

## **12 QUARTERLY REPORT - IMPLEMENTATION OF COUNCIL RESOLUTIONS**

FILE REFERENCE INT1978344

RESPONSIBLE GENERAL MANAGER Tom McQualter

AUTHOR Doug Evans

### **RECOMMENDATION**

That Council note the report detailing the implementation of Council resolutions for the period July to September 2019.

### **Attachments**

1 Quarterly Report - Actions 17 Pages

### **EXECUTIVE SUMMARY**

The attached report details all resolutions made at General and Special Council and Town Planning Committee Meetings for the quarter ended September 2019 and the actions taken to implement the decision.

### **BACKGROUND**

One of the responsibilities of the Chief Executive officer is ensure that Council decisions are implemented without undue delay, this report is intended to inform the Council about the implementation of these decisions and provide transparency to the community regarding this.

### **POLICY IMPLICATIONS**

Nil.

### **RELEVANCE TO COUNCIL PLAN**

This regular reporting is relevant to the Council Plan goals included in the Our Governance section, in particular:

- 5.2.1 Embrace and demonstrate effective governance and transparency, notwithstanding that on occasions, matters under consideration will be confidential.
- 5.2.2 Govern and make decisions in the best interests of the Cardinia Shire community.

### **CONSULTATION/COMMUNICATION**

All Council staff have been consulted in the preparation of this report

### **FINANCIAL AND RESOURCE IMPLICATIONS**

Nil.

## CONCLUSION

This report is provided for the information of Councillors to provide a transparent report and provide confidence to the Council that the decisions taken are implemented in a timely manner and without undue delay.

Meeting	Subject	Resolution	Responsible Officer	Completion Date
Town Planning Committee 1/07/2019	Subdivision of the Land into Two (2) Lots at 26-28 Holm Park Road, Beaconsfield	Moved Cr B Owen Seconded Cr J Springfield  That a Refusal to Grant Planning Permit T180499 be issued for Subdivision of the land into two (2) lots at 26-28 Holm Park Road, Beaconsfield VIC 3807 for the following reasons (4 ground listed)	Hooper, Tara	Refusal issued 12/7/19
Town Planning Committee 1/07/2019	Buildings and Works Associated with a Non-Residential Use (Open Sports Ground) at LRES1 PS746770, 125 Bridge Road, Officer Vic 3809 (Comely Banks Reserve)	Moved Cr B Owen Seconded Cr C Ross  That Planning Permit T190183 be issued for buildings and works associated with a non-residential use (open sports ground) LRES1 PS746770, 125 Bridge Road, Officer VIC 3809 (Comely Banks Reserve) subject to conditions	Cook, Emily	Permit issued 4/7/19
Council 15/07/2019	Petition to Provide Funding for Public Toilets at Rotary Park Pakenham	Moved Cr M Schilling Seconded Cr C Ryan  That Council continue to liaise with Rotary Club of Pakenham members to facilitate the installation of the proposed public toilet at Rotary Park, Pakenham, and respond to the head petitioner advising them of the funding now committed by the Federal Government and by Council to implement the new public toilet.	Alexander, Kevin	Liaison continues
Council 15/07/2019	Insurance premiums	Moved Cr J Owen Seconded Cr L Wilmot  That Council retrospectively approve payment of the following annual insurance policies:  1. MAV WorkCare Self-Insurance Scheme, for a premium of \$587,021  2. MAV Liability Mutual Insurance (LMI) including Public Liability, Products Liability	Evans, Doug	Payments processed

				and Professional Indemnity insurance for a premium of \$403,334.80, and		
				3. JLT Discretionary Trust, Industrial Special Risks (for a property portfolio valued at \$455,636,557) for a premium of \$365,754.75		
Council 15/07/2019	2019-20 Community Works Grant Recommendations	Capital Program	Moved Cr B Owen Seconded Cr J Springfield	Poore, Jasmine	Grant recipients advised	
			That;			
			1. Council approve the 2019/20 recommended Community Capital Works grants 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 27 August.			
Council 15/07/2019	1044 - Cr Collin Ross		Moved Cr C Ross Seconded Cr M Schilling	Evans, Doug	Policy amended accordingly	
			That in regard to the Sports Facility Standards Policy adopted by the Council at its meeting held on 17 June where the resolution was:			
			<i>That Council adopts the 2019 Sport Facility Standards Policy and Appendix including endorsing a modified option three which will involve designing and constructing facilities in accordance with the state sporting association standards for each sport, and providing;</i>			
			a) 100m <sup>2</sup> of social space for all sports (not including neighbourhood facilities),			
			b) 90m <sup>2</sup> of external covered viewing areas for all sports (not including neighbourhood			

<p>facilities), and</p> <p>c) Up to an additional 15m<sup>2</sup> to each change room for Australian Rules football facilities</p> <p>That points a) and b) of this motion be altered to read:</p> <p>a) up to 100m<sup>2</sup> of social space for all sports (not including neighbourhood facilities),</p> <p>b) up to 90m<sup>2</sup> of external covered viewing areas for all sports (not including neighbourhood facilities),</p>				
Council 15/07/2019	1045 - Cr Jodie Owen	Cr Jodie Owen withdrew this Notice of Motion	Evans, Doug	
Town Planning Committee 5/08/2019	Subdivision of Land into Nine (9) Lots and Creation of Access to a Road Zone Category 1 at 400 Rossiter Road, Koo Wee Rup	Moved Cr R Brown Seconded Cr C Ross  That the application be deferred for a period of 1 month to allow further information to be provided regarding the access arrangements from Rossiter Road to the property.	Hooper, Tara	Application considered at August Council Meeting
Town Planning Committee 5/08/2019	Re-Subdivision at 5 Birch Avenue and 63 Westlands Road, Emerald	Moved Cr B Owen Seconded Cr J Springfield  That a Refusal to Grant Planning Permit T180501 be issued for Resubdivision at 5 Birch Avenue & 63 Westlands Road Emerald, Emerald for the following reasons (9 reasons listed)	Schreuder, Matthew	Refusal issued 7/8/19 VCAT appeal lodged 4/10/19
Council 19/08/2019	Am C238 - Glismann Road Development Plan and Development Contributions Plan Authorisation Request	Moved Cr B Owen Seconded Cr J Springfield  That: <ul style="list-style-type: none"> <li>Authorisation be sought from the Minister for</li> </ul>	Lablache, Lorna	Authorisation sought 28/8/19

Planning under Section 9(2) of the Planning and Environment Act 1987 to prepare and exhibit amendment C238 to the Cardinia Planning Scheme to facilitate the following in the Glismann Road Development Plan area:

- Rezone land from the Rural Living Zone (RLZ2) to the General Residential Zone (GRZ1)
  - Remove the amendment area from the Environmental Significance Landscape Overlay (ESO1)
  - Amend the Schedule to Clause 43.04 (Development Plan Overlay) to include schedule 'Glismann Road Development Plan'
  - Amend the Schedule to Clause 45.06 (Development Contributions Plan Overlay) to include 'Glismann Road Development Contributions Plan'
  - Amend Planning Scheme Maps 12, 12DCPO, 12DPO and 12ESO.
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- Council's request to seek authorisation from the Minister for Planning under Section 9(2) of the Planning and Environment Act 1987 to prepare amendment C238 to the Cardinia Planning Scheme as resolved by Council on the 15 October 2018 has now been superseded by Council's resolution of the 19 August 2019.
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- Officers may make changes to the Glismann Road Development Plan (Rev. M dated 29 January 2018) (Attachment 2) that do not

<p>change the intent or direction of the plan.</p> <ul style="list-style-type: none"> <li>• That during the formal exhibition process of the proposed planning scheme amendment, that the Minister for Education be sent a copy of previous correspondence between Council and the Minister with regards to the possible options for Beaconsfield Primary School as part of the Development Plan and planning scheme amendment process.</li> </ul>				
Council 19/08/2019	Subdivision of Land into Nine (9) Lots and Creation of Access to a Road Zone Category 1 at 400 Rossiter Road, Koo Wee Rup	Moved Cr R Brown Seconded Cr C Ross	Hooper, Tara	NOD issued 22/8/19
<p>That a Notice of Decision to Grant Planning Permit T180293 be issued for the Subdivision of land into nine (9) lots and creation of access to a Road Zone Category 1 at 400 Rossiter Road, Koo Wee Rup VIC 3981 subject to conditions:</p>				
Council 19/08/2019	Lakeside Discovery Centre at Emerald Lake Park	Moved Cr J Springfield Seconded Cr L Wilmot	Evans, Doug	ETRB advised 21/8/19
<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Note that the Heads of Agreement document with Emerald Tourist Railway Board has been executed,</li> <li>2. Proceed with the sale of 8068 square metres of land at Emerald Lake Park, shown as Lot 1 on PS 829353T, to the Emerald Tourist Railway Board for the valuation to be set by the Victorian Valuer General to allow construction of the Lakeside Discovery Centre,</li> <li>3. Use the proceeds from the sale to provide improvements to both Emerald Lake Park</li> </ol>				

		and Puffing Billy Place Reserve in Emerald, and		
		4. Note that this sale is in accordance with section 191 of the <i>Local Government Act 1989</i> (Vic).		
Council 19/08/2019	Sale of Part of 2 Station Street, Officer	Moved Cr J Owen Seconded Cr L Wilmot	Blackwood, Jeanette	Sale proceeding
		That Council authorises the Chief Executive Officer to effect the sale of part of 2 Station Street Officer and sign and seal all documentation associated with the sale of the Council land.		
Council 19/08/2019	Proposed Discontinuance of Roads Encroaching Properties at Peet Street, Pakenham and 17 Hill Street, Pakenham	Moved Cr J Owen Seconded Cr L Wilmot	Shadforth, Fiona	Process commenced
		That:		
		<ol style="list-style-type: none"> <li>1. Council commence the statutory procedures in accordance with clause 3 schedule 10 of the Local Government Act, 1989, (the Act) to discontinue the portions of road abutting O'Sullivan Street (of the Peet Street property which is bounded by O'Sullivan Street and Hill Street) and 17 Hill Street Pakenham, as shown on the attached locality plan; and</li> <li>2. Council publish a notice in the local paper for Pakenham in accordance with Sections 207A and 223 of the Act advising of the proposed road discontinuances and such notice state that, if discontinued, that the land may be transferred to the abutting owners; and</li> </ol>		



<p>3. In the event of no submissions being received, the matter be reported to Council again for resolution on how to proceed; and</p> <p>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.</p>				
Council 19/08/2019	Appointment of Acting Chief Executive Officer	Moved Cr J Owen Seconded Cr L Wilmot	Evans, Doug	Appointment confirmed
<p>That Council appoint the General Manager Customer, People and Performance Jenny Scicluna, as the Acting Chief Executive Officer for the period 2 September 2019 to 13 September 2019 during a period of Annual Leave by the Chief Executive Officer.</p>				
Council 19/08/2019	Appointment of Authorised Officers Under Planning and Environment Act 1987	Moved Cr J Owen Seconded Cr L Wilmot	Hardidge, Owen	Appointments confirmed
<p>That the Council resolve to appoint the persons named in this resolution as Authorised Officers for the purpose of enforcement of the Planning and Environment Act 1987, and that the Council Seal be affixed to the instruments of appointment attached to this report:</p> <p>a) Mr Troy Ledbury b) Mr David Au c) Mr Kelly Richards d) Ms Selina Morley</p>				

Council 19/08/2019	Appointment of Committee Members to the Nobelius Heritage Park and Emerald Museum Committee of Management	Moved Cr B Owen Seconded Cr L Wilmot  That the following appointments be made to the Nobelius Heritage Park and Emerald Museum Committee of Management for a two year term:  <ul style="list-style-type: none"> <li>• Pauline Murphy (President)</li> <li>• Lynne Schrull (Secretary)</li> <li>• Many Porter (Treasurer)</li> <li>• Elaine Morris</li> <li>• Roy Kendall</li> <li>• Chris Scarlett</li> <li>• Kerry Champness</li> </ul>	Lovell, Desiree	Appointments confirmed
Council 19/08/2019	Short Term Recycling Processing Contract	Moved Cr J Owen Seconded Cr L Wilmot  That Council delegate authority to the CEO to enter into a short-term contract (up to 2yrs) with Polytrade Recycling for the processing of kerbside recycling.	Kelly, Jacqui	Short term contract entered
Council 19/08/2019	1046 Cr Schilling	Moved Cr M Schilling Seconded Cr J Owen  Council resolves to:  <ol style="list-style-type: none"> <li>1. Write to the Minster for Transport and Public Transport Victoria, seeking a reroute to the 925 bus service to include 'Orchard Valley Ave, Toomuc Valley Rd and Syme Rd' in Pakenham.</li> <li>2. Request PTV to review the bus network within the Cardinia Shire, ensuring local schools are serviced with adequate bus services to accommodate their relevant catchment area</li> <li>3. Continue to advocate for improved bus</li> </ol>	Evans, Doug	Request submitted to Minister for Transport and PTV 27/8/19

services throughout the Cardinia Shire.

Council 19/08/2019	1047 Cr Brett Owen	Moved Cr B Owen Seconded Cr J Springfield	Evans, Doug	Letter sent 27/8/19
		<p>That:</p> <ol style="list-style-type: none"> <li>1. Council write to the Victorian Minister for Roads - The Honourable Jaala Pulford and Vic Roads to complete a new review of road safety at the intersection of Beaconsfield Emerald Road, St Georges Road and Salisbury Road, Upper Beaconsfield</li> <li>2. Respectfully request that modifications are implemented by Vic Roads in consultation with the community and Cardinia Shire Council.</li> <li>3. Council seek a delegation to Vic Roads to advocate for the above improvements.</li> <li>4. Council continue to support and assist the Upper Beaconsfield Association and interested community members to advocate for safety improvements to the intersection.</li> </ol>		
Town Planning Committee 2/09/2019	Use and Development of Land for a Place of Worship and Car Parking reduction at 2/6 Webster Way, Pakenham	<p>Moved Cr C Ryan Seconded Cr J Owen</p> <p>That the application be deferred to the next General Council meeting to allow further information to be considered.</p>	Wellalage, Vageesha	Application considered at September Council Meeting
Town Planning Committee 2/09/2019	Use And Development Of The Land, In Stages, For A Place Of Assembly (Cinema), Food & Drink Premises, Medical Centre, Shops (Including	<p>Moved Cr J Owen Seconded Cr C Ryan</p> <p>That the application be deferred to the next General</p>	Cook, Emily	Application considered at September Council Meeting

	Discount Department Store And Supermarket), Creation Of Easements, Signage, Reduction In Car Parking, Sale & Cons...	Council meeting to allow further information to be considered and other Councillors are present for discussion.		
			Cd.	
Council 16/09/2019	Use And Development Of The Land, In Stages, For A Place Of Assembly (Cinema), Food & Drink Premises, Medical Centre, Shops (Including Discount Department Store And Supermarket), Creation Of Easements, Signage, Reduction In Car Parking, Sale & Cons...	<p>Moved Cr J Owen Seconded Cr L Wilmot</p> <p>That a Refusal to Grant Planning Permit T180454 be issued for the use and development of the land, in stages, for a place of assembly (cinema), food &amp; drink premises, medical centre, shops (including discount department store and supermarket), creation of easements, signage, reduction in car parking, sale &amp; consumption of liquor and, to create &amp; alter access to a Road Zone Category 1 at Lot 1 PC356180X, 900 Princes Highway, Pakenham VIC 3810 &amp; Reserve 1 PS531572Q on the following grounds (5 ground listed)</p> <p>Upon being put to the meeting, the motion was declared carried.</p> <p>Cr Ross called for a Division.</p> <p>For the Motion were Crs G Moore, J Owen, L Wilmot, B Owen, J Springfield and R Brown Total (6).</p> <p>Against the Motion were Crs C Ross, M Schilling and C Ryan Total (3).</p>	Cook, Emily	Refusal issued 23/9/19
Council 16/09/2019	Use and Development of Land for a Place of Worship and Car Parking reduction at 2/6 Webster Way, Pakenham	<p>Moved Cr C Ryan Seconded Cr M Schilling</p> <p>That a Notice of Decision to Grant Planning Permit T190196 be issued for use and development of land for a place of worship, signage and reduction in car parking at Factory 2/6 Webster Way, Pakenham subject to conditions.</p>	Wellalage, Vageesha	NOD issued 18/9/19

Council 16/09/2019	Subdivision of Land and Removal of Restrictive Covenants at Rimple Way, Monica Way and Rix Road, Beaconsfield	Moved Cr C Ryan Seconded Cr R Brown  That Council refuse to Grant Planning Permit T180348 be issued for the subdivision of eight (8) lots into twelve lots (12) and the variation of Covenant PS711709M relating to building envelope restrictions at 17 & 19 Rimple Way, 18, 19, 20 & 21 Monica Way, 420 & 422 Rix Road, Beaconsfield VIC 3807 on the following grounds (2 ground listed)	Powell, Stephen	Refusal issued
Council 16/09/2019	Purchase of part 795 Princes Highway	Moved Cr C Ryan Seconded Cr R Brown  That Council purchase 987 square metres of land being part of the land at 795 Princes Highway Pakenham in accordance with the Cardinia Road Precinct Structure Plan (CRPSP) and Cardinia Road Development Contribution Plan (CRDCP) for an amount of \$301,271.88 to facilitate road widening and intersection upgrade works.	Shadforth, Fiona	Purchase agreed
Council 16/09/2019	My Place Youth Facility Expansion and Relocation Project- Site Options	Moved Cr M Schilling Seconded Cr J Springfield  That Council approve the My Place Youth Facility to be built at 41 James Street Pakenham in order to meet the needs of young people, increase specialist support services locally and meet the timelines required under the Growing Suburbs Fund.	Firth, Emma	Site confirmed
Council 16/09/2019	Draft Cardinia Railway Towns - Economic, Social & Land Use Assessment (Background Report)	Moved Cr C Ryan Seconded Cr R Brown  That Council:	Lablache, Lorna	Submitters advised 30/9/19

		<p>Support that further work is required as outlined in this report in order to provide Council with information and evidence to:</p> <ul style="list-style-type: none"> <li>• satisfy the actions outlined in the 2017-21 Council Plan</li> <li>• develop clear policy direction</li> <li>• provide a framework to guide any future township strategy for Nar Nar Goon and Tynong or review the existing strategies of Garfield and Bunyip</li> <li>• articulate principles that are based on sound evidence and community input that can be used as an advocate tool where Council does not have the authority to make decisions.</li> </ul> <p>Advise all submitters be of Council's resolution and Council's webpage be updated to reflect the next steps of this project.</p>		
Council 16/09/2019	Dissolution of Cockatoo Community Hall Committee	<p>Moved Cr L Wilmot Seconded Cr J Springfield</p> <p>That the Cockatoo Community Hall Committee, appointed under the provisions of Section 86 of the Local Government Act by Council resolution dated 19 May 2008, be dissolved.</p>	Evans, Doug	Committee dissolved
Council 16/09/2019	Growing Suburbs Fund 2019 applications	<p>Moved Cr C Ross Seconded Cr B Owen</p> <p>That the following Growing Suburb Fund 2019 applications in priority order from highest to lowest be endorsed:</p> <ul style="list-style-type: none"> <li>• My Place</li> <li>• Integrated child and family centre at Timbertop/Rix Road</li> </ul>	Jackson, Kristen	GSF Applications lodged

			<ul style="list-style-type: none"> <li>• Pakenham Main Street upgrade</li> <li>• Beaconsfield Memorial Park</li> <li>• Koo Wee Rup Community and Bowls Facility</li> <li>• Officer District Park</li> </ul>		
Council 16/09/2019	Financial report and Performance Statement	Moved Cr C Ryan Seconded Cr R Brown	Moore, Scott	Annual report forwarded to Minister 24/9/19	
		<p>That:</p> <ol style="list-style-type: none"> <li>1. Pursuant to Section 132(2) of the Local Government Act 1989, Council gives its approval in principle to the financial statements and performance statement for the year ended 30 June 2019, subject to any changes recommended or agreed to by the auditor;</li> <li>2. Pursuant to Section 132(5) of the Local Government Act 1989, Council authorises Councillors Ray Brown and Brett Owen to certify the financial statements and performance statement for the year ended 30 June 2019, in their final form after any changes recommended or agreed by the auditor have been made, in accordance with the Local Government (Planning and Reporting) Regulations 2014; and</li> <li>3. Scott Moore, Chief Finance Officer, is appointed as the Principal Accounting Officer for the purposes of Section 132(5b) of the Local Government Act 1989.</li> </ol>			
Council 16/09/2019	Electricity and Gas Fixed Price Contract Extension	Moved Cr C Ryan Seconded Cr R Brown	Walker, Bruce	Contract extended 18/9/19	
		<p>That Council extend the existing Fixed Price Contracts for large and small scale metered electricity and gas supply with AGL and Origin through Procurement Australia for a cost of \$2.3</p>			

per annum for an additional 2 year period.					
Council 16/09/2019	Contract No. 19/19 Bushland Reserve and Natural Area Maintenance	Moved Cr C Ryan Seconded Cr R Brown  That Council appoint the following seven (7) Tenderers onto a service panel for Contract 19/19 provision of Bushland Reserve and Natural Area Maintenance services for a maximum period of 5 years: <div><div>1. Naturelinks Landscape Management</div><div>2. Native Habitat</div><div>3. Indigenous Design Environmental Services</div><div>4. Habitat Creations</div><div>5. Eco-Repair</div><div>6. Acacia Environmental Management</div><div>7. Envirogain</div></div>	Kuriata, Lisa	Tenderers advised 18/9/19	
Council 16/09/2019	Contract No. 19/21 Comely Banks Recreational Reserve Sporting Pavilion	Moved Cr C Ryan Seconded Cr R Brown  That Council:  <div><div>• Award the tender for Contract No. 19/21 Comely Banks Recreational Reserve Sporting Pavilion to Dura Construction at the tender price of \$5,402,738.00 (excl. GST) including \$98,000 for Provisional items.</div><div>• Advise all tenderers accordingly.</div><div>• Seal is affixed to the relevant contract documents.</div></div>	Dowber, John	Contractors advised 18/9/19	
Council 16/09/2019	Contract No 19/26 Council Buildings/ Facilities Re-Keying Project	Moved Cr C Ryan Seconded Cr R Brown  That Council:	Zoldak, Rachel	Tender accepted 19/9/19	



		<ul style="list-style-type: none"> <li>• Adopt and endorses the replacement of the existing 3no. master-keys systems with a single and appropriate electronic access and a single new general master-key system, across all of Council's buildings and facilities'.</li> <li>• Approve the Schedule of Rates tender as recommended in the Confidential Report.</li> </ul>		
Council 16/09/2019	1048 Cr Schilling	<p>Moved Cr M Schilling Seconded Cr C Ryan</p> <p>That Council resolves to:</p> <ul style="list-style-type: none"> <li>• Note that the Municipal Association of Victoria State Council (May 2019) and the Australian Local Government Association National General Assembly (June 2019) have both declared a climate emergency;</li> <li>• Declare a climate emergency, in response to the overwhelming climate science which indicates rising global temperatures are putting our local economy, people, species, and ecosystems at risk.</li> <li>• Give priority to policy and actions that will provide for both mitigation and adaptation in response to accelerating global warming and climate change.</li> <li>• Ensure climate change adaptation and mitigation are emphasised as a key priority in the 2021-2025 council plan.</li> <li>• Investigate the financial viability of divestment within council financing, with the aim to move away from financial institutions, which fund the fossil fuel industry.</li> <li>• Fund a climate change action plan in the 2020-2021 budget cycle, with a focus on climate change adaptation and mitigation.</li> </ul>	Evans, Doug	Climate Emergency declared, current commitments extended to include additional matters raised in NOM.

- Investigate the cost effectiveness in purchasing “green energy”.
- Acknowledge the work Cardinia Shire Council has already done in the move to a zero carbon operational target, with a planned 36% reduction in community emissions.