaken to assess the nominated trees. As a result, nine (9) trees across seven (7) properties have been identified as having historical significance and should be protected in the Cardinia Planning Scheme through the application of the Heritage Overlay.

It is recommended that Council resolve to seek Authorisation to prepare and exhibit Amendment C270card to the Cardinia Planning Scheme. It is also recommended that Council undertakes community nominations for significant trees every four years.

Resolution

Moved Cr Tammy Radford, seconded Cr Jack Kowarzik.

That Council:

1. Seek the authorisation of the Minister for Planning under Section 8A(2) of the *Planning and Environment Act 1987* to prepare Amendment C270card to the Cardinia Planning Scheme, generally in accordance with Attachment 1.
2. Give notice of Amendment C270card to the Cardinia Planning Scheme under Section 19 of the Planning and Environment Act 1987, subject to receiving the authorisation of the Minister for Planning under Part 1.

Carried

6.2 General Reports

6.2.1 Appointment of committee members to the Cardinia Hall Community Asset Committee

Responsible GM: Kristen Jackson
Author: Kym Ockerby

Recommendation(s)

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

- | | |
|---------------------|---------------------|
| • Michael Lucas | President |
| • Joy de Jong | Secretary/Treasurer |
| • David Young | Committee member |
| • Ian Ridgway | Committee member |
| • Deb Buxton | Committee member |
| • Susan Wepster | Committee member |
| • Bridget Weinzierl | Committee member |
| • Trina Lucas | Committee member |

Attachments

Nil

Executive Summary

This report seeks Council resolution to appoint membership to the Cardinia Hall 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 4 August 2021 the members detailed above were elected to be appointed by Council to the Cardinia Hall Community Asset Committee for the current term as specified in the Instrument of Delegation (2 years).

Policy Implications

Nil

Relevance to Council Plan

1.1 We empower our communities to be healthy, connected and resilient

1.1.3 Lead by example in creating an inclusive and welcoming community for all by facilitating community education, capacity building, connection and celebration of our diversity.

2.1 We support the creation of liveable spaces and places

2.1.1 Advocate, plan for and deliver accessible community infrastructure and services that address community need.

Climate Emergency Consideration

Nil

Consultation/Communication

All public meetings are advertised as per Section 65 of the Local Government Act (2020).

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 Cardinia Hall Community Asset Committee.

Resolution

Moved Cr Stephanie Davies, seconded Cr Tammy Radford.

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

- Michael Lucas President
- Joy de Jong Secretary/Treasurer
- David Young Committee member
- Ian Ridgway Committee member
- Deb Buxton Committee member
- Susan Wepster Committee member
- Bridget Weinzierl Committee member
- Trina Lucas Committee member

Carried

6.2.2 Gender Equality Update - NOM 1604

Responsible GM: Jenny Scicluna
Author: Kristen Simpson

Recommendation(s)

That Council stays informed of Cardinia's commitment and progress towards Gender Equality within the organisation and the community in general.

Attachments

Nil

Executive Summary

The People and Culture team continues working towards the implementation of the Gender Equality Act. The Gender Audit requirements have been finalised by the Commission and are in the process of undertaken by People & Culture team. People Matter Survey results have been delivered and are being analysed for inclusion in the GEAP.

Background

People and Culture Update

Gender Equality Act 2020

The Gender Equality Act 2020 commenced on 31 March 2021. The aim of the Act is to improve Gender Equality in the Victorian public sector, universities, and local councils.

Cardinia will be required to create its first Gender Equality Action Plan (GEAP). The Gender Equality in the Public Sector (Commission) has confirmed the GEAP requirement has a new due date of 31 March 2022 as the commission has acknowledged the impact of lockdowns in Victoria. The Gender audit data submission is still required on 1 December 2021.

Gender Impact Assessments

A Gender Impact Assessment (GIA) is required to be conducted for any new policy, program or service that directly & significantly impacts the public. These assessments consider how Cardinia's work affects different people in our community.

Gender Impact Assessments continue to be conducted and will contribute to the GEAP.

Gender Survey

Cardinia has engaged the Victorian Public Service Commission to obtain the survey requirements of the Gender Audit that will contribute to the Gender Equality Action Plan.

The results of this survey have now been received and are in the process of being collated. An analysis of these results is currently underway. The results of this survey will contribute towards the Gender Equality Action Plan.

Gender Audit

The Commission has released the final Workforce Reporting Template. The population of this template is underway utilising People Matter Survey data and information on-hand, People and Culture will complete the Gender Audit to contribute to the GEAP.

The indicators as previously reported remain the same which include:

- Gender pay equity
- Gender composition at all levels of the workforce
- Gender composition of governing bodies
- Workplace sexual harassment
- Recruitment and promotion
- Gendered work segregation
- Leave and flexibility

Respectful Workplaces Training

In light of the ongoing impacts of COVID restrictions on the method for delivery of training is under review. The aim of this review is to ensure that Respectful Workplaces Training can be delivered in a COVID-safe manner and achieve the outcomes desired in relation to the relevant issues of unconscious bias in discrimination, bystander intervention and address the recommendations handed down by Victorian Auditor General's Office in light of the sexual harassment survey.

Policy Implications

The Gender Equality Commission has informed defined entities that the new Local Government Act 2020 includes a requirement to develop a workforce plan every four years. The workforce plan must include measures relating to gender equality.

A Gender Equality Action Plan that meets the requirements of the Gender Equality Act, will also meet the requirements of the Local Government Act. Complying with the gender equality requirements of the Local Government Act will not satisfy the requirements of the Gender Equality Act.

Section 26 (2)(ba) of the Public Health and Wellbeing Act requires councils to specify (in their municipal public health and wellbeing plan (Cardinia Shire Liveability Plan) measures to prevent family violence and respond to the needs of victims of family violence in the local community.

Other influential gender equity legislation in the Commonwealth and Victorian State Government is:

- The Charter of Human Rights and Responsibilities Act 2006
- The Workplace Gender Equality Act 2012
- The Equal Opportunity Act 2010
- The Fair Work Act 2009

Relevance to Council Plan

1.1 We empower our communities to be healthy, connected and resilient

1.1.1 Plan for, and support the delivery of, accessible health and social services that address critical gaps in provision.

1.1.3 Lead by example in creating an inclusive and welcoming community for all by facilitating community education, capacity building, connection and celebration of our diversity.

1.1.4 Facilitate a partnership approach to create safer communities.

2.1 We support the creation of liveable spaces and places

2.1.2 Plan and maintain safe, inclusive and connected open spaces, places and active travel routes.

5.1 We practise responsible leadership

5.1.1 Build trust through meaningful community engagement and transparent decision-making.

5.1.4 Maximise value for our community through efficient service delivery, innovation, strategic partnerships and advocacy.

Climate Emergency Consideration

Not applicable

Consultation/Communication

This report has been developed with the cooperation and collaboration of teams across Council and designated groups such as the Respect and Equity Committee.

Financial and Resource Implications

Not applicable

Conclusion

Cardinia has undertaken several projects to promote and progress towards Gender Equality. Cardinia will continue to do so through various projects that will positively impact Cardinia's employees as well as its residents.

Resolution

Moved Cr Carol Ryan, seconded Cr Collin Ross.

That Council stays informed of Cardinia's commitment and progress towards Gender Equality within the organisation and the community in general.

Carried

6.3 Policy Reports

6.3.1 Councillor Expenses Policy

Responsible GM: Debbie Tyson

Author: Doug Evans

Recommendation(s)

That Council amend the Councillor Expenses Policy to provide further clarification regarding the Mayoral vehicle usage as detailed in this report and clause 3.2 be amended to read as follows:

3.2 Mayoral Vehicle

In addition to the Mayoral allowance a motor vehicle will be provided to the Mayor for Council purposes and private use in Victoria.

The vehicle will not be driven outside Victoria without a written request to and approval from the Chief Executive Officer for each trip. The vehicle can be used by the Mayor and members of the Mayor's immediate family who hold a valid driver's licence.

The Mayoral vehicle may also be driven by the Deputy Mayor or Councillors with written approval of the CEO. The Mayor is not required to complete a logbook as fringe benefits tax is not payable in respect of the vehicle use by the Mayor.

The 'notional value' of the Mayoral vehicle is \$15,000 per annum.

If the Mayor of the day decides not to use the Mayoral Vehicle, Council will pay a motor vehicle allowance of \$15,000.00 per annum. This is a taxable allowance that will be paid in monthly instalments. This allowance does not attract superannuation. There will be no entitlements to claim

reimbursement for kilometres travelled or petrol allowance as these costs are taken into consideration as part of the motor vehicle allowance. The individual components of the allowance

may be varied by the Council due to:

- a. any change in the cost to the Council of the provision of motor vehicle entitlements for the use
- b. any change in the cost to the Council of all fringe benefits taxes levied on part of the Allowance Package, or
- c. any other legislative change

Attachments

- Council Expenses Policy amended March 2021 [E45V]

Executive Summary

A review has been undertaken to the Councillor Expenses Policy, specifically in relation to the use of the Mayor Vehicle. This report suggests that Council amend the Councillor Expenses Policy to provide further clarification regarding the vehicle and its usage.

Background

The current Councillor Expenses Policy was adopted in March 2021, since this time it has been recognised that Clause 3.2, which relates to the use of the Mayor Vehicle, could be further expanded to provide clarity and directions.

The current clause, Clause 3.2, in part states:

In addition to the Mayoral allowance the Mayor of the day will be provided with a fully maintained vehicle for his/her use to assist in performing their duties during their term of Office together with a fuel card. The use of the vehicle will be in accordance with the Motor Vehicle Usage Policy as amended from time to time.

Although it has always been accepted practice that the above clause allows for 'private use' of the vehicle, the policy does not specifically mention this use.

In reviewing the policy, benchmarking was taken from other Council's regarding allocation and use of a Mayoral vehicle, responses detailed below.

Municipality	Policy wording	Requirement for Logbook
Mornington Peninsular Shire	A leased motor vehicle will be provided to the Mayor for Council purposes and private use in Victoria. The vehicle will not be driven outside Victoria without a written request to and approval from the Chief Executive Officer for each trip. The vehicle can be used by the Mayor and members of the Mayor's immediate family who hold a valid driver's licence. The Mayor is not required to complete a logbook as fringe benefits tax is not payable in respect of the vehicle use by the Mayor.	No requirement for a logbook
Casey City Council	A mayoral vehicle is provided for Council purposes and for the personal use of the Mayor.	No requirement for a logbook
City of Monash	No policy in place however when Council resolves on the level of Councillor allowances the following resolution is also included: That a fully-maintained Council vehicle be provided for the Mayor's use during their term of office as Mayor. Although not explicit in the motion full private use of the vehicle is allowed.	No requirement for a logbook
Knox City Council	A fully maintained motor vehicle will be made available to the Mayor for the duration of their term, including for reasonable personal use.	No requirement for a logbook
City of Greater Dandenong	Council will provide, at its expense, a fully registered, insured, maintained and fuelled vehicle for use by the Mayor for official duties and for private use. Unless approved by Council, the mayoral vehicle shall be driven by the Mayor or by the Mayor's spouse/family member, a Councillor or a council officer on the Mayor's behalf while the Mayor is in the vehicle.	No requirement for a logbook
Frankston City Council	A mayoral vehicle is provided, which may be used by the Mayor for both official Council duties and private use The mayoral vehicle may be driven by the Mayor; the Mayor's partner; or a Councillor or Council officer on the Mayor's behalf.	No requirement for a logbook

Kingston City Council	A fully maintained vehicle will be provided to the Mayor to assist carrying out duties during the Mayoral term Private use of the vehicle is permitted but this is not explicitly mentioned in the policy.	No requirement for a logbook
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It is clear from the above benchmarking that private use of a vehicle for the mayoral term is consistent across Councils. In addition, there is no requirement for a logbook to be maintained.

To provide clarity for Councillors and the community, it is proposed to amend Cardinia Shire Councils, Councillor Expenses Policy to the below wording:

3.2 Mayoral Vehicle

In addition to the Mayoral allowance a motor vehicle will be provided to the Mayor for Council purposes and private use in Victoria.

The vehicle will not be driven outside Victoria without a written request to and approval from the Chief Executive Officer for each trip. The vehicle can be used by the Mayor and members of the Mayor's immediate family who hold a valid driver's licence.

The Mayoral vehicle may also be driven by the Deputy Mayor or Councillors with written approval of the CEO. The Mayor is not required to complete a logbook as fringe benefits tax is not payable in respect of the vehicle use by the Mayor.

The 'notional value' of the Mayoral vehicle is \$15,000 per annum.

If the Mayor of the day decides not to use the Mayoral Vehicle, Council will pay a motor vehicle allowance of \$15,000.00 per annum. This is a taxable allowance that will be paid in monthly instalments. This allowance does not attract superannuation. There will be no entitlements to claim

reimbursement for kilometres travelled or petrol allowance as these costs are taken into consideration as part of the motor vehicle allowance. The individual components of the allowance

may be varied by the Council due to:

- a. any change in the cost to the Council of the provision of motor vehicle entitlements for the use
- b. any change in the cost to the Council of all fringe benefits taxes levied on part of the Allowance Package, or
- c. any other legislative change

It is maintained that the amendment to the above wording will remove any ambiguity in the current Policy.

Policy Implications

Council has adopted the Councillor Expenses Policy

Relevance to Council Plan

5.1 We practise responsible leadership

5.1.5 Champion the collective values of the community through the Councillors' governance of the shire.

Climate Emergency Consideration

There is no climate emergency consideration as part of this proposal

Consultation/Communication

As per the Local Government Act 2022, there is no requirement for community engagement regarding the expenses policy.

Financial and Resource Implications

As the cost of the mayoral vehicle is already included in the budget there are no additional financial implications in amending this policy.

Conclusion

It is recommended that Councillor Expenses Policy be amended as per this report to remove any ambiguity regarding provision and private use of the Mayoral Vehicle.

Resolution

Moved Cr Jeff Springfield, seconded Cr Jack Kowarzik.

That Council amend the Councillor Expenses Policy to provide further clarification regarding the Mayoral vehicle usage as detailed in this report and clause 3.2 be amended to read as follows:

3.2 Mayoral Vehicle

In addition to the Mayoral allowance a motor vehicle will be provided to the Mayor for Council purposes and private use in Victoria.

The vehicle will not be driven outside Victoria without a written request to and approval from the Chief Executive Officer for each trip. The vehicle can be used by the Mayor and members of the Mayor's immediate family who hold a valid driver's licence.

The Mayoral vehicle may also be driven by the Deputy Mayor or Councillors with written approval of the CEO. The Mayor is not required to complete a logbook as fringe benefits tax is not payable in respect of the vehicle use by the Mayor.

The 'notional value' of the Mayoral vehicle is \$15,000 per annum.

If the Mayor of the day decides not to use the Mayoral Vehicle, Council will pay a motor vehicle allowance of \$15,000.00 per annum. This is a taxable allowance that will be paid in monthly instalments. This allowance does not attract superannuation. There will be no entitlements to claim

reimbursement for kilometres travelled or petrol allowance as these costs are taken into consideration as part of the motor vehicle allowance. The individual components of the allowance

may be varied by the Council due to:

- a) any change in the cost to the Council of the provision of motor vehicle entitlements for the use
- b) any change in the cost to the Council of all fringe benefits taxes levied on part of the Allowance Package, or
- c) any other legislative change

Carried

Cr Ross called for a division.

For: Crs Davies, Radford, Kowarzik, Springfield, Owen.

Against: Crs Ross, Ryan, Cameron.

6.4 Financial Reports

6.4.1 Financial report and Performance statement 2020-21

Recommendation(s)

That Council:

1. Pursuant to Section 132(2) of the *Local Government Act 1989*, Council gives its approval in principle to the financial statements and performance statement for the year ended 30 June 2021, subject to any changes recommended or agreed to by the auditor;
2. Pursuant to Section 132(5) of the *Local Government Act 1989*, Council authorises Cr. Jack Kowarzik and Cr. Brett Owen to certify the financial statements and performance statement for the year ended 30 June 2021, in their final form after any changes recommended or agreed by the auditor have been made, in accordance with the *Local Government (Planning and Reporting) Regulations 2014*; and
3. Scott Moore, Chief Finance Officer, is appointed as the Principal Accounting Officer for the purposes of Section 132(5b) of the *Local Government Act 1989*.

Attachments

- 2020-21 Financial Statements
- 2020-21 Performance Statement
- 2020-21 COVI D-19 Financial Summary

Executive Summary

This report seeks Council to approve the Financial Statements and Performance Statement for the year ended 30 June 2021 and authorise Cr. Jack Kowarzik and Cr. Brett Owen as the Audit and Risk Committee representatives to sign the documents in their final form after any changes recommended or agreed to by the auditors have been made.

Background

Council is required to prepare an Annual Report in respect to the financial year ended 30 June 2021. The *Local Government Act 1989* prescribes the information that must appear in the Annual Report, the process that the Council must undertake to prepare the report, the audit requirements and the process to be undertaken to adopt the report.

Council is required to authorise two councillors to approve the annual Financial Statements and Performance Statement in their final form after any changes recommended, or agreed to, by the Auditor have been made. It is recommended that the Audit and Risk Committee members Cr. Jack Kowarzik and Cr. Brett Owen be the councillors authorised to sign these documents.

The documents were considered by the by the Audit and Risk Committee at its meeting on 27 August 2021.

The documents, as part of the Council's Annual Report, will be lodged with the Minister for Local Government by 30 September 2021 as required by Section 133(1) of the *Local Government Act 1989*.

Section 133(2) of the *Local Government Act 1989* stipulates that after the annual report has been submitted to the Minister Council must give public notice that the annual report has been prepared and is available for inspection.

In addition, Section 134 of the *Local Government Act 1989* stipulates that Council must consider the annual report at a meeting that must be held as soon as practicable after the Council has sent the annual report to the Minister and must be advertised for at least 14 days before the meeting is held.

It is proposed to consider the annual report at the Council Meeting to be held on 18 October 2021 and appropriate public notification will be given.

Discussion

Annual Financial Report

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

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

Comprehensive Income Statement

Council achieved a Surplus for the year of \$68.33m before Net asset revaluation increment, compared to a budget of \$92.07m and last year's surplus of \$72.77m.

This surplus is due to \$69.41m of income 'tied' and unavailable for general operational use. This 'tied' income includes non-cash contributions of \$36.33m for the value of roads, drains, bridges, land and land under roads contributed by developers undertaking residential developments within the Urban Growth Corridor and \$19.25m of cash Development levies, Community infrastructure levies and Public open space contributions.

Also included in this income are non-recurrent capital grants of \$13.54m and capital cash contributions of \$0.29m, which do not cover operating expenses but relate to capital expenditure for non-current assets summarised in the Statement of Capital Works.

The adjusted underlying result, which is a key financial sustainability indicator that excludes these capital and abnormal items, is a deficit of \$1.08m for the year.

The material factors that contributed to the surplus for the year 2020-21 included the following:

- Rates and charges income exceeded budget by \$0.27m due to: lower than expected rate rebate applications from residents, which absorbed budgeted revenue loss from interest waivers on outstanding rates; an increase in general and supplementary rates income \$0.31m; lower than expected garbage charges.
- Statutory fees and fines income was \$0.22m below budget mainly due to lower than expected planning application fees \$0.12m, landscape design checking fees \$0.17m, and development fees for engineering supervision and plan checking fees \$0.14m. These were subsidised by unbudgeted income of \$0.12m for election fines and additional income for land tax certificates.
- User fees income was \$0.32m lower than budget mainly due to rent and lease income budgeted under user fees for which the actual income is reported in Other income in line with the better practice guidelines.

- Operating grant income was \$6.36m higher than budget mainly due to: Grants received in excess of budget for the Victoria Grants Commission general purpose grant \$0.46m, Enhanced Maternal & Child Health \$0.15m, and Community Recovery Fund \$0.10m. Unbudgeted grants have also been recognised, mainly for Working for Victoria (WV) \$2.74m (to fund unbudgeted WV staffing costs) and the Bunyip State Park bushfire claim for prior year spend \$0.46m. There were also grants of \$1.28m budgeted as capital but recognised as operating due to required accounting treatment. Council also received grants for various programs such as Community Resilience, Safer Together, and the Weed Management program to fund expenditure and resources as required. The value of operating grant income has been reduced by \$1.2m due to grants received in advance being recognised in the Balance sheet as per the new accounting standard.
- Capital grant income is \$17.72m less than budget primarily due to the timing of the receipt of budgeted grants, including Sealing the Hills, Toomuc Reserve north and south pavilion upgrades, Rix Road and Timbertop integrated children's facilities, My Place, Gembrook Reserve, Officer District Park, and Officer intersection projects. These have been partly offset by unbudgeted capital grants recognised mainly for Princes Highway shared pathway and Comely Banks Recreation Reserve sports fields and car park projects. The value of capital grant income has been reduced by \$5.18m for LRCI Round 2 funds and GSF funding being recognised in the Balance sheet as grants received in advance.
- Contributions (monetary) income exceeds budget by \$0.18m mainly due to an increase in native vegetation developer contributions.
- Capital contributions (monetary) income exceeds budget by \$0.29m mainly due to unbudgeted contributions received for public toilet and unsealed roads projects, with equivalent unbudgeted expenditure as well.
- Development levies (monetary) income exceeds budget by \$3.19m, representing higher than expected Public Open Space and Community Infrastructure levies received.
- Capital contributions (non-monetary) income is \$8.67m less than budget due to lower developer contributions of roads, footpaths, drains, bridges, land and land under roads received during the year.
- Share of net profit of associated was the unbudgeted share of surplus and distributions received from Casey Cardinia Library Corporation of \$0.11m.
- Other income exceeds budget by \$0.48m primarily due to rent and lease income received being budgeted in User Fees, as explained in the User fees income note above, and due to greater cost recovery income received. These have been partly offset by reduced interest earned on investments due to lower interest rates.
- Employee costs were \$0.30m lower than budget mainly due to position vacancies and hiring delays during COVID related facility closures.
- Materials and services expenditure exceed budget by \$7.25m mainly due to funded capital works, including community capital works and priority works, being expensed after not meeting the financial criteria to be recognised as assets. This included \$4.7m worth of expenditure on non-council assets, main assets, such as Koo Wee Rup pavilion upgrades and Beaconsfield Reserve. Expenditure worth \$4.93m did not meet the capitalisation thresholds, including expenditure on road resheeting, footpath programs and unsealed road works. Contracts are under budget mainly in waste, parks & gardens as a result of COVID-19 impact. Other significant areas under budget include recreation reserve committee grants, rates debt collection costs, organisational training and street lighting.
- Amortisation – right of use assets exceeds budget due to greater than expected 2019-20 and 2020-21 additions of right of use assets in the waste and parks & gardens areas. This was partly subsidised by savings in contract costs.

- Net loss on disposal of assets of \$1.74m for roads, buildings, bridges, drains and footpaths resulting from capital works undertaken during the year was unbudgeted.
- Other expenses less than budget by \$1.06m primarily due COVID related reductions in garbage collections and internal audit program.

Balance Sheet

Net assets of \$2.08b at 30 June 2021 exceeded budget by \$0.20m (\$0.25m higher than 2019-20) to maintain Council's strong financial position.

Total Cash and cash equivalents \$33.57m exceeded budget by \$3.97m (\$58.18m lower than 2019-20), mainly due to a higher level of investment held in term deposits with longer maturities to yield a better interest income. Other financials assets (term deposits with a maturity over 3 months) \$73.0m exceeded budget by \$11.0m (\$61.0m higher than 2019-20) mainly due to a change in investment strategy and reduction in payments for property, infrastructure, plant and equipment.

Council's cash and cash equivalents are subject to external restrictions of \$60.98m (Trust funds and deposits and Developer contribution levy) and \$35.14m of intended allocations (discretionary reserves, including capital carried forward, unspent grants and Asset Committee accounts). Together with Other financial assets, the Council has sufficient funds to cover these requirements and it is highly unlikely that settlement of all restricted funds and intended allocations will be required within the next twelve months.

Council performed an indexed based revaluation of Council's land and land under roads, while a condition-based assessment of building assets was performed as part of a complete revaluation. Land assets will undergo a complete revaluation in 2021-22 in line with council 2-year revaluation cycle. Internal council valuers performed a full revaluation of Council's Bridges in 2020-21 (full revaluation occurs every 4 years as per the revaluation cycle for infrastructure assets required in council's revaluation program) and an annual indexation review of fair values of infrastructure is performed every year. Council reviews the carrying value of individual asset classes measured at fair value to ensure each asset materially approximated its fair value. Where the carrying value materially differed from the fair value at balance date, the class of asset was revalued. As land values experienced a substantial increase in 2020-21, the land assets were decided to be indexed as per the movement in land values within the shire.

The land valuation resulted in land assets increasing by \$166.95m, consistent with the average movement in market values of properties by suburb by observing sales prices in the shire since the last valuation.

Buildings experienced a revaluation increment of \$8.46m due to changes in unit rates and condition-based assessment.

Council's bridge assets register experienced a revaluation increment of \$5.86m due to changes in unit rates and amending of asset sizes following recent inspections along with an internal review against newly available dimensions in the GIS drawn from aerial photography.

The overall increase in revaluation reserve amounted to \$181.28m.

Statement of Capital Works

Expenditure on capital works of \$51.99m (excluding outstanding commitments of \$23.33m) for the year was \$33.94m below budget (\$18.76m lower than 2019-20), mainly due to timing of expenditure recognition for land assets. Two of the property settlements at McMullen Road and Hickson Road that were planned over three years were recognised as expenditure in 2019-

20, including the bringing forward of \$17.1m of expenditure, because council gained control of the assets. This is despite the payments being made in 2020-21 and the final payment being due in September 2021.

Works already underway totaling \$23.33m carried over to 2021-22 for completion include: Toomuc Reserve North and South Pavilion upgrades, Koo Wee Rup High School sports facilities upgrade, Worrell Reserve Recreation Pavilion, Timbertop Integrated Children's Facility, Cora Lynn Reserve Pavilion, Gembrook Reserve Pavilion, Sealing the Hills program, Intersection upgrades, My Place, Comely Banks and Emerald Netball Intersection works. Most of these projects have commenced and commitments raised as the projects are delivered over multiple years and community consultation, timing of tenders and other external factors like COVID delays and materials shortages have impacted the delivery of the program.

Statement of Cash Flows

Council's cash and investments with maturities of 3 months or less were \$33.57m at 30 June 2021, compared to \$91.75m in the prior year, which is a decrease of \$58.18m. One of the main contributors to this change has been council's shift of investment practices to increase term deposits from a maximum of 3 months to 12 months to avail better investment rate opportunities in a challenging market.

Council's cash needs to be considered together with term deposits with maturity over 3 months, which have increased by \$61.0m since 2019-20 due to change of investment practices. Together with Other financial assets, Council has more than sufficient funds to cover external restrictions and intended allocations.

It should also be noted that it is highly unlikely that settlement of all restricted funds and intended allocations will be required within the next twelve months.

Some of the other impacts to the cash flow are noted below:

- Decreased net cash from operating activities \$2.64m mainly through the increase in Material and services costs, which was primarily due to expensing of amounts spent relating to works done on assets not owned by Council;
- Decreased net cash used in investing activities \$98.12m mainly due to payments for investments which was offset by lower payments for Property, infrastructure, plant and equipment; and
- Higher cash balance at the start of the year \$42.46m.

Loan borrowings were \$28.24m on 30 June 2021, after \$12.32m scheduled principal repayments were made during the year, partly offset by proceeds from rolled over loans of \$8.0m.

Impact of COVID-19

The financial statements include the financial impact of the COVID-19 pandemic on Council's operations and the emergency response, relief, recovery and mitigation measures taken. These include revenue reduction and deferral from rates revenue and interest free period concessions, rates rebates granted, council facility closures, commercial tenant rental deferrals or waivers, and statutory fee and fines rebates and deferrals.

Increased expenditure was incurred related to extraordinary service provider contract costs resulting from council leisure facilities closure, additional community grants paid, special COVID-19 staff leave and additional Business Continuity Planning staff costs.

The net total of such costs and loss of income is approximately \$3.4m at 30 June 2021, compared to a budget of \$1.6m. A detailed breakdown of the impact is included in Attachment 3.

Performance Statement

The Local Government Performance Reporting Framework (LGPRF) is a mandatory reporting requirement under the *Local Government (Planning and Reporting) Regulations 2014*. The framework includes:

- Report of Operations: All service indicator results.
- The Performance Statement: A selection of service indicators and all financial and sustainability indicators. The Performance Statement is audited and is certified by two Councillors, the CEO and Principal Accounting Officer.
- Governance and Management Checklist: A list of 24 policies, plans, strategies and guidelines.

All performance results are reported in Council's Annual Report 2020-21 and published on the 'KnowYourCouncil' website.

Page Break

Eight performance indicators recorded materially unfavourable variations (10% materiality threshold):

Financial performance indicators	2018	2019	2020	2021	Comment to be published in Annual Report
Working capital	350.97%	247.49%	215.85%	189.21%	Decrease in 2020-21 is due to a reduction in current assets, particularly conditional grants that were included in cash but were unspent and non-current assets held for sale, and a significant increase in current liabilities, mainly trade payables, capital grants received in advance and developer levies raised in advance.
Unrestricted cash compared to current liabilities	-8.79%	-50.41%	-23.22%	-86.00%	increase in 2020-21 is due to an increase in negative Unrestricted Cash caused mainly by a significantly lower cash and cash equivalent amount, as short-term investments were transferred to longer term investments during the year, together with a decrease in conditional grants unspent. This combined with an increase in Current Liabilities, primarily trade payables and unearned income, to increase the negative indicator result.
Loans and borrowings repayments compared to rates	10.13%	7.82%	6.71%	14.03%	Increase in 2020-21 is due to an increase in the amount of loans and borrowings repaid. Over the forecast period, repayments of loans and borrowings decreases as the total loans balances decrease and Total Rate Revenue increases due to rates increases and growth.
Utilisation of aquatic facilities	7.06	6.93	4.78	2.46	Cardinia's only indoor facility was closed for over 3 months during the year, and when opened, operated under restrictions capping the number of attendees. Restrictions covered every area of operation - including swimming lessons, lap swimming, health club use, group fitness classes and stadium use.
Active library borrowers in municipality	11.34%	10.39%	10.14%	8.67%	COVID-19 affected active borrowers significantly. Libraries started to reopen in limited capacity from 9 November 2020. There were also further lockdowns in Quarter 3 and 4.

Participation in the MCH service	76.14%	76.70%	76.80%	68.73%	In response to pandemic arrangements the MCH Service was prioritised for children in the younger age groups which saw a reduction in attendance of 2 year and 3.5 year olds.
Participation in the MCH service by Aboriginal children	69.38%	79.71%	84.98%	73.26%	In response to pandemic arrangements the MCH Service was prioritised for children in the younger age groups which saw a reduction in attendance of 2 year and 3.5 year olds. This includes the cohort of aboriginal children. Also due to the Pandemic, the MCH service has been unable to follow up families and go to the home without an appointment (which we did in the past in an attempt to 'cold call' without an appointment to try and engage the hard-to-reach families).
Council planning decisions upheld at VCAT	33.33%	100.00%	0.00%	40.00%	The trends for this indicator vary significantly, but the total number of decisions in any given year is a very small sample size (single figures). The circumstances of each instance, and the VCAT decision are highly fact-specific and variable. In 2019-20, VCAT was not required to make any decisions during this year, as all filed review applications were resolved by consent, or withdrawn prior to determination.

Four performance indicators recorded materially favourable variations (10% materiality threshold):

Financial performance indicators	2018	2019	2020	2021	Comment to be published in Annual Report
Loans and borrowings compared to rates	49.51%	40.88%	33.95%	28.15%	Decrease in 2020-21 is due to a decrease in Interest Bearing Loans & Borrowings balance from the repayment of loans as due and nil drawdown of any new loans, combined with an increase in Total Rate Revenue through adoption of the approved rate cap increase and growth.
Non-current liabilities compared to own source revenue	49.21%	32.56%	39.44%	31.11%	Decrease in 2020-21 is due to a decrease in Non-Current Liabilities while Own Source Revenue has remained stable across the two years. Decreasing trend in forecast period is due to Non-Current Liabilities decreasing and Own Sources Revenue increasing over the four years.
Adjusted underlying surplus	7.94%	4.76%	-2.54%	-0.80%	Decrease in 2020-21 is due to the Adjusted Underlying Income increasing more than Total Expenses. Total expenditure increased due to increases in materials & services expenditure and net loss on sale of assets. The increase in Adjusted Underlying Income was adversely impacted by the decrease in Other Income, mainly in cost recovery and interest income due to COVID-19. The improvement in the first year of the forecast period is due to a higher Adjusted Underlying Surplus driven by forecast increases in rates and charges and proportionately greater forecast reductions mainly in materials and services expenditure. The trend over the remainder of the forecast period is favourable due to increased surpluses.

Kerbside collection waste diverted from landfill	47.62%	42.14%	43.55%	48.67%	2019 and 2020 were impacted by recycling industry shutdowns which resulted in more material going to landfill. They recovered in 2020-21 and hence an increase in waste diverted from landfill. Also, an exceptional growth year for green waste resulted in higher tonnages of green waste diverted to recovery lifting the overall percentage of diversion.
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The remaining measures within the Performance Statement are all within materiality thresholds, with minor improvements or declines.

Conclusion

It is recommended that Council approve the Financial Statements and Performance Statement and authorise Cr. Jack Kowarzik and Cr. Brett Owen to sign the documents in their final form.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Jeff Springfield.

That Council:

1. Pursuant to Section 132(2) of the *Local Government Act 1989*, Council gives its approval in principle to the financial statements and performance statement for the year ended 30 June 2021, subject to any changes recommended or agreed to by the auditor;
2. Pursuant to Section 132(5) of the *Local Government Act 1989*, Council authorises Cr. Jack Kowarzik and Cr. Brett Owen to certify the financial statements and performance statement for the year ended 30 June 2021, in their final form after any changes recommended or agreed by the auditor have been made, in accordance with the *Local Government (Planning and Reporting) Regulations 2014*; and
3. Scott Moore, Chief Finance Officer, is appointed as the Principal Accounting Officer for the purposes of Section 132(5b) of the *Local Government Act 1989*.

Carried

6.5 Activity Reports

6.5.1 Major projects report

Responsible GM: Peter Benazic
Author: David Fice, Walter Carmignani, Kristen Jackson

Recommendation(s)

That Council note this report

Attachments

1. Major projects report - September 2021 [6.5.1.1 - 18 pages]

Executive Summary

As part of the reporting process to Council, this monthly report provides an update of the status of major projects in progress.

Background

Projects and updates are included in the attached report

Conclusion

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

Resolution

Moved Cr Stephanie Davies, seconded Cr Tammy Radford.

That Council note this report

Carried

6.5.2 Community Capital Works Program 2021-2022

Responsible GM: Lili Rosic
Author: Nat Noonan

Recommendation(s)

That Council endorse:

- Eight Community Capital Works Partnership Grants (CCWG) – Category One applications to be funded to the value of \$160,000
- Eight Community Capital Works Grants (CCWPG) – Category Two applications to be funded to the value of \$148,403

Attachments

1. Updated recommendations spreadsheet (CCW G) 2021-2022 [6.5.2.1 - 1 page]

Executive Summary

The Community Capital Works Grants (CCWG) program is guided by the Community Capital Works Policy.

43 applications were received under the three grant categories as part of the 2021/22 CCWG applications process.

Applications were initially assessed for eligibility. All eligible applications were then reviewed by the Internal Council Cross Divisional Group (ICCDG) assessment panel. All ineligible applicants were notified. Council officers will work with applicants of ineligible projects to assist in application under the 22/23 Program where possible.

A total of 13 applications were received under Category One, requesting a total of \$260,000. Council officers recommend supporting eight of these applications to the value of \$160,000.

A total of 30 applications were received under Category Two requesting a total of \$505,343. Council officers recommend supporting eight of these applications to the value of \$148,403.

No applications were received under Category Three, Major Equipment Grants.

Background

A total of \$400,000 has been allocated through Council for Community Capital Works Grants and Major Equipment Grants programs for the 2021/2022 financial year. The split is as follows:

- Community Capital Works Grants \$350,000
- Major Equipment Grants \$50,000

The 2021-22 CCWG grant program round saw the implementation of the revised program and policy. This consisted of three program categories:

- Category One – Up to \$20,000 available per project. All works approved will be co-ordinated by Council, with no matched funding required and no works undertaken by community group.
- Category Two – Up to \$35,000 available per project. Grant contribution by the community group is based on a rating scale depending on the overall annual income of the group:
 - o Up to \$5,000 – 10% contribution
 - o \$5,000 – \$15,000 – 30% contribution
 - o \$15,000 and above - 50% contribution

Works are implemented by community organisation.

- Category Three – Up to \$20,000 available for groups to purchase major equipment. All projects will be funded on a matched funding basis: \$1 from Council and \$1 from the community group.

Applications for the 2021-2022 Community Capital Works Grants and Major Equipment Grants opened on 25 January 2021 and closed on 7 March 2021.

A total of 13 applications were received under Category One requesting a total of \$260,000, 30 were received under Category Two requesting a total of \$505,343 and none were received under Category Three.

Grants were firstly assessed against the eligibility criteria. Those that were deemed ineligible did not progress to the assessment stage and were advised that their application would not be progressing.

Relevant departments completed assessments of each Category Two applications to advise of building, risk and OHS requirements. Key Council liaison officers also assessed to indicate their support or otherwise. Applications were then assessed at a 'round table' Council officer assessment panel held in June 2021.

Applications were considered in line with the community Capital Works Grant Policy and the recommendations are as follows:

Application Status	CCWG Category 1	CCWPG Category 2	Total
Fully supported (meets requirements)	8	8	16
Not supported (requirements not met)	5	21	26
Withdrawn	0	1	1
Total	13	30	43

26 applications did not meet the requirements of the Grants policy and were therefore not progressed to the round table panel assessment. Council officers will now follow up with each applicant to discuss their application and to offer assistance for the 22/23 round of grant funding.

Policy Implications

Projects funded under the Community Capital Works and Major Equipment Grants are subject to arrangements under the following Council and Government Policies:

- Community Capital Works Grants Policy
- Access and Inclusion Policy
- Recreation Reserve Facility Standards Policy
- Recreation Reserve Management and Usage Policy
- Buildings and Facilities Maintenance Policy
- Asset Management Policy
- Children's Services Regulations
- Playground safe standards
- Department of Education and Training Early Years Policy Guidelines
- OHS Policy
- Risk Management Policy

Relevance to Council Plan

1.1 We empower our communities to be healthy, connected and resilient

1.1.1 Plan for, and support the delivery of, accessible health and social services that address critical gaps in provision.

1.1.4 Facilitate a partnership approach to create safer communities.

2.1 We support the creation of liveable spaces and places

2.1.1 Advocate, plan for and deliver accessible community infrastructure and services that address community need.

Climate Emergency Consideration

Environmental impacts considered during the assessment panel.

Consultation/Communication

An extensive internal and external communication process has occurred in relation to the Community Capital Works Grants program including:

- Promotion of the grants to the community in accordance with a well-developed Community Grants Communication Plan - both during, and in the lead-up to the grant rounds opening, promotion of the grants was undertaken through social media and targeted emails to eligible groups sent out by various teams within Council as Council's website
- Support package developed for prospective applicants to appropriately plan for and scope their projects was rolled out prior to the grants round opening
- Provision of support with the application process by relevant Council staff. This involved staff encouraging and supporting eligible groups to apply in their usual interaction with these organisations and groups
- Extensive internal dialogue between relevant Council staff as part of the assessment process
- Liaison with applicants to confirm application details during the assessment process.

Financial and Resource Implications

All projects will be funded under the Community Capital Works Program budget allocation.

Conclusion

Following an extensive promotion and assessment process, Council officers recommend supporting eight Category One applications to the value of \$160,000 and eight Category Two applications to the value of \$148,403.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Carol Ryan.

That Council endorse:

- Eight Community Capital Works Partnership Grants (CCWG) – Category One applications to be funded to the value of \$160,000
- Eight Community Capital Works Grants (CCWPG) – Category Two applications to be funded to the value of \$148,403

Carried

7 Reports Or Minutes Of Committees

The Mayor advised that minutes had recently been received from Committees and Briefing sessions and they were available for any interested Councillors.

8 Reports By Delegates

Cr Ryan advised that she attended the Presentation and Annual Awards of the Pakenham Scouts, virtually. Cr Ryan also attended an event for Are You Okay.

Cr Kowarzik spent his time encouraging the community to support local business. Cr Kowarzik also spoke to the upcoming What's on Cardinia event.

Cr Radford updated members of the COVID19 Community Recovery Committee which held their last meeting recently, and spoke to it's accomplishments.

Cr Davies advised the community of upcoming Community Safety Awareness Month in October. Cr Davies spoke to the upcoming nominations to the 2022 Australia Day awards.

Cr Springfield advised his attendance to multiple forums to the engagement for Council's upcoming Open Air Burning review.

9 Presentation Of Petitions

Cr Kowarzik tabled a petition for the installation of a public toilet at Eastone Reserve Pakenham with 205 signatures.

10 Notices Of Motion

10.1 Notice of Motion 1068 - Cr Cameron

Motion

That Council resolves to:

1. Note the Victorian Government has made a number of changes to the planning system in the last 18 months which have reduced the community's third party public notice and appeal rights and Council's role as responsible planning authority
2. Note the Victorian Government is currently considering further significant planning reform through the Planning Reform Program 2020-2024.
3. Strongly voice its concern consultation to date has been limited to only selected councils on separate parts of the reform program and has required council offers to sign confidentiality agreements to be a part of this consultation.
4. Note:
 - a. Meaningful consultation with community and with local government on any reform proposals must occur before reforms are considered or introduced;
 - b. Community consultation must remain an integral consideration for planning decisions;
 - c. Community consultation must be a core part of major planning decisions;
 - d. Community voice is critical for ensuring a transparent Planning system which strengthens local neighbourhoods and economies;
5. Urge the Minister for Planning to:
 - a. Ensure full consultation with councils and community before any planning reform decisions are made;
 - b. Ensure appropriate time is provided for feedback, including consideration of council meeting cycles.
6. Notes the Mayor has recently sent a letter to the Hon Richard Wynne, MP Minister for Planning, with copies to Member for Eastern Victorian Region and Member for Bass, advocating that Councillors, Council officers and the community are consulted prior to any changes being made to the planning system.
7. Use the Council communication channels to inform the community regarding the planning reforms and to encourage them to provide feedback to the Victorian Government directly and to local members of parliament.
8. Request the CEO or her delegate coordinate with other councils in regard to advocacy.

Resolution

Cr Cameron has withdrawn her Notice of Motion to be presented at a future Council meeting to enable further information to be provided.

10.2 Notice of Motion 1069 - Cr Cameron

Motion

That Council:

1. Note the Victorian Government has decided to decriminalise sex work in Victoria. The decriminalising of sex work will:
 - a. remove offences and criminal penalties for consensual sex work. This will include decriminalising street-based sex work in most locations and repealing public health offences;
 - b. repeal the Sex Work Act 1994 and regulate the sex work industry through existing regulatory agencies; and
 - c. introduce supporting reforms in areas such as planning, public health and anti-discrimination.
2. Oppose the proposed changes which will directly impact councils and their communities by:
 - a. decriminalising street-based sex work in most locations;
 - b. dismantling the sex work licensing and registration system established by the Sex Work Act 1994 including the separation distance requirements between sex work businesses and particular land uses, including dwellings;
 - c. allowing brothels to apply for a liquor licence subject to the standard liquor licensing framework established under the Liquor Control Reform Act 1998;
 - d. shifting the enforcement of regulations relating to sex work to local councils under the Planning and Environment Act 1987;
 - e. allowing commercial sex work businesses to operate in commercial and residential zones, subject to requirements;
 - f. allowing sex workers to operate home-based businesses under the same planning controls as any other home-based businesses; and
 - g. allowing signage and advertising for sex work businesses to be considered in the same manner as any other business (i.e. sign size, location and lighting) including in residential areas.
3. Voice its concern that councils only received direct advice of this proposed change two days prior to the close of submissions which is grossly inadequate to allow elected representatives to engage with their communities and for meaningful feedback to be provided.
4. Note:
 - a. meaningful consultation with community and with local government on any proposals must occur before any changes are considered or introduced; and
 - b. community consultation must form and integral consideration for any changes to the sex work industry.
5. Urge the Minister for Consumer Affairs to:
 - a. ensure full consultation with councils and the community before any decisions are made;
 - b. ensure appropriate time is provided for feedback, including consideration of councils meeting cycles;
 - c. consider the resource implications to councils to enforce new sex work provisions;
 - d. provide additional evidence including Health Impact Statement, Economic Impact Statement, case studies and criminology assessment in regard to the proposed changes.
6. Urgently write to the Minister for Consumer Affairs and the shadow Minister for Consumer Affairs to advocate Council's position with a copy of that letter sent to all local members of parliament whose electorates covers Cardinia.

7. Use the Council communication channels to inform the community regarding the changes to the sex work businesses and to encourage them to provide feedback to the Victorian Government.
8. Request the CEO or her delegate coordinate with other councils in regard to advocacy.

Resolution

Cr Cameron has withdrawn her Notice of Motion to be presented at a future Council meeting to enable further information to be provided.

11 Community Questions

The Mayor advised that Council has received 1 questions from Mr Andrew McNabb.

The majority of ratepayers have absolutely no idea that councilors and the mayor has received pay increases during 2021.

Pay increase are approximately \$6,000 per councilor and \$20,000 for the mayor's role.

Does the mayor and councilors agree these pay increased should be detailed in the summer edition of "Cardinia Connect" so all ratepayers are informed and the public transparency principal is adhered too.

The Chief Executive Officer provided the following response:

Thank you for your question Mr McNabb.

Under the provisions of the Local Government Act the Council was required to consider the level of Mayor and Councillor allowances payable following the election held last year.

This matter was initially considered at the Council meeting in February this year and it was resolved to seek public comment and submissions on the proposal to move to the level of allowances payable as a Category 3 Council, noting that this option was available from January 2020.

Public notice was given of this proposal and no submissions or concerns were raised. The Council subsequently resolved in April this year to move to the new level of allowances.

As this matter has been subject to a community consultation exercise and the public transparency principles have been adhered to, I see no need publish these details in the summer edition of 'Connect Cardinia'

The Mayor advised that Council has received 1 question from Ms Heather Payne.

What is the justification for allowing the mayor to be allowed the privilege to drive the mayoral car without a measured log book.

Please make transparent the members on the audit and risk committee.

The Chief Executive Officer provided the following response:

Thank you for your questions Ms Payne,

The optional provision of a vehicle for use by the Mayor of the day is governed by the Council's Councillor Expenses Policy.

Earlier in the Meeting under Item 6.3.1 the Council considered amendments to the Policy to further clarify the use of the Mayoral Vehicle and the Policy has been amended to further clarify that the Mayoral Vehicle is available for Council purposes and for private use in Victoria.

The amendments to the Policy also confirmed that there is no requirement to complete a log book for kilometres travelled as fringe benefits tax is not payable.

I would refer you to the Item in the agenda to gain an understanding of the reasoning behind the amendments made and the situation that exists at other Councils.

You also asked about members of the Audit & Risk Committee and I advise that there are 5 members on the Committee three independent members and two Councillors, the Chairman is appointed from one of the three Independent Members.

The current membership is Mr Home Burjorjee, Chairman, Vince Philpott and Michael Said and The Mayor Cr Owen and Cr Kowarzik.

12 Urgent Business

There was no urgent business.

13 Councillor Questions

Nil.

15 Meeting Closure

Meeting closed at 8:39pm.

Minutes confirmed
Chairman