

# **Ordinary Council Meeting**

## **Minutes**

Monday 20 June 2022

Commenced at 7:00 PM

Council Chambers  
20 Siding Avenue, Officer  
Victoria



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

Meeting opened at 7:00pm.

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 Chief Executive Officer advised of the absence of the Mayor and Deputy Mayor. The CEO called for nominations to appoint a temporary chair for the meeting.

Cr Owen nominated Cr Kowarzik, seconded Cr Moore.

Cr Ryan nominated Cr Owen, seconded Cr Davies.

Cr Kowarzik received majority of the votes and was appointed as temporary chair for the meeting.

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

Moved Cr Graeme Moore, seconded Cr Kaye Cameron

That minutes of the following meetings be confirmed:

- General Council meeting 16 May 2022

Carried

## **5 Declaration Of Interests**

Item 10.1 - Cr Ross declared a conflict of interest in item 10.1.

## 6 Ordinary Business

### 6.1 Town Planning Reports

## 6.1.2 Cardinia Planning Scheme Amendment C270card - Significant Tree Register

**Responsible GM:** Lili Rosic  
**Author:** Flora Lau

### Recommendation(s)

That Council:

1. Adopt the modified Amendment C270card to the Cardinia Planning Scheme under Section 29 of the *Planning and Environment Act 1987*, with changes, generally in accordance with attachment 1 and 2.
2. Submit adopted Amendment C270card to the Cardinia Planning to the Minister for Planning for approval under Section 31 of the *Planning and Environment Act 1987*.

### Attachments

1. Amendment C270 Documents for Adoption [6.1.2.1 - 61 pages]
2. Significant Trees - Statement of Significance January 2021 for Adoption [6.1.2.2 - 73 pages]

### Executive Summary

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

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

Amendment C270 facilitates the following changes to the Cardinia Planning Scheme:

- Amends the Schedule to Clause 43.01 Heritage Overlay to insert the Heritage Overlay on nine (9) historically significant trees over seven (7) properties as recommended in the Cardinia Shire Council, Significant Trees – Statement of Significance January 2021.
- Amends Clause 21.02 Environment by adding the Cardinia Shire Council, Significant Trees – Statement of Significance January 2021 as a reference document.

The Amendment was placed on public exhibition from 17 March 2022 to 21 April 2022 as per the requirements of the *Planning and Environment Act 1987*.

During this time, one (1) late submission from the CFA was received on 9 May 2022; whereby they requested clarification on the impact the amendment would have with bushfire exemptions under Clause 52.12 and what impact the introduction of the Heritage Overlay

would have on bushfire risk. Following further discussions and additional information provided, the CFA have indicated in writing that they understand the amendment is unlikely to have an impact on the exemptions for vegetation removal. As such, their submission is considered to have been resolved.

Given this submission has been resolved, it is recommended that the Amendment be adopted by Council under Section 29 of the *Planning and Environment Act 1987* (the Act) and submitted to the Minister for Planning for approval pursuant to Section 31 of the Act.

## Background

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

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

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

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

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

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

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

Greenwood Consulting P/L provided Cardinia Shire Council with the *Significant Tree Assessment report 2019*, which recommended 12 trees required additional planning controls to ensure adequate protection. John Patrick Landscape Architects were then engaged to review the *Significant Tree Assessment report 2019*, to determine which planning controls

were appropriate and prepare a Statement of Significance for each tree. A total of nine (9) trees, (three of which are located on the same property), met the test for the application of the Heritage Overlay.

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

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

Amendment C270 facilitates the following changes to the Cardinia Planning Scheme:

- Amends the Schedule to Clause 43.01 Heritage Overlay to insert the Heritage Overlay on nine (9) historically significant trees over seven (7) properties as recommended in the Cardinia Shire Council, Significant Trees – Statement of Significance January 2021.
- Amends Clause 21.02 Environment by adding the Cardinia Shire Council, Significant Trees – Statement of Significance January 2021 as a reference document.
- Amends the Schedule to Clause 72.04 Documents incorporated in this planning scheme.

The attached explanatory report provides further detail on the affected landowners and the changes that are proposed in Amendment C270card.

On September 22, 2021, Council resolved to lodge request for authorisation to the Minister for Planning to prepare the Amendment C270card to the Cardinia Planning Scheme. Authorisation was received, the Amendment was placed on public exhibition from 17 March 2022 to 21 April 2022.

### **Changes to the Amendment post exhibition**

The exhibited Amendment documents have been updated due to a clerical error that was identified during the exhibition period.

The exhibited Amendment documents have indicated that Amendment C270 seeks to amend Clause 21.02 Environment by adding the Cardinia Shire Council, Significant Trees – Statement of Significance January 2021 as an incorporated document. This is incorrect as it should be referred in the Cardinia Planning Scheme as a reference document instead of as an incorporated document.

It is a clerical error and has no consequence to outcomes of the amendment.

All amendment documents have since been updated to confirm the document titled Cardinia Shire Council, Significant Trees – Statement of Significance January 2021 is to be referred as a reference document.

### **Policy Implications**

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



## Relevance to Council Plan

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

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

### 5.1 We practise responsible leadership

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

## Climate Emergency Consideration

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

## Consultation/Communication

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

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

Amendment C270card documents have been exhibited to the public from 17 March 2022 to 21 April 2022 as part of the Planning Scheme Amendment process.

Notice was given to prescribed Ministers as required by Section 19(1)(c) of the Act.

Notice was also given by post to 39 addresses that may be affected by or have an interest in Cardinia Planning Scheme Amendment C270.

Community groups, relevant public authorities, and Prescribed Ministers were also notified of the exhibition of the Amendment.

In addition to the above, the Amendment was exhibited using the following methods:

- Public Notice in the Pakenham Gazette – 16 March 2022
- Public Notice in the Government Gazette – 17 March 2022
- Display on Cardinia Shire Council website - from 17 March 2022 to 21 April 2022
- Display on DELWP website - from 17 March 2022 to 21 April 2022

During this time, one (1) late submission from the CFA was received on 9 May 2022. CFA has raised in its submission that a number of trees that have been nominated for protection are within either a Bushfire Management Overlay (BMO) or a designated bushfire prone area (BPA), or both. CFA is unclear on the impact C270card would have with bushfire protection exemptions at Clause 52.12 and what impact the introduction of the Heritage Overlay could have on bushfire risk.

In response to CFA's submission, a desktop analysis of each of the nominated trees in relation to Clause 52.12 Bushfire Protection Exemptions was conducted by Council. The analysis identified that three (3) out of the nine (9) trees nominated by the amendment may be exempt

from planning permit requirements pursuant to Clause 52.12 should those trees be identified to be removed for bushfire protection purposes. The analysis also confirmed that the introduction of Heritage Overlay over these trees would not interfere with the bushfire protection exemptions at Clause 52.12 and would not have impact on bushfire risk. The information contained within the desktop analysis satisfied CFA and enabled them to understand that the amendment is unlikely to have an impact on the exemptions for vegetation removal. CFA's concerns raised in their submission have been resolved.

### Next Steps

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

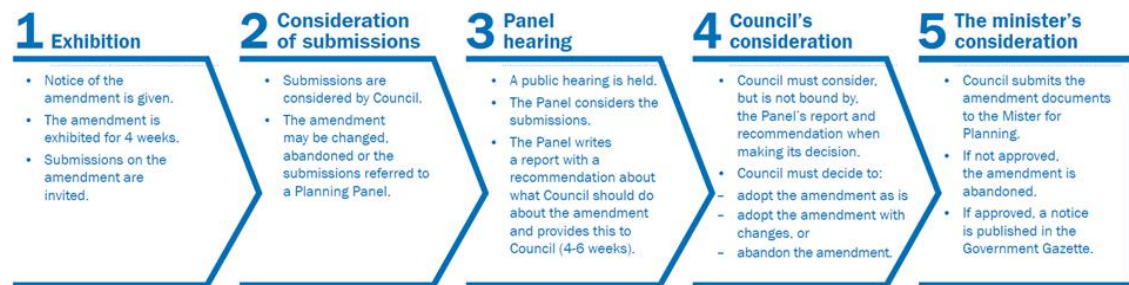


Figure 1. Steps in the Planning Scheme Amendment Process

If Council resolves to adopt the Amendment, officers will prepare the final documents and submit these to the Minister for Planning for approval (Stage 5). Approval timeframes of the Amendment cannot be confirmed and are subject to processes undertaken by DELWP.

### Financial and Resource Implications

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

### Conclusion

Amendment C270 proposes to implement the recommendations of the Cardinia Shire Council, Significant Trees – Statement of Significance January 2021 prepared by John Patrick Landscape Architects by providing protection to nine (9) significant trees by applying the Heritage Overlay.

The amendment will ensure that the heritage values of these trees are considered in any future planning permit application process and to ensure the protection of vegetation relevant to Cardinia Shire's cultural, aesthetic, and environmental heritage.

Amendment C270 was on exhibition from Thursday, 17 March 2022 to 21 April 2022 and during the exhibition period, one (1) submission was received from the CFA.

Given that this submission has been resolved it is recommended that Council resolve to adopt Amendment C270card to the Cardinia Planning Scheme under Section 29 of the Act and submit to the Minister for Planning for approval under Section 31 of the Act.

## Resolution

Moved Cr Graeme Moore, seconded Cr Kaye Cameron.

That Council:

1. Adopt the modified Amendment C270card to the Cardinia Planning Scheme under Section 29 of the *Planning and Environment Act 1987*, with changes, generally in accordance with attachment 1 and 2.
2. Submit adopted Amendment C270card to the Cardinia Planning to the Minister for Planning for approval under Section 31 of the *Planning and Environment Act 1987*.

Carried

## 6.2 General Reports

### 6.2.1 Casey Cardinia Libraries Library Plan 2021-25, Strategic Resource Plan 2022-26 and Budget 202-23

**Responsible GM:** Lili Rosic  
**Author:** Lili Rosic

#### Recommendation(s)

That Council:

- approves the proposed Casey Cardinia Libraries Library Plan 2021-2025 (updated April 2022) and Strategic Resource Plan 2022-2026, and notes that these documents will be presented to the Board for adoption pending Council's approval.
- notes that funding of the Casey Cardinia Library Board is included in Council's 2022- 2023 budget and the Library Budget 2022-2023 will be presented to the Casey Cardinia Library Board for adoption pending Council's approval.

#### Attachments

1. CCL Library Plan 2021 - 2025 (update April 2022) - Draft Version 2022 April [6.2.1.1 - 21 pages]
2. CCL Strategic Resource Plan 2022-2026 April 2022 [6.2.1.2 - 17 pages]
3. CCL Budget 2022-2023 April 2022 [6.2.1.3 - 19 pages]

#### Executive Summary

The Casey Cardinia Libraries' Library Plan 2021-2025 (updated April 2022) including the draft Strategic Resource Plan 2022-2026 and the draft Library Budget 2022-2023 have been prepared by the corporation and forwarded to both Councils in late April 2022 to be considered for adoption.

A copy of the documents pending endorsement by Council and the Casey Cardinia Libraries Board will be provided to the Minister for Local Government in accordance with the provisions of the Local Government Act 1989.

#### Background

Casey Cardinia Libraries (CCL) is governed by a Board with representatives from both councils. Currently the Cardinia representatives are Cr. Jeff Springfield (Board Member) and Cr. Jack Kowarzik (substitute) with officer representation held by the General Manager of Liveable Communities. Miguel Belmar, City of Casey-Administrator, is the Board Chairperson.

The Library Plan establishes the direction for the development and improvement of Casey Cardinia Libraries' services over a four-year period.

It is a requirement under the new Local Government Act 2020 and forms the primary planning document for the delivery of library services. The Library Plan includes a draft Strategic Resource Plan in the form of standard statements describing required financial resources and

non-financial resources, including human resources in respect of the coming four financial years.

Four strategic areas over the next four years reflect the ongoing priorities of Casey Cardinia Libraries (CCL):

1. A Place to Gather and Learn- Create safe and welcoming places that provide free access to information, knowledge, and resources.
2. Partnership and Innovation to achieve shared goals – Strengthen Partnerships and encourage innovation to broaden and deepen our impact
3. Facilitate Community Connection and Wellbeing - Contribute to thriving, healthy and inclusive communities.
4. Organisational Excellence - Strengthen our capacity to lead, adapt and innovate to meet changing community needs.

The Library Plan is amended annually regarding performance targets, dates, budget figures and any changes to service provision that occur from one year to the next.

CCL played a particularly important role during COVID in supporting communities by keeping them connected through online programs and providing access to a range of reading and learning materials. 76% of the community agree that they are happier after visiting the library.

Highlights in 2020 - 2021, included:

- Events and programs across a range of areas including: to support parenting, English education,
- study, Indigenous engagement, children's literacy, diversity and inclusion, digital literacy and mental health and wellbeing.
- A range of new services in response to COVID-19 restrictions including click and collect, home delivery, digital storytelling, online conversation classes and special interest groups as well as opportunities for social connection through outbound customer care calls.
- Expanded access to digital collections.
- Resources and support for CALD communities including English conversation classes, preparation
- for citizenship tests, more LOTE collections and culturally safe spaces.

Highlights of the draft Library Plan 2021-2025 include:

- Strengthen the accessibility of library branches
- Increase digital literacy in our community with through programming, services, and digital resources
- Deliver events and programs that support reading, writing and lifelong learning
- Develop targeted partnerships with community organisations that increase access to information and knowledge
- Work with council teams and community partners to enhance health and wellbeing
- Deliver programs and services that empower CALD communities to access social and wellbeing supports and services

In addition, the Casey Cardinia Libraries' focus is on community recovery following the pandemic, broader health and wellbeing strategies, more accessible programming and reaching out beyond our four walls to take library services to emerging communities across the region.

## Policy Implications

Casey Cardinia Libraries support the visions of both the City of Casey and Cardinia Shire to create liveable, healthy, and productive communities. Globally, libraries are acknowledged as playing a key role in meeting the UN 2030 Sustainable Development Goals (SDGs) by providing access to lifelong learning.

In particular, libraries support the achievement of the following SDGs.

Goal 1: No poverty.

Goal 3: Good health and well-being.

Goal 4: Quality education.

Goal 5: Gender equality.

Goal 8: Decent work and economic growth.

Goal 9: Industry, innovation, and infrastructure.

Goal 10: Reduced inequalities.

Goal 11: Sustainable cities and communities.

Goal 13: Climate action.

Goal 16: Peace, justice, and strong institutions.

Goal 17: Partnerships for the goals.

## Relevance to Council Plan

### Stronger Communities

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.

### Responsible leaders

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

## Climate Emergency Consideration

Casey and Cardinia - like most of south-east Australia - is expected to experience hotter days much lower amounts of average rainfall in the coming years, increasing the risk of fire and extreme storm. Both councils recognise the need to proactively address these changes. Libraries can address climate change by providing information, enabling collaboration and decision making in the community to address climate change. Importantly, libraries also provide shelter from extreme climate emergencies. CCL is committed to the State Government's TAKE2 sustainability program and will continue to look for ways to minimise our environmental footprint and educate our community about ways to support the environment.

## Consultation/Communication

Casey Cardinia Libraries prepares an annual Draft Library Plan and Budget that is forwarded to both Councils in November for consideration. The draft Budget is subsequently amended as necessary following receipt by the Library Corporation population and library use data to the end of March each year and the final draft is then forwarded to both Councils for consideration and formal adoption.

Council received the current draft in April.

Casey Cardinia Libraries will publicly advertise the Budget and Library Plan and call for submissions from the community over the coming weeks.

## Financial and Resource Implications

The contract with Casey Cardinia Libraries is an ongoing agreement which is reviewed every 5 years. The current agreement was last reviewed and endorsed by Council in 2017. The overall of contribution from Councils is shared with Casey Council. Next financial year Casey will

provide 75.6582% of the overall contribution and Cardinia will provide 24.3418%. Cardinia will contribute \$2,311,928 to the Library Corporation in the 2022-2023 financial year in accordance with the attached Budget document, subject to endorsement of the draft Council budget on 27 June 2022. Cardinia Council's contribution will increase by 1.6% for the 22-23 budget.

### **Conclusion**

The documents attached to this report outline the financial and operational strategy for Casey Cardinia Libraries Corporation over the next four years. This suite of documents meets all the legislative planning requirements for Library Corporations as detailed in the relevant Acts.

## **Resolution**

Moved Cr Graeme Moore, seconded Cr Kaye Cameron.

That Council:

- approves the proposed Casey Cardinia Libraries Library Plan 2021-2025 (updated April 2022) and Strategic Resource Plan 2022-2026, and notes that these documents will be presented to the Board for adoption pending Council's approval.
- notes that funding of the Casey Cardinia Library Board is included in Council's 2022- 2023 budget and the Library Budget 2022-2023 will be presented to the Casey Cardinia Library Board for adoption pending Council's approval.

Carried



## 6.2.2 Declaration of Special Charge Scheme - Sealing the Hills - Naughton Street (Cockatoo) Catchment

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

### Recommendation(s)

That Council:

1. Notes that following the issue of the notice of decision by Council to declare a special charge scheme on 11 April 2022, to part fund the construction of Naughton Street and Carawa Street, Cockatoo, only one written submission in support was received within the prescribed 28-day submission period following advertising this decision. Details of the submissions are outlined 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 Naughton Street and Carawa Street, Cockatoo 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:
    - i. 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:
    - i. 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:
    - i. 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:
    - i. 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.
    - ii. 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.
    - iii. 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.
    - iv. Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.

- v. 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 \$1,930,000.
- i. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$388,500.
- 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:
    - 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.
    - 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.
    - 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.
    - 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. Scheme process chart [6.2.2.1 - 1 page]
2. Plan of scheme area [6.2.2.2 - 1 page]
3. Concept construction plans [6.2.2.3 - 9 pages]
4. Apportionment table [6.2.2.4 - 2 pages]
5. CONFIDENTIAL - Submissions table [6.2.2.5 - 1 page]

### Executive Summary

This report proposes to have a special charge declared to part fund the construction of Naughton Street and Carawa Street, Cockatoo. It follows Council's resolution of 11 April 2022 to communicate its intention to declare a special charge for this purpose.

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 93% 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.

Following Council's resolution on 11 April 2022, 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 within the prescribed 28-day submission period. Details of these submissions are outlined in attachment 5 of this report.

## 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 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:

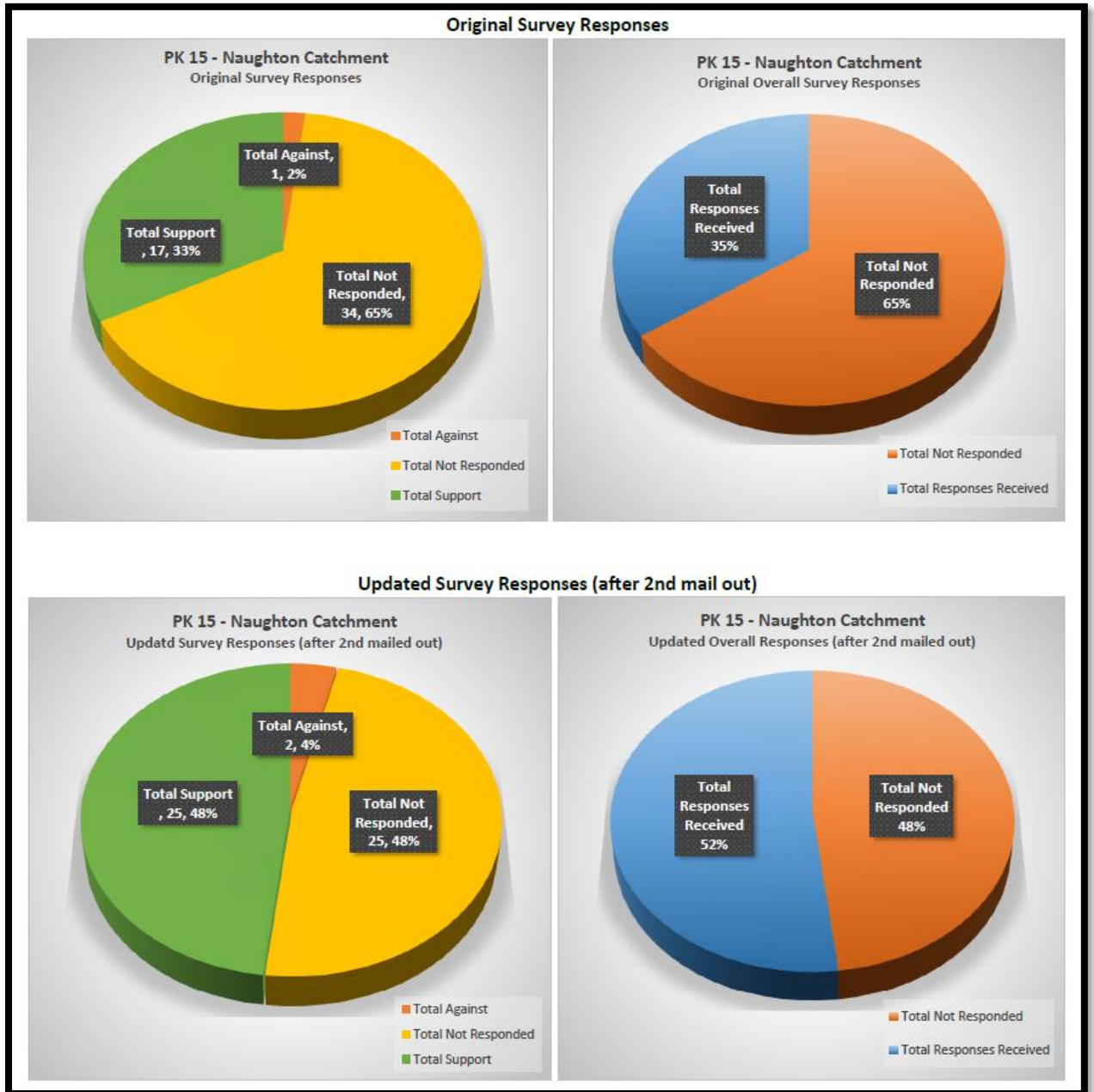
- Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit (\$7,000) towards the cost of construction.
- Existing lots, either developed or vacant, with side or rear abuttal 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	27	52%
No. of responses supporting the scheme	25	93%
No. of responses opposing the scheme	2	7%

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

Below is the statistics graphed out indicating the number and percentage of the original survey responses received with the updated survey responses received after the 2<sup>nd</sup> mail out. There was an apparent increase in the total responses received ensuring more support for the scheme. 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.



Following Council's resolution on 11 April 2022, affected property owners were notified of the intention to declare a special charge scheme.

Council received only one written submission in support of the scheme from property owner on 17 Carawa Steet, Cockatoo. The written submission expressed gratitude and support to the

construction of the proposed road works. Details of the submission are outlined in attachment 5.

### **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 the previous notice of decision report presented to Council on 11 April 2022. 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 program 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.

A subsequent face to face community consultation session was held at *Cockatoo Community Hall* at the end of March 2022, from 5.00pm to 7.00pm in the evening, to give owners and residents an opportunity to view plans and comment on the proposal. Very few property owners attended for this catchment.

At the start of February 2022 and mid-March 2022, questionnaires were 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, 27 questionnaire responses from 52 properties were received.

Following the Council resolution on 11 April 2022 where notice of decision was resolved 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 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

That Council proceeds to declare a special charge over the properties listed in attachment 4 to part fund the construction of Naughton Street and Carawa Street, Cockatoo 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.

## Resolution

Moved Cr Graeme Moore, seconded Cr Kaye Cameron.

That Council:

1. Notes that following the issue of the notice of decision by Council to declare a special charge scheme on 11 April 2022, to part fund the construction of Naughton Street and Carawa Street, Cockatoo, only one written submission in support was received within the prescribed 28-day submission period following advertising this decision. Details of the submissions are outlined 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 Naughton Street and Carawa Street, Cockatoo 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:
    - i. 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:
    - i. 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:
    - i. 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:
    - i. 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.
    - ii. 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.
    - iii. 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.
    - iv. Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
    - v. 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 \$1,930,000.
  - i. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$388,500.

- 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:
    - 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.
    - 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.
    - 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.
    - 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



## 6.2.3 Declaration of Special Charge Scheme - Sealing the Hills - Christians Avenue (Emerald) Catchment

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

### Recommendation(s)

That Council:

1. Notes that following the issue of the notice of decision by Council to declare a special charge scheme on 11 April 2022, to part fund the construction of Christians Avenue and Andrew Court, Emerald, no submissions were received by Council in the prescribed 28-day submission period following advertising this decision.
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 Christians Avenue & Andrew Court, Emerald 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:
    - i. 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:
    - i. 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:
    - i. 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:
    - i. 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.
    - ii. 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.
    - iii. 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.
    - iv. Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.

- v. 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 \$430,000.
- i. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$105,000.
- 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 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:
    - 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.
    - 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.
    - 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.
    - 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. Scheme process chart [6.2.3.1 - 1 page]
2. Plan of scheme area [6.2.3.2 - 1 page]
3. Concept construction plans [6.2.3.3 - 4 pages]
4. Apportionment table [6.2.3.4 - 1 page]

### Executive Summary

This report proposes to have a special charge declared to part fund the construction of Christians Avenue and Andrew Court, Emerald. It follows Council's resolution of 11 April 2022 to communicate its intention to declare a special charge for this purpose.

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 86% 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). 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.

Following Council's resolution on 11 April 2022, 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. No submissions were received in the prescribed 28-day submission period.

## Background

The Christians Avenue, Emerald catchment that includes Christians Avenue and 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:

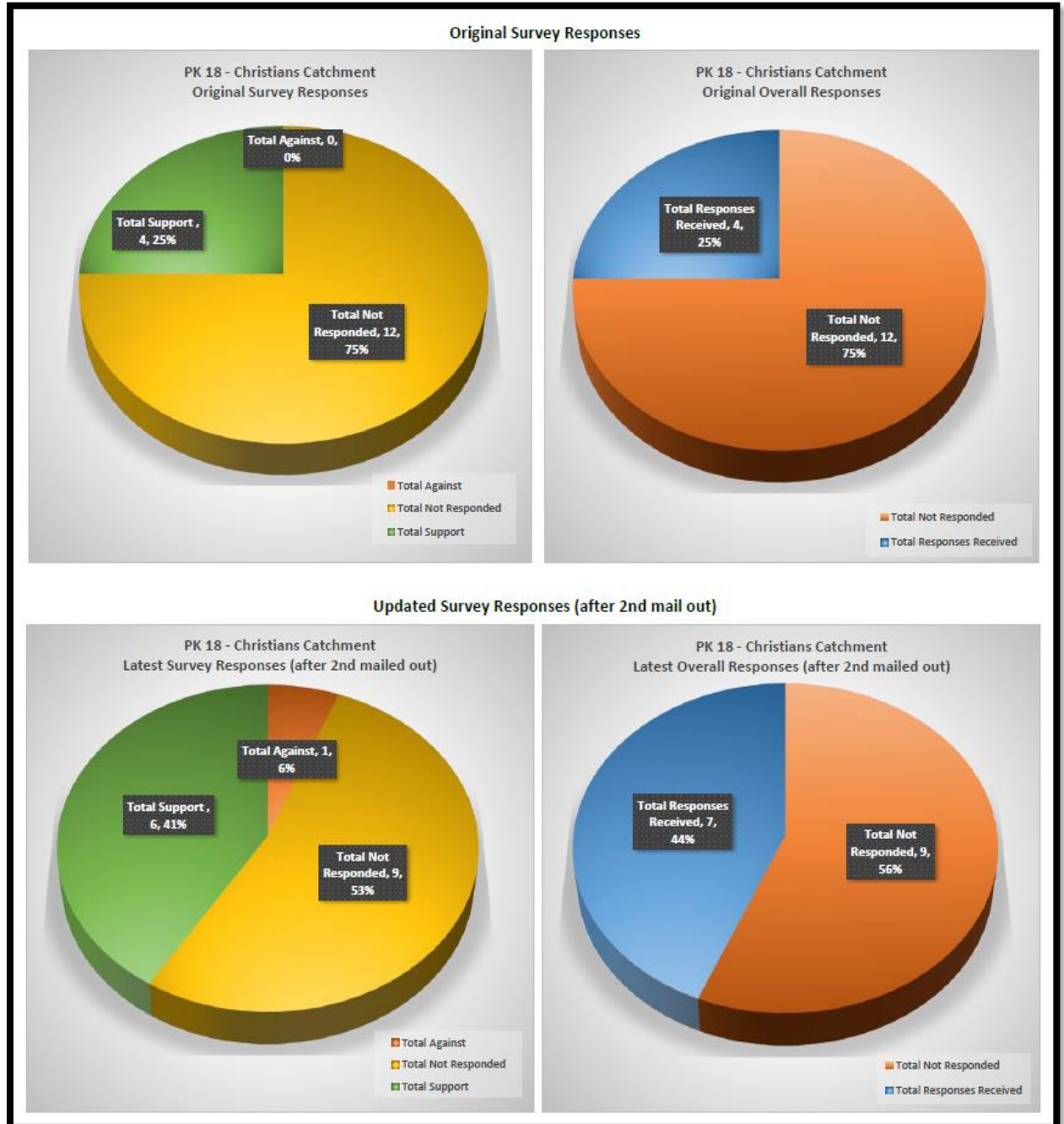
- Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit (\$7,000) towards the cost of construction.
- Existing lots, either developed or vacant, with side or rear abuttal 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	7	44%
No. of responses supporting the scheme	6	86%
No. of responses opposing the scheme	1	14%

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

Below is the statistics graphed out indicating the number and percentage of the original survey responses received with the updated survey responses received after the 2<sup>nd</sup> mail out. There was an apparent increase in the total responses received ensuring more support for the scheme. Following consideration of the survey responses, a special charge scheme has been prepared to part fund the construction of Christians Avenue and Andrew Court, Emerald.



Following Council's resolution on 11 April 2022 affected property owners were notified of the intention to declare a special charge scheme.

### 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 the previous notice of decision report presented to Council on 11 April 2022. 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 program 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 and Andrew Court, Emerald 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 *Cockatoo Community Hall* at the end of March 2022, from 5.00pm to 7.00pm in the evening, to give owners and residents an opportunity to view plans and comment on the proposal. No property owners attended for this catchment.

In the start of February 2022 and mid-March 2022, questionnaires were 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, 7 questionnaire responses from 16 properties were received.

Following the Council resolution on 11 April 2022 where notice of decision was resolved 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 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

That Council proceed to declare a special charge over the properties listed in attachment 4 to part fund the construction of Christians Avenue and Andrew Court, Emerald 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.

## Resolution

Moved Cr Graeme Moore, seconded Cr Kaye Cameron.

That Council:

1. Notes that following the issue of the notice of decision by Council to declare a special charge scheme on 11 April 2022, to part fund the construction of Christians Avenue and Andrew Court, Emerald, no submissions were received by Council in the prescribed 28-day submission period following advertising this decision.
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 Christians Avenue & Andrew Court, Emerald 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:
    - i. 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:
    - i. 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:
    - i. 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:
    - i. 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.
    - ii. 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.
    - iii. 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.
    - iv. Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
    - v. 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 \$430,000.
  - i. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$105,000.
  - 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 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:
  - 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.
  - 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.
  - 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.
  - 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



## 6.2.4 Special Charge Scheme - Woodlands Catchment

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

### Recommendation(s)

1. That Council notes that following the issue of the notice of decision by Council to declare a special charge scheme on 11 April 2022, to part fund the construction of Colin Avenue, Belgrave Avenue and Woodlands Avenue Cockatoo, no submissions were received by Council in the prescribed 28 day submission period following advertising this decision
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 Colin Avenue, Belgrave Avenue, and Woodlands Avenue Cockatoo 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:
    - i. 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:
    - i. 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:
    - i. 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:
    - i. 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.
    - ii. 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.
    - iii. 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.
    - iv. Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
    - v. 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 \$1,310,000.00.

- i. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$ 213,500.00.
- 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:
    - 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.
    - 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.
    - 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.
    - 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. Checklist Woodlands [6.2.4.1 - 1 page]
2. Woodlands Maps [6.2.4.2 - 2 pages]
3. Woodlands catchment [6.2.4.3 - 6 pages]
4. Apportionment Woodlands Catchment 2 1 [6.2.4.4 - 4 pages]

### Executive Summary

This report proposes to have a special charge declared to part fund the construction of Colin Avenue, Belgrave Avenue and Woodlands Avenue Cockatoo. It follows Council's resolution of 11 April 2022 to communicate its intention to declare a special charge for this purpose.

The Colin Avenue, Belgrave Avenue and Woodlands 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 55% 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.

Following Council's resolution on 11 April 2022 ~~select date of meeting when notice of decision was resolved~~ 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. No submissions were received in the prescribed 28-day submission period.

## Background

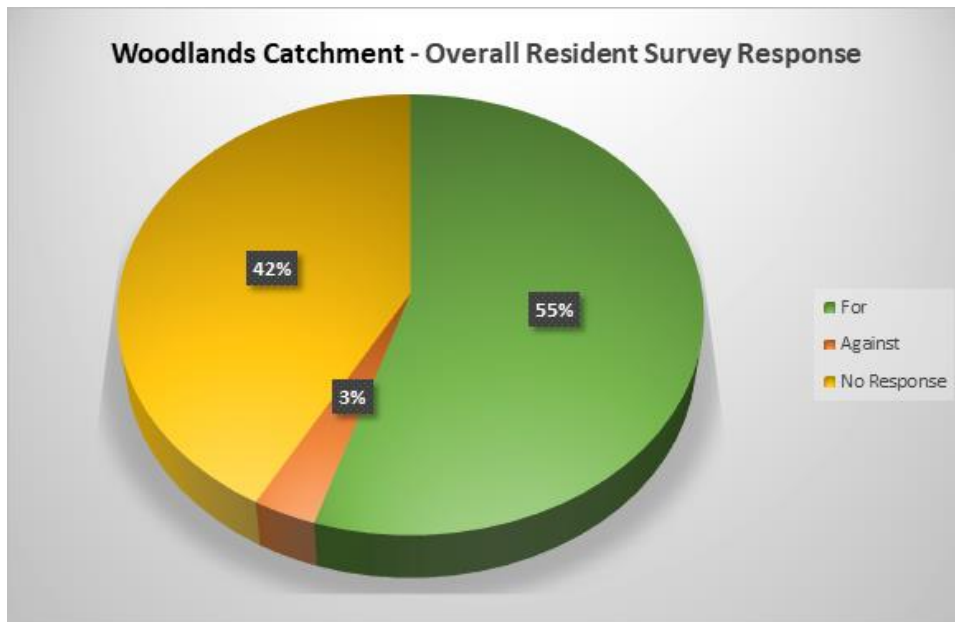
The Woodlands catchment that includes Colin Avenue, Belgrave Avenue and Woodlands Avenue Cockatoo is included for construction in Council's Sealing the Hills program. The properties included are shown on the plan included as attachment 2 to this report.

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	18	58%
No. of responses supporting the scheme	17	95%
No. of responses opposing the scheme	1	5%



Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Colin Avenue, Belgrave Avenue and Woodlands Avenue Cockatoo.

Following Council's resolution on 11 April 2022 affected property owners were notified of the intention to declare a special charge scheme.

### **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 the previous notice of decision report presented to Council on 11 April 2022. 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, Belgrave Avenue and Woodlands 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 18 questionnaire responses from 31 properties were received.

Following the Council resolution on 11 April 2022 where notice of decision was resolved 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 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

That Council proceed to declare a special charge over the properties listed in attachment 4 to part fund the construction of Colin Avenue, Belgrave Avenue and Woodlands Avenue Cockatoo 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.

## Resolution

Moved Cr Graeme Moore, seconded Cr Kaye Cameron.

1. That Council notes that following the issue of the notice of decision by Council to declare a special charge scheme on 11 April 2022, to part fund the construction of Colin Avenue, Belgrave Avenue and Woodlands Avenue Cockatoo, no submissions were received by Council in the prescribed 28 day submission period following advertising this decision
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 Colin Avenue, Belgrave Avenue, and Woodlands Avenue Cockatoo 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:
    - i. 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:
    - i. 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:
    - i. 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:
    - i. 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.
    - ii. 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.
    - iii. 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.
    - iv. Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
    - v. 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 \$1,310,000.00.
  - i. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$ 213,500.00.
  - 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:
  - 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.
  - 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.
  - 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.
  - 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

## 6.2.5 Special Charge Scheme - First Grenville Catchment

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

### Recommendation(s)

1. That Council notes that following the issue of the notice of decision by Council to declare a special charge scheme on 11 April 2022, to part fund the construction of Neville Street, First Avenue, Steane Street, Springs Street, Hazel Street, Second Avenue and Grenville Road Cockatoo, 2 submissions were received by Council in the prescribed 28 day submission period following advertising this decision. Details of the submissions are outlined 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 Neville Street, First Avenue, Steane Street, Springs Street, Hazel Street, Second Avenue and Grenville Road, Cockatoo 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:
    - i. 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:
    - i. 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:
    - i. 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:
    - i. 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.
    - ii. 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.
    - iii. 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.
    - iv. Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.



- v. 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 \$9,500,000.00.
- i. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$ 1,823,500.00.
- 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:
    - 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.
    - 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.
    - 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.
    - 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. Checklist First Grenville [6.2.5.1 - 1 page]
2. First Grenville Maps [6.2.5.2 - 6 pages]
3. First Avenue- Grenville Road\_-\_concept plans 1 of 2 (1) [6.2.5.3 - 22 pages]
4. First Avenue- Grenville Road\_-\_concept plans 2 of 2 [6.2.5.4 - 23 pages]
5. Submissions Hearing First Grenville [6.2.5.5 - 2 pages]
6. First Greenville Special Charge Scheme SCS Apportionment Sheet 1 [6.2.5.6 - 11 pages]

### Executive Summary

This report proposes to have a special charge declared to part fund the construction of Neville Street, First Avenue, Steane Street, Springs Street, Hazel Street, Second Avenue and Grenville Road, Cockatoo. It follows Council's resolution of 11 April 2022 to communicate its intention to declare a special charge for this purpose.

The Neville Street, First Avenue, Steane Street, Springs Street, Hazel Street, Second Avenue and Grenville 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 89.25% 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 \$9,500,000.00 of which \$1,823,500.00 is proposed to be funded via the proposed special charge contribution received from the included property owners. This will leave an approximate balance of \$7,676,500.00 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.

Following Council's resolution on 11 April 2022 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. 2 submissions were received in the prescribed 28 day submission period. Details of these submissions are outlined in attachment 5 of this report.

## Background

The First-Grenville catchment that includes Neville Street, First Avenue, Steane Street, Springs Street, Hazel Street, Second Avenue and Grenville Road 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 261), 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	261	100%
No. of responses received	130	49.8%
No. of responses supporting the scheme	116	89.25%

No. of responses opposing the scheme	14	10.75%
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Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Neville Street, First Avenue, Steane Street, Springs Street, Hazel Street, Second Avenue and Grenville Road, Cockatoo.

Following Council's resolution on 11 April 2022 affected property owners were notified of the intention to declare a special charge scheme.

Council received 2 written and heard submissions. The property owner of 56 First Avenue cited the cost of living as their reason for opposing the scheme, whilst the owner of 11 Neville Street has concerns about drainage. Details of these submissions are outlined in attachment 5.

### **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 the previous notice of decision report presented to Council on 11 April 2022. 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 Neville Street, First Avenue, Steane Street, Springs Street, Hazel Street, Second Avenue and Grenville Road, Cockatoo outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal.

Initially due to Covid restrictions, we undertook an online community consultation 2<sup>nd</sup> February 2022, however due to the limited questionnaire results received and as restrictions had lifted,

on the 31<sup>st</sup> March 2022 we undertook a face to face consultation which proved to be very successful with majority support received.

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 130 questionnaire responses from 261 properties were received.

Following the Council resolution on 11 April 2022 where notice of decision was resolved 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 outlined in Table 2.

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

Total estimated cost of scheme	\$9,500,000.00
Total Council contribution (approx. 80.80%)	\$7,676,500.00
Benefiting property owner contribution (approx. 19.20%)	\$1,823,500.00

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

That Council proceed to declare a special charge over the properties listed in attachment 4 to part fund the construction of Neville Street, First Avenue, Steane Street, Springs Street, Hazel Street, Second Avenue, and Grenville Road Cockatoo 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.

## Resolution

Moved Cr Brett Owen, seconded Cr Collin Ross.

1. That Council notes that following the issue of the notice of decision by Council to declare a special charge scheme on 11 April 2022, to part fund the construction of Neville Street, First Avenue, Steane Street, Springs Street, Hazel Street, Second Avenue and Grenville Road Cockatoo, 2 submissions were received by Council in the prescribed 28 day submission period following advertising this decision. Details of the submissions are outlined 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 Neville Street, First Avenue, Steane Street, Springs Street, Hazel Street, Second Avenue and Grenville Road, Cockatoo 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:
    - i. 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:
    - i. 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:
    - i. 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:
    - i. 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.
    - ii. 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.
    - iii. 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.
    - iv. Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
    - v. 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 \$9,500,000.00.
  - i. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$ 1,823,500.00.

- 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:
    - 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.
    - 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.
    - 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.
    - 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

## 6.2.6 Local Law 20 - Open Air Fires Local Law

**Responsible GM:** Debbie Tyson  
**Author:** Owen Hardidge

### Recommendation(s)

That Council:

1. Notes the outcomes of community consultation described in this report that followed the Council resolutions on 16th August 2021 and 21 March 2022 to propose Local Law 20 – Open Air Fires Local Law,
2. Notes the Community Impact Statement prepared in respect of Local Law 20, and
3. Notes the certification by an Australian Lawyer who has been admitted to the legal profession for at least 5 years, that Local Law 20 – Open Air Fires Local Law is consistent with the requirements of the Local Government Act 2020,
4. Resolves to make Local Law 20 – Open Air Fires Local Law (version 4.3 attached to this report, including zone mapping), pursuant to Part 3, Division 3 of the Local Government Act 2020, and
5. Resolves that the Chief Executive Officer is instructed to cause all necessary actions to implement the local law so made, and
6. Resolves to adopt the Open Air Fires Local Law Policy (version 2.0), pursuant to Clause 38 (2) of Local Law 20 – Open Air Fires Local Law to guide Council officers in the issuing of permits under the local law so made.

### Attachments

1. Local Law 20 - Open Air Fires Local Law - version 4.3 [6.2.6.1 - 55 pages]
2. Local Law Community Impact Statement Local Law 20 Open Air Fire Local Law re [6.2.6.2 - 8 pages]
3. Certificate pursuant to section 74(1) Local Government Act 2020 [6.2.6.3 - 1 page]
4. Local Law 20 - Open Air Fires - Permit Policy [6.2.6.4 - 10 pages]
5. Engagement and Communications Summary [6.2.6.5 - 2 pages]

### Executive Summary

Cardinia Shire Council's Local Law 20 – Open Air Fires has been developed following a review of Local Law 17 – Part 5A, which commenced in 2019. Over the past two years a comprehensive community engagement process has been undertaken to understand the concerns of the community, internal and external stakeholders and identify new measures to support those with a genuine bushfire fuel reduction need, while discouraging unnecessary and unlawful burning of waste and promoting healthy and clean air and public amenity.

Considerable community feedback was received during these consultation periods that directly helped shape Local Law 20 – Open Air Fires, including the proposed zoning of properties, allowed days of the week, “no burn” periods, size of piles, minimum clearance dimensions, air quality and safety provisions.

Local Law 20 is designed to provide Council and the community with the ability to ensure that the Local Law remains tailored to the needs of the community in the long term by creating and mapping three new zones – ‘Urban and Township’, ‘Bushland and Peri-Urban’ and ‘Rural’ zones. These zones reflect the diversity of the municipal district and will allow Council to

flexibly apply conditions and restrictions that address the changing land management needs over time.

Local Law 20 also provides greater powers to the CEO of Cardinia Shire to suspend certain provisions to support recovery from emergencies and preparation for times of increased fire danger or following major storms.

The Open Air Fires Local Law Policy also provides clarity to Authorised Council Officers and the community in respect of the issue of permits to burn issued under the Local Law.

## **Background**

Cardinia Shire has a significant history of bushfire, with records dating back to the early 1900s. Some fires of note are the 1939 Black Friday fires, 1983 Ash Wednesday fires, 2009 Black Saturday fires and 2019 Bunyip Complex fires. With the impacts of climate change being increasingly felt in weather extremes and frequency, the risk of adverse fire outcomes is significant.

In September 2019 Cardinia Shire Council resolved to declare a climate emergency, which calls for immediate and urgent action to reverse global warming and address climate change. A significant proportion of burn-offs in Cardinia Shire are not for efficient fuel reduction.

Local Law 17 – Part 5A currently provides for restrictions on open air fires, that vary depending on the size of the land, and whether the land is classified as “Bushfire Prone” by the Victorian Building Authority.

In 2019, Council began a review of Local Law 17 – Part 5A following internal, external and community feedback that it wasn’t meeting the needs of some parts of the community and stakeholders.

This Local Law review project has generated significant interest from the community on what is a passionate and somewhat divisive topic, including record submissions through the community engagement process.

Community consultation indicates many landholders use burning-off for garden/property maintenance, as cost-efficient waste disposal and for inefficient fuel reduction. Some residents use burning-off as their default option, without giving thought to potentially more efficient and environmentally sustainable options. However, there is a need in higher risk areas of the Shire for residents to have the option to burn-off to prepare their property for fire in the interest of personal and community safety.

Data provided by fire agencies in 2020 shows that there have been 509 instances in the preceding 10 years from issues relating to open-air burning, including 251 instances of inappropriate burning off or burning-off for reasons other than fuel reduction.

Local Law 20 strikes a balance between urbanisation, clean air and public amenity and the need for burning-off to be part of the solution for bushfire preparedness in those areas that face significant fire risk, alongside other methods of green waste disposal and utilisation of Councils waste collection and drop/off services.

New features of Local Law 20 include:

- New mapping that creates three new zones – Urban and Township, Bushland and Peri-Urban and Rural Zone
- A new no-burn period in July each year
- Increased penalties with a focus on those who burn industrial waste



- The power for the CEO to suspend certain clauses within the Local Law to allow residents greater flexibility to clean up their property following a major storm or before the commencement of the Fire Danger Period
- New restriction around burning-off on days of Poor, Very Poor or Extremely Poor air quality (as defined by EPA)
- Exemption to allow cultural traditions by Aboriginal peoples to be practiced without a permit
- Increased opportunity for residents in the Bushland and Peri-Urban and Rural zones to undertake fuel reduction through burning-off
- Overall simplification of the Local Law to aid residents in understanding their responsibilities

The new mapping will see an increase in the number of properties unable to burn-off without a permit, mostly around the growth areas of Pakenham, Officer and Beaconsfield. Additionally, the new zones also start to address the impacts of smoke in some of the peri-urban townships by applying the Urban and Township Zoning.

All residents and properties will have the ability to apply for a permit (online or over the phone) should they not meet the parameters in Local Law 20. Applications for permits will not attract a fee and will be determined in line with the Open Air Fires Local Law Policy.

Local Law 20 – Open Air Fires will come into effect on 1 July 2022.

### **Policy Implications**

Local Law 20 – Open Air Fires aligns with the following Council policies and plans.

- Cardinia Municipal Emergency Management Plan 2018
- Cardinia Municipal Fire Management Plan 2018
- Sustainable Environment Policy 2018-2028
- Biodiversity Strategy 2019-2029
- Waste and Resource Recovery Strategy 2017-2026
- Community Engagement Policy 2021
- Compliance and Enforcement Policy 2019
- Local Law 20 – Open Air Fires Permit Policy 2021

### **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**

Open air fires contribute to climate change through the release of CO<sub>2</sub> into the atmosphere. Unlike bushfires and prescribed landscape burning, small open-air fires do not re-absorb CO<sub>2</sub> through the regeneration of new vegetation.

Local Law 20 seeks to reduce the occurrence of open-air fires in areas where there is no genuine bushfire fuel reduction need and to encourage alternative methods of green waste disposal through existing and future Council services.

Reducing the impact of climate change is in line with the Cardinia Shire Sustainable Environment Policy 2018-2028.

## Consultation/Communication

As part of development process of Local Law 20 consultation was undertaken with community, agencies and other internal and external stakeholders between 2019 and 2022. Consultation and engagement included a mixture of online (social media, SMS, email, advertisements, and survey) and face-to-face (community meetings and pop-up stalls) activities across the Shire. A direct-to-property consultation was provided to properties in Holm Park Rd, Beaconsfield in light of a proposal to modify the proposed zoning.

Three formal consultation periods occurred, in September 2019, September 2021 and March/April 2022. Council received more than 900 direct responses from these consultations that helped shape and define Local Law 20.

During the initial consultation in September 2019 (Phase 1), we asked the community and stakeholders to tell us what worked and what didn't with the existing Local Law 17 – Part 5A.

The top five themes from the community feedback from Phase 1 were:

- Days Allowed to burn-off (30%)
- Smoke (24%)
- Size of fires (21%)
- Property size allowed to burn-off (16%)
- Enforcement (9%)

### *A summary of the engagement methods*

Method	Location	Reach
Face to Face Pop-Up Session	- Bayles - Bunyip - Gembrook - Koo Wee Rup - Nar Nar Goon - Lang Lang	- 15 - 30 - 45 - 25 - 40 - 5
Online Survey	Online	480 attempted the survey.
Facebook Post - 8 November - 18 November	Online	- Reach 6349, Engagement 961 - Reach 2376, Engagement 127
Creating Cardinia	Online	555 page visits 15 site posts 31 Quick Survey Respondents
SMS Text Messaging	Online	Message sent to 387 recipients.
Newspaper Advertising	Cardinia Shire	Unknown
Council Website	Online	422 page views to media article
Stakeholder Email	Online	33

From the 10,000 data points received, a draft local law was developed and put out to the community in September 2021. Formally, this was a “proposed Local Law”, in accordance with Section 73 of the *Local Government Act 2020*.

The statutory consultation period in September 2021 (Phase 2), where community could view the draft Local Law 20 and provide feedback, resulted in 403 submissions being received by the due date and 426 submissions overall, with more than 95% of these unique. This feedback was wide-ranging, but in particular the following themes were commented on most strongly:

- ‘25m Minimum Clearance Rule’ being too restrictive and prohibiting many residents from burning off
- Prohibition of Open-Air Fires in July and August being overly restrictive
- Prohibition on burns on certain days of the week being too restrictive

Version 4.3 of the Local Law incorporates amendments, directly as a result of this community feedback. Amending these provisions directly addressed more than 54% of the feedback received.

Community members and stakeholders who had registered interest in or had previous dealings with Council on issues relating to burning-off (permits, complaints) received an email or text message inviting them to participate in the consultation.

The table below outlines the methods of communication that were used and the reach of each method (where available).

<b>Email</b>	<b>176</b>
SMS Message	1011
Facebook	10,887
Creating Cardinia	5907
<b>Newspapers</b> Pakenham Gazette Ranges Trader	Unknown
Connect Magazine	46,000
<b>Community Newsletters</b> Village Bell – Upper Beaconsfield Beaconsfield Banner Nar Nar Goon News Monthly Cockatoo	Unknown

A public notice was also published in the Gazette and Ranges Trader as well as on the Council website.

In collating all of the submissions, Council staff have identified 21 ‘themes’. Many submissions addressed multiple themes, and a total of 737 opinions were expressed across the 21 themes. There were 69 instances where it was not possible to identify a specific theme, or where the feedback expressed a general dislike of restricting burning off, or the submissions were offensive or threatening in nature.

The submissions primarily came from the Ranges, Beacon Hills and Bunyip Wards. 41 submissions contained insufficient information to identify the ward of the submitter.

<b>Ranges Ward</b>	<b>226</b>
Beacon Hills Ward	85
Bunyip Ward	43
Central Ward	1
Henty Ward	0
Officer Ward	1
Pakenham Hills Ward	2
Toomuc Ward	0
Westernport Ward	3
Unknown	41

Avonsleigh	12
Bayles	1
Beaconsfield	10
Bunyip	9
Cockatoo	96
Cora Lynn	1
Dewhurst	1
Emerald	90
Garfield	1
Garfield North	3
Gembrook	23
Guys Hill	3
Iona	1
Maryknoll	14
Menzies Creek	4
N/A	41
Nangana	1
Nar Nar Goon	3
Nar Nar Goon North	3
Officer	2
Officer South	1

Pakenham	8
Pakenham Upper	9
Tonimbuk	3
Tynong	1
Tynong North	5
Upper Beaconsfield	56

Further breakdown of the data shows that 399 of the 737 (54%) opinions expressed relate to the minimum clearance and prohibition of burning during July and August. Of the 403 submissions, 135 (33.5%) relate only to these two themes.

***Summary of all themes raised:***

<b>Days of Week</b>	<b>88</b>
Zone	21
Clearance Distance	254
No-Burn Period	145
Other/Unknown	69
Additional Green Waste Measures	52
Support Proposed Local Law 20	50
Don't Change	20
Questions	9
Permits	25
Public Holidays	31
ESTA	11
Pile Size	4
Cultural Burning	1
Fire Pits	3
Infringements	7
Not Strict Enough	2
Air Quality	4

Supervision	2
Incinerators	3
Time of Day	5

Following the close of the consultation period, residents who had expressed interest in presenting to Council were invited to do so at an Ordinary Council Meeting, held on 6 December 2021. Residents were allocated four minutes to address Councillors, with the meeting including some residents who had provided a pre-recorded address.

Directly as a result of the Phase 2 consultation, amendments have been incorporated into Local Law 20 – Open Air Fires Local Law. Specifically, the changes (from the “proposed” Local Law) include:

- a reduction on the minimum clearance distance from 25 to 12 metres,
- removing the prohibition of open air fires on public holidays,
- reducing the “no burn off months” to July only,
- amended the mapping for greater clarity and
- other miscellaneous amendments to remove inconsistencies or duplication.

As the result of submissions, properties on the northern side of Holm Park Rd, Beaconsfield have been changed from “Urban/Township zone” to “Bushland/peri-urban zone”. Prior to this occurring, 33 properties in the vicinity were invited to provide comment on the implications for this change. 4 submissions were received, all of which supported this amendment (including feedback from the local CFA brigade).

To support the implementation of Local Law 20 – Open Air Fires a comprehensive community engagement and education plan has been developed, including online learning, mailouts, social media, face-to-face awareness sessions and direct communication to those who registered their details. These community engagement activities will begin in during 2022 (pending the commencement of the Local Law).

### ***Discussion of specific themes in response to Proposed Local Law 20***

(References to clause numbers are references to the Proposed Local Law – version 2.0)

#### **Theme: “25 metres clearance” rule (Clauses 34 and 37)**

The proposed Local Law included clauses which required properties in the Bushland & Peri urban, and Rural Zones to comply with the following requirements:

“d. minimum clearance between fire and structures, fences, vegetation or other combustible material: 25 metres”

Many submissions rightly observed that this clause (as drafted) would have had the effect of preventing many land owners from burning off (who were otherwise in zones that would have allowed for burning off). The intention of this clause was to ensure that appropriate safe distances are maintained when burning off occurs, to limit the impact of fires “running away”, and the language is similar to that which exists in the current local law.

However, the drafting of the clause has resulted in an unintended outcome, and as such the clause has been amended. Specifically, the following changes have been made:

- A) the maximum pile sizes is reduced (in respect of rural properties)

- B) the distance from the fire to structures (excluding fences) be amended to 12 metres, and
- C) the distance from the fire to combustible materials (including fences) and other vegetation be 5 metres (unless the vegetation is grass cut to below 100mm), and
- D) adding an explanatory note to highlight that the person who makes the fire remains liable  
for any damage caused by the fire, irrespective of whether the minimum distances in the Local Law are complied with.

These amendments are an appropriate modification of the proposed Local Law. In drafting the Local Law, there is a constant tension between making the laws easy to understand and addressing all of the possible permutations that can arise on the properties effected. The above amendments represent a sensible compromise that promotes the safety and amenity objectives of the Local Law, without being overly prescriptive in certain aspects.

These changes help to respond to the top feedback item received, while taking into consideration the safety of the community through radiant heat, smoke, fuel reduction and amenity.

### **Theme: Zoning of specific properties**

During consultation, some property owners expressed concern that their properties were zoned as Urban and Township zone, when their property needs were akin to bushland or rural properties. The properties affected in this way were primarily “interface” areas around Beaconsfield, Bunyip, Officer and Pakenham.

In respect of properties in Holm Park Rd, Beaconsfield, it is proposed to amend the zoning, as this area includes a number of adjacent properties, where development patterns are established, and where the views of land owners in adjacent properties are aligned.

In respect of other “interface” areas, it is not proposed to re-zone these properties *at this stage*. Rather, it is proposed to issue permits pursuant to the Local Law that are customised to the specific needs of the land owners.

We recommend that these properties not be re-zoned, as in most cases Council anticipates development on increased intensity in the localities. The properties identified in submissions are, for the most part, individual land parcels, rather than multiple contiguous properties. As such, we propose that these properties can be individually responded to by fast, free and flexible permits, which can be issued so as to directly reflect the individual needs of the land. The permit process will allow Council staff to monitor the nature and purposes of open air fires in these properties. If the need to burn off remains for an extended period of time, this will inform reviews of the zone mapping from time to time.

The attached Open Air Fires Policy specifically endorses the issuing of permits in these circumstances, usually within 3 business days (depending on complexity). A demonstrated long-term need may be used when zone mapping is reviewed in the future.

### **Theme: Prohibiting burning off in July and August (Clause 16)**

Of those who made submissions, many did not agree with the proposal to prohibit burning off in July and August. Some expressed support for one month, but not both. Some proposed changing the months, but there was no consistent proposal as to which month should be preferred. Others supported the concept of “smoke-free months”.

Local Law 20 – Open Air Fires Local Law changes the prohibition, so that only *July* is included as a “no-burn off month”. This is a compromise between those who supported sustained “smoke-free” months”, and those who felt that prohibiting whole months would unduly limit their capacity to conduct fuel reduction activities.

It is also noted that Clause 16 represents the “base position”, and that permits may also be issued that would permit individual burn offs during these months. Also, the proposed Local Law provides the CEO with a mechanism to relax certain laws, where justified. For example, following the 2021 storm events, many submitters noted the very high volume of green waste to be disposed off at hills properties during July. In such a scenario in the future, the CEO would have a power to exempt affected property owners from the operation of the law (or part of it).

**Theme: prohibiting burn offs on public holidays (clause 17)**

Of those who made submissions, most did not agree with the proposed ban on Open Air Fires on Public Holidays. Combined with the prohibition on certain days, and during winter months, the prevailing comment was that to ban burning off on public holidays would unduly restrict residents to burn off on suitable days.

This proposed restriction has been removed from Local Law 20.

**Theme: requirement to contact Emergency Services Telecommunications Authority (Clause 22)**

Some submitters believed it was unnecessary to require a burn off to be registered with ESTA, prior to it occurring, and characterised this required as overly bureaucratic. We note that this clause already applies under the existing Local Law 17, Part 5A. The requirement to notify ESTA aligns with the recommendations of Victorian fire agencies (such as the CFA), and this requirement remains in the Local Law attached to this report. The feedback suggested that this requirement is not that well understood.

In light of the recent announcement of the State government regarding the future of ESTA, reference to ESTA has been amended to Triple Zero Victoria.

**Theme: Days of the week that burning off is allowed**

The proposed Local Law specifies that the burning off is prohibited on the following days:

Bushland & Peri urban zone: Saturday, Monday, Wednesday

Rural zone: Saturday & Wednesday

The purpose of limiting days for burning off is to promote a decrease in frequency in which it occurs, and specifying the days on which burning off is prohibited is simple to understand and communicate.

The days that residents can burn off is always controversial, in that there is no combination of days that ideally suits everybody. Many of the submissions objected to the specified days, or objected to any days being prohibited, predominantly as it would not give the residents the flexibility to choose to burn off at times that are best suited to burning off, or which are convenient to them.

Unfortunately, there is no consistent preference among the submissions for days.



We recommend that the Local Law continue to include specified days that burning off is prohibited. This means that residents have greater certainty about when smoke will be in the landscape, and is enforceable by direct observation of Council officers. Council officers have considered alternative methods of describing days in the law, including not specifying days, but specifying a *frequency of burn offs*, however Council officers do not support this method, as it would rely entirely on residents providing statements against neighbours to support enforcement.

Council officers also considered whether it was feasible to prohibit burning off on alternating weeks, though Council officers do not recommend this method, as it would be confusing in practice, complex to draft and difficult to remember for residents.

The proposed days allow for a mix of weekend and weekdays for both burning off. Again, the restriction inherent in specifying days can be mitigated, in appropriate circumstances, by issuing permits to specific property owners.

### Miscellaneous amendments

The following minor modifications have also been incorporated into Local Law 20

- The time that an open air fires may commence was not specified in the proposed Local Law. This has been amended to include the earliest time (unless a permit is issued)
- Severe weather warnings (clause 23). Minor amendment to clarify that the provision only applies when the warning period commences, not just when that warning is issued, as warnings are issued in advance.
- Air quality requirement (Clause 24) – clarification made to add in the explanatory note that Cardinia Shire is in the Central air quality district.
- Windrows (Clause 30) – proposed to amend to include the words ‘without a permit’, to aid understanding
- Windrow definition amended to reduce pile size
- Other minor spelling and grammar amendments

### Additional green waste support

A strong theme in the feedback was that residents want additional green waste services, and that this service is closely associated with burning off. This was the fourth highest number of responses, with many feeling that the current measures do not provide adequate opportunity for them to dispose of green waste, which in turn pushes them towards other methods of disposal such as burning.

Some residents expressed the view that current green waste drop of services (at waste transfer stations) were of limited utility, in that a resident required access to a trailer or ute to take advantage of them.

It is possible that an increase in green waste options for residents will generate a reduction in burning off.

If additional green waste options are to be considered, we recommend that options are considered in conjunction with the next annual Council budget.

### Theme: Permits

There has also been some concerns and questions raised by residents about the permit process and whether Council will charge a fee. While it is legally possible to charge a fee,

Council does not currently, and is not proposing to, charge a fee for the application for such a permit.

It is recommended that Council adopt the Open Air Fires Permit Policy, to solidify this policy position, and also to provide clarity about the circumstances and terms of permits issued under the Local Law.

### **Theme: Community education**

Many of the submissions advocated for additional information from Council around:

- a) how to undertake a burn-off safely and
- b) additional promotion of alternate methods of waste disposal and
- c) other ways you can prepare you property for fire.

As part of the project, the Emergency Management Team will develop a good practice guide for circulation to all properties in the Bushland and Peri-Urban and Rural Zones. Furthermore, Council was successful in receiving a grant through the Safer Together initiative to develop and online training program that focuses on private land fuel management, which will be available to the community in the new year. A beta version is available for viewing at <http://bushfireprepare.online>

The Emergency Management Team will develop and deliver community education programs, most likely delivered with the support of the CFA.

### **Theme: more restrictions on burning off**

One notable submission drew attention to the recent Victorian Parliamentary Inquiry into the Health Impacts of Air Pollution in Victoria, which report was tabled in Parliament on 18 November 2021. While the report does not specifically make recommendations in respect of burning off, there is some discussion on the role of Councils, especially in respect of particulate matter generated by burning off and wood-fired heating. The submission also noted other municipalities around Australia, where measures (of various types) have been implemented to reduce or address this issue.

The state Government is expected to provide a response to the issues raised in this Inquiry report by May 2022. It is unlikely that this response will directly address the regulation of burning off, but may reflect other related policy outcomes.

The *Public Health and Wellbeing Act* currently provides some mechanisms for enforcement where particulate matter results in health impacts.

It can be observed that the vast majority of submissions in respect of the proposed Local Law were in favour of more burning off (or at least, less restriction). It is not possible to state what support there would be in the community for more restrictive laws in Cardinia.

### **Community impact**

The new mapping will increase the number of properties unable to burn-off in the areas listed below.

Locality	OAB properties	BPA properties	Difference
Bunyip	1318	747	+571
Nar Nar Goon	247	216	+31

Garfield	808	607	+201
Lang Lang	1242	749	+493
Koo Wee Rup	1684	1608	+76
Bayles	41	N/A	+41
Garfield	808	618	+190
Tynong	200	N/A	+200
Pakenham, Officer, Beaconsfield	36,514	24,036/6948/2446	+3084
Upper Beaconsfield	355	N/A	+50
Emerald	1923	N/A	+120
Cockatoo	1694	N/A	+21
Gembrook	612	N/A	+40

**Total: +5129**

\*Estimates only as some areas have been subdivided and the existing BPA has been updated.

Additional information regarding community impact may be found in the Local Law Community Impact Statement – Local Law 20, which can be found in the attachments.

### Financial and Resource Implications

All costs associated with the development and implementation of Local Law 20 – Open Air Fires, including legal advice, public notices, communications, and promotion, will be met within existing 2021/22 budgets.

### Conclusion

Open Air Fires (Burning-off) is a controversial issue in the community and Local Law 20 intends to strike a balance between the varied views, while meeting Council's obligations in relation to community safety, amenity and its commitment to address the impacts of climate change.

The community consultation periods in 2019, 2021 and 2022 provided an opportunity for residents to provide feedback, with a record number of submissions received during the 2021 statutory consultation period. The feedback received during the consultation periods directly helped shape Local Law 20.

Local Law 20 is designed to provide Council and the community with the ability to ensure that the Local Law remains tailored to the needs of the community, by taking ownership of the mapping and ensuring provisions balance the need for bushfire fuel reduction, healthy and clean, air as well as public amenity.

Council will roll-out a comprehensive communications and engagement plan to promote the Local Law 20 – Open Air Fires in the early stages of this year.

## Resolution

Moved Cr Brett Owen, seconded Cr Graeme Moore.

That Council:

1. Notes the outcomes of community consultation described in this report that followed the Council resolutions on 16th August 2021 and 21 March 2022 to propose Local Law 20 – Open Air Fires Local Law,
2. Notes the Community Impact Statement prepared in respect of Local Law 20, and
3. Notes the certification by an Australian Lawyer who has been admitted to the legal profession for at least 5 years, that Local Law 20 – Open Air Fires Local Law is consistent with the requirements of the Local Government Act 2020,
4. Resolves to make Local Law 20 – Open Air Fires Local Law (version 4.3 attached to this report, including zone mapping), pursuant to Part 3, Division 3 of the Local Government Act 2020, and
5. Resolves that the Chief Executive Officer is instructed to cause all necessary actions to implement the local law so made, and
6. Resolves to adopt the Open Air Fires Local Law Policy (version 2.0), pursuant to Clause 38 (2) of Local Law 20 – Open Air Fires Local Law to guide Council officers in the issuing of permits under the local law so made.

Carried

## 6.2.7 Council's Road Management Plan

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

### Recommendation(s)

That Council:

- revoke the Road Management Plan which it made on 10 December 2018; and
- make the new Road Management Plan; and
- publish final Notices in the Government Gazette and Daily newspaper as required by the Road Management Act 2004.

### Attachments

1. Road Management Plan Version 4 [6.2.7.1 - 49 pages]

### Executive Summary

A formal review of the RMP was undertaken in 2020 and at the General Meeting in June 2021, Council resolved to give public notice of its intention to revoke the existing RMP and make a new one. The Public Notices were published in May 2022.

The proposed RMP reflects an increase of the reactive inspection timeframes for all asset types, as well as cyclic proactive inspections and amended intervention levels for sealed roads and their associated assets. The descriptor used for all cyclic proactive inspection timeframes has also been amended to read 'inspected with the calendar month' the inspection is due, ensuring Council is compliant to its RMP and protected under the statutory defences available under the Road Management Act . Other changes specifically relate to minor wording amendments to improve readability and to ensure it references the latest legislation.

The standards for inspection, maintenance, and repair of roads, as noted in the attached revision of the RMP, were provided to the community for feedback via Councils Creating Cardinia webpage, as well as advertising in the Victorian Government Gazette, The Age and Pakenham Gazette. The period for receiving Public Submissions on the proposed new Road Management Plan (RMP) closed on 7 June 2022. One submission was received.

It is recommended that Council revoke the Road Management Plan which it made on 10 December 2018 and make the new Road Management Plan.

### Background

The RMP documents the standards for performing Council's road management functions including inspection, maintenance and repair of the roads and pathways.

A formal review of the RMP was undertaken in 2020 and at the General Meeting in June 2020. Council resolved to give public notice of its intention to revoke the existing RMP and make a new one. The Public Notices were published in May 2022.

The proposed RMP was made available at Council Offices and on the Council Website. Members of the public were given four weeks to make a submission if they were aggrieved by the proposed RMP.

One submission was received, which related to safety concerns with a specific road within the shire, the submission mentioned concerns with the road condition, shoulder width and speed limit and that the proposed changes to the proactive asset inspections and risk maintenance standards was not adequate. The proactive inspections for the category for this road are proposed to increase to once per calendar month as opposed to current proactive inspection timeframe of once every 4th calendar month. Proposed minor amendments to the risk maintenance standards are not considered to affect Councils response to maintenance.

It is recommended that Council revoke the Road Management Plan which it made on 10 December 2018 and make the new Road Management Plan.

### **Policy Implications**

Council's Road Management Plan is the means by which the council has enlivened the "policy defence" embodied in section 103 of the Road Management Act. Section 50 explains the purposes of a Road Management Plan to be:

- a) to establish a management system for the road management functions of a road authority which is based on policy and operational objectives and available resources; and
- b) to set the relevant standard in relation to the discharge of duties in the performance of those road management functions

The Road Management Plan therefore has the effect of facilitating Council's defence to negligence claims.

### **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**

This review of the RMP considered the environmental impact of the maintenance undertaken on roads, footpaths, drains and bridges. Initiatives such as the Predictive Grading Maintenance Program, has been designed to minimise reactive responses to defects by using data to understand the potential failure of a road and responding proactively, minimising unnecessary machinery use.

### **Consultation/Communication**

The standards for inspection, maintenance, and repair of roads, as noted in the attached revision of the RMP, were provided to the community for feedback via Councils Creating Cardinia webpage. This along with advertising in the Victorian Government Gazette, The Age and Pakenham Gazette.

### **Financial and Resource Implications**

Inspection requirements will change across the sealed road asset group covered with increase to monitoring. The increase in inspections will be spread across the year, enabling staff to manage this increased workflow. however, increase in growth and expansion of the network will continue see impacts to resources. During times of peak load, other trained staff will be used.

The standards as set out in the revised RMP are not expected to affect the required maintenance funding for Council's assets compared to provisions forecast in the future long-term financial plan.

**Conclusion**

The preferred outcome is for Council to now revoke the existing Road Management Plan and remake the plan in accordance with requirements of the Road Management Act.

**Resolution**

Moved Cr Graeme Moore, seconded Cr Kaye Cameron.

That Council:

- revoke the Road Management Plan which it made on 10 December 2018; and
- make the new Road Management Plan; and
- publish final Notices in the Government Gazette and Daily newspaper as required by the Road Management Act 2004.

Carried



## 6.3 Policy Reports

### 6.3.1 Draft Crown Land Hall & Recreation Reserve Policy

**Responsible GM:** Lili Rosic  
**Author:** Michael Casey

#### Recommendation(s)

That Council support the draft Crown Land Hall and Recreation Reserve Policy and seek comment from hall and reserve community Committees of Management and DELWP.

#### Attachments

1. Draft Crown Land Hall & Recreation Reserve Policy [6.3.1.1 - 4 pages]

#### Executive Summary

A draft Crown Land policy has been developed and applies to Crown Land halls and Crown Land recreation reserves.

Council is not the responsible entity for Crown Land Reserves where it is not appointed as the Committee of Management (COM) under the Crown Land Reserve Act.

Council currently provides support and grants for maintenance and undertakes inspections at the combined 15 Crown Land Recreation Reserves and Crown Land Halls managed by community Committees of Management.

The draft Policy details Council's support of Crown Land halls and reserves moving forward. A funding agreement will outline what Council's maintenance grant can be spent on, requirements for reporting, triggers for payment, consequences of non-compliance, and Council's undertaking of playground audits.

If Council is to undertake any capital works at these sites, a separate funding agreement will be required.

It is proposed that the Crown Land community Committees of Management source their own building insurance, with the Department of Environment Land Water and Planning (DELWP) insurance only covering public and products liability, professional indemnity, and group personal accident (volunteer cover). DELWP provides this insurance through the Victorian Managed Insurance Authority.

Officers will engage with community Committees of Management and DELWP and invite comments on the draft Policy. The results will be reviewed and presented to Council at a briefing session in September.

#### Background

There are 15 Crown Land recreation reserves and halls located within Cardinia Shire which have community Committees of Management appointed by DELWP under the Crown Land

Reserves Act. Council is not the responsible entity for Crown Land Reserves where it is not appointed as the Committee of Management (COM) under the Crown Land Reserve Act.

These include:

- Bayles Public Hall
- Beaconsfield Recreation Reserve Committee
- Bunyip Auditorium and Recreation Reserve Committee
- Catani Recreation Reserve Committee
- Cannibal Creek Recreation Reserve Committee
- Cora Lyn Recreation Reserve Committee
- Koo Wee Rup Recreation Reserve Committee
- Officer Public Hall
- Pakenham South Community Hall
- Pakenham Upper Recreation Reserve Committee
- Upper Beaconsfield Hall
- Upper Beaconsfield Recreation Reserve Committee
- Tonimbuk East Hall
- Tynong Public Hall
- Tynong Recreation Reserve Committee

Council supports the Reserve Committees and Halls through the provision of maintenance grants, by providing support for governance, with advice on turf maintenance, and by undertaking playground and building audits.

Council has also funded upgrade works or new pavilion works, with recent projects at Koo Wee Rup recreation reserve (\$4M) and Beaconsfield recreation reserve (\$600K).

Oval resurfacing, sports field lighting upgrades, tennis and netball court resurfacing, and cricket net upgrades are also undertaken at crown land recreation reserves.

The draft Crown Land Policy has been reviewed and details the support Council provides to Crown Land Recreation Reserves and Halls managed by community Committees of Management (COM). Council will enter into a funding agreement with each COM that includes criteria for maintenance funding. The funding agreement will outline how Council funds can be expensed, requirements and frequency of reporting, triggers for payment and consequences for non-compliance.

Where Council is undertaking capital works at any Crown Land reserve or hall, a separate funding agreement will be developed and include Council's role and responsibilities.

In the draft Policy Council will continue to undertake playground audits and building condition audits. This is because of the specialised nature of these audits. These tasks will be included in the funding agreement, clearly stating that Council is only responsible for conducting the audit, and any actions that arise from the audits will be the responsibility of the COM.

A 10% increase to the annual maintenance grants has been included in Council's draft 22/23 budget for Crown Land Recreation Reserves. This will support COMs to undertake maintenance that has previously been undertaken by Council and help to offset the cost of insuring buildings and other non-council owned assets.

The implementation of the new governance and risk manual for community asset committees for halls is now commencing. Therefore, any change in annual maintenance grants for halls

will be determined during the 22/23 FY and any increase recommended for the 23/24 FY onwards.

DELWP provides insurance on behalf of committees covering public and products liability, professional indemnity, and group personal accident (volunteer cover). This insurance is provided through the Victorian Managed Insurance Authority (VMIA). DELWP do not insure buildings and contents. All community COMs on Crown Land sites will need to source their own building insurance policy. It is proposed in the draft Policy that Council does not continue to provide building insurance as it is not responsible for any maintenance works on buildings on Crown Land (this includes building valuations and maintenance required through essential safety measures and checks) and Council does not have a governance role and therefore cannot direct the COM regarding these works. There are legal risks to Council if it continues to take responsibility for the provision of building insurance.

Officers will provide the draft Policy to all community Committees of Management, and schedule face to face opportunities for each committee to provide comment. Officers will also engage with DELWP through this process. Feedback will be collected and presented to SLT in August and Council Briefing in September.

### **Policy Implications**

This report is referencing the establishment of a new policy.

### **Relevance to Council Plan**

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

1.1.4 Facilitate a partnership approach to create safer communities.

#### **2.1 We support the creation of liveable spaces and places**

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

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

### **Climate Emergency Consideration**

N/A

### **Consultation/Communication**

Prior to the development of the draft policy, consultation was undertaken with the Crown Land Recreation Reserve community Committees of Management:

- Beaconsfield Recreation Reserve Committee
- Bunyip Auditorium and Recreation Reserve Committee
- Catani Recreation Reserve Committee
- Cannibal Creek Committee
- Cora Lyn Recreation Reserve Committee
- Koo Wee Rup Recreation Reserve Committee
- Pakenham Upper Recreation Reserve Committee
- Tynong Recreation Reserve Committee
- Upper Beaconsfield Recreation Reserve Committee

Four local governments were consulted for benchmarking purposes:

- City of Casey
- Moorabool Shire Council
- Wellington Shire Council
- Baw Baw Shire

Internal consultation has also been undertaken.

It is proposed to seek comment from Crown Land halls and reserves community Committees of Management and DELWP regarding the draft Crown Land Hall Recreation Reserve Policy and report back to Council. The draft Policy will be sent to all hall and reserves committees and an opportunity for a face to face meeting to discuss provided. Hall and reserve committees will be given a 6 week period to provide comment. Direct communication will also be undertaken with DELWP and an opportunity to provide feedback provided.

### **Financial and Resource Implications**

#### **Maintenance Grants**

The proposed annual recreation reserve maintenance contribution for Crown Land Reserves with community Committees of Management in 22/23 will increase from \$191,659 to \$210,826, reflecting the 10% increase.

The total annual cost to Council of the six Crown Land Hall community Committees of Management maintenance allocations is \$10,800.

#### **Insurance**

Council funds the building insurance for 15 crown land recreation reserves and halls through its annual budget. This current cost is \$43,000.

Climate change and the recent pandemic have resulted in significant increases in insurance premiums. This year an increase of 11.06% was applied across Council's portfolio. If Council no longer funds the building insurance, COM will be required to source their building valuations in addition to the building insurance. Officers estimated that the annual cost would be greater for COM compared to Council.

Committees can obtain an industry special risk policy, which would include a lower premium and allow the committees to each pay a portion of the policy costs. This will be further discussed with the community Committees of Management for reserves and halls and DELWP as part of seeking feedback on the draft Policy.

### **Conclusion**

The draft Crown Land Hall and Recreation Reserve Policy clarifies how Council interacts with and supports Crown Land Recreation Reserves and Halls.

Funding agreements will detail Council and each committees' responsibilities moving forward.

All tasks outside of the funding agreement will be the responsibility of each committee including the requirement for community Committees of Management to obtain insurance for the building assets at each site.

The draft Policy will be used to engage with all reserve and hall committees and DELWP and the results presented back to Council.

**Resolution**

Moved Cr Brett Owen, seconded Cr Collin Ross.

That Council support the draft Crown Land Hall and Recreation Reserve Policy and seek comment from hall and reserve community Committees of Management and DELWP.

Carried

## 6.3.2 Domestic Animal Management Plan 2021 - 2025

**Responsible GM:** Debbie Tyson  
**Author:** Owen Hardidge

### Recommendation(s)

That Council adopts the Domestic Animal Management Plan 2021-2025.

### Attachments

1. 2021 2025 Domestic Animal Management Plan 2022 [6.3.2.1 - 38 pages]

### Executive Summary

A new 4-year Domestic Animal Management Plan is a statutory requirement and should be submitted to the Minister by Council by 30 June 2022.

An attached Domestic Animal Management Plan has been prepared, in consultation with residents, service users and relevant employees, to ensure that Council activities are directed at the issues presented by the keeping of domestic animals in our community. The Domestic Animal Management Plan complies with all statutory requirements.

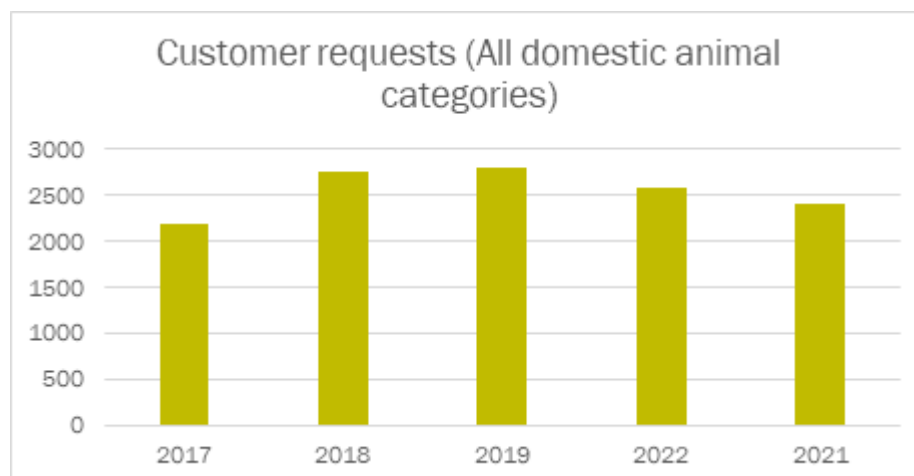
### Background

#### *Service snapshot*

The *Domestic Animals Act* 1994 (the Act) sets out a range of regulatory controls relating to domestic animals and domestic animal businesses. The Act provides for Councils to collect revenue from registrations and to administer the majority of the laws created in the Act.

These services are provided by the Compliance Services and Prosecutions team, within the Regulatory Services business unit.

In 2022, Council expects to register approx. 17,200 domestic animals, and anticipates approx. \$770,000 in associated revenue (FY22/23). The volume of animal management customer requests is expected to increase, particularly in light of the development of the growth areas, though the service request trends were impacted significantly by COVID lockdowns:



### *Requirement for a Domestic Animal Management Plan*

To meet requirements of Section 68A of the *Domestic Animals Act 1994*, all councils are required to prepare and maintain a Domestic Animal Management Plan, for approval by the Secretary of the Department of Economic, Jobs, Training and Resources.

This document sets out the actions and strategies that Compliance Services will undertake to achieve the purposes of the Act.

The Plan must be reviewed annually and renewed every four years. A new plan for the next four years is due to be finalised and submitted to the Secretary by the end of June 2022.

The plan must include an evaluating mechanism to ascertain if Council's animal control services are adequate in meeting the requirements of the Act and the needs of the community. It must also outline the programs, services, and strategies which Council intends to pursue, relating to a defined list of specified areas.

The specified areas that must be addressed within the plan are as follows:

1. Training of Authorised Officers – The draft Plan outlines the types and frequencies of trainings courses and programs to be undertaken by officers. This is to ensure officers can properly administer and enforce requirements of The Act within our municipal district.
2. Registration and Permanent Identification – Council registration and permanent identification by microchip are legal requirements under the Act. Officers and Council must ensure people comply with this and other legislative requirements under the Act, through the promotion of responsible pet ownership and enforcement of identified breaches. The registration cycle is one of the primary opportunities to reach new animal owners, and to communicate with owners about our animal management services. The plan also includes actions to try to detect unregistered animals.
3. Nuisance Dogs and Cats – The Plan outlines measures to be put in place, to lessen the potential occurrence of dog and cat nuisance. The type of nuisance most reported to us are barking dogs, followed by general cat nuisance. The Plan includes actions directed at improving owner's knowledge around these issues and to improve the way we handle such matters. Other matters addressed include dogs wandering at large and dogs and cats that have been contained requiring collection.

In respect of nuisance animal behaviour in public places, we do not currently have evidence indicating "hot spots", however we anticipate that this may arise as a function of increased population growth. To "stay ahead of the curve", and to be able to properly inform future initiatives, the draft Plan includes initiatives to improve the reporting of nuisance issues, and to track the localities affected.

4. Dog attacks – Risk of attacks by dogs on people and other animals must be minimised where possible. The Plan describes our approach to the investigation of all reports of alleged attacks, education for community members on prevention, and conducting regular patrols to address non-compliance, amongst other things. As above, improved data collection and reporting of the locations of dog attacks will help to identify problematic locations that may benefit from dedicated outreach.
5. Dangerous, Menacing & Restricted breed declared Dogs – These declarations are a key power of Council following incidents of dog attacks, and allow for certain categories of dogs to be declared, identified, and made subject to specified restrictions. Council officers must ensure that all dangerous, menacing, and restricted breed dogs are kept in compliance with the Act and related regulations through

effective identification of them within the community. Regular audits on the keeping of such dogs are to be undertaken and any non-compliance addressed.

6. Pet Overpopulation & High Euthanasia Rates – This topic addresses these issues for both dogs and cats. The Plan acknowledges high rates of euthanasia are currently seen with cats, due to pets not being desexed or contained to the owner's property, resulting in overpopulation. When they are impounded, because of the nuisance, they are disproportionately not collected, and not re-homed. Education and enforcement around requirements of the Act, as well as relevant council orders, local laws, policies, and procedures is to be undertaken. Grant funded programs to subsidise desexing to raise desexing rates will be pursued.
7. Domestic Animal Businesses – We have a small number of registered domestic animal business in Cardinia. These include breeding, boarding, and training establishments, as well as pet shops. Such businesses must comply with stringent requirements, and these must be regularly audited for compliance. The Plan sets out a regime of auditing and compliance checking, from initial application and through the life of the business. We must also work to identify any unregistered businesses and ensure up to date information is easily accessible.
8. Other Matters – In this section, the Plan refers to proposed measures to ensure domestic animals are adequately planned for in emergency situations, and arrangements are in place to ensure that we can manage and emergency situations. The Plan also addresses the need for animal housing assistance by victims escaping family violence.

## **Policy Implications**

The Draft Plan describes the actions and policies that Regulatory Services are currently planning, relating to domestic animal management functions.

During the life of the Plan, the plan will be reviewed annually. This may result in new trials and initiatives, and operational procedures being created and updated. By doing this, Regulatory Services will ensure that the purposes of the Act continue to be met efficiently and effectively.

## **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.

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

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

## **Climate Emergency Consideration**

This Domestic Animal Management Plan does not raise Climate Emergency considerations.

## **Consultation/Communication**

As part of the creation of a new Domestic Animal Management Plan community consultation is required. We have undertaken a multi-stage engagement approach while creating this Draft Plan.



The first stage involved obtaining feedback from staff within the Compliance team, to identify feedback on our current operations, policies and programs, and to consider any current improvement opportunities.

We also reached out to other teams within Council, who would be directly impacted by actions in the new plan for their input. This stage of consultation resulted predominantly in improvements and updating of our operating procedures, and also highlighted two areas for improvement, which have been incorporated as actions for the first year of the plan (namely, review of our Barking Dog Nuisance approach, and changes to our data collection to monitor 'hot spots')

Stage two of consultation involved a targeted survey of our current animal management service and initiatives. This was sent to a combination of registered dog and cat owners and customers who had lodged an animal related complaint or request in the prior twelve months. In total 7,328 people received the survey, of that 1,342 completed the survey.

From this survey, we were able to get an insight into the knowledge and mindsets around animal management within the municipality. It showed an encouragingly strong awareness of rules by dog owners and slightly lower awareness of rules by cat owners. There was a high proportion of respondents that had an interest in further information on various animal management topics. Respondents were asked to rank animal management issues by importance, and the responses were very consistent with our operational emphasises and matches well with our focus areas set out in the draft plan. The top 3 issues identified were cats roaming, owners not collecting dog poo and dog attacks. Half of dog owners utilised off leash parks in some capacity, though awareness of such parks was quite low at only 47%. Upon being presented with details of where money from registration fees go, 78% believed this amount to be acceptable, good, or excellent value-for-money. Some of the data from the survey was then used in the creation of the draft plan.

Stage three of the consultation then involved putting a copy of the draft document out to the public for review for a period of four weeks through the Creating Cardinia page, and through social media channels. This was accompanied by another survey, to respond to the actions outlined in each of the 8 sections of the plan, to which we received 16 responses. This level of response is low, but perhaps not unexpected, given the nature of the document.

Due to the number of responses, it is not possible to draw broad conclusions regarding the draft plan. The individual comments expressed a range of views about the topics in the plan, as well as about topics outside of the parameters of the plan. This consultation did not identify any fundamental defects in the document, though we acknowledge that there is a wide variety of opinion about animal management issues.

We respectfully submit that the process of consultation, planning and careful consideration in creating this draft plan has resulted in a document that meets the needs of the community and meeting the requirements under the Act.

### **Financial and Resource Implications**

Actions specified within the Domestic Animal Management Plan will be met within the Regulatory Services operational budget. Any additional financial implications will be assessed as required through the annual budget process.

### **Conclusion**

As can be seen above, the Domestic Animal Management Plan presented for adoption reflects appropriate strategies to meet the strategic objectives of the animal management under the Act.

It has considered a combination of legislative needs, internal data around the prevalence and handling of relevant issues, and feedback from internal staff, registered animal owners and residents.

It is respectfully submitted that the Domestic Animal Management Plan 2021-2025 be adopted.

**Resolution**

Moved Cr Graeme Moore, seconded Cr Kaye Cameron.

That Council adopts the Domestic Animal Management Plan 2021-2025.

Carried

### 6.3.3 Asset Plan update

**Responsible GM:** Peter Benazic  
**Author:** Ashleigh Tomkins

#### Recommendation(s)

It is recommended that Council adopt the Cardinia Shire Council Asset Plan (June 2022)

#### Attachments

1. Draft for adoption - Asset Plan [6.3.3.1 - 20 pages]

#### Executive Summary

The Asset Plan is a corporate strategic planning document which demonstrates to the community how Council is planning for infrastructure in the long term and being a good steward for their assets. The Asset Plan is required by the Local Government Act 2020 to be adopted by 30 June 2022. The Asset Plan is a new document for all councils, including Cardinia Shire Council that brings together information about the infrastructure assets that Council relies on to deliver services and achieve the Community Vision.

The Asset Plan Guidance 2022 provided by Local Government Victoria identifies the purpose of the Asset Plan as “a document that communicates the importance and magnitude of the infrastructure assets for which council is the custodian. This will result in more informed community engagement and a mutual understanding of the best use of council assets in the interest of the community.” This will increase the visibility of the assets as part of Council’s ability to deliver services and the Community Vision.

The Asset Plan will help councils understand the long term impacts of decisions about assets. This is important for councils such as Cardinia Shire Council where decisions made during periods of growth will have a long term impact on future renewal and maintenance costs. As a result of Council’s asset portfolio growing and aging of assets, more funding will be required for renewal and maintenance. To ensure that assets continue to be affordable for the community this may mean reduced upgrade and new spending is required into the future.

Development of this plan has occurred over the past 12 months, with public consultation recently occurring on the draft plan. Recently, the state government also released guidance on preparing an Asset Plan. The draft Asset Plan (attached) has also been drafted to match the draft 2022/23 financial plan and budget.

#### Background

The Asset Plan is a corporate strategic planning document required by the Local Government Act 2020. The Asset Plan is a new document for Cardinia Shire (and all Victorian local governments) that brings together information about the infrastructure assets that Council relies on to deliver services and achieve the Community Vision. This plan provides details on all types of asset spending across the life cycle including:

- maintenance,
- renewal,
- acquisition,
- expansion,
- upgrade,

- disposal and decommissioning

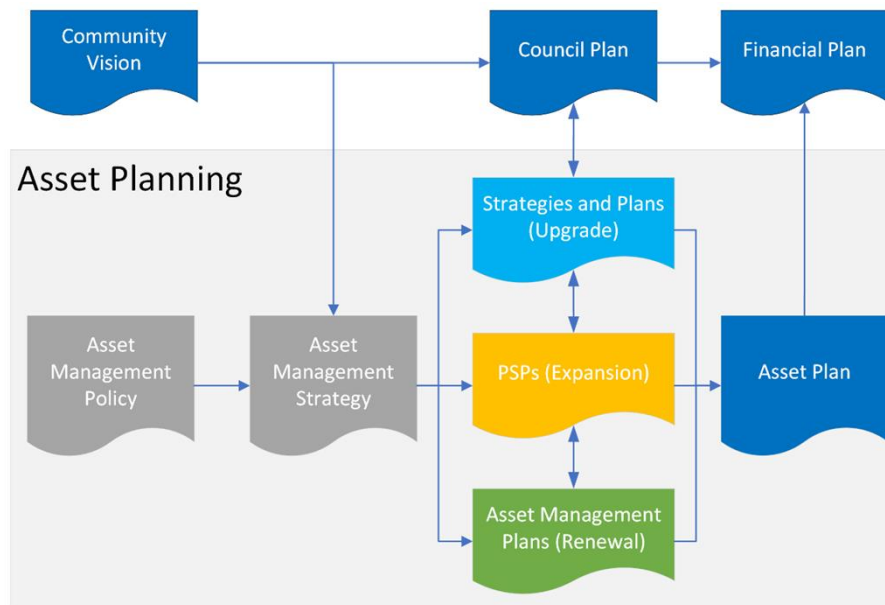
The Asset Plan Guidance 2022 provided by Local Government Victoria identifies the purpose of the Asset Plan as “a document that communicates the importance and magnitude of the infrastructure assets for which council is the custodian. This will result in more informed community engagement and a mutual understanding of the best use of council assets in the interest of the community.” This will increase the visibility of the assets as part of Council’s ability to deliver services and the Community Vision.

The Asset Plan will help councils understand the long term impacts of decisions about assets. This is important for councils such as Cardinia Shire where decisions made during growth periods will have a long term impact on future renewal and maintenance costs.

As a result of Council’s asset portfolio growing and aging of assets more funding will be required for renewal and maintenance. To ensure that assets continue to be affordable for the community this may mean reductions in upgrade spending is required into the future. If Council’s renewal spending fails to keep pace with depreciation and deterioration of assets the existing assets may fall into disrepair, which decreases the quality of service delivered and increases Council’s risk.

The drafted Asset Plan has combined Council’s existing strategies and new asset management plans to provide a consistent and holistic picture of Council’s asset portfolio over the next 10 years. It has been based on the Community Vision and has considered community feedback through “Imagine Cardinia” as well as other sources. It provides a concise summary of Council’s existing asset management for the community. It is envisioned to be a supporting and explanatory document to the budget and financial plan demonstrating that Council is acting as good stewards for our assets.

The Asset Plan has been based on various Council documents which support the different types of asset spending. The below diagram illustrates how the Asset Plan integrates with Council’s other corporate strategic planning documents (Community Vision, Council Plan and Financial Plan). Given the first Asset Plan was required much later than Council’s other corporate strategic planning documents the draft has been driven by those other documents. In future versions of the plan they will likely be developed in a parallel, more integrated way. Council’s renewal planning has been updated over the last year to support the Asset Plan, providing information on current asset conditions, forecast future renewals and recommended budget.



The Asset Plan has the following key sections:

- Asset Plan Overview – Provides an overview of the requirement for the Asset Plan, Council’s general approach to asset management, improvement process, and exclusions from the plan. Also provided are key summary graphs; Capital spend over the next 10 years, the breakup of our infrastructure assets, the overall value and accumulated depreciation of our assets as well as the forecast for assets expected to be gifted over the next 10 years.
- Strategic intent – the strategic intent for council’s assets has been extracted from council’s adopted asset management policy
- Planning & Reporting – 5 key indicators of our asset management performance have been identified. Where possible these have been aligned with existing measures (from Know Your Council etc) but have been updated to reflect the scope of the Asset Plan (e.g. excluding land assets and assets not in Council control).
- The measure which is not included in Know Your Council is the delivery of the capital program. The overall value of the program delivered has been growing year on year, however the desired program has also been growing, resulting in Council not delivering the full program.
- Asset Spending Overview – provides a general overview of the different types of asset spending, with particular focus on asset expansion. The asset expansion section focuses on how Council plans for growth via Precinct Structure Plan (PSPs) and Strategies. It also provides an overview of the expected income from PSP contributions and the PSP projects currently in the capital plan
- Summary of each asset class – provides a similar overview for each asset class including:
  - o Link to the community vision – how does this asset class support us achieving this vision
  - o Asset class “state of the assets” - brief summary of the current status of the asset class
  - o Annual customer satisfaction survey results
  - o Financial values – financial values from the annual financial statements
  - o Current condition of assets – distribution of asset conditions on a scale from 0-6 (which is outlined in the Asset Renewal section on page 4). Various measures are combined to give an overall score per asset.

- o Key projects and programs - 2 to 3 key programs/project have been selected for each class. These projects may change based on engagement feedback. This highlights projects in the medium to long term and ongoing programs.
- o Climate emergency considerations
- o Spending overview – overview of the capital spending planned per asset class over the next 10 years, broken up into renewal, upgrade, expansion, and new as well as gifted assets and depreciation forecast.
- o Links to key strategies – hyperlinks to key strategies on Council’s website to empower the community to find more information
- o Improvement focus – how are we aiming to improve our management of these assets
- Risks – The risks identified have been based on Council’s strategic risks and aligned with the community vision.

Community Consultation has been undertaken on the Draft Asset Plan. This community consultation was focused on the level of detail provided in the Asset Plan. Overall this feedback identified that the respondents wanted more information in the Asset Plan and in response the plan has been expanded.

On the 22<sup>nd</sup> February 2022 the state government released “Asset Plan Guidance 2022”. This guidance document provides further guidance on asset plans whilst not being prescriptive. Key recommendations not already included in the draft was the addition of a “strategic intent”. This strategic intent “may include Council’s commitment to manage its assets or an outline of a program of works to drive continuous improvement will help guide the overall direction of asset management decisions”. The recommended strategic intent has been extracted from Council’s adopted Asset Management Policy.

### **Policy Implications**

The Asset Plan is a key requirement of the Local Government Act 2020 which must be adopted by 30 June 2022. Section 92 of the Local Government Act requires:

- (1) Subject to subsection (6), a Council must develop, adopt and keep in force an Asset Plan in accordance with its deliberative engagement practices.
- (2) The scope of an Asset Plan is a period of at least the next 10 financial years.
- (3) An Asset Plan must include the following—
  - (a) information about maintenance, renewal, acquisition, expansion, upgrade, disposal and decommissioning in relation to each class of infrastructure asset under the control of the Council;
  - (b) any other matters prescribed by the regulations.
- (6) A Council must develop and adopt an Asset Plan under this section in accordance with its community engagement policy by 30 June 2022 following the first general election to be conducted under section 257(1)(a).
- (7) The Asset Plan adopted under subsection (6) has effect from 1 July 2022.

Local Government Victoria (LGV) has advised that deliberative engagement is not required for the first iteration of the Asset Plan, however the plan must be delivered in line with each Council’s Community Engagement Policy.

The approach to the Asset Plan development is in line with Council's Asset Management Policy and Council's Community Engagement Policy.

Local Government Victoria provided guidance material for the Asset Plan at the end of February 2022. This guidance material has been considered in the updated draft 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.

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.

3.1.4 Plan and advocate for better water cycle planning and management to reduce environmental impacts.

### 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.

5.1.3 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.

## Climate Emergency Consideration

The Asset Plan notes the role that Council's assets play in adapting to the climate emergency as well as the risks posed to our assets by climate change. For each asset class the role of the assets in adapting to climate change as well as minimising impacts are noted.

## Consultation/Communication

The draft asset plan has been based on the "Imagine Cardinia" deliberative engagement undertaken last year in support of the Community Vision and Council Plan. As far as possible the Asset Plan has been aligned with the community vision to show how the assets deliver on the long term vision of the community.

The draft report was publicly exhibited for four weeks from 28 February to 28 March. In total Council received 6 responses as part of this engagement. The respondents generally indicated that additional information was desired in the asset plan. As such the asset plan has been expanded however this was balanced with ensuring the plan continues to be an accessible and readable document for community.

The respondents also highlighted that Open Spaces and Footpaths were areas of interest for them. The respondents noted "Programs of work across the shire" and "projects in their local area" as being more of interest than "Council's signature projects".



The Local Government Act 2020 requires the Asset Plan to be adopted by 30 June 2022 and then reviewed by 31 October in the year following each Council election. It is a requirement that future versions of this Asset Plan be developed involving deliberative engagement principles. It is anticipated that these activities could be undertaken alongside the deliberative engagement for the Council Plan, Financial Plan and Community Vision, which have strong interrelationships and will need to be delivered at the same time.

### **Financial and Resource Implications**

The draft Asset Plan is based on the draft 2022/23 budget and long term financial plan and supports these documents.

### **Conclusion**

The Asset Plan presents an opportunity for Cardinia to do asset management differently. It will take significant and ongoing commitment to capitalise on this opportunity, but it will empower us to deliver a better future for our community.

**Resolution**

Moved Cr Graeme Moore, seconded Cr Kaye Cameron.

It is recommended that Council adopt the Cardinia Shire Council Asset Plan (June 2022)

Carried

## 6.3.4 Crime Prevention Through Environmental Design (CPTED) Policy

**Responsible GM:** Lili Rosic  
**Author:** Livia Baranyay

### Recommendation(s)

That Council endorses the CPTED Policy to be incorporated in Council's Community Safety Action Plan and notes that the CPTED Policy will be incorporated into any future Community Safety Policies.

### Attachments

1. CPTED Policy Scope [6.3.4.1 - 28 pages]
2. CPTED Policy [6.3.4.2 - 10 pages]

### Executive Summary

The Planning Strategy and Urban Design team are leading the development of a Crime Prevention through Environmental Design (CPTED) Policy; a project which recognises Cardinia Shire Council's long-standing commitment to community safety and crime prevention. As part of the ongoing work and direction set by the Cardinia Shire Council Plan 2021–25 (Council's Plan) and the Cardinia Shire Liveability Plan 2017–29, Council is seeking to reduce the risk of crime, and to increase the actual and perceived safety in Cardinia Shire. Two documents have been developed to enable this to occur and to assist in delivering safe inclusive spaces – a CPTED Policy Scope (the scope) and CPTED Policy (the policy).

The scope has been developed to identify methods to embed a CPTED approach and concludes with a series of recommendations, highlighting activities to investigate which increase actual and perceived safety, to reduce the cost and impact of crime.

The policy has been developed to sit alongside the scope as a tool to pick up and reference as needed. This policy outlines crime prevention principles, overarching objectives and design choices to enable staff to make considered decisions within their own roles and responsibilities. Both the CPTED Policy and CPTED Scope are internal facing documents setting the standard for Council delivered and managed spaces. Collectively these documents will provide a holistic and enduring approach that will embrace all existing and future development in Cardinia Shire and sets out to achieve the following:

- Establish a set of objectives and design choices to review design, use and management of existing and proposed public facilities from a community safety and crime prevention perspective.
- Recognise the need for ongoing research, consultation and professional development in the field of CPTED.
- The incorporation of CPTED into Council's planning and development considerations.
- The integration of an evidence-based and problem-solving approach to community safety and crime prevention as part of Council planning and development considerations.
- Recognise the importance of a robust evaluation process to ensure a culture of continuous improvement in design and planning decisions.

- Identify a process to audit Council specific sites based on crime data.
- Aims to increase the confidence and perception of safety experienced by the community and increase the use of facilities and public space.

## Background

The requirement of a CPTED Policy stems from a review undertaken by Council in 2019. Improving safety was identified as one of seven outcomes included in Council's Liveability Plan 2017-29 (2021 Review).

The Cardinia Shire Council Plan 2021-2' (Council's Plan), includes an initiative to 'review and update the 'Safer Communities Strategy' to incorporate Crime Prevention Through Environmental Design (CPTED)'.

## Policy Implications

Creating safe places is a clear objective in Council's Plan. This Policy along with its recommendations is just one step towards embedding design principles within the organisation. It is with this step that we aim to bring recognition to thoughtful design and emphasise the importance on decisions we make for a safer community.

The CPTED Policy will fall under the Community Safety Plan – Action Agenda and the Community Safety Policy Framework (which is subject to endorsement of the Council 22/23 budget).

## Relevance to Council Plan

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

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

### 2.1 We support the creation of liveable spaces and places

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

### 4.1 We support our productive land and employment land to grow local industries

4.1.5 Strengthen and promote our shire's unique identity and visitor attractions.

### 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

Nil.

## Consultation/Communication

A cross organisational internal working group was established to guide the development of the CPTED scope and set the policy's overarching objectives.

At this point in time both the CPTED Scope and Policy have been circulated across the organisation through the working group, SALTO's steering committee, and Councillor Bulletin. The Safer Communities Partnership was briefed on the contents of the policy and has been provided with a copy sought for approval at this meeting.

CPTED Training is scheduled for the 25<sup>th</sup> and 26<sup>th</sup> July 2022 for councillors and key decision makers within Council following the circulation of policy documentation.

### **Financial and Resource Implications**

The development of the CPTED Policy has required no additional resources with it prioritised within the workplan of the urban design team to deliver in a timely manner.

### **Conclusion**

This report presents the CPTED Policy and Policy Scope that will be presented to Council for endorsement. CPTED is included as an initiative listed within Cardinia's Council Plan 2021-25, as one priority for Council to establish 'strong communities. It will assist Council to facilitate safety through effective planning and design.

**Resolution**

Moved Cr Graeme Moore, seconded Cr Kaye Cameron.

That Council endorses the CPTED Policy to be incorporated in Council's Community Safety Action Plan and notes that the CPTED Policy will be incorporated into any future Community Safety Policies.

Carried

## 6.5 Activity Reports

### 6.5.1 Community Engagement update

**Responsible GM:** Jenny Scicluna  
**Author:** Georgia Davies-Jackson (Team Leader Engagement)

#### Recommendation(s)

That Council notes the community engagement activities being undertaken this month.

#### Attachments

Nil

#### Executive Summary

Monthly update on community engagement opportunities commencing or continuing.

#### Background

Community engagement is a process whereby Council uses a variety of methods to proactively seek out information and feedback from the community, including their values, concerns, ideas and aspirations. Where possible and when required by legislation, Council will include the community in the development and delivery of identified initiatives and projects. This practice establishes an ongoing partnership, ensuring that community members continue to shape Council's decision making and implementation process.

Council's *Community Engagement Policy* (Policy) sets out Council's accountability for community engagement practices. The Policy meets the requirements of the *Local Government Act 2020* and Council's commitment to undertaking best practice, high quality community engagement activities to receive input, feedback and ideas from the community on Council projects, services, plans, policies, strategies and other Council decisions.

Council uses the IAP2 Spectrum of Public Participation (see below) as the model for its community engagement activities depending on the nature of the project, legislative requirements affecting the project and level of influence the community can have on the project, the risk and level of complexity of the project and available resources.

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.	To obtain public feedback on analysis, alternatives and/or decision.	To work directly with the public throughout the process to ensure that public issues and concerns are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and issues are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advise and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
EXAMPLE TOOLS	<ul style="list-style-type: none"> <li>• Fact sheets</li> <li>• Websites</li> <li>• Open houses</li> </ul>	<ul style="list-style-type: none"> <li>• Public comment</li> <li>• Focus groups</li> <li>• Surveys</li> <li>• Public meetings</li> </ul>	<ul style="list-style-type: none"> <li>• Workshops</li> <li>• Deliberate polling</li> </ul>	<ul style="list-style-type: none"> <li>• Citizen Advisory committees</li> <li>• Consensus building</li> <li>• Participatory</li> <li>• Decision-making</li> </ul>	<ul style="list-style-type: none"> <li>• Citizen juries</li> <li>• Ballots</li> <li>• Delegated</li> <li>• Decisions</li> </ul>

### Policy Implications

Community engagement is undertaken in line with Council's *Community Engagement Policy*.

### 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

N.A

### Consultation/Communication

This month, the following Engagement Plans are being implemented:



Project	Project description	Consultation commencement date	Responsible Business Unit
<b>Active Cardinia Strategy</b>	Engagement on the development and draft of the Active Cardinia Strategy which will shape sport and active recreation in the Shire. Consultation with the broader community and key stakeholder groups will be undertaken via online survey (via Creating Cardinia - Have your say), pop up stands in the community, meetings, workshops, and submissions of photos.	30 May 2022 (Closes 15 July 2022)	Active and Connected Communities
<b>Eastone Reserve - Public Toilet</b>	Engagement in response to petition and subsequent Council resolution. A user survey will be undertaken to explore use of the current reserve for consideration alongside the Public Toilet Strategy. Consultation with key stakeholders via online survey (Creating Cardinia - Have your say) and on-site signage with QR Code directing to Creating Cardinia.	Proposed 30 May 2022	Building and Facilities
<b>ROADS: Sealing the Hills: Special Charge Scheme</b>	Engagement on roads proposed to be sealed under the Special Charge Scheme. Consultation to determine support or opposition to proposed road sealing. Roads this month to include: - EMERALD: Package #21 Legg Catchment: Boundary Rd East, Legg Rd, Steel Rd, Curtis Rd, Maisie Rd, Nolan Rd, Upton Rd, Railway Rd - GUY'S HILL: Package #20 St Georges Catchment: St Georges Rd, Halford St, Montuna Gr Local community drop-in information sessions are scheduled for 22 June & 29 June respectively. Online survey available via Creating Cardinia - Have your say.	Proposed 1/06/2022	Community Infrastructure Development
<b>ROADS: Upgrades &amp; intersection works in Officer 2022:</b> - Princes Highway Intersection: o Bayview - Tivendale o Station St - Pioneer Way extension to Brunt Road - Brunt Road/Pioneer Way/Edinburgh Drive intersection - Timbertop & Pink Hill intersection upgrade	Engagement on upgrade and intersection works. Consultation with key stakeholders by in person drop-in information session to highlight: - benefits of the intersection /road sealing works (safety/amenity) - traffic flow impacts or other disruptions to road use or parking during construction - permanent changes: to use or parking including potential tree removal - process steps and associated costs related to local road sealing under the Special Charge Scheme. Letter drop to residents and businesses directly affected by the upgrade and intersection works being undertaken.	Proposed 1/06/2022	Community Infrastructure Development
<b>Local Law 17</b>	Interim review of Local Law 17 - stage 1 engagement. Engagement with real estate agents via survey in relation to real estate signage use. Stage 2 to include broader consultation with the community prior to sunset of the Local Law in 2024.	Proposed early June	Regulatory Services

Some projects will involve more than one stage of engagement. The relevant Engagement Plans for each project will document the stages and purpose of engagement.

**Financial and Resource Implications**

N.A

**Conclusion**

The table above outlines projects for engagement that can be promoted to the community this month to support its awareness and involvement and will assist Council in the delivery of the Council Plan action.

The relevant Business Unit can be contacted for additional information and for further details on specific engagement activities planned (including dates).

**Resolution**

Moved Cr Graeme Moore, seconded Cr Kaye Cameron.

That Council notes the community engagement activities being undertaken this month.

Carried

## 6.5.2 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 - June 2022 [6.5.2.1 - 17 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 Graeme Moore, seconded Cr Kaye Cameron.

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 Ryan reported on her attendance at the following functions and events

- Social and Affordable Housing summit
- Together We can Summit
- Elder Abuse Awareness Day
- Evergreen Retirement village discussion
- Community Food Strategy day, and
- Men's mental Health Forum

Cr Ross reported on his attendance at the:

- Pakenham Art Show
- Emerald Lake Park event in company with the Mayor and Deputy Mayor
- Gumbuya World Open day
- World Elder Abuse Awareness day,
- Emerald Library Extension Opening
- Together We Can Summit
- Refugees Welcome Event, and
- Advised that Recycling Victoria had replaced the Metropolitan Waste Forum

Cr Moore advised of his attendance at:

- Blokes Night Out held at Deep Creek Reserve
- Mayoral Volunteer Reception
- Pakenham Art Show
- Together We Can summit
- Fight MND 'Big Freeze' event held at the Garfield Recreation Reserve where \$20,000 was raised
- 'Back to Bayles' Centenary event in company with Cr Cameron

Cr Owen reported on his attendance at:

- Pakenham Mazda where the Clough family had donated \$7,000 to the Cardinia Foundation as part of their allocation of \$40,000 raised through fundraising
- Meeting of the Access and Inclusion Advisory Committee

## 9 Presentation Of Petitions

Nil.

## 10 Notices Of Motion

### 10.1 Notice of Motion 1073 Cr Cameron

#### **Motion**

That the Council either through its insurers or as a direct council cost reimburse Councillor Collin Ross upon the presentation to the Chief Executive Officer of appropriate supporting documentation in full for all expenses incurred by him in defending himself against allegations made by council resolution in the term of the previous council, that he had wrongly claimed travel expenses.

**Resolution**

Cr Ross left prior to the beginning of this item.

Moved Cr Kaye Cameron, seconded Cr Carol Ryan.

That the Council either through its insurers or as a direct council cost reimburse Councillor Collin Ross upon the presentation to the Chief Executive Officer of appropriate supporting documentation in full for all expenses incurred by him in defending himself against allegations made by council resolution in the term of the previous council, that he had wrongly claimed travel expenses.

Lost

Cr Ryan Called for a division.

For: Cr Cameron, Cr Ryan

Against: Cr Owen, Cr Moore, Cr Davies, Cr Kowarzik



## 10.2 Notice of Motion 1074 Cr Ryan

### **Motion**

That council creates a report on the ‘Deputy Mayor’ role in the other 79 Victorian Councils. The report shall issue they have in it the statistics of whether a Council has or doesn’t have a Deputy Mayor position at present. If they don’t have a Deputy Mayor did they ever have one, and if discontinued when did they cease to have one.

**Resolution**

Moved Cr Carol Ryan, seconded Cr Collin Ross.

That council creates a report on the ‘Deputy Mayor’ role in the other 79 Victorian Councils. The report shall issue they have in it the statistics of whether a Council has or doesn’t have a Deputy Mayor position at present. If they don’t have a Deputy Mayor did they ever have one, and if discontinued when did they cease to have one and the reason why.

Carried

## 11 Community Questions

The Mayor advised that Council had received 2 questions from Tony O'Hara.

### Question 1

Topic: Online vs Live consultations.

#### Preamble

For my question, I reviewed the Councils' "Community Engagement Policy 2021-2025 - V2", VAGO's "Public Participation in Government Decision-Making" and the "International Association for Public Participation (IA2P)" resources.

Consultations' such as the "Eastone Reserve User Survey" and "Woodlands Avenue catchment, Cockatoo" are suitable for web based IA2P Consult level consultations. Other consultations' such as the "Upper Beaconsfield Reserve - facility upgrade" "Cardinia Creek Regional Parklands" and recently closed "Cardinia Life" are more suitable for the IA2P Involve or Collaborate level of consultation, as people are stimulated into thinking when ideas are being discussed face to face.

#### Question

When is Cardinia Council going to revert to live forum style consultations, ranging from informal discussions to formal community meetings, focus groups, workshops as well as online feedback still being used where appropriate, as per the Cardinia Council Community Engagement Policy 2021-2025 - V2?

#### ***Answer provided by General Manager Customer, People and Performance***

Thank you for your question and interest in how Council undertakes community engagement.

We acknowledge that during the pandemic our community engagement activity was necessarily restricted to online activities, mostly through online questionnaires and surveys. Where possible, other features of the online platform were used to promote public comments and sharing of questions, ideas, stories and pictures.

As restrictions have eased, we have started to cautiously return to face to face community interactions alongside our online engagement opportunities. Our approach is to return safely and appropriately to complementing our online engagement activities with face-to-face activities.

As you have noted, Cardinia Shire Council uses the IAP2 Spectrum of Public Participation as the core model for its community engagement activities. This spectrum depicts 5 levels of increasing influence that the public can have on an outcome or decision.

In line with our Community Engagement policy our engagement planning takes into consideration:

- the issue or policy being considered,
- the objectives of the engagement,
- timeframes,
- resources
- levels of concern or interest in the topic under consideration.

We recognise that members of the community have different levels of interest in Council projects, programs and decisions. People like to contribute in different ways; some prefer the convenience of being able to respond online in their own time around their day-to-day commitments. Others prefer to meet in person, share ideas, opinions and debate their differences.

We also recognise members of the community are affected differently by Council decisions. We do use the IAP2 spectrum to help us consider what levels of engagement suit which projects and will often use different levels for different community stakeholder groups depending on the degree to which they may be affected by a Council decision.

We balance community interest and impact against the opportunity for community input to influence an outcome. This determines the scope of the engagement, and therefore the level of promise we can make to the community in line with the IAP2 spectrum.

During the Cardinia Life project (proposed indoor Aquatic and Leisure Facility redevelopment) there were multiple opportunities to be involved in face-to-face discussions with others, through one of four focus groups or one of three drop-in sessions. We notice the take up of online opportunities was greater than the in-person events for this project. We were pleased to be able to cater for a range of participation preferences for this project.

In relation to the "Upper Beaconsfield Reserve - facility upgrade, our Recreation Team, by invitation has been collaborating with the Department of Environment, Land, Water, & Planning's (DELWP) Committee of Management, which has an approval role in relation to the concept plans and the final facility design.

In this case, Council is not the land manager, so Council has been actively collaborating with the Reserve Committee and sports clubs to refine the concept plans which are now available for broader public comment. At this stage the Committee has not proposed any in person workshops.

Cardinia Creek Regional Reserve Parklands was similarly a state government project (DELWP) - part of the state-wide Suburban Parks Program.

Initial community input to the future of Cardinia Creek Regional Parklands was sought from 3 November to 30 November 2021. The community was invited to provide feedback about park user experience, interests, and use of the parklands as well as aspirations for the parklands. There were 263 submissions made as part of the engagement process which included online survey, in-park surveys, community meetings, and special interest group meetings.

The online consultation was via the state government's Engage Vic website. We promoted this opportunity to provide feedback to the Government broadly via our own Creating Cardinia Have Your Say page and other communications channels.

The Cardinia Creek Regional Parklands Future Directions Plan - Draft has been recently released for further community feedback - still open until 23 June for feedback. We appreciate that as we continue to emerge from Covid restrictions that some people will naturally be looking for more face-to-face opportunities to interact and engage with government decision makers.

Our Community Engagement policy acknowledges that 'direct input from the community enhances Council's decision-making processes by making it more relevant and transparent.' It also outlines Council's commitment to ensuring that the community is as well informed as they can be on major issues, plans and projects.

Thank you again Tony, for your question. We are happy to continue the conversation with you and the Lakeside Residents Group about the benefits of both online and in-person engagement, and to explore ideas and opportunities for face-to-face engagement in the future. If you would like to further discuss your views about engagement, I am happy to arrange for a member of the engagement team to contact you directly.

**Question 2**

Topic: Advocacy on behalf of residents.

**Preamble**

With reference to the Council Plan 2021–25

“Council regularly advocates for the needs of the shire. Advocacy includes seeking alternative funding or grant opportunities, legislative or state planning control changes, regional infrastructure, or investment, and increased or improved service delivery from the Australian Government, Victorian Government, and other sectors.”

There are a lot of people getting damage to their cars from potholes on Council and VicRoads roads, many have no idea on how to get to the correct responsible authority to notify them.

**Question**

Would council consider advocating to VicRoads on issues of damage to the VicRoads roads, such as potholes on behalf of the residents when they complain to Council?

***Answer provided by the General Manager Infrastructure and Environment***

Council registers enquiries regarding road damage on state-based roads to VicRoads/DoT as raised by the road user. Whilst Council advises the road user to source application forms via the VicRoads/DoT website to make a claim for vehicle damage sustained from potholes on state managed roads, Council has no influence or ability to change outcomes in relation to specific issues or resolve a claim between an individual and another authority. This remains a matter between the road user and VicRoads/DoT.

Council continues to encourage road users to contact VicRoads/DoT directly with individual enquires so they can be appropriately directed to the correct contact within VicRoads for actioning.

Council advocates to VicRoads/DoT through a number of forums for areas and roads of highest priority that require attention, based on community feedback. Council’s advocacy to the State Road Authority for this priority service is ongoing.

**12 Urgent Business**

There was no urgent business.

**13 Councillor Questions**

Nil.

**14 Meeting Closure**

Meeting closed at 8:40pm.

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Minutes confirmed  
Chairman