

Ordinary Council Meeting

Minutes

Monday 18 October 2021

Commenced at 7:00 PM

**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 7:13pm.

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

Nil.

4 Adoption And Confirmation Of Minutes

Moved Cr Carol Ryan, seconded Cr Graeme Moore

That minutes of the following meetings be confirmed:

- General Council meeting 20 September 2021

Carried

5 Declaration Of Interests

Nil.

6 Ordinary Business

6.1 General Reports

6.1.1 Annual Report 2020-21

Responsible GM: Jenny Scicluna
Author: Scott Moore

Recommendation(s)

That Council:

1. Endorses the Annual Report 2020-21.
2. Notes that the Annual Report 2020-21 fairly represents Council's operations, financial position and Council's performance for the 2020-21 financial year.
3. Notes that the Annual Report 2020-21 has been submitted to the Minister for Local Government within the required timeframe announced for 2020-21.
4. Notes that the Annual Report 2020-21 meets the requirements of the *Local Government Act 1989*.
5. Notes that the Annual Report 2020-21 has been prepared in accordance with the *Local Government Act 1989*.

Attachments

1. Cardinia Shire Council Annual Report 2020-21 [6.1.1.1 - 198 pages]

Executive Summary

Council has prepared an Annual Report for the financial year 1 July 2020 to 30 June 2021 to meet its obligations under Section 131 of the *Local Government Act 1989*.

The Annual Report 2020-21 is the final progress report against our Council Plan 2017-21. It comprises three sections: Report of operations; Performance statement; and Financial statements.

On 20 September 2021, Council approved in principle the Financial and Performance statements. These statements were also considered by Council's Audit and Risk Committee at a meeting on 20 August 2021.

As required by the *Act*, Council must hold an open meeting to consider the report, with 14 days public notice given.

The Annual Report 2020-21 was delivered to the Minister for Local Government on 28 September 2021.

Background

Under Section 131 of the *Local Government Act 1989* (the *Act*) and *Local Government Planning and Reporting Regulations 2014*, councils are required to prepare an Annual Report in respect of each financial year consisting of three parts:

- Report of operations: Information about the operations of the Council including service performance indicator results, achievement of major initiatives and a governance and management checklist.
- Performance statement: Audited results achieved against the prescribed performance indicators and measures.
- Financial statements: Audited financial statements prepared in accordance with the Australian Accounting Standards.
- On 20 September 2021, Council approved in principle the Financial and Performance statements for the year ended 30 June 2021 (s132). These statements were also considered by Council's Audit Committee at a meeting on 20 August 2021.

The Act also stipulates that:

- The Annual Report must be submitted to the Minister for Local Government within three months of the end of each financial year (s133).
- Council must hold an open meeting to consider the report, with 14 days public notice given (s134 and *Regulation 22 of the Local Government (Planning and Reporting) Regulations 2014*).
- Statutory advertising of the meeting; undertaken in the 'Ranges Trader' and 'Pakenham Gazette' on Tuesday 28 and Wednesday 29 September 2021 (s133).

Provisions in the *Act* relating to the preparations of Annual Reports will be superseded by relevant sections of the *Local Government Act 2020* for the Annual Report 2021-22.

It should be noted that the next annual report for the 2021-22 financial year will be subject to the requirements of the new Local Government Act 2020.

Policy Implications

Nil.

Relevance to Council Plan

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.

5.3.2 Make financial decisions that are fair and ethical and balance costs and benefits between present and future generations.

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

5.3.4 Identify and implement programs to achieve Council's debt reduction policy.

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

Climate Emergency Consideration

Nil.

Consultation/Communication

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

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

Financial and Resource Implications

The Annual Report provides the opportunity for Cardinia Shire to communicate to the community its achievements and challenges of the past financial year. The structure of the Annual Report is aligned to the Council Plan 2017–21.

All legislative requirements have been met, with the financial statements prepared as required by the *Act*, the *Local Government (Planning and Reporting) Regulations 2014*, Australian Accounting Standards and other mandatory professional reporting requirements.

The financial position of Council remains sound, with the financial statements considered by the Audit Committee on 20 August 2021 and Council on 20 September 2021. The Victorian Auditor General's Office undertook an independent audit of the financial and performance statements for the financial year 2020–21.

The Annual Report 2020–21 presents fairly, in all material respects, the financial position of Council as at 30 June 2021 and its financial performance and cashflows, and operations for the financial year 2020-21.

The Annual Report 2020-21 appropriately reflects the impact of COVID-19 on Council's operations, financial position and performance for the financial year.

The preparation of Council's Annual Report 2020–21 meets all requirements of the *Act*.

Conclusion

The Shire of Cardinia's Annual Report for the 2020–21 financial year is presented to Council.

Council's financial position remains sound, with the Victorian Auditor General's Office providing an unqualified audit opinion on the financial and performance statements. The Annual Report fairly represents Council's operations, financial position and Council's performance for the 2020–21 financial year and the impact of COVID-19 during the reporting period.

Preparation of Council's Annual Report 2020–21 meets all requirements of the *Act*. The Annual Report was submitted to the Minister for Local Government on 28 September 2021 in accordance with the *Act*.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Collin Ross.

That Council:

1. Endorses the Annual Report 2020-21.
2. Notes that the Annual Report 2020-21 fairly represents Council's operations, financial position and Council's performance for the 2020-21 financial year.
3. Notes that the Annual Report 2020-21 has been submitted to the Minister for Local Government within the required timeframe announced for 2020-21.
4. Notes that the Annual Report 2020-21 meets the requirements of the *Local Government Act 1989*.
5. Notes that the Annual Report 2020-21 has been prepared in accordance with the *Local Government Act 1989*.

Carried

6.1.2 Covid 19 Relief for Recreation Facilities, Community and Businesses

Responsible GM: Lili Rosic
Debbie Tyson
Author: Kristen Jackson, Mark Carter, Sarah Dyce and Stephen Sparrow

Recommendation(s)

That Council approves relief programs to support the Cardinia Shire business, community and sporting clubs including:

- Credit for winter sport fees 2022 to those who have paid and a waiver for those who have not paid thus far for all Council owned and managed sporting facilities.
- Commitment to align our rent relief to the Victorian Government *Commercial Tenancy Relief Scheme*
- Actively promote vaccination throughout our municipality to increase vaccination rates in the community.

Attachments

Nil

Executive Summary

The outbreak of Coronavirus disease has created a global health crisis that has significantly impacted Cardinia Shire's local community groups and businesses.

Anticipating these impacts, in 2019 Cardinia Shire Council reached out to residents who needed extra support during this challenging time and undertook a range of activities and measures to support local communities and groups.

Now within our sixth lockdown, COVID19 is continuing to have a devastating impact on Cardinia Shire businesses and community, with further support timely to assist our community.

Background

In 2019, measures were implemented included financial relief for sporting clubs and community groups, rent reductions for council commercial tenants, extensions to community grants, rate reductions, deferrals or waivers of council charges (e.g. animal registration, health registration for businesses) and activation of a revised Financial Hardship Policy to assist residents with the payment of rates.

In June 2021, SLT considered a further report and implemented some additional Covid support measures for the commercial tenants in Emerald Lake Park as follows:

1. Café rental relief - 100% for October 2020 and 50% for November 2020
2. Café utilities – 100% April to October 2020
3. Model Railway rental relief - 100% for October 2020 and 50% for November 2020
4. Paddle Boats rental relief - 100% for October 2020.

Additional rental relief was also provided for the CCC catering contract operator of a further 50% discount on rent for the months October to December 2020 and June 2021, an additional 4 months.

In recent months with the reintroduction of State Government covid-19 restrictions, Council has been working with groups within our Shire to provide further assistance.

To provide further support, it is proposed to:

- Credit for winter sport fees 2022 to those who have paid and a waiver for those who have not paid thus far for all Council owned and managed sporting facilities - Estimate financial impact to council is \$20,689.
- Commitment to align our rent relief to the Victorian Government *Commercial Tenancy Relief Scheme*.

It is also noted that Council has provide several support packages to our residents that have been implemented through BAU or grants.

Policy Implications

No relevant policy implications related to this report

Relevance to Council Plan

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

1.1.5 Work closely with the community to deliver programs that build community resilience, relating to a pandemic or other disasters.

5.1 We practise responsible leadership

5.1.2 Manage our finances responsibly and leave a positive legacy for future generations.

Climate Emergency Consideration

No relevant Climate Emergency Consideration as part of this report.

Consultation/Communication

Consultation has occurred between departments and with external stakeholders.

Financial and Resource Implications

Credit for winter sport fees 2022 will have an estimate financial impact to council is \$20,689.

At this stage it is unknown what financial impact will be with the commitment to rent relief as set out above, although it is expected to be less than \$20,000.

Conclusion

That Council approves relief programs to support the Cardinia Shire business and community sporting groups as outlined in this report.

Resolution

Moved Cr Stephanie Davies, seconded Cr Tammy Radford.

That Council approves relief programs to support the Cardinia Shire business, community and sporting clubs including:

- Credit for winter sport fees 2022 to those who have paid and a waiver for those who have not paid thus far for all Council owned and managed sporting facilities.
- Commitment to align our rent relief to the Victorian Government *Commercial Tenancy Relief Scheme*
- Actively promote vaccination throughout our municipality to increase vaccination rates in the community.

Carried

6.1.3 Road Discontinuance - Railway Avenue, Avonsleigh/ Cockatoo

Responsible GM: Debbie Tyson
Author: Fiona Shadforth and Jack Coogan

Recommendation(s)

That Council, acting under clause 3 of schedule 10 of the Local Government Act 1989 (Vic) (Act):

- a) resolves that the statutory procedures be commenced to discontinue road known as Railway Avenue Avonsleigh (Road) and being road on LP72623;
- b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the Pakenham Gazette newspaper;
- c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to transfer the Road to the Department of Environment Water Land and Planning (DELWP) for land conservation management along with adjoining parcels owned and managed by DELWP; and
- d) authorises Council's Property Officer to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

Attachments

1. Railway Parade Avonsleigh Locality Plan [6.1.3.1 - 1 page]

Executive Summary

This report recommends that Council, acting under clause 3 of schedule 10 and also in accordance with sections 207A and 223 of the Act, commence the statutory procedures to discontinue Railway Avenue Avonsleigh, shown hatched on the attached plan.

Background

Railway Avenue is bounded by Wrights Forest and is a 'paper road' being a road designated on plan but having never been constructed. The road was created on Lodged Plan 7623 in 1919 and is not required to be constructed for access now or in the future and is heavily vegetated.

Council has been approached by DELWP to have the land transferred to them for management. DELWP owns and manages the surrounding land parcels and in accordance with survey carried out in 2019 it is recommended that the land be reserved for inclusion in the Yellingbo Conservation Area.

Policy Implications

The proposed discontinuance aligns with Council's Road Discontinuance Policy 2021.

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.

Climate Emergency Consideration

Not applicable.

Consultation/Communication

Council departments and Service Authorities have been consulted concerning the existence of any assets and requirements with regards to easements. There are presently no services in the road reserve and no objections or requirements have been received.

Council is required to carry out the statutory procedures in relation to the proposal to discontinue and transfer the unused road under the Act, including giving public notice of the intention to discontinue and transfer the roads, and hear any submissions received in this regard

Financial and Resource Implications

If the Road is discontinued and transferred to DELWP, Council will no longer carry any financial obligations or risks associated with the maintenance of this area.

Conclusion

As the proposal to discontinue the Road has no detrimental effect in relation to access requirements within this area, the subject road is considered to be suitable for discontinuance and transfer.

Resolution

Moved Cr Stephanie Davies, seconded Cr Jeff Springfield.

That Council, acting under clause 3 of schedule 10 of the Local Government Act 1989 (Vic) (Act):

- a) resolves that the statutory procedures be commenced to discontinue road known as Railway Avenue Avonsleigh (Road) and being road on LP72623;
- b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the Pakenham Gazette newspaper;
- c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to transfer the Road to the Department of Environment Water Land and Planning (DELWP) for land conservation management along with adjoining parcels owned and managed by DELWP; and
- d) authorises Council's Property Officer to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

Carried

6.1.4 Special Charge Scheme Declaration - Armstrong Road, Upper Beaconsfield

Responsible GM: Peter Benazic
Author: Ken White

Recommendation(s)

That Council:

1. That Council notes that following the issue of the Notice of Decision by Council to declare a special charge scheme on the 19 July, 2021, to part fund the construction of Armstrong Road, Upper Beaconsfield, only one written submission in support of the scheme was received within the prescribed 28 day. Details of the submission are included in attachment 5 to this report.
2. That a special charge in accordance with Section 163 of the Local Government, 1989 ('the Act') be declared as follows:
 - a) A special charge is declared for a period until the works have been completed and the scheme finalised.
 - b) The special charge be declared for the purposes of defraying any expenses incurred by Council in relation to the construction of Armstrong Road, Upper Beaconsfield including sealed road pavement, kerb & channel and associated drainage and incidental works. Council considers that these works will be of special benefit to those persons required to pay the special charge, (and who are described in succeeding parts of this resolution).
 - c) The special benefit accruing to those properties to be levied is considered to include improved access, improved amenity and appearance, improved roadside drainage, reduced mud and dust, reduced erosion and lessened nuisance.
 - d) The following be specified as the area for which the special charge is declared:
 - All those properties described in attachment 4 of this report and as highlighted on the plan included as attachment 2.
 - e) The following be specified as the land in relation to which the special charge is declared:
 - All properties described in attachment 4 of this declaration.
 - f) The following be specified as the criteria which form the basis of the special charge so declared:
 - Those properties fronting, abutting or adjacent to the works.
 - g) The following be specified as the manner in which the special charge so declared will be assessed and levied:
 - Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit.
 - Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit.
 - Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit.
 - Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.

- The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163 (4) of the Local Government Act, 1989.
- h) The total cost of the works is the amount shown in attachment 4 of this report estimated at \$859,050.
- i) The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$94,500.
- j) Having regard to the proceeding parts of this resolution but subject to Sections 166(1) and 167(6) of the Local Government Act, 1989, it is recorded that:
 - i) The owners of the land described in columns A and B of the table in attachment 4 are estimated liable for the respective amounts set out in column F of the table in attachment 4 and;
 - ii) Such owners may, subject to any further resolution of Council pay the special charge in the following manner:
 - a) The charge will become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167(3) of the Local Government Act, 1989.
 - b) The charge may be paid by:
 - # Lump sum within one month of the issue of the notice without incurring interest, or
 - # Quarterly instalments of principal and interest over a period of up to seven years.
 - c) Interest will not be charged for three months after the issue of the notice provided the person liable makes timely payment in accordance with the payment arrangements that may be agreed on by Council.
 - d) In accordance with Sections 167(6)(b) and 172 of the Act, the rate of interest which is payable on instalments is set at the 180 day bank bill rate as published in the Australian Financial Review plus one percent and reviewed every three months, (provided that it will not exceed the rate fixed by the Governor in Council by order of the purposes of Section 172(2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by order for the purposes of this section).
- k) There are no incentives for prompt payment, rebates or concessions associated with this special charge.

Attachments

1. SCS Process Declaration Check list Sealing the Hills Program [6.1.4.1 - 2 pages]
2. Armstrong Catchment Map [6.1.4.2 - 1 page]
3. Armstrong Road draft construction plans [6.1.4.3 - 18 pages]
4. Armstrong Rd - SCS Apportionment Sheet [6.1.4.4 - 1 page]
5. SCS Submission Table Armstrong Road [6.1.4.5 - 1 page]

Executive Summary

This report proposes to have a special charge declared to part fund the construction of Armstrong Road, Upper Beaconsfield. It follows Council's resolution of the 19 July, 2021 to communicate its intention to declare a special charge for this purpose.

Armstrong Road, Upper Beaconsfield is included in the Australian Government funded "Sealing the Hills" program. A recent survey of the landowners in this catchment indicated 55% landowner support to contributing to a scheme from the responses received. Included landowners will receive special benefit as a result of the works including improved resident amenity, reduction in dust and associated health issues, improved drainage, less wear and tear on vehicles, reduced road maintenance costs and overall improved liveability.

The preliminary estimated cost of the proposed works is \$859,050 of which \$94,500 is proposed to be funded via the proposed special charge contribution received from the included landowners. This will leave an approximate balance of \$764,550 to be funded from the Australian Government grant.

Property owner contributions have been assessed on the basis of the benefit gained by each existing developed or vacant allotment, capped by Council at \$7,000 per benefit unit, (refer to benefit unit definition below). Council's special rates and charges policy provides for levies to be paid in quarterly instalments that include principle and interest. For the Sealing the Hills program it has been decided that a maximum seven (7) payment period be adopted. The financial hardship provisions of this policy provide further relief to those owners demonstrating genuine financial hardship.

Following Council's resolution on the 19 July, 2021 included property owners were notified of the intention to declare a special charge by mail and by advertisement in the Pakenham Gazette and Hills Trader. Only one written submission in support of the scheme was received. The details of this submission are provided in attachment 5 to this report.

Background

Armstrong Road, Upper Beaconsfield is included for construction in Councils Sealing the Hills program. The properties included are shown on the plan included as attachment 2 to this report.

A survey of the property owners within the scheme boundary, (total of 14), was undertaken asking if they were in support of contributing to a special charge scheme at a capped contribution rate of \$7,000 per benefit unit, with a benefit unit being defined as:

- Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit (\$7,000) towards the cost of construction.
- Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit (\$3,500) towards the cost of construction.
- Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit (\$7,000) in total
- Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
-

Of the fourteen properties surveyed Council received nine, (9), responses, (or 65%). Five, (55%), of these responses indicated support to contributing to the scheme, while four, (45%), indicated opposition. Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Armstrong Road.

Following Council's resolution on the 19 July, 2021 affected property owners were notified of the intention to declare a special charge. Only one property owner written submission, supporting the scheme, was received within the prescribed 28 day submission period.

Policy Implications

The proposed special charge scheme has been developed in accordance with the provisions of the Local Government Act, Cardinia Councils Special Rate and Charge Policy and the adopted Sealing the Hills program. It is based on community benefit, health, safety, amenity and landowner support.

Section 163 of the Local Government Act provides that Council may not recover a greater portion of the cost of the works than calculated in accordance with the statutory 'benefit ratio' as set out in the previous "Notice of Decision report presented to Council on 19 July, 2021. Given that Council has capped the property owner contribution at \$7,000 per benefit unit, the proposed scheme is compliant.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

2.1.5 Upgrade Council's road network to improve safety and connectivity while considering traffic demand and freight transport needs.

Climate Emergency Consideration

The Sealing the Hills project will consider climate emergency reduction issues such as:

- Minimising tree removal through innovative road design.
- Use of LED lighting to reduce energy emissions.
- Utilising local contractors and local road & drainage construction materials to minimise travel.
- Investigating the reuse and use of recycled road construction materials.

Consultation/Communication

A letter was sent in April of this year to the landowners of Armstrong Road outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal. A subsequent face to face community consultation session was held at the Upper Beaconsfield Community Centre in early May, from 4.00pm to 7.00pm in the evening, to give owners and residents an opportunity to view plans and comment of the proposal. Only two property owners attended.

In mid May a questionnaire was sent by registered mail to landowners asking them to indicate their support / opposition to contributing to a special charge scheme at the capped rate of \$7,000 per benefit unit. As outlined above 9 questionnaire responses from the 14 included properties were received.

Following the Council resolution on the 19 July, 2021 to issue a notice of intention to declare a special charge, property owners were sent a letter and advertisements outlining the proposal placed in the Pakenham Gazette and Hills Trader, providing owners with the opportunity to make a submission or objection within the prescribed 28 day period.

Financial and Resource Implications

The scheme funding arrangements are as follows:

PRELIMINARY ESTIMATED COST OF PROJECT	\$859,050
Total Council Contribution (70%)	\$764,550
Benefitting Landowner Contribution (30%)	\$94,500

Note: the estimated project cost includes an allowance of 15% for design, supervision and administration of the scheme.

The Australian Government 150 million dollar grant will be used to fund Councils contribution.

Landowners will be offered the option of paying their contribution in full, or by quarterly instalments over seven years. Instalment payments will include principle and interest, with

interest calculated at the declaration of the scheme based on Councils borrowing rate at the time plus one percent.

Council will require the first payment, either in full or by instalment, to be made within six months of the practical completion of the works.

Conclusion

That Council proceed to declare a special charge over the properties listed in attachment 4 to part fund the construction of Armstrong Road, Upper Beaconsfield, including a sealed road pavement, kerb and channel and associated drainage and ancillary works, generally in accordance with the concept plans included in attachment 3.

Resolution

Moved Cr Jeff Springfield, seconded Cr Jack Kowarzik.

That Council:

1. That Council notes that following the issue of the Notice of Decision by Council to declare a special charge scheme on the 19 July, 2021, to part fund the construction of Armstrong Road, Upper Beaconsfield, only one written submission in support of the scheme was received within the prescribed 28 day. Details of the submission are included in attachment 5 to this report.
2. That a special charge in accordance with Section 163 of the Local Government, 1989 ('the Act') be declared as follows:
 - a) A special charge is declared for a period until the works have been completed and the scheme finalised.
 - b) The special charge be declared for the purposes of defraying any expenses incurred by Council in relation to the construction of Armstrong Road, Upper Beaconsfield including sealed road pavement, kerb & channel and associated drainage and incidental works. Council considers that these works will be of special benefit to those persons required to pay the special charge, (and who are described in succeeding parts of this resolution).
 - c) The special benefit accruing to those properties to be levied is considered to include improved access, improved amenity and appearance, improved roadside drainage, reduced mud and dust, reduced erosion and lessened nuisance.
 - d) The following be specified as the area for which the special charge is declared:
 - All those properties described in attachment 4 of this report and as highlighted on the plan included as attachment 2.
 - e) The following be specified as the land in relation to which the special charge is declared:
 - All properties described in attachment 4 of this declaration.
 - f) The following be specified as the criteria which form the basis of the special charge so declared:
 - Those properties fronting, abutting or adjacent to the works.
 - g) The following be specified as the manner in which the special charge so declared will be assessed and levied:
 - Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit.
 - Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit.
 - Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit.
 - Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
 - The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163 (4) of the Local Government Act, 1989.
 - h) The total cost of the works is the amount shown in attachment 4 of this report estimated at \$859,050.
 - i) The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$94,500.
 - j) Having regard to the proceeding parts of this resolution but subject to Sections 166(1) and 167(6) of the Local Government Act, 1989, it is recorded that:

- i) The owners of the land described in columns A and B of the table in attachment 4 are estimated liable for the respective amounts set out in column F of the table in attachment 4 and;
- ii) Such owners may, subject to any further resolution of Council pay the special charge in the following manner:
 - a) The charge will become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167(3) of the Local Government Act, 1989.
 - b) The charge may be paid by:
 - # Lump sum within one month of the issue of the notice without incurring interest, or
 - # Quarterly instalments of principal and interest over a period of up to seven years.
 - c) Interest will not be charged for three months after the issue of the notice provided the person liable makes timely payment in accordance with the payment arrangements that may be agreed on by Council.
 - d) In accordance with Sections 167(6)(b) and 172 of the Act, the rate of interest which is payable on instalments is set at the 180 day bank bill rate as published in the Australian Financial Review plus one percent and reviewed every three months, (provided that it will not exceed the rate fixed by the Governor in Council by order of the purposes of Section 172(2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by order for the purposes of this section).
- k) There are no incentives for prompt payment, rebates or concessions associated with this special charge.

Carried

6.1.5 Special Charge Scheme Declaration - Station Road / Innes Road, Gembrook Catchment

Responsible GM: Peter Benazic
Author: Ken White

Recommendation(s)

That Council:

1. That Council notes that following the issue of the Notice of Decision by Council to declare a special charge scheme on the 19 July, 2021, to part fund the construction of Station Road, Anzac Street, Heroes Avenue and Innes Road, Gembrook, only two written submissions, in support of the scheme, were received by Council in the prescribed 28 day submission period following advertising this decision. Details of the two submissions are outlined in attachment 6 to this report.
2. That a special charge in accordance with Section 163 of the Local Government, 1989 ('the Act') be declared as follows:
 - a) A special charge is declared for a period until the works have been completed and the scheme finalised.
 - b) The special charge be declared for the purposes of defraying any expenses incurred by Council in relation to the construction of Station Road, Anzac Street, Heroes Avenue and Innes Road, Gembrook including sealed road pavement, kerb & channel and associated drainage and incidental works. Council considers that these works will be of special benefit to those persons required to pay the special charge, (and who are described in succeeding parts of this resolution).
 - c) The special benefit accruing to those properties to be levied is considered to include improved access, improved amenity and appearance, improved roadside drainage, reduced mud and dust, reduced erosion and lessened nuisance.
 - d) The following be specified as the area for which the special charge is declared:
 - All those properties described in attachment 5 of this report and as highlighted on the plan included as attachment 2.
 - e) The following be specified as the land in relation to which the special charge is declared:
 - All properties described in attachment 5 of this declaration.
 - f) The following be specified as the criteria which form the basis of the special charge so declared:
 - Those properties fronting, abutting or adjacent to the works.
 - g) The following be specified as the manner in which the special charge so declared will be assessed and levied:
 - Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit.
 - Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit.
 - Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit.
 - Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.

- The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163 (4) of the Local Government Act, 1989.
- h) The total cost of the works is the amount shown in attachment 5 of this report estimated at \$2,970,540.
- i) The total amount of the special charge to be levied is the amount shown in attachment 5 of this report estimated at \$511,000.
- j) Having regard to the proceeding parts of this resolution but subject to Sections 166(1) and 167(6) of the Local Government Act, 1989, it is recorded that:
 - i) The owners of the land described in columns A and B of the table in attachment 5 are estimated liable for the respective amounts set out in column F of the table in attachment 5 and;
 - ii) Such owners may, subject to any further resolution of Council pay the special charge in the following manner:
 - a) The charge will become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167(3) of the Local Government Act, 1989.
 - b) b. The charge may be paid by:
 - # Lump sum within one month of the issue of the notice without incurring interest, or
 - # Quarterly instalments of principal and interest over a period of up to seven years.
 - c) Interest will not be charged for three months after the issue of the notice provided the person liable makes timely payment in accordance with the payment arrangements that may be agreed on by Council.
 - d) d. In accordance with Sections 167(6)(b) and 172 of the Act, the rate of interest which is payable on instalments is set at the 180 day bank bill rate as published in the Australian Financial Review plus one percent and reviewed every three months, (provided that it will not exceed the rate fixed by the Governor in Council by order of the purposes of Section 172(2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by order for the purposes of this section).
- k) There are no incentives for prompt payment, rebates or concessions associated with this special charge.

Attachments

1. Station heroes Anzac and Innes Catchment map [6.1.5.1 - 2 pages]
2. Station Rd Gembrook - Draft construction plans [6.1.5.2 - 6 pages]
3. Innes Road Gembrook - Draft construction plans [6.1.5.3 - 4 pages]
4. Station Rd - Innes Rd SCS - Updated Apportionment [6.1.5.4 - 3 pages]
5. SCS Submissions Table Station Rd Innes Rd [9CHY] [6.1.5.5 - 1 page]

Executive Summary

This report proposes to have a special charge declared to part fund the construction of Station Road, Anzac Street, Heroes Avenue and Innes Road, Gembrook. It follows Council's resolution of the 19 July, 2021 to communicate its intention to declare a special charge for this purpose.

The Station Road / Innes Road, Gembrook catchment is included in the Australian Government funded "Sealing the Hills" program. A recent survey of the landowners in this catchment indicated 83% landowner support to contributing to a scheme from the responses received. Included landowners will receive special benefit as a result of the works including improved resident amenity, reduction in dust and associated health issues, improved drainage, less wear and tear on vehicles, reduced road maintenance costs and overall improved liveability.

The preliminary estimated cost of the proposed works is \$2,970,540 of which \$511,000 is proposed to be funded via the proposed special charge contribution received from the included landowners. This will leave an approximate balance of \$2,459,540 to be funded from the Australian Government grant.

Property owner contributions have been assessed on the basis of the benefit gained by each existing developed or vacant allotment, capped by Council at \$7,000 per benefit unit, (refer to benefit unit definition below). Council's special rates and charges policy provides for levies to be paid in quarterly instalments that include principle and interest. For the Sealing the Hills program it has been decided that a maximum seven (7) payment period be adopted. The financial hardship provisions of this policy provide further relief to those owners demonstrating genuine financial hardship.

Following Council's resolution on the 19 July, 2021 included property owners were notified of the intention to declare a special charge by mail and by advertisement in the Pakenham Gazette and Hills Trader. Only two written submissions, supporting the scheme, were received in the prescribed 28 day submission period. Details of these submissions are outlined in attachment 6 of this report.

Background

The Station Road / Innes Road, Gembrook catchment that includes Station Road, Anzac Street, Heroes Avenue and Innes Road is included for construction in Councils Sealing the Hills program. The properties included are shown on the plan included as attachment 2 to this report.

A survey of the property owners within the scheme boundary, (total of 68), was undertaken asking if they were in support of contributing to a special charge scheme at a capped contribution rate of \$7,000 per benefit unit, with a benefit unit being defined as:

- Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit (\$7,000) towards the cost of construction.
- Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit (\$3,500) towards the cost of construction.
- Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit (\$7,000) in total
- Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
-

Of the sixty eight properties surveyed Council received forty one, (41), responses, (or 60%). Thirty four, (83%), of these responses indicated support to contributing to the scheme, while seven, (17%), indicated opposition. Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Caroline Avenue, Boronia Crescent and Rouen Road.

Following Council's resolution on the 19 July, 2021 affected property owners were notified of the intention to declare a special charge. This included the Education Department who have been levied \$35,000 in relation to the traffic generation associated with the Gembrook Primary school that abuts and gains access from Station Road. To date no response has been received from the department.

It should also be noted that the previous "Notice of Decision" report anticipated a total property owner contribution of \$518,000. The property owner of 8 Heroes Avenue, who has

two titles and was originally levied 2 benefit units, (\$14,000), has since contacted Council and provided evidence to indicate that he is unable to sell or build on the second lot. Therefore his contribution has been reduced to 1 benefit unit and hence the overall reduction of the property owner contribution by \$7,000 from \$518,000 to \$511,000.

Only two written property owner submissions, both in support of the scheme, were received within the statutory 28 day submission period. Details of these submissions are outlined in attachment 6.

Policy Implications

The proposed special charge scheme has been developed in accordance with the provisions of the Local Government Act, Cardinia Councils Special Rate and Charge Policy and the adopted Sealing the Hills program. It is based on community benefit, health, safety, amenity and landowner support.

Section 163 of the Local Government Act provides that Council may not recover a greater portion of the cost of the works than calculated in accordance with the statutory 'benefit ratio' as set out in the previous "Notice of Decision" report presented to Council on the 19 July, 2021. Given that Council has capped the property owner contribution at \$7,000 per benefit unit, the proposed scheme is compliant.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

2.1.5 Upgrade Council's road network to improve safety and connectivity while considering traffic demand and freight transport needs.

Climate Emergency Consideration

The Sealing the Hills project will consider climate emergency reduction issues such as:

- Minimising tree removal through innovative road design.
- Use of LED lighting to reduce energy emissions.
- Utilising local contractors and local road & drainage construction materials to minimise travel.
- Investigating the reuse and use of recycled road construction materials.

Consultation/Communication

A letter was sent in April of this year to the landowners of Station Road, Anzac Street, Heroes Avenue and Innes Road outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal. A subsequent face to face community consultation session was held at the Gembrook Community Centre in early May, from 4.00pm to 7.00pm in the evening, to give owners and residents an opportunity to view plans and comment of the proposal. Approximately 15 people attended.

In mid May a questionnaire was sent by registered mail to landowners asking them to indicate their support / opposition to contributing to a special charge scheme at the capped rate of \$7,000 per benefit unit. As outlined above 41 questionnaire responses from the 68 included properties were received.

Following the Council resolution on the 19 July, 2021 to issue a notice of intention to declare a special charge, property owners were sent a letter and advertisements outlining the proposal placed in the Pakenham Gazette and Hills Trader, providing owners with the opportunity to make a submission or objection within the prescribed 28 day period.

Financial and Resource Implications

The scheme funding arrangements are as follows:

PRELIMINARY ESTIMATED COST OF PROJECT	\$2,970,450
Total Council Contribution (70%)	\$2,459,450
Benefitting Landowner Contribution (30%)	\$511,000

Note: the estimated project cost includes an allowance of 15% for design, supervision and administration of the scheme.

The Australian Government 150 million dollar grant will be used to fund Councils contribution.

Landowners will be offered the option of paying their contribution in full, or by quarterly instalments over seven years. Instalment payments will include principle and interest, with interest calculated at the declaration of the scheme based on Councils borrowing rate at the time plus one percent.

Council will require the first payment, either in full or by instalment to be made within six months of the practical completion of the works.

Conclusion

That Council proceed to declare a special charge over the properties listed in attachment 5 to part fund the construction of Station Road, Anzac Street, Heroes Avenue and Innes Road, Gembrook, including a sealed road pavement, kerb and channel and associated drainage and ancillary works, generally in accordance with the concept plans included in attachments 3 and 4.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Graeme Moore.

That Council:

1. That Council notes that following the issue of the Notice of Decision by Council to declare a special charge scheme on the 19 July, 2021, to part fund the construction of Station Road, Anzac Street, Heroes Avenue and Innes Road, Gembrook, only two written submissions, in support of the scheme, were received by Council in the prescribed 28 day submission period following advertising this decision. Details of the two submissions are outlined in attachment 6 to this report.
2. That a special charge in accordance with Section 163 of the Local Government, 1989 ('the Act') be declared as follows:
 - a) A special charge is declared for a period until the works have been completed and the scheme finalised.
 - b) The special charge be declared for the purposes of defraying any expenses incurred by Council in relation to the construction of Station Road, Anzac Street, Heroes Avenue and Innes Road, Gembrook including sealed road pavement, kerb & channel and associated drainage and incidental works. Council considers that these works will be of special benefit to those persons required to pay the special charge, (and who are described in succeeding parts of this resolution).
 - c) The special benefit accruing to those properties to be levied is considered to include improved access, improved amenity and appearance, improved roadside drainage, reduced mud and dust, reduced erosion and lessened nuisance.
 - d) The following be specified as the area for which the special charge is declared:
 - All those properties described in attachment 5 of this report and as highlighted on the plan included as attachment 2.
 - e) The following be specified as the land in relation to which the special charge is declared:
 - All properties described in attachment 5 of this declaration.
 - f) The following be specified as the criteria which form the basis of the special charge so declared:
 - Those properties fronting, abutting or adjacent to the works.
 - g) The following be specified as the manner in which the special charge so declared will be assessed and levied:
 - Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit.
 - Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit.
 - Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit.
 - Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
 - The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163 (4) of the Local Government Act, 1989.
 - h) The total cost of the works is the amount shown in attachment 5 of this report estimated at \$2,970,540.
 - i) The total amount of the special charge to be levied is the amount shown in attachment 5 of this report estimated at \$511,000.

- j) Having regard to the proceeding parts of this resolution but subject to Sections 166(1) and 167(6) of the Local Government Act, 1989, it is recorded that:
 - i) The owners of the land described in columns A and B of the table in attachment 5 are estimated liable for the respective amounts set out in column F of the table in attachment 5 and;
 - ii) Such owners may, subject to any further resolution of Council pay the special charge in the following manner:
 - a) The charge will become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167(3) of the Local Government Act, 1989.
 - b) b. The charge may be paid by:
 - # Lump sum within one month of the issue of the notice without incurring interest, or
 - # Quarterly instalments of principal and interest over a period of up to seven years.
 - c) Interest will not be charged for three months after the issue of the notice provided the person liable makes timely payment in accordance with the payment arrangements that may be agreed on by Council.
 - d) d. In accordance with Sections 167(6)(b) and 172 of the Act, the rate of interest which is payable on instalments is set at the 180 day bank bill rate as published in the Australian Financial Review plus one percent and reviewed every three months, (provided that it will not exceed the rate fixed by the Governor in Council by order of the purposes of Section 172(2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by order for the purposes of this section).
- k) There are no incentives for prompt payment, rebates or concessions associated with this special charge.

Carried

6.1.6 Toomuc Reserve - Proposal to lease land to Telstra for Telecommunication Facility

Responsible GM: Debbie Tyson
Author: Jeanette Blackwood

Recommendation(s)

That Council:

1. Notes the submissions received in relation to the proposal to lease land at Tomuc Reserve to Telstra for a telecommunication facility.
2. Authorises the Manager Governance to execute the lease for 10 years with 2 further options of 5 years with Telstra.
3. Notes that officers will advise submitters of the resolution of Council and the reason for the decision.

Attachments

1. Toomuc Reserve Telstra Facility Plan [6.1.6.1 - 1 page]
2. Toomuc Reserve Telstra Submission Summary [6.1.6.2 - 2 pages]
3. Toomuc Reserve Telstra EME Fact Sheets [6.1.6.3 - 9 pages]

Executive Summary

Council was approached by Telstra to lease land at the northeast corner of Toomuc Reserve (Land) for the erection of a telecommunication facility (Facility) as shown on the attached locational plan.

Council officers carried out consultation in accordance with section 115 of the Local Government Act 2020 and six submissions were received. These submissions should be considered prior to making a decision whether to proceed with the lease of land to Telstra

Background

Telstra approached Council in 2012 with a proposal to erect a monopole at the north-eastern corner of Toomuc Reserve to be used as a Facility. In principle agreement was reached at that time, Council carried out consultation in accordance with the *Local Government Act 1989* and resolved to lease the Land to Telstra.

Council officers negotiated in good faith for an extensive time with Telstra in relation to the lease, however both parties could not agree on acceptable terms. A small group of property officers representing LGpro negotiated directly with Telstra to agree on a standard form lease for use by all Victorian councils with Telstra. Since this lease has been finalised Telstra have approached Council again to recommence negotiations for the Facility at Toomuc Reserve.

The proposed Facility is a high impact facility due to the height of the monopole and therefore requires a planning permit. A planning permit was granted some years ago to allow for the construction and the permit (T110380) has been extended until 10 November 2021. The issue of this permit also required public exhibition and the consideration of submissions received in accordance with the *Planning and Environment Act 1987*.

The following in principle lease terms have been negotiated:

- Term 10 years plus an option for 2 further terms of 5 years
- Commencing 1 October 2021
- Rental \$20,000pa plus GST plus 3% annual increase
- Tenant to pay all rates and taxes and \$3000 towards legal fees
- The monopole will be constructed by Telstra and remain in their ownership for the term of the lease.
- The tenant will be responsible for all maintenance of the facility.

Although community consultation has been carried out previously, officers considered that too much time has elapsed since this process was carried out, therefore in accordance with section 115 of the *Local Government Act 2020*, Council carried out consultation in line with its Community Engagement Policy.

Public notice was included in the local paper and on Councils website from 9 August 2021, also a sign was erected shortly after on the site and a letter sent to the user groups of Toomuc Reserve. Six submissions were received and the details of these are summarised below and are included in Attachment 2

Policy Implications

Telstra leasing land for a Facility would be considered under the Council Leasing Policy as a Category 1 Tenant – commercial tenant and are required to pay a market rental and lease terms and conditions must also be market driven.

Relevance to Council Plan

5.1 We practise responsible leadership

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

5.1.2 Manage our finances responsibly and leave a positive legacy for future generations.

Climate Emergency Consideration

Telstra have indicated that they will operate their network as carbon neutral from 2020 with 100% renewable energy by 2025 and reducing absolute emissions 50% by 2030.

Consultation/Communication

Six submissions were received to the recent community consultation that has been undertaken in relation to the proposal to lease Land to Telstra. Attached as Attachment 2 is a copy of the submissions. In summary, two submitters were opposed to the proposal, concerned that the site is close to many valuable activities, in a developing residential area, the health risks associated with the radiation of such Facilities and that the Facilities are 'ugly' and we should be trying to beautify the area and requested that Council should reject the proposal.

A further submission requested that the facility be constructed in dark green to blend with the area. This request was considered by Telstra who have advised that green is not always the best colour but have agreed to work with Council officers to agree on a suitable colour in order for it to blend in.

The other three submissions were in support of the proposal, one requesting advice how the money would be used. Officers propose that the funds from the rental be invested in the reserve each year in a similar manner to other telecommunication facility rentals.

Consultation has occurred with Telstra to understand the purpose of the new facility and any potential effects of electromagnetic radiation (EME) and they have advised that the new facility will be established to provide sufficient service for emerging residential development in the region and it will satisfy both network coverage objectives and user demand for the Telstra 4G and the new 5G network. This Facility will also improve depth of coverage on the Princes Highway.

Furthermore, the Australian Communications and Media Authority has set mandatory limits for EME exposure for all devices that produce Radiofrequency signals (this includes 5G). Mobile phones and their base stations are included in these mandatory limits, as are AM/FM radio and TV broadcast stations.

The safety regulations operate by placing a limit on the strength of the signal (or radiofrequency EME) that Telstra can transmit. They are not based on distance or creating “buffer zones” for zoned areas such as residential. The environmental standard limits the network signal strength to a level low enough to protect all people, in all environments, 24-hours a day, 7 days a week. The safety limit itself, has a significant safety margin, or precautionary approach built into it.

Attached as attachment 3 is a Fact sheet in relation to EME and the health affects.

Financial and Resource Implications

A rental of \$20,000pa exc GST has been agreed with Telstra and this has been agreed based upon other rentals recently agreed for telecommunication facilities in nearby locations. Furthermore, Telstra have agreed to annual 3% increases in a rental and will also contribute \$3,000 toward legal costs for the preparation of the agreement.

Conclusion

Following the consideration of the submissions and the further discussions with Telstra agreeing that the Facility will be painted a colour that will help it to blend in with its surrounds and the rental be invested in improvement work each year in Toomuc Reserve, it is proposed that Council should proceed to lease the Land for the construction of the Telstra Facility on a 10 year lease with 2 further options on the agreed terms.

Resolution

Moved Cr Stephanie Davies, seconded Cr Collin Ross.

That Council:

1. Notes the submissions received in relation to the proposal to lease land at Tomuc Reserve to Telstra for a telecommunication facility.
2. Authorises the Manager Governance to execute the lease for 10 years with 2 further options of 5 years with Telstra.
3. Notes that officers will advise submitters of the resolution of Council and the reason for the decision.

Carried

McKenzie Road Fire Access Track

Responsible GM: Peter Benazic
Author: Mark Howard/Ben Wood

Recommendation(s)

That Council endorse the following approach:

- That the status of the fire access track section of McKenzie Road remains unchanged,
- That appropriate signage be erected at either end of the fire access track section
- That works be completed to improve the surface of the track without amending the alignment or width to avoid any environmental impact or loss of trees.

Attachments

1. Mc Kenzie Road Site Plan and Photographs [6.1.7.1 - 1 page]

Executive Summary

Following a Notice of Motion in response to negative public feedback to a proposal to install locked gates on the fire access track section of McKenzie Road in Upper Beaconsfield, Council's officers were requested to complete further exploration of alternate options.

A report was tabled in response to this in September 2020 but the recommendations in that report were not supported by Council, and the following resolutions passed:

1. The installation of the Fire Access Gates at McKenzie Road and Tower Road does not proceed.
2. That the road remains as a road accessible for vehicles.
3. The road be maintained to the minimum standard permissible to allow vehicular access to continue.

An upgrade of the track to a public road, with the normally desired formation width would entail loss of significant trees and with high overall cost for an asset that provides minimal public benefit and is not the recommended approach.

While the Metropolitan Fire Access Track Standards Guide and the consistent position sought by our Emergency Management team is to gate and close all the fire access tracks managed by Council, in this instance on balance the recommendation is to retain this section as a fire access track albeit with some minor work and signage.

This location is not a destination, nor a location that would be attractive for four-wheel driving or other uses that could impact the track condition, and we would expect to have very minimal traffic. Pragmatically the issues and liability profile of retaining this classification while leaving it open are minimal, and this approach eliminates the need for significant expense that adds little value, while addressing the Council resolutions.

Background

A part of McKenzie Road, Upper Beaconsfield contains a 380m section of road classified as a 4E Fire Access Track. Situated at either end of this fire access track providing access to Split Rock and Tower Roads, are sections of 4C Local Access Roads. The entire length of McKenzie Road is an unsealed road.

In 2020, Council's emergency management team proposed lock gates be installed at either end of the fire access track section of McKenzie Road in Upper Beaconsfield, consistent with other locations around the Shire, the best practice in the Metropolitan Fire Access Track Standards Guide and with the endorsement of the Municipal Fire Management Planning Committee.

This proposal was met with significant negative feedback from adjoining landowners, which culminated with Cr Brett Owen raising a Notice of Motion in August 2020. An initial report was then tabled in the September 2020 Council meeting recommending the installation of the gates proceed. This recommendation was not supported by Council, and the request made to further explore alternate options.

The fire access track section of McKenzie Road is narrow, between 2.5m to 3m wide, undulating and meanders its way between well-established native vegetation.

The two sections of 4C Local Access Roads are 340m and 102m in length respectively and, are listed on Councils Register of Public Roads and therefore inspected and maintained in accordance with Councils Road Management Plan (RMP). The 4E Fire Access Track is not listed on this register and there is no requirement for Council to inspect as per its RMP, however it is inspected annually by the Emergency Management team in advance of the fire season. This inspection cycle is consistent with the lowest classification of 4D managed under Council's RMP.

Options considered

Option 1: The construction of this section of road to match the 4C sections of McKenzie Road, was estimated to cost approximately \$46,000, which does not include the vegetation offset, which has now been estimated to cost potentially upwards of \$250,000 although no detailed assessment has been completed. It is not recommended to consider further entertaining this option, as the construction of this section of road serves no purpose to the greater community, as well as impacting the local environment, with a very significant unbudgeted financial impact.

Option 2: Change the road classification from a 4E Fire Access Track to a 4D Limited Access Road. This road classification is suitable in a rural environment where there are very low traffic volumes and where the road only services a handful of properties and has very little impact on surrounding network. The advantage of this option is the road would be included on Councils Register of Public Road and therefore inspected and maintained in accordance with Councils RMP. The disadvantage is the road should be upgraded in a way not dissimilar to what has been suggested in Option 1 to be consistent with what Council strives for, however for 4D there is no proscribed standard so while not ideal there is more flexibility to compromise in relation to formation width. Even with a slightly reduced formation width the costs are expected to be broadly similar to option 1.

Option 3: Not changing the status of this road and it remains classified as a 4E Fire Access Track and ungated. Appropriate signage can be worded to inform general road users that this is not a public road. Completion of minor works expected to cost under \$10,000 to enhance the surface within the existing track alignment, are expected to substantially mitigate issues with vehicles using the track for occasional access.

As 4E Fire Access Tracks are not included in Council RMP, there is no obligation to inspect or maintain. However, currently all Shire fire access tracks are maintained prior to the fire danger period as part of the Open Space contract. Emergency Management has indicated they will monitor and maintain the track surface and signage. This recommendation is in line with the DRAFT Metropolitan Fire Access Track Standards Guide, which recommends fire access tracks are inspected annually to inspect the track surface and vegetation clearance. This inspection

timeframe aligns with the current inspection timeframe of a 4D Limited Access Road. It is recommended any maintenance to the track surface and signage, including reactive inspections received from the public are undertaken by Operations.

Preferred option

Option 3 provides the most logical and effective way in managing this fire access track, by addressing the concerns raised by the community and any potential risks to Council while also meeting Council's resolutions. This option can be implemented quickly with minimal budgetary impact and no change in budget allocation.

Policy Implications

Cardinia Shire Council Road Management Plan 2018

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.

2.1.5 Upgrade Council's road network to improve safety and connectivity while considering traffic demand and freight transport needs.

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

3.1.5 Facilitate community stewardship to build preparedness for natural threats.

Climate Emergency Consideration

Construction of the fire access track section of McKenzie Road to a 4C standard, or desired standard for a 4D road would have a significant impact to the local flora and fauna, with many established native vegetation needing to be removed to accommodate the construction of this road to the standard required.

Consultation/Communication

Consultation with various business units, which included Governance, Risk, Traffic Engineering, Regulatory Services, Emergency Management, Environment and Heritage and Infrastructure Services, all provided valuable input and advice into the content of this report.

Consultation and advice were also obtained by the MAV and Councils insurer.

Financial and Resource Implications

If option 1 was to be considered, the construction costs have been estimated at \$46,000.00 to construct this 380m section of road. These costs do not include the vegetation offset, which is estimated could exceed \$250,000.

The preferred option to not change the status of this road from a 4E Fire Access Track would only incur minor costs to install signage at either end of the fire access track and upgrade works that can be completed within the existing unsealed road and signage budgets of the operations business unit. Maintenance of the vegetation is already being undertaken under the Open Space contract. Any ongoing maintenance to the tracks surface can be absorbed into Operations unsealed road budget with minimal impact.

Conclusion

That Council support the pragmatic compromise recommended that the status of the fire access track section of McKenzie Road remains unchanged, with appropriate signage be erected at either end of the fire access track section and that works be completed to improve the surface of the track without amending the alignment or width to avoid any environmental impact or loss of trees.

Resolution

Moved Cr Jeff Springfield, seconded Cr Graeme Moore.

That Council endorse the following approach:

- That the status of the fire access track section of McKenzie Road remains unchanged,
- That appropriate signage be erected at either end of the fire access track section
- That works be completed to improve the surface of the track without amending the alignment or width to avoid any environmental impact or loss of trees.

Carried

6.1.8 Response to petition requesting public toilet at Eastone Reserve

Responsible GM: Debbie Tyson
Author: Doug Evans

Recommendation(s)

That Council:

- Notes the request, through the submission of a petition by the Cardinia Lakes Early Learning Centre (ELC), for the installation of a new public amenity at Cardinia Lakes (Eastone Reserve). and
- Consult and work in conjunction with the Cardinia Lakes Resident Association, in seeking appropriate community feedback, to determine need and evidence for a new public amenity at Cardinia Lakes (Eastone Reserve).

Attachments

Nil

Executive Summary

Council has received a petition requesting the consideration in the installation of public amenities at the Cardinia Lakes site (Eastone Reserve), primarily for the use by preschool children, teachers and supporting parents during their excursions and events at the Quarry.

Background

At the September Council Meeting a petition was tabled requesting the installation of public amenities at the Cardinia Lakes site (Eastone Reserve).

A Change.org petition carrying 180 signatures of which 60 are Cardinia Shire residents was lodged and an additional written petition signed by 23 persons of which 13 are Cardinia Shire residents have been received.

The petitions have been raised by the Cardinia Lakes Early Learning Centre (ELC) representatives who utilises on a limited capacity the local Quarry Park for bush kinder and excursions. The reasoning for the petition is to primarily support ELC children in the broader engagement of the bush kinder program, maximising the children's' experience and time at the Quarry Park.

The community wide feedback survey in 2020 for the Public Toilet Strategy did not at the time identify any such need and the current Capital Improvement Plan consequently does not include such a requirement.

There is no other supporting data available to Council in further understanding the need for this request and in providing evidence for the petition submitted.

Policy Implications

Council has previously adopted a Public Toilet Strategy.

Relevance to Council Plan

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.

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

Climate Emergency Consideration

All new facilities, including renovations, refurbishment, additions, renewals, etc. consider materials, supply chains, methodologies that mitigate climate impact and prevent or minimise the impacts on Council and its community.

Consultation/Communication

It is proposed to consult with the Cardinia Lakes Resident's Association to seek feedback to determine the need and evidence for a new public amenity at Cardinia Lakes (Eastone Reserve).

Following the tabling of this petition Council has received an objection from a concerned local resident to the proposal to construct a toilet block at this location. The resident raises several grounds of objection and advises that other public toilet facilities are available close to the lake.

Financial and Resource Implications

There is no current data that identifies the Cardinia Lakes (Eastone Reserve) location as a priority site for a new public amenity and consequently the recently adopted Capital Improvement Plan, as part of the Public Toilet Strategy, which addresses renewal/replacement public amenity projects, does not allow for any such budgetary considerations.

Further, the present Capital Improvement Plan relies on external funding resources such as the Growing Suburbs Fund and the Local Roads and Community Infrastructure funding programs, in supporting Council's contributions, in order to implement the priorities as identified on this Plan.

Should there be consideration to new public amenities at the Cardinia Lakes (Eastone Reserve), the following steps are recommended:

- Seek initial feedback from the Cardinia Lakes Resident Association, on whether a new public amenity is needed and required at Cardinia Lakes (Eastone Reserve).
- In structuring appropriate feedback from the Resident Association, we would need to have concluded a likely feasible location for the new amenity, including availability of services and that the location best provides universal design suitability.
- In considering budget for a new public amenity at Cardinia Lakes (Eastone Reserve), an unqualified first budget estimate is \$260k based on present new public amenities being installed within the Shire. Note this budget includes for services being available within 10 metres, simplified access requirements to and from the new amenity, and without impact from additional building and planning requirements.

Conclusion

The petition submitted by the Cardinia Lakes Early Learning Centre does not provide sufficient and reasonable evidence and need from a broad community perspective that a new public amenity at Cardinia Lakes (Eastone Reserve) is required.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Tammy Radford.

That Council:

- Notes the request, through the submission of a petition by the Cardinia Lakes Early Learning Centre (ELC), for the installation of a new public amenity at Cardinia Lakes (Eastone Reserve). and
- Consult and work in conjunction with the Cardinia Lakes Resident Association, in seeking appropriate community feedback, to determine need and evidence for a new public amenity at Cardinia Lakes (Eastone Reserve).

Carried

6.1.9 Growing Suburbs Fund 21/22 Program Cardinia Shire applications

Responsible GM: Lili Rosic
Author: Kristen Jackson

Recommendation(s)

That Council endorse the following list of applications under the 21/22 Growing Suburb Fund Program in priority order:

- Garfield North Community Centre
- Pakenham Main Street improvements
- Eastern Dandenong Ranges Trail connection

Attachments

Nil

Executive Summary

The Victorian Government Growing Suburbs Fund (GSF) 2021/22 is currently open for grant applications. This report presents the projects which are recommended for submission for funding in priority order. Council officers will submit the grant applications in October 2021 with the outcome expected to be known from December 2021.

Background

The State Government has launched the 2021/22 Growing Suburbs Fund. \$50M is the total available in this round and is open to Melbourne's ten interface and six peri-urban councils, including Cardinia Shire Council.

The funding round for grant applications opens on 1 September 2021 and will close at 2pm on 13 October 2021.

Announcements of successful grants will be made from December 2021 and construction must commence within 18 months of the funding announcement. Projects must be completed within two years of construction commencement.

The 2021-22 GSF will fund new, expanded or upgraded infrastructure projects that have a direct benefit to communities and surrounding catchment areas across the following broad infrastructure categories:

- community health and well-being;
- early education, libraries, learning and training;
- sport, recreation, and leisure facilities that have dedicated community space and support multiuse purposes;
- environmental and climate change resilience; and
- placemaking, civic amenity, and community connecting.

A Council resolution endorsing the GSF applications in order of priority is sought. Council officers have discussed the proposed projects with the Manager of the GSF program to ensure the applications are in accordance with funding criteria included in the guidelines.

To access the full guidelines visit: <https://www.localgovernment.vic.gov.au/grants/growing-suburbs-fund>

The following table includes the projects from high to low priority

PROJECT	PROJECT DESCRIPTION AND BENEFIT	TOTAL PROJECT COST	COUNCIL BUDGET ALLOCATION *	GSF GRANT REQUEST
Garfield North Community Centre	New community centre proposed within Cannibal Creek Reserve which originated as part of the Bunyip Bushfire Recovery. This proposed community centre aims to provide a new space for the community to hold events and activities.	\$2.3M	\$1,250,000	\$1.3M
Pakenham Main Street improvements	Streetscape upgrade for Main Street between John Street and Station Street. This upgrade aims to improve physical access for pedestrians along Main Street and the overall functionality and visual amenity of the area.	\$2M	\$1M	\$1M
Eastern Dandenong Ranges Trail connection	800 metre of shared trail to extend the existing Eastern Dandenong Ranges Trail to link with existing trail network within Yarra Ranges. The completion of this missing trail link will increase recreation opportunities within this part of the Shire.	\$300,000	\$100,000 from Pedestrian cycle path funding	\$200,000
TOTAL:				\$2.5M

*Note : this figure reflects the current allocation for this project in either the 21/22 Financial Year capital budget or Council's future draft capital works program.

Policy Implications

This proposal is consistent with Council existing policy and the draft Capital Works Program

Relevance to Council Plan

These projects are all consistent with the Liveable Places priority of the Council Plan.

The proposed new Garfield North Community Centre is part of the implementation of the 'Plan and deliver accessible and inclusive recreation and community facilities' 2021/22 Council Plan initiative.

There is also a specific Council Plan initiative relating to the Pakenham town centre streetscape upgrades. The 2021/22 FY the Council Plan initiative is to design the Pakenham town centre streetscape upgrades. In the 22/23 and 23/24 financial years, there are Council

Plan initiatives to commence and progress the upgrade of the Pakenham town centre streetscape.

The Eastern Dandenong Ranges Trail Connection project is part of the 'Develop and upgrade shared pathways and walking tracks across the shire' 2021/22 Council Plan initiative.

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.

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

Climate Emergency Consideration

The projects will all be developed to contribute to Council Climate Emergency and sustainability targets.

Consultation/Communication

Community consultation has been or will be undertaken for each of the project on the above list.

Financial and Resource Implications

Council's 2021/22 Capital Works Program and future draft program has been considered as the basis for the list of projects selected. The cost estimates for each projects are based on current cost estimates. The actual cost of each project will be known when the respective works are tendered. Any project budget adjustments will be made at that time.

Conclusion

The Victorian Government Growing Suburbs Fund (GSF) 2021/22 is open for applications. This report presents the three proposed grant applications for Cardinia Shire in priority order.

The three applications will be submitted by the deadline of 13 October 2021. Council is expected to receive advice regarding if the applications are successful or not from December 2021.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Jeff Springfield.

That Council endorse the following list of applications under the 21/22 Growing Suburb Fund Program in priority order:

- Garfield North Community Centre
- Pakenham Main Street improvements
- Eastern Dandenong Ranges Trail connection

Carried

6.1.10 Review of Council Delegations

Responsible GM: Debbie Tyson
Author: Jack Coogan

Recommendation(s)

That Council under section 11(7) of the Local Government Act 2020 note the current delegations that are in place and resolve that no changes are required.

Attachments

1. Delegations to CEO August 2020 [6.1.10.1 - 4 pages]
2. Instrument of Delegation Town Planning Committee 17 August 2020 [6.1.10.2 - 1 page]
3. Instrument of Delegation by Council to Staff - July 2021 [6.1.10.3 - 36 pages]

Executive Summary

Cardinia Shire Council currently has the following instruments of delegation in force:

Instrument of Delegation	Date signed
Instrument of Delegation to the CEO	17 August 2020
Instrument of delegation to Council staff	19 July 2021
Instrument of delegation to the Town Planning Committee	17 August 2020

As required by section 11(7) the Local Government Act 2020, Council must review its instruments of delegation within 12 months after a general election. This report is intended to provide an overview to Councillors and the public on the current instruments of delegation to comply with the legislative requirement..

Background

Council is a statutory entity composed of its members (ie the Councillors) and it is able to do only those things which it is authorised by statute to do. The sources of council authority can be summarised as:

- power to do things which a "natural" person can do - in particular, the power to enter into contracts;
- powers conferred by provisions of 77 separate acts and regulations, such as the Local Government Act 1989 and 2020 and the Planning and Environment Act 1987;

Because Council is not a "natural" person, it can act in only one of two ways: by resolution at a properly constituted Council Meeting or through others acting on its behalf.

Most Council decisions are not made at Council meetings. Effective functioning of the Council would not be possible if they were. Instead, most decision-making power is allocated by formal delegations. Having appropriate delegations in place ensures that various tasks and responsibilities are completed in appropriate timeframes.

Cardinia has delegations under a wide range of legislation, and such arrangements are appropriate given the diversity of services provided by Council.

The Instrument of delegation to Council staff has recently been reviewed following some structural changes and as such no amendments are suggested to this document.

Both the Instrument of Delegation to the Chief Executive Officer and Instrument of Delegation to the Town Planning Committee were reviewed and adopted under the provisions of the 2020 Local Government Act in August 2020. No changes are being recommended to these two documents as no legislative changes have required any pending amendments.

Policy Implications

Nil.

Relevance to Council Plan

5.1 We practise responsible leadership

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

5.1.2 Manage our finances responsibly and leave a positive legacy for future generations.

Climate Emergency Consideration

Nil.

Consultation/Communication

The various instruments have been prepared following consultation with relevant Council business units and advice received from the sector.

Financial and Resource Implications

In addition to the Instruments of Delegation mentioned above the Council has also delegated to the Chief Executive Officer the power to accept tenders for contracts delivered under the Construction Contractor Panel established under Contract 20/10 on 14 April 2020.

Delivering the large amount of roads projects required under the 'Sealing of Unsealed Roads in the Dandenong Ranges and Surrounds', Council's Strategic Roads Program, Intersection Construction Works and Councils Capital Works program has been streamlined by the establishment of the Construction Contractor Panel and delegating the power to the Chief Executive Officer to accept tenders lodged for these works has provided further efficiencies in delivering these projects in a timely fashion

Conclusion

Delegations are an important procedural process to allow for the efficient and effective functioning of the Council.

Resolution

Moved Cr Collin Ross, seconded Cr Carol Ryan.

That Council under section 11(7) of the Local Government Act 2020 note the current delegations that are in place and resolve that no changes are required.

Carried

6.1.11 NOM 1604 Gender Equality

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 and Culture team. People Matter Survey results have been delivered and are being analysed for inclusion in the Gender Equality Action Plan (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 extended the due date for the GEAP to 31 March 2021.

Gender Impact Assessments

A Gender Impact Assessment (GIA) is required to be conducted for any new policy, program or service that directly and significantly impacts the public. Most recently, the Talent Management Policy, Disciplinary Policy and the Complaints Policy have undergone a gender impact assessment. These assessments consider how Cardinia's work affects people across our community directly or indirectly.

Guidelines and processes for policy developers are under development and training on following these guidelines and processes will commence in 2022.

Gender Survey

Cardinia 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 final data from the People Matter Survey and information on-hand has been entered into the template as required by the Gender Equality Commission. This information will be submitted to the Commission prior to the 1 December 2021 deadline. Preliminary results are being collated and will be presented to Council in a Briefing prior to submission to the Commission. The results of this audit will inform the GEAP.

As previously reported, the categories for examination of the data remain the same and 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, 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 response to the sexual harassment survey. Improved training will form one of the actions in the GEAP currently under development.

White Ribbon Accreditation

It is with pleasure that we can report that White Ribbon Australia formally announced that Cardinia Shire Council has successfully been reaccredited as a White Ribbon Australia Workplace.

Achieving accreditation demonstrates our organisation's leadership and commitment to drive social change. Much of the hard work was driven through the organisation's volunteer Respect and Equality Committee. The detailed and complex work and data that needed to be gathered in order to succeed in accreditation was undertaken across the organisation, but largely by the committee.

In recognition of the great submission for accreditation, White Ribbon Australia has included examples of our work in their best practice library.

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

A Gender Equality Policy for Cardinia will be finalised for consideration, taking into account the above legislation.

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

Nil.

Conclusion

Cardinia continues to undertake several projects to promote and progress towards Gender Equality and meet the requirements of the Gender Equality Act. Cardinia will continue to do so through various projects that will positively impact Cardinia's employees as well as its residents.

Resolution

Moved Cr Collin Ross, seconded Cr Kaye Cameron.

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

Carried

Landscape Standards Report

Responsible GM: Peter Benazic
Author: Yasmin Daud and Stephen Mannering

Recommendation(s)

That Council support current maintenance standards, they meet Council's responsibilities and provide a balance between the community's needs and expectations and Council's ability to fund these maintenance programs.

Attachments

1. Cardinia Shire Council - Park Scape Report 2017 [6.1.12.1 - 58 pages]
2. Landscape Standards Report [6.1.12.2 - 8 pages]

Executive Summary

This report was prepared to detail and assess current open space maintenance standards across the shire, the level of maintenance undertaken at each reserve and the regularity of visits.

Council's open space assets are maintained under six service levels. The list below shows the servicing levels per annum. These levels are adjusted in line with the seasons, e.g. During late autumn/ winter under the "Parkland" service, a site will be visited on a four-weekly basis. During spring/ summer however, this would move to the same frequency as the premium "Urban" level on a two-weekly rotation

Service Level	Garden Bed	Mowing	No of locations
- Urban	26	26	32
- Parkland	15	18	745
- Streetscape Premium	12	12	17
- Streetscape	10	10	6
- Natural Premium	6	6	26
- Natural	4	4	21

The total annual cost for these locations, which include our parks and streetscapes is \$3,142,945 for basic mowing and horticulture. Please note that these figures do not include all traffic treatments, facility surrounds, sporting surfaces, bushland reserves, fire breaks, access tracks, roadside slashing and any other locations managed by Council, nor do they include locations managed by committees.

The detailed breakdown of standards currently applied to each park within the Shire are in the attached spreadsheet. The table below shows the number of locations for each standard, and the summary of how that will change for two different maintenance options.

Service Level	No of sites Currently	No of sites if "Urban" standard adopted	No of sites if "Parkland" standard adopted
Urban	32	777	0

Parkland	745	17	777
Streetscape Premium	17	6	17
Streetscape	6	0	6
Natural Premium	26	26	26
Natural	21	21	21
Total Cost	\$3,142,945	\$4,535,932 (increase of \$1,392,987)	\$3,087,101 (saving of \$55,843)

The current service is delivered by Citywide Service Solutions, as the successful tenderer of Contract 19-01 and as awarded by council in November 2019. Current maintenance standards were assessed from existing levels and from the external benchmarking organisation ParkScape, who were engaged by Council to undertake a community survey of our parks. The survey was undertaken between November 2017 - January 2018.

Background

This report has been prepared to provide Council an opportunity to assess current levels of service across Council's reserves.

The current service is delivered by Citywide Service Solutions, as the successful tenderer of Contract 19-01 as awarded by Council in November 2019.

In the preparation for the tender process for this contract a benchmarking survey was completed by external specialists ParkScape, who were engaged by Council to undertake a community survey of our parks. The survey was undertaken between November 2017 - January 2018. The key outcome from this survey was that the existing service standards were reasonable, in keeping with other Councils, and represented a good balance between affordability and service level.

The recommendation that those service levels be retained, along with the survey results were presented to both SLT and Council in the lead up to the award of the current Citywide contract. That report is attached. It is important to note that the majority of locations around the Shire where this survey was conducted were being serviced at the "normal" parkland standard (see below), which broadly also supports its adequacy.

Council's open space assets are maintained under different six service levels based on type of asset, profile, and history. The Table below shows the servicing levels per annum along with the number of sites currently managed at that service standard. Some larger sites may have different service levels within the one site reflecting different uses, and the table only reflects the highest standard used in these locations. The actual interval between services are adjusted in line with the season and the need, e.g. during late autumn/winter under the "Parkland" service a site will be visited on a four-weekly basis, during spring/early summer however this would move to a two-weekly rotation to account for higher grass growth rates.

Service Level	Garden Bed	Mowing	No of locations
- Urban	26	26	32
- Parkland	15	18	745
- Streetscape Premium	12	12	17

- Streetscape	10	10	6
- Natural Premium	6	6	26
- Natural	4	4	21

Policy Implications

The current contract and open space maintenance is aligned with Council's Liveability Plan, Open Space Management Framework, Recreational Open Space Strategy, Sustainable Environment Strategy and the Road Management Plan

Relevance to Council Plan

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.

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

5.1 We practise responsible leadership

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

Climate Emergency Consideration

Increasing the service standard would not only increase overall costs but would also increase greenhouse emissions from increase plant operational time.

Consultation/Communication

Scape Data an external benchmarking organisation were engaged by Council to undertake a community survey in relation to the performance of our parks and current service levels.

The survey process included 200 interviews across 21 different parks around the Shire, at different times of the day and on different days to attempt to get a representative sample. Results indicated that thirty six percent of participants regularly visited other parks in the Shire of Cardinia area and overall satisfaction with Shire of Cardinia parklands was 7.9. (Cardinia 7.9, Mean 8.1, Range 7.6 - 8.5).

The survey results for satisfaction with maintenance led to an overall score of 7.7. (Cardinia 7.7, Mean 7.9, Range 7.5 - 8.3). The survey indicates the community is generally happy with the current maintenance standards, with the scores for Cardinia slightly lower than the average for other participating councils in our region. This indicates that we are achieving a good balance between cost and providing an acceptable level of service with current standards. The tender was prepared based on maintaining current service levels.

Financial and Resource Implications

Maintaining the status quo will have no financial or budgetary impact. The total financial impact of changing service levels identified above, is shown in the executive summary.

Conclusion

Current servicing levels have proven successful throughout our parks and reserves for several years. These standards meet Council's responsibilities and provide a balance between the community's needs and expectations and Council's ability to fund the maintenance programs.

Resolution

Moved Cr Collin Ross, seconded Cr Tammy Radford.

That Council support current maintenance standards, they meet Council's responsibilities and provide a balance between the community's needs and expectations and Council's ability to fund these maintenance programs.

Carried

6.2 Policy Reports

6.2.1 Chief Executive Officer Employment and Remuneration Policy

Responsible GM: Debbie Tyson
Author: Doug Evans

Recommendation(s)

That Council adopt the Chief Executive Officer Employment and Remuneration Policy.

Attachments

1. Chief Executive Officer Employment and Remuneration Policy [6.2.1.1 - 5 pages]

Executive Summary

The Local Government Act 2020 requires that the Council *'develop, adopt and keep in force a Chief Executive Officer Employment and Remuneration Policy'*. This report recommends that the attached Policy be adopted.

Background

Council has in place a Chief Executive Officer Employment Matters Policy that was adopted in 2018. This Policy was prepared based on the requirements included in the Local Government Bill in 2018 that was before Parliament at that stage.

Section 47 of the Local Government Act 2020 now specifically requires that the Council formally adopts a Chief Executive Officer Employment and Remuneration Policy, and this must be done no later than 31 December 2021.

The attached Policy has been amended from the previous adopted Policy and complies with the provisions of the Local Government Act.

Policy Implications

Adopting the Chief Executive Officer Employment and Remuneration 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 are no Climate Emergency Consideration as part of this report.

Consultation/Communication

The new draft Policy has been circulated to the Chief Executive Officer Employment Matters Committee and some minor changes to the Policy have been included in the version attached as suggested by the Committee Chairperson.

Financial and Resource Implications

Nil

Conclusion

It is appropriate for the Council to adopt the attached Chief Executive Officer Employment and Remuneration Policy to comply with the provisions of the Local Government Act 2020

Resolution

Moved Cr Jack Kowarzik, seconded Cr Graeme Moore.

That Council adopt the Chief Executive Officer Employment and Remuneration Policy.

Carried

6.3 Financial Reports

6.3.1 Contract 20-63: Construction of the New My Place Youth Centre Facility

Responsible GM: Debbie Tyson
Author: Paola Mograve

Recommendation(s)

That Council award Allmore Constructions Pty Ltd Contract 20-63 – Construction of the New My Place Youth Centre Facility for a tender price including Provisional Sums of \$5,131,675.00 excluding GST

Attachments

1. CONFIDENTIAL - Confidential Memorandum - Circulated to Councillors only [6.3.1.1 - 4 pages]

Executive Summary

This report provides recommendation for the appointment of a Commercial Builder to undertake the works associated with New My Place Youth Centre Facility Contract 20-63.

The facility has been designed to meet the applicable standards and considers Cardinia Shire Council Enhanced Standards, along with Trauma informed design principles.

The Tender submitted by Allmore Constructions Pty Ltd complies with all the Conditions of Tender and their submitted Tender price is best value and the most competitive for this project.

Allmore Constructions Pty Ltd demonstrates extensive experience in delivering small to large scale projects within Local Government.

Background

The My Place Youth Facility was opened in 2012 and is located on Main Street, Pakenham. Since then, it has been demonstrated that through the co-location of multi-agency and disciplinary services that an integrated and holistic approach to meet the needs of young people provides best practice outcomes.

The New Youth Facility will increase service attraction locally for young people and families to meet both the current and the future needs of the community. The services and programs delivered through the New Youth Facility support young people from 12 to 24 years of age. The benefits of the services provided through this facility support young people to build resilience, prevent issues escalating, re-engage in education, training, and work, improve their relationships and access to specialist services in a timely manner.

To maintain the existing services as well as attract new services and programs locally for young people, a new facility will assist in fulfilling the expectations of the community, as well as the demand for the provision of community and youth services within Cardinia Shire.

The new facility will be located on a parcel of Council owned land at 43 James Street, Pakenham. This location has an area allocated for the project of 1018sqm, to accommodate an overall 1040sqm multi-storey building, with associated landscaping, and car parking.

The new contemporary building will provide a design to ensure maximum utilisation of all spaces, providing a modern and vibrant youth hub in the heart of Pakenham.

The new design includes spaces such as:

- Waiting area
- Reception and open office
- Consult rooms
- Amenities and laundry facility
- Consultant and classrooms
- Training and programs room
- General Practitioner room with associated intake room
- Computer Hub
- Recording booth
- Communal Kitchen
- Hangout space
- Active rooftop recreation space which included:
BBQ and seating area as well as basketball hoop.

The new youth facility has been designed using Trauma Informed Principles. This method considers how the physical environment affects individuals, recognising that it can have a physiological and emotional impact and responds by creating supportive environments that resist re-traumatisation, this environment promotes physical, mental, and social health, this approach creates a welcoming space for young people, families, and professionals through the use of specific materials, colours and visibility throughout the building.

The design has implemented the below Trauma informed design principles within the building and its exterior:

- Materials and colours:
 - a. Orange colour chosen through various discussions with users.
 - b. Minimal patterning in colours and textures.
- Articulated corridors and curved walls.
- Open stair and break out areas allow for visibility throughout the building.
- Connection with external context and landscaping:
 - a. Consult rooms facing landscaped courtyard.
 - b. Open stair and void with views to sky and roof deck.
 - c. Central void allows for natural light throughout the building.
 - d. Greenery within the building.
- Waiting room strategically designed to provide privacy from the public, while providing visibility from the reception area.

The Tender was released 1 February 2021 and closed on 2 March 2021. Three Tender submissions were received.

The Evaluation Panel agreed on a preferred Tenderer, whom a few days before Tender award at the June 2021 Council meeting withdrew their Tender submission.

As the remaining Tender submissions for this Contract were above the allocated project budget a rigorous Value Management process has been completed by the project team.

As part of the Value Management exercise and in order to keep the quality and integrity of the New My Place Youth Centre Facility design, the exercise was undertaken with the Architect and Consultants Team to reduce construction costs, which included a minor redesign of the active roof top deck and consideration to alternative finishes. These changes have minimal impact to the function and intent of the facility.

Subsequently, the remaining tenderers were provided the opportunity to re-price their Tenders. The tender re-pricing received, present a reduction in the overall contract cost. However, due to COVID-19 impacts to the construction industry, the Tender submissions remain above the allocated project budget.

Tenders were evaluated against weighted criteria, including Capability and Capacity, Relevant Experience and Performance, Project Program, Quality System and COVID19 plan.

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 Allmore Construction Pty Ltd considered to provide the best value for money outcome.

Policy Implications

There are no policy implications associated with this report.

Relevance to Council Plan

Not applicable.

Climate Emergency Consideration

To attain an Environmentally Sustainable Design outcome, the building design has included internal Council requirements as well as a project-specific Environmental Management Plan. Consideration and implementation have been made to the following items:

- Ecology component: use of at least 70% (by area) of new indigenous and drought-resistant plants within landscaped areas.
- Energy & Carbon emissions components: locate hot water appliances close together and near the hot water system. A central recirculating system is specified, stairs are located central location to encourage their usage instead of the lift and no gas appliances are utilised in this project.
- HVAC components: VRV based system has been specified, to provide the ability to use more outside air.
- Indoor Environment components: windows fitted with blinds to minimise glare, good levels of natural light to most of the occupied area, Indoor Planting to be provided in Entry/Reception, Waiting Area and Office space.
- Other components: Lighting, materials selection, etc

Consultation/Communication

Consultation and engagement with various stakeholders including user groups (young people), service providers, funding departments and Council Officers has occurred throughout all phases of the Design Development for this project.

The project has actively included participation of the community, specially of the young people in the process who have been consulted on; name of the facility, building services, programs and activities to take place at the facility. To meet the growing needs of the community, the design of the facility was informed through various workshops undertaken with service providers and young people.

During the time that the Value Management exercise was conducted, regular updates have been provided to stakeholders including:

- Representatives from the funding bodies, Department of Environment, Land, Water and Planning (Growing Suburbs Fund), and Department of Health (Community Health and Hospital Program) on the projects progress. Both funding bodies have approved the cost saving design amendments as the functionality of the new Facility's intent remains unchanged.

- key decision makers of organisations who will co-locate in the new facility. These organisations have provided input and agree to the cost saving design amendments and provided feedback that the reduction to the active roof top area provides easier surveillance of the space. These organisations remain committed to co-locating in the new Facility.

Financial and Resource Implications

The total budget allocation to this project was initially \$6,000,000 excluding GST. This budget includes funds for the construction of the building with a total of \$5,500,000.00 and the public carpark component with a total of \$500,000.00 excluding GST.

This project is funded via the following agreements:

Funding for the Project	
Council funding contribution	\$1,500,000.00 (\$1M building and \$500K towards car parking)
State Government – Department of Environment, Land, Water and Planning	\$3,000,000.00
Federal Government – Community Health and Hospital Program -	\$1,500,000

The parcel of land selected for the New My Place Youth Centre Facility is currently a public carpark and through a formal carpark design, efficiencies have been created to ensure there is no impact to the provision of required parking bays at this site.

The construction of the new building and public carpark will be managed by a project team composed by a Civil Project Manager, Buildings Project Manager, and the Coordinator, Project Development as the Project Director.

Due to the required Value Management process, the project timeline has been impacted by five months, this delay places pressure on the funding agreement timelines and staff resourcing through the extensive process undertaken thus far.

Despite, that additional funding to support the project is not available from either funding body, confirmation has been received that project funding will not be revoked due to extended project timelines, as the challenges experienced are a direct result of COVID-19 impacts and restrictions.

As part of the Tendering process, all Tenderers were required to submit a Local Industry Development Plan (LIDP) for recognition and evaluation and to review the legitimacy of the document presented, a VIPP Plan was certified by the Industry Capability Network (ICN) before submission to CSC. ICN assist with the implementation of the local jobs first policy (LJFP). Evaluation Report was produced by ICN, based on the information provided Allmore Constructions Pty Ltd passed the evaluation with a score of 91.0188% Building minimum of Local Content Commitment to this contract.

Tender price submitted by Allmore Constructions Pty Ltd. following the Value Management exercise is \$5,131,675.00 excluding GST.

Following re-submission of Tender price, the project budget remains over-budget with an overall shortfall of \$823,680.88. This figure includes building construction works as well as IT and AV components, furniture, Art components, Authority and Project Management fees.

The organisation is progressing a review of the 2021/22 financial year Capital Works Program across the organisation with consideration to potential budget savings, with a focus to provide

adequate budget allocation to projects impacted by heighten cost of trade engagement and the shortage of building materials due to COVID-19.

Conclusion

With consideration to the entire process of evaluation, including budget constraints, Value Management and COVID-19 impacts the Evaluation Panel concluded that Allmore Constructions Pty Ltd Tender demonstrates their ability to undertake the construction of the new Youth Centre and their submission represents the best value outcome for this project.

It is recommended that the Tender submitted by Allmore Constructions Pty Ltd for a tender price of \$5,131,675.00 excluding GST, for the construction works associated with Contract 20-63 the New My Place Youth Centre Facility be approved.

Resolution

Moved Cr Carol Ryan, seconded Cr Collin Ross.

That Council award Allmore Constructions Pty Ltd Contract 20-63 – Construction of the New My Place Youth Centre Facility for a tender price including Provisional Sums of \$5,131,675.00 excluding GST

Carried

6.3.2 Procurement Policy

Responsible GM: Jenny Scicluna
Author: Bruce Walker

Recommendation(s)

That Council adopts the new Procurement Policy.

Attachments

1. Procurement Policy [6.3.2.1 - 16 pages]

Executive Summary

This report seeks the endorsement of a new Procurement Policy as required by *Local Government Act 2020*, section 108.

The policy sets out the key principles, processes and procedures applied to all purchases of goods, services and works by Council and is applicable to all Councillors, Council Staff and other persons undertaking procurement on Council's behalf.

The Policy has been developed collaboratively by the South East Regional Group of Councils (SERGC) with a view to facilitating effective collaborative procurement processes, consistent with the Act.

Background

The new *Local Government Act 2020* requires all councils to prepare a new Procurement Policy for adoption by Council before 31 December 2021. A full review of, and alignment with, the new Act was undertaken in collaboration with eleven South Eastern Councils. Where differences were acknowledged between councils, it was agreed to represent these specific deviations as Appendices within each council's own policy.

The Policy will support the achievement of Council's objectives of sustainable and socially responsible procurement, support of local economies, and obtaining value for money towards improved provision of services for the community. The intent of the policy is to also

- provide policy and guidance to allow consistency and control over procurement activities.
- demonstrate accountability to rate payers.
- provide guidance on ethical behaviour in public sector purchasing.
- demonstrate the application of elements of best practice in purchasing.
- promote open and fair competition.
- increase the probability of obtaining the right outcome when purchasing goods and services.

Policy Implications

The new Procurement Policy will replace the current Policy adopted by Council on 15th March 2021.

Relevance to Council Plan

5.1 We practise responsible leadership

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

5.1.2 Manage our finances responsibly and leave a positive legacy for future generations.

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

Climate Emergency Consideration

The Policy aligns with a number of environmental objectives by supporting sustainability and the Circular Economy. It commits Council to prioritise purchases that minimise waste, drive energy efficiency, natural resource conservation, biodiversity and reductions in greenhouse gas emission.

Consultation/Communication

The Policy has been created in collaboration with eleven South Eastern Councils over the past 12 months, after which a draft was circulated to all Council Managers for a period of 2 weeks in September 2021. An amended draft was then reviewed by the Audit & Risk Committee (ARC) on 17 September and SLT on 22 September.

The following key feedback was received and incorporated where appropriate into this new draft version of the Policy.

- Section 5.2 (b) Risk Management
 - Reference to “In accordance with Cardinia Shire Council Risk Policy.” (OHS request)
- Section 5.7 Tender Evaluation and Negotiation
 - Modified to prescribe the need to appoint a probity advisor for complex, high risk tenders, including a total contract sum amount of \$10m over life of a contract. (ARC request)
- Section 5.10 Exemptions and Breaches
 - Provision for “the CEO” to resolve that an Emergency Event requires a contract to be entered into by council. (Stakeholder request)
 - Legal Services remains an exempt spend category (LG Regulations 2015)
 - Insurance remains an exempt spend category (broker’s involved – volatile makets)
 - Deleted reference to “monopoly” insurance (OHS request)
- Appendix 1 – Thresholds
 - Setting of \$300K threshold seemed conservative (SLT feedback) but is consistent with other South East Regional Group of Councils (SERGC)
 - Inclusion of council’s existing practice of “No Purchase Order, No Pay”. (stakeholder request)
- Appendix 7 – Thresholds
 - Reiterated climate action commitment as an environmental. (stakeholder request)

Stakeholder requested additional statements not adopted as they were considered procedural in nature, too specific for a long term policy or too prescriptive included: capital works variations and process; bank guarantees; COVID-19; Council contributions and grants process; Appendix 1 requirement to provide verbal quotation notations on purchase orders up to \$5,000; Section 5.2 content on supplier panel arrangements (establishment and ongoing

management) – this was considered too prescriptive around specific panel needs that is more appropriate for capture in procedures.

Financial and Resource Implications

This Policy provides clear direction, principles and consistent process for managing risks associated with all procurement activities to enable Councillors, Council Staff and other persons undertaking procurement on Council's behalf to make appropriate financial business decisions that minimise risk exposure to themselves and council.

There are no additional resource implications associated with adoption of this Policy.

Conclusion

This Procurement Policy ensures Council alignment and compliance with the new *Local Government Act 2020*. It was collaboratively constructed with 11 South Eastern Councils to facilitate an agreed structure and approach to support future collaboration.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Tammy Radford.

That Council adopts the new Procurement Policy.

Carried

6.3.3 Contract 21-031: Pavement Renewal Works 2021-22

Responsible GM: Peter Benazic
Author: Buddhika Wilwara Achchige

Recommendation(s)

That Council accept the tenders submitted by:

- Downer EDI Works Pty Ltd to undertake the works associated with Contract 21-031A - Pavement Renewal Works on Hein Rd in Pakenham Upper, Pitt Rd in Iona, McDonalds Trk in Lang Lang, Railway Ave in Tynong and Soldiers Rd in Lang Lang/Caldermeade for the contract sum of \$2,355,918.14 (Excl. GST); and
- R&C Asphalt Paving Pty Ltd to undertake the works associated with Contract 21-031B - Pavement Renewal Works on Lakeside Dr in Emerald be accepted for the contract sum of \$462,670.00 (Excl. GST);

Attachments

1. CONFIDENTIAL - Confidential Memorandum - Circulated to Councillors only [6.3.3.1 - 4 pages]

Executive Summary

The six roads under consideration within this contract have been identified as a high priority for treatment under Council's asset management systems and are amongst the highest for maintenance costs for the shire.

This report provides consideration for the appointment of two contractors to undertake works to reconstruct the pavement of the six roads. The proposed works involve pavement rehabilitation and construction, drainage improvements and associated works.

The tender for Hein Rd in Pakenham Upper, Pitt Rd in Iona, McDonalds Trk in Lang Lang, Railway Ave in Tynong and Soldiers Rd submitted by Downer EDI Works Pty Ltd is the most advantageous for Council, providing the best value for money, while the tender for Lakeside Drive in Emerald submitted by R&C Asphalt Paving Pty Ltd was the best value for money while providing excellent service.

It is therefore recommended that Contract 21-031 for the construction of,

- Hein Rd, Pakenham Upper (Seal Floodway To Berglund Rd),
- Lakeside Dr, Emerald (Start Of Seal To Emerald Monbulk Rd),
- Pitt Rd, Iona (No.7 Drain Bridge Nth Abutment To 470mNth from Nth FL No.220),
- McDonalds Trk, Lang Lang (117m South of Range Rd To East Side Of Railway Line),
- Railway Av, Tynong (No.68/70 To View St Intersection) and
- Soldiers Rd, Caldermeade/Lang Lang (Caldermeade Rd to Westernport Rd be awarded accordingly.

Background

Six roads were identified as a high priority for treatment under Council's asset management systems and through discussions with Council's road maintenance team as they are amongst

the highest for maintenance costs for the shire. These six roads were included in the tender documents associated with CT21-031.

Tenders were advertised on 10 July 2021 and closed on 03 August 2021. A total of six (6) tenders were received.

The tenders were checked against a range of weighted and non-weighted selection criteria to ensure the viability of the tender submissions. These criteria include: Pricing and value for money, OHS, Risk & Insurance, Compliance with the Specifications, Required Prequalification with VicRoads (DoT) Financial Viability, Locality, Environmental Commitments, Capability and Capacity, Relevant experience and past performance of the Tenderer, Quality system and Project Plan..

The tender advertised contained separate schedules for each listed road, with Council having the option of awarding each of the roads by themselves or in a package to separate tenderers if this demonstrated best value for money for Council.

To provide best value for money, it is recommended that the following roads be awarded:

Road	Awarded to	Tender Price (Ex. GST)
Hein Rd	Downer EDI Works Pty Ltd	\$ 84,301.43
Pitt Rd	Downer EDI Works Pty Ltd	\$ 600,224.03
McDonalds Trk	Downer EDI Works Pty Ltd	\$ 159,927.66
Railway Av	Downer EDI Works Pty Ltd	\$ 133,981.23
Soldiers Rd	Downer EDI Works Pty Ltd	\$ 1,377,483.79
Lakeside Dr	R&C Asphalt Paving Pty Ltd	\$ 462,670.00

Policy Implications

The works have been developed in accordance with Council's Asset Management Plans.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

2.1.5 Upgrade Council's road network to improve safety and connectivity while considering traffic demand and freight transport needs.

Climate Emergency Consideration

Nil

Consultation/Communication

Consultation with the community, affected property owners and commuters to notify them of disruptions throughout the construction works will form part of the project planning and delivery after the award of this Contract.

Financial and Resource Implications

Funding for works on Hein Rd, Pitt Rd, McDonalds Trk, Railway Ave and Lakeside Dr will be made available under the 2021-2022 Capital Works Program for Asset Renewal and Upgrade.

The total cost for the rehabilitation of these roads is \$ 1,441,104.35 (Excl. GST). There will be sufficient funds available in the Capital Works program to award these works.

Rehabilitation works on Soldiers Rd will be funded by Local Roads and Community Infrastructure Program (LRCI). A Grant of \$1,600,000 has been approved for Soldiers Rd under this program.

Conclusion

The tender submitted by Downer EDI Works Pty Ltd for Hein Rd in Pakenham Upper, Pitt Rd in Iona, McDonalds Trk in Lang Lang, Railway Ave in Tynong and Soldiers Rd in Lang Lang/Caldermeade be accepted for the contract sum of \$2,355,918.14 (Excl. GST); is considered to be the most beneficial to Council and it is recommended that Contract 21-031A - Pavement Renewal Works be awarded to Downer EDI Works Pty Ltd for \$2,355,918.14 (Excl. GST);

In addition, the tender submitted by R&C Asphalt Paving Pty Ltd for Lakeside Drive in Emerald is considered to be the most beneficial for Council and it is recommended that this component of Contract 21-031B - Pavement Renewal Works be awarded to R&C Asphalt Paving Pty Ltd for \$462,670.00 (Excl. GST)

Resolution

Moved Cr Stephanie Davies, seconded Cr Jeff Springfield.

That Council accept the tenders submitted by:

- Downer EDI Works Pty Ltd to undertake the works associated with Contract 21-031A - Pavement Renewal Works on Hein Rd in Pakenham Upper, Pitt Rd in Iona, McDonalds Trk in Lang Lang, Railway Ave in Tynong and Soldiers Rd in Lang Lang/Caldermeade for the contract sum of \$2,355,918.14 (Excl. GST); and
- R&C Asphalt Paving Pty Ltd to undertake the works associated with Contract 21-031B - Pavement Renewal Works on Lakeside Dr in Emerald be accepted for the contract sum of \$462,670.00 (Excl. GST);

Carried

6.4 Activity Reports

6.4.1 Quarterly Council Resolutions Report

Responsible GM: Debbie Tyson
Author: Doug Evans

Recommendation(s)

That Council note the report detailing implementation of Council resolutions for the period July to September 2021.

Attachments

1. Resolutions report October 2021 [6.4.1.1 - 18 pages]

Executive Summary

The attached report details all resolutions made at Council and Town Planning Committee Meetings for the period July to September 2021, with one matter still in progress from the meeting held in May this year. It includes the actions taken to implement the decisions.

The report does not include matters for noting or matters that did not require action to be taken.

Background

The Chief Executive Officer is responsible for ensuring that Council decisions are implemented without undue delay and, when requested, to report to Council in respect of the implementation of these decisions.

The attached report informs the Council about the implementation of these decisions and provides transparency to the community regarding this.

Policy Implications

This regular report is in keeping with the Governance Rules.

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 are no Climate Emergency consideration in regards to this report.

Consultation/Communication

All relevant staff have been consulted in the preparation of this report.

Financial and Resource Implications

There are no Financial or Resource implications in regard to this report.

Conclusion

This report is provided for the information of Councillors to provide transparency regarding the implementation of Council decisions and provide confidence to the Council that the decisions are implemented without undue delay.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Graeme Moore.

That Council note the report detailing implementation of Council resolutions for the period July to September 2021.

Carried

6.4.2 Planning Scheme Amendment Activity Report

Responsible GM: Lili Rosic
Author: Luke Connell

Recommendation(s)

That Council note the report.

Executive Summary

The report provides an update on the status of active planning scheme amendments and planning scheme amendment requests received.

Status of Active Amendments

The following table provides details relating to planning scheme amendments that are currently being processed.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Graeme Moore.

That Council note the report.

Carried

6.4.3 Planning matters dealt with by officers under Delegated Authority

Responsible GM: Lili Rosic
Author: Luke Connell

Recommendation(s)

That Council note the report.

Executive Summary

The following matters have been dealt with under delegated powers since the last report to Council.

Relevance to Council Plan

5.1 We practise responsible leadership

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

Matters dealt with by officers under delegated authority by Council Ward

For the period between 1 July 2021 and 15 September 2021.

Beacon Hills Ward

Date Issued	Permit No	Address	Proposal	Decision	Lodged Date
12-Jul-21	T210316 - 1	422 Paternoster Road, Mount Burnett VIC 3781	Development of the land for an outbuilding and removal of vegetation	Issued	29 June 2021
12-Jul-21	T210288	35 St Georges Road, Beaconsfield Upper VIC 3808	Buildings and works associated with a dwelling alteration and extension (verandah and deck)	Issued	26 April 2021
13-Jul-21	T210369	95 Apple Tree Lane, Pakenham Upper VIC 3810	Development of the land for a carport	Issued	24 May 2021
14-Jul-21	T210171 - 1	210 Gordon Road, Pakenham Upper VIC 3810	Amendment to the location of the outbuilding	Issued	02 July 2021
16-Jul-21	T200767	12 Knapton Avenue, Beaconsfield Upper VIC 3808	Use and development of the land for a single dwelling, construction of an outbuilding, earthworks and native vegetation removal	NOD	24 November 2020
21-Jul-21	T210120	44 Dickie Road, Officer VIC 3809	Alterations and additions to a dwelling and studio, construction of two (2) outbuildings and earthworks	Issued	19 February 2021
21-Jul-21	T210325	230 Toomuc Valley Road, Pakenham VIC 3810	Buildings and works for two new outbuildings, extension of existing outbuilding and associated works	Issued	06 May 2021

22-Jul-21	T210351	53 Studd Road, Pakenham VIC 3810	Buildings and works (dwelling) on land affected by the Significant Landscape Overlay - Schedule 6	Issued	17 May 2021
29-Jul-21	T210347	57 Studd Road, Pakenham VIC 3810	Buildings and works (dwelling) on land affected by the Significant Landscape Overlay - Schedule 6	Issued	13 May 2021
29-Jul-21	T210356	290 Leppitt Road, Beaconsfield Upper VIC 3808	Development of the land for an outbuilding and associated earthworks	Issued	19 May 2021
29-Jul-21	T210134	61 Warrawee Avenue, Beaconsfield VIC 3807	Applying for permit container fixture on personal property for storage.	Lapsed	24 February 2021
29-Jul-21	T200627	845 Pakenham Road, Pakenham Upper VIC 3810	Development of the land for a dwelling extension and outbuilding (shed)	Lapsed	28 September 2020
02-Aug-21	T200535	53 Lewis Road, Beaconsfield Upper VIC 3808	Buildings and works associated with an outbuilding and removal of native vegetation	Issued	02 September 2020
03-Aug-21	T210427	44 Bayard Drive, Pakenham Upper VIC 3810	Development of the land for an outbuilding (shed)	Issued	10 June 2021
05-Aug-21	T210579	3 Salisbury Road, Beaconsfield Upper VIC 3808	The approved planning permit (T160025 -1) references a specific date and revision to the Fire Engineering report under Conditions 24, 26 and 28, which does not allow subsequent amendments to be endorsed without a planning permit amendment. A number of changes has been made to the plans and when we submitted this as a Secondary Consent, these conditions are stopping the changes to be approved without a section 72 amendment. We therefore request to amend all reference to the Fire Engineering Report to allow for "subsequent amendments to the report". Please refer to attached "Request to Amend Permit" letter for further details.	Application Withdrawn	05 August 2021
09-Aug-21	T210297	38 Stoney Creek Road, BEACONSFIELD UPPER VIC 3808	Removal of native vegetation (two dead trees)	Issued	28 April 2021
12-Aug-21	T200552	215 Princes Highway, Beaconsfield VIC 3807	Subdivision of land	Issued	26 August 2020
16-Aug-21	T210516	655 Gembrook Road, Pakenham Upper VIC 3810	2 lot subdivision	Application Withdrawn	09 July 2021
16-Aug-21	T210551	39 St Georges Road, Beaconsfield Upper VIC 3808	Buildings and works associated with the construction of a verandah	Issued	26 July 2021
23-Aug-21	T210633	11 Leadbetter Road, Beaconsfield Upper VIC 3808	Extension and alterations to existing dwelling	Application Withdrawn	18 August 2021
26-Aug-21	T210357	102-112 Old Princes Highway, Beaconsfield VIC 3807	Construction and display of signage	Issued	18 May 2021
26-Aug-21	T210610	8 Madeline Court, Emerald VIC 3782	New dwelling	Application Withdrawn	13 August 2021
26-Aug-21	T210359	455 Toomuc Valley Road, Pakenham VIC 3810	Construction of three (3) agricultural buildings and associated buildings and works and earthworks (outdoor horse arena)	Issued	18 May 2021
01-Sep-21	T210211	200 Army Road, Pakenham VIC 3810	Development of the land for a non-habitable outbuilding (shed) and removal of vegetation	Issued	25 March 2021

02-Sep-21	T210554	10 Toogood Court, Pakenham Upper VIC 3810	Buildings and works associated with an outbuilding	Issued	27 July 2021
02-Sep-21	T210014	23 Stoney Creek Road, Beaconsfield Upper VIC 3808	Buildings and works associated with an outbuilding (garage) and associated works	Issued	12 January 2021
02-Sep-21	T210053 - PC1	19-21 Woods Street, Beaconsfield VIC 3807	Demolition of existing fire damaged heritage building	Issued	01 September 2021
02-Sep-21	T200855	4 Stoney Creek Road, Beaconsfield Upper VIC 3808	Creation of access to a Road Zone Category 1	Refused	23 December 2020
08-Sep-21	T210464	55 Studd Road, Pakenham VIC 3810	Buildings and works (dwelling) on land affected by the Significant Landscape Overlay - Schedule 6	Issued	24 June 2021
08-Sep-21	T210497	1 Cremin Drive, Pakenham VIC 3810	Development of the land for an outbuilding and associated works.	Issued	05 July 2021
08-Sep-21	T210531	44 Niseko Crescent, Pakenham VIC 3810	Buildings and works (dwelling) on land affected by the Significant Landscape Overlay - Schedule 6	Issued	19 July 2021
08-Sep-21	T210496	7 Harpfield Road, Beaconsfield Upper VIC 3808	Development of land for an outbuilding (shed)	Issued	03 July 2021
14-Sep-21	T210330	35 Bourkes Creek Road, Pakenham Upper VIC 3810	Development of the land for a replacement dwelling	Issued	08 May 2021
15-Sep-21	T210126	55 Army Settlement Road, Pakenham VIC 3810	Development of the land for an agricultural shed, associated works and vegetation removal	Issued	22 February 2021
15-Sep-21	T210051	215 Harvie Road, Pakenham Upper VIC 3810	Use and development of the land for a dwelling and outbuilding and associated works, and use of the land for a Host Farm.	Issued	21 January 2021

Bunyip Ward

Date Issued	Permit No	Address	Proposal	Decision	Lodged Date
02-Jul-21	T210339	40 Ernie Nash Lane, Tonimbuk VIC 3815	Native Vegetation Removal	Application Withdrawn	11 May 2021
02-Jul-21	T180816 - PC3	15 Nar Nar Goon-Longwarry Road, Garfield VIC 3814	Plans to comply with permit condition 6 of Planning Permit T180816-1	Issued	12 October 2020
02-Jul-21	T210065	90 Jefferson Road, Garfield VIC 3814	Subdivision of the land into two (2) lots	Issued	04 February 2021
02-Jul-21	T180816 - PC4	15 Nar Nar Goon-Longwarry Road, Garfield VIC 3814	S173 Agreement to comply with Condition 9 of Planning Permit T180816-1	Issued	12 October 2020
05-Jul-21	T210172	585 Bald Hill Road, Nar Nar Goon VIC 3812	Buildings and works for the addition of a VCE building associated with an existing education centre (Primary and Secondary School)	Issued	15 March 2021
12-Jul-21	T210047 - PC1	695 Railway Avenue, Bunyip VIC 3815	Plans to comply with Condition 1 of Planning Permit T210047	Issued	11 June 2021
12-Jul-21	T210237	25 High Street, Bunyip VIC 3815	Subdivision of land into five (5) lots	Issued	07 April 2021
12-Jul-21	T200613	94B Wattletree Road, Bunyip VIC 3815	to amend the provision within the section 91A agreement, that restricts what building materials may be used for the exterior wall cladding Reason for Revision: to vary the covenant to allow for cladding materials other than brick or stone rendered masonry to be used in the construction of the dwelling	Application Withdrawn	24 September 2020
15-Jul-21	T210088	150 Snell Road, Nar Nar Goon North VIC 3812	TO BUILD A NEW HAY SHED	Lapsed	10 February 2021
16-Jul-21	T210506	20 Michell Road, Bunyip North VIC 3815	Development of the land for an outbuilding (shed)	Issued	07 July 2021
19-Jul-21	T210349	125 Thirteen Mile Road, Garfield VIC 3814	Development of the land for an agricultural shed	Issued	12 May 2021
19-Jul-21	T180314 - PC3	24 Barker Road, Garfield VIC 3814	Plans to Comply - T180314 PC3 (Con. 01c MPSP)	Issued	27 January 2021
21-Jul-21	T200817 - PC1	285 Moore Road, Nar Nar Goon North VIC 3812	Plans to comply with Condition 1 of Planning Permit T200817	Issued	05 July 2021
22-Jul-21	T190453 - PC3	23 Princess Street, Bunyip VIC 3815	T190453 - PC3 Plans to Comply - S173	Application Withdrawn	28 June 2021
23-Jul-21	T190453 - PC2	23 Princess Street, Bunyip VIC 3815	Assessment of Section 173 Agreement required by condition 7.a. of Permit T190453-1	Issued	09 March 2021
23-Jul-21	T210522	5 Morris Way, Bunyip VIC 3815	Development of the land for an outbuilding (shed)	Issued	07 July 2021
23-Jul-21	T210493	3 Agnoletto Court, Bunyip VIC 3815	Development of the land for an outbuilding (shed)	Issued	02 July 2021
23-Jul-21	T200275 - PC3	3 Princess Street, Bunyip VIC 3815	Plans to comply with permit Condition 7(d) of Planning Permit T200275-1	Issued	30 April 2021
26-Jul-21	T210344	103 Wattletree Road, Bunyip VIC 3815	Development of the land for an outbuilding	Issued	12 May 2021

27-Jul-21	T210268	16 Knights Court, Tynong VIC 3813	Development of the land for Horse Stables and associated buildings and works	Issued	19 April 2021
29-Jul-21	T210090	25 Manoora Road, Maryknoll VIC 3812	Development of a Dependent Person's Unit and associated vegetation removal	Issued	10 February 2021
29-Jul-21	T210159	1720 Gembrook-Tonimbuk Road, TONIMBUK VIC 3815	Development of the land for a dwelling (replacement)	Issued	04 March 2021
12-Aug-21	T210590	4 Jakobi Court, Bunyip VIC 3815	Swimming Pool	Application Withdrawn	06 August 2021
12-Aug-21	T210544	25 Bullen Road, Tynong North VIC 3813	Buildings and works associated with an outbuilding	Issued	22 July 2021
12-Aug-21	T210162	63 Nar Nar Goon Road, Nar Nar Goon VIC 3812	Buildings and works associated with an existing warehouse and packing shed (ancillary shed and cool storage)	Issued	09 March 2021
13-Aug-21	T180314 - 1	24 Barker Road, Garfield VIC 3814	T180314 - 1 - Amended Planning Permit Application Tree Removal Plan has been updated as additional tree's are required to be removed to enable the engineering works to be carried out.	Application Withdrawn	10 August 2021
16-Aug-21	T210507	98A Wattletree Road, Bunyip VIC 3815	Buildings and works associated with an outbuilding	Issued	05 July 2021
19-Aug-21	T200560 - 1	15 & 17 Nash Road, Bunyip VIC 3815	Corrected Permit - Subdivision of the land into five (5) lots	Issued	07 August 2021
19-Aug-21	T210319	36 A` Beckett Road, Bunyip VIC 3815	Buildings and works associated with one dwelling and shed	Lapsed	05 May 2021
23-Aug-21	T210348	25 Bunyip-Modella Road, Bunyip VIC 3815	Planning advice as to whether a retrospective planning permit is required for works undertaken for alterations and additions to an existing deck area and repositioning of an existing pool	Application Withdrawn	13 May 2021
23-Aug-21	T210189	4 Knights Court, Tynong VIC 3813	Development of the land for horse stables and associated facilities	Issued	19 March 2021
25-Aug-21	T210144	70 Bassed Road, Garfield North VIC 3814	Removal of vegetation (Cypress pines)	Issued	01 March 2021
25-Aug-21	T210209	7 Morris Way, Bunyip VIC 3815	Subdivision of the land into two (2) lots	Issued	24 March 2021
25-Aug-21	T200796	10 Tinkham Road, Tonimbuk VIC 3815	Development of the land for an outbuilding associated with a dwelling	Issued	07 December 2020
27-Aug-21	T210419	26 Doran Road, Bunyip VIC 3815	Buildings and works associated with extensions to two (2) outbuildings	Issued	07 June 2021
27-Aug-21	T210349 - PC1	125 Thirteen Mile Road, Garfield VIC 3814	Development of the land for an agricultural shed	Issued	24 August 2021
02-Sep-21	T210043 - PC4	40 Dore Road, Nar Nar Goon North VIC 3812	T210043 PC4 - (Con. 23 PIP)	Issued	19 July 2021
02-Sep-21	T180692 - PC1	Hope Street, BUNYIP VIC 3815	Development of the land for six (6) dwellings and subdivision of the land into three (3) lots, creation of a easement and demolition of an outbuilding	Issued	17 May 2021
08-Sep-21	T210408	38 Home Road, Nar Nar Goon VIC 3812	Buildings and works associated with an extension to a dwelling	Issued	03 June 2021
08-Sep-21	T180817 - PC1	76 Railway Avenue, Tynong VIC 3813	Assessment of Section 173 Agreement required by condition 7(h)	Issued	12 May 2021

09-Sep-21	T210038	320 Snell Road, Maryknoll VIC 3812	Buildings and works associated with an outbuilding	Issued	20 January 2021
09-Sep-21	T210532	130 Bassed Road, Garfield North VIC 3814	Use of the land for a Dependent Person's Unit	Issued	19 July 2021
14-Sep-21	T210528	148C Nash Road, Bunyip VIC 3815	Development of the land for an outbuilding (shed)	Issued	19 July 2021
14-Sep-21	T210597	98B Wattletree Road, Bunyip VIC 3815	Development of the land for an outbuilding outside the registered Building Envelope	Issued	10 August 2021
15-Sep-21	T200756 - PC2	6 Webb Street, Bunyip VIC 3815	Plans to comply with permit condition 11e	Issued	21 June 2021
15-Sep-21	T210043 - PC3	40 Dore Road, Nar Nar Goon North VIC 3812	T210043 PC3 - (Con. 26 BDG)	Issued	16 June 2021
15-Sep-21	T210043 - PC5	40 Dore Road, Nar Nar Goon North VIC 3812	T210043 PC5 - (Con. Nil SMP)	Issued	19 July 2021
15-Sep-21	T210441	325 Bessie Creek Road, Nar Nar Goon North VIC 3812	Use of land for a Dependent Person's Unit	Issued	15 June 2021

Central Ward

Date Issued	Permit No	Address	Proposal	Decision	Lodged Date
20-Jul-21	T190643 - PC7	Mulcahy Road, Pakenham VIC 3810	Plans to Comply with permit condition 9	Issued	07 May 2021
29-Jul-21	T160464 - PC3	35 Mulcahy Road, Pakenham VIC 3810	Plans to Comply with permit Condition 14	Issued	17 June 2020
05-Aug-21	T170798 - PC16	125 Mulcahy Road, Pakenham VIC 3810	T170798 - PC16 Plans to Comply Subdivision of land, associated works, creation and removal of easements, creation of reserves and native vegetation removal.	Application Withdrawn	26 July 2021
12-Aug-21	T200522 - PC1	6 Heath Place, Pakenham VIC 3810	T200522 - PC1 Plans to Comply Subdivision of the land into three (3) lots	Issued	06 August 2021
09-Sep-21	T210658	Shop 1/46-50 Old Princes Highway, Beaconsfield VIC 3807	RETAIL: Café (breakfast & lunch only) - Organic foods & coffee.	Application Withdrawn	27 August 2021

Henty Ward

Date Issued	Permit No	Address	Proposal	Decision	Lodged Date
01-Jul-21	T200708	1 Dame Pattie Avenue, Pakenham VIC 3810	Use the land for a Motel and reduce the number of car parking spaces required under Clause 52.06-5 of the Cardinia Planning Scheme.	Lapsed	29 October 2020
09-Jul-21	T210009 - PC1	Shop 1-2/67-69 Main Street, Pakenham VIC 3810	Plans to comply with permit condition 1	Issued	08 June 2021
20-Jul-21	T210188	148 Princes Highway, Pakenham VIC 3810	Subdivision of the land into six (6) lots	Issued	19 March 2021
21-Jul-21	T210415	16 Anderson Street, Pakenham VIC 3810	Construction of a Deck to Existing Pakenham Bowling Club	Issued	07 June 2021
27-Jul-21	T200743 - 1	Shop 5/114 Princes Highway, Pakenham VIC 3810	Amendment to conditions on Planning Permit T200743 which was issued for the Use of the land for Disability Support Service and the construction and display of Business Identification Signs	Issued	26 May 2021
29-Jul-21	T200408 - PC1	10 King Street, Pakenham VIC 3810	Plans to Comply with permit Condition 1	Issued	01 June 2021
18-Aug-21	T210329	82-86 Princes Highway, Pakenham VIC 3810	Buildings and works associated with an existing convenience restaurant and display of signage	Issued	07 May 2021
26-Aug-21	T210283	3 Leonard Court, Pakenham VIC 3810	Subdivision of the land into three (3) lots	Issued	23 April 2021
09-Sep-21	T000898 - PC1	88-90 & 82-86 & 76-80 & CM1 PS435535 & 74 Princes Highway and 1 Deveney Street, Pakenham Victoria 3810	T000898-1 PC1 (Con. 1.1a-k and n (SMP)) - Plans to Comply Application Amendments to Planning Permit T000898 for changes to the permit to allow for the use and development of the land for a seventh convenience restaurant (located on 78 Princes Hwy and 1 Deveney St, Pakenham) and associated works, sale and consumption of liquor, to display business identification and illuminated signage and alteration to access to a road in a Road Zone Category 1	Issued	04 August 2021

Officer Ward

Date Issued	Permit No	Address	Proposal	Decision	Lodged Date
12-Aug-21	T210514	2-10 Shrew Walk & 61-81 Flanagan Ave, Officer VIC 3809	creation of easement	Issued	08 July 2021
14-Jul-21	T210461	20 Siding Avenue, Officer VIC 3809	Subdivision of Land into Four Lots, in accordance with the approved Development Permit / Plans.	Application Withdrawn	23 June 2021
20-Jul-21	T160752 - PC5	64 Rix Road, Officer VIC 3809	Plans to Comply with permit condition 9	Issued	05 May 2021
26-Jul-21	T200822 - PC1	165 Rix Road, Officer VIC 3809	T200822 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	02 July 2021
27-Jul-21	T170510 - PC4	115 Bayview Road, Officer VIC 3809	T170510 - PC4 (hydro info) Plans to Comply	Issued	22 July 2021
29-Jul-21	T210488	2 Tinker Walk, Officer VIC 3809	Creation of Easement	Issued	30 June 2021
29-Jul-21	T190645 - PC1	Officer Recreation Reserve, 20 Starling Road, Officer VIC 3809	T190645 - PC1 - Plans to Comply Cond 1 Buildings and works associated with extension to existing club rooms	Issued	29 June 2021
04-Aug-21	T210293	20 Brunt Road, Beaconsfield VIC 3807	Buildings and works associated with an existing residential village.	Issued	28 April 2021
05-Aug-21	T210489	2, 4, 6, 8, 10, 12, 14, 16, 18 & 20 Milne Walk, Officer VIC 3809	Creation of Easement	Issued	30 July 2021
06-Aug-21	T210039	33 Station Street, Officer VIC 3809	Use and development of the land for a medical centre and display of business identification signage	Issued	20 January 2021
06-Aug-21	T210589	20 Siding Avenue, Officer VIC 3809	Deck Addition	Application Withdrawn	05 August 2021
12-Aug-21	T200714	104 Tivendale Road, Officer VIC 3809	Subdivision of land	Issued	02 November 2020
12-Aug-21	T170510 - 1	115 Bayview Road, Officer VIC 3809	Amendments to the permit - including the approved plans, permit preamble and permit conditions	Issued	25 March 2021
23-Aug-21	T210508	6 Duncombe Avenue, Officer VIC 3809	To construct a shed in the rear of our property, at a size of no bigger than 18sqm.	Application Withdrawn	07 July 2021
26-Aug-21	T200822 - PC2	165 Rix Road, Officer VIC 3809	T200822 PC2 (Con. 07 PIP) - Plans to Comply Application	Issued	06 July 2021
07-Sep-21	T210259	10 Hickson Road, Officer VIC 3809	Buildings and works (awning and office extension)	Issued	15 April 2021

Pakenham Hills Ward

Date Issued	Permit No	Address	Proposal	Decision	Lodged Date
06-Jul-21	T210152	9 Galway Rise, Pakenham VIC 3810	Development of the land for one (1) dwelling and associated earthworks	Issued	03 March 2021
20-Jul-21	T190108 - PC1	110 Army Road, Pakenham VIC 3810	Plans to comply with Condition 1 of Planning Permit T190108-1	Issued	27 April 2021
20-Jul-21	T200500 - PC2	Army Road (Corner of Murphy Road), Pakenham VIC 3810	Plans to comply with permit condition 1	Issued	12 July 2021
22-Jul-21	T210362	61 Thwaites Road, Pakenham VIC 3810	Subdivision of the land into two (2) lots	Issued	20 May 2021
22-Jul-21	T210363	63 Thwaites Road, Pakenham VIC 3810	Subdivision of the land into two (2) lots	Issued	20 May 2021
22-Jul-21	T200807	20-22 Torre Road, Pakenham VIC 3810	Development of the land for four (4) dwellings	Issued	04 December 2020
23-Jul-21	T210130 - PC1	36 Solid Drive, Pakenham VIC 3810	Development of the land for a dwelling, fence and associated works	Issued	12 July 2021
23-Jul-21	T210129 - PC1	34 Solid Drive, Pakenham VIC 3810	Development of the land for a dwelling, fence and associated works	Issued	12 July 2021
26-Jul-21	T210322	23 Solid Drive, Pakenham VIC 3810	Development of the land for a dwelling, fence and associated works	Issued	06 May 2021
06-Aug-21	T210322 - PC1	23 Solid Drive, Pakenham VIC 3810	Development of the land for a dwelling, fence and associated works	Issued	27 July 2021
12-Aug-21	T210254	12 Torre Road, Pakenham VIC 3810	Development of the land for two (2) dwellings	Issued	13 April 2021
12-Aug-21	T210255	14 Torre Road, Pakenham VIC 3810	Development of the land for two (2) dwellings	Issued	13 April 2021
02-Sep-21	T210002 - PC1	16 & 18 Torre Road, Pakenham VIC 3810	T210002 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	02 July 2021
09-Sep-21	T200826	144 Army Road, Pakenham VIC 3810	Removal of drainage easements identified as E-3 and E-4 on Plan of Subdivision 640602A	Issued	16 December 2020

Port Ward

Date Issued	Permit No	Address	Proposal	Decision	Lodged Date
02-Jul-21	T140337 - PC6	65 Pioneer Road, Lang Lang Victoria 3984	Plans to comply with permit conditions 1(c), (e) and (f) and Secondary Consent (SC0196-21) to make changes to the bund plans	Issued	14 May 2021
05-Jul-21	T041069 - 4	Nylander Road, Bunyip Victoria 3815	Amendment to T041069-3 - removal of tree 14.	Issued	23 December 2020
12-Jul-21	T190077 - PC1	80 & 82 Hope Street, Bunyip VIC 3815	Plans to comply with condition 1 of planning permit T190077-1	Issued	09 June 2021
22-Jul-21	T180004 - 1	Petty Road, Bunyip VIC 3815	Amendments to Planning permit T180004 to include allow the removal of native vegetation (Trees 1 and 7)	Issued	23 December 2020
28-Jul-21	T180611 - 1	23 Industrial Drive, Pakenham VIC 3810	Use of the land and buildings and works associated with industry (materials recycling facility), ancillary office and reduction of car parking requirements	Issued	12 January 2021
05-Aug-21	T180611 - PC1	23 Industrial Drive, Pakenham VIC 3810	T180611 - PC1 Plans to Comply Use of the land and buildings and works associated with industry (materials recycling facility), ancillary office and reduction of car parking requirements	Application Withdrawn	27 July 2021
06-Aug-21	T110192 - 2	85 Kettles Road, Lang Lang Victoria 3984	Amendment to Planning Permit T110192-1 that was issued for the use and development of dwelling and two outbuildings. The proposal seeks to amend the plans and permit preamble to include a hay shed, studio and make modifications to the dwelling (alfresco area)	Issued	12 November 2020
25-Aug-21	T180164 - PC2	61 Ingram Road, Nar Nar Goon North VIC 3812	T180164 PC2 (Con. 14 S173) - Plans to Comply	Issued	23 April 2020
06-Sep-21	T190470 - 1	275 Seven Mile Road, Nar Nar Goon VIC 3812	T190470 - 1 APP - Amended Planning Permit Application Subdivision of the land into three (3) lots (Boundary realignment)	Application Withdrawn	20 May 2021
09-Sep-21	T110192 - PC1	85 Kettles Road, Lang Lang Victoria 3984	T110192-2 - PC1 (Con. 01 C1P) - Plans to Comply Application Amendment to Planning Permit T110192-1 that was issued for the use and development of dwelling and two outbuildings. The proposal seeks to amend the plans and permit preamble to include a hay shed, studio and make modifications to the dwelling (alfresco area)	Issued	30 August 2021

Ranges Ward

Date Issued	Permit No	Address	Proposal	Decision	Lodged Date
01-Jul-21	T210371	1 Chandler Avenue, Emerald VIC 3782	Development of the land for an extension to an existing dwelling (deck)	Issued	25 May 2021
02-Jul-21	T210132	7 Emerald-Monbulk Road, Emerald VIC 3782	Development of the land for alterations and additions to an existing dwelling and an outbuilding	Issued	08 February 2021
02-Jul-21	T210447	3 Cornish Road, Emerald VIC 3782	Alterations and additions to existing dwelling and development of an outbuilding (carport)	Issued	17 June 2021
02-Jul-21	T210401	25 Edenmont Road, Emerald VIC 3782	Buildings and works associated with a dwelling (garage and carport)	Issued	02 June 2021
02-Jul-21	T190284	56 Stoney Creek Road, Beaconsfield Upper VIC 3808	Subdivision of the land into two (2) lots and vegetation removal	Issued	17 May 2019
05-Jul-21	T210469	U 21/11 Westlands Road, Emerald VIC 3782	Proposed veranda attached to the existing dwelling	Application Withdrawn	24 June 2021
06-Jul-21	T210145	24 Durban Road, Emerald VIC 3782	Development of the land for a dwelling and earthworks	Issued	01 March 2021
06-Jul-21	T160793	1 Prince Street, Emerald VIC 3782	Subdivision of the land into two (2) lots and buildings and works associated with a dwelling	NOD	24 November 2016
09-Jul-21	T160521 - PC5	Starling Road, Officer VIC 3809	Plans to comply with permit condition 57	Issued	09 July 2019
09-Jul-21	T200326	Starling Road, Officer VIC 3809	Construction of more than one dwelling on a lot in stages, subdivision of the land in stages and removal and creation of easements	Issued	19 June 2020
09-Jul-21	T180847 - PC2	65 Brunt Road, Officer VIC 3809	T180847 PC3 - (Con. 39 LMP)	Issued	18 January 2021
09-Jul-21	T180847 - PC3	65 Brunt Road, Officer VIC 3809	T180847 PC3 - (Con. 01 C1P)	Issued	04 March 2021
12-Jul-21	T200840	8 Tarrana Street, Cockatoo VIC 3781	An application to amend the existing planning permit (T200012) for this property. The construction of a residential dwelling on the property. The size and dimensions of the house have been changed from the existing approved permit using the same sitting of the previous house.	Application Withdrawn	20 December 2020
12-Jul-21	T190390 - PC7	427 Brown Road & 124 McMullen Road, Officer VIC 3809	Plans to comply with permit condition 20	Issued	25 September 2020
13-Jul-21	T210454	15 Jeanne Street, Cockatoo VIC 3781	Construction of a pergola	Application Withdrawn	18 June 2021
20-Jul-21	T200578 - PC1	35A Station Road, Gembrook VIC 3783	Plans to comply with permit condition 1.a, 1b and condition 11	Issued	30 June 2021
20-Jul-21	T210253	1 Emerald-Monbulk Road, Emerald VIC 3782	Buildings and works for additions and alterations to the façade of a food and drink premises (café)	Issued	12 April 2021
22-Jul-21	T210241	2 Brisbanes Road, Cockatoo VIC 3781	Buildings and works associated with an agricultural building	Issued	08 April 2021

22-Jul-21	T200390 - PC1	115 Evans Road, Cockatoo VIC 3781	T200390 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	05 July 2021
23-Jul-21	T190408 - PC1	71 Orchard Road, GEMBROOK VIC 3783	Assessment of Section 173 Agreement required by condition 8	Issued	05 May 2021
29-Jul-21	T190679 - PC5	215 Princes Highway, Beaconsfield VIC 3807	Plans to Comply - T190679 PC5 (Con. 15 SDS)	Issued	21 December 2020
29-Jul-21	T210033	27 Emerald Lake Road, Emerald VIC 3782	Development of the land for a dwelling and garage, associated works and vegetation removal.	Issued	15 January 2021
30-Jul-21	T210460	2 Ozone Avenue, Emerald VIC 3782	Buildings and works associated with a dwelling extension	Application Withdrawn	23 June 2021
30-Jul-21	T180348 - PC2	17 & 19 Rimple Way, 18-21 Monica Way & 422 & 420 Rix Road, Beaconsfield VIC 3807	Con. 11 Landscape Plan	Issued	21 January 2021
30-Jul-21	T200668	30 Hamilton Road, Emerald VIC 3782	Use and development of the land for a dwelling and outbuilding and associated works and vegetation removal	Issued	19 October 2020
02-Aug-21	T210499	175 Rainy Hill Road, Cockatoo VIC 3781	Development of the land for an extension to an existing dwelling	Issued	05 July 2021
03-Aug-21	T200860	10-12 Sycamore Avenue, Emerald VIC 3782	Buildings and works associated with the demolition and construction of a fence	Issued	30 December 2020
05-Aug-21	T200006 - PC2	8-10 Naughton Street, Cockatoo VIC 3781	Assessment of Section 173 Agreement required by conditions 16, 17, 22 and 23	Issued	28 April 2021
06-Aug-21	T210076	26 Emerald-Monbulk Road, Emerald VIC 3782	Creation and alteration of an access to a road in a Road Zone Category 1	Lapsed	08 February 2021
06-Aug-21	T180584 - PC1	580 Salisbury Road, Beaconsfield Upper VIC 3808	T180584 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	05 July 2021
06-Aug-21	T170712 - PC1	10 Russell Road, Gembrook VIC 3783	Plans to Comply with Condition 1	Issued	19 May 2021
10-Aug-21	T210393	6 Russell Road, Gembrook VIC 3783	Buildings and works associated with an outbuilding (shed)	Issued	31 May 2021
12-Aug-21	T210281	40 Rainy Hill Road, Cockatoo VIC 3781	Removal of native vegetation (two trees)	Issued	21 April 2021
16-Aug-21	T210482	180 Evans Road, Cockatoo VIC 3781	Development of the land for an outbuilding (garage)	Issued	29 June 2021
16-Aug-21	T180224 - 1	67-69 Tivendale Road, Officer VIC 3809	T180224-1 APP - Amended Planning Permit Application Temporary hard surface play area, install natural turf, construct 20 metres of road.	Application Withdrawn	21 April 2021
16-Aug-21	T210529	3 Goldsack Close, Cockatoo VIC 3781	Development of the land for an outbuilding (carport)	Issued	18 July 2021
17-Aug-21	T180274 - 1	106 Woori Yallock Road, Cockatoo VIC 3781	Lower Floor Level has been amended from a Storage Area to a Habitable Area, i.e bedrooms, Bath and Rumpus. Staircase added to front of proposed extension.	Application Withdrawn	23 June 2021
19-Aug-21	T210273	408 Belgrave-Gembrook Road, Emerald VIC 3782	Development of the land for a dwelling extension and outbuilding (carport)	Issued	21 April 2021
19-Aug-21	T200411 - PC4	45 & 61 Rix Road, Officer VIC 3809	T200411 PC4 (Con. 12 and 14 MCP) - Plans to Comply Application	Issued	03 June 2021

19-Aug-21	T200285	235 Berglund Road, Beaconsfield Upper VIC 3808	Alterations and additions to an existing dwelling, construction of a carport and associated works	Issued	16 May 2020
19-Aug-21	T200533 - PC1	14 Hamilton Road, Emerald VIC 3782	T200533 - PC1 Plans to Comply Application Buildings and works associated with an outbuilding (habitable)	Issued	04 June 2021
19-Aug-21	T190236 - PC6	125, 139, Lot X Peck Road, Lot Y Kenneth Road and Peck Road road reserve, OFFICER VIC 3809	T190236 - PC6 - Plans to Comply Application	Issued	23 April 2021
20-Aug-21	T210443	37 Bellbird Crescent, Emerald VIC 3782	Construct a shed	Application Withdrawn	16 June 2021
23-Aug-21	T180820 - 1	110 Bayview Road, Officer VIC 3809	Subdivision of land in stages, the creation of reserve and associated works (including roadworks in land subject to inundation overlay) generally in accordance with the endorsed plans.	Issued	15 April 2021
25-Aug-21	T170510 - PC1	115 Bayview Road, Officer VIC 3809	PIP	Issued	25 June 2018
25-Aug-21	T210417	3 Innes Road, Gembrook VIC 3783	Removal of vegetation (one tree)	Application Withdrawn	07 June 2021
25-Aug-21	T200411 - PC5	45 & 61 Rix Road, Officer VIC 3809	T200411 PC5 (Con. 09 WMP) - Plans to Comply Application	Issued	08 June 2021
26-Aug-21	T190787 - 3	104 Tivendale Road, Officer VIC 3809	T190787-3 APP	Issued	17 August 2021
26-Aug-21	T210379	22 Bellbird Crescent, Emerald VIC 3782	Development of the land for an outbuilding	Issued	27 May 2021
30-Aug-21	T170386 - 1	140 Calder Road, NANGANA VIC 3781	Amendment to Planning Permit T170386 to include an outbuilding (shed)	Application Withdrawn	28 June 2021
30-Aug-21	T210402	5 Margaret Road, Avonsleigh VIC 3782	Development of the land for an outbuilding (shed) and associated earthworks	Issued	02 June 2021
06-Sep-21	T210611	67 Emerald-Monbulk Road, Emerald VIC 3782	Development of the land for a non-habitable outbuilding (shed)	Issued	13 August 2021
09-Sep-21	T200853	1 Naylor's Road, Emerald VIC 3782	Development of the land for for dwelling additions and an outbuilding	Issued	23 December 2020
09-Sep-21	T200320 - PC3	Bridge Road, Officer VIC 3809	T200320 PC3 (Con. 15 LMP) - Plans to Comply Application	Issued	07 July 2021
09-Sep-21	T210653	13 Bailey Road, Cockatoo VIC 3781	Filling of land and retaining wall	Application Withdrawn	25 August 2021
09-Sep-21	T170510 - PC2	115 Bayview Road, Officer VIC 3809	T170510-1 PC2 (Con. 13 LMP) - Plans to Comply Application	Issued	20 August 2021
13-Sep-21	T210534	5 Steel Road, Emerald VIC 3782	Construction of an outbuilding and associated works	Issued	31 July 2021
14-Sep-21	T200844	55 Station Road, Gembrook VIC 3783	Development of the land for a dwelling and earthworks	Issued	21 December 2020
15-Sep-21	T210615	10 Gembrook-Launching Place Road, Gembrook VIC 3783	Extension to existing dwelling (verandah & deck)	Issued	16 August 2021
15-Sep-21	T200411 - PC6	45 & 61 Rix Road, Officer VIC 3809	T200411 PC6 (Con. 11 LMP) - Plans to Comply Application	Issued	10 June 2021

Toomuc Ward

Date Issued	Permit No	Address	Proposal	Decision	Lodged Date
06-Jul-21	T210262	42 Studd Road, Pakenham VIC 3810	Building and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Issued	15 April 2021
12-Jul-21	T210055	FY 2/2 Mary Street, Pakenham VIC 3810	Subdivision of land into three (3) lots	Issued	29 January 2021
12-Jul-21	T210404 - PC1	36 Kilburn Place, Pakenham VIC 3810	Plans to comply with permit condition 1	Issued	05 July 2021
12-Jul-21	T210312	33 Zermatt Loop, Pakenham VIC 3810	Buildings and works (dwelling) on land affected by the Significant Landscape Overlay - Schedule 6	Issued	05 May 2021
20-Jul-21	T210073	1 Damon Street, Officer VIC 3809	Subdivision of land into two (2) lots	Issued	05 February 2021
22-Jul-21	T210354	14 Corvara Way, Pakenham VIC 3810	Buildings and works (dwelling) on land affected by the Significant Landscape Overlay - Schedule 6	Issued	18 May 2021
29-Jul-21	T210287	39 Michael Street, Pakenham VIC 3810	Self Storage Facility	Issued	23 April 2021
06-Aug-21	T210394	23 Zermatt Loop, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Issued	01 June 2021
06-Aug-21	T060807 - 1	1-3 Portobello Road, Pakenham VIC 3810	Amendments to Planning Permit T060807 and the endorsed plans to allow for the removal of the two (2) clock faces and the installation of two (2) internally illuminated signs	Issued	13 March 2021
19-Aug-21	T210264	5 Timberline Parkway, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Issued	09 April 2021
19-Aug-21	T210251	Mulcahy Road - Road Reserve, Pakenham VIC 3810	Removal of Native Vegetation	Issued	14 April 2021
20-Aug-21	T210480	131 Mulcahy Road, Pakenham VIC 3810	Building and works associated with warehouses (storage units)	Issued	29 June 2021
24-Aug-21	T210412	12 Corvara Way, Pakenham VIC 3810	Buildings and works (dwelling) on land affected by the Significant Landscape Overlay - Schedule 6	Issued	04 June 2021
26-Aug-21	T060807 - 2	1-3 Portobello Road, Pakenham VIC 3810	Corrected Permit - Buildings and works to construct a Supermarket, associated signage (including internally illuminated signage) and a reduction in car parking	Issued	19 August 2021
01-Sep-21	T160464 - PC10	35 Mulcahy Road, Pakenham VIC 3810	T160464-2 PC10 (Con. 11 S173) - Plans to Comply Application	Issued	18 August 2021
02-Sep-21	T210199	60 Timberline Parkway, Pakenham VIC 3810	Pedestrian Bridge and associated works and removal of vegetation.	Issued	22 March 2021
08-Sep-21	T210573	34 Studd Road, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay - Schedule 6	Issued	02 August 2021
13-Sep-21	T210505	28 Montalto Drive, Pakenham VIC 3810	Buildings and works (dwelling) on land affected by the Significant Landscape Overlay - Schedule 6.	Issued	07 July 2021

Westernport Ward

Date Issued	Permit No	Address	Proposal	Decision	Lodged Date
02-Jul-21	T210387	99 National Avenue, Pakenham VIC 3810	Subdivision of the land into two (2) lots	Issued	31 May 2021
02-Jul-21	T210328	51 Southeast Boulevard, Pakenham VIC 3810	Development of the land for a warehouse	Issued	07 May 2021
06-Jul-21	T210001	405 Monomeith Road, Monomeith VIC 3984	Removal of vegetation	Issued	04 January 2021
08-Jul-21	T190586 - 1	21 Industrial Drive, Pakenham VIC 3810	Updated colour chart	Application Withdrawn	22 June 2021
08-Jul-21	T210390	665 Koo Wee Rup-Longwarry Road, Bayles VIC 3981	Remedial / Thai Massage	Application Withdrawn	31 May 2021
12-Jul-21	T210180 - PC1	Trampoline Centre, FY 14/99 Bald Hill Road, Pakenham VIC 3810	Plans to comply with condition 1 of planning permit T210180	Issued	28 June 2021
12-Jul-21	T200761	295 McDonalds Drain Road, Koo Wee Rup VIC 3981	Construction of and use of the land for a dwelling	Application Withdrawn	23 November 2020
12-Jul-21	T200838 - 1	103 National Avenue, Pakenham VIC 3810	To allow for change in roller shutter size and canopy over the shutters	Application Withdrawn	09 April 2021
14-Jul-21	T210491	Cardinia Waters - Retirement Village, U 292/36-40 Racecourse Road, Pakenham VIC 3810	Development of the land for a dwelling extension (verandah)	Issued	30 June 2021
16-Jul-21	T210019	250 Tooradin Station Road, Tooradin VIC 3980	Use and development of the land for a dwelling and associated works, and an outbuilding (Machinery Shed)	Issued	14 January 2021
20-Jul-21	T210277	65 Haysoms Road, Heath Hill VIC 3981	Use of land for a Dependent Persons Unit	Issued	21 April 2021
20-Jul-21	T200785	1285 Manks Road, Koo Wee Rup VIC 3981	Buildings and works associated with the extension of an existing machinery shed	Issued	02 December 2020
22-Jul-21	T210296	53A Peet Street, Pakenham VIC 3810	Development of land for an internal mezzanine floor level and a reduction of one (1) car parking space	Issued	30 April 2021
22-Jul-21	T210045 - PC1	49 Southeast Boulevard, Pakenham VIC 3810	T210045 - PC1 - Plans to comply with condition 1	Issued	22 June 2021
22-Jul-21	T210220 - PC1	213 Greenhills Road, Pakenham VIC 3810	Plans to comply with permit condition 1	Issued	08 June 2021
22-Jul-21	T210226	112 Langley Boulevard, Lang Lang VIC 3984	Development of the land for a dwelling	Issued	30 March 2021
23-Jul-21	T210149	Centenary Boulevard, Officer South VIC 3809	Development of land for 9 dwellings, associated subdivision and reduction of car parking	Issued	02 March 2021
29-Jul-21	T210218	105 Eight Mile Road, Nar Nar Goon VIC 3812	Development of the land for a building associated with agriculture (shed)	Issued	29 March 2021
30-Jul-21	T210228	124 Denhams Road, Koo Wee Rup VIC 3981	Use of the land for restricted retail premises (automotive parts and accessories)	Lapsed	31 March 2021
02-Aug-21	T210397	7 Evolution Drive, Pakenham VIC 3810	Development of the land for two (2) warehouses and associated works	Issued	01 June 2021
06-Aug-21	T200859	500 Thwaites Road, Yannathan VIC 3981	Development of the land for agricultural buildings associated with the use of the land for a dairy farm and associated works	Issued	06 January 2021

06-Aug-21	T210067	22 No 5 Drain Road, Koo Wee Rup VIC 3981	Use and development of the land for a dwelling and associated earthworks	Issued	04 February 2021
06-Aug-21	T210517	61 Peet Street, Pakenham VIC 3810	Buildings and works for an internal mezzanine floor level	Application Withdrawn	09 July 2021
06-Aug-21	T210230	Main Drain Road, BAYLES VIC 3981	Use and development of the land for a dwelling, outbuilding (garage), agricultural shed and associated works	Issued	23 March 2021
09-Aug-21	T210467	635 Murray Road, VERVALE VIC 3814	Development of the land for an agricultural shed	Issued	24 June 2021
10-Aug-21	T210313	320 Pitt Road, Iona VIC 3815	Buildings and works associated with a dwelling extension.	Issued	05 May 2021
12-Aug-21	T210426	380 Fourteen Mile Road, Garfield VIC 3814	Buildings and works associated with a dwelling extension and outbuilding (garage)	Issued	10 June 2021
12-Aug-21	T210350	44 Exchange Drive, Pakenham VIC 3810	Subdivision of the land into twenty-two (22) lots	Issued	14 May 2021
12-Aug-21	T210200	20 O` Sullivan Street, Pakenham VIC 3810	Subdivision of the land into twenty (20) lots (in accordance with development permit T180776)	Issued	11 March 2021
13-Aug-21	T210365	39-41 Southeast Boulevard, Pakenham VIC 3810	Subdivision of the land into three (3) lots	Issued	21 May 2021
13-Aug-21	T210559	4 Mega Rise, Pakenham VIC 3810	Works associated with a temporary hardstand area	Issued	28 July 2021
16-Aug-21	T210380	4920 South Gippsland Highway, Lang Lang VIC 3984	Buildings and works associated with alterations to a dwelling	Issued	27 May 2021
18-Aug-21	T210492	245 Simpson Road, Iona VIC 3815	Buildings and works associated with an agricultural building	Issued	29 June 2021
18-Aug-21	T210616	20 Monomeith Road, Monomeith VIC 3984	Development of fifteen (15) dwellings, subdivision and vegetation removal.	Application Withdrawn	16 August 2021
19-Aug-21	T210335	30 Humphries Road, Catani VIC 3981	Development of the land for a building associated with agriculture (shed)	Issued	11 May 2021
23-Aug-21	T210530	125 McDonalds Drain Road, Koo Wee Rup VIC 3981	Development of the land for a dwelling extension (alfresco)	Issued	19 July 2021
25-Aug-21	T210445	101 National Avenue, Pakenham VIC 3810	Subdivision of land into two (2) lots	Issued	17 June 2021
25-Aug-21	T210440	Commercial Drive, Pakenham VIC 3810	Development of the land for a warehouse	Issued	15 June 2021
25-Aug-21	T210101	775 Dalmore Road, Cardinia VIC 3978	Buildings and works associated with two (2) new buildings (shed and stable)	Issued	15 February 2021
30-Aug-21	T210555	370 Koo Wee Rup-Longwarry Road, Koo Wee Rup VIC 3981	Development of the land for a covered arena	Issued	27 July 2021

01-Sep-21	T210637	116 Denhams Road, Koo Wee Rup VIC 3981	Please find attached town planning application for 'Use of land for a Place of Worship and Development of land for a Warehouse' at 116 Denhams Road, Koo Wee Rup VIC 3981. This application is being lodged following GE210282 - General Enquiry and GE210450 - Pre-Application meeting. We kindly request provision of an invoice so we can organize payment of council application fees. Should you require any additional information or clarification, please feel free to contact me via the details below. Kind regards Blessing 0402 160 159 blessingnhliziyo@yahoo.com	Application Withdrawn	12 August 2021
02-Sep-21	T210150 - PC1	205 Knights Road, Longwarry VIC 3816	T210150 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	18 June 2021
06-Sep-21	T210113	800 Caldermeade Road, Catani VIC 3981	Buildings and works for a dwelling extension	Issued	17 February 2021
06-Sep-21	T210574	61 Peet Street, Pakenham VIC 3810	Buildings and works to an existing warehouse (mezzanine floor level) and a reduction in car parking	Issued	02 August 2021
08-Sep-21	T210383	500 Caldermeade Road, Caldermeade VIC 3984	Buildings and works associated with an agricultural building	Issued	28 May 2021
09-Sep-21	T210688	2 Exchange Drive, Pakenham VIC 3810	Warehouse building with ancillary office.	Application Withdrawn	06 September 2021
09-Sep-21	T210005	150 Settlement Road, Caldermeade VIC 3984	Use and development of the land for Domestic Animal Husbandry (Dog Breeding)	Refused	06 January 2021
09-Sep-21	T200808	96-102 Station Street, KOO WEE RUP VIC 3981	Alterations and extensions and partial demolition to an existing Hotel in a Heritage Overlay, the use of the land for a Gaming Premises and use of 40 Electronic Gaming Machines (EGMs), use of the land for a Function Centre, a reduction in car parking, alterations to access to a Road Zone Category 1, an increase to the area for the sale and consumption of liquor and an increase to the number of patrons allowed under a licence	Refused	18 December 2020
13-Sep-21	T210350 - PC2	44 Exchange Drive, Pakenham VIC 3810	T210350 PC2 (Con. 05 PraComp) - Plans to Comply Application	Application Withdrawn	24 August 2021
13-Sep-21	T210605	400 Rossiter Road, Koo Wee Rup VIC 3981	Land Development	Application Withdrawn	12 August 2021
13-Sep-21	T210558	9 Innovation Way, Pakenham VIC 3810	Development of the land for two (2) warehouses	Issued	28 July 2021
14-Sep-21	T210435	48 Henry Street, Koo Wee Rup VIC 3981	Subdivision of the land into two (2) lots	Issued	15 June 2021
15-Sep-21	T210618	1100 Westernport Road, Lang Lang East VIC 3984	Buildings and works associated with an outbuilding	Issued	13 August 2021

Resolution

Moved Cr Jack Kowarzik, seconded Cr Graeme Moore.

That Council note the report.

Carried

6.4.4 Planning matters currently the subject of review at the Victorian Civil and Administrative Tribunal and recent outcomes

Responsible GM: Lili Rosic
Author: Luke Connell

Recommendation(s)

That Council note the report.

Executive Summary

The following list is presented to keep Council informed of applications that are currently the subject of appeals proceedings.

Relevance to Council Plan

5.1 We practise responsible leadership

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

Planning matters currently the subject of review at the Victorian Civil and Administrative Tribunal and recent outcomes

Hearing Date	App No.	Address	Proposal	Council Decision	Appealed By	Outcome
N/A	T200140	L1 PS809384, Brunt Road, Officer	Subdivision of the land	Refusal	Applicant	Consent order; permit issued
N/A	T190787-1	104 Tivendale Road Officer	Use and development of the land for a place of worship and, business identification signage	Approval (conditions review)	Applicant	Consent order
TBD	T200167	197 Quamby Road, Beaconsfield Upper	Alterations and additions to an existing dwelling and outbuilding	Refusal	Applicant	Awaiting hearing
04-Aug-21	T190275	905 Koo Wee Rup Road, Pakenham	Use of the land for a Restricted Place of Assembly, alterations and additions to the existing buildings and alteration to access to a Road in a Road Zone Category 1	NOD	Objector	Awaiting decision
02-Sep-21	T190712	565 Murray Road, Vervale	Use and development of the land for Rural Industry and Caretakers Dwelling associated with Industrial Hemp	Refusal	Applicant	Part hearing completed; additional day added 5-Oct-21
27-Sep-21	T110588	Cardinia Road Officer South	Application under Section 149(1)(a) - interpretation of a permit condition / section 173 agreement	N/A	Applicant	Awaiting hearing

27-Sep-21	T200427	Cardinia Road, Officer South	Buildings and works associated with the construction of a supermarket and associated retail, office, medical centre, and food and drink premises	Failure	Applicant	Awaiting hearing
19-Nov-21	T200380	55 Mullane Road, Pakenham	Buildings and works associated with the construction of a dwelling	Refusal	Applicant	Awaiting hearing
01-Dec-21	T190304-1	3480 Princes Highway Bunyip	Amendments to Planning Permit T190304 (issued for the use and development of the land for dog breeding) to increase dog numbers for commercial dog breeding and include additional buildings and works.	Refusal	Applicant	Awaiting hearing
13-Dec-21	T180651	369 Paternoster Road	Use and development of the land for a dwelling and removal of vegetation	Refusal	Applicant	Awaiting hearing
28-Jan-22	T200589	48 James Street, Lang Lang	Development of the land for six (6) dwellings	Refusal	Applicant	Awaiting hearing
04-Apr-22	T190768	7 Knights Court, Tynong	Subdivision of land into (2) lots and variation of restrictive covenant PS705124	NOD	Objector	Awaiting hearing
11-Feb-21	T170301-1	Bottomley Drive, Emerald	Use and development of the land for a dwelling and earthworks	Refusal	Applicant	No permit granted

Resolution

Moved Cr Jack Kowarzik, seconded Cr Graeme Moore.

That Council note the report.

Carried

6.4.5 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 - October 2021 [6.4.5.1 - 20 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 Jack Kowarzik, seconded Cr Graeme Moore.

That Council note this report

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 Radford advised that she had attended an online safety awareness session run by the Cardinia Shire Council and the Pakenham Police.

Cr Ryan advised that October is Mental Health Awareness month and spoke to the importance of taking care of your own and other mental health. Cr Ryan also attended a forum combatting discrimination.

Cr Moore spoke to his admiration of the Cardinia Environment Coalition and their recently held AGM. Cr Moore also advised of his attendance at the Pakenham Scouts Group recent presentation evening

Cr Kowarzik also commented on Community Safety Month and expressed his appreciation to the SES, CFA, Vitoria Police and the Australian Drug Foundation for their participation

Cr Kowarzik also commented on the recent activities to encourage local residents to receive their COVID vaccination.

Cr Ross spoke to the Connect magazine and displayed images from an edition in 2009.

The Mayor read out a message from Ellen Brown , wife of the former Cr Ray Brown thanking the Councillors and staff for their care and support following his recent passing. The Mayor attended the AGM of the Huxtable Road Reserve Committee.

9 Presentation Of Petitions

Nil.

10 Notices Of Motion

10.1 Notice of Motion 1068 - Cr Cameron

Motion

That Council:

1. Note the Victorian Government is currently considering significant planning reform through the Planning Reform Program 2020-2024.
2. Strongly voice its concern that consultation to councils to date has been very limited .
3. 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 voice is critical for ensuring a transparent Planning system which strengthens local neighbourhoods and economies;
4. 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.
5. 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.
6. Encourages the community to provide feedback to the Victorian Government directly and to local members of parliament.
7. Request the CEO or her delegate coordinate with other councils in regard to advocacy.

Resolution

Moved Cr Kaye Cameron, seconded Cr Tammy Radford.

That Council:

1. Note the Victorian Government is currently considering significant planning reform through the Planning Reform Program 2020-2024.
2. Strongly voice its concern that consultation to councils to date has been very limited .
3. 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 voice is critical for ensuring a transparent Planning system which strengthens local neighbourhoods and economies;
4. 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.
5. 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.
6. Encourages the community to provide feedback to the Victorian Government directly and to local members of parliament.
7. Request the CEO or her delegate coordinate with other councils in regard to advocacy.

Carried

10.2 Notice of Motion 1069 - Cr Cameron

Motion

That Council:

1. Notes the Victorian Government's intent to decriminalise sex work in Victoria and expresses its concerns regarding the following:
 - a. decriminalising street-based sex work in most locations without providing clarity regarding where it will be permitted, and the scale and impact for residential areas;
 - b. altering 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. brothels being able to apply for a liquor licence subject to the standard liquor licensing framework established under the Liquor Control Reform Act 1998;
 - d. not having a state wide regulatory framework for the sex work industry, and not providing details about resourcing that will be provided to respond to a new class of workplace and protect vulnerable workers and the community
2. Voices its concern that consultation was only open for two weeks which is inadequate to allow elected representatives to engage with their communities and for meaningful feedback to be provided.
3. Emphasises that:
 - 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.
4. Requests 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. to require that adequate and long-term funding be available for an appropriate local service for the purpose of supporting health and safety, advocacy, health promotion, legal support, and community education with regards to the rights and wellbeing of sex workers.
 - d. provide additional evidence including Health Impact Statement, Economic Impact Statement, case studies and criminology assessment in regard to the proposed changes.
5. Writes 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.
6. Request the CEO or delegate to coordinate with other councils and the Municipal Association of Victoria in regard to any further advocacy opportunities.

Resolution

Cr Cameron withdrew this Notice of Motion to be raised at the November Council Meeting.

11 Community Questions

The Mayor advised that Council had received 2 questions from Cheryl Billing Smith.

Question 1 read:

What were the initial conditions of the initial subdivision permit for Parklea in their endeavour to subdivide the property on which the historical Officer Kiln is located?

The CEO responded with:

The planning permit gave approval for Subdivision of Land into 53 residential lots and created an additional lot of 0.17ha which included the heritage kiln. The planning permit held a large number of conditions, I will refer to the condition in regards to the historic Kiln.

A condition required a Land Management Plan which provides for, amongst other things protection of the heritage kiln and identified construction methods around the kiln to minimise vibration rolling and installation of a construction fence. A Conservation Management Plan was submitted which made recommendations regarding the structural stability of elements of the kiln, interpretive signage and material, and works to undertake on the shedding surrounding the kiln.

Question 2 read:

In the beginning there would have been a dialogue between council and Parklea as to how they could gain a permit, and in that dialogue, there would have been a discussion about the kiln and how to maintain or restore it to its previous significant heritage value.

The CEO responded with:

I can confirm that it is normal practice for Planning Officers and Developers to discuss different aspects of application during the permit process. The planning permit condition mentioned in question 1 and the conservation management plan was the outcome of this process

Question 3 read:

What were those discussions, who held those discussions and who signed off on the subdivision at the very beginning that lead to the final offer of Parklea to council for \$1 for the site and the problems associated with its retention as a heritage site?

The CEO responded with:

This permit was 'signed off' under delegation by Council's Project Planner – Urban Development in 2016. The offer to sell council the land with the kiln for \$1 came some years later and council considered the \$1 offer in March 2020. Council resolved to accept the offer subject to a range of conditions. Unfortunately Parklea did not accept Councils agreement to purchase the land for \$1.

Council officers continue to take all planning enquiries and planning permit applications to do with the heritage kiln seriously, and understand the importance of this historical site to the community.

The Mayor advised that Council had received 1 question from Andrew McNabb.

The question read:

Can Councillors Owen, Springfield, Ross, Ryan, Radford, Cameron, Davies, Moore and Kowarzik all confirm they live and their prime residence is in the Cardinia Shire ? Yes or No

The Mayor responded with:

Thank you for your question Mr McNabb – I will not be asking Councillors individually, but can confirm that 8 of the 9 Councillors currently reside within the municipality. It would be inappropriate for me to disclose councillors' personal information but I understand this to be a temporary situation and can confirm that all councillors are eligible to hold office within Cardinia Shire as per the Local Government Act

12 Urgent Business

Nil.

13 Councillor Questions

Nil.

15 Meeting Closure

Cr Owen thanked his constituents and the community for his Mayoral term at this, his last Council Meeting in the role.

Meeting closed at 10:10pm.

Minutes confirmed
Chairman