



# Cardinia

**MINUTES OF GENERAL COUNCIL MEETING**

**MONDAY, 16 JULY 2018**

**MINUTES OF GENERAL COUNCIL MEETING**  
held in the Council Chambers, 20 Siding Avenue, Officer  
on Monday, 16 July 2018  
The meeting commenced at 7pm

**PRESENT:** Mayor, Collin Ross, Chairman

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

Messrs, Mike Ellis (A/CEO), Derek Madden (GMCS), Andrew Paxton (GMPD), 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:**

Garry McQuillan (CEO), Jenny Scicluna (GMCWB),

**CONFIRMATION OF MINUTES OF MEETINGS**

Moved Cr J Owen Seconded Cr G Moore

**THAT MINUTES OF THE FOLLOWING MEETINGS BE CONFIRMED-**

- General Council Meeting 18 June 2018
- Town Planning Committee 2 July 2018
- Special Meeting of General Council 19 July 2018

Cd.

**DECLARATION OF PECUNIARY AND OTHER INTERESTS**

Cr Bret Owen declared an interest in Item 17 of the Council Agenda, 2018-19 Community Capital Works Grants Program due to his wife being a member of the Committee of one of the groups seeking a community grant.

Cr Ray Brown advised that he was a Life Member of the Koo Wee Rup Bowls Club and asked if this lead to a conflict of interest in regard to the Community Capital Works Grants Program due to the Bowls Club being an applicant.

Manager Governance asked if Cr Brown was a member of the Committee of the Club to which he advised that he was not. On that basis Manager Governance advised that in his opinion he did not have a conflict.

## TABLE OF CONTENTS

<b>TOWN PLANNING</b> .....	<b>4</b>
1. ADVERTISING SIGNAGE THAT PROMOTES THE SALE OF LAND OR DWELLINGS, LMM PS714634, 2 TIMBERTOP BOULEVARD, OFFICER VIC 3809.....	4
2. AMENDMENT C243 - PUFFING BILLY DISCOVERY CENTRE - SUMMARY OF SUBMISSIONS RECEIVED.....	19
3. AMENDMENT C205 - 80 MCDONALDS TRACK, LANG LANG .....	25
<b>GENERAL REPORTS</b> .....	<b>33</b>
4. PETITION - REQUEST TO HAVE 4 HOUR PARKING IN RAILWAY AVENUE, BEACONSFIELD.....	33
5. PETITION REQUESTING CONSTRUCTION OF SHARED PATH FROM LANG LANG TO CALDERMEADE RECREATION PRECINCT .....	37
6. OFF LEASH DOG AREA REVIEW.....	40
7. CHANGE OF STATUS FROM RESERVE FOR MUNICIPAL PURPOSES TO ROAD RESERVE AT PAKENHAM HILLS PRIMARY SCHOOL, 15 KENNEDY ROAD, PAKENHAM.....	52
8. FINALISATION OF SPECIAL RATE AND CHARGE SCHEME FOR DESIGN OF INFRASTRUCTURE TO SERVICE HILL, O'SULLIVAN AND PEET STREETS' INDUSTRIAL AREA, PAKENHAM .....	60
9. CONTRACT 18/10: 2018-19 PAVEMENT RENEWAL WORKS.....	67
10. CONTRACT 18/11 COCHRANE PARK TENNIS COURT CONSTRUCTION.....	75
11. CONTRACT 18/14 CATANI TENNIS NETBALL COURT CONSTRUCTION.....	82
12. CONTRACT NO. 18/03 CLEANING & INTERNAL WASTE SERVICES.....	88
13. TRANSITIONAL WOMEN'S HOUSING - MAIN STREET PAKENHAM.....	96
14. RAILWAY AVENUE, PAKENHAM ROAD CLOSURE.....	100
15. APPOINTMENT - TEAM 11 SPECIAL COMMITTEE.....	105
16. APPOINTMENT OF COMMITTEE MEMBERS TO: THE EMERALD VILLAGE COMMITTEE.....	117
<b>FINANCIAL REPORTS</b> .....	<b>120</b>
17. 2018-19 COMMUNITY CAPITAL WORKS GRANTS PROGRAM .....	120
<b>ACTIVITY REPORTS</b> .....	<b>146</b>
18. MAJOR PROJECT AND STRATEGIES ACTIVITY REPORT.....	146
<b>REPORTS OR MINUTES OF COMMITTEES</b> .....	<b>162</b>
<b>REPORTS BY DELEGATES</b> .....	<b>162</b>
<b>PRESENTATION OF PETITIONS</b> .....	<b>162</b>
<b>NOTICES OF MOTION</b> .....	<b>ERROR! BOOKMARK NOT DEFINED.</b>
<b>COMMUNITY QUESTION TIME</b> .....	<b>163</b>
<b>URGENT BUSINESS AND MOTIONS WITHOUT NOTICE</b> .....	<b>ERROR! BOOKMARK NOT DEFINED.</b>
<b>COUNCILLOR QUESTION TIME</b> .....	<b>ERROR! BOOKMARK NOT DEFINED.</b>

---

**TOWN PLANNING**
**1 ADVERTISING SIGNAGE THAT PROMOTES THE SALE OF LAND OR DWELLINGS, LMM PS714634, 2 TIMBERTOP BOULEVARD, OFFICER VIC 3809**

FILE REFERENCE INT1846423

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Emily Cook

**RECOMMENDATION**

That a Refusal to Grant Planning Permit T180276 be issued for advertising signage that promotes the sale of land or dwellings at LMM PS714634, 2 Timbertop Boulevard, Officer VIC 3809 on the following grounds:

- The proposal is contrary to the decision guidelines for Clause 52.05 Advertising Signs. The proposed sign is not compatible with the character of the area, detracts from views and vistas, is not compatible with the streetscape and landscape setting, is not reasonably required for identification and detracts from the safety and functionality of the area.
- The proposal is contrary to Clause 15.01-2 Urban Design Principles. The proposed sign detracts from the urban environment, reduces visual amenity and reduces personal safety.
- The proposal is contrary to Clause 22.04 Highway Development and detracts from the visual amenity of the Princes Highway.

**Attachments**

<a href="#">1</a>	Locality map	1 Page
<a href="#">2</a>	Development plans	7 Pages
<a href="#">3</a>	Sirte inspection photograph	1 Page

**EXECUTIVE SUMMARY:**

APPLICATION NO.:	T180276
APPLICANT:	Mr Guillermo Cabala on behalf of Veris Australia Pty Ltd
LAND:	LMM PS71463, 2 Timbertop Boulevard, Officer VIC 3809
PROPOSAL:	Advertising signage that promotes the sale of land or dwellings
PLANNING CONTROLS:	Urban Growth Zone – Schedule 3 Applied Zone, General Residential Zone Development Contribution Plan Overlay – Schedule 4 Clause 15.01-2 Urban Design Principles Clause 22.04 Highway Development Clause 52.05 Advertising Signs

Clause 65 Decision Guidelines  
 Officer Precinct Structure Plan (September 2011)  
 Officer Native Vegetation Precinct Plan (September 2011)  
 Officer Development Contributions Plan (September 2011).

**NOTIFICATION & OBJECTIONS:** Pursuant to Section 52 of The Planning and Environment Act 1987 the proposal was not advertised as the application was not supported

**KEY PLANNING CONSIDERATIONS:** Clause 15.01-2 Urban Design Principles  
 Clause 22.04 Highway Development  
 Clause 52.05 Advertising Signs

**RECOMMENDATION:** It is recommended that the permit application be refused.

**BACKGROUND:**

The application relates to 2 Timbertop Boulevard, Officer, which is located on the north-east corner of the Princes Highway/Timbertop Boulevard/Fairweather Parade intersection. The site includes an estate entry feature for the Timbertop Estate. This feature includes signage, decorative structures, street furniture, pathways and landscaping.

In addition to the approved estate entry feature, a further sign has been erected on the site without a planning permit. This application is therefore seeking a retrospective planning permit for this additional sign.

**SUBJECT SITE**

An inspection of the site and the surrounding area has been undertaken.

The site is located on the northern side of the Princes Highway and the eastern side of Timbertop Boulevard. The site is a small reserve which is to remain in private ownership and which contains the Timbertop Estate entry feature.

The site currently contains the Timbertop Estate entry feature and the proposed sign.

The main characteristics of the surrounding area are:

- NORTH**            The Timbertop Mill Café and the Timbertop Estate.
- SOUTH**           The Princes Highway and the Prominence, Cherrington and Potters Grove Estates.
- EAST**            A drainage reserve (which is currently in private ownership but will ultimately be vested in Melbourne Water)
- WEST**            Timbertop Boulevard, the Timbertop Estate and the Rise Estate.

**PROPOSAL**

The proposal is for an advertising sign that promotes the sale of land or dwellings. This a retrospective permit and the proposed sign (albeit without advertising displays) has already been erected on the site.

The proposal consists of a free-standing double-sided sign. The sign is to be located 6 metres from Princes Highway and 1 metre from the existing footpath which is contained within the adjoining open space drainage reserve. The sign includes a total advertising area of 10.3sqm. The sign is 6.6

metres in length and 3.8 metres wide. The sign is elevated by 4 uprights giving it a maximum height of 4.97 metres above ground level.

The sign is constructed from corrugated raw metal sheets which would be covered by advertising displays if approved.

#### **PLANNING SCHEME PROVISIONS:**

##### **State Planning Policy Framework (SPPF)**

The relevant clauses of the SPPF are:

- Clause 15.01-2 Urban Design Principles

##### **Local Planning Policy Framework (LPPF)**

The relevant clauses of the LPPF are:

- Clause 22.04 Highway Development

##### **Relevant Particular/ General Provisions and relevant incorporated or reference documents**

The relevant provisions/ documents are:

- Clause 52.05 Advertising Signs
- Clause 65 Decision Guidelines
- Officer Precinct Structure Plan (September 2011)
- Officer Native Vegetation Precinct Plan (September 2011)
- Officer Development Contributions Plan (September 2011)

##### **Cardinia Shire's Liveability Plan 2017-2029**

Cardinia Shire's Liveability Plan 2017-2029 is not considered relevant to this signage application. However, the proposed signage may impact on the safety of the area because the sign is located at the intersection of a pedestrian path and a shared path (used by cyclists and pedestrians). The location, size and nature of the sign may impede people's ability to check for oncoming cyclists and pedestrians and, therefore detract from the safety and functionality of the area.

##### **Zone**

The land is subject to the Urban Growth Zone – Schedule 3 with the applied zone being the General Residential Zone.

##### **Overlays**

The land is subject to the following overlays:

- Development Contribution Plan Overlay – Schedule 4

##### **PLANNING PERMIT TRIGGERS**

The proposal for advertising signage that promotes the sale of land or dwellings requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 5 of Schedule 3 to the Urban Growth Zone a planning permit is required for advertising signage that promotes the sale of land or dwellings.

## **PUBLIC NOTIFICATION**

Pursuant to Section 52 of *The Planning and Environment Act 1987* the proposal was not advertised as the application was not supported.

## **DISCUSSION**

The proposed sign is not compatible with the character of the area, detracts from views and vistas, is not compatible with the streetscape and landscape setting, is not reasonably required for identification and detracts from the safety and functionality of the area.

The proposed sign does not respect or enhance the character of the area in relation to the natural environment, nearby open space and emerging residential character. The site forms part of a gateway not only to the residential Timbertop Estate but also to the adjoining open space (drainage reserve) to the east. The sign is incompatible with the existing and desired future character of the area. Large signs promoting land sales are compatible with the early stages of residential estates, whereas the majority of the Timbertop Estate is complete. It is noted that given the provisions of Clause 5.0 of Schedule 3 to the Urban Growth Zone, it is not possible to restrict which dwellings and/or land could be advertised on the sign and therefore advertising display may not relate to the Timbertop Estate.

The subject site also contains a substantial 'estate entry feature' which identifies the Timbertop Estate and promotes the estate name. Further west, banner signs promoting the Timbertop Estate and signage associated with the Timbertop Display Village also exist. As such, it is considered that the cumulative impact of the proposed sign would detract from the character of an area (and route along the Princes Highway) and will result in excessive visual disorder and clutter of signs. Given the existing signage there is considered to be adequate opportunities for identification of the estate without the proposed sign.

The location of the proposed sign compromises the view to the existing open space from the Princes Highway looking east. The existing open space (drainage reserve) is an important public feature which is undergoing visual amenity improvements. The proposed sign obscures this view for road users and pedestrians on the Princes Highway and Timbertop Boulevard. The proposed sign also obscures views to the existing estate entry feature/signage looking west. The height and scale of the sign is considered to dominate the immediate skyline and as such is not supported.

The proportion, scale and form of the proposed sign is not supported in relation to the streetscape and landscape character. The existing estate entry feature/signage promotes the Timbertop Estate and is a complete landscaped feature comprising of signage, built form, street furniture, pathways and planting. This estate entry feature/signage has been designed to read as a single feature. The proposed sign fails to complement this existing feature and detracts for its visual prominence.

The height of the sign (maximum 4.97m) protrudes well above the existing landscaping. Given this height and the nature of the sign, landscaping cannot be used to reduce its visual impact. The existing estate entry feature is of a predominately human scale seen through the use of street furniture, planting and paths. The proposed sign is significantly larger than the existing feature and therefore is not responsive to the scale and characteristics of the host site.

While the sign is not expected to impact vehicle driver safety, it has the potential to obscure sightlines for pedestrians and cyclists. The sign is located at the intersection of a pedestrian path and a shared path. The location, size and nature of the sign may impede pedestrian and cyclists

ability to check for oncoming traffic and therefore detract from the safety and functionality of the area.

#### **Clause 15.01-2 Urban Design Principles**

The proposed sign does not contribute to good urban design. The proposal does not respond to the surrounding natural features and obscures views to the adjoining open space (drainage reserve). The height and massing fails to complement the existing estate entry feature and is not of a human scale. The proposal fails to protect the public realm (including the Princes Highway, pedestrian/shared paths and open space) and reduces visual amenity and view lines. The proposal detracts from the urban environment and obscures sightlines thereby decreasing personal safety in relation to the existing pedestrian and shared paths.

#### **Clause 22.04 Highway Development**

The proposed signage is excessive, fails to protect the visual amenity of the Princes Highway and does not provide for a high standard of design in this location. The proposed sign is highly visible from the Princes Highway and detracts from the existing estate entry feature as well as obscuring views to the adjoining open space (drainage reserve).

#### **Clause 65 Decision Guidelines**

The proposed sign is not considered to contribute to the orderly planning of the area. The proposal detracts from the visual amenity of the area, particularly the adjoining open space (drainage reserve) and the outlook from the Princes Highway. As above, the proposal is not considered to be in accordance with the applicable State Planning Policy Framework and the Local Planning Policy Framework.

#### **Officer Precinct Structure Plan (September 2011), Officer Development Contributions Plan (September 2011) and Officer Native Vegetation Precinct Plan (September 2011)**

The Officer PSP does not provide guidance in relation to signage in residential areas such as the proposed.

Development Contributions have been paid for the subject site as part of the original parent subdivision, no further action or conditions are therefore required under this permit.

The proposal does not include any vegetation removal, nor is there any significant vegetation to be protected under the NVPP in the vicinity of the sign.

### **CONCLUSION**

The proposed advertising signage that promotes the sale of land or dwellings is not consistent with the purpose, objectives and decision guidelines of Clause 15.01-2 Urban Design Principles, Clause 22.04 Highway Development and Clause 52.05 Advertising Signs and is not supported for the following reasons:

1. The proposal is contrary to the decision guidelines for Clause 52.05 Advertising Signs. The proposed sign is not compatible with the character of the area, detracts from views and vistas, is not compatible with the streetscape and landscape setting, is not reasonably required for identification and detracts from the safety and functionality of the area.
2. The proposal is contrary to Clause 15.01-2 Urban Design Principles. The proposed sign detracts from the urban environment, reduces visual amenity and reduces personal safety.
3. The proposal is contrary to Clause 22.04 Highway Development and detracts from the visual amenity of the Princes Highway.



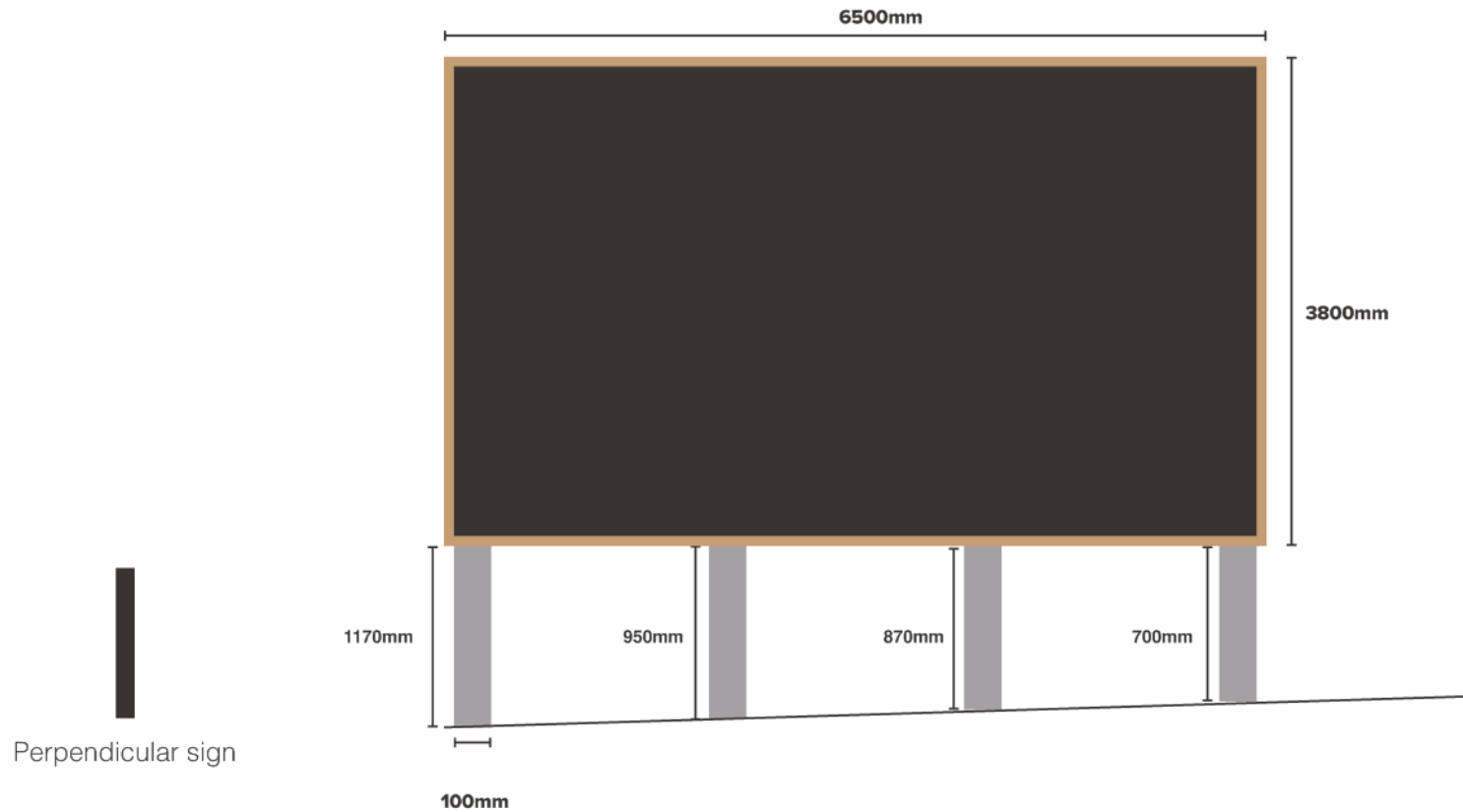


**parklea.**

**Timbertop Estate**  
Billboard Proposal

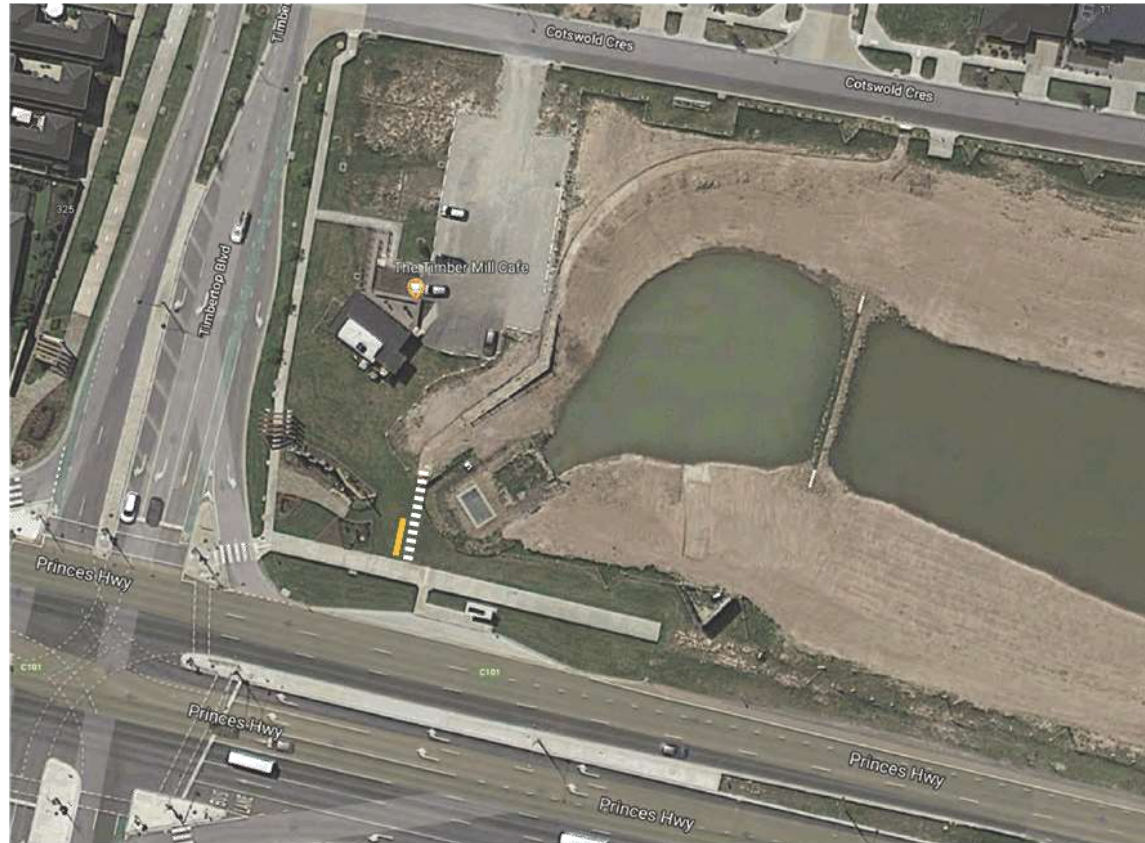
30 April 2018

# DIMENSIONS



# LOCATION

- Billboard
- ▬ Footpath



# SETBACK



To Pakenham,  
Princes Hwy on right.



Timbermill Cafe on right,  
Princes Hwy on left.



Looking towards  
Princes Hwy.



Looking towards wetlands.  
Pakenham to right.

**Setback from Princes Hwy 6m**

**Setback from path (Princes Hwy) 1m**

**Setback from path (to wetlands) 1m**

Measurements are approximate

# ARTWORK



TOWARDS BERWICK



# ARTWORK



TOWARDS PAKENHAM



**parklea.**

**Parklea Pty Ltd**

**A** Level 1, 4 Cardinia Road  
Officer VIC 3809

**T** (03) 5940 0050  
**F** (03) 5940 0077

**P** PO Box 388  
Officer VIC 3809

**E** [contactus@parklea.com.au](mailto:contactus@parklea.com.au)  
**W** [parklea.com](http://parklea.com)





**1 ADVERTISING SIGNAGE THAT PROMOTES THE SALE OF LAND OR DWELLINGS, LMM PS714634, 2 TIMBERTOP BOULEVARD, OFFICER VIC 3809**

Moved Cr J Owen Seconded Cr C Ryan

That a Refusal to Grant Planning Permit T180276 be issued for advertising signage that promotes the sale of land or dwellings at LMM PS714634, 2 Timbertop Boulevard, Officer VIC 3809 on the following grounds:

- The proposal is contrary to the decision guidelines for Clause 52.05 Advertising Signs. The proposed sign is not compatible with the character of the area, detracts from views and vistas, is not compatible with the streetscape and landscape setting, is not reasonably required for identification and detracts from the safety and functionality of the area.
- The proposal is contrary to Clause 15.01-2 Urban Design Principles. The proposed sign detracts from the urban environment, reduces visual amenity and reduces personal safety.
- The proposal is contrary to Clause 22.04 Highway Development and detracts from the visual amenity of the Princes Highway.

Cd.

## **2 AMENDMENT C243 - PUFFING BILLY DISCOVERY CENTRE - SUMMARY OF SUBMISSIONS RECEIVED**

FILE REFERENCE INT1846430

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Brooke Templeton

### **RECOMMENDATION**

That Council:

1. Note the submissions received to Amendment C243 during the non - statutory consultation period.
2. Request that the Minister for Planning enact his powers under 20(5) of the Planning and Environment Act 1987 and establish an Advisory Committee to consider the unresolved submissions.

### **Attachments**

[1](#) Council submission to Planning Scheme Amendment C243 2 Pages

### **EXECUTIVE SUMMARY**

In February 2017 the Emerald Tourist Railway Board finalised and adopted the Puffing Billy Railway Masterplan (February 2017) and one of the key projects of the Master Plan is the development and construction of the Discovery Centre at Emerald Lake Park which received \$15.7 million in funding from both the State and Federal Governments for its construction. Development of this facility is central to the Master Plan in ensuring that Puffing Billy Railway can achieve the outcomes that it is seeking.

To facilitate the timely development of the Discovery Centre, on 1 May 2018 the Emerald Tourist Railway Board requested that the Minister for Planning prepare, adopt and approve a planning scheme amendment under Section 20(4) of the Planning and Environment Act (1987). A 4-week non statutory community consultation process supported this request which concluded on 1 June 2018.

31 submissions were received and this report provides Council with a summary of these and next steps.

### **BACKGROUND**

Since 2016, Council officers have been working closely with Puffing Billy Railway (PBR) on the development and finalisation of the Puffing Billy Railway Masterplan (February 2017). With the finalisation and adoption of the document, the next stage is to implement the various projects of the master plan with the Discovery Centre being the priority project.

\$15.7 million in funding has been received by the Emerald Tourist Railway Board (ETRB) from both the State and Federal Governments. The timely development of this facility is central to the Master Plan in ensuring that Puffing Billy Railway can achieve the outcomes that it is seeking, underpinned by the demand to increase patronage along the railway line.

There have been numerous discussions between Council strategic planning officers to determine the most efficient, effective and transparent planning approval approach for the proposed Discovery Centre. It was agreed that the ETRB to seek a planning scheme amendment request to the Minister for Planning under Section 20(4) of the Planning and Environment Act 1987 (the Act) to incorporate a site specific control into the Cardinia Planning Scheme to enable the construction of the Discovery Centre. The amendment process was also to be supported by a month long community engagement process whereby the community could view the relevant documents and provide a submission to the amendment which would be considered by the Minister for Planning in his decision making process.

There are two planning approval processes, the Planning Scheme Amendment and the Planning Permit application process. The amendment process proposed by the State for the Minister for Planning to consider the amendment directly can be more time efficient as the Minister for Planning is able to prepare and approve the amendment. Community consultation was undertaken to help inform the Minister of the concerns within the community.

The site specific control still provides Council with ultimate decision making to issue a permit or not, as it requires plans to be endorsed by Council before any development can commence.

On the 24 April 2018, a letter from the Mayor was sent to the Minister for Planning which outlined Council's commitment to transparent and genuine community engagement and should there be unresolved submissions, that the Minister enact his powers under 20(5) of the Act and engage an Advisory Committee to provide him with advice prior to the his final decision.

On 1 June 2018, Council provided a submission to the Amendment. The submission was supportive, with a number of minor technical/administrative changes to the draft amendment documents. The submission reiterated Council's commitment to transparent and genuine community engagement and the request for the appointment of an Advisory Committee should there be unresolved submissions.

### **Next steps**

As this Amendment has been requested by the ETRB, Council's role is only as a submitter. A copy of all the submissions will be provided to the Minister for Planning by the ETRB, accompanied by a request for the Minister to approve the amendment.

Approval timeframes of the amendment cannot be confirmed as this is subject to processes undertaken by the Minister for Planning. It is also a State Election year and unless the election is called earlier, the caretaker period will begin on Tuesday 30 October. The ETRB are hopeful that the amendment will be approved prior to the caretaker period.

### **POLICY IMPLICATIONS**

N/A.

### **RELEVANCE TO COUNCIL PLAN**

The following relevant key actions within the 2017 Council Plan have been identified:

**Section 4 Our economy** is relevant, of which the objective is we will create and support local employment and business opportunities for our community and the wider region.

#### **4.1 Increased business diversity in Cardinia Shire**

4.1.1 Plan for and support local employment opportunities.

4.1.2 Support the development and existing new businesses within the shire.

## CONSULTATION/COMMUNICATION

Amendment C243 was available for community comment from 1 May 2018 to 1 June 2018. All documents were available on the Puffing Billy Website and a community information session was held on Saturday 12 May 2018 from 12pm - 4pm at the Gemco Theatre in Emerald which 11 people attended. Two Council officers were in attendance at this session.

A total of 925 information brochures, containing project and the community information session were sent to surrounding land owners and relevant community groups through an external mail house that was engaged and managed by Council.

A total of 31 submissions were received with the following key themes:

1. Support for the growth of the Puffing Billy Railway
2. The design of the Discovery Centre should be 'heritage style' in keeping with the balance of the railway
3. The Discovery Centre undermines the natural beauty of Emerald Lake Park and therefore should be in the town centre of Emerald
4. Protection of Emerald Star Bush
5. The need for the retention/relocation of Council's assets in the park (i.e. Messmate shelter, car parking etc.)
6. A range of comments on internal design of the Discovery Centre and potential interpretation displays
7. Whether or not there is a need for an additional station platform
8. A desire to widen Emerald Lake Road (6 submissions)
9. Lack of understanding on how the incorporated document works and what authority Council has in document approval for construction of the Discovery Centre

## FINANCIAL AND RESOURCE IMPLICATIONS

There are no finance and resource implications associated with this Amendment, as all costs in the preparation of and approval are required to be paid by the ETRB.

## CONCLUSION

During the amendment process, Council has committed to ensuring fair and transparent engagement for the Emerald community. Therefore, it is recommended that Council resolve to write again to the Minister for Planning requesting that he enact his powers under 20(5) of the Act and appoint an Advisory Committee to hear the unresolved submissions.

If the amendment is approved, officers will continue to work with Puffing Billy on the documentation required for approval prior to the commencement of the construction of the Discovery Centre.



Our ref: INT1834045

1 June 2018

Mr Jonathan Clancy  
Acting CEO – Puffing Billy Railway  
Via email: [discoverycentre@pbr.org.au](mailto:discoverycentre@pbr.org.au)

Dear Jonathan

**Re: Submission to Planning Scheme Amendment C243**

We refer to the 20(4) Planning Scheme Amendment C243 that the Emerald Tourist Railway Board (ETRB) has requested the Minister for Planning prepare and approve.

A large proportion of the Puffing Billy Railway is located within Cardinia Shire. Puffing Billy is an important asset to the Shire and Council will continue to work with the railway to ensure that its expansion can occur without losing the integrity and the fabric of the railway and its link to the community. Council values the scenic and important natural environment that it sits within which protects the Puffing Billy experience.

Council is supportive of Amendment C243 and the construction of the long awaited Discovery Centre which will bring local jobs, tourism and economic development, subject to some drafting changes which have been detailed in the following attached track change documents:

- **Schedule to Clause 36.01 - Public Use Zone**

The proposed changes relate to the Discovery Centre at Emerald Lake Park and the definition of 'Normal Operations'. There needs to be further changes to this definition to address the balance of the projects proposed along the corridor as part of the *Puffing Billy Master Plan* (February 2017).

- **Schedule to Clause 52.03 - Specific sites and exclusions**

Minor administrative change.

- **Schedule to Clause 81.01 - Table of documents incorporated into this Scheme**

Minor administrative change.

- **Incorporated Document - Puffing Billy Railway Discovery Centre 2018**

A range of proposed changes, mostly administrative in nature.

The Heads of Agreement is still under preparation and it is envisaged that the document will be finalised prior to the approval of this Amendment and as such, Council requests that the following wording be included in the approved Incorporated Document with reference to the date of the agreement.

*The development approved by this incorporated document must not be occupied until all of the obligations of Emerald Tourist Railway Board (ETRB) under the heads of agreement dated ? / ? / 2018 between the Responsible Authority and ETRB have been satisfied to the approval of the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority.*

**Cardinia Shire Council**  
ABN: 32 210 906 807  
20 Siding Ave, Officer

PO Box 7  
Pakenham 3810  
(DX 81006)

Phone: 1300 787 624  
Email: [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au)  
Web: [cardinia.vic.gov.au](http://cardinia.vic.gov.au)



We also note the additional Council land needed for the construction of the Discovery Centre has not been finalised. Please be aware that it is not possible to build a building over two separate titles.

Should the process that is required for the land that ETRB require for the construction of the Discovery Centre be finalised prior to the approval of the Incorporated Document (which also facilitates a boundary realignment) it is submitted that a future Planning Scheme Amendment is required to rezone the land from Public Park and Recreation Zone (PPRZ) land to Public Use Zone – Schedule 7 (PUZ7).

Council is committed to transparent and genuine community engagement with the community, particularly as this Amendment facilitates a significant proposal for Emerald Lake Park and how the park will be used going forward.

Given this, Council respectfully requests that should there be unresolved submissions / comments that the Minister for Planning enact his powers under 20(5) of the *Planning and Environment Act 1987* and engage an Advisory Committee to provide him with advice prior to making a decision in relation to the amendment proposed. Cardinia Council requests that it be a party to this Advisory Committee process.

Council also requests a copy of the submission summary table and a copy of the original submissions received to the Amendment including any responses or proposed changes to alleviate concerns raised.

Should you have any questions in relation to this submission or require anything further, please do not hesitate to contact Brooke Templeton, Coordinator Strategic Planning on 5945 4404 or at [b.templeton@cardinia.vic.gov.au](mailto:b.templeton@cardinia.vic.gov.au)

Yours faithfully



**Andrew Paxton**  
**General Manager – Planning and Development**

**Enc:**

1. Schedule to Clause 36.01 - Public Use Zone
2. Schedule to Clause 52.03 - Specific sites and exclusions
3. Schedule to Clause 81.01 - Table of documents incorporated into this Scheme
4. Incorporated Document - Puffing Billy Railway Discovery Centre 2018

**Cardinia Shire Council**  
ABN: 32 210 906 807  
20 Siding Ave, Officer

PO Box 7  
Pakenham 3810  
(DX 81006)

Phone: 1300 787 624  
Email: [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au)  
Web: [cardinia.vic.gov.au](http://cardinia.vic.gov.au)



**2 AMENDMENT C243 - PUFFING BILLY DISCOVERY CENTRE - SUMMARY OF SUBMISSIONS RECEIVED**

Moved Cr J Owen Seconded Cr C Ryan

That Council:

1. Note the submissions received to Amendment C243 during the non - statutory consultation period.
2. Request that the Minister for Planning enact his powers under 20(5) of the Planning and Environment Act 1987 and establish an Advisory Committee to consider the unresolved submissions.

Cd.



### **3 AMENDMENT C205 - 80 MCDONALDS TRACK, LANG LANG**

FILE REFERENCE INT1846453

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Anita Ransom

#### **RECOMMENDATION**

That Council adopt Amendment C205 to the Cardinia Planning Scheme under Section 29 of the Planning and Environment Act 1987 and submit the amendment to the Minister for Planning for approval under Section 31 of the Planning and Environment Act 1987.

#### **Attachments**

1 [↓](#) Amendment C205 documents 2 Pages

#### **EXECUTIVE SUMMARY**

This report recommends that Amendment C205 to the Cardinia Planning Scheme be adopted and submitted to the Minister for Planning for approval. The amendment seeks to rezone part of 80 McDonalds Track, and Lots 1 and 2 Westernport Road, Lang Lang from Farming Zone to Industrial 1 Zone, and apply Schedule 20 to Development Plan Overlay and consider concurrently the subdivision of the land at 80 McDonalds Track into two (2) lots.

The amendment was placed on exhibition from 2 November 2017 to 4 December 2017. Three (3) submissions were received, including one that sought changes to the amendment. After negotiations between the proponent, the submitter and Council, changes have been made to the amendment which have resolved the submitters concerns and therefore a Planning Panel is not required.

#### **BACKGROUND**

Council received a request from the landowner of 80 McDonalds Track, Lang Lang to rezone part of the land from Farming Zone to Industrial 1 Zone and subdivide the land into two lots. It is considered appropriate to also rezone the adjoining two parcels of land at Lot 1 and Lot 2 Westernport Road, Lang Lang as they are currently within the Farming Zone but also used for industrial uses. The rezoning will allow for the land to be utilised for industrial purposes, reflecting the existing uses on Lot 1 and 2 Westernport Road, and allowing for further industrial uses on 80 McDonalds Track.

The land at 80 McDonalds Track is irregular in shape and has frontages to South Gippsland Highway, Westernport Road and McDonalds Track and is approximately 23.30 hectares in area. The land currently contains a dwelling and associated outbuildings in the north-east corner as well as various farming related structures across the site. The land is currently used for farming activities. Vehicle access to the dwelling is provided from McDonalds Track and an access road is also provided from Westernport Road. It is proposed to rezone a small portion of the land in the south east corner, abutting McDonalds Track and Westernport Road.

The land at Lot 1 Westernport Road has an area of approximately 1.7 hectares and contains an SP Ausnet power substation. It is rectangular in shape and access via Westernport Road. Lot 2 Westernport Road has an area of approximately 2.4 hectares and is used for the construction of transportable homes and other buildings.

It is proposed to apply Schedule 20 to the Development Plan Overlay to the part of the land at 80 McDonalds Track, Lang Lang being rezoned to Industrial 1 Zone, and Lot 1 and Lot 2 Westernport Road. This is to ensure that access to the site is appropriately managed, that there is a sufficient interface between the industrial land and land that will be rezoned to residential in the future, to the north of the site, to meet South East Water's requirements for a buffer from their nearby Sewerage Treatment Plant and to ensure that the future intersection of Stage 2 of the Lang Lang Bypass is not compromised by any new road access on to Westernport Road.

A planning permit for a two lot subdivision has also been lodged as part of the proposed amendment. The permit proposes to subdivide the land to be rezoned from the balance of the land which will remain in the Farming Zone at this time. The Lang Lang Township Strategy has nominated this land as suitable for residential development in the future.

The Minister for Planning authorised Council to prepare the amendment on 20 September 2017 and the amendment was placed on exhibition from 2 November to 4 December 2017.

## **POLICY IMPLICATIONS**

The amendment supports the following clauses of the State Planning Policy Framework:

Clause 13.02-1 (Floodplain management) which seeks to assist the protection of life, property and community infrastructure from flood hazard, the natural flood carrying capacity of rivers, streams and floodways, the flood storage function of floodplains and waterways and floodplain areas of environmental significance or of importance to river health.

Clause 13.04-2 (Air quality) aims to assist the protection and improvement of air quality. This includes, wherever possible, that there is suitable separation between land uses that reduce amenity and sensitive uses.

Clause 15.01-3 (Neighbourhood and subdivision design) ensures that the design of subdivisions achieves attractive, livable, walkable, cyclable, diverse and sustainable neighbourhoods. As relevant to this amendment, strategies to improve this include creating compact neighbourhoods that have walkable distances between activities, and developing activity centres that integrate housing, employment, shopping, recreation and community services to provide a mix and level of activity that attracts people, creates a safe environment, stimulates interaction and provides a lively community focus.

Clause 17.02-1 (Industrial land development) seeks to ensure the availability of land for industry.

The amendment supports the following clauses of the Local Planning Policy Framework:

Clause 21.03-3 (Rural townships) recognises Lang Lang as a large rural township and notes that the capacity for growth in each town depends on the environmental and infrastructure capacities of each of the towns.

Clause 21.04-1 (Employment) notes that economic development is critical to the overall wellbeing of the municipality, both in terms of providing employment opportunities for residents and in attracting business investment. Key issues identified include support development and enhancement of economically sustainable businesses within the municipality including within rural townships, and improving access to employment areas by residents.

Clause 21.04-4 (Industry) seeks to develop manufacturing and service industries that provide services to local residents and businesses, support local employment and reflect a high standard of urban design. A range of lot sizes to meet the needs of different users, including the encouragement of larger lots for major development on main or arterial roads is also encouraged.

Clause 21.07(Lang Lang) recognises the dominant activities within and around Lang Lang as residential and rural residential development, rural industries, sand extraction activities, open space and recreation pursuits. The Lang Lang Framework Plan recognises the land as being suitable for potential industrial/mixed use land.

The amendment supports the development of industrial land within Lang Lang, which will provide increased opportunities for businesses and employment within the township.

### **RELEVANCE TO COUNCIL PLAN**

The amendment is relevant to the following sections of the Council Plan:

3.5. Balance need of development, the community and the environment. This includes providing for the sustainable development of rural township while taking into account their existing character and community needs.

4.1. Increased business diversity in Cardinia Shire, including planning for and supporting local employment opportunities, and supporting the development of existing and new businesses within the Shire.

4.3 Diverse and resilient business community, specifically supporting small businesses to remain viable in rural townships, and working with others to grow economic activity and attract new enterprises.

The amendment will support these objectives through increased availability of industrial land for employment and local businesses within Lang Lang. It will also support the existing transportable buildings business on Lot 2 Westernport Road.

### **CONSULTATION/COMMUNICATION**

The amendment was placed on public exhibition for a period of one month, from 2 November to 4 December 2017.

A total of three (3) submissions were received. Two (2) were from authorities, EPA and South East Water, and one was from an adjoining land owner.

EPA and South East Water had no objection to the amendment or the concurrent planning permit as there were early initial discussions with both of these authorities as the land is within a close proximity of the South East Water Lang Lang Treatment Plant, and therefore is at risk of odour impacting on land uses occurring on this site. Due to the initial discussions identifying a number of conditions for inclusions on both the Schedule to the Development Plan Overlay and the draft planning permit, neither of these authorities objected to the amendment. It is also noted that Melbourne Water were consulted early in the process in relation to flooding issues associated with the land, and VicRoads in relation to road access and as a result they did not make a submission to the amendment or draft planning permit.

The remaining submission was received Beveridge Williams on behalf of an adjoining landowner who was concerned about the impact that the rezoning and potential future development of the land would have on their land, which is currently undeveloped but zoned Low Density Residential. After further discussion with Beveridge Williams and the Proponent for the amendment, it was agreed that the inclusion of an additional requirement in the Schedule to the Development Plan Overlay would address their concerns. The Schedule now states that a development plan must also include the following requirement to the satisfaction of the responsible authority:

*"Guidelines for future buildings subject to the development plan. The guidelines must address built form and building features with the intent to minimise the impacts of internal operations on to the amenity of adjoining residential areas. These features may include but are not limited to acoustic measures, air quality treatments and building materials. Any application for a planning permit must respond to these guidelines"*

Beveridge Williams have advised that as this requirement has been agreed to be included in the Schedule to the Development Plan, their client is satisfied that their concerns have been addressed, and therefore no further changes are required to the amendment. This also means that the amendment will not have to proceed to a Panel.

Next steps

We are at Stage 2 of the Planning Scheme Amendment Process as detailed below in Figure 1 (Stages 3 and 4 are not required as there are no unresolved submissions).



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

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

**FINANCIAL AND RESOURCE IMPLICATIONS**

The fees for the amendment process have been covered by the Proponent as required and therefore there is limited financial and resource impact. <Enter text here>

**CONCLUSION**

Amendment C205 seeks to rezone part of 80 McDonalds Track, and Lots 1 and 2 Westernport Road, Lang Lang from Farming Zone to Industrial 1 Zone, and apply Schedule 20 to Development Plan Overlay and consider concurrently the subdivision of the land at 80 McDonalds Track into two (2) lots.

The amendment has been through a public exhibition process, receiving one submission seeking changes to the amendment. This submission has been resolved through the inclusion of additional wording in the Schedule to the Development Plan Overlay. Given this, the amendment can be adopted and sent to the Minister for Planning for approval.



--/--  
**SCHEDULE 20 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**

Shown on the planning scheme map as **DPO20**.

**LANG LANG NORTH-WEST INDUSTRIAL 1 ZONE**

**1.0 Requirement before a permit is granted**

--/--/20-- A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

All applications must be accompanied by a report demonstrating they will not prejudice the future development of the land in an integrated manner. Before granting a permit the responsible authority must be satisfied the permit will not prejudice the future use and development of the land in an integrated manner.

**2.0 Conditions and requirement for permits**

--/--/20--

The following requirements apply to land being developed or subdivided, where access is required from a Road Zone Category 1:

- Any new road access to Westernport Road must take into account the intersection of Stage 2 of the future Lang Lang Bypass and Westernport Road to ensure that it does not prejudice future access to Westernport Road from the Lang Lang bypass.
- Any new permit must provide or contribute to necessary street lighting and pedestrian access along Westernport Road to the intersection of McDonalds Track including along the southern side of Westernport Road, Lang Lang.
- A permit must not be granted until an Access is approved to the satisfaction of the responsible authority and VicRoads.

**3.0 Requirements for development plan**

--/--/20--

A development plan must include the following requirements to the satisfaction of the responsible authority:

- A treatment that creates an effective buffer between the industrial zoned land and the land to the north. A treatment may include open space, visual screening, streetscape or landscaping design, between the industrial zoned land and the land to the north. The land to the north will be developed for residential uses as nominated in the *Lang Lang Township Strategy (2009)*.
- For land that fronts Westernport Road, no new access to McDonalds Track is permitted.
- An Access Strategy that provides for vehicular access to lots abutting a Road Zone, Category 1 to be from service roads, side streets and internal subdivisional roads. The Strategy must also provide the construction of auxiliary lanes on Westernport Road at major access points. The Access Strategy must be to the satisfaction of the responsible authority and VicRoads.
- The nomination of a buffer zone within 300 metres of the property boundary of the South East Water Sewerage Treatment Plant which discourages sensitive uses within this zone due to adverse impacts from odour generated by the South East Water Sewerage Treatment Plant. These uses include; food and drink premise, café, convenience restaurant, office, retail premises or shop, education centre, leisure and recreation, caretaker house, service station, restricted retail, place of assembly, place of worship, and childcare centre.
- Guidelines for future buildings subject to the development plan. **The guidelines must address built form and building features with the intent to-minimise the impacts of internal operations on the amenity of adjoining residential areas.**

**These features** may include but **are** not limited to acoustic measures, air quality treatments and building materials. **Any application for a planning permit must respond to these guidelines.**

### **3 AMENDMENT C205 - 80 MCDONALDS TRACK, LANG LANG**

Moved Cr J Owen Seconded Cr C Ryan

That Council adopt Amendment C205 to the Cardinia Planning Scheme under Section 29 of the Planning and Environment Act 1987 and submit the amendment to the Minister for Planning for approval under Section 31 of the Planning and Environment Act 1987.

Cd.



## GENERAL REPORTS

### **4 PETITION - REQUEST TO HAVE 4 HOUR PARKING IN RAILWAY AVENUE, BEACONSFIELD**

FILE REFERENCE INT1846438

RESPONSIBLE GENERAL MANAGER Michael Ellis

AUTHOR Cathal O'Loughlin

#### RECOMMENDATION

That Council advise the petitioners:

1. Council will carry out a parking study in Railway Avenue in Beaconsfield, along with adjacent streets, including Wood St, Souter St, Horner St, Goff St, Station St, Beaconsfield Ave and Kenilworth Ave (Adjacent to the station).
2. Advise of the timelines to carry out such a study
3. Continue to advocate to relevant State Authorities to increase the parking available at Beaconsfield train station, along with other train stations, specifically those stations servicing the metro line.

#### Attachments

Nil.

#### EXECUTIVE SUMMARY

A petition was submitted at the May 2018 Council meeting requesting Council to have 4 hour parking in Railway Ave Beaconsfield.

The prayer of the petition reads

*Petition Summary: PARKING IN RAILWAY AVE BEACONSFIELD.*

*The Residents of Railway Ave Beaconsfield have major concerns with the unrestricted parking limits on the west side of our street (the east side is "no parking anytime") which allows Beaconsfield Station Railway Users to park all day causing:*

1. *Extreme difficulty in leaving and entering our homes in daylight hours due to the narrowness of the road.*
2. *Impossible access to our homes for Trades People and Deliveries in daylight hours for the above reason.*
3. *No available parking for visitors ( which is of special concern to our Senior Residents as their senior friends have to park over a kilometre away which for many is prohibitive )*

**Action Petitioned For:** *We the undersigned are concerned RESIDENTS of Railway Avenue Beaconsfield who urge COUNCIL to act now to put in place a 4 hour Parking Limit on the west side of Railway Ave Beaconsfield or Permit Parking Only.*

It is proposed to carry out a parking study to understand the number of vehicles parking on Railway Avenue, Beaconsfield and the length of time that they are parking there for. This will enable Council officers to make a more informed decision on how best to proceed.

It is also proposed to extend the parking study along adjacent streets, Wood St, Souther St, Horner St, Goff St, Station St, Beaconsfield Ave and Kenilworth Ave (Adjacent to the station).

Council will also continue to advocate to the relevant state authorities to increase the parking available at Beaconsfield train station, along with other train stations, specifically those stations servicing the metro line.

## **BACKGROUND**

A petition was submitted at the May 2018 Council meeting requesting Council to have 4 hour parking in Railway Ave Beaconsfield.

Beaconsfield Train station is experiencing an increase in the number of people using this station and the current train station car park is unable to cope with the additional volumes, this is pushing the public to park on adjacent streets, Railway Avenue being one of these streets.

Railway Avenue is located north of Beaconsfield train station and runs in a north south direction, along with other streets, including Wood St, Souther St, Horner St and Goff St. The streets that are located around the perimeter of the train station are Station St, Beaconsfield Ave and Kenilworth Ave. It is proposed to carry out a parking study for occupancy rates and duration on all these streets, so that Council officers will get a clear picture of what effect this additional volumes using Beaconsfield train station are having on the adjacent streets. This will enable Council officers to make an informed decision to address the issues addressing this precinct rather than one specific street.

The timeframes required to carry out this study and review the information is 4 months and as such Council officer are going to report back to Council on the outcomes of this study and a proposed direction forward at the November Council meeting.

Council officers are in the process of engaging a contractor to carry out the study, in preparation of Council recommendation.

## **POLICY IMPLICATIONS**

Nil

## **RELEVANCE TO COUNCIL PLAN**

The petition is in line with Council Plan action 3.2 Transport linkages connecting towns

## **CONSULTATION/COMMUNICATION**

The request to have 4 hour parking in Railway Ave Beaconsfield was made by residents of Railway Avenue, Beaconsfield and adjacent street. No consultation has taken place since receiving this petition.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

---

The costs associated with undertaking a study of this nature can be covered by the 2018-19 Capital Works Program.

## **CONCLUSION**

Council proceed with a parking study in Railway Avenue in Beaconsfield, along with adjacent streets, including Wood St, Souther St, Horner St, Goff St, Station St, Beaconsfield Ave and Kenilworth Ave (Adjacent to the station). While also continuing to advocate to relevant State Authorities to increase the parking available at Beaconsfield train station, along with other train stations, specifically those stations servicing the metro line.

**4 PETITION - REQUEST TO HAVE 4 HOUR PARKING IN RAILWAY AVENUE, BEACONSFIELD**

Moved Cr B Owen Seconded Cr L Wilmot

That Council advise the petitioners:

1. Council will carry out a parking study in Railway Avenue in Beaconsfield, along with adjacent streets, including Wood St, Souter St, Horner St, Goff St, Station St, Beaconsfield Ave and Kenilworth Ave (Adjacent to the station).
2. Advise of the timelines to carry out such a study
3. Continue to advocate to relevant State Authorities to increase the parking available at Beaconsfield train station, along with other train stations, specifically those stations servicing the metro line.

Cd.

## **5 PETITION REQUESTING CONSTRUCTION OF SHARED PATH FROM LANG LANG TO CALDERMEADE RECREATION PRECINCT**

FILE REFERENCE INT1846445

RESPONSIBLE GENERAL MANAGER Jenny Scicluna

AUTHOR Kristen Jackson

### **RECOMMENDATION**

That Council notes that the petition requesting construction of a shared path from Lang Lang Township to the Caldermeade Recreation Precinct has been included in the application for funding under the Growing Suburbs Fund.

### **Attachments**

Nil

### **EXECUTIVE SUMMARY**

At the Council meeting on 18 June a petition was tabled with 356 signatures requesting Council to construct a shared pedestrian and bicycle pathway from the Lang Lang Township to the Caldermeade Recreation Precinct. This petition has been included in the application for funding under the Growing Suburbs Fund to construct this path.

### **BACKGROUND**

At the Council meeting on 18 June a petition was tabled with 356 written signatures and 496 online requesting Council to construct a shared pedestrian and bicycle pathway from the Lang Lang Township to the Caldermeade Recreation Precinct, the prayer of the petition reads:

*'We the below signatories, respectfully request the Cardinia Shire Council construct a shared pedestrian and bicycle pathway from the Lang Lang Township to the Caldermeade Recreation Precinct'*

At the June Council meeting, Council resolved to apply for funding to construct the shared path from Lang Lang Township to the new Caldermeade Recreation Precinct as part of the 2018 Growing Suburbs Fund applications.

### **POLICY IMPLICATIONS**

This is consistent with Council's Pedestrian and Cycling Strategy 2017.

### **RELEVANCE TO COUNCIL PLAN**

This proposal is consistent with the following sections of the 2018/19 Council Plan:

1. Our People

1.4 Improved health and wellbeing for all

1.5 Variety of recreation and leisure opportunities

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

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

---

**CONSULTATION/COMMUNICATION**

No consultation has occurred regarding this petition received.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Council is applying for the funding to construct this shared trail as part of the 2018 Growing Suburbs Fund.

**CONCLUSION**

At the Council meeting on 18 June a petition was tabled with 356 signatures requesting Council to construct a shared pedestrian and bicycle pathway from the Lang Lang Township to the Caldermeade Recreation Precinct. Council is requested to note that this request has been included in the application for funding under the Growing Suburbs Fund to construct this path.

**5 PETITION REQUESTING CONSTRUCTION OF SHARED PATH FROM LANG LANG TO CALDERMEADE RECREATION PRECINCT**

Moved Cr J Owen Seconded Cr C Ryan

That Council notes that the petition requesting construction of a shared path from Lang Lang Township to the Caldermeade Recreation Precinct has been included in the application for funding under the Growing Suburbs Fund.

Cd.

## **6 OFF LEASH DOG AREA REVIEW**

FILE REFERENCE INT1846334

RESPONSIBLE GENERAL MANAGER Jenny Scicluna

AUTHOR Kevin Alexander

### **RECOMMENDATION**

That Council note the results of community consultation and endorse the implementation of an Off Leash Dog Area Hierarchy across the Shire.

### **Attachments**

- |    |                                      |         |
|----|--------------------------------------|---------|
| 1↓ | Off leash dog area heirarchy         | 1 Page  |
| 2↓ | Dog agility equipment cost estimates | 4 Pages |

### **EXECUTIVE SUMMARY**

Cardinia has had Dog Leash Free Areas across the Shire since 2007.

The criteria to designate these Off Leash Dog Areas has been reviewed, with a view to strengthen the assessment by applying a quantifiable measure.

Community consultation, in the form of on line survey and direct communication with key stakeholders, has identified that community expectation regarding infrastructure within Off Leash Dog Areas has increased over time.

A hierarchal management model across Off Leash Dog Areas has been developed to guide the appropriate distribution and management of Off Leash Dog Areas and associated infrastructure to meet community expectations.

### **BACKGROUND**

In 2007, Council developed criteria for establishing Off Leash Dog Areas, and adopted a number of locations for off leash dog areas. These off leash dog areas have proven to be popular with dog owners over a number of years as they provide an outlet for dogs to receive regular exercise and increase their socialisation skills. In 2015, Council reviewed the criteria for establishing Off Leash Dog Areas, and adopted a number of locations for them. The criteria and off leash areas has again been asked to be reviewed.

The 2015 review of the criteria for establishing off leash dog areas confirmed that the criteria remains appropriate, with the criteria being;

- Proximity to wildlife nature reserve habitat.
- The likely impact on existing children's play areas.
- The likely impacts on existing picnic and barbeque areas.
- Proximity to vehicular traffic.
- The likely impact on sport and recreation facilities.
- Proximity to high people traffic i.e. walking / bicycle tracks.



The review according to the above criteria resulted in the following reserves being allocated as Off Leash Dog Area in 2015;

- Pepi's Land, Emerald.
- Toomuc Creek Linear Reserve, Pakenham.
- Simon Drive Reserve, Pakenham.
- Cochrane Park, Koo Wee Rup.
- Alma Treloar Reserve, Cockatoo.
- Garfield Recreation Reserve, Garfield.
- Ray Canobie Reserve, Pakenham.

The criteria has been reviewed again with a view to strengthen the assessment by applying a quantifiable measure. The proposed changes to the criteria are as follows;

- 30 metres away from wildlife nature reserve habitat.
- 30 metres away from formal children play spaces.
- 30 metres away from existing picnic and barbeque areas.
- Proximity to major vehicular, bicycle and pedestrian traffic.
- Likely impact on sport and recreation facilities (not during organised sporting events).
- Proximity to other off leash sites.

Appropriate signage at all designated Off Leash Dog Areas is considered a requirement to ensure all park users are aware of the exact location of Off Leash Dog Area within reserves. It is expected that some sites will require at least two signs, depending on park entrance locations. Signage would include the following information as a minimum:

- Cardinia corporate branding and contact details.
- Visual mapped location of dog off-leash area.
- Regulative and advisory information.

Below is an example of proposed Off Leash Dog Area



signage.

The fencing of Off Leash Dog Area has been considered as part of the review. Initially, Council officers considered the entire fencing of areas to be inappropriate. This is due to the belief that

fencing open space areas can create a greater potential for dog attacks with owners who have little to no control over their dogs being more likely to use these areas compared with un-fenced off leash areas. However, it cannot be dismissed that many of the community comments and suggestions received during the consultation process related to the inclusion of fenced Off Leash Dog Areas.

Therefore, it is considered that a hierarchical consideration of Off Leash Dog Areas would be appropriate. This will then allow the appropriate level of infrastructure to be included within an Off Leash Dog Area, in a direct relationship to the usage of the reserve. This is consistent with how council currently manages all other open space functions within the Shire. (See attachment Off Leash Dog Area Hierarchy).

This hierarchy would mean that a Regional Off Leash Dog Area would be fenced while neighbourhood leash free areas would not be fenced.

The following list represents the proposed implementation of a hierarchical approach to Off Leash Dog Area across the Shire:

- Regional Off Leash Dog Areas
  - Toomuc Creek Linear Reserve, Pakenham.
  - Alma Treloar Reserve - Cockatoo.
  - Don Jackson Reserve, Pakenham
  - Cochrane Park, Koo Wee Rup.
- District Off Leash Dog Areas
  - Pepi's Land, Emerald.
  - Victory Drive Reserve, Pakenham.
  - Garfield Recreation Reserve, Garfield.
- Neighbourhood Off Leash Dog Area
  - Hammerwood Green Reserve, Beaconsfield
  - Bob Burgess Park Reserve, Beaconsfield.
  - Vantage Drive Reserve, Pakenham.
  - Simon Drive Reserve, Pakenham.
  - Ray Canobie Reserve, Pakenham.
  - Harris Reserve, Upper Beaconsfield.
  - Tynong Recreation Reserve.
  - Toddington Avenue, Officer

## **POLICY IMPLICATIONS**

Cardinia's Local Law 17 was enacted on 1st July 2016 and seeks to control a number of amenity issues within the Cardinia Shire.

Section 45 states that:

"A person who owns or is in apparent control of a dog in a public place must keep the dog under control by a leash, chain or cord connecting that person to the dog unless the public place is designated by Council signage to be an 'off leash' area. By the nature of Section 45, Council must ensure it designates off leash parks and adequately publicize those parks."

Section 26 part 3 of the Domestic Animal Act states that:

"An order made by the Council under this section must be published in the Government Gazette and in a newspaper circulating in the municipal district of the Council making the order."

This means that a site selected as an Off Leash Dog Area requires an order made by Council and subsequent gazetting of the order to allow the effective enforcement of Local Law 17.

## RELEVANCE TO COUNCIL PLAN

The review of off leash dog areas is in line with Council Plan goals:

- Variety of recreation and leisure opportunities.
- Improve health and wellbeing for all.
- Our diverse community requirements met.

## CONSULTATION/COMMUNICATION

An online survey was completed in September/October 2017 receiving 264 respondents; the results of the survey are as follows:

- 96.5% of respondents were in support of Off Leash Dog Areas.
- 64.3% walk their dog off lead in designated Off Leash Dog Areas, while 21.3% walk their dog off leash in other parks and reserves
- 88% of dog walkers walk their dog during Cardinia business hours (between 9am and 5pm).
- 54% of dog walkers walk their dog for less than 1 hour in Off Leash Dog Areas.
- 94.6% of respondents support enclosed Off Leash Dog Area.

Survey results indicated three reserves as the most popular dog exercise areas across the Shire (with a total of 42.2% the votes):

- Toomuc Valley Reserve, Pakenham - 53 respondents.
- Alma Treloar Reserve, Cockatoo - 23 respondents.
- Don Jackson Reserve, Pakenham - 19 respondents.
- The survey results indicated a second tier of reserves for reserve popularity (with a total of 21.8% the votes):
- Cochrane Park, Koo Wee Rup - 13 respondents.
- Onyx Reserve, Officer (not a designated Off Leash Dog Area) - 13 respondents.
- Pepi's Land, Emerald - 12 respondents.
- Victory Drive Reserve, Pakenham (not a designated Off Leash Dog Area) - 11 respondents.

The survey specifically requested respondents' opinions regarding the suitability of the suggested Off Leash Dog Area criteria, the results are:

- Designated areas being 30 metres away from a wildlife nature reserve habitat.
  - Not appropriate - 15%
  - Somewhat appropriate - 22%
  - Appropriate - 38%
  - Highly appropriate - 14%
  - Essential - 9%
- Designated areas being 30 metres away from formal children playspaces.
  - Not appropriate - 13%
  - Somewhat appropriate - 21%
  - Appropriate - 35%
  - Highly appropriate - 17%
  - Essential - 11%
- Designated areas being 30 metres away from existing picnic and barbecue areas.
  - Not appropriate - 16%
  - Somewhat appropriate - 23%

- Appropriate - 32%
- Highly appropriate - 18%
- Essential - 9%
- Proximity to major vehicle, bicycle and pedestrian traffic be taken into account.
  - Not appropriate - 4%
  - Somewhat appropriate - 13%
  - Appropriate - 29%
  - Highly appropriate - 23%
  - Essential - 28%
- Impact on organised sport and recreational facilities be taken into account.
  - Not appropriate - 10%
  - Somewhat appropriate - 29%
  - Appropriate - 36%
  - Highly appropriate - 12%
  - Essential - 10%

The survey was supported via numerous social media posts and a media release including the then Mayor, Cr Brett Owen and his dog. The social media posts and media release also discussed the opportunity for community members to attend a drop in session with council staff and discuss Off Leash Dog Area issues. This was held in the Council Chamber but no community members attended.

Direct communication was made with recreation reserve committees of management, which are directly affected by Off Leash Dog Areas: Officer Recreation Committee, Garfield Recreation Committee and the Tynong Recreation Committee.

- Garfield Recreation Committee was happy to continue to host an Off Leash Dog Area within the reserve; however, a request was made to modify the location to the southwestern corner of the reserve.
- Tynong Recreation Committee was happy to host an Off Leash Dog Area within the reserve, but suggested that modification may be required such as signage to reduce the impact of active sport played at the site and allow better access for dog walkers.
- Officer Recreation Committee chose to draft a letter stating that it was highly opposed to Off Leash Dog Area being located at the reserve, indicating that dog walkers would negatively affect public safety and the effective use of the reserve by other stakeholders.

## FINANCIAL AND RESOURCE IMPLICATIONS

At this stage, there is no allocated budget for the implementation of infrastructure for Off Leash Dog Areas.

An attachment has been included, which identifies infrastructure costs for Off Leash Dog Areas. It is proposed to commence implementation in the 2018/19 FY subject to funding being allocated.

Simplistic calculations estimate the following costs to implement the Off Leash Dog Area hierarchy across the Shire:

Regional \$50,000 (dependent on extent of fencing)  
 District \$20,000 (dependent on extent of fencing)  
 Neighbourhood \$5,000

The estimated cost to implement the entire recommendation across the Shire totals \$275,000, over an implementation program of seven years.

	2018/19	2019/20	2020/21	2021/22	2022/23	2024/25	2025/26
<b>Regional Off Leash Dog Areas</b>							
Toomuc Creek Linear Reserve, Pakenham.	\$2,000	\$48,000					
Alma Treloar Reserve - Cockatoo.	\$1,000			\$49,000			
Don Jackson Reserve, Pakenham	\$2,000					\$48,000	
Cochrane Park, Koo Wee Rup.	\$2,000		\$48,000				
<b>District Off Leash Dog Areas</b>							
Pepi's Land, Emerald.	\$2,000				\$18,000		
Victory Drive Reserve, Pakenham.	\$1,000						\$19,000
Garfield Recreation Reserve, Garfield.	\$1,000						\$19,000
<b>Neighbourhood Off Leash Dog Area</b>							
Hammerwood Green Reserve, Beaconsfield	\$1,000		\$4,000				
Bob Burgess Park Reserve, Beaconsfield.	\$2,000				\$3,000		
Vantage Drive Reserve, Pakenham.	\$1,000				\$4,000		
Simon Drive Reserve, Pakenham.	\$1,000				\$4,000		
Ray Canobie Reserve, Pakenham.	\$2,000				\$3,000		
Harris Reserve, Upper Beaconsfield.	\$2,000				\$3,000		
Tynong Recreation Reserve.	\$1,000				\$4,000		
Toddington Avenue, Officer	\$1,000				\$4,000		
<b>total</b>	<b>\$22,000</b>	<b>\$48,000</b>	<b>\$52,000</b>	<b>\$49,000</b>	<b>\$43,000</b>	<b>\$48,000</b>	<b>\$38,000</b>

## CONCLUSION

While Off Leash Dog Areas have been implemented across the Shire since 2007, the expectation from community users has increased over time.

The implementation of a hierarchal management model across Off Leash Dog Areas, will assist in the controlled allocation of infrastructure and associated funding allocations to high use areas, and enable a range of reserves to meet the community needs, while not affecting the wider reserve and other park functions across our open space suite of reserves.

It is proposed that Council considers the revised approach to Off Leash Dog Areas and endorse change to provision criteria, new hierarchical approach and staged implementation plan.

Off Leash Dog Area Hierarchy			
	Regional	District	Neighbourhood
<b>Purpose</b>	Open space that provides off leash dog areas with a number of activities and infrastructure available. Attracts use from within the local community as well as beyond the Shire. May be located within popular sites that contain other recreational opportunities.	Open space that provides dedicated off leash dog areas. Attracts use from across the Shire. May be located within prominent sites that contain other recreational opportunities.	Open space that provides dedicated off leash dog areas. Attracts use from local residents regularly utilising the site.
<b>Activities</b>	<ul style="list-style-type: none"> <li>• Agility activities</li> <li>• Exercise</li> <li>• Dog socialisation</li> <li>• Relaxation and enjoyment of open space</li> </ul>	<ul style="list-style-type: none"> <li>• Exercise</li> <li>• Dog socialisation</li> <li>• Relaxation and enjoyment of open space</li> </ul>	<ul style="list-style-type: none"> <li>• Exercise</li> <li>• Dog socialisation</li> <li>• Relaxation and enjoyment of open space</li> </ul>
<b>Reserve type</b>	Non-Specific	Within district reserves	Within neighbourhood reserves
<b>Visitor Catchment</b>	Caters for residents of Cardinia and beyond	Attracts people from within the municipality	Generally caters for local residents, and surrounding neighbourhoods
<b>Infrastructure</b>	<ul style="list-style-type: none"> <li>• Dog agility equipment</li> <li>• Fencing</li> <li>• Drinking fountain with dog bowl</li> <li>• Seating</li> <li>• Rubbish bins</li> <li>• Natural and built shade structures</li> <li>• Arboriculture assets</li> <li>• Pathways</li> <li>• Garden beds</li> <li>• Signage</li> <li>• Sealed car parking</li> <li>• Turf cells at gate entrance</li> </ul>	<ul style="list-style-type: none"> <li>• Partial fencing</li> <li>• Drinking fountain with dog bowl</li> <li>• Seating</li> <li>• Rubbish bins</li> <li>• Natural and built shade structures</li> <li>• Pathways</li> <li>• Garden beds</li> <li>• Signage</li> </ul>	<ul style="list-style-type: none"> <li>• Partial or no fencing</li> <li>• Seating</li> <li>• Natural shade</li> <li>• Pathways</li> <li>• Garden beds</li> <li>• Signage</li> </ul>
<b>Replacement cost</b>	\$50,000	\$20,000	\$5,000



Jump through square frame

\$345



Sit-Stay Platform

\$550



Step Platform

\$1,950



A-Frame

\$1,495



Bridge

\$1,647



Tunnel

\$895





Chute

\$775



Hurdle

\$285



Weave poles

\$360



Walk plank

\$325



Water Station

\$1,255

## **6 OFF LEASH DOG AREA REVIEW**

Moved Cr B Owen Seconded Cr M Schilling

That Council:

1. Note the results of the community consultation.
2. As part of the 2019/20 council budget deliberations, consider bringing forward the funds required to fully complete the implementation of the Off Leash Dog Area Hierarchy capital works program.
3. Actively liaise with developers to encourage new Off Leash Dog Areas to be installed in new estates/developments to add to Cardinia's Off Leash Dog Area hierarchy, and
4. Confirms the exact location of the Dog Off Leash area within the Alma Treloar Reserve in Cockatoo once the Master plan for the reserve is adopted.

Carried Unanimously.

## **7 CHANGE OF STATUS FROM RESERVE FOR MUNICIPAL PURPOSES TO ROAD RESERVE AT PAKENHAM HILLS PRIMARY SCHOOL, 15 KENNEDY ROAD, PAKENHAM**

FILE REFERENCE INT1846404

RESPONSIBLE GENERAL MANAGER Derek Madden

AUTHOR Fiona Shadforth

### **RECOMMENDATION**

That:

1. Council commence the statutory procedures under Sections 192 and 223 of the Local Government Act 1989 and that Council publish a Notice in the local paper circulating in the area of Pakenham advising of a proposal to change the status of a portion of the Municipal Reserve 3 along Army Road, Pakenham to Road Reserve abutting the Pakenham Hills Primary School
2. In the event that submissions are received, a committee comprising 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;
3. That a subdivision application be lodged to remove the Municipal Reserve Status and create the road Reserve Status.

### **Attachments**

<a href="#">1</a>	Locality plan	1 Page
<a href="#">2</a>	Plan of subdivision	2 Pages
<a href="#">3</a>	Proposed plan of subdivision	1 Page
<a href="#">4</a>	Pakenham Hills Parent zone site plan	1 Page

### **EXECUTIVE SUMMARY**

Council owns the property abutting Pakenham Hills Primary School (School) at Army Road, Pakenham (Land) which was vested to Council upon registration of Plan of Subdivision 339370. To assist in the development of a Parents Zone at the Primary School it is proposed to change the status of the land to road reserve which will facilitate vehicle access over the land to the new Parents Zone.

### **BACKGROUND**

Council Officers have identified the need for greater on site carpark facilities for the School and access to a proposed new Parent Zone building. The School site has the capacity for further car parking, however, to ensure safe entry and exit of the School, the crossover should be widened to allow for a traffic island creating defined entry and exit points with clear line of sight. The School's Parentzone site Plan details the proposed car park and cross over.

To facilitate the proposal, an area of 64.57 square metres of the Land currently known as Reserve 3 would be required to be changed to Road Reserve. The balance remaining of Reserve 3 would be 152.43 square metres in size.

Further details of the Land are as follows:

Property details: The Land is known as Reserve 3 for Municipal Purpose on Plan of Subdivision 339370A described in Certificate of Title Volume 10239 Folio 886

Land area: 217 square metres  
Zone: Public Use  
Overlays: DCP01

As the Land is a Reserve on Title it is necessary to change the Reserve status from the Land under Section 24A of the Subdivision Act 1988

### **POLICY IMPLICATIONS**

Nil

### **RELEVANCE TO COUNCIL PLAN**

The relevant Council Plan objective is that 'We continue to plan and manage the natural and built environment for future generation'. The objective is to be achieved through balancing the needs of development, community and environment.

### **CONSULTATION/COMMUNICATION**

Discussions have been held with the Pakenham Hills Primary School in regard to the proposed new Parents Zone facility and the proposed change of status to road reserve has been recommended to assist in this development.

Council will give public notice of the intention to change the use of the land in accordance with Sections 192 and 223 of the Local Government Act 1989 in the local paper circulating in the area and a notice on Council's website.

Any submission received following such public notice will be considered by a committee of Council.

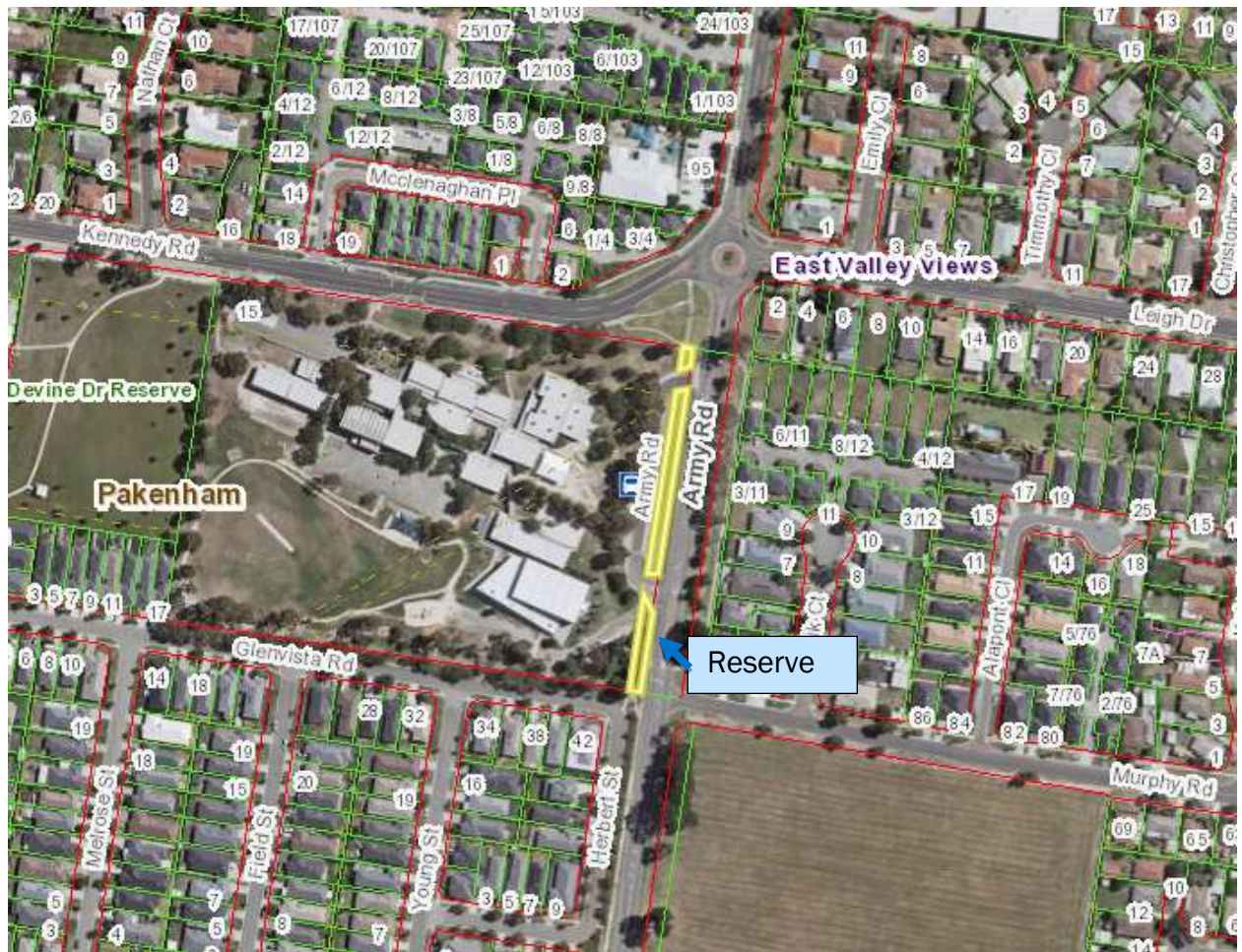
### **FINANCIAL AND RESOURCE IMPLICATIONS**

Following the statutory process to allocate road reserve status and removal of reserve status, it is anticipated that the School will engage in development of its site and improve services to the local community. Funding for costs involved in administrative, surveying and legal fees to be incurred by Council will be covered by Community and Family Services initially and will be recovered from DET funding. Construction costs will be borne by DET.

### **CONCLUSION**

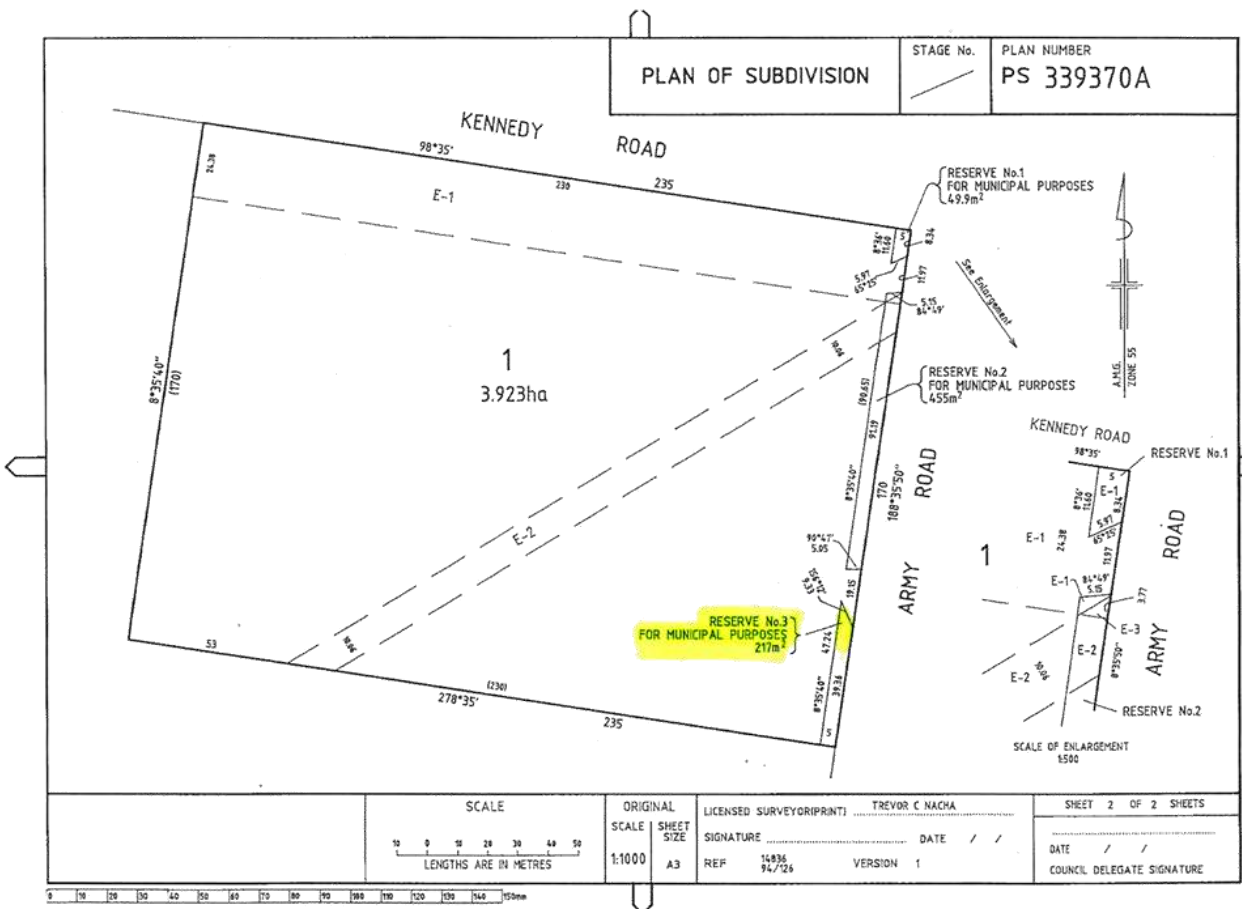
The proposed change of status of this parcel of land will greatly assist the Pakenham Hills Primary and should be supported.

Reserve for Municipal Purposes abutting Pakenham Hills Primary School



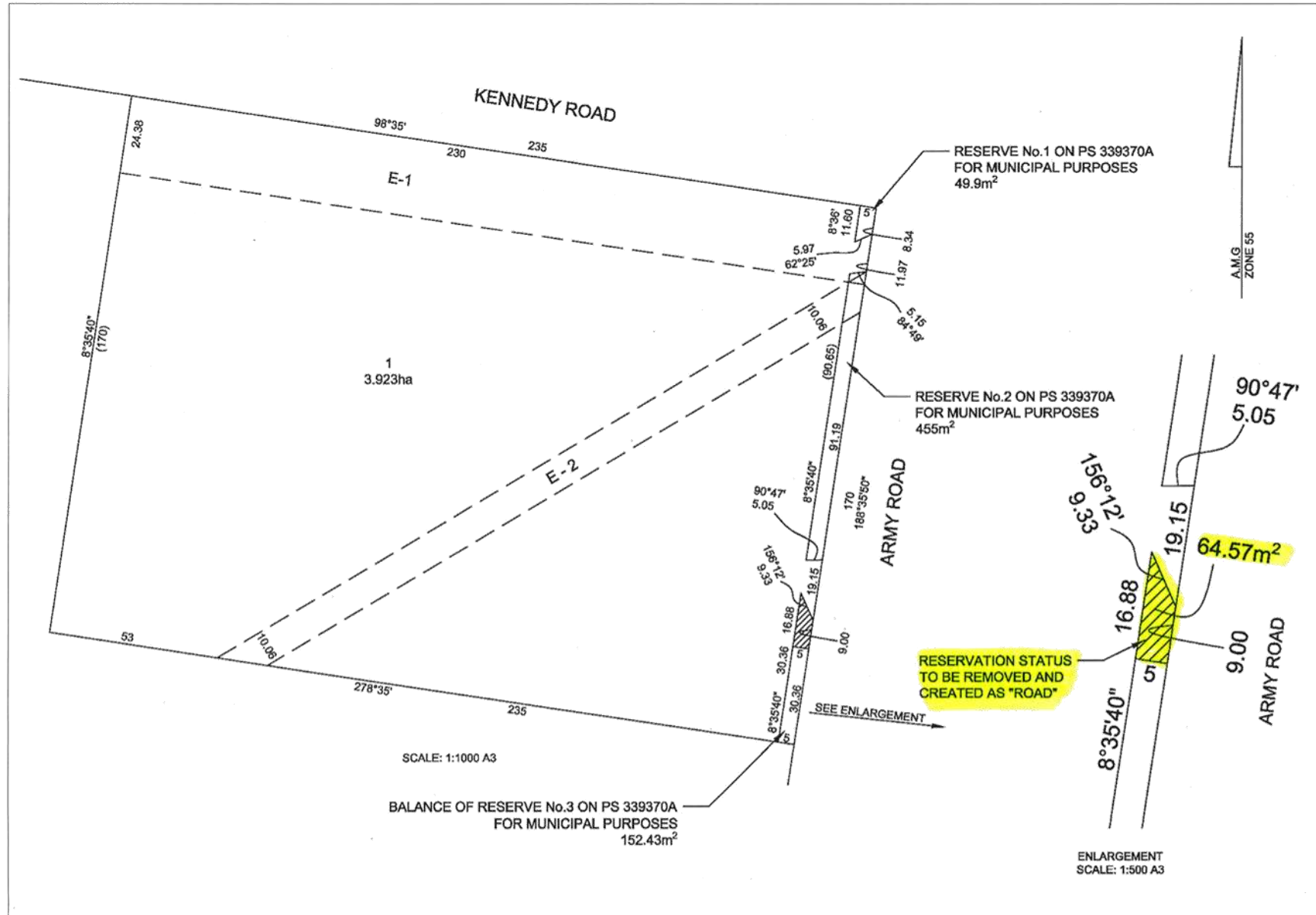
Delivered by LANDATA®. Land Use Victoria timestamp 19/02/2018 13:46 Page 1 of 2  
 © State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

<b>PLAN OF SUBDIVISION</b>		STAGE No. <hr/>	LTO USE ONLY <b>EDITION 1</b>	PLAN NUMBER <b>PS 339370A</b>										
<b>LOCATION OF LAND</b> PARISH: <b>NAR-NAR-GOON</b> TOWNSHIP: _____ SECTION: _____ CROWN ALLOTMENT: <b>(PART) 11</b> CROWN PORTION: _____ LTO BASE RECORD: <b>NAR-NAR-GOON 13 (3272)</b> TITLE REFERENCES: <b>\CT VOL10236 FOL 502</b> LAST PLAN REFERENCE/S: <b>LOT 1 PS 325114X</b> POSTAL ADDRESS: <b>Cnr. Kennedy Road &amp; Army Road</b> (At time of subdivision) <b>PAKENHAM EAST 3810</b> AMG Co-ordinates (of approx centre of land in plan) <b>E 368000 ZONE: 55</b> <b>N 5860100</b>		<b>COUNCIL CERTIFICATION AND ENDORSEMENT</b> COUNCIL NAME: <b>CARDINIA SHIRE COUNCIL</b> REF: <b>595/001</b> 1. This plan is certified under Section 6 of the Subdivision Act 1988. <del>2. This plan is certified under Section 4(17) of the Subdivision Act 1988.</del> <del>Date of original certification under Section 6: / /</del> 3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988. OPEN SPACE (i) A requirement for public open space under Section 18 of the Subdivision Act 1988 <del>has/has not been made.</del> <del>(ii) The requirement has been satisfied.</del> <del>(iii) The requirement is to be satisfied in Stage _____</del> Council Delegate <del>Council Seal</del> Date <b>25 / 01 / 99</b> <del>Re-certified under Section 4(17) of the Subdivision Act 1988.</del> <del>Council Delegate</del> <del>Council Seal</del> Date / /												
<b>VESTING OF ROADS AND/OR RESERVES</b>		<b>NOTATIONS</b>												
IDENTIFIER	COUNCIL/BODY/PERSON	STAGING <del>This is/ is not a staged subdivision.</del> Planning permit No.												
RESERVE No.'s 1, 2 & 3	CARDINIA SHIRE COUNCIL	DEPTH LIMITATION  <b>DOES NOT APPLY</b> SURVEY DIMENSIONS BASED ON SURVEY BY ME PS 325114X												
<b>EASEMENT INFORMATION</b>		<b>LTO USE ONLY</b>												
LEGEND E-Encumbering Easement or Condition in Crown Grant in the Nature of an Easement A-Appurtenant Easement R-Encumbering Easement(Road)		STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT												
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:10%;">Easement Reference</th> <th style="width:20%;">Purpose</th> <th style="width:10%;">Width (Metres)</th> <th style="width:15%;">Origin</th> <th style="width:45%;">Land Benefited/In Favour Of</th> </tr> </thead> <tbody> <tr> <td>E-1 &amp; E-3 E-2 &amp; E-3</td> <td>PIPELINE WATER</td> <td>24.38 10.06</td> <td>C/E D652667 C/E 2210137</td> <td>Victorian Pipelines Commission Rural Water Corporation</td> </tr> </tbody> </table>		Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	E-1 & E-3 E-2 & E-3	PIPELINE WATER	24.38 10.06	C/E D652667 C/E 2210137	Victorian Pipelines Commission Rural Water Corporation	RECEIVED <input checked="" type="checkbox"/>  DATE <b>29/12/94</b>		
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of										
E-1 & E-3 E-2 & E-3	PIPELINE WATER	24.38 10.06	C/E D652667 C/E 2210137	Victorian Pipelines Commission Rural Water Corporation										
		LTO USE ONLY PLAN REGISTERED TIME 1:45 DATE <b>26/7/95</b>  <i>K. Osborne</i> Assistant Registrar of Titles SHEET 1 OF 2 SHEETS												
		LICENSED SURVEYOR(PRINT) . . . . . <b>TREVOR C NACHA</b> SIGNATURE . . . . . DATE / / REF <b>14836</b> VERSION <b>1</b> <b>94/126</b>												
		DATE / / COUNCIL DELEGATE SIGNATURE ORIGINAL SHEET SIZE <b>A3</b>												



Delivered by LANDATA® Land Use Victoria timestamp: 18/02/2018 13:46 Page 2 of 2







**7 CHANGE OF STATUS FROM RESERVE FOR MUNICIPAL PURPOSES TO ROAD RESERVE AT PAKENHAM HILLS PRIMARY SCHOOL, 15 KENNEDY ROAD, PAKENHAM**

Moved Cr C Ryan Seconded Cr M Schilling

That consideration of this matter be deferred, to allow further discussions with councillors regarding the proposal.

Carried Unanimously.

## **8 FINALISATION OF SPECIAL RATE AND CHARGE SCHEME FOR DESIGN OF INFRASTRUCTURE TO SERVICE HILL, O'SULLIVAN AND PEET STREETS' INDUSTRIAL AREA, PAKENHAM**

FILE REFERENCE INT1846411

RESPONSIBLE GENERAL MANAGER Michael Ellis

AUTHOR Ken White

### **RECOMMENDATION**

That Council having declared a special charge on the 28 April 2014 for the purpose of defraying expenses incurred by Council in relation to project management, administration, survey and preparation of engineering designs for provision of infrastructure services to the properties in the area known as the Peet Street industrial area,

- 1 Adopt the final scheme cost of \$334,021 which is \$7,321 (2.24%) more than the \$326,700 estimate on which the special charge was declared;
- 2 Vary the special charge as declared to accord with actual costs incurred in accordance with Sections 165 and 166 of the Local Government Act 1989 and as shown in Schedule A (Attachment 3) so that all parties pay no more than their fair share of the actual costs incurred;
- 3 Forward notices advising of the adjustment to the owners of those properties who are liable to pay the special charge; and
- 4 Adjust the repayments accordingly

### **Attachments**

- |                    |                     |        |
|--------------------|---------------------|--------|
| <a href="#">1↓</a> | Process chart       | 1 Page |
| <a href="#">2↓</a> | Plan of scheme area | 1 Page |
| <a href="#">3↓</a> | Apportionment table | 1 Page |

### **EXECUTIVE SUMMARY**

Council declared a special charge scheme on 28 April 2014 to fund the full cost of designing the infrastructure to properly service the Peet Street industrial area, Pakenham. This scheme was the precursor to the special charge scheme declared on 15 May 2017 to fully fund construction of those works which is currently being implemented.

The special charge was based on the estimated cost of designing the works and levied over the properties shown in the Plan of the Scheme Area contained in Attachment 2. Now that the actual design costs are known, the charges require adjusting so that contributors pay no more than the actual cost of the design work. In this case costs are \$7,321 (2.24%) more than the \$326,700 estimate. Council is required to distribute costs in excess of the estimate over all contributors proportionate to their initially declared contributions.

It is therefore proposed to vary the special charges by increasing the amount levied on all contributors proportionately by approximately 2.24% as set out in Attachment 3 in accord with Council's Special Rate and Charge Scheme Policy and the requirements of the Local Government Act 1989.

### **BACKGROUND**

The Peet Street industrial area is an old subdivision done before developers were required to provide infrastructure. Generally the lots fronting Bald Hill and Koo Wee Rup Roads have been developed to varying degrees as they have had access to these roads and most services. The remainder of the area is undeveloped as there are very few services and the roads only exist 'on paper'. Landowners of these lots sought Council assistance to implement a scheme to provide and fairly share the cost of servicing the area as it was generally too expensive for any one landowner to develop alone especially when infrastructure provided by him/her would be available to service the other lots for free.

Subsequently Council approached the issue with two special charge schemes; the first being to prepare designs and estimates of cost for the works and the second to fund construction of the works. It was not practical to prepare a single 'design and construct' scheme as the design costs for what is effectively a commercial venture by landowners were too great for Council to bear in the event of the construction scheme not proceeding. Furthermore it was not possible to scope a construction scheme without knowing what infrastructure would be required and its associated costs. As Council can only vary these schemes by a maximum of 10%, it is important to accurately know what infrastructure is required and its associated cost so that Council is not exposed to unnecessary financial risk.

Council declared a special charge on the 28 April 2014 to fully fund preparation of designs and estimates of cost to provide infrastructure to properly service the industrial lots bounded by Koo Wee Rup Road, Bald Hill Road, Rapid Way and the Pakenham Bypass reserve. (Refer Plan in Attachment 2) This infrastructure included the section of Melbourne Water's Deep Creek South Drainage Scheme within that area, full construction of Hill, Peet and O'Sullivan Streets, the Peet Street / Koo Wee Rup Road intersection and south side of Bald Hill Road including kerb and channel, underground drainage, pavement, seal and footpaths, underground electricity including street lighting, and reticulated water and sewerage services. The designs and estimates have now progressed to the point where final costs for the design scheme are known and the ensuing construction special charge scheme has commenced.

There is an overlap between the two schemes as the designs and approvals could not be finalised until the construction scheme was in place as those approvals lapse after a relatively short period of time. It is now important to finalise the design scheme to recoup the costs incurred before seeking payment for the construction scheme so as to limit the potential for confusion amongst landowners by having overlapping payments for both schemes.

The design special charge scheme was declared on the basis of estimated design costs. Council is required to finalise the design scheme by varying the charges proportionately to accord with the actual costs incurred. This will complete the statutory process associated with the design special charge scheme. (Refer Process Chart in Attachment 1)

Final costs for the scheme have been assessed at \$334,021 taking into account design, administration and project management costs, this being \$7,321 (2.24%) more than the estimated costs on which the special charge was declared. When finalising special charge schemes to align charges with actual costs incurred, Section 165 of the Local Government Act requires Council to levy these additional costs proportionate to the contributions paid by the current owners of the subject land. Consequently, contributors are required to contribute 2.24% more than the amount initially levied.

## **POLICY IMPLICATIONS**

Section 165 of the Local Government Act requires any additional contributions to meet the actual scheme costs to be recovered from the current owners of the subject land proportionate to the declared levy.

Council's Special Rates and Charges Policy reflects this legislative provision. It also provides that in the event of costs exceeding the estimate, Council will not seek to increase the charge by more than 10%.

### RELEVANCE TO COUNCIL PLAN

Special Rate and Charge Schemes relate directly to the Council Plan goal of increasing the use of these schemes to finance road improvement programs. It is a legislative requirement that these schemes are finalised once the works are complete and actual costs are known.

### CONSULTATION/COMMUNICATION

Special charge schemes involve a formalised consultation process as set out in the Process Chart (Attachment 1). In this case, additional extensive consultation was undertaken with affected property owners via a series of landowner meetings over several years prior to declaring the scheme. A further four meetings occurred during the design process and as part of preparing the construction special charge scheme.

All affected landowners will be notified in writing of finalisation of the scheme and the adjustments to their individual contributions; in this case being a small increase of 2.24%.

### FINANCIAL AND RESOURCE IMPLICATIONS

The Capital Budget provided funding for this project based on estimated 'design' scheme costs and associated contributions to recover 100% of these costs. There is no Council contribution in view of the commercial nature of the scheme. The following table sets out estimated versus actual funding requirements:

Item	Estimated	Actual	Increase
Scheme Total Cost	\$326,700	\$334,021	\$7,321 (2.24%)
Landowner Contributions (100%)	\$326,700	\$334,021	\$7,321 (2.24%)

Completion of the project for 2.24% more than the estimated costs will result in a slightly greater charge being levied on all contributing properties. The adjusted contributions are set out in the attached Table of Finalised Charges (refer Attachment 2).

### CONCLUSION

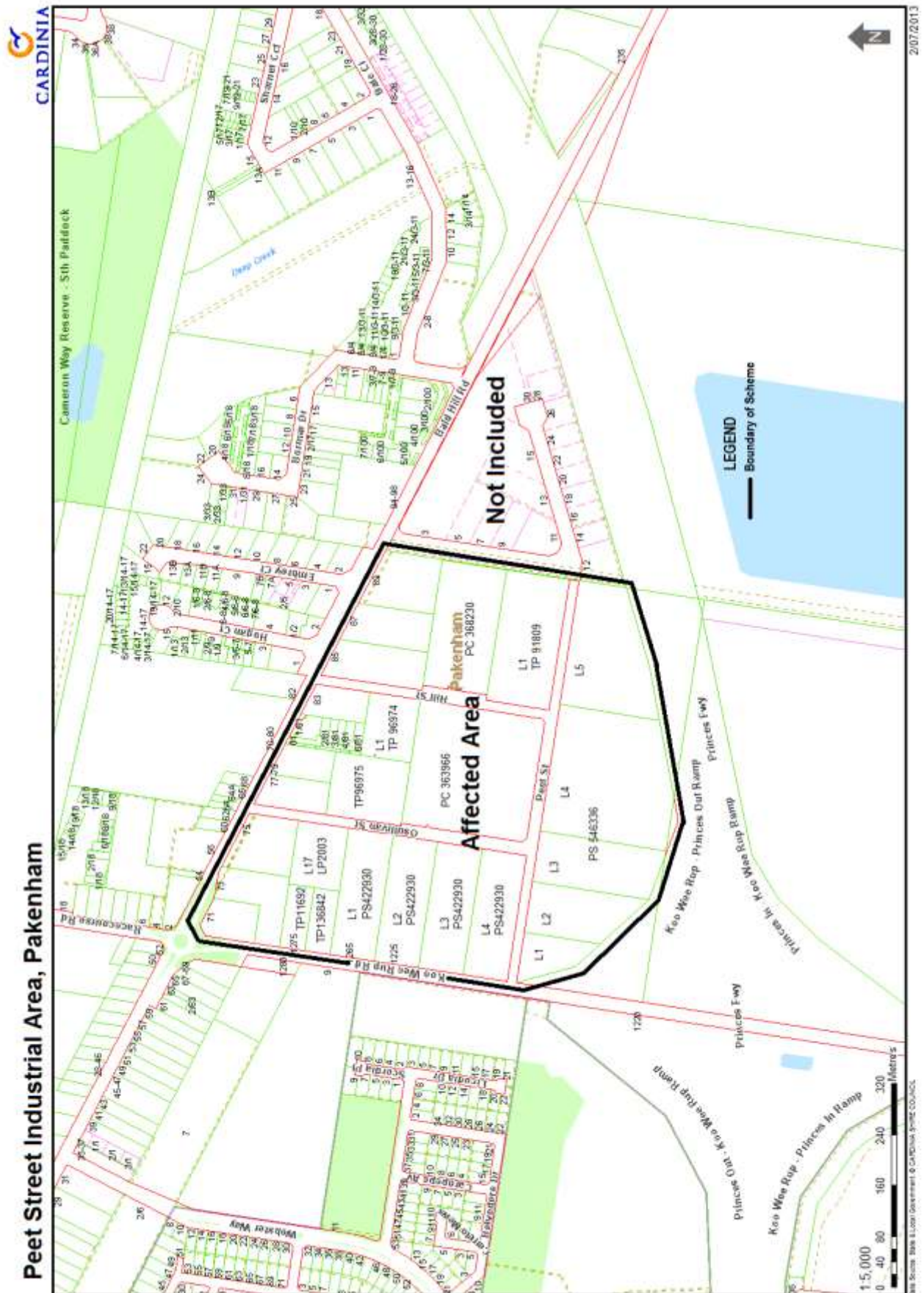
Council's Special rates and Charges Policy and the provisions of the Local Government Act require special charge schemes to be finalised to accord with actual costs once works are complete and costs known. Having considered those costs, it is concluded that the special charges levied for design of this infrastructure should be adjusted proportionately and increased by approximately 2.24% to accord with the actual costs incurred as set out in this report and the Table in Attachment 3.

## ATTACHMENT 1 - PROCESS CHART

## SPECIAL CHARGE PROJECTS – (Section 163 – Local Government Act 1989)

	<i>Stage</i>	<i>Description</i>
✓	<i>Survey of Landowners</i>	Initial survey of property owners to assist in determining the need, associated issues and level of support for the proposed works and special rate/charge scheme. Survey based on preliminary investigations.
✓	<i>Approval to prepare scheme</i>	Decision made to prepare scheme or to shelve project following consideration of surveys of property owners and feedback from the community. Council may proceed by placing the project in the budget system or commencing immediately to prepare a scheme. Scheme preparation involves survey, design, detailed estimates and preparation of an apportionment of costs.
✓	<i>Intention to Declare Scheme</i>	Report to Council providing information on proposed scheme including advice of impending advertising of scheme and declaration of charge. Report seeks Council approval by resolution to proceed with process.
✓	<i>Advertisement and Notification</i>	The proposed scheme is advertised in the local newspaper and all affected property owners are notified by mail of proposed works, costs and contributions. This advertisement and notification indicates Council's intention to 'declare' a scheme in a month's time and seeks submissions from affected property owners. Details of the scheme may be inspected at the Shire Offices.
✓	<i>Submissions</i>	From the time of advertising, property owners have 28 days (as set down by the Act) to lodge submissions, either in support or opposing the proposed scheme. If intending to recover more than 2/3 of scheme cost from contributors, they have 28 days to object to the scheme.
✓	<i>Submissions Review Panel Hearing</i>	A Submissions Review Panel is convened (may be Council Committee or whole Council) and meets to consider submissions. Some submissions are written only. Submitters may also request to be heard before the Committee. The Panel makes a recommendation to Council regarding the scheme.
	<del><i>Abandonment of scheme</i></del>	<del>The Panel may recommend to Council that the scheme be abandoned. After considering the Panel's report, Council may proceed to abandon the scheme following which property owners are notified and the scheme does not proceed.</del>
✓	<i>Declaration Report</i>	Alternatively the Panel may recommend to Council that the scheme proceed. After considering the Panel's report, Council may proceed to "declare" the charges in accordance with its advertised intent. Subsequent to this the Finance Manager issues the levy notices and there is a formal charge placed on the property. This is the final step in the process for Council to make a decision on the scheme.
	<del><i>Appeal</i></del>	<del>Property owners may lodge an application for review of Council's decision with the Victorian Civil and Administrative Tribunal (VCAT) within one month of issue of the levy notice. An appeal is listed, heard and determined by the Tribunal and this process generally takes four to six months. Decisions made by VCAT are binding on all parties.</del>
✓	<i>Design of Infrastructure</i>	Council may then proceed to design the infrastructure. Tenders are invited and a contractor appointed to design the works. Invoices are issued seeking payment of the estimated cost within one month of commencement. Payment may be by instalments or lump sum. The Social Responsibility provisions of Council's Special Charge Policy provides for those facing financial difficulty.
	<i>Final Cost Report</i>	At the completion of the design works, the design scheme is "finalised" taking into account actual costs incurred and payments are adjusted accordingly.

# ATTACHMENT 2 – PLAN OF SCHEME AREA





## ATTACHMENT 3 – SCHEDULE OF VARIED CHARGES

### DESIGN OF INFRASTRUCTURE TO SERVICE O’SULLIVAN – HILL – PEET STREETS INDUSTRIAL AREA, PAKENHAM SPECIAL CHARGE SCHEME

Column 1	Column 2	Column 3	Column 4
Assessment Number	Property Address	Legal Description	\$
4465354200	Koo Wee Rup Rd	L1 TP136842	1,243.14
4465354300	1275 Koo Wee Rup Rd	L1 TP111692	1,243.14
3054054200	73 Bald Hill Rd	CP166554	2,503.77
3054054100	71 Bald Hill Rd	L1 TP867555	702.98
5000003282	Peet St	L4 PS546336	44,714.62
5000003281	Peet St	L3 PS546336	18,354.68
5000003280	Peet St	L2 PS546336	14,510.28
5000003279	Peet St	L1 PS546336	7,061.75
4680400100 (Pt)	Peet St	L5 PS546336	27,789.87
3394200200	Hill St	L1 TP91809	24,377.97
4465354140	Koo Wee Rup Rd	L4 PS422930	16,596.57
4465354130	Koo Wee Rup Rd	L3 PS422930	16,596.57
4465354120	1225 Koo Wee Rup Rd	L2 PS422930	15,432.94
3054055400	Bald Hill Rd	L1 TP96974	9,493.80
3054055100	77-79 Bald Hill Rd	L1 TP709856	4,297.89
3054055100	77-79 Bald Hill Rd	L1 TP710933	1,350.57
3054055100	77-79 Bald Hill Rd	L1 TP96975	14,123.49
Parent Lot	1265 Koo Wee Rup Rd	L1 PS422930	12,702.14
3640850100	O’ Sullivan St	L17 LP2003	7,095.39
3054055300	83 Bald Hill Rd	L1 TP205373	4,069.68
5000005468	6/81 Bald Hill Rd	L6 PS616168	321.31
5000005467	5/81 Bald Hill Rd	L5 PS616168	278.47
5000005466	4/81 Bald Hill Rd	L4 PS616168	257.05
5000005465	3/81 Bald Hill Rd	L3 PS616168	257.05
5000005464	2/81 Bald Hill Rd	L2 PS616168	278.47
5000005463	1/81 Bald Hill Rd	L1 PS616168	749.73
3054054900	75 Bald Hill Rd	CP170066	5,330.18
4680400100 (Pt)	Peet St	PC363966	45,722.60
5000001830	Hill St	PC368230	23,593.85
3054055700	89 Bald Hill Rd	PC367126	2,816.86
3054055600	87 Bald Hill Rd	L1 TP89403	2,394.19
3054055500	85 Bald Hill Rd	L1 TP96973	7,759.99
			334,021.00

**8 FINALISATION OF SPECIAL RATE AND CHARGE SCHEME FOR DESIGN OF INFRASTRUCTURE TO SERVICE HILL, O'SULLIVAN AND PEET STREETS' INDUSTRIAL AREA, PAKENHAM**

Moved Cr J Owen Seconded Cr C Ryan

That Council having declared a special charge on the 28 April 2014 for the purpose of defraying expenses incurred by Council in relation to project management, administration, survey and preparation of engineering designs for provision of infrastructure services to the properties in the area known as the Peet Street industrial area,

- 1 Adopt the final scheme cost of \$334,021 which is \$7,321 (2.24%) more than the \$326,700 estimate on which the special charge was declared;
- 2 Vary the special charge as declared to accord with actual costs incurred in accordance with Sections 165 and 166 of the Local Government Act 1989 and as shown in Schedule A (Attachment 3) so that all parties pay no more than their fair share of the actual costs incurred;
- 3 Forward notices advising of the adjustment to the owners of those properties who are liable to pay the special charge; and
- 4 Adjust the repayments accordingly

Cd.

## **9 CONTRACT 18/10: 2018-19 PAVEMENT RENEWAL WORKS**

FILE REFERENCE INT1846416

RESPONSIBLE GENERAL MANAGER Michael Ellis

AUTHOR Kurt Pitts

### **RECOMMENDATION**

That:

1. The tender submitted by QR Construction (Gippsland) Pty Ltd to undertake the works associated with Contract 18/10 A - Pavement Renewal Works at Garfield North Road, Garfield North and Taplins Road, Catani be accepted for the contract sum of \$866,135.40 (Excl. GST);
2. The tender submitted by MACA Infrastructure Pty Ltd to undertake the works associated with Contract 18/10 B - Pavement Renewal Works at Berglund Road, Beaconsfield Upper; and Army Road, Pakenham be accepted for the contract sum of \$547,537.20 (Excl. GST);
3. The remaining Tenderers be advised accordingly; and
4. The common seal of the Council be affixed to the contract documents.

### **Attachments**

[1](#) Confidential memorandum circulated to councillors only 4 Pages

### **EXECUTIVE SUMMARY**

Four of the five roads that form this contract have been identified as a high priority for treatment under Council's asset management systems and are amongst the highest for maintenance costs for the shire.

The duplication of Bridge Road in Officer is being funded through the Development Contributions Fund and Roads to Recovery, and has been included in this tender package to attract better competition.

This report provides consideration for the appointment of two contractors to undertake works to reconstruct the pavement of the four roads. The proposed works involve pavement rehabilitation and construction, electrical works, drainage improvements and associated works. The assessment regarding Bridge Road is ongoing and will be presented at a future Council meeting.

The tender for Garfield North Road and Taplins Road submitted by QR Construction (Gippsland) Pty Ltd is the most advantageous for Council, providing the best value for money, while the tender for Berglund Road and Army Road submitted by MACA Infrastructure Pty Ltd was the best value for money while providing excellent service.

It is therefore recommended that Contract 18/10 for the construction of Garfield North Road, Garfield North (between Bassed Road and 11m north of driveway at No 235); Berglund Road, Beaconsfield Upper (asphalt section from driveway at No 258 to the base of hill); Taplins Road, Catani (Koo Wee Rup-Longwarry Road to 25m north of Walshes Road) and Army Road, Pakenham (Army Road RAB at Leigh Drive / Kennedy Road) be awarded accordingly.

### **BACKGROUND**

Four roads were identified as a high priority for treatment under Council's asset management systems and through discussions with Council's road maintenance team as they are amongst the

highest for maintenance costs for the shire. Additionally, to provide best value for money for Council, the duplication of Bridge Road in Officer was included in the tender package. These five roads were included in the tender documents associated with CT18/10.

Tenders were advertised on 5 May 2018 and closed on 29 May 2018. A total of three (3) tenders were received.

Tenders were evaluated against the stipulated criteria of Pricing and Value for Money, Compliance with Contract Specifications, Capability and Capacity, Relevant Experience and Past Performance, Quality of Previous Works, Resources Available to Complete the Works, Quality System, Project Plan, OHS, Financial Viability, Risk and Insurance and Environmental Commitments.

The tender advertised contained separate schedules for each listed road, with Council having the option of awarding each of the roads by themselves or in a package to separate tenderers if this demonstrated best value for money for Council.

To provide best value for money, it is recommended that the following roads be awarded:

Road	Awarded to	Tender Price
Garfield North Road, Garfield North	QR Constructions (Gippsland)	\$458,689.00
Taplins Road, Catani	QR Constructions (Gippsland)	\$407,446.40
Berglund Road, Beaconsfield Upper	MACA Infrastructure	\$207,121.40
Army Road, Pakenham	MACA Infrastructure	\$340,415.80
	<b>Total</b>	<b><u>\$1,413,672.60</u></b>

## POLICY IMPLICATIONS

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

## RELEVANCE TO COUNCIL PLAN

These projects are consistent with efforts to "maintain all Council roads in a safe and functional condition in accordance with the Road Management Act 2004" and "upgrade local roads to improve safety" as established in the Council Plan, 2017-2021.

## CONSULTATION/COMMUNICATION

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

## FINANCIAL AND RESOURCE IMPLICATIONS

Funding for these projects has been made available under the 2018/19 Capital Works Program for Roads Renewal

The total cost for the rehabilitation of Garfield North Road, Taplins Road, Berglund Road, and Army Road is \$1,413,672.60 (Excl. GST). There is sufficient funds available in the Capital Works program to award these works.

## CONCLUSION

The tender submitted by QR Construction (Gippsland) Pty Ltd for Garfield North Road, Garfield North and Taplins Road, Catani is considered to be the most beneficial to Council and it is recommended that Contract 18/10 A - Pavement Renewal Works be awarded to QR Construction (Gippsland) Pty Ltd for \$866,135.40 (Excl. GST);

In addition, the tender submitted by MACA Infrastructure Pty Ltd for Berglund Road, Beaconsfield Upper; and Army Road, Pakenham is considered to be the most beneficial for Council and it is recommended that this component of Contract 18/10 B - Pavement Renewal Works be awarded to MACA Infrastructure Pty Ltd for \$547,537.20 (Excl. GST).

## **9 CONTRACT 18/10: 2018-19 PAVEMENT RENEWAL WORKS**

Moved Cr J Owen Seconded Cr C Ryan

That:

1. The tender submitted by QR Construction (Gippsland) Pty Ltd to undertake the works associated with Contract 18/10 A - Pavement Renewal Works at Garfield North Road, Garfield North and Taplins Road, Catani be accepted for the contract sum of \$866,135.40 (Excl. GST);
2. The tender submitted by MACA Infrastructure Pty Ltd to undertake the works associated with Contract 18/10 B - Pavement Renewal Works at Berglund Road, Beaconsfield Upper; and Army Road, Pakenham be accepted for the contract sum of \$547,537.20 (Excl. GST);
3. The remaining Tenderers be advised accordingly; and
4. The common seal of the Council be affixed to the contract documents.

Cd.

## **10 CONTRACT 18/11 COCHRANE PARK TENNIS COURT CONSTRUCTION**

FILE REFERENCE INT1846434

RESPONSIBLE GENERAL MANAGER Michael Ellis

AUTHOR Thomas Nicholls

### **RECOMMENDATION**

That:

1. The tender submitted by AS Lodge Pty Ltd to undertake the works associated with Contract 18/11 Cochrane Park Tennis Court Construction be accepted for the contract sum of \$523,070.00 (Excl. GST);
2. The remaining Tenderers be advised accordingly; and
3. The common seal of the Council be affixed to the contract documents.

### **Attachments**

[1](#) Confidential memorandum circulated to councillors only 4 Pages

### **EXECUTIVE SUMMARY**

Cochrane Park Tennis Club is located in Cochrane Park, Koo Wee Rup. The site currently accommodates two tennis courts which are in poor condition and require replacement. Council is looking to upgrade the tennis courts at Cochrane Park to increase local and surrounding member participation and provide better facilities for the community.

The renewal works include four new tennis courts, lighting, shelters, competition surfacing and fencing.

This report provides consideration for the appointment of a suitably qualified contractor to undertake construction works.

The tender for the Cochrane Park Tennis Courts submitted by AS Lodge Pty Ltd is the most advantageous for Council, providing the best value for money and excellent service through their experience in tennis court construction.

It is therefore recommended that Contract 18/011 for the construction of tennis courts at Cochrane Park be awarded accordingly.

### **BACKGROUND**

Cochrane Park Tennis Courts are in poor condition with a below standard surface, damaged fencing and no lighting for practice or competition. The condition of the current courts make it difficult to attract new local membership. The new tennis court design allows for four new tennis courts on a professional acrylic surface with lighting, shelters and fencing.

Tenders were advertised on 28 April 2018 and closed on 22 May 2018. A total of ten (10) tenders were received.

Tenders were evaluated against the criteria of compliance with the specifications, financial viability, risk and insurance, compliance to conditions of contract, conflict of interest, OHS, quality systems,

quality of previous work, project plan, pricing and value for money, compliance with the specifications, capability, relevant experience and past performance of the tenderer.

To provide best value for money, it is recommended that the Cochrane Park Tennis Court Construction be awarded to AS Lodge Pty Ltd for a sum of \$523,070.00 (Excl. GST).

#### **POLICY IMPLICATIONS**

The works have been developed in accordance with Council's Asset Management Plans, Open Space Strategy, Cultural Heritage Assessment, Recreation Facility Guidelines and Community Facility Guidelines.

#### **RELEVANCE TO COUNCIL PLAN**

The 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**

Throughout the design phase of this facility, consultation has been undertaken with internal managers, coordinators and Councillors for input into the design of the facilities. Various standards that are also applicable to the design have also been included.

#### **FINANCIAL AND RESOURCE IMPLICATIONS**

There is sufficient funding available within the 2018/19 Capital works to award these works.

#### **CONCLUSION**

The tender submitted by AS Lodge Pty Ltd for the Cochrane Park Tennis Court Construction is considered to be the most beneficial to Council and it is recommended that Contract 18/11 - Cochrane Park Tennis Court Construction be awarded to AS Lodge Pty Ltd for \$523,070.00 (Excl. GST).



**10 CONTRACT 18/11 COCHRANE PARK TENNIS COURT CONSTRUCTION**

Moved Cr R Brown Seconded Cr G Moore

That:

1. The tender submitted by AS Lodge Pty Ltd to undertake the works associated with Contract 18/11 Cochrane Park Tennis Court Construction be accepted for the contract sum of \$523,070.00 (Excl. GST);
2. The remaining Tenderers be advised accordingly; and
3. The common seal of the Council be affixed to the contract documents.

Carried Unanimously.

## **11 CONTRACT 18/14 CATANI TENNIS NETBALL COURT CONSTRUCTION**

FILE REFERENCE INT1846506

RESPONSIBLE GENERAL MANAGER Michael Ellis

AUTHOR Thomas Nicholls

### **RECOMMENDATION**

That:

- The tender submitted by AS Lodge Pty Ltd to undertake the works associated with Contract 18/14 Catani Tennis / Netball Construction be accepted for the contract sum of \$373,710.00 (Excl. GST);
- The remaining Tenderers be advised accordingly; and
- The common seal of the Council be affixed to the contract documents.

### **Attachments**

[1](#) Confidential memorandum detailing tenders received circulated to Councillors only 3 Pages

### **EXECUTIVE SUMMARY**

Catani Tennis Netball Club currently houses four tennis / netball courts, which are in poor condition and require replacement. The court's surface is cracked, slippery and in areas unplayable. The netball courts no longer meet the new sizing requirements for competition with Netball Victoria. Council is looking to upgrade the tennis / netball courts at Catani to increase local and surrounding member participation and provide better facilities for the community.

A grant has been awarded through Sport and Recreation Victoria Community Infrastructure Fund for \$100,000.

The available budget makes allowance for the renewal of the two front tennis/netball courts, lighting, competition surfacing and fencing with the rear two courts to be reconstructed at a later date.

This report provides consideration for the appointment of a suitably qualified contractor to undertake reconstruction works.

The tender for the reconstruction of Catani Tennis / Netball Courts submitted by AS Lodge Pty Ltd is the most advantageous for Council, providing the best value for money and excellent service through their experience in tennis court construction.

It is therefore recommended that Contract 18/14 for the reconstruction of two tennis courts at Catani be awarded accordingly.

### **BACKGROUND**

Catani Tennis / Netball Courts are in poor condition with a below standard surface, damaged fencing and no lighting for practice or competition. The condition of the current courts make it difficult to attract new local membership. The new tennis court design allows for two upgraded tennis / netball courts on a professional acrylic surface with lighting and fencing.

Tenders were advertised on 5 May 2018 and closed on 29 May 2018. A total of four (4) tenders were received.

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

To provide best value for money, it is recommended that the Catani Tennis / Netball Court reconstruction be awarded to AS Lodge Pty Ltd for a sum of \$373,710.00 (Excl. GST).

## **POLICY IMPLICATIONS**

The works have been developed in accordance with Council's Asset Management Plans, Open Space Strategy, Cultural Heritage Assessment, Recreation Facility Guidelines and Community Facility Guidelines.

## **RELEVANCE TO COUNCIL PLAN**

The 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**

Throughout the design phase of this facility, consultation has been undertaken with internal managers, coordinators and Councillors for input into the design of the facilities. Various standards that are also applicable to the design have also been included.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The recommended tender submitted by AS Lodge Pty Ltd is for the lump sum price of \$373,710.00 (Excl. GST), is within the funding available to deliver this portion of the project through Councils capital works program and State Government grants.

## **CONCLUSION**

The tender submitted by AS Lodge Pty Ltd for the Catani Tennis / Netball Court Construction is considered to be the most beneficial to Council and it is recommended that Contract 18/14 - Catani Tennis / Netball Court Construction be awarded to AS Lodge Pty Ltd for \$373,710.00 (Excl. GST).

## **11 CONTRACT 18/14 CATANI TENNIS NETBALL COURT CONSTRUCTION**

Moved Cr J Owen Seconded Cr C Ryan

That:

- The tender submitted by AS Lodge Pty Ltd to undertake the works associated with Contract 18/14 Catani Tennis / Netball Construction be accepted for the contract sum of \$373,710.00 (Excl. GST);
- The remaining Tenderers be advised accordingly; and
- The common seal of the Council be affixed to the contract documents.

Cd.

## **12 CONTRACT NO. 18/03 CLEANING & INTERNAL WASTE SERVICES**

FILE REFERENCE INT1846450

RESPONSIBLE GENERAL MANAGER Michael Ellis

AUTHOR Walter Carmignani

### **RECOMMENDATION**

That:

1. Council award the tender from Pickwick Group Pty Ltd for the Cleaning & Internal Waste Services with a tender price of \$718,033.74. The tender price submitted is for the first year of the 3 year term Contract. 1% annum increases will be applied by Pickwick Group for the following 2 years of the term.
2. The common seal of the Council be affixed to the Contract documents.
3. All tenderers be advised accordingly
4. The Confidential Memorandum attached to this report remain confidential indefinitely as it relates to matters specified under Section 89 (2) (d) of the Local Government Act 1989.

### **Attachments**

[1↓](#) Confidential memorandum circulated to councillors only 3 Pages

### **EXECUTIVE SUMMARY**

This report summarises the process and evaluation in seeking to achieve the benefits of competitive pricing, whilst obtaining more detailed cleaning appropriate to Council's needs and improved and better managed outcomes in indoor air quality, delivery performance, customer service, quality control, OHS and risk management.

The recommendations in this report have been formally endorsed by the evaluation panel.

### **BACKGROUND**

The Facilities Maintenance and Management Services (FMM) contract under the past contractor UMS, provided for the management and delivery of Cleaning Services. With the recent advent of the re-tendering of the provision of the FMM Services, the Cleaning Service has been annexed from the new FMM contract, to achieve improved quality, better performance and a competitive market price.

The present contractors are Mermaid Property Services (Civic Centre, Pakenham Hall and providing sanitary napkin disposal) and Pickwick Group (which have 21no. buildings such as Childrens' Services, Depot, Community Centres, Libraries, Youth and the Cultural Centre, 34no. Public Amenities, 50no. BBQs and also provide relative sanitary napkin disposal).

Both service providers have been operating the Cleaning Service at Cardinia since 2012, delivering an acceptable level of service, and when and where required, immediately attending to and addressing customer complaints. Both service providers have been responsive and have been compliant with the expectations of the agreement as set with UMS.

In reviewing the existing arrangement, the new Contract has a number of added provisions such as greater control by Council when using sub-contractors, improved risk management - e.g. particularly in addressing cross-contamination in the use of mops over different surfaces, introduction of strict key performance indicators with formalised electronic reporting, added cleaning frequencies and a broader scope for cleaning in various buildings.

In providing best value outcomes:

- A community and client/stakeholder consultation process was implemented to seek feedback on present cleaning standards and in reviewing expectations. The received feedback and comments have been included as part of the revision of the relevant documentation.
- An external cleaning service consultant was engaged to help to prepare relevant specifications, cleaning activity schedules, inform on pricing structure to be adopted and in developing a plan to achieve desired objectives.
- Expressions of interest were sought initially from cleaning service providers, before enacting the pricing of the Service.
- The EOI process delivered seventeen (17) responses. In order for any EOI to progress to tender pricing, an evaluation panel considered all submissions together with reference checks attesting in particular to achieved delivery outcomes. Six (6) EOIs were selected to tender. Of the six (6) EOIs chosen, only five (5) submitted a tender price, with all conforming to the tender requirements.

In summary the best offer was tendered by Pickwick Group and includes:

- The lowest tendered price with only a 1% price increase per annum over the term of the Contract, providing best overall financial benefit to Council.
- Supporting good references across a variety of industry areas such as Health, Government and the Commercial sectors. All references spoke highly of Pickwick Group being a responsible, fair, innovative and achiever of quality service outcomes.
- A national service provider that is respected and well established, providing very good personalised cleaning services across numerous industry sectors such as Health, Government, Private, Commercial, with more than 1000 staff in Victoria alone.
- Various innovations to better approach cleaning needs, improve the quality outcomes from this Service, and in reducing ongoing servicing costs. Some innovations are (a) hospital quality cleaning of surfaces 99.9% germ free using a new product called Tersano; (b) introduction of IMop which combines typical mopping activities with an automated powerful scrubbing motion, thereby improving the finish quality; (c) use of specialist filters in plant and equipment, thereby reducing culmination of dust and improving air quality; (d) introduction of decomposable bags for rubbish, positively minimising environmental impact.
- Engaging at least 2no. people from socially disadvantaged backgrounds as part of their staff resourcing in the delivery of the Service.
- A demonstrated focussed Customer Service philosophy with an effective delivery model.
- Meeting local economic sustainability requirements by engaging locals in the delivery of the Service.

Please refer to the Confidential Memorandum for further details.

## **POLICY IMPLICATIONS**

Nil.

## **RELEVANCE TO COUNCIL PLAN**

The provision of the Cleaning & Internal Waste Services addresses the following key result areas and objectives of the Council Plan:

**1.1** Access to a variety of for all.

**1.1.1** Continually review services to ensure those provided by Council meet Community needs.

- 1.7 Minimised impact of emergencies.
  - 1.7.1 Implement plans that support people in times of emergency.
  - 1.7.2 Implement effective plans and procedures that minimise the impact of all emergencies in the Shire.
- 2.1 Our diverse Community requirements met.
  - 2.1.4 Plan for the provision of facilities to service and support the changing Community.
- 3.1 Provision and maintenance of assets on a life-cycle basis.
  - 3.1.3 Provide accessible facilities to meet identified Community needs.
- 4.1 Increased business diversity in Cardinia Shire.
  - 4.1.1 Plan for and support local employment opportunities.
  - 4.1.2 Support the development of existing and new businesses within the Shire.
  - 4.1.6 Encourage procurement of local products and services.
- 5.3 Long term financial sustainability.
  - 5.3.1 Make financial decisions that achieve the objectives of Council and long-term financial sustainability.
  - 5.3.5 Identify ways to contain Council's cost base by a focus on innovation and efficiency.

## CONSULTATION/COMMUNICATION

The Community, Clients and Stakeholders were engaged throughout the process to ensure alignment with Community and Council's expectations on achieving best value outcomes, in delivering a Contract that fulfils best practice in the provision of the Cleaning & Internal Waste Services, and in supporting Council's strategy for long term financial sustainability.

Feedback received from Community consultation meetings held in various Wards, written and verbal comments, including from Clients and Stakeholders have been all been included in the relevant Cleaning Service documents.

## FINANCIAL AND RESOURCE IMPLICATIONS

The recommended contractor is the current main Cleaning Service contractor (Pickwick Group) providing cleaning services to the Council, except at the Civic Centre and Pakenham Hall. To ensure a proper set up across all required buildings and assets, a short transition has been included, with the new Contract commencing on 30 July 2018.

The new Contract has been set as a 3 year term Contract with 3no. x 1 year options, which can be exercised by Council.

The Standard Financial Assessment has been carried out and the determination is a rating of 'Sound' with subsequent 'Pass' relating to financial position.

17/18FY budget for Cleaning - \$730,000.00  
Pickwick Group Tender Price submitted for consideration - \$718,033.74.

Thus, the new Contract spend can be accommodated from existing 17/18FY Cleaning budget provisions.

Please note that the new Contract allows for any existing buildings to be removed or added to the Contract, depending on circumstances. Where a new building may need to be added, thereby

changing the Contract price, the submitted Schedule of Rates, as part of the tendered pricing, will inform the basis for the additional costs.

## CONCLUSION

The re-tendering of the Cleaning Service has facilitated the opportunity to explore best value and best practice in the provision of the Cleaning & Internal Waste Services and in aligning these with new and growing demands across the Shire of Cardinia.

Considerations in the new Contract to Social, Environmental, Financial Sustainability and Performance Management will provide greater long term benefits to both the Council and our Community, including a clearer and transparent working relationship with the recommended Contractor.

With this in mind, it is recommended that Council endorse the recommendations in this report and award the tender to Pickwick Group Pty Ltd for the provision of the Cleaning & Internal Waste Services to the Shire of Cardinia.



## **12 CONTRACT NO. 18/03 CLEANING & INTERNAL WASTE SERVICES**

Moved Cr B Owen Seconded Cr M Schilling

That:

1. Council award the tender from Pickwick Group Pty Ltd for the Cleaning & Internal Waste Services with a tender price of \$718,033.74. The tender price submitted is for the first year of the 3 year term Contract. 1% annum increases will be applied by Pickwick Group for the following 2 years of the term.
2. The common seal of the Council be affixed to the Contract documents.
3. All tenderers be advised accordingly
4. The Confidential Memorandum attached to this report remain confidential indefinitely as it relates to matters specified under Section 89 (2) (d) of the Local Government Act 1989.

Carried Unanimously.

## **13 TRANSITIONAL WOMEN'S HOUSING - MAIN STREET PAKENHAM**

FILE REFERENCE INT1846433

RESPONSIBLE GENERAL MANAGER Jenny Scicluna

AUTHOR Petrina Dodds Buckley

### **RECOMMENDATION**

That Council resolves to:

- Execute the development agreement with WAYSS Ltd on the key terms set out in the report once the final form of the agreement has been agreed to by all parties.
- Give public notice in accordance with the provisions of Section 190 and 223 of the Local Government Act 1989 of the proposal to lease 6-10 Main Street Pakenham to WAYSS Ltd or another Registered Housing Agency under the Housing Act 1983 by private agreement, in accordance with Council Policy, and for the purpose of providing affordable housing. The lease will be conditional upon a planning permit being issued by Council. The principal terms of the lease to be:
  - Fixed Term – 50 years.
  - Commencement date – pending certificate of occupancy.
  - Rent – Nominal.
- In the event of submissions being received, a Committee comprising the Central Ward Councillors be convened to hear the submissions and the Acting Chief Executive Officer be authorised to make the arrangements to convene such a meeting.

### **Attachments**

*Nil.*

### **EXECUTIVE SUMMARY**

- The intention of this report is to update Council on the Transitional Women's Housing development in Main St Pakenham as presented to Council Briefing 16 October 2017.
- This housing will provide short term (1-2 years) accommodation for women and children who are homeless or at risk of homelessness due to current or immediate family violence.
- This project involves four partners, these being; The Peter and Lyndy White Foundation, WAYSS, Windermere and Cardinia Shire Council. WAYSS will be the leading partner.
- Council will enter into two legal agreements with WAYSS. These being: a Development Agreement and a Lease Agreement.
- These documents are currently in draft to be finalised by 31 July 2018.
- A Planning Application has been submitted and is currently being managed by Council's Planning department.

### **BACKGROUND**

#### **Project Description**

To provide Transitional Housing for a period of up to 2 years for women and women with children who are homeless or at risk of homelessness due to current or immediate family violence.

**Project Purpose**

To provide security, stability and support to enable tenants to live positively and to flourish and live independently of support services. Throughout the tenancy the key focus will be on life skills development, community connectedness, access to resources and opportunities for tenants to identify life changes they want to achieve and maintain. Supported through targeted case management key areas will include accessing and maintaining stable accommodation, positive parenting, community engagement and participation in education/training/employment.

**Project Target**

Women and women with children who are homeless or at risk of homelessness due to current or immediate family violence, with links to Cardinia Shire and a demonstrated commitment to obtaining independent accommodation and sustain positive life change. The project will not target individuals with chronic drug and alcohol dependency, and or severe mental health issues where the intensity of case management and specialised practitioner skills sit outside the scope of Transitional Housing.

**Site**

6-10 Main Street Pakenham. This site is in walking distance to schools, services and transport. It is also in close proximity to the new Pakenham Health Centre, the Living and Learning educational and community centre and a number of recreational facilities.

**Building design**

- International literature demonstrates that normality and permanence of housing, together with tenant autonomy and self-determination, are critical features of supportive housing.
- The design is based on principles of indistinguishable housing intended to promote normality and community integration to foster independence.
- This low to medium density development will aim to support tenants around being cooperative, encourage behaviours that accommodate the needs of others and a sense of community belonging.
- There will be ten units comprising of 2, 3 and 4 bedroom apartments.
- There will also be a support office to accommodate workers and provide space for small group activities and counselling services.

**Legal Agreements**

These arrangements or transactions will be implemented through two agreements as set out below. These documents are still in draft to be completed by 31 July 2018.

**Development Agreement**

It is proposed that Council will enter into a long-term lease of the property with WAYSS, provided that certain conditions are fulfilled. Those conditions are captured in the development agreement – the conditions include obtaining development approval, secure funding for the project and construct the dwellings on the land as per the agreed design. Once the agreed works are completed, the lease will commence.

**Lease**

It is proposed that the lease will commence when the dwellings have a certificate of occupancy. WAYSS will be granted a long-term lease (50 years) allowing the use of the properties by WAYSS to grant affordable housing to vulnerable women and children. WAYSS will be responsible for regular cleaning and upkeep of the property. Council will be responsible for upkeep of the gardens, plus structural and capital maintenance. The lease will include suitable terms and conditions for a long-term lease of Council land.

## **POLICY IMPLICATIONS**

### **Cardinia's Liveability Health Plan 2017 -2029 (Municipal Public Health and Wellbeing Plan)**

Housing has been identified as a critical health issue in our community and as such is a dedicated policy domain area. Living in lower-quality housing has been associated with poorer mental health and higher rates of infectious diseases, respiratory problems, and injuries. Those who live in rented accommodation have worse physical and mental health than owner-occupiers, and some studies have shown housing tenure to be a better predictor of health compared to other measures.

### **Together We Can**

Council has committed to the large collective impact project 'Together We Can' in partnership with Family Life. This project sees involvement from every sector to act in preventing and ending family violence in Cardinia Shire. Family Violence is recognised as a strong cause of homelessness for women, children and youth.

## **RELEVANCE TO COUNCIL PLAN**

### **Our Community**

- Improved health and wellbeing of our residents - Assist with establishing partnerships and social infrastructure opportunities that improve health and wellbeing outcomes for residents
- Our diverse requirements are met - Promote access to a mix of housing types to cater for the varying needs of people in the Cardinia community.

### **Our People**

- Access to a variety of services for all - routinely review overall community needs for services and either deliver or advocate for others to provide services to meet these needs.
- Improved health and wellbeing for all - Support children, young people, families, older adults and people with disabilities by providing a range of accessible services and facilities

## **CONSULTATION/COMMUNICATION**

Consultation has been undertaken with all parties and Council's Statutory Planning Department.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Council will be responsible for the ongoing maintenance of the building and grounds.

## **CONCLUSION**

The development of Women's Transitional Housing for women and children will provide security, stability and enable tenants to live positively and to flourish and become independent from support services. Women will be provided opportunities to develop life skills, engage with the community, access resources and consider life changes they want to achieve and maintain. Through case management, key focus areas will include, accessing and maintaining stable accommodation, positive parenting, and participation in education/training/employment. This initiative supports Council's commitment to Together We Can.

### **13 TRANSITIONAL WOMEN'S HOUSING - MAIN STREET PAKENHAM**

Moved Cr M Schilling Seconded Cr C Ryan

That Council resolves to:

- Execute the development agreement with WAYSS Ltd on the key terms set out in the report once the final form of the agreement has been agreed to by all parties.
- Give public notice in accordance with the provisions of Section 190 and 223 of the Local Government Act 1989 of the proposal to lease 6-10 Main Street Pakenham to WAYSS Ltd or another Registered Housing Agency under the Housing Act 1983 by private agreement, in accordance with Council Policy, and for the purpose of providing affordable housing. The lease will be conditional upon a planning permit being issued by Council. The principal terms of the lease to be:
  - Fixed Term – 50 years.
  - Commencement date – pending certificate of occupancy.
  - Rent – Nominal.
- In the event of submissions being received, a Committee comprising the Central Ward Councillors be convened to hear the submissions and the Acting Chief Executive Officer be authorised to make the arrangements to convene such a meeting.

Carried Unanimously.

## **14 RAILWAY AVENUE, PAKENHAM ROAD CLOSURE**

FILE REFERENCE INT1846464

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 Railway Avenue, Pakenham at Racecourse Road 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.
- 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**

*Nil.*

### **EXECUTIVE SUMMARY**

Railway Avenue, Pakenham runs along the railway line on the north side of the train station between Main Street and Racecourse Road. It currently acts as the main and only local access to and from the eastern side of the Pakenham town centre. The intersection of Railway Avenue and Racecourse Road is currently unsafe due to sub-standard sightlines. In order to address this issue, it is proposed to close Railway Avenue at the intersection, as soon as a safe alternative is available.

The opening of Henry Street in the near future will provide a safer option. Once this alternative is available, it is proposed to close Railway Avenue at the intersection with Racecourse Road, due to safety issues at this intersection.

The Henry Street intersection is a signalised intersection designed to current standards. Henry Street has been designed as a collector street and provides a safe alternative with capacity for the current traffic using Railway Avenue. It was envisaged to replace Railway Avenue as the eastern entrance into the Pakenham Town Centre in the development of the former Racecourse site.

Consultation will be required with Public Transport Victoria and VicRoads.

As the closure of Railway Avenue at Racecourse Road is a permanent road obstruction, 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**

Railway Avenue, Pakenham runs along the railway line on the north side of the train station between Main Street and Racecourse Road. It currently acts as the main and only local road access to and from the western side of the Pakenham Town Centre. This will change with the opening of Henry Street in the near future, which will provide a safer alternative. Once this alternative is available, it is proposed to close Railway Avenue at the intersection with Racecourse Road, due to safety issues at this intersection.

The intersection of Railway Avenue, Racecourse Road and Campbell Street is an un-signalised intersection with the railway level crossing to the immediate south. The Railway Avenue leg of the intersection is controlled by a stop sign, due to the sub-standard sightline to the south. The sight line to the south is less than the absolute minimum and well below the ideal safe intersection sight distance (SISD). The SISD provides enough sight for a motorist on the major road to identify a vehicle and stop before a collision should a motorist from the minor road fail to give way to the vehicle on the major road.



As the sight line issues at this intersection are created by the railway level crossing it is not possible to treat this intersection without altering the railway level crossing, which would be a multi-million dollar project.

Railway Avenue currently has an average traffic volume of 4,407 vehicles per day, which has had an increase of less than 200 vehicles per day in the last 10 years. The road also provides overflow on-street parking for the train station.

The Henry Street intersection is a signalised intersection designed to current standards. Henry Street has been designed as a collector street and provides a safe alternative with capacity for the current traffic using Railway Avenue. Henry Street also provides a more direct route into the town centre than Railway Avenue. As part of the former racecourse development site, the new Henry Street signalised access to Racecourse Road was envisaged to ultimately replace the substandard Railway Avenue and Racecourse Road intersection when developed.

Railway Avenue is currently the route for the 840, 927, 928 and 929 bus services along with train replacement bus services. Henry Street is a suitable alternative for these services as the signalised intersection will reduce delays when the buses are turning at Racecourse Road. Henry St has also been designed and built with bus stop provisions along the length of the road, which have been located in consultation with Public Transport Victoria (PTV). These bus stops will have greater passive surveillance, which will improve the safety for public transport patrons waiting for a bus. Council officers will consult with PTV to confirm that there are no impacts to existing services. It is

expected that PTV may have already commenced relocating some services to the Henry Street route by the time this consultation occurs.

The works to close the intersection will be in keeping with the surrounding area and will be undertaken in consultation with VicRoads, as the responsible Authority for the intersection and Racecourse Road. Initial discussions with VicRoads and PTV have indicated their preliminary support for the proposed closure. The proposed closure will include a turn bowl arrangement for vehicles to turn around at the dead end of Railway Avenue. In addition, the closing of this intersection provides opportunities to improve parking for the train station along this truncated length of road.

Ultimately Racecourse Road will be grade separated at the railway line. Given the close proximity of the intersection to the existing railway level crossing, this intersection will need to be closed to allow for the grade separation. There will also be a railway underpass connecting Webster Way to Henry Street which will also go under Railway Avenue.

It is proposed to time the closure of Railway Avenue to as close as possible to the opening of the Henry Street and Racecourse Road intersection so that it occurs, whilst motorists are still adjusting their driving habits to the new intersection.

As the closure of Railway Avenue at Racecourse Road is a permanent road obstruction, 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:

- 1.6.1. Work with the Police, Victorian Government and the community to improve safety in homes, businesses, public places and roads.
- 3.1.1. Maintain all Council roads and supporting infrastructure in accordance with the Road Management Act 2004.
- 3.2.1. Upgrade Council roads to improve safety while considering the traffic demand of the community.
- 3.2.3. Develop transport networks that incorporate effective public transport.

## **CONSULTATION/COMMUNICATION**

A permanent road obstruction 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.

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 a selection 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 July Council meeting and is published shortly following the opening of Henry Street and Racecourse Road intersection.



Consultation will also need to be undertaken with VicRoads as the responsible Authority for the intersection and with Public Transport Victoria as Railway Avenue is currently a bus route.

Should no submissions be received, the Chief Executive Officer should be authorised on behalf of Council to affect the proposal.<Enter text here>

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The closure of Railway Avenue at the intersection with Racecourse road is expected to reduce maintenance costs in the long term as the current 4B Local Collector road classification can be reduced to a 4C Local Access road reducing the maintenance requirements.

The closure of the intersection is expected to cost up to \$100,000 and can be incorporated into the 2018/2019 roads rehabilitation program.

Council officers will need to identify and issue amendments to any planning permits that are restricted to having their delivery vehicles access their premises within the town centre via Railway Avenue to have this access amended to be via Henry Street (i.e. Pakenham Marketplace).

Future parking improvement opportunities will be considered separately. There are grant opportunities to improve parking around railway stations that may be able to fund these works.

## **CONCLUSION**

The intersection of Railway Avenue and Racecourse Road is currently unsafe due to sub-standard sightlines. To address this issue, it is proposed to close Railway Avenue at the intersection as soon as a safe alternative is available. A suitable alternative route will become available via the Henry Street and Racecourse Road signalised intersection, which is designed in accordance with current safety standards. As this is a permanent road obstruction, a public notice must be published and consultation undertaken in accordance with the Local Government Act, 1989.

## **14 RAILWAY AVENUE, PAKENHAM ROAD CLOSURE**

Moved Cr J Owen Seconded Cr C Ryan

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 Railway Avenue, Pakenham at Racecourse Road 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.
- 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.

## **15 APPOINTMENT - TEAM 11 SPECIAL COMMITTEE**

FILE REFERENCE INT1846312

RESPONSIBLE GENERAL MANAGER Michael Ellis

AUTHOR Doug Evans

### **RECOMMENDATION**

In exercise of the powers conferred by sections 86 and 87 of the *Local Government Act 1989 (LG Act)*, Council resolves that:

1. From the date of this resolution, there be established as a special committee to be known as the Team 11 Special Committee.
2. The purposes of the Committee are those set out in the Terms of Reference and Instrument of Delegation attached.
3. The membership of the Committee is as stated in the Terms of Reference and Instrument of Delegation attached.
4. The Committee is required to report to Council at the intervals specified in the Terms of Reference and Instrument of Delegation attached.
5. All members of the Committee have voting rights on the Committee.
6. There be delegated to the Committee the powers, functions and duties set out in the Terms of Reference and Instrument of Delegation attached.
7. The Terms of Reference and Instrument of Delegation:
  - 7.1 come into force immediately when the common seal of Council is affixed to them; and
  - 7.2 remain in force until Council determines to vary or revoke them.
8. The powers, functions and duties conferred on the Committee by the Terms of Reference and Instrument of Delegation must be exercised in accordance with any guidelines or policies Council may from time to time adopt.
9. Council's Common Seal be affixed to the Terms of Reference and Instrument of Delegation in the form attached.

### **Attachments**

[1](#) Terms of Reference and Instrument of Delegation 7 Pages

### **EXECUTIVE SUMMARY**

To establish a special committee pursuant to section 86 of the *Local Government Act 1989 (LG Act)* (Committee) for the purpose of progressing a joint bid by Council, Greater Dandenong City Council and Casey City Council (the Councils) to Football Federation Australia (FFA) to be one of two teams to be added to the Hyundai A-League Competition, to delegate necessary powers, functions and duties to the Committee and to enter into a Memorandum of Understanding for that purpose.

## BACKGROUND

Council is supporting and facilitating the establishment and operations of a consortium known as South-East Melbourne Team 11 to tender to be one of the two proposed clubs to be added to the Hyundai A-League competition in the 2019/20 season.

If the bid is successful, the Council will consider implementing certain infrastructure arrangements to support the proposed club, although this report does not deal with any such arrangements.

The Councils entered into a Memorandum of Understanding in relation to the proposed bid on 4 May 2017 and which has recently been re-signed.

On 29 June, FFA announced that the Councils' EOI bid had been successful and that they have been invited to participate in the request for proposal (RFP) phase of the FFA selection process, with proposals to be submitted by 31 August and a decision to be made by October 2018.

Depending on FFA's requirements, a corporate entity may need to be established prior to submission of RFP bid. The Councils will not be forming a company for this purpose, but may need to facilitate the establishment of a company through the Special Committee.

To assist the Councils with the preparation, finalisation and submission of the RFP, and to facilitate the establishment of a company if required, it is proposed that each of the Councils will:

1. establish a Team 11 Special Committee pursuant to section 86 of the LG Act; and
2. delegate to the Team 11 Special Committee the powers, functions and duties necessary for its purposes.

### The Team 11 Special Committee

The Terms of Reference and Instrument of Delegation attached to this report provide for the establishment of the Team 11 Special Committee (Committee) and for Council to delegate certain powers, functions and duties to the Committee for the purposes of the RFP.

Each of the Councils will establish a Committee on identical terms and delegate the same powers, functions and duties to the Committee that it establishes. This is necessary because Council cannot, under s 86 of the LG Act, delegate powers, functions and duties to a special committee established by another council.

The Committee will:

1. have as its members the persons appointed to, or acting in, the position of Chief Executive Officer from time to time;
2. be established for the purposes of:
  - 2.1. coordinating developing, finalising and submitting the RFP, subject to a budget agreed between the Councils from time to time;
  - 2.2. identifying opportunities for collaboration with, sponsorship by and funding from parties external to the Councils to progress the RFP;
  - 2.3. engaging consultants and contractors as required to progress the RFP;

- 2.4. reporting to Council on a regular basis about the progress of the RFP;
  - 2.5. undertaking such other activities related to, and necessary for, the progress of the RFP;
  - 2.6. facilitating the establishment of a company which will be responsible for implementing the RFP, including:
    - 2.6.1. preparing the Constitution of the company; and
    - 2.6.2. identifying initial investors in the club according to criteria established and adopted by the Committee from time to time; and
  - 2.7. undertaking such other activities related to, and necessary for, implementation of the RFP.
3. have delegated to it the powers and functions set out in the Terms of Reference and Instrument of Delegation;
  4. conduct its meetings in accordance with procedures established by the Committee from time to time; and
  5. report to Council at least once every two months.

By delegating the relevant powers and functions to the Committee, the Committee will be able to meet and make decisions that are binding on the Councils in a more rapid and responsive way than might otherwise be permitted if a resolution of Council was required on each occasion.

The Councils will be kept informed of progress of the RFP by regular reporting from the Committee.

It is intended that the Committee will cease to operate if the RFP bid is unsuccessful or, if it is successful, following the transition of the role to implement the bid to a corporate entity.

## **POLICY IMPLICATIONS**

Nil

## **RELEVANCE TO COUNCIL PLAN**

The establishment and operations of a consortium known as South-East Melbourne Team 11 to tender to be one of the two proposed clubs to be added to the Hyundai A-League competition in the 2019/20 season is in keeping with the Council Plan goals 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
- Advocate for the delivery of small and large scale projects that enhance and drive economic activity.

## **CONSULTATION/COMMUNICATION**

---

Significant consultation has occurred between the participating Councils in regard to Team 11

#### **FINANCIAL AND RESOURCE IMPLICATIONS**

Allowance has been made in the 18/19 Budget for the operation of the Committee

#### **CONCLUSION**

Having regard to Council's commitment to the success of the RFP and the cooperation between the Councils, it is recommended that Council resolves in the terms of the Officer Recommendation to:

- establish the Committee; and
- delegate the relevant powers, functions and duties to the Committee.

# TEAM 11 SPECIAL COMMITTEE

## TERMS OF REFERENCE

### 1. BACKGROUND

- 1.1 By this Terms of Reference document, Cardinia Shire Council (**Council**) establishes the Team 11 Special Committee (**Committee**) pursuant to section 86 of the *Local Government Act 1989 (LGA)*.
- 1.2 The Committee is established for the purpose of progressing a joint bid by Council, Greater Dandenong City Council and Casey City Council (**Team 11 Councils**) to be one of two proposed clubs to be added to the Hyundai A-League Competition.
- 1.3 The Committee has the powers and functions of Council as set out in these Terms of Reference and the Instrument of Delegation. These Terms of Reference set out the structure and basis on which the Committee can make decisions for and on behalf of Council.
- 1.4 These Terms of Reference are authorised by a resolution of Cardinia Shire Council of Council passed on Monday 16 July 2018.

### 2. PURPOSE

The Committee is established for the purposes of:

- 2.1 coordinating developing, finalising and submitting a Request for Proposal (**RFP**) to be one of two proposed clubs to be added to the Hyundai A-League Competition, subject to a budget agreed between the Councils from time to time;
- 2.2 identifying opportunities for collaboration with, sponsorship by and funding from parties external to the Team 11 Councils to progress the RFP;
- 2.3 engaging consultants and contractors as required to progress the RFP;
- 2.4 reporting to Council on a regular basis about the progress of the RFP;
- 2.5 undertaking such other activities related to, and necessary for, the progress of the RFP;
- 2.6 facilitating the establishment of a company which will be responsible for implementing the RFP, including:
  - 2.6.1 preparing the Constitution of the company; and
  - 2.6.2 identifying initial investors in the club according to criteria established and adopted by the Committee from time to time; and
- 2.7 undertaking such other activities related to, and necessary for, implementation of the RFP.

### 3. OBJECTIVES

The objectives of the Committee are to:

- 3.1 develop, finalise and submit the RFP in a form that provides the Team 11 Councils with the best possible prospect of success; and
- 3.2 facilitate the establishment of a company to implement the RFP, if it is successful.

#### **4. ROLES AND RESPONSIBILITY**

The role of the Committee is to exercise Council's powers and carry out Council's functions, in accordance with these Terms of Reference and as permitted by the Instrument of Delegation, for the purposes of the RFP and its implementation, if successful.

#### **5. DELEGATION OF POWERS, DUTIES AND FUNCTIONS**

- 5.1 In order to fulfil and carry out its purposes and objectives, Council delegates to the Committee, pursuant to section 86(3) of the LGA, the powers and functions set out in the Instrument of Delegation made by Council on 16 July 2018 and attached to these Terms of Reference.
- 5.2 The powers and functions of Council conferred on the Committee by these Terms of Reference and Instrument of Delegation must be exercised in accordance with any guidelines or policies that Council may from time to time adopt.
- 5.3 Committee members are at all times expected to act in accordance with their responsibilities set out in Division 1A of Part 4 of the LGA.

#### **6. MEMBERSHIP**

- 6.1 The Committee will consist of three (3) members, being:
  - 6.1.1 the person appointed to or acting in the position of Chief Executive Officer of Council from time to time;
  - 6.1.2 the person appointed to or acting in the position of Chief Executive Officer of Greater Dandenong City Council from time to time; and
  - 6.1.3 the person appointed to or acting in the position of Chief Executive Officer of Casey City Council from time to time.
- 6.2 Each Committee member is entitled to nominate another Officer of their Council to attend meetings of the Committee in their place and to exercise their vote (**Proxy**). An email from the Committee member to the Proxy advising of their nomination for one or more Committee meetings will be sufficient to show that the Proxy was duly nominated to attend those Committee meetings.
- 6.3 Council Officers who attend the meetings of the Committee (other than as a Proxy) are to provide advice and support to the Committee and are not considered Committee members and do not have voting rights.
- 6.4 Each Committee member has and may exercise one equal vote on any question before the Committee for determination.
- 6.5 The Chief Executive Officer of Greater Dandenong City Council will be the Chairperson of the Committee.

#### **7. MEETINGS**

- 7.1 Committee meetings will be conducted in accordance with procedures determined by the Committee from time to time.



- 7.2 The Committee will meet at least on a monthly basis, as agreed by the Committee from time to time.
- 7.3 A quorum of the Committee will be all three members.
- 7.4 Voting at Committee meetings will be conducted in accordance with the provisions of the LGA.
- 7.5 Sub committees may be appointed by the Committee and meet between Committee meetings and as authorised by the full Committee. Sub committees do not have any delegated powers.

**8. FINANCIAL RECORDS**

- 8.1 The Committee will keep books of account and such records will form part of the accounts of Council and therefore be subject to audit by Council's auditor.
- 8.2 The Committee will prepare an annual financial statement as part of the audit process.
- 8.3 The Committee will immediately comply with any request from Council to provide access to, or copies of, the Committee's books of account.

**9. REPORTING**

- 9.1 The Committee is responsible for taking proper minutes of all meetings and preparing reports for the Committee's consideration in accordance with the procedures determined by the Committee from time to time.
- 9.2 Minutes of all Committee meetings must be forwarded to Council's Chief Executive Officer as soon as practicable after adoption by the Committee.
- 9.3 The Committee must brief Council on its activities and financial position upon being required to do so by Council and, in any event, at least once every two months.

**10. ADMINISTRATION**

- 10.1 Greater Dandenong City Council agrees to resource the keeping of the Committee's financial records and the reporting of the Committee's activities.

**11. CREATION AND DISSOLUTION**

- 11.1 By these Terms of Reference the:
  - 11.1.1 Committee is established; and
  - 11.1.2 powers and functions of the Committee, as set out in the Instrument of Delegation, are delegated.
- 11.2 These Terms of Reference and the Instrument of Delegation:
  - 11.2.1 come into force immediately upon Council's common seal being affixed to them; and
  - 11.2.2 remain in force until Council resolves to vary or revoke both or either of them.
- 11.3 The Committee must be dissolved by a resolution of Council.

Dated: 16 July 2018

**THE COMMON SEAL** of **Cardinia Shire Council** was )  
hereunto affixed in the presence of: )  
)

Signed by:

..... COUNCILLOR

..... CHIEF EXECUTIVE OFFICER

ATTACHMENT

**Cardinia Shire Council  
Instrument of Delegation  
Team 11 Special Committee**

In exercise of the power conferred by section 86(3) of the *Local Government Act 1989 (LG Act)* Cardinia Shire Council (**Council**) delegates to the special committee established by resolution of Council passed on 16 July 2018 and known as the "Team 11 Special Committee" (**the Committee**), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on 16 July 2018;
2. the delegation:
  - 2.1 comes into force immediately upon Council's common seal being affixed to this Instrument of Delegation;
  - 2.2 remains in force until Council resolves to vary or revoke it; and
  - 2.3 is to be exercised in accordance with the guidelines or policies which Council from time to time adopts.

## SCHEDULE

### Powers and functions

To exercise Council's powers and functions and to perform Council's duties in relation to the joint Request for Proposal (**RFP**) by Council, Greater Dandenong City Council and Casey City Council (**Team 11 Councils**) to be one of two teams to be added to the Hyundai A-League Competition, and to implement the RFP if it is successful, and for those purposes to:

1. oversee the development, finalisation and submission of the RFP;
2. approve expenditure which relates to the development, finalisation and submission of the RFP, within a budget set by the Team 11 Councils from time to time;
3. employ such persons and engage such contractors as it considers necessary or desirable for the development, finalisation and submission of the RFP within the Budget set by Council from time to time;
4. at least once every two months brief Council on the progress of the RFP;
5. facilitate the establishment of a company which will be responsible for implementing the RFP, including:
  - 5.1 preparing the Constitution of the company; and
  - 5.2 executing such documentation as is required for that establishment;
6. approve expenditure which relates to the establishment of a company and the broad implementation of the RFP within the Budget set by Council from time to time;
7. employ such persons and engage such contractors as it considers necessary or desirable for the establishment of company and the broad implementation of the RFP within the Budget set by Council from time to time;
8. enter into contracts for the acquisition of goods or services as it considers necessary or desirable for implementation of the RFP within the Budget set by Council from time to time;
9. exercise, where appropriate, the powers conferred by the Instrument of Delegation;
10. perform such other functions as Council confers on the Committee from time to time; and
11. do all things necessary or convenient to be done which are incidental to the performance of any of the functions or exercise of any of the powers set out above.

### Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

12. enter into contracts, or incur expenditure, for an amount which exceeds an amount previously determined by Council; or
13. sell any land or enter into a lease of land;
14. participate in the formation of a company, trust or other entity;

15. exercise the powers which, by force section 86 of the LG Act, cannot be delegated.

Dated: 16 July 2018

**THE COMMON SEAL of Cardinia Shire Council** was )  
hereunto affixed in the presence of: )  
)

Signed by:

..... COUNCILLOR

..... CHIEF EXECUTIVE OFFICER

## **15 APPOINTMENT - TEAM 11 SPECIAL COMMITTEE**

Moved Cr J Owen Seconded Cr C Ryan

In exercise of the powers conferred by sections 86 and 87 of the *Local Government Act 1989 (LG Act)*, Council resolves that:

1. From the date of this resolution, there be established as a special committee to be known as the Team 11 Special Committee.
2. The purposes of the Committee are those set out in the Terms of Reference and Instrument of Delegation attached.
3. The membership of the Committee is as stated in the Terms of Reference and Instrument of Delegation attached.
4. The Committee is required to report to Council at the intervals specified in the Terms of Reference and Instrument of Delegation attached.
5. All members of the Committee have voting rights on the Committee.
6. There be delegated to the Committee the powers, functions and duties set out in the Terms of Reference and Instrument of Delegation attached.
7. The Terms of Reference and Instrument of Delegation:
  - 7.1 come into force immediately when the common seal of Council is affixed to them; and
  - 7.2 remain in force until Council determines to vary or revoke them.
8. The powers, functions and duties conferred on the Committee by the Terms of Reference and Instrument of Delegation must be exercised in accordance with any guidelines or policies Council may from time to time adopt.
9. Council's Common Seal be affixed to the Terms of Reference and Instrument of Delegation in the form attached.

Cd.

Cr Brett Owen having declared an indirect conflict of interest in this Item left the Council Chamber at this stage.

## **16 APPOINTMENT OF COMMITTEE MEMBERS TO: THE EMERALD VILLAGE COMMITTEE**

FILE REFERENCE INT1846185

RESPONSIBLE GENERAL MANAGER Jenny Scicluna

AUTHOR Kym Ockerby

### **RECOMMENDATION**

That the following amendments and appointments be made to the Committee for Emerald Village under Section 86 of the Local Government Act (1989).

- Christine Weller Committee member
- Julie Buxton Committee member

These appointments fill vacancies that were on the Committee

### **Attachments**

*Nil.*

### **EXECUTIVE SUMMARY**

This report advises Council of the membership of the Committees of Management that have been appointed as the result of public meetings.

### **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 other specified times.

The Act requires that Council approves the membership of Special Committees. It also notes those who are no longer members.

Christine Weller was elected to be appointed by Council to the Emerald Village Committee to fill a vacancy on the Committee at meeting held on Tuesday 22nd May 2018

Julie Buxton was elected to be appointed by Council to the Emerald Village Committee to fill a vacancy on the Committee at meeting held on Tuesday 26 June 2018.

### **POLICY IMPLICATIONS**

Nil

---

**RELEVANCE TO COUNCIL PLAN**

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

**CONCLUSION**

It is appropriate for the Council to confirm the appointments of new members to the Emerald Village Committee.



**16 APPOINTMENT OF COMMITTEE MEMBERS TO: THE EMERALD VILLAGE COMMITTEE**

Moved Cr J Owen Seconded Cr C Ryan

That the following amendments and appointments be made to the Committee for Emerald Village under Section 86 of the Local Government Act (1989).

- Christine Weller Committee member
- Julie Buxton Committee member

These appointments fill vacancies that were on the Committee

Cd.

## FINANCIAL REPORTS

### **17 2018-19 COMMUNITY CAPITAL WORKS GRANTS PROGRAM**

FILE REFERENCE INT1846584

RESPONSIBLE GENERAL MANAGER Jenny Scicluna

AUTHOR Cheryl Casey; Bronwyn Fleming

#### RECOMMENDATION

That;

1. Council approve the 2018/19 recommended Community Capital Works grants grant allocations,
2. The successful grant recipients be advised and formal announcements of the successful grant recipients be made at the Community Capital Works Grants Presentation Evening being held on 25 July, and
3. A portion of the remaining budget be allocated to projects that support the Community Capital Works program policy priority areas.

#### Attachments

1↓	Community Capital Works Grants - project summary detailing grants approved circulated to councillors only	5 Pages
2↓	Community Capital Works 2018-19 Guide including terms and conditions	14 Pages

#### EXECUTIVE SUMMARY

The Child and Family Services team administers the annual Community Capital Works Grants program. The 2018-19 round of the program received 22 grant applications from 19 community organisations. After rigorous assessment of the grants, 18 projects meet the grants guidelines and are supported by the assessment panels with a total grant allocation of \$178,931.31. The final recommendation is for one application to be held over awaiting further information; and that three grants are not supported due to insufficient information provided during the application process.

Owing to the significant balance in the Community Capital Works budget, it is proposed that a portion of the funds be allocated to support additional upgrades to community facilities highlighted as priorities and consistent with the policy guidelines.

Final recommendations are provided in the 2018-19 Community Capital Works Grant program Council and Councillor Grant's Panel attachment.

2018/19 Grant applications supported by Council Ward

Ward	Number of Grants	Total Grant funds requested	Percentage of grant funds

Ranges	9	64,934.31	36%
Port	8	85,662.50	48%
Central	1	28,334.50	16%

#### 2018/19 Grant applications by activity/ organisations

Activity	Number of grants	Percentage
Sports Clubs and recreation reserves	10	50%
Community Neighbourhood Houses and Halls/ Senior Citizens	6	27%
Kindergartens/ preschool/ community childcare	2	9%
Not eligible	3	13%

#### BACKGROUND

The Child and Family Services team administers the annual Community Capital Works and Major Equipment grant programs.

The 2018-19 Community Capital Works Grants program received 22 grant applications from 19 Community organisations with a total request of \$217,971.84.

There were no Major Equipment Grant applications submitted.

Council staff from the Governance, Active Communities, Child and Family Services, Safer Communities, Development and Community Services, Buildings and Facilities teams, undertook a rigorous assessment process followed by the Councillor Grants Panel round table discussions. Projects that did not meet the grant application requirements were not supported. At the conclusion of the assessment process, 18 projects are recommended to receive grants at a total grant allocation of \$178,931.31. One project remains undecided with a total grant request of \$14,312.50 from the total grants budget of \$550,000.

There has been a significant decrease in the number of applications submitted in the 2018/19 round. This may be partly due to changes implemented to strengthen the application process ensuring community organisations only submit fully completed applications that meet Councils building requirements, environmental standards and contractor risk and safety requirements.

Due to the significant balance in the Community Capital Works budget, it is proposed that a portion of the funds be allocated to support additional upgrades to community facilities highlighted as priorities and consistent with the policy guidelines.

#### POLICY IMPLICATIONS

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

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

## RELEVANCE TO COUNCIL PLAN

### Our People

Variety of recreation and leisure opportunities

### Our Community

Our diverse community requirements met

Increased levels of community participation

### Our Environment

Provision and maintenance of assets on a life-cycle basis

Enhanced natural environment

## CONSULTATION/COMMUNICATION

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

- Promotion of the grants to the community in accordance with a well-developed Community Capital Works Grants Communication Plan - both during, and in the lead-up to the grant rounds opening, promotion of the grants was undertaken through social media and targeted emails to eligible groups sent by Child and Family Services, Community Strengthening and Active Communities as well as Council's website.
- Workshops designed to support prospective applicants to appropriately plan for and scope their projects were undertaken prior to the grants round opening.
- Provision of support with the application process by relevant Council staff (i.e. staff from Child and Community Services, Environment, Buildings and Facilities, Active Communities, Engineering, Municipal Building Surveyors and Community Strengthening). This involved staff encouraging and supporting eligible groups to apply in their usual interaction with these organisations and groups.
- Extensive internal dialogue between relevant Council staff as part of the assessment process.
- Liaison with applicants to confirm application details during the assessment process.

## FINANCIAL AND RESOURCE IMPLICATIONS

All projects totaling \$178,931.31 will be funded under the Community Capital Works Program budget allocation of \$550,000. It is proposed that the balance of the available budget will be allocated to projects during the financial year that support the Community Capital Works program policy priority areas.

## CONCLUSION

---

The grants supported have undergone a rigorous assessment process involving Council staff and Councillors. Due to the reduced number of applicants, the Child and Family team recommend a portion of the budget balance be used to support priority projects that align with the Community Capital Works policy and will continue to upgrade community facilities in line with community expectation. An evaluation of the grants program is planned for later in 2018. Council is requested to support the recommendations as provided through the assessment process.



# Community Capital Works Grants 2018-19

## Applicants' guide

- Grant terms and conditions
- Council contacts
- Important dates

The terms and conditions of Community Capital Works Grants are outlined in this document. These terms and conditions should be read in conjunction with the [Community Capital Works Grants Policy](#).

Grants may be subject to additional conditions specific to your project, which will be outlined in a letter of offer from Council.

Council reserves the right to cancel a grant agreement if a grant recipient does not adhere to the terms and conditions outlined in this document and or letter of offer.

If at any stage you require further information or wish to discuss your grant, please contact Council's Community Places Officer on 1300 787 624 or email [communityplaces@cardinia.vic.gov.au](mailto:communityplaces@cardinia.vic.gov.au)

## Contents

<b>Terms and conditions</b>	<b>1</b>
1 Eligibility	1
2 Applications	1
3 Grant offer	3
4 Acceptance of grant offer	3
5 Project management	4
6 Project and/or project stage commencement	4
7 Permits	5
8 Contractors	5
9 Occupational health and safety and risk management	6
10 Funding and payments	7
11 Volunteers	8
12 Reporting	8
13 Changes in project scope	9
14 Communication and publicity	9
<b>Appendices</b>	<b>10</b>
1 Grant forms	10
2 Grant contacts	11
3 Project specification information	12
4 Definitions	13

## Terms and conditions

### 1 Eligibility

- 1.1 Community groups must be eligible under the Community Capital Works Grants Policy to apply for a grant.
- 1.2 The early years manager of kindergarten facilities is required to submit grant applications on behalf of their user groups (e.g. parent advisory groups)
- 1.3 To ensure your project meets the program objectives, eligibility and assessment criteria we encourage community groups to develop their project in consultation with Council
- 1.4 If a licence, lease or funding agreement exists between Council and the community organisation, then the agreements need to be signed and current in order for applications to be considered.
- 1.5 Community groups with incomplete or outstanding projects are not eligible to apply for further projects and applications will not be considered.

### 2 Applications

- 2.1 Applications must be made using the SmartyGrants online platform.
- 2.2 Late applications will not be accepted.
- 2.3 Applications must be supported with relevant requested documentation.

Checklist of things to do – Application stage	Completed
<p>Check the Policy document to ensure your group is eligible. If unsure contact your liaison person at Council (A list of Council contacts is located at end of this document)</p> <p><a href="#">Download the Community Capital Works Policy from Council's website.</a></p>	
<p>Ensure your project meets the Policy objectives plus one or more of the priority areas for Community Capital Works Grants as outlined in the Policy</p> <p>You will need to include this information in your application.</p>	
<p>Completing the Application form</p> <p><a href="#">Access the application form on Council's website.</a></p> <p>If you have not applied for a grant in the past you will be required to set up a login and password for Smarty Grants. Instructions are provided on the grants link.</p> <p><b>IMPORTANT:</b> View the application form and make sure you understand the required documentation, if not ask your Council liaison or the community places officer.</p> <p>You can start and save your application and return to it as you collect the required information.</p> <p>The email you supply on your application form will be used to correspond with you regarding your grant outcome.</p> <p>Know your grant deadlines– Important dates at listed at the end of this document and online. Late applications cannot be accepted.</p>	
<p>Collect your ABN – Community organisations must have an ABN to apply for a grant. Search or apply for an ABN at <a href="http://www.abr.business.gov.au/">http://www.abr.business.gov.au/</a></p>	
<p>Identify if your organisation is a Section 86 Committee of Council, an Incorporated Association under the Crown Land (Reserves) Act or an Incorporated Association.</p> <p>Collect your incorporation number and details or establish an auspice arrangement with an associated Incorporated Association.</p> <p>Search for your Incorporation number <a href="https://www.consumer.vic.gov.au/">https://www.consumer.vic.gov.au/</a></p>	



Checklist of things to do – Application stage	Completed
<p>Collect evidence of support for the project from your Committee of Management.</p> <p>A copy of meeting minutes from your organisation that clearly identifies support for the project from your Committee of Management is required for your application.</p>	
<p>Collect letters of support from the land owner or manager for your project. This may include a Reserve Committee of Management or DELWP.</p> <p>Facilities on DEWLP Land: A letter of endorsement from DELWP is required for your application. You will also need to clarify if any asbestos is present in your facility. Evidence of this confirmation is required for your application. If asbestos is present, please request and upload a copy of the asbestos register supplied by DELWP.</p> <p>Kindergarten projects: Parent advisory groups are to contact their Early Years Manager to develop the project. The Early Years Manager is required to apply on behalf of the Parent Advisory Group.</p>	
<p>Discuss your project proposal with your liaison person at Council to ensure the project aligns with Council Plans.</p> <p>Relevant contacts are listed at the end of this document. Please contact the Community Places Officer if you are unsure who your liaison is at Council. Keep your correspondence as this is required for your application</p>	
<p>Contact the Buildings and Facilities team regarding your project requesting information on the building and environmental requirements for your project. Most projects will have some specific building and/or environmental considerations.</p> <p>Email: <a href="mailto:BuildingFacilities@cardinia.vic.gov.au">BuildingFacilities@cardinia.vic.gov.au</a> include Community Capital Works Grant project proposal in the subject line. Keep your correspondence as this is required for your application.</p>	
<p>Check if there is any heritage or other overlays on your community facility through Councils Community Places Officer or your Council liaison officer.</p> <p>Email <a href="mailto:communityplaces@cardinia.vic.gov.au">communityplaces@cardinia.vic.gov.au</a> include Community Capital Works Grant enquiry in the subject line.</p>	
<p>You are required to submit plans of your project. Please ensure these provide adequate detail and measurements for assessment of your project.</p> <p>The Buildings and Facilities team can provide advice on what to include in your plans. Email: <a href="mailto:BuildingFacilities@cardinia.vic.gov.au">BuildingFacilities@cardinia.vic.gov.au</a> include Community Capital Works Grant project proposal in the subject line.</p>	
<p>Establish if your project requires a Building Permit or a Commercial builder. Provide details and plans of your proposed project to the Municipal Building Surveyors using the <a href="#">Request for Building permit advice form on Councils website</a>.</p> <p>Email the completed form to <a href="mailto:mail@cardinia.vic.gov.au">mail@cardinia.vic.gov.au</a> attention to the Municipal Building Surveyor in the subject line.</p> <ul style="list-style-type: none"> <li>• If you require a building permit you will be required to submit quotes from private building surveyors.</li> <li>• If you require a commercial builder, you will be required to include their licence number on the application form.</li> </ul> <p>Keep your correspondence as this is required for your application.</p>	
<p>Identify the different trades required for all works involved in your project. There is a list of trades in the application form– if you are unsure on the project requirements discuss with a member of the Buildings and Facilities team, e.g. a project to build a new shed may also involve a building permit, concreting, electrical and plumbing works.</p>	

Checklist of things to do – Application stage	Completed
<p>Collect quotes from contractors – works valued at less than \$2500 require two written quotes, works valued above \$2500 require three written quotes. Contractor Insurance requirements - Your preferred contractors are required to provide current certificate of Public Liability Insurance for 20 Million and WorkCover Insurance with their quote.</p> <p>Contractors are also required to submit Safe Work Method Statements before works commence. Not all contractors/trades people are familiar with these requirements so discuss these requirements with your contractor when requesting a quote.</p> <p>Remember to advise your contractor that Grants are not awarded until July.</p> <p>See <a href="#">Section 8</a> of these Terms and Conditions for further information on Contractor requirements.</p>	
<p>Request your contractors supply product specification documentation with their quote where required, e.g. lighting, tapware, air conditioning units. Specific requirements are outlined in the application form.</p>	
<p>If you plan to apply for volunteer labour check that the works to be carried out are suitable for volunteer labour by discussing with our OHS Officer. Refer to <a href="#">Section 11</a> for more information on volunteer labour <a href="#">A copy of the Volunteer Labour kit can be downloaded from Council's website</a></p>	
<p>Collect a current Bank Statement which clearly identifies your organisation and their capacity to pay for the project. Be aware that Council pays the grant upon receipt of evidence of payment. Therefore, your club must have capacity to outlay the cost of the project.</p>	
<p>Submit your application before the due date.</p>	

### 3 Grant offer

- 3.1 Council will notify grant applicants in writing of successful and unsuccessful grant applications.
- 3.2 Grant offers will outline conditions specific to the applicant's project.
- 3.3 The grant offer is made to the legal entity as identified in the grant application.
- 3.4 If any changes occur affecting the legal entity of the grant recipient throughout the life of the grant the grant administrator must be notified in writing and the grant agreement may be forfeit.
- 3.5 Successful grant recipients cannot transfer their grant to any other legal entity without written approval from Council.

### 4 Acceptance of grant offer

- 4.1 The grant recipient must submit their acceptance of grant offer via SmartyGrants a minimum of two weeks prior to the scheduled commencement of works, and no later than the last day of October.
- 4.2 If Council has not received the acceptance of offer by the deadline, then the grant is deemed to be forfeited by the grant recipient.
- 4.3 By submitting the acceptance of offer the grant recipient agrees to:
  - complete the project as outlined in their application
  - adhere to the conditions outlined in the grant offer
  - adhere to the Community Capital Works Grants terms and conditions.

## 5 Project management

- 5.1 The grant recipient must nominate a representative as the project manager, to act as liaison between contractors and Council, coordinate any approved volunteer labour, and to oversee Occupational Health and Safety (OHS) issues. Refer also [Section 9](#) and [11](#)
- 5.2 The project manager must be nominated and Council's grant administrator advised of their contact details, when the grant is accepted.
- 5.3 The nominated project manager must be available throughout the duration of the project.
- 5.4 If the project manager changes throughout the duration of the project Council's grants administrator must be notified in writing.
- 5.5 The project manager is required to oversee the administrative requirements of the grant through SmartyGrants.
- 5.6 Where volunteer labour is approved as part of the grant (and documented within Council's letter of offer), the project manager will be required to make contact with a member of Council's Occupational Health and Safety team to discuss how OHS requirements will be managed and monitored for the project. This will include developing an appropriate *Safe work methods statement*.

Checklist of things to do – Accepting your grant offer	Completed
Ensure you have read and understand the terms and conditions for your grant listed in this document and outlined on your letter of offer.	
Complete and submit the 'Acceptance of offer' form in SmartyGrants two weeks prior to works commencing and no later than the end of October.	
Nominate a project manager to oversee your project. Enter the project manager contact details on the 'Acceptance of offer' form in SmartyGrants. The project manager must be available throughout the duration of the project	

## 6 Project and/or project stage commencement

- 6.1 Grant recipients are to advise Council of an expected project start date in the *Project Commencement Request*.
- 6.2 Prior to entering into any contract or arrangement with a supplier/contractor and a minimum of two weeks prior to the scheduled commencement of any works, the grant recipient must provide the following to Council:
- verification of project scope or estimated project expenditure (if this has varied since the grant application)
  - any plans and/or required permits (e.g. building permit and stamped plans etc.)
  - insurances and OHS documentation as outlined in [Section 8](#) for **all** contractors engaged in the project.
- 6.3 Written approval for the works to commence must be received from Council's grant administrator prior to the project/project stage commencing.

**7 Permits**

- 7.1 All lawful permits must be obtained by the grant recipient and provided to Council prior to works commencing.
- 7.2 Building permits must be obtained from a qualified registered building surveyor prior to the commencement of work.
- 7.3 Where building or planning permits for a granted project are unable to be issued, the project manager must contact the grant administrator to discuss the options for the granted project.
- 7.4 Council cannot support illegal building work or building work that is not carried out strictly in accordance with a building permit, issued in accordance with the Building Act 1993 (the Act). Where an offence in accordance with the Act has occurred, the grant recipient shall remain responsible to remove the building or achieve compliance with the Building Regulations 2006 within a period of time agreed to with the landowner and to the satisfaction of Council's Building Unit on behalf of the Municipal Building Surveyor.
- 7.5 As Cardinia Shire Council does not offer a building permit service, the grant recipient shall obtain and pay for any required building permit and any necessary documentation to demonstrate compliance.

**8 Contractors**

- 8.1 Only qualified registered builders can be engaged to carry out building works, unless the grant recipient has received written permission from a Council Building Surveyor to use a building practitioner of a different category.
- 8.2 All contractors and sub-contractors (including those providing work in-kind) are required to provide the grant recipient with the following:
  - a *Certificate of currency* for:
    - Public Liability Insurance (minimum of \$20 million cover)
    - WorkCover or Personal Injury Insurance
    - Professional Indemnity Insurance (minimum of \$2 million cover) may be required. Grant applicants will be notified of this requirement in their *Letter of offer*.
  - evidence of a Safety Management System
  - copy of Construction Induction Cards (also known as 'white card' or 'red card') for all personnel on site
  - a project specific *Safe work methods statement*.

This information must be provided to the grant administrator two weeks in advance of the proposed commencement of works.

- 8.3 Written approval for the nominated contractor(s) to commence works must be received from Council's grant administrator prior to the contractor commencing works.

## 9 Occupational health and safety and risk management

- 9.1 Under the Occupational Health and Safety Act 2004 and OHS Regulations 2007, Cardinia Shire Council has a legal responsibility to, as far as reasonably practicable, provide and maintain for its employees, contractors and volunteers, a working environment that is safe and without risk to health.
- 9.2 OHS and risk management requirements of grant recipients include the completion and submission of a range of documentation throughout the granted project, and as identified throughout this document.
- 9.3 Only holders of a Construction Induction Card are entitled to work on a construction site. Visitors to a site must at all times be in the company of a holder of a Construction Induction Card.
- 9.4 As such, where volunteer labour is a component of a granted project, volunteers are not permitted to enter a construction site (as defined under the OHS Regulations 2007), unless they hold a Construction Induction Card or undertake a site induction and are accompanied on site at all times by a person who holds a Construction Induction Card.
- 9.5 In the event of an incident occurring at a worksite, injured persons must receive appropriate medical attention and the area must be made safe. The incident report form must be completed by the end of the working shift in which it occurs.
- 9.6 If a serious incident occurs, Council must be notified as soon as practicable by calling 1300 787 624.
- 9.7 The project manager must ensure the following.
- A documented emergency procedure that is project specific is developed for the worksite.
  - Any building permit is made available for inspection by the Municipal Building Surveyor (and any other appropriate Council officer) during the carrying out of building work.
  - All building sites shall be appropriately fenced to restrict unauthorised access to the satisfaction of the relevant building surveyor and in accordance with Council's local laws.
  - Where building work involves only part of a building, alterations to emergency evacuation, plans shall be approved by the relevant building surveyor to ensure occupiers of the building are safe from any dangers or conditions of the building site, and that building occupiers have the ability to safely evacuate the building and land to the street.
- 9.8 When the works are being performed by a contractor, the project manager should ensure that the contractor complies with these requirements.

Checklist of things to do – Project commencement	Completed
Two weeks prior to works commencing complete the 'Project commencement request' form in SmartyGrants.	
Upload required documentation including permits, contractor insurances and OHS documentation see <a href="#">section 7</a> and <a href="#">section 8</a>	
Written notification from Council must be received before works can commence. The Grants administrator will advise when contractor documents have been accepted and works can commence.	
The Project Manager is responsible for overseeing the OHS components of the project.	
Seek support from Council if you are unsure of what is required.	

Contact Council if there are any incidences during your project.	
--	--

## 10 Funding and payments

- 10.1 The funding provided is for the project as described in the grant recipient's corresponding grant application and finalised within Council's letter of offer
- 10.2 Council will pay 50% of the project expenditure up to the grant amount identified in the letter of offer
- 10.3 Where expenditure on a granted project exceeds the total estimated and that agreed to be funded by Council, the excess will be the responsibility of the grant recipient unless otherwise agreed by Council.
- 10.4 The project should be completed in the financial year in which the grant is allocated.
- 10.5 In exceptional circumstances projects may request funding to be carried over beyond the financial year in which the grant is allocated.
- 10.6 To apply to carry over grant funds beyond the allocated financial year the grant recipient must contact Council's grant administrator and complete and return the Carry forward/cancellation request form by no later than the last Friday of May 2019.
- 10.7 Approval to carry over a project will be at the discretion of Council. Notification of unsuccessful or successful carry over requests will be made in writing to the grant recipient.
- 10.8 Grants will only be extended by one financial year. Remaining grant money carried over for projects granted an extension will be forfeited at the end of the second financial year.
- 10.9 Should a grant recipient wish to cancel the granted project and relinquish the corresponding Council grant offer, the grant recipient must contact the grant administrator and complete and return the Carry forward/cancellation request form by no later than the last Friday of May 2019.
- 10.10 Payments are made upon receipt of a Payment request form, which must be supported with sufficient evidence of all claimed expenses incurred (i.e. paid supplier invoices, completed volunteer register, etc.)
- 10.11 The grant recipient can submit a payment request part-way through the project so long as they can provide sufficient evidence of all claimed expenses incurred.
- 10.12 The grant recipient must complete a Payment request form and contact the grant administrator to arrange an inspection of the completed project/project stage.
- 10.13 Final requests for payment must be submitted to Council by no later than the last day of May 2019.
- 10.14 Council will not make payment directly to suppliers.
- 10.15 Requests for payment must be supported with the following documentation (where required):
- Certificate of electrical safety
  - Compliance certificate – plumbing
  - Occupancy permit
  - Certificate of final inspection.

Checklist of things to do – Project completion /request for payment	Completed
Notify the grants administrator when your project is finished. The grants administrator will arrange for an inspection of works	
Once you have received notification that your project has been completed satisfactorily upload paid invoices and other required documentation outlined in your grant conditions to the Request for payment/completion form to receive grants payment.	

Complete a Carry forward/cancellation request form in SmartyGrants by end of May to apply for additional time to complete your project or to cancel your grant.	
---	--

## 11 Volunteers

- 11.1 Volunteer labour can include any work that is not trades work or classed as 'high risk' work. Approved volunteer labour will be deemed to have the value of \$33.00 per hour.
- 11.2 Volunteers are not permitted to enter a construction site unless they hold a Construction Induction Card or have undertaken a site induction and are accompanied at all times onsite by a person who holds a Construction Induction Card, as outlined in [section 9](#).
- 11.3 Prior to commencing any volunteer activities on this site, volunteers must have received a site-specific induction from the project manager.
- 11.4 All volunteers undertaking activities on this project should be supervised by the nominated project manager at all times.
- 11.5 Council will not permit volunteers to undertake 'high risk' work at any time. Refer to definition 9.
- 11.6 All volunteer workers must complete the Volunteer registration form before undertaking work on the project and sign the Volunteer register on each occasion they enter and exit the worksite.
- 11.7 Grant recipients that have been approved by Council to provide volunteer labour as a component of their contribution to the project must ensure that all volunteer hours are recorded in the Volunteer register, and that this is kept onsite at all times. Council may request to see this register throughout the project.

Checklist of things to do – Volunteer Labour	Completed
Check you have been granted volunteer labour in your Letter of Offer	
Refer to the Volunteer Labour Kit for details on how to manage volunteer Labour as part of your project. <a href="#">The Volunteer Labour kit is available on Councils website.</a>	
To claim approved volunteer hours complete and submit the Request for payment/project completion form with supporting documentation.	

## 12 Reporting

- 12.1 The grant administrator may request a progress report at any stage during the project.
- 12.2 Progress reports will be requested in writing to the project manager.
- 12.3 Project reports are submitted through the SmartyGrants online grants platform.

Checklist of things to do – Progress Reports	Completed
Complete a Project progress report in SmartyGrants and submit if requested.	

**13 Changes in project scope**

- 13.1 Changes in project scope must be supported by the organisation's committee of management and land owners.
- 13.2 Relevant Council officers must be consulted regarding any change in scope.
- 13.3 An outline of the changes must be made in writing to the project administrator with evidence of committee support and consultation with Council officers.
- 13.4 Granted projects may be subject to additional or changed grant conditions if the project scope changes. These will be outlined in writing by the grant administrator to the grant recipient.
- 13.5 Council reserves the right to approve or decline any change in scope.
- 13.6 Any changes in scope will not attract additional funding.

<b>Checklist of things to do – Change in scope request</b>	<b>Completed</b>
<b>Consult with Council Officers regarding proposed changes to your project</b>	
<b>Complete the Change in project scope form on SmartyGrants if your project changes.</b> <b>You are required to supply evidence of support from your Committee of Management for the change in project scope.</b>	
<b>Council will notify the grant recipient in writing if the change in scope is approved and outlining any changed grant conditions</b>	

**14 Communication and publicity**

- 14.1 Council encourages positive publicity to promote the granted project.
- 14.2 Council will provide the grant recipient with signage, which is to be displayed throughout the duration of the project and returned to the grant administrator following the completion of the granted project. Signage must be appropriately and safely fastened in a suitable and prominent area.
- 14.3 Grant recipients are expected to cooperate with Council in publicising the project and Council's support must be appropriately acknowledged during the course of the project and in any publicity arising from it. Please contact the grant administrator for guidance and advice in publicising your project and/or liaising with the media.
- 14.4 If an official launch or opening is held Grant recipients are required to forward an invitation to Councillors or Council representatives to attend in support of the project completion.
- 14.5 If Council publicises or otherwise promotes the granted project, or responds to a media enquiry concerning the granted project, Council may publish the name and contact details of the person who applied for the grant on behalf of the grant recipient group/organisation, the person nominated as the project manager, or any other person nominated.
- 14.6 Council may use and reproduce for its own purposes any photograph or other image of any event or thing relating to the granted project.

<b>Checklist of things to do – Project publicity</b>	<b>Completed</b>
<b>Display the sign provided by Council in a prominent area throughout the duration of the project.</b>	
<b>Contact the grant administrator if you require guidance or advice in publicising your project and/or liaising with the media.</b>	



## Appendices

### 1 Grant forms

The terms and conditions require grant recipients to complete and return a range of documents prior to and throughout a granted project.

The forms and return deadlines are listed below and forms are available in SmartyGrants against your grant application submission.

To access the forms, log in to your SmartyGrants account by going to:

<https://cardinia.smartygrants.com.au/applicant> and click the 'My submissions' link at the top of the page.

Here you will see all your grant submissions. Select the relevant grant submission ID and the associated forms will appear ready for you to complete and submit.

If you are unable to use SmartyGrants to submit these forms, please contact the grant administrator.

Form	Due date
<b>Application</b> Includes project details and contractor quotes.	Applications are open 9am EST 4 December 2017 and close 5pm EST 5 March 2018.
<b>Acceptance of offer</b> Includes project manager contact details.	A minimum of 2 weeks prior to scheduled project commencement, and no later than the last day of October 2018.
<b>Project commencement request</b> Includes start date, building documentation and contractor documents.	A minimum of 2 weeks prior to scheduled project commencement.
<b>Request for payment/project completion</b> Includes project progress details and paid contractor expenses.	Required when claiming project costs.  Final request no later than the last day of May 2019.
<b>Carry forward/cancellation request</b> If requesting an extension to the one year project timeframe or if cancelling project after accepting offer.	If an extension to the project time is required submit no later than the last day of May 2019  If requesting a cancellation submit no later than the last day of May 2019.
<b>Change of project scope</b> If project scope changes after application is submitted. Evidence of support for change must be provided.	Prior to works commencing.
<b>Project update report</b> May be requested if a project is not seen to be progressing as expected.	As requested by Council.

**2 Grant contacts**

Include Community Capital Works Grants in the subject line of your email correspondence.

Name/position	How they can help	Contact email and telephone
<b>Bronwyn Fleming Community Places Officer</b>	Assistance with using smarty grants, uploading forms, administration process	<a href="mailto:communityplaces@cardinia.vic.gov.au">communityplaces@cardinia.vic.gov.au</a> Ph: 5945 4406
<b>Gordon Campbell Buildings and Facilities Maintenance Officer</b>	Advice and assistance regarding building requirements and regulations. Conducts inspections of projects when required	<a href="mailto:buildingfacilities@cardinia.vic.gov.au">buildingfacilities@cardinia.vic.gov.au</a> Ph: 5945 4337
<b>Brett Munckton – Facilities Management Officer</b>	Advice regarding water saving initiatives, solar panels, heating and cooling, lighting levels – Most projects have elements that require environmental considerations	<a href="mailto:buildingfacilities@cardinia.vic.gov.au">buildingfacilities@cardinia.vic.gov.au</a> Ph: 5945 4481
<b>Andre Brewer – Municipal Building Surveyor</b>	Advice pertaining to building permit requirements. Please note, Council does not issue building permits – you will need to engage a Building surveyor to do this.	<a href="mailto:mail@cardinia.vic.gov.au">mail@cardinia.vic.gov.au</a> Attention Municipal Building Surveyor Ph: 5945 4246
<b>Ben Essing – Deputy Municipal Building surveyor</b>	As above	<a href="mailto:mail@cardinia.vic.gov.au">mail@cardinia.vic.gov.au</a> Attention Municipal Building Surveyor Ph: 5945 4296
<b>Coordinator Child and Community Places</b>	Key contact for Kindergartens, Early Years or Integrated Services Centres	<a href="mailto:communityplaces@cardinia.vic.gov.au">communityplaces@cardinia.vic.gov.au</a> Ph: 1300 787 624
<b>Ben Fenton – Active Reserve Liaison officer</b>	Key contact for recreation reserves and associated user groups	<a href="mailto:B.Fenton@cardinia.vic.gov.au">B.Fenton@cardinia.vic.gov.au</a> Ph:5945 0419
<b>Team Leader, Community Development</b>	Information about Community Centres and Halls	<a href="mailto:Cstrengthening@cardinia.vic.gov.au">Cstrengthening@cardinia.vic.gov.au</a> Ph: 1300 787 624
<b>Ashira Harris Passive Reserve Liaison Officer</b>	Key contact for projects within open space reserves not within Recreation Reserves.	<a href="mailto:a.harris@cardinia.vic.gov.au">a.harris@cardinia.vic.gov.au</a> Ph: 1300 787 624
<b>Mark Hewish – OHS officer</b>	Will review SWMS and OHS information from contractors	<a href="mailto:M.Hewish@cardinia.vic.gov.au">M.Hewish@cardinia.vic.gov.au</a> Ph: 5945 4299
<b>Hayley Cork – Risk Management</b>	Will review contractors insurances.	<a href="mailto:H.Cork@cardinia.vic.gov.au">H.Cork@cardinia.vic.gov.au</a> Ph 5945 4205

### 3 Project specification information

Community organisations are required to consult with Council Officers regarding their project requirements. The information below is to be used as a reference guide only. Council Officers will confirm the project specifications required for your project.

#### Air conditioner projects

Star ratings vary dependent on appliance type and size. A star rating within one star of the highest efficiency rating available for the size of the air conditioner should be sought.

The air conditioner outdoor unit is to be located in a suitable location protected from the hot afternoon sun where possible.

Councils Buildings and Facilities team can provide advice on location and suitable star rating. Email [BuildingFacilities@cardinia.vic.gov.au](mailto:BuildingFacilities@cardinia.vic.gov.au) include Community Capital Works Grants in the subject line of your email

#### Cabinetry – including storage, kitchens, bathrooms and office cabinetry

Please note Council does not support flat pack cabinetry or the purchase of filing cabinets. Please ensure you have plans that indicate access and egress pathways.

Councils Buildings and Facilities team can provide advice on requirements. Email [BuildingFacilities@cardinia.vic.gov.au](mailto:BuildingFacilities@cardinia.vic.gov.au) include Community Capital Works Grants in the subject line of your email

#### Lighting projects

For all projects that involve new lighting please provide a lighting design completed in Relux or similar software that indicates the lux levels that will be achieved.

Highly efficient LED lighting is normally required for lighting projects.

Motion sensor or timer switches where relevant are required. Your electrician can supply this information.

Councils Buildings and Facilities team can provide information on lux levels and lighting requirements.

Email [BuildingFacilities@cardinia.vic.gov.au](mailto:BuildingFacilities@cardinia.vic.gov.au) include Community Capital Works Grants in the subject line of your email

#### Flooring

Please note the use of commercial grade carpet and vinyl is required. Interchangeable carpet tiles are encouraged for ease of ongoing maintenance. Please ensure product details are included in quotes provided.

Councils Buildings and Facilities team can provide advice on suitable flooring. Email [BuildingFacilities@cardinia.vic.gov.au](mailto:BuildingFacilities@cardinia.vic.gov.au) include Community Capital Works Grants in the subject line of your email.

#### Painting – internal

Please note low VOC (Volatile Organic Compounds) paint must be used for internal painting.

#### Plumbing works

All projects are required to use water-efficient fixtures, fittings and appliances. Water consumption figures must meet the following requirements:

- Wash hand basin taps: flowrate <4L/min;
- Toilets: dual flush, 3/4.5L/flush;

- Showers: flowrate <7.5L/min;
- Dishwashers: <12L/cycle; and
- Washing machines: <9L/kg clothes washed

As a guide at least a five star WELS (Water efficiency labelling scheme) rating for all tap ware, appliances and fittings and a 4 star WELS rating for toilets should be achieved. For information on WELS ratings please visit [www.waterrating.gov.au](http://www.waterrating.gov.au)

Councils Buildings and Facilities team can provide advice on water efficiency requirements. Email [BuildingFacilities@cardinia.vic.gov.au](mailto:BuildingFacilities@cardinia.vic.gov.au) include Community Capital Works Grants in the subject line of your email.

### Solar panel projects

Council requires tier one products to be used on all solar panel projects. Before seeking quotations, you must contact Council's Facilities Management Officer.

#### Structural report requirements for solar panel projects

Solar panel projects may require a structural engineering report to be undertaken as part of the project.

Please discuss the need for a structural report with Council's Facilities Management Officer prior to submitting your grant application to establish if this will be required as part of your project. Contractors providing a structural engineering assessment are required to hold current Professional Indemnity Insurance.

Email [BuildingFacilities@cardinia.vic.gov.au](mailto:BuildingFacilities@cardinia.vic.gov.au) include Community Capital Works Grants in the subject line of your email

## 4 Definitions

1. **Grant recipient** refers to the legal entity awarded a Community Capital Works Grant.
2. **Grant administrator** is Council's Community Places Officer overseeing the administration of the Community Capital Works Grants program.
3. **SmartyGrants** is an online grants administration system. To register go to:  
<https://cardinia.smartygrants.com.au/applicant>  
A link to SmartyGrants is also located on Councils website.
4. **Contractor** tradesperson or business engaged to provide materials/works/services for your project.
5. **Construction/building work** refers to work being undertaken on a building or a structure including:
  - construction, altering or converting
  - fitting out or commissioning
  - renovating or refurbishing
  - decommissioning or demolishing
  - relocation or placement of a building or structure on land
  - work that is similar in nature to the above listed.
6. **Construction Induction Card** entitles a cardholder to perform construction work after having completed general OHS induction training for the construction industry. It is also known as a 'white card' or 'red card'.
7. **Safety Management System** refers to a collection of documents that may include, but are not limited to the following:
  - OHS policy
  - staff induction process and records
  - skills and competency matrix

- incident reporting system
  - first aid requirements
  - Safe work operating procedures
  - Safe Work Method Statement (SWMS) process
  - prevention of falls
  - storage and handling of substances and dangerous goods
  - plant checklist
  - testing and tagging of portable electrical equipment
  - Personal Protective Equipment (PPE).
8. **Safe Work Method Statement (SWMS)**, formerly known as a Job Safety Analysis, is a risk assessment of a worksite. An SWMS must be project-specific and should:
- list types of high-risk construction work being done
  - state the health and safety hazards and risks arising from that work
  - describe how the risks will be controlled
  - describe how the risk control measures will be put in place
  - detail who is responsible for compliance with the SWMS.
9. **High-risk work** includes but is not limited to the following types of work:
- works where there is a risk of a person falling more than two metres
  - construction work involving demolition
  - work involving the removal or likely disturbance of asbestos
  - construction work involving structural alterations where some sort of temporary support will be used to prevent the structure from collapsing
  - work involving a confined space (see definition of confined space).
  - work involving a trench or tunnel
  - construction work on or near:
    - pressurised gas distribution mains or piping
    - chemical, fuel or refrigerant lines, or
    - electrical installations or services.

Note: ‘Near’ means close enough that there is a risk of hitting or puncturing the mains, piping, electrical installation or service.
  - work in an area that may have a contaminated or flammable atmosphere
  - work involving tilt-up or precast concrete
  - work on or next to roads or railways that are in use
  - work at a workplace where there is any movement of powered mobile plant
  - work in an area where there are artificial extremes of temperature
  - work in, over or near water or other liquids if there is a risk that someone may drown.
10. **Confined space** is any space in an enclosed or partially enclosed structure that:
- may be entered, and
  - is difficult to get into or out of, and
  - is (or should be) at normal atmospheric pressure while someone is in it, and
  - contains (or could contain) a contaminated atmosphere, an unsafe level of oxygen or a substance that could engulf a person.

## **17 2018-19 COMMUNITY CAPITAL WORKS GRANTS PROGRAM**

Moved Cr L Wilmot Seconded Cr J Springfield

That;

1. Council approve the 2018/19 recommended Community Capital Works grants grant allocations,
2. The successful grant recipients be advised and formal announcements of the successful grant recipients be made at the Community Capital Works Grants Presentation Evening being held on 25 July, and
3. A portion of the remaining budget be allocated to projects that support the Community Capital Works program policy priority areas.

Cd.

Cr Brett Owen returned to the Council Chamber at this stage having taken no part in the discussion or voting on the matter.

## ACTIVITY REPORTS

### **18 MAJOR PROJECT AND STRATEGIES ACTIVITY REPORT**

FILE REFERENCE INT1846437

RESPONSIBLE GENERAL MANAGER Michael Ellis

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

#### 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 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.

#### CONCLUSION

This regular activity report is provided for Councillors information.

#### *Capital works*

##### Reserves

##### **James Bathe Recreation Reserve civil works**

Project description	Construction of two football/cricket ovals, netball courts and playspace.
Funding	The project is funded by Council and a contribution through Sport and Recreation Victoria.
Timelines	The works are expected to be complete by March 2019.
Update	Bulk earthworks and drainage to both ovals & the car park areas are complete. Electrical installation has commenced.

##### **James Bathe Recreation Reserve pavilion**

Project description	Construction of a new pavilion servicing netball, football, cricket activities and includes provision for community use.
Funding	Council and the Victorian Government's Growing Suburbs Fund are jointly funding this project.
Timelines	Construction is expected to be completed by December 2019.
Update	The construction tender has been advertised for four weeks with an

evaluation panel to follow. The selected contractor will be required to start on site in September 2018.

### **Deep Creek Reserve**

Deep Creek Reserve is a 48-hectare Council 'greenfield' site, bounded by the Pakenham Golf Course to the North and the railway line to the south.

The development of this site will include new paths and car park, development of infrastructure (including a sustainable environment complex, including new golf club rooms, all abilities playground, indigenous plant nursery, wetland and education facilities, kick about area, car park and associated drainage) and Melbourne Water wetlands.

#### **Deep Creek Reserve – civil works package**

Project description	The civil works package includes the construction of a 200 plus car space car park and drainage, demonstration wetland, the kick a bout area, footpaths, solar lighting and associated works. A1 Civil Pty Ltd have been appointed to undertake the civil works.
Funding	This part of the Deep Creek Reserve project is funded by Council
Timelines	Works are expected to be completed in the second half of the year.
Update	The contractor has now completed all drainage works, and has complete kerb to approximately 60% of the car park. The demonstration wetland has been mostly complete and is ready for planting when the weather is favourable. Further works are being coordinated with the building contractor and the playground contractor to insure there is minimal impact across all three projects.

#### **Deep Creek Reserve – regional all abilities playspace**

Project description	The installation of play structures and equipment, shelters and barbeques including a community meeting space, landscaping and sensory gardens, sand and water play and associated works. Red Centre Nominees Pty Ltd have been appointed to undertake the playspace works.
	The play items will be withheld until the overall site works are complete (early 2019) to assist in preventing unauthorised access to the site.
Funding	This part of the Deep Creek Reserve project is jointly funded by Council and the Victorian Government's Growing Suburbs Fund.
Timelines	The playspace is due to be complete early 2019 along with the other components of the site.
Update	Many of the play components are currently being installed, with the site now taking on the appearance of a playspace. The complex sand pit walls are complete, while the shelters have also been recently finalised. The sensory garden area is now well progressed.



### **Deep Creek Reserve – Cardinia Community and Education Centre**

Project description	The Cardinia Community and Education Centre is a multi-user shared facility, combining sports, ecological values and education. The building will combine the requirements of the Pakenham and District Golf Club and Cardinia Environment Coalition (CEC). The building will incorporate separate and shared spaces for the golf club and CEC users, including a multi-function room, lounge/dining/bar area, café, pro shop, environmental training areas, administration areas, and a commercial kitchen. Kirchner Constructions Pty Ltd have been appointed to undertake the building works.
Funding	This part of the Deep Creek Reserve project is funded by Council.
Timelines	Works expected to be complete in mid-2019.
Update	Building construction works undertaken to date include all in ground services, as well as slab being poured.

### **Deep Creek Reserve – landscape package**

Project description	The landscape works will complement the civil and building works and includes planting, furniture installation, hydro seeding, and other associated works.  The landscape component of the project was tendered separately to ensure high environmental outcomes are achieved, with a focus on the use of indigenous plants of local providence. Australian Ecosystems Pty Ltd have been appointed to undertake the landscape works.
Funding	This part of the Deep Creek Reserve project is jointly funded by Council and the Victorian Government's Growing Suburbs Fund.
Timelines	Works will commence following completion of the civil works package, estimated spring 2018.
Update	The contractor is propagating plants in preparation for planting in spring.

### **Deep Creek Reserve – construction of new holes at Pakenham Golf Course**

Project description	The construction of two new holes, practise areas, irrigation and associated works at the Pakenham Golf Course. The proposed works involve drainage, earthworks, landscaping, footpath and buggy path construction, irrigation, shaping and other associated works. SJM Turf & Civil Pty Ltd have been appointed to undertake the golf course expansion works. Works are being undertaken in close contact with the golf club, to minimise any impact during construction and ensure quality greens are delivered.
Funding	This part of the Deep Creek Reserve project is funded by Council.
Timelines	Works are expected to be practically completed by mid-2018, followed by a turf establishment period.

Update Works are now complete, with the four-week maintenance period taking place. Installation of turf is complete, with couch grass sprigging to take place in spring when the conditions are favourable.

### **Emerald Netball Facility**

Project description Construction of the new Emerald Netball Facility and associated infrastructure at Pepi's Land. The works will be undertaken in the following three stages:

- Stage 1b - Internal works including carpark, retaining walls, site services, stormwater drainage, netball courts, lighting and building platform for future pavilion.
- Stage 1a - External works including road widening in Beaconsfield Emerald Road adjacent to the site.
- Stage 2 – Construction of new pavilion.

Funding The project is funded by Council.

Timelines Construction of Stage 1b works are underway and practical completion is expected in late May, early June.

Update Works are progressing well and nearing completion for stage 1b. The courts are now complete, while we wait for the lights and coach boxes to be installed. Line marking and fencing will be complete following this. Outfall drainage is currently under construction.

VicRoads has approved the design of Stage 1a; however, Council offices are still pursuing service authority approvals. The construction contract is currently being prepared.

Detailed design of the pavilion is continuing with input from stakeholders. The construction contract is due to be tendered later in the year, depending on feedback from stakeholders.

### **Officer Recreation Reserve no. 2 (western) oval reconstruction**

Project description Reconstruction of the western oval at the Officer Recreation Reserve, Starling Road Officer.

The works include, but are not necessarily limited to reorientation, reshaping and resurfacing of the oval and the installation of subsurface drainage and irrigation. The existing floodlighting will also be upgraded.

Funding The project is funded by Council.

Timelines Works scheduled to commence in the 2018–19 financial year.

Update Detailed design of the oval has commenced and will be reviewed and finalised before a tender is issued.

### **Worrell Recreation Reserve pavilion**

Project description Redevelopment of the football and cricket pavilion, which will now include an appropriate area for gym.

Funding	The project is fully funded by Council.
Timelines	Construction is expected to be completed by end of June 2019.
Update	The consultation phase with the stakeholders has commenced to enable a concept design to be developed.

**Worrell Recreation Reserve Upgrade**

Project description	Redevelopment of the football and cricket oval.
Funding	The project is fully funded by Council.
Timelines	Construction is expected to be completed early 2019, with a maintenance period to follow.
Update	Tender has closed and project is currently being reviewed.

**Lang Lang Community and Recreation Precinct**

Project description	The construction of a major recreation and community precinct, being undertaken in partnership with the Lang Lang Community Bank. It will include sporting facilities, multipurpose community spaces, parks and other open spaces for recreational activities.
Funding	Lang Lang Community Bank purchased the 36-hectare parcel of land upon which the precinct will be constructed and have committed \$3.2 million including land purchase to the project. \$1.5 million has been received from the Australian Government's Building Better Regions Fund.  Council and our partners have committed in excess of \$10 million to the project between 2015-16 and 2020-21.
Timelines	Stage 1 works are complete, with the ovals expected ready for the middle of the 2018-19 cricket season (weather dependent).
Update	The Stage 1 Civil works have reached practical completion and have been placed onto maintenance. There is now a grass establishment period for the ovals to enable them to be played on.  With reference to the pavilion, the architect and related consultants have been appointed. Consultation with stakeholders have commenced to produce a concept design for the pavilion.

**Bunyip Recreation Reserve - temporary portables for soccer club**

Project description	Provision of temporary change room facilities for the Bunyip Soccer Club, while the new facilities are constructed.
Funding	The project is fully funded by Council.

Timelines	This project is complete.
Update	The temporary portables have been installed on site and the related stakeholders are utilising the facility.

**Koo Wee Rup Primary and Secondary School oval upgrades**

Project description	<p>Reconstruction of the Koo Wee Rup Primary School oval and the adjacent Koo Wee Rup Secondary School oval.</p> <p>The primary school oval upgrade includes new sub surface drainage, two new cricket nets and some portable barrier netting to protect school infrastructure.</p> <p>The secondary school oval upgrade includes new sub surface drainage, irrigation, and flood lighting, installation of a bore, power upgrade, and construction of a new pavilion and extension of the synthetic hockey pitch to meet Australian standards.</p>
Funding	<p>The primary school upgrade is funded by Sport and Recreation Victoria (\$100,000) and Council (\$50,000)</p> <p>The secondary college is funded by the Victorian Government’s Department of Education (\$1.6 million) of which \$500,000 is allocated for the oval upgrade works.</p>
Timelines	Works are scheduled to commence in the 2018–19 financial year.
Update	Designs are being finalised by the consultant in preparation of going to tender.

**IYU Recreation Reserve carpark resurfacing**

Project description	Construction and sealing of the entrance road, carpark and associated access roads. The works include pavement and drainage works.
Funding	The project is funded by Council.
Timelines	The works are expected to be complete in July.
Update	The contractor has completed the majority of the works.

### Emerald Community Hub

Project description	The Hills Hub project has been in development since late 2014. The Hills Hub will enhance existing community activities delivered by the Emerald Mechanics Institute, establishing a long-term base for Emerald U3A, Emerald Men's Shed, 3MDR Community Radio station and other existing stakeholders. It will also provide opportunity to respond to emerging local needs, including skill development, training and employment creation. An Advisory Group of community stakeholders across a wide range of community organisations was established. Council has undertaken extensive consultation and negotiations to design a multipurpose facility.
Funding	The project is funded by Council (\$4.88 million), the Australian Government's National Stronger Regions Fund (\$1.5 million), Victorian Government Growing Suburbs Fund (\$1.5 million) and the Eastern Dandenong Ranges Group/Dandenong Ranges Community Bank Group (\$250,000).
Timelines	Construction is due to be complete by May 2019.
Update	The contractor is preparing the services for the slab to be poured, which includes bored piers and rerouting of the main water supply.

### Cochrane Park Tennis Courts

Project description	The construction of two new tennis courts and the refurbishment of the existing tennis courts. The works include synthetic surfacing, improved lighting and shelters.
Funding	The project is fully funded by Council.
Timelines	Detailed design is complete.
Update	The tender for the construction of the new courts closed end of May. A separate tender will be presented at this meeting regarding the consideration of the appointment of a contractor.

### Roads, paths, drains and bridges

#### Eastern Dandenong Ranges Trail

Project description	<p>The Eastern Dandenong Ranges Trail is a multipurpose trail linking Emerald to Gembrook. The Emerald to Cockatoo component through Emerald Lake Park and Wrights State Forest providing a link between the two towns was complete some time ago.</p> <p>Council has been successful in securing funds to construct the final 6.5km length from McBride Street, 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.</p>
Funding	Council (\$900,000), the Australian Government's Department of Infrastructure (\$1 million election commitment) and the Victorian

Government's Growing Suburbs Fund (\$545,000) jointly fund the project.

**Timelines** The Cockatoo to Gembrook section is expected to be complete early 2018.

**Update** The trail is now substantially complete. One small section in front of the Cockatoo Primary school is currently under construction, following relocation of a power pole by AusNet Services. Council are also in negotiations with VicRoads, in relation to the pedestrian crossing of Pakenham Road, Cockatoo.

Council have commenced consultation with the Eastern Dandenong Ranges Association in the development of signage along the trail.

**Emerald Lake Park**

**Project description** Replacement of outfall drainage pipe and reconstruction of Emerald Lake Park Road dam wall.

The leak in the Emerald Lake Park outfall drain was discovered in March, with expert dam and hydraulic engineers attending the site on the same day. Road closure, response program and inspection regime was put in place immediately.

**Funding** The works are fully funded by Council.

**Timelines** Emergency works have commenced and are anticipated to be complete in the coming weeks. Additional works (such as landscaping) will be undertaken later in the year.

**Update** Works at this stage are now complete with the exception of sealing of the road. Due to the nature of this part of Emerald, we are unable to achieve appropriate conditions for sealing, and will complete these works in spring. Landscape works are to occur later in 2018.

**Thirteen Mile Road/Bunyip River Road Blackspot Project**

**Project description** This intersection has been identified as a high-risk intersection. The offsetting of the western leg of the Bunyip River Road to the north at this intersection will improve safety at this location.

**Funding** The project is being funded through VicRoads Blackspot Program.

**Timelines** Works expected to be complete by December.

**Update** Due to winter weather conditions, construction is to commence in September school holidays and take about 8 weeks. As there will be road closures as part of traffic management, commencing in school holidays will lessen the effect on the school bus route.

**2018-19 Footpath maintenance program**

**Project** The maintenance of Council's existing footpath network, as set out in

description	Council’s Road Management Plan (RMP).
Timelines	This is an ongoing program. Regular inspections are carried out on Council’s footpath networks and defects outside the intervention levels as set out in the RMP are rectified. Customer notifications of footpath issues are covered as part of this program.
Funding	The \$563,000 program is fully funded by Council.
Update	Any defects outside the intervention levels that are highlighted as part of the regular inspections on Council’s footpath network are currently being repaired.

**2017-18 new footpath program**

**Project description** Council’s footpath program looks to extend the footpath network in and around townships.

Footpath location	Status
Carnarvon Street, Lang Lang	Complete
Railway Avenue, Bunyip	Complete
Bald Hill Road, Pakenham	Complete
Macclesfield Road, Avonsleigh	Complete
Fourteen Mile Road/Beswick Street Garfield	Complete
Pinnocks Road, Emerald	Complete
Rossiter Road, Kooweerup	Complete
Fairbridge Lane, Cockatoo	Complete
Belgrave Gembrook Road, Gembrook	Complete
Belgrave Gembrook Road/Puffing Billy Rail	Complete

**Funding** The \$850,000 program is fully funded by Council through the footpath and pedestrian and bicycle strategy programs.

**Update** The program is now complete.

**2018-19 new footpath program**

**Project description** Council’s footpath program looks to extend the footpath network in and around townships. The footpaths to be constructed in 2018-2019 are:

Footpath location
Tivendale Road , Officer

Station Street , Pakenham  
 Kennilworth Ave , Beaconsfield  
 Bald Hill Road , Pakenham  
 Anderson Road , Bunyip  
 Main Street , Bunyip  
 Gembrook Road + Redwood Road ,  
 Gembrook  
 Pinnocks Road , Emerald  
 Grange Crt , Koo Wee Rup  
 O'Neil Road , Beaconsfield  
 Webster Way , Pakenham  
 Princes Hwy : Brunt Rd to Panorama Ave ,  
 Beaconsfield

**Funding** The \$850,000 program is fully funded by Council through the footpath and pedestrian and bicycle strategy programs.

**Update** Projects for 2018/19 have now been identified. Detailed project scoping and planning is underway. Timings will be available shortly.

**2017-18 Road renewal and resurfacing program**

**Project description** The significant proactive maintenance and upgrade of Councils road network as per Council’s asset management system.

**Funding** The \$4.8 million program is jointly funded by Council and the Australian Government’s Roads To Recovery Program.

**Timelines** It is anticipated that the program will be completed by the end of May.

**Update** All programs are now complete. Planning for the 2018/19 financial year’s works is taking place with development of the programs and completion of the preparation work-taking place soon. A separate tender will be presented at this Council meeting for consideration of a Contractor to undertake the identified rehabilitation projects.

**2017-18 Unsealed footpath re-sheeting program**

**Project description** This program aims to replenish approximately 5 kilometres of unsealed gravel footpaths with new crushed rock material that has been lost due to varied weather conditions and general wear and tear, resulting in an improved and safer surface for users of these footpaths.

**Funding** The \$92,000 program is fully funded by Council.



Timelines It is anticipated that the program will be complete by mid-June 2018.

Update The 2017-2018 program is complete, with just over 5 kilometres of gravel footpaths having been re-sheeted.

### **2017–18 Drainage program**

Project description The maintenance and upgrading of Council's drainage network.

Funding The \$400,000 program is fully funded by Council.

Timelines This program is complete.

Update The drainage program is now complete, with planning for the current financial year's program taking place. The majority of the works associated with this program will be undertaken in spring and summer.

Major culvert replacement works on Ingram Rd, Nar Nar Goon North and Bald Hill Road, Pakenham are due to be complete in spring as the weather improves.

### **Kenilworth Avenue construction**

Project description Construction of the first stage of Kenilworth Avenue, extending from Brunt Road to the Princes Highway underpass. The works include a sealed road pavement, kerb and channel on both sides, underground drainage, a concrete path on the south side and a shared concrete pathway on north side.

Funding This project is funded through the Officer Developer Contributions Plan and is being delivered by an active developer in the immediate area as works in kind against payment of their developer contributions.

Timelines Stage 1 (Brunt Road to Princess Highway underpass) expected to be completed mid-year.

Stage 2 (extending to Coach House Lane) will proceed following the completion of stage one and will be undertaken by Council.

Update Stage 1 works on Kenilworth Avenue are temporarily on hold due to a contractual dispute between the developer (who is funding the works) and the contractor delivering the project. Council officers are working closely with both the developer and contractor to try to resolve the issues as soon as possible so that works can continue.

Stage 2 design works are progressing well. The timing of delivery will be dependent on the timing associated with the completion of stage 1.

### **Jolley Road Bridge Replacement**

Project description Replacement of existing timber bridge with a contemporary reinforced concrete structure. The existing bridge was constructed in the 1930's

and has a 10 tonne load limit which severely restricts the bridge being able to be used by large agricultural machinery and CFA fire fighting vehicles.

Funding	The project is funded by Council and the Australian Government's Bridges Renewal Program.
Timelines	Works to be completed by mid-2018.
Update	Construction works commenced end of May and are on track with an anticipated completion by July.

### **Other capital projects**

#### **Cardinia Cultural Centre (CCC), Stage 1 upgrade incorporating arts space**

Project description	The upgrade of the CCC is stage 1 of a proposed 3-stage upgrade. Stage 1 includes the provision of an arts space, significant improvements to the foyer/crush space and the provision of flexible dance of flexible dance/rehearsal rooms.
Funding	The project is funded by Council and a contribution through the Growing Suburbs Fund.
Timelines	Tenders will open on the 27 January and close on the 27 February 2018.
Update	Lloyd Group Pty Ltd have been awarded the contract to undertake the stage 1 upgrade works. The contractor has established on site and preliminary works have commenced. These works include demolition of the rear of the existing CCC and establishment of temporary services.

#### **Pakenham Depot construction of stages 3 and 4 for the administrative building**

Project description	<p>Stages 3 and 4 include:</p> <ul style="list-style-type: none"> <li>• Completion of the lower and upper level of the concrete portion of the redeveloped building.</li> <li>• Refurbishment of the metal shed portion providing full occupancy of the lower level and with opportunity for upper level as need may arise.</li> <li>• Formal toolbox and meeting space for over 100 staff.</li> <li>• Lift adjacent to reception and stair access to both buildings.</li> <li>• Lunchroom, incorporating kitchen, amenities including toilets for the disabled and showers.</li> <li>• Multi-purpose room and sickbay, and formal meeting rooms and informal spaces.</li> </ul>
Funding	The project is funded by Council.
Timelines	Completion end of May 2018.
Update	Construction works are complete with the fit out of furniture and IT services continuing.

### **Pakenham Kindergarten redevelopment**

Project description	<p>The redevelopment includes</p> <ul style="list-style-type: none"> <li>• New 100m<sup>2</sup> extension accommodating a new multipurpose area, storage room, staff room, amenities and covered outdoor storage space.</li> <li>• Renovations throughout the remainder of the building.</li> <li>• Replacement of weatherboards, timber fascia and gutters.</li> <li>• Replacement of evaporative cooler with two new multi head air conditioning units.</li> </ul>
Funding	The project is funded by Victorian Government Department of Education and Training grant (\$350,000) and Council.
Timelines	Works commenced late January 2018 and are due to be complete in June, with students and teachers to commence classes in term 3. Students and teachers will be accommodated in another facility during construction.
Update	Works are complete on site and Community Services are arranging the fit out with the stakeholders for occupancy at the start of term three. Defects period will continue for twelve months.

### ***Pakenham Hall, Library and U3A Solar Electricity System***

<b>Project Description</b>	Installation of an 84kW solar electricity system at the Pakenham Library Hall and U3A.
Funding	This project is funded by Council.
Timelines	Works commenced in June 2018.
Update	The solar electricity system installed through the completion of the project is currently awaiting AusNet to undertake works to enable its connection and operation.

### **Beaconsfield Community Complex Solar Electricity System**

<b>Project Description</b>	Installation of a 26kW solar electricity system at the Beaconsfield Community Complex.
Funding	This project is funded by Council.
Timelines	Works to commence once AusNet pre-approval is received.
Update	Suntrix have been appointed as solar installer for the project and will begin works once AusNet pre-approval is received.

### **Lighting Upgrade at Pakenham Hall, U3A and Library and Koo Wee Rup pool**

Project Description	Energy efficiency lighting upgrades will involve the replacement of over 500 inefficient lights in the Pakenham Hall, Library and U3A and the Koo Wee Rup outdoor pool.
---------------------	---

Funding	This project is funded by Council.
Timelines	Project is scheduled for completion in July.
Update	Echo Group have been engaged to conduct the upgrades and the project is currently underway.

**Decorative Street Lighting Upgrade**

Project Description	Stage 3 of the decorative street lighting upgrade. Approximately 280 Toorak street-lights will be re-trofitted with energy efficient alternatives in this stage of the project.
Funding	This project is Council funded.
Timelines	Upgrades are on track to commence at the start of next financial year.
Update	A network modification agreement is being drawn between Council and AusNet and planning is currently underway to identify remaining Toorak lights before engaging a suitable electrical installer.

**Strategies**

**Biodiversity Conservation Strategy**

Project description	<p>The development of a Biodiversity Conservation Strategy (BCS) that will provide clear long term strategic direction within the Shire to conserve biodiversity on both private and public land while working in partnership with the community.</p> <p>A detailed community consultation process will be undertaken prior to drafting of the strategy, to understand how land managers and the community value biodiversity. The community consultation will assist Council to develop conservation programs and projects that will make our natural biodiversity healthier, diverse and more resilient. This means the land can be managed for environmental, economic and social outcomes.</p> <p>The BCS consultation process will also be used in the Pest Plant Strategy review.</p>
Funding	The project is fully funded by Council.
Timelines	The finalised strategy is due to be adopted by Council in June 2019.
Update	The appointed facilitator has undertaken 4 consultation workshops during May and June 2018, including internal, industry and community workshops. Additionally 2 online surveys were conducted. A total of 14 separate consultation events and media articles have been undertaken, this has included 800 direct contact interactions with the community (via email, surveys completed and workshops attended). The results of the surveys and consultation workshops will be analysed by the facilitator, with a report for each strategy due to be complete by the end of July 2018.

**Pest plant management strategy**

**Project description**      The pest plant management strategy 2012 to 2017 (PPMS) is currently undergoing review. The strategy aims to reduce pest plant infestations across Cardinia Shire through the identification and implementation of an action plan targeting community education and engagement, planning controls and enforcement, and on ground works and monitoring.

The strategy highlights the combined role of all land managers including Council, private landholders, and state and federal agencies to control weeds collaboratively. There is an emphasis on community education and extension programs to ensure private landholder participation.

**Funding**                      The project is fully funded by Council.

**Timelines**                    The finalised strategy is due to be adopted by Council in June 2019.

**Update**                        For efficiency, community consultation has been undertaken concurrently with the Biodiversity Conservation Strategy above.

**18 MAJOR PROJECT AND STRATEGIES ACTIVITY REPORT**

Moved Cr B Owen Seconded Cr G Moore

That the report be noted.

Carried Unanimously.

## REPORTS OR MINUTES OF COMMITTEES

The Mayor advised that several reports from various committees have been tabled in addition to the minutes of recent council briefing sessions and these are available if any councillors wish to view them.

### REPORTS BY DELEGATES

Cr Brett Owen advised of his attendance at Cardinia Life in company with the Cr Carol Ryan at the opening of the Australian Junior Floor Ball Championship where 200 young people were competing.

Cr Brett Owen advised of his attendance at an open day at the Beaconsfield Conservation Reserve, attended by over 100 people, the reserve being managed by the Cardinia Environment Coalition. Cr Brett Owen commented that the reserve is the former Beaconsfield Reservoir and concerns were being expressed at Melbourne Water's proposal to lower the water levels in the former reservoir and hoped that Melbourne Water would work with all groups regarding their concerns.

Cr Brett Owen advised of a Remembrance Day project initiated by the Emerald RSL to cover Puffing Billy with hand crafted poppies, on 11 November and encouraged any interested persons to participate.

Cr Carol Ryan also commented on her attendance at the Junior Australian Floor Ball Championships.

Cr Carol Ryan also advised that she had visited ballroom dancing classes where children from 6 years of age were participating.

Cr Carol Ryan also advised of her attendance at a wheelchair tennis exhibition in Dandenong. Dandy, disability wheelchair tennis, got able bodies person to try

Cr Carol Ryan advised of her attendance at Casey Hospital to donate some teddy bears to the children's ward

Cr Graeme Moore advised of his attendance in company with the Mayor and Crs Wilmot and Springfield at the celebration of the Lang Lang Recreation Reserve by the Bendigo Bank to showcase the Banks investment in the facility.

Cr Moore Graeme Moore advised that the Battle of the Bands organised by the Council's Freeza Committee was being held at Pakenham Hall on Friday night and the the judged were himself and Cr Carol Ryan.

### PRESENTATION OF PETITIONS

Cr Moore tabled a copy of a petition presented to the State Government objecting to the alignment of the AGL Crib Point to Pakenham Gas Pipeline and called for a report to the Council to provide details of what support Council can provide to the petitioners to address their concerns.

The Mayor advised that the petition would be listed for consideration at a future Council Meeting.

## COMMUNITY QUESTION TIME

The Mayor advised of several Community Questions received which were read and answered as follows

**Mr Tony O'Hara**

### **Question 1 of 2:**

In relation to the sale of part of 335 McGregor Road, Pakenham 3810. As Podium 1 Pty Ltd was only registered in the ASIC database in April 2018 and there is no visible history of their existence or details of directors prior to that date. Has Cardinia Council conducted Due Diligence on Podium 1 Pty Ltd as the proposed purchaser of part of 335 McGregor Road, Pakenham and if so, could you please provide details of the company, such as location, Directors and contact details.

### **Answer by Manager Governance**

Council has conducted post tender Due Diligence on Podium 1 Pty Ltd, which included an independent financial assessment which provided Council with necessary assurances to execute a Heads of Agreement with this proponent. Could not contact Podium 1 not able

### **Question 2 of 2:**

In relation to the sale of part of 335 McGregor Road, Pakenham 3810. According to CAMS; who say they have been working with Council for three years on this project. Cardinia Shire Council called for Expressions of Interest from suitably experienced organisations to develop and operate world class facilities. Although I cannot find any information on the Expression of Interest via the council website. Is Podium 1 Pty Ltd the only company presenting an Expression of Interest and if so could we be provided details of their "suitable experience"?

Podium 1 was not the only company that responded to the EOI process, there were a number of interested parties.

Mr O'Hara asked a supplementary question relating to Podium 1's experience.

Manager Governance advised that the evaluation panel undertook an extensive evaluation process with the assistance of a probity auditor and was able to satisfy itself that the preferred candidate was suitable.

### **Question**

In relation to the recommended closure of Railway Ave, as the Pakenham Parking Precinct Plan Draft does not show any extra parking close to the station, will the redundant roadway land be used for extra parking that would be expected with the future development of Pakenham East as well as all the current growth north east of Pakenham?

### **Answer by Acting CEO**

Yes it will, as detailed in the report in the council agenda the closing of this intersection provides opportunities to improve parking for the train station along this truncated length of road. This will be developed in conjunction with Public Transport Victoria to discuss the potential use of some of their land to the south of Railway Avenue to allow further additional parking. The parking will be right angle parking replacing the parallel parking increasing the number of carparks from approximately 100 to 225 spaces.

Mr O'Hara asked a supplementary question regarding additional car parking for the station and whether a multi deck car park was being proposed?



Acting CEO advised that this was not being proposed as the Pakenham precinct parking plan indicates that there is suitable parking within the township.

The Mayor advised of a question received from Mr Dean Cowan, from Pakenham Pony Rescue

### Question

Where does the Cardinia Council find itself with, in the not too distant future, any endeavour to offer any form of support and recognition to the Pakenham Pony Rescue (Not for Profit) Organisation? Is there any Council owned land available for the PPRO to relocate to, as discussed during recent conversations with Cr Collin Ross, Cr Carol Ryan and Cr Michael Schilling? How does the Council plan to assist the PPRO in developing in to an education and tourist facility – similar to the Myuna Farm of Casey/City of Dandenong?

I raise these questions, due to the visit by Cr Carol Ryan and Cr Michael Schilling on the 7<sup>th</sup> June 2018, to the agistment property in Ballarto Road in Pakenham South, formerly known as Pony Rescue Central, (PRC) and to the hour long talk with Cr Collin Ross, The Mayor at the ANZAC Dawn Service on the 25<sup>th</sup> April 2018, Lest We Forget

### Answer – Manager Governance

Mr Cowan, thank you for your question and the discussion we had earlier in the day.

Council does not have any vacant land that would be suitable for your use. As previously suggested the land this is going to be used by the Officer Riding for the Disabled Group on the corner of Bald Hill Road and Five Mile Road may be suitable and in this regard you will need to discuss your requirement with the RDA and I am able to put you in touch with them.

Failing that Council may be able to assist in promoting the plight of your group that may lead to a benevolent member of the community coming forward that may have land suitable for your use.

I would be pleased to have further discussions with you after the meeting.

The Mayor advised of a series of questions received from Mr John Thompson, from the Timbertop Residents Committee

### Questions

1. Will bags be provided in parks so that residents can clean up any dog droppings left while walking their dog?

### Answer

It is not currently Council Policy to provide doggie bags.

2. Will the proposed West park (off Goldsborough Dr.) be a designated “Off lead” dog area?

### Answer

Yes, this reserve has been identified as an off leash dog area in the council report that was considered earlier this evening, it is referred to as Toddington avenue in the report

3. Has the above park been handed over by Parklea to the council yet?

### Answer

Yes it has.

4. When will rubbish bins be provided in the above park as well as the existing Hicks Reserve

park (off Timbertop Blvd.)?

**Answer**

Rubbish bins will be provided in this reserve when it is developed, the timeline for development has not been confirmed at this stage.

5. Will a basketball ring be provided in either of the above parks?

**Answer**

Discussions with the developer to install a basketball ring is currently occurring for the Fairwood Rise Reserve.

6. When will there be a school at corner of Grant parade and Barnsley road?

**Answer**

The State Government's School Buildings Authority is currently undertaking the planning and design for this new school however at this stage no opening date has been set, the State Government needs include in a future budget the funds required to build the school.

We are hopeful that this new school may be announced as an election promise or allocated in the 2019 state budget

7. What is the current status of the proposed extension to O'Shea Rd. to the Princes Freeway Roundabout in Beaconsfield?

**Answer**

The State Government has committed to develop this extension and we are awaiting further details on the extent of works and timing.

The Mayor advised that a written response would be forwarded to Mr Thompson

The Mayor advised that a question had been received from Mr Graeme Clark and referred the question to the Acting CEO to respond.

The Acting CEO summarised Mr Clark's question in that he was congratulating the Council on the Together We Can initiative to tackle domestic violence and suggesting that Council should conduct a similar campaign to address the traffic issues associated with the rail crossings at Racecourse Road, McGregor Road and Cardinia Road.

**Answer, Acting CEO**

Acting CEO thanked Mr Clark for his sentiments and supported additional advocacy in regard to the need for the upgrades to these level crossings and advised that advocacy documents had been prepared to lobby governments and opposition parties in this regard. Acting CEO supported Mr Clark's suggestion to promote the concerns of local residents. Acting CEO also advised that he and the Mayor had met with the Minister Jacinta Allen on 3 July to express concerns in regard to the issues associated and advised that he agreed with Mr Clark's comments regarding an extensive advocacy campaign.

Mr Clark asked a lengthy supplementary question regarding additional lobbying activities.

The Mayor advised that Council was lobbying very strongly for the funds to undertake the works involved. Council will keep advocating until they have a positive outcome.

The Mayor advised of two questions received from Mrs Gloria O'Connor and referred the questions to General Manager Planning and Development to answer.

**Question 1**

Recently eight members of Victorian Green Wedge Coalition attended at DELWP in Melbourne to provide information to consultant Rob Milner as part of a current review of Green Wedge in Victoria, and he advised that each relevant Council had received a questionnaire for response regarding the application, management and function of Green Wedge policy with purpose of improving its use. Can you please advise whether councillors were able to have input to the questionnaire, were any community groups invited for input or was it considered only a matter for Council planning staff?

**Answer**

The questionnaire from the Department Environment Water Land and Planning related to the current Green wedge controls and the zones applied within Cardinia Council seeking Officer views on the working of the planning zones and green wedge provision. Councillors were advised of this review and the potential for further funding to complete the green wedge management plan for the northern part of the Shire. Officers were advised that this was not a public review and any consultation would be facilitated by the Department in the future.

Mrs O'Connor asked a supplementary question asking whether it was staff members only involved in the process.

**Answer**

Yes, it was staff involvement only consisting of a desktop exercise and use of current planning controls in the green wedge and was a technical paper.

Mrs O'Connor commented on the potential weakening of controls in the green wedges

**Question 2.**

Documented record shows that the current Council planning detail for this huge development project in Pakenham East has been ongoing in Council progress since 2013, although no information has been provided to the community until the recent launch of the VPA Precinct Structure Plan for a very brief time. Was any earlier information or detail provided other than to landowners and the developer except a Council planning report in July 2016? Have any Councillors or planning staff seen the submissions lodged to VPA concerning this mega project or have Councillors been able to discuss its likely impact in the Cardinia Shire?

**Answer**

Council made a submission on the logical inclusions process facilitated by the State Government which led to the inclusion of Pakenham East into the Urban Growth Boundary. The decision to include Pakenham East within the Urban Growth Boundary was a decision of the previous Government. Council has been working with the Victorian Planning Authority in undertaking the background studies to support any development, along with draft plans and extensive consultation with Government Agencies prior to the public process. Council In March endorsed a submission to the Pakenham East Precinct Structure Plan and has also requested that the Minister not progress authorisation until the Infrastructure Contributions plan is agreed. The submission and presentation to the Panel are in line with this adopted position of Council.

Mrs O'Connor asked supplementary questions which were also answered.

Meeting closed at 9.47pm

---

Minutes Confirmed  
Chairman