

Ordinary Council Meeting

Minutes

Monday 16 October 2023

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
Wayne Mack General Manager Customer, People and Performance
Peter Harris Acting Manager Governance

Meeting opened at 5.40pm to consider confidential business 'In Camera' and was adjourned at 5.42pm to reconvene at 7.00pm

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1 Opening And Reflection/Prayer

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 Brett Owen; and
Cr Jeff Springfield.

4 Adoption And Confirmation Of Minutes

Moved Cr Graeme Moore, seconded Cr Stephanie Davies

That minutes of the following meetings be confirmed:

- General Council meeting 18 September 2023
- Town Planning Committee 2 October 2023

Carried

5 Declaration Of Interests

Nil.

6 Ordinary Business

6.1 Town Planning Reports

6.2 General Reports

6.2.1 Annual Report 2022-23

Responsible GM: Debbie Tyson

Author: Scott Moore

Recommendation(s)

That Council:

1. Endorses the Annual Report 2022-23.
2. Notes that the Annual Report 2022-23 fairly represents Council's operations, financial position and Council's performance for the 2022-23 financial year.
3. Notes that the Annual Report 2022-23 meets the requirements of the *Local Government Act 2020*.

Attachments

1. FINAL DRAFT CSC Annual Report 2022-23 [6.2.1.1 - 158 pages]

Executive Summary

Council has prepared an Annual Report for the financial year 1 July 2022 to 30 June 2023 to meet its obligations under Section 98 of the *Local Government Act 2020*.

The Annual Report 2022-23 is the second progress report against our Council Plan 2021-25. It comprises three sections: Report of operations; Performance statement; and Financial statements.

On 18 September 2023, Council approved in principle the Financial and Performance statements. These statements were also considered by Council's Audit and Risk Committee at a meeting on 25 August 2023.

As required by the *Act*, Council must hold an open meeting to consider the report by 31 October.

Background

Under Section 98 of the *Local Government Act 2020* (the *Act*) and *Local Government Planning and Reporting Regulations 2020*, councils are required to prepare an Annual Report in respect of each financial year consisting of three parts:

- Report of operations: Information about the operations of the Council including service performance indicator results, achievement of major initiatives and a governance and management checklist.
- Performance statement: Audited results achieved against the prescribed performance indicators and measures.

- Financial statements: Audited financial statements prepared in accordance with the Australian Accounting Standards.
- On 18 September 2023, Council approved in principle the Financial and Performance statements for the year ended 30 June 2023 (s99). These statements were also considered by Council's Audit Committee at a meeting on 25 August 2023.
- Section 100 of the *Act* also requires Council to hold an open meeting to consider the report by 31 October.

Policy Implications

Nil.

Relevance to Council Plan

5.1 We practise responsible leadership

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

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

Climate Emergency Consideration

Nil.

Consultation/Communication

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

Public notification that the Annual report is available for inspection at the Shire offices and online has been given.

Financial and Resource Implications

The Annual Report provides the opportunity for Cardinia Shire to communicate to the community its achievements and challenges of the past financial year. The structure of the Annual Report is aligned to the Council Plan 2021-25.

All legislative requirements have been met, with the financial statements prepared as required by the *Act*, the *Local Government (Planning and Reporting) Regulations 2020*, Australian Accounting Standards and other mandatory professional reporting requirements.

The financial position of Council remains sound, with the financial statements considered by the Audit Committee on 25 August 2023 and Council on 18 September 2023. The Victorian Auditor General's Office undertook an independent audit of the financial and performance statements for the financial year 2022-23.

The Annual Report 2022-23 presents fairly, in all material respects, the financial position of Council as at 30 June 2023 and its financial performance, cashflows and operations for the financial year 2022-23.

The preparation of Council's Annual Report 2022-23 meets all requirements of the *Act*.

Conclusion

The Shire of Cardinia's Annual Report for the 2022-23 financial year is presented to Council.

Council's financial position remains sound, with the Victorian Auditor General's Office providing an unmodified audit opinion on the financial and performance statements. The Annual Report fairly

represents Council's operations, financial position and Council's performance for the 2022-23 financial year.

Preparation of Council's Annual Report 2022-23 meets all requirements of the *Act*.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Kaye Cameron.

That Council:

1. Endorses the Annual Report 2022-23.
2. Notes that the Annual Report 2022-23 fairly represents Council's operations, financial position and Council's performance for the 2022-23 financial year.
3. Notes that the Annual Report 2022-23 meets the requirements of the *Local Government Act 2020*.

Carried

6.2.2 Community Engagement update

Responsible GM: Debbie Tyson
Author: Emma Wilkinson (Team Leader Engagement)

Recommendation(s)

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

Attachments

1. Community Engagement Policy 2021 2024 [6.2.2.1 - 15 pages]

Executive Summary

This report provides an update on community engagement opportunities that have commenced or continuing over October and November 2023.

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

There are no climate emergency considerations as part of this report.

Consultation/Communication

This month, the following Engagement Plans are being implemented:

Community engagement activity 16 October – 20 November 2023			
Project	Project description	Proposed consultation date/s and details	Responsible Business Unit
Huxtable Road, Pakenham Upper	Informing residents and the local Pony Club about Council's upcoming plans to seal and upgrade Huxtable Road under the Strategic Sealed Roads program.	Community information session with the Pony Club and affected residents – TBC October 2023.	Major Roads Projects
Mulcahy Road closure	Informing neighbouring residents about Council's decision to formally close a section of Mulcahy Rd, Pakenham.	Closing the loop with a letter mailout to key stakeholders – October 2023. More details will be confirmed on Creating Cardinia.	Community Infrastructure
Responsible Gambling Policy Review Stage 1	Seeking feedback from community and stakeholders to develop a Gambling Harm Minimisation Policy.	Monday 16 th October – 26 th November (Dates TBC) <ul style="list-style-type: none"> • Creating Cardinia online survey • Private survey for key stakeholder groups • Emails/letters to key stakeholder groups • EOI released to participate in focus groups. 	Future Communities
Council News and Information Survey	Seeking feedback from community on how they would like to receive council news.	Creating Cardinia survey 11 th September – 27 th October 2023 Connect feature directing readers to survey in September edition QR code posters around council owned facilities	Communications and Engagement
Stage 2 Village Green Beaconsfield Playground Renewal	Community engagement on the draft concept plan created from Stage 1 consultation.	Creating Cardinia survey – October TBC* *More details will be confirmed on Creating Cardinia as the project continues. QR Code Posters around playground and surrounding area.	Active and Connected Communities
Stage 2 Waterford Rise Pakenham Playground Renewal	Community engagement on the draft concept plan created from Stage 1 feedback.	Creating Cardinia survey – October TBC* *More details will be confirmed on Creating Cardinia as the project continues. QR Code Posters around playground and surrounding area.	Active and Connected Communities

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

Financial and Resource Implications

There are not financial or resource implications as part of this report as all activities will fall within Councils Business as Usual activities.

Conclusion

The table 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.

Resolution

Moved Cr Stephanie Davies, seconded Cr Jack Kowarzik.

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

Carried

6.2.3 Draft Community Infrastructure Plan

Responsible GM: Lili Rosic
Author: Michael Casey

Recommendation(s)

That Council endorses the draft Community Infrastructure Plan, to be placed on public exhibition in accordance with Council's Community Engagement Policy, prior to the final plan being presented to Council for adoption.

Attachments

1. Community Infrastructure Plan - DRAFT - for engagement [6.2.3.1 - 48 pages]
2. Community Infrastructure Plan - October 2023 [6.2.3.2 - 48 pages]

Executive Summary

Cardinia's first ever Community Infrastructure Plan has been prepared in draft, ready to be placed on public exhibition. The Community Infrastructure Plan establishes the strategic direction for community infrastructure planning in Cardinia Shire. It establishes a sound methodology and approach to the community infrastructure audit, based on data and evidence, and will inform future decision-making on capital priorities to be included in the Long-Term Financial Plan.

The draft Community Infrastructure Plan is the first iteration of the plan and will need to be further developed through engagement with the community and key stakeholders. Community consultation is proposed to commence in late October, following Council's endorsement of the draft Community Infrastructure Plan. Following consideration of the community feedback, the Plan will be presented to Council for adoption in early 2024.

Background

The Council Plan 2021-25 seeks to *develop a municipal-wide community infrastructure plan, and to include relevant projects in the 10-year capital program* (Implementation Action 2.1.1). A 'first iteration' draft Community Infrastructure Plan has been prepared by Council officers. This Plan responds to first priorities for community infrastructure planning, including:

- Development of the strategic 'front end' of the Plan,
- The basic collation of existing data sets to inform a community infrastructure audit,
- Establishment of new functionality assessments for inclusion in the community infrastructure audit, and
- Community engagement.

The community infrastructure audit is the core component of the data drive and evidence-based methodology for the Community Infrastructure Plan. The draft Plan includes available data and evidence. Further audits, data analysis and community engagement will be required to inform the capital projects to be included in the long-term financial plan.

About the Community Infrastructure Plan

Cardinia Shire Council's first ever Community Infrastructure Plan, included in Attachment 1, establishes a sound methodology and approach to community infrastructure planning. This will help to inform priorities and investment for consideration in the Long-Term Financial Plan.

The scope for the Community Infrastructure Plan includes facilities where Council resources the delivery, management and maintenance of facilities, which includes Council-owned infrastructure, as well as infrastructure on Crown or government land. The types of infrastructure included in the Plan are outlined in the table below. The Community Infrastructure Plan does not consider the needs for open space or sport and recreation infrastructure. These are considered as part of the Open Space Strategy and Active Cardinia Strategy, respectively. Future versions of the Community Infrastructure Plan may consider an expanded scope.

Infrastructure category	Description
Consult rooms	May be used for the purposes of maternal and child health consultations, as well as other allied health or support service consultations for any population cohort.
Kindergarten rooms	May be used for the provision of kindergarten services, where these spaces may also be used for other early years services such as occasional care or playgroups.
Hireable community/meeting spaces of varying sizes	May be used for the provision of a variety of services, programs, or activities.
Computer or training rooms	May be used for the provision of a variety of services, programs or activities relating to training and skill development.
Library	Traditional library spaces and community spaces for learning, studying, accessing technology and services, and connecting with others.
Kitchen facilities	May include basic, commercial grade, or training kitchen facilities to directly provide or support delivery of services, programs, and activities.
Public toilets	Public amenities, where there is a reasonable expectation of community use.
Other	All other spaces or facilities where Council has a role in providing funding or facilitating use and development of community infrastructure. This includes arts and cultural spaces.

With a growing and changing population, community infrastructure in the Shire needs to be able to meet the needs of the community today and into the future. The Community Infrastructure Plan establishes a vision and objectives for the Plan, as well as principles about how community infrastructure is delivered, managed and maintained. The vision, objectives and principles will be reviewed and refined as part of community engagement.

The vision proposed in the Community Infrastructure Plan is:

Our community facilities are welcoming, vibrant and loved.

A resilient network of high-performing community infrastructure that supports the health, social wellbeing and economic prosperity of our community, to enjoy a sustainable Cardinia for present and future generations.

The objectives proposed in the Community Infrastructure Plan are:

- To guide Council's planning and delivery of community infrastructure.
- To focus on improving the performance of what we have while prioritising and directing new investment.
- To respond to increasing demand due to our changing and growing population.
- To seek and secure external funding, advocacy and/or project partners.

Further information about the objectives is included in pages 10-11 of the Community Infrastructure Plan.

The principles proposed in the Community Infrastructure Plan are described in the table below.

Principle	Description
Integrated	<ul style="list-style-type: none"> Complementary community facilities housed in community hubs for better convenience, service integration and resource sharing. Multiple and varied spaces to cater to many uses and maximise utilisation. A network of community infrastructure, interconnected with a broader network of services and infrastructure.
Accessible	<ul style="list-style-type: none"> Welcoming community infrastructure that all community members can access regardless of age, culture, gender, or ability. Operating models for facilities that enable and facilitate attraction of services and programs that the community can afford.
Place Based	<ul style="list-style-type: none"> Convenient community facilities and services, placed close to where people live, learn, work, shop, and recreate. Located where there are multiple transport options to access facilities and services by personal, public, and/or active transport. Community infrastructure that meets the local community's priority needs and desires. Community infrastructure that enhances the amenity and identity of neighbourhoods.
Future Proofed	<ul style="list-style-type: none"> Community infrastructure that can withstand the impacts of climate change and deliver our zero-carbon emissions goal. Flexibly designed community infrastructure that can accommodate multiple uses, changing demands and innovations.
Quality	<ul style="list-style-type: none"> Well designed and maintained community infrastructure that can deliver services to agreed community standards. Repurposed, consolidated, or rationalised community infrastructure to accommodate changing community demands.
Achieved Together	<ul style="list-style-type: none"> Planned, delivered, operated, and maintained in partnership with community and other partners for the benefit of meeting the needs of the community. Determining the purpose and operating model of facilities at the beginning to ensure functional design and operations.

Community Infrastructure Audit

The Community Infrastructure Plan is underpinned by the community infrastructure audit, which assessed the provision and quality of infrastructure now, and projected future needs. The five components of the community infrastructure audit are outlined in the table below.

Community Infrastructure audit component	Description
Facilities Register	Information about each facility such as location, type of facility, age of building, spaces within the facility, size of spaces, services currently provided within the facility. The facilities register also includes information about historic and future scheduled asset improvements, informed by the Community Infrastructure Plan and the Asset Plan.
Quantity Assessment	Assesses current and future supply and demand, considering current provision and benchmark provision ratios which may indicate where there is a shortfall or oversupply of a service, and should be tested through the life of the Plan.
Utilisation / Capacity	Operating hours of each space within a facility compared to how often the space is used and for what purpose. NB. This data is limited as Council only collects utilisation data for community facilities that are managed by Council.

Building Condition	Condition rating score in accordance with compliance requirements under the <i>Building Act 1993</i> , as well as other relevant requirements such as the <i>Disability (Access to Premises – Buildings) Standards 2010</i> , the <i>Child Safe Standards (2022)</i> , the <i>National Quality Standard</i> for Early Childhood Education and Care, etc. NB: building condition assessments were conducted in 2019 as part of Council’s rolling assessment program. Revised assessments have been commissioned.
Functionality (Fit for Purpose)	Rating score based on the degree to which the service can successfully operate from the building or space within the building. This includes existing agreed Council standards for the size and layout of spaces and other inclusions beyond building compliance. NB: functionality assessments were conducted in late 2022/early 2023 using a newly developed assessment approach, where every building was assessed based on a suite of criteria (refer to Appendix 1).

While the methodology and approach of the Community Infrastructure Plan is sound, the quality and availability of data within the audit is varied. Community engagement will provide a useful opportunity to explore the audit data to ensure alignment with community expectations. Strategic actions identified in the Plan also look to strengthen the quality and useability of data to support informed decision making and prioritisation of community infrastructure investment.

Strategic actions and recommendations

There are several strategic actions identified in the Community Infrastructure Plan that are focused on strengthening Council’s processes and priorities around community infrastructure planning to:

- Maximise access to and use of community infrastructure for the community,
- Ensure the community has access to the most needed community services,
- Prioritise investment based on demonstrated need, and
- Ensure consistent and functional quality of facilities across the Shire.

The strategic actions are:

- Validate data associated with the community infrastructure audit and establish a process to ensure required data can be regularly obtained.
- Establish tools and resources to ensure the community infrastructure audit is regularly updated and able to inform Council decision-making about community infrastructure.
- Develop community infrastructure functional requirements to identify a suite of consistent requirements for various types of spaces that enables delivery of community services, in line with the scope of the Community Infrastructure Plan.
- Governance and operating models of new or redeveloped community infrastructure to be determined at planning stage.
- Council undertakes further analysis of the full cost of each existing community infrastructure facility based on current governance, operating models and pricing. Consider future options for how governance and operating models may be reviewed, that complements Council’s ‘Services for Success’ approach.
- Seek further information about utilisation of community infrastructure, prioritising categories of over-supplied spaces, and infrastructure with poor building or functionality, followed by infrastructure with average building condition or functionality.
- Council explores a formalised approach to service planning for community services provided by Council.

There are also several recommendations resulting from the current community infrastructure audit. At this stage of the Community Infrastructure Plan development, the priority is to confirm the methodology and to ensure that the audit data is accurate. Current recommendations seek to obtain more information before committing to decisions about the future infrastructure needs or prioritisation of investment. The recommendations in the current draft Community

Infrastructure Plan may change as information in the community infrastructure audit is updated.

Policy Implications

The Council Plan supports this program as follows:

1. Strong communities: We empower our communities to be healthy, connected and resilient
2. Liveable places: We support the creation of liveable spaces and places

The Liveability Plan supports this program as follows:

1. Improve mental health and wellbeing
2. Improve social cohesion
3. Improve safety
4. Improve healthy eating and active living
5. Reduce family violence
6. Improve financial wellbeing and resilience
7. Reduce harm from tobacco, alcohol, drugs and gambling

Liveable neighbourhoods for improved health outcomes

- Active travel: increase access to and connectivity of public transport, cycling routes and footpaths
- Community infrastructure and services: increase access to community infrastructure and services close to home
- Environment and open space: increase environmental sustainability; increase access to public open space

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

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

Climate Emergency Consideration

The Community Infrastructure Plan will consider implementation of Council's ESD principles in new and upgraded infrastructure projects.

Consultation/Communication

Findings from prior community engagements relating to community infrastructure planning have been used to inform the development of the strategic components of the Community Infrastructure Plan, including Imagine Cardinia, Liveability Plan 2021 Refresh, Active Cardinia Strategy, as well as specific engagements including Garfield North Community Centre at Cannibal Creek Reserve and Emerald Lake Park Master Plan.

Consultation on the draft Community Infrastructure Plan is planned to commence shortly after endorsement of this report. A variety of methods of online and face to face engagement are planned, to provide a wide range of accessible opportunities for the community and key stakeholders to participate in engagement. A variety of communication tools to promote the engagement opportunities will also be used.

Key community infrastructure user groups, such as Community Asset Committees, Committees of Management, and other key service providers, will be contacted directly to advise them of the consultation period. This consultation will focus on:

- Understanding more about the community's interests and priorities for community infrastructure in the Shire

- Establishing the different concepts in the Plan with community (e.g., strategic direction, Council's role, and the methodology of the community infrastructure audit).
- To seek feedback on the findings and recommendations of the Plan.

Consultation may also contribute to enhancing audit data including utilisation of community infrastructure, through targeted engagement with facility managers.

After the first version of the Community Infrastructure Plan is endorsed, it is recommended that further engagement occurs with the community to inform further phases of the Plan.

Ongoing engagement with the community will:

- Enhance Council's understanding of the performance of community infrastructure.
- Improve Council's understanding of community expectations regarding community services and infrastructure; and facilitate conversations around Council's capacity to deliver.
- Strengthen decision making and increase community buy-in on the prioritisation of community infrastructure investment.

Financial and Resource Implications

The first version of the Community Infrastructure Plan has been prepared using internal resources. A consultant will be appointed to support the upcoming community engagement, which will be funded through allocated operational budget.

Further work is required to strengthen the Community Infrastructure Plan to ensure it becomes a useful tool in data driven and evidence-based decision making about community infrastructure requirements and priorities in the Shire.

Due to the limitations of the community infrastructure audit, a pipeline of capital priorities is not yet developed. Investment in the strategic actions and confirmed recommendations of the Community Infrastructure Plan will assist in ensuring decisions about prioritisation and investment of community infrastructure are well-informed and will lead to quality outcomes for the community.

Conclusion

Cardinia's first ever draft Community Infrastructure Plan has been prepared, with the strategic actions, methodology and approach outlined in this report. Community consultation is proposed to commence in late October, following Council's endorsement of the draft Plan. The Plan is a first version that is envisaged to be further developed as the data informing the Plan is improved and through engagement with the community and key stakeholders. Following community consultation, the Plan, and an Implementation Plan outlining next steps, will be presented to Council in early 2024 for adoption.

Resolution

Moved Cr Stephanie Davies, seconded Cr Collin Ross.

That Council endorses the draft Community Infrastructure Plan, to be placed on public exhibition in accordance with Council's Community Engagement Policy, prior to the final plan being presented to Council for adoption.

Carried

6.2.4 Contract 23-009 Road Line and Pavement Marking 2023-2026

Responsible GM: Peter Benezic
Author: Mark Howard

Recommendation(s)

That Council supports,

- the tenders submitted by Image Linemarking Pty Ltd, Roadside Services and Solutions and Roadlinez Pty Ltd to undertake the works associated with Contract 23-009 Road Line and Pavement Marking 2023-2026. be accepted for the initial three (3) year period, with the option of a two (2) year extension as tendered in accordance with the submitted schedule of rates.
- the remaining tenderer be advised accordingly.
- the common seal of the Council be affixed to the contract documents.

Attachments

1. Confidential Memorandum circulated to councillors only [6.2.4.1 - 3 pages]

Executive Summary

The current Road Line and Pavement Marking Contract (CT18/08) expired on the 16 July 2023. This contract allowed Council to quickly and efficiently organise for line marking to be placed over recently resurfaced roads as well as maintenance and renewal works, therefore, tenders have been sought for the renewal of the services provided by this original contract.

This report provides consideration for the appointment of a panel of contractors for the supply of road line and pavement marking services within Cardinia Shire for a three-year (3) period, as detailed in Contract 23-009 Road Line and Pavement Marking 2023-2026. This contract is for an initial period of three (3) years, with the option for a two (2) year extension.

Tenders were advertised on 20 May 2023 and closed at 2.00pm on 13 June 2023. Tenders were received from four (4) Tenderers. Following an assessment of the tenders taking into consideration the assessment criteria, the tenders submitted by the following contractors are considered to be the most advantageous to Council are.

- Image Linemarking Pty Ltd
- Roadside Services and Solutions
- Roadlinez Pty Ltd

It is therefore recommended that Contract No. 23-009 for the supply of road line and pavement marking services within Cardinia Shire be awarded accordingly.

Background

The previous Road Line and Pavement Marking Contract (CT18/08) expired on the 16 July 2023, this contract enables Council to quickly and efficiently organise for line marking to be placed over recently resurfaced roads as well as renewal works.

Contract 23-009 Road Line and Pavement Marking 2023-2026 is fundamentally the same as the previous contract. The Contract will be for an initial term of three years commencing 1 November 2023, with an option to extend for a further two years. This contract is subject to payment adjustments from the 1 November 2024.

The Contract provides for the following services:

- Installation of road line and pavement marking for both new, maintenance and renewal works.
- Installation of raised reflective pavement markers.
- Water blasting, grinding, and blacking out of road line and pavement markings.
- Supply and installation of basic road signage

The tender is structured to enable Council to engage several contractors for supply of this service to ensure a contractor is available when required. This contract does not require the contractor to be available to Council at all times to the exclusion of other customers, as costs would become prohibitive through contractors having limited opportunity to fully utilise their equipment.

Where several suppliers are contracted, Council may select a preferred supplier from those under contract for each particular job based on the hire rate and contractor availability.

The four (4) tenders that were received for this contract were evaluated against the weighted and non-weighted criteria of Pricing and Value for Money, Compliance with Specifications, Capability, Relevant Experience and past performance of tenderer, Quality & OH&S Systems, Insurance and Location.

In summary, there are three (3) contractors recommended to supply road line and pavement marking services as detailed in the tender documents. It is considered that the three (3) individual companies will provide Council the resources required to undertake road line and pavement marking works within the prescribed timeframes.

Policy Implications

The Local Government Act requires Council to call tenders by public notice prior to entering into any contract valued in excess of \$300,000 for the supply of services and materials. The creation of this panel of contractors assists Council officers in adhering with this requirement.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

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

Climate Emergency Consideration

Not considered to be applicable in this circumstance.

Consultation/Communication

Consultation with the internal stakeholders who use these services was completed during the planning phase of this tender. No specific community consultation is involved for periodic supply contracts.

Financial and Resource Implications

Funding for line marking is made available under various Capital and Operational budgets for annual maintenance and capital works., Council typically spends approximately \$300,000 on line marking services each year. Prices have been sought on a schedule of rates basis. This contract does not guarantee work or prevent Council from engaging other suppliers outside of the contract. There is no fixed financial implication resulting from the award of these contracts.

Conclusion

It is recommended that the tenders submitted by Image Linemarking Pty Ltd, Roadside Services and Solutions and Roadlinez Pty Ltd be accepted as they will provide the best value for Council to undertake the works associated with Contract 23-009 Road Line and Pavement Marking 2023-2026.

Amended Resolution

Moved Cr Graeme Moore, seconded Cr Jack Kowarzik.

That Council supports,

- the tenders submitted by Image Linemarking Pty Ltd, Roadside Services and Solutions and Roadlinez Pty Ltd to undertake the works associated with Contract 23-009 Road Line and Pavement Marking 2023-2026. be accepted for the initial three (3) year period, with the option of a two (2) year extension as tendered in accordance with the submitted schedule of rates.
- the remaining tenderer be advised accordingly.

Carried

6.2.5 Contract RFT000016 - Pavement Renewal Works 2023-24

Responsible GM: Peter Benazic
Author: Yasara Imaduwa Vithanage

Recommendation(s)

That Council:

1. Award the tender submitted by Downer EDI Works Pty Ltd to undertake the works associated with Contract RFT000016 - Pavement Renewal Works on Nine Mile Road in Tynong, Seven Mile Road in Koo Wee Rup North/Nar Nar Goon and Bald Hill Road in Pakenham for the contract sum of \$1,732,482.17 (Excl. GST)
2. Advise the remaining tenderers accordingly

Attachments

1. Confidential Memorandum - Circulated to Councilors only [6.2.5.1 - 4 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, it was determined that these roads ranked among the highest in terms of 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 RFT000016 for the construction of Nine Mile Road (Nar Nar Goon Longwarry Rd to 60m North of driveway No.177) in Tynong, Seven Mile Road (Ballarto Rd to 82m West of Bunyip River Rd) in Koo Wee Rup North/Nar Nar Goon and Bald Hill Road (150m East Of McDonalds Drain Rd To 180m East of Ryan Rd South and 100m East of Coop Rd To 50m West Of Coop Rd 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 RFT000016.

Tenders were advertised on 12 August 2023 and closed on 5 September 2023. A total of nine (9) 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;

- Nine Mile Road, Tynong
- Seven Mile Road, Koo Wee Rup North/Nar Nar Goon
- Bald Hill Road, Pakenham

be awarded to Downer EDI Works Pty Ltd for a sum of \$1,732,482.17 (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 2023-2024 Capital Works Program for Asset Renewal and Upgrade.

The total cost for the rehabilitation of Nine Mile Road in Tynong, Seven Mile Road in Koo Wee Rup North/Nar Nar Goon and Bald Hill Road in Pakenham is \$1,732,482.17 (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 Nine Mile Road in Tynong, Seven Mile Road in Koo Wee Rup North/Nar Nar Goon and Bald Hill Road in Pakenham be accepted for \$1,732,482.17 (Excl. GST) be accepted for Contract RFT000016 - Pavement Renewal Works 2023-24.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Collin Ross.

That Council:

1. Award the tender submitted by Downer EDI Works Pty Ltd to undertake the works associated with Contract RFT000016 - Pavement Renewal Works on Nine Mile Road in Tynong, Seven Mile Road in Koo Wee Rup North/Nar Nar Goon and Bald Hill Road in Pakenham for the contract sum of \$1,732,482.17 (Excl. GST)
2. Advise the remaining tenderers accordingly

Carried

6.2.6 Finalisation of special charge scheme – Christians (Emerald) Catchment - Sealing the Hills

Responsible GM: Peter Benazic
Author: Nicole Alvares

Recommendation(s)

That Council having declared a special charge on Monday, 20 June 2022, for the purposes of partially recovering the expenses incurred by Council in relation to the survey, design, and construction of Andrew Court and Christians Avenue, Emerald, including a sealed road pavement, kerb and channel and associated drainage and ancillary works:

1. Adopt a final scheme cost of \$662,815.76, which is 54% more than the previously advised total estimated scheme cost of \$430,000 on which the scheme was declared.
2. Note that a fixed charge of \$7,000 per benefit unit was declared on all included properties within the scheme area in accordance with attachments 2 and 3 to this report.

Attachments

1. Scheme process chart [6.2.6.1 - 1 page]
2. Plan of scheme area [6.2.6.2 - 1 page]
3. Updated apportionment table [6.2.6.3 - 1 page]

Executive Summary

Council declared a special charge to fund portion of the cost of constructing Andrew Court and Christians Avenue, Emerald on Monday, 20 June 2022.

The estimated cost of the works at the time of declaration was \$430,000 with \$105,000 property owner contribution based on \$7,000 per benefit unit and \$325,000 Council contribution, to be funded from the Australian Government grant.

The actual cost of the works following construction plus 15% to cover survey, design and administration costs totalled \$662,815.76. The amount recovered from property owners, based on the fixed amount of \$7,000 per benefit unit remains at \$105,000, therefore Council's contribution of Australian Government grant funds increases to \$557,815.76.

The cost increases were due to higher-than-expected tender submission prices for the project. This was a direct result of market cost escalations and due to a lack of availability of contractors willing to engage in contracts of low dollar value (when compared to other contracts available in the market at the time).

Background

The Christians (Emerald) catchment that includes Andrew Court and Christians Avenue, Emerald was included for construction in Council's Sealing the Hills program. The properties included are shown on the plan included as attachment 2 to this report.

A survey of the property owners within the scheme boundary, (total of 16), was undertaken asking if they were in support of contributing to a special charge scheme at a capped contribution rate of \$7,000 per benefit unit, with a benefit unit being defined as:

- Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit (\$7,000) towards the cost of construction.

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

Following the survey of the property owners, where 86% of the responses received indicated support for the scheme, Council resolved to issue a notice of decision to declare a special charge on the included properties at its' Council meeting on Monday, 11 April 2022. The scheme was subsequently declared by Council, following the required advertising and 28-day submission period at the Council meeting on Monday, 20 June 2022.

The scheme construction works are now complete, with practical completion being issued on Monday, 17 April 2023.

Policy Implications

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

Section 163 of the Local Government Act provides that Council may not recover a greater portion of the cost of the works than calculated in accordance with the statutory 'benefit ratio' as set out in the previous *notice of decision* report presented to Council on 11 April 2022. Given that Council has capped the property owner contribution at \$7,000 per benefit unit, the proposed scheme is compliant.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

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

Climate Emergency Consideration

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

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

Consultation/Communication

Extensive consultation was undertaken with the affected property owners, including a formal questionnaire that revealed majority property owner support for the scheme, prior to Council determining to proceed with the special charge scheme legislative process as outlined in Section 163 of the *Local Government Act 1989*.

Council resolved to issue a notice of decision to declare the scheme at its Council meeting 11 April 2022. Property owners were then 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. With no opposing submissions received, Council declared the scheme at its meeting on Monday, 20 June 2022.

Financial and Resource Implications

The scheme funding arrangements are as outlined in Table 1.

Table 1. Estimated and Actual project cost

Original estimated cost of the project	\$430,000.00
Actual cost of the project	\$662,815.76
Original Council contribution	\$325,000.00
Adjusted Council contribution	\$557,815.76
Benefiting property owner contribution	\$105,000.00

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 note:

1. The actual cost of the Christians (Emerald) catchment scheme works is \$662,815.76, which is 54% more than what was originally estimated. This means that Council's contribution to the scheme of Australian Government grant funds has increased by \$232,815.76.
2. The property owner contribution to the scheme remained fixed at \$105,000 based on the capped contribution amount of \$7,000 per benefit unit as outlined in attachment 3 to this report.

Resolution

Moved Cr Stephanie Davies, seconded Cr Graeme Moore.

That Council having declared a special charge on Monday, 20 June 2022, for the purposes of partially recovering the expenses incurred by Council in relation to the survey, design, and construction of Andrew Court and Christians Avenue, Emerald, including a sealed road pavement, kerb and channel and associated drainage and ancillary works:

1. Adopt a final scheme cost of \$662,815.76, which is 54% more than the previously advised total estimated scheme cost of \$430,000 on which the scheme was declared.

2. Note that a fixed charge of \$7,000 per benefit unit was declared on all included properties within the scheme area in accordance with attachments 2 and 3 to this report.

Carried

6.2.7 Scheme Finalisation Report - Armstrong Road

Responsible GM: Peter Benazic
Author: Donna Bird

Recommendation(s)

That Council having declared a special charge on 18 October 2021 for the purposes of partially recovering the expenses incurred by Council in relation to the survey, design and construction of Armstrong Road, Beaconsfield Upper, including a sealed road pavement, kerb and channel and associated drainage and ancillary works:

3. Adopt a final scheme cost of \$742,955.30, which is 14% less than the \$ 859,050.00 on which the scheme was declared.
4. Note that a fixed charge of \$7,000 per benefit unit was declared on all included properties within the scheme area in accordance with attachments 2 and 3 to this report.

Attachments

1. SCS Process Chart- Armstrong [6.2.7.1 - 1 page]
2. Map - Armstrong Rd [6.2.7.2 - 1 page]
3. Updated apportionment - Armstrong [6.2.7.3 - 1 page]

Executive Summary

Council declared a special charge to fund portion of the cost of constructing Armstrong Road, Beaconsfield Upper on 18 October 2021.

The estimated cost of the works at the time of declaration was \$859,050.00 with \$94,500.00 property owner contribution based on \$7,000 per benefit unit and \$764,550.00 Council contribution, to be funded from the Australian Government grant.

The actual cost of the works following construction plus 15% to cover survey, design and administration costs totalled \$742,955.30. The amount recovered from property owners, based on the fixed amount of \$7,000 per benefit unit remains at \$ 94,500.00, therefore Council's contribution of Australian Government grant funds decreases to \$648,455.30.

Background

The Armstrong Road, Beaconsfield Upper catchment that includes Armstrong Road, Beaconsfield Upper was 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 14, was undertaken asking if they were in support of contributing to a special charge scheme at a capped contribution rate of \$7,000 per benefit unit, with a benefit unit being defined as:

- Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit (\$7,000) towards the cost of construction.
- Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit (\$3,500) towards the cost of construction.

- Existing lots, either developed or vacant, that gain, or will gain, primary access and 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.

Following the survey of the property owners, where 55% of the responses received indicated support for the scheme, Council resolved to issue a notice of decision to declare a special charge on the included properties at its' Council meeting on 19 July 2021. The scheme was subsequently declared by Council, following the required advertising and 28-day submission period. at the Council meeting on 18 October 2021.

The scheme construction works are now complete, with practical completion being issued on Tuesday, 18 April 2023.

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 19 July 2021. Given that Council has capped the property owner contribution at \$7,000 per benefit unit, the proposed scheme is compliant.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

2.1.1 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.

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

Extensive consultation was undertaken with the affected property owners, including a formal questionnaire that revealed majority property owner support for the scheme, prior to Council determining to proceed with the special charge scheme legislative process as outlined in Section 163 of the *Local Government Act 1989*.

Council resolved to issue a notice of decision to declare the scheme at its Council meeting 19 July 2021. Property owners were then 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. Council declared the scheme at its meeting on 18 October 2021.

Financial and Resource Implications

The scheme funding arrangements are as outlined in Table 1.

Table 1. Preliminary estimated cost of project

Original estimated cost of scheme	\$859,050.00
Actual cost of the project	\$742,955.30
Adjusted Council contribution	\$648,455.30
Benefiting property owner contribution	\$94,500.00

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 note:

1. The actual cost of the scheme works is \$742,955.30, which is 14% less than was originally estimated. This means that Council's contribution to the scheme of Australian Government grant funds decreases by \$116,094.70.
2. The property owner contribution to the scheme remained fixed at \$94,500.00 based on the capped contribution amount of \$7,000 per benefit unit as outlined in attachment 3 to this report.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Collin Ross.

That Council having declared a special charge on 18 October 2021 for the purposes of partially recovering the expenses incurred by Council in relation to the survey, design and construction of Armstrong Road, Beaconsfield Upper, including a sealed road pavement, kerb and channel and associated drainage and ancillary works:

1. Adopt a final scheme cost of \$742,955.30, which is 14% less than the \$ 859,050.00 on which the scheme was declared.
2. Note that a fixed charge of \$7,000 per benefit unit was declared on all included properties within the scheme area in accordance with attachments 2 and 3 to this report.

Carried.

6.2.8 Road Discontinuance and Sale Abutting 40 Jefferson Road Garfield

Responsible GM: Debbie Tyson
Author: Erin Moore

Recommendation(s)

That Council having given public notice of a proposal to discontinue a part of Jefferson Road, Garfield as shown in Attachment 1 (the Proposal) and to sell the land, if discontinued, to the abutting landowner at 40 Jefferson Road Garfield by private treaty pursuant to s223 of the Local Government Act 1989 and s114 of the Local Government Act 2020, having considered no submissions being made in respect of the Proposal, hereby:

1. discontinues the Road in accordance with section 206, schedule 10, clause 3 of the *Local Government Act 1989*;
2. directs that the land from the road be sold by private treaty to the abutting landowner of 40 Jefferson Road, Garfield in accordance with section 114 of the *Local Government Act 2020*;
3. directs that a notice of discontinuance be published in the Victorian Government Gazette;
4. authorises the Chief Executive Officer to finalise the terms of the sale of the land and sign all documents relating to the sale of the land from the discontinued road to the abutting landowner at 40 Jefferson Road, Garfield;
5. directs that the discontinuance and sale will not affect any right, power or interest held by Ausnet Services and Cardinia Shire Council in the land in connection with any services and drainage in or near the road; and
6. directs that the section of road be removed from Council's Register of Public Roads in accordance with section 17(4) of the Road Management Act 2004 as it is no longer reasonably required for general public use.

Attachments

1. Attachment Plans and Imagery [6.2.8.1 - 3 pages]
2. Road Discontinuance Policy [6.2.8.2 - 6 pages]

Executive Summary

Council at its ordinary meeting held on the 21 August 2023, resolved to commence community engagement and consultation in accordance with s114 of the Local Government Act 2020 and s207A, Schedule 10 clause 3 and s223 of the Local Government Act 1989 for a proposal to proceed with negotiations to discontinue a 491.4m² section of road and sell to the abutting landowner at 40 Jefferson Road Garfield, hereafter called the 'Proposal'.

In accordance with the above statutory procedures and Council's Community Engagement Policy 2021-24, public notice of the Proposal was given in the Pakenham Gazette on the 23 August 2023 and on Council's website. The notice on the website remained for the duration of the 28- day submission period.

In addition, surrounding property owners and occupiers were advised of the Proposal in writing, informing them of their right to make a submission.

In response, there were no submissions received in respect of the Proposal and therefore we seek approval from Council to proceed with the Proposal to discontinue the section of road and to sell the land to the abutting landowner.

Background

Section 114 of the LGA 2020 provides the power for Council to sell land, section 206 and Clause 3 of schedule 10 of the LGA 1989 provides the authority for Council to discontinue a road or part thereof and sell it to a third party or retain it for municipal purposes. The property owner at 40 Jefferson Road Garfield has contacted Council's Property Team, in hopes of purchasing the 491.4m² section of road abutting their land, which is currently part of Council's road reserve.

The section of road is shown on certificate of title volume 09856 folio 424 being road on Plan of Subdivision LP213555F.

The internal referral process found no objections from Statutory Planning, Environment, Engineering and Traffic teams at Council. It was identified that a 2m drainage easement in favour of Council would be required along the southern boundary of the section of road if discontinued. The external referral process identified an Ausnet Services easement would also be required to be created, should the discontinuance and sale proceed.

The current market value is \$114,000 provided by Westlink Consulting as per the valuation report dated 23 March 2023. The sale price offered is in line with 4.9(A) of the Road Discontinuance Policy 2021.

A letter of intent has been accepted by the landowner of 40 Jefferson Road Garfield, for the purchase of the section of road for \$57,000, also agreeing to Council's conditions requiring the purchaser to consolidate the land within their parcel and agreeing to reimburse Council for associated costs in discontinuing the road and selling the land. See imagery attached for further context in relation to the section of road and surrounding land.

Policy Implications

Council's Road Discontinuance Policy, which was adopted on the 10 March 2021, outlines circumstances being considered in this report. See attachment for full policy which outlines under 4.7 general principles which apply to the sale of roads:

- (i) Council will encourage the sale of such minor parcels of land that are not being used for pedestrian or vehicular access or are no longer required for other strategic or public use.
- (ii) Council discourages the unauthorised occupation of roads or minor reserves and may take steps to remove such illegal occupation.
- (iii) Council will only sell roads or minor reserves to abutting property owners.
- (iv) Council or its Solicitors shall recover all costs incurred in the application of this policy.
 - a. Council reserves the right to retain any road or minor reserve once they take title to such land, if it is seen to be appropriate. This land may be retained to meet a strategic need or sold at some point in the future in accordance with this Policy.
 - b. Council has the right to place an easement or covenant on or over the land in order to protect existing rights or future requirements. If there is a requirement by statutory authorities to relocate such assets (e.g. drains) all costs will be borne by the purchaser.
 - c. Council will require any land that is purchased to be consolidated with the abutting land title within six months of the purchase of the land.

- d. Council will not recognise or assist with adverse possession claims over roads and minor reserves and reserves the right to contest such claims.

Prior to deciding whether or not to discontinue the Road and sell the land, Council is required to undertake procedures under section 206, schedule 10, clause 3 of the *Local Government Act 1989*, and section 114 of the *Local Government Act 2020*, particularly community engagement.

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.

Consultation/Communication

In accordance with the above statutory procedures and Council's Community Engagement Policy 2021-24, public notice of the Proposal was given in the Pakenham Gazette on the 23 August 2023 and on Council's website. The notice on the website remained for the duration of the 28- day submission period.

In addition, surrounding property owners and occupiers were advised of the Proposal in writing, informing them of their right to make a submission.

Financial and Resource Implications

The income generated from the sale would be \$57,000. Council recovers costs associated with the discontinuance and sale if it proceeds. During the process of negotiating with purchasers, the purchaser agrees in writing to pay or reimburse the relevant fees and charges associated, these including;

- Surveyor's costs;
- Council's legal fees;
- Public notice;
- Government Gazette notice;
- Reimbursement of valuation fees and
- Preparation of transfer documentation including title registration costs.

Conclusion

Officers are of the view that, having undertaken a community engagement process in accordance with the Council's *Community Engagement Policy* and having complied with all required statutory procedures under the *Local Government Act 1989* and *Local Government Act 2020*, together with a consideration of all relevant matter, it is open for Council to discontinue 491.4m² section of road for all reasons set out in this report and sell the land to the abutting landowner of 40 Jefferson Road, Garfield by private treaty. Accordingly, it is recommended that Council discontinue and sell the land as proposed.

Resolution

Moved Cr Graeme Moore, seconded Cr Jack Kowarzik.

That Council having given public notice of a proposal to discontinue a part of Jefferson Road, Garfield as shown in Attachment 1 (the Proposal) and to sell the land, if discontinued, to the abutting landowner at 40 Jefferson Road Garfield by private treaty pursuant to s223 of the

Local Government Act 1989 and s114 of the Local Government Act 2020, having considered no submissions being made in respect of the Proposal, hereby:

1. discontinues the Road in accordance with section 206, schedule 10, clause 3 of the *Local Government Act 1989*,
2. directs that the land from the road be sold by private treaty to the abutting landowner of 40 Jefferson Road, Garfield in accordance with section 114 of the *Local Government Act 2020*,
3. directs that a notice of discontinuance be published in the Victorian Government Gazette;
4. authorises the Chief Executive Officer to finalise the terms of the sale of the land and sign all documents relating to the sale of the land from the discontinued road to the abutting landowner at 40 Jefferson Road, Garfield;
5. directs that the discontinuance and sale will not affect any right, power or interest held by Ausnet Services and Cardinia Shire Council in the land in connection with any services and drainage in or near the road; and
6. directs that the section of road be removed from Council's Register of Public Roads in accordance with section 17(4) of the Road Management Act 2004 as it is no longer reasonably required for general public use.

Carried

6.3 Policy Reports

Nil.

6.4 Financial Reports

Nil.

6.5 Activity Reports

6.5.1 Quarterly resolutions report July to September 2023

Responsible GM: Debbie Tyson
Author: Doug Evans

Recommendation(s)

That Council note the report detailing implementation of Council resolutions for the period July to September 2023

Attachments

1. Resolutions report July - September 2023 [6.5.1.1 - 22 pages]

Executive Summary

The attached report details all resolutions made for the quarter ended 30 September 2023, and includes the actions taken to implement the decisions; the report does not include matters listed for noting.

Background

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

The attached report informs the Council about the implementation of these decisions, in addition provides transparency to our community.

Policy Implications

This regular report is in keeping with the Governance Rules.

Relevance to Council Plan

5.1 We practise responsible leadership

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

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 regarding this report

Consultation/Communication

All relevant staff have been consulted regarding this report.

Financial and Resource Implications

There are no financial considerations associated with this matter.

Conclusion

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

Resolution

Moved Cr Stephanie Davies, seconded Cr Jack Kowarzik.

That Council note the report detailing implementation of Council resolutions for the period July to September 2023

Carried

6.5.2 Major Projects Report

Responsible GM: Peter Benazic
Author: David Fice, Jarrad Unsworth, Kristen Jackson

Recommendation(s)

That Council note this report

Attachments

1. Major projects report - October 2023 [6.5.2.1 - 17 pages]

Executive Summary

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

Background

Projects and updates are included in the attached report

Conclusion

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

Resolution

Moved Cr Stephanie Davies, 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 Ross reported on his attendance at:

- IYU new all-weather athletics track which has recently opened with strong numbers of children signing up.
- MAV Service Awards receiving recognition for 15 years service as a Councillor. Noting the rapid and significant changes across this time.

Cr Ryan reported on her attendance at:

- Youth awards at Pakenham Hall.
- Cardinia Shire Mental Health Action Team reviewing the achievements from the Action Plan, noting that October is Mental Health month with activities being promoted through Council's website.
- Probus Dinner representing Council
- Seniors Festival 2023 Old Time Dance event, presenting a speech with Cr Moore

Cr Moore reported on his attendance at:

- Cardinia Tigers Football club all-abilities a very special day for all with much celebration
- Attended the Tynong CFA presentation
- IYU Running Track noting that the public can use the track when club activities are not running.
- Seniors Festival 2023 Old Time Dance event.

Cr Davies noted that it is National Carers Week from the 15-21 October, recognising 2.6 million carers across the country who volunteer in this capacity.

Cr Kowarzik reported on his attendance at:

- Good Choices Award at the Pakenham Hall
- Recognise work of the financial health wellbeing team recognising Megan Gill who heads up that team.
- Pakenham Road Runners who participated in the Melbourne Marathon in October. Particular recognition to Michael.
- Mayor and Cr Owen attended the opening of the Pakenham Upper Cricket Nets, complimenting the club for their patience in waiting a long time for their nets.

Cr Ross was congratulated on his 15 year service award.

Cr Ross noted that the Cardinia Foundation running/walking event will be on Sunday 22 October after a few years absence.

Cr Radford reported on her attendance at:

- Expression exhibition of art completed by people with disabilities, with over 3,500 people attending being one of the most successful events and has been nominated for an award.
- Attended the Have a little Hope event in recognition and support of this foundation.

9 Presentation Of Petitions

Nil.

10 Notices Of Motion

Nil

11 Community Questions

The Mayor advised that Council had received one question from Caitlin Wintaur.

QUESTION:

There is a large block of undeveloped land on Studd Road, Pakenham that is currently overgrown and a fire hazard. Additionally it has grown over the footpath preventing safe passage, and encouraging snakes to take up residence. Myself, and other residents, have been in contact with council for the last 3-4 months asking if this can be rectified but council have stated it is not "bad enough" for them to do anything. I personally have spoken to the owners of the land in person, at the block, and they outright refused to take responsibility for the block or the overgrown footpath, and said it wasn't their issue. With the constant media reports about the long, hot summer that is coming with a high chance of bushfires, as well as the snake risk, what will Council do to resolve this before someone is injured by a snake, or there is a fire?

RESPONSE:

Council Fire Prevention Officers inspect properties in the lead up to summer and during the CFA declared [Fire Danger Period](#) to check if there are fire hazards that need to be addressed on private land. Cardinia Shire has no declared period at present.

If Council inspect a property and find fire hazards, a Fire Prevention Notice is issued to the property owner. The notice outlines the works that must be done to fix the issue. The notice is issued in accordance with the Country Fire Authority Act 1958.

Outside of the Fire Danger Period, Council officers will assess properties against the requirements of Local Law 17, and residents can report any property that they are concerned about to mail@cardinia.vic.gov.au. As you have indicated your concerns with a property in Studd Road, Pakenham our Fire Prevention Officers will undertake an inspection of this area.

12 Urgent Business

Nil.

13 Councillor Questions

Nil.

15 Meeting Closure

Meeting closed at 8:17pm.