

Ordinary Council Meeting

Minutes

Monday 21 November 2022

Commenced at 7:00 PM

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

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

Officers: Carol Jeffs Chief Executive Officer
Peter Benazic General Manager Infrastructure and Environment
Lili Rosic General Manager Liveable Communities
Debbie Tyson General Manager Governance, Facilities and Economy
Jenny Scicluna General Manager Customer, People and Performance
Doug Evans Manager Governance
Jack Coogan Governance Officer

Order of Business

| | | |
|----------|---|----------|
| 1 | Opening And Reflection/Prayer | 4 |
| 2 | Acknowledgements | 4 |
| 3 | Apologies | 4 |
| 4 | Adoption And Confirmation Of Minutes | 4 |
| 5 | Declaration Of Interests | 4 |
| 6 | Ordinary Business | 5 |
| 6.2 | General Reports..... | 5 |
| 6.2.1 | Appointment Of Committee Members To Bunyip Hall And Gembrook Community Centre Community Asset Committees | 5 |
| 6.2.2 | Appointment Of Community Asset Committees For Recreation Reserves...8 | 8 |
| 6.2.3 | Declaration Of Special Charge Scheme - Sealing The Hills - St Georges (Beaconsfield Upper) Catchment..... | 12 |
| 6.2.4 | Special Charge Scheme - Legg Catchment..... | 34 |
| 6.2.5 | Special Charge Scheme - Stoney Creek 2..... | 65 |
| 6.2.6 | Notice Of Intention - Sealing The Hills - Hillside-Dorchester (Cockatoo) Catchment - Special Charge Scheme | 80 |
| 6.2.7 | Request For Leave Of Absence - Cr Owen..... | 93 |
| 6.2.8 | Cardinia Shire Audit And Risk Committee (ARC) For Presentation To Council By The CEO..... | 96 |
| 6.2.9 | Appointment Of Delegates..... | 101 |
| 6.2.10 | Update Of Delegations To Staff | 105 |
| 6.2.11 | Notice Of Motion - Impact Of Weather And Maintenance Response | 145 |
| 6.3 | Policy Reports..... | 157 |
| 6.3.1 | Rates & Charges Financial Hardship Policy..... | 157 |
| 6.4 | Financial Reports | 169 |
| 6.4.1 | Contract 18-028 Extension - Neutral Vendor Managed Services | 169 |

| | | |
|-----------|--|------------|
| 6.4.2 | Contract 22-025 - Feature Survey Package 20 To 27 | 172 |
| 6.4.3 | Contract 22-032 - Pavement Renewal Works 2022-23 | 176 |
| 6.4.4 | Contract 22-041 - Construction Of First/Grenville Package Phase 1..... | 179 |
| 6.4.5 | Contract 22-038 Construction Of Toun-Nun (Brunt Road) Integrated Child And Family Centre..... | 183 |
| 6.4.6 | Quarterly Financial Report | 188 |
| 6.5 | Activity Reports..... | 220 |
| 6.5.1 | Community Engagement Update..... | 220 |
| 6.5.2 | Quarterly Performance And Growth Report - Q1 2022-23 | 226 |
| 6.5.3 | Environment Council Plan Initiatives Quarterly Report..... | 275 |
| 6.5.4 | Major Projects Report..... | 285 |
| 7 | Reports Or Minutes Of Committees | 309 |
| 8 | Reports By Delegates..... | 309 |
| 9 | Presentation Of Petitions | 309 |
| 10 | Notices Of Motion | 310 |
| 10.1 | Notice Of Motion 1076 - Cr Cameron..... | 310 |
| 11 | Community Questions | 312 |
| 12 | Urgent Business..... | 312 |
| 13 | Councillor Questions | 312 |

1 Opening And Reflection/Prayer

Meeting opened at 7:00pm.

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

2 Acknowledgements

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

3 Apologies

Cr Owen was an apology for this meeting.

4 Adoption And Confirmation Of Minutes

Moved Cr Kaye Cameron, seconded Cr Stephanie Davies

That minutes of the following meetings be confirmed:

- General Council meeting 17 October 2022
- Statutory Council meeting 7 November 2022

Carried

5 Declaration Of Interests

Item 10.1 - Cr Ross declared a direct material conflict of interest.

6 Ordinary Business

6.2 General Reports

6.2.1 Appointment of Committee Members to Bunyip Hall and Gembrook Community Centre Community Asset Committees

Responsible GM: Lili Rosic
Author: Helena Moloney

Recommendation(s)

That Council:

1. Make the following appointments to the Bunyip Hall Community Asset Committee under Section 65 of the Local Government Act (2020):

- Chris Kelly President
- Lindy Fitzpatrick Vice President
- Heather King Secretary
- Chris Kelly Treasurer
- Sue Anderson Committee member
- Colin Teese Committee member
- Tony Arrigo Committee member

2. Make the following appointments to the Gembrook Community Centre Community Asset Committee under Section 65 of the Local Government Act (2020):

- John Cascone President
- Garry McGough Secretary
- Les Whitehead Treasurer
- Pam Barton Committee member
- Christina Diemar Committee member
- Ian Purdon Committee member

Attachments

Nil

Executive Summary

This report seeks a Council resolution to appoint membership to the Bunyip Hall and Gembrook Community Centre Community Asset Committees following a public meeting conducted by Councillors.

Background

Members of Community Asset Committees require appointment by Council resolution in accordance with Section 65 of the Local Government Act annually or at other specified times.

At a public meeting held Wednesday 5 October 2022, the members detailed in Recommendation 1 were elected to be appointed by Council to the Bunyip Hall Community Asset Committee for the current term as specified in the Instrument of Delegation (2 years).

At a public meeting held Monday 10 October 2022, the members detailed in Recommendation 2 were elected to be appointed by Council to the Gembrook Community Centre Community Asset Committee for the current term as specified in the Instrument of Delegation (2 years).

Council is very grateful to all committee members of halls for the time and energy they dedicate to their important roles.

Policy Implications

Nil

Relevance to Council Plan

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

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

2.1 We support the creation of liveable spaces and places

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

Climate Emergency Consideration

Nil

Consultation/Communication

Nil

Financial and Resource Implications

Nil

Conclusion

Following a public meeting election process and in accordance with the Local Government Act 2020, it is recommended that Council resolve to appoint the nominated new members to the Bunyip Hall Community Asset Committee and Gembrook Community Centre Community Centre.

Resolution

Moved Cr Stephanie Davies, seconded Cr Graeme Moore.

That Council:

1. Make the following appointments to the Bunyip Hall Community Asset Committee under Section 65 of the Local Government Act (2020):

- Chris Kelly President
- Lindy Fitzpatrick Vice President
- Heather King Secretary
- Chris Kelly Treasurer
- Sue Anderson Committee member
- Colin Teese Committee member
- Tony Arrigo Committee member

2. Make the following appointments to the Gembrook Community Centre Community Asset Committee under Section 65 of the Local Government Act (2020):

- John Cascone President
- Garry McGough Secretary
- Les Whitehead Treasurer
- Pam Barton Committee member
- Christina Diemar Committee member
- Ian Purdon Committee member

Carried

6.2.2 Appointment of Community Asset Committees for Recreation Reserves

Responsible GM: Lili Rosic
Author: Cameron Miller

Recommendation(s)

That Council:

1. Appoint the following persons to the respective recreation reserve Community Asset Committees appointed by Cardinia Shire Council in accordance with the Local Government Act 2020.

Cardinia Recreation Reserve

| | |
|------------------|---------------|
| President | Chris Beard |
| Vice President | Bill Orr |
| Secretary | Liz Bergmeier |
| Treasurer | John Adlam |
| Committee Member | David Young |
| Committee Member | Luke Turner |
| Committee Member | Bradey Welsh |

Huxtable Road Reserve

| | |
|------------------|------------------|
| President | John Baillie |
| Vice President | Pat Langley |
| Secretary | Leanne McLean |
| Treasurer | Alison McHenry |
| Committee Member | Rebecca Reynolds |
| Committee Member | Ben Barrett |
| Committee Member | Paul Farrell |
| Committee Member | Laurence Brown |

Rythdale Recreation Reserve

| | |
|-------------------|---------------|
| President | Harold Hobson |
| Secretary | Max Hobson |
| Treasurer | Geoff Gee |
| Committee Member | Neil Preston |
| Committee Member | Colin Plant |
| Committee Members | John Young |

Sutherland Park Recreation Reserve

| | |
|------------------|-----------------|
| President | Glenn Burridge |
| Secretary | Matt Hutchinson |
| Treasurer | Sandra Butler |
| Committee Member | Carol Gibson |
| Committee Member | Sue Simmons |

2. Thanks all Committee members for their valuable contribution to the management of community recreation reserves.

Attachments

Nil

Executive Summary

This report advises Council of the memberships elected for the Community Asset Committees and seeks formal Council appointment of these members. It is also recommended that Council expresses its thanks to committee members for their hard work and service to the community through the management of these recreation reserves.

Background

There are fifteen (15) recreation reserves within Cardinia Shire managed by Community Asset Committees:

- Twelve (12) of the reserves managed by Council appointed Community Asset Committees,
- Three (3) are Department of Environment, Land, Water and Planning (DELWP) owned with Council appointed as Committee of Management under the Crown Land Reserves Act and managed by Council appointed Community Asset Committees,

Members of Reserve Community Asset Committees are elected annually, and upon election require appointment by Council resolution pursuant to Local Government Act 2020. Community Asset Committees can only be approved by Council.

This report recommends Council appoints new members for the following reserve committees following public meetings that have been conducted by Councillors or Council Officers:

- Cardinia Recreation Reserve
- Huxtable Road Reserve
- Rythdale Recreation Reserve
- Sutherland Park Recreation Reserve

Cardinia Shire Council has a huge network of volunteers who selflessly give their time, expertise, and energy to provide and develop community resources. A large part of this network is involved with managing community recreation reserves across our shire. Council values the important role that community asset committees have in assisting Council in the significant improvement and ongoing management of Council's facilities. Council is committed to ensuring that these assets are maintained to a high standard by working in partnership with Community Asset Committees.

Council conducts routine maintenance and provides Recreation Reserve Community Asset Committees with maintenance allocations, workshops to up skill volunteers and access to leadership courses. To further support committees with their work, Council has recently launched the Community Asset Committee portal, as a place for committee members to access important resources, information, and dates.

Council employs a full-time Liaison Officer to support the recreation community asset committees including providing training for volunteers and assisting committees in compliance with risk requirements.

Policy Implications

The appointments to these four reserve committees are consistent with both Council policy and requirements for Community Asset Committees.

Relevance to Council Plan

1.5 Our People - Variety of recreation and leisure opportunities

1.5.1 Provide active and passive recreation facilities to meet the needs of residents.

1.5.2 Increase opportunities for residents to participate in a range of sport, recreation and leisure activities.

5.2 Our Governance - Open governance

5.2.2 Govern and make decisions in the best interests of the Cardinia Shire community.

Climate Emergency Consideration

N/A

Consultation/Communication

Notifications of Annual General Meetings for Community Asset Committees for Recreation Reserves are advertised through local media and internally to all user groups of that reserve.

Financial and Resource Implications

N/A

Conclusion

Community Asset Committees voluntarily assist Council in the ongoing management and improvement of Council's recreation facilities. This enables the community to participate in sport and recreation activities that provides health and social benefits to the broader community. This report presents the committee members for four recreation reserve Community Asset Committees for Council appointment.

Resolution

Moved Cr Stephanie Davies, seconded Cr Jack Kowarzik.

That Council:

1. Appoint the following persons to the respective recreation reserve Community Asset Committees appointed by Cardinia Shire Council in accordance with the Local Government Act 2020.

Cardinia Recreation Reserve

| | |
|------------------|---------------|
| President | Chris Beard |
| Vice President | Bill Orr |
| Secretary | Liz Bergmeier |
| Treasurer | John Adlam |
| Committee Member | David Young |
| Committee Member | Luke Turner |
| Committee Member | Bradey Welsh |

Huxtable Road Reserve

| | |
|------------------|------------------|
| President | John Baillie |
| Vice President | Pat Langley |
| Secretary | Leanne McLean |
| Treasurer | Alison McHenry |
| Committee Member | Rebecca Reynolds |
| Committee Member | Ben Barrett |
| Committee Member | Paul Farrell |
| Committee Member | Laurence Brown |

Rythdale Recreation Reserve

| | |
|-------------------|---------------|
| President | Harold Hobson |
| Secretary | Max Hobson |
| Treasurer | Geoff Gee |
| Committee Member | Neil Preston |
| Committee Member | Colin Plant |
| Committee Members | John Young |

Sutherland Park Recreation Reserve

| | |
|------------------|-----------------|
| President | Glenn Burridge |
| Secretary | Matt Hutchinson |
| Treasurer | Sandra Butler |
| Committee Member | Carol Gibson |
| Committee Member | Sue Simmons |

2. Thanks all Committee members for their valuable contribution to the management of community recreation reserves.

Carried

6.2.3 Declaration of Special Charge Scheme - Sealing the Hills - St Georges (Beaconsfield Upper) Catchment

Responsible GM: Peter Benazic
Author: Nicole Alvares

Recommendation(s)

That Council:

1. Notes that following the issue of the notice of decision by Council to declare a special charge scheme on 26 September 2022, to part fund the construction of St Georges Road, Beaconsfield Upper; Halford Street, Beaconsfield Upper and Montuna Grove, Guys Hills, 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 St Georges Road, Beaconsfield Upper; Halford Street, Beaconsfield Upper and Montuna Grove, Guys Hills including sealed road pavement, kerb & channel and associated drainage and incidental works. Council considers that these works will be of special benefit to those persons required to pay the special charge, (and who are described in succeeding parts of this resolution).
 - c. The special benefit accruing to those properties to be levied is considered to include improved access, improved amenity and appearance, improved roadside drainage, reduced mud and dust, reduced erosion, and lessened nuisance.
 - d. The following be specified as the area for which the special charge is declared:
 - i. All those properties described in attachment 4 of this report and as highlighted on the plan included as attachment 2.
 - e. The following be specified as the land in relation to which the special charge is declared:
 - i. All properties described in attachment 4 of this declaration.
 - f. The following be specified as the criteria which form the basis of the special charge so declared:
 - i. Those properties fronting, abutting or adjacent to the works.
 - g. The following be specified as the manner in which the special charge so declared will be assessed and levied:
 - i. Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit.
 - ii. Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit.
 - iii. Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit.
 - iv. Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.

- v. The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163 (4) of the Local Government Act, 1989.
- h. The total cost of the works is the amount shown in attachment 4 of this report estimated at \$1,810,800.
- i. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$252,000.
- 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 [6.2.3.1 - 1 page]
2. Plan of scheme area [6.2.3.2 - 2 pages]
3. Concept construction plans [6.2.3.3 - 11 pages]
4. CONFIDENTIAL - Apportionment table [6.2.3.4 - 2 pages]
5. CONFIDENTIAL - Submissions table [6.2.3.5 - 2 pages]

Executive Summary

This report proposes to have a special charge declared to part fund the construction of St Georges Road, Beaconsfield Upper; Halford Street, Beaconsfield Upper and Montuna Grove, Guys Hills. It follows Council's resolution of 26 September 2022 to communicate its intention to declare a special charge for this purpose.

The St Georges 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 78% property owner support to contributing to a scheme from the responses received. Included property owners will receive special benefit as a result of the works

including improved resident amenity, reduction in dust and associated health issues, improved drainage, less wear and tear on vehicles, reduced road maintenance costs and overall improved liveability.

The preliminary estimated cost of the proposed works is \$1,810,800 of which \$252,000 is proposed to be funded via the proposed special charge contribution received from the included property owners. This will leave an approximate balance of \$1,558,800 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 26 September 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 St Georges catchment that includes St Georges Road, Beaconsfield Upper; Halford Street, Beaconsfield Upper and Montuna Grove, Guys Hills 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 35), 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 | 35 | 100% |
| No. of responses received | 27 | 77% |
| No. of responses supporting the scheme | 21 | 78% |
| No. of responses opposing the scheme | 06 | 22% |

The initial survey responses received from 2 out of the 3 roads were inconclusive. Both specified roads have been detailed below with steps taken to resolve the consideration.

- Given the extremely small percentage of survey responses received from Halford Street, Beaconsfield Upper, additional steps were taken to gather more responses from the property owners who had not previously responded through courtesy additional mail and callouts.
- Being that the initial survey responses received for Montuna Grove, Guys Hill was at 50% break-even, additional steps were taken to contact the property owners who had not responded to ascertain if the notice of intention for the proposed road works at Montuna Grove, Guys Hill should proceed.

The additional mail and call outs resulted in majority support from property owners from Halford Street, Beaconsfield Upper and Montuna Grove, Guys Hill, contributing to proceed with the proposed scheme. Following consideration of the additional survey responses received, a special charge scheme has been prepared to part fund the construction of St Georges Road, Beaconsfield Upper; Halford Street, Beaconsfield Upper and Montuna Grove, Guys Hills.

Halford Street, Beaconsfield Upper provides access to a number of community facilities including the Upper Beaconsfield Community Centre, CFA (Country Fire Authority), RSL (Returned & Services League Club) and Upper Beaconsfield Community Centre as well as being the primary access to many local residents.

Following Council's resolution on 26 September 2022, affected property owners were notified of the intention to declare a special charge scheme. Council received 3 written submissions. 1 submission was in support while other 2 were in objection. 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 26 September 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 early June 2022 to the property owners of St Georges Road, Beaconsfield Upper; Halford Street, Beaconsfield Upper and Montuna Grove, Guys Hills outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal.

A subsequent face to face community consultation session was held at Upper Beaconsfield Community Centre at the end of June 2022, from 5.00pm to 7.00pm in the evening, to give owners and residents the opportunity to view plans and comment on the proposal. Hardly any property owners attended the session for this catchment.

Furthermore, online questionnaire forms have been introduced to give property owners the opportunity respond online, should they prefer. The online process has come into effect to receive more survey responses within the required time frame.

At the end of June 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, after additional efforts and systems in place, 27 questionnaire responses from 35 properties were received.

Following the Council resolution on 26 September 2022, where notice of decision was resolved to issue a notice of intention to declare a special charge, property owners were sent a letter and advertisements outlining the proposal placed in the Pakenham Gazette and Hills Trader, providing owners with the opportunity to make a submission or objection within the prescribed 28-day period.

Financial and Resource Implications

The scheme funding arrangements are as outlined in Table 2.

Table 2. Preliminary estimated cost of project

| | |
|--|-------------|
| Total estimated cost of scheme | \$1,810,800 |
| Total Council contribution (approx. 86%) | \$1,558,800 |
| Benefiting property owner contribution (approx. 14%) | \$252,000 |

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 St Georges Road, Beaconsfield Upper; Halford Street, Beaconsfield Upper and Montuna Grove, Guys Hills 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 Jeff Springfield, seconded Cr Jack Kowarzik.

That Council:

1. Notes that following the issue of the notice of decision by Council to declare a special charge scheme on 26 September 2022, to part fund the construction of St Georges Road, Beaconsfield Upper; Halford Street, Beaconsfield Upper and Montuna Grove, Guys Hills, 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 St Georges Road, Beaconsfield Upper; Halford Street, Beaconsfield Upper and Montuna Grove, Guys Hills including sealed road pavement, kerb & channel and associated drainage and incidental works. Council considers that these works will be of special benefit to those persons required to pay the special charge, (and who are described in succeeding parts of this resolution).
 - c. The special benefit accruing to those properties to be levied is considered to include improved access, improved amenity and appearance, improved roadside drainage, reduced mud and dust, reduced erosion, and lessened nuisance.
 - d. The following be specified as the area for which the special charge is declared:
 - i. All those properties described in attachment 4 of this report and as highlighted on the plan included as attachment 2.
 - e. The following be specified as the land in relation to which the special charge is declared:
 - i. All properties described in attachment 4 of this declaration.
 - f. The following be specified as the criteria which form the basis of the special charge so declared:
 - i. Those properties fronting, abutting or adjacent to the works.
 - g. The following be specified as the manner in which the special charge so declared will be assessed and levied:
 - i. Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit.
 - ii. Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit.
 - iii. Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit.
 - iv. Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
 - v. The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163 (4) of the Local Government Act, 1989.
 - h. The total cost of the works is the amount shown in attachment 4 of this report estimated at \$1,810,800.
 - i. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$252,000.

- 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.

Carried

6.2.4 Special Charge Scheme - Legg 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 26 September 2022, to part fund the construction of Boundary Road East, Legg Road, Steel Road, Curtis Road, Maisie Road, Nolan Road, Upton Road and Railway Road Emerald no submissions were received by Council in the prescribed 28 day submission period following advertising this decision
2. That a special charge in accordance with Section 163 of the Local Government, 1989 (the Act) be declared as follows:
 - a. A special charge is declared for a period until the works have been completed and the scheme finalised.
 - b. The special charge be declared for the purposes of defraying any expenses incurred by Council in relation to the construction of Boundary Road East, Legg Road, Steel Road, Curtis Road, Maisie Road, Nolan Road, Upton Road and Railway Road Emerald including sealed road pavement, kerb & channel and associated drainage and incidental works. Council considers that these works will be of special benefit to those persons required to pay the special charge, (and who are described in succeeding parts of this resolution).
 - c. The special benefit accruing to those properties to be levied is considered to include improved access, improved amenity and appearance, improved roadside drainage, reduced mud and dust, reduced erosion and lessened nuisance.
 - d. The following be specified as the area for which the special charge is declared:
 - i. All those properties described in attachment 4 of this report and as highlighted on the plan included as attachment 2.
 - e. The following be specified as the land in relation to which the special charge is declared:
 - i. All properties described in attachment 4 of this declaration.
 - f. The following be specified as the criteria which form the basis of the special charge so declared:
 - i. Those properties fronting, abutting or adjacent to the works.
 - g. The following be specified as the manner in which the special charge so declared will be assessed and levied:
 - i. Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit.
 - ii. Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit.
 - iii. Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit.
 - iv. Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.

- v. The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163 (4) of the Local Government Act, 1989.
- h. The total cost of the works is the amount shown in attachment 4 of this report estimated at \$3,880,000.00.
- i. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$ 731,500.00.
- 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:
 - 1. 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.
 - 2. The charge may be paid by:
 - o Lump sum within one month of the issue of the notice without incurring interest, or
 - o Quarterly instalments of principal and interest over a period of up to seven years.
 - 3. 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.
 - 4. In accordance with Sections 167(6)(b) and 172 of the Act, the rate of interest which is payable on instalments is set at the 180 day bank bill rate as published in the Australian Financial Review plus one percent and reviewed every three months, (provided that it will not exceed the rate fixed by the Governor in Council by order of the purposes of Section 172(2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by order for the purposes of this section).
- k. There are no incentives for prompt payment, rebates or concessions associated with this special charge.

Attachments

1. Checklist Legg Catchment [6.2.4.1 - 1 page]
2. Legg Maps [6.2.4.2 - 4 pages]
3. Preliminary concept drawings - Legg Catchment 1 [6.2.4.3 - 9 pages]
4. Preliminary concept drawings - Legg Catchment 2 [6.2.4.4 - 9 pages]
5. CONFIDENTIAL - Apportionment Table Legg Catchment [6.2.4.5 - 11 pages]

Executive Summary

This report proposes to have a special charge declared to part fund the construction of Boundary Road East, Legg Road, Steel Road, Curtis Road, Maisie Road, Nolan Road, Upton Road and Railway Road Emerald. It follows Council's resolution of 26 September 2022 to communicate its intention to declare a special charge for this purpose.

The Boundary Road East, Legg Road, Steel Road, Curtis Road, Maisie Road, Nolan Road, Upton Road and Railway Road Emerald catchment is included in the Australian Government funded Sealing the Hills program. A recent survey of the property owners in the indicated roads in this catchment indicated 92% 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 \$3,880,000.00 of which \$731,500.00 is proposed to be funded via the proposed special charge contribution received from the included property owners. This will leave an approximate balance of \$3,148,500.00 to be funded from the Australian Government grant.

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

Following Council's resolution on 26 September 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 Legg catchment that includes Boundary Road East, Legg Road, Steel Road, Curtis Road, Maisie Road, Nolan Road, Upton Road and Railway Road Emerald is included for construction in Council's Sealing the Hills program. The properties included are shown on the plan included as attachment 2 to this report.

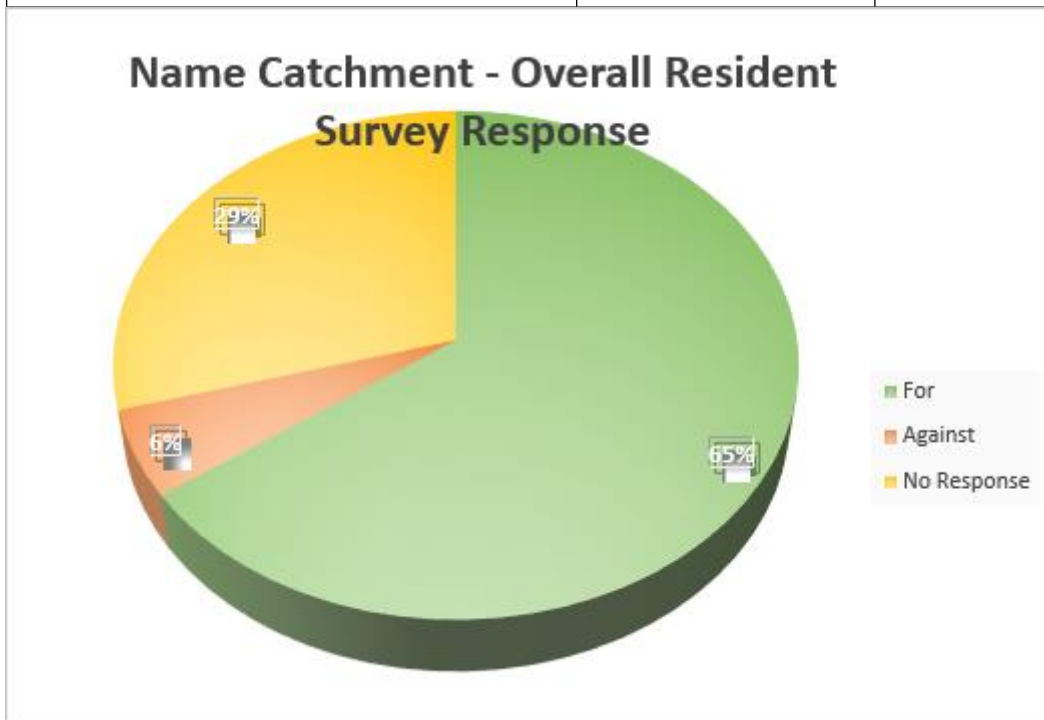
A survey of the property owners within the scheme boundary, (total of 108), was undertaken asking if they were in support of contributing to a special charge scheme at a capped contribution rate of \$7,000 per benefit unit, with a benefit unit being defined as:

- 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 | 108 | 100% |
| No. of responses received | 77 | 71.3% |
| No. of responses supporting the scheme | 71 | 92% |

| | | |
|--------------------------------------|---|----|
| No. of responses opposing the scheme | 6 | 8% |
|--------------------------------------|---|----|



Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Boundary Road East, Legg Road, Steel Road, Curtis Road, Maisie Road, Nolan Road, Upton road and Railway Road Emerald.

Following Council's resolution on 26 September 2022 affected property owners were notified of the intention to declare a special charge scheme.

Emerald Primary School has been excluded from the 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 26 September 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 May 2022 to the property owners of Boundary Road East, Legg Road, Steel Road, Curtis Road, Maisie Road, Nolan Road, Upton Road and Railway Road Emerald outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal.

A subsequent face to face community consultation session was held at Emerald Hills Hub from 5pm-7pm in the evening to give owners and residents an opportunity to view plans and comment on the proposal.

In June 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 77 questionnaire responses from 108 properties were received.

Following the Council resolution on 26 September 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 | \$3,880,000.00 |
| Total Council contribution (approx. 81%) | \$3,148,500.00 |
| Benefiting property owner contribution (approx. 19%) | \$731,500.00 |

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 Boundary Road East, Legg Road, Steel Road, Curtis Road, Maisie Road, Nolan Road, Upton Road and Railway Road Emerald including a sealed road pavement, kerb and channel and associated drainage and ancillary works, generally in accordance with the concept plans included in attachments 3.

Resolution

Moved Cr Jeff Springfield, seconded Cr Graeme Moore.

That Council:

1. That Council notes that following the issue of the notice of decision by Council to declare a special charge scheme on 26 September 2022, to part fund the construction of Boundary Road East, Legg Road, Steel Road, Curtis Road, Maisie Road, Nolan Road, Upton Road and Railway Road Emerald no submissions were received by Council in the prescribed 28 day submission period following advertising this decision
2. That a special charge in accordance with Section 163 of the Local Government, 1989 (the Act) be declared as follows:
 - a. A special charge is declared for a period until the works have been completed and the scheme finalised.
 - b. The special charge be declared for the purposes of defraying any expenses incurred by Council in relation to the construction of Boundary Road East, Legg Road, Steel Road, Curtis Road, Maisie Road, Nolan Road, Upton Road and Railway Road Emerald including sealed road pavement, kerb & channel and associated drainage and incidental works. Council considers that these works will be of special benefit to those persons required to pay the special charge, (and who are described in succeeding parts of this resolution).
 - c. The special benefit accruing to those properties to be levied is considered to include improved access, improved amenity and appearance, improved roadside drainage, reduced mud and dust, reduced erosion and lessened nuisance.
 - d. The following be specified as the area for which the special charge is declared:
 - i. All those properties described in attachment 4 of this report and as highlighted on the plan included as attachment 2.
 - e. The following be specified as the land in relation to which the special charge is declared:
 - i. All properties described in attachment 4 of this declaration.
 - f. The following be specified as the criteria which form the basis of the special charge so declared:
 - i. Those properties fronting, abutting or adjacent to the works.
 - g. The following be specified as the manner in which the special charge so declared will be assessed and levied:
 - i. Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit.
 - ii. Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit.
 - iii. Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit.
 - iv. Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
 - v. The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163 (4) of the Local Government Act, 1989.
 - h. The total cost of the works is the amount shown in attachment 4 of this report estimated at \$3,880,000.00.

- i. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$ 731,500.00.
- 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:
 1. 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.
 2. The charge may be paid by:
 - o Lump sum within one month of the issue of the notice without incurring interest, or
 - o Quarterly instalments of principal and interest over a period of up to seven years.
 3. 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.
 4. In accordance with Sections 167(6)(b) and 172 of the Act, the rate of interest which is payable on instalments is set at the 180 day bank bill rate as published in the Australian Financial Review plus one percent and reviewed every three months, (provided that it will not exceed the rate fixed by the Governor in Council by order of the purposes of Section 172(2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by order for the purposes of this section).
- k. There are no incentives for prompt payment, rebates or concessions associated with this special charge.

Carried

6.2.5 Special Charge Scheme - Stoney Creek 2

Responsible GM: Peter Benazic
Author: Donna Bird

Recommendation(s)

That Council:

- 1 Acknowledge the majority property owner support as set out in this report to contribute to the construction of Lenne Street, Sutherland Road, and Haupt Place Beaconsfield Upper (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works.
- 2 Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
- 3 Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
- 4 Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of Lenne Street, Sutherland Road and Haupt Place Beaconsfield Upper.
- 5 Consider the declaration (attachment 5) at its meeting of 20 February 2023, or such later date as necessary.
- 6 Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
- 7 Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered.
- 8 Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

Attachments

1. Checklist for Stoney Creek no 2 [6.2.5.1 - 1 page]
2. Maps Stoney Creek No 2 [6.2.5.2 - 2 pages]
3. Calculation of special benefit Stoney Creek 2 [6.2.5.3 - 3 pages]
4. Proposed Special Charge Scheme Declaration Stoney Creek 2 [6.2.5.4 - 2 pages]
5. Special Charge Scheme Public Notice Stoney Creek 2 [6.2.5.5 - 2 pages]
6. CONFIDENTIAL - Apportionment Stoney Creek No 2 Copy [6.2.5.6 - 11 pages]

Executive Summary

This report proposes giving *notice of intention to declare* a special charge to part fund the construction of Lenne Street, Sutherland Road and Haupt Place Beaconsfield Upper. This notice begins the formal consultation process at the commencement of the statutory process that enables Council to levy a special charge, (refer attachment 1).

The Lenne Street, Sutherland Road and Haupt Place Beaconsfield Upper 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 66% property owner support to contributing to a scheme from the responses received. Included property owners will receive special benefit as a result of the works including improved resident amenity, reduction in dust and associated health issues, improved drainage, less wear and tear on vehicles, reduced road maintenance costs and overall improved liveability.

The preliminary estimated cost of the proposed works is \$1,546,200.00 of which \$318,500.00 is proposed to be funded via the proposed special charge contribution received from the included property owners. This will leave an approximate balance of \$1,227,700.00 to be funded from the Australian Government grant.

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

Background

The Lenne Street, Sutherland Road and Haupt Place Beaconsfield Upper catchment that includes Lenne Street, Sutherland Road and Haupt Place Beaconsfield Upper 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.

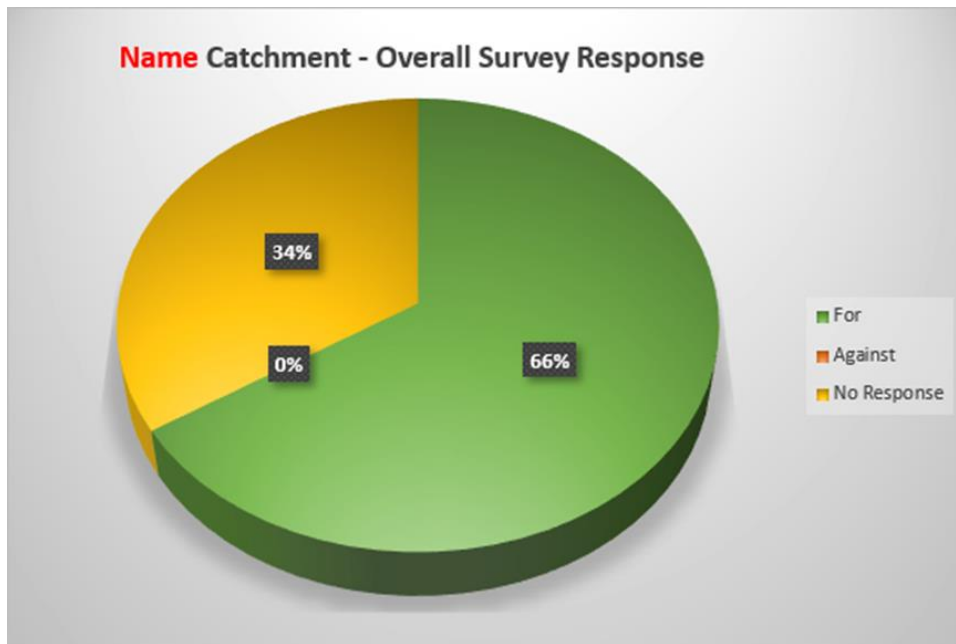
A survey of the property owners within the scheme boundary, (total of 47, was undertaken asking if they were in support of contributing to a special charge scheme at a capped contribution rate of \$7,000 per benefit unit, with a benefit unit being defined as:

- 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.

Questionnaire responses

| | Number | Percentage |
|--|--------|------------|
| Total no. properties in scheme | 47 | 100% |
| No. of responses received | 31 | 66% |
| No. of responses supporting the scheme | 31 | 100% |
| No. of responses opposing the scheme | 0 | 0% |

Support for the scheme was consistent across all roads surveyed. Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Lenne Street, Sutherland Road and Haupt Place Beaconsfield Upper



Policy Implications

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

Section 163 of the Local Government Act provides that Council may not recover a greater portion of the cost of the works than calculated in accordance with the statutory 'benefit ratio' as set out in attachment 3 to this report. Given that Council has capped the property owner contribution at \$7,000 per benefit unit, the proposed scheme is compliant.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

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

Climate Emergency Consideration

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

- minimising tree removal through innovative road design
- use of LED lighting to reduce energy emissions
- utilising local contractors and local road & drainage construction materials to minimise travel
- investigating the reuse and use of recycled road construction materials

Consultation/Communication

A letter was sent in June 2022 to the property owners of Lenne Street, Sutherland Road and Haupt Place Beaconsfield Upper outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal.

A face to face community consultation was held at Beaconsfield Upper Public Hall on the 29th of June 2022.

In September 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 31 questionnaire responses from 47 properties were received.

Financial and Resource Implications

The scheme funding arrangements are as outlined in Table 2.

T. Preliminary estimated cost of project

| | |
|--|----------------|
| Total estimated cost of scheme | \$1,546,200.00 |
| Total Council contribution (approx. 79.4%) | \$1,227,700.00 |
| Benefiting property owner contribution (approx. 20.6%) | \$318,500.00 |

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

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

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

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

Conclusion

It is concluded that the majority of property owners support the construction of Lenne Street, Sutherland Road and Haupt Place Beaconsfield Upper and that Council should commence the formal consultation process to initiate a special charge scheme by proceeding to give notice of its intention to declare a special charge to part fund the works.

Resolution

Moved Cr Jeff Springfield, seconded Cr Collin Ross.

That Council:

- 1 Acknowledge the majority property owner support as set out in this report to contribute to the construction of Lenne Street, Sutherland Road, and Haupt Place Beaconsfield Upper (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works.
- 2 Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
- 3 Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
- 4 Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of Lenne Street, Sutherland Road and Haupt Place Beaconsfield Upper.
- 5 Consider the declaration (attachment 5) at its meeting of 20 February 2023, or such later date as necessary.
- 6 Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
- 7 Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered.
- 8 Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

Carried

6.2.6 Notice of Intention - Sealing the Hills - Hillside-Dorchester (Cockatoo) Catchment - Special Charge Scheme

Responsible GM: Peter Benazic
Author: Nicole Alvares

Recommendation(s)

That Council:

1. Acknowledge the majority property owner support as set out in this report to contribute to the construction of Hillside Road, Haven Court, George Road, Edmunds Road, Dorchester Road, Laneway Access, Haylock Avenue and Salisbury Avenue, Cockatoo (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works.
2. Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
3. Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
4. Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of Hillside Road, Haven Court, George Road, Edmunds Road, Dorchester Road, Laneway Access, Haylock Avenue and Salisbury Avenue, Cockatoo.
5. Consider the declaration (attachment 5) at its meeting of 20 February 2023, or such later date as necessary.
6. Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
7. Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered.
8. Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

Attachments

1. Scheme process chart [6.2.6.1 - 1 page]
2. Plan of scheme area [6.2.6.2 - 1 page]
3. Benefit ratio calculation [6.2.6.3 - 3 pages]
4. Proposed Council declaration [6.2.6.4 - 2 pages]
5. Public notice [6.2.6.5 - 1 page]
6. CONFIDENTIAL - Apportionment table [6.2.6.6 - 3 pages]

Executive Summary

This report proposes giving *notice of intention to declare* a special charge to part fund the construction of Hillside Road, Haven Court, George Road, Edmunds Road, Dorchester Road, Laneway Access, Haylock Avenue and Salisbury Avenue, Cockatoo. This notice begins the formal consultation process at the commencement of the statutory process that enables Council to levy a special charge, (refer attachment 1).

The Hillside-Dorchester (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 8% 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 \$3,582,000 of which \$619,500 is proposed to be funded via the proposed special charge contribution received from the included property owners. This will leave an approximate balance of \$2,962,500 to be funded from the Australian Government grant.

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

Background

The Hillside-Dorchester (Cockatoo) catchment that includes Hillside Road, Haven Court, George Road, Edmunds Road, Dorchester Road, Laneway Access, Haylock Avenue and Salisbury Avenue, Cockatoo is included for construction in Council's Sealing the Hills program. The properties included are shown on the plan included as attachment 2 to this report.

A survey of the property owners within the scheme boundary, (total of 95), 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 | 95 | 100% |
| No. of responses received | 35 | 37% |
| No. of responses supporting the scheme | 30 | 86% |
| No. of responses opposing the scheme | 05 | 14% |

Support for the scheme was consistent across all roads surveyed. Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Hillside Road, Haven Court, George Road, Edmunds Road, Dorchester Road, Laneway Access, Haylock Avenue and Salisbury Avenue, Cockatoo.

Policy Implications

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

Section 163 of the Local Government Act provides that Council may not recover a greater portion of the cost of the works than calculated in accordance with the statutory 'benefit ratio' as set out in attachment 3 to this report. Given that Council has capped the property owner contribution at \$7,000 per benefit unit, the proposed scheme is compliant.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

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

Climate Emergency Consideration

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

- minimising tree removal through innovative road design
- use of LED lighting to reduce energy emissions
- utilising local contractors and local road & drainage construction materials to minimise travel

investigating the reuse and use of recycled road construction materials

Consultation/Communication

A letter was sent towards the end of August 2022 to the property owners of Hillside Road, Haven Court, George Road, Edmunds Road, Dorchester Road, Laneway Access, Haylock Avenue and Salisbury Avenue, Cockatoo outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal.

A subsequent face to face community consultation session was held at Cockatoo Community Hall at the end of September 2022, from 5.00pm to 7.00pm in the evening, to give owners and residents, the opportunity to view plans and comment on the proposal. Approximately 9 property owners attended for this catchment.

By mid-September 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, 35 questionnaire responses from 95 properties were received.

Financial and Resource Implications

The scheme funding arrangements are as outlined in Table 2.

Table 2. Preliminary estimated cost of project

| | |
|--|-------------|
| Total estimated cost of scheme | \$3,582,000 |
| Total Council contribution (approx. 83%) | \$2,962,500 |
| Benefiting property owner contribution (approx. 17%) | \$619,500 |

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

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

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

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

Conclusion

It is concluded that the majority of property owners support the construction of Hillside Road, Haven Court, George Road, Edmunds Road, Dorchester Road, Laneway Access, Haylock Avenue and Salisbury Avenue, Cockatoo and that Council should commence the formal consultation process to initiate a special charge scheme by proceeding to give notice of its intention to declare a special charge to part fund the works.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Kaye Cameron.

That Council:

1. Acknowledge the majority property owner support as set out in this report to contribute to the construction of Hillside Road, Haven Court, George Road, Edmunds Road, Dorchester Road, Laneway Access, Haylock Avenue and Salisbury Avenue, Cockatoo (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works.
2. Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
3. Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
4. Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of Hillside Road, Haven Court, George Road, Edmunds Road, Dorchester Road, Laneway Access, Haylock Avenue and Salisbury Avenue, Cockatoo.
5. Consider the declaration (attachment 5) at its meeting of 20 February 2023, or such later date as necessary.
6. Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
7. Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered.
8. Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

Carried

6.2.7 Request For Leave of Absence - Cr Owen

Responsible GM: Debbie Tyson
Author: Doug Evans

Recommendation(s)

That Council note the request received from Cr Brett Owen for a leave of absence for the period 9 November to 26 November and retrospectively approve this request and further note that Cr Owen has requested that he not receive his Councillor allowance during this period of leave.

Attachments

Nil

Executive Summary

Cr Brett Owen has lodged a request for a leave of absence from his councillor duties as he will be nominating as a candidate at the forthcoming State Election.

Background

The Local Government Act 2020 contains provisions regarding a Councillor requesting leave from the Council and stipulates that any reasonable request for such leave must be granted.

Cr Owen has publicly advised of his intention to nominate as an independent candidate at the State Election being held on 26 November. It is Cr Owen's intention to lodge his nomination for the election on Wednesday 9 November.

Although there is no requirement in the Local Government Act for a Councillor to take a leave of absence if they nominate as a candidate at a State or Federal Election the Guidelines issued by the Municipal Association of Victoria suggest that for transparency purposes a Councillor should take a leave of absence from their councillor duties.

In regard to Councillor Allowances a Councillor can elect to not receive all or part of the Councillor allowance and Cr Owen has chosen to not receive his allowance for the period of his leave.

Policy Implications

There are no policy implications regarding this matter.

Relevance to Council Plan

5.1 We practise responsible leadership

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

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

Climate Emergency Consideration

There are no climate emergency considerations associated with this matter

Consultation/Communication

Nil

Financial and Resource Implications

Cr Owen has requested that his councillor allowance for November be adjusted so that he does not receive an allowance for the period of his leave

Conclusion

It is appropriate to approve of the request for a leave of absence received from Cr Owen for the period of 9-26 November.

Resolution

Moved Cr Stephanie Davies, seconded Cr Graeme Moore.

That Council note the request received from Cr Brett Owen for a leave of absence for the period 9 November to 26 November and retrospectively approve this request and further note that Cr Owen has requested that he not receive his Councillor allowance during this period of leave.

Carried

6.2.8 Cardinia Shire Audit and Risk Committee (ARC) For Presentation to Council by the CEO

Responsible GM: Debbie Tyson
Author: Michael Said, Chair – Audit & Risk Committee

Recommendation(s)

That Council note the report for the Audit & Risk Committee activities presented to Council by the Chair, Michael Said.

Attachments

Nil

Introduction

Under Section 54 (5) of the Local Government Act 2020 the Audit and Risk Committee (ARC) must prepare a biannual report which the Chief Executive Officer must table at the next Council meeting. This is the fourth of these reports and covers three ARC meetings since the formation of the new Council in November 2020.

Audit & Risk Committee membership

- Mr Michael F Said OAM, CPA Independent Chairperson
- Vincent Philpott – Independent Member
- Leanna La Combre –Independent Member (Commenced March 2022)
- Cr Jack Kowarzik
- Cr Stephanie Davies (On maternity leave)
- Cr Tammy Radford (replacing Cr Davies)

All independent members are experienced people in ARC's in Local Government.

Committee meetings and Audit & Risk Committee Charter

The Committee held 3 meetings, the 17th June, 16th August (Annual statements) and 16th September 2022. The agenda for all meetings was in accordance with the agreed ARC work plan for the 2021-2022 ARC work year. All members of the ARC were present for the August and September meetings and Cr Davies was an apology for the June meeting. The CEO, all General Manager and other officers attending as required.

Audit & Risk Committee Objectives and Purpose

The key objective and purpose of the ARC as stated in the ARC Charter is to “provide support to Council in discharging its oversight responsibilities related to:

- financial and performance reporting,
- risk management,
- fraud prevention systems and control'
- internal and external audit assurance services, and
- councils compliance with its policies and legislative and regulatory requirements”

Audit & Risk Committee Responsibilities and Activities

Financial and Performance Reporting

Comprehensive quarterly and year to date (YTD) financial and performance reports were presented and discussed at both the June and September meetings. There were no matters of concern noted by the ARC

Internal Control Environment

The CEO advised the ARC that there were no organizational or system changes that impacted on the internal control environment at Council. In addition, the ARC reviewed the various comprehensive 'data analytics' papers related to various subject matters such as procurement and OHS at each meeting.

Risk Management (RM)

The ARC reviewed and discussed RM updates at the June and September meetings, including reports from Executive Management (EM) relating to RM activities. An updated schedule of all strategic risks together with all high operational risks was discussed at our March ARC meeting. This schedule details the status of the 11 strategic risks (3 high and 8 moderate) and the 25 operational risks with high risk ratings.

Minutes for all strategic and extreme and high operational risks were made available to the ARC. The ARC was further advised that the Business Continuity Management (BCP) and OHS Committees continue to meet on regular basis. These minutes are of value to the ARC as it indicates the robustness of RM and active implementation of RM responsibilities under the LG Act 2020

The ARC was advised that a specialist Risk Management consultant has been engaged to conduct a workshop for the leadership group and managers so as to improve:

- the understanding of risk management and Council's R M Framework,
- assist in a developing a common understanding of requirements and consistent application of RM principles, and
- improve the skills and knowledge of all officers with responsibility for RM.

The committee also discussed the amended RM policy and RM framework covering the 2022-2026 period.

The ARC also reviewed the coverage for all insurance classes and noted increase in premiums which experience was in line with the local government generally.

The ARC is very pleased to see this continuing commitment from the Senior Leadership Team to continue to build on the risk management culture within Council.

Fraud Prevention Systems and Controls

Risk registers of Council include relevant risk and control information related to fraud and corruption control.

In addition, the ARC continues to monitor outcomes from reviews by integrity bodies including the Auditor General, Ombudsman, IBAC and LG Inspectorate reports relating to this topic, especially those related to the Local Government will be considered by the ARC after “self-evaluation/gap analysis” by Council officers of these reports.

Internal audit

The Partner and senior audit manager from the contracted internal audit firm attended the November and March meetings and presented their status reports (on progress against the approved internal audit plan) and other literature of a general nature relevant to work of ARC’s generally. In addition, he presented the following two internal audit reports:

- *Occupational Health & Safety review (covering both staff and contractors);*
- *Developer Contributions (DCP Finance and Assets); and*
- *Child Safety Standards*

Report findings and audit recommendations identifying where controls could be strengthened together with comprehensive management comments were discussed by the ARC. The ARC monitors the implementation by management of all audit recommendations at subsequent meetings.

Prior to the commencement of any internal audit, the ARC is provided with the proposed scope (MAP) of each audit. The MAP is developed by the auditor, with input from SLT, and discussed and approved at ARC meetings. Any ad hoc engagements undertaken by the internal auditor must similarly be referred to the ARC prior to commencement. There were no additional assignments

External Audit by the Auditor General (AG)

The ARC met in late August to review the financial performance statements and the closing report issued by the agent of the AG. The AG issued unmodified (clear) opinions on both the financial and performance statements for the 2021-2022 financial year.

In addition, the ARC met with agent partner in camera and were informed that he did not encounter any difficulties during the audit and the preparation, and all supporting papers provided by Council officers were of a high quality and presented in a timely manners.

Compliance

The CEO provides the ARC with an update at each meeting relating to any noncompliance matter relating to Council policies and/or any Legislation. No instances of non-compliance issues were reported to the ARC for the period covered by this report.

The ARC continued to monitor the implementation of the Local Government Act 2020 (LGA 2020) and also received updates at each meeting

General

This report has been reviewed and approved by ARC members and respectfully request Council note this report .

Michael F Said OAM, CPA
Chair - Cardinia Shire ARC

6 October 2022

Resolution

Moved Cr Jack Kowarzik, seconded Cr Stephanie Davies.

That Council note the report for the Audit & Risk Committee activities presented to Council by the Chair, Michael Said.

Carried

6.2.9 Appointment of Delegates

Responsible GM: Debbie Tyson
Author: Doug Evans

Recommendation(s)

That the following delegates appointments be made for 2023.

| Committee / Organisation | Delegate/s for 2023 |
|---|---|
| Australia Day Reference Group | Crs Moore, Radford, Kowarzik & Ross |
| Arts and Culture Reference Group | Crs Ryan and Springfield |
| CALD Advisory Group | Crs Radford, Ross & Kowarzik |
| Cardinia Access & Inclusion Advisory Committee | Crs Owen & Radford |
| Cardinia Foundation | Cr Owen |
| Casey Cardinia Library Corporation | Cr Kowarzik until CCL Board is disbanded |
| My Community Library | Cr Springfield |
| Casey Cardinia Local History Reference Group | Cr Ryan & Owen |
| Chief Executive Officer Employment Matters Committee | Mayor of the day, Deputy Mayor and previous Mayor |
| Emerald Lake Park Advisory Committee | Cr Springfield |
| Interface Councils | Mayor of the day with Deputy Mayor as substitute |
| Motorsports Clubs Steering Committee | Crs Cameron & Owen |
| Municipal Association of Victoria | Mayor of the day with Deputy Mayor as substitute |
| Mt Shamrock Quarry Extension Environmental Review Committee | Cr Owen |
| National Growth Area Alliance | Mayor of the day with Deputy Mayor as substitutes |
| PB Ronald Trust | Cr Moore with Cr Davies as substitute |
| South East Councils Climate Change Alliance | Cr Springfield with Cr Davies as substitute |
| South East Melbourne Group of Councils | Mayor of the day with Deputy Mayor as substitute |
| South East Australia Transport Strategy | Cr Owen with Cr Davies as substitute |
| Social & Affordable Housing Partnership | Crs Ryan & Ross |
| Town Planning Committee | All councillors |
| Victorian Local Governance Association | Mayor of the day with Deputy Mayor as substitute |
| Western Port Biosphere Councillor Liaison Committee | Cr Cameron |
| Action Teams under the Liveability Plan | |
| Family Violence Action Team | Crs Springfield & Radford |

| | |
|--|---------------------------------------|
| Safety Action Team | Crs Kowarzik & Ross |
| Mental Health and Wellbeing Action Team | Cr Ryan with Cr Cameron as substitute |
| Healthy Eating & Active Living Action Team | Cr Springfield |
| Financial Wellbeing Action Team | Cr Kowarzik & Cr Ross |

Attachments

Nil

Executive Summary

This report is before Council to appoint representatives and delegates to various committees and organisations for the forthcoming year.

Background

Councillor representation is required for a number of internal and external committees and other organisations for the coming calendar year.

Policy Implications

Nil

Relevance to Council Plan

5.1 We practise responsible leadership

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

Climate Emergency Consideration

There are no Climate Emergency considerations as part of this report

Consultation/Communication

No consultation is required for this statutory process.

Financial and Resource Implications

There are no financial or resource impacts as part of this report

Conclusion

Councillor representation is required for a number of internal and external committees and other organisations for the forthcoming calendar year and it is appropriate that the delegates as recommended be confirmed.

Resolution

Moved Cr Jeff Springfield, seconded Cr Collin Ross.

That the following delegates appointments be made for 2023.

| Committee / Organisation | Delegate/s for 2023 |
|---|---|
| Australia Day Reference Group | Crs Moore, Radford, Kowarzik & Ross |
| Arts and Culture Reference Group | Crs Ryan and Springfield |
| CALD Advisory Group | Crs Radford, Ross & Kowarzik |
| Cardinia Access & Inclusion Advisory Committee | Crs Owen & Radford |
| Cardinia Foundation | Cr Owen |
| Casey Cardinia Library Corporation | Cr Kowarzik until CCL Board is disbanded |
| My Community Library | Cr Springfield |
| Casey Cardinia Local History Reference Group | Cr Ryan & Owen |
| Chief Executive Officer Employment Matters Committee | Mayor of the day, Deputy Mayor and previous Mayor |
| Emerald Lake Park Advisory Committee | Cr Springfield |
| Interface Councils | Mayor of the day with Deputy Mayor as substitute |
| Motorsports Clubs Steering Committee | Crs Cameron & Owen |
| Municipal Association of Victoria | Mayor of the day with Deputy Mayor as substitute |
| Mt Shamrock Quarry Extension Environmental Review Committee | Cr Owen |
| National Growth Area Alliance | Mayor of the day with Deputy Mayor as substitutes |
| PB Ronald Trust | Cr Moore with Cr Davies as substitute |
| South East Councils Climate Change Alliance | Cr Springfield with Cr Davies as substitute |
| South East Melbourne Group of Councils | Mayor of the day with Deputy Mayor as substitute |
| South East Australia Transport Strategy | Cr Owen with Cr Davies as substitute |
| Social & Affordable Housing Partnership | Crs Ryan & Ross |
| Town Planning Committee | All councillors |
| Victorian Local Governance Association | Mayor of the day with Deputy Mayor as substitute |
| Western Port Biosphere Councillor Liaison Committee | Cr Cameron |
| Action Teams under the Liveability Plan | |
| Family Violence Action Team | Crs Springfield & Radford |
| Safety Action Team | Crs Kowarzik & Ross |

| | |
|--|---------------------------------------|
| Mental Health and Wellbeing Action Team | Cr Ryan with Cr Cameron as substitute |
| Healthy Eating & Active Living Action Team | Cr Springfield |
| Financial Wellbeing Action Team | Cr Kowarzik & Cr Ross |

Carried

6.2.10 Update of Delegations to Staff

Responsible GM: Debbie Tyson
Author: Doug Evans

Recommendation(s)

That in the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Cardinia Shire Council resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Attachments

1. Instrument of Delegation Council to Members of Staff November [6.2.10.1 - 37 pages]

Executive Summary

Council last executed an Instrument of Delegation to staff members in July 2021, since that date there have been several amendments made to the various Acts and Regulations detailed in that Instrument as well as several changes to the structure of the organisation, as a result the Instrument of Delegation to staff requires updating to reflects these legislative amendments and staff changes.

An updated Instrument is attached.

Background

Most Council decisions are not made at Council meetings; effective functioning of the Council would not be possible if they were. Instead, most decision-making power is allocated by formal delegations to specific positions within the organisation.

The *Local Government Act 2020* makes provision for the Council to delegate powers to the Chief Executive Officer and for the Chief Executive Officer to then sub-delegate to Council staff. There are several other Acts and Regulations that empower a Council to delegate certain powers, such as the *Planning and Environment Act 1987* and the *Food Act 1984*, that do not contain express powers of sub-delegation, therefore it is necessary for the delegation to come from Council to the staff members directly.

The attached Instrument of Delegation relates to those Acts and Regulations

This Instrument was last updated in July 2021 and now needs to be updated to reflect legislative amendments and staff changes that have been made since that date.

Policy Implications

There are no policy implications as a result of this report.

Relevance to Council Plan

5.1 We practise responsible leadership

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

Climate Emergency Consideration

There are no climate emergency considerations as a result of this report.

Consultation/Communication

Relevant members of staff have been consulted in regard to the updated Instrument of Delegation

Financial and Resource Implications

There are no financial or resource implications as a result of this report.

Conclusion

With amendments made to the various Acts and Regulations detailed in the Instrument of Delegation and staff changes that have occurred it is necessary to introduce an updated Instrument of Delegation to staff reflecting these changes.

Resolution

Moved Cr Stephanie Davies, seconded Cr Collin Ross.

That in the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Cardinia Shire Council resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Carried

6.2.11 Notice of Motion - Impact of Weather and Maintenance Response

Responsible GM: Peter Benazic
Author: Mark Howard

Recommendation(s)

That Council note this report in response to Notice of Motion 1075

Attachments

{attachment-list-do-not-remove}

Executive Summary

This report has been prepared in response to item 1 of Notice of Motion 1075 and outlines the impacts of weather on Council's road assets, what we have done in response and our performance.

The number of defects recorded on Council's assets have been significantly higher than average over recent months, both due to high to record rainfall and above average number of wet days in early winter. Council have responded through increasing our plant fleet (through hire and retention), reallocation of internal staff and engagement of contractors in an attempt to maintain service provision. These endeavours have resulted in defect rectification times remaining inside road management plan requirements and consistent with recent performance for sealed roads, with approximately 3 business day increase in average time to rectify for unsealed roads. While from an asset perspective Council have done well to manage the significant increase in failures, customer experience is will undoubtedly have suffered due to the increased number of defects.

The vast majority of social and mainstream media comments have related to state managed arterial roads and not Councils municipal roads.

Background

Cardinia Shire Council is responsible for 720 kilometres of sealed roads and 859 kilometres of unsealed roads. Maintaining this extensive road network presents many challenges but the greatest is the weather. This significantly impacts both the formation of defects in our road assets but also constrains what options we may have in how we address them.

Council can respond to most of these challenges using a flexible workforce blending both internal resources and external contractors, good planning, and a desire for continual improvement in the way it manages this network.

Road Management Plan

As a Road Authority, Council is required by the Road Management Act 2004 and Road Management Act (General) Regulations 2016 to have in place its own Road Management Plan (RMP). This plan sets out the principles, methods and systems used by the Cardinia Shire in managing the local road system. The Plan has two major components. Schedule of Maintenance Standards, which states the minimum normal levels of service that the Council provides in managing the local road network and the Road Management System, which is a workflow process that provides a sound basis for traceability of inspections, work planning, scheduling, and monitoring.

The RMP is formerly reviewed every four years. The current iteration of the RMP adopted in June 2022, saw an increase to the proactive inspection timeframes for Arterial and Collector sealed roads by up to 300%.

Sealed and unsealed roads, typical defects and why do they occur

Below are brief descriptions of the road structure and common types of surface defects affecting both sealed and unsealed roads,

Sealed roads:

Sealed roads are normally constructed of gravel or stabilised gravel structural layers over natural soil, and either an asphalt or sprayed seal as the top most part of the pavement. As well as providing the trafficable surface people drive on, the seal protects the main structural elements of the road and underlying soils from water and mechanical damage.

- **Potholes:** While there are a number of causes of potholes, the largest is a result of water getting into the underlying structural layers of the road and/or the underlying natural soils. Often this is as a result of a breakdown and cracking of the seal because of fatigue, deflection, oxidation or other factors. This normally results in softening of these materials and/or this water pushing on the underside of the seal when compressed by the load of a vehicle above.
- **Edge break/drop offs:** may be caused by narrow pavements causing vehicles to partially travel on the road shoulder or inadequate support of the gravel shoulder.

Unsealed roads

Unsealed roads are in most cases constructed of gravel and rock materials over natural soil. The top wearing layer will usually be a class of rock that has a fairly high level of fines mixed in with the aggregate stone, to allow for a mix which performs better on this asset class. The fines help retain some moisture and help bind the material during summer, and combined with a more aggressive road shape (where possible) helps shed water and drain off the trafficable surface more quickly and reliability to mitigate the impact of wet weather.

- **Potholes:** primarily formed because of water ponding on the surface causing both the wearing and base courses to soften, the weakened material gets depressed or displaced by vehicle movement.
- **Scours:** can be caused due to steep grades, no distinct drainage path and concentration of water flow.
- **Corrugations:** primarily form as result of the lack of moisture within the pavement, causing the surface to unravel. This may be exacerbated on steep grades, corners and intersections as result of vehicle acceleration and braking. Corrugations mainly occur during the drier months of the year.

Situation this Winter

The following table summarises the long term and short-term defect volumes and Councils response timeliness. These numbers represent a broader range of defect types than the more detailed graphs that follow.

| Road type | Long term average defects recorded per month | Winter 2022 average defects per month | % Increase | Long term average business days to close defects | Average business days to close defects in 12 months to May 2022 | Average business days to close defects for winter 2022 |
|--------------------------------|--|---------------------------------------|------------|--|---|--|
| Council managed sealed roads | 58 (winter average 83) | 131 | 125% (58%) | 14.01 | 3.93 | 3.99 |
| Council managed unsealed roads | 162 (winter average 173) | 235 | 45% (36%) | 15.84 | 10.56 | 13.78 |

Table: Summary of asset impact and Council rectification timeliness

While performance in relation to timely rectification of defects for unsealed roads has not reflected more recent and improved standards, it was still better than the longer-term average, and the prioritisation of the rectification of sealed road defects resulted in no loss of service levels despite the significant peak in workload.

Resourcing

Council predominantly use internal resources to undertake maintenance activities on its road network. Many of these resources are multi-skilled, enabling greater flexibility in responding to peaks in workload. Where required, these resources work overtime to meet this increase in demand.

Fortuitously Council received delivery of two new Flocon trucks used in sealed road maintenance over this period. The better of the older units was retained to give us more flexibility in responding to both sealed and unsealed road defects.

We had particular challenges with our grading fleet, with breakdowns on two of the older units awaiting replacement needing to be covered by hired plant, and elevated levels of utilisation required of relief operators. The broader industry was also heavily committed on infrastructure and other works limiting our capacity to bring in external contractors which we often do to increase of capacity to meet peaks in demand.

Given the particular challenges Council made the following key temporary resource changes:

- Reassigned internal staff to both sealed and unsealed road repairs from drainage
- Employed contractors to complete drainage work normally managed by reassigned staff
- Employed an additional contractor grader
- Hired and retained additional plant to meet functional need
- Many internal crews worked additional hours/days to support the community

Work programming

Council proactively inspects its road network in accordance with its Road Management Plan. Proactive inspections enable the road network to be inspected and defects identified early to reduce risk to the public and preserve the asset from further deterioration.

Reactive inspections are where Council receive requests from the public via its Customer Service centre. These inspections are also managed in accordance with Councils Road Management Plan.

Both proactive and reactive inspections are completed by trained Council Surveillance Officers. Where reactive inspections out way the resources available, additional trained Surveillance Officers are brought in to assist.

A predictive grading maintenance program has been developed for the proactive maintenance of the unsealed road network. Grading intervals would be set based on historical maintenance completed previously over the past four years on the network. To further improve this program, historical grading interval dates have been brought forward by two weeks to (in theory) enable grading to commence immediately before the road begins to deteriorate, minimising service requests. The grading program is designed to enabled roads to be serviced by the nearest of Councils three depots to improve productivity and efficiency of internal resources. Council's Maintenance Management System, Reflect records date and time of works being completed. This is one of the key elements which has assisted in the longer-term reduction in requests, however more challenging conditions such as those we have been experiencing result in more rapid deterioration and given the highly reactive nature of unsealed roads a process we continue to invest in and improve.

Impact of climatic conditions

The topography across the Shire is unique and poses different maintenance challenges. The northern hills of the Shire contain roads that are steep or cut across the side of a hill. During the wetter months of the year, these roads are more susceptible to storm water run-off causing scouring and potholing, where during the drier months of the year are more susceptible to corrugations. Whereas the southern parts of the Shire are flatter with little fall. During the wetter months of the year, this type of topography tends lead to water to accumulate causing water to pool or flood, resulting in pothole type defects. During the drier months of the year, roads within this area may corrugate due to their exposure to the sun and wind.

Rainfall received to the end of August is approximately 15% higher than the rainfall received for the same period in 2021 and is approximately 23% off the annual average rainfall. Conditions have remained challenging beyond the end of winter with record rainfall in some locations in October. In addition, the number of wet days was higher reducing the ability of road pavements to dry and restabilise.

Performance on Sealed Roads

Figure 1. Sealed Roads – Requests and Defects

This chart illustrates a strong correlation between pothole requests received and pothole defects recorded between April 2022 to September 2022. The difference between requests and defects is due to multiple requests being received. Whereas there is an opposite correlation between edge break requests and defects recorded. This is attributed to more defects being identified through proactive inspections, rather than requests received from the public.

The peak in defects recorded during June is attributed to the way Council program its proactive inspection schedule. For this month, the Beaconsfield township which is an asset dense area is more likely to have more defects than a township with less assets. The peak during August is attributed to climatic conditions.

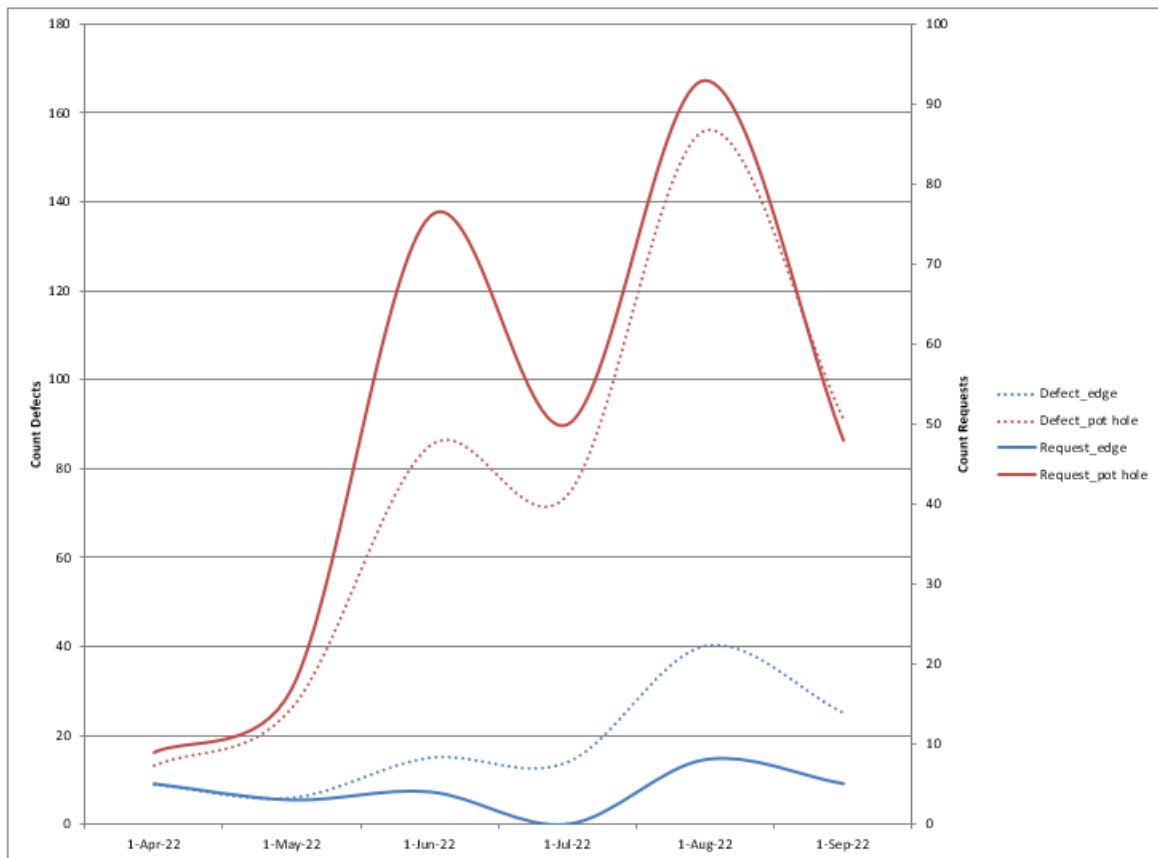


Figure 2. Sealed Roads – Hours Worked

This chart illustrates Council's efforts in responding to the remediation of sealed road pothole and edge break defects received. Demonstrating Council's ability to meet the demand of increase workload.

The data recorded between April 2022 to September 2022 shows an increase in defects which is largely attributed to climatic conditions experienced during this period.

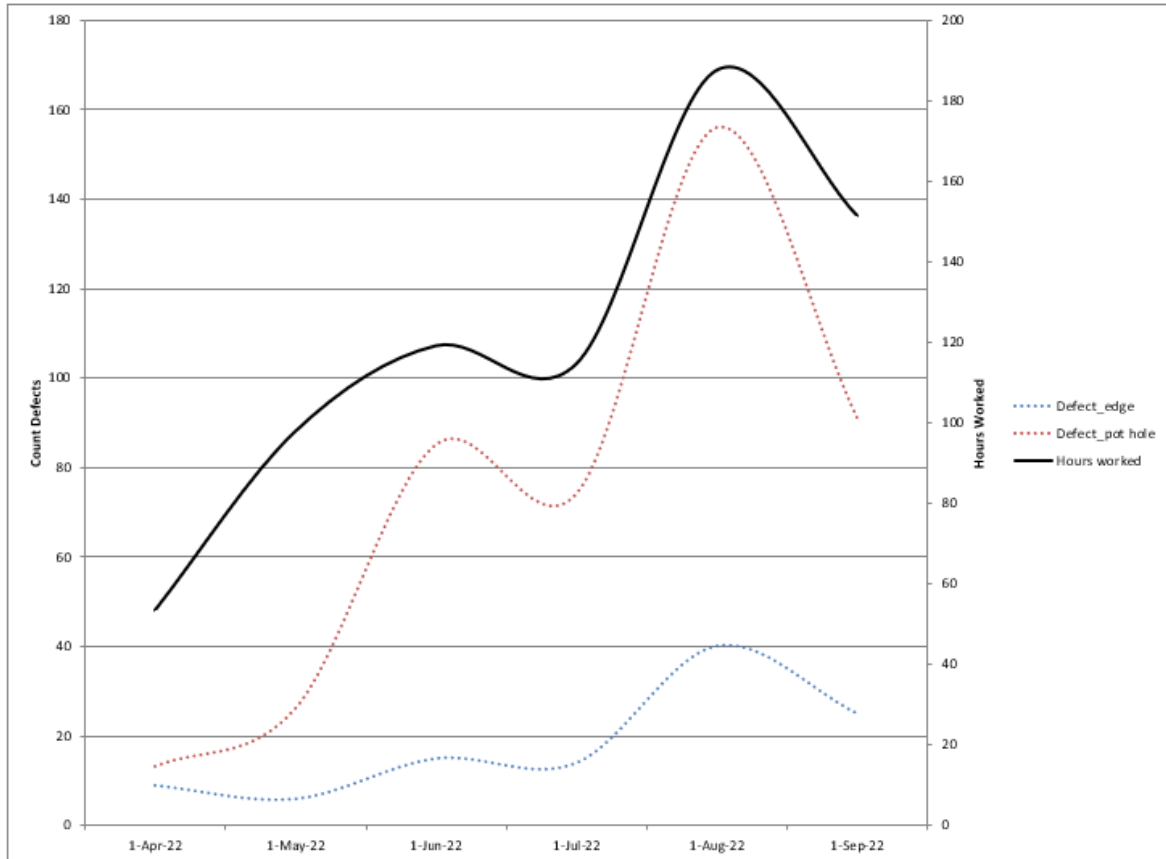
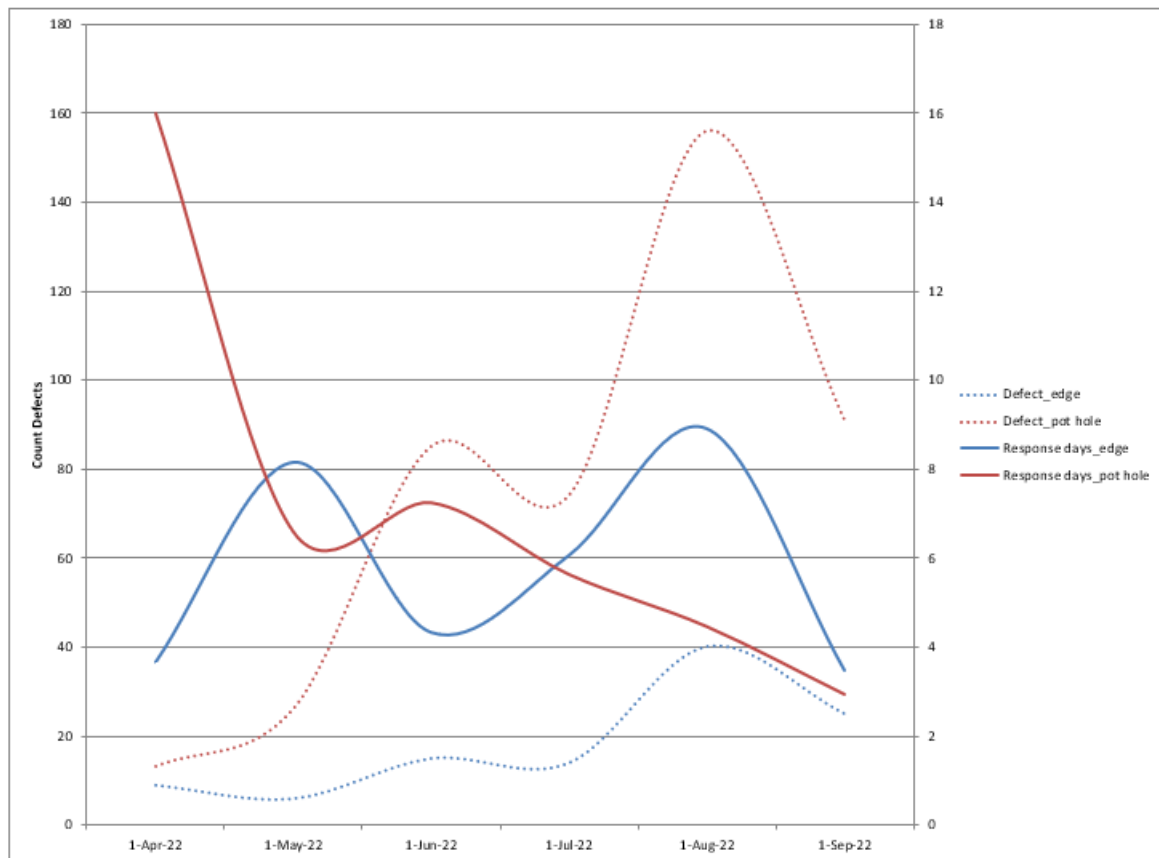


Figure 3. Sealed Roads – Average Elapsed Days to Remediate Defects

This chart illustrates the elapsed time from when a defect is recorded in Council's Maintenance Management System, to when the defect is remediated.

Average days to remediate edge defects fluctuated between 4 and 8 days. Average days to remediate potholes dropped from 16 days in April to 6 days in May and then progressively further to 2 days by September. The benefit of work hours invested in remediation are evident in stable or declining elapsed days to remediate.

Elapsed days to remediate are well below days provided for by Councils Road Management Plan.



Performance on Unsealed Roads

Figure 4. Unsealed Roads – Requests and Defects

This chart illustrates a strong correlation between grading requests received and grading defects recorded between April 2022 to September 2022. The difference between requests and defects is due to multiple requests being received. Whereas there is an opposite correlation between edge break requests and defects recorded. This is attributed to more defects being identified through proactive inspections, rather than requests from the public.

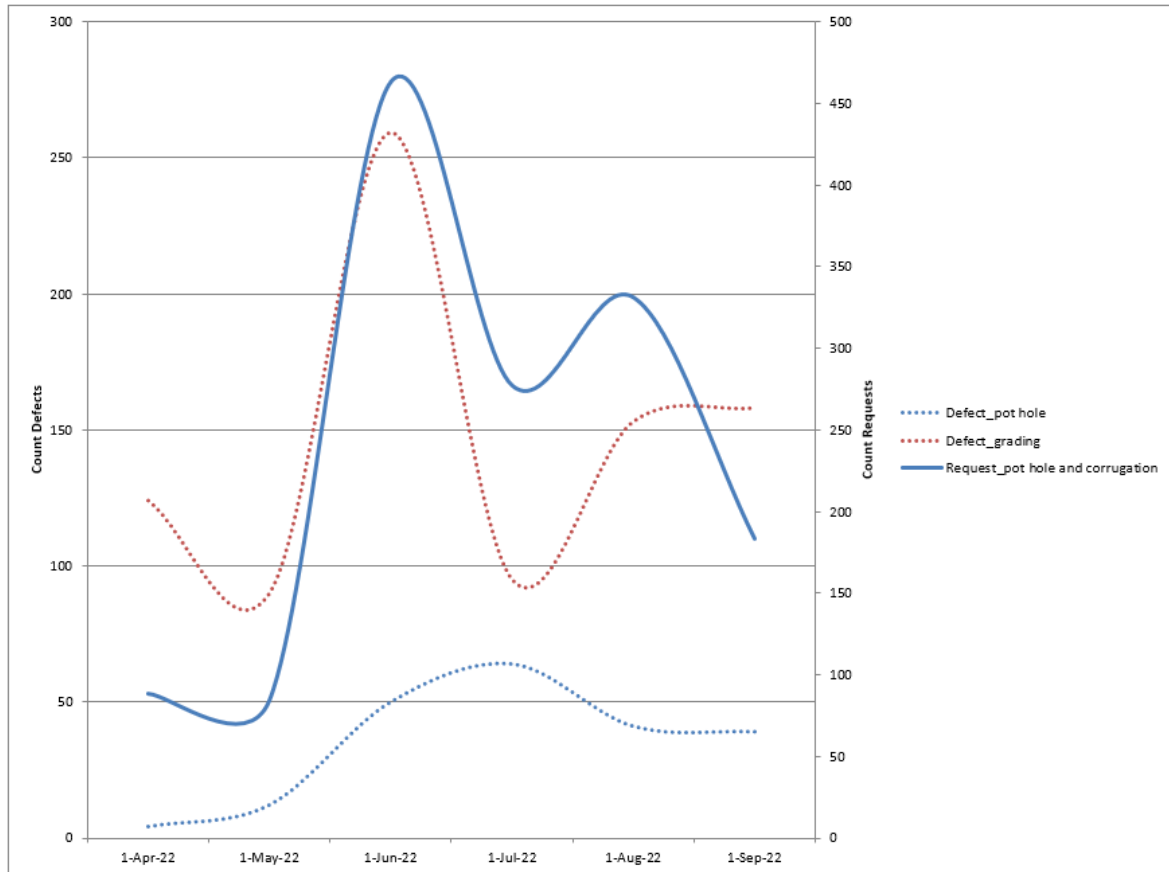


Figure 5. Unsealed Roads – Hours Worked

Hours worked were at relatively normal levels up to and including June. Hours ramped from July to respond to surge in defects.

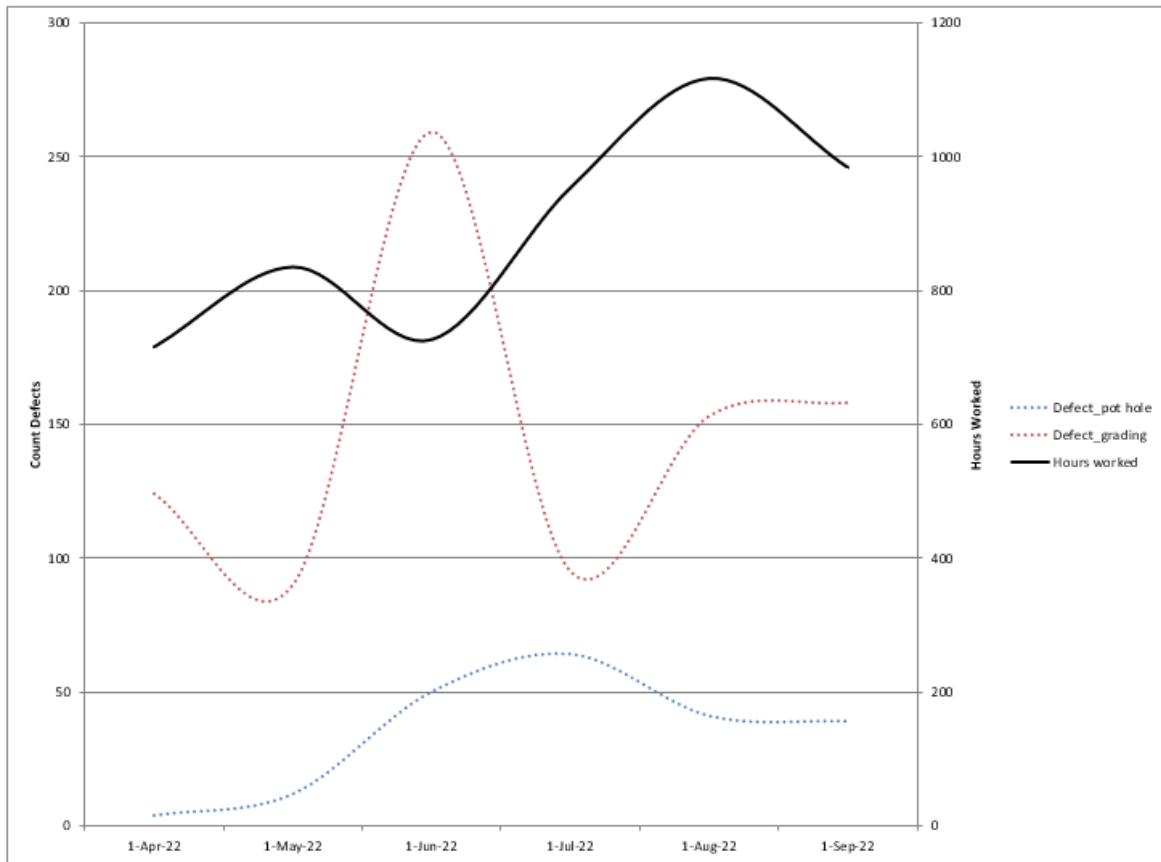
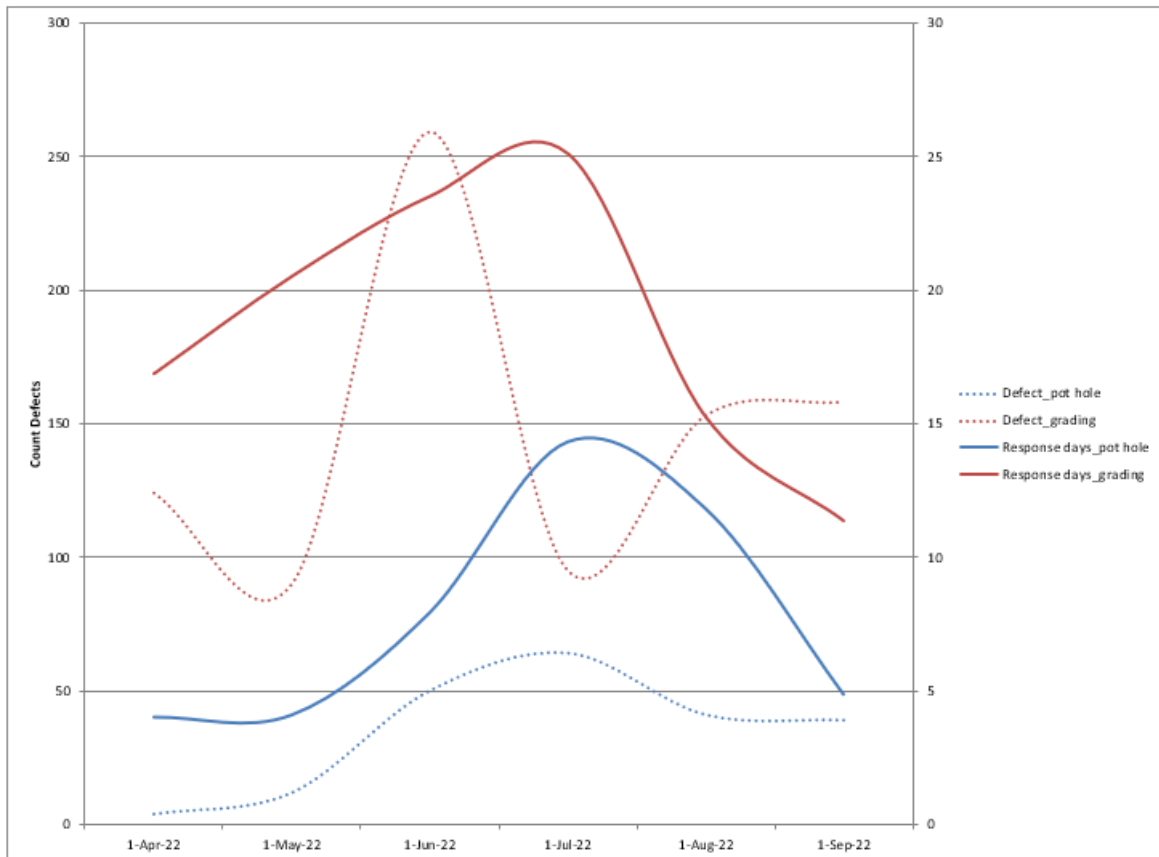


Figure 6. Unsealed Roads – Average Elapsed Days to Remediate Defects

Average days to remediate defects in the period to July, a product of relative normal investment of hours in remediation to June together with rising levels of recorded defects. Average days to remediate potholes dropped progressively from this point to end September. The effect of work hours invested in remediation are evident in declining elapsed days to remediate during August and September.

Elapsed days to remediate are well below days provided for by the Councils Road Management Plan.



Policy Implications

Cardinia Shire Council Road Management Plan v4

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 effect of climate change was not considered as part of this report, but clearly more extreme weather events, whether extended wet weather, high intensity rain fall and flooding, or extended dry periods all have adverse impact on the road network.

Consultation/Communication

The review of the Road Management Plan included detailed internal and external consultation, including advice from industry experts such as the Australian Road Research Board (ARRB), Austroads etc.

Public consultation was also completed prior to the adoption of this plan.

Risk Assessment

The intent of the Road Management Plan (RMP) is to manage risk associated with the assets listed within the RMP. This plan is designed to identify and mitigate risk to Council and users of the assets covered under this plan with respect to inspection and maintenance prioritisation, ensuring current assets are kept reasonably safe and serviceable. The classification system used is risk based, with higher usage implying a higher potential for a hazard to cause damage.

Financial and Resource Implications

Maintenance of Councils Road network is predominantly demand driven, based on both the need from the community and asset preservation. The additional effort expended, compounded by the more recent flooding and storms means our operational budget allocation is under significant pressure and rate of spend will continue to exceed initial forecasts in the immediate future. It is certain that some reallocation of budget towards road maintenance will need to occur and if adverse conditions persist maintenance of service levels will result in over budget expenditure.

Conclusion

This Notice of Motion report outlines the measures being undertaken by Council in its response to the impact of recent weather patterns on the performance of Council's roads, what measures have been undertaken by Council to respond to the conditions, and how it has impacted the timeliness of repair work.

Resolution

Moved Cr Kaye Cameron, seconded Cr Jeff Springfield.

That Council note this report in response to Notice of Motion 1075

Carried

6.3 Policy Reports

6.3.1 Rates & Charges Financial Hardship Policy

Responsible GM: Jenny Scicluna
Author: Tracy Nelson

Recommendation(s)

That Council adopts the revised Rates and Charges Financial Hardship Policy and application form, which now includes Special Charge Scheme debtors.

Attachments

1. Rates and Charges Financial Hardship Policy 2022 DRAFT [6.3.1.1 - 6 pages]
2. Rates and Charges Financial Hardship Application Form 2022 DRAFT [6.3.1.2 - 3 pages]

Executive Summary

Council approval is being requested for the attached policy which has been amended to incorporate the Special Charge Scheme Debtors. The Responsibilities section has also been amended to provide the General Manager Customer, People and Performance delegation to approve waivers of Rates and Charges up to \$20k compared to previously requiring approval from the Chief Executive Officer (CEO) for all amounts.

Background

The current Rates Financial Hardship Guidelines were adopted in August 2020. Due to the large number of new special charge schemes that are being introduced and the increase in ratepayers experiencing financial hardship since the beginning of the COVID-19 pandemic, there is a need to expand this policy to include Special Charge Scheme debtors.

The attached policy also now provides for the General Manager Customer, People and Performance, to which the Finance business unit reports, delegated authority to approve waivers of rates and charges up to \$20k compared to previously requiring approval from the Chief Executive Officer (CEO) for all amounts.

Policy Implications

This is an amendment to an existing policy to include an additional item for which there is not currently a policy.

Relevance to Council Plan

5.1 We practise responsible leadership

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

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

Consultation/Communication

Rates Financial Hardship provisions are required under the Local Government Act 1989.

The Special Charge Scheme debtor additions have been incorporated in consultation with the Special Charge Scheme Officer, Revenue Specialist and Revenue Officer (Recoveries).

Conclusion

Council's Rates Financial Hardship policy will be updated to include Special Charge Scheme Debtors and provide the General Manager Customer, People and Performance delegation to approve waivers of Rates and Charges up to \$20k.

Resolution

Moved Cr Collin Ross, seconded Cr Jack Kowarzik.

That Council adopts the revised Rates and Charges Financial Hardship Policy and application form, which now includes Special Charge Scheme debtors.

Carried

6.4 Financial Reports

6.4.1 Contract 18-028 Extension - Neutral Vendor Managed Services

Responsible GM: Jenny Scicluna
Author: Fran Miller

Recommendation(s)

That Council extends contract CT18-028 Neutral Vendor Managed Services to Comensura Pty Ltd for a further term of eleven months, with an expiry date of 30 September 2023.

Attachments

Nil

Executive Summary

MAV Procurement has advised Cardinia that an extension is available for their Neutral Vendor Managed Service contract, with a new expiry date of 30 September 2023.

Background

MAV Procurement creates collaborative contracts to enable best value outcomes for councils to utilise at their discretion. Cardinia Shire has used the Neutral Vendor Managed Service contract since 2018 to remarkable success. The contract allows Cardinia to utilise the Comensura product, which acts a conduit connecting temporary labour hire agencies to council whenever there is a business need. This enables staff to seek the best possible candidates, at the best possible hourly rate, in an efficient way. Council's current contract agreement expires 9 November 2022 and is seeking council endorsement to extend this agreement to align with the updated MAV expiry date of 30 September 2023.

MAV has indicated that it will be replacing this contract at the conclusion of this extension period.

Policy Implications

Procurement Policy

Relevance to Council Plan

5.1 We practise responsible leadership

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

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

Climate Emergency Consideration

n/a

Consultation/Communication

n/a

Financial and Resource Implications

Council spent \$1.4M in neutral vendor managed services in 2021/22 financial year. This amount is expected to be maintained. All expenditure is managed via ordinary budgetary constraints.

Conclusion

Council should continue the Neutral Vendor Managed Service to assist in the day-to-day operations of temporary labour hire, until the contract expiry date of 30 September 2023.

Resolution

Moved Cr Stephanie Davies, seconded Cr Collin Ross.

That Council extends contract CT18-028 Neutral Vendor Managed Services to Comensura Pty Ltd for a further term of eleven months, with an expiry date of 30 September 2023.

Carried

6.4.2 Contract 22-025 - Feature Survey Package 20 to 27

Responsible GM: Peter Benazic
Author: David Conomy

Recommendation(s)

That Council:

That approval is given for the variation documented in this memo and for CT22-025 contract sum to be increased by an additional \$58,300.00 incl GST such that the new contract sum is increased to \$350,941.80 incl. GST. It is further requested that approval is given for the purchase order P222300304 to be varied accordingly.

Attachments

1. CONFIDENTIAL - Confidential Memorandum - Circulated to Councillors only [6.4.2.1 - 8 pages]

Executive Summary

Approval is sought for the contract sum of contract number CT22-025 - Feature Survey for Packages 20 to 27 for the [Sealing the Hills](#) project to be increased by an additional \$58,300.00 incl GST to accommodate variation works required to complete feature survey works and for the associated purchase order to be varied accordingly.

Background

As part of the federally funded [Sealing the Hills](#) project within the [Better Local Roads](#) program, a priority list of roads was approved by the Council in March 2020. The project is mainly Federally funded with additional funding received through several Special Charge Scheme processes.

Packages 20 to 27 within the [Sealing the Hills](#) project are eight (8) packages of works located within Emerald, Upper Beaconsfield, and Cockatoo, consisting of approximately 16 kilometers of full road reconstruction works. Most of these works are earmarked for construction in the 2023/2024 financial year. A detailed feature survey and service proving is required prior to the commencement of engineering design for these packages.

Approval was provided by the General Manager Infrastructure and Environment on the 14th of July 2022 to engage Veris under CT22-025 for the amount of \$292,641.80 incl. GST to complete feature survey and service proving works for packages 20 to 27 under this program of works. The approved memo is linked below:

1. [DOCID-235899278-10210](#) - CT22-025 – Feature Survey for Packages 20 to 27 Sealing the Hills Program - RFQ – signed

Veris' proposal utilised mobile laser scanning (MLS) which provided Council with numerous innovations and advantages for project cost, turnaround time as well as construction support, particularly when compared to similar previous works completed. All works received thus far from Veris have been delivered in a timely manner to an extremely high standard.

Details of Variation

While the works have progressed extremely well, a variation has been sought to cover unanticipated costs associated with the following works outside of the original scope of works, which were unable to be anticipated at the time of pricing:

1. Unanticipated issues relating to additional control setup. It was determined that the combination of terrain variability & tree cover necessitated a switch to using total station for the full scope to maintain the construction grade accuracy requirements rather than GNSS control which was assumed at the time of pricing. It also required the interval between control points to substantially exceed the 200m requirement provided in the brief. A proprietary GIS platform for locating control points was also developed for in-construction use. While this will ultimately provide substantial construction benefits for Council it has also substantially increased costs. Variation cost of \$33,000.00 excl. GST.
2. Automated matching of surveyed tree centers was unexpectedly limited and required a revised methodology involving higher proportion of manual matching due to unexpectedly low accuracy of arborist tree center locations. While some allowance was made in their proposal for uncertainties with this, the quantity and complexity of matching substantially exceeded this allowance. The level of additional processing work was unable to be anticipated at the time of pricing. Variation cost of \$10,000.00 excl. GST.
3. Council requested Veris to undertake additional works which was previously expected to be completed by the arborist. These works include mapping the TPZ and SRZ of native and non-native trees on the survey file. It was decided that these works would be more efficiently and accurately completed by the surveyor rather than the arborist and would provide more consistent inputs for engineering design. Expected cost of \$18,000.00 excl. GST.
4. Additional infill survey works are anticipated to be required to complete the works due to numerous areas where dense vegetation has limited MLS data capture. Expected cost of \$27,000.00 excl. GST.

Based on the above, the total variation sum is expected to be \$88,000.00 excl. GST (\$96,800.00 incl. GST). After accounting for the \$38,500.00 incl. GST contingency sum provided in CT22-025 it is expected that an additional \$58,300.00 incl. GST above the original purchase order sum of \$292,641.80 incl GST will be required to complete the works.

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.

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

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

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

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

3.1.5 Facilitate community stewardship to build preparedness for natural threats.

5.1 We practise responsible leadership

- 5.1.1 Build trust through meaningful community engagement and transparent decision-making.
- 5.1.2 Manage our finances responsibly and leave a positive legacy for future generations.

Climate Emergency Consideration

Council declared a climate emergency on 16th September 2019 in response to the overwhelming climate science which indicates rising global temperatures are putting our local economy, people, species and ecosystems at risk. This declaration resolved to:

- Give priority to policy and actions that will provide for both mitigation and adaptation in response to accelerating global warming and climate change

The Council Plan acknowledges tackling climate change and its impact on our environment, economy and people. The effects of climate change are already being seen through more warm spells, frequent and intense downpours and longer fire seasons. It's impacting our biodiversity, water supplies, energy demand and health. As outlined in our Sustainable Environment Policy 2018-28, we recognise that every action our community and Council takes influences our environment. We want to make that influence as positive as possible.

Financial and Resource Implications

The [*Sealing the Hills*](#) project is mainly Federally funded with additional funding from Special Charge Schemes.

The total variation sum requested for contract number CT22-025 is \$96,800.00 incl. GST. However, After accounting for the \$38,500.00 incl. GST contingency sum provided, the contract sum for CT22-025 would need to be increased by \$58,300.00 incl. GST above the original purchase order sum of \$292,641.80 incl GST in order to complete the works. This equates to a 20% variation to the original contract, taking the total contract sum to \$350,941.80 incl. GST.

Under Item 5.6 of Cardinia Shire Council's CEO Purchasing Delegations policy adopted on the 25th of August 2022, items with a value over \$300,000 incl GST should be made through a public competitive tender. Additionally, the purchasing delegations restrict General Manager power to approve contract variations to a maximum of 10%, limited to their financial delegation or tender threshold (whichever is the lower), over the life of the contract. As the variation amount sought is greater than 10% and would take the total contract value over the \$300,000 incl. GST threshold, Council approval is required prior to approval of the variation sum.

Conclusion

It is recommended that approval is given for the variation documented in this memo and for CT22-025 contract sum to be increased by an additional \$58,300.00 incl GST such that the new contract sum is increased to \$350,941.80 incl. GST. It is further requested that approval is given for the purchase order P222300304 to be varied accordingly.

Resolution

Moved Cr Jeff Springfield, seconded Cr Jack Kowarzik.

That Council:

That approval is given for the variation documented in this memo and for CT22-025 contract sum to be increased by an additional \$58,300.00 incl GST such that the new contract sum is increased to \$350,941.80 incl. GST. It is further requested that approval is given for the purchase order P222300304 to be varied accordingly.

Carried

6.4.3 Contract 22-032 - Pavement Renewal Works 2022-23

Responsible GM: Peter Benazic
Author: Buddhika Wilwara Achchige

Recommendation(s)

That Council:

1. Award the tender submitted by Downer EDI Works Pty Ltd to undertake the works associated with Contract 22-032 - Pavement Renewal Works on Toomuc Valley Rd in Pakenham, Bayles Cora Lynn Rd in Cora Lynn and Heads Rd in Yannathan for the contract sum of \$2,236,090.57 (Excl. GST)
2. The remaining Tenderers be advised accordingly

Attachments

1. CONFIDENTIAL - Confidential Memorandum - Circulated to Councillors only [6.4.3.1 - 3 pages]

Executive Summary

The three roads under consideration within this contract have been identified as a high priority for treatment under Council's asset management systems. Through discussions with Council's Road Maintenance team, the roads identified had amongst the highest for maintenance costs for the Shire.

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

The tender for all three roads submitted by Downer EDI Works Pty Ltd is the most advantageous for Council, providing the best value for money, while providing excellent service.

It is therefore recommended that Contract 22-032 for the construction of Bayles Cora Lyn Rd (Ropers Ln to SE Abutment Bunyip River Bridge (including the Slip lanes at Murray Rd)) in Cora Lynn, Heads Rd (Property No 470 to Thwaites Rd) in Yannathan and Toomuc Valley Rd (72m North East of Goldcare Bvd to Start of KC at No.186) in Pakenham be awarded accordingly.

Background

Three roads were identified as a high priority for treatment under Council's asset management systems and through discussions with Council's Road maintenance team, as they are amongst the highest for maintenance costs for the shire. These three roads were included in the tender documents associated with CT22-032.

Tenders were advertised on 20 August 2022 and closed on 13 September 2022. A total of three (3) tenders were received.

The tenders were checked against a range of weighted and non-weighted selection criteria to ensure the viability of the tender submissions. These criteria include: Pricing and value for money, OHS, Risk & Insurance, Compliance with the Specifications, Required Prequalification with VicRoads (DoT) Financial Viability, Environmental Commitments, Capability and Capacity, Relevant experience and past performance of the Tenderer, Quality system and Project Plan.. The tender advertised contained separate schedules for each listed road, with Council having the option of awarding each of the roads by themselves or in a package to separate tenderers if this demonstrated best value for money for Council.

- To provide best value for money, it is recommended that all three roads;
 - Bayles Cora Lynn Rd in Cora Lynn,
 - Heads Rd in Yannathan and
 - Toomuc Valley Rd in Pakenham
- be awarded to Downer EDI Works Pty Ltd for a sum of \$2,236,090.57 (Excl. GST).

Policy Implications

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

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

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

Climate Emergency Consideration

Nil

Consultation/Communication

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

Financial and Resource Implications

Funding for works on these roads is available under the 2022-2023 Capital Works Program for Asset Renewal and Upgrade.

- The total cost for the rehabilitation of Toomuc Valley Rd in Pakenham, Bayles Cora Lynn Rd in Cora Lynn and Heads Rd in Yannathan is \$2,236,090.57 (Excl. GST). There will be sufficient funds available in the Capital Works program to award these works.

Financial scorecard reviews were undertaken to assess financial capacity of Downer EDI Pty Ltd to undertake these works. Downer EDI Pty Ltd has shown satisfactory outcomes from a financial perspective to be considered for the contract based on their respective financial scorecard assessments.

Conclusion

It is recommended that the tender submitted by Downer EDI Pty Ltd for Toomuc Valley Rd in Pakenham, Bayles Cora Lynn Rd in Cora Lynn and Heads Rd in Yannathan be accepted for \$2,236,090.57 (Excl. GST) be accepted for Contract 22-032 - Pavement Renewal Works 2022-23.

Resolution

Moved Cr Stephanie Davies, seconded Cr Jack Kowarzik.

That Council:

1. Award the tender submitted by Downer EDI Works Pty Ltd to undertake the works associated with Contract 22-032 - Pavement Renewal Works on Toomuc Valley Rd in Pakenham, Bayles Cora Lynn Rd in Cora Lynn and Heads Rd in Yannathan for the contract sum of \$2,236,090.57 (Excl. GST)
2. The remaining Tenderers be advised accordingly

Carried

6.4.4 Contract 22-041 - Construction of First/Grenville Package Phase 1

Responsible GM: Peter Benazic
Author: Doug Evans

Recommendation(s)

That Council award Contract 22-041 First-Grenville Phase 1 to Maca Civil Pty Ltd for the total amount of \$6,855,129.92 excl. GST.

Attachments

1. CONFIDENTIAL - Confidential Memorandum - Circulated to Councillors only [6.4.4.1 - 3 pages]

Executive Summary

The competitive public tender process for the First-Grenville Phase 1 project which forms part of the Sealing the Hills program of works has now closed, and three (3) submissions were received. While the pricing for all submissions received was comparable, Maca Civil Pty Ltd was the only tenderer which met the mandatory requirement of having a current accreditation under the Federal Work Health and Safety Accreditation Scheme. As the Sealing the Hills program of works receives Federal Funding, this accreditation is a funding requirement for any works over \$4million. It is noted that the tender submitted by Maca Civil Pty Ltd has been formally evaluated and they have been deemed suitably capable and resourced to complete the works within an acceptable timeframe. It is further noted that the submission from Maca Civil Pty Ltd for the total amount of \$6,855,129.92 excl. GST can be accommodated within the project budget.

Consequently, it is recommended that Council award the Contract 22-041 First-Grenville Phase 1 to Maca Civil Pty Ltd for the total amount of \$6,855,129.92 excl. GST.

Background

First-Grenville project is a package of roads earmarked for delivery in FY 22/23 and 23/24 under the Sealing the Hills project within the Better Local Roads program. The project is mainly Federally funded with additional funding received through several Special Charge Scheme processes. The scope of the works for these projects includes:

- Pavement widening and reconstruction
- Concrete works (kerb & channel)
- Drainage works and,
- Asphalt wearing surfacing, etc.

As a result of the size and complexity of the roads within the package of works, the First-Grenville project was split into three (3) phases. Phase 1 involves the reconstruction of First Avenue, Grenville Road, Spring Street and Hazel Street in Cockatoo. The roads selected for Phase 1 included all major downstream drainage outfalls for the project and geographic area. Subsequently, and separate to these works, Phases 2 and 3 will involve the upgrade of Second Avenue, Neville Street, Steane Street and Marcelle Street in Cockatoo.

Tenders for RFT22-041 were publicly advertised on 10th September 2022 and closed on 11th October 2022 at 2.00pm. It is a federal funding requirement that for any contracts exceeding \$4M (inclusive of GST), all tenderers are to be prequalified under the Federal Work Health and

Safety Scheme, and Council also set a DoT prequalification level of R2. Due to this requirement, the Construction Contracts Panel could not be utilised.

Tenders were evaluated against the criteria of compliance with the specifications, financial viability, risk and insurance, compliance to conditions of contract, conflict of interest, OHS, quality systems, quality of previous work, project plan, pricing and value for money, compliance with the specifications, capability, relevant experience, and past performance of the tenderer.

Details of the tender evaluation are included in the attached confidential memorandum.

Policy Implications

Development of this Special Charge Scheme has been undertaken in accordance with Council's Special Charge Scheme Policy

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

Council declared a climate emergency on 16th September 2019 in response to the overwhelming climate science which indicates rising global temperatures are putting our local economy, people, species and ecosystems at risk. This declaration resolved to:

- Give priority to policy and actions that will provide for both mitigation and adaptation in response to accelerating global warming and climate change

The Council Plan acknowledges tackling climate change and its impact on our environment, economy and people. The effects of climate change are already being seen through more warm spells, frequent and intense downpours and longer fire seasons. It's impacting our biodiversity, water supplies, energy demand and health. As outlined in our Sustainable Environment Policy 2018-28, we recognise that every action our community and Council takes influences our environment. We want to make that influence as positive as possible.

Consultation/Communication

Extensive community consultation has been undertaken for the Sealing the Hills project including throughout the Special Charge Scheme process. The Package 11 First-Grenville Special Charge Scheme was declared at the Council meeting on the 20th June 2022. No objections were received by the statutory date to lodge VCAT objections the 29th July 2022.

Financial and Resource Implications

The Sealing the Hills project is mainly Federally funded with additional funding from Special Charge Schemes. The submission from Maca Civil Pty Ltd for the total amount of \$6,855,129.92 excl. GST can be accommodated within the \$9,343,221.00 of funds allocated from the Sealing the Hills budget for the construction of the First-Grenville project.

Conclusion

It is recommended that the tender submitted by Maca Civil Pty Ltd Contract 22-041 First-Grenville Phase 1 be accepted for the amount of \$6,855,129.92 excl. GST.

Contract 22-041 Construction of First Avenue, Grenville St group Special charge scheme

Resolution

Moved Cr Jeff Springfield, seconded Cr Graeme Moore.

That Council award Contract 22-041 First-Grenville Phase 1 to Maca Civil Pty Ltd for the total amount of \$6,855,129.92 excl. GST.

Carried

6.4.5 Contract 22-038 Construction of Toun-nun (Brunt Road) Integrated Child and Family Centre

Responsible GM: Debbie Tyson
Author: John Dowber

Recommendation(s)

That Council award Devco Project and Construction Management Pty Ltd Contract 22-038 – Construction of the Toun-nun Brunt Road Integrated Child and Family Centre Facility for a final tender price including Provisional Sums of \$6,816,326.00 excluding GST.

Attachments

1. CONFIDENTIAL - Confidential Memorandum - Circulated to Councillors only [6.4.5.1 - 3 pages]

Executive Summary

This report provides recommendation for the appointment of a Commercial Builder to undertake the works associated with Contract 22-038 Toun-nun (Brunt Road) Integrated Child and Family Facility.

The facility has been designed to meet the projects scope of works, applicable Australian Standards, Building Codes and considers Cardinia Shire Council Enhanced Standards.

Devco Project and Construction Management demonstrates experience in delivering similar large-scale projects within Local Government.

The Tender submitted by Devco Project and Construction Management Pty Ltd complies with all the Conditions of Tender and their submitted Tender submission represents best value outcomes.

Furthermore, the final tender price falls within the Council's project budget allocations.

Background

The Toun-nun (Brunt Road) Integrated Child and Family Centre is located at 49 Fairweather Street, Officer.

This new early learning facility will provide a modern and vibrant Child and Family Centre in the fast-developing region of Officer.

The facility includes areas such as:

- Waiting area
- Program Rooms equipment with children toilet facilities
- Three consult rooms
- Amenities and storage facilities
- Staff planning and office space
- IT and communication equipment Room
- Kitchen, staff room with adjacent external courtyard
- External landscaped activity areas for each program room
- Car park facility

The public tender process for the engagement of a suitably qualified Commercial Builder opened for submissions on Saturday, 17 September 2022 and closed on Tuesday, 18 October 2022. Two conforming Tender submissions were received.

The tender submissions were evaluated against weighted criteria, including Capability and Capacity, Relevant Experience and Performance, Project Program, Quality System, COVID19 plan and VIPP requirements.

Tenders were also assessed against various non-weighted criteria to ensure the viability of the relevant submissions. The criteria included Financial Viability, Insurances, Conditions of Contract, Conflict of Interest, and OHS.

A rigorous evaluation of the submitted Tenders was undertaken by the Tender Evaluation Panel with the tender provided by Devco Project and Construction Management considered to provide the best value for money outcomes.

The tender evaluation process concluded Devco Project and Construction Management Pty Ltd to be the preferred tenderer.

Title/Registered Restrictions

Not applicable

Policy Implications

The delivery of this project aligns with other Council strategies, policies and plans, such as:

- Child, Youth and Family Strategy 2017 – 2021;
- Liveability Health Plan 2017 – 2029;
- Access Design Policy and Guidelines;
- Cardinia Shire Integrated Child and Family Build Plan;
- Cardinia Road Precinct Structure Plan and Develop Contribution Plan;
- Services for Success philosophy.

Relevance to Council Plan

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

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

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

2.1 We support the creation of liveable spaces and places

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

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

5.1 We practise responsible leadership

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

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

Response to Objections

Not applicable

Climate Emergency Consideration

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

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

Consultation/Communication

Consultation and engagement with various stakeholders including user groups, external education departments, service providers, funding departments and Council Officers has occurred throughout all phases of the planning and design processes for this project.

The project has actively included participation of the community, especially young families taking residence in the area, in the desire to meet the growing needs of the community.

The design of the facility was informed through various workshops undertaken with service providers and included input from the local Kindergarten children.

Financial and Resource Implications

The total budget allocation for this project is \$10,300,000 excluding GST. This budget includes funds for the construction of the building, landscaping and the facility carpark.

The project budget allocation is made up via the following funding streams detailed in the table below.

| Funding for the Project | |
|---|-------------|
| DCP | \$4,800,000 |
| DET/VSBA Building Blocks Capacity Grant | \$4,000,000 |
| DJPR Growing Suburbs Fund | \$1,500,000 |

The construction of the new building, landscape areas and carpark will be managed by a project team composed by a Project Manager and Project Support Officer.

As part of the Tendering process, all Tenderers were required to submit a Local Industry Development Plan (LIDP) for recognition and evaluation and to review the legitimacy of the document presented, a VIPP Plan was certified by the Industry Capability Network (ICN) before submission to CSC. ICN assist with the implementation of the local jobs first policy (LJFP). The VIPP Evaluation Report was produced by ICN, based on the information provided by Devco Project and Construction Management Pty Ltd, who passed the evaluation with a score of 92.45% Building minimum of Local Content Commitment to this contract.

An Independent Financial Scorecard for Devco Project and Construction Management Pty Ltd was obtained returning an acceptable rating.

Conclusion

With consideration to the tender evaluation process, budget allocation and the current industry impacts, the Tender Evaluation Panel concluded that Devco Project and Construction Management Pty Ltd Tender represents the best value outcomes for this project.

It is recommended that the Tender submitted by Devco Project and Construction Management Pty Ltd for a tender price of \$6,816,326.00 excluding GST, for the construction works associated with Contract 22-038 Toun-nun (Brunt Road) Integrated Child and Family Centre be approved for award of contract under the financial delegation of Council.

Resolution

Moved Cr Stephanie Davies, seconded Cr Jack Kowarzik.

That Council award Devco Project and Construction Management Pty Ltd Contract 22-038 – Construction of the Toun-nun Brunt Road Integrated Child and Family Centre Facility for a final tender price including Provisional Sums of \$6,816,326.00 excluding GST.

Carried

6.4.6 Quarterly Financial Report

Responsible GM: Jenny Scicluna
Author: Scott Moore

Recommendation(s)

That Council:

1. Receives and notes the quarterly financial report for the period 1 July 2022 to 30 September 2022.
2. Notes that the Chief Executive Officer, as required under Section 97(3) of the *Local Government Act 2020*, is of the opinion a revised budget is not required.
3. Approves the following variations that relate to Contracts:
 - 22-025 Feature Survey Package 20-27, namely a Variation of \$58,300 (incl. GST).
 - 20-62 Toomuc Reserve Pavilions, namely a Variation of \$254,664 (incl. GST).
 - 22-060 Brunt Road Child and Family Centre, namely a Variation of \$64,629 (incl. GST) for design consultancy fees only.
 - 22-038 Toun Nun (Brunt Road) Integrated Child and Family Centre, which relates to the construction contract for this project. The Toun Nun (Brunt Road) Integrated Child and Family Centre project has now been tendered for construction, Council gives delegation to the CEO, in accordance with the Conditions and Limitations as indicated in the Instrument of Delegation to the CEO, to approve Contract Over Expenditure exceeding the Public tender threshold of 10% of the original Contract Value, and that all variations experienced for this project be reported in the Council's Key Projects Quarterly Report.

Attachments

1. Financial Performance Report - Sep 2022 [6.4.6.1 - 10 pages]
2. Income Statement and Balance Sheet Glossary [6.4.6.2 - 3 pages]
3. Capital Works Report - Sep 2022 [6.4.6.3 - 12 pages]

Executive Summary

This report summarises Council's financial performance for the three months ended 30 September 2022.

It also proposes a number of variations to capital projects. The Procurement Policy 2021-2025, adopted by Council on 18 October 2021 under section 5.10 Exemptions and Breaches, requires a Council resolution where a Contract Over Expenditure exceeds the Public tender threshold of 10% of the original Contract Value,

Background

The report is broken into a number of parts highlighting various components of Council's financial performance and includes the following financial statements:

- Income Statement – Analysed by income, expenditure and non-recurrent Items. A favourable budget variance is reported where actual income exceeds budget or actual expenditure is less than budget. An unfavourable budget variance is reported where actual income is less than budget or actual expenditure exceeds budget.
- Cash Flow Statement;
- Balance Sheet; and
- Capital Works Report.

Also included is a summary of performance against the LGPRF/VAGO financial sustainability indicators.

A number of projects on the 22/23FY Capital Works Program have experienced Contract Over Expenditure exceeding the Public tender threshold of 10% of the original Contract Value, due to varying circumstances during project delivery. Details are as follows:

22-025 Feature Survey Package 20-27

While the works have progressed extremely well, a variation has been sought to cover unanticipated costs associated with the following works outside of the original scope of works, which were unable to be anticipated at the time of tendering.

1. Unanticipated issues relating to additional control setup. It was determined that the combination of terrain variability & tree cover necessitated a switch to using total station for the full scope to maintain the construction grade accuracy requirements rather than GNSS control which was assumed at the time of pricing. It also required the interval between control points to substantially exceed the 200m requirement provided in the brief. A proprietary GIS platform for locating control points was also developed for in-construction use. While this will ultimately provide substantial construction benefits for Council it has also substantially increased costs.

2. Automated matching of surveyed tree centres was unexpected limited and required a revised methodology involving higher proportion of manual matching due to unexpectedly low accuracy of arborist tree centre locations. While some allowance was made in their proposal for uncertainties with this, the quantity and complexity of matching substantially exceeded this allowance. The level of additional processing work was unable to be anticipated at the time of pricing.

3. Council requested Veris to undertake additional works which was previously expected to be completed by the arborist. These works include mapping the TPZ and SRZ of native and non-native trees on the survey file. It was decided that these works would be more efficiently and accurately completed by the surveyor rather than the arborist and would provide more consistent inputs for engineering design.

4. Additional infill survey works are anticipated to be required to complete the works due to numerous areas where dense vegetation has limited MLS data capture.

Based on the above, it is expected that an additional \$58,300 (incl. GST), above the original contract value, will be required to complete the works.

20-62 Toomuc Reserve Pavilions

During the construction of the pavilions, an unforeseen site issue, namely requirement for additional power supply arose and an extra \$250k was approved as additional expenditure to the original budget of \$6,300,000. The works related to the unforeseen site issue, were priced by the contractor solely delivering the pavilions' works, rather than also being priced by

at least 2 other market contractors, negating best value to Council at the time. This action was undertaken to limit already experienced ongoing risks on this project (e.g., reputation, cost and time delays, etc.). Further, there was confusion with whether the additional \$250k was considered as a Variation to the contract or as an addition to the contract sum, which resulted in the Contract Over Expenditure to be experienced on this project.

22-038/22-060 Brunt Road Children's Centre

Design Consultancy Fees - the original design consultancy fee amount was based on a building of lesser scope and with the increased building elements, services and systems, including additional ESD and fit-out requirements, have resulted in a higher value design service being needed. In addition, the Variation amount experienced has exceeded the Public tender threshold of 10% of the original Contract Value.

Construction Tender Price - a separate Council Report is being prepared and will be presented at the November Council meeting providing all details pertaining to tenders received, complete with tender evaluation report, financial analysis and best value outcomes for Council and our community. However, as market conditions relating to the construction industry are still unfavourable impacted by ongoing effects of COVID19 and fluctuating economic situations, in mitigating potential risks with delivery timing delays, cost-over-runs, Council reputation by good governance on projects, etc., Contract Over Expenditure exceeding the Public tender threshold of 10% of the original Contract Value, will need to consider a delegation by Council to the CEO in accordance with the Conditions and Limitations as indicated in the Instrument of Delegation to the CEO. Further, and in keeping Council informed, all variations experienced for this project will be reported in the Council's Key Projects Quarterly Report.

Policy Implications

Nil

Relevance to Council Plan

5.1 We practise responsible leadership

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

Climate Emergency Consideration

Nil

Consultation/Communication

Finance Business Partners meet monthly with Business Unit Managers to discuss year-to-date progress against the Operating and Capital Works budget. Outcomes of these discussions provide input to the completion of the monthly Financial Performance and Capital Works reports for further review with the relevant General Managers. These reports are subsequently presented monthly to the Senior Leadership Team and quarterly to Audit and Risk Committee and Council.

Financial and Resource Implications

The analysis undertaken as part of the Financial Performance and Capital Works reports is based on the differences between the 2022-23 budget adopted in June 2022 and actual results year-to-date and as at 30 September 2022.

Year-to-date adjusted underlying deficit \$0.7m is \$1.5m unfavourable to the year-to-date budgeted surplus of \$0.8m. The adjusted underlying result excludes capital income and other abnormals, but includes recurrent capital grants. The unadjusted result year-to-date to September is a surplus of \$34.6m, which is \$1.5m favourable to the year-to-date budgeted surplus of \$33.1m.

Year-to-date total income \$69.5m is \$0.2m higher than budget. Contributing to this result are material favourable variances mainly in the following:

- Development levies (non-monetary) received that were unbudgeted \$3.8m;
- Development levies (monetary) received above budget \$2.5m; and
- Capital grants \$2.5m
 - received earlier than expected for Sealing the Hills \$2.0m.
 - received that were not budgeted, including Koo Wee Rup High School Sports Facilities Upgrade \$160k, Integrated Children's Facility - Officer Rix Road \$200k and Bunyip Soccer Sportsfield Redevelopment \$100k.

These favourable income variances have been partly offset by

- Capital contributions (non-monetary) received from developers that were \$6.1m lower than expected by September, although the value and timing of these contributions are uncertain and extremely difficult to project.
- Operating grants for Koo Wee Rup Bowls and Community Facility \$1.4m and Unsealed Roads \$1.2m were also less than year-to-date budget, while there were grants received above budget for Sleep Settling Initiative \$475k, Enhanced MCH \$116k and South East Victorian Fires Recovery Support \$108k.

Year-to-date total expenditure \$34.5m is \$1.3m less than budget. Contributing to this result is delayed expenditure mainly in the following:

- Materials and services \$804k, including maintenance \$365k, materials and services \$232k, external labour \$203k and contract service payments, such as putrescible disposal \$154k and green waste collection \$136k.
Partly offsetting these timing driven underspends is \$290k of non-capitalisable priority and community capital works expenditure incurred earlier than expected.
- Employee benefits \$170k due to position vacancies and hiring delays;
- Borrowing costs \$113k due to budgeted loans not yet drawn for capital works projects Connect Cardinia, Comely Banks and Cora Lynn Pavilion; and
- Other expenses \$112k including IT hardware leases and financial audit fees.

A detailed variance analysis is included in the attached Financial Performance report.

Year-end forecast adjusted underlying deficit \$10.6m projected at the end of September is \$2.4m more than the adopted budget adjusted underlying deficit of \$8.2m. The unadjusted surplus is forecast to be \$7.4m less than the adopted budget, with income forecast to be \$4.8m lower and expenditure to be \$2.6m higher.

Year-end forecast total income \$229.8m is \$4.8m less than the full year adopted budget of \$234.6m. Contributing to this result is the net impact of the following:

- Capital contributions (non-monetary) less than budget by \$10.0m;
- User fees less than budget by \$286k;
- Development levies (monetary) more than budget by \$5.0m;

- Statutory fees and fines income more than budget by \$286k; and
- Operating grants more than budget by \$250k.

Year-end forecast total expenditure \$154.3m is \$536k more than the full year adopted budget of \$153.8m. Contributing to this result is the net impact of the following:

- Employee benefits more than budget by \$1.7m primarily due to the addition of a net 16 staff FTE to resource major infrastructure projects, statutory planning and Future and Connected Communities activities. Partially offsetting this increase are \$244k savings from existing position employment status changes, year-to-date vacancies and recruitment delays.
- Materials & services more than budget by \$776k due to increases in
 - Operations contract payments \$313k,
 - Operations materials and services \$205k,
 - Operations training \$45k,
 - Regulatory Services consultants \$50k,
 - Regulatory Services contract payments \$50k,
 - Planning and Design external labour \$50k,
 - Planning and Design legal and professional fees \$25k, and
 - Governance memberships \$25k; and

Year-to-date total cash balance \$136.2m is \$3.7m higher than at 30 June 2022 (Council cash \$2.2m lower and DCP cash \$5.9m higher) and \$33.7m more than year-to-date budget. This is mainly due to the net of impact of the following:

- Higher than anticipated cash holdings at 1 July 2022 \$24.1m due to financial assistance grants received in advance in 2021-22, higher than expected capital grants received in 2021-22, higher than expected capital carry-overs to 2022-23 and lower than expected materials and services cash outflows to 30 June 2022;
- Favourable timing of receipts for rates \$2.4m, contributions \$6.2m, other receipts \$4.6m, GAT receipts \$3.1m and lower than budgeted capital works payments to date \$19.7m; and
- Unfavourable timing of receipts for capital grants \$14.6m, operating grants \$2.8m and higher than budgeted materials and services cash outflows \$9.1m.

An actual net cash surplus at 30 September of \$45.6m is after external restrictions on cash of \$65.8m and intended allocations of \$24.8m.

Year-end forecast total cash balance \$106.5m, including total financial assets, is \$21.8m more than the full year budget of \$84.7m. This is despite a forecast \$2.3m reduction in current year cash generated from operating activities and is entirely due to the \$24.1m higher actual opening cash balance at the start of the year.

Year-to-date total reserves \$1.0bn include public open space and various infrastructure reserves of \$71.1m. Within these are DCP reserves of \$51.7m, against which future commitments estimated at 30 September are approximately \$102.1m to foreshadow a material funding shortfall of approximately \$50.4m. This, together with a DCP cash & equivalents shortfall of \$62.1m, indicate a potential need for material Council subsidisation of DCP capital works projects in the medium to long term.

Year-to-date total capital works project expenditure (including operating initiatives) \$7.9m is \$3.7m lower than at the same time last year and \$1.5m lower than the year-to-date budget. The forecast capital works expenditure for 2022-23 of \$110.5m is \$442k more than full year

budget \$110.1m (adjusted for actual carry-overs from 2021-22). The unfavourable variance is largely due to construction materials supply delays and projects being postponed due to tenders being higher than budget and being retendered.

Council has committed \$56.2m in capital works expenditure, which is approximately 51% of the full year budget as at 30 September 2022, with 7% actually spent. Key projects to which Council has committed funds include: Intersection upgrades, roads resealing, Sealing the Hills program, IYU Recreation Reserve Athletics Facility and Cardinia Youth Facility Expansion.

Variations totalling \$377,593 on existing capital projects are detailed in the background of this report.

Further details are included in the attached Financial Performance Report and Capital Works Report.

Conclusion

It is appropriate that Council receives and notes the quarterly financial report for the period 1 July 2022 to 30 September 2022 and notes that the Chief Executive Officer, as required under Section 97(3) of the *Local Government Act 2020*, is of the opinion a revised budget is not required. Contract variations totalling \$377,593 are included in this report for approval. Further variations regarding the Toun Nun (Brunt Road) Project will be reported separately.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Stephanie Davies.

That Council:

1. Receives and notes the quarterly financial report for the period 1 July 2022 to 30 September 2022.
2. Notes that the Chief Executive Officer, as required under Section 97(3) of the *Local Government Act 2020*, is of the opinion a revised budget is not required.
3. Approves the following variations that relate to Contracts:
 - 22-025 Feature Survey Package 20-27, namely a Variation of \$58,300 (incl. GST).
 - 20-62 Toomuc Reserve Pavilions, namely a Variation of \$254,664 (incl. GST).
 - 22-060 Brunt Road Child and Family Centre, namely a Variation of \$64,629 (incl. GST) for design consultancy fees only.
 - 22-038 Toun Nun (Brunt Road) Integrated Child and Family Centre, which relates to the construction contract for this project. The Toun Nun (Brunt Road) Integrated Child and Family Centre project has now been tendered for construction, Council gives delegation to the CEO, in accordance with the Conditions and Limitations as indicated in the Instrument of Delegation to the CEO, to approve Contract Over Expenditure exceeding the Public tender threshold of 10% of the original Contract Value, and that all variations experienced for this project be reported in the Council's Key Projects Quarterly Report.

Carried

6.5 Activity Reports

6.5.1 Community Engagement Update

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

Recommendation(s)

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

Attachments

Nil

Executive Summary

Monthly update on community engagement opportunities commencing or continuing.

Background

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

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

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

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

Policy Implications

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

Relevance to Council Plan

5.1 We practise responsible leadership

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

Climate Emergency Consideration

N.A

Consultation/Communication

This month, the following Engagement Plans are being implemented:

| Community engagement activity end October - November 2022 | | | |
|---|---|---|--|
| Project | Project description | Proposed consultation date/s | Responsible Business Unit |
| ROADS: Better Local Roads - Sealing the Hills | Package 24: View Hill Rd, Vincent St, Mackenzie St, Meyer St, Maillard St & Woodrow Crt in the View Hill Catchment, COCKATOO | Community information session: - Time: 5pm – 6pm - Date: Wednesday 23 November 2022 - Location: Cockatoo Public Hall, 79 Pakenham Rd. | Community Infrastructure Delivery (IE) |
| | Package 25: Lawsons Rd, Elizabeth Crt, Alfred Grv, Ronald Rd & Royal Pde in the Emerald Lake Catchment, EMERALD; and Package 26: Albert Rd, Hamilton Rd & Cloverleigh Av in the Station-William Catchment No. 1, EMERALD | Combined community information session: - Time: 5pm – 6pm - Date: Wednesday 30 November 2022 - Location: Hills Hub Emerald – 402 Belgrave-Gembrook Rd | Community Infrastructure Delivery (IE) |
| ROADS: Mulcahy Road, Pakenham | Proposed formal closure of the western end of Mulcahy Road between Thewlis Rd and Moritz Street to motor traffic. Engagement to seek feedback on the proposal. | Public Notice period 19 October to 16 November 2022. Letters to nearby landowners/occupiers advising of public notice period and opportunity to make written submissions. Creating Cardinia page to seek feedback on the proposal. Drop in information session: - Time: 5pm – 6pm - Date: Wednesday 2 November 2022 - Location: Civic Centre, 20 Siding Avenue, Officer | Community Infrastructure Delivery (IE) |
| PLANNING: Planning Scheme Amendment - proposed subdivision | Amendment C268 applies to the land at 49 Garfield Road, Garfield. It is a combined planning scheme amendment and planning permit application. At its meeting on 21 February 2022 Council resolved to place this amendment on public exhibition, in accordance with the Planning and Environment Act 1987. | The public exhibition period will commence on Thursday 13 October 2022 and close on Monday 14 November 2022. Engagement opportunities to include letters to potentially impacted residents in line with legislation to provide opportunity for written submissions. | Planning and Design (LC) |

| | | | |
|--|---|--|---------------------------------------|
| RESERVES: Bonette Reserve (Beaconsfield Structure Plan implementation) | The Beaconsfield Structure Plan sets out strategies to improve the area around the War memorial on the corner of Woods Street and Princes Highway. Community engagement is being undertaken to refine the concept plan for a landscape upgrade. | Engagement period: 28 October to 25 November 2022 On site 'pop up' sessions: - Sunday 13/11/22 between 11.00am – 1.00pm - Wednesday 16/11/22 between 3.30pm – 5.30pm. Creating Cardinia page to replicate pop up engagement online. | Planning and Design (LC) |
| RESERVES: Worrell Reserve - Skate park and youth plaza concept design (Grant related) | Skate park and youth plaza. Phase 2 engagement on drafted concept plan. | Engagement open: 14 November 2022 – 5 December 2022 On site 'pop up' session: on site at Worrell Reserve on 23 November 2022 between 3.30pm – 5.30pm. Pop ups at Emerald Primary School and Secondary College on 23 November 2022(subject to confirmation).(subject to confirmation). Creating Cardinia page seeking feedback on concept design. | Active and Connected Communities (LC) |
| Council 23/24 annual budget | Round 1 engagement to inform preparation of draft 23/24 council budget. | Engagement open 14 Nov - 16 Dec 2022. Pop ups across Shire at events - locations and times TBC. Online survey via Creating Cardinia. | Communications and Engagement (CPP) |

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

Financial and Resource Implications

N.A

Conclusion

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

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

Resolution

Moved Cr Kaye Cameron, seconded Cr Collin Ross.

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

Carried

6.5.2 Quarterly Performance and Growth Report - Q1 2022-23

Responsible GM: Jenny Scicluna
Author: Joy Emeruwa

Recommendation(s)

The Performance and Growth Reports for Quarter 1 2022-23 be received and noted.

Attachments

1. Performance Report 2022-23 [6.5.2.1 - 15 pages]
2. Council Plan Initiative - Progress Report 2022-23 [6.5.2.2 - 16 pages]
3. Growth Report 2022-23 [6.5.2.3 - 6 pages]

Executive Summary

The new Council Plan 2021-25 was adopted at the Council Meeting on Monday 21 June 2021. This is the second 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 3 years. Under each strategic objective are a series of strategies, initiatives, and indicators. Council committed to undertake work on 38 Council Plan initiatives during the 2022-23 financial year. 33 initiatives are currently on track to be completed by their due date.

84% 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. Although we have come out of the pandemic, we are still experiencing challenges with the strength of our workforce.

The service levels achieved for unsealed road related requests and drainage related requests this quarter were 92% and 83% respectively. Unsealed road service level exceeded the target of 90%, this is the highest level in the last three years. The ongoing integration between Council's Customer Relationship Management System (CRMS) and Reflect (Council's inspection and maintenance management system), should result in improving these results further.

The service level for Customer Support call performance was 48% for the quarter. The improvement from the last quarter's result was due to several initiatives that were implemented to improve performance and assist with secondment extensions and unforeseen departures. Providing no other staffing issues occur, we should see further improvement on these results.

We have observed notable improvements in the results of a couple of Local Government Performance Reporting Framework (LGPRF) service measures, these 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 'Council Decisions Closed to Public'. All other measures have remained stable for the 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.

Background

CEO Report

What an excellent first quarter for the 2022/23 financial year! We have continued to support and advocate for our community, whilst maintaining a high level of commitment to our services.

Key strategies adopted

Many key strategies were adopted by Council this quarter, including the new Climate Change Adaption Strategy, which will provide the guiding pathways to reduce the community's vulnerability to adverse climate events and promote the resilience of our social, ecological and economic systems.

Council also endorsed a draft scope for the overall redevelopment of Cardinia Life, the shire's indoor leisure and aquatic facility. The scope includes much-needed upgrades across the stadium, aquatics, and health and fitness areas, and the overall project would include 4 indoor stadium courts including a show court and seating area, a 50m indoor pool and children's aquatics, and new gymnastics, gymnasium, and fitness class spaces.

Supporting our community

This quarter saw almost 100 attendees join us at the annual White Ribbon event held to raise awareness of, and funds for, White Ribbon Australia family violence prevention programs. This year's event also showcased a range of Cardinia Shire's local community services with stalls set up for attendees to explore.

We were also grateful to our community for providing their valuable input on a number of plans and strategies, such as the Worrell Reserve youth plaza and skate park, the draft Emerald Lake Precinct Masterplan, Pakenham playground renewals and feedback on the bookable hard waste service.

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

Council continues to advocate to the state and federal governments, further highlighting our community's key priorities, such as; better public transport, access to jobs, safer roads, sport and recreation, environment, outdoor spaces, and community services.

We will continue to work with our community and residents to further advocate for Cardinia Shire and achieve our many shared goals.

Our shire's major projects and roads

We have continued to work hard to deliver on major projects across the shire, with several being completed this quarter. Projects included three sporting pavilions at Toomuc Reserve, and the completion of the Gembrook Cricket and Football pavilion.

The Sealing the Hills program is progressing well, with Christians catchment in Emerald set to commence construction shortly. 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.

The first quarter of this financial year has also seen great progression for our new Cardinia Youth Hub in the heart of Pakenham, with construction works well underway.

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

Exciting times are ahead for Cardinia 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 the Municipal Association of Victoria, Southeast Melbourne, and Interface Councils Groups, 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 to 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 can achieve through rates and is required to have a strong focus on seeking grants.

For the first quarter of this financial year 10 applications were lodged under various programs. Of these 4 have so far been approved for a total of \$4.56M

Legislative Program

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 Council's without providing any benefit to Councils or homeowners.

Other Bills currently before the State Parliament that are being monitored include:

- Disability Amendment Bill
- Local Government (Rates and Charges) Bill
- Planning and Environment Amendment Bill
- Windfall Gains Tax and State Taxation and Other Acts Further Amendment Bill

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 are 38 Council Plan initiatives (including 2 carry-overs from FY21/22) due to be completed during the 2022-23 financial year, out of which, 4 (11%) are off track. See figure 1 for the details.

Figure 1. Council Plan Initiative Performance

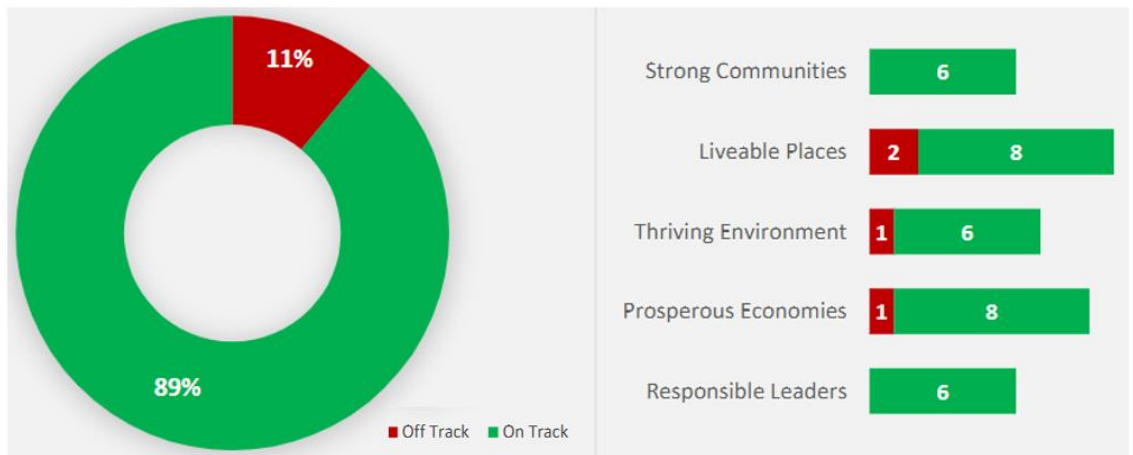


Figure 2.

Table 1.

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 the established channels, 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' (SL) refers to the percentage of requests completed within their target timeframe. Council's target Service Level is 90%.

Organisation Performance:





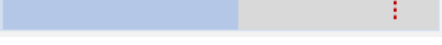
84% of incoming service requests across the organisation were actioned and closed within service standard, which is below our SL target of 90%. While the number of incoming service requests decreased by 11%, compared to the same time last year, it is important to note that, across the reporting period, the organisation has been required to manage staffing difficulties resulting from the toll that the coronavirus pandemic has taken on our workforce.

Table 3 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 several 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.

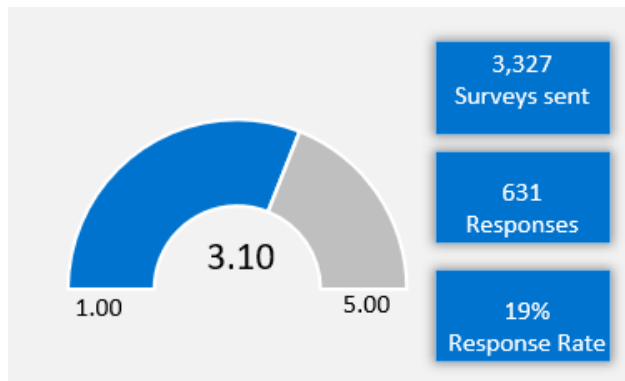
Table 1. Top 5 Service Request Categories by Volume, and their Service Levels

| | | | | 90% target |
|---|-----------------------------|-------|-----|---|
| 1 | Waste – Kerbside Bin Issue | 2,023 | 97% |  |
| 2 | Roads – UNSEALED | 1,293 | 92% |  |
| 3 | Waste – Kerbside Bin Change | 1,115 | 94% |  |
| 4 | Planning | 756 | 63% |  |
| 5 | Council Properties | 642 | 54% |  |

Customer Experience Results

The customer experience survey went live this quarter, and we achieved an overall customer satisfaction score of 3.1. The overall customer satisfaction score is derived from asking customers, who have had a customer request closed, to rate their overall experience with council, on a scale of 1 to 5, with 1 being very poor, and 5 being very good. This quarter, the score is based on 631 responses received from 3,327 surveys sent.

Figure 3. Overall customer satisfaction results



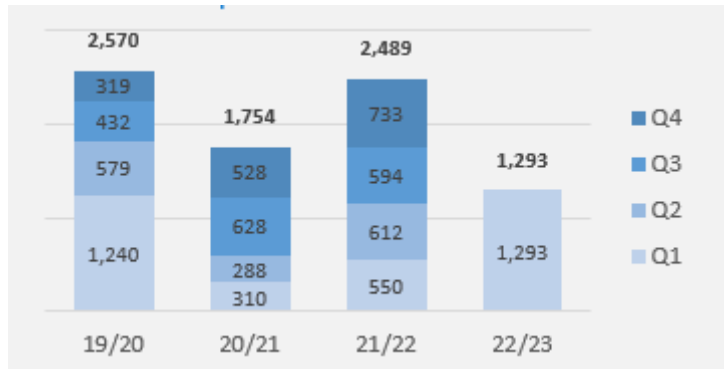
Operations Performance:

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 92%, higher than our SL target of 90%. This is a 41.5% increase in service level compared to same time last quarter. It should be noted that the service level calculation is based upon the number of unsealed road requests closed in time upon completion of inspection and scheduling of work (if work is required). It should also be noted that there has been a 135% increase in the number of unsealed road service requests received in this quarter compared to the same time last year.

The number of hours spent grading unsealed roads was 9% lower compared to the same time last year. 945 corrugation or pothole complaints requests were received, this a 155% increase compared to the same time last year. The increase in corrugation or pothole complaints can be attributed to several challenges the team faces, not least of all being weather conditions impacting our roads.

Figure 4. 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 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 percentage of linear metres of surface drains and underground drains cleared this quarter were, respectively, 32% and 50% lower than 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 83%. It should be noted that the service level calculation for is based upon the number of drainage requests closed in time upon completion of inspection and scheduling of work (if work is required). 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 weather events 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 statistics increased slightly, with 1% more garbage waste being sent to landfill, compared to the same time last year. The amount

of recycling recovered, and green waste mulched this quarter, decreased by 7% and 10% respectively compared to the same time last year.

Customer Support Call Performance

The Customer Support team runs the organisation's call centre. As these calls are 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 of the ways we assess our customers' experience with Council.

We currently measure our Customer Support service level as the percentage of calls answered in 300 seconds, with our target being 80% of calls answered within 300 seconds. Our service level for the quarter was 48%. There are other ways we measure Customer Support performance. The amount of time, on average, that our customers wait in the call queue, before speaking to a customer support team member (Average Wait Time), was 338 seconds, and this is lower than last quarter's result of 389 seconds; The average amount of time taken to finish any admin work following the conclusion of a call (After-Call Work Time) result was 133 seconds, higher than both last quarter's result of 126 seconds, and our target of 105 seconds. The Abandoned Call rate for the quarter was 21%. This is lower than last quarter's result of 26%, but significantly above our target of 3%.

Improvements in these results, compared to last quarter, are due to hiring 4 permanent and 3 casual team members. However, due to training the new officers, several secondments being extended, and team members moving into other positions at Cardinia, the results for the quarter did not meet the set targets.

Several initiatives were implemented to improve performance, for instance, a casual pool was established, to assist with secondment extensions and unforeseen departures, so that we have trained officers ready to fill-in while new team members are recruited. As training is finalised into the start of the next quarter, we should see further improvements with the results.

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.

The 'Animals Reclaimed' and 'Councillor Meeting Attendance' measures have improved, while the 'Sealed Roads Maintained to Standard' measure has remained stable. Our performance on 'Time Taken to Action Food Complaints', 'Time Taken to Action Animal Requests', and 'Council Decisions Closed to Public' has declined.

Council decisions closed to the public increased to 3.8%, given that two matters were considered at meetings closed to the public for the quarter. Some notable improvements in LGPRF measures are, Councillor attendance rate at meetings which is at 92%, Sealed roads maintained to condition standards remained stable at 98.9%, Missed bins dropped to 5.3, compared to 8.1 in the last quarter, and waste diverted from landfill remain low at 44.8%. 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% higher compared to the same time last year. The number of residential lots issued a statement of compliance is 6% higher 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 was 57% lower than the same time last year. Residential building completions are lower, with only 166 residential building completions processed this quarter. The number of non-residential building completions processed is 75% lower than the same time last year. The significant drop in numbers can be attributed to the backlog of building permit applications and additional documents required for a building to be certified as complete that are yet to be processed.

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 5% lower than the same time last year. The household growth rate in the Shire remains steady at 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 489 births in the Shire for the quarter. Birth notifications remain stable compared to the same time last year. Maternal and Child Health Enrolments is the number of babies and children, from birth to school age, who visit and enrol at an MCH centre, including children of families moving to Cardinia Shire. Enrolments are 2% lower 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 2.45 KMs of sealed roads constructed for the quarter. Sealed road construction is 29% 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 2.33 KMs of footpaths constructed for the quarter. The length of footpaths constructed is 67% 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 and fewer hours of sunlight, which make it difficult for concrete and asphalt to be laid in these conditions. The second issue is the significant increase in CRMS requests in the quarter. 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.

Financial and Resource Implications

Nil

Conclusion

The Performance and Growth Reports for Quarter 1 2022-23 show various results in performance across the organisation, and growth across the Shire. The organisation will continue to aim targeted improvement initiatives at areas and services that are not achieving desired targets.

Resolution

Moved Cr Stephanie Davies, seconded Cr Graeme Moore.

The Performance and Growth Reports for Quarter 1 2022-23 be received and noted.

Carried

6.5.3 Environment Council Plan Initiatives Quarterly Report

Responsible GM: Peter Benazic
Author: Desiree Lovell, Jacqui Kelly and Lisa Kuriata

Recommendation(s)

That this report be noted

Attachments

Environment Council Plan initiatives quarterly report - October 2022

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 Jack Kowarzik, seconded Cr Jeff Springfield.

That this report be 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 - November 2022 [6.5.4.1 - 22 pages]

Executive Summary

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

Background

Projects and updates are included in the attached report

Conclusion

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

Resolution

Moved Cr Kaye Cameron, seconded Cr Graeme Moore.

That Council note this report

Carried

7 Reports Or Minutes Of Committees

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

8 Reports By Delegates

Cr Ryan advised that:

- She visited 'Forget me not'
- Attended Senior's Festival Week
- Attended Women's Friendship Cafe
- Attended ARIA Calisthenics concert
- Attended Pakenham CBD Railway Safety Committee Meeting
- Attended Remembrance Day
- Acted as 'Editor of the Day' at the Pakenham Gazette
- Attended Mental Health and Well-being Action Team
- Hosted workshops for mental health

Cr Davies:

- Congratulated both the new Mayor and Deputy Mayor, and thanked the departing Mayor
- Attended the Lakeside Resident's Group Community Night
- Advised resident of the consultation underway regarding next years (2023-24) Council Budget
- Noted the current activity regarding the State election

Cr Springfield:

- Reported on his attendance at the Woorilla Poetry Prize conducted at the Hills Hub.

Cr Ross advised that he had attended:

- 'Walk Against Violence' in Pakenham
- CA:LD Advisory Group meeting
- Cardinia Interfaith Meeting
- Waste Expo
- Ward tour with General Manager Infrastructure and Environment

Cr Cameron advised of her attendance at:

- Remembrance Day
- Lang Lang Town Meeting regarding Police presence

Cr Moore advised that he had attended:

- Senior's Festival Week activities
- Citizenship Ceremony
- Primary School Information Day
- Remembrance Day
- Congratulated the Cardinia Cultural Centre for the Remembrance Day tribute

Cr Kowarzik advised that he had attended:

- Remembrance Day at the Pakenham RSL
- Emerald Arts Society Exhibition
- 'Taste of Faith' Event

9 Presentation Of Petitions

Nil.

10 Notices Of Motion

10.1 Notice of Motion 1076 - Cr Cameron

Motion

That a report outlining the circumstances, legal advice, options and recommendation around the potential reimbursement of Councillor Collin Ross' legal expenses, incurred during the Council investigation into his expenses in 2020, be brought to a confidential meeting of the council no later than the March 2023 General Council Meeting.

Cr Ross left the prior to this item 8:41pm due to a direct material conflict of interest.

Resolution

Moved Cr Kaye Cameron, seconded Cr Carol Ryan.

That a report outlining the circumstances, legal advice, options and recommendation around the potential reimbursement of Councillor Collin Ross' legal expenses, incurred during the Council investigation into his expenses in 2020, be brought to a confidential meeting of the council no later than the March 2023 General Council Meeting.

Lost

Cr Ryan called for a division:

Councillors for: Cr Ryan, Cameron, Kowarzik.

Councillors against: Cr Springfield, Moore, Davies, Radford.

Cr Ross reentered the meeting 8:51pm.

11 Community Questions

The Mayor advised that Council had received 2 questions from Fran Healy.

Question 1

Does Council has any concerns regarding the LXP in Station St Beaconsfield given that the plans including acquiring an historically significant building namely Railway House at 20 Beaconsfield Ave in order to construct a bridge over rail

Answer from the General Manager Infrastructure and Environment

Council recognises the value of Station Masters House and tree to the community as heritage significance. We are aware of the community's concerns and recognise how crucial it is to make an effort to protect this heritage property. Council is considered a stakeholder in the design process and will seek to influence outcomes although will not be final decision maker this will be the Minister for Planning who will determine the outcome of the project. In the formal engagement for the project Council has provided a submission alongside the community's submissions emphasising the importance of protection of this heritage site and will continue to advocate for the best outcome for the community.

Question 2

There are further concerns by the community about the intention of LXP to encroach into the Cardinia Creek Wetlands, which therefore has the potential to damage and threaten flora and fauna in the area. The land in question is currently flooded.

Answer from the General Manager Infrastructure and Environment

Council also recognises the environmental sensitivities in the area in terms of flooding, flora and fauna of the area. These projects are required under both Federal and State legislation to consider the environmental impacts of the area. Council has, and will continue to, advocate for best outcomes in a difficult and tightly constrained design area and still deliver a much needed project for the travelling community of Beaconsfield and surrounding areas whilst minimising the impact on environmental sensitive areas. Council will seek to collaborate throughout the design processes to advocate for the careful consideration to limit the impact to the area.

12 Urgent Business

There was no urgent business.

13 Councillor Questions

Nil.

14 Meeting Closure

Meeting closed at 8:55pm.

Minutes confirmed
Chairman