



Cardinia

MINUTES OF GENERAL COUNCIL MEETING

MONDAY, 16 OCTOBER 2017

MINUTES OF GENERAL COUNCIL MEETING

held in the Council Chambers, 20 Siding Avenue, Officer
on Monday, 16 October 2017

The meeting commenced at 5.45pm to consider a confidential matter 'In Camera'
and was adjourned at 5.58pm to reconvene at 7pm

PRESENT: Mayor, Brett Owen, Chairman

Councillors Michael Schilling, Carol Ryan, Collin Ross, Jodie Owen, Graeme Moore, Ray Brown, Jeff Springfield, Leticia Wilmot

Messrs Garry McQuillan (CEO), Mike Ellis (GMAS), (GMCS), Andrew Paxton (GMPD), Jenny Scicluna (GMCWB), Doug Evans (MG)

OPENING PRAYER

Almighty God we humbly request that you bestow your blessings upon this Council, direct and prosper our deliberations to the advancement of your glory and to the betterment of the peoples of Cardinia Shire. Amen.

ACKNOWLEDGEMENT OF TRADITIONAL LANDOWNERS

The Cardinia Shire Council respectfully acknowledged that we are on the traditional land of the Bunurong and Wurundjeri people.

APOLOGIES:

Derek Madden (GMCS)

CONFIRMATION OF MINUTES OF MEETINGS

Moved Cr R Brown Seconded Cr J Owen

THAT MINUTES OF THE FOLLOWING MEETINGS BE CONFIRMED-

- General Council Meeting 18 September 2017
- Town Planning Committee 2 October 2017

Cd.

DECLARATION OF PECUNIARY AND OTHER INTERESTS

Nil.

TABLE OF CONTENTS

TOWN PLANNING	4
1. CARDINIA PLANNING SCHEME AMENDMENT C226	4
2. AUTHORISATION OF AMENDMENT C229 - SOUTHERN BROWN BANDICOOT ENVIRONMENTAL SIGNIFICANCE OVERLAY	13
GENERAL REPORTS	19
3. APPOINTMENT OF MEMBERS TO CARDINIA ACCESS AND INCLUSION ADVISORY COMMITTEE.....	19
4. LITTLE RD BRIDGE - CLOSURE TO TRAFFIC	22
5. PROPOSED SPECIAL CHARGE SCHEME FOR SOLAR SAVERS HOUSEHOLDS	26
6. DEEP CREEK RESERVE - REGIONAL ALL-ABILITIES PLAYSPACE	36
7. CONTRACT 17/39: HOLM PARK RECREATION RESERVE, BEACONSFIELD - CARPARK CONSTRUCTION	40
8. CASEY CARDINIA LIBRARIES REGIONAL LIBRARY AGREEMENT.....	43
9. PETITION - NO POKIES FOR OFFICER	47
POLICY REPORTS	50
10. DOMESTIC ANIMAL MANAGEMENT PLAN - 2018-2022	50
ACTIVITY REPORTS	54
11. MAJOR PROJECT AND STRATEGIES ACTIVITY REPORT.....	54
12. ANNUAL REPORT 2016-17	58
REPORTS OR MINUTES OF COMMITTEES	61
REPORTS BY DELEGATES.....	61
REPORT BY MAYOR.....	62
PRESENTATION OF PETITIONS.....	62
NOTICES OF MOTION.....	62
COMMUNITY QUESTION TIME	63

TOWN PLANNING**1 CARDINIA PLANNING SCHEME AMENDMENT C226**

FILE REFERENCE INT1767468

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Angela Gleeson

RECOMMENDATION

The Council:

1. In accordance with Section 23 of the *Planning and Environment Act 1987*, the submissions received to Planning Scheme Amendment C226 be referred for consideration to an independent planning panel to be appointed by the Minister for Planning.
2. That all submitters to Amendment C226 be advised of Council's decision.

Attachments

- 1 Explanatory report 10 Pages
- 2 Summary of submissions 5 Pages

EXECUTIVE SUMMARY

The amendment was considered under delegation as the Minister for Planning authorised the Amendment to be processed under section 20(2) of the *Planning & Environment Act 1987*, which involves limited notification in order to fix up inconsistencies in the Officer Precinct Structure Plan.

Amendment C226 was placed on public exhibition for a period from Thursday 22 June 2017 to Monday 24 July 2017. The amendment seeks to correct an inconsistency between Officer Precinct Structure Plan (PSP) (2011) Incorporated Document, the Urban Growth Zone Schedule 3 (UGZ3) and the Rural Conservation Zone (RCZ).

Specifically, the Amendment makes the following changes to the Cardinia Planning Scheme:

- Inserts a new Schedule – Rural Conservation Zone Schedule 3 (RCZ3) to Clause 35.06 (which is the applied zone in the Urban Growth Zone 3).
- To remove the minimum subdivision area (40 hectares) and insert a new minimum subdivision area of 0.1ha for the three (3) properties specified within the Officer PSP to correct the inconsistency with provisions in the Urban Growth Zone Schedule 3 (UGZ3), Rural Conservation Zone (RCZ) and the Officer PSP.

The Amendment does not seek to alter or remove any other subdivision or development controls of the site.

During the exhibition of the amendment Council received two (2) submissions with both opposing the proposed planning scheme amendment. Council officers recommend that the submissions be referred to an independent planning panel to be appointed by the Minister for Planning.

Land affected by the Amendment

The Amendment applies to the following lots in the Officer Precinct Structure Plan (OPSP) area:

- Lot 2 PS327845 130 Whiteside Road (PSP Property No: 377)
- Lot 5 PS321195 Whiteside Road (PSP Property No:376)
- Lot W PS738911 part of 325 Princes Highway (previously Lot 2a PS517997) (PSP Property No: 152)



Figure 1. Location of land affected by the amendment



Figure 2. Aerial map of land showing the three parcels of land affected by the amendment

BACKGROUND

In 2011, the Minister for Planning approved the Cardinia Planning Scheme Amendment C149 which incorporated the Officer Precinct Structure Plan and Officer Development Contributions Plan. The land was already zoned Urban Growth Zone and the subject land zoned Rural Conservation Zone within the Urban Growth Boundary.

The Conservation Living Area is approximately 27.5 hectares of land in the north-west section of the precinct which has limited development potential. The majority of the area is located within the Bushfire Management Overlay (BMO) and remnant vegetation to be protected under the Officer Native Vegetation Precinct Plan (Officer NVPP).

The retention of vegetation protects the character and biodiversity values of the area. The area is of high landscape value providing a green backdrop of the southern foothills of the Dandenong Ranges.

Surrounding the Conservation Living Area is a zone that has a high risk of bushfire. The combination of topography and proximity to vegetation to be retained within the Officer NVPP limits the development potential of the area. Therefore, larger lots are required to achieve vegetation protection objectives and adequate defensible space around dwellings and ensure dwellings can be constructed to an appropriate standard against bushfire.

Next steps

Amendment C226 is at **Stage 2** of the Planning Scheme Amendment Process as detailed below in Figure 3, whereby submissions are considered by Council and the amendment may be changed, abandoned or the submissions referred to a planning panel.

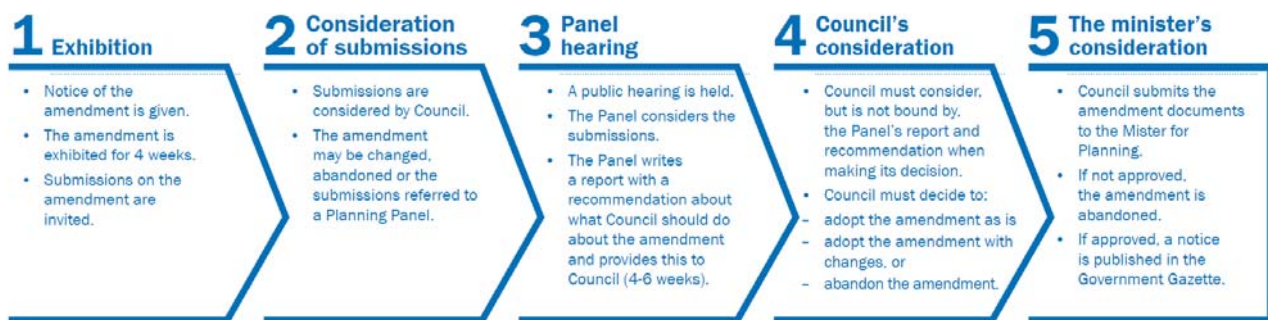


Figure 3. Steps in the Planning Scheme Amendment process

If Council resolves to refer the submissions to an independent planning panel (to be appointed by the Minister for Planning) a hearing will be held at which submitters can request to be heard by the Panel.

Preliminary hearing dates have been scheduled and are as follows:

- Directions Hearing scheduled to commence week commencing 13 November 2017.
- Panel Hearing scheduled to commence week commencing 4 December 2017.

Following the hearing, the Panel prepares a report with a recommendation on how Council should proceed with the Amendment and provides this to Council (within 4-8 weeks).

Once Council officers receive the Panel's report, a Council report will be prepared for Council detailing the recommendations of the Panel and seeking a resolution to either:

1. Adopt the Amendment as is; or
2. Adopt the Amendment with changes as recommended by the Panel; or
3. Abandon the Amendment.

If option 1 or 2 is preferred, then a resolution will also be sought for Council to adopt the Amendment and submit the Amendment to the Minister for Planning for approval. However, the Officer Precinct Structure Plan will be subject to a broader review in which further consideration of the subject area to the Amendment will be considered at that time. The purpose of this

Amendment is to rectify an omission and to ensure consistency between the Officer PSP and the Cardinia Planning Scheme

POLICY IMPLICATIONS

Refer to the attached explanatory report that lists and details the relevant strategic planning policy.

RELEVANCE TO COUNCIL PLAN

The following relevant key challenges within the 2016 - 17 Council Plan have been identified:

The *Liveability Plan 2017–29* focuses on liveability, and recognising the role of urban planning in creating environments which enhance the health and wellbeing of our community and the natural environment. The Victorian Government sets the policy for land use planning in Victoria, with *Plan Melbourne 2017–2050* setting the long-term vision for Melbourne's liveability. However, it is the responsibility of Council to govern and implement land use policy locally.

The relevant challenge within this plan is 'open spaces and places', specifically by ensuring that areas of environmental significance are protected and enhanced.

CONSULTATION/COMMUNICATION

Discussions were held with the landowners prior to the application proceeding to authorisation.

On 30 March 2017 a request for Authorisation under 20(2) of the *Planning & Environment Act 1987* was sent to the Minister for Planning for Council to prepare Planning Scheme Amendment C226 to the Cardinia Planning Scheme which was subsequently received on the 3 May 2017 which allowed the following:

- An Amendment under 20(2) of the *Planning & Environment Act 1987* which allowed exemption from notification requirements of sections 19(2) and 19(3) of the Act.

Notice of the Amendment was given to the relevant prescribed Ministers

Notice of the Amendment was given by direct mail (written and e-mail) to seven (7) landowners, two (2) Public Authorities (CFA and APA Group) and the relevant Ministers.

Submissions received

During the exhibition period, two (2) submissions were received that opposed the Amendment.

Key issues raised within the submissions are as follows:

Submitter 1: Bosco Jonson on behalf of Parklea Pty Ltd:

- The amendment fails to facilitate subdivision or development because it does not deal with impediments to development.
- Allotments are configured and located in an efficient manner.
- The development contributions levied on the land is affordable.
- The tree retention and fire prevention provisions allow for efficient subdivision and development.

- The amendment should incorporate changes to the Officer PSP and Development Contributions Plan as necessary to facilitate development of the land. The following should be addressed:
 - If Council has determined that the land is capable of sustaining a minimum lot size of 1000sqm, then the yield from affected properties should be reviewed on the basis of efficient servicing and environmental matters. Consequential changes to the PSP should be included in this Amendment.
 - The Amendment should take account of the bushfire management necessary for Conservation Zone living. Obviously this is provided in the Bushfire Management Overlay on the land and provisions in the Cardinia Planning Scheme. The unnecessary and contradictory provisions of the Officer PSP should be deleted.
 - The Development Contributions Plan must remove an obligation to pay a levy on a per hectare basis.
 - Native vegetation retention should be allowed on land other than a lot that contains a dwelling as required by the PSP.

The applicant requests that Council:

- Amends Section 4.5.13 of the Officer PSP by deleting the current requirement of buildings not to be located within 30 metres of native vegetation retained in the relevant lot,
- Amends Figure 10a and figure 10b of the Officer PSP by deleting the current note and diagram respectively stating that buildings are to be setback at least 30m from native vegetation where it is retained within the same lot,
- Amends sub clause 3.2 of the Urban Growth Zone – Schedule 3 (UGZ3) by deleting the Residential Subdivision requirement for building envelopes to have a setback of 30m from any native vegetation in the relevant lot.
- Amends table 7 of the Officer PSP (Conservation Living Area) to remove reference to the development of up to 4 dwellings on Lot 2a PS517997 limitation. Based on the arguments presented we question the criteria behind this limitation as we believe the subject site is capable of potentially accommodating more than 4 dwellings/lots whilst enabling adequate fire risk management and the retention of significant native vegetation identified in the Officer NVPP as appropriate.
- We request that native vegetation to be retained is located in a lot that contains a dwelling be removed.
- Amends Officer Development Contributions Plan to acknowledge the reduced development/subdivision potential of the Officer PSP Conservation Living area by amending section 3.1.5 to replace ‘per hectare’ with ‘building envelope area’.

Submitter 2: APA Group

A high pressure gas transmission pipeline which is managed by the APA Group is located within the northern section of the Officer PSP and runs east west through a number of properties.

APA Group state that the Officer PSP creates a poor outcome with regard to pipeline safety and access for the transmission pipeline as states that the Gas Easement is to be:

- Used as a road;
- Included in public open space; or
- Incorporated into the design of subdivisions to be at the front of lots, forming a setback for the dwelling.

- The preference of the PSP “Planning and Design Guidelines that should be met” is for the Gas Easement to be used as a road.

This is not APA’s preferred urban outcome.

It is APA’s preference that roads being constructed over pipeline easements be avoided wherever possible. The creation of roads over pipeline easements results in the following issues:

- Loss of control over easement area which has been secured through legally enforceable easement agreements.
- Increased potential for external interference with the pipeline due other parties utilising the road reservation for infrastructure (water, sewer etc.) over or around the pipeline.
- Increased difficulty accessing the pipeline due to the need for access approval from Council or other roads authorities.
- Increased cost in accessing the pipeline due to the need to make good a road reserve.
- Loss of ability to duplicate or loop the pipeline in the future.
- APA consents in principle (and subject to detailed assessment), to periodic road or services crossings over the easement on the basis that Council and other utility operators (as relevant) enter into an agreement with APA to maintain our existing easement rights in the area to be covered by road.
- The proponent must demonstrate that the number of crossings has been minimised. Crossings are to be as perpendicular as possible to the pipeline to minimise the area of impact.
- APA also do not support locating the gas easement within the frontage of residential lots as it substantially fragments the pipeline tenure, would require warning signs at each title boundary, limits access opportunities to maintain the pipeline and would limit the type of vegetation that can be grown in the dwellings front yard.
- Schedule 3 to Clause 37.07 (UGZ3) also fails to recognise the transmission pipeline, the measurement length (ML) and in particular fails to require referral of the sensitive land uses within the ML to the pipeline operator. The ML area is the heat radiation zone associated with a full-bore pipeline rupture. APA is mandated to consider community safety in the ML due to the high consequences of pipeline rupture to life, property and the economy. APA seeks to limit sensitive uses from establishing within the ML so as to retain a high level of compliance with applicable safety standards. Australian standard AS2885 defines a sensitive use as one which may increase the consequences of failure due to its use by members of the community who may be unable to protect themselves from the consequences of a pipeline failure. To this end, APA’s preferred position is that all sensitive land uses be located outside of the ML.

APA’s position with regard to Amendment C226

APA’s preferred position is that the Gas Transmission Easement be treated as a public open space reserve and that the PSP be updated to reflect this. This would help bring the Officer PSP into line with a number of recent PSP approvals which have identified the pipeline as linear open space.

APA would also seek the UGZ3 be updated to reference the pipeline measurement length on Map 1, and include a permit trigger for sensitive land uses (as listed above) where not already triggered and to refer applications for sensitive land uses to the pipeline operator as a recommending referral authority.

Council officer response to submissions

In response to the above, the issues raised within the submissions is outside the realm of the Amendment. The Amendment seeks to correct an inconsistency between the Officer PSP and Cardinia Planning Scheme which currently does not allow the land to be developed in accordance with the Officer PSP.

The issues raised within the submissions are more significant than the scope of this amendment and will be subject to further consideration when Council undertake a broader review of the Officer PSP and Officer Development Contributions Plan in due course.

Financial and resource implications

Council will be required to pay for the amendment process however this can be sufficiently covered by the budget.

CONCLUSION

Amendment C226 seeks to correct an inconsistency with the Officer Precinct Structure Plan required to allow the subdivision and subsequently the development of the land in accordance with the Officer Precinct Structure Plan (September 2011) and corrects an inconsistency between the policy intentions of the Officer Precinct Structure Plan (PSP), the Urban Growth Zone Schedule 3 (UGZ3) and the Rural Conservation Zone (RCZ). The Amendment will facilitate the subdivision of the land in accordance with the Officer Precinct Structure Plan.

As stated within the report the issues raised within the submissions are more significant than the scope of this Amendment and will be subject to further consideration when Council undertake a broader review of the Officer PSP and Officer Development Contributions Plan in due course.

Amendment C226 was exhibited from Thursday 22 June 2017 to Monday 24 July 2017. Two (2) submissions were received in response to the Amendment.

Following exhibition of the amendment two (2) opposing submissions were received. To fully allow the consideration of these submissions it is recommended that Council resolve to seek an independent panel appointed by the Minister for Planning in accordance with *Section 23 of the Planning and Environment Act 1987*.

1 CARDINIA PLANNING SCHEME AMENDMENT C226

Moved Cr G Moore Seconded Cr J Springfield

The Council:

1. In accordance with Section 23 of the *Planning and Environment Act 1987*, the submissions received to Planning Scheme Amendment C226 be referred for consideration to an independent planning panel to be appointed by the Minister for Planning.
2. That all submitters to Amendment C226 be advised of Council's decision.

Cd.

2 AUTHORISATION OF AMENDMENT C229 - SOUTHERN BROWN BANDICOOT ENVIRONMENTAL SIGNIFICANCE OVERLAY

FILE REFERENCE INT1767924

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Anita Ransom

RECOMMENDATION

That authorisation be sought from the Minister for Planning under Section 9 of the *Planning and Environment Act 1987* to prepare Amendment C229 which proposes to apply the Environmental Significance Overlay - Schedule 7 (ES07) to the townships of Bunyip, Garfield and Tynong to ensure future development considers the provision of habitat corridors for the protection of the Southern Brown Bandicoot

Attachments

1 Southern Brown Bandicoot Habitat Protection Strategy and Environmental Significance Overlay	75 Pages
2 Environment Significance Overlay Schedule 7	6 Pages
3 Amendment C229 documents	6 Pages
4 Amendment map	1 Page

EXECUTIVE SUMMARY

The Southern Brown Bandicoot (SBB), *Isodon obesulus obesulus* is recognised as an endangered mammal under State and Federal legislation, that is found within the Shire, predominantly in the area south of the Princes Freeway in the Koo Wee Rup Swamp area and in the townships and surrounds of Bunyip, Garfield and Tynong. Landowners, Council, State, and Commonwealth authorities have a responsibility to identify and protect endangered species under Federal and State legislation.

Recent subdivisions in the townships of Bunyip, Garfield and Tynong have resulted in inconsistent planning permit requirements and outcomes to protect the SBB. A number of developers have cleared all Bandicoot habitat on a site by site basis, therefore creating gaps in the SBB movement corridors, while others have been required to provide 10 - 50 metre wide vegetation corridors with onerous management requirements for Council. These inconsistent outcomes have led to additional costs for developers and Council and is likely to lead to the extinction of the SBB within these townships.

In early 2016 Council engaged Ecology Australia to prepare a Habitat Protection Strategy and it provides a strategy for the protection and enhancement of habitat for the SBB including a proposed Schedule to the Environmental Significance Overlay (ESO).

The Environmental Significance Overlay Schedule 7 (ES07) is proposed to be introduced into the Cardinia Planning Scheme to protect the bandicoot habitat corridors in the townships of Bunyip, Garfield and Tynong. This report recommends that authorisation to prepare Planning Scheme Amendment C229 to the Cardinia Planning Scheme be sought from the Minister for Planning.

BACKGROUND

The SBB is a small ground-dwelling mammal which is listed as “Endangered” under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* and is also protected by the Victorian Government *Flora and Fauna Guarantee Act 1988 (FFG Act)*.

The SBB live in dense understorey vegetation including native vegetation, exotic long grass and prickly dense weeds such as blackberries as it protects them from predators such as cats and foxes. Known threats to the SBB include predation, increasing number of road fatalities, loss of habitat and corridor fragmentation (through the clearing of native and exotic vegetation) and new urban infrastructure such as solid fences blocking their movements between habitat areas.

Cardinia Shire is home to a large and distinctive SBB population cluster within the former Koo Wee Rup Swamp area which comprises four smaller sub-populations in Dalmore-Koo Wee Rup, Bayles, Cardinia-Rythdale, and Garfield-Longwarry, as identified in the *Southern Brown Bandicoot Strategic Management Plan (Ecology Australia, 2009)*.

Applications for residential subdivisions have been increasing in Bunyip, Garfield and to a lesser extent Tynong. Referrals are required to the Commonwealth Department of Environment who administer the *EPBC Act (1999)* if there is seen to be a likely detrimental impact on the species such as blocking a movement corridor or removing important habitat. It is difficult for Council Officers to advise applicants on the likelihood of a Commonwealth referral as this is not triggered by a certain size of subdivision and sits outside the planning process. Developers are generally required to undertake detailed SBB surveys which are expensive with variable quality and outcomes. And some have been required to incorporate linear SBB habitat corridors and prepare onerous Bandicoot Management Plans. Smaller scale subdivisions (typically 2-10 lots) have not been referred to the Commonwealth, but their cumulative impacts are leading to the loss of SBB habitat and critical gaps or blocks in the SBB movement corridors.

The current ad hoc pattern of subdivisions has led to some properties having no or inadequate provision of habitat for the species, where other properties have variable width corridors and inconsistent management requirements. Without a holistic approach to create and preserve SBB habitat the cumulative impacts of development will likely result in the local extinction of the SBB within these townships. For these reasons, Council Officers decided to undertake a proactive approach to better manage this situation and improve overall outcomes.

In early 2016 Council's Environment department engaged Ecology Australia to develop a Habitat Protection Strategy for Bunyip, Garfield and Tynong. The Strategy presents an approach for the protection and enhancement of habitat for SBB in two parts:

1. *Part A - presents an overview of the current situation and an overall approach to developing planning controls to protect the SBB within the townships. Also provided are standards and guidelines for the maintenance and enhancement of bandicoot habitat within the townships, and recommendations for supporting conservation measures.*
2. *Part B - provides specific recommendations for a SBB Schedule to the ESO, and application in the Cardinia Planning Scheme, which should be read in conjunction with Part A.*

The Strategy found that within Cardinia Shire the SBB live and travel within the vegetated railway corridor, drains and thin vegetated strips along roadsides and fence-lines. The SBB require free movement between properties to forage and be able to visit other SBB and breed. A key risk to the ongoing viability of the populations is lack of genetic diversity as a result of inbreeding within isolated populations.

In 2009 Council developed the *Southern Brown Bandicoot Strategic Management Plan* for the former Koo Wee Rup swamp area. One of the high priority actions of the Management Plan was to 'Investigate a specific Southern Brown Bandicoot Overlay as a schedule of Environmental Significance Overlay'.

It is proposed to introduce Schedule 7 to the ESO Overlay into the Cardinia Planning Scheme to provide a consistent approach to development in Bunyip, Garfield and Tynong.

The ESO is considered to be the most appropriate planning tool in order to provide adequate protection for the SBB and deliver coordinated SBB management outcomes across all development.

The purpose of the ESO is:

- *To identify areas where the development of land may be affected by environmental constraints.*
- *To ensure that development is compatible with identified environmental value.*

Specifically, the environmental objective to be achieved for Schedule 7 to the ESO is:

- *To minimise adverse impacts resulting from the use and development of land on the Southern Brown Bandicoot by maintaining, enhancing and connecting key habitat.*

The proposed ESO7 will be applied to the front setback of affected properties, adjacent to roadside vegetation and requires specific vegetation to be planted. Planting in the front setback makes it easy for Council Officers to monitor the vegetation for compliance and ensures that residents retain privacy in the rear yard. The proposed ESO7 provides guidance and planning permit requirements on a number of matters including setbacks, landscaping, vegetation coverage, vegetation removal, and fencing.

The *Habitat Protection Strategy (2017)* provides additional information and recommendations regarding public education, habitat enhancement, sample suitable subdivision designs, sample fence designs, temporary shelter designs for SBB when their habitat is removed and designs for fauna underpasses (culverts). These recommendations do not form part of the ESO7 but provide additional information on how to protect the SBB to the community, residents and developers.

POLICY IMPLICATIONS

Plan Melbourne

Direction 6.5 of Plan Melbourne is to Protect and restore natural habitats, and it recognises that natural habitats need to better protect native flora and fauna, and enhance the communities knowledge and acceptance of wildlife in area they live.

The amendment supports this objective.

State Planning Policy Framework (SPPF)

The amendment is consistent with a number of strategies in Clause 12.01-1 (Protection of biodiversity) of the SPPF:

- *Avoids and minimises significant impacts, including cumulative impacts, of land use and development on Victoria's biodiversity.*
- *Assists in the re-establishment of links between isolated habitat remnants that contain high value biodiversity.*

- *Ensure that decision making takes into account the impacts of land use and development on Victoria's high value biodiversity.*

Local Planning Policy Framework (LPPF)

The amendment is consistent with a number of strategies in Clause 21.02-3 (Biodiversity) of the MSS (Municipal Strategic Statement):

- *Ensure that the siting of buildings and works avoids and minimises the removal or fragmentation of native vegetation, especially in areas of biodiversity significance, and where appropriate, building envelopes should be approved as part of subdivision plans to minimise the removal of vegetation.*
- *Avoid the fragmentation of land in areas of biodiversity significance and create new habitat corridors/biolinks.*
- *Encourage or, if appropriate, require landowners to undertake steps to conserve and enhance sites of biodiversity significance through a Conservation Covenant, or agreements under Section 173 of the Planning and Environment Act 1987.*
- *Protect and enhance the habitat of threatened flora and fauna species, including the growling grass frog and southern brown bandicoot.*

RELEVANCE TO COUNCIL PLAN

Council Plan item 3 *Our Environment* discusses the importance of continuing to plan and manage the natural and built environment for present and future generations. The following objectives of the *Council Plan (2017)* are relevant to Amendment C229:

3.3 Enhanced natural environment

- 3.3.7 - Protect and improve biodiversity by increasing the area of natural ecosystems across the Shire
- 3.3.8 - Preserve and improve our bushland and natural environment by implementing weed management programs and continuing work on high conservation bushland reserves and roadsides.

CONSULTATION/COMMUNICATION

The amendment has been reviewed by internal Council departments and was developed as a joint project between Strategic Planning and Environment.

The amendment will go through a public exhibition process once authorisation is received. This will involve notification to affected parties, including landowners.

Internal

- Development and Compliance Services - The *Habitat Protection Strategy (2017)* and the ES07 have been presented to this department for their understanding and comments.
- Strategic and Economic Development - The *Habitat Protection Strategy (2017)* and ES07 has been presented to this department for their understanding and comments.
- Operations - Officers have met with the Operations Unit confirm the proposes ES07 won't adversely impact on regular roadside slashing and drainage works.
- Infrastructure Services - Officers met with the Infrastructure Services department to confirm the proposed ES07 won't impact on upgrading unsealed roads.

External

- Department of Environment, Land, Water and Planning (DELWP) - Biodiversity officers from the Forest, Fire and Regions Department of DELWP have provided support for the proposal on biodiversity grounds. The Planning Services Department have also indicated the use of the ESO is an appropriate provision for the conservation of the southern brown bandicoot.

FINANCIAL AND RESOURCE IMPLICATIONS

Resources have been allocated in the 2017/18 budget of the Strategic Planning department for the planning scheme amendment process.

CONCLUSION

The planning scheme amendment to introduce the ES07 to Bunyip, Garfield and Tynong is required to ensure a holistic and coordinated approach to the protection and management of habitat for the endangered SBB population. The application of the ES07 will reduce onerous requirements for both developers and Council in relation to the management and protection of the SBB.

It is recommended that Council resolve to seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C229 to the Cardinia Planning Scheme.

2 AUTHORISATION OF AMENDMENT C229 - SOUTHERN BROWN BANDICOOT ENVIRONMENTAL SIGNIFICANCE OVERLAY

Moved Cr G Moore Seconded Cr J Springfield

That authorisation be sought from the Minister for Planning under Section 9 of the *Planning and Environment Act 1987* to prepare Amendment C229 which proposes to apply the Environmental Significance Overlay - Schedule 7 (ES07) to the townships of Bunyip, Garfield and Tynong to ensure future development considers the provision of habitat corridors for the protection of the Southern Brown Bandicoot.

Cd.

GENERAL REPORTS

3 APPOINTMENT OF MEMBERS TO CARDINIA ACCESS AND INCLUSION ADVISORY COMMITTEE

FILE REFERENCE INT1767447

RESPONSIBLE GENERAL MANAGER Jenny Scicluna

AUTHOR Marcia Cadoret

RECOMMENDATION

That the following members be appointed to Cardinia Access and Inclusion Advisory Committee

Community representative	Phil Emms
Community group representative	Ron Harmer
Disability sector representative	Shaunagh Stevens

Attachments

Nil.

EXECUTIVE SUMMARY

This report advises Council of membership to the Cardinia Access and Inclusion Advisory Committee members recently nominated at their Annual General Meeting on Wednesday 20 September 2017

BACKGROUND

Members of Special Committees require appointment by Council resolution pursuant to section 86 of the Local Government Act. The election of Special Committees of management is organised by Council and takes place annually or at specified times.

POLICY IMPLICATIONS

Nil

RELEVANCE TO COUNCIL PLAN

Establishing and maintaining Committees is directly relevant to the Council Plan goals of actively engaging with communities and increasing levels of community participation.

CONSULTATION/COMMUNICATION

Members to be appointed were nominated at the Annual General Meeting on Wednesday 20 September 2017. A public notice calling for expressions of interest on membership was advertised in the local media and through other communication channels prior to the AGM.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

CONCLUSION

Council to confirm the appointment of these members to the Committee

3 APPOINTMENT OF MEMBERS TO CARDINIA ACCESS AND INCLUSION ADVISORY COMMITTEE

Moved Cr M Schilling Seconded Cr J Owen

That the following members be appointed to Cardinia Access and Inclusion Advisory Committee

Community representative	Phil Emms
Community group representative	Ron Harmer
Disability sector representative	Shaunagh Stevens

Cd.

4 LITTLE RD BRIDGE - CLOSURE TO TRAFFIC

FILE REFERENCE INT1767456

RESPONSIBLE GENERAL MANAGER Michael Ellis

AUTHOR Christopher Marshall

RECOMMENDATION

That:

1. Council commence the statutory procedures in accordance with clause 9 schedule 11 of the Local Government Act, 1989, (the Act) to block the passage of vehicles across Little Rd bridge as shown on the attached locality plan.
2. Council publish a notice in the local paper for Officer under sections 207A and 223 of the Act advising of the proposal.
3. In the event of no submissions being received, the Chief Executive Officer be authorised on behalf of Council to affect the proposal.
4. In the event of submissions being received, a committee comprising of the ward Councillors be appointed and the Chief Executive Officer be authorised to set the day, time and place for the hearing of such submissions.

Attachments

- 1 Location and images of Little Road bridge 3 Pages

EXECUTIVE SUMMARY

The Little Rd bridge is located across Bunyip River at the north end of Little Rd, Iona. The bridge is an old style timber deck bridge with steel support beams with heritage significance. Due to its current condition the bridge is proposed to be closed to vehicular access and made a shared path.

The Little Rd bridge has a 7 tonne load limit and is located between two bridges on major collector roads that provide an alternative route. As such there is expected to be no impact to commercial and agricultural businesses and minimal impact to the local community with the closure of this bridge to vehicular traffic.

As the closure of Little Rd bridge to vehicular traffic is a road closure it must be completed in accordance with clause 9, schedule 11 of the Local Government Act, 1989 and requires a public notice to be published by Council under sections 207A and 223 of the Act.

BACKGROUND

The Little Rd bridge is located across Bunyip River at the north end of Little Rd, Iona connecting Main Drain Rd South and Bunyip River Rd. The bridge is an old style timber deck bridge with steel support beams with heritage significance. Due to its current condition the bridge is proposed to be closed to vehicular access and made a shared path.

The Little Rd bridge has a 7 tonne load limit as a result of a 2013 Level 3 condition assessment. This report also identified that as a long term solution the bridge would require strengthening or replacing to meet the traffic demands. In the past 12 months the bridge headstock on the south abutment has been repaired and reinstated. However, this is a temporary fix as the approach slab abutment on this side of the bridge is dropping and currently being monitored. The bridge will

require significant maintenance works in the short term if vehicle access is maintained including deck timber and pier replacements.

The Little Rd bridge is located between the bridge at Thirteen Mile Rd (1km to west) and the recently constructed bridge at Bunyip-Modella Rd (2.9km to east). These two bridges are considered strategic bridges across Bunyip River able to support large and heavy commercial and agricultural vehicles and are on the major north-south collector roads running through the area. The 7 tonne load limit of Little Rd bridge prevents these vehicles from being able to use this bridge.

A 2014 report indicated that 148 vehicles per day use the Little Rd bridge and that the surrounding bridges have the capacity to support the closure of Little Rd bridge.

The Little Road Bridge has heritage significance as it is evidence of the massive swamp drainage project carried out and the eventual development of transport networks, when this area was turned into rich farming land. The construction of many of these timber bridges along the drains also symbolises the devastation of the 1934 floods, when the previous timber bridges were washed away.

Due to the heritage significance of the Little Rd bridge, it supports extending the bridges life for as long as possible. As such it is considered that the safest and most cost effective option is to close the bridge as a road preventing vehicular access and convert it to a shared path for pedestrians and cyclists. This will continue to allow the local residents non-vehicular access across the river using this bridge, which includes access to St Joseph's Catholic Church, and maintain the heritage associated with the bridge. The impact on the local residents is considered minimal given the nearby bridges that are located on the area's major collector roads.

As the closure of Little Rd bridge to vehicular traffic is a road closure it must be completed in accordance with clause 9, schedule 11 of the Local Government Act, 1989 and requires a public notice to be published by Council under sections 207A and 223 of the Act.

POLICY IMPLICATIONS

Nil

RELEVANCE TO COUNCIL PLAN

This proposal is relevant to the following actions in the Council Plan:

3.1.1. Maintain all Council roads and supporting infrastructure in accordance with the Road Management Act 2004.

3.1.4. Manage Council's assets like roads, drainage, footpaths and buildings, etc. in a way that ensures they are adequately maintained over their life.

5.3.3. Manage the municipality's finances and assets in a responsible way

CONSULTATION/COMMUNICATION

A road closure under clause 9, Schedule 11 of the Local Government Act, 1989, requires that under sections 207A and 223 that a person be given the opportunity to make a submission under section 223.

This requires the issuing of a public notice and a minimum 28 days for submissions to be made following the issuing of the public notice. A person making a submission that wishes may request to be heard in person at a meeting of Council, in this case a committee comprising of the ward

Councillors should be appointed and the Chief Executive Officer be authorised to set the day, time and place for the hearing of such submissions.

It is proposed that the public notice be authorised by Council at the October Council meeting and published shortly following the meeting.

Should no submissions be received the Chief Executive Officer should be authorised on behalf of Council to affect the proposal.

FINANCIAL AND RESOURCE IMPLICATIONS

The road closure is expected to save significant costs to Council in the short term, as it will reduce the future maintenance requirements for the bridge, as the bridge will no longer need to accommodate the same loads that it currently accommodates. In the recent years Council has spent several thousand per annum on minor maintenance works for the bridge. In future years it is expected that major maintenance works will be required if the bridge stays open to vehicular traffic. The cost to replace the current bridge structure and to bring it up to current standards would be well in excess of \$1.4 Million

The financial costs to close the bridge can be accommodated within the 2017/18 bridge program

CONCLUSION

Little Rd bridge is in need of significant major works to maintain access for vehicular traffic. Given the nearby alternative routes available and heritage components, the safest and most cost effective solution is to close the bridge to vehicular traffic and convert the bridge to a shared path. This is expected to have minimal impact on the local community and no impact on commercial and agricultural businesses due to the existing load limit on the bridge. As this is a road closure a public notice must be published and consultation undertaken in accordance with the Local Government Act, 1989.

4 LITTLE RD BRIDGE - CLOSURE TO TRAFFIC

Moved Cr G Moore Seconded Cr C Ross

That:

1. Council commence the statutory procedures in accordance with clause 9 schedule 11 of the Local Government Act, 1989, (the Act) to block the passage of vehicles across Little Rd bridge as shown on the attached locality plan.
2. Council publish a notice in the local paper for Officer under sections 207A and 223 of the Act advising of the proposal.
3. In the event of no submissions being received, the Chief Executive Officer be authorised on behalf of Council to affect the proposal.
4. In the event of submissions being received, a committee comprising of the ward Councillors be appointed and the Chief Executive Officer be authorised to set the day, time and place for the hearing of such submissions.

Cd.

5 PROPOSED SPECIAL CHARGE SCHEME FOR SOLAR SAVERS HOUSEHOLDS

FILE REFERENCE INT1767730

RESPONSIBLE GENERAL MANAGER Michael Ellis

AUTHOR Aruna Dias; Brett Munckton

RECOMMENDATION

1. Council give notice of its intention to declare a special charge in accordance with section 163 of the Local Government Act 1989 (Act) as follows:
 - a. A special charge is declared for the period commencing on the day on which Council issues a notice levying payment of the special rate and concluding on the tenth anniversary of that day.
 - b. The special charge be declared for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on residential properties participating in the Solar Saver scheme, which:
 - i. Council considers is or will be a special benefit to those persons required to pay the special charge (and who are described in succeeding parts of this resolution); and
 - ii. arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.
 - c. The total:
 - i. cost of performing the function described in paragraph 1(b) of this resolution be recorded as \$36,497.69; and
 - ii. amount for the special charge to be levied be recorded as \$36,497.69, or such other amount as is lawfully levied as a consequence of this resolution.
 - d. The special charge be declared in relation to all rateable land described in the table included as Appendix A to this report, in the amount specified in the table as applying to each piece of rateable land.
 - e. The following be specified as the criteria which form the basis of the special charge so declared:

Ownership of any land described in paragraph 1(d) of this resolution.
 - f. The following be specified as the manner in which the special charge so declared will be assessed and levied:
 - i. a special charge calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each property participating in the Solar Saver scheme, in respect of which a Householder Agreement has been executed, totalling \$36,497.69, being the total cost of the scheme to Council;
 - ii. to be levied each year for a period of 10 years.
 - g. Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, it be recorded that the owners of the land described in paragraph 1(d) of this resolution will, subject

to a further resolution of Council, pay the special charge in the amount set out in paragraph 1(f) of this resolution in the following manner:

- i. payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act; or
 - ii. payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.
2. Approve the draft designs, estimates of costs and specifications generally describing the installation of solar electricity systems required to service properties as set out in Appendix A.
3. Approve the proposed advertisement in Appendix D and give notice of intention to declare a special charge in accordance with the proposed declaration set out in Attachment B to fund finalising authority agreements and fees, designs and specifications.
4. Adopt the assessment of the Benefit Ratio for the proposed special charge scheme to fund these works as set out in Appendix A of this report.
5. Council considers that there will be a special benefit to the persons required to pay the special charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the proposed special charge, as a result of the expenditure proposed by the special charge, in that the properties will have the benefit of a solar energy system being installed.
6. Council, for the purposes of having determined the total amount of the special charge to be levied:
 - a. considers and formally records that only those rateable properties included in the Solar Saver scheme as proposed will derive a special benefit from the imposition of the special charge, and there are no community benefits to be paid by Council; and
 - b. formally determines for the purposes of section 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the special charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the special charge is 100%.
7. Consider that declaration (Appendix C) at its meeting of the 11 December 2017 or such later date as necessary.
8. Appoint Cr Brett Owen, Cr Graeme Moore, and Cr Carol Ryan as a Committee with a quorum of two to hear and provide recommendations in relation to all submissions received pursuant Section 223 of the Local Government Act with respect to this scheme.
9. Public notice be given of Council's intention to propose the special charge in the form set out above, at its ordinary meeting to be held on Monday 11 December.
10. Separate letters, enclosing a copy of this resolution, Appendix C to this report and the public notice referred to in paragraph 4 of this resolution, are to be sent to the owners of the properties included in the scheme, advising of Council's intention to levy the special charge, the amount for which the property owner will be liable, the basis of calculation of the special charge, the special charge scheme process chart, and notification that submissions and/or objections in relation to the proposal will be considered by Council in accordance with sections 163A, 163B and 223 of the Act.
11. Determine the meeting of the Committee appointed to hear submissions be held commencing at 23 November 2017 or such later time as determined necessary by the General Manager Assets and Services.

12. Authorise the General Manager and Services to carry out the administrative arrangements to enable submissions to be heard and considered.
13. Approve the Public Notice as set out in the Appendix D to be advertised in the Pakenham- Berwick Gazette as a newspaper that may service the area.
14. The Council's Hearing of Submissions Committee be convened, at a date and time to be fixed, to hear persons who, in their written submissions made under section 223 of the Act, advise that they wish to appear in person, or to be represented by a person specified in the submission, at a meeting in support of their submission.
15. Aruna Dias, Environment Officer be authorised to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under sections 163A, 163(1A), (1B) and (1C), 163B and 223 of the Act.

Attachments

- | | | |
|---|------------------------|----------|
| 1 | List of properties | 1 Page |
| 2 | Householder agreements | 14 Pages |
| 3 | Letter to householder | 3 Pages |
| 4 | Proposed advertisement | 2 Pages |

EXECUTIVE SUMMARY

This report recommends Council initiate the declaration a Special Charge Scheme under Section 163 of the Local Government Act 1989 for the purposes of defraying expenses relating to the provision of solar energy systems on residential properties participating in the Solar Saver scheme.

The residential properties included in the proposed scheme have nominated to participate in the proposed scheme and have signed an agreement based on the quoted cost of the provision of a solar energy system at their property.

The total cost of the works is calculated at \$36,497.69 of which property owners will contribute the entirety over a 10 year period.

Recruitment of households included media releases, distribution of flyers and meetings with individual community groups such as the Emerald Community House, Hewitt Eco House and men's shed in Koo Wee Rup and the Bunyip Community Centre. Community interest was high and within four weeks of promotion the program was fully subscribed. The program coordinator continues to receive expressions of interest from residents. These details are being gathered to assist with future planning.

BACKGROUND

Under Section 163 of the Local Government Act 1989 (Act), Council is empowered to declare a special charge for the purposes of defraying any expenses in relation to the performance of a function or the exercise of a power of Council, if Council considers that the performance of the function or the exercise of the power is, or will be, of special benefit to the persons required to pay the special rate or special charge.

In this case, the installation of solar energy systems on properties as part of the Solar Saver scheme arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's

municipal district and promotes the social, economic and environmental viability and sustainability of the municipal district. Each participating property has signed a Householder Agreement with Council to participate in the scheme, which includes the overall cost and rate repayments which would be paid by the property should the scheme be approved (see Appendix B).

In September 2004, the Minister for Local Government issued a guideline for the preparation of special charge schemes. The guideline specifically deals with the calculation of the maximum total amount that a council may levy as a special charge.

The guideline requires that Council identify the following:

- A. Purpose of the works
- B. Ensure coherence
- C. Calculate total cost
- D. Identify special beneficiaries
- E. Determine the properties to include
- F. Estimate total special benefits
- G. Estimate community benefits
- H. Calculate the benefit ratio
- I. Calculate the maximum total levy

A. Purpose of the Works

The purpose of the works is to supply and install solar energy systems on properties to reduce energy costs and encourage and increase the use of renewable energy in Cardinia Shire Council.

B. Ensure Coherence

The proposed works have a natural coherence with the proposed beneficiaries, as the properties proposed to be included in the scheme are receiving solar energy systems to the value of their participation.

C. Calculate the Total Cost

The proposed solar system installation includes the following items:

- Assessment and administration costs
- Supply and installation of solar energy systems

For the purposes of Section 163(1) of the Act, the total cost of the works is calculated at \$36,497.69 based on signed quotations.

The expenses in the estimate of works are consistent with the allowable expenses listed in section 163(6) of the Act.

D. Identify the Special Beneficiaries

Council is required to identify those properties that would receive a special benefit from the proposed works. A special benefit is considered to be received by a property if the proposed works or services will provide a benefit that is additional to or greater than the benefit to other properties.

The Ministerial Guideline notes that a special benefit is considered to exist if it could reasonably be expected to benefit the owners or occupiers of the property. It is not necessary for the benefit to be actually used by the particular owners or occupiers of a specified property at a particular time in order for a special benefit to be attributed to the property.

Property owners participating in the Solar Saver scheme are considered to receive special benefit from the proposed supply and installation of solar PV systems by means of:

- Reduced energy costs over the life of the solar PV system

- Ownership of the solar PV system after the special rate repayments are paid in full
- Increased property value

The proposed properties taking part in the scheme, the owners of which have signed a Householder Agreement with Council to participate in the scheme, are listed in Appendix A.

E. Determine Properties to Include

Once the properties that receive special benefit are identified, Council must decide which properties to include in the scheme. If a property will receive a special benefit but is not included in the scheme, the calculation of the benefit ratio will result in Council paying the share of costs related to the special benefits for that property.

It is accepted that only those properties at which the solar energy systems are installed will receive a special benefit from the scheme. Accordingly, it is proposed to include only those residential properties whose owners have signed Householder Agreements in the scheme. Council will not, then, be required to pay a share of costs related to special benefits for any property that is not included in the scheme.

F. Estimate Total Special Benefits

As per the Ministerial Guideline for Special Rates and Charges, total special benefits are defined according to the formula below:

$$TSB = TSB(in) + TSB(out)$$

- TSB is the estimated total special benefit for all properties that have been identified to receive a special benefit.
- TSB(in) is the estimated total special benefit for those properties that are included in the scheme
- TSB(out) is the estimated total special benefit for those properties with an identified special benefit that are not included in the scheme

For the purposes of the proposed scheme, total special benefits have been calculated as follows:

- TSB(in) – The estimated total special benefit is based on the quoted cost of the solar PV system to be installed (which has been included in the Householder Agreement signed by the property owner). It is expected that the benefit in reduced energy costs will exceed this special benefit.
- TSB(out) – This is not applicable as all participating properties are included.

G. Estimate Community Benefits

Whilst the reduction of energy use, greenhouse emissions and increase of renewable energy is considered a community benefit there are no direct quantifiable costs.

TCB – Total Community Benefit is assessed to be 0 benefit units

H. Calculate the Benefit Ratio

The benefit ratio is calculated as:

$$R = \frac{TSB(in)}{TSB(in) + TSB(out) + TCB}$$

Where:

$$\begin{aligned} TSB(in) &= \$36,497.69 \\ TSB(out) &= 0 \\ TCB &= 0 \end{aligned}$$

$$R = 1$$

I. Calculate the Maximum Total Levy

In order to calculate the maximum total levy S, the following formula is used:

$$S = R \times C$$

Where R is the benefit ratio and C is the cost of all works

Therefore $S = 1 \times \$36,497.69 = \$36,497.69$.

Note there is no community benefit amount payable by Council.

Apportionment of Costs

Once the maximum levy amount has been calculated, it is necessary to establish an appropriate way to distribute these costs to all affected property owners.

As the properties have all received individual quotations based on the solar system and work required, it is proposed to apportion the costs based on these quotes. It is noted that the householders have been notified and signed agreements on the basis of these costs for the purpose of declaring this scheme.

It is proposed to distribute the costs as shown in Appendix A.

Statutory Process

The Act requires Council to give public notice of its proposed declaration of the special charge and write to all people who will be liable to contribute. The proposed declaration of the special charge has been prepared in accordance with the Act.

Owners (or occupiers who would pay the rate as a condition of their lease) may object to the proposal within 28 days. If objections are received from more than fifty per cent of persons liable, Council will be prevented from making the declaration and the scheme cannot proceed.

POLICY IMPLICATIONS

This scheme is directly in line with an action in the Aspirational Energy Transition Plan related to renewable energy financing and reducing greenhouse gas emissions. It will support initiatives and issues identified in the Municipal Heat and Health Plan related to supporting the vulnerable from extreme heat by providing them with an affordable way to cool their homes.

RELEVANCE TO COUNCIL PLAN

The Council Plan (adopted April 2017) includes the following actions that support this project.

1.4 Improved Health and Wellbeing for All

- 1.4.4 Support children, young people, families, older adults and people of all abilities by providing a range of accessible services and facilities.

1.6 Increased Awareness of Safety

- 1.6.1 Work with the Police, Victorian Government and our community to improve safety in homes, businesses, public places and roads.

3.3 Enhanced Natural Environment

- 3.3.1 Adapt to the impacts of climate change by working in partnership with the South East Councils Climate Change Alliance and both Australian and Victorian governments.

- 3.3.3 Reduce Council's greenhouse gas emissions and help the community do likewise.

CONSULTATION/COMMUNICATION

The program was promoted to targeted pensioner households in receipt of the rebate on their rate payments. 11 homes have received home visits to provide quotations for the Solar Saver program. 11 participating households have all signed agreements to participate in the program based on quoted prices.

FINANCIAL AND RESOURCE IMPLICATIONS

This special rates charge is a voluntary charge that households will choose to be a part of due to the clear benefits it provides. The financial impact on Council will be the contribution of \$36,497.69.

The funds will be recovered via a special rates charge over a 10 year period, at a rate of \$3,649.77 per annum. The project team assisting with recruiting households to the program in the shire are funded through a Victorian Government grant from the new energy jobs fund.

CONCLUSION

It is recommended that Council initiate the declaration of a special charge scheme for the purposes of defraying expenses from the provision of solar energy systems on residential properties participating in the Solar Saver scheme. Following this the below future actions will take place.

- Public notice of proposed declaration
- Copies of the proposed declaration to property owners
- Copy of proposed declaration available for public inspection
- Copy of proposed declaration available on website
- Receipt of written submissions
- Hearing of submissions
- Report to Council

5 PROPOSED SPECIAL CHARGE SCHEME FOR SOLAR SAVERS HOUSEHOLDS

Moved Cr M Schilling Seconded Cr C Ross

1. Council give notice of its intention to declare a special charge in accordance with section 163 of the Local Government Act 1989 (Act) as follows:
 - a. A special charge is declared for the period commencing on the day on which Council issues a notice levying payment of the special rate and concluding on the tenth anniversary of that day.
 - b. The special charge be declared for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on residential properties participating in the Solar Saver scheme, which:
 - i. Council considers is or will be a special benefit to those persons required to pay the special charge (and who are described in succeeding parts of this resolution); and
 - ii. arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.
 - c. The total:
 - i. cost of performing the function described in paragraph 1(b) of this resolution be recorded as \$36,497.69; and
 - ii. amount for the special charge to be levied be recorded as \$36,497.69, or such other amount as is lawfully levied as a consequence of this resolution.
 - d. The special charge be declared in relation to all rateable land described in the table included as Appendix A to this report, in the amount specified in the table as applying to each piece of rateable land.
 - e. The following be specified as the criteria which form the basis of the special charge so declared:

Ownership of any land described in paragraph 1(d) of this resolution.
 - f. The following be specified as the manner in which the special charge so declared will be assessed and levied:
 - i. a special charge calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each

property participating in the Solar Saver scheme, in respect of which a Householder Agreement has been executed, totalling \$36,497.69, being the total cost of the scheme to Council;

- ii. to be levied each year for a period of 10 years.
- g. Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, it be recorded that the owners of the land described in paragraph 1(d) of this resolution will, subject to a further resolution of Council, pay the special charge in the amount set out in paragraph 1(f) of this resolution in the following manner:
 - i. payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act; or
 - ii. payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.
2. Approve the draft designs, estimates of costs and specifications generally describing the installation of solar electricity systems required to service properties as set out in Appendix A.
3. Approve the proposed advertisement in Appendix D and give notice of intention to declare a special charge in accordance with the proposed declaration set out in Attachment B to fund finalising authority agreements and fees, designs and specifications.
4. Adopt the assessment of the Benefit Ratio for the proposed special charge scheme to fund these works as set out in Appendix A of this report.
5. Council considers that there will be a special benefit to the persons required to pay the special charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the proposed special charge, as a result of the expenditure proposed by the special charge, in that the properties will have the benefit of a solar energy system being installed.
6. Council, for the purposes of having determined the total amount of the special charge to be levied:
 - a. considers and formally records that only those rateable properties included in the Solar Saver scheme as proposed will derive a special benefit from the imposition of the special charge, and there are no community benefits to be paid by Council; and
 - b. formally determines for the purposes of section 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the special charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the special charge is 100%.

7. Consider that declaration (Appendix C) at its meeting of the 11 December 2017 or such later date as necessary.
8. Appoint Cr Brett Owen, Cr Graeme Moore, and Cr Carol Ryan as a Committee with a quorum of two to hear and provide recommendations in relation to all submissions received pursuant Section 223 of the Local Government Act with respect to this scheme.
9. Public notice be given of Council's intention to propose the special charge in the form set out above, at its ordinary meeting to be held on Monday 11 December.
10. Separate letters, enclosing a copy of this resolution, Appendix C to this report and the public notice referred to in paragraph 4 of this resolution, are to be sent to the owners of the properties included in the scheme, advising of Council's intention to levy the special charge, the amount for which the property owner will be liable, the basis of calculation of the special charge, the special charge scheme process chart, and notification that submissions and/or objections in relation to the proposal will be considered by Council in accordance with sections 163A, 163B and 223 of the Act.
11. Determine the meeting of the Committee appointed to hear submissions be held commencing at 23 November 2017 or such later time as determined necessary by the General Manager Assets and Services.
12. Authorise the General Manager and Services to carry out the administrative arrangements to enable submissions to be heard and considered.
13. Approve the Public Notice as set out in the Appendix D to be advertised in the Pakenham- Berwick Gazette as a newspaper that may service the area.
14. The Council's Hearing of Submissions Committee be convened, at a date and time to be fixed, to hear persons who, in their written submissions made under section 223 of the Act, advise that they wish to appear in person, or to be represented by a person specified in the submission, at a meeting in support of their submission.
15. Aruna Dias, Environment Officer be authorised to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under sections 163A, 163(1A), (1B) and (1C), 163B and 223 of the Act.

Cd.

6 DEEP CREEK RESERVE - REGIONAL ALL- ABILITIES PLAYSPACE

FILE REFERENCE INT1767742

RESPONSIBLE GENERAL MANAGER Michael Ellis

AUTHOR Kurt Pitts

RECOMMENDATION

That:

- The tender submitted by Red Centre Nominees Pty Ltd to undertake the works associated with Contract 17/35 - Deep Creek Reserve Regional All-Abilities Playspace Construction be accepted for the contract sum of \$1,908,370.88 (Excl. GST);
- The remaining Tenderers be advised accordingly; and
- The common seal of the Council be affixed to the contract documents.

Attachments

- | | |
|---|---------|
| 1 Plan and image of playground | 2 Pages |
| 2 Confidential memorandum detailing tenders received circulated to councillors only | 3 Pages |

EXECUTIVE SUMMARY

It was recognised that there is currently no 'regional' playspace in Cardinia Shire that meets the criteria outlined in the Cardinia Shire Playspace Strategy. The Deep Creek Parklands in Pakenham has previously been identified as the preferred location for a regional all abilities play space. This 42-hectare site is located south of the Pakenham Golf Course and will feature a unique range of environmental, educational, and recreational attractions.

This report provides consideration for the appointment of a contractor to undertake works to construct the large playspace at the Deep Creek Reserve. The proposed works involve play structures and equipment, shelters and barbecues including a community meeting space, landscaping and sensory gardens, sand and water play and associated works.

The tender for the Deep Creek Reserve Regional All-Abilities Playspace submitted Red Centre Nominees Pty Ltd is the most advantageous for Council, providing the best value for money and excellent service through their experience in playspace construction.

It is therefore recommended that Contract 17/35 for the construction of the Deep Creek Reserve Regional All-Abilities Playspace be awarded accordingly.

BACKGROUND

The Deep Creek Reserve is a large 42-hectare site in the heart of Pakenham, south of the Pakenham Golf Club. The masterplan for the site provides for a large scale development including major wetlands and demonstration wetlands, an eco-theme throughout the site incorporating vegetation improvements and habitat creation, an indigenous nursery, large car park for 200 cars and a multi-user shared facility building, combining sports, ecological values and education. The

building will meet the requirements of the Pakenham and District Golf Club, with the Cardinia Environment Coalition (CEC).

The playground is expected to form the centrepiece of this development, providing a community meeting space, market area, outdoor classroom, as well as significant play components and sensory elements. The playspace is an all-abilities site which will cater for children and adults of varying ages and abilities. It is expected that the all-abilities component will draw large numbers of various user groups from a wide area.

The adjacent building contains a Changing Places facility, a specialist area allowing those with the highest needs and their carers a comfortable and modest place.

Tenders were advertised on 12 August 2017 and closed on 5 September 2017. A total of five (5) tenders were received from the following tenderers:

Tenders were evaluated against the criteria of Capability and capacity, Relevant experience and past performance of the tenderer, Quality system and project plan, Compliance with the specifications, financial viability, risk and insurance, compliance to conditions of contract, conflict of interest, OHS, compliance to the conditions of tender, Pricing and value for money.

To provide best value for money, it is recommended that the Deep Creek Reserve Regional All-Abilities Playspace construction be awarded to Red Centre Nominees Pty Ltd for a sum of \$1,908,370.88 (Excl. GST).

POLICY IMPLICATIONS

The works have been developed in accordance with Council's Play Space Strategy and Asset Management Plans.

RELEVANCE TO COUNCIL PLAN

This project is consistent with efforts to " Provide active and passive recreation facilities to meet the needs of residents", " Increase opportunities for residents to participate in a range of sport, recreation and leisure activities", and " Provide accessible facilities to meet identified community needs".

CONSULTATION/COMMUNICATION

Extensive community consultation was undertaken prior to the detailed design stage commencing. The consultation process included a stall set up at the Pakenham Yakkerboo Festival which was extremely successful. A range of workshops were also undertaken at a number of local public and specialist schools. This consultation formed the basis of the current design. The Access and Inclusion Advisory Committee has been extensively consulted in regard to the design of the all abilities playground and the Committee is supportive of the concepts.

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

FINANCIAL AND RESOURCE IMPLICATIONS

The recommended tender submitted by Red Centre Nominees Pty Ltd Pty Ltd is for the lump sum price of \$1,908,370.88 (Excl. GST).

There is adequate funding in the Deep Creek Reserve project allocations to cover this tender sum which includes part allocation from the funding received by the Victorian Government's Growing Suburbs Fund - (total received - \$2,850,000). The remaining funds will be provided through Councils capital works program.

CONCLUSION

The tender submitted by Red Centre Nominees Pty Ltd for the construction of the Deep Creek Reserve Regional All-Abilities Playspace is considered to be the most beneficial to Council and it is recommended that Contract 17/35 - Deep Creek Reserve Regional All-Abilities Playspace Construction be awarded to Red Centre Nominees Pty Ltd for \$1,908,370.88 (Excl. GST).

6 DEEP CREEK RESERVE - REGIONAL ALL-ABILITIES PLAYSPLACE

Moved Cr C Ross Seconded Cr J Owen

That:

- The tender submitted by Red Centre Nominees Pty Ltd to undertake the works associated with Contract 17/35 - Deep Creek Reserve Regional All-Abilities Playspace Construction be accepted for the contract sum of \$1,908,370.88 (Excl. GST);
- The remaining Tenderers be advised accordingly; and
- The common seal of the Council be affixed to the contract documents.

Cd.

7 CONTRACT 17/39: HOLM PARK RECREATION RESERVE, BEACONSFIELD - CARPARK CONSTRUCTION

FILE REFERENCE INT1767757

RESPONSIBLE GENERAL MANAGER Michael Ellis

AUTHOR Cathal O'Loughlin

RECOMMENDATION

That the:

- tender submitted by R&C Asphalt Paving Pty Ltd to undertake the works associated with Contract 17/39: Holm Park Recreation Reserve, Beaconsfield - Carpark Construction be accepted for the contract sum of \$405,746.00 (excl. GST);
- remaining Tenderers be advised accordingly; and
- common seal of the Council be affixed to the contract documents.

Attachments

- 1 Confidential memorandum detailing tenders received circulated to councillors only 2 Pages

EXECUTIVE SUMMARY

This report provides consideration for the appointment of a contractor to undertake the construction of the car park at Holm Park Recreation Reserve, Beaconsfield (Contract 17/39).

The tender submitted by R&C Asphalt Paving Pty Ltd provides the best value for money and is the most advantageous for Council. It is therefore recommended that Contract 17/39 for the car park construction at Holm Park Recreation Reserve, Beaconsfield be awarded to R&C Asphalt Paving Pty Ltd.

BACKGROUND

The carpark and associated access road at the Holm Park Recreation Reserve have consisted of an unsealed crushed rock pavement since the Reserve become operational but with the intent of completing full construction in the future when the netball courts and pavilion were constructed and funding became available.

Request for tenders for the construction works were advertised on the 26th August 2017 with tenders closing on the 19 September 2017.

Tenders were opened at 2pm on the 19 September 2017, a total of three (3) tenders were received. All of the tenders were considered to be conforming and were considered.

Tenders were evaluated against the stipulated criteria of Pricing and Value for Money, Compliance with Council Specifications, Capability and Capacity, Relevant Experience and Past Performance, Project Plan, Quality Systems, OHS, Financial Viability, Risk and Insurance and Environmental Commitments.

Following an evaluation based on the above criteria, R&C Asphalt Paving Pty Ltd was found to provide the best value for money and it is therefore recommended that the tender submitted by R&C Asphalt Paving Pty Ltd for \$405,746.00 (Excl. GST) be accepted

POLICY IMPLICATIONS

The works have been developed in accordance with Council's Asset Management Plans and Holm Park Recreation Reserve Masterplan

RELEVANCE TO COUNCIL PLAN

This project is consistent with efforts to "Provide active and passive recreation facilities to meet the needs of our residents while providing accessible facilities to meet identified community needs." as established in the Council Plan, 2016-2020

CONSULTATION/COMMUNICATION

The tenant clubs at the recreation reserve have been consulted during the initial design and funding application process and will be notified of programmed works prior to works being undertaken

FINANCIAL AND RESOURCE IMPLICATIONS

Council have been successful in obtaining a grant from the Department of Infrastructure and Regional Development for \$500,000. As part of this funding there is a requirement for Council to contribute \$350,000 from the capital works program, towards the construction of the car park and a skate park. The skate park will be tendered separately, later this year.

The recommended tender by R&C Asphalt Paving Pty Ltd for \$405,746.00 is within the apportionment of the funding available to deliver the car park construction.

The remaining funds will be used to deliver the skate park and associated works.

CONCLUSION

It is recommended that the tender submitted by R&C Asphalt Paving Pty Ltd for \$405,746.00 be accepted for Contract 17/39: Holm Park Recreation Reserve, Beaconsfield - Carpark Construction

**7 CONTRACT 17/39: HOLM PARK RECREATION RESERVE,
BEACONSFIELD - CARPARK CONSTRUCTION**

Moved Cr B Owen Seconded Cr L Wilmot

That the:

- tender submitted by R&C Asphalt Paving Pty Ltd to undertake the works associated with Contract 17/39: Holm Park Recreation Reserve, Beaconsfield - Carpark Construction be accepted for the contract sum of \$405,746.00 (excl. GST);
- remaining tenderers be advised accordingly; and
- common seal of the Council be affixed to the contract documents.

Cd.

8 CASEY CARDINIA LIBRARIES REGIONAL LIBRARY AGREEMENT

FILE REFERENCE INT1767773

RESPONSIBLE GENERAL MANAGER Jenny Scicluna

AUTHOR Jenny Scicluna

RECOMMENDATION

That Council adopt the new Casey Cardinia Regional Library Agreement

Attachments

1 Regional Library Agreement 20 Pages

EXECUTIVE SUMMARY

Casey Cardinia Libraries operates under a Regional Library Agreement with the parties being Cardinia Shire Council and the City of Casey. The Agreement has recently been reviewed in accordance with the requirement to undertake a review every 5 years. The CCL Board has requested that Council considers the new amended Agreement and recommends it for signing and sealing at the Council meeting scheduled for October 2017. The Agreement will then be sent to the Victorian Government to be gazetted by the relevant Minister

BACKGROUND

The provision of library services across the Shire of Cardinia and the City of Casey is governed by a regional library Agreement between Casey City Council, Cardinia Shire Council and Casey Cardinia Libraries (CCL).

The regional library is formed by an Agreement signed and sealed by member Councils and approved for gazetting by the Minister for Local Government. The Agreement sets out the conditions for the formation, funding and operation of the Corporation, together with clauses relating to the responsibilities of the parties and remedies for any disputes or conflicts. The Agreement operates under the general provisions of the Local Government Act 1989 for regional library corporations. The regional library was originally created in 1996 and has been substituted in 2002 and 2012.

It is a requirement of the Agreement that the parties shall, together with the Board, review the operation of this Agreement at least once in every five years.

Through the Agreement, Board membership consists of four representatives from Casey City Council along with two Council officers. There are also two representatives from Cardinia Shire Council (one Councillor and one Council officer). At the time of this report, Cr. Jodie Owen is the Councillor representative and Cr. Ray Brown is the alternative. The General Manager of Community Wellbeing is the officer representative.

CCL operates 2 libraries the Shire of Cardinia (Pakenham and Emerald), as well as a Mobile Library Service visiting 11 townships across the Shire. CCL operates 5 libraries in the City of Casey (Endeavour Hills, Doveton, Narre Warren, Hampton Park and Cranbourne). In October 2017, Narre Warren Library will close and CCL will commence the operation of the new Bunjil Place Library within the broader Bunjil Place precinct.

CCL is funded by Cardinia Shire Council, Casey City Council and the Victorian Government.

The Casey Cardinia Library Agreement supports the vision, mission and values of the regional library, as determined by the parties.

CCL consulted with a subcommittee of Board members and the Chief Financial Officer from Cardinia Shire Council to review the Agreement and make recommendations to the Board on proposed changes. The preliminary consensus was that the Agreement was sound in that there had not been a significant history of issues or concerns raised by the Board or the member Councils relating to the general operation of the Agreement.

It was identified that some wording in the Agreement needed updating to keep pace with changes in contemporary governance and to reflect CCL's new vision, mission and values and branding. The Schedules of the Agreement have been updated to reflect the new library to be opened in October 2017 at Bunjil Place, and the closure of Narre Warren Library also in October 2017.

The final draft of the revised Agreement was presented and endorsed by the Board at its meeting on Wednesday 23 August 2017 and the Board endorsed the tabled Agreement for forwarding to the member Councils for their consideration and approval (Attachment A).

Once ratified by both Councils, the Regional Library Agreement is then forwarded by CCL to the Minister, and it is noted that the Agreement becomes effective once approved by the Minister and published in the Gazette in accordance with Section 196 (2) of the Act.

The key points of change or review in the revised Agreement are:

- The Notice clause has been deleted, however the process where a party enters or exits the Agreement is described under the Entry and Exit of Parties clause.
- Schedule 1 is new and describes the regional library's vision, mission and values. It acknowledges the importance of the Councils and CCL undertaking a collaborative and cooperative approach, and is intended to be a platform for a partnership built on trust and mutual respect.
- Schedule 2: Statement of Council's Assets has been updated to reflect upcoming changes in service points, including the closure of Narre Warren Library (October 2017) and opening of Bunjil Place Library (October 2017).
- Schedule 4 has been updated to define the need for the collection development to be maintained according to community need.

POLICY IMPLICATIONS

Nil

RELEVANCE TO COUNCIL PLAN

The Regional Library Agreement is relevant to the Council Plan 2017 in accordance with the section "Our People" and specifically the objective to provide "access to a variety of services for all" and "learning opportunities for all ages and abilities".

CONSULTATION/COMMUNICATION

The review of the CCL Regional Library Agreement was undertaken by a subcommittee of the Board as well as the CFO from Cardinia Shire Council.

FINANCIAL AND RESOURCE IMPLICATIONS

Cardinia Shire Council has a financial obligation as outlined in the Casey Cardinia Libraries Regional Library Agreement to provide funding from its Operating Budget annually towards the costs of the Casey-Cardinia Library Corporation. It should be noted that this Agreement is an ongoing agreement and has been reviewed as part of a five yearly review cycle.

The proposed 2017-2018 draft Budget for the Casey Cardinia Libraries includes a core contribution by Cardinia Shire Council of \$1,873,625. This represents 26.5% of the total council contribution (Casey meets 73.5%).

The average municipal per-capita contribution to Casey Cardinia Libraries in 2017-2018 is budgeted at \$27.21, which continues to compare favourably with the state municipal averages for public libraries (the most recently reported state average was \$43.17 in 2015/16). CCL, as part of its Library Plan actions, will review the existing funding formula for both Councils and is likely to propose an alternative formula within the next 12 months. Any change to the funding formula will be presented to Council for discussion and decision and would trigger a variation to the Agreement

CONCLUSION

Cardinia Shire Council supports Casey Cardinia Libraries to provide library services across the municipality through a Regional Library Agreement and Board membership.

The amended Agreement was endorsed by the Board at its meeting on Wednesday 23 August 2017 for consideration by member Councils. The CCL Board presents the Casey Cardinia Regional Library Agreement to Council for ratification. Officers recommend that the Agreement is approved by Council.

8 CASEY CARDINIA LIBRARIES REGIONAL LIBRARY AGREEMENT

Moved Cr J Owen Seconded Cr J Springfield

That Council adopt the new Casey Cardinia Regional Library Agreement

Cd.

9 PETITION - NO POKIES FOR OFFICER

FILE REFERENCE INT1769054

RESPONSIBLE GENERAL MANAGER Derek Madden

AUTHOR Doug Evans

RECOMMENDATION

That Council note the petition lodged in opposition to poker machines in Officer and advise the organiser of the petition that Council has resolved to refuse application T1700241 for the development of 1 Station Street, Officer.

Attachments

Nil.

EXECUTIVE SUMMARY

To receive the petition received in opposition to poker machines in Officer tabled at the September Council Meeting.

BACKGROUND

A petition was tabled at the September Council meeting regarding titled:
PETITION – No pokies for Officer

The prayer of the petition read:

We the undersigned community members hereby petition the elected councillors of Cardinia Shire Council.

We object to the application T1700241 for poker machines to be incorporated into the proposed hotel at 1 Station Street Officer.

We strongly oppose the placement of poker machines in the middle of a designated "Education Hub", comprising of 11 Schools within a two kilometre radius. This Gambling venue will be within 100 metres of the Officer Primary School and 50 metres from the Officer Child Care Centre.

The venue is also too close to shops and contrary to Council policy in this regard.

The venue also proposes to co-locate a medical centre which is dangerous and inappropriate as it will encourage gambling by vulnerable community members.

The petitioners therefore call upon the Councillors of the Cardinia Shire Council - B .Owen, J. Owen, M. Shilling, L. Wilmot, J. Springfield, R. Brown, G. Moore, C. Ryan, C. Ross - to vote against this application.

At the September Council Meeting it was resolved to refuse Planning Permit T170024 on the following grounds;

1. The proposal is contrary to Clause 21.06-4 Gaming of the Cardinia Planning Scheme, specifically the application is located in an area that has access to key bus and train connections which makes the proposed location convenient to all socio-economic groups of Cardinia's community.
2. The proposal is contrary to Clause 22.03 Gaming of the Cardinia Planning Scheme due to the lack of consideration given to achieving positive social, economic and environmental outcomes in the location in one of Officer Town Centre's key gateway sites.

3. The proposal is unacceptable as it fails to contemplate Clause 22.03 as it would result in additional machines to the municipality as a whole and there is no proof that consideration has been given to relocate existing machines from elsewhere within Cardinia Shire.

POLICY IMPLICATIONS

Nil

RELEVANCE TO COUNCIL PLAN

Nil

CONSULTATION/COMMUNICATION

The proposed development of 1 Station Street raised community concern as evidenced by the petition lodged.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

CONCLUSION

It is appropriate to advise the organiser of the petition that Council has resolved to refuse the application for building and works, change of use of land to a hotel, use of land for sale and consumption of liquor, installation and use of land for 80 electronic gaming machines, reduction of bicycle facilities at 1 Station Street, Officer.

9 PETITION - NO POKIES FOR OFFICER

Moved Cr B Owen Seconded Cr M Schilling

That Council note the petition lodged in opposition to poker machines in Officer and advise the organiser of the petition that Council has resolved to refuse application T1700241 for the development of 1 Station Street, Officer.

Cd.

POLICY REPORTS**10 DOMESTIC ANIMAL MANAGEMENT PLAN - 2018-2022**

FILE REFERENCE INT1767749

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Shannon Maynard

RECOMMENDATION

That Council adopt the Domestic Animal Management Plan 2018-2022

Attachments

1 Domestic Animal Management Plan 33 Pages

EXECUTIVE SUMMARY

The Domestic Animal Management Plan is the principle strategic document for the management of Domestic Animals within Cardinia Shire Council. It will guide Council's animal management activities for the next four years.

BACKGROUND

Pursuant to Section 68A of the Domestic Animals Act 1994, every Council must prepare a domestic animal management plan, as follows:

Every Council must, in consultation with the Secretary, prepare at 4 year intervals a domestic animal management plan.

A domestic animal management plan prepared by a Council must:

- set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations
- outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district
- outline programs, services and strategies which the Council intends to pursue in its municipal district
- to promote and encourage the responsible ownership of dogs and cats
- to ensure that people comply with this Act, the regulations and any related legislation
- to minimise the risk of attacks by dogs on people and animals
- to address any over-population and high euthanasia rates for dogs and cats
- to encourage the registration and identification of dogs and cats
- to minimise the potential for dogs and cats to create a nuisance
- to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations
- provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable
- provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary
- provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.

Every Council must:

- review its domestic animal management plan annually and, if appropriate, amend the plan
- provide the Secretary with a copy of the plan and any amendments to the plan
- publish an evaluation of its implementation of the plan in its annual report

POLICY IMPLICATIONS

Council adopted the previous Domestic Animal Management Plan in 2012 which was in effect until November 2016. The State Government extended the requirement to provide the next Domestic Animal Management Plan until November 3, 2017.

RELEVANCE TO COUNCIL PLAN

Our People - 1.7 Minimised Impact in Emergencies

CONSULTATION/COMMUNICATION

Targeted Consultation of key stakeholders was conducted in relation to the Domestic Animal Management Plan.

Peak industry bodies such as the Australian Veterinarian Association, Dogs Victoria, Cats Victoria, Feline Control Council of Victoria and the Governing Council of the Cat Fancy Australia and Victoria was directly requested to give feedback on the plan.

Furthermore, all Veterinarian clinics and Domestic Animal Businesses within Cardinia Shire Council were contacted and asked for feedback in relation to this draft.

The Draft plan was also placed on Councils website in the Consultation/Your Say section for public comment.

Council received two written submissions. One from the RSPCA congratulating Council for already including their 4 key strategies. The other was from the Cardinia Dog Walkers Group, who suggested more off leash parks within the municipality. This submission was forwarded to the Open Space Coordinator who is currently undertaken a review of off leash parks.

FINANCIAL AND RESOURCE IMPLICATIONS

The Domestic Animal Management Plan provided the strategic framework for the management of Domestic Animals within the Cardinia Shire Council. All activities outlined in the plan are achievable with no increases required to the current financial and staffing resources allocated to this activity.

CONCLUSION

The Domestic Animal Management Plan demonstrates Cardinia's commitment to successfully managing Domestic Animals within Cardinia Shire Council.

The Plan shows a number of key areas of success throughout the previous Domestic Animal Management Plan period, with a dramatic reduction in the number of euthanised dogs and cats, as well as a steady rate of registration of animals, with a large portion on these animals desexed.

By continuing the proven methods contained within the last Domestic Animal Management Plan, Cardinia is well placed to continue its strong trends of success in this area.

In addition, a number of innovations contained in this Domestic Animal Management Plan will further strengthen this program.

Some of the new key strategies contained include:

- Information Sessions with Retirement villages around Breed selection and responsible pet ownership
- Implementation of Website Portal, which allows residents to view their registration details and make minor changes.
- Exploring discounted or reduced registration fees for adopted dogs or cats in the first year of registration
- Implementation of SMS reminder alerts to owners of animals who haven't paid for registration by the due date.
- Implementation of website which will contain the photograph and description of any animal impounded by officers to allow animals to be reunited with owners without having to physically attend the pound prior to collection.
- Investigating the use of 84Y agreements with Vet Clinics
- Reviewing the Council Procedure in relation to the investigation of Barking Dog or nuisance noise complaints
- Improving signage at off leash park locations, including a QR code link to Council's website with important information
- Ensuring that an annual, unscheduled audit is completed on each Dangerous Dog in the municipality is conducted and recorded in Council's record management system

10 DOMESTIC ANIMAL MANAGEMENT PLAN - 2018-2022

Moved Cr J Springfield Seconded Cr M Schilling

That Council;

1. adopts the Domestic Animal Management Plan 2018-2022 and
2. develop a process and means to lessen the impact and threats that domestic cats pose towards our native wildlife, especially around areas of high environmental significance.
3. investigate the management of feral cats within the municipality.

Cd.

ACTIVITY REPORTS**11 MAJOR PROJECT AND STRATEGIES ACTIVITY REPORT**

FILE REFERENCE INT1767764

RESPONSIBLE GENERAL MANAGER Michael Ellis

AUTHOR Andrew Barr; Ben Wood; Desiree Lovell; Walter Carmignani

RECOMMENDATION

That the report be noted.

Attachments*Nil.***EXECUTIVE SUMMARY**

As part of the reporting process to Council, this monthly report provides an update of the current status of major projects and strategies in progress. It includes an update on major projects, capital works, special charge schemes, asset management and strategies current at the time of this report.

Capital works**Reserves****Deep Creek Reserve**

Council awarded the contract for construction of the Deep Creek building and services to Kirchner Constructions PL, for the revised Tender sum of \$4,316,403.82 ex GST.

Tenders for the construction of the playground recently closed and a report will be presented at this meeting.

Three separate tenders for the construction of the civil and landscaping components of the overall project are currently advertised with the relevant reports to be presented at the December meeting. The tender for the golf course redevelopment recently closed and a report is being prepared.

Lang Lang Recreation Reserve

Works are still progressing slowly due to the continuing inclement weather. The contractor is still confident of completing works on as per the agreed timelines.

Holm Park Recreation Reserve carpark resurfacing

Tenders for the sealing of the car park have closed and a report recommending a contractor to be awarded the works will be presented to Council at this meeting.

IYU Recreation Reserve carpark resurfacing

The design works are currently progressing and the tender for the construction of the works is scheduled to be advertised later this year.

Bridge Road duplication

Design for the duplication of Bridge Road between Viridian Avenue and Cardinia Road has been completed and tender documents are currently being prepared.

Eastern Dandenong Ranges Trail

Works on the Cockatoo-Gembrook section of the trail commenced in August at the Gembrook end of the trail, upgrading the existing section of the trail. This component of the works is now complete and the contractor has commenced work on intersection improvements.

This package of works includes construction of the 6.5km trail from McBride Street in Cockatoo to Gembrook Station. The trail follows existing road reserves and the Puffing Billy train line between the towns to create a unique and scenic trail.

Emerald Community Hub

The design development stage for this project together with a quantity surveyor's estimate has been completed, with the project currently running on schedule, with tender to be advertised mid-October 2017.

A final stakeholder presentation was held in September at the Emerald Library, providing progress to date on the project. Information on the details of the project will be made available to the wider community over coming weeks.

Gembrook Leisure Park

Preliminary planning for the renewal of the Gembrook Leisure Park playground, skate park and associated park facilities has commenced. A briefing will be provided prior to community consultation.

Pakenham Depot construction of stages 3 & 4 for the administrative building

A site meeting with the appointed contractor has been held to review and confirm logistics and address any impacts to on-going operations. Works commenced late September with completion due May 2018.

Roads, paths, drains and bridges**2017-18 New footpath program**

Construction of a third new footpath from the agreed program has been completed. The path is located in Macclesfield Road, Avonsleigh. The path creates a safe pedestrian access between Belgrave Gembrook Road and Fairway Road, Avonsleigh.

2017-18 Road renewal program

Tenders relating to the 2017-18 road rehabilitation and reseal programs were awarded at the September Council Meeting. Road resealing preparation works are currently underway in anticipation of the resealing works, which are scheduled for the summer months. Road rehabilitation works are expected to commence in the near future at Manks Road, with Seven Mile Road and Hall Road to follow.

2017-18 Drainage program

The 2017-18 drainage program is well underway with detailed design commencing for several projects, including two projects in Bunyip and a major culvert replacement on Ingram Road, Nar Nar Goon North. Works have now commenced on a number of projects including a drainage improvement project in Poplar Crescent in Emerald.

Wheeler Road Special Charge Scheme

The contract for the construction of the Wheeler Road Special Charge Scheme has been awarded, with works expected to commence later this year.

Strategies

Asset Management

Following the condition assessment of Council's footpath network, the review of the Pathways Asset Management Plan has now commenced and the revised plan will be finalised by the end of March 2018.

The final stages of the Drainage Asset Management Plan review are underway, with the plan to be finalised by the end of November.

The Asset Management Policy is currently under review, alongside a framework of policy and guideline documents relating to asset financial processes.

CONCLUSION

This regular activity report is provided for Councillor's information.

11 MAJOR PROJECT AND STRATEGIES ACTIVITY REPORT

Moved Cr L Wilmot Seconded Cr G Moore

That the report be noted.

Cd.

12 ANNUAL REPORT 2016-17

FILE REFERENCE INT1767581

RESPONSIBLE GENERAL MANAGER Derek Madden

AUTHOR Joanne Harris

RECOMMENDATION

That the Annual Report for the year ended 30 June 2017 be received and noted.

Attachments

1	2016-17 Report of operations	96 Pages
2	2016-17 Performance Statement	20 Pages
3	2016-17 Financial Report	41 Pages

EXECUTIVE SUMMARY

To formally receive the Annual Report for the 2016-17 financial year.

BACKGROUND

As required by various provisions of the Local Government Act a report has been prepared detailing the Council's activities for the financial year to 30 June 2017.

The Report comprises the following:

- Report of Operations, including statutory information that highlights Council's activities and achievements for the year.
- Audited Performance Statement, and
- Audited Financial Report

The Annual Report was lodged with the Minister for Local Government prior to 30 September as required by Section 131(6) of the Local Government Act.

Section 131(10) of the Local Government Act stipulates that after the Annual Report has been submitted to the Minister Council must give public notice that the Annual Report has been prepared and is available for inspection. This notice has been given.

In addition, Section 134 of the Local Government Act stipulates that Council must consider the Annual Report at a meeting that must be held as soon as practicable after the Council has sent the Annual Report to the Minister and must be advertised for at least 14 days before the meeting is held. The Annual Report is now presented to the Council for consideration.

Council's financial result has been audited and the audit opinion is included in the documents attached.

The report contains the requisite information as required by both the Local Government Act 1989 and the Local Government (Planning and Reporting) Regulations 2014.

POLICY IMPLICATIONS

Nil.

RELEVANCE TO COUNCIL PLAN

Monitoring Council's financial position is directly relevant to the Council Plan goal of achieving long term financial sustainability and managing the municipality's finances and assets in a responsible manner

CONSULTATION/COMMUNICATION

Senior management have 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 on line has been given as required by Section 134 of the Local Government Act.

FINANCIAL AND RESOURCE IMPLICATIONS

The result for the 2016-17 financial year, as is shown in the Comprehensive Income Statement, was a surplus of \$89.7 million (2015-16 \$70.3 million surplus). The real or underlying result, which removes capital grants and contributions and other non-recurrent items, was a surplus of \$6.6 million (2015-16 \$3.5 million deficit). This underlying surplus is primarily a result of operating grants being higher than budget due to an advance payment of part of the 2017-18 Victorian Grants Commission (VGC) grant of \$4.9 million being received in 2016-17.

The closing cash balance (including term deposits) as at 30 June 2017 was \$91.2 million (30 June 2016 \$51.3 million). This represents a total increase of \$39.9 million from 2015-16 predominantly due to the receipt of unbudgeted grants, an increase in cash contributions, including development levies, and the proceeds from the sale of land. Excluding developer related funds, the cash balance is \$54.3 million which is mostly committed to capital projects approved as part of the 2016-17 budget, new projects in the 2017-18 budget, and also includes the VGC grant received in advance.

CONCLUSION

The structure of the Local Government Act provisions is that the Annual Report must be forwarded to the Minister for Local Government prior to 30 September and then presented to a Council Meeting for consideration as soon as practicable thereafter.

It is appropriate for the Council to receive and note and the Annual Report.

12 ANNUAL REPORT 2016-17

Moved Cr L Wilmot Seconded Cr C Ross

That the Annual Report for the year ended 30 June 2017 be received and noted.

Cd.

REPORTS OR MINUTES OF COMMITTEES

The Mayor advised of minutes received from various Council Committees and recent Council briefing sessions that were available for perusal.

REPORTS BY DELEGATES

Pakenham Fire Brigade

Cr Jodie Owen advised of her attendance at the Pakenham Fire Brigade dinner held at the Pakenham Golf Club and advised of her admiration of the service provided by the members of all CFA Brigades and other volunteer emergency services.

Neighbourhood Watch

Cr Schilling advised of his attendance at a Neighbourhood Watch activity where number plate screws were being replaced to avoid the potential for theft of the number plates and congratulated David Farrelly and the members of Neighbourhood Watch for their efforts.

Taste of Faith

Cr Schilling advised of his attendance at the Taste of Faith event held to celebrate diversity of faiths and sharing their cuisines.

'Marcus' film

Cr Schilling advised of his attendance at the a regional achievement event where the film 'Marcus' was a finalist and further advised that fundraising was underway to assist in the cost of attending a Los Angeles film festival where the film had been nominated for an award.

Youth Council

Cr Schilling advised of progress with the establishment of a Youth Council in 2018.

Seniors week.

Cr Moore advised of his attendance at several events conducted during Senior's week at Kurth Kiln regional park and the Koo Wee Rup Senior Citizens Club.

VLGA Forum

Cr Ross advised of his attendance at a VLGA Forum discussing the potential for taking advantage of cultural diversity in local government which highlighted multiculturalism and interculturalism,

Mental Health Week

Cr Ryan advised of her attendance at a function held during Mental Health Week where various issues and services available were discussed and promoted.

Casey Cardinia Housing Summit,

Cr Ryan advised of her attendance at the Housing Summit and the matters discussed at the summit.

CALD Community Meeting

Cr Wilmot advised of her attendance at the inaugural meeting of CALD Community members and the group will continue to meet monthly and will commence development of a diversity plan.

CFA Brigades

Cr Brown advised that he had attended in company with Cr Moore functions held by both the Koo Wee Rup and Bunyip Fire Brigades and commented on the issue of post-traumatic stress concerns of members.

Koo Wee Rup Township Committee

Cr Brown advised of his attendance at a meeting of the Koo Wee Rup Township Committee and thanked the CEO for his attendance at the meeting to discuss the proposed South East Airport.

Lang Lang Police Station

Cr Brown advised that he had attended a meeting organised by the Lang Lang Township Committee with local MP's in regard to the lack of Police presence in Lang Lang.

The Mayor asked the CEO to provide an update on the proposed South east airport.

The CEO advised that Council had lobbied for the proposed airport to be retained in the Government's Plan Melbourne Refresh documents undertaken by the Andrew's Government, and that this document also included the potential for a rail link to the proposed airport. The airport was also included in Infrastructure Victoria's 30 year plan. The CEO commented that any future airport would be privately funded. The CEO further advised that the Andrew's Government had not yet responded to Infrastructure Victoria's plan and that a specific site for the airport was yet to be located.

REPORT BY MAYOR

The Mayor advised of various activities over the last month and that he had the pleasure of attending many diverse functions, such as

- several local football grand finals
- the launch of the Andrews Foundation challenge
- Seniors week activities such as walking basketball at Cardinia Life and Kurth Kiln Guided walks
- the interfaith event 'A Taste of faith'
- Cardinia Districts Scouts AGM and Scouts Cuboree at Gilwell Park.
- Interface Council's meeting
- Bunyip fire brigade 75th anniversary dinner
- Casey Cardinia Housing Summit
- South East Metro Council's board meeting
- Southern Metropolitan Partnership Annual Assembly
- Road Safe Outer South East annual dinner
- 5th Birthday of the Bunurong Men's Shed at Meadowvale
- Combined meeting of Men's Shed Group regarding ending domestic violence
- Casey Cardinia Foundation Annual Charity Dinner at which over \$70,000 was raised
- The Mayor also advised The CEO and he had also met with local MP's to advocate for Council's priorities leading into the State and Federal Budget discussions.
- Advertised position for Emerald Museum and Officer once appointed will support Emerald Museum
- Attended Emerald Lake Park to acknowledge a \$50,000 grant to Friends Group in relation to Emerald Star Bush plants and advised of their activities

PRESENTATION OF PETITIONS

Nil

NOTICES OF MOTION

Nil

COMMUNITY QUESTION TIME

Nil

Meeting closed at 8.48pm

Minutes Confirmed
Chairman