

# **Ordinary Council Meeting**

## **Minutes**

**Monday 15 August 2022**

**Commenced at 7:00 PM**

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

<b>Members:</b>	Cr Jeff Springfield	Mayor
	Cr Tammy Radford	Deputy Mayor
	Cr Kaye Cameron	
	Cr Stephanie Davies	
	Cr Jack Kowarzik	
	Cr Graeme Moore	
	Cr Collin Ross	
	Cr Brett Owen	
	Cr Carol Ryan	
<b>Officers:</b>	Carol Jeffs	Chief Executive Officer
	Peter Benazic	General Manager Infrastructure and Environment
	Lili Rosic	General Manager Liveable Communities
	Debbie Tyson	General Manager Governance, Facilities and Economy
	Jenny Scicluna	General Manager Customer, People and Performance
	Doug Evans	Manager Governance

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

Meeting opened at 5:56PM and to consider confidential business and was adjourned to 7:00PM to consider general business.

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

## **2 Acknowledgements**

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

## **3 Apologies**

Nil.

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

Moved Cr Carol Ryan, seconded Cr Tammy Radford

That minutes of the following meetings be confirmed:

- General Council meeting 18 July 2022

Carried

## **5 Declaration Of Interests**

Nil.

## 6 Ordinary Business

### 6.1 Town Planning Reports

#### 6.1.1 Amendment C262 Planning Permit T190728 11 Thom Road Lang Lang

**Responsible GM:** Lili Rosic  
**Author:** Celeste Grossi

##### Recommendation(s)

That Council:

1. Receive and consider all submissions made to Planning Scheme Amendment C262card.
2. As per Section 23 of the *Planning and Environment Act 1987*, refer all submissions for consideration to a Planning Panel to be appointed by the Minister for Planning.
3. Endorses a change to include part b to Council's previously adopted position at the 15 November 2021 Council meeting to amend the requirement for the owner of the land to enter into an agreement with Council under Section 173 of the *Planning and Environment Act 1987* as follows:
  - a. Prior to considering Amendment C262card for adoption, Council requires that the owner of the land must enter into an agreement with Council under Section 173 of the Planning and Environment Act 1987 to provide for the construction of:
  - b. pedestrian paths along the existing section of Thom Road (western side) and Tresize Court (southern side); and
  - c. road widening of the inside corner of the right-angle bend of Tresize Court to ensure adequate road width to allow an 8.8 metre long Service Vehicle to pass a B99 car on the bend.
4. The construction of the pedestrian paths and the road widening must be completed prior to the issue of a Statement of Compliance for the first stage of the proposed subdivision. The owner must pay the costs of the preparation, execution and registration of the Section 173 agreement.
5. That the proponent be advised of Council's decision.

##### Attachments

1. Planning Scheme Amendment C 262 Documents with Post- Exhibition Changes for Panel [6.1.1.1 - 10 pages]
2. Proposed Planning Permit T 190728 with Post- Exhibition Changes for Panel [6.1.1.2 - 21 pages]
3. Proposed Subdivision Plan [6.1.1.3 - 1 page]
4. Summary of Submissions & Officers Responses [6.1.1.4 - 8 pages]

## Executive Summary

Council received a request to rezone part of the land at 11 Thom Road, Lang Lang from Farming Zone – Schedule 1 (FZ1) to Neighbourhood Residential Zone - Schedule 1 (NRZ1). The request also sought Council's consent to concurrently consider a planning permit application for a staged subdivision of the land into twenty-eight lots (28) for residential purposes, the creation of two (2) reserves and creation of restrictions on the plan of subdivision.

The *Lang Lang Township Strategy (July 2009)* provides in principle support for the rezoning of the land for residential purposes. Council officers have considered the merits of the request and believe the proposal has strategic justification.

At its meeting on 15 November 2021, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C262 concurrently with Proposed Planning Permit T190728. On 17 January 2022 Council received authorisation to proceed.

Amendment C262 was exhibited from Thursday, 10 March to Monday, 11 April 2022 as per the requirements of the *Planning and Environment Act 1987*. Eleven (11) submissions were received. The matters raised by submitters are not able to be resolved, it is therefore recommended to refer all submissions to a Ministerial planning panel and update Council's previous resolution dated 15 November 2021.

Prior to Council considering the amendment for adoption it is recommended that the proponent be required to enter into an agreement under Section 173 of the *Planning and Environment Act 1987* to provide for the timely construction of a pedestrian path along the existing section of Thom Road (western side) and Tresize Court (southern and western side) and road widening of the inside corner of the right-angle bend on Tresize Court. The path will be constructed outside the proposed subdivision site, providing a missing link in the pedestrian network between the proposed subdivision and the town centre and will fulfill the net community benefit that is required to be provided by a proposed planning scheme amendment. The widening of the bend on Tresize Court, also outside the proposed subdivision site, is required to ensure adequate road width to allow an 8.8 metre long Service Vehicle to pass a B99 car.

## Background

Council received a request from XWB consulting on behalf of the landowner, Greg Thom, to rezone part of the land known as 11 Thom Road, Lang Lang (Lot 11 on PS548063T) from FZ1 to NRZ1.

In association with the amendment request, planning permit application T190728 was also lodged for a staged 28 lot residential subdivision of the land, creation of two (2) reserves and creation of restrictions on the plan of subdivision. Council resolved on 15 November 2021 to consider this application concurrently with the proposed amendment to facilitate timely development of the land for residential purposes.

## The Land and surrounds





**Figure 1. 11 Thom Road, Lang Lang**

The subject land is located at the end of Thom Road approximately 200m north east of the Lang Lang Town Centre. The land is an irregular shaped parcel with a frontage of 17m to Thom Road and an area of 5.364ha.

The subject land is bounded by the Lang Lang River (north), the South Gippsland Railway Line (west), established residential properties (south) and farming land (east).

The subject land is currently zoned Farming Zone – Schedule 1 (FZ1) and Green Wedge Zone Schedule 1 (GWZ1) and part of the land is affected by the Land Subject to Inundation Overlay (LSIO).

#### **What the Amendment does**

The amendment request and planning permit application were lodged under Section 96A of the *Planning and Environment Act 1987* (PE Act). Section 96A allows Council to consider a planning permit application concurrently with a planning scheme amendment, even though the proposed subdivision would otherwise be prohibited under the current planning controls.

- In summary, the amendment and Proposed Planning Permit seek to:
- Rezone land from Farming Zone – Schedule 1 (FZ1) to Neighbourhood Residential Zone - Schedule 1 (NRZ1);
- Subdivide the land into twenty-eight (28) lots, create two (2) Reserves and create restrictions on the plan of subdivision.

A map of the proposed planning zone is contained in Attachment 1, the Proposed Planning Permit has been amended in response to submissions and is contained in Attachment 2, while the proposed subdivision plan is contained in Attachment 3.

#### **Net Community Benefit**

As with any planning scheme amendment, the rezoning of the subject land must result in a net community benefit beyond the provision of standard urban services and amenity to the new subdivision. In addition to the community benefits that will be provided by the proposed Bushland Reserve and Recreation Reserve at the northern end of Thom Road, it is also proposed to construct a missing link in the pedestrian path network along the existing section



of Thom Road (western side) and Tresize Court (southern and western side). This path is in addition to the pedestrian path that will be constructed within the proposed subdivision along the western side of Thom Road.

It is recommended that the landowner be required to enter into a Section 173 Agreement with Council, prior to Council considering the amendment for adoption, to provide for the timely construction of this pedestrian path.

## **Policy Implications**

### **Strategic Assessment**

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

The strategic assessment demonstrates that the proposal is consistent with the relevant planning provisions of the *Plan Melbourne Metropolitan Planning Strategy 2017-2050*, State planning policy contained in the Planning Policy Framework (PPF) in the Cardinia Planning, and Local planning policy contained in the Local Planning Policy Framework (LPPF) in the Cardinia Planning Scheme.

## **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.

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

## **Climate Emergency Consideration**

The proposed amendment and planning permit facilitate housing to be located within the urban growth boundary. This will contribute to housing consolidation within a rural township, reducing the amount of urban sprawl and pressure on Cardinia's main growth front, thereby helping to mitigate the effects on climate change.

## **Consultation/Communication**

### **Notification (formal exhibition)**

Amendment C262 was formally exhibited for one month from 10 March to 11 April 2022 as part of the planning scheme amendment process in accordance with the requirements of the *Planning and Environment Act 1987*.

Owners and occupiers adjoining and surrounding the site, community groups, relevant public authorities, and Prescribed Ministers were notified of the exhibition of the Amendment. A total of 99 letters were sent out.

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

- Public Notice in the Pakenham Gazette – 9 March 2022.
- Public Notice in the Government Gazette – 10 March 2022.
- Display on Cardinia Shire Council website.
- Display on DELWP website.
- Hard copy of the Amendment documents made available for viewing at Cardinia Shire Council Civic Centre Customer Service.

### Submissions and responses

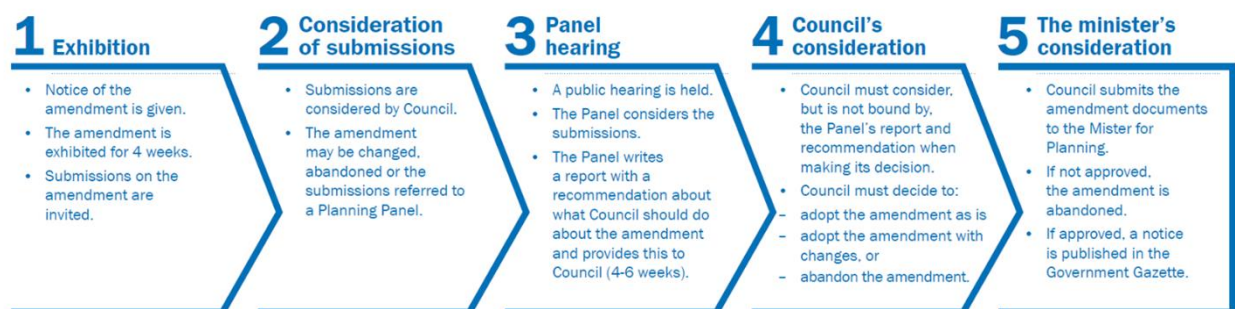
Eleven (11) submissions were received. Seven (7) were from nearby owners and occupiers, one (1) from the proponent and three (3) late submissions from public authorities (Environment Protection Authority Victoria (EPA) and Country Fire Authority (CFA)) and a nearby property owner.

- The matters raised by submissions can be summarised as follows:
- An increase in traffic to Tresize Court.
- Tresize Court is not wide enough for construction vehicles.
- The proposed lot sizes are too small and will negatively affect the country town character.
- Destruction of farmland and native vegetation.
- Existing sewerage and rainwater issues will be made worse by additional development, and whether the existing sewerage system can accommodate the additional load.
- Increased noise, dust and litter caused by the construction of the proposed subdivision and housing.
- Increase in crime encouraged by the proposed reserves.
- Concerns about several conditions on the Proposed Planning Permit.
- An Environment Site Assessment (ESA) is no longer the required form of assessment for the proposed land use under Ministerial Direction 1 and Planning Practice Note 30.

After analysing the submissions which raised concerns in relation to the width of Tresize Court, it is Council's Traffic Engineer view that the right-angle bend located on Tresize Court needs to be widened to allow for Service Vehicles to pass a car on the bend. It is considered that widening of the whole extent of Tresize Court is not required and the current width of 5.5 metres is adequate to service both the existing residential lots and the proposed subdivision.

It is recommended that Council's previous resolution relating to Amendment C262 which requires the land owner to enter into an agreement with Council under Section 173 of the *Planning and Environment Act 1987* to provide for the construction of a pedestrian path along the existing section of Thom Road (western side) and Tresize Court (southern and western side) prior to the adoption of Amendment C262, Council endorses a requirement to widen the road on the inside corner of the right-angle bend of Tresize Court. This will ensure that the bend is widened prior to the issue of a Statement of Compliance for the first stage of the proposed subdivision and ensure an 8.8 metre long Service Vehicle can adequately pass a B99 car on the bend.

A full summary of the issues raised by submissions and a response to these is included in Attachment 4.



- **Next Steps**

*Figure 1. Steps in the Planning Scheme Amendment process*

We are at Stage 2 of the Planning Scheme Amendment process as detailed in Figure 1. As it is not possible to resolve all matters raised by submissions, it is recommended that all submissions are referred to an independent ministerial planning panel, thereby moving the Amendment on to Stage 3 of the process.

A Panel Hearing is proposed to occur during the week commencing 31 October 2022. Following the hearing, the Panel will prepare a report with recommendations on how to proceed with the Amendment. The Panel Report will then be considered by Council at a future Council meeting (Stage 4).

### **Financial and Resource Implications**

There are no additional resource implications associated with undertaking the amendment. The statutory fees and any planning panel costs will be paid by the proponent. Any additional costs associated with this process are provided for by the current and proposed Planning Strategy budget.

### **Conclusion**

Planning Scheme Amendment C262card is supported by both state and local planning policy including the *Lang Lang Township Strategy (July 2009)*. Amendment C262, including concurrent Proposed Planning Permit T190728, was exhibited in accordance with the *Planning and Environment Act 1987* and a total of Eleven (11) submissions were received.

As the matters raised by submissions cannot be resolved, it is recommended that Council refer all submissions to a Planning Panel, to be appointed by the Minister for Planning, for consideration.

It is also recommended that Council amends its previous resolution relating to Amendment C262card from the Council meeting held on 15 November 2021.

## Resolution

That Council:

1. Receive and consider all submissions made to Planning Scheme Amendment C262card.
2. As per Section 23 of the *Planning and Environment Act 1987*, refer all submissions for consideration to a Planning Panel to be appointed by the Minister for Planning.
3. Endorses a change to include part b to Council's previously adopted position at the 15 November 2021 Council meeting to amend the requirement for the owner of the land to enter into an agreement with Council under Section 173 of the *Planning and Environment Act 1987* as follows:
  - a. Prior to considering Amendment C262card for adoption, Council requires that the owner of the land must enter into an agreement with Council under Section 173 of the Planning and Environment Act 1987 to provide for the construction of:
    - b. pedestrian paths along the existing section of Thom Road (western side) and Tresize Court (southern side); and
    - c. road widening of the inside corner of the right-angle bend of Tresize Court to ensure adequate road width to allow an 8.8 metre long Service Vehicle to pass a B99 car on the bend.
4. The construction of the pedestrian paths and the road widening must be completed prior to the issue of a Statement of Compliance for the first stage of the proposed subdivision. The owner must pay the costs of the preparation, execution and registration of the Section 173 agreement.
5. That the proponent be advised of Council's decision.

## 6.1.2 Planning Scheme Amendment C266 & Planning Permit T200105 - 39 Wattletree Road, Bunyip

**Responsible GM:** Lili Rosic  
**Author:** Celeste Grossi

### Recommendation(s)

That Council:

1. Adopt Amendment C266card to the Cardinia Planning Scheme, including proposed Planning Permit No. T200105, under Section 29 of the *Planning and Environment Act 1987*, generally in accordance with attachment 1 and 2.
2. Submit adopted Amendment C266card to the Cardinia Planning and proposed Planning Permit No. T200105 to the Minister for Planning for approval under Section 31 of the *Planning and Environment Act 1987*.

### Attachments

1. Planning Scheme Amendment C 266 Documentation [6.1.2.1 - 9 pages]
2. Proposed Planning Permit T200105 [6.1.2.2 - 9 pages]
3. Proposed Plan of Subdivision [6.1.2.3 - 1 page]

### Executive Summary

Council received a request to rezone the land at 39 Wattletree Road, Bunyip from Low Density Residential Zone – Schedule 2 (LDRZ2) to Low Density Residential Zone – Schedule 3 (LDRZ3). The request also sought consent to concurrently consider a planning permit application to subdivide the land into two (2) lots for residential purposes.

The Amendment is consistent with the *Bunyip Township Strategy (September 2009)* by protecting the township's landscaped rural character whilst supporting subdivision inside the township boundary. The Amendment also proposes a habitat corridor for the Southern Brown Bandicoot (SBB) within the front setback of the new lots, and 38 new indigenous plants to be planted to replace 22 trees proposed to be removed. Officers consider that an appropriate net community benefit would be derived from these outcomes.

At its meeting on 13 December 2021, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C266card.

Amendment C266 was exhibited from Thursday, 5 May to Monday, 6 June 2022 and during this time no submissions were received. A late submission was received from CFA on 22 July 2022, however, it did not object to the amendment.

As no objecting submissions were received an independent planning panel is not required to be appointed by the Minister for planning. Therefore, 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

Council received a request from Kyle O'Brien (Three-Thirds Group) on behalf of the landowner, Ryan Muley, to rezone the land known as 39 Wattletree Road, Bunyip (Lot 1 on PS525720M) from LDRZ2 to LDRZ3.

In association with this amendment request, Planning Permit application T200105 has also been lodged for a 2 lot subdivision of the land, removal of vegetation and creation of restriction. It is proposed that this application be considered concurrently with the proposed amendment in order to facilitate timely development of the land for residential purposes.

## The Land and surrounds



**Figure 2.** 39 Wattletree Road, Bunyip

The subject land is located on the northern side of Wattletree Road approximately 221 metres east of Hope Street. The land is almost square with a frontage of 63.14 metres, depth of 63.67 metres and an overall site area of 4,001m<sup>2</sup>.

The land slopes approximately 2 metres, rising from the north-east up to the south-west. An existing single storey weatherboard dwelling, ancillary shed and mixture of vegetation are currently located on the subject land.

The land is surrounded on all sides by residential development; 2,000m<sup>2</sup> lots to the north, east and west; traditional sized (700-1,900m<sup>2</sup>) lots to the south-west and south-east; and larger (0.88-1.5 ha) lots to the south.

The land is currently zoned Low Density Residential Zone Schedule 2 (LDRZ2) and is affected by the Design and Development Overlay Schedule 1 (DDO1) and the Vegetation Protection Overlay Schedule 1 (VPO1). Under the current zoning the minimum subdivision size is 0.4ha (4000 square metres), the proposed rezoning will allow for a minimum subdivision size of 0.2ha (2000 square metres), which will facilitate a residential subdivision of two lots on the subject site which is consistent with the zoning of the adjoining land.

### **The proposal**

The amendment request and planning permit application have been lodged under Section 96A of the *Planning and Environment Act 1987* (the Act). Section 96 allows Council to consider a planning permit application concurrently with a planning scheme amendment, even though the proposed subdivision would otherwise be prohibited under the current planning controls.

In summary, the amendment request and planning permit application propose to:

- Rezone land from Low Density Residential Zone - Schedule 2 (LDRZ2) to Low Density Residential Zone - Schedule 3 (LDRZ3); and
- Subdivide the land into 2 lots and remove vegetation.

In addition, Council will require the creation of restrictions on the plan of subdivision to ensure provision of the bandicoot habitat corridor and setbacks in accordance with the Township Strategy.

A map of the proposed planning zone is contained in Attachment 1, the Proposed Planning Permit is contained in Attachment 2, while the proposed subdivision plan is contained in Attachment 3.

### **Net Community Benefit**

As with any planning scheme amendment, the rezoning of the subject land must provide a net community benefit beyond the provision of standard urban services and amenity to the new subdivision. In addition to retaining 19 trees, including indigenous canopy trees 1, 2, 3, 5 and 9, Council's Environment Team has requested a 10 metre wide front building setback with 50% (5 metres) of the front setback planted out for the purposes of Southern Brown Bandicoot (SBB) habitat corridor (similar to the adjoining properties), and that the vegetation approved for removal under the VPO1 be replaced. Negotiations with the proponent were undertaken to achieve the planting of a SBB corridor as well as 38 new indigenous plants to replace the vegetation that is proposed to be removed. Officers consider that an appropriate net community benefit would be derived from these outcomes.

On 13 December 2021, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C266card to the Cardinia Planning Scheme. Authorisation was received and the Amendment was placed on public exhibition from Thursday, 5 May to Monday, 6 June 2022.

### **Policy Implications**

#### **Strategic Assessment**

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

#### **Consistency with Plan Melbourne Metropolitan Planning Strategy, 2017-2050**

Plan Melbourne is the Metropolitan Planning Strategy for Melbourne. It sets out the vision and direction to guide Melbourne's growth through to 2050. The Amendment is consistent with directions relevant to residential areas by ensuring that subdivision and built-form is well-designed whilst maintaining and enhancing character and amenity.



### **Consistency with State Planning Policy**

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

- consolidating new residential development into an existing settlement within the existing Bunyip township boundary.
- Enabling development of residential land within an established growth boundary, reducing sprawl, and enhancing consistency of the character of the surrounding area having regard to the established pattern of subdivision.
- Not negatively impacting local biodiversity by retaining many trees on site and undertaking additional plantings, including planting for the purpose of a Southern Brown Bandicoot habitat corridor.
- Ensuring appropriate bushfire mitigation measures are in place and a construction standard of Bushfire Attack Level (BAL)12.5 can be achieved.
- Aligning with the Design and Development Overlay Schedule 1 (DDO1) which currently affects the site. Any future development must respond to the DDO1 in relation to siting and materiality.
- Seeking to enhance the landscape character of the area.
- Being consistent with the existing and emerging pattern of subdivision within Bunyip.

### **Consistency with the Local Planning Policy Framework**

The Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) provides the vision and direction for land use planning and development within Cardinia Shire. The amendment supports the objectives and strategies of the LPPF by:

- Enhancing and maintaining a wildlife corridor for the Southern Brown Bandicoot and planting additional trees to replace vegetation proposed to be removed (21.02-3).
- Supporting the redevelopment and subdivision of land located inside the existing Bunyip township boundary and already included within the Low Density Residential Zone (21.03-1).
- Supporting the protection of existing township character through reinforcing the 0.2 hectares minimum lot size of adjoining properties which are currently included within the LDRZ3 (21.03-3).
- Applying the prevailing zone consistent with land that abuts to the north, east and west (21.08-2).
- Proposing a development that is consistent with the Bunyip Township Strategy 2009 which is an Incorporated Document via Clause 21.08-2 of the Cardinia Planning Scheme (21.08-2).

## **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.

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

## **Climate Emergency Consideration**

The proposed amendment and planning permit facilitate housing to be located within the urban growth boundary. This will contribute to housing consolidation within a rural township,

reducing the amount of urban sprawl and pressure on Cardinia’s main growth front, thereby helping to mitigate the effects on climate change.

**Consultation/Communication**

**Nomination (formal exhibition)**

Amendment C266 was formally exhibited for one month from Thursday, 5 May to Monday, 6 June 2022 as part of the planning scheme amendment process in accordance with the requirements of the *Planning and Environment Act 1987*.

All owners and occupiers adjoining and surrounding the site, community groups, relevant public authorities, and Prescribed Ministers were notified of the exhibition of the Amendment. A total of 71 notifications were sent or emailed.

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

- Public Notice in the Pakenham Gazette – 4 May 2022
- Public Notice in the Government Gazette – 5 May 2022
- Display on Cardinia Shire Council website.
- Display on DELWP website.
- Hard copy documentation at Cardinia Shire Council Civic Centre Customer Service counter.

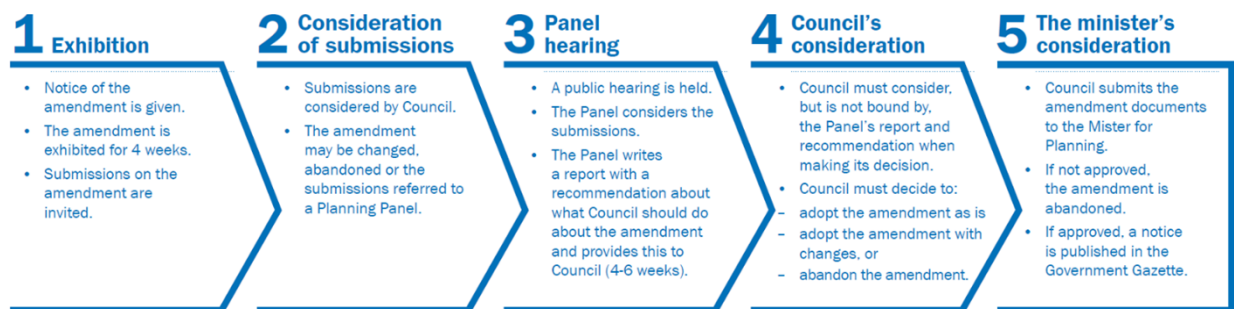
During the exhibition period, no submissions were received. A late submission was received from CFA on 22 July 2022, seeking changes to wording in the proposed permit to clarify the following matters:

- Setbacks of 19 metres, for the purposes of defensible space, is being sought from the northern boundary of the site that adjoins the subject land to the south.
- The proposed Bandicoot Corridor should be designed and managed to a low threat state to ensure a bushfire risk is not increased over time.

Council officers met with the CFA and agreed to make changes to the wording in Condition 1a., 1b., and 1c. and 2a. to address CFA’s concerns. These have been included in the proposed permit attached to this report.

**Next Steps**

*Figure 1. Steps in the Planning Scheme Amendment process*



If Council resolves to adopt the Amendment, officers will prepare the final documents and submit the Amendment 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. The statutory fees will be paid for by the proponent of the amendment. Any additional costs associated with this process are provided for by the current and proposed Planning Strategy budget.

### **Conclusion**

Amendment C266 proposes to rezone the land at 39 Wattletree Road, Bunyip from Low Density Residential Zone – Schedule 2 (LDRZ2) to Low Density Residential Zone – Schedule 3 (LDRZ3). The request also seeks consent to concurrently consider a planning permit application to subdivide the land into two (2) lots for residential purposes, removal of vegetation and creation of restriction on the plan of subdivision.

Amendment C266 was on exhibition for one month from Thursday, 5 May to Monday, 6 June 2022 and during the exhibition period, no submissions were received.

It is recommended that Council resolve to adopt Amendment C266card to the Cardinia Planning Scheme, including Proposed Planning Permit No. T200105, 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 Amendment C266card to the Cardinia Planning Scheme, including proposed Planning Permit No. T200105, under Section 29 of the *Planning and Environment Act 1987*, generally in accordance with attachment 1 and 2.
2. Submit adopted Amendment C266card to the Cardinia Planning and proposed Planning Permit No. T200105 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 Climate Change Adaptation Strategy

**Responsible GM:** Peter Benazic  
**Author:** Aruna Dias

#### Recommendation(s)

That Council adopt the attached Climate Change Adaptation Strategy

#### Attachments

1. Climate Change Adaptation Strategy 2022-33 [6.2.1.1 - 28 pages]
2. Climate Change Adaptation Strategy - Action plan [6.2.1.2 - 9 pages]
3. Climate Change Adaptation Strategy - Appendices [6.2.1.3 - 13 pages]

#### Executive Summary

The Climate Change Adaptation Strategy 2022-33 (CCAS) provides a strategic and planned approach to increasing the resilience of Cardinia Shire to the adverse impacts of climate change. Adaptation aims to empower people, businesses, infrastructure, the health system, and environment to cope with an increasingly variable and changing climate. Given the potential broad-ranging impacts of climate change in the Shire, adaptation is essential to minimizing future climate related risks to the community and council.

The shire has experienced changes to the intensity of rainfall, an increase in the number of bushfire risk days as well as more severe and frequent storms. The most recent of these events were the severe storm damages in June 2021 and October 2021 storm and flood event. Changes to our climate are predicted to continue, it is therefore important to prepare for these climate impacts by addressing and managing the associated risks. Addressing these risks will support both the Council and community to prepare and respond to the adverse local impacts of climate change. Adaptation planning is therefore fundamental to mitigating the compounding risks associated with the impacts of climate change.

The Climate Change Adaptation Strategy (CCAS) has been developed over a period of 2 years through a rigorous consultation process with the community and internal stakeholders. The strategy calls for the update and review of existing policies to reflect the urgency and prioritise actions across the organisation that strengthen the long-term resilience of the shire to the adverse impacts of climate change. Additionally, the strategy establishes a 10-year action plan to address the priority risks associated with the impacts of climate change in the shire. The actions and initiatives presented in the action plan will address the most urgent climate change risks in the shire for the next 10 years, 2023 to 2033.

#### Background

Historical weather records show that there have been 18 historic climate related events in the shire between 1971 and 2020 (Appendix D). These events include major floods, storms, and fire incidents that have resulted in loss of life, significant damage to property and agricultural areas. The emission of greenhouse gases from human activities is contributing to rising surface temperatures and accelerating climate change. The frequency and intensity of the associated climate hazard events is increasing as surface temperatures continue to rise. It is

therefore fundamentally important to identify the localized climate related risks and prescribe treatments actions to lessen the sensitivity of local stakeholders to the adverse impacts of climate change in the shire.

The Aspirational Energy Transition Plan (AETP) was endorsed by Council in 2017 and outlines council's emission reduction and climate change mitigation goals. Council does not have an existing strategy to reduce sensitivity to the associated adverse impacts and future-proof the shire to the consequences of climate change. A localised Climate Change Impacts and Risks Assessment (CCIRA) completed by WSP consultancy in 2019/2020. Through a rigorous assessment process fifty-one discrete climate related risks have been identified for Cardinia Shire between 2021 and 2070 (Appendix A). Of these 51 risks there are seven high priority risks that require urgent treatment between now and 2033 (Table 9). These identified priority risks guided the development of the CCAS and linked 10-year action plan.

Council declared a climate emergency in September 2019 in response to the overwhelming scientific consensus on rising global temperature and community interest. This declaration demonstrated the intent of Council to consider climate change adaptation and mitigation as organisational priorities. Funding of a climate action plan was a commitment made in this declaration. Recent updates to the Local Government Act place greater responsibility on Councils to manage the risks of climate change. Local government organisations are responsible for ensuring the transparency of climate change related decisions, actions, and information, as well as developing and delivering locally appropriate adaptation responses, managing climate change risks to council, community services and assets, building the resilience of local assets and services, planning for and providing emergency management, relief and recovery services at the municipal level.

### **Policy Implications**

The strategy is consistent with Council's Liveability Plan 2017-2029, the Sustainable Environment Policy 2018-28, the Aspirational Energy Transition Plan, the Biodiversity Conservation Strategy 2019-2029 and the Council Plan 2021-2025.

The strategy supports progress towards the realisation of Sustainable Development Goals 3, 5, 9, 11, 13 and 15.

### **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.

1.1.4 Facilitate a partnership approach to create safer communities.

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

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

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

#### **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.

3.1.5 Facilitate community stewardship to build preparedness for natural threats.

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

4.1.1 Facilitate better planning for our agricultural land to support industry, innovation, local food economy and local job growth.

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

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

### **Climate Emergency Consideration**

The Climate Change Adaptation Strategy is a direct outcome of commitments made in the council declaration of a climate emergency. This strategy will provide the strategic direction and urgent actions needed to treat risks associated with the adverse impacts of climate change.

### **Consultation/Communication**

Community engagement was undertaken over a period of 6 weeks between February and March 2022. The primary engagement was undertaken via the Creating Cardinia online community engagement platform which held the CCAS documents and engagement survey questionnaire. Additionally, a pop-up stall at the Pakenham library complex in March 2022 was effective in engaged face-to-face with a sample of the community, the members of the U3A and other users of the library complex.

The Environment and Heritage team pop-up stall had information on climate change initiatives and online access to the Creating Cardinia website. Large printed QR codes stuck onto a table for community members to scan with their mobile phones and directly access the CCAS linked "Have Your Say" page. Community respondents were able to complete the survey using their own devices and discuss any points of interest with a council officer as they progressed through the engagement exercise. Those who were unable to respond to the survey in the library foyer were able to scan the QR code and finish the questionnaire at an alternative time. This was a popular option with those attending the scheduled programs delivered in the library.

The survey was developed to enable the community to lead in the identification of priorities amongst the community-facing actions for council to delivery in the short, medium, and long term timeframes. Twenty six responses were received which identified the following action priorities in the 10-year action plan.



**Table 1. Community priority actions from survey**

Timeframe	Community priority action
Short (next 1-4 years)	<ul style="list-style-type: none"> <li>Increase community awareness and preparedness to natural hazards (43%)</li> <li>Gardens for wildlife and development of an urban forest strategy (39%)</li> </ul>
Medium (next 5-6 years)	<ul style="list-style-type: none"> <li>Develop a resilient agriculture program (46%)</li> <li>Inform community on high risk areas for development (43%)</li> </ul>
Long (next 6-10 years)	<ul style="list-style-type: none"> <li>Encourage the development of coastal management plans for private land (77%)</li> </ul>

A written submission was received from the Emerald Village Association (EVA). The submission articulated the EVA's endorsement of the draft CCAS. Specifically, the support for early collaborative community planning and action as ways to reduce the adverse impacts associated with climate change and extreme weather events on social, economic, and natural environmental systems. The EVA is keen to partner with Council in specific actions which will reduce the Emerald community's vulnerability to adverse climate events and promote the resilience of social, ecological and economic systems. The submission also identified several opportunities where Council could work with the EVA and the community on pilot projects that would act as demonstration projects for the Shire.

### Financial and Resource Implications

Forty-eight actions have been developed to address the most urgent climate risks in the shire until 2033. These actions aim to reduce exposure to impacts, reduce sensitivity to risks, and increase adaptive capacity to the consequences of climate change.

To embed climate change resilience across the organisation and mitigate the associated compounding risks a costed action plan has been developed and is included within the strategy. Implementing the action plan will enable Council to meet legislative obligations and mitigate the highest rated, most immediate climate change associated risks in the shire. This work compliments the Council Liveability Plan, the Sustainable Environment Policy, the Biodiversity Conversation Strategy, and the Aspirational Energy Transition Plan. A summary of the existing and additional annual costs is detailed below.

**Table 2. Annual cost of action plan**

Year	Council operational funding per year (existing)	Additional Council operational funding (per year) sought	Additional Council capital funding (per year) sought	Total proposed implementation costs
2023-24	30,000	178,000		208,000
2024-25	30,000	315,300	35,000	380,300
2025-26	30,000	417,146	35,000	482,146
2026-27	30,000	356,039	35,000	421,039
2027-28	30,000	318,480		348,480
2028-29	30,000	317,969		347,969

Year	Council operational funding per year (existing)	Additional Council operational funding (per year) sought	Additional Council capital funding (per year) sought	Total proposed implementation costs
2029-30	30,000	295,509		325,509
2030-31	30,000	333,099		363,099
2031-32	30,000	310,741		340,741
2032-33	30,000	363,436		393,436
<b>Total</b>	<b>\$300,000</b>	<b>\$3,205,719</b>	<b>\$105,000</b>	<b>\$3,610,719</b>

In total, the action plan requires a budget of \$3,610,719 of which \$300,000 exists within the recurrent operational budget. Therefore, an additional \$3,310,719 is required over the 10-year delivery of the action plan. A cost comparison between the draft action plan and final action plan identifies an increase of \$10,000 over the 10-year delivery period.

### Conclusion

This strategy establishes an adaptation action plan 2023-2033 that will focus Council's resources and efforts to reducing the urgent risks associated with climate change in the shire. The strategy prescribes risk treatments to manage the priority climate related risks, which are projected to manifest over the next 10 years. The update and review of existing council policies and plans will support the strategy and ensure that long-term adaptation planning prepares council for further changes to the climate and mitigates community risk to the adverse impacts of climate change in the shire.

Delivering the costed 10-year action plan, will meet the statutory obligations by reducing risks related to the adverse impacts of climate change in the shire. The addition of a Climate Resilience Officer role will support the implementation of actions presented in the Strategy. The council adaptation strategy directs initiatives to address the climate change risks and ensures council does its part to support adaptation across the shire to the adverse impacts of natural hazard events.

**Resolution**

Moved Cr Jack Kowarzik, seconded Cr Collin Ross.

That Council adopt the attached Climate Change Adaptation Strategy

Carried

## 6.2.2 Declaration of Special Charge Scheme - Sealing the Hills - Halcyon-Seaview (Cockatoo) Catchment

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

### Recommendation(s)

That Council notes:

1. That following the issue of the notice of decision by Council to declare a special charge scheme on 16 May 2022, to part fund the construction of Alexander Road, Halcyon Grove, Maurice Street, Jeanne Street, Lowen Road, Stringybark Road, Fern Gully Road, Seaview Road and Gum Street, Cockatoo, 3 written 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 Alexander Road, Halcyon Grove, Maurice Street, Jeanne Street, Lowen Road, Stringybark Road, Fern Gully Road, Seaview Road and Gum 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 \$6,810,000.
- i. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$1,064,000.
- 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).

*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 - 23 pages]
4. Updated Apportionment Table [6.2.2.4 - 4 pages]
5. CONFIDENTIAL - Submissions Table - Circulated to Councillors only [6.2.2.5 - 2 pages]

### Executive Summary

This report proposes to have a special charge declared to part fund the construction of Alexander Road, Halcyon Grove, Maurice Street, Jeanne Street, Lowen Road, Stringybark Road, Fern Gully Road, Seaview Road and Gum Street, Cockatoo. It follows Council's resolution of 16 May 2022 to communicate its intention to declare a special charge for this purpose.

The Halcyon-Seaview (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 91% 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 \$6,810,000 of which \$1,064,000 is proposed to be funded via the proposed special charge contribution received from the included property owners. This will leave an approximate balance of \$5,746,000 to be funded from the Australian Government grant.

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

Following Council's resolution on 16 May 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. 3 written submissions were received in the prescribed 28-day submission period. Details of these submissions are outlined in attachment 5 of this report.

## Background

The Halcyon-Seaview (Cockatoo) catchment that includes Alexander Road, Halcyon Grove, Maurice Street, Jeanne Street, Lowen Road, Stringybark Road, Fern Gully Road, Seaview Road and Gum Street, Cockatoo is included for construction in Council's *Sealing the Hills* program. The properties included are shown on the plan included as attachment 2 to this report.

A survey of the property owners within the scheme boundary, (total of 150), 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	150	100%
No. of responses received	54	36%

No. of responses supporting the scheme	49	91%
No. of responses opposing the scheme	05	09%

Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Alexander Road, Halcyon Grove, Maurice Street, Jeanne Street, Lowen Road, Stringybark Road, Fern Gully Road, Seaview Road and Gum Street, Cockatoo.

Following Council's resolution on 16 May 2022, affected property owners were notified of the intention to declare a special charge scheme.

Council received 3 written submissions, of which, 1 was in support while the other 2 were in opposition to the scheme. The main concerns were regards to funds, survey responses and increase in rates. 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 16 May 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 February 2022 to the property owners of Alexander Road, Halcyon Grove, Maurice Street, Jeanne Street, Lowen Road, Stringybark Road, Fern Gully Road, Seaview Road and Gum Street, Cockatoo outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal.

With Covid-19 restrictions being eased mid-February after initial letter was mailed out to property owners, no face-to-face community consultation was undertaken. However, property owners were provided with the opportunity to speak directly to the project engineering and



special charge scheme officers and to view the preliminary construction design plans and special charge scheme information online.

In March 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, 54 questionnaire responses from 150 properties were received.

Following the Council resolution on 16 May 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	\$6,810,000
Total Council contribution (approx. 84%)	\$5,746,000
Benefiting property owner contribution (approx. 16%)	\$1,064,000

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 Alexander Road, Halcyon Grove, Maurice Street, Jeanne Street, Lowen Road, Stringybark Road, Fern Gully Road, Seaview Road and Gum 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 notes:

1. That following the issue of the notice of decision by Council to declare a special charge scheme on 16 May 2022, to part fund the construction of Alexander Road, Halcyon Grove, Maurice Street, Jeanne Street, Lowen Road, Stringybark Road, Fern Gully Road, Seaview Road and Gum Street, Cockatoo, 3 written 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 Alexander Road, Halcyon Grove, Maurice Street, Jeanne Street, Lowen Road, Stringybark Road, Fern Gully Road, Seaview Road and Gum 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 \$6,810,000.

- i. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$1,064,000.
- 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).

3.

*There are no incentives for prompt payment, rebates or concessions associated with this special charge.*

Carried

## 6.2.3 SCS - Red-Boyd Catchment

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

### Recommendation(s)

That Council:

1. That Council notes that following the issue of the notice of decision by Council to declare a special charge scheme on 16 May 2022, to part fund the construction of Red Road, Boyd Road, Ramage Lane, Ritchie Street and Williamson Road Gembrook, 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 Red Road, Boyd Road, Ramage Lane, Ritchie Street, Williamson Road Gembrook including sealed road pavement, kerb & channel and associated drainage and incidental works. Council considers that these works will be of special benefit to those persons required to pay the special charge, (and who are described in succeeding parts of this resolution).
  - c. The special benefit accruing to those properties to be levied is considered to include improved access, improved amenity and appearance, improved roadside drainage, reduced mud and dust, reduced erosion and lessened nuisance.
  - d. The following be specified as the area for which the special charge is declared:
    - 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 \$5,860,000.00.
- i. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$ 444,500.00.
- 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. Red Boyd Apportionment 1 [6.2.3.1 - 6 pages]
2. Red - Boyd Road Gembrook Catchment - Concept Plans [6.2.3.2 - 25 pages]
3. Checklist Red Boyd [6.2.3.3 - 1 page]
4. Red Boyd Maps [6.2.3.4 - 3 pages]

### Executive Summary

This report proposes to have a special charge declared to part fund the construction of Red Road, Boyd Road, Ramage Lane, Ritchie Street and Williamson Road Gembrook. It follows Council's resolution of 16 May 2022 to communicate its intention to declare a special charge for this purpose.

The Red Road, Boyd Road, Ramage Lane, Ritchie Street and Williamson Road Gembrook 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 87.5% 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 \$5,860,000.00 of which \$444,500.00 is proposed to be funded via the proposed special charge contribution received from the included property owners. This will leave an approximate balance of \$5,415,500.00 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). 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 16 May 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 Red-Boyd catchment that includes Red Road, Boyd Road, Ramage Lane, Ritchie Street and Williamson Road Gembrook 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 67), 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	67	100%
No. of responses received	24	35.82%
No. of responses supporting the scheme	21	87.5%
No. of responses opposing the scheme	3	12.5%



Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Red Road, Boyd Road, Ramage Lane, Ritchie Street and Williamson Road Gembrook.

Following Council's resolution on 16 May 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 16 May 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 February 2022 to the property owners of Red Road, Boyd Road, Ramage Lane, Ritchie Street and Williamson Road Gembrook 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 March 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 24 questionnaire responses from 67 properties were received.

Following the Council resolution on 16 May 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	\$5,860,000.00
Total Council contribution (approx. 92.4%)	\$5,415,500.00
Benefiting property owner contribution (approx. 7.6) %	\$444,500.00

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 Red Road, Boyd Road, Ramage Lane, Ritchie Street and Williamson Road Gembrook including a sealed road pavement, kerb and channel and associated drainage and ancillary works, generally in accordance with the concept plans included in attachments 3.

## Resolution

Moved Cr Brett Owen, seconded Cr Collin Ross.

That Council:

1. That Council notes that following the issue of the notice of decision by Council to declare a special charge scheme on 16 May 2022, to part fund the construction of Red Road, Boyd Road, Ramage Lane, Ritchie Street and Williamson Road Gembrook, 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 Red Road, Boyd Road, Ramage Lane, Ritchie Street, Williamson Road Gembrook including sealed road pavement, kerb & channel and associated drainage and incidental works. Council considers that these works will be of special benefit to those persons required to pay the special charge, (and who are described in succeeding parts of this resolution).
  - c. The special benefit accruing to those properties to be levied is considered to include improved access, improved amenity and appearance, improved roadside drainage, reduced mud and dust, reduced erosion and lessened nuisance.
  - d. The following be specified as the area for which the special charge is declared:
    - 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 \$5,860,000.00.
  - i. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$ 444,500.00.
  - 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

## 6.2.4 2022-2023 Community Capital Works Grants

**Responsible GM:** Lili Rosic  
**Author:** Helena Moloney

### Recommendation(s)

That Council endorses:

- 16 Community Capital Works Partnership Grants (CCWG) – Category One applications to be funded to the value of \$320,000
- 11 Community Capital Works Grants (CCWPG) – Category Two applications to be funded to the value of \$163,342.41

### Attachments

1. CONFIDENTIAL - Confidential - CCWG Approved Grants [6.2.4.1 - 3 pages]

### Executive Summary

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

A total of 39 applications were received under the three grant categories as part of the 2022/23 Community Capital Works Grants applications process.

Applications were initially assessed for eligibility. All eligible applications were then reviewed by the Internal Council Cross Divisional Group (ICCDG) assessment panel.

A total of 26 applications were received under Category One. Council officers recommend supporting 16 of these applications to the value of \$320,000.

A total of 13 applications were received under Category Two. Council officers recommend supporting 11 of these applications to the value of \$163,342.41.

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

### Background

A total of \$491,597 is available through the 2022-2023 Community Capital Works Grants program.

The 2022-23 Community Capital Works Grant round consisted of 3 program categories:

- Category 1 (CCWG) – Up to \$20,000 available per project. All works to be carried out will be co-ordinated by Council, with no matched funding asked of by the Community Group and no works undertaken by the group.
- Category 2 (CCWPG) – Up to \$35,000 available per project. Grant contribution by the Community Group is based on a rating scale depending on the overall annual income of the group. The rating scale being:
  1. Up to \$5,000 – 10% contribution

2. \$5,000 – \$15,000 – 30% contribution
3. \$15,000 and above - 50% contribution

**Project works are managed by the applicant.**

- Category 3 – Up to \$20,000 available for groups to purchase major equipment. All projects will be funded on a matched funding basis: 50% from Council and 50% from the group.

Applications for the 2022-2023 Community Capital Works Grants opened on 10 January 2022 and closed on 11 March 2022.

A total of 26 applications were received under Category One, 13 were received under Category Two and none were received under Category Three.

Grants were firstly assessed against the eligibility criteria. Where an application was ineligible, Council officers worked with the applicants to assist them to satisfy the eligibility requirements and where this was not possible, applicants were advised, and their application did not progress.

Council officers from across Council were involved in the assessment process for each application and considered building, planning, risk and OHS matters. An assessment panel comprising Council officers met and further reviewed the applications in accordance with the Community Capital Works Grant Policy. The following projects are recommended for funding:

- 16 Community Capital Works Partnership Grants (CCWG) – Category One applications to be funded to the value of \$320,000
- 11 Community Capital Works Grants (CCWPG) – Category Two applications to be funded to the value of \$163,342.41.

The Community Capital Works Grants projects will assist successful community groups to upgrade community and recreational facilities that are used to strengthen local community networks and support community wellbeing. Improvements to facilities funded through this program will boost people's participation and involvement in their local communities.

### **Policy Implications**

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

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

### **Relevance to Council Plan**

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



1.1.4 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.

## **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.

### **Climate Emergency Consideration**

Environmental upgrades are a key component of the Community Capital Works Grants program and policy. Applications were considered in line with the policy and many of the recommended applications provide an environmental benefit.

### **Consultation/Communication**

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

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

### **Financial and Resource Implications**

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

### **Conclusion**

Following an extensive promotion and assessment process, Council received 26 applications for a Community Capital Works Grant. Council officers recommend supporting 16 Category One applications to the value of \$320,000 and 11 Category Two applications to the value of \$163,342.41.

## **Resolution**

Moved Cr Jack Kowarzik, seconded Cr Brett Owen.

That Council endorses:

- 16 Community Capital Works Partnership Grants (CCWG) – Category One applications to be funded to the value of \$320,000
- 11 Community Capital Works Grants (CCWPG) – Category Two applications to be funded to the value of \$163,342.41

Carried

## 6.2.5 Disbandment of Lang Lang Hall Community Asset Committee

**Responsible GM:** Lili Rosic  
**Author:** Helena Moloney

### Recommendation(s)

That Council resolves to disband the Lang Lang Memorial Hall Community Asset Committee, established by the Council on Monday 20 July 2020 under the provisions of Section 65 of the Local Government Act (2020), and thank the members of the committee for their contribution to the community.

### Attachments

1. LANG LANG MEMORIAL HALL COMMITTEE resignation letter [6.2.5.1 - 1 page]

### Executive Summary

The Lang Lang Memorial Hall Community Asset Committee has struggled over the past years to attract volunteers and new committee members. The existing committee advised Council that they found the governance and reporting requirements associated with managing the hall very challenging despite the administrative support provided by council officers. A special committee meeting was called on the 21<sup>st</sup> July 2022 where the current committee determine to resign as the caretakers of the Lang Lang Memorial Hall Committee, and to hand back the facility and its management to council.

### Background

The Lang Lang Memorial Hall Community Asset Committee was appointed by the Council on 20 July 2020 and has the duty to 'provide a public community centre for the hire of individuals and organisations which will be of benefit and use for present and future residents of Cardinia Shire' as detailed in their instrument of delegation. The current committee have taken on this role for a significant period of time and despite trying to attract new members, the committee has remained the same.

The committee have notified Council that the governance and reporting requirements are now beyond their capability. Community Asset Committees are required to comply with COVID-19 directions and risk, occupational health and safety and Governance provisions, as detailed by Council and included in the Local government Act (2020). The committee have advised Council officers that they have not been able to recruit new members. At a special committee meeting held on Thursday 21<sup>st</sup> July, 2022, only three community members, in addition to the committee and Council officers attended. At this meeting the committee tendered their resignation and handed the management of the Lang Lang Hall to Council.

Council officers will work with the committee to transition all aspects of the hall management back to Council.

Council thanks the outgoing committee members for their significant commitment and contributions to the hall and their willingness to work with Council to make the transition as smooth as possible.

## **Policy Implications**

Nil

## **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.

## **Climate Emergency Consideration**

N/A

## **Consultation/Communication**

The broader community were advised of the committee's intention to resign and were invited to attend the meeting.

The local community will be notified of the change of management of the facility and Council will work with the hall's existing/regular hirers.

Committee members will be formally thanked for their service.

## **Financial and Resource Implications**

There are no costs associated with disbanding the Lang Lang Hall Community Asset Committee. Existing bookings will proceed with Council officer support.

## **Conclusion**

On the request of the Lang Lang Memorial Hall Community Asset Committee, it is proposed to disband the committee and return the Hall to Council management. Subject to Council endorsement, Council officers will write to the committee advising them of the resolution and thanking them of their service to the community.

**Resolution**

Moved Cr Kaye Cameron, seconded Cr Graeme Moore.

That Council resolves to disband the Lang Lang Memorial Hall Community Asset Committee, established by the Council on Monday 20 July 2020 under the provisions of Section 65 of the Local Government Act (2020), and thank the members of the committee for their contribution to the community.

Carried

## 6.3 Policy Reports

### 6.3.1 Amendment to Governance Rules - Virtual meetings

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

#### Recommendation(s)

That Council amend the Governance Rules, as attached, to make provision for the conduct of Council Meetings via electronic means as required by recent amendments to the Local Government Act 2020.

#### Attachments

1. Updated Governance Rules July 2022 [6.3.1.1 - 32 pages]

#### Executive Summary

At the start of the COVID restrictions amendments were made to the Local Government Act 2020 (the Act) to allow for virtual council meetings so that councils can continue to make decisions during the pandemic. These measures came in force on 1 May 2020.

These requirements will conclude on 2 September 2022 and to allow for virtual meeting to continue Councils are required to include provisions in their own Governance Rules.

#### Background

The Victorian Government's Regulatory Legislation Amendment (Reform) Act 2022 (Reform Act) introduces into the Act provisions relating to electronic attendance and participation in council meetings and delegated committees on a permanent basis. The new provisions take effect on 2 September 2022.

The Reform Act introduces provisions into Part 3 Division 2 of the Act (section 60) that require a council to develop, adopt and keep in force Governance Rules relating to:

- the conduct of council (and delegated committee) meetings held by electronic means; and
- requesting and approving attendance by electronic means.

The Minister for Local Government has released a good practice guideline relating to virtual meetings and the recommended amendments to the Governance Rules are in accordance with this guideline.

It is usually the case that any amendments to the Governance Rules require a process of community engagement before any amendments can be introduced, however this requirement does not apply if the Council is amending a Governance Rule that only adopts a good practice guideline issued by the Minister.

#### Policy Implications

This recommended amendment to the Governance Rules included the following



- Amending the definitions of 'Committee meeting' and 'Council meeting' to include meetings  
*convened in accordance with these Governance Rules and includes a scheduled or unscheduled meeting (whether held as face-to-face attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance*
- Inclusion of a new Clause 3.1 that makes provision for the holding of virtual meetings and provided a structure for their conduct as follows:

### 3.1 Virtual Council Meeting

3.1.1 The Local Government Act 2020 allows Councillors and members of delegated committees to participate in meetings remotely by electronic means of communication.

3.1.2 A member's remote attendance can only be recorded as present where the member can confirm that:

1. They can hear proceedings:
2. They can see other members in attendance and can be seen by other members:
3. They can be heard (to speak)

3.1.3 Other than situations where COVID restrictions are such that face-to-face (in-person) meetings are not appropriate it is the Councils preference that Ordinary and Special Council Meetings and Committee meetings are held as face-to-face (in-person) meetings however if a Councillor is unable to attend in person that Councillor may, with approval, attend via electronic means.

3.1.4 Councillors who wish to attend a meeting via electronic means may submit a request to the Manager Governance in writing or verbally by midday of the day of the meeting stating the reason for requesting electronic attendance.

3.1.5 Approval to attend via electronic means will not be unreasonably withheld. It will remain the responsibility of the Councillor attending electronically to ensure that they have the required access and environment suitable for electronic communications, including sufficient safeguards to ensure that consideration of any confidential matters will not be seen or heard by other persons.

3.1.6 When a meeting is being held that involves both in person attendance and remote attendance (a hybrid meeting) and the Mayor is required to attend remotely the Deputy Mayor will assume the role as Chairperson of the meeting. If the Deputy Mayor is also not able to attend in person then a Temporary Chairperson will be elected from the Councillors present in person at the meeting

## Relevance to Council Plan

### 5.1 We practise responsible leadership

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

## Climate Emergency Consideration

There are no climate change considerations associated with this recommended amendment to the Governance Rules

### **Consultation/Communication**

As the Council is adopting a good practice guideline issued by the Minister for Local Government there is no requirement for a process of community consultation to be held regarding this amendment to the Governance Rules.

### **Financial and Resource Implications**

There are no financial or resource implications associated with this matter

### **Conclusion**

For the Council to be able to continue holding virtual Council and Committee Meetings it is necessary for the Governance Rules to be amended accordingly. It is respectfully submitted that the Governance Rules be amended accordingly.

**Resolution**

Moved Cr Tammy Radford, seconded Cr Kaye Cameron.

That Council amend the Governance Rules, as attached, to make provision for the conduct of Council Meetings via electronic means as required by recent amendments to the Local Government Act 2020.

Carried

## 6.4 Financial Reports

### 6.4.1 Animal Pound Services Tender 22-014

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

#### Recommendation(s)

It is recommended that Council approve the award of contract 22-014 to the Lost Dogs Home, following the public tender outlined in this report.

#### Attachments

1. CONFIDENTIAL - Tender Evaluation Report 22 014 Animal Pound Services July 2022  
[6.4.1.1 - 4 pages]

#### Executive Summary

In order to fulfill its obligations under the Domestic Animals Act, Council must have the capacity to seize and impound nuisance domestic animals (in particular dogs and cats). Under Section 84Y of the Act, Council may engage an 3<sup>rd</sup> party to fulfill that function, and this is an attractive solution, given the extensive regulation and codes of practice that must be adhered to by an entity holding domestic animals.

During the tender process, 1 tender was received, which was considered favourably by the panel.

The full tender assessment report is attached to this report.

#### Background

In order to fulfill its obligations under the Domestic Animals Act, Council must have the capacity to seize and impound nuisance domestic animals (in particular dogs and cats). Under Section 84Y of the Act, Council may engage an 3<sup>rd</sup> party to fulfill that function, and this is an attractive solution, given the extensive regulation and codes of practice that must be adhered to by an entity holding domestic animals.

The cost of animal impoundment is partially defrayed by the capacity to charge fees prior to the release of animals back to their owners. This most typically occurs when an animal is impounded after being found wandering, or when a dog is impounded following a dog attack.

Most southern metro Councils use a single provider, and there is limited market for alternatives. During the tender process, 1 tender was received, which was considered favourably by the panel.

#### Details of tenders

A public tender was called on [28 May 2022](#). During the open period 0 questions were asked and 0 addendums created. Tender closed on [21 June 2022](#), with 1 submission received from the following:

Tenderer	Submitted Price	Conformance
The Lost Dogs Home	An itemised cost schedule provided. Estimated annual cost of contract in 22/23 = \$197,695	Conforming

### Conflict of Interest

All members completed and signed the required Conflict of Interest forms (COIs), with no conflicts identified.

### Evaluation Plan/Criteria

An Evaluation consisting of the criteria as shown in the table below, was scored against all conforming tenders for both weighted and non-weighted criteria to ensure the viability of the submissions and to ensure that value for money results were achieved.

Evaluation Criteria	Weightings
Compliance with Specification	18%
Capability and Capacity	18%
Relevant experience and past performance of the tenderer	18%
Quality system, occupational health and safety, Environmental systems	18%
Customer Service	10%
Location of service	18%
Financial viability	Non-weighted
Risk and insurance	Non-weighted
Compliance with conditions of contract	Non-weighted
Conflict of interest	Non-weighted

### Tender Assessment

All tenders were assessed and scored using the above criteria, by each panel member independently, with a subsequent meeting held to discuss submissions and determine a final consensus score.

### Justification of Preferred Tenderer

The full tender assessment report is attached to this report.

As the only tenderer, and the current inability to provide an alternative in-house, the Lost Dogs Home is naturally the preferred contractor to provide this service.

The Lost Dogs Home have provided this service to Cardinia Shire Council for many years, and have proven to be a reliable contract partner. Provision of animal shelter/impound services is the core activity. They currently are the exclusive animal pound for 12 metropolitan Councils, including all South East metro Councils.

Standard due diligence and reference checks were completed in respect of this tender, with no adverse information obtained.

The Panel agreed that The Lost Dogs Home be recommended as the preferred tenderer.

## **Relevance to Council Plan**

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

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

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

## **Conclusion**

A public tender was called on 28 May 2022. The tender closed on 21 June 2022, with 1 submission received from the Lost Dogs Home.

The Panel agreed that The Lost Dogs Home be recommended as the preferred tenderer.

**Resolution**

Moved Cr Graeme Moore, seconded Cr Kaye Cameron.

It is recommended that Council approve the award of contract 22-014 to the Lost Dogs Home, following the public tender outlined in this report.

Carried



## 6.5 Activity Reports

### 6.5.1 Environment Council Plan Initiatives Quarterly Report

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

#### Recommendation(s)

That Council note this report.

#### Attachments

1. Environment Council Plan initiatives quarterly report - July 2022 [6.5.1.1 - 8 pages]

#### Executive Summary

This quarterly report provides an update on projects, services and actions that are undertaken by Council to deliver on the Council Plan focus area number three: thriving environments and its associated initiatives.

Priority: We value our natural assets and support our biodiversity to thrive

We place a high value on our natural assets and biodiversity. We take action to help our natural assets and biodiversity thrive and build their resilience to climate change and natural hazards. We enhance green spaces and habitat links, support our communities to live sustainably, and champion sustainable development and waste management practices.

#### Initiatives

The initiatives have been categorised according to the Sustainable Environment Policy (SEP) 2018– 28 themes of: Biodiversity, Climate change, Water, Waste and resource recovery. The SEP is the roadmap for the future direction of Council's environmental and sustainability strategies, plans and activities.

#### Background

There are a broad range of projects, services and actions delivering environmental benefits throughout the organisation. While many of these occur within or are led by the Environment and Infrastructure Group, most of the organisation is involved in environmental sustainability to some degree.

Council Plan initiatives and how they link to the Sustainable Environment Policy themes:

- Biodiversity
  - Implement initiatives in the Biodiversity Conservation Strategy
- Climate change
  - Implement initiatives in the Aspirational Energy Transition Plan
- Water
  - Implement initiatives in the Integrated Water Management Plan
- Waste and resource recovery
  - Implement the action plan for the Waste and Resource Recovery Strategy

This report also covers the Council Plan initiative *actively protect key heritage sites within the shire*.

**Project Update**

Projects and updates are included in the attached report.

**Resolution**

Moved Cr Graeme Moore, seconded Cr Kaye Cameron.

That Council note this report.

Carried

## 6.5.2 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

Nil.

### Consultation/Communication

This month, the following Engagement Plans are being implemented:

<b>Community engagement activity July to end August 2022</b>			
<b>Project</b>	<b>Project description</b>	<b>Proposed consultation date/s</b>	<b>Responsible Business Unit</b>
<b>Emerald Lake Precinct Masterplan</b>	Engagement on draft masterplan consultation. Following extensive consultation in 2018 and 2019, this next phase of engagement is for the masterplan concept, use of some infrastructure within the reserve along with features and design of some facilities. Engagement activities will include an online survey via Creating Cardinia - Have your say, pop ups and drop-in sessions at the reserve, pop ups at schools, mail-outs to residents living near the reserve and posters with QR codes to link to the online survey will be distributed.	1 July (Closes end August)	Active and Connected Communities (LC)
<b>Playgrounds - Annual Renewal Program</b>	Three playgrounds are scheduled for upgrades as part of the Annual Renewal Program. Phase 1 engagement via the Creating Cardinia - Have your say page invites community members to share how they use these reserves and what equipment they would like to see included in the new playground designs. Following phase 1, detailed designs informed by the community feedback will be made available via the Creating Cardinia - Have your say page for the community to vote for their preferred option.	Proposed 1 August (Closes 28 August)	Active and Connected Communities (LC)

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**

Nil.

**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 Tammy Radford, seconded Cr Jack Kowarzik.

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

Carried

## 6.5.3 Quarterly Performance and Growth Report - Q4 2021-22

**Responsible GM:** Jenny Scicluna  
**Author:** Porshia Sidhu

### Recommendation(s)

The Performance and Growth Reports for Quarter 4 2021-22 be received and noted.

### Attachments

1. Performance Report 2021-22 Q4 [6.5.3.1 - 18 pages]
2. Council Plan Initiative - Progress Report 2021-22 Q4 [6.5.3.2 - 17 pages]
3. Growth Report 2021-22 Q4 [6.5.3.3 - 6 pages]

### Executive Summary

The new Council Plan 2021-25 was adopted at the Council Meeting on Monday 21 June 2021. This is the first reporting year for the new Council Plan. The Council Plan is structured around 5 strategic objectives that underpin the overarching strategic direction for the next 4 years. Under each strategic objective is a series of strategies, initiatives, and indicators. Council committed to undertake work on 36 Council Plan initiatives during the 2021-22 financial year. The organisation completed 33 initiatives, achieving 92% Council Plan completion.

82% of incoming service requests across the organisation were actioned and closed within service standard. While this result is below our target of 90%, it should be noted that the organisation has been required to manage staffing difficulties during this time with the coronavirus pandemic taking a toll on its workforce.

The service levels achieved for unsealed road related requests and drainage related requests this quarter were 75% and 59% respectively. While these results are below our 90% target, unsealed road service level is close to its highest level in the last three years. The planned integration between Council's Customer Relationship Management System (CRMS) and Reflect, Council's inspection and maintenance management system, should ultimately result in improving these results further.

The percentage of calls answered within 300 seconds by the Customer Support team was 39% for the quarter. This has, unfortunately, declined from the last quarter's result, with our capacity being heavily influenced by further staff turnover, and unplanned leave, within the team. This quarter saw the Customer Support team workforce at 35% under budgeted level. Hiring of permanent staff is currently underway. There will be an initial period of retraining for these staff members but, providing no other staffing issues occur, we should be in good standing to see improvement on these results.

We have observed notable improvements in the results of a couple of Local Government Performance Reporting Framework (LGPRF) service measures, those being 'Animals Reclaimed', and 'Councillor Meeting Attendance'. It appears there have also been notable reductions in performance for some measures, such as 'Time Taken to Action Food Complaints', 'Time taken to action Animal Requests' and 'Planning App Decisions in 60 Days'. All other measures have remained relatively stable this quarter.

Population growth within the Shire has been stable, with four households moving into the Shire per day. Subdivision land activity has slowed this quarter, with new construction of sealed roads and new construction of footpaths both significantly lower than that of the same time last year, with decreases of 39% and 41% respectively. This result is in part due to the reduction in estate developments this year to date.

## **Background**

### ***CEO Report***

The fourth quarter of 2021/22 has rounded off the financial year positively for Council, as not only have we faced some interesting challenges, but we have also maintained a high level of commitment to community services.

In addition, we have also welcomed many new residents to the area, with an average of four new households calling Cardinia Shire their home each day – and we look forward to welcoming many more in the future!

### **Key strategies adopted**

Many key strategies were adopted by Council this quarter, including the new Domestic Animal Management Plan, which provides information on the daily operation of the Council, the current programs Council has in place and the policies the Council has adopted in relation to animal management matters.

Council's first Asset Plan and a new open-air fires local law were also adopted this quarter.

Council has also adopted its 2022-26 budget, following a final round of community consultation on the draft document in April and May this year. The budget reflects Council's prudent fiscal management, which has enabled more than \$318m of capital works over four years to be included in the budget and all vital community services to be maintained or enhanced.

### **Supporting our community**

This quarter saw the launch of Cardinia Shire Council's Leadership Commitment Statement for Gender Equality at a series of Together We Can 2022 Community Leadership Summits. More than 200 people attended the three summits to raise awareness of the Together We Can initiative to 'stop, prevent and end family violence in Cardinia Shire'.

Our new Access and Inclusion Disability Strategy and Action Plan was also officially launched this quarter at an event at Cardinia Life, which featured a wheelchair AFL game between Hawthorn and Richmond which saw the Hawks win by one point.

We were also grateful to our community for providing their valuable input on a number of plans and strategies, such as the proposed Active Cardinia Strategy, draft Emerald Lake Precinct Masterplan, bookable hard waste and the draft Road Management Plan.

Council continued to support our residents and business community this quarter through the lasting impacts of the COVID-19 pandemic, with initiatives such as business breakfasts and information sessions.

### **Advocating for Cardinia**

This quarter we have taken action to deliver on important local issues, such as attracting 22 new health and social services into Cardinia Shire through the Services for Success framework. The actions that we have focussed on are priorities that will benefit all our local communities, and we have worked hard to increase overall community satisfaction.

Council continues to advocate to the state and federal governments, further highlighting our community's key priorities, such as; better public transport, better mental health services, better access to jobs, better sport and recreation and better protection for our environment.

Cardinia Shire has so much to offer, and therefore it was a great achievement for Council that the Cardinia Shire Tourism Advisory Committee was established, which will hopefully shine an even greater light on our wonderful shire.

We look forward to continuing to work with our community to achieve our shared goals and further advocate for Cardinia Shire.

### **Our shire's major projects and roads**

The Sealing the Hills program is progressing nicely, with Beenak East Road in Gembrook being the latest road to commence in construction. Council officers are meeting fortnightly and monthly with the project teams delivering major roads projects in our region to ensure better transport outcomes are considered in the design of the infrastructure.

We have continued to work hard to deliver on major projects across the shire, with several being completed this quarter.

The preparation of a feasibility plan for the redevelopment of Cardinia Life has been completed, with project management documentation and a community engagement consultation brief being developed after the completion of community engagement.

The Orange Door Access Point, a one-stop-shop for people experiencing or perpetrating family violence, is now officially located in Pakenham. Council successfully advocated for this service to be located in Cardinia Shire and worked in partnership with Family Safety Victoria to implement the service.

The final quarter of this financial year has also seen a focus on social and affordable housing as Council are committed to working with the Victorian Government and stakeholders in this area. This quarter, Council officers have made connections with Aboriginal Housing Victoria to progress projects in Cardinia Shire.

Further information about Council's progress this quarter can be found on the following pages.

We look forward to continuing to develop and enhance the presence of our growing shire!

**Carol Jeffs**  
**Chief Executive Officer**  
**Cardinia Shire Council**

## ***Government Interaction***

### ***Government Advocacy***

Council works with all levels of Government to lobby for action on important local issues and works hard to influence government priorities that will benefit our local communities. Council also works with other groups of Councils, such as South East Melbourne and Interface, to facilitate investment into the broader region.

An advocacy package has been prepared detailing Council's priorities for the municipality and this was used to lobby local members of parliament and candidates in the lead up to the Federal Election and will also form a large part of the advocacy effort leading up the forthcoming State Election in November

### ***Grant applications***

Council continues to rely heavily on rate revenue to fund the provision of infrastructure and services. Due to the Victorian Government's rate cap, Council is limited in the amount of revenue it is able to achieve through rates and is required to have a strong focus on seeking grants.

For the financial year 53 grant applications were lodged under various programs, 40 applications have been successful for a total of \$28.5M.

### ***Legislative Program***

The staged implementation of the Local Government Act 2020 concluded on 30 June and Council was able to have all required policies, plans and new initiatives required implemented in accordance with this staged approach. The Audit and Risk Committee has been monitoring this timetable.

Council is monitoring the Victorian Government's progress in reform of Victoria's building system following the introduction of the *Building, Planning and Heritage Legislation Amendment (Administration and Other Matters) Bill 2022*. This Bill has the potential to shift substantial risk and costs on to Councils without providing any benefit to Councils or homeowners.

## Performance Summary

### Council Plan Performance

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

There were 36 Council Plan initiatives due to be completed during the 2021-22 financial year, of which 3 initiatives (8%) are off track (not at the expected level of completion at the end of the financial year). Please refer to Figure 1 for further details.

Figure 3. Council Plan Initiative Performance



Figure 4.

### Strategic Indicator Performance

This is the first year for reporting the Strategic Indicators in the Council Plan. Strategic indicators are for monitoring and measuring success against the strategic objectives in the Council Plan. We currently have 22 Strategic indicators in 2021- 25 Council Plan that are reported annually. For most of the indicators, 2021-22 is the baseline year and will act as the basis for future comparisons. Please refer to 'Performance Report 2021-22 Q4' for more comprehensive information.

### Service Request Performance

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

#### Organisation Performance:

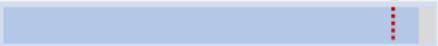
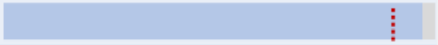

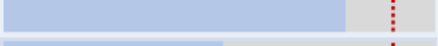
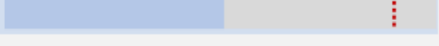
82% of incoming service requests across the organisation were actioned and closed within service standard, below our target of 90%. It is important to note that, across the reporting period, the organisation has been required to manage staffing difficulties resulting from the toll that the coronavirus pandemic has taken on our workforce, while the number of incoming service requests increased by 9%, compared to the same time last year.



Table 1 illustrates the top five service categories by volume and their service level, for the quarter. A focus on improving service levels across the below service categories is expected to have a strong effect on the overall service level for the organisation.

For the first time this year ‘Council Properties’ has appeared in the top five service request category results by volume. One of the reasons for the higher than usual request volume is that maintenance has been required to attend to building issues as we emerge from the pandemic. Also, an improvement project is underway to raise a customer request (CR) for every job done by Council’s main contractor in this area. The service level result is 51% due to various reasons, such as contractors closing requests after the due date, stakeholders raising duplicate requests, or requests being assigned to contractors outside of the main contractor for building issues.

**Table 1. Top 5 Service Request Categories by Volume, and their Service Levels**

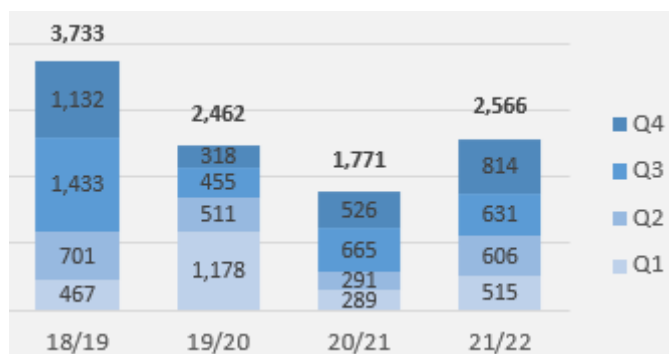
				90% target
1	Waste – Kerbside Bin Issue	2,248	96%	
2	Waste – Kerbside Bins Change	1,131	97%	
3	Roads – UNSEALED	814	75%	
4	Planning	739	79%	
5	Council Properties	649	51%	

#### Operations Performance:

Council maintains a large unsealed road network. Maintenance works consist of both grading and resheeting, done on a cyclic basis, along with responses to defects caused by adverse weather conditions such as storms or long dry spells. All works are conducted in accordance with Council’s Road Management Plan, which ensures that the network is kept in a safe and trafficable condition.

The service level for unsealed road related requests this quarter was 75%, lower than our 90% target. It should be noted, however, that while there was a 45% increase in the number of unsealed road services requests received, compared to the same time last year, the overall service level performance for unsealed road requests has increased by 23% against the same period.

The number of hours spent grading unsealed roads was 8% higher compared to the same time last year. Despite this, there has been an increase in the number of corrugation or pothole complaints, with the year-to-date figure 58% higher than the same time last year.

**Figure 5. Unsealed road service requests due**

Unsealed road service requests are recorded initially through the CRMS, however, the work to resolve the service request is handled through the inspection and maintenance management system called Reflect. Therefore, a service request logged in the CRMS represents a request for inspection and should be closed as soon as practicable following completion of the relevant inspection. This is currently a manual process, and, as such, delays in the closing of requests can occur. An improvement project, to integrate Council's Reflect with the CRMS, is currently underway. It is anticipated that this project will greatly reduce the time between completion of the requested inspection, and the closing of the request in the CRMS.

Council also maintains over 3000 km of open surface drains. These drains are cleaned out using a maintenance system that is driven by proactive inspections, and reactive works, and supplemented by responding to flooding issues following storms. Works are prioritised based on risk to property or person.

The number of linear metres of surface drains cleared is 34% lower than the same time last year. Last year's significant increase in this area was due to the availability of resources, a combination of both internal staff and contractors, at that time. The number of linear metres of underground drains cleared, during the most recent quarter, has increased by 203% compared to the same time last year. This result was due to an increase in demand for drainage pipe and pit cleaning. The current service level for drainage related requests is 59%. As the drainage service requests are also managed through the Reflect system, it is expected that the integration project mentioned above will also improve the efficiency of closing the requests in the CRMS, and therefore have a positive effect on the accuracy of reporting.

#### ***Waste Management Performance:***

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

Waste management performance results continue to meet the organisation's target, achieving a 96% service standard for the quarter. Waste disposal and recovery statistics remained stable, with under 1% more garbage waste being sent to landfill, compared to the same time last year. The amount of recycling recovered this quarter has decreased by 2% while green waste mulched decrease by 2%, compared to the same time last year.

#### **Customer Support Call Performance**

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

We currently report our Customer Support call service level as the percentage of calls that are answered in 300 seconds, with our target being 80% of calls answered within 300 seconds. The service level for the quarter was 39%. The average amount of time a customer spent waiting in the call queue was 389 seconds, higher than last quarter's result of 311 seconds. The average amount of time taken by Customer Support Officers to finalise call details following conclusion of a call is referred to as the After-Call Work Time. The result this quarter, for this metric, was 126 seconds, lower than the 138 seconds reported last quarter, but above our target of 105 seconds. The Abandoned Call rate was 26% this quarter, higher than last quarter's result of 23%, and significantly above our target of 3%.

These results have been heavily influenced by further staff turnover within the team. This quarter saw the Customer Support team workforce at 35% under planned level. This was due to two secondment extensions, two staff obtaining other roles within the organisation, two staff resigning and three temp staff covering secondments moving into permanent roles – leaving three secondment positions open. Due to the short time left on the secondment roles, attempts were made to fill these positions with contractors. After successfully hiring two contractors, one left due to gaining employment elsewhere and the other was on unplanned leave for the last seven weeks of their contract. Attempts to further backfill using contractors failed, with three successful applicants pulling out of the process either the day prior or day of their start. Recruitment activities have been instigated to fill these deficiencies in our workforce, and these activities will continue until we are working with the number of team members that we have planned for.

### **LGPRF Performance**

The Local Government Performance Reporting Framework (LGPRF) is a platform for key local government service and financial measures. The measures are reported annually in Council Annual Reports and published on the Know Your Council website.

We have observed a notable improvement in the results of several Local Government Performance Reporting Framework (LGPRF) service measures, those being 'Animals Reclaimed', 'Councillor Meeting Attendance', and 'Missed Bins'. It appears there have also been notable reductions in performance for some measures, such as 'Time Taken to Action Food Complaints', 'Time taken to action Animal Requests' and 'Planning App Decisions in 60 Days'. Our performance has declined slightly in some measures, those being 'Council Decisions closed to Public', 'MCH 4 Week KAS\* Participation' and 'Waste Diverted from landfill'.

Council decisions closed to the public increased to 3.54%, given that only 1 matter has been considered at meetings closed to the public this quarter. The councillor attendance rate at meetings is at 91%. Cardinia Shire sealed roads maintained to condition standards has increased slightly to 98.83%. Maternal and Child Health enrolments and the 4-week Key Ages and Stages (KAS) participation rates remain high.

### ***Growth Summary***

Residential development activity drives much of the growth in demand for Council's services and facilities. There are four main precincts across the Shire in which residential land is currently in development. On 21 January 2021, the structure plan for the Pakenham East Precinct was approved and development has now begun. There are approximately 19,000 lots still to be developed across the Shire, the majority of which being within the Officer and the Pakenham East precincts. Residential land development in the Shire had varied results this quarter. The number of residential subdivision lot applications lodged is 34% lower compared

to the same time last year. The number of residential lots issued a statement of compliance is 30% lower compared to the same time last year.

Activity within the property sector can help determine the growth rate within a municipality and therefore assist with future decision making. The number of building permits issued is 18% lower than the same time last year. Residential building completions are lower, with only 162 residential building completions processed this quarter. The number of non-residential building completions processed is 1% lower than the same time last year. That said, it is important to note that there is a backlog of approximately 350 building permits to record on the system, and 450 'additional documents', many of which would represent the documents that help us to identify building activity completions. As such, the numbers should be significantly higher, once the back log is cleared, over the next 4-6 weeks. The decrease in these results is therefore attributable to processing delays in recording the filing of building practitioner documents with Council.

A new household garbage service is requested predominantly when a new home has been completed and is ready to be occupied. This indicator can therefore represent the growth of new households within the Shire. The number of new garbage bin requests received is 4% higher than the same time last year. The household growth rate in the Shire is four households per calendar day for the current financial year.

The Maternal and Child Health statistics are also a lead growth indicator. Birth notices are the number of notifications received from hospitals, for newborn babies in the municipality. There were 469 births in the Shire this quarter. Birth notifications are 6% higher than the same time last year. Maternal and Child Health Enrolments include the number of babies and children, from birth to school age, that visit and enrol at an MCH centre, including children of families moving to Cardinia Shire. Enrolments are 6% higher than the same time last year.

The growth of the sealed road and footpath network provides insight into the progress of infrastructure activity within the Shire. Sealed road growth is due to a combination of subdivision development and Council's sealing of unsealed roads through special charge schemes or other external funding such as Roads to Recovery. There were 2.20 KMs of sealed roads constructed this quarter. Sealed road construction is 39% lower than the same time last year. Footpath growth is due to a combination of footpaths constructed from subdivision development and Council's capital works program. There were 3.72 KMs of footpaths constructed this quarter. The length of footpaths constructed is 41% lower than at the same time last year. There are three factors contributing to the reduction in sealed road and footpath construction. One is the cold and wet seasonal weather, as it is difficult for concrete and asphalt to be laid in these conditions. The second issue is delays in the supply of necessary products, a good example being concrete drainage pipes (currently delayed by 30+ weeks), which need to be installed before roads and footpaths can be sealed. Lastly, staffing issues are a significant concern in the construction industry, due to pandemic related issues such as vaccine mandates and, more recently, significant amounts of unplanned leave.

### **Policy Implications**

Nil

### **Relevance to Council Plan**

5.1 We practise responsible leadership

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

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

### **Climate Emergency Consideration**

Not Applicable

### **Consultation/Communication**

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

### **Risk Assessment**

Not Applicable

### **Financial and Resource Implications**

Nil

### **Conclusion**

This is the final Quarterly report for the 2021-22 year. Council committed to undertake work on 36 Council Plan initiatives during this period, of which 33 initiatives were completed. The organisation service request Service Level was 82% and the Customer Support call Service Level was 39% for the quarter. Several of the LGPRF service measures results remain relatively stable, while there are some notable improvements or performance reductions in others.

**Resolution**

Moved Cr Tammy Radford, seconded Cr Graeme Moore.

The Performance and Growth Reports for Quarter 4 2021-22 be received and noted.

Carried

## 6.5.4 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 – August 2022 [6.5.4.1 - 21 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 Owen spoke to:

- The passing of Jeff Lempriere and expressed condolences to former Councillor Kate Lempriere and family..
- Opening of the John Dudley Portrait Prize at the Hills Hub.
- Huxtable Road Reserve Committee AGM noting that long serving members Peter and Helen Van Dieman retired after a combined period of 55 years.
- Casey Cardinia Local History Group Reference Group meeting.
- Friends of the Cardinia Creek Landcare Group meeting
- 80th Birthday of Rob Porter.

Cr Radford spoke to:

- Attending the 'Jimeoin' performance at the Cardinia Cultural Centre.

Cr Moore spoke to:

- The passing of Jeff Lempriere.
- The passing of Clem Kelsey
- The passing of Val Parker
- 80th anniversary of the Bunyip CFA.
- Event at the Cardinia Cultural centre regarding Emerging from Fires
- Launch of an Art Show at Cannibal Creek Reserve

Cr Ross spoke to:

- The passing of Jeff Lempriere.
- Cardinia Farmer's Evening held at the Cardinia Cultural Centre

Cr Ryan spoke to:

- The passing of Jeff Lempriere.
- Cardinia Farmer's Evening held at the Cardinia Cultural Centre

Cr Kowarzik spoke to:

- CALD Advisory Group awards.
- Cardinia Farmer's Evening held at the Cardinia Cultural Centre
- The passing of Val Parker.
- Presiding at recent Debutante Ball
- Rotary Club of Pakenham meeting

## 9 Presentation Of Petitions

Nil.

## 10 Notices Of Motion

### 11 Community Questions

The Mayor advised that Council had received multiple questions from Emily Stow.

The questions read:

*The council website states:*

*"Please note: We cannot action issues reported to us via software applications not affiliated with Cardinia Shire Council (including Snap Send Solve), as we have no commercial arrangements in place with these organisations and do not receive the information required to respond to, or action, your request."*

*Why does the Council refuse to accept reports lodged via Snap Send Solve, when all of the reports are forwarded with details and photos via email to the council email address for free*

*How is Snap Send Solve forwarding the report via email any different to the council than a community member sending an email themselves, where there are no restrictions to the content of structure of the report via email.*

*Snap Send Solve improves and encourages community engagement and most, if not all, other council areas not only accept but actively promote Snap Send Solve.*

*Why is Cardinia Council refusing to accept such an efficient and convenient means for the community to report issues?*

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

Thank you for your question Ms Stow.

As previously communicated to you, Council cannot action issues reported to us via "Snap Send Solve" (SSS) as we do not have a commercial (paid) arrangement in place with this privately-owned company to receive the level of information required to consistently respond to, or action, our community's requests through this application.

- SSS does send reports to council via emails and links. Where there is a complete set of information in these reports, the council staff will double handle the information and manually enter them into councils customer request system. This is time consuming and not efficient.
- Council does not mark any reports as seen or resolved as council does not have access to the SSS system. SSS does this in absence of any communication to council about this process.
- SSS has offered to develop an integration with council's customer request system for free. This will eliminate the double handling but will also triple the annual licence cost. This is a significant cost to ratepayers.
- The integration will require dedicated resources from Council staff as well as the software provider for the customer request system – Open Office.
- Open Office is currently working on a number of business critical projects for Council and we wish to complete those projects before we consider the integration project with SSS.
- Council receives over 60,000 customer requests each year through the existing channels available to residents – website, calls and emails.
- Council's GM Customer, People and Performance spoke with SSS CEO on Friday 29th August.
- Council has set up a meeting with the CEO Danny Gorog at the end of September to discuss interim arrangements and the possibility of improved quality of emailed reports prior to any potential future initiation of an integration project.

- At this point in time, Council cannot commit to using and paying for SSS in the future.

## **12 Urgent Business**

There was no urgent business.

## **13 Councillor Questions**

Nil.

**15 Meeting Closure**

Meeting closed at 8:09pm.

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Minutes confirmed  
Chairman