

# **Ordinary Council Meeting**

## **Minutes**

**Monday 11 April 2022**

**Commenced at 7:00 PM**

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

**Members:**

Cr Tammy Radford	Deputy Mayor
Cr Kaye Cameron	
Cr Stephanie Davies	
Cr Jack Kowarzik	
Cr Graeme Moore	
Cr Collin Ross	
Cr Brett Owen	
Cr Carol Ryan	

**Officers:**

Carol Jeffs	Chief Executive Officer
Peter Benazic	General Manager Infrastructure and Environment
Lili Rosic	General Manager Liveable Communities
Jenny Scicluna	General Manager Customer, People and Performance
Doug Evans	Manager Governance

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## **1 Opening And Reflection/Prayer**

Meeting opened at 7:00.

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**

The Mayor, Cr Springfield was an apology for this meeting. Cr Tammy Radford acted as Chairperson for the proceedings.

Cr Davies was also an apology for the meeting.

## **4 Adoption And Confirmation Of Minutes**

Moved Cr Graeme Moore, seconded Cr Carol Ryan

That minutes of the following meetings be confirmed:

- General Council meeting 21 March 2022
- Town Planning Committee 4 April 2022

Carried

## **5 Declaration Of Interests**

Nil.

## 6 Ordinary Business

### 6.2 General Reports

#### 6.2.1 Notice of Intention - Sealing the Hills - Naughton Street (Cockatoo) Catchment - Special Charge Scheme

**Responsible GM:** Peter Benazic  
**Author:** Nicole Alvares

#### Recommendation(s)

That Council:

1. Acknowledge the majority property owner support as set out in this report to contribute to the construction of Naughton Street and Carawa Street, Cockatoo (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works.
2. Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
3. Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
4. Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of Naughton Street and Carawa Street, Cockatoo.
5. Consider the declaration (attachment 5) at its meeting of 20 June 2022, or such later date as necessary.
6. Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
7. Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered.
8. Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

#### Attachments

1. Scheme process chart [6.2.1.1 - 1 page]
2. Plan of scheme area [6.2.1.2 - 1 page]
3. Benefit ratio calculation [6.2.1.3 - 3 pages]
4. Apportionment table [6.2.1.4 - 2 pages]
5. Proposed Council declaration [6.2.1.5 - 2 pages]
6. Public Notice [6.2.1.6 - 1 page]

#### Executive Summary

This report proposes giving *notice of intention to declare* a special charge to part fund the construction of Naughton Street and Carawa Street, Cockatoo. This notice begins the formal consultation process at the commencement of the statutory process that enables Council to levy a special charge, (refer attachment 1).

The Naughton Street, Cockatoo catchment is included in the Australian Government funded Sealing the Hills program. A recent survey of the property owners in the indicated roads in this

catchment indicated 94% property owner support to contributing to a scheme from the responses received. Included property owners 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 \$1,930,000 of which \$388,500 is proposed to be funded via the proposed special charge contribution received from the included property owners. This will leave an approximate balance of \$1,541,500 to be funded from the Australian Government grant.

Property owner contributions have been assessed based on 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). Councils' 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 7-year payment period be adopted. The financial hardship provisions of this policy provide further relief to those owners demonstrating genuine financial hardship.

## Background

The Naughton Street, Cockatoo catchment that includes Naughton Street and Carawa Street, Cockatoo is included for construction in Council's 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 52), 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 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.

**Table 1. Questionnaire responses**

	Number	Percentage
Total no. properties in scheme	52	100%
No. of responses received	18	35%
No. of responses supporting the scheme	17	94%
No. of responses opposing the scheme	1	6%

Given the small percentage of survey responses received, additional steps have been taken to gather more responses from the property owners that have not previously responded through courtesy text messages and mail.

Support for the scheme was consistent across all roads surveyed. Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Naughton Street and Carawa Street, Cockatoo.

### 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 property owner 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 attachment 3 to this report. 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 measures 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 mid-January 2022 to the property owners of Naughton Street and Carawa Street, Cockatoo outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal. As a consequent of Covid 19 restrictions, no face-to-face community consultation could be undertaken. However, property owners were provided with the opportunity to speak directly to the project engineering team and special charge scheme staff and to view the preliminary construction plans and special charge scheme information online.

Early February 2022, a questionnaire was mailed to property owners 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 17 questionnaire responses from 52 included properties were received.

### Financial and Resource Implications

The scheme funding arrangements are as outlined in Table 2.

**Table 2. Preliminary estimated cost of project**

Total estimated cost of scheme	\$1,930,000
Total Council contribution (approx. 80%)	\$1,541,500
Benefiting property owner contribution (approx. 20%)	\$388,500



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

The Australian Government \$150m grant will be used to fund Council's contribution.

Property owners will be offered the option of paying their contribution in full, or by quarterly instalments over 7-years. Instalment payments will include principle and interest, with interest calculated at the declaration of the scheme based on Council's borrowing rate at the time plus one percent.

Council will require the first payment, either in full or by instalment to be made within 6-months of the practical completion of the works.

### **Conclusion**

It is concluded that the majority of property owners support the construction of Naughton Street and Carawa Street, Cockatoo and that Council should commence the formal consultation process to initiate a special charge scheme by proceeding to give notice of its intention to declare a special charge to part fund the works.

## Resolution

Moved Cr Kaye Cameron, seconded Cr Carol Ryan.

That Council:

1. Acknowledge the majority property owner support as set out in this report to contribute to the construction of Naughton Street and Carawa Street, Cockatoo (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works.
2. Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
3. Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
4. Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of Naughton Street and Carawa Street, Cockatoo.
5. Consider the declaration (attachment 5) at its meeting of 20 June 2022, or such later date as necessary.
6. Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
7. Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered.
8. Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

Carried

## 6.2.2 Special Charge Scheme - Woodlands Catchment

**Responsible GM:** Peter Benazic  
**Author:** Donna Bird

### Recommendation(s)

That Council:

- 1) Acknowledge the majority property owner support as set out in this report to contribute to the construction of Colin Avenue, Woodlands Avenue, Belgrave Avenue Cockatoo (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works.
- 2) Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
- 3) Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
- 4) Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of Colin Avenue, Woodlands Avenue, Belgrave Avenue Cockatoo.
- 5) Consider the declaration (attachment 5) at its meeting of 11 April 2022, or such later date as necessary.
- 6) Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
- 7) Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered.
- 8) Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

### Attachments

1. SCS Checklist Woodlands [6.2.2.1 - 1 page]
2. Woodlands Maps [6.2.2.2 - 2 pages]
3. Calculation of special benefit Woodlands [6.2.2.3 - 3 pages]
4. Apportionment Woodlands Catchment 2 [6.2.2.4 - 4 pages]
5. PROPOSED SPECIAL CHARGE SCHEME DECLARATION Woodlands [6.2.2.5 - 2 pages]
6. SPECIAL CHARGE SCHEME PUBLIC NOTICE Woodlands [6.2.2.6 - 2 pages]

### Executive Summary

This report proposes giving *notice of intention to declare* a special charge to part fund the construction of Colin Avenue, Woodlands Avenue, Belgrave Avenue Cockatoo. This notice begins the formal consultation process at the commencement of the statutory process that enables Council to levy a special charge, (refer attachment 1).

The Colin Avenue, Woodlands Avenue, Belgrave Avenue Cockatoo catchment is included in the Australian Government funded Sealing the Hills program. A recent survey of the property owners in the indicated roads in this catchment indicated 94.1% property owner support to contributing to a scheme from the responses received. Included property owners 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 \$1,310,000.00 of which \$213,500.00 is proposed to be funded via the proposed special charge contribution received from the included property owners. This will leave an approximate balance of \$1,096,500.00 to be funded from the Australian Government grant.

Property owner contributions have been assessed based on 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 7-year payment period be adopted. The financial hardship provisions of this policy provide further relief to those owners demonstrating genuine financial hardship.

## Background

The Colin Avenue, Woodlands Avenue, Belgrave Avenue Cockatoo catchment that includes Colin Avenue, Woodlands Avenue, Belgrave Avenue Cockatoo is included for construction in Council's 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 31), 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 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.

**Table 1. Questionnaire responses**

	Number	Percentage
Total no. properties in scheme	31	100%
No. of responses received	17	54.83%
No. of responses supporting the scheme	16	94.1%
No. of responses opposing the scheme	1	5.9%

Support for the scheme was consistent across all roads surveyed. Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Colin Avenue, Woodlands Avenue, Belgrave Avenue Cockatoo.

## 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 property owner 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 attachment 3 to this report. 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 measures 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 January 2022 to the property owners of Colin Avenue, Woodlands Avenue, Belgrave Avenue Cockatoo outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal.

As a consequent of Covid 19 restrictions, no face to face community consultation could be undertaken. However, property owners were provided with the opportunity to speak directly to the project engineering and special charge scheme staff and to view the preliminary construction plans and special charge scheme information online.

In February 2022 a questionnaire was mailed to property owners 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 17 questionnaire responses from 31 properties were received.

## Financial and Resource Implications

The scheme funding arrangements are as outlined in Table 2.

**Table 2. Preliminary estimated cost of project**

Total estimated cost of scheme	\$1,310,000.00
Total Council contribution (approx. 83.7%)	\$1,096,500.00
Benefiting property owner contribution (approx. 16.3%)	\$213,500.00

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

The Australian Government \$150m grant will be used to fund Council's contribution.

Property owners will be offered the option of paying their contribution in full, or by quarterly instalments over 7-years. Instalment payments will include principle and interest, with interest calculated at the declaration of the scheme based on Council's borrowing rate at the time plus one percent.

Council will require the first payment, either in full or by instalment to be made within 6-months of the practical completion of the works.

### **Conclusion**

It is concluded that the majority of property owners support the construction of Colin Avenue, Woodlands Avenue, Belgrave Avenue, Cockatoo and that Council should commence the formal consultation process to initiate a special charge scheme by proceeding to give notice of its intention to declare a special charge to part fund the works.

## Resolution

Moved Cr Kaye Cameron, seconded Cr Carol Ryan.

That Council:

1. Acknowledge the majority property owner support as set out in this report to contribute to the construction of Colin Avenue, Woodlands Avenue, Belgrave Avenue Cockatoo (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works.
2. Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
3. Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
4. Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of Colin Avenue, Woodlands Avenue, Belgrave Avenue Cockatoo.
5. Consider the declaration (attachment 5) at its meeting of 11 April 2022, or such later date as necessary.
6. Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
7. Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered.
8. Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

Carried

## 6.2.3 Notice of intention - Sealing the Hills - Christians Avenue-Emerald Catchment - Special Charge Scheme

**Responsible GM:** Peter Benazic  
**Author:** Nicole Alvares

### Recommendation(s)

That Council:

1. Acknowledge the majority property owner support as set out in this report to contribute to the construction of Christians Avenue & Andrew Court, Emerald (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works.
2. Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
3. Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
4. Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of Christians Avenue & Andrew Court, Emerald.
5. Consider the declaration (attachment 5) at its meeting of 20 June 2022, or such later date as necessary.
6. Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
7. Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered.
8. Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

### Attachments

1. Scheme process chart [6.2.3.1 - 1 page]
2. Plan of scheme area [6.2.3.2 - 1 page]
3. Benefit ratio calculation [6.2.3.3 - 3 pages]
4. Apportionment table [6.2.3.4 - 1 page]
5. Proposed Council declaration [6.2.3.5 - 2 pages]
6. Public notice [6.2.3.6 - 1 page]

### Executive Summary

This report proposes giving *notice of intention to declare* a special charge to part fund the construction of Christians Avenue & Andrew Court, Emerald. This notice begins the formal consultation process at the commencement of the statutory process that enables Council to levy a special charge, (refer attachment 1).

The Christians Avenue, Emerald catchment is included in the Australian Government funded Sealing the Hills program. A recent survey of the property owners in the indicated roads in this catchment indicated 100% property owner support to contributing to a scheme from the responses received. Included property owners 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 \$430,000 of which \$105,000 is proposed to be funded via the proposed special charge contribution received from the included property owners. This will leave an approximate balance of \$325,000 to be funded from the Australian Government grant.

Property owner contributions have been assessed based on 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 7-year payment period be adopted. The financial hardship provisions of this policy provide further relief to those owners demonstrating genuine financial hardship.

## Background

The Christians Avenue Emerald catchment that includes Christians Avenue & Andrew Court, Emerald is included for construction in Council's 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 16), 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 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.

**Table 1. Questionnaire responses**

	Number	Percentage
Total no. properties in scheme	16	100%
No. of responses received	4	25%
No. of responses supporting the scheme	4	100%
No. of responses opposing the scheme	0	0%

Given the small percentage of survey responses received, additional steps have been taken to gather more responses from the property owners that have not previously responded through courtesy text messages and mail.

Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Christians Avenue & Andrew Court, Emerald.

## 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 property owner 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 attachment 3 to this report. 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 measures 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 mid-January 2022 to the property owners of Christians Avenue & Andrew Court, Emerald outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal.

As a consequent of Covid 19 restrictions, no face-to-face community consultation could be undertaken. However, property owners were provided with the opportunity to speak directly to the project engineering team and special charge scheme staff and to view the preliminary construction plans and special charge scheme information online.

Early February 2022 a questionnaire was mailed to property owners 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, 4 questionnaire responses from 16 included properties were received.

## Financial and Resource Implications

The scheme funding arrangements are as outlined in Table 2.

**Table 2. Preliminary estimated cost of project**

Total estimated cost of scheme	\$430,000
Total Council contribution (approx. 76%)	\$325,000
Benefiting property owner contribution (approx. 24%)	\$105,000

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

The Australian Government \$150m grant will be used to fund Council's contribution.

Property owners will be offered the option of paying their contribution in full, or by quarterly instalments over 7-years. Instalment payments will include principle and interest, with interest calculated at the declaration of the scheme based on Council's borrowing rate at the time plus one percent.

Council will require the first payment, either in full or by instalment to be made within 6-months of the practical completion of the works.

### **Conclusion**

It is concluded that the majority of property owners support the construction of Christians Avenue & Andrew Court, Emerald and that Council should commence the formal consultation process to initiate a special charge scheme by proceeding to give notice of its intention to declare a special charge to part fund the works.

## Resolution

Moved Cr Kaye Cameron, seconded Cr Carol Ryan.

That Council:

1. Acknowledge the majority property owner support as set out in this report to contribute to the construction of Christians Avenue & Andrew Court, Emerald (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works.
2. Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
3. Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
4. Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of Christians Avenue & Andrew Court, Emerald.
5. Consider the declaration (attachment 5) at its meeting of 20 June 2022, or such later date as necessary.
6. Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
7. Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered.
8. Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

Carried

## 6.2.4 Special Charge Scheme - First-Grenville

**Responsible GM:** Peter Benazic  
**Author:** Donna Bird

### Recommendation(s)

That Council:

- 1) Acknowledge the majority property owner support as set out in this report to contribute to the construction of First Avenue, Hazel Street, Marcelle Street, Neville Street, Second Avenue, Springs Street, Steane Street, Bailey Road Cockatoo (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works;
- 2) Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
- 3) Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
- 4) Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of First Avenue, Hazel Street, Marcelle Street, Neville Street, Second Avenue, Springs Street, Steane Street, Bailey Road Cockatoo.
- 5) Consider the declaration (attachment 5) at its meeting of 11 April 2022, or such later date as necessary.
- 6) Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
- 7) Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered.
- 8) Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

### Attachments

1. SCS Process Checklist First Grenville [6.2.4.1 - 1 page]
2. SCS P K 11 First- Grenville Catchment Map - Sealing the Hills [6.2.4.2 - 1 page]
3. Calculation of special benefit First Grenville [6.2.4.3 - 3 pages]
4. First Greenville Special Charge Scheme SCS Apportionment Sheet [6.2.4.4 - 11 pages]
5. PROPOSED SPECIAL CHARGE SCHEME DECLARATION First Grenville [6.2.4.5 - 2 pages]
6. SPECIAL CHARGE SCHEME PUBLIC NOTICE First Grenville [6.2.4.6 - 2 pages]

### Executive Summary

This report proposes giving *notice of intention to declare* a special charge to part fund the construction of First Avenue, Hazel Street, Marcelle Street, Neville Street, Second Avenue, Springs Street, Steane Street, Bailey Road Cockatoo. This notice begins the formal consultation process at the commencement of the statutory process that enables Council to levy a special charge, (refer attachment 1).

The First Avenue, Hazel Street, Marcelle Street, Neville Street, Second Avenue, Springs Street, Steane Street, Bailey Road Cockatoo catchment is included in the Australian Government funded Sealing the Hills program. A recent survey of the property owners in the indicated roads in this catchment indicated 80% property owner support to contributing to a scheme from the

responses received. Included property owners 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 \$9,500,000 of which \$1,823,500 is proposed to be funded via the proposed special charge contribution received from the included property owners. This will leave an approximate balance of \$7,676,500 to be funded from the Australian Government grant.

Property owner contributions have been assessed based on 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 7-year payment period be adopted. The financial hardship provisions of this policy provide further relief to those owners demonstrating genuine financial hardship.

## Background

The First Avenue, Hazel Street, Marcelle Street, Neville Street, Second Avenue, Spring Street, Steane Street, Bailey Road Cockatoo catchment that includes First Avenue, Hazel Street, Marcelle Street, Neville Street, Second Avenue, Spring Street, Steane Street, Bailey Road Cockatoo is included for construction in Council's 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 260, 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 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.

**Table 1. Questionnaire responses**

	Number	Percentage
Total no. properties in scheme	260	100%
No. of responses received	53	20%
No. of responses supporting the scheme	50	94%
No. of responses opposing the scheme	3	6%

Given the small percentage of survey responses received, additional steps have been taken to gather more responses from the property owners that have not previously responded through courtesy text messages and mail.

### **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 property owner 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 attachment 3 to this report. 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 measures 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 February 2022 to the property owners of First Avenue, Hazel Street, Marcelle Street, Neville Street, Second Avenue, Springs Street, Steane Street, Bailey Road Cockatoo outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal.

As a consequent of Covid 19 restrictions, no face to face community consultation could be undertaken. However, property owners were provided with the opportunity to speak directly to the project engineering and special charge scheme staff and to view the preliminary construction plans and special charge scheme information online. Concept plans were also on display at the IGA supermarket Cockatoo.

In February 2022 a questionnaire was mailed to property owners 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 51 questionnaire responses from 260 properties were received

### Financial and Resource Implications

The scheme funding arrangements are as outlined in Table 2.

**Table 2. Preliminary estimated cost of project**

Total estimated cost of scheme	\$9,500,000
Total Council contribution (approx. 80%)	\$7,676,500
Benefiting property owner contribution (approx. 20%)	\$1,823,500

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

The Australian Government \$150m grant will be used to fund Council's contribution.

Property owners will be offered the option of paying their contribution in full, or by quarterly instalments over 7-years. Instalment payments will include principle and interest, with interest calculated at the declaration of the scheme based on Council's borrowing rate at the time plus one percent.

Council will require the first payment, either in full or by instalment to be made within 6-months of the practical completion of the works.

### Conclusion

It is concluded that the majority of property owners support the construction of First Avenue, Hazel Street, Marcelle Street, Neville Street, Second Avenue, Springs Street, Steane Street, Bailey Road Cockatoo and that Council should commence the formal consultation process to initiate a special charge scheme by proceeding to give notice of its intention to declare a special charge to part fund the works.



## Resolution

Moved Cr Kaye Cameron, seconded Cr Carol Ryan.

That Council:

- 1) Acknowledge the majority property owner support as set out in this report to contribute to the construction of First Avenue, Hazel Street, Marcelle Street, Neville Street, Second Avenue, Springs Street, Steane Street, Bailey Road Cockatoo (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works;
- 2) Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
- 3) Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
- 4) Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of First Avenue, Hazel Street, Marcelle Street, Neville Street, Second Avenue, Springs Street, Steane Street, Bailey Road Cockatoo.
- 5) Consider the declaration (attachment 5) at its meeting of 11 April 2022, or such later date as necessary.
- 6) Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
- 7) Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered.
- 8) Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

Carried

## 6.3 Policy Reports

### 6.3.1 Change of Membership - CEO Performance Matters Committee

**Responsible GM:** Jenny Scicluna  
**Author:** Doug Evans

#### Recommendation(s)

That Council amend the Chief Executive Officer Employment Matters Policy to change the membership of the Chief Executive Officer Employment Matters Committee to be:

- Independent Chair
- Mayor
- Deputy Mayor
- Previous Mayor

#### Attachments

Nil

#### Executive Summary

The Chief Executive Officer Employment Matters Committee (the Committee) at its meeting held on 23 February 2022 recommended a change to the membership of the Committee to be as follows:

- Independent Chair
- Mayor
- Deputy Mayor
- Previous Mayor

#### Background

The Council adopted a Chief Executive Officer Employment Matters Policy in 2019, this Policy established the Committee and set the membership to be:

- Independent Chair
- Mayor
- Previous two Mayors

This Committee is now a legislative requirement of the Local Government Act 2020.

The Committee at its last meeting on 23 February 2022 reviewed the membership of the committee established under clause 3 of the CEO Employment and Remuneration Policy and believes there is merit in changing the membership to include:

- Independent Chair
- Mayor
- Deputy Mayor
- Previous Mayor

This change would mean that the current Mayor and Deputy Mayor would always be represented on the Committee in addition to the previous Mayor. The Committee considered this change would ensure membership continued to have high visibility of the CEOs role, some continuity of membership and provided an additional pathway to membership.

### **Policy Implications**

Adopting this recommendation from the Committee will result in an amendment to the Policy

### **Relevance to Council Plan**

#### **5.1 We practise responsible leadership**

5.1.3 Strive to be a customer focused organisation and be a great place to work.

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

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 considerations associated with this matter

### **Consultation/Communication**

No community consultation has been undertaken regarding this matter

### **Financial and Resource Implications**

There are no financial considerations associated with this matter

### **Conclusion**

It is considered appropriate for the recommendation from the Committee to be adopted and the Policy amended to set the membership of the Committee to be

- Independent Chair
- Mayor
- Deputy Mayor
- Previous Mayor

## **Resolution**

Moved Cr Kaye Cameron, seconded Cr Carol Ryan.

That Council amend the Chief Executive Officer Employment Matters Policy to change the membership of the Chief Executive Officer Employment Matters Committee to be:

- Independent Chair
- Mayor
- Deputy Mayor
- Previous Mayor

Carried

## 6.3.2 Information Privacy Policy

**Responsible GM:** Debbie Tyson  
**Author:** Doug Evans

### Recommendation(s)

That Council adopt the updated Information Privacy Policy.

### Attachments

1. Updated Information Privacy Policy April 2022 [6.3.2.1 - 5 pages]

### Executive Summary

A review of Councils Information Privacy Policy 2015 has been undertaken as required under the Privacy and Data Protection Act. Amendments to the policy has been undertaken with an updated version presented before Council.

### Background

One of the requirements imposed on the Council when the Privacy and Data Protection Act was introduced was to develop and adopt an Information Privacy Policy within 12 months of the Act receiving Royal assent. This Policy was adopted in 2015 and was due for review in 2019, it is recognised that the review is overdue.

The requirements of the Privacy and Data Protection Act have not changed since its inception and still requires development of a Policy and the development of a Statement in regard to information that is available to the public. This is referred to as a Part II Statement and the statement is available on the website, which is in accordance with the requirement of the Act and does not need further updating.

The recommended updated policy is attached with some minor changes being made, these changes do not affect the intent of the policy but are intended to provide greater detail regarding the 10 Information Privacy Principles. The update policy also includes examples to provide further clarity for users.

It is also provided in the updated policy that any privacy breaches detected will be reported to the Audit and Risk Committee.

### Policy Implications

The Information Privacy Policy was originally adopted in 2015, with this proposed version to replace the previous.

### Relevance to Council Plan

#### 5.1 We practise responsible leadership

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

### Climate Emergency Consideration

There are no Climate Emergency consideration as part of this report

### **Consultation/Communication**

The draft policy has been reviewed with the Team Leader Information Management who undertook minor changes and supports the amendments and improvement to the previous version.

### **Financial and Resource Implications**

There will be no financial or resource impacts with the adoption of the new policy.

### **Conclusion**

A complete review has been undertaken of Councils Information Privacy Policy which has included greater details of the legally binding principles and examples to assist users. It is respectfully submitted that Council adopt the updated Information Privacy Policy and this policy be added to Council Policy/Strategy register and published on the website.

**Resolution**

Moved Cr Kaye Cameron, seconded Cr Carol Ryan.

That Council adopt the updated Information Privacy Policy.

Carried

## 6.3.3 Amendment to Councillor Travel Expenses Claim Form

**Responsible GM:** Debbie Tyson  
**Author:** Doug Evans

### Recommendation(s)

That Council adopt the attached amended Travel Expenses Claim Form and amend the Councillor Expenses Policy accordingly to meet the recommendation of the Local Government Inspectorate.

### Attachments

1. Current travel expense claim form and suggested amended claim form February 2022 [6.3.3.1 - 4 pages]

### Executive Summary

In the correspondence received from the Local Government Inspectorate's advising of the outcome of the investigation into Travel Expense Claims lodged by Cr Collin Ross, the Inspectorate made some recommendations to amend the Travel Expenses Claim form. The intent of these amendments are aimed at minimising ambiguity in respect to councillor's travel expense claims for Council, residents and ratepayers.

### Background

The Inspectorate has made the following recommendations which are aimed at minimising ambiguity with respect to councillors' expense claims:

1. Council's 'Claim for Travel Expenses' form, part of its 'Councillor Expenses Policy', is amended to include:
  - i. a requirement that Councillors clearly stipulate how the expense was incurred while performing their duties as a Councillor;
  - ii. a requirement that Councillors include logbook entries or records of odometer readings at the start and end of the journey;
  - iii. a requirement that Councillors include the start and finish time of the journey; and
  - iv. a requirement that Councillors include the starting location of the journey

In response to the above, the current *Claim for Travel Expenses' form* has been amended to include a section that

- i. requires a Councillor to clearly state how the expense was incurred whilst undertaken their duties as a Councillor.
- ii. requires odometer readings to be placed on the form at the start and end of the journey
- iii. requires the Councillor to record the start and finish time of the journey
- iv. requires the Councillors to state where the journey commenced.

### Policy Implications

Accepting these recommendations will require amendment to the Councillor Expenses Policy

### Relevance to Council Plan

#### 5.1 We practise responsible leadership



- 5.1.2 Manage our finances responsibly and leave a positive legacy for future generations.
- 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 impacts with this report

### **Consultation/Communication**

There has been no consultation as part of the Local Government Inspectorates recommendations

### **Financial and Resource Implications**

There are no financial implications regarding this matter

### **Conclusion**

It is appropriate to accept the recommendations from the Local Government Inspectorate and amend the travel expenses claim form which forms part of the Councillor Expenses Policy.

**Resolution**

Moved Cr Jack Kowarzik, seconded Cr Carol Ryan.

That Council adopt the attached amended Travel Expenses Claim Form and amend the Councillor Expenses Policy accordingly to meet the recommendation of the Local Government Inspectorate.

Carried

## 6.4 Financial Reports

### 6.4.1 Mercury Vapour Street Lighting Replacement Project - Materials Procurement

**Responsible GM:** Debbie Tyson  
**Author:** Brett Munckton

#### Recommendation(s)

That Council delegate authority to the CEO to enter into agreements to purchase an estimated \$1.6 million of materials for the mercury vapour street lighting replacement project through the MAV procurement process.

#### Attachments

None

#### Executive Summary

The Minamata Convention on Mercury, was ratified by Australia on 7 December 2021. The convention bans the import, export and manufacture of mercury vapour lights. Due to the convention, electricity network distribution businesses are finding it increasingly difficult to maintain existing mercury vapour street lighting and AusNet Services have initiated a project to support Councils to replace these lights with energy efficient LEDs.

There are 1900 of these lights requiring replacement in Cardinia Shire. To maximise the acquisition of available external funding support, some of which is not available in 2023, it is intended to deliver the replacement project in the 2022 calendar year. To ensure progress continues, delegated Council authority is sought for the CEO to purchase an estimated \$1.6 million of replacement lamps, through MAV procurement (contract SL3911). Obtaining delegated authority will assist to enable the materials to be available in time for their intended installation. Whilst the replacement of these lights is a mandatory requirement, it will also lead to energy cost and maintenance savings of approximately \$143,000 per annum.

#### Background

Mercury vapour lighting was one of the main technologies traditionally used for street lighting in Cardinia. In recent years energy efficient alternatives have seen the replacement of many of these lights to reduce energy costs and greenhouse gas emissions. Whilst in the past most of Cardinia's street lighting would have been mercury vapour, currently only 1900 of approximately 10,000 lights still use this technology. The lights that remain as mercury vapour are generally those lights that could not be easily retrofitted to alternative technology and are therefore more challenging to change over.

The use of mercury has negative impacts on human and environmental health, and the multilateral Minamata Convention prohibits the manufacture, import and export of new mercury vapour lighting products. Mercury vapour lighting parts are becoming harder to obtain and maintain due to this. AusNet services have advised they will not be servicing mercury vapour lights in the future and have developed a program to assist Councils replace mercury vapour lamps.

The cost of the replacements in Cardinia shire are estimated at \$2.25 million, including consultant fees, project management costs, installation and materials costs. The highest cost item is replacement materials, due to the cost of the decorative replacements required. Based on currently available information, the cost of replacement lamps is estimated at \$1.6 million. These lamps can be procured through MAV procurement who have run a tender process on behalf of local government for this.

It is intended to fund the upgrade from various sources including council and AusNet funding, Victorian Energy Efficiency Certificates (VEECs) and the Local Roads and Community Infrastructure (LRCI) funding program. To obtain all available funding, the project requires completion by early 2023. To ensure funding can be accessed it is intended for the project to be implemented in the 2022 calendar year. The lights will take many weeks to arrive once ordered, and some of the lamps will not be able to be ordered until they are approved for use on the AusNet network. To ensure the replacement lamps are ordered as soon as possible, to minimise the potential loss of external funding support, delegated authority for the purchase is being sought.

### **Policy Implications**

The 2017 Cardinia Safer Communities Strategy outlines that Council has a key role in maintaining public lighting. The 2014 Aspirational Energy Transition Plan sets the direction for Council to continue to replace inefficient street lighting with efficient alternatives as replacement options become available. The replacement of the remaining mercury vapour lights is consistent with these policies.

### **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.

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

3.1.1 Partner with community, business and industry to take action on, and adapt to, climate change.

### **Climate Emergency Consideration**

Street lighting electricity is shifting to a 100 percent renewable energy contract from 1 July 2022, so the energy used will not generate carbon emissions. Reducing this energy use however will free up renewable energy on the network providing an indirect environmental benefit.

### **Consultation/Communication**

Discussions have taken place with communications and engagement officers and a communications plan is being developed. This will ensure the community is kept informed regarding the project, especially those residents that live in areas where lights will be upgraded.

### **Financial and Resource Implications**

Identified internal and external funding sources have been identified to fund the estimated \$2.25 million project, based on all available external support being obtained. This includes the \$1.6 million cost of the materials proposed to be ordered through the MAV procurement process. The project will lead to ongoing maintenance and energy cost savings estimated at \$143,000 per annum.

### **Conclusion**

Whilst the replacement of mercury vapour street lighting is mandatory, significant external funding support is available to assist with its implementation. The project will provide numerous benefits, and the external funding available also makes it financially attractive to Council. Providing the CEO delegated authority for the purchase of replacement materials will help to keep this project progressing towards a successful outcome.

**Resolution**

Moved Cr Brett Owen, seconded Cr Jack Kowarzik.

That Council delegate authority to the CEO to enter into agreements to purchase an estimated \$1.6 million of materials for the mercury vapour street lighting replacement project through the MAV procurement process.

Carried

## **6.4.2 Contract Extension - Provision of Plant Tools Equipment and Traffic Management Hire Services (2019 - 2022) (Contract 19/02)**

**Responsible GM:** Peter Benazic  
**Author:** Mark Howard

### **Recommendation(s)**

That Council supports the:

Extension of Contracts 19/02 for the Provision of Plant Tools Equipment and Traffic Management Hire Services for a further and final two-year period commencing 1 April 2022 and held with:

- Accomplished Plumbing Services t/a APS Drainage and Civil
- L&R Ashley Cartage
- Australian Traffic Control
- Comar Constructions
- Kennards Hire
- Kent Environmental
- LincRoads (Linct Group Pty Ltd)
- Momentum Traffic Control
- Pipeline Services
- Porter Excavations
- Sherrin Rentals
- TFH Hire Services
- Traffic Control Victoria
- Tutt Bryant Hire

### **Attachments**

Nil

### **Executive Summary**

Council's fourteen contracts for the Provision of Plant Tools Equipment and Traffic Management Hire Services expired on the 31 March 2022. This report seek support to exercise the option within this contract to extend them for a further and final two-year period from 1 April 2022 to 31 March 2024.

These contracts are held by Accomplished Plumbing Services t/a APS Drainage and Civil, L&R Ashley Cartage, Australian Traffic Control, Comar Constructions, Kennards Hire, Kent Environmental, LincRoads (Linct Group Pty Ltd), Momentum Traffic Control, Pipeline Services, Porter Excavations, Sherrin Rentals, TFH Hire Services, Traffic Control Victoria and Tutt Bryant Hire. These contractors have performed very satisfactorily since the commencement of this contract on the 1 April 2019, with some of these contractors being long-term suppliers to the Shire under previous contracts.

Council typically expends approximately \$1.5M per annum on plant, tools, equipment, and traffic management hire services. There is no opportunity under the current conditions of contract for a rate increase.

It is in Council's best interests and is therefore recommended Council exercise the two-year extension option in this contract, rather than retendering the contracts at this time.

### **Background**

On the 19 January 2019, Council advertised tenders for a schedule of rates contract for the Provision of Plant Tools Equipment and Traffic Management Hire Services for a three-year period with an option for a two-year extension. Council subsequently resolved on the 17 June 2019 to enter into contracts with Accomplished Plumbing Services t/a APS Drainage and Civil, L&R Ashley Cartage, Australian Traffic Control, Comar Constructions, Kennards Hire, Kent Environmental, LincRoads (Linct Group Pty Ltd), Momentum Traffic Control, Pipeline Services, Porter Excavations, Sherrin Rentals, TFH Hire Services, Traffic Control Victoria and Tutt Bryant Hire for the three year period 1 April 2019 to 31 March 2022. These contracts contain an option for Council to extend them for a further and final two-year period.

Contractor performance over the past three years has met Council's minimum standards. During the current period of this contract, these contractors have provided various services to support Council's internal workforce, including responding to natural disasters and emergency works requests.

### **Policy Implications**

Council's procurement policy indicates that the purchase of all goods and services for which the estimated total expenditure exceeds \$150,000 excluding GST over a year period..., shall be undertaken by public tender as per the thresholds contained in the Local Government Act.

### **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**

Not considered to be applicable in this circumstance.

### **Consultation/Communication**

An internal assessment was undertaken to identify the services required to supplement Council's internal resources.

Community consultation will occur as appropriate for the works in which these services are used. No specific community consultation was required for this periodic supply contract extension.

Letters will be forwarded to each contractor advising of Council's decision regarding this option.



### **Financial and Resource Implications**

Council typically expends approximately \$1.5M per annum on the hire of plant, equipment and traffic management hire services to assist in delivering its minor construction and maintenance programs. The budget for this hire is spread over a wide range of individual activities including shoulder maintenance, gravel road maintenance, and footpath and drainage maintenance and parks maintenance as well as smaller construction projects managed in-house. Plant and equipment hire comprises one of a range of elements including quarry products, labour and other materials associated with these maintenance activities that are managed to meet the overall annual demand within the available budget. In short there is not a specific budget set aside exclusively for plant and equipment hire however the various budgets provide for approximately \$1,5M to be expended on the items annually.

Prices are on a schedule of rates basis. This contract does not guarantee work or prevent Council from engaging contractors outside of the contract. There is no fixed financial implication resulting from the award of these contracts.

### **Conclusion**

It is concluded to be most advantageous to Council to exercise the two-year options to extend the contracts held by Accomplished Plumbing Services t/a APS Drainage and Civil, L&R Ashley Cartage, Australian Traffic Control, Comar Constructions, Kennards Hire, Kent Environmental, LincRoads (Linct Group Pty Ltd), Momentum Traffic Control, Pipeline Services, Porter Excavations, Sherrin Rentals, TFH Hire Services, Traffic Control Victoria and Tutt Bryant Hire, for schedule of rates based Provision of Plant Tools Equipment and Traffic Management Hire Services (Contract 19/02) from 1 April 2022 to 31 March 2024.

## Resolution

Moved Cr Kaye Cameron, seconded Cr Carol Ryan.

That Council supports the:

Extension of Contracts 19/02 for the Provision of Plant Tools Equipment and Traffic Management Hire Services for a further and final two-year period commencing 1 April 2022 and held with:

- Accomplished Plumbing Services t/a APS Drainage and Civil
- L&R Ashley Cartage
- Australian Traffic Control
- Comar Constructions
- Kennards Hire
- Kent Environmental
- LincRoads (Linct Group Pty Ltd)
- Momentum Traffic Control
- Pipeline Services
- Porter Excavations
- Sherrin Rentals
- TFH Hire Services
- Traffic Control Victoria
- Tutt Bryant Hire

Carried

## 6.4.3 Extension of Short-Term Recycling Processing Contract

**Responsible GM:** Peter Benazic  
**Author:** Jacqui Kelly

### Recommendation(s)

That Council:

- approve the novation, extension and pricing for contract 19/35 for the processing of kerbside recyclables through an initial 3 year contract managed by Metropolitan Waste and Resource Recovery Group with Polytrade Operations Pty Ltd (including any required and approved extensions) from 1 July 2022 or sooner by mutual agreement with the contractor at an estimated amount of \$1.9M per annum providing annual savings of more than \$500,000, and
- delegate authority to the Chief Executive Officer to finalise negotiations and sign relevant documentation and contracts related to the above resolution.

### Attachments

### Executive Summary

In June 2021 Council entered into Contract 2019/2 Services Agreement - Short term Recycling Processing arrangements for Councils with Polytrade Pty Ltd. Cardinia Shire joined this arrangement after our previous short-term arrangement ceased. This has also been allocated the Cardinia Shire Council contract number 19/35.

This contract was part of a Panel Contract previously tendered by the Metropolitan Waste and Resource Recovery Group (MWRRG) made available to Councils. It runs until 31 December 2022 and is currently on a month-by-month basis.

Council has been utilising the MWRRG panel contract arrangement whilst it participated in the proposed Recycling Collaborative Procurement (RCP) process managed by MWRRG. However, the state government advised MWRRG and councils that the procurement process will be ceased, reviewed and reconsidered by Recycling Victoria after it commences on 1 July 2022.

The subsequent advice from state government is for councils to seek an extension of current contract arrangements or commence a council-initiated procurement. Council has the option to extend the current agreement as negotiated by MWRRG or to exit the arrangement once a separate procurement has been completed.

Given the timing available to undertake a procurement process, uncertainty on market conditions and the unknown future role of Recycling Victoria, it is recommended that extending the current contract is the best approach for Council.

To facilitate the contract extension and pricing arrangement, Council is required to re-sign its Services Agreement. This new agreement is under the same terms and conditions as the previous agreement, with minimal exceptions being:

- A name change to reflect the new structure of the recycling processor.
- The contract end date will be updated to accommodate the new 3-year term with optional extensions.

- New pricing.

## Background

Cardinia Shire Council is part of the MWRRG Panel Contract arrangement and has a current Service Agreement with Polytrade to 31 December 2022. This report details an extension option and price adjustment for Councils consideration.

MWRRG were planning to undertake a collaborative procurement, known as Recycling Collaborative Procurement (RCP) in late 2021, however, the Victorian Government recently required MWRRG to cease progressing this procurement. It will be re-considered by Recycling Victoria, the new waste authority that commences on 1 July 2022, at the time when the MWRRG will also cease to exist in its current format. Council therefore has the option to either extend the current contract or undertake a separate procurement process.

Both options have been reviewed and it is recommended that council extend the current contract for the following reasons:

- The contract extension options will result in a significantly lower gate fee, which provide annual savings to Cardinia Shire greater than \$500,000 per annum compared to the current arrangement.
- Provides continuity of services in an uncertain environment.
- Based on current market information, it is doubtful that any additional benefit would be achieved if council were to undertake its own procurement.
- Whilst a joint procurement option with other councils is available under Councils procurement policy, a joint procurement will take considerable time and resources to manage the complexity in a changing sector.
- The contract extension provides council time to consider what Recycling Victoria proposes for recycling procurement and participate in the process where appropriate to do so.
- The Minister for Energy, Environment and Climate Change wrote to the CEO of each council on 7 December 2021 advising that MWRRG have been asked to halt implementation of Recycling Collaborative Procurement Projects and to instead assist Councils with extending current contract arrangements.

### *Polytrade merger*

Polytrade has recently announced a merger with Re.Group, which will form a new entity called Polytrade Operations Pty Ltd. The merger will require a novation of the current agreement to the new entity and has provided new pricing options.

MWRRG and the participating councils under the MWRRG panel agreement have negotiated a significantly improved pricing with Polytrade Operations Pty Ltd that would have not been possible under the current arrangement.

## Policy Implications

This contract and direction aligns with the general vision of the Waste and Resource Recovery Strategy (2017-2026), and some of its top priorities:

- increased resource recovery with a particular focus on hard waste service, food within garbage waste, additional kerbside programs and e-waste
- continuing to drive value for money within services
- supporting local community to be responsible and accountable for their waste generation and disposal practices.
-

## **Relevance to Council Plan**

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

3.1.2 Actively move towards zero waste through increasing waste recovery and reuse.

### **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**

The appropriate management and diversion of waste from landfill can assist in reducing the human impact on climate change. This contract will assist in several ways:

- continuing to divert waste away from landfill by offering and servicing recycling bins across the Shire.
- continuing to support group procurement opportunities to establish and take advantage of efficiencies in the resource recovery sector.

## **Consultation/Communication**

Updates on recycling industry issues and impacts to Council and ratepayers are made on a regular basis. Council liaise regularly with the relevant State Government authorities and our Local Government counterparts on the state of the industry and group procurement arrangements.

The Metropolitan Waste and Resource Recovery Group, who are contracting parties and contract managers of the arrangement we seek participation in have provided updated communication on contract arrangements and hold regular stakeholder meetings to maintain contract requirements.

Legal advice regarding options for Council have been obtained from the Victorian Governments Solicitors Office (VGSO) and at an individual Council level and will continue to support any contractual alterations.

## **Financial and Resource Implications**

Current recycling processing services cost Council approximately \$200,000 per month equating to a total contract cost of \$2.4M per annum. This is funded via annual Councils Garbage charge.

The contract extension options will result in a significantly lower gate fee and a resulting annual cost of approximately \$1.9M per annum, providing annual savings of more than \$500,000, compared with current costs.

This new pricing option has been included in the Draft 2022-23 budget calculation.

## **Conclusion**

Delays and (temporary) cessation of the State Government led procurement of recycling processing services for Victoria together with continuing uncertainty about the future of the RCP project necessitates an extension to the current contract arrangements.

The merger of Polytrade and Re.Group has provided the opportunity to re-negotiate the contract term and pricing arrangements to provide continuity of service in a challenging and uncertain environment.

It is recommended that Council approve the novation, extension and pricing for contract 19/35 for the processing of kerbside recyclables through an initial 3 year contract managed by Metropolitan Waste and Resource Recovery Group with Polytrade Operations Pty Ltd (including any required and approved extensions) from 1 July 2022 or sooner by mutual agreement with the contractor at an estimated amount of \$1.9M per annum providing annual savings of more than \$500,000, and delegate authority to the Chief Executive Officer to finalise negotiations and sign relevant documentation and contracts to facilitate this.

## Resolution

Moved Cr Jack Kowarzik, seconded Cr Collin Ross.

That Council:

- approve the novation, extension and pricing for contract 19/35 for the processing of kerbside recyclables through an initial 3 year contract managed by Metropolitan Waste and Resource Recovery Group with Polytrade Operations Pty Ltd (including any required and approved extensions) from 1 July 2022 or sooner by mutual agreement with the contractor at an estimated amount of \$1.9M per annum providing annual savings of more than \$500,000, and
- delegate authority to the Chief Executive Officer to finalise negotiations and sign relevant documentation and contracts related to the above resolution.

Carried

## 6.4.4 Delegations to Chief Executive Officer - DCP's and ICP's

**Responsible GM:** Debbie Tyson  
**Author:** Doug Evans

### Recommendation(s)

That in the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 Council resolves that:

- There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.
- The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
- The duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

### Attachments

1. Instrument of delegation Council to CEO April 2022 [6.4.4.1 - 4 pages]

### Executive Summary

This report proposes to approve an updated Instrument of Delegation to the Chief Executive Officer with the amendment to allow the CEO to approve of land acquisitions and works in kind under adopted and indexed Development Contribution Plans (DCP's) and Infrastructure Contribution Plans (ICP's) up to 10% over the adopted and indexed \$ project cost values in the relevant DCP or ICP.

### Background

Council has in place several Development Contribution Plans being:

- Pakenham
- Officer
- Cardinia Road, and
- Cardinia Road Employment.

For newer developments, these plans are referred to as Infrastructure Contribution Plans (ICP') and the Minister for Planning has approved the Pakenham East Infrastructure Contribution Plan.

Other ICP's that will be developed or are in the early stages of development are

- Pakenham South Employment, and
- Officer South Employment

These plans collect payments required to provide new or upgraded infrastructure such as roads, drains and community facilities for the future communities being developed. The plans designate all works required to be delivered in the relevant area and set aside land required for future road works or community facilities. The cost of these works (projects) are



detailed in the adopted plan and the values are indexed to ensure that the value increases along with project, property, and other cost increases. This aims to ensure that the Council is not financially disadvantaged over time.

Due to the volume of works required to be delivered under the plans it is proposed to delegate to the Chief Executive Officer the power to approve of both land acquisitions required and to approve works in kind adjustments provided by developers, where the values sit above Councils adopted financial delegations. Works in kind are where the developer agrees to provide the infrastructure required under the particular plan, such as road and drainage construction and the value of these works as detailed in the relevant plan is credited as part of the cost of the development rather than pay the Council the amount detailed in the relevant plan.

With the level of these projects increasing rapidly the Council need to be able to proceed in a timely manner in approving works in kind and the acquisition of designated properties, and it is at times not feasible to have the Council resolve on every decision to be made in regard to these works and acquisitions.

The amendment to the Instrument of Delegation as attached is to amend Clause 1.1 in the Conditions and limitations included in the Instrument so that clause 1.1 reads as follows:

1.1 entering into a contract exceeding the value of \$1,000,000 ; (unless it is a contract for works or services or the acquisition of land which is being entered into pursuant to a Development Contributions Plan (“DCP”) or Infrastructure Contributions Plan (“ICP”), in which case the delegate may enter into the contract up to any amount not exceeding 10% more than the amount referred to in the DCP or ICP);

A further process review is underway to determine further delegations required within Councils Instruments of Delegation documents, to enable effective and prudent management of its increasing number of DCPs and ICPs. These may be considered at future meetings.

### **Policy Implications**

All DCP's have been formally adopted by the Council and approved by the Minister for Planning. Future ICP's will be approved by the Minister for Planning.

### **Relevance to Council Plan**

#### **5.1 We practise responsible leadership**

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

### **Climate Emergency Consideration**

There are no climate emergency consideration associated with the proposal.

### **Consultation/Communication**

All DCP's and ICP's are developed through an extensive and detailed community consultation exercise.

### **Financial and Resource Implications**

All financial considerations are included in the relevant DCP or ICP and these values are indexed to enable increases in line with expected inflation. Each Plan is indexed differently in line with the approved methodology.

Decisions in the DCP/ICP environment often pose a high financial risk to Council if not managed in a prudent and timely manner. The ability to be able to act nimbly and in a decisive fashion may at times be the difference between securing land in a timely manner or putting off the delivery of required infrastructure until after it is required.

The report seeks delegation authority to authorise the CEO to approve of land acquisitions and works in kind adjustments when they are at, or no more than 10% over the endorsed and indexed DCP or ICP amount.

Purchases that are more than 10% over the value within the DCP/ICP will be considered by Council through individual reports.

### **Conclusion**

It is considered appropriate to execute a new Instrument of Delegation to the Chief Executive Officer that provides the authority to approve property acquisitions and works in kind delivered under adopted DCP's and ICP's up to 10% above the adopted value included in the relevant plan.

## Resolution

Moved Cr Kaye Cameron, seconded Cr Carol Ryan.

That in the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 Council resolves that:

- There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.
- The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
- The duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Carried

## 6.5 Activity Reports

### 6.5.1 Major Projects Report

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

#### **Recommendation(s)**

That Council note this report

#### **Attachments**

1. Major projects report - April 2022 [6.5.1.1 - 16 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 Kaye Cameron, seconded Cr Carol Ryan.

That Council note this report

Carried

## 6.5.2 Quarterly Resolutions Report January - March 2022

**Responsible GM:** Debbie Tyson  
**Author:** Doug Evans

### Recommendation(s)

That Council note the report detailing implementation of Council resolutions for the period January to March 2022.

### Attachments

1. Quarterly Resolutions report April 2022 [6.5.2.1 - 18 pages]

### Executive Summary

The attached report details all resolutions made for the period January to March 2022, with one matter still in progress from the meeting held in October last year. It includes the actions taken to implement the decisions.

The report does not include matters listed for noting.

### 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

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

### Climate Emergency Consideration

There are no Climate Emergency considerations in regard to this report.

### Consultation/Communication

All relevant staff have been consulted in regard to this report.

### Financial and Resource Implications

There are no financial considerations associated with this matter.

**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 Kaye Cameron, seconded Cr Carol Ryan.

That Council note the report detailing implementation of Council resolutions for the period January to March 2022.

Carried



## **7 Reports Or Minutes Of Committees**

### **8 Reports By Delegates**

Cr Ryan advised that she visited U3A and an opening of a new Adult Mental Health Clinic in South Yarra and commended their approach. Cr Ryan also mentioned that she had attended a 'Dance with me but don't sit on me' event for people with a disability confined to wheelchairs.

Cr Kowarzik mentioned his attendance at the launch of the Bould/Young Award at the Pakenham RSL and referred to the work being done in regard to financial literacy by local support groups and agencies.

Cr Moore reported that he attended the Harewood Heritage Festival and the recent Business Breakfast. Cr Moore also attended the 25th anniversary of the Cannibal Creek Landcare Group held at Gumbuya World. Cr Moore also mentioned the forthcoming 'Women Walk the World' event being held at the Lakeside Lake organised by the Pakenham County Women's Association.

Cr Ross commented on how pleasing it was to see sport finally being held at Council's Recreation Reserves across the Shire.

Cr Owen commented on the Basketball Grand Finals at Cardinia Life. On April 1st, Cr Owen attended South East Presentation Ball and explained a little background about the new business. Cr Owen also referred to the forthcoming AGM of the Upper Beaconsfield Community Centre on 13 April and encouraged any interested local residents to attend. Cr Owen also mentioned the recent Lakeside Sounds Event held at the Cardinia Cultural centre

### **9 Presentation Of Petitions**

Cr Radford tabled a petition regarding the upgrading of the Officer Tennis Club facilities signed by over 100 people.

**10 Notices Of Motion**

Nil.

**11 Community Questions**

Nil.

**12 Urgent Business**

Nil.

**13 Councillor Questions**

**14 Meeting Closure**

Meeting closed at 7:47 .

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Minutes confirmed  
Chairman