

Ordinary Council Meeting

Minutes

Monday 21 February 2022

Commenced at 6:07 Pm to consider a confidential matter 'in camera' and was adjourned at 6;09 PM to reconven at 7:00 PM

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

Members: Cr Jeff Springfield Mayor
Cr Tammy Radford Deputy Mayor
Cr Kaye Cameron
Cr Stephanie Davies (Left 8.23pm)
Cr Jack Kowarzik
Cr Graeme Moore
Cr Collin Ross
Cr Brett Owen
Cr Carol Ryan

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

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1 Opening And Reflection/Prayer

Meeting opened at 6:07pm.

The Mayor asked for a motion to close the meeting to the general public to consider a confidential item.

Moved Cr Kowarzik seconded Cr Moore.

That the meeting be closed to members of the public to consider a confidential matter.

Carried

At the conclusion of the confidential item, the Mayor called for a motion to open the Council Meeting

Moved Cr Kowarzik seconded Cr Davies

That the meeting be opened to members of the public

Carried

The Mayor adjourned the meeting at 6.09 pm to reconvene at 7pm.

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

2 Acknowledgements

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

3 Apologies

Cr Davies left the meeting at 8:23pm.

4 Adoption And Confirmation Of Minutes

Moved Cr Stephanie Davies, seconded Cr Kaye Cameron

That minutes of the following meetings be confirmed:

- General Council meeting 13 December 2022

Carried

5 Declaration Of Interests

Item 6.2.3 - Cr Ross declared a direct conflict of interest.

6 Ordinary Business
6.1 Town Planning Reports

6.1.1 Planning Scheme Amendment C268 - 49 Garfield Road, Garfield

Responsible GM: Lili Rosic
Author: Teresa Hazendonk

Recommendation(s)

1. That Council resolve to seek the authorisation of the Minister for Planning under Section 8A(2) of the *Planning and Environment Act 1987* to prepare Amendment C268card to the Cardinia Planning Scheme to:

- Rezone part of the land at 49 Garfield Road, Garfield from Low Density Residential Zone – Schedule 2 (LDRZ2) to Low Density Residential Zone – Schedule 3 (LDRZ3).
- Rezone part of the land at 49 Garfield Road, Garfield from Low Density Residential Zone – Schedule 2 (LDRZ2) to Green Wedge Zone – Schedule 1 (GWZ1).

generally, in accordance with Attachment 1.

2. That Council consider Planning Application No. T190104 for:

- Staged subdivision of the subject land into low density residential lots
- Removal of native vegetation
- Removal of easements
- Creation of restrictions on the plan of subdivision.

concurrently with Amendment C268card under Section 96A of the *Planning and Environment Act 1987*.

3. That Council, subject to receiving the authorisation of the Minister for Planning, gives notice of Amendment C268card and Proposed Planning Permit T190104 containing conditions generally in accordance with Attachment 2, under Section 96C of the *Planning and Environment Act 1987*.

4. That the proponent be advised of Council's decision.

Attachments

1. Amendment Documentation Authorisation [6.1.1.1 - 10 pages]
2. Proposed Planning Permit T190104 Authorisation [6.1.1.2 - 36 pages]
3. Proposed Subdivision Plan [6.1.1.3 - 2 pages]

Executive Summary

In 2019, Council received a request to rezone part of the land at 49 Garfield Road, Garfield from LDRZ2 (which has a minimum lot size of 4,000 sqm) to LDRZ3 (which has a minimum lot size of 2,000 sqm), and part of the land which falls outside the Urban Growth Boundary (UGB) from LDRZ2 to GWZ1.

The request also seeks consent to concurrently consider a planning permit application to subdivide the land for residential purposes, remove native vegetation, remove and vary easements, and create restrictions on the plan of subdivision.

The original proposal fell far short of addressing the significant constraints affecting the land. The proposal has progressed through several iterations in an effort to satisfy the requirements of the relevant planning provisions. Council officers consider that, subject to planning permit conditions, the proposal now addresses all the critical elements affecting the land which include, bushfire hazard, native vegetation, vehicle access, Ti Tree Creek, drainage, the Southern Brown Bandicoot, a gas pipeline easement, and interface with Green Wedge land.

Background

Council received a request from NBA Group Pty Ltd on behalf of the landowners Oakhouse Nominees Pty Ltd to amend the Cardinia Planning Scheme to rezone the land at 49 Garfield Road, Garfield (Lot 1 PS436250U and Lot 1 PS531590N) from Low Density Residential Zone Schedule 2 (LDRZ2) to Low Density Residential Zone Schedule 3 (LDRZ3) and Green Wedge Zone Schedule 1 (GWZ1).

In association with the amendment request, planning permit application T190104 has also been lodged under section 96A of the *Planning and Environment Act 1987*, seeking approval for subdivision of the land into low density residential lots and reserves, removal of native vegetation, creation/variation of easements, and creation of restriction on the plan of subdivision. It is proposed that this application be considered concurrently with the amendment to facilitate development of the land for residential purposes.

In 2013, the state government made changes to the Low Density Residential Zone allowing a new minimum lot size of 0.2 hectares (2,000 sqm) where land is connected to reticulated sewerage, in addition to the existing minimum lot size of 0.4 hectares (4,000 sqm) which would continue to apply to land where reticulated sewerage was not available.

In the Cardinia Planning Scheme the 0.4 hectare minimum lot size continued to apply to all land in the Low Density Residential Zone at the request of Council until we could carry out the necessary strategic work considering all planning matters (not just availability of reticulated sewerage) to justify reduction of the minimum lot size to 0.2 hectares in appropriate locations.

In 2016, Amendment C188 reviewed the application of the Low Density Residential Zone across the Shire and rezoned land from LDRZ2 to LDRZ3 to allow subdivision to a minimum lot size of 2,000 sqm where lots could be connected to reticulated sewerage and no other planning issues were apparent to prevent the reduced lot size. There was insufficient strategic justification at that time to support rezoning of the subject land.

The proponent of Amendment C268 lodged a submission to Amendment C188 requesting to be included in the proposed rezoning. Council responded as follows:

Council Officers consider that this land could be considered for inclusion in Schedule 3 to the Low Density Residential Zone, allowing the minimum lot size for subdivision to be reduced to 0.2 hectares, however, given that this land has not been part of a public notification process, it should be undertaken as part of a separate planning scheme amendment which should also include an application for planning permit to allow Council Officers to appropriately consider the potential impacts on Ti tree Creek and the gas pipeline easement.

Several background reports have been provided by the landowner to address the site constraints and the potential impacts. These reports have informed this combined planning scheme amendment request and planning permit application.

The land and surrounds

The land is located on the north-west fringe of Garfield township approximately 900 metres from the town centre and has an area of 14.075 hectares. Ti Tree Creek traverses the northeast corner of the land.

Land to the north and west is zoned GWZ1, land to the south and east is zoned LDRZ2, and land to the southeast is zoned General Residential Zone – Schedule 1 (GRZ1).



Locality Map

Current Zones and Overlays

Most of the land is inside the Urban Growth Boundary (UGB) and is zoned LDRZ2 which has a minimum lot size of 4,000 sqm. A smaller part of the land is outside the UGB and is partly zoned LDRZ2 and partly zoned GWZ1.



Zone Map

The land is traversed by the UGB, however, it does not align with the current delineation between the LDRZ2 and the GWZ1. This is an anomaly.

The land inside the UGB is affected by the Design and Development Overlay Schedule 1 (DDO1).

The land outside the UGB is affected by the Environmental Significance overlay – Schedule 1 (ESO1).

The proposal

The amendment request and planning permit application have been lodged under Section 96A of the *Planning and Environment Act 1987* (PE Act). Section 96A allows Council to consider a planning permit application concurrently with a planning scheme amendment, even though the proposed subdivision would otherwise be prohibited under the current planning controls.

In summary, the amendment request and planning permit application propose to:

- Rezone the land inside the UGB from LDRZ2 to LDRZ3.
- Rezone part of the land outside the UGB from LDRZ2 to GWZ1.
- Staged subdivision of the land into 37 low density residential lots ranging in size from 2,000m² to 8,749m².
- Create Reserves to be transferred to Council and Melbourne Water.
- Remove native vegetation.
- Remove/vary existing easements.
- Create restriction on the plan of subdivision.

A map of the proposed planning zone is contained in Attachment 1, the Proposed Planning Permit is contained in Attachment 2, while the proposed subdivision plan is contained in Attachment 3.

Policy Implications

The full strategic planning policy assessment is provided in the Explanatory Report contained in Attachment 1. A summary of the key issues is provided here.

Garfield Township Strategy

The Garfield Township Strategy (2002) is a reference document in the Cardinia Planning Scheme. It identifies the subject land to be developed with Low Density Residential housing, however, it still identifies 4,000m² lots because the strategy was prepared prior to the major

zone reforms in 2013 which introduced the ability to create 2,000m² lots in the Low Density Residential Zone if reticulated sewerage is connected to the land.

The strategy also identifies that the 'existing significant vegetation' in the northwest corner be protected, and that Ti-Tree Creek form part of public open space.

Bushfire

The land is located within a Bushfire Prone Area under the *Building Act* 1993 and therefore bushfire risk to the site and surrounding area needs to be considered and addressed.

The CFA does not object to the proposal. As a result of several revisions of the proposal, CFA and Council officers are now satisfied that appropriate bushfire mitigation measures will be put in place. An appropriate defendable space will be provided which will have implications for the maintenance of the proposed reserves within the subdivision area. The defendable space area together with the building envelopes shown on each lot will ensure the future dwellings will achieve the construction standard required by Clause 13.02-1S (Bushfire planning) of the planning scheme - 'Bushfire Attack Level' of BAL-12.5.

Native vegetation removal

Whilst much native vegetation is to be retained within the proposed Conservation Reserves which have a combined area of 1.1 hectares, it is proposed to remove 0.88 hectares of native vegetation from the land to accommodate the proposed lots and sufficient bushfire defendable space. To satisfy the requirements of Clause 52.17 of the planning scheme, a permit condition will require the land owner to enter into an agreement under Section 173 of the *Planning Environment Act 1987* to ensure offset planting will be carried out to compensate for this vegetation loss.

Conservation Reserves

There are two Conservation Reserves proposed, one in the northwest corner that extends along part of the northern boundary and parts of the western boundary, and one in the northeast corner that extends along parts of the eastern boundary. As well as retaining existing native vegetation, these Conservation Reserves will be enhanced by weed removal and additional planting of native vegetation, and will be maintained for two years before the maintenance of the land is handed over to Council. These Reserves will also contain the proposed Southern Brown Bandicoot habitat corridors (discussed below).

Southern Brown Bandicoot (SBB)

The SBB is listed as an endangered species under the *Environment Protection and Biodiversity Act 1999* (EPBC Act). The SBB has managed to endure around some of Cardinia's rural townships in the Western Port region, including Garfield. A referral under the EPBC Act to the Federal government will be triggered by the proposal. To ensure no detriment is caused to the SBB, the proposal will provide 7 metre wide bandicoot habitat corridors around the periphery of the subdivision, linking up gaps in the habitat currently used by the SBB and creating new habitat.

Aboriginal cultural heritage

A Cultural Heritage Management Plan (CHMP) has been prepared and approved by Aboriginal Affairs Victoria. A condition will be placed on the Proposed Planning Permit to assist in ensuring the requirements of the CHMP are complied.

Interface with Green Wedge land

The evolution of the proposal has significantly improved its interface with the adjoining green wedge. The overall number of lots has been reduced, lots face forward no longer turning their back on the green wedge land, and conservation areas will be protected along most of the

periphery of the subject land. These measures provide an attractive and sympathetic transition between the urban and rural uses.

Gas pipeline easement

Ownership of the land containing the gas pipeline easement is proposed to be transferred to Council. This land is encumbered and can only be embellished with paths for safety reasons. At the request of APA VTS Australia (gas pipeline authority) conditions will be placed on the proposed planning permit ensuring all manner of development and works on the easement must first be referred to them for approval. Conditions will be placed on the proposed planning permit requiring future development on lots abutting the easement to comply with design guidelines which will address a range of matters including building setbacks, built form, and fencing design.

Ti Tree Creek

The subdivision has been designed to respond to Ti Tree Creek. The creek will be included within a Drainage Reserve extending 30 metres on each side of the creek. Native vegetation along the waterway will be retained, protected and enhanced with weed removal and additional planting which will support movement of the Southern Brown Bandicoot. A 20m wide strip within the Drainage Reserve closest to the proposed lots will be maintained as bushfire defendable space with short grass.

Drainage

The development will also provide water quality treatment by way of a stormwater retention wetland adjacent to the creek at its south-eastern end. Together with revegetation along the creek, these measures will result in significant benefits to the waterway.

Road and pedestrian access

The proposed road layout provides for needs within the proposed subdivision, connects well to the adjoining residential subdivision, and provides for future road connections to adjoining undeveloped land. Shared paths are to be provided through and around the proposed subdivision and will connect to Garfield's existing path network. This will provide pedestrians and cyclists relatively easy access to the Garfield train station and town centre, both located approximately 900 metres (1200 metres walking distance) to the south

Public open space contribution

The subject land has an area of 14.075 hectares (140,750m²). Approximately 24% of the site is proposed for the purpose of Reserves (public land). Apart from the area proposed for a playground and shared paths, all the land (listed in the table below) is encumbered. Therefore, the requirements of Clause 53.01 (Public Open Space Contribution and Subdivision) are not satisfied. Clause 53.01 requires a person who subdivides land must make an open space contribution to Council of 8% of unencumbered land, or a cash in lieu of land contribution equivalent to 8% of the value of the unencumbered land. As such, a cash in lieu contribution is required for the shortfall of unencumbered land contribution for public open space. Cash contributions are used by Council to embellish existing recreation reserves owned by Council in the vicinity.

The proponent proposes to carry out landscape works, construct a fenced playground and an extensive concrete shared path network, in addition to the environmental enhancements of the Drainage and Conservation Reserves. It is considered that the value of these embellishments and the extent of rehabilitation and planting of native vegetation is commensurate with the required cash in lieu contribution. It is on this basis that no further public open space contribution in the form of cash payment will be required for this subdivision proposal.

Proposed Reserves	Area (hectares square metres %)	To be vested in
Drainage Reserve - Ti Tree Creek (Encumbered)	1.190 ha 11,900m ² 8.45%	Melbourne Water / Council
Drainage Reserve - water retarding basin (Encumbered)	0.064 ha 640m ² 0.45%	Melbourne Water / Council
Conservation Reserves (2) (Encumbered)	1.100 ha 11,000m ² 7.82%	Council
APA Gas pipeline easement Reserve (Encumbered)	0.650 ha 6,500m ² 4.62%	Council
Recreation Reserve - Passive open space (for playground and shared paths) (Unencumbered)	0.420 ha 4,200m ² 2.98%	Council
Total	3.424 ha 34,240m² 24.32%	

Net community benefit

It is considered that the environmental and biodiversity benefit that will be achieved through this proposal will derive a significant net community benefit.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

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

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

2.1.3 Plan for housing diversity that meets community need, is affordable and delivers environmental sustainability, safety and healthy living outcomes.

Climate Emergency Consideration

Climate change will increase the risk to land in Cardinia Shire from bushfires and flood. The proposal introduces management provisions to addresses both drainage and bushfire risk which will reduce the future impact of climate change on this site. The proposal also facilitates new housing within the existing township boundary for Garfield. This will contribute to housing consolidation within a rural township, reducing the amount of urban sprawl and pressure on Cardinia's main growth front, thereby helping to mitigate the effects on climate change.

Consultation/Communication

There has been a significant level of consultation and collaboration with other business units as well as key external authorities. Once authorisation has been received from the Minister for Planning, the Amendment C268card documents and the Proposed Planning Permit will be exhibited to the public for a period one month. Adjoining landowners and occupiers, community groups, referral agencies and authorities will be sent notification in accordance with the requirements of the *Planning and Environment Act 1987*.

Financial and Resource Implications

The statutory fees and any planning panel costs will be paid for by the proponent. Resourcing and any additional costs associated with the planning scheme amendment process are provided for by the current and proposed Planning Strategy budget.

Conclusion

It is considered that the proposal is supported by both State and Local planning policy, and is consistent with the directions of *Plan Melbourne* and with relevant Ministerial Directions.

It is recommended that Council submit an application to the Minister for Planning seeking authorisation to prepare and exhibit Amendment C268card concurrently with Proposed Planning Permit T190104 generally in accordance with the attachments to this report.

Resolution

Moved Cr Graeme Moore, seconded Cr Collin Ross.

1. That Council resolve to seek the authorisation of the Minister for Planning under Section 8A(2) of the *Planning and Environment Act 1987* to prepare Amendment C268card to the Cardinia Planning Scheme to:
 - Rezone part of the land at 49 Garfield Road, Garfield from Low Density Residential Zone – Schedule 2 (LDRZ2) to Low Density Residential Zone – Schedule 3 (LDRZ3).
 - Rezone part of the land at 49 Garfield Road, Garfield from Low Density Residential Zone – Schedule 2 (LDRZ2) to Green Wedge Zone – Schedule 1 (GWZ1).
 - generally in accordance with Attachment 1.
2. That Council consider Planning Application No. T190104 for:
 - Staged subdivision of the subject land into low density residential lots
 - Removal of native vegetation
 - Removal of easements
 - Creation of restrictions on the plan of subdivision.
 - concurrently with Amendment C268card under Section 96A of the *Planning and Environment Act 1987*.
3. That Council, subject to receiving the authorisation of the Minister for Planning, gives notice of Amendment C268card and Proposed Planning Permit T190104 containing conditions generally in accordance with Attachment 2, under Section 96C of the *Planning and Environment Act 1987*.
4. That the proponent be advised of Council's decision.

Carried

6.1.2 Planning Matters Dealt with by Officers Under Delegated Authority

Responsible GM: Lili Rosic
Author: Jason Gilbert

Recommendation(s)

That Council note the report.

Executive Summary

The following matters have been dealt with under delegated powers since the last report to Council.

Relevance to Council Plan

5.1 We practise responsible leadership

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

Planning Matters Report

Beacon Hills Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
11/11/2021	T210731	55 Apple Tree Lane, Pakenham Upper VIC 3810	Development of the land for an outbuilding	Issued	21/06/2021
16/11/2021	T210632	11 Leadbetter Road, Beaconsfield Upper VIC 3808	Alteration and extension to existing dwelling	Issued	18/08/2021
16/11/2021	T210751	107 Bourkes Creek Road, Pakenham Upper VIC 3810	Buildings and works associated with an outbuilding	Issued	30/09/2021
16/11/2021	T210777	6 Lenne Street, Beaconsfield Upper VIC 3808	Buildings and works associated with an outbuilding and associated works	Issued	11/10/2021
16/11/2021	T210260	69 Kitchen Road, Beaconsfield Upper VIC 3808	Alterations and additions to a Dwelling	Issued	15/04/2021
16/11/2021	T200455	122 Old Princes Highway, Beaconsfield VIC 3807	Use of the land for a Restricted Retail Premises, construction and display of signage, reduction in car spaces and alteration of access to a Road Zone Category 1	Issued	22/07/2020
22/11/2021	T210766	39 St Georges Road, Beaconsfield Upper VIC 3808	Development of the land for a non-habitable outbuilding (garage)	Issued	5/10/2021
23/11/2021	T210549	314 Thewlis Road, Pakenham VIC 3810	Development of the land for an outbuilding	Issued	26/07/2021
29/11/2021	T210392	455 Toomuc Valley Road, Pakenham VIC 3810	Use and development of the land for a dwelling and associated works	Issued	1/06/2021
29/11/2021	T210533	137 Beaconsfield-Emerald Road, Beaconsfield Upper VIC 3808	Buildings and works associated with a replacement dwelling, habitable outbuildings (home office/gym (including garage) and cabana) and outbuilding (carport)	Issued	20/07/2021
29/11/2021	T210538	205 Beaconsfield-Emerald Road, Beaconsfield VIC 3807	Alterations and additions to the existing dwelling and vegetation removal	Issued	21/07/2021
1/12/2021	T210727	288 Beaconsfield-Emerald Road, Beaconsfield VIC 3807	Use and development of the land for a dwelling and alteration of access to a Road Zone Category 1	Issued	21/09/2021
1/12/2021	T210502	8 Halford Street, Beaconsfield Upper VIC 3808	Buildings and works associated with alterations to an existing dwelling	Issued	6/07/2021
6/12/2021	T210396 - PC3	135 Beaconsfield-Emerald Road, Beaconsfield Upper VIC 3808	T210396 PC3 (Con. 01 C1P) - Plans to Comply Application	Application Withdrawn	25/11/2021
8/12/2021	T210142	60 A` Beckett Road, Beaconsfield Upper VIC 3808	Development of the land for a dwelling addition and alterations, associated works and vegetation removal	Issued	26/02/2021
9/12/2021	T210769	155 Mount Burnett Road, Mount Burnett VIC 3781	Development of the land for an outbuilding (pool house) and extension to existing dwelling	Issued	6/10/2021
14/12/2021	T180833 - 1	6 Ann Street, Beaconsfield VIC 3807	Amendment to Condition 13 on Planning Permit T180833-1 to enable a Section 173 Agreement to be entered into in lieu of construction of a dwelling on each lot prior to the issue of a Statement of Compliance	Issued	28/09/2021
16/12/2021	T210882	113 Beaconsfield-Emerald Road, Beaconsfield Upper VIC 3808	Development of the land for a non-habitable outbuilding (shed)	Issued	25/11/2021

16/12/2021	T210803	5 Roy Ross Court, Pakenham VIC 3810	Extension to an existing dwelling	Issued	19/10/2021
21/12/2021	T200535 - PC1	53 Lewis Road, Beaconsfield Upper VIC 3808	T200535 PC1 (Con. 01 NVCR) - Plans to Comply Application	Issued	4/11/2021
22/12/2021	T210604	18 McArthur Road, Beaconsfield Upper VIC 3808	Buildings and works associated with an outbuilding (garage)	Issued	11/08/2021
5/01/2022	T210225	67 Payne Road, Beaconsfield VIC 3807	Buildings and works associated with an extension to a dwelling and removal of vegetation	Issued	30/03/2021
6/01/2022	T210778	357 Army Road, Pakenham VIC 3810	Buildings and works associated with an outbuilding	Issued	12/10/2021
10/01/2022	T210566	137 Quamby Road, Guys Hill VIC 3807	Construction of an outbuilding and associated works	Issued	29/07/2021
10/01/2022	T210690	35 Bayard Drive, Pakenham Upper VIC 3810	Development of the land for a non-habitable outbuilding (shed)	Issued	8/09/2021
10/01/2022	T200770 - 1	10 Lenne Street, Beaconsfield Upper VIC 3808	Buildings and works for the construction of an outbuilding (garage) and removal of one tree	Issued	10/12/2021
10/01/2022	T210843	225 Beaconsfield-Emerald Road, Beaconsfield VIC 3807	Development of the land for an outbuilding (shed)	Issued	11/11/2021
11/01/2022	T210474	10 Corringham Road, Beaconsfield Upper VIC 3808	Buildings and works associated with an outbuilding and associated works (decking)	Issued	28/06/2021
11/01/2022	T210741	90 Bimbimie Drive, Dewhurst VIC 3808	Buildings and works associated with an outbuilding	Issued	28/09/2021
11/01/2022	T190057 - PC1	3 Morris Road, Beaconsfield Upper VIC 3808	T190057 - PC1 Plans to Comply Application	Issued	25/05/2021

Bunyip Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
16/11/2021	T210236	36A Railway Avenue, Tynong VIC 3813	Use and development of the land for a postal agency and food and drink premises, and display of signage	Issued	6/04/2021
16/11/2021	T210300	145 Nash Road, Bunyip VIC 3815	Re-subdivision of the land into two (2) lots	Issued	3/05/2021
16/11/2021	T210755	6 Jakobi Court, Bunyip VIC 3815	Development of the land for an outbuilding	Issued	27/09/2021
19/11/2021	T210056	Beswick Street, Garfield VIC 3814	Proposed new shed	Issued	29/01/2021
19/11/2021	T210091 - PC2	48 Garfield Road, Garfield VIC 3814	T210091 PC2 (Con. 01 C1P) - Plans to Comply Application	Issued	10/09/2021
26/11/2021	T210648	497 Garfield North Road, Garfield North VIC 3814	Development of the land for a shed associated with agriculture and the removal of vegetation	Issued	23/08/2021
29/11/2021	T210712	130 Trevor Road, Nar Nar Goon North VIC 3812	Buildings and works associated with an outbuilding	Issued	14/09/2021
29/11/2021	T210547	45 Warren Road, Nar Nar Goon North VIC 3812	Buildings and works associated with an outbuilding	Issued	25/07/2021
29/11/2021	T210711	54 Bunyip-Modella Road, Bunyip VIC 3815	Buildings and works associated with a replacement dwelling	Issued	3/09/2021
30/11/2021	T210807	155 Yarrabubba Road, Nar Nar Goon North VIC 3812	Development of the land for an outbuilding	Issued	20/10/2021
2/12/2021	T210091 - PC1	48 Garfield Road, Garfield VIC 3814	T210091 PC1 (Con. 18 S173 - SEW) - Plans to Comply Application	Issued	4/08/2021
2/12/2021	T210368	230 Fogarty Road, Tynong North VIC 3813	- Animal production (Free Range Poultry Farm, around 1000 chickens, Free Range Pig Farm, up to 100 pigs), Rural industry & Freezing and cool storage - A permit for 'Place of Assembly' and have people come to Aueya Park (up to 10 events a year) - Permit for small restaurant (around 10 tables)	Lapsed	24/05/2021
7/12/2021	T210510	650 Bessie Creek Road, Nar Nar Goon North VIC 3812	Buildings and works associated with an extension to a dwelling	Issued	7/07/2021
14/12/2021	T210813	140 Moore Road, Nar Nar Goon North VIC 3812	Development of the land for a non-habitable outbuilding (shed)	Issued	26/10/2021
15/12/2021	T210250	1530 Princes Highway, Nar Nar Goon VIC 3812	Subdivision of land and creation of access to a road in a Road Zone, Category 1	Issued	1/04/2021
20/12/2021	T210326	10 Canty Lane, Pakenham VIC 3810	Subdivision of land in stages, creation of restrictions and easements, removal of native vegetation, works on land affected by the Land Subject to Inundation Overlay and associated works	Issued	11/05/2021
21/12/2021	T210625	35 Railway Avenue, Bunyip VIC 3815	Development of the land for a dwelling and associated works	Issued	17/08/2021

22/12/2021	T210458	62 Railway Avenue, Tynong VIC 3813	Subdivision of the land into two (2) lots	Issued	22/06/2021
4/01/2022	T210925	51A Ryan Road, Pakenham VIC 3810	Buildings and works associated with the construction of two (2) outbuildings	Application Withdrawn	8/12/2021
6/01/2022	T210550	40 Enticott Road, Bunyip VIC 3815	Buildings and works associated with an outbuilding (shed)	Issued	26/07/2021
10/01/2022	T210814	34 Railway Avenue, Bunyip VIC 3815	Buildings and works associated with accommodation (dwelling) and associated works within the Bushfire Management Overlay	Issued	27/10/2021

Central Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
9/12/2021	T190204	7 Lakeside Boulevard, Pakenham VIC 3810	Buildings and works, liquor licence and reduction in car parking	Application Withdrawn	10/04/2019
20/12/2021	T210865	84 Livingstone Boulevard, Pakenham VIC 3810	Pergola	Application Withdrawn	19/11/2021

Henty Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
19/11/2021	T210650	2 Deveney Street, Pakenham VIC 3810	Construction and display of one (1) internally illuminated sign	Issued	24/07/2021
29/11/2021	T210202	3 McLeish Terrace, Pakenham VIC 3810	Removal of covenant contained in Instrument No. T326405K	Refused	12/03/2021
29/11/2021	T190423 - 1	33-35 Main Street, Pakenham VIC 3810	Amendment to planning permit T190423 that allows the use and development of the land for an office and medical centre (exceeding 250 square metres) to alter the assessed plans and amend condition 15	Issued	30/07/2021
3/12/2021	T160690 - PC1	110 Pakenham Road, Pakenham VIC 3810	Plans to Comply with Condition 1	Issued	26/07/2021
3/12/2021	T160690 - PC2	110 Pakenham Road, Pakenham VIC 3810	T160690-2 PC2 (Con. 01 C1P) - Plans to Comply Application	Application Withdrawn	16/07/2021
8/12/2021	T210679	136 Princes Highway, Pakenham VIC 3810	Buildings and works for an extension to existing Primary School	Issued	3/09/2021
10/12/2021	T210009 - 1	Shop 1-2/67-69 Main Street, Pakenham VIC 3810	Amendment to planning permit T210009 (issued for buildings and works associated with an existing shopping centre) to amend the endorsed plans	Issued	13/09/2021
21/12/2021	T210523	Shop 1-2/67-69 Main Street, Pakenham VIC 3810	Use of land for the sale of packaged liquor	Issued	16/07/2021
10/01/2022	T210513	71 Ahern Road, Pakenham VIC 3810	Subdivision of the land into two (2) lots	Issued	8/07/2021
10/01/2022	T210521	Shop 1-2/67-69 Main Street, Pakenham VIC 3810	Display of business identification and internally illuminated signage	Issued	14/07/2021

Officer Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
17/11/2021	T200320 - PC4	Bridge Road, Officer VIC 3809	T200320 PC4 (Con. 08 PIP) - Plans to Comply Application	Issued	8/10/2021
24/11/2021	T200719	130 Whiteside Road, Officer VIC 3809	Use of the land for winery, sale and consumption of liquor	Issued	6/11/2020
24/11/2021	T210265 - PC1	16 Bayview Road, Officer VIC 3809	T210265 PC1 - (Con. 01 C1P) Plans to Comply Application	Issued	3/11/2021
29/11/2021	T210864	33 Siding Avenue, Officer VIC 3809	Amend existing planning permit condition 65 - sale of liquor in the confines of the bottle shop. The Applicant would like to include the undercover driveway area to be the bottle shop sale of liquor area as well - a drive-through has been designed and constructed as per the endorsed plans	Application Withdrawn	29/11/2021
29/11/2021	T210660	11 Eastbourne Crescent, Officer VIC 3809	Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Issued	27/08/2021
1/12/2021	T190555	109 Starling Road, Officer VIC 3809	Subdivision of land and removal of native vegetation	Issued	18/09/2019
7/12/2021	T210039 - PC1	33 Station Street, Officer VIC 3809	T210039 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	10/08/2021
7/12/2021	T170584 - PC9	Bridge Road, Officer VIC 3809	T170584-3 PC9 (Con. 44 SMP) - Plans to Comply Application Condition 44 plans for approval (Commercial development plans)	Issued	15/11/2021
7/12/2021	T140500 - PC12	155 Peck Road, Officer VIC 3809	T140500-1 PC12 (Con. 21 S173) - Plans to Comply Application	Issued	2/07/2021
8/12/2021	T210358	90 McMullen Road, Officer VIC 3809	Subdivision of land	Lapsed	18/05/2021
8/12/2021	T200819	8 Fairwood Rise, Officer VIC 3809	Business identification signage	Issued	11/12/2020
9/12/2021	T210481	64 Starling Road, Officer VIC 3809	Subdivision of the land into two (2) lots	Issued	29/06/2021
9/12/2021	T160614 - 1	67-69 Tivendale Road, Officer VIC 3809	Amendment to Planning Permit T160614 for use and development of an education centre (Primary and secondary school), childcare centre and associated signage, in stages	Application Withdrawn	29/07/2021
14/12/2021	T180847 - 1	65 Brunt Road, Officer VIC 3809	Amend Planning Permit T180847	Issued	29/11/2021
14/12/2021	T180847 - PC4	65 Brunt Road, Officer VIC 3809	T180847-1 PC4 - (Con. 37 WMP)	Issued	7/12/2021
14/12/2021	T210759	30 Starling Road, Officer VIC 3809	Buildings and works associated with an existing Education Centre	Issued	1/10/2021
14/12/2021	T210265 - PC2	16 Bayview Road, Officer VIC 3809	T210265 PC2 (Con. 06) - Plans to Comply Application	Issued	3/11/2021
15/12/2021	T170584 - 4	Siding Avenue, Officer VIC 3809	Amendment to the permit to allow changes to the liquor licensing area for the bottle shop	Issued	19/11/2021
20/12/2021	T200719 - 1	130 Whiteside Road, Officer VIC 3809	Use of the land for winery, sale and consumption of liquor	Issued	20/12/2021
21/12/2021	T160190 - PC8	90 McMullen Road, Officer VIC 3809	T160190 PC8 (Con. 24 GGFMP) - Plans to Comply Application	Issued	20/08/2021

22/12/2021	T210961	80 Armytage Road, Officer VIC 3809	Amendment to T160810	Application Withdrawn	21/12/2021
5/01/2022	T210834	93 Carpenter Road, Officer VIC 3809	Development of the land for an outbuilding (shed)	Issued	8/11/2021

Pakenham Hills Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
17/11/2021	T170831 - PC1	82-88 Ahern Road, Pakenham VIC 3810	T170831 PC1 - (Con. 01 C1P) - Plans to Comply Application	Issued	17/09/2021
23/11/2021	T210725	40 Tahoe Circuit, Pakenham VIC 3810	Construction of a building associated with animal husbandry	Issued	21/09/2021
2/12/2021	T210576	Level 1, 2 Pacific Promenade, PAKENHAM VIC 3810	Use of the land for an education centre	Application Withdrawn	2/08/2021
8/12/2021	T210061 - PC1	29 Solid Drive, Pakenham VIC 3810	T210061 - PC1 Plans to Comply Application Plans to comply with permit condition 1 of Permit T210061	Issued	7/06/2021
15/12/2021	T210758	30 Mullane Road, Pakenham VIC 3810	Subdivision of the land into thirty-one (31) lots, vegetation removal and associated works.	Lapsed	30/09/2021
21/12/2021	T210661	17 Blessing Rise, Pakenham VIC 3810	Development of land for a dwelling and associated earthworks	Issued	27/08/2021
5/01/2022	T210640	9 Osborn Grove, Pakenham VIC 3810	Two (2) lot subdivision and creation of restriction	Issued	20/08/2021

Ranges Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
12/11/2021	T210828	16 Old Gembrook Road, Emerald VIC 3782	Proposed Deck / Spa within 5m of a side boundary	Application Withdrawn	3/11/2021
16/11/2021	T210684	14 Johnson Street, Avonsleigh VIC 3782	Buildings and works associated with an outbuilding (shed)	Issued	6/09/2021
24/11/2021	T210672	2 Simmons Close, Cockatoo VIC 3781	Extension to existing dwelling	Issued	1/09/2021
25/11/2021	T210421	2 Beenak East Road, Gembrook VIC 3783	Buildings and works associated with an existing telecommunications facility (satellite dish)	Issued	8/06/2021
29/11/2021	T210697	266 Mountain Road, Gembrook VIC 3783	Development of the land for a non-habitable outbuilding (shed)	Issued	9/09/2021
29/11/2021	T210431	48 Second Avenue, Cockatoo VIC 3781	Buildings and works associated with an extension to a dwelling	Issued	9/06/2021
29/11/2021	T210164	30 Kings Road, Emerald VIC 3782	Buildings and works associated with a dwelling (carport and habitable outbuilding)	Issued	9/03/2021
29/11/2021	T210537	15 Fielder Road, Cockatoo VIC 3781	Development of land for an agricultural building	Issued	21/07/2021
30/11/2021	T190739 - 1	1 & 3 Neville Street, Cockatoo VIC 3781	Amendment to the permit preamble, permit conditions and assessed plans of Planning Permit T190739 (that allows for the subdivision of land into six (6) lots in stages)	Issued	12/03/2021
1/12/2021	T210407	40 Main Street, Gembrook VIC 3783	Development of the land for a dwelling	Issued	3/06/2021
2/12/2021	T210585	2066 Wellington Road, Clematis VIC 3782	Development of the land for a non-habitable outbuilding and associated earthworks	Issued	29/07/2021
2/12/2021	T210456	675 Woori Yallock Road, Cockatoo VIC 3781	Development of the land for a replacement dwelling and removal of vegetation	Issued	21/06/2021
7/12/2021	T210212 - PC1	12 Emerald-Monbulk Road, Emerald VIC 3782	T210212 PC1 (Con. 01 C1P) - Plans to Comply Application Plans to comply with permit conditions (Cond1)	Issued	24/11/2021
8/12/2021	T210033 - PC1	27 Emerald Lake Road, Emerald VIC 3782	T210033 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	18/08/2021
8/12/2021	T210033 - PC2	27 Emerald Lake Road, Emerald VIC 3782	T210033 PC2 (Con. 02 RPP) - Plans to Comply Application	Issued	18/10/2021
13/12/2021	T210403	8 Paradise Grove, Emerald VIC 3782	Development of the land for a dwelling, associated works and an outbuilding (carport)	NOD	2/06/2021
14/12/2021	T210411	2 & 4 Suffolk Avenue, Cockatoo VIC 3781	Re-subdivision of the land into two (2) lots	Issued	4/06/2021
14/12/2021	T210406	12-14 Kings Road, EMERALD VIC 3782	Subdivision of the land into six (6) lots (in accordance with development permit T190416)	Issued	2/06/2021

14/12/2021	T210195	250 Woori Yallock Road, Cockatoo VIC 3781	Installation of a wild fire bunker.	Lapsed	21/03/2021
15/12/2021	T210790	12 Margaret Road, Avonsleigh VIC 3782	Development of the land for a non-habitable outbuilding (shed)	Issued	15/10/2021
16/12/2021	T210916	7A Church Street, Emerald VIC 3782	Buildings and works for a dwelling extension (verandah)	Issued	7/12/2021
23/12/2021	T200108	19 and 55 Phillip Road, Avonsleigh VIC 3782	Two (2) lot subdivision (boundary realignment) and use and development of the land for a dwelling, outbuilding and associated vegetation removal	NOD	3/03/2020
10/01/2022	T210900	Belgrave-Gembrook Road, Emerald VIC 3782	Demolition of an existing building in a Heritage Overlay	Issued	1/12/2021
10/01/2022	T210337	14 Alexander Road, Cockatoo VIC 3781	Development of the land for an outbuilding (garage and carport) and associated works	Issued	11/05/2021
10/01/2022	T210664	140 Calder Road, NANGANA VIC 3781	Buildings and works associated with an agricultural shed	Issued	29/08/2021
11/01/2022	T210719	36 Grey Road, Gembrook VIC 3783	Buildings and works associated with an outbuilding (garage)	Issued	15/09/2021
11/01/2022	T210575	4 Lisheen Road, Cockatoo VIC 3781	Buildings and works associated with an outbuilding	Issued	2/08/2021
11/01/2022	T220007	14 Hamilton Road, Emerald VIC 3782	Boundary re-alignment	Application Withdrawn	7/01/2022
13/01/2022	T210781	20 Belgrave-Gembrook Road, Cockatoo VIC 3781	To alter the red line plane, so as to offer outdoor seating in compliance with new COVID-19 regulations. We will not be utilizing the whole property for outside seating, in the absence of defined areas I have included the whole property for the red line plan	Lapsed	12/10/2021

Toomuc Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
30/11/2021	T190725 - 1	127 Mulcahy Road, Pakenham VIC 3810	Amend plans to show new finished floor levels. Insert a new planning permit condition to allow for secondary consent pathway.	Issued	15/10/2021
1/12/2021	T210584	15 Cemetery Road, Pakenham VIC 3810	Subdivision of the land into 18 lots and the removal of native vegetation	Application Withdrawn	5/08/2021
7/12/2021	T210775	54 Studd Road, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Issued	8/10/2021
14/12/2021	T210622	BCF, Shop 5/825 Princes Highway, Pakenham VIC 3810	Sale and consumption of liquor	Issued	11/08/2021
15/12/2021	T200731	55 Peck Road, Pakenham VIC 3810	Subdivision of land and removal of native vegetation	Issued	23/11/2020
21/12/2021	T210608	25 Davidson Street, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Issued	12/08/2021
22/12/2021	T210763	125 Timberline Parkway, Pakenham VIC 3810	Buildings and works (dwelling) on land affected by the Significant Landscape Overlay – Schedule 6	Issued	4/10/2021
23/12/2021	T210592	44 Studd Road, Pakenham VIC 3810	Buildings and works (dwelling) on land affected by the Significant Landscape Overlay - Schedule 6	Issued	9/08/2021
23/12/2021	T210819	50 Studd Road, Pakenham VIC 3810	Buildings and works (dwelling) on land affected by the Significant Landscape Overlay – Schedule 6	Issued	28/10/2021

Westernport Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
11/11/2021	T210626	35 Sette Circuit, Pakenham VIC 3810	Development of the land for a warehouse	Issued	17/08/2021
11/11/2021	T210665	70 McCraws Road, NAR NAR GOON VIC 3812	Alterations and additions to existing dwelling	Issued	30/08/2021
12/11/2021	T210612 - PC1	775 McDonalds Drain Road, Pakenham South VIC 3810	T210612 PC1 (Con. 01 C1P) - Plans to Comply Application Lodgement of Condition 1 plans	Issued	21/10/2021
16/11/2021	T210282	50 Southeast Boulevard, Pakenham VIC 3810	Building and works for office and warehouse building	Application Withdrawn	23/04/2021
16/11/2021	T210571	75 Rices Road, Dalmore VIC 3981	Construction of one (1) building for workers' accommodation in association with crop raising	Issued	30/07/2021
16/11/2021	T210666	345 Fourteen Mile Road, Garfield VIC 3814	Building associated with agriculture	Issued	30/08/2021
16/11/2021	T210541 - PC1	8 Trade Place, Pakenham VIC 3810	T210541 PC1 (Con. 01b C1P) - Plans to Comply Application	Issued	13/10/2021
17/11/2021	T210728	24 Sette Circuit, Pakenham VIC 3810	Development of land for a warehouse	Issued	21/09/2021
18/11/2021	T210784	60 Beazley Road, Cardinia VIC 3978	Development of the land for a dwelling	Application Withdrawn	13/10/2021
19/11/2021	T210682	395 Monomeith Road, Monomeith VIC 3984	Development of the land for a non-habitable outbuilding (shed)	Issued	5/09/2021
22/11/2021	T210546	6 Trade Place, Pakenham VIC 3810	Development of the land for a warehouse and associated works	Issued	23/07/2021
24/11/2021	T210504	175 Fechner Road, Koo Wee Rup VIC 3981	To reinstate areas of land on our property to the level they previously sat, before severe rain fall caused it to wash away, leaving it below drain level.	Lapsed	6/07/2021
26/11/2021	T210332	Road Reserve adjoining 130 Hobson Road, Rythdale VIC 3810	Road reconstruction	Application Withdrawn	10/05/2021
26/11/2021	T180403 - PC2	485 Kettles Road, Lang Lang VIC 3984	T180403-1 PC2 (Con. 06 S173) - Two (2) lot subdivision and removal of vegetation	Issued	20/02/2020
29/11/2021	T210272	45 & 47 Southeast Boulevard, Pakenham VIC 3810	Development of the land for two (2) warehouses and a reduction in the car parking requirement	Issued	20/04/2021
29/11/2021	T210539	39 Sette Circuit, Pakenham VIC 3810	Development of the land for a warehouse	Issued	21/07/2021
29/11/2021	T210627	33 Sette Circuit, Pakenham VIC 3810	Development of the land for a warehouse	Issued	17/08/2021
30/11/2021	T210825	97 National Avenue, Pakenham VIC 3810	Building and works for two (2) warehouses	Issued	29/10/2021
1/12/2021	T210484	550 Caldermeade Road, Caldermeade VIC 3984	Buildings and work associated with an agricultural building	Issued	28/05/2021
1/12/2021	T210229	160 Hall Road, Yannathan VIC 3981	Use and development of the land for a Dependant Persons Unit	Lapsed	31/03/2021
2/12/2021	T210603	Murray Road, Cora Lynn VIC 3814	Development of the land for a hay shed	Issued	11/08/2021

2/12/2021	T210486	420 South Yannathan Road, Yannathan VIC 3981	Development of the land for a non-habitable building (shed)	Issued	30/06/2021
3/12/2021	T210442	14 Hill Street, Pakenham VIC 3810	Development of the land for a warehouse	Issued	15/06/2021
6/12/2021	T210603 - PC1	Murray Road, Cora Lynn VIC 3814	Development of the land for a hay shed	Issued	2/12/2021
7/12/2021	T210495	450 Tynong-Bayles Road, Cora Lynn VIC 3814	Development of the land for a dwelling and outbuilding	Issued	2/07/2021
8/12/2021	T210753	4 Link Road, Pakenham VIC 3810	Subdivision of the land into two (2) lots	Issued	16/09/2021
14/12/2021	T210045 - 1	49 Southeast Boulevard, Pakenham VIC 3810	Amend planning permit T210045 (issued for the use and development of the land for an indoor recreation facility) to allow for the sale and consumption of liquor and amend condition 7 to allow the use to operate between 6am and 11pm	Issued	28/07/2021
14/12/2021	T210626 - PC1	35 Sette Circuit, Pakenham VIC 3810	T210626 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	30/11/2021
14/12/2021	T210627 - PC1	33 Sette Circuit, Pakenham VIC 3810	T210627 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	30/11/2021
15/12/2021	T210935	18 Southeast Boulevard, Pakenham VIC 3810	Proposed internal and facade renovations to existing factory building	Application Withdrawn	14/12/2021
16/12/2021	T210149 - PC2	Centenary Boulevard, Officer South VIC 3809	T210149 PC2 (Con. 01 C1P & 04 LMP) - Plans to Comply Application	Application Withdrawn	20/09/2021
16/12/2021	T190123 - 1	5-9 Production Way, Pakenham VIC 3810	Amendments to Planning permit T190123 (issued for the development of the land for eight (8) warehouses, a reduction in car parking and associated works) to reduce the number of warehouses to three (3) and provide the required car parking.	Issued	29/09/2021
20/12/2021	T210324	990 Koo Wee Rup Road, Pakenham VIC 3810	Buildings and works for a truck wash down bay, sludge pump and upgrade works (Sludge Stockpile Areas & Sludge Drying Pans) associated with an existing Utility installation (water treatment plant)	Issued	6/05/2021
21/12/2021	T200297 - PC1	8 Mickle Street, Koo Wee Rup VIC 3981	T200297 PC1 (Con. 01b C1P) - Plans to Comply Application Condition 1(b) Plans and/or drawings to show two (2) car parking spaces for the existing dwelling on Lot 1 in accordance with the requirements and design standards of Clause 52.06 of the Cardinia Planning Scheme.	Issued	12/08/2021
22/12/2021	T210520	105 National Avenue, Pakenham VIC 3810	Subdivision of the land into 2 lots with Common Property	Issued	14/07/2021
22/12/2021	T210149 - PC1	Centenary Boulevard, Officer South VIC 3809	T210149	Application Withdrawn	21/09/2021
23/12/2021	T170776 - 3	91 Gainsborough Avenue, Lang Lang VIC 3984	Amendment to the conditions of Planning Permit T170776-2 (issued for a multi-lot subdivision)	Issued	26/11/2021

4/01/2022	T210858	16 Blackfish Drive, Koo Wee Rup VIC 3981	Proposed New Shed	Application Withdrawn	17/11/2021
5/01/2022	T210856	50 Southeast Boulevard, Pakenham VIC 3810	Building and works for the development of a warehouse and take away food premises and reduction of one (1) car parking space	Issued	16/11/2021
6/01/2022	T210634 - PC1	19 Sette Circuit, Pakenham VIC 3810	T210634 PC1 (Con. 01b C1P) - Plans to Comply Application Plans to comply as per Condition 1	Issued	1/10/2021
7/01/2022	T190474	830 Koo Wee Rup-Longwarry Road, Bayles VIC 3981	Development of the land for a replacement dwelling and outbuilding	Application Withdrawn	8/08/2019
10/01/2022	T210822	325 Rossiter Road, Koo Wee Rup VIC 3981	Partial demolition and alterations to existing outbuildings associated with an existing Place of Assembly	Issued	29/10/2021
10/01/2022	T210429	John the Baptist Primary School, 172-180 Station Street, Koo Wee Rup VIC 3981	Variation to easement E-2 on LP147923T	Issued	11/06/2021
10/01/2022	T210591	970 McDonalds Drain Road, Pakenham VIC 3810	Development of the land for an extension to an existing shed	Issued	9/08/2021
11/01/2022	T210726	8 Exchange Drive, Pakenham VIC 3810	Development of land for a warehouse	Issued	21/09/2021
11/01/2022	T210692	6 Link Road, Pakenham VIC 3810	Development of the land for seven (7) warehouses	Issued	15/09/2021

Resolution

Moved Cr Graeme Moore, seconded Cr Tammy Radford.

That Council note the report.

Carried

6.1.3 Planning Matters VCAT Report

Responsible GM: Lili Rosic
Author: Jason Gilbert

Recommendation(s)

That Council note the report.

Executive Summary

The following list is presented to keep Council informed of applications that are currently the subject of appeals proceedings and recent decisions from the Victorian Civil and Administrative Tribunal (VCAT).

Relevance to Council Plan

5.1 We practise responsible leadership

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

Matters Recently Lodged at VCAT

Hearing Date	Permit No.	Address	Proposal	Council Decision	Appealed By	Outcome	Decision Date
27/07/22	T210005	150 Settlement Road, Caldermeade	Use and development of the land for Domestic Animal Husbandry (Dog Breeding)	Refusal	Applicant	Awaiting hearing	

Matters Currently the Subject of VCAT Appeal

Hearing Date	Permit No.	Address	Proposal	Council Decision	Appealed By	Outcome	Decision Date
4/04/22	T190768	7 Knights Court, Tynong	Subdivision of land into (2) lots and variation of restrictive covenant PS705124	Notice of Decision to Grant a Permit	Objector	Awaiting hearing	
28/01/22	T200589	48 James Street, Lang Lang	Development of the land for six (6) dwellings	Refusal	Applicant	Awaiting hearing	
13/12/21	T180651	369 Paternoster Road	Use and development of the land for a dwelling and removal of vegetation	Refusal	Applicant	Awaiting determination	
1/12/21	T190304-1	3480 Princes Highway Bunyip	Amendments to Planning Permit T190304 (issued for the use and development of the land for dog breeding) to increase dog numbers for commercial dog breeding and include additional buildings and works.	Refusal	Applicant	Awaiting determination	
14/12/21	T200167	197 Quamby Road, Beaconsfield Upper	Alterations and additions to an existing dwelling and outbuilding	Refusal	Applicant	Awaiting determination	
2/09/21	T190712	565 Murray Road, Vervale	Use and development of the land for Rural Industry and Caretakers Dwelling associated with Industrial Hemp	Refusal	Applicant	Awaiting determination	

Matters Recently Decided at VCAT

Hearing Date	Permit No.	Address	Proposal	Council Decision	Appealed By	Outcome	Decision Date
19/11/21	T200380	55 Mullane Road, Pakenham	Buildings and works associated with the construction of a dwelling	Refusal	Applicant	Affirmed - no permit issued	8/12/2021
9/12/21	T110588	270 Cardinia Road, Officer South (Kaduna)	Failure to Endorse 600 Lot Report	N/A	Applicant	Withdrawn - Report Accepted	30/11/2021
9/12/21	T110588	270 Cardinia Road, Officer South (Kaduna)	Application under Section 149(1)(a) - interpretation of a permit condition / section 173 agreement	N/A	Applicant	Withdrawn - S173 not amended	30/11/2021
9/12/21	T110588	270 Cardinia Road, Officer South (Kaduna)	Failure to Endorse 400 Lot Report	N/A	Applicant	Withdrawn - Report Accepted	30/11/2021
9/12/21	T110588	270 Cardinia Road, Officer South (Kaduna)	Application under Section 149(1)(a) - interpretation of a permit condition / section 173 agreement	N/A	Council	Withdrawn - S173 not amended	30/11/2021
27/09/21	T200427	Cardinia Road Officer South	Subdivision of land	Failure to Decide	Applicant	Permit issued	5/10/2021
4/08/21	T190275	905 Koo Wee Rup Road, Pakenham	Use of the land for a Restricted Place of Assembly, alterations and additions to the existing buildings and alteration to access to a Road in a Road Zone Category 1	Notice of Decision to Grant a Permit	Objector	Refused - Decision set aside	21/09/2021

Resolution

Moved Cr Graeme Moore, seconded Cr Tammy Radford.

That Council note the report.

Carried

6.2 General Reports

6.2.1 Appointment of Committee Members to Yannathan Hall and Lilypond House Community Centre Community Asset Committees

Responsible GM: Lili Rosic
Author: Helena Moloney

Recommendation(s)

That Council:

1. Make the following appointments to the Yannathan Hall Community Asset Committee under Section 65 of the Local Government Act (2020):
 - Matthew Coleman President
 - Kevin Kitchin Vice President
 - Noel Campbell Secretary
 - Evan Campbell Treasurer
 - Jenny Liebe Bookings Officer
 - Stephen Kent Committee member
 - Ann Campbell Committee member
 - Brian Pitman Committee member
 - Loris Milner Committee member
 - Val Williams Committee member
 - Calvin Coghlan Committee member
 - Andrew Liebe Committee member
2. Make the following appointments to Lilypond House Community Centre Community Asset Committee under Section 65 of the Local Government Act (2020):
 - Peter Frenken President
 - Jayde Frenken Secretary
 - Jim Stone Treasurer
 - Kelly Parry Bookings Officer
 - Karyn Frenken Committee member

Attachments

Nil

Executive Summary

This report seeks a Council resolution to appoint membership to the Yannathan Hall and Lilypond House Community Centre Community Asset Committees following a public meeting conducted by Councillors or Council Officers.

Background

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

At a public meeting held Wednesday 8 December 2021 members detailed in Recommendation 1 were elected to be appointed by Council to the Yannathan Hall Community Asset Committee for the current term as specified in the Instrument of Delegation (every 2 years).

At a public meeting held Tuesday 14 December 2021, the members detailed in Recommendation 2 were elected to be appointed by Council to the Lilypond House Community Centre Community Asset Committee for the current term as specified in the Instrument of Delegation (every 2 years).

Policy Implications

Nil

Relevance to Council Plan

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

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

2.1 We support the creation of liveable spaces and places

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

Climate Emergency Consideration

Nil

Consultation/Communication

Nil

Financial and Resource Implications

Nil

Conclusion

Following public meeting election processes and in accordance with the Local Government Act 2020 it is recommended Council resolve to appoint new members to the Yannathan Hall Community Asset Committee and Lilypond House Community Centre Community Asset Committee.

Resolution

Moved Cr Graeme Moore, seconded Cr Tammy Radford.

That Council:

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

- Matthew Coleman President
- Kevin Kitchin Vice President
- Noel Campbell Secretary
- Evan Campbell Treasurer
- Jenny Liebe Bookings Officer
- Stephen Kent Committee member
- Ann Campbell Committee member
- Brian Pitman Committee member
- Loris Milner Committee member
- Val Williams Committee member
- Calvin Coghlan Committee member
- Andrew Liebe Committee member

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

- Peter Frenken President
- Jayde Frenken Secretary
- Jim Stone Treasurer
- Kelly Parry Bookings Officer
- Karyn Frenken Committee member

Carried

6.2.2 Sealing the Hills - Old Gembrook Road, Emerald Catchment Special Charge Scheme

Responsible GM: Peter Benazic
Author: Ken White

Recommendation(s)

That Council:

1. Acknowledge the majority landowner support as set out in this report to contribute to the construction of Old Gembrook Road, Durban Road and Sherriff Road, Emerald, (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works;
2. Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
3. Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
4. Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of Old Gembrook Road, Durban Road and Sherriff Road, Emerald.
5. Consider the declaration (attachment 5) at its meeting of 16th May, 2022, or such later date as necessary.
6. Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
7. Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered.
8. Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

Attachments

1. SCS Template 5 Process Notice of Decision Check list [6.2.2.1 - 2 pages]
2. Old Gembrook Rd catchment plan [6.2.2.2 - 1 page]
3. SCS Benefit Unit Calculation Old Gembrook Rd catchment [6.2.2.3 - 3 pages]
4. SCS Apportionment - Old Gembrook Rd catchment [6.2.2.4 - 1 page]
5. SCS Declaration Notice Old Gembrook Road catchment [6.2.2.5 - 2 pages]
6. SCS Public Notice Old Gembrook Rd catchment [6.2.2.6 - 2 pages]

Executive Summary

This report proposes giving 'notice of intention to declare' a special charge to part fund the construction of Old Gembrook Road, Durban Road and Sherriff Road, Emerald. This notice

begins the formal consultation process at the commencement of the statutory process that enables Council to levy a special charge, (refer attachment 1).

The Old Gembrook Road, Emerald catchment is included in the Australian Government funded "Sealing the Hills" program. A recent survey of the landowners in the indicated roads in this catchment indicated 86% landowner support to contributing to a scheme from the responses received. Included landowners will receive special benefit as a result of the works including improved resident amenity, reduction in dust and associated health issues, improved drainage, less wear and tear on vehicles, reduced road maintenance costs and overall improved liveability.

The preliminary estimated cost of the proposed works is \$2,390,000 of which \$378,000 is proposed to be funded via the proposed special charge contribution received from the included landowners. This will leave an approximate balance of \$2,012,000 to be funded from the Australian Government grant.

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

Background

The Old Gembrook Road, Emerald catchment that includes Old Gembrook Road, Durban Road and Sherriff Road is included for construction in Councils Sealing the Hills program. The properties included are shown on the plan included as attachment 2 to this report.

A survey of the property owners within the scheme boundary, (total of 55), was undertaken asking if they were in support of contributing to a special charge scheme at a capped contribution rate of \$7,000 per benefit unit, with a benefit unit being defined as:

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

Of the fifty five properties surveyed Council received thirty six, (36), responses, (or 65%). Thirty one, (86%), of these responses indicated support to contributing to the scheme, while five, (14%), indicated opposition. Support for the scheme was consistent across all three roads surveyed. Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Old Gembrook Road, Durban Road and Sherriff Road.

Council received feed back from the owner of 11 Sherriff Road requesting that the road construction be extended across his full property frontage to service an existing second driveway. Following an assessment of this request it was determined that this would require

the unnecessary and costly removal of a number of trees. A decision has been made to retain the trees and to offer the construction of a driveway width access to service the second driveway location. In turn the landowner contribution to the scheme will be reduced to a half benefit unit.

Policy Implications

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

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

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

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

Climate Emergency Consideration

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

- Minimising tree removal through innovative road design.
- Use of LED lighting to reduce energy emissions.
- Utilising local contractors and local road & drainage construction materials to minimise travel.
- Investigating the reuse and use of recycled road construction materials.

Consultation/Communication

A letter was sent in November of last year to the landowners of Old Gembrook Road, Durban Road and Sherriff Road outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal. As a consequent of Covid 19 restrictions, no face to face community consultation could be undertaken. However, property owners were provided with the opportunity to speak directly to the project engineering and special charge scheme staff and to view the preliminary construction plans and special charge scheme information online.

In early December a questionnaire was mailed to landowners asking them to indicate their support / opposition to contributing to a special charge scheme at the capped rate of \$7,000 per benefit unit. As outlined above 36 questionnaire responses from the 55 included properties were received.

Financial and Resource Implications

The scheme funding arrangements are as follows:

PRELIMINARY ESTIMATED COST OF PROJECT	\$2,390,000
Total Council Contribution (84%)	\$2,012,000
Benefitting Landowner Contribution (16%)	\$378,000

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

The Australian Government 150 million dollar grant will be used to fund Councils contribution.

Landowners will be offered the option of paying their contribution in full, or by quarterly instalments over seven years. Instalment payments will include principle and interest, with interest calculated at the declaration of the scheme based on Councils borrowing rate at the time plus one percent.

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

Conclusion

It is concluded that the majority of property owners support the construction of Old Gembrook Road, Durban Road and Sherriff Road, Emerald and that Council should commence the formal consultation process to initiate a special charge scheme by proceeding to give notice of its intention to declare a special charge to part fund the works.

Resolution

Moved Cr Graeme Moore, seconded Cr Tammy Radford.

That Council:

1. Acknowledge the majority landowner support as set out in this report to contribute to the construction of Old Gembrook Road, Durban Road and Sherriff Road, Emerald, (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works;
2. Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
3. Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
4. Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of Old Gembrook Road, Durban Road and Sherriff Road, Emerald.
5. Consider the declaration (attachment 5) at its meeting of 16th May, 2022, or such later date as necessary.
6. Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
7. Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered.
8. Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

Carried

6.2.3 Outcome of Review of Expense Claims

Responsible GM: Debbie Tyson
Author: Doug Evans

Recommendation(s)

That Council:

1. Note that the Local Government Inspectorate following assessment of a number of expense claims submitted by Cr Collin Ross have concluded that there is insufficient evidence of a breach of the Local Government Act 189 or Crimes Act 1958.
2. Consider the recommended amendments to the 'Claim for Travel Expenses' form contained within the Councillor Expenses Policy as recommended by the Inspectorate at a future meeting

Attachments

1. Complaint Outcome Cardinia 12 January 2022 [6.2.3.1 - 2 pages]

Executive Summary

To advise of the outcome of the Local Government Inspectorate's investigations into Travel Expense Claims lodged by Cr Collin Ross.

Background

Council previously resolved in August 2020 to undertake an Audit into Travel Expense Claims lodged by Cr Collin Ross and subsequently resolved in December 2020 to refer the matter to the Local Government Inspectorate. The Inspectorate have concluded the investigation, with the outcome being *'the Inspectorate concluded that there is insufficient evidence of a breach of the Local Government Act 1989 and Crimes Act 1958'*. A copy of their response is attached.

In the response the Inspectorate identified improvements that could be made to the Council's 'Claim for Travel Expenses' form included in the Councillor Expenses Policy.

The Inspectorate has made the following recommendations which are aimed at minimising ambiguity with respect to councillors' expense claims:

1. Council's 'Claim for Travel Expenses' form, part of its 'Councillor Expenses Policy', is amended to include:
 - i. a requirement that Councillors clearly stipulate how the expense was incurred while performing their duties as a Councillor;
 - ii. a requirement that Councillors include logbook entries or records of odometer readings at the start and end of the journey;
 - iii. a requirement that Councillors include the start and finish time of the journey; and
 - iv. a requirement that Councillors include the starting location of the journey

Policy Implications

It is suggested that the Council considers the amendments to the Travel Expenses Claim form included in the Councillor Expenses Policy as recommended by the Inspectorate at a future meeting.

Relevance to Council Plan

5.1 We practise responsible leadership

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

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

Climate Emergency Consideration

There are no climate emergency considerations relevant to this recommended amendment to the Policy.

Consultation/Communication

No community consultation is required to be undertaken on this matter, there is no change to the policy with only an amendment to the claim form as per the Inspectorate's recommendation.

Financial and Resource Implications

There are no financial consideration associated with this matter or the suggested amendment to the Policy.

Conclusion

The Local Government Inspectorate have concluded their review into the matter of Travel Expense Claims lodged by Cr Collin Ross. They have advised that '*there is insufficient evidence of a breach of the Local Government Act 1989 and Crimes Act 1958*'.

The Inspectorate have however made some recommendations to amend the Travel Expenses Claim form which are aimed at minimising ambiguity in respect to councillor's travel expense claims for Council, residents and ratepayers.

Resolution

Cr Ross left the meeting for the discussion of this item.

Moved Cr Tammy Radford, seconded Cr Carol Ryan.

That Council:

1. Note that the Local Government Inspectorate following assessment of a number of expense claims submitted by Cr Collin Ross have concluded that there is insufficient evidence of a breach of the Local Government Act 189 or Crimes Act 1958.
2. Consider the recommended amendments to the 'Claim for Travel Expenses' form contained within the Councillor Expenses Policy as recommended by the Inspectorate at a future meeting

Carried

Cr Ross returned to the meeting at the conclusion of this item.

6.2.4 Casey Cardinia Foundation

Responsible GM: Carol Jeffs
Author: Carol Jeffs

Recommendation(s)

That Council:

1. Notes the report with information about the Casey Cardinia Foundation and the strategic review that has been undertaken.
2. Notes the decision by City of Casey to withdraw from involvement with the Casey Cardinia Foundation
3. Supports the transition of the Casey Cardinia Foundation to a Cardinia Foundation and write to the chair encouraging the legal transition take effect as soon as possible.
4. Supports a medium to long term growth agenda for the newly formed Cardinia Foundation and agrees in principle to provide financial support for the first five years of the Cardinia Foundation.
5. Refers \$120,000 per year for the next five years to the 22/23 budget process for consideration.

Attachments

1. CONFIDENTIAL - CONFIDENTIAL Cardinia Foundation Only Supplementary Paper [6.2.4.1 - 24 pages]

Executive Summary

The Casey Cardinia Foundation (CCF) has been in operation for some 18 years, originating as the Cardinia Foundation in 2003 and with Casey joining the foundation in 2013. CCF is governed by an independent board of which Cardinia Shire has two representatives, a councillor and the CEO.

The CCF has been successful in providing an avenue for philanthropic contributions within the shire and subsequently redistributing funding via grants of \$650,000 over this time (average of \$38,000 per year). The predominant fundraising has been via events including the annual gala fundraising dinner. The onset of the pandemic, of course, made the running of fundraising events impossible and the board made a decision to pause fundraising events and use the time to conduct a strategic review of the CCF current state and options for future direction. The foundation has continued to distribute grant funding during this time in accordance with its constitution.

The strategic review has resulted in a recommendation to significantly expand the scope and fundraising activities of the foundation based on some local and international examples of what is possible when there is passion and will from the parties involved. This recommendation does, however, require some initial up-front investment from member councils of up to five years before seeing a return via substantially increased net revenue to the foundation and therefore the community. The idea would be that post this initial investment period, council could either significantly reduce its own spend on community grants and rely on the substantially increased grants coming from the foundation to meet the

community need, or effectively double the amount of grants going out into the community (providing an income source for local not for profits and volunteer groups).

Since considering the review recommendations, City of Casey has advised that is withdrawing from formal involvement in the Foundation.

This report presents options for Cardinia Shire Council to consider in light of the review findings and the City of Casey's notification of withdrawal.

The options provided are as follows:

1. Cardinia Shire Council also withdraw support for the Foundation and request that the Foundation be wound up.
2. Cardinia only foundation – no growth: Transition the foundation back to Cardinia only under the current model of operation with no additional cash support.
3. Cardinia only foundation – significant medium-long term growth (5-10 years) and reduced burden on rate payers over the medium to long term. Transition the foundation back to Cardinia only with increased investment from Council of \$120,000 per year for 5 years.

Option 3 is recommended as a long term strategy to leverage fundraising from the philanthropic sector, potentially reducing reliance on rate payers for community granting while substantially growing the return to community. This relatively aggressive approach is aligned with the strategic review recommendations and would see more immediate momentum with the foundation.

Background

The Casey Cardinia Foundation is a philanthropic Community Foundation which raises funds for local community groups throughout the City of Casey and Cardinia Shire, with funds dispersed through an annual grants program. Since 2003, the Casey Cardinia Foundation has provided over \$650,000 in grants to local community groups, an average of \$38,000 per year.

Established in 2003, the Foundation expanded in 2013 to include both the communities of Cardinia Shire and the City of Casey.

The Foundation distributes grants to not-for-profit charities and organisations, directly benefiting the social impact areas of disability, older persons, disadvantage, crisis and youth within the region. In 2018, the Foundation received 67 applications and was able to provide funding to 20 projects and organisations.

Mission Statement

The Casey Cardinia Foundation will raise funds and encourage philanthropy in order to provide grants to charities and not-for-profit community groups, addressing disadvantaged and a wide variety of emerging and changing needs in the community.

Aims

The organisation's aims are:

- To build partnerships to increase the effectiveness of philanthropic outcomes for the Casey Cardinia communities
- To build the capacity of NFP community organisations and agencies that in turn provide enormous benefit to individuals, families and communities across the region
- To maintain the highest level of integrity and conduct
- To encourage community giving and philanthropy
- To make a positive and lasting difference within the Casey and Cardinia communities.

Financial position of Casey Cardinia Foundation

The Casey Cardinia Foundation operates two accounts under its legal structure.

The Casey Cardinia Foundation Trust (corpus) is to be grown and contributed to over time with a view of the earnings (interest) to be drawn on for grant purposes within the rules of the trust. The net assets of the trust as of 31 October 2020 was \$460,030.

The Casey Cardinia Foundation P/L company account is an operating account that is used for incoming fundraising earnings and to distribute grants. The balance of assets as of 31 October 2020 was \$120,039. Money can be transferred between the two accounts within the limits of the rules of CCF and with board approval at various trigger points.

Initial contributions were made by both councils at their respective entry points. Although there was no initial cash contribution by Cardinia, there was a significant amount of officer time involved in the initial set up of the foundation in 2003, as well as providing ongoing resources with officers heavily involved in administration and fundraising activities.

The contribution by Casey was \$100,000 split payment over two financial years, first one paid in 2014/15.

Strategic review

In early 2020, in response to the pandemic and its impacts on the foundation's operations, the board commissioned a piece of strategic review work which was jointly funded by the member councils.

The objective was to in effect undertake a funding feasibility review process for the Casey Cardinia Foundation with the goal to inform the Board regarding future opportunities, options, and implications. A Funding Feasibility includes an assessment, from a funding perspective, of an organisation's purpose, positioning and role; considers potential donor sources, gifting mechanisms and gift support; and in turn develops and recommends funding strategies together with people leadership, management and resourcing requirements

A summary of the findings are included below:

Overall learnings and possible directions

1. Refresh brand and mission...the community's Foundation, be bold, about leadership and energy and people helping people, plus results driven
2. Cause focus and results must be evidence-based
3. To achieve buy-in, given the current donor culture needs to be some real projects/causes that meet current needs
4. Future donor management culture must be proactive, sensitive, tailored...about relationship building, acknowledgment, reporting...strive for donor management excellence.

Key guiding principles

5. Community leadership and energy
6. Evidence-based granting
7. Importance of personal gift leadership by Trustees/inner group of volunteers
8. Donor management excellence
9. Partnering and matched giving
10. Fun and impactful and rewarding...create a culture where people want to be involved/aligned

11. Operations
12. Right person right role. Form Working Groups for donor areas of actions...involves some

Trustees and some non-Trustees

13. Grant management by Council, with CCF Trustee oversight only
14. Smart use of technology ...CRM, social media (for right audiences), innovative online giving and engaging website, etc

Council CEOs must remain closely connected (can't disengage), but say attendance at two key planning meetings each year. What's proposed is not a slight shift in business as usual, but a commitment to a completely changed, transformative, placed-based philanthropic leadership, underpinned by commitment, drive and energy.

Suggest to go halfway will fail.

Funding strategy options

- Endowments with causes, both gifts in wills and also Living Giving option for tax benefit
- Tap 'n' Donate at major Council facilities and Tap 'n' Donate technology available for partnering with others
- Innovative online giving campaigns which engages donors
- Payroll Giving ('Loaned Executive Program') linked with leadership program and encourage matched giving by employer
- Conduit for impact investment and corporate matched giving?
- Place for event fundraiser/s but completely refresh and keep refreshing...must be a must attend event and fun
- Look to effectively engage with and 'partner' with Service Clubs

Operating funding

Initial 5-year Council funding with (increasing) corporate and private funding.

However, must go into accepting will take considerable time to get working properly, and is likely to require on-going Council operating funding for up to 15 years, but as a decreasing percentage of the Foundation's total operating costs.

In summary, the indicative level of resourcing for an impactful Community Foundation to drive transformative philanthropic outcomes was likely to require about \$120,000 of resourcing by Cardinia Shire per year for the first 5 years, together with effectively a similar level of resourcing by other community donors, which increases over time.

Options

The following options are provided to Council for consideration:

Option 1 - Cardinia Shire Council withdraws support for the Foundation and request that the Foundation be wound up.

City of Casey has indicated that it has withdrawn from formal involvement in the Casey Cardinia Foundation. This option would involve Cardinia Shire Council taking a similar approach and request that the Foundation cease to operate.

Advantages – Option 1 is the least cost, requiring no transition and no additional cash or officer time.

Disadvantages – Option 1 does not recognise the current role that the Foundation provides in accessing the philanthropic sector to provide community benefit. By withdrawing, the Council would be assuming increased responsibility for community granting and missing the opportunity to engage a wider group of stakeholders and community in the support of those in need in our community.

Option 2 - Cardinia only foundation – no growth: Transition the foundation back to Cardinia only under the current model of operation with no additional cash support.

Advantages – Returning to a Cardinia only foundation has the advantage of being administratively simpler with a more direct ability to correlate effort put in to fundraising with all the benefit flowing to Cardinia residents and groups, rather than being split across Casey as well. This option also has the advantage of not increasing the financial cost to Council.

Disadvantages – This option provides a no-growth scenario for the foundation and would likely continue to distribute the average of around \$38,000 to the community per year. For a growth area council due to hit a population of 200,000 over the next 20 years, Option 2 doesn't set the foundation up for the future, seems to miss the opportunity to leverage off the private and philanthropic sector over the coming years and will therefore see an increasing burden on rate dollars for community granting as the population grows. The strategic review advised that the current method of fundraising is the least efficient and yields the least return compared to comparable approaches of other foundations around the world. Cardinia council officers currently spend a lot of discretionary time in the lead up to events. This time is not costed into the foundations expenses and if it was, the foundation would be unlikely to yield a net positive result at all. This is likely an unsustainable fundraising model and therefore the success of the foundation at all going forward may be in question.

Option 3 - Cardinia only foundation – significant medium-long term growth (5-10 years) and reduced burden on rate payers over the medium to long term. Transition the foundation back to Cardinia only with increased investment from Council of \$120,000 per year for 5 years combined with gradual reduction of Council (rate payer funded) community grants. It is suggested that Council consider funding all or part of the \$120,000 per year from the Cardinia Shire community grants which total \$750,000 per year. The contribution by Council is proposed to be partly matched by the private sector, philanthropic and the foundation itself to support a much more robust operating model than currently exists.

Advantages - Option 3 takes a long term view and leverages the opportunity while Cardinia Shire still has significant population growth ahead. The return on investment is expected to be 5.8 - \$5.80 for every \$1 invested by Council over the medium to long term. This is an equivalent of \$575,000 per year going back into the Cardinia community from philanthropic and private sectors in addition to Council's \$120,000. At the moment with our own community grants, this is a 1 for 1 return because we are unable to leverage the philanthropic and private sector ourselves. This option also is consistent with Cardinia Shire's philosophy of thinking differently and continuously challenging the best way to achieve outcomes for our community, rather than doing everything ourselves. This option aims to leverage fundraising from the philanthropic sector and to reduce reliance on rate payers for community granting while substantially growing the return to community. This model could significantly bolster the not for profit and volunteer effort in Cardinia Shire over the coming years. It could allow Council to progressively reduce its own spending on community grants over time.

Disadvantages – The main disadvantage is the initial cost to Council which will need to either be funded by reducing community grants or by funding out of operational budget for the first

five years and potentially longer. The success of the proposed new Cardinia Foundation model relies on passion, dedication, a refreshed board of directors along with the increased funding. There is unlikely to be a large return in the first few years, so Council and community may become impatient and give up on the new model before it has had a chance to hit its straps. There is, of course, the risk that the foundation will never reach the modelled levels of growth in which case the projected return on investment will not be realised.

Policy Implications

This report is consistent with relevant policies from community granting and financial perspectives. The proposal aligns with the Community Capital Works Grants Policy in that it respects Council's commitments and responsibilities in providing grants to the community through the consistent management of the grant programs across Council based on the principles of community involvement and good governance.

Relevance to Council Plan

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

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

1.1.2 Enrich local identity and opportunities for the community to connect through art, history and cultural expression.

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

1.1.4 Facilitate a partnership approach to create safer communities.

1.1.5 Work closely with the community to deliver programs that build community resilience, relating to a pandemic or other disasters.

The Casey Cardinia Foundation does, and has increased potential to, attract private and philanthropic sources of funding to be spent in the Cardinia community. The distribution of grants from the CCF have traditionally been in the area best captured by the Strong Communities section of the Council Plan. Should Council choose to proceed with an option of Cardinia only foundation, the Council could have some input into the highest needs for our community.

In addition, this paper presents options that will assist Council to consider financial and value for our community, best captured under the Responsible Leaders section of the Council Plan.

- Manage our finances responsibly and leave a positive legacy for future generations.
- Maximise value for our community through efficient service delivery, innovation, strategic partnerships and advocacy.

Climate Emergency Consideration

Although no direct correlation of climate emergency with CCF, thinking strategically about how to augment council's spending, Council's decision regarding this matter could have somewhat of an impact on our community resilience and ability to manage natural disasters.

Consultation/Communication

There has been no public communication or engagement at this point. There has been substantial discussion at the CCF board.

Financial and Resource Implications

The options presented in this paper may have a financial impact of up to \$120,000 per year for 5 years with the source of that funding to be discussed. It is an option for the Council to consider funding this fully or partially from Council's own community grants (total of \$750,000 per year). It is proposed that this be considered during discussions regarding the 22/23 budget.

Conclusion

The Casey Cardinia Foundation has undertaken a strategic review and has reached a point in that process where direction from Cardinia Shire Council is sought. The City of Casey has subsequently notified the CCF board that it is withdrawing from the Foundation. It is recommended that Cardinia Shire Council support the return to a Cardinia only Foundation and consider a financial contribution for the next five years in the 22/23 budget process.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Brett Owen.

That Council:

1. Notes the report with information about the Casey Cardinia Foundation and the strategic review that has been undertaken.
2. Notes the decision by City of Casey to withdraw from involvement with the Casey Cardinia Foundation
3. Supports the transition of the Casey Cardinia Foundation to a Cardinia Foundation and write to the chair encouraging the legal transition take effect as soon as possible.
4. Supports a medium to long term growth agenda for the newly formed Cardinia Foundation and agrees in principle to provide financial support for the first five years of the Cardinia Foundation.
5. Refers \$120,000 per year for the next five years to the 22/23 budget process for consideration.

Carried

6.2.5 Response to Petition Requesting the Closure of Pinehill Drive at the end of Ryan Road, Pakenham

Responsible GM: Peter Benazic
Author: Tracey Cooke

Recommendation(s)

That Council:

Notes the requests, through the submission of a petition by the residents of Pinehill Drive Pakenham for:

- the permanent closure of Pinehill Drive at the end of Ryan Road, Pakenham
- the permanent closure of two driveways from the compulsory acquired properties no: 38A and 44 Pinehill Drive
- the total re-development of Ryan Road, including the closure of Pinehill Drive, to be funded by Level Crossing Removal Projects (LXRP) and the Victorian Government.

Investigate and work in conjunction with the residents of Pinehill Drive, and LXRP to ensure residents of Pinehill Drive are not adversely affected through the level crossing removal project which includes the construction of the new East Pakenham Railway Station.

Attachments

Nil

Executive Summary

Council has received a petition of 52 pages in total. 51 pages of this petition comprised signatures of residents of Pinehill Drive requesting - the permanent closure of Pinehill Drive at the (southern) end of Ryan Road, Pakenham, the permanent closure of two driveways from the compulsory acquired properties no: 38A and 44 Pinehill Drive, the total re-development of Ryan Road, including the closure of Pinehill Drive, to be funded by LXRP and the Victorian Government.

Background

A new railway station, 'East Pakenham Station' is proposed west of Ryan Road near Pinehill Drive.

At the 13 December 2021 Council meeting, a petition from residents of Pinehill Drive, Pakenham was tabled. The letter prepared by Adrian and Elisabeth Wood of 23 Pinehill Drive, and attached to the petition, states the new East Pakenham Railway Station will be in the wrong location and thus create traffic which will adversely affect the 'unique ambience' of Pinehill Drive.

The petition letter also states that LXRP is not funding any works to Ryan Road and this cost will most likely be passed on to local residents or the Victorian and Australian Government by Cardinia Shire.

Policy Implications

Road Safety Strategy 2016-2025 - Cardinia Shire Council is committed to providing an environment for residents and visitors that promotes health, safety and wellbeing. Council, along with the Victorian and Australian Government, community groups, businesses, and all community members, have a role in encouraging road safety.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

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

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

Climate Emergency Consideration

All new facilities, including renovations, refurbishment, additions, renewals, etc. consider materials, supply chains, methodologies that mitigate climate impact and prevent or minimise the impacts on Council and its community.

Consultation/Communication

Pinehill Drive is currently located within the LXP 'declared project area' for the Victorian Government project. The full scope of works that is to be delivered and what is to be included in the LXP project remains unknown, with Council continuing to work with LXP as the scope is developed.

Until this occurs, it is not clear what implications this may have for Pinehill Drive, and any proposal to pre-maturely close the road could have further impacts for property owners.

Considering this, it is proposed Council undertakes a traffic and parking assessment of Pinehill Drive in the immediate future, followed by a further assessment after development is complete and the new station is opened to determine if traffic and the demand for parking has increased, and what impact there has been on residents.

Residents of Pinehill Drive will be advised of these assessments which will also guide any subsequent works Council's Traffic and Transport Team deems necessary. At the time of writing Council officers have not seen details of the railway car park i.e., how many car spaces will be provided, where pedestrian and vehicle access will be located etc. Accordingly, it is too early to say whether a permanent closure of Pinehill Drive, at the end of Ryan Road, will be supported or warranted.

LXP will be advised of the residents' petition and asked to consider resident concerns in their design and management of construction works.

As with all proposed road closures, the emergency services will be contacted and asked for their view.

Financial and Resource Implications

The Department of Transport, in conjunction with LXP, made an application to the Victorian Government for funding for the upgrade of Ryan Road. Ryan Road is currently a narrow, gravel road without underground drainage and kerb and channel. Given the anticipated increase in traffic in Ryan Road that the new railway station will generate, it is considered reasonable that the upgrade of Ryan Road be included as part of the LXP project. Accordingly, Council has advocated and will continue to advocate for the support of external funding of this upgrade.

Pinehill Drive does not provide access to any other road. It forms a loop with Ryan Road. Therefore, current traffic volumes would not be high and would consist almost entirely of resident's movements.

The need for traffic management/calming in Pinehill Drive needs to be established before costs can be attributed to the types of traffic management devices deemed suitable for this road/environment. Treatments that can be considered include flat top speedhumps (vertical deflection devices), blister treatments (horizontal deflection devices), and road narrowing's. A full road closure at one end is also likely to discourage speeding.

If warranted, the provision of parking restrictions in Pinehill Drive, to discourage railway commuters from parking in the street, can be considered. Parking signs and poles are relatively inexpensive and can be installed on short notice providing there is resident support. As with all parking restrictions enforcement will be required. It must be kept in mind however that properties in Pinehill Drive are large and all have off street parking. Therefore, allowing on-street parking near a railway station might be beneficial for the greater community.

Conclusion

The petition submitted by the residents of Pinehill Drive, Pakenham will be investigated further by Council's Traffic and Transport Team and also raised with LXP.

Council will continue to advocate to LXP for the upgrade of Ryan Road, the provision of car parking (where needed) and to minimise impacts of the project to local residents.

Council will undertake a traffic and parking assessment of Pinehill Drive in the immediate future, followed by a further assessment after the train station development is complete. Recommendations as a result of the assessments will be discussed in consultation with the residents of Pinehill Drive.

Resolution

Moved Cr Graeme Moore, seconded Cr Jack Kowarzik.

That Council:

Notes the requests, through the submission of a petition by the residents of Pinehill Drive Pakenham for:

- the permanent closure of Pinehill Drive at the end of Ryan Road, Pakenham
- the permanent closure of two driveways from the compulsory acquired properties no: 38A and 44 Pinehill Drive
- the total re-development of Ryan Road, including the closure of Pinehill Drive, to be funded by Level Crossing Removal Projects (LXRP) and the Victorian Government.

–

Investigate and work in conjunction with the residents of Pinehill Drive, and LXRP to ensure residents of Pinehill Drive are not adversely affected through the level crossing removal project which includes the construction of the new East Pakenham Railway Station.

Carried

6.2.6 Beaconsfield Reservoir

Responsible GM: Peter Benazic
Author: Peter Benazic

Recommendation(s)

That Council:

1. Note the officers report.
2. Highly commends the work that the Cardinia Environment Coalition has undertaken in managing the reserve and continue to advocate for ongoing recurrent funding for their Park Management activities.
3. Advocate for the State Government to assign the Park Manager role to a State Government Agency.
4. Advocate for the enhancement for recreational assets that creates opportunity for the community to experience the high value natural environment.
5. Continue to advocate to DELWP to fund the development of a long-term strategic plan for the reserve.
6. Acknowledge the community correspondence received by council supporting the preservation of the dam in its current state.
7. Request that Melbourne Water continue to engage with the community and explain the rationale for the selecting the a partial decommissioning option.

Attachments

1. Lowering the Water Level of Beaconsfield Reservoir EIA FINAL Report [6.2.6.1 - 44 pages]
2. Beaconsfield Reservoir Concept Design Report for CCC [6.2.6.2 - 154 pages]
3. Beaconsfield Dam Safety Upgrade, Update December 2021, Beaconsfield Online Newsletter [6.2.6.3 - 4 pages]
4. Sample of letter ODCA [6.2.6.4 - 2 pages]
5. Sample of form letter received [6.2.6.5 - 2 pages]

Executive Summary

At the 17 May 2021 Council Meeting, Council resolved to:

1. Note the officers report.
2. Recognises the Beaconsfield reservoir and nature conservation reserve as a place of highly significant environmental, community and cultural importance for our region. A wonderful natural asset that has great potential for community and environmental benefit into the future.
3. Requests that all responsible State Government authorities work together with the local community to develop a long-term strategic plan that delivers the best outcomes for the environment and community interests.
4. Requests that no further works are to be considered or proceed with the reservoir's dam wall until such time this future strategic document is developed and created.
5. Advocate to the relevant State Government departments to undertake a thorough environmental assessment of the reservoir and the greater Beaconsfield Nature Conservation Reserve (BNCR) including a report on the impact that any future developments would have on the environment within.
6. Request that Melbourne Water (MW) make publicly available the safety assessment report which has identified the potential risk of the reservoir wall failing.

7. Acknowledge the petition which is currently before the State Government of Victoria which is requesting the retention of the current reservoir water level.
8. Highly commends the work that the Cardinia Environment Coalition has undertaken in managing the reserve and advocates for ongoing recurrent funding to manage the BNCR into the future.
9. Advocate for the State Government to assign the Park Manager role to a State Government Agency for a significant reserve of regional importance.
10. Indicates support for the improved recreational facilities and greater access to the Reserve for the general public.
11. Is supportive of Melbourne Water taking necessary action to ensure the safety of our community and we ask that thorough community consultation and communication is undertaken regarding any future plans or developments for this site.

The Beaconsfield Reservoir is under the ownership and responsibility of the Victorian Government, but one that is of interest to our community. The purpose of this report is to provide status update of the proposed Beaconsfield Reservoir project and detail what progress has occurred to enact the Council resolutions. Further the report also provides Council with an opportunity to consider correspondence received from community members regarding their preferred outcomes and cultural values that they attach to the existing Melbourne Water assets and reservoir conditions.

The report considers Melbourne Water's proposal to undertake works at the Department of Environment, Land, Water and Planning (DELWP) managed Beaconsfield Nature Conservation Reserve (BNCR). Within the reserve is the Beaconsfield Reservoir. Melbourne Water (MW) is responsible for the infrastructure that supports the reservoir and proposes to decommission the existing reservoir dam wall. Melbourne Water's rationale for the action is driven by safety concerns as the wall allegedly fails to comply with the Australian National Committee on Large Dams (ANCOLD) guidelines. Coupled with the proposed dam wall reduction is the proposed installation of recreational assets and associated landscaping.

The new recreation assets necessitate the assignment of a Park Manager to fund maintenance and ongoing asset care and renewal. MW have advised that if a Park Manager is not assigned that the landscaping work will not form part of the scope for the proposed works according to Melbourne Water project officers.

The current Park Manager for the reserve is The Cardinia Environment Coalition (CEC), they have a direct service provision arrangement with DELWP. The CEC are considered an excellent service provider and have an intimate knowledge of the reserve and are skilled in the provision of environmental services. The Cardinia Environment Coalition is funded through a grant's mechanism for their important environmental services. Any changes to the recreational asset base and visitation volumes would necessitate a review of the funding provision provided by DELWP.

It is evident that there is wide recognition of the environmental value of the reserve. There also appears to be broad support for increased public access to Beaconsfield Nature Conservation Reserve and for improved recreational assets such as, a perimeter walking circuit, BBQs, and picnic facilities. There are however divergent views on Melbourne Water's proposal to decommission the dam wall and lower the current water level in order to address safety concerns.

Melbourne Water (MW) has indicated that they have reached a determination regarding the options that were presented to the community and council in relation to the treatment of the Dam wall.

Their preferred option is Option 1: which is the partial decommission; embankment and reservoir reduction. This option would involve partial demolition of the existing dam wall and

lowering the existing water level of the reservoir. Melbourne Water arrived at the decision using a multi- criteria analysis model. Council officers were not given input into the elements of the model or included in the decision-making processes.

Council officers acknowledges and appreciates that the Melbourne Waters selected option has raised concerns for a sector of the community. The report includes the correspondence received which detail the concerns raised.

Council officers support the community view that BNCR has significant ecological and environmental value for the region. Officers are also in support of enhancement of recreation assets to enable appropriate recreational activities to the reserve for the community.

Council officers support the notion of State Government agencies funding park management cost and asset maintenance activities. Officers assert that the cost for ongoing maintenance and renewal for the State Government managed asset should not be funded from council revenue, and advocate that any cost saving that MW achieves as a result implementing their preferred option should be quarantined and reinvested into the BNCR.

Background

The Beaconsfield Nature Conservation Reserve (BNCR) is an approximately 171 Hectare reserve under the control of the Department of Environment, Land, Water and Planning, see Figure 1. The reserve is fully fenced and is not freely accessible to the general public. Within the reserve is the Beaconsfield Reservoir and associated water retention infrastructure which is managed by Melbourne Water (MW).

Figure 1. Location of Beaconsfield Nature Conservation Reserve



Dating back to 2010, risk assessments and reports have identified the Beaconsfield Reservoir Dam Wall as an area of concern that does not meet current standards. A plan needs to be put in place to address these concerns and a number of proposed works/options have been explored. In February 2021, Melbourne Water Project Officers provided Council officers with a presentation of options, the rationale for the works and identified a preferred option. The preferred option presented identified a significant reduction to the existing dam wall and the opportunity for the creation of passive recreation facilities. The Melbourne Water Officers indicated that the main driver for the works was to address risk issues associated with the integrity of the existing dam wall structure.

Specifically, they contended that the dam wall:

- Does not meet current safety requirements and risk guidelines in terms of stability, internal erosion (piping) protection and general design deficiencies.
- Was built over 100 years ago and does not meet current Australian National Committee on Large Dams (ANCOLD) guidelines.
- Dam managers are required to achieve a level of dam safety which is tolerable and where this is not the case, undertake further measures to reduce the risk.
- Retaining the dam in its current state would not comply with national dam safety regulations.
- The driver of the Beaconsfield Reservoir Dam Safety project is to reduce the risk of Beaconsfield Reservoir failing, protecting properties and community located downstream of the dam.
- While the likelihood of dam failure is low, the consequence is significant.

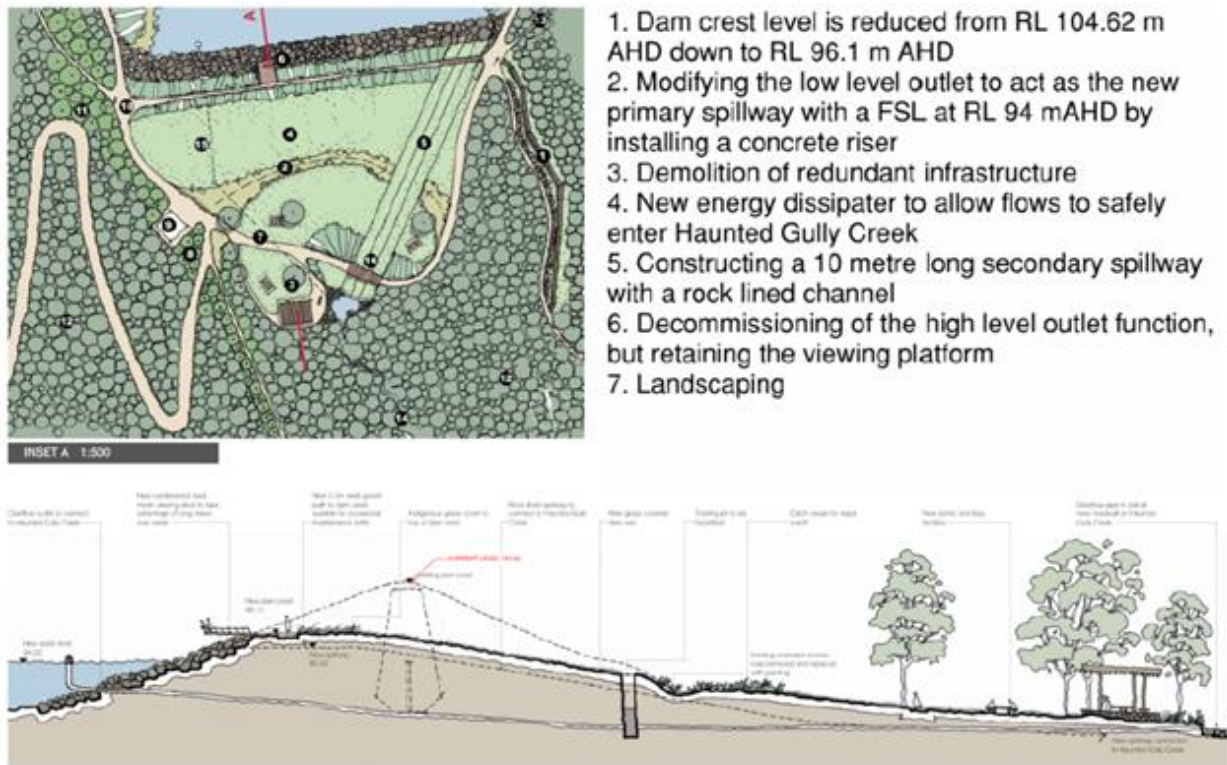
To address the safety concerns identified, the options considered by Melbourne Water were:

- Option 1: Partial decommission, embankment and reservoir reduction.
- Option 2: Full decommission, removal of all dam infrastructure and a return to previous state before dam was built.
- Option 3: Full dam safety upgrade, this would involve buttressing the dam wall but maintaining the water level.
- Option 4: Do nothing (not considered as a feasible option, because the risk was too High)

These were assessed against four criteria:

- Improve dam safety.
- Cost.
- Community impacts.
- Environmental and conservation impacts.

Melbourne Water Officers considered that option 1 to be the most appropriate. The following concept drawings were provided that depict the proposed works see Figure 2 and Figure 3.

Figure 2. Concept drawings

The following concept drawing provides further details of the proposed landscape improvements, see Figure 3. Works include installation boardwalks, planted swale, open lawn area, picnic tables BBQ's and shelter, toilet, viewing platforms, new rock lined spillway to Haunted Gully Creek, path connections and maintenance vehicle access. No parking facilities are proposed.

Figure 3. Concept design with further details

Melbourne Water also identified a number of challenges with the implementation of the project, including:

- Consideration of opening the site up to the public.
- Ongoing maintenance responsibility of recreation infrastructure and role of a Parks Manager.
- Balancing nature conservation with public access.
- Management of community expectations.
- Impact on site during the works.
- Weed management when water levels are drawn down.

Discussion

The following section of the report provides an update on the progress of council's resolutions. Included in response are excerpts from investigative reports conducted by MW. Supplementary information is also included to ensure that issues pertaining to the project are appropriately understood. Further, this section of report includes a sample of the correspondence that Council received, the inclusion of correspondence is to ensure that Council adequately understands the concerns from members of the community pertaining to the MW project.

1 Note the report

The report has been duly noted and has subsequently resulted in a number enquiries to appropriate agencies to inform the content provided in this report.

2. Recognises the Beaconsfield reservoir and nature conservation reserve as a place of highly significant environmental, community and cultural importance for our region. A wonderful natural asset that has great potential for community and environmental benefit into the future.

As previously highlighted the Beaconsfield Nature Conservation Reserve is not currently open for public access or use. Officers acknowledge the high ecological and environmental value of the BNCR and recognize that the proposed additional recreation facilities would benefit the Cardinia Shire community and attract significant regional visitation given the elements that exist in the reserve. There is significant interest and passion for the reserve which is evidenced by the large volume of correspondence that council has received, community meetings and media publicity. Whilst the treatment of the proposed safety action is being debated there appear to be broad support for access and improved recreational facilities in the reserve and increased access to BNCR.

DELWP officers have provided the following comments regarding land use, which reinforces the future intention for the reserve that is consistent with council's expectation. *"BNCR is permanently reserved for Public Purposes (Nature Conservation) and Cardinia Environment Coalition (CEC) is the appointed Committee of Management pursuant to the Crown land (Reserves) Act 1978. Any future use of the reserve will need to be consistent with the reservation"*

3. Requests that all responsible State Government authorities work together with the local community to develop a long-term strategic plan that delivers the best outcomes for the environment and community interests.

Council officers have had discussions with DELWP officers regarding the Council resolution to create a long-term strategic plan for the BNCR. The response that was provided was that there were no immediate plans to fund the development of a long-term strategic plan. It was not clear if DELWP was intending to submit a funding application for a strategic plan in future budget allocations.

The view of MW officers regarding the development of a long-term strategic plan is that “Our position is that whoever the longer-term overarching land manager is should develop the long-term strategic plan”

Council Officers consider that the development of a long-term strategic plan is as an important instrument to clarify and activate the community’s vision for the reserve. The development of plan should be multi-faceted and engage a broad array of stakeholders. The plan development should be adequately funded by the Victorian Government, via DELWP. Continued advocacy activities to the appropriate State Agencies is strongly encouraged to ensure they allocate funding for the development of a long-term strategic plan.

4. Requests that no further works are to be considered or proceed with the reservoir’s dam wall until such time this future strategic document is developed and created.

Council officers have limited influence on the project times lines. MW in conjunction with DELWP will manage the implementation of the project. Given that council officers have not been given a commitment that a long-term strategic plan will be developed, it will be difficult to meet the resolution. Officers are of the understanding that significant work will not occur until the water levels have been reduced, which is expected to occur over three years. Council officers have not been provided with documentation that outlines the project milestones, however Council has been verbally advised that the water lowering works will commence mid-2022. Information on the MW community portal indicates that infrastructure work will commence in 2025, once the water levels have been lowered.

5. Advocate to the relevant State Government departments to undertake a thorough environmental assessment of the reservoir and the greater BNCR including a report on the impact that any future developments would have on the environment within.

Melbourne Water engaged specialist ecologists from the Arthur Rylah Institute (ARI) to undertake an environmental assessment. The full report is provided as an attachment to the Council report. The report provides nine recommendations including a slow draw down of the water level over a three-year period. The slow draw down reduces potential weed encroachment and will allow the vegetation around the reservoirs edge to adapt to the changing waterline. Melbourne Water have indicated that over the next twelve-month period that further targeted seasonal surveys for both flora and fauna will occur within the Beaconsfield Nature Conservation Reserve. This information will be shared with Department of Environment Land Water and Planning and the Cardinia Environmental Coalition. It should be noted that Melbourne Water has also created a community web-based portal that provides access to the report at the following URL; <https://www.melbournewater.com.au/building-and-works/projects/beaconsfield-dam-safety-upgrade-project>.

The following excerpts are taken from the “Lowering the water level of Beaconsfield Reservoir A desktop assessment of environmental values and potential impacts”, Shelly et al, The executive summary is provided below.

“Context:

Beaconsfield Reservoir is a decommissioned water supply located approximately 45 km southeast of Melbourne in the suburb of Officer. Melbourne Water proposes to reduce the carrying capacity of the reservoir which will result in an overall reduction of waterbody size and depth. The proposed activities will reduce the coverage of shallow water and deep, open water habitat. As the reservoir harbours flora and fauna that are, to varying degrees, reliant on the habitat provided by the waterbody, Melbourne Water engaged the Arthur Rylah Institute for

Environmental Research and Dellbotany to conduct an environmental impact assessment of the proposed activities on these communities.

Aims:

Collate a list of the known flora and fauna directly reliant on the reservoir (waterbirds, herpetofauna, fish, crayfish and mussels) within and close to the reservoir, assess the expected impact of the proposed activities on these communities, and propose ways in which these impacts can be mitigated. Methods: Site visits were completed at Beaconsfield Reservoir on two occasions, on the 8th (flora and waterbirds) and 29th (flora and herpetofauna) of July 2021. Observations made during the site visits were combined with records from various online and literature sources to assess the flora and fauna values of the reservoir so that recommendations could be made as to the impact of the proposed reduction in water holding capacity. The geographic radius of these searches was dependent on the dispersal ability of the organism in question. For example, the search radius for amphibians and reptiles was 5 km, while the search radius for waterbirds, that are highly mobile, was 13 km.

Results:

Few documented surveys have been conducted within the Beaconsfield Reservoir which may be partly due to the lack of public access. However, records from the reservoir, combined with those from the surrounding area, give an indication of the species that are or may be present. In total, 993 plant taxa (655 native and 338 weeds) were identified within 5 km of the reservoir. Of these 38 are listed as threatened. 65 species of waterbirds were identified within 13 km of the reservoir with 11 of these being threatened. 17 species of water-reliant reptiles and nine species of frogs were identified within 5 km of the reservoir. Respectively, one and two of these species were threatened. Finally, 13 species of fish, six species of crayfish and one species of freshwater mussel occur either in the reservoir or the connecting catchments, so may be present.

Conclusions and implications:

A limitation of this study is the general shortage of survey data from the reservoir itself. Based on the data we could find, there are no fundamental issues with the proposed activities, but some species would likely be impacted, especially if the lowering of the water level occurs too quickly. The key to minimising potential disturbance to aquatic and semi-aquatic animals either using or potentially using Beaconsfield Reservoir is to minimise the disturbance to aquatic and terrestrial vegetation that provides them with critical habitat. To achieve this, it is recommended that the draw-down be conducted over at least three years to allow the emergent and submerged vegetation around the edge of the reservoir to migrate with the changing waterline. It is important also that riparian vegetation in stream reaches leading in and out of the reservoir is not significantly impacted by the activity. The EVCs Aquatic Sedgeland, Aquatic Herbland, Riparian Scrub and Swampy Riparian Woodland will undergo changes in their areas of occupancy as a result of the proposed drawdown. The net change in area for each, 5-10 years following drawdown, can be estimated although some uncertainty remains regarding residual losses. The habitat for at least one state listed plant associated with these vegetation types will be impacted by the proposed lowering of the water level. The persistence of this and other species will rely on the persistence of existing conditions, noting that there will be inevitable compositional changes to the vegetation matrix and extent of habitat types."

Council officers note limitations of this study and strongly support ongoing data collection, analysis and monitoring at BNCR to fully understand the impacts on the fauna and flora.

6. Request that Melbourne Water make publicly available the safety assessment report which has identified the potential risk of the reservoir wall failing.

Melbourne Water have provided council officers with a safety assessment report. The report was prepared by GHD, a global company that is renowned for the provision of engineering services. Councils Engineering team have not peer reviewed the content of the report as Council is not equipped with specialist technical skills in relation to significant hydrological infrastructure. The full GHD report is provided as an attachment to the report. Excerpts of the report are included in the sections below. It should be noted that Melbourne Water has also created a community web-based portal that provides access to the report at the following URL; <https://www.melbournewater.com.au/building-and-works/projects/beaconsfield-dam-safety-upgrade-project>.

12.

The GHD report refers to Australian National Committee of Large Dams (ANCOLD) guidelines. *“Australian National Committee of Large Dams (ANCOLD) guidelines are applicable for water or tailings dams with the potential to cause loss of life or significant environmental or physical damage through operation or failure. Although prepared for dams which would normally be at least 10 to 15m high ANCOLD guidelines can also be used to assist with decisions on smaller dams, particularly where a dam or series of dams creates the potential for loss of life or significant damage.*

ANCOLD guidelines are not a design, construction or operation code and practitioners must apply their own considerations, judgements and professional skills when designing, operating and managing dams”. (https://www.ancold.org.au/?page_id=334)

Melbourne Water have supplied the *Beaconsfield Reservoir Concept Design Report* that was prepared by GHD in December 2019. The Executive Summary is provided below.

“This report presents the concept design to upgrade Beaconsfield Reservoir. The purpose of the upgrade is to reduce the Consequence Category from High A to Low and although not formally assessed, it is expected that this upgrade would largely satisfy ALARP (As Low as Reasonably Practicable).

Beaconsfield Reservoir is now disconnected from the water supply network. The proposed concept design focuses on reducing the risk profile of the dam as well as reducing any future maintenance and operation requirements for Melbourne Water Corporation.

A previous risk assessment by URS in 2010 identified that Beaconsfield Reservoir lies within an order of magnitude of the ANCOLD (2003) Limit of Tolerability. A dam safety upgrade concept design, which assumed no reduction in reservoir level, was developed by GHD in 2012. The dam safety upgrade was assessed against a partial decommission upgrade; full decommission upgrade and a Do Nothing approach, to determine the preferred way forward. Based on a multi-criteria analysis it was identified that a partial decommissioning option would successfully reduce the Consequence Category to Low whilst still maintaining a permanent water body, and therefore providing a long-term amenity for the public.

Three partial decommissioning concept options were originally considered (labelled 1A to 1C), with different crest and spillway arrangements. The designs were developed by adopting a FSL of RL 94.0 mAHD, which was required to achieve a Low sunny day Consequence Category. However, none of these concept options resulted in a Low Consequence Category for wet day failure. Therefore, an iterative approach was undertaken, in which a fourth concept option (1D) was identified. This option resulted in a Low Consequence Category under both sunny day and wet day failure scenarios. The concept design of Option 1D includes the following key components:

- Crest at RL 96.10 mAHD, which is 8 m below the current crest level of RL 104.05 mAHD
- A downstream embankment slope of 5H:1V
- FSL at RL 94.0 mAHD, 4.5 m lower than current restricted FSL of RL 98.5 mAHD

- *Retrofitting the existing low-level outlet to be utilised as the primary spillway*
- *A secondary spillway at RL 95.5 mAHD located on the left abutment*
- *A rock-lined spillway chute and energy dissipator*

In addition, the recommended concept design (Option 1D) also includes the landscape design of the site, namely:

- *A re-designed smaller water body including smaller pools extending the visual appearance of the water body*
- *Circuit walking trails including tracks around the water body and along the existing spillway channel*
- *A picnic and passive recreation area located at the downstream toe of the upgraded embankment*

The GHD report highlights safety issues of concern that were identified from a risk assessment that was conducted in 2010. The report states the following concerns:

“The Beaconsfield Reservoir site presents a series of concerns as identified in the risk assessment, which have been actively managed by Melbourne Water. These include:

- *Historical seepage: Most recently observed in August 2018 on the downstream right abutment groin. A reduced operating level of RL 98.85 mAHD has continued to assist limiting risk associated with this deficiency.*
- *Structural instability: Beaconsfield Dam has a factor of safety (FoS) of 1.36, which is below the minimum required FoS of 1.5 for long-term steady state loading.*
- *All other identified deficiencies are related to minor capital works, or operation and maintenance of Beaconsfield Dam”.*

In section 5 of the GHD report details are provided of the assessment and the rationale that informed the preferred option that is being proposed by Melbourne Water. The four options considered in the report are as follows:

Option 1 – Partial decommissioning

Partial decommissioning involves a reduction in the Consequence Category to Low or Very Low without an increase in the peak outflow, up to the 1 in 100 AEP, when compared with the existing arrangement. A partial decommissioning upgrade offers the benefit of retaining the ornamental lake for community benefit while minimising risk and cost to Melbourne Water.

Reducing Beaconsfield Reservoir from a High A to Low Consequence Category reduces the ANCOLD (2003a) recommended frequencies of inspections. Comprehensive Dam Safety Inspections are reduced from 5-yearly to ‘not required’. Intermediate Dam Safety Inspections are reduced from annual to 5-yearly and routine visual inspections are reduced from daily-triweekly to monthly. Three partial decommissioning options were initially investigated.

The three partial decommissioning options assessed include:

- *Decommissioning the High-Level Outlet including demolishing the outlet tower and valve pit, grouting the pipework with valves to be ‘locked out’, whilst the Valve House would be retained for storage.*
- *A FSL at RL 94.0 mAHD.*
- *A primary spillway as either a new or retrofitted pipe and inlet structure to pass the 1 in 100 AEP event without changing the current peak outflow.*
- *A secondary spillway to pass the 1 in 1000 AEP event.*
- *The Low-Level Outlet tower superstructure including bridge and hoist house removed and the substructure cut flush with the embankment.*
- *Concrete grouting of the annulus between the Low-Level Outlet cast iron pipe and concrete tunnel.*

- *Erosion protection required at toe, and to be considered for the embankment based on estimated velocities during detailed design.*
- *H:1V downstream slope tied into the natural surface.*
- *Landscaping of the site and wetlands to maximise the quality of community space.*

Option 2 – Full decommissioning

Full Decommissioning eliminates all dam safety risks associated with Beaconsfield Reservoir by removing the water retaining structure and has no ongoing dam maintenance costs. However, there would be no permanent water body, a large construction period, impacts to the flora and fauna within a Nature Conservation Reserve and risks associated with the removal of potentially hazardous silt.

Full decommissioning includes:

- *Removal of the embankment.*
- *Removal of all appurtenant works including the current outlet works (including Valve House), original outlet works (including those previously abandoned through grouting),*
- *Low Level Outlet and spillway.*
- *Removal and disposal of deposited silt.*
- *Stream bed and bank rehabilitation.*
- *Return stream to pre-dam flows.*

Option 3 – Full Dam Safety Upgrade

A Full Dam Safety Upgrade will address the risks identified by URS (2010) and although not formally assessed, it is expected that this upgrade would largely satisfy ALARP principles. For the purpose of this report, the concept design (GHD, 2012) was considered appropriate. The Full Dam Safety Upgrade would retain the restricted FSL (or higher depending on Melbourne Water's appetite for risk) thereby retaining maximum functionality of the reservoir for community use.

The upgrade is considered to undergo a longer and more costly construction phase than Options 1 and 2, causing disruptions to the community's accessibility to the reservoir. Ongoing dam safety surveillance and maintenance would be required due to an either High C or High B Consequence Category, and therefore it is considered prudent to have the site closed to the public due to public safety issues such as the high embankment and exposed rock faces. The Full Dam Safety Upgrade (GHD, 2012) includes:

- *Full-height filter buttress placed on the downstream batter with weighting fill placed over the top. The filters are designed to reduce the risk of piping which was a key contributing risk (URS, 2010).*
- *Restricted FSL becomes the permanent FSL at RL 98.85 mAHD.*
- *Convert the High-Level Outlet to the primary spillway including the removal of all valves,*
- *replacement of the intake screens from a fine screen to a coarse screen. The pipe would be altered to combine flows (as opposed to running parallel the entire length) and*
- *plugging the unused section of the pipe downstream. A USBR Impact Basin energy dissipator to retard flows into Haunted Gully Creek would be constructed.*
- *Concrete grouting of the annulus between the cast iron pipe and concrete tunnel in the*
- *Low Level Outlet. This will reduce the risk of piping along and within the outlet and is considered a prudent measure.*
- *Re-profile the embankment crest where low points exist. Removing any low points will reduce the risk of overtopping.*
- *Minor capital works as noted in previous Annual Inspections, including works to the*
- *access roads, Valve House and operations and maintenance improvements such as pit*
- *lids, railing and platforms.*

Option 4 – Do Nothing

A 'Do Nothing' option is a control option and used to provide a base case for the options. By doing nothing, the Consequence Category and risk profile remain unchanged. Beaconsfield Reservoir is considered to not currently meeting ALARP, plotting within an order of magnitude of the ANCOLD Limit of Tolerability at the 50% and 80% confidence intervals, and plotting above the ANCOLD Limit of Tolerability for the 95% confidence interval. Therefore, 'Do Nothing' is not in accordance with ANCOLD guidelines, good practice and precedent or the Strategic Framework for Dam Safety Regulation (DELWP, 2014)."

The options developed were assessed by GHD using Multi Criteria Assessment (MCA) model. The full assessment and weighted scoring are provided on *page 19* of the GHD report in table 5.2. The conclusion of the MCA model was that the partial decommissioning option was the most favourable. The score summary is provided in the table below which was taken from the GHD report.

MCA categories & sub-categories	Category weighting	Sub-category weighting (out of 4)	OPTIONS			
			1	2	3	4
			Partial decom'g / partial height dam	Full decom'g / removal of dam	Safety upgrade (full upgrade)	Do nothing / current arrangement
TOTAL SCORE	100		78.3	61.1	65.2	64.6

Melbourne Water advised that interim risk was being actively managed through regular assessments and that the Dam presents no immediate risk to the community. However, they advise that the long term risk needs to be addressed with a plan. They also emphasised that the consequence of failure of the wall could result in significant impact to the community. MW also provided information that demonstrated that the Dam was their highest priority in relation safety compliance in accordance with ANCOLD guidelines.

7. Acknowledges the petition which is currently before the State Government of Victoria which is requesting the retention of the current reservoir water level.

The Officer and District Community Association (ODCA), Save the Beaconsfield Reservoir Action Group, and residents of the Cardinia Shire and surrounding communities submitted the following petition prayer to the Legislative Assembly of Victoria:

"To the Legislative Assembly of Victoria

The Petition of The Officer and District Community Association, Save the Beaconsfield Reservoir Action Group, residents of the Cardinia Shire and surrounding communities draws to the attention of the House that Melbourne Water are proposing to undertake safety works at the Beaconsfield Reservoir Wall by their partial decommissioning option which will reduce the wall height by 6 metres and reduce the water level by about 5 metres The petitioners therefore request that the Legislative Assembly of Victoria ask that Melbourne Water undertake the safety works at the Beaconsfield Reservoir Wall by adopting their Safety Upgrade option which will leave the wall height at its current level and retain the current water level."

The following number of signatures were received at the two community meetings as detailed below according to the ODCA:

- The Public meeting: 85 attendees with 62 signing the petition
- Reservoir Open Day: 300+ attendees with 220 signing the petition

The member for Gembrook in the Victorian Legislative Assembly, Mr. Brad Battin posed the following questions to Minister of Water on 24 November 2021. The responses prepared by MW officers assist to provide further context to this report.

Question 4822 – Mr Battin to ask the Minister for Water

In relation to the redevelopment of Beaconsfield Reservoir, please provide detail of the consultation Melbourne Water undertook with local residents, including providing a timeline.

- *Jacobs were appointed by Melbourne Water to undertake the Community consultation for the project in 2016 and prepared an extensive Communications and engagement plan. However, in initial meetings it was identified that the public were largely unaware of the dam as there was extremely limited public access.*
- *This changed the initial consultation approach.*
- *Melbourne Water decided that the initial consultation (Sept 2016) should be with those with an active interest and responsibility for managing the site. This involved consultation with the Cardinia Environmental Coalition (CEC) (made up of a number of local Landcare and Friends groups) and Cardinia Shire Council.*
- *There was also a meeting with DELWP in Oct 2016 to determine regulatory requirements for any works at the site.*
- *The preliminary concept with the initial Water level reduction was reviewed in Aug 2017 at a Workshop with CEC, Council, DELWP reviewing water levels – use of VR to show the proposed water levels.*
- *February 2018 – Workshop with CEC, Council, DELWP, Friends of Beaconsfield Nature Conservation Reserve (BNCR) to present 92m AHD water level.*
- *February 2018 – Door knocked local residents living downstream and adjacent to the dam to discuss the project and the proposed plans.*
- *June 2018 – we attended the Upper Beaconsfield Association public meeting which had the plans for Beaconsfield Dam on the agenda (as well as other Council initiatives). Community interest in the plans for the Dam were discussed and it became apparent that there was interest from the wider community in the plans.*
- *July 2018 - Open day was held at the site at BNCR with a number of locals attending to visit the site for the first time and others who were interested in the plans for the site.*
- *An article appeared in the local Village Bell newsletter in Sept 2018 in which we were invited to provide our response, and this raised public awareness of the site.*
- *At the request of several Community members, a meeting was held in October 2018 with MW and GHD with a number of “technical experts” from the community to go through the proposals and technical aspects of the proposals explaining the water levels and height of the dam wall.*
- *In November 2018, following community concern regarding the use of the dam for firefighting purposes, MW received advice from DELWP’s Chief Fire Officer with regards to the potential use of the Beaconsfield dam for firefighting purposes. Advice received stated that while the Dam could potentially be used for firefighting purposes, it was more likely that nearby Lysterfield Lake, Aura Vale Lake and Cardinia Reservoir - all designated with pre-approval as water pickup locations in the cockpit handbook issued to pilots of aerial firefighting aircraft would be considered more appropriate water sources. There was a range of supporting commentary around this.*
- *A meeting with CEC, Council, DELWP, Friends of BNCR to discuss the revised water level of 94m AHD, and landscape drawings was held in March 2019.*
- *Six small community sessions held in Upper Beaconsfield and Officer to discuss project and preferred option were held in April 2019.*
- *Digital engagement with survey and feedback following the sessions – over 30 responses received.*

- *Meeting with CEC, Council and DELWP in June 2019 – to discuss future maintenance of infrastructure.*
- *Melbourne Water has been engaging with the Department of Environment, Land, Water and Planning (DELWP), Cardinia Shire Council, CEC and Friends of Beaconsfield Nature Conservation Reserve about the project since 2016.*

Question 4823 – Mr Battin to ask the Minister for Water

In relation to the redevelopment of Beaconsfield Reservoir, please detail the areas of Cardinia Shire that were sent notification of the proposed redevelopment.

- *Melbourne Water doorknocked the residents immediately downstream and adjacent to the dam to discuss the project and the proposed plans,*
- *Melbourne Water provided these residents and key community groups with information bulletins.*
- *Melbourne Water attended a meeting of the Upper Beaconsfield Association to discuss plans in mid-2018.*
- *Melbourne Water attended an open day at Beaconsfield Reservoir in July 2018 to talk to the wider community about the dam and plans for risk reduction activities*
- *Melbourne Water put notices in the local newspaper (Pakenham Gazette) regarding the community information sessions.*
- *Melbourne Water held six small community sessions in Upper Beaconsfield and Officer to discuss project and preferred option. These were open to the public and were held in April 2019.*

Question 4824 – Mr Battin to ask the Minister for Water

In relation to the redevelopment of Beaconsfield Reservoir, please provide a list of the user and/or community groups that Melbourne Water has engaged with during the consultation and project notification processes.

Melbourne Water undertook engagement with the following groups:

- *Cardinia Environment Coalition (CEC) –made up of 25 local environmental groups*
- *Friends of Beaconsfield Nature Conservation Reserve (BNCR)*
- *Upper Beaconsfield Association (UBA)*
- *Beaconsfield Progress Association*
- *Hughendon Rd Community Fireguard Group*
- *Officer Community Association*

Question 4826 – Mr Battin to ask the Minister for Water

In relation to the redevelopment of Beaconsfield Reservoir, what is Melbourne Water's rationale for undertaking the proposed development?

The design of the dam does not meet current safety requirements and risk guidelines in terms of stability, internal erosion (piping) protection and general design deficiencies.

The dam was built over 100 years ago and does not meet current Australian National Committee on Large Dams (ANCOLD) guidelines.

Australia has a strong emphasis on dam safety management principles set out by these guidelines

As a minimum, dam managers are required to achieve a level of dam safety which is tolerable and where this is not the case, undertake further measures to reduce the risk.

Retaining the dam in its current state, would not comply with national dam safety regulations.

A significant rain event could cause the reservoir to fill, spill and overtop. Without the works occurring at Beaconsfield, these storms could have significant consequences. The driver of the Beaconsfield Reservoir Dam Safety project is to reduce the risk of Beaconsfield Reservoir failing, protecting properties and community located downstream of the dam.

While the likelihood of dam failure is low, the consequence is significant.

Question 4827 – Mr Battin to ask the Minister for Water

In relation to the redevelopment of Beaconsfield Reservoir, what is the data and/or evidence to support Melbourne Water’s claim that the reservoir’s wall is unstable.

The dam was built over 100 years ago and does not meet current industry practice for the design of a dam of its size.

Melbourne Water is required to manage the risk associated with our dams to be As Low As Reasonably Practicable (ALARP) due to the hazard posed by the storage of the water.

Beaconsfield Dam has known deficiencies associated with the stability of the embankment and the performance of the spillway and embankment during flood events. In light of our knowledge of the shortcomings in the design, construction and performance of the dam, as well as the consequences of the dam failing, Melbourne Water has a duty of care to reduce the risk of the structure. We understand that the reservoir water body offers amenity value to the community and this has been carefully considered throughout the decision-making and engagement process.

Question 4828 – Mr Battin to ask the Minister for Water

In relation to the redevelopment of Beaconsfield Reservoir, what redevelopment options were considered by Melbourne Water and what are the details of each option

Melbourne Water assessed a range of options for Beaconsfield Reservoir, including:

- *Do nothing – this was not considered as a feasible option, because the risk was too high*
- *Partial decommissioning – this would see a reduction in water level and height of crest*
- *Full decommissioning – this would see the removal of all dam infrastructure and a return to previous state before dam was built*
- *Safety Upgrade – this would involve buttressing the dam wall but maintaining the water level*

Question 4829 – Mr Battin to ask the Minister for Water

In relation to the redevelopment of Beaconsfield Reservoir, what is the cost of Melbourne Water’s preferred option for redevelopment, and what are the costs for options that were not selected.

The current estimated cost for the partial decommissioning is approx. \$8.9m.

Melbourne Water undertook a multi-criteria analysis (MCA) in choosing a preferred option. Costs are just one component of the assessment – Melbourne Water look to maximise community benefit from our investment and found the option that does that. Detailed cost estimates were only developed for the partial decommissioning, as the preferred option. Initial cost estimates utilised in the MCA indicated the full safety upgrade option to be approximately 50% more expensive than the partial decommissioning option, without taking into consideration ongoing lower maintenance costs.

Question 4830 – Mr Battin to ask the Minister for Water

In relation to the redevelopment of Beaconsfield Reservoir, why does Melbourne Water does not consider the reservoir to be suitable to refurbish and provide potable water to the South-East growth corridor.

Beaconsfield Dam has not been connected to the water distribution network since 1988, following the connection of Cardinia Reservoir and upgrades to the water transfer network allowing water supply to the Mornington Peninsula.

The dam has a very small catchment, and the reservoir water level stays relatively constant, which indicates that losses due to evaporation match inflows in most years and so the dam would not provide any yield.

This site is not required as part of Melbourne Water's plans for water supply.

Question 4831 – Mr Battin to ask the Minister for Water

In relation to the redevelopment of Beaconsfield Reservoir, what plans are in place to open the precinct to the public for tourism and public visits?

Melbourne Water is committed to working collaboratively with Council and residents to enhance the environmental aspects of the Beaconsfield Dam and surrounding Reserve for all the community to enjoy.

Future engagement around the site is planned in stages. Stage 2 will see opportunities for engagement with the community on the amenity and liveability improvements to the site. This is yet to be determined and will be subject to ongoing funding being made available to CEC/Council (as the Committee of Management) for the site.

The planned work is necessary to allow community access for all to enjoy the area as a recreation space. The only way the site can be opened to the public is if the risk profile is reduced, which these works will achieve.

Background for DELWP:

This is Crown Land with a Committee of Management, so the decisions around opening it up are not made by Melbourne Water.

Melbourne Water have met with various stakeholders and will continue to work towards and push for outcomes of opening it.

Question 4832 – Mr Battin to ask the Minister for Water

In relation to Beaconsfield Reservoir, why has there been only one public open day since 2018.

Melbourne Water are not the Land managers. The Cardinia Environment Coalition manage the site and who can access or attend Open Days.

Background for DELWP

While the reservoir itself is an MW asset, the surrounding space is Crown Land managed through a COM.

Question 4833 – Mr Battin to ask the Minister for Water

In relation to the redevelopment of Beaconsfield Reservoir, what study or modelling was undertaken to support Melbourne Water's claim that the town of Officer would be flooded in the even that a 1 in 10,000-year storm event would occur.

The dam currently stores a large volume of water which poses a high hazard to the downstream population. Risk associated with the current dam is not considered to be As Low As Reasonably Practicable.

MW's preferred option is to lower the water level to reduce the hazard posed to the downstream population. The aim of the works is to ensure that, if the dam were to fail in the future under any circumstance, there would be no loss of life and minimal damage to property.

Melbourne Water have previously indicated that the current total likelihood of failure is 1 in 10,000 AEP (Annual Exceedance Probability). AEP is a detailed technical measure

used in flood management. The likelihood was calculated as the sum of all of the probability of all of the different failure modes considered by Melbourne Water. While the likelihood of dam failure is low, the consequence is significant.

8. Highly commends the work that the Cardinia Environment Coalition has undertaken in managing the reserve and advocates for ongoing recurrent funding to manage the BNCR into the future.

The reserve is currently managed by the CEC in a direct relationship with DELWP. The CEC is a highly respected organisation and the work conducted by the CEC and volunteers is of immense public value. The CEC provide numerous services and achieve high standards of delivery which are evident by the condition of the reserve. The environmental services provided by the CEC are funded through the provision of State Government grants. It is the council officers' understanding that no recurrent funding budgets exist in the State Departments and the CEC ongoing relationship is contingent on grants being made available annually and successful applications. Council officers would prefer that DELWP consider the establishment of recurrent budget allocation and consider a longer-term service agreement with the CEC for this important regional reserve. Council understand that the CEC is continually in constructive dialogue with DELWP to progress the matter of recurrent funding.

9. Advocate for the State Government to assign the Park Manager role to a State Government Agency for a significant reserve of regional importance.

Council officers have raised the matter with MW of assigning the Park Manager role to a State Government Agency given BNCR is a significant reserve of regional importance. Melbourne Water understands that DELWP sees their role as facilitating others to manage the site rather than actively managing the site as a Park Manager. Melbourne Water states that their role within BNCR is limited to the management of the dam embankment.

The following correspondence was received from DELWP in relation to the appointment of a Park Manager, *"BNCR is permanently reserved for Public Purposes (Nature Conservation) and Cardinia Environment Coalition (CEC) is the appointed Committee of Management pursuant to the Crown land (Reserves) Act 1978. Any future use of the reserve will need to be consistent with the reservation. DELWP recognises that the Dam Safety Upgrade Project may offer opportunities for improved biodiversity/environmental outcomes and potentially improved public access, while needing to be cognisant of the maintenance capacity/resources of the appointed land manager and known safety issues within the reserve (e.g. unmarked mine shafts).*

I have confirmed that DELWP (LBE Port Phillip Region) are not actively pursuing the appointment of a Park Manager (e.g. transfer of management responsibilities to Parks Victoria). There is an appointed land manager for BNCR, and we do not foresee that changing

Council Officers understand that the additional recreational assets proposed a part of the MW option will only occur if a Park Manager is assigned. The CEC provide excellent service to the site in its current configuration. However, the installation of the asset would necessitate an increase in resources, asset management and long-term recurrent funding. In the view of council officers, Parks Victoria would better equip to manage the recreation assets for a park of regional significance.

10. Indicates support for the improved recreational facilities and greater access to the Reserve for the general public.

MW and DELWP have indicated the requirement to assign a "Park Manager" to assume the ongoing service provision and asset management responsibility for the recreational asset proposed as part of the partial decommissioning option. The Park Manager would assume the

cost of providing services to the community users and for surveillance, maintenance, repair of assets and renewal. The initial capital installation cost for the creation of the recreational assets and associated landscaping would be borne by MW as part of the dam wall reduction project. The Park Manager would be required to enter into an ongoing agreement with DELWP and accept the legal committee of the management status.

Council officers are generally supportive of the proposal to create additional recreational assets and access for the general public. Officers are of the view that the Cardinia Shire rate revenue should not be used to fund the ongoing asset and service cost for the reserve. The State agencies such as Parks Victoria would be better equipped and resourced to assume the Park Manager role for the State-owned reserve. Officers are however fully supportive of an ongoing and longer-term relationship for CEC at the BNCR. The CEC are competent and efficient service providers for matters and projects pertaining to fauna and flora. It is the view of the officers that they are not currently resourced to manage and service the proposed new recreational assets. This view is consistent with the correspondence received from the Cardinia Environment Coalition (CEC).

11. Is supportive of Melbourne Water taking necessary action to ensure the safety of our community and we ask that thorough community consultation and communication is undertaken regarding any future plans or developments for this site.

Officers consider that community safety is imperative, and Council would expect that the community are consulted by Melbourne Water regarding the decision-making process for their preferred option. Council officers are cognisant that MW are dealing with multiple competing interests and achieving community consensus is a difficult task. Balancing risk, environmental impacts, community interest and project cost is a highly complex process. Council officers are reliant on the technical expertise of the Melbourne Water asset managers to assess the appropriate solution, consequences and risk appetite for their assets.

Whilst Council is aware that residents in the vicinity of the Dam received a newsletter providing an update and details of a web page, there is a view that additional public community sessions are also required. A public meeting forum would allow meaningful dialogue to take place. The provision of factual information and the rationale process may assist to build community trust for the project. This advice was provided directly to MW officers by Council. The MW officers acknowledged the Council's view and indicated that additional engagement will occur with the community around March–April 2022.

Fire Fighting Concerns

There have been concerns expressed about the reduced opportunity for use of the site for fire fighting purposes should the water level reduce. MW indicated that advice provided by the DELWP Chief Fire officer stated that “while the Dam could potentially be used for firefighting purposes, it was more likely that nearby Lysterfield Lake, Aura Vale Lake and Cardinia Reservoir - all designated with pre-approval as water pickup locations in the cockpit handbook issued to pilots of aerial firefighting aircraft would be considered more appropriate water sources”. Further, the dam was not precluded from use but required the aviation operators to undertake a risk assessment on a case by case basis.

In correspondence supplied to council officers, The Hon Lisa Neville MP, Minister for Water provided the following advice “*Although the water level will be lowered, the additional grassland created is not anticipated to pose additional fire risk. The preferred option retains a body of water on the land while improving safety, accessibility, and improving environmental outcomes. Beaconsfield Dam is not a preferred water storage area for firefighting helicopters, which generally consider Cardinia Reservoir rather than Beaconsfield.*”

It is understood that through the consultation process undertaken in 2018 by MW, the community raised concerns regarding the use of the dam for firefighting purposes. MW indicated that their advice provided by the DELWP Chief Fire officer stated that *“while the Dam could potentially be used for firefighting purposes, it was more likely that nearby Lysterfield Lake, Aura Vale Lake and Cardinia Reservoir - all designated with pre-approval as water pickup locations in the cockpit handbook issued to pilots of aerial firefighting aircraft would be considered more appropriate water sources”*.

Further, the dam was not precluded from use but required the aviation operators to undertake a risk assessment on a case by case basis.

Biolink Impact

In April 2021, Council published the Draft Biolink Plan for consultation. This plan identifies the BNCR as a ‘node’, defined as ‘a cluster of patches of vegetation considered to be crucial to supporting biodiversity and maintain landscape connectivity for a broad range of animal types’.

The purpose for Melbourne Water’s proposed reservoir wall works is to improve the safety of the wall and manage the regular maintenance obligations. Based on an assessment of the project information provided by Melbourne Water to date (including the proposed reduction of the water level in the reservoir), there is no indication that there will be a detrimental environmental impact as a result of the proposed works. The terrestrial values of the surrounding BNCR and its classification as a Biolink node will not be negatively impacted. Council officers will work closely with the Cardinia Environment Coalition for activities required to support the Biolink plan

Correspondence:

Council officers acknowledge the recent correspondence received from community members regarding the MW project. Officers have provided the correspondence as an attachment to the report. In correspondence received from Officer and District Community Association’s (ODCA), they have clearly stated their preference regarding the proposed MW option as indicated in the following statement *“The Officer and District Community Association’s (ODCA) position on the Melbourne Water refurbishment of the reservoir is for the Safety Upgrade option instead of the proposed Partial Decommissioning”*

The ODCA are supportive of the installation of recreational assets such as walking tracks that provide greater connection to Council’s trail network.

Council also recently received also received 59 submissions over a one-week period in January 2022 in response to an article that appeared in the Star News on January 5. The submissions clearly stated the following position *“We are opposed to MW’s decision to demolish a substantial amount of the historically significant 103-year-old, formerly Heritage Listed, Beaconsfield Reservoir wall. It is absolutely unacceptable that Melbourne Water plan to drain and waste 440 Megalitres of vital water from the reservoir, beginning mid-2022. A significant need exists to retain this wall and water, both historically and for current and future community needs and safety reasons, which has been expressed to Council and MW numerous times”*

It should be noted that representation in media article was not intended to infer that Council officers or Councillors had endorsed the option selected by the MW Officers, but rather intended to reinforce that public safety is important and ongoing consultation is necessary.

Consultation with Traditional Owners

The following statement is provided on the MW community portal “Melbourne Water has held an initial project briefing with the Bunurong Land Council Aboriginal Corporation (BLCAC). Further engagement to develop a Cultural Heritage Management Plan will occur when we are closer to planning the upgrade.” Council officers are appreciative that MW has commenced the process of communication with the Bunurong people as the issue was raised by the community as a matter of concern. Also, it is reassuring that the project will be subject to the rigour of a Cultural Heritage Management Plan as legislatively required.

Heritage Considerations

There continues to be concern amongst the community regarding the heritage status of the dam wall. As previously stated, Council officers have been in contact with Heritage Victoria to understand the status of the dam wall. Heritage Victoria have advised that the site was previously listed on the Victorian Heritage Inventory. The Victorian Heritage Inventory (VHI) contains places which have the potential to contain artefacts of archaeological significance related to the former use of the site and are protected by State legislation in the Heritage Act 2017.

In the late 90's and early 2000's many places that have some form of heritage value were listed on the Heritage Inventory. Subsequently Heritage Victoria undertook a review of the Heritage Inventory, and it was determined that sites that do not demonstrate archaeological potential should be removed or de-listed from the Heritage Inventory. It was determined the Beaconsfield Reservoir did not contain strong enough archaeological potential to justify a listing on the Heritage Inventory and hence, was delisted. This does not necessarily mean that there are no other heritage values at the site. This only relates to the sites potential to contain archaeological features, deposits, or artefacts. There is currently no local heritage overlay on the site.

Policy Implications

Open Space Asset Management Plan:

If Council were to assume the Park Manager responsibility the assets would need to be included on council's asset register for the provision of funds for future maintenance renewal.

Relevance to Council Plan

3.3 Our Environment - Enhanced natural environment

3.3.8 Preserve and improve our bushland and natural environment by implementing weed management programs and continuing work on high conservation bushland reserves and roadsides.

Consultation/Communication

Council Officers consider that the communication and consultation responsibilities for project is the obligation of the project leader, Melbourne Water.

Financial and Resource Implications

Should Council consider the entering into an agreement to assume the Park Manager role, the Council would need to consider a financial budget allocation for the required management resources. As the project scope has not been fully ratified it is difficult to provide accurate costings. A very preliminary budget estimate for maintenance activities would require an estimated allocation of \$90,000.00 per annum as a minimum for the maintenance of the proposed asset. Council would also need to consider the ongoing renewal that will be required to retain the recreation base in serviceable condition. The budget estimate would need to be reviewed on the confirmation of the project scope and may result in additional cost. The

estimate does not account for the works provided by the CEC. It would be preferable if MW, DELWP or another State Government agency fully funded the required resources. It should be noted that currently there is no budget allocation in Councils 10-year draft budget for the BNCR. Allocation of a budget will place further pressure on the existing rate capped revenue base.

It is the view of Officers that the appropriate State Government Agency should fund maintenance and renewal costs for this significant regional public reserve.

Conclusion

Council officers are supportive of works that protects the community from unnecessary risks. It is acknowledged there are several options that can achieve the desired safety outcome.

Council officers are reliant on the technical expertise of the Melbourne Water asset managers to assess the appropriate solution, consequences and risk appetite for their assets. Council also supports the notion of ongoing consultation and engagement by MW with the community to ensure community concern are fully understood and addressed.

There are clearly divergent and passionate views regarding what the vision should be for the BNCR, which only strengthens the Council's perspective for the need for the development of a long-term strategic plan by DELWP. There is also appears to be strong support for enhanced recreational facilities to be delivered to enable greater access to reserve and provide connection to Council trails.

Given the prominence of the BNCR as a potential regional destination, officers believe that a State Government agency should assume the responsibility for the recreational assets and continue the arrangement with CEC to provide environmental services. The BNCR is of immense public value and should be afforded the appropriate status by DELWP to ensure that the community can have access to its beauty.

Resolution

Moved Cr Brett Owen, seconded Cr Tammy Radford.

That Council:

1. Note the officers report.
2. Highly commends the work that the Cardinia Environment Coalition has undertaken in managing the reserve and continue to advocate for ongoing recurrent funding for their Park Management activities.
3. Advocate for the State Government to assign the Park Manager role to a State Government Agency.
4. Advocate for the enhancement for recreational assets that creates opportunity for the community to experience the high value natural environment.
5. Continue to advocate to DELWP to fund the development of a long-term strategic plan for the reserve.
6. Acknowledge the community correspondence received by council supporting the preservation of the dam in its current state.
7. Request that Melbourne Water continue to engage with the community and explain the rationale for the selecting the a partial decommissioning option.

Carried

6.3 Policy Reports

6.3.1 Review of Leasing and Licencing Policy

Responsible GM: Debbie Tyson
Author: Jeanette Blackwood

Recommendation(s)

That Council endorse the updated Cardinia Shire's Lease and Licence Policy.

Attachments

1. DRAFT Lease and Licence Policy 2021 V2 w tracked changes [6.3.1.1 - 9 pages]
2. DRAFT Lease and Licence Policy 2021 clean version for Council [6.3.1.2 - 8 pages]

Executive Summary

Council adopted a Leasing Policy in 2018 for application of Council's property that is either leased or licenced. A review of the Policy has been carried out to provide further guidance associated with all Council leases and licences, both where Council is the landlord and where Council is the tenant.

Background

In September 2018 Council adopted the Policy to provide guidance for Council lease and licences. This was the first step in establishing consistency across Councils leased and licenced properties.

The Policy has been applied since that time for 49 new agreements.

The Policy has been reviewed and updated to include some further guidance, attached is a tracked and clean version of the proposed policy. Following is a summary of the changes:

Section	Proposed Change
Heading	Name change to reflect that licence agreements are included.
Policy Alignment	Updated to the new Council plan with appropriate vision and objectives
Scope	The policy will include residential (seniors housing units) and where Council is the tenant
General	Encourage shared use and licence agreements and only allow leases (exclusive occupation) where there is benefit for the community
Tenant categories	Two extra categories have been added to include seniors housing and where the Council is the tenant
Rental	Rental calculation has been explained for seniors housing

Form of agreement	Provide limitations for when a lease will be offered with a preference to offer a licence agreement with shared occupation, to encourage greater use of facilities
Keys and locks	Introduction of Council locking system “Salto’. Also ensure tenants cannot limit Council access and must not change Council locks
Reporting requirements	Requirements have been made more general so that specific requirements for tenancy types can be included in occupancy agreements
Subletting	Any change in use must be approved by General Manager Governance, Facilities and Economy
Liquor License	Will only be allowed where the use is not considered to conflict with the use of a facility
Risk Management	Specific requirements have been included in relation to insurance responsibilities of tenants. Also, requirements in relation to emergency management plans and where the Municipal Emergency Management Plan is enacted
Sustainability and waste	Tenants will be required to act in accordance with the <i>Sustainable Environment Policy 2018-28</i>
Commercial agreements	Established criteria for when Council will enter into a commercial agreement
Council as tenant	Provides guidance when Council will enter into a lease as the tenant
New tenants and renewals	Establishes where Council will offer renewals and new agreements and whether direct negotiations should be carried out or a property be offered to the market by a competitive process.

Policy Implications

The updated Policy will be applicable for new agreements entered into after the adoption of the Policy.

Relevance to Council Plan

5.1 We practise responsible leadership

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

Climate Emergency Consideration

Not applicable.

Consultation/Communication

Internal consultation has been carried out with the various departments who liaise directly with Councils tenants and licensees, in addition the Buildings and Facilities team. Various changes were included in response to the consultation.

No external consultation has been carried out or is proposed, as the update of the policy is not expected to have a significant affect for Council tenants.

Financial and Resource Implications

The updated Policy will have no financial impact to Council or occupiers of Council land.

Conclusion

The updated Policy will provide further guidance during lease and licence negotiations, mitigate risk for Council and ensure occupiers are managed consistently and transparently. It is respectfully requested that Council adopt the changes to the existing Policy.

Resolution

Moved Cr Graeme Moore, seconded Cr Tammy Radford.

That Council endorse the updated Cardinia Shire's Lease and Licence Policy.

Carried

6.3.2 Open Air Fires - Local Law 20

Responsible GM: Debbie Tyson
Author: Kevin Carlisle Stapleton

Recommendation(s)

That Council:

1. Notes the outcomes of community consultation described in this report that followed the Council resolution on 16th August 2021 to propose Local Law 20 – Open Air Fires Local Law,
2. Notes the Community Impact Statement prepared in respect of Local Law 20, and
3. Notes the certification of an Australian Lawyer who has been admitted to the legal profession for at least 5 years, that Local Law 20 – Open Air Fires Local Law is consistent with the requirements of the *Local Government Act 2020*,
4. Resolves to make Local Law 20 – Open Air Fires Local Law (version 4.0.0 attached to this report, including zone mapping), pursuant to Part 3, Division 3 of the *Local Government Act 2020*, and
5. Resolves that the Chief Executive Officer is instructed to cause all necessary actions to implement the local law so made, and
6. Resolves to adopt the Open Air Fires Local Law Policy (version 2.0), pursuant to Clause 38 (2) of Local Law 20 – Open Air Fires Local Law to guide Council officers in the issuing of permits under the local law so made.

Attachments

1. Certificate pursuant to section 74(1) Local Government Act 2020 [6.3.2.1 - 1 page]
2. LLCIS - Local Law 20 - Open Air Fire Local Law 2022 v 1.1 [6.3.2.2 - 8 pages]
3. Local Law 20 - Open Air Fires - Permit Policy [6.3.2.3 - 10 pages]
4. Local Law 20 - Open Air Fires Local Law - version 4.0 [6.3.2.4 - 55 pages]
5. Engagement and Communications Summary [6.3.2.5 - 2 pages]

Executive Summary

Cardinia Shire Council's Local Law 20 – Open Air Fires has been developed following a review of Local Law 17 – Part 5A, which commenced in 2019. Over the past two years a comprehensive community engagement process has been undertaken to understand the concerns of the community and internal and external stakeholders and identify new measures to support those with a genuine bushfire fuel reduction need, while discouraging unnecessary and unlawful burning of waste and promoting healthy and clean air and public amenity.

Considerable community feedback was received during these consultation periods that directly helped shape Local Law 20 – Open Air Fires, including the proposed days of the week, “no burn” periods, size of piles, minimum clearance dimensions, air quality and safety provisions.

Local Law 20 is designed to provide Council and the community with the ability to ensure that the Local Law remains tailored to the needs of the community in the long term by creating and mapping three new zones – ‘Urban and Township’, ‘Bushland and Peri-Urban’ and ‘Rural’ zones. These zones reflect the diversity of the municipal district and will allow Council to flexibly apply conditions and restrictions that address the changing land management needs over time.

Local Law 20 also provides greater powers to the CEO of Cardinia Shire to suspend certain provisions to support recovery from emergencies and preparation for times of increased fire danger or following major storms.

The Open Air Fires Local Law Policy also provides clarity to Authorised Council Officers and the community in respect of the issue of permits to burn issued under the Local Law.

A copy of Local Law 20 – Open Air Fires (version 4.0.0) can be found in the attachments.

Background

Cardinia Shire has a significant history of bushfire, with records dating back to the early 1900s. Some fires of note are the 1939 Black Friday fires, 1983 Ash Wednesday fires, 2009 Black Saturday fires and 2019 Bunyip Complex fires. With the impacts of climate change being increasingly felt in weather extremes and frequency, the risk of adverse fire outcomes is significant.

In September 2019 Cardinia Shire Council resolved to declare a climate emergency, which calls for immediate and urgent action to reverse global warming and address climate change. A significant proportion of burn-offs in Cardinia Shire are not for efficient fuel reduction.

Local Law 17 – Part 5A currently provides for restrictions on open air fires, that vary depending on the size of the land, and whether the land is classified as “Bushfire Prone” by the Victorian Building Authority.

In 2019, Council began a review of Local Law 17 – Part 5A following internal, external and community feedback that it wasn’t meeting the needs of some parts of the community and stakeholders.

This Local Law review project has generated significant interest from the community on what is a passionate and somewhat divisive topic, including record submissions through the Statutory Consultation process.

Community consultation indicates many landholders use burning-off for garden/property maintenance, as cost-efficient waste disposal and for inefficient fuel reduction. Many residents use burning-off as their default option, without giving thought to potentially more efficient and environmentally sustainable options. However, there is a need in higher risk areas of the Shire for residents to have the option to burn-off to prepare their property for fire in the interest of personal and community safety.

Data provided by fire agencies in 2020 shows that there have been 509 instances over the past 10 years of issues relating to open-air burning, including 251 instances of inappropriate burning off or burning-off for reasons other than fuel reduction.

Local Law 20 strikes a balance between urbanisation, clean air and public amenity and the need for burning-off to be part of the solution for bushfire preparedness in those areas that face significant fire risk, alongside other methods of green waste disposal and utilisation of Councils waste collection and drop/off services.

New features of Local Law 20 include:

- New mapping that creates three new zones – Urban and Township, Bushland and Peri-Urban and Rural Zone
- A new no-burn period in July each year

- Increased penalties with a focus on those who burn industrial waste
- The power for the CEO to suspend certain clauses within the Local Law to allow residents greater flexibility to clean up their property following a major storm or before the commencement of the Fire Danger Period
- New restriction around burning-off on days of Poor, Very Poor or Extremely Poor air quality (as defined by EPA)
- Exemption to allow cultural traditions by Aboriginal peoples to be practiced without a permit
- Increased opportunity for residents in the Bushland and Peri-Urban and Rural zones to undertake fuel reduction through burning-off
- Overall simplification of the Local Law to aid residents in understanding their responsibilities

The new mapping will see an increase in the number of properties unable to burn-off without a permit, mostly around the growth areas of Pakenham, Officer and Beaconsfield. Additionally the new zones also start to address the impacts of smoke in some of the peri-urban townships by applying the Urban and Township Zoning.

All residents and properties will have the ability to apply for a permit (online or over the phone) should they not meet the parameters in Local Law 20. Applications for permits will not attract a fee, and will be determined in line with the Open Air Fires Local Law Policy.

Local Law 20 – Open Air Fires will come into effect on 1 March 2022.

Policy Implications

Local Law 20 – Open Air Fires aligns with the following Council policies and plans.

- Cardinia Municipal Emergency Management Plan 2018
- Cardinia Municipal Fire Management Plan 2018
- Sustainable Environment Policy 2018-2028
- Biodiversity Strategy 2019-2029
- Waste and Resource Recovery Strategy 2017-2026
- Community Engagement Policy 2021
- Compliance and Enforcement Policy 2019
- Local Law 20 – Open Air Fires Permit Policy 2021

Relevance to Council Plan

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

1.1.4 Facilitate a partnership approach to create safer communities.

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

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

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

5.1 We practise responsible leadership

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

Climate Emergency Consideration

Open air fires contribute to climate change through the release of CO₂ into the atmosphere. Unlike bushfires and prescribed landscape burning, small open-air fires do not re-absorb CO₂ through the regeneration of new vegetation.

Local Law 20 seeks to reduce the occurrence of open-air fires in areas where there is no genuine bushfire fuel reduction need and to encourage alternative methods of green waste disposal through existing and future Council services.

Reducing the impact of climate change is in line with the Cardinia Shire Sustainable Environment Policy 2018-2028.

Consultation/Communication

As part of development process of Local Law 20 consultation was undertaken with community, agencies and other internal and external stakeholders between 2019 and 2021. Consultation and engagement included a mixture of online (social media, SMS, email, advertisements, and survey) and face-to-face (community meetings and pop-up stalls) activities across the Shire.

Two formal consultation periods occurred, in September 2019 and September 2021. Council received more than 900 direct responses from these consultations that helped shape and define Local Law 20.

During the initial consultation in September 2019 (Phase 1), we asked the community and stakeholders to tell us what worked and what didn't with the existing Local Law 17 – Part 5A.

The top five themes from the community feedback from Phase 1 were:

- Days Allowed to burn-off (30%)
- Smoke (24%)
- Size of fires (21%)
- Property size allowed to burn-off (16%)
- Enforcement (9%)

A summary of the engagement methods

Method	Location	Reach
Face to Face Pop-Up Session	- Bayles - Bunyip - Gembrook - Koo Wee Rup - Nar Nar Goon - Lang Lang	- 15 - 30 - 45 - 25 - 40 - 5
Online Survey	Online	480 attempted the survey.
Facebook Post - 8 November - 18 November	Online	- Reach 6349, Engagement 961 - Reach 2376, Engagement 127
Creating Cardinia	Online	555 page visits 15 site posts 31 Quick Survey Respondents
SMS Text Messaging	Online	Message sent to 387 recipients.

Newspaper Advertising	Cardinia Shire	Unknown
Council Website	Online	422 page views to media article
Stakeholder Email	Online	33

From the 10,000 data points received, a draft local law was developed and put out to the community in September 2021. Formally, this was a “proposed Local Law”, in accordance with Section 73 of the *Local Government Act 2020*.

The statutory consultation period in September 2021 (Phase 2), where community could view the draft Local Law 20 and provide feedback, resulted in 403 submissions being received by the due date and 426 submissions overall, with more than 95% of these unique. This feedback was wide-ranging, but in particular the following themes were commented on most strongly:

- ‘25m Minimum Clearance Rule’ being too restrictive and prohibiting many residents from burning off
- Prohibition of Open-Air Fires in July and August being overly restrictive
- Prohibition on burns on certain days of the week being too restrictive

Version 4.0.0 of the Local Law incorporates amendments, directly as a result of this community feedback. Amending these provisions directly addressed more than 54% of the feedback received.

Community members and stakeholders who had registered interest in or had previous dealings with Council on issues relating to burning-off (permits, complaints) received an email or text message inviting them to participate in the consultation.

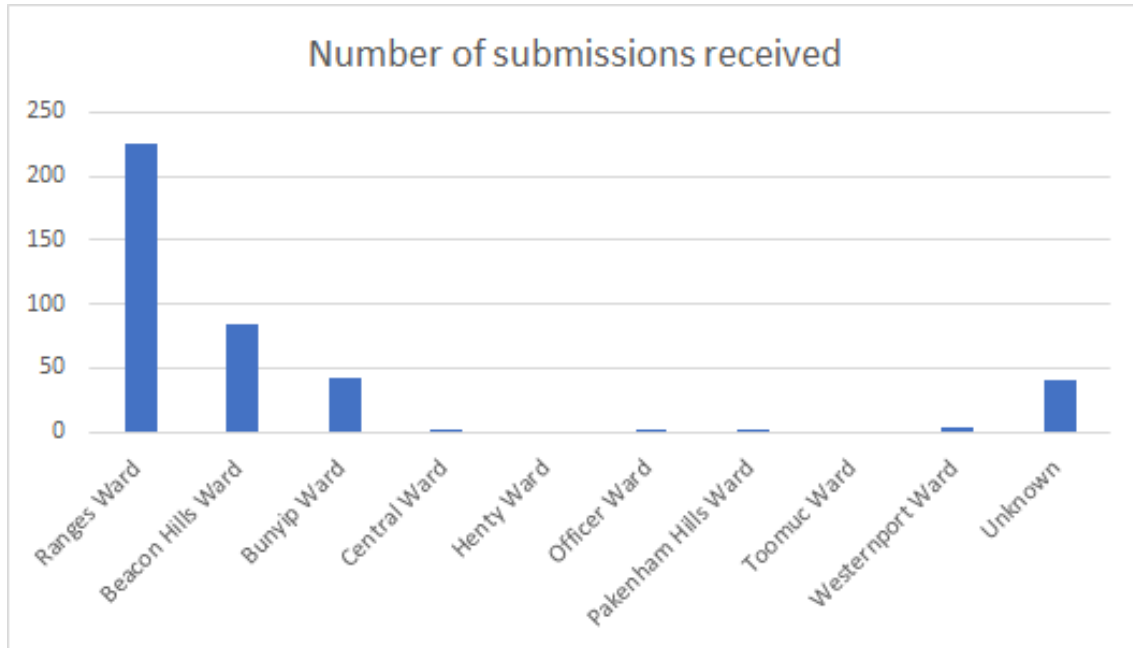
The table below outlines the methods of communication that were used and the reach of each method (where available).

Email	176
SMS Message	1011
Facebook	10,887
Creating Cardinia	5907
Newspapers Pakenham Gazette Ranges Trader	Unknown
Connect Magazine	46,000
Community Newsletters Village Bell – Upper Beaconsfield Beaconsfield Banner Nar Nar Goon News Monthly Cockatoo	Unknown

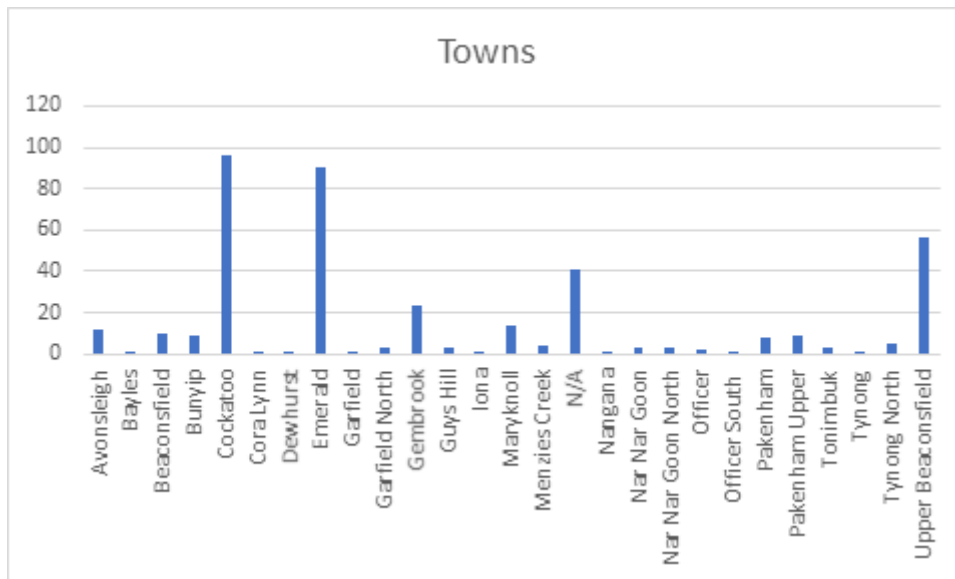
A public notice was also published in the Gazette and Ranges Trader as well as on the Council website.

Upon reading all of the submissions, Council staff have identified 21 'themes'. Many submissions addressed multiple themes, and a total of 737 opinions were expressed across the 21 themes. There were 69 instances where it was not possible to identify a specific theme, or where the feedback expressed a general dislike of restricting burning off, or the submissions were offensive or threatening in nature.

The submissions primarily came from the Ranges, Beacon Hills and Bunyip Wards. 41 submissions contained insufficient information to identify the ward of the submitter.

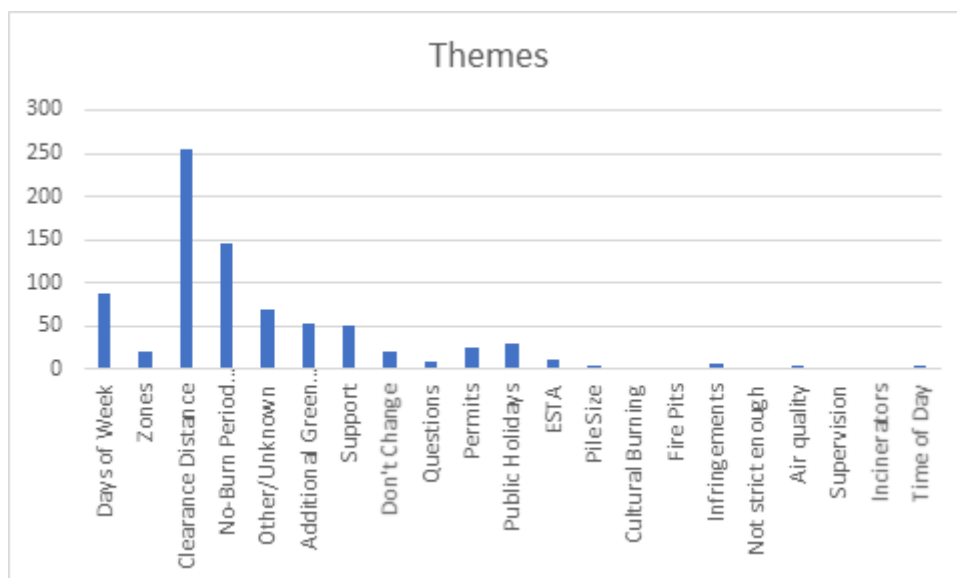


Ranges Ward	226
Beacon Hills Ward	85
Bunyip Ward	43
Central Ward	1
Henty Ward	0
Officer Ward	1
Pakenham Hills Ward	2
Toomuc Ward	0
Westernport Ward	3
Unknown	41



Avonsleigh	12
Bayles	1
Beaconsfield	10
Bunyip	9
Cockatoo	96
Cora Lynn	1
Dewhurst	1
Emerald	90
Garfield	1
Garfield North	3
Gembrook	23
Guys Hill	3
Iona	1
Maryknoll	14
Menzies Creek	4
N/A	41
Nangana	1
Nar Nar Goon	3
Nar Nar Goon North	3
Officer	2
Officer South	1
Pakenham	8
Pakenham Upper	9
Tonimbuk	3
Tynong	1
Tynong North	5
Upper Beaconsfield	56

Further breakdown of the data shows that 399 of the 737 (54%) issues raised relate to the minimum clearance and prohibition of burning during July and August. Of the 403 submissions, 135 (33.5%) relate only to these two themes.



Summary of all themes raised:

Days of Week	88
Zone	21
Clearance Distance	254
No-Burn Period	145
Other/Unknown	69
Additional Green Waste Measures	52
Support Proposed Local Law 20	50
Don't Change	20
Questions	9
Permits	25
Public Holidays	31
ESTA	11
Pile Size	4

Cultural Burning	1
Fire Pits	3
Infringements	7
Not Strict Enough	2
Air Quality	4
Supervision	2
Incinerators	3
Time of Day	5

Following the close of the consultation period, residents who had expressed interest in presenting to Council were invited to do so at an Ordinary Council Meeting, held on 6 December 2021. Residents were allocated four minutes to address Councillors, with the meeting including some residents who had provided a pre-recorded address.

Directly as a result of the Phase 2 consultation, amendments have been incorporated into Local Law 20 – Open Air Fires Local Law. Specifically, the changes (from the “proposed” Local Law) include:

- a reduction on the minimum clearance distance from 25 to 12 metres,
- removing the prohibition of open air fires on public holidays,
- reducing the “no burn off months” to July only,
- amended the mapping for greater clarity and
- other miscellaneous amendments to remove inconsistencies or duplication.

To support the implementation of Local Law 20 – Open Air Fires a comprehensive community engagement and education plan has been developed, including online learning, mailouts, social media, face-to-face awareness sessions and direct communication to those who registered their details. These community engagement activities will begin in early 2022.

Discussion of specific themes in response to Proposed Local Law 20

(References to clause numbers are references to the Proposed Local Law – version 2.0)

Theme: “25 metres clearance” rule (Clauses 34 and 37)

The proposed Local Law included clauses which required properties in the Bushland & Peri urban, and Rural Zones to comply with the following requirements:

“d. minimum clearance between fire and structures, fences, vegetation or other combustible material: 25 metres”

Many submissions rightly observed that this clause (as drafted) would have had the effect of preventing many land owners from burning off (who were otherwise in zones that would have allowed for burning off). The intention of this clause was to ensure that appropriate safe

distances are maintained when burning off occurs, to limit the impact of fires “running away”, and the language is similar to that which exists in the current local law.

However, the drafting of the clause has resulted in an unintended outcome, and as such the clause has been amended. Specifically, the following changes have been made:

- A) the maximum pile sizes is reduced (in respect of rural properties)
- B) the distance from the fire to structures (excluding fences) be amended to 12 metres, and
- C) the distance from the fire to combustible materials (including fences) and other vegetation be 5 metres (unless the vegetation is grass cut to below 100mm), and
- D) adding an explanatory note to highlight that the person who makes the fire remains liable for any damage caused by the fire, irrespective of whether the minimum distances in the Local Law are complied with.

These amendments are an appropriate modification of the proposed Local Law. In drafting the Local Law, there is a constant tension between making the laws easy to understand, and addressing all of the possible permutations that can arise on the properties effected. The above amendments represent a sensible compromise that promotes the safety and amenity objectives of the Local Law, without being overly prescriptive in certain aspects.

These changes help to respond to the top feedback item received, while taking into consideration the safety of the community through radiant heat, smoke, fuel reduction and amenity.

Theme: Zoning of specific properties

During consultation, some property owners expressed concern that their properties were zoned as Urban and Township zone, when their property needs were akin to bushland or rural properties. The properties affected in this way were primarily “interface” areas around Beaconsfield, Bunyip, Officer and Pakenham.

In considering these submissions, it is not proposed to re-zone these properties at this stage. Rather, it is proposed to issue permits pursuant to the Local Law that are customised to the specific We recommend that these properties not be re-zoned, as in most cases Council anticipates development on increased intensity in the localities. Rather, we propose that these properties can be individually responded to by fast, free and flexible permits, which can be issued so as to directly reflect the individual needs of the land. The attached Open Air Fires Policy specifically endorsed the issuing of permits in these circumstances, usually within 3 business days (depending on complexity). A demonstrated long-term need may be used when zone mapping is reviewed in the future.

Theme: Prohibiting burning off in July and August (Clause 16)

Of those who made submissions, many did not agree with the proposal to prohibit burning off in July and August. Some expressed support for one month, but not both. Some proposed changing the months, but there was no consistent proposal as to which month should be preferred. Others supported the concept of “smoke-free months”.

Local Law 20 – Open Air Fires Local Law changes the prohibition, so that only *July* is included as a “no-burn off month”. This is a compromise between those who supported sustained “smoke-free” months”, and those who felt that prohibiting whole months would unduly limit their capacity to conduct fuel reduction activities.

It is also noted that Clause 16 represents the “base position”, and that permits may also be issued that would permit individual burn offs during these months. Also, the proposed Local Law provides the CEO with a mechanism to relax certain laws, where justified. For example, following the recent storm events, many submitters noted the very high volume of green waste to be disposed off at hills properties during July. In such a scenario in the future, the CEO would have a power to exempt affected property owners from the operation of the law (or part of it).

Theme: prohibiting burn offs on public holidays (clause 17)

Of those who made submissions, most did not agree with the proposed ban on Open Air Fires on Public Holidays. Combined with the prohibition on certain days, and during winter months, the prevailing comment was that to ban burning off on public holidays would unduly restrict residents to burn off on suitable days.

This proposed restriction has been removed from Local Law 20.

Theme: requirement to contact Emergency Services Telecommunications Authority (Clause 22)

Some submitters believed it was unnecessary to require a burn off to be registered with ESTA, prior to it occurring, and characterised this required as overly bureaucratic. We note that this clause already applies under the existing Local Law 17, Part 5A. The requirement to notify ESTA is the preferred advice of the CFA, and this requirement remains in the Local Law attached to this report. The feedback suggested that this requirement is not that well understood.

Theme: Days of the week that burning off is allowed

The proposed Local Law specifies that the burning off is prohibited on the following days:
Bushland & Peri urban zone: Saturday, Monday, Wednesday
Rural zone: Saturday & Wednesday

The purpose of limiting days for burning off is to promote a decrease in frequency in which it occurs, and specifying the days on which burning off is prohibited is simple to understand and communicate.

The days that residents can burn off is always controversial, in that there is no combination of days that ideally suits everybody. Many of the submissions objected to the specified days, or objected to any days being prohibited, predominantly as it would not give the residents the flexibility to choose to burn off at times that are best suited to burning off, or which are convenient to them.

Unfortunately, there is no consistent preference among the submissions for days.

We recommend that the Local Law continue to include specified days that burning off is prohibited. This means that residents have greater certainty about when smoke will be in the landscape, and is enforceable by direct observation of Council officers. Council officers have considered alternative methods of describing days in the law, including not specifying days, but specifying a *frequency of burn offs*, however Council officers do not support this method, as it would rely entirely on residents providing statements against neighbours to support

enforcement. Council officers also considered whether it was feasible to prohibit burning off on alternating weeks, though Council officers do not recommend this method, as it would be confusing in practice, complex to draft and difficult to remember for residents.

The proposed days allow for a mix of weekend and weekdays for both burning off. Again, the restriction inherent in specifying days can be mitigated, in appropriate circumstances, by issuing permits to specific property owners.

Miscellaneous amendments

The following minor modifications have also been incorporated into Local Law 20

- the time that an open air fires may commence was not specified in the proposed Local Law. This has been amended to include the earliest time (unless a permit is issued)
- Severe weather warnings (clause 23). Minor amendment to clarify that the provision only applies when the warning period commences, not just when that warning is issued, as warnings are issued in advance.
- Air quality requirement (Clause 24) – clarification made to add in the explanatory note that Cardinia Shire is in the Central air quality district.
- Windrows (Clause 30) – proposed to amend to include the words ‘without a permit’, to aid understanding
- Windrow definition amended to reduce pile size
- Other minor spelling and grammar amendments

Additional green waste support

A strong theme in the feedback was that residents want additional green waste services, and that this service is closely associated with burning off. This was the fourth highest number of responses, with many feeling that the current measures do not provide adequate opportunity for them to dispose of green waste, which in turn pushes them towards other methods of disposal such as burning.

Some residents expressed the view that current green waste drop off services (at waste transfer stations) were of limited utility, in that a resident required access to a trailer or ute to take advantage of them.

It is possible that an increase in green waste options for residents will generate a reduction in burning off.

If additional green waste options are to be considered, we recommend that options are considered in conjunction with the next annual Council budget.

Theme: Permits

There has also been some concerns and questions raised by residents about the permit process and whether Council will charge a fee. While it is legally possible, Council does not currently, and is not proposing to, charge a fee for the application for such a permit.

Theme: Community education

Many of the submissions advocated for additional information from Council around:

- a) how to undertake a burn-off safely and
- b) additional promotion of alternate methods of waste disposal and
- c) other ways you can prepare your property for fire.

As part of the project, the Emergency Management Team will develop a good practice guide for circulation to all properties in the Bushland and Peri-Urban and Rural Zones. Furthermore, Council was successful in receiving a grant through the Safer Together initiative to develop an online training program that focuses on private land fuel management, which will be available to the community in the new year. A beta version is available for viewing at <http://bushfireprepare.online>

The Emergency Management Team will develop and deliver community education programs, most likely delivered with the support of the CFA.

Theme: more restrictions on burning off

One notable submission drew attention to the recent Victorian Parliamentary Inquiry into the Health Impacts of Air Pollution in Victoria, which report was tabled in Parliament on 18 November 2021. While the report does not specifically make recommendations in respect of burning off, there is some discussion on the role of Councils, especially in respect of particulate matter generated by burning off and wood-fired heating. The submission also noted other municipalities around Australia, where measures (of various types) have been implemented to reduce or address this issue.

The state Government is expected to provide a response to the issues raised in this Inquiry report by May 2022. It is unlikely that this response will directly address the regulation of burning off, but may reflect other related policy outcomes.

The *Public Health and Wellbeing Act* currently provides some mechanisms for enforcement where particulate matter results in health impacts.

It can be observed that the vast majority of submissions in respect of the proposed Local Law were in favour of more burning off (or at least, less restriction). It is not possible to state what support there would be in the community for more restrictive laws in Cardinia.

Community impact

The new mapping will increase the number of properties unable to burn-off in the areas listed below.

Locality	OAB properties	BPA properties	Difference
Bunyip	1318	747	+571
Nar Nar Goon	247	216	+31
Garfield	808	607	+201
Lang Lang	1242	749	+493
Koo Wee Rup	1684	1608	+76
Bayles	41	N/A	+41
Garfield	808	618	+190
Tynong	200	N/A	+200

Pakenham, Officer, Beaconsfield	36,525	24,036/6948/2446	+3095
Upper Beaconsfield	355	N/A	+50
Emerald	1923	N/A	+120
Cockatoo	1694	N/A	+21
Gembrook	612	N/A	+40

Total: +5129

*Estimates only as some areas have been subdivided and the existing BPA has been updated.

Additional information regarding community impact may be found in the Local Law Community Impact Statement – Local Law 20, which can be found in the attachments.

Financial and Resource Implications

Costs associated with the development and implementation of Local Law 20 – Open Air Fires, including legal advice, public notices, communications, and promotion, will be met within existing 2021/22 budgets.

Conclusion

Open Air Fires (Burning-off) is a controversial issue in the community and Local Law 20 intends to strike a balance between the varied views, while meeting Council's obligations in relation to community safety, amenity and its commitment to address the impacts of climate change.

The community consultation periods in 2019 and 2021 provided an opportunity for residents to provide feedback, with a record number of submissions received during the 2021 statutory consultation period. The feedback received during the consultation periods directly helped shape Local Law 20.

Local Law 20 is designed to provide Council and the community with the ability to ensure that the Local Law remains tailored to the needs of the community, by taking ownership of the mapping and ensuring provisions balance the need for bushfire fuel reduction, healthy and clean, air as well as public amenity.

Council will roll-out a comprehensive communications and engagement plan to promote the Local Law 20 – Open Air Fires in the early stages of this year.

Resolution

Moved Cr Brett Owen, seconded Cr Graeme Moore.

That this matter be deferred for further consideration at the March Council Meeting

Carried

6.4 Financial Reports

6.4.1 Quarterly Financial Report

Responsible GM: Jenny Scicluna
Author: Scott Moore

Recommendation(s)

That Council:

- Receives and notes the quarterly financial report for the period 1 July 2021 to 31 December 2021.
- Notes that the Chief Executive Officer, as required under Section 97(3) of the *Local Government Act 2020*, is of the opinion a revised budget is not required

Attachments

1. Financial Performance Report - December 2021 [6.4.1.1 - 17 pages]
2. Capital Works Report - December 2021 [6.4.1.2 - 10 pages]
3. Income Statement and Balance Sheet Glossary [6.4.1.3 - 3 pages]

Executive Summary

This report summarises Council's financial performance for the six months ended 31 December 2021.

Background

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

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

Also included is a summary of performance against the Victorian Auditor General's Office (VAGO) financial sustainability indicators.

Policy Implications

Nil

Relevance to Council Plan

5.1 We practise responsible leadership

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

Climate Emergency Consideration

Nil

Consultation/Communication

Finance Business Partners within the Finance business unit meet monthly with Business Unit Managers to discuss their year-to-date progress against the budget for both the Operating and Capital Works programs. Results of these discussions provide input to the completion of the Monthly Financial Performance and Capital Works reports for further discussion with the relevant General Manager and at a monthly Capital Monitoring meeting of Senior Leadership Team members, Managers and Finance. These reports are subsequently presented monthly to the Senior Leadership Team and quarterly to Audit and Risk Committee and Council.

Financial and Resource Implications

The analysis undertaken as part of the Financial Performance and Capital Works reports is based on the differences between the 2021-22 budget adopted in June 2021 and actual results as at 31 December 2021.

The adjusted underlying result year-to-date to December is a surplus of \$1.5m, which is \$5.7m favourable to the year-to-date budgeted deficit of \$4.2m. The adjusted underlying surplus excludes capital income and other abnormals, but includes recurrent capital grants. The unadjusted result year-to-date to December is a surplus of \$41.6m, which is \$1.7m favourable to the year-to-date budgeted surplus of \$39.9m.

The December year-to-date total income is \$0.9m unfavourable to budget. Non-monetary capital contributions are \$8.4m unfavourable and monetary development levies \$3.9m unfavourable to budget but have been partly offset by non-monetary development levies which are \$7.7m favourable. Operating grant and capital grant revenue are \$4.2m and \$0.4m favourable respectively, partly due to recognition this financial year of grants received last financial year and recognition of unbudgeted grants. The major unbudgeted operating grants are for Koo Wee Rup football/cricket pavilion upgrades, COVID-Safe Outdoor Activation Funding and Storm and Flood Event Staffing. The major unbudgeted capital grants are for the Timbertop Integrated Children's Centre, Toomuc Reserve south oval pavilion upgrade and Gembrook Reserve projects. These have been partly offset by timing variances for other projects, in particular the Officer intersections upgrades project.

The December year-to-date total expenditure is \$2.6m favourable to budget. Of this, materials & services expenditure is \$1.9m favourable. This is primarily due to favourable permanent and timing variances in contract payments and other major items of expenditure, including recreation reserve maintenance and grading materials, partly offset by an unfavourable variance for expenditure on the June 2021 rain event. In addition, other expenses are \$0.4m favourable, primarily due to timing variances in IT hardware leases and financial audit fees, and employee benefits are currently \$0.3m favourable.

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

The year-end forecast result as at the end of December is an adjusted underlying deficit of \$1.1m, which is \$0.8m unfavourable to the adopted budget adjusted underlying deficit of \$0.3m. The unadjusted result is forecast to be \$4.4m unfavourable to the adopted budget, with income forecast to be \$2.0m favourable and expenditure \$6.4m unfavourable.

Non-monetary development levies are forecast to be \$7.7m favourable at year-end, operating grant income \$6.6m favourable, and capital grant income \$1.7m favourable. These are partly offset by unfavourable forecasts in: non-monetary capital contributions \$10.0m; monetary development levies \$3.0m; statutory fees and fines \$0.6m; user fees \$0.2m; interest \$0.1m; and other income 0.1m.

Expenditure forecast to exceed budget by the end of the year includes: Materials & services \$6.1m, employee benefits (predominantly grant funded roles) \$0.4m, amortisation of right of use assets \$0.3m; and leases finance costs \$0.1m. These are partly offset by forecast under-expenditure in borrowing costs \$0.5m and other expenses \$0.1m.

The total cash balance at the end of December 2021 is \$118.6m, which is \$12.0m higher than at 30 June 2021 (Council cash \$20.5m higher and DCP cash \$8.5m lower) and \$22.3m more than year-to-date budget. This is mainly due to higher than anticipated cash holdings at 30 June 2021, favourable timing of receipts for rates, contributions, trust funds & deposits, and lower than budgeted capital works payments to date. A net cash surplus at 31 December of \$26.7m is after external restrictions on cash of \$53.4m and intended allocations of \$38.5m. Council is currently forecasting a total cash balance, including total financial assets, of \$104.7m at 30 June 2022 compared to a budget of \$103.6m.

Total reserves at 31 December of \$812m include public open space and various infrastructure reserves of \$60.8m. Within these are DCP reserves where Council's commitments at 31 December exceed related bank balances by \$33.3m, foreshadowing potential need for council cash subsidisation of some DCP projects in the short to medium term.

Total capital works project expenditure year-to-date to 31 December 2021 is \$21.0m, which is \$1.9m higher than at the same time last year and \$20.1m lower than the year-to-date budget. The combined forecast capital works expenditure for 2021-22 of \$78.5m and carryover to 2022-23 of \$26.7m is \$3.3m lower than full year budget adjusted for actual carry-overs from 2020-21. The timing of grant funding received for projects like Integrated centre at Timbertop Integrated Children's Facility, Gembrook Reserve, Toomuc Reserve South Oval and Koo Wee Rup Football/Cricket Pavilion upgrades, which were budgeted in the prior year but received in the current year, has resulted in a favourable capital grant income to budget result year-to-date. Further project variance details are included in the attached Capital Works report.

Council has committed approximately 53% of the expenditure \$108.5m full year budget as at 31 December 2021, with 19% actually spent. Key projects to which Council has committed funds include: Integrated Family Centre at Timbertop and Rix Rd; Comely Banks Recreation Reserve; Toomuc Reserve; land acquisitions; Sealing the Hills program; Intersection upgrades; works on footpaths replacement; roads resealing; unsealed roads re-sheeting program; and Gembrook Reserve.

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

Conclusion

It is appropriate that Council receives and notes the quarterly financial report for the period 1 July 2021 to 31 December 2021.

Resolution

Moved Cr Graeme Moore, seconded Cr Tammy Radford.

That Council:

- Receives and notes the quarterly financial report for the period 1 July 2021 to 31 December 2021.
- Notes that the Chief Executive Officer, as required under Section 97(3) of the *Local Government Act 2020*, is of the opinion a revised budget is not required

Carried

6.4.2 Facility Management and Maintenance Extension of Term

Responsible GM: Debbie Tyson
Author: Walter Carmignani

Recommendation(s)

That Council approves the proposed extension period as per the Deed of Variation, from June 2022 until 30 June 2023, for the Facility Management and Maintenance Contract with Campeyn Group P/L.

Attachments

Nil

Executive Summary

A Deed of Variation to extend the current contract until June 2022 was executed by all participating Councils in February 2021 and was agreed by the Service Provider - Campeyn Group P/L. The notification for further extension to contract or a decision not to extend was by 31/12/21.

Many meetings between the collaborating Councils have been held during 2021 with the result being that all Councils want to stay in the collaboration, but there are differing views on a contract extension.

The Facility Management & Maintenance Contract is proposed to be extended from June 2022 to 30 June 2023 for Cardinia Shire Council, whilst for Yarra Ranges Council to 30 June 2022, and the City of Greater Dandenong to 31 December 2024.

Background

In January 2017, the then Infrastructure Directors, Procurement and Facilities Management staff from the three participating Councils - Dandenong, Yarra Ranges and Cardinia, agreed to a framework to jointly tender for Facility Management and Maintenance Services. A collaborative working group was formed consisting of Procurement and Facilities Management Staff to manage the collaborative tender process. The collaborative working group met on a regular basis to update and harmonise their respective contract specifications and a procurement plan was also agreed.

Maddocks was engaged to assist with a common form of contract across all Councils. In addition, an independent probity auditor was engaged to oversee the collaborative tender process to ensure that it was performed in accordance with agreed procurement plan and best practice.

Five tenders were received with Campeyn Group P/L successfully being appointed in providing the best value for money offer and outcomes. The accepted tender had a term of 3-years with 3 x 2-year options, which could be exercised by Council, with an estimated Annual Lump Sum of \$1,528,934 (\$1,147,238 for the fixed Annual Routine Maintenance Fee and \$381,700 for the estimated Reactive Maintenance Service cost), exclusive of GST.

Policy Implications

Not applicable.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

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

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

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

3.1.2 Actively move towards zero waste through increasing waste recovery and reuse.

3.1.4 Plan and advocate for better water cycle planning and management to reduce environmental impacts.

5.1 We practise responsible leadership

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

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

Climate Emergency Consideration

The Facility Management and Maintenance Contract has been developed to consider Council's climate change strategies and actions throughout the life-cycle of Services, and ensures that impacts to community and Council are mitigated.

Consultation/Communication

Our clients continually provide feedback on the performance and quality delivery of services, and Client Surveys are conducted to further understand how well or otherwise client expectations are being met, including key performance measures.

Feedback to date indicates that although some improvements on Services delivery have taken place, with our new contractor Campeyn Group P/L, customers are not altogether satisfied with response to service requirements, having clear understanding of customer needs, and in receiving value in return.

Financial and Resource Implications

The Council's annual Operating and minor Capital Expenditure budgets allocated for the relevant commitments are sufficient and maintained.

COVID19 has required more regular building asset inspections, whilst maintaining compliance and minor works requirements. However, the financial impact has been minimal and there is expectation that year end forecasts will be maintained.

For this report purposes please note Contract expenditure experienced to date is as follows:

- 2017/18FY - \$1,133,999 (March 2018 to June 2018. Note this figure includes expenditure by other Council areas and in addition to the Estimated Contract Sum).
- 2018/19FY - \$3,500,983 (Note this figure includes a number of minor capital works projects and other expenditure from Council areas, which is in addition to the Estimated Contract Sum).
- 2019/20FY - \$5,305,752 (June to January 2020. Note this figure includes a number of minor capital works projects and other expenditure from Council areas, which is in addition to the Estimated Contract Sum).

- 2020/21FY - \$3,396,509 Note this figure includes a number of minor capital works projects and other expenditure from Council areas, which is in addition to the Estimated Contract Sum).
- 2020/21FY - \$1,770,536 (June to November) Note this figure includes a number of minor capital works projects and other expenditure from Council areas, which is in addition to the Estimated Contract Sum).

Conclusion

The collaboration with all three Councils on this Contract has proven to be important, but in need of a charter to be drawn up for mutual and measurable goals for the next period, which will be worked through. In relation to the Facility Management and Maintenance Contract with Campeyn Group P/L it is recommended to approve the extension period as per the Deed of Variation, from June 2022 until 30 June 2023.

Resolution

Moved Cr Graeme Moore, seconded Cr Tammy Radford.

That Council approves the proposed extension period as per the Deed of Variation, from June 2022 until 30 June 2023, for the Facility Management and Maintenance Contract with Campeyn Group P/L.

Carried

6.5 Activity Reports

6.5.1 Environment Council Plan Initiatives Quarterly Report

Responsible GM: Peter Benazic
Author: Desiree Lovell and Jacqui Kelly

Recommendation(s)

That Council note this report.

Attachments

1. Environment Council Plan Initiatives Quarterly Report - January 2022 [6.5.1.1 - 6 pages]

Executive Summary

This quarterly report provides an update on projects, services and actions that are undertaken by Council to deliver on the Council Plan focus area number three: thriving environments and its associated initiatives.

Priority: We value our natural assets and support our biodiversity to thrive

We place a high value on our natural assets and biodiversity. We take action to help our natural assets and biodiversity thrive and build their resilience to climate change and natural hazards. We enhance green spaces and habitat links, support our communities to live sustainably, and champion sustainable development and waste management practices.

Initiatives

The initiatives have been categorised according to the Sustainable Environment Policy (SEP) 2018– 28 themes of: Biodiversity, Climate change, Water, Waste and resource recovery

The SEP is the roadmap for the future direction of Council's environmental and sustainability strategies, plans and activities.

Background

There are a broad range of projects, services and actions delivering environmental benefits throughout the organisation. While many of these occur within or are led by the Environment and Infrastructure Group, most of the organisation is involved in environmental sustainability to some degree.

Council Plan initiatives and how they link to the Sustainable Environment Policy themes:

- Biodiversity
 - Implement initiatives in the Biodiversity Conservation Strategy
- Climate change
 - Implement initiatives in the Aspirational Energy Transition Plan
- Water
 - Implement initiatives in the Integrated Water Management Plan
- Waste and resource recovery

- Implement the action plan for the Waste and Resource Recovery Strategy

This report also covers the Council Plan initiative *actively protect key heritage sites within the shire*.

Project Update

Projects and updates are included in the attached report.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Graeme Moore.

That Council note this report.

Carried

6.5.2 Quarterly Resolutions Report

Responsible GM: Debbie Tyson
Author: Doug Evans

Recommendation(s)

That Council note the report detailing implementation of Council resolutions for the period October to December 2021.

Attachments

1. Quarterly Resolutions Report February 2021 [6.5.2.1 - 26 pages]

Executive Summary

The attached report details all resolutions made for the period October to December 2021, with one matter still in progress from the meeting held in May this year. It includes the actions taken to implement the decisions.

The report does not include matters listed for noting.

Background

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

The attached report informs the Council about the implementation of these decisions and provides transparency to the community regarding this.

Policy Implications

This regular report is in keeping with the Governance Rules.

Relevance to Council Plan

5.1 We practise responsible leadership

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

Climate Emergency Consideration

There are no Climate Emergency considerations in regard to this report.

Consultation/Communication

All relevant staff have been consulted in regard to this report.

Financial and Resource Implications

There are no financial considerations associated with this matter.

Conclusion

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

Resolution

Moved Cr Graeme Moore, seconded Cr Tammy Radford.

That Council note the report detailing implementation of Council resolutions for the period October to December 2021.

Carried

6.5.3 Planning Scheme Amendment Activity Report

Responsible GM: Lili Rosic
Author: Luke Connell

Recommendation(s)

That Council note the report.

Executive Summary

The report provides an update on the status of active planning scheme amendments and planning scheme amendment requests received.

Status of Active Amendments

The following table provides details relating to planning scheme amendments that are currently being processed.

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C222	XWB Consulting	85 McNamara Road, Bunyip	Amendment C222 proposes to: - rezone land from Farming Zone Schedule 1 (FZ1) to Low Density Residential Zone Schedule 3 (LDRZ3) (55 & 85 McNamara Road) - apply a Development Plan Overlay Schedule 21 (DPO 21) (85 McNamara Road) - apply a Design and Development Overlay Schedule 1 (DD01) - delete the Environmental Significance Overlay Schedule 1 (ES01).	Thu 08/08/2019	Fri 06/09/2019	Panel Report finalised on 29/04/2020. Awaiting further information from the proponent in relation to some of the issues raised in the Panel Report, including addressing bushfire risk and maintaining Southern Brown Bandicoot habitat.
C238	Cardinia Shire Council	Beaconsfield Precinct - Glismann Road and Old Princes Highway.	Amendment C238 proposes to: - rezone land to the Neighbourhood Residential Zone (NRZ2) (Clause 32.09 Schedule 2) - apply a Development Plan Overlay (DPO19) to the Glismann Road Area (Clause 43.04 Schedule 19) - apply Development Contributions Plan Overlay (DCPO5) to the Glismann Road Area (Clause 45.06 Schedule 5) - amend Clause 72.04 to incorporate the Glismann Road Development Contributions Plan (GRDCP) into the Cardinia Planning Scheme - amend Clause 53.01 to facilitate the provision of local open space through the GRDCP.	Thu 09/07/2020	Mon 14/09/2020	Panel Report received 04/01/2022. Currently reviewing recommendations of Panel Report. A recommendation of how to proceed with the amendment will be put to Council in the first quarter of 2022.

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C240	Cardinia Shire Council	Koo Wee Rup Township	Implement the objectives of the Koo Wee Rup Township Strategy by: - applying Development Plan Overlay Schedules 23 and 24 to two undeveloped residential precincts in Koo Wee Rup - applying Design and Development Overlay Schedule 8 to existing residential areas in Koo Wee Rup - applying Design and Development Overlay Schedule 9 to the commercial town centre of Koo Wee Rup.	Thu 13/02/2020	Mon 16/03/2020	An application for Ministerial approval was finalised on 04/05/2021. Currently waiting for the Minister for Planning to approve.
C257	Cardinia Shire Council	53-65 Woods Street, Beaconsfield	Apply a Development Plan Overlay (DPO) for the Woodland Grove Precinct as shown in the Beaconsfield Structure Plan.	Thu 11/02/2021	Fri 12/03/2021	Adopted by Council on 20/09/2021. Currently waiting for the Minister for Planning to approve.
C262	XWB Consulting	11 Thom Road, Lang Lang	Rezone part of land from Farming Zone - Schedule 1 (FZ1) to Neighbourhood Residential Zone - Schedule 1 (NRZ1) and consider Planning Permit Application No. T190728 for: - a staged subdivision of the subject land into residential lots; - creation of two (2) Reserves; and, - creation of restrictions on the plan of subdivision; concurrently with the amendment.			On 15/11/2021 Council resolved to seek the authorisation from the Minister for Planning to prepare the amendment.

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C265	Cardinia Shire Council	Pakenham South Employment Precinct	Incorporate the Pakenham South Employment Precinct Structure Plan into the Cardinia Planning Scheme.	Thu 15/10/2020	Thu 26/11/2020	Adopted by Council on 19/07/2021. An Infrastructure Contributions Plan (ICP) is currently being prepared. Officers are currently updating the land use budget and obtaining land valuations by Westlink. This is anticipated to be completed by April upon which a further update will be provided.
C266	Three Thirds Consulting	39 Wattletree Road, Bunyip	Rezone part of the land at 11 Thom Road, Lang Lang from Farming Zone – Schedule 1 (FZ1) to Neighbourhood Residential Zone – Schedule 1 (NRZ1): and consider Planning Permit Application No. T190728 for: - a staged subdivision of the subject land into residential lots; - creation of two (2) Reserves; and, - creation of restrictions on the plan of subdivision; concurrently with Amendment C262.			On 13/12/2021 Council resolved to seek the authorisation from the Minister for Planning to prepare the amendment.
C270	Cardinia Shire Council	Cardinia Shire municipality	To apply the Heritage Overlay to 9 trees confirmed as historically significant through the Significant Tree Register process.			On 20/09/2021 Council resolved to seek authorisation

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
						from the Minister for Planning to prepare the amendment.

Resolution

Moved Cr Graeme Moore, seconded Cr Tammy Radford.

That Council note the report.

Carried

6.5.4 Quarterly Performance and Growth Report - Q2 2021-22

Responsible GM: Jenny Scicluna
Author: Peter Philp

Recommendation(s)

The Performance and Growth Reports for Quarter 2 2021-22 be received and noted.

Attachments

1. Performance Report - Q2 2021-22 [6.5.4.1 - 14 pages]
2. Council Plan Initiative - Progress Report - Q2 2021-22 [6.5.4.2 - 17 pages]
3. Growth Report - Q2 2021-22 [6.5.4.3 - 6 pages]

Executive Summary

The new Council Plan 2021-25 was adopted at the Council Meeting on Monday 21 June 2021. This is the first reporting year for the new Council Plan. The Council Plan is structured around 5 strategic objectives that underpin the overarching strategic direction for the next 4 years. Under each strategic objective is a series of strategies, initiatives, and indicators. Council has committed to undertake work on 36 Council Plan initiatives during the 2021-22 financial year. 34 initiatives are currently on track to be completed by their due date.

75% of incoming service requests across the organisation were actioned and closed within service standard, considerably below our target of 90%. While this is the lowest quarterly result in 3 years, the organisation has been required to manage staffing difficulties during this time while the coronavirus pandemic has taken a toll on our workforce. In addition, the organisation experienced a significant increase in the number of incoming service requests during this time, with a 17% increase compared to the same time last year. It is very likely that this considerable increase in the number of incoming service requests was in part due to the significant weather events experienced during October and November, with one particularly severe storm event occurring in late October. These weather events caused a sharp influx in customer contacts within the days and weeks following, from residents requesting support and reporting hazards and damage to assets. This may have negatively impacted the service levels achieved in impacted service areas such as Customer Support and Operations this quarter.

The service levels achieved for unsealed road related requests and drainage related requests this quarter were 53% and 42% respectively. While these results are significantly below our 90% target, it is likely that the current lack of integration between Council's Customer Relationship Management System (CRMS) and Reflect, Council's inspection and maintenance management system, is negatively contributing to these results. In addition, coronavirus-related issues negatively impacted staff and plant availability, as well as several large weather events affecting access and road conditions at various sites.

The percentage of calls answered within 300 seconds by the Customer Support team was 33% for the quarter, significantly below our 80% target. This result is in part due to an increase in workload this quarter, with a 11% increase in incoming calls and a 10% increase in incoming digital requests, compared to the previous quarter. With a substantial increase in workload, there has been little opportunity to take new staff offline for in-depth training. The team is relatively young in terms of experience, with only 3 of the current 12 team members having

worked in the Customer Support team for at least 12 months. In addition to the onboarding of 4 new Customer Support Officers in January, a significant amount of work aimed at improving internal processes and knowledge within the Customer Support team is currently underway.

We have observed a notable improvement in the results of several Local Government Performance Reporting Framework (LGPRF) service measures this quarter, including Time taken to action animal requests, Animals reclaimed, Time taken to action food complaints and Councillor meeting attendance. Our performance has declined in some measures, those being Council decisions closed to the public, Planning application decisions within 60 days and Planning decisions upheld at VCAT. All other measures have remained relatively stable.

Population growth within the Shire has remained stable this quarter, with four households moving into the Shire per day. While subdivision land activity has gained momentum, the construction of sealed roads and footpaths was significantly lower than that of the same time last year, with a decrease by 33% and 27% respectively. This result is in part due to the reduction in completed estate developments this year to date.

Background

CEO Report

The second quarter of 2021–22 has been a busy and eventful time for Cardinia Shire Council.

It was wonderful for the organisation's commitment to preventing and responding to gendered violence in the community and the workplace to be recognised, with White Ribbon Australia awarding us workplace accreditation for a further three years.

October storm event

Only a few months after the June 2021 storm event, many residents were impacted by another storm event in October. Council again moved swiftly to support community immediately after and throughout the emergency.

Our Recovery Team sought ideas from the community, and this information is helping to identify community priorities, plan initiatives and events, and develop a municipal recovery plan.

Recovery work also continues following the Bunyip Complex Bushfire, with community projects including an art group, BBQ dinners, and installing nesting boxes for native fauna at Mt Cannibal Reserve.

Supporting our community during COVID-19

We're continuing to work with the Victorian Government in responding to the COVID-19 pandemic, and follow the advice and direction provided by health authorities. Our primary concern is for the health and wellbeing of our community and staff, while continuing essential services.

This quarter saw the Ageing Well Seniors Festival move online for the first time, and Council launch the 'Unwrap Cardinia' campaign and the 'What's On Cardinia' festival to promote and support local business.

The Local Partnerships program continues to support our multicultural community with assistance from 12 Community Champions who provide translated and verbal COVID information, culturally appropriate food relief and community connection projects.

The future of our shire

The *Council Plan 2021–25* incorporating the *Community Vision 2040*, the *Council Budget 2021–25*, *Financial Plan 2021–31* and the *Revenue and Rating Plan 2021–25* were officially launched in December and celebrated with community and school members who helped develop the plans.

This quarter, the community was encouraged to provide feedback on the key priorities identified through Imagine Cardinia ahead of council's final development and formal consideration of the 2022-3 Council Budget.

Council also adopted a number of key strategies including the Biolink Plan, the Reconciliation Action Plan, the Liveability Plan review, and the new Access and Inclusion Disability Strategy and Action Plan.

Mayoral elections

Ranges Ward Councillor Jeff Springfield was elected Mayor, and Officer Ward Councillor Tammy Radford elected as Deputy Mayor for 2021-22.

Advocating for Cardinia

We're working with all levels of government to advocate for action on important local issues and to influence government priorities for the benefit of our community. For this first half of this financial year, we have lodged 36 grant applications valued at \$15.8 million for a range of projects.

Infrastructure for our growing shire

Key infrastructure projects across the shire progressed well this quarter. Our Better Local Roads Program continued to gain momentum, with works commencing at Princess Avenue and Crichton Road in Emerald - the first roads in the Sealing the Hills project.

Intersection upgrade works also kicked off at Pepi's Land Reserve in Emerald to provide safe and improved vehicle access into the reserve from Beaconsfield-Emerald Road.

Deep Creek Reserve won the Premier's Sustainability Award 2021 in the category of Industry Leader - Sustainable Places.

The new youth centre was officially named 'Cardinia Youth Hub', and Council awarded a tender for construction of the hub which is expected to be open by the end of 2022.

A tender was awarded to design and build the new Koo Wee Rup skate park, and a construction tender awarded for the new IYU athletics track – exciting new stages in the development of these facilities.

A contract was awarded for the reconstruction of Toomuc Recreation Reserve Netball Courts which will see a new surface constructed in early 2022 to provide an improved sporting precinct within the reserve.

Further contracts awarded included the upgrade of the Worrell Reserve Carpark, with works commencing in January 2022, as well as a contract award for the construction of McGregor Road, Soldiers Road and Hobson Roads in Pakenham and Rythdale, with works expected to commence in early 2022.

Many other projects are also underway, further details for which can be found in this report.

Carol Jeffs

Chief Executive Officer

Cardinia Shire Council

Government Interaction

Government Advocacy

Council continues to work collaboratively with the State Government in responding to the Coronavirus (COVID-19) pandemic and is closely following advice being received while the situation is rapidly evolving. Our primary concerns are to support the health and wellbeing of our staff and community, and the continuation of essential services.

Council works with all levels of Government to lobby for action on important local issues and works hard to influence government priorities that will benefit our local communities. Council also works with other groups of Councils, such as South East Melbourne and Interface Groups, to facilitate investment into the broader region.

An advocacy package has been prepared detailing Council's priorities for the municipality and this is being used to lobby local members of parliament in the lead up to both the impending Federal Election and State Budget.

Grant applications

Council continues to rely heavily on rate revenue to fund the provision of infrastructure and services. Due to the Victorian Government's rate cap, Council is limited in the amount of revenue it is able to achieve through rates and is required to have a strong focus on seeking grants.

So far, this financial year, 37 grant applications have been lodged under various programs, totalling \$16M for a range of projects. To date, 11 applications have been successful for a total of \$6.5M.

Legislative Program

The staged implementation of the Local Government Act 2020 concluded on 31 December and Council was able to have all required policies, plans and new initiatives required implemented in accordance with this staged approach. The Audit Committee is monitoring this timetable.

Council is monitoring the Victorian Government's progress in possible amendments to the Planning and Environment Act and the passage of the Sex Work Decriminalisation Bill 2021. Council has expressed concerns to the relevant Ministers regarding both of these initiatives.

Performance Summary

Council Plan Performance

The Council Plan sets out a medium to long-term vision for how Council will respond to community needs and the opportunities and challenges facing Cardinia Shire. Council delivers the plan through a 4-year initiative plan which covers 5 Key Priority Areas (KPAs). The performance of the 5 KPAs and their Council Plan Initiatives is illustrated in Figure 1. For a more comprehensive account of the initiative progress, please refer to the Council Plan Initiative Progress Report attached.

There are 36 Council Plan initiatives due to be completed during the 2021-22 financial year of which 2 initiatives (6%) are off track.

Figure 1. Council Plan Initiative Performance



Service Request Performance

Service requests are recorded in Council's Customer Relationship Management System (CRMS) when a request for service is made to Council via an established channel, including telephone, Council's website, and web mail. Each request type is assigned a service standard, which is a target timeframe for completion. The term 'Service Level' refers to the percentage of requests completed within their target timeframe. Council's target Service Level is 90%.

Organisation Performance:

75% of incoming service requests across the organisation were actioned and closed within service standard, considerably below our target of 90%. While this is the lowest quarterly result in 3 years, the organisation has been required to manage staffing difficulties during this time while the coronavirus pandemic has taken a toll on our workforce. In addition, the organisation experienced a significant increase in the number of incoming service requests during this time, with a 17% increase compared to the same time last year. It is very likely that this considerable increase in the number of incoming service requests was in part due to the significant weather events experienced during October and November, with one particularly severe storm event occurring in late October. These weather events caused a sharp influx in customer contacts within the days and weeks following, from residents requesting support and reporting hazards and damage to assets.

Table 1 illustrates the top 5 service categories by volume and their service level, for the quarter. There was a 55% increase in the number of service requests related to trees and vegetation on public or Council land received this quarter, when compared to last quarter, in response to the significant weather events experienced. With such an increase in the number of requests received, within a very short period of time, it could be expected to achieve a lower than usual service level, as illustrated in Table 1. A focus on improving service levels across the below service categories is expected to have a strong effect on the overall service level for the organisation.

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

					90% target
1	Waste – Kerbside Bin	2,820	88%		
2	Trees and vegetation on Public or Council land	1,727	25%		
3	Waste – Kerbside Bin - Order/Cancel Service	1,440	96%		
4	Rates	749	84%		
5	Parks, Reserves, Streetscapes	727	53%		

Operations Performance:

Council maintains a large, unsealed road network. Maintenance works consist of both grading and resheeting done on a cyclic basis, along with response to defects caused by adverse weather conditions such as storms or long dry spells. All works are conducted in accordance with Council's Road Management Plan, which ensures that the network is kept in a safe and trafficable condition.

The service level for unsealed road related requests this quarter was 53%, significantly lower than our 90% target. While there was a 95% increase in the number of unsealed road services requests received, compared to the same time last year, this variability is most likely due to the significant decrease in unsealed road related requests seen across the same period last year. Comparing to first quarter totals for previous years, we can see that the 606 service requests that were lodged during the first quarter this year appear to be a result that is within the bounds of expectation.

The number of hours spent grading unsealed roads was 20% higher compared to the same time last year. Despite this, there has been a significant increase in the number of corrugation or pothole complaints, with the year-to-date figure 144% higher than the same time last year. The unsealed road network is generally in good condition, however warmer and drier weather is presenting in several roads exhibiting corrugation or loose surfaces.

Unsealed road service requests are recorded initially through the CRMS, however, the work to resolve the service request is handled through the inspection and maintenance management system called Reflect. There is a lag in time between the resolution of the work in Reflect and the subsequent update in the CRMS, resulting in a discrepancy of the in-time completion rate between the two systems. Compounding this issue is the variation of the service standards applied by each system, and this affects the weight that we should put on the current service level being reported through the CRMS.

To improve the confidence in the service level being reported in this area, it will be important to integrate the CRMS and Reflect systems. Integrating the Reflect system with the CRMS should result in a seamless workflow process that delivers accurate reporting of service levels. This integrated solution is complex and will take time to implement, yet the long-term benefits of time and cost efficiencies across Council will ultimately provide a better customer service to our community. This integration project is currently under review, and further details will be provided when available.

Council also maintains over 3000 km of open surface drains. These drains are cleaned out using a maintenance system that is driven by proactive inspections and reactive works and supplemented by responding to flooding issues following storms. Works are prioritised based on risk to property or person.

The service level for drainage related requests this quarter was 42%, significantly lower than our 90% target. Several factors impacted the drainage team this quarter, with the vaccination

mandate and sporadic isolation leave affecting staff availability, as well as the availability of plant being diminished due to scheduled and unscheduled servicing, combined with unanticipated long lead times for parts supply. Atmospheric and ground conditions were also affected by several weather events during October and November, affecting access and working conditions at various sites. As the drainage service requests are also managed through the Reflect system, it is expected that the integrated solution will also affect the service level results for this service area.

The number of linear metres of surface drains cleared was 61% lower than the same time last year, despite weather events in October and November driving up demand for activity. Last year's significant increase in this area was due to the availability of resources, a combination of both internal staff and contractors, at that time. In comparison, the number of linear metres of underground drains cleared increased by 217% compared to the same time last year.

Waste Management Performance:

As the Shire's population continues to grow, the amount of waste generated is also growing. Cardinia Shire Council will continue to take advantage of recent advancements such as newer technologies and improved markets for products, resulting in improved financial outcomes for resource recovery. The impact of drought can also vary the tonnage of green waste recycling due to moisture content from wet or dry years.

Waste management performance results continue to meet the organisation's target, achieving a 91% service standard for the quarter. Waste disposal and recovery statistics remained stable, with 1% less garbage waste being sent to landfill, compared to the same time last year. This decrease in the amount of garbage waste being sent to landfill is likely in part due to an increase in the amount of recycling recovered and green waste mulched, with an increase of 1.4% and 2.5% respectively, compared to the same time last year.

Customer Support Call Performance

The organisation's call centre is run by the Customer Support team. As these calls are largely the first interaction our community has with our organisation, it is important that we deliver a positive customer service experience. Monitoring the service level of the call centre is only one of many ways to tap into our customers' experience with Council.

We currently report our Customer Support call service level as the percentage of calls that are answered in 300 seconds, with our target being 80% of calls answered within 300 seconds. The service level for the quarter was 33%. The average amount of time a customer spent waiting in the call queue was 357 seconds, significantly higher than last quarter's result of 136 seconds. The average amount of time taken by Customer Support Officers to finalise call details following conclusion of a call is referred to as the After Call Work Time. The result this quarter was 142 seconds, which is above our target of 105 seconds. The Abandoned Call rate was 31% this quarter, significantly above the target of 3%.

These results are in part due to an increase in workload this quarter, with a 11% increase in incoming calls and a 10% increase in incoming digital requests, compared to the previous quarter. As previously discussed, the reason for these increases in customer contacts was in part due to the significant weather events experienced during October and November, which caused a sharp influx in contacts from residents requesting support and reporting hazards and damage to assets. With a substantial increase in workload, there has been little opportunity to take new staff offline for in depth training. The team is relatively young in terms of experience, with only 3 of the current 12 team members having worked in the Customer Support team for at least 12 months. In addition to the onboarding of 4 new Customer Support Officers in January, a significant amount of work aimed at improving internal processes and knowledge within the Customer Support team is currently underway.

LGPRF Performance

The Local Government Performance Reporting Framework (LGPRF) is a platform for key local government service and financial measures. The measures are reported annually in Council Annual Reports and published on the Know Your Council website. A selection of LGPRF service measures that can be reported on a quarterly basis are provided.

We have observed a notable improvement in the results of several Local Government Performance Reporting Framework (LGPRF) service measures, those being Time taken to action animal requests, Animals reclaimed, Time taken to action food complaints and Councillor meeting attendance. Our performance has declined slightly in some measures, those being Council decisions closed to the public, Planning application decisions within 60 days and Planning decisions upheld at VCAT. All other measures have remained relatively stable this quarter.

Growth Summary

Residential development activity drives much of the growth in demand for Council's services and facilities. There are 4 main precincts across the Shire in which residential land is currently in development. On 21 January 2021 the structure plan for the Pakenham East Precinct was approved and development has now begun. There are over 19,000 lots still to be developed across the Shire, the majority of which being within the Officer and the Pakenham East precincts. Residential land development in the Shire had varied results this quarter. The number of residential subdivision lot applications lodged was 6% higher than the same time last year, however the number of residential lots issued with a statement of compliance was 22% lower than the same time last year.

Activity within the property sector can help determine the growth rate within a municipality and therefore assist with future decision making. The number of building permits issued was 3% higher than the same time last year. Residential building completions stabilised, with a slightly lower number of building completions than the same time last year. Non-residential building completions are trending upward, with 24% more non-residential building completions processed than the same time last year.

A new household garbage service is requested predominantly when a new home has been completed and is ready to be occupied. This indicator can therefore represent the growth of new households within the Shire. The number of new garbage bin requests received was 10% higher than the same time last year. The household growth rate in the Shire is stable at four households per calendar day for the current financial year.

The Maternal and Child Health statistics are also a lead growth indicator. Birth notices are the number of notifications received from hospitals, for newborn babies in the municipality. There were 463 births in the Shire this quarter, being 8% higher than the same time last year. Maternal and Child Health Enrolments include the number of babies and children, from birth to school age, that visit and enrol at an MCH centre, including children of families moving to Cardinia Shire. Enrolments were 6% higher than the same time last year.

The growth of the sealed road and footpath network provides insight into the progress of infrastructure activity within the Shire. Sealed road growth is due to a combination of subdivision development and Council's sealing of unsealed roads through special charge schemes or other external funding such as Roads to Recovery. There were 1.54 KMs of sealed roads constructed this quarter, with sealed road construction being 33% lower than the same time last year. Footpath growth is due to a combination of footpaths constructed from subdivision development and Council's capital works program. There were 2.21 KMs of footpaths constructed this quarter, with the total length of footpaths constructed being 27%

lower than the same time last year. The construction of both sealed roads and footpaths has slowed due to the reduction in completed estate development.

Policy Implications

Nil.

Relevance to Council Plan

5.1 We practise responsible leadership

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

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

Climate Emergency Consideration

Nil.

Consultation/Communication

Relevant Managers and Officers from all groups across the organisation provide data, updates and comments that contribute to the development of the Performance and Growth Reports.

Risk Assessment

Nil.

Financial and Resource Implications

Nil.

Conclusion

The Performance and Growth Reports for Quarter 2 2021-22 show varying results in performance across the organisation. The organisation will continue to aim targeted improvement initiatives at areas and services that are not achieving desired targets.

Resolution

Moved Cr Graeme Moore, seconded Cr Tammy Radford.

The Performance and Growth Reports for Quarter 2 2021-22 be received and noted.

Carried

6.5.5 Major Projects Report

Responsible GM: Peter Benazic
Author: David Fice, Walter Carmignani, Kristen Jackson

Recommendation(s)

That Council note this report

Attachments

1. Major projects report - 21 February 2022 [6.5.5.1 - 19 pages]

Executive Summary

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

Background

Projects and updates are included in the attached report

Conclusion

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

Resolution

Moved Cr Tammy Radford, seconded Cr Collin Ross.

That Council note this report

Carried

7 Reports Or Minutes Of Committees

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

8 Reports By Delegates

Cr Ryan advised that she attended the 'sod turning' event at the new Cardinia Youth Hub - My Place on 27 January 2022.

Cr Ryan also mentioned the passing of former City of Casey Mayor, Amanda Stapleton.

Cr Ryan also advised of her attendance at the Lilypond House AGM on 12 February

Cr Radford thanked residents for inviting her to various events and AGM'

Cr Radford advised of her attendance the United African Farm launch event on 12 February

Cr Owen also acknowledged the passing of Amanda Stapleton.

Cr Owen also mentioned the recent passing of Ruth Crofts who was very prominent in the National Trust.

Cr Owen mentioned the recent retirement of Heather Arnold, the Local History Librarian with the Casey Cardinia Library Corporation

Cr Owen congratulated the Beaconsfield Progress Association on the conduct of their Australia Day drive in movie event.

Cr Ross advised that he had also attended the funeral of Amanda Stapleton and spoke of her service to the community

Cr Moore advised that he also attended the funeral of Amanda Stapleton.

Cr Moore also advised that he had attended the Koo Wee Rup Australia Day celebration in company with Cr Cameron

9 Presentation Of Petitions

Cr Moore tabled a petition which prayer read "*We hereby formally request that Council promptly instigate a review of the Garfield Township Strategy which has not been updated since 2002.*", a report will be presented to the March 2022 Council Meeting.

10 Notices Of Motion

10.1 Notice of Motion 1072 - Cr Ross

Motion

That Council:

- Invites the relevant ward Councillor/s to attend and participate in any announcements made by state and federal Ministers or MPs, and Council organised events and openings that pertain to his/her ward where it is practicable to do so.
- The invitation be extended as early as possible to enable attendance.

Resolution

Moved Cr Collin Ross, seconded Cr Carol Ryan.

That Council:

- invites the relevant ward Councillor/s to attend and participate in any announcements made by state and federal Ministers or MPs, and Council organised events and openings that pertain to his/her ward where it is practicable to do so.
- the invitation be extended as early as possible to enable attendance.

Carried

11 Community Questions

The Mayor advised that Council had received 3 questions from Jessica Walton.

The questions read:

I have spent this week doing an access audit of businesses on Main St Pakenham, which I've been documenting on Twitter.

I'll put together a report for council once I've completed the audit.

Is there specifically a plan to use Growing Suburbs funds (if council gets the grant) to make these businesses accessible to wheelchair users?

If so, how will they be made accessible?

If we get the grant and council have 18 months to do the work, what will they do in the meantime to help wheelchair users access businesses on Main Street?

Assuming it will be the outside that is made accessible (replacing steps with ramps or raised pavement), how will council help businesses widen their doors, put in automatic doors that don't have to be pushed open with your feet if you're in a wheelchair, and make toilets and change rooms accessible?

The Chief Executive Officer responded with:

Thank you for your question Ms Walton.

Council is a strong advocate for disability access and we aim to ensure that all Council facilities have suitable access for all. Council's Disability Action Plan 2021 – 26 was endorsed at the Council Meeting on Monday 13 December. This plan sets out what we will do to make our community – workplaces, services, programs and venues – more accessible to people with disability so they are equitable, inclusive, and safe.

Council is preparing the Urban Design Framework (UDF) for the Pakenham Town Centre which includes Main Street. We expect the plan to be completed in the first quarter of 2022 with community consultation to follow. The aim of the framework is to improve pedestrian movement and connections within the town centre with improvements to footpath surfaces along Main Street to assist with accessibility for all.

Most of the sites on Main St Pakenham are privately owned and building access requirements are driven by the Building Act and disability legislation and we will work with shop owners regarding the UDF. The Growing Suburbs Funding that council has received is for a holistic approach to the street upgrade which will include consideration of improved accessibility along with a number of other improvements in the public spaces but will not be for the upgrade of privately owned properties.

In recent times maintenance works were carried out to address issues with tree roots cracking the footpath pavement and to address issues associated with a number of pram ramps. These works have since been completed and maintenance issues rectified.

12 Urgent Business

There was no urgent business.

13 Councillor Questions

Cr Davies asked the Chief Executive Officer the following:

Would a Council officer please provide information about actions Council has taken to facilitate and celebrate LGBTIQ+ diversity in Council and the community?’

The Chief Executive Officer responded with:

Council promotes social inclusion of the LGBTIQ+ community within Council and our community.

Recent examples of where Council have facilitated, and celebrated inclusion include:

- *Endorsement of Council's Social Justice and Equity Policy 2019 -*
- *Council has an active internal Action Group with representatives across Council that meets bi-monthly to share ideas, collaborate and promote the LGBTIQ community and raise awareness.*
- *We have included an inclusive statement in all recruitment advertising and included an LGBTI example in our staffing inductions to raise awareness and inclusion within our staff*
- *Annually we celebrate LGBTIQ+ events such as PRIDE March and IDAHOT Day celebrations, subject to COVID-19 restrictions.*
- *Casey Cardinia Libraries Corporation includes inclusive literature*
- *Our Youth Team actively supports our younger LGBTIQ+ community by offering a range of programs through our Youth Services Centre and work with local secondary colleges to assist in establishing Gay/Straight alliance groups. These students also take the lead in arranging events at the school such as IDAHOBIT day celebrations.*
- *Cardinia Shire Council is a member of the Rainbow Sports Alliance which is made up of state sporting associations, LGA's and peak bodies. We provide advocacy and support LGBTIQ+ initiatives to encourage participation and access to our facilities, programming, and engagement.*
- *Cardinia Shire Council is one of 5 LGA's delivering Parklife (at James Bathe) with Proud 2 Play - a social sport participation program targeting our rainbow community. Cardinia is also a partner Council with Proud 2 Play in delivering Rainbow Ready Clubs in 2022.*

14 Confidential Business

Amendment to Minutes

Council resolved at Council Meeting 14 April 2025 to approve the recording of item **14.1 Advanced Waste Processing - Council commitment** as an accurate record.

Item *Advanced Waste Processing - Council commitment* was designated as confidential on the grounds that it relates to *Local Government Act 2020*, section 3(1)(e) legal privileged information, being information to which legal professional privilege or client legal privilege applies; (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

15 Meeting Closure

Meeting closed at 9:10pm

Minutes confirmed
Chairman