

# **Ordinary Council Meeting**

## **Minutes**

Monday 21 March 2022

Commenced at 7:00 PM

Council Chambers  
20 Siding Avenue, Officer  
Victoria

**Members:** Cr Jeff Springfield Mayor  
Cr Brett Owen  
Cr Kaye Cameron  
Cr Stephanie Davies  
Cr Jack Kowarzik  
Cr Graeme Moore  
Cr Collin Ross

**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

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## **1 Opening And Reflection/Prayer**

Meeting opened at 5:45pm to consider confidential business and was adjourned to reconvene at 7:00pm to consider general business.

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 Carol Ryan and Deputy Mayor Cr Tammy Radford were apologies for this meeting.

## **4 Adoption And Confirmation Of Minutes**

Moved Cr Stephanie Davies, seconded Cr Graeme Moore

That minutes of the following meetings be confirmed:

- General Council meeting 21 February 2022
- Town Planning Committee 7 March 2022

Carried

## **5 Declaration Of Interests**

## 6 Ordinary Business

### 6.1 Town Planning Reports

### 6.2 General Reports

## 6.2.1 Appointment of Community Asset Committees for Recreation Reserves

**Responsible GM:** Lili Rosic  
**Author:** Cameron Miller

### Recommendation(s)

That Council:

1. Appoint the following persons to the respective recreation reserve Community Asset Committees appointed by Cardinia Shire Council in accordance with the Local Government Act 2020.

#### Cardinia Recreation Reserve

President	Chris Beard
Vice President	Bill Orr
Secretary	Liz Bergmeier
Treasurer	John Adlam
Committee Member	Rudy de Jong
Committee Member	David Young
Committee Member	Luke Turner
Committee Member	Bradey Welsh

#### Chandler Reserve

Co-President	Rod Smith
Co-President	Mark Pedder
Secretary	Geoff McKimmie
Treasurer	Judy Strong
Committee Member	Steve Livermore
Committee Member	Brad Bishop

#### Lang Lang Community Recreation Reserve

President	Dave McLean
Secretary	Laura Healy
Treasurer	Geoff Pickering
Committee Member	Wendy Thom
Committee Member	Sam Loughridge
Committee Member	Max Papley
Committee Member	Andrew Bullen
Committee Member	Keith Halden
Committee Member	Joe Giacco
Committee Member	Stuart Casey
Committee Member	Carolyn Wainwright

Worrell Reserve

President	Kris Strong
Secretary	Howard Winter
Treasurer	Neil Burns
Committee Member	Chris Beardhaw
Committee Member	Gary Campbell
Committee Member	Jamie Grace
Committee Member	Claude Cullino

2. Thanks all Committee members for their valuable contribution to the management of community recreation reserves.

**Attachments**

Nil

**Executive Summary**

This report advises Council of the memberships elected for the Community Asset Committees for Cardinia Recreation Reserve, Chandler Reserve, Lang Lang Community Recreation Reserve, and Worrell Reserve and seeks formal Council appointment of these members. It is also recommended that Council expresses its thanks to committee members for their hard work and service to the community through the management of these recreation reserves.

**Background**

There are twenty-five (25) recreation reserves within Cardinia Shire which are managed under the following arrangements:

- Twelve (12) of the reserves managed by Council appointed Community Asset Committees,
- three (3) are Department of Environment, Land, Water and Planning (DELWP) owned with Council appointed as Committee of Management under the Crown Land Reserves Act and managed by Council appointed Community Asset Committees,
- nine (9) are DELWP owned with DELWP appointed Committees of Management under the Crown Land Reserves Act, and
- one (1) is Pastoral Agricultural & Horticultural Association (PA&H) owned with a PA&H appointed Committee of Management.

Members of Reserve Community Asset Committees are elected annually, and upon election require appointment by Council resolution pursuant to Local Government Act 2020. Community Asset Committees can only be approved by Council.

This report recommends Council appoints new members for the following reserve committees following public meetings that have been conducted by Councillors or Council Officers:

- Cardinia Recreation Reserve.
- Chandler Reserve\*
- Lang Lang Community Recreation Reserve.
- Worrell Reserve.

\*Please note, Chandler Reserve did not elect a Secretary or Treasurer at their March 2021 AGM and their President resigned in October 2021. This report recommends Council appoint a new committee member and Office Bearers following a general committee meeting in November 2021.

Cardinia Shire Council has a huge network of volunteers who selflessly give their time, expertise, and energy to provide and develop community resources. A large part of this network is involved with managing community recreation reserves across our shire. Council values the important role that community asset committees have in assisting Council in the significant improvement and ongoing management of Council's facilities. Council is committed to ensuring that these assets are maintained to a high standard by working in partnership with Community Asset Committees.

Council conducts routine maintenance and provides Recreation Reserve Community Asset Committees with maintenance allocations, workshops to up skill volunteers and access to leadership courses. To further support committees with their work, Council has recently launched the Community Asset Committee portal, as a place for committee members to access important resources, information, and dates.

Council employs a full-time Liaison Officer (1 EFT) to support the recreation community asset committees including providing training for volunteers and assisting committees in compliance with risk requirements.

### **Policy Implications**

The appointments to these four reserve committees are consistent with both Council policy and requirements for Community Asset Committees.

New and important resources on the portal are the Community Asset Committee Governance Manual and Governance Training. The manual includes information and templates to help committees in their role as part of a community asset committee to ensure good practices and consistent and effective management of Cardinia Shire Council facilities. The manual also outlines the statutory requirements and aids in all areas of governance.

The online Governance Training is provided to all Recreation Reserve Community Asset Committees to ensure members have the skills and knowledge to be able to understand the requirements implemented in the risk project.

### **Relevance to Council Plan**

#### **1.5 Our People - Variety of recreation and leisure opportunities**

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

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

#### **5.2 Our Governance - Open governance**

5.2.2 Govern and make decisions in the best interests of the Cardinia Shire community.

### **Climate Emergency Consideration**

N/A

### **Consultation/Communication**

Notifications of Annual General Meetings for Community Asset Committees for Recreation Reserves are advertised through local media and internally to all user groups of that reserve.

### **Financial and Resource Implications**

N/A



### **Conclusion**

Community Asset Committees voluntarily assist Council in the ongoing management and improvement of Council's recreation facilities. This enables the community to participate in sport and recreation activities that provides health and social benefits to the broader community. This report presents the committee members for four recreation reserve Community Asset Committees for Council appointment.

## Resolution

Moved Cr Stephanie Davies, seconded Cr Graeme Moore.

That Council:

1. Appoint the following persons to the respective recreation reserve Community Asset Committees appointed by Cardinia Shire Council in accordance with the Local Government Act 2020.

### Cardinia Recreation Reserve

President	Chris Beard
Vice President	Bill Orr
Secretary	Liz Bergmeier
Treasurer	John Adlam
Committee Member	Rudy de Jong
Committee Member	David Young
Committee Member	Luke Turner
Committee Member	Bradey Welsh

### Chandler Reserve

Co-President	Rod Smith
Co-President	Mark Pedder
Secretary	Geoff McKimmie
Treasurer	Judy Strong
Committee Member	Steve Livermore
Committee Member	Brad Bishop

### Lang Lang Community Recreation Reserve

President	Dave McLean
Secretary	Laura Healy
Treasurer	Geoff Pickering
Committee Member	Wendy Thom
Committee Member	Sam Loughridge
Committee Member	Max Papley
Committee Member	Andrew Bullen
Committee Member	Keith Halden
Committee Member	Joe Giacco
Committee Member	Stuart Casey
Committee Member	Carolyn Wainwright

### Worrell Reserve

President	Kris Strong
Secretary	Howard Winter
Treasurer	Neil Burns
Committee Member	Chris Beardhaw
Committee Member	Gary Campbell
Committee Member	Jamie Grace
Committee Member	Claude Cullino

2. Thanks all Committee members for their valuable contribution to the management of community recreation reserves.

Carried

## 6.2.2 Sealing the Hills - Burton Road, Morris Road and Young Street Upper Beaconsfield

**Responsible GM:** Peter Benazic  
**Author:** Donna Bird

### Recommendation(s)

That Council:

1. That Council notes that following the issue of the Notice of Decision by Council to declare a special charge scheme on the 13 December, 2021, to part fund the construction of Burton Road, Morris Road and Young Street, Upper Beaconsfield, three submissions were received within the prescribed 28 day period. Details of the submissions are included in attachment 5 to this report.
2. That a special charge in accordance with Section 163 of the Local Government, 1989 ('the Act') be declared as follows:
  - a) A special charge is declared for a period until the works have been completed and the scheme finalised.
  - b) The special charge be declared for the purposes of defraying any expenses incurred by Council in relation to the construction of Burton Road, Morris Road and Young Street, Upper Beaconsfield including sealed road pavement, kerb & channel and associated drainage and incidental works. Council considers that these works will be of special benefit to those persons required to pay the special charge, (and who are described in succeeding parts of this resolution).
  - c) The special benefit accruing to those properties to be levied is considered to include improved access, improved amenity and appearance, improved roadside drainage, reduced mud and dust, reduced erosion and lessened nuisance.
  - d) The following be specified as the area for which the special charge is declared:
    - All those properties described in attachment 4 of this report and as highlighted on the plan included as attachment 2.
  - e) The following be specified as the land in relation to which the special charge is declared:
    - All properties described in attachment 4 of this declaration.
  - f) The following be specified as the criteria which form the basis of the special charge so declared:
    - Those properties fronting, abutting or adjacent to the works.
  - g) The following be specified as the manner in which the special charge so declared will be assessed and levied:
    - 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.
    - 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.
    - 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.
    - Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.

- The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163 (4) of the Local Government Act, 1989.
- h) The total cost of the works is the amount shown in attachment 4 of this report estimated at \$2,235,600.
- i) The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$364,000.
- j) Having regard to the proceeding parts of this resolution but subject to Sections 166(1) and 167(6) of the Local Government Act, 1989, it is recorded that:
  - i) The owners of the land described in columns A and B of the table in attachment 4 are estimated liable for the respective amounts set out in column F of the table in attachment 4 and;
  - ii) Such owners may, subject to any further resolution of Council pay the special charge in the following manner:
    - a. The charge will become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167(3) of the Local Government Act, 1989.
    - b. The charge may be paid by:
      - # Lump sum within one month of the issue of the notice without incurring interest, or
      - # Quarterly instalments of principal and interest over a period of up to seven years.
    - c. Interest will not be charged for three months after the issue of the notice provided the person liable makes timely payment in accordance with the payment arrangements that may be agreed on by Council.
    - d. In accordance with Sections 167(6)(b) and 172 of the Act, the rate of interest which is payable on instalments is set at the 180 day bank bill rate as published in the Australian Financial Review plus one percent and reviewed every three months, (provided that it will not exceed the rate fixed by the Governor in Council by order of the purposes of Section 172(2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by order for the purposes of this section).
- k) There are no incentives for prompt payment, rebates or concessions associated with this special charge.

### Attachments

1. Sealing the Hills Program SCS Checklist Stoney Creek [6.2.2.1 - 1 page]
2. SCS Catchment Plan Burton Morris Young Copy [6.2.2.2 - 2 pages]
3. Stoney Creek Catchment Beaconsfield Upper [6.2.2.3 - 12 pages]
4. Stoney Creek Catchment Special Charge Scheme SCS Apportionment Sheet [6.2.2.4 - 5 pages]
5. SCS Submission Hearing Report Stoney Creek Road Catchment [6.2.2.5 - 3 pages]

### Executive Summary

This report proposes to have a special charge declared to part fund the construction of Burton Road, Morris Road and Young Street, Upper Beaconsfield. It follows Council's resolution of the 13 December, 2021 to communicate its intention to declare a special charge for this purpose.

The Stoney Creek Road, Upper Beaconsfield catchment is included in the Australian Government funded "Sealing the Hills" program. A recent survey of the landowners in this catchment indicated 85% 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 \$2,235,600 of which \$364,000 is proposed to be funded via the proposed special charge contribution received from the included landowners. This will leave an approximate balance of \$1,871,600 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). Council's 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 provide further relief to those owners demonstrating genuine financial hardship.

Following Council's resolution on the 13 December, 2021 included property owners were notified of the intention to declare a special charge by mail and by advertisement in the Pakenham Gazette and Hills Trader. Three submissions were received. The details of these submissions is provided in attachment 5 to this report.

## **Background**

Burton Road, Morris Road and Young Street, Upper Beaconsfield are included for construction in Council's Sealing the Hills program. The properties included are shown on the plan included as attachment 2 to this report.

A survey of the property owners within the scheme boundary, (total of 54), 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 four properties surveyed Council received thirty six, (36), responses, (or 65%). Thirty one, (85%), of these responses indicated support to contributing to the scheme, while seven, (15%), indicated opposition. Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction Burton Road, Morris Road and Young Street Upper Beaconsfield.

Following Council's resolution on the 13 December, 2021 affected property owners were notified of the intention to declare a special charge. Three property owner submissions were received within the prescribed 28 day submission period.

Since preparing the preliminary construction plans it has been confirmed that the portion of Burton Road that extends onto 37 Burton and 103 Beaconsfield-Emerald Road to provide access to 41 Burton Road is actually a private carriageway easement specific for this purpose and that Council is not a beneficiary over this easement.

There were three submissions made to Council from the landowner's of 37 and 41 Burton Road and 103 Beaconsfield Emerald Road that were reviewed by the appointed committee of Council. All three submissions expressed a concern of undertaking the proposed road construction on private land and the associated public risk issues.

One of the landowners objected to this construction on their land, while the other two owners indicated support in some form, but wanted to be compensated for any land used for the construction and consideration of reducing their contribution, or not contributing to the scheme.

It has been recommended that these three properties be removed from the scheme and that the appropriate steps be taken to remove the driveway construction within the carriageway easement from Councils road register and advise the affected owners that they will be responsible for the future maintenance of the carriageway easement once the balance of Burton Road is constructed, (refer full details in submissions table - attachment 5.)

### **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 the previous Notice of Decision 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 September of last year to the landowners of Burton Road, Morris Road and Young Street 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 October a questionnaire was sent 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 54 included properties were received.

Following the Council resolution on the 13 December, 2021 to issue a notice of intention to declare a special charge, property owners were sent a letter and advertisements outlining the proposal placed in the Pakenham Gazette and Hills Trader, providing owners with the opportunity to make a submission or objection within the prescribed 28 day period.

### **Financial and Resource Implications**

The scheme funding arrangements are as follows:

PRELIMINARY ESTIMATED COST OF PROJECT	\$2,235,600
Total Council Contribution (84%)	\$1,871,600
Benefitting Landowner Contribution (16%)	\$364,000

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**

That Council proceed to declare a special charge over the properties listed in attachment 4 to part fund the construction of Burton Road, Morris Road and Young Street, Upper Beaconsfield, including a sealed road pavement, kerb and channel and associated drainage and ancillary works, generally in accordance with the concept plans included in attachment 3.



## Resolution

Moved Cr Brett Owen, seconded Cr Jack Kowarzik.

That Council:

1. That Council notes that following the issue of the Notice of Decision by Council to declare a special charge scheme on the 13 December, 2021, to part fund the construction of Burton Road, Morris Road and Young Street, Upper Beaconsfield, three submissions were received within the prescribed 28 day period. Details of the submissions are included in attachment 5 to this report.
2. That a special charge in accordance with Section 163 of the Local Government, 1989 ('the Act') be declared as follows:
  - a) A special charge is declared for a period until the works have been completed and the scheme finalised.
  - b) The special charge be declared for the purposes of defraying any expenses incurred by Council in relation to the construction of Burton Road, Morris Road and Young Street, Upper Beaconsfield including sealed road pavement, kerb & channel and associated drainage and incidental works. Council considers that these works will be of special benefit to those persons required to pay the special charge, (and who are described in succeeding parts of this resolution).
  - c) The special benefit accruing to those properties to be levied is considered to include improved access, improved amenity and appearance, improved roadside drainage, reduced mud and dust, reduced erosion and lessened nuisance.
  - d) The following be specified as the area for which the special charge is declared:
    - All those properties described in attachment 4 of this report and as highlighted on the plan included as attachment 2.
  - e) The following be specified as the land in relation to which the special charge is declared:
    - All properties described in attachment 4 of this declaration.
  - f) The following be specified as the criteria which form the basis of the special charge so declared:
    - Those properties fronting, abutting or adjacent to the works.
  - g) The following be specified as the manner in which the special charge so declared will be assessed and levied:
    - 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.
    - 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.
    - 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.
    - Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
    - The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163 (4) of the Local Government Act, 1989.
  - h) The total cost of the works is the amount shown in attachment 4 of this report estimated at \$2,235,600.
  - i) The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$364,000.
  - j) Having regard to the proceeding parts of this resolution but subject to Sections 166(1) and 167(6) of the Local Government Act, 1989, it is recorded that:



- i) The owners of the land described in columns A and B of the table in attachment 4 are estimated liable for the respective amounts set out in column F of the table in attachment 4 and;
- ii) Such owners may, subject to any further resolution of Council pay the special charge in the following manner:
  - a. The charge will become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167(3) of the Local Government Act, 1989.
  - b. The charge may be paid by:
    - # Lump sum within one month of the issue of the notice without incurring interest, or
    - # Quarterly instalments of principal and interest over a period of up to seven years.
  - c. Interest will not be charged for three months after the issue of the notice provided the person liable makes timely payment in accordance with the payment arrangements that may be agreed on by Council.
  - d. In accordance with Sections 167(6)(b) and 172 of the Act, the rate of interest which is payable on instalments is set at the 180 day bank bill rate as published in the Australian Financial Review plus one percent and reviewed every three months, (provided that it will not exceed the rate fixed by the Governor in Council by order of the purposes of Section 172(2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by order for the purposes of this section).
- k) There are no incentives for prompt payment, rebates or concessions associated with this special charge.

Carried

## 6.2.3 Sealing the Hills - Station Catchment (Cockatoo) Special Charge Scheme

**Responsible GM:** Peter Benazic  
**Author:** Nicole Alvares

### Recommendation(s)

That Council:

1. That Council notes that following the issue of the notice of decision by Council to declare a special charge scheme on 13 December 2021, to part fund the construction of Baker Street, Glen Road, Station Road, Garden Street-Cockatoo, one submission was received by Council in the prescribed 28-day submission period following advertising this decision. Details of the submissions are outlined in attachment 5 to this report.
2. That a special charge in accordance with Section 163 of the Local Government, 1989 (the Act) be declared as follows:
  - a. A special charge is declared for a period until the works have been completed and the scheme finalised.
  - b. The special charge be declared for the purposes of defraying any expenses incurred by Council in relation to the construction of Baker Street, Glen Road, Station Road and Garden Street, Cockatoo including sealed road pavement, kerb & channel and associated drainage and incidental works. Council considers that these works will be of special benefit to those persons required to pay the special charge, (and who are described in succeeding parts of this resolution).
  - c. The special benefit accruing to those properties to be levied is considered to include improved access, improved amenity and appearance, improved roadside drainage, reduced mud and dust, reduced erosion, and lessened nuisance.
  - d. The following be specified as the area for which the special charge is declared:
    - i. All those properties described in attachment 4 of this report and as highlighted on the plan included as attachment 2.
  - e. The following be specified as the land in relation to which the special charge is declared:
    - i. All properties described in attachment 4 of this declaration.
  - f. The following be specified as the criteria which form the basis of the special charge so declared:
    - i. Those properties fronting, abutting or adjacent to the works.
  - g. The following be specified as the way the special charge so declared will be assessed and levied:
    - i. 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.
    - ii. 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.
    - iii. Existing lots, either developed or vacant, that gain, or will gain, primary access and have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit.
    - iv. Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.

- v. The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163 (4) of the Local Government Act, 1989.
- h. The total cost of the works is the amount shown in attachment 4 of this report estimated at \$2,535,750.
- i. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$609,000.
- j. Having regard to the proceeding parts of this resolution but subject to Sections 166(1) and 167(6) of the Local Government Act, 1989, it is recorded that:
  - i. The owners of the land described in columns A and B of the table in attachment 4 are estimated liable for the respective amounts set out in column F of the table in attachment 4 and;
  - ii. Such owners may, subject to any further resolution of Council pay the special charge in the following manner:
    - The charge will become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167(3) of the Local Government Act, 1989.
    - The charge may be paid by:
      - Lump sum within one month of the issue of the notice without incurring interest, or
      - Quarterly instalments of principal and interest over a period of up to seven years.
    - Interest will not be charged for three months after the issue of the notice provided the person liable makes timely payment in accordance with the payment arrangements that may be agreed on by Council.
    - In accordance with Sections 167(6)(b) and 172 of the Act, the rate of interest which is payable on instalments is set at the 180 day bank bill rate as published in the Australian Financial Review plus one percent and reviewed every three months, (provided that it will not exceed the rate fixed by the Governor in Council by order of the purposes of Section 172(2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by order for the purposes of this section).

There are no incentives for prompt payment, rebates or concessions associated with this special charge.

### Attachments

1. Scheme Process Chart [6.2.3.1 - 1 page]
2. Plan of Scheme Area [6.2.3.2 - 2 pages]
3. Concept Construction Plans [6.2.3.3 - 13 pages]
4. Apportionment Table [6.2.3.4 - 3 pages]
5. CONFIDENTIAL - Submissions Table [6.2.3.5 - 2 pages]

### Executive Summary

This report proposes to have a special charge declared to part fund the construction of Baker Street, Glen Road, Station Road and Garden Street, Cockatoo. It follows Council's resolution of 13 December 2021 to communicate its intention to declare a special charge for this purpose.

The Station Cockatoo catchment is included in the Australian Government funded Sealing the Hills program. A recent survey of the property owners in the indicated roads in this catchment indicated 70% property owner support to contributing to a scheme from the responses received. Included property owners 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 \$2,535,750 of which \$609,000 is proposed to be funded via the proposed special charge contribution received from the included property owners. This will leave an approximate balance of \$1,926,750 to be funded from the Australian Government grant.

Property owner contributions have been assessed based on 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 7-year payment period be adopted. The financial hardship provisions of this policy provide further relief to those owners demonstrating genuine financial hardship.

Following Council's resolution on 13 December 2021 included property owners were notified of the intention to declare a special charge by mail and by advertisement in the Pakenham Gazette and Hills Trader. One written submission was received in the prescribed 28-day submission period. Details of these submissions are outlined in attachment 5 of this report.

## Background

The Station, Cockatoo catchment that includes Baker Street, Glen Road, Station Road, Garden Street-Cockatoo is included for construction in Council's Sealing the Hills program. The properties included are shown on the plan included as attachment 2 to this report.

A survey of the property owners within the scheme boundary, (total of 88), was undertaken asking if they were in support of contributing to a special charge scheme at a capped contribution rate of \$7,000 per benefit unit, with a benefit unit being defined as:

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

**Table 1. Questionnaire responses**

	Number	Percentage
Total no. properties in scheme	88	100%
No. of responses received	48	55%
No. of responses supporting the scheme	35	70%
No. of responses opposing the scheme	13	30%

Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Baker Street, Glen Road, Station Road, Garden Street-Cockatoo.

Following Council's resolution on 13 December 2021, affected property owners were notified of the intention to declare a special charge scheme.

Since preparing the preliminary construction plans it has been confirmed that the property number 2794750100 on 23 Bailey Road, Cockatoo was Council owned and no charges were allocated.

Council received one written submission from the property owner on 21 Bailey Road, Cockatoo. The written submission expressed concern of being forced to access Glen Road since the construction of footpath on Bailey Road obstructing driveway access. The property owner objected to the construction of the proposed road work on Glen Road and against contribution to the scheme. Details of the submission are outlined in attachment 5.

### **Policy Implications**

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

Section 163 of the Local Government Act provides that Council may not recover a greater portion of the cost of the works than calculated in accordance with the statutory 'benefit ratio' as set out in the previous notice of decision report presented to Council on 13 December 2021. Given that Council has capped the property owner contribution at \$7,000 per benefit unit, the proposed scheme is compliant.

### **Relevance to Council Plan**

#### **2.1 We support the creation of liveable spaces and places**

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

### **Climate Emergency Consideration**

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

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

### **Consultation/Communication**

A letter was sent in September 2021 to the property owners of Baker Street, Glen Road, Station Road, Garden Street-Cockatoo 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 October 2021, a questionnaire was mailed to property owners 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 48 questionnaire responses from 88 included properties were received.

Following the Council resolution on 13 December 2021 where notice of decision was resolved to issue a notice of intention to declare a special charge, property owners were sent a letter and advertisements outlining the proposal placed in the Pakenham Gazette and Hills Trader, providing owners with the opportunity to make a submission or objection within the prescribed 28-day period.

### Financial and Resource Implications

The scheme funding arrangements are as outlined in Table 2.

**Table 2. Preliminary estimated cost of project**

Total estimated cost of scheme	\$2,535,750
Total Council contribution (approx. 76%)	\$1,926,750
Benefiting property owner contribution (approx. 24%)	\$609,000

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

The Australian Government \$150m grant will be used to fund Council's contribution.

Property owners will be offered the option of paying their contribution in full, or by quarterly instalments over 7-years. Instalment payments will include principle and interest, with interest calculated at the declaration of the scheme based on Council's borrowing rate at the time plus one percent.

Council will require the first payment, either in full or by instalment to be made within 6-months of the practical completion of the works.

### Conclusion

That Council proceed to declare a special charge over the properties listed in attachment 4 to part fund the construction of Station Catchment (Baker Street, Glen Road, Station Road, Garden Street-Cockatoo) including a sealed road pavement, kerb and channel and associated drainage and ancillary works, generally in accordance with the concept plans included in attachments 3.

## Resolution

Moved Cr Graeme Moore, seconded Cr Jack Kowarzik.

That Council:

1. That Council notes that following the issue of the notice of decision by Council to declare a special charge scheme on 13 December 2021, to part fund the construction of Baker Street, Glen Road, Station Road, Garden Street-Cockatoo, one submission was received by Council in the prescribed 28-day submission period following advertising this decision. Details of the submissions are outlined in attachment 5 to this report.
2. That a special charge in accordance with Section 163 of the Local Government, 1989 (the Act) be declared as follows:
  - a. A special charge is declared for a period until the works have been completed and the scheme finalised.
  - b. The special charge be declared for the purposes of defraying any expenses incurred by Council in relation to the construction of Baker Street, Glen Road, Station Road and Garden Street, Cockatoo including sealed road pavement, kerb & channel and associated drainage and incidental works. Council considers that these works will be of special benefit to those persons required to pay the special charge, (and who are described in succeeding parts of this resolution).
  - c. The special benefit accruing to those properties to be levied is considered to include improved access, improved amenity and appearance, improved roadside drainage, reduced mud and dust, reduced erosion, and lessened nuisance.
  - d. The following be specified as the area for which the special charge is declared:
    - i. All those properties described in attachment 4 of this report and as highlighted on the plan included as attachment 2.
  - e. The following be specified as the land in relation to which the special charge is declared:
    - i. All properties described in attachment 4 of this declaration.
  - f. The following be specified as the criteria which form the basis of the special charge so declared:
    - i. Those properties fronting, abutting or adjacent to the works.
  - g. The following be specified as the way the special charge so declared will be assessed and levied:
    - i. 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.
    - ii. 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.
    - iii. Existing lots, either developed or vacant, that gain, or will gain, primary access and have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit.
    - iv. Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
    - v. The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163 (4) of the Local Government Act, 1989.
  - h. The total cost of the works is the amount shown in attachment 4 of this report estimated at \$2,535,750.
  - i. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$609,000.



- j. Having regard to the proceeding parts of this resolution but subject to Sections 166(1) and 167(6) of the Local Government Act, 1989, it is recorded that:
- i. The owners of the land described in columns A and B of the table in attachment 4 are estimated liable for the respective amounts set out in column F of the table in attachment 4 and;
  - ii. Such owners may, subject to any further resolution of Council pay the special charge in the following manner:
    - The charge will become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167(3) of the Local Government Act, 1989.
    - The charge may be paid by:
      - Lump sum within one month of the issue of the notice without incurring interest, or
      - Quarterly instalments of principal and interest over a period of up to seven years.
    - Interest will not be charged for three months after the issue of the notice provided the person liable makes timely payment in accordance with the payment arrangements that may be agreed on by Council.
    - In accordance with Sections 167(6)(b) and 172 of the Act, the rate of interest which is payable on instalments is set at the 180 day bank bill rate as published in the Australian Financial Review plus one percent and reviewed every three months, (provided that it will not exceed the rate fixed by the Governor in Council by order of the purposes of Section 172(2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by order for the purposes of this section).

There are no incentives for prompt payment, rebates or concessions associated with this special charge.

Carried



## 6.2.4 Declaration of Special Charge Scheme - Russell-Blackwood catchment

**Responsible GM:** Peter Benazic  
**Author:** Donna Bird

### Recommendation(s)

1. That Council notes that following the issue of the notice of decision by Council to declare a special charge scheme on 13 December 2021, to part fund the construction of Blackwood Lane, Redwood Road (service lane), Gembrook Road (service lane) and Russell Road Gembrook, no submissions were received by Council in the prescribed 28 day submission period following advertising this decision
2. That a special charge in accordance with Section 163 of the Local Government, 1989 (the Act) be declared as follows:
  - a. A special charge is declared for a period until the works have been completed and the scheme finalised.
  - b. The special charge be declared for the purposes of defraying any expenses incurred by Council in relation to the construction of Blackwood Lane, Redwood Road (service lane), Gembrook Road (service lane) and Russell Road Gembrook including sealed road pavement, kerb & channel and associated drainage and incidental works. Council considers that these works will be of special benefit to those persons required to pay the special charge, (and who are described in succeeding parts of this resolution).
  - c. The special benefit accruing to those properties to be levied is considered to include improved access, improved amenity and appearance, improved roadside drainage, reduced mud and dust, reduced erosion and lessened nuisance.
  - d. The following be specified as the area for which the special charge is declared:
    - i. All those properties described in attachment 4 of this report and as highlighted on the plan included as attachment 2.
  - e. The following be specified as the land in relation to which the special charge is declared:
    - i. All properties described in attachment 4 of this declaration.
  - f. The following be specified as the criteria which form the basis of the special charge so declared:
    - i. Those properties fronting, abutting or adjacent to the works.
  - g. The following be specified as the manner in which the special charge so declared will be assessed and levied:
    - i. 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.
    - ii. 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.
    - iii. 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.
    - iv. Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.

- v. The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163 (4) of the Local Government Act, 1989.
- h. The total cost of the works is the amount shown in attachment 4 of this report estimated at \$1,989,500.
- i. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$ 343,000.00.
- j. Having regard to the proceeding parts of this resolution but subject to Sections 166(1) and 167(6) of the Local Government Act, 1989, it is recorded that:
  - i. The owners of the land described in columns A and B of the table in attachment 4 are estimated liable for the respective amounts set out in column F of the table in attachment 4 and;
  - ii. Such owners may, subject to any further resolution of Council pay the special charge in the following manner:
    - The charge will become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167(3) of the Local Government Act, 1989.
    - The charge may be paid by:
      - Lump sum within one month of the issue of the notice without incurring interest, or
      - Quarterly instalments of principal and interest over a period of up to seven years.
    - Interest will not be charged for three months after the issue of the notice provided the person liable makes timely payment in accordance with the payment arrangements that may be agreed on by Council.
    - In accordance with Sections 167(6)(b) and 172 of the Act, the rate of interest which is payable on instalments is set at the 180 day bank bill rate as published in the Australian Financial Review plus one percent and reviewed every three months, (provided that it will not exceed the rate fixed by the Governor in Council by order of the purposes of Section 172(2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by order for the purposes of this section).
- k. There are no incentives for prompt payment, rebates or concessions associated with this special charge.

### Attachments

1. SCS Process Checklist Russell Blackwood [6.2.4.1 - 1 page]
2. SCS Catchment Plan - Russell- Blackwood [6.2.4.2 - 2 pages]
3. Construction Plans - Russell- Blackwood [6.2.4.3 - 10 pages]
4. Russell Rd Blackwood In Gembrook Catchment Special Charge Scheme SCS Apport [6.2.4.4 - 7 pages]

### Executive Summary

This report proposes to have a special charge declared to part fund the construction of Blackwood Lane, Redwood Road (service lane), Gembrook Road (service lane) and Russell Road Gembrook. It follows Council's resolution of 13 December 2021 to communicate its intention to declare a special charge for this purpose.

The Blackwood Lane, Redwood Road (service lane), Gembrook Road (service lane) and Russell Road Gembrook catchment is included in the Australian Government funded Sealing the Hills program. A recent survey of the property owners in the indicated roads in this catchment indicated 77% property owner support to contributing to a scheme from the responses

received. Included property owners 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 \$1,989,500 of which \$343,000.00 is proposed to be funded via the proposed special charge contribution received from the included property owners. This will leave an approximate balance of \$1,646,500 to be funded from the Australian Government grant.

Property owner contributions have been assessed based on 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). Council's 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 7-year payment period be adopted. The financial hardship provisions of this policy provide further relief to those owners demonstrating genuine financial hardship.

Following Council's resolution on 13 December 2021 included property owners were notified of the intention to declare a special charge by mail and by advertisement in the Pakenham Gazette and Hills Trader. No submissions were received in the prescribed 28-day submission period.

## Background

The Blackwood Lane, Redwood Road (service lane), Gembrook Road (service lane) and Russell Road Gembrook catchment that includes Blackwood Lane, Redwood Road (service lane), Gembrook Road (service lane) and Russell Road Gembrook is included for construction in Council's Sealing the Hills program. The properties included are shown on the plan included as attachment 2 to this report.

A survey of the property owners within the scheme boundary, (total of 49, was undertaken asking if they were in support of contributing to a special charge scheme at a capped contribution rate of \$7,000 per benefit unit, with a benefit unit being defined as:

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

Table 1. Questionnaire responses

	Number	Percentage
Total no. properties in scheme	46	100%
No. of responses received	31	67%
No. of responses supporting the scheme	24	77%

No. of responses opposing the scheme	7	15%
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Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Blackwood Lane, Redwood Road (service lane), Gembrook Road (service lane) and Russell Road Gembrook.

Following Council's resolution on 13 December 2021 affected property owners were notified of the intention to declare a special charge scheme.

The following properties have been charged two (2) benefit units as they have the potential to be subdivided. 4 Russell Road, 6 Russell Road and 10 Russell Road. 21 Blackwood Lane has not been charged as this property is the cemetery

### **Policy Implications**

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

Section 163 of the Local Government Act provides that Council may not recover a greater portion of the cost of the works than calculated in accordance with the statutory 'benefit ratio' as set out in the previous notice of decision report presented to Council on 13 December 2021. Given that Council has capped the property owner contribution at \$7,000 per benefit unit, the proposed scheme is compliant

### **Relevance to Council Plan**

#### **2.1 We support the creation of liveable spaces and places**

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

### **Climate Emergency Consideration**

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

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

### **Consultation/Communication**

A letter was sent in September 2021 to the property owners of Blackwood Lane, Redwood Road (service lane), Gembrook Road (service lane) and Russell Road Gembrook 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 October 2021 a questionnaire was mailed to property owners 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 31 questionnaire responses from 46 properties were received.

Following the Council resolution on 13 December 2021 where notice of decision was resolved to issue a notice of intention to declare a special charge, property owners were sent a letter and advertisements outlining the proposal placed in the Pakenham Gazette and Hills Trader, providing owners with the opportunity to make a submission or objection within the prescribed 28 day period

### Financial and Resource Implications

The scheme funding arrangements are as outlined in Table 2.

**Table 2. Preliminary estimated cost of project**

Total estimated cost of scheme	\$1,989,500
Total Council contribution (approx. 83%)	\$1,646,500
Benefiting property owner contribution (approx. 17%)	\$343,000.00

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

The Australian Government \$150m grant will be used to fund Council's contribution.

Property owners will be offered the option of paying their contribution in full, or by quarterly instalments over 7-years. Instalment payments will include principle and interest, with interest calculated at the declaration of the scheme based on Council's borrowing rate at the time plus one percent.

Council will require the first payment, either in full or by instalment to be made within 6-months of the practical completion of the works.

### Conclusion

That Council proceed to declare a special charge over the properties listed in attachment 4 to part fund the construction of Blackwood Lane, Redwood Road (service lane), Gembrook Road (service lane) and Russell Road Gembrook including a sealed road pavement, kerb and channel and associated drainage and ancillary works, generally in accordance with the concept plans included in attachments 3.

## Resolution

Moved Cr Graeme Moore, seconded Cr Jack Kowarzik.

1. That Council notes that following the issue of the notice of decision by Council to declare a special charge scheme on 13 December 2021, to part fund the construction of Blackwood Lane, Redwood Road (service lane), Gembrook Road (service lane) and Russell Road Gembrook, no submissions were received by Council in the prescribed 28 day submission period following advertising this decision
2. That a special charge in accordance with Section 163 of the Local Government, 1989 (the Act) be declared as follows:
  - a. A special charge is declared for a period until the works have been completed and the scheme finalised.
  - b. The special charge be declared for the purposes of defraying any expenses incurred by Council in relation to the construction of Blackwood Lane, Redwood Road (service lane), Gembrook Road (service lane) and Russell Road Gembrook including sealed road pavement, kerb & channel and associated drainage and incidental works. Council considers that these works will be of special benefit to those persons required to pay the special charge, (and who are described in succeeding parts of this resolution).
  - c. The special benefit accruing to those properties to be levied is considered to include improved access, improved amenity and appearance, improved roadside drainage, reduced mud and dust, reduced erosion and lessened nuisance.
  - d. The following be specified as the area for which the special charge is declared:
    - i. All those properties described in attachment 4 of this report and as highlighted on the plan included as attachment 2.
  - e. The following be specified as the land in relation to which the special charge is declared:
    - i. All properties described in attachment 4 of this declaration.
  - f. The following be specified as the criteria which form the basis of the special charge so declared:
    - i. Those properties fronting, abutting or adjacent to the works.
  - g. The following be specified as the manner in which the special charge so declared will be assessed and levied:
    - i. 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.
    - ii. 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.
    - iii. 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.
    - iv. Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
    - v. The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163 (4) of the Local Government Act, 1989.
  - h. The total cost of the works is the amount shown in attachment 4 of this report estimated at \$1,989,500.
  - i. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$ 343,000.00.
  - j. Having regard to the proceeding parts of this resolution but subject to Sections 166(1) and 167(6) of the Local Government Act, 1989, it is recorded that:

- i. The owners of the land described in columns A and B of the table in attachment 4 are estimated liable for the respective amounts set out in column F of the table in attachment 4 and;
- ii. Such owners may, subject to any further resolution of Council pay the special charge in the following manner:
  - The charge will become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167(3) of the Local Government Act, 1989.
  - The charge may be paid by:
    - Lump sum within one month of the issue of the notice without incurring interest, or
    - Quarterly instalments of principal and interest over a period of up to seven years.
  - Interest will not be charged for three months after the issue of the notice provided the person liable makes timely payment in accordance with the payment arrangements that may be agreed on by Council.
  - In accordance with Sections 167(6)(b) and 172 of the Act, the rate of interest which is payable on instalments is set at the 180 day bank bill rate as published in the Australian Financial Review plus one percent and reviewed every three months, (provided that it will not exceed the rate fixed by the Governor in Council by order of the purposes of Section 172(2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by order for the purposes of this section).
- k. There are no incentives for prompt payment, rebates or concessions associated with this special charge.

Carried



## 6.2.5 Response to Petition regarding the Garfield Township Strategy

**Responsible GM:** Lili Rosic  
**Author:** Anita Ransom

### Recommendation(s)

That Council:

- Notes the petition received from the Garfield Action Group.
- Notes that funding for the review of the Garfield Township Strategy will be considered by Council in the preparation of its 22/23 FY budget.
- Notes that development of the Garfield Township Strategy will require and include community engagement. All feedback will be considered by Council prior to finalisation of the Strategy.
- Notes that the two planning applications referred to in the submission will be assessed in accordance with the Planning Scheme under the current legislative controls.
- Thanks the head petitioner for submitting the petition and requests Council Officers write to the head petitioner informing them of Council's resolution.

### Attachments

Nil

### Executive Summary

A petition has been received from the Garfield Action Group requesting that *“Council promptly instigate a review of the Garfield Township Strategy, which has not been updated since 2002”*. The Petition has been signed by approximately 92 people.

The Petition refers to two current planning applications in Garfield, at 41-43 Nar Nar Goon Longwarry Road, and at 50 Railway Avenue, and states that the two applications highlight the lack of consideration for planning in Garfield.

A review of the Garfield Township Strategy is not included in the 21/22 financial year work plan and scheduling will be considered in the development of Council's 22/23 FY budget. The Cardinia Planning Scheme has a number of existing policies, zones and overlays that control and guide development within Garfield and provide a framework for the assessment of planning permit applications.

### Background

The Garfield Township Strategy was adopted by Council in August 2002. It is listed in the Cardinia Planning Scheme as a reference document.

Council has received a Petition from the Garfield Action Group requesting that *“Council promptly instigate a review of the Garfield Township Strategy, which has not been updated since 2002”*.

The petition refers to two current planning applications in Garfield, at 41-43 Nar Nar Goon Longwarry Road, and at 50 Railway Avenue, and states that the two applications highlight the lack of consideration for planning in Garfield.



Specifically the petition requests:

*“that Council promptly instigate a review of the Garfield Township Strategy – which has not been updated since 2002. The community of Garfield wish to be consulted on and included in the process of reviewing and revising (as appropriate) a Garfield Township Strategy which provides and overall framework within which future development in Garfield (and particularly the above two Applications) can be planned and managed.*

*Once this process is carried out, the community should be engaged in and with the new Garfield Township Strategy. This can then provide clarity for the community and parties involved in planning applications for properties in Garfield. Hopefully this would also reduce the likelihood of objections to future applications, so that appropriate development can be processed in a clear and structured manner”.*

The application at 41-43 Nar Nar Goon Longwarry Road is for construction of three (3) additional shops, alterations and partial demolition to Heritage buildings, construction of a dwelling, reduction in car parking requirements and alteration of access to a Road Zone Category 1. This application has been through public advertising. It has received several objections and will be considered for a decision at a future Council meeting (date to be confirmed).

The application at 50 Railway Avenue is for buildings and works associated with the construction of five (5) dwellings. This application has also been through public advertising, received several objections and will also be considered at a future Council meeting (date to be confirmed).

Council has commenced the review of its Hills Township Strategies to ensure appropriate development with the Shire. The Upper Beaconsfield, Emerald, Cockatoo and Gembrook Township Strategies are to be completed in the 23/24 FY. Scheduling of the reviews was based on mitigating the largest risks to Council and the community, for example the impact of the introduction of Clause 53.02 - Bushfire Planning and the Bushfire Management Overlay which changes the way in which the hills township can be considered for development. Reviews of township strategies are undertaken by the Planning Strategy and Urban Design team and can take several years to complete.

Any application received for development within Garfield would need to be assessed under the policy, zones and overlays in the Cardinia Planning Scheme as applicable. Although Council is obliged to accept planning applications if they have all the required supporting documentation, Council needs to decide whether the proposal will produce acceptable outcomes in terms of the State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF), the purpose and decision guidelines of the planning scheme requirements and any other decision guidelines in Clause 65 of the scheme. Planning applications for developments that are not in accordance with Planning Scheme and relevant policies are generally unsuccessful.

Applications for two or more dwellings on a lot are also subject to assessment under Clause 55 (Rescode), which provides a set of objectives to be met, including setbacks, building heights, private open space provision, overlooking, landscaping, and neighbourhood character. These need to be demonstrated in any planning application to be granted a permit of this type.

The two applications currently under consideration in Garfield at 41-43 Nar Nar Goon Longwarry Road, and at 50 Railway Avenue are currently being considered as part of the planning permit application process. The applicants and objectors will be kept informed as the decision-making process continues.

## Policy Implications

There are several current policies within the Cardinia Planning Scheme that guide development within Garfield.

State Planning Policy Framework.

Clause 11.03-1S (Peri-urban areas) provides direction on growth in peri-urban areas, to protect and enhance their identified valued attributes. Strategies to do this include:

- Establish growth boundaries for peri-urban towns to avoid urban sprawl and protect agricultural land and environmental assets.
- Enhance the character, identity, attractiveness and amenity of peri-urban towns

Clause 15.01-1S (Urban design) seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. This includes:

- Requiring development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
- Ensuring that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.

Clause 15.01-2S (Building design) is to achieve building design outcomes that contribute positively to the local context and enhance the public realm. This is to be achieved through:

- Ensuring development responds and contributes to the strategic and cultural context of its location.
- Minimising the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- Ensuring the form, scale, and appearance of development enhances the function and amenity of the public realm.
- Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.

Clause 15.03-1S (Heritage conservation) seeks to ensure the conservation of places of heritage significance. This includes:

- Encouraging appropriate development that respects places with identified heritage values.
- Retaining those elements that contribute to the importance of the heritage place.
- Encouraging the conservation and restoration of contributory elements of a heritage place.
- Ensuring an appropriate setting and context for heritage places is maintained or enhanced.

Local Planning Policy Framework

Clause 21.02-6 (Post Contact heritage) seeks to provide for the protection and appropriate management of sites of heritage significance. This includes recognising the significance of

heritage buildings and sites in contributing to the character of townships within the municipality.

Clause 21.03-1 (Housing) seeks to balance the diversity of housing types in rural townships while ensuring consistency with the character of the township, through ensuring residential development and subdivisions are designed to be responsive to existing urban character.

Clause 21.03-4 (Rural townships) recognises Garfield as a large rural township. Key issues for Cardinia Shire's rural townships include:

- Retaining and enhancing existing rural township character
- Setting clear limits for development for the townships.
- Acknowledging that the capacity for growth varies depending on the environmental and infrastructure capacities of each of the towns.
- Designing with regard to the surrounding unique characteristics of the townships

Clause 21.06-1 (Urban design) notes that good design is based on the principle of being site responsive, designing to take into account the character and constraints of a site and wider area. Key issues include recognising design issues in the rural townships including the need to protect and enhance the character and appearance of the town centres and associated sites of cultural and heritage significance.

This is to be achieved by:

- Ensuring that all development considers the character and constraints of the site and wider area.
- Ensuring development contributes to the character, identity and sense of place of the area, particularly in newly developing areas.

Any development within Garfield is also subject to the zone and overlay controls applied through the Cardinia Planning Scheme.

## **Relevance to Council Plan**

### **5.1 We practise responsible leadership**

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

5.1.3 Strive to be a customer focused organisation and be a great place to work.

## **Climate Emergency Consideration**

The existing policies and provisions in the Cardinia Planning Scheme encourage development within the existing township boundary for Garfield. This allows for the efficient use of land and prevents the loss of farmland located outside the township boundary.

## **Consultation/Communication**

A review of the Garfield Township Strategy would include community consultation at relevant stages in the process to seek feedback and input on the strategy and planning scheme amendment to implement it into the Cardinia Planning Scheme.

Planning permit applications are required to be publicly advertised, except where exempt under the Cardinia Planning Scheme.

### **Financial and Resource Implications**

Council officers in the Planning Strategy and Urban Design Department are currently working on several amendments, including several that have been requested by proponents, responses to State Government policy changes and proposed changes to the Cardinia Planning Scheme, as well as the development of other policies.

Undertaking a review of the Garfield Township Strategy would require the preparation of several background reports, including but not limited to a bushfire risk assessment, traffic and transport assessment, economic analysis, and infrastructure review. This information would then be used to develop the Strategy. Community consultation would be undertaken at key stages during development. Once the Strategy is finalised, a planning scheme amendment process will need to be completed. This process would require a budget of approximately \$100,000 for background studies. The Strategy development and amendment process is anticipated to take anywhere from 1-3 years to complete and the final strategy would be subject to approval by the Minister for Planning. The stages of the Strategy review would include, background assessments of existing policies, background technical reports supporting townships strategies, planning scheme amendment. There will be public consultation built into some of these processes.

Funding for the review of the Garfield Strategy will be considered as part of the development of Council's 22/23 FY budget and 10-year program of works. The draft budget will be publicly displayed from mid-April to mid-May for community feedback. Council will consider this feedback prior to adopting the budget.

### **Conclusion**

Council has received a petition from the Garfield Action Group requesting that the Garfield Township Strategy be reviewed. Council officers note the concerns of the petitioners. All planning applications that pertain to land within the Garfield Township will be assessed in accordance with the existing framework of policy, zones and overlays, within the Cardinia Planning Scheme that provides guidance for new development within Garfield, to achieve appropriate development in the area thereby protecting the neighbourhood character.

The timing of the review of the Garfield Township Strategy will be considered during development of the draft Council budget 22/23 FY.

## **Resolution**

Moved Cr Graeme Moore, seconded Cr Kaye Cameron.

That Council:

- Notes the petition received from the Garfield Action Group.
- Notes that funding for the review of the Garfield Township Strategy will be considered by Council in the preparation of its 22/23 FY budget.
- Notes that development of the Garfield Township Strategy will require and include community engagement. All feedback will be considered by Council prior to finalisation of the Strategy.
- Notes that the two planning applications referred to in the submission will be assessed in accordance with the Planning Scheme under the current legislative controls.
- Thanks the head petitioner for submitting the petition and requests Council Officers write to the head petitioner informing them of Council's resolution.

Carried

## 6.2.6 Pakenham LXP - Community Asset Upgrades

**Responsible GM:** Lili Rosic  
**Author:** Narelle Bulleid

### Recommendation(s)

That Council:

- delegates the Chief Executive Officer (CEO), on behalf of Council, to negotiate and approve the scope of improved community assets that form part of the Level Crossing Removal Project (LXP) project, with the LXP project authority.
- Notes the principles for the improved community assets that will inform the negotiations include the following:
  - Value for money.
  - Needed in the community.
  - Consistent with feedback from community about the project and open space in Cardinia.
  - Consistent with the existing and future aspirations of the Pakenham Major Activity Centre, other Council policies, strategies, and Council's Vision for the project.
  - Will not present an extraordinary maintenance burden into the future.

### Attachments

Nil

### Executive Summary

Level Crossing Removal Project have provided the opportunity for Council's officers and the CEO to discuss and negotiate additional improvements to community assets in and around the project area. Council officers are seeking endorsement to progress these negotiations.

This report includes clear principles that will be used to inform which community assets will be provided in the open space areas created through the Pakenham Level Crossing Removal Project. Council has identified the opportunity to achieve some localised capital enhancements within the LXP area or connected to the project area above the base project scope that has been proposed. This will be negotiated through the Land and Asset Agreement with the Level Crossing Removal Project, that includes funding for the future maintenance of the area.

The expectations for the upgrades are to balance the provision of improved facilities and spaces for the community whilst ensuring these areas are functional and maintainable into the future. The following key principles for any asset upgrades above the base scope of the project have been identified. These will provide a sound base for the community assets upgrades, ensuring they are sustainable into the future, and achieve the best outcome for the community.

#### *Principles:*

- Value for money: The infrastructure and community asset upgrades are reasonably priced with savings through aligning timing and delivery of the improvements.

- Need in the community: Infrastructure and community assets that are needed for the community providing improved accessibility, connectivity with the assets and facilities to meet the needs of the community.
- Consistent with feedback from community about the project and open space in Cardinia: The proposed upgrades are consistent with suggestions made in the community feedback that was conducted by LXR in 2021 and within the community consultation relating to Council's Open Space Strategy.
- Consistent with the existing and future aspirations of the Pakenham Major Activity Centre, other Council policies, strategies and Council's Vision for the project: Key infrastructure that will encourage the revitalisation of Pakenham including the directly interfacing areas along the project corridor, with community spaces facilitating community connection, interaction and engagement.
- Will not present an extraordinary maintenance burden into the future; To ensure that the ongoing maintenance of any improvements will not be an excessive cost for Council into the future.

## Background

The Level Crossing Removal Project (LXR) incorporates the McGregor Road, Main Street and Racecourse Road level crossings with an elevated rail solution providing for open space and connection opportunities between the north and south of the Pakenham. The Pakenham Station redevelopment is elevated with integrated bus exchange and parking with the extension of the metropolitan line to a new station east of Pakenham to be known as East Pakenham Station.

Council resolution 17 August 2020 noted that Council support the Level Crossing Removal Project Pakenham and Pakenham Station Redevelopment whilst advocating for the project to include:

- *Improvements to support and enhance opportunities for existing and future businesses.*
- *Integration of the train station, bus exchange and car parking with the town centre and surrounding communities including improved pedestrian connections.*
- *Provision of safe, functional, and maintainable community spaces.*
- *Improvement of amenity of the area including landscaping throughout the precinct.*
- *Provision of improved traffic circulation including new pedestrian and bicycle connections that are integrated with existing paths.*
- *Minimal disruption to local businesses and wider community during construction.*

Council officers are continuing to work with the Level Crossing Removal Project to advocate for these project outcomes. Council officers have identified the opportunity to discuss and negotiate additional improvements to community asset in and around the project area. Council has a time critical opportunity to advance negotiations regarding the legacy community assets for the LXR area and surrounds. Clear principles have been developed to progress negotiations and inform decisions regarding asset requirements.

Council officers are seeking Council's endorsement for Council's CEO to negotiate on behalf of Council with the LXR authority's representatives to achieve the capital improvements to the project area and surrounds in accordance with Council's endorsed advocacy position and the abovementioned principles.



## Policy Implications

The project is consistent with previous Council lobbying for the Level Crossing Removal of the three level crossings within Pakenham which is clearly identified in the Council Plan, the Cardinia Planning Scheme and in the adopted Pakenham Structure Plan 2019 and Pakenham Major Activity Centre Urban Design Framework 2019.

## Relevance to Council Plan

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

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

1.1.4 Facilitate a partnership approach to create safer communities.

### 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.

2.1.4 Advocate for increased and more-connected public transport options.

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

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

### 5.1 We practise responsible leadership

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

## Climate Emergency Consideration

The proposed infrastructure upgrade will improve public transport provision and activity transport infrastructure in the area and reduce the need for use of cars reducing impacts in terms of the climate emergency. Further the new infrastructure will be designed and maintained in line with climate change predictions and assumptions, such as flooding and extreme heat.

## Consultation/Communication

The project is being managed and delivered by the LXR and State Government. The community has been able to directly input into the design through the LXR community consultation in October 2021. Additionally, Council's project team have regular meetings with their state government peers at LXR to review plans and provide input into the design of the projects and advocate for the best outcome for the community. Additionally, Council's Chief Executive Officer, General Manager Liveable Communities and General Manager Infrastructure and Environment meet with the CEO and senior staff from Level Crossing Removal Project, to resolve any strategic issues and advocate for the best outcomes for the community.

## Financial and Resource Implications

The final open space design and assets will have both financial and resource implications in regard to the long-term maintenance, however this is still to be determined. It is proposed that a Land and Asset Agreement with the Level Crossing Removal Project is negotiated by Council's delegate and the LXR authority and this will include the provision of jointly agreed funding for maintenance of Council new assets for up to 10 years and agreed capital upgrades. The improvements to community assets will assist in the revitalisation of Pakenham



and will transform the open spaces. The new and enhanced open space will promote visitation, community connectivity and physical activity.

**Conclusion**

Council will continue to work in partnership with the LXP authority to create safe, accessible, and vibrant public places that will revitalise Pakenham and improve community wellbeing and connectedness. Any future upgrades to infrastructure will need to meet the needs of the current and future community, be value for money and align with Council's Vision, endorsed policies and strategies.

## Resolution

Moved Cr Jack Kowarzik, seconded Cr Graeme Moore.

That Council:

- delegates the Chief Executive Officer (CEO), on behalf of Council, to negotiate and approve the scope of improved community assets that form part of the Level Crossing Removal Project (LXRP) project, with the LXRP project authority.
- Notes the principles for the improved community assets that will inform the negotiations include the following:
  - Value for money.
  - Needed in the community.
  - Consistent with feedback from community about the project and open space in Cardinia.
  - Consistent with the existing and future aspirations of the Pakenham Major Activity Centre, other Council policies, strategies, and Council's Vision for the project.
  - Will not present an extraordinary maintenance burden into the future.

Carried

## 6.3 Policy Reports

### 6.3.1 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 16<sup>th</sup> 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 4.10 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. Local Law 20 - Open Air Fires Local Law - version 4-10 (including maps) [6.3.1.1 - 55 pages]
2. Certificate pursuant to section 74(1) Local Government Act 2020 [6.3.1.2 - 1 page]
3. Local Law 20 - Open Air Fires - Permit Policy [6.3.1.3 - 10 pages]
4. LLCIS - Local Law 20 - Open Air Fire Local Law 2022 v 1.1 [6.3.1.4 - 8 pages]
5. Engagement and Communications Summary [6.3.1.5 - 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 4.10) 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 July 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 CO<sub>2</sub> into the atmosphere. Unlike bushfires and prescribed landscape burning, small open-air fires do not re-absorb CO<sub>2</sub> 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 4.10 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.

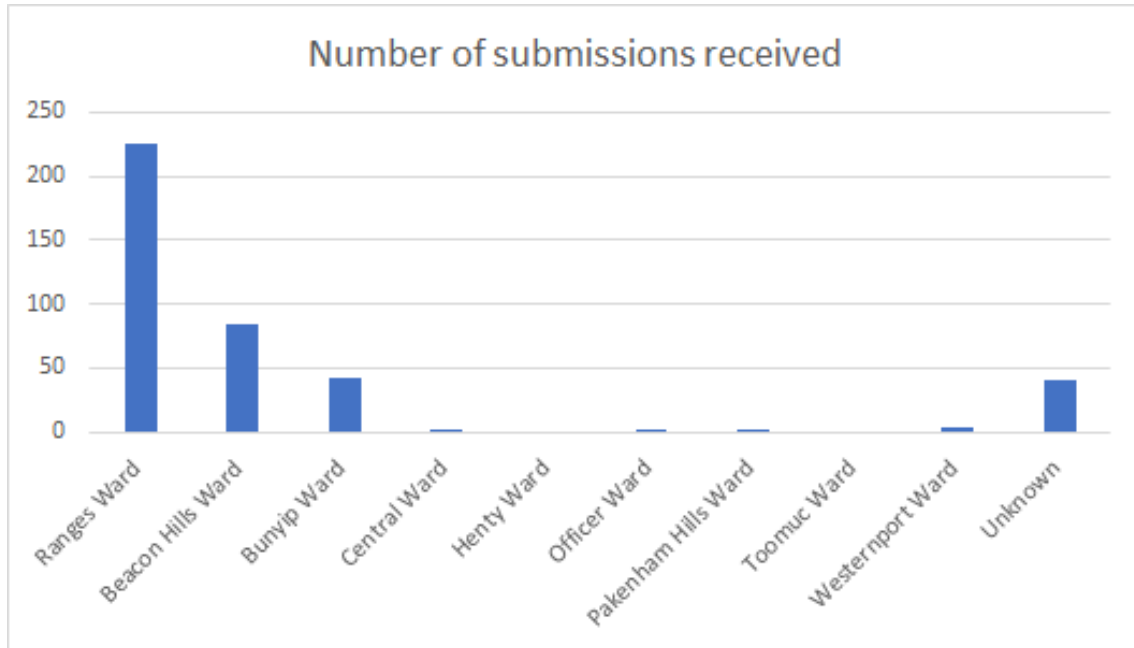
The table below outlines the methods of communication that were used and the reach of each method (where available).

Email	176
SMS Message	1011
Facebook	10,887
Creating Cardinia	5907
<b>Newspapers</b> Pakenham Gazette Ranges Trader	Unknown
Connect Magazine	46,000
<b>Community Newsletters</b> 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.

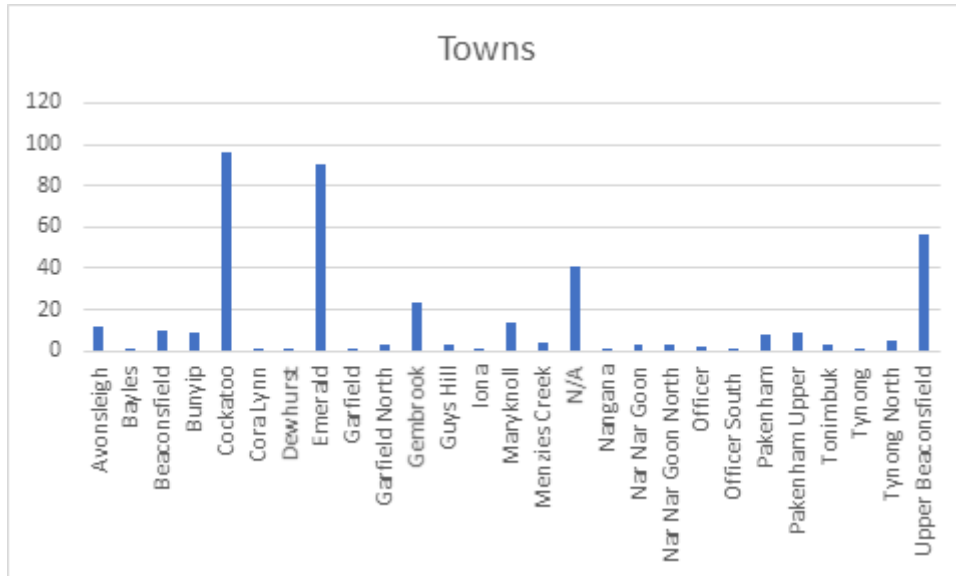
Upon reading all of the submissions, Council staff have identified 21 ‘themes’. Many submissions addressed multiple themes, and a total of 737 opinions were expressed across the 21 themes. There were 69 instances where it was not possible to identify a specific theme, or where the feedback expressed 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.



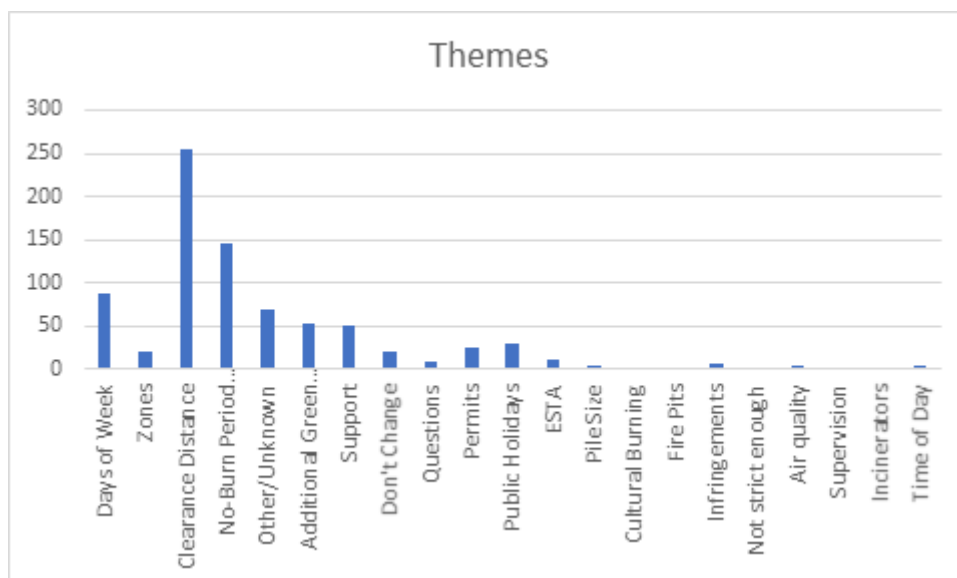
Ranges Ward	226
Beacon Hills Ward	85
Bunyip Ward	43
Central Ward	1
Henty Ward	0
Officer Ward	1
Pakenham Hills Ward	2
Toomuc Ward	0
Westernport Ward	3
Unknown	41





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 during 2022 (pending the commencement of the Local Law).

## **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 needs of the land owners.

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 permit process will allow Council staff to monitor the nature and purposes of open air fires in these properties. If the need to burn off remains for an extended period of time, this will inform reviews of the zone mapping from time to time.

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 a burning.

Some residents expressed the view that current green waste drop of 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 you 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 Jack Kowarzik.

That Council:

1. That Council amend the proposed Local Law 20 – Open Air Fires Local Law (ver4.10), to substitute the Beaconsfield detail map (page 34) with the map labelled Attachment BO-1, to amend the zoning of properties to the north of Holm Park Rd, Beaconsfield, and to amend the commencement date.
2. That Council undertake further consultation regarding the amendment with affected persons, in accordance with Section 73(6) of the Local Government Act
3. That the results of the consultation, and the proposed Local Law be considered further at a future Council meeting.

Carried

## 6.4 Financial Reports

### 6.4.1 Supply & Implementation of a SaaS based Financial Management System - Tender CT021-025

**Responsible GM:** Jenny Scicluna  
**Author:** Scott Moore

#### Recommendation(s)

That Council accepts the tender submitted by TechnologyOne Limited for:

1. Implementation fees \$463,327
2. Ongoing operational SaaS fees as determined within operational budgetary constraints, for year 2 to 5 of \$618,635pa., increased each year in line with CPI
3. For a period of five years plus three optional extensions of two years each at the sole discretion of Council.

There are adequate funds over the life of the contract in the current Budget 2021-22 and draft Financial Plan 2022-32 to award these contract works and the evaluation panel is confident in this Company's ability to complete the contract within the specified timeframes.

#### Attachments

1. CONFIDENTIAL - CT021 025 Confidential memorandum [6.4.1.1 - 5 pages]

#### Executive Summary

CSC currently utilises TechnologyOne financial management software, which has been in production within CSC and hosted 'on premise' by CSC for approximately 15 years. The current software will not be supported past 2024, which will result in CSC having no access to upgrades, fixes and patches associated with the software. The end-of-life process commences on 1 October 2022, with only limited legislative changes being supported for only another 12 months.

As such, the aim is to replace the existing 'on premise' TechnologyOne system with a fit for purpose integrated SaaS delivered financial management software solution. CSC issued the Request for Tender (RFT) on 22 May 2021 seeking currently marketed software solutions to provide enterprise financial management capability to replace the existing financial management and supplier invoice processing systems.

The Request for Tender resulted in three leading software options being shortlisted, of which the recommended tenderer software was deemed to best meet requirements, represent value for money in comparison to other software.

#### Background

The current TechnologyOne financial management software utilised 'on premise' by CSC for the past 15 years will not be supported past 2024, which will result in CSC having no access to upgrades, fixes and patches associated with the software.

The CSC Information Service strategic view requires proposals for new application delivery within CSC to be Software as a Service (SaaS).

SaaS is a cloud-based software delivery model in which the cloud provider develops and maintains cloud application software, provides automatic software updates, and makes software available to its customers (CSC) via the internet.

With the implementation of the *Local Government Act 2020*, specifically Part 4 in relation to 10-year financial plans, budget management and asset management, the current finance software will not be able to provide the level of technology support to enable adequate management and reporting.

As such, the aim is to replace the existing on-premise system with a fit for purpose integrated SaaS delivered financial software solution. CSC issued the Request for Tender (RFT) on 22 May 2021 seeking currently marketed software solutions to provide enterprise financial management capability to replace the existing financial management and supplier invoice processing systems.

The tendered requirements for a financial management system included the following modules:

- Accounts Payable (including automated invoice processing)
- Accounts Receivable
- Bank Reconciliation
- General Ledger/Cost Ledger (including budget and project ledgers)
- Purchasing/Procurement (including RFQ and contract management)
- Creation of financial plans, budgets and forecasts
- Project Management.

Tenders closed on 22 June 2021 with eleven submissions received from the following software vendors:

Civica Pty Ltd	InfoTech ANZ Pty Ltd
CountERPart Solutions Pty Ltd	Open Office Holdings Pty Ltd
Dialog Pty Ltd	Pagero Australia Pty Ltd
Deloitte Consulting Pty Ltd	Single Cell Mobile Consulting Pty Ltd t/a (Portt)
eCloud Business Services Pty Ltd	TechnologyOne Limited
Evolutionary Systems Pty Ltd	

Tender assessment was a multi-staged evaluation process. The first stage included a series of Pass/Fail questions to ascertain that only appropriate tender submissions proceeded. This stage saw one tenderer fail to proceed due to tendered price well above budget availability.

The following stages saw the evaluation panel perform a detailed assessment and score each submission. A shortlist was agreed, and product demonstrations were undertaken. Further information was sought from the recommended tenderer, and extensive reference checks were conducted.

The recommended solution includes deployment of the latest modules across the Financial, Procurement and Project Management domains, such as: eInvoicing, Intelligent Invoice Processing, Expense Management, Business Process Automation, Advanced Sourcing

(Tenders), Purchasing, Contracts, Supplier Portal, Project Lifecycle Management, Project Investment Prioritisation & Optimisation.

It is important to note that the recommended tenderers solution is modular by design, a strategic platform that can be selected, purchased, and implemented at CSC's pace and only for the components Council wishes to invest in.

At the conclusion of the formal tender process the evaluation panel propose that the recommended tenderer be awarded the contract.

### **Policy Implications**

The proposed new Finance System will support the following council Policies:

- 10 Year Financial Plan
- Annual Budget
- Procurement Policy.

### **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.

5.1.3 Strive to be a customer focused organisation and be a great place to work.

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

The recommended solution enables a modern, open, and scalable technology platform with best practice, configurable, enterprise solution delivered through a Software as a Service (SaaS) deployment model.

The solution delivers enterprise-wide control and integration of financial information essential to strategic decision-making and the power to track, monitor, control, analyse and report on any information within the general ledger, specific organisational projects, or procurement exercises.

### **Climate Emergency Consideration**

Continues and increases the paperless office capability due to web based nature of the software solution.

### **Consultation/Communication**

Internal communication has been undertaken to advise Council staff of the commencement of the Finance System redevelopment project in March and August 2021.

The Finance System Redevelopment project has adopted a formal project management methodology and associated governance structure, including:

- Project Steering Committee; comprised of several General Managers and Management positions within Council;
- Project Working Group: comprised of several Management and Team Leader positions within Council, with direct day to day involvement in a finance system.

Additionally, staff were invited to and participated in a two-day presentation from the recommended tenderer in November 2021.

The project will develop and deliver a detailed Communication and Stakeholder Management plan as part of the formal implementation stage with the recommended tenderer.

## Financial and Resource Implications

The recommended tenderer has a final 5yr contract price of \$2,937,865, comprising an implementation price in the first year of \$463,327 and an annual service contract charge of \$618,635 in contract years 2 to 5 (including \$318,870 deferral of the first year SaaS service contract fee). This final 5yr contract price is \$265,000 below the original tender price of \$3,202,865.

There are adequate funds over the life of the contract in the current Budget 2021-22 and draft Financial Plan 2022-32 to award these contract works and the evaluation panel is confident in this Company's ability to complete the contract within the specified timeframes.

The total project implementation cost (excluding ongoing annual service costs) of \$2,107,578 includes internal council project resource costs of \$1,644,251 and vendor implementation cost of \$463,327. This is against a current total budget of \$1.775m, resulting in a budget increase of \$332,578 being required in financial year 2022-23.

Original Tender Price – 5yrs (Implementation, Annual SaaS Fee, development environment and Reporting Database facility)	\$3,202,865
Final Total Contract Price – 5yrs	\$2,937,865
Recommended tenderer Implementation Cost (included in total contract price above)	\$463,327
Ongoing service contract costs (including Annual SaaS Fee, development environment and Reporting Database facility)	\$Nil – Yr 1 (\$318,870 deferred to Yrs 2 to 5) \$618,635pa – Yrs 2 to 5

## Project Implementation Costs

### (Vendor implementation and internal resourcing only)

Total Project Budget	\$1,775,000
Estimated Total Project costs	\$2,107,578
Total Project Budget Deficit (Due to new and additional costs - change management, data migration and IT system integration resources, and a project contingency - identified during RFT reference site visits and detailed system module analysis during commercial negotiations.)	\$332,578

When compared to more recent software implementations across CSC (M365, SharePoint), where the resources were able to stall or postpone all other work until implementation was complete, the CSC resources associated with this project will be required to form a project team solely for the implementation period.

The necessity of business as usual and daily financial management obligations of the Finance team require resource backfill in their substantive role. This may also be applicable to other business representatives within the proposed project team.

The indicative high level project schedule is:

- Commencement - May 2022
- Planning @ 60 working days - July 2022

- Implementation @ 120 working days - Dec 2022

The definitive go live date will be determined to ensure minimal impact to CSC business as usual.

### **Conclusion**

The current TechnologyOne software will no longer be supported by 2024. The recommended tenderer software was deemed to best meet requirements, represent value for money in comparison to other software and offer a reduced risk profile due to the feedback from reference sites.

## **Resolution**

Moved Cr Stephanie Davies, seconded Cr Collin Ross.

That Council accepts the tender submitted by TechnologyOne Limited for:

1. Implementation fees \$463,327
2. Ongoing operational SaaS fees as determined within operational budgetary constraints, for year 2 to 5 of \$618,635pa., increased each year in line with CPI
3. For a period of five years plus three optional extensions of two years each at the sole discretion of Council.

There are adequate funds over the life of the contract in the current Budget 2021-22 and draft Financial Plan 2022-32 to award these contract works and the evaluation panel is confident in this Company's ability to complete the contract within the specified timeframes.

Carried

## 6.4.2 Princes Highway Intersection Upgrades, Officer

**Responsible GM:** Peter Benazic  
**Author:** Peter Quigley

### Recommendation(s)

That Council:

1. Accept the following tenders submitted by Negri Contractors Pty Ltd, subject to additional Federal Government funding for:
  - a) Contract 21-034, Princes Highway/Bayview Rd intersection, \$8,759,611.49 (exc GST)
  - b) Contract 21-036, Princes Hwy/Station St/Tivendale Rd Intersection, \$7,403,519.83 (exc GST)
2. Advise the remaining Tenderers accordingly

### Attachments

1. CT 21-034 Bayview Rd Princes Highway Intersection - Tender Plans [6.4.2.1 - 118 pages]
2. CT 21-036 Station St Tivendale Rd Tender Drawings [6.4.2.2 - 141 pages]
3. CONFIDENTIAL - Confidential Council Memo Contracts 21 034 21 036 [6.4.2.3 - 10 pages]

### Executive Summary

The tenders for the upgrade of the Princes Highway intersections at Bayview Road and Tivendale Road/Station Street have been received. The tenders submitted by Negri Contractors Pty Ltd have been evaluated and are deemed the most advantageous for Council, providing the best value for money and excellent service through their experience.

These two projects are part DCP funded and part Federally funded. The total combined tender amount, when combined with the services relocation costs, exceeds the total funds available for these projects. Additional funds have been sought from the Australian Government and an in-principal agreement has been given by the Minister, however confirmation of the additional funding is not expected until early April 2022.

Consequently, it is recommended that Council delegate the acceptance of both tenders to the CEO to enable formal acceptance once additional funding is obtained and avoid further delays progressing to construction.

### Background

The Officer Precinct Structure Plan identified the need to upgrade several intersections along the Princes Highway between Beaconsfield and Pakenham. Significant Federal Funding has been gained to supplement the DCP funds available for these works.

The Princes Highway Intersections Upgrade project includes Bayview Rd and Station St/Tivendale Rd intersections.

To date, two intersections (O'Neil Road and Glismann Road/Beaconsfield Avenue) have been constructed under the project.



Future intersections to be upgraded include Brunt Road/Whiteside Road, Arena Parade, and McMullen Road.

The upgrading of the Bayview Rd intersection includes the connection to existing Pioneer Way and allowance for the future north-south arterial road to be delivered by the state.

Construction of both intersections also involve significant relocation of services that is currently underway.

The layout of the upgraded intersections is in accordance with the proposals contained in the PSP and will result in the intersection being constructed to the ultimate requirement as determined by DoT.

Tenders were publicly advertised on 15<sup>th</sup> November 2021 and closed on 14<sup>th</sup> December 2021 at 2.00pm. It is a federal funding requirement that for any contracts exceeding \$4M (inclusive of GST), all tenderers are to be prequalified under the Federal Work Health and Safety Scheme, and Council also set a DoT prequalification level of R4 or F005. Due to this requirement, the Construction Contracts Panel could not be utilised.

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

The following table details the tenders (exc GST).

Contractor name	Contract 21-034 Princes Hwy/Bayview Rd Intersection (exc GST)	Contract 21-036 Princes Hwy/Station St/Tivendale Rd Intersection (exc GST)
Negi Contractors	\$8,962,111.49	\$7,606,019.83
MACA Infrastructure	\$10,311,373.31	\$8,382,782.58
BMD	\$11,367,409.78	\$10,447,363.91

Two tenderers offered the following discounts should they be awarded both contracts:

Negri Contractors	\$405,000
MACA	\$150,000

The Officer Precinct Structure Plan identified the need to upgrade several intersections along the Princes Highway between Beaconsfield and Pakenham. Significant Federal Funding has been gained to supplement the DCP funds available for these works.

The Princes Highway Intersections Upgrade project includes Bayview Rd and Station St/Tivendale Rd intersections.

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

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MACA Infrastructure	\$10,311,373.31	\$8,382,782.58
BMD	\$11,367,409.78	\$10,447,363.91

Two tenderers offered the following discounts should they be awarded both contracts:

Negri Contractors	\$405,000
MACA	\$150,000

## Policy Implications

### 2. Livable places

Priority: How we plan and grow creates places that enhance our community's health and wellbeing

Strategies:

- 2.1 Advocate, plan for and deliver accessible community infrastructure and services that address community need.
- 2.5 Upgrade Council's road network to improve safety and connectivity while considering traffic demand and freight transport needs.

### 3. Thriving environments

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

Strategies:

- 3.1 Partner with the community, business and industry to take action on, and adapt to, climate change.
- 3.3 Work with the community to improve and manage our natural assets, biodiversity and cultural heritage.
- 3.5 Facilitate community stewardship to build preparedness for natural threats.

### **5. Responsible leaders**

Priority: We are accountable and make informed and responsive decisions that balance our current and future community's needs

Strategies:

- 5.1 Build trust through meaningful community engagement and transparent decision-making.
- 5.2 Manage our finances responsibly and leave a positive legacy for future generations.

Fits into Council's theme: together, differently, for the future.

The works have been developed in accordance with the Officer Precinct Structure Plan

### **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**

Council declared a climate emergency on 16 September 2019 in response to the overwhelming climate science which indicates rising global temperatures are putting our local economy, people, species and ecosystems at risk. This declaration resolved to:

- Give priority to policy and actions that will provide for both mitigation and adaptation in response to accelerating global warming and climate change

The Council Plan acknowledges tackling climate change and its impact on our environment, economy and people. The effects of climate change are already being seen through more warm spells, frequent and intense downpours and longer fire seasons. It's impacting our biodiversity, water supplies, energy demand and health. As outlined in our Sustainable Environment Policy 2018-28, we recognise that every action our community and Council takes influences our environment. We want to make that influence as positive as possible.

### **Consultation/Communication**

Consultation with DoT (VicRoads) and all relevant service Authorities has been undertaken and extent of service relocation established. DOT (VicRoads) have approved all design plans.

Members of the project team have also held an information session (online) as part of the Officer Community Association general meeting in September 2021. Members were invited to seek questions and feedback from the local community and relay to Council.

Further consultation has commenced with local businesses and residents in the Officer area to advise them of the upcoming road works.

Information regarding the projects, including layout plans and project features, have been made public on Councils Better Local Roads website.

### **Financial and Resource Implications**

These projects are part DCP funded (Bayview Rd \$3,748,854.00, Station St/Tivendale Rd \$2,297,489.00) and part Federally funded (\$8,751,955.00). Total funds available for these projects are therefore \$14,798,298.00. When combined with the required cost of services relocations, there is a total project budget shortfall and additional funds have been sought from the Federal Government with an in-principal agreement being given by the Minister, however confirmation of the additional funding is not expected until early April 2022.

### **Conclusion**

It is recommended that the tenders submitted by Negri Contractors, subject to additional Federal Government funding, be accepted for:

- Contract 21-034, Princes Highway/Bayview Rd intersection, \$8,759,611.49 (exc GST)
- Contract 21-036, Princes Hwy/Station St/Tivendale Rd Intersection, \$7,403,519.83 (exc GST)

## **Resolution**

Moved Cr Stephanie Davies, seconded Cr Brett Owen.

That Council:

1. Accept the following tenders submitted by Negri Contractors Pty Ltd, subject to additional Federal Government funding for:
  - a) Contract 21-034, Princes Highway/Bayview Rd intersection, \$8,759,611.49 (exc GST)
  - b) Contract 21-036, Princes Hwy/Station St/Tivendale Rd Intersection, \$7,403,519.83 (exc GST)
2. Advise the remaining Tenderers accordingly

Carried

## 6.5 Activity Reports

### 6.5.1 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 - March 2022 [6.5.1.1 - 18 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 Brett Owen, seconded Cr Stephanie Davies.

That Council note this report

Carried

## **7 Reports Or Minutes Of Committees**

### **8 Reports By Delegates**

Cr Kowarzik advised: that he attended the Pakenham Show and thanked the Young family and others for their efforts organising the show.

Cr Kowarzik also made mention of his attendance at a recent 'Coffee with a cop' at the Pakenham Market Place and of a recent meeting organised by Victoria Police to discuss concerns with activities in the Pakenham CBD and railway station that discussed safety concerns.

Cr Kowarzik also noted the recent Clean Up Australia Day activities noting that an additional 8 sites were included.

Cr Kowarzik also mentioned his attendance at a recent function to welcome Afghan community members held at the Pakenham Hall and of activities to celebrate Harmony Day.

Cr Owen made mention of the current project underway to improve the Elephant Rock look out point and thanked the Upper Beaconsfield Association and Upper Beautification Beatification Group for their assistance.

Cr Owen mentioned the recent community engagement exercise conducted by Melbourne Water regarding the Beaconsfield Reservoir.

Cr Owen mentioned that he had attended the Mt Shamrock Quarry Committee meeting as Council's delegate and that discussions were underway about the future of the quarry once the rock resource had been depleted.

Cr Owen mentioned that a recent meeting had ben held between the managers of the Aldi and Woolworths stores in Beaconsfield regarding the carparking arrangements that was also attended by shire staff.

Cr Moore advised of the recent conduct of the Tonimbuk Horse Trials and of the upcoming Bunyip Show and Harewood Festival.

### **9 Presentation Of Petitions**

Nil.



**10 Notices Of Motion**

Nil.

**11 Community Questions**

Nil.

**12 Urgent Business**

**13 Councillor Questions**

## 14.1 Kindergarten Expansion Reform - Kindergarten Infrastructure and Services Plan (KISP)

**Responsible GM:** Lili Rosic  
**Author:** Cheryl Casey, Kim Kelley, Marie Parker

### Recommendation(s)

That Council:

- Note that the Kindergarten Infrastructure and Services Plan (KISP), Attachment 1, has been submitted by the Chief Executive Officer on behalf of Council to the Department of Education and Training (DET). The KISP includes estimated the future demand and unmet demand of three-year-old kindergarten places based on current infrastructure capacity. Council has been notified by DET that the document has been signed by the Southern Area Executive Director.
- Notes the KISP details that Cardinia Shire Council's endorsement is not and should not be interpreted as an indication that Council accepts responsibility for meeting that unmet demand, or that Cardinia Shire Council is capable of, or committed to meeting that demand, through either service provision or infrastructure expansion.
- Endorses the CEO, or her delegate/s, to continue working with the DET to plan future infrastructure models to meet future demand for three-year-old kindergarten places and to progress discussion regarding Building Blocks Partnership funding (state funding) to renew or build new facilities within the Shire to meet the State Government 15 hours of kindergarten policy for 3-year-old children.

### Attachments

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### Executive Summary

As part of the Victorian State Government's Kindergarten Expansion Reform, the Department of Education and Training (DET) provided grant funding and worked in partnership with local government in Victoria to develop a Kindergarten Infrastructure and Services Plan (KISP) for each Council area. The KISP outlines estimated future demand for, and potential supply, of 3 and 4-year-old kindergarten places as a result of the reform. It identifies areas of potential unmet demand for kindergarten places based on available forecast data and existing local capacity.

The KISP will assist the State Government to assess any future Building Blocks Funding grant applications to renew existing or build new kindergarten facilities to meet the demand for 3-year-old kindergarten without displacing 4-year-old kindergarten places. Not-for-profit and for-profit providers can use these estimates to inform their plans to expand kindergarten programs, establish new services or invest in new or extended facilities.

### Background

The Victorian State Government's Kindergarten Expansion Reform is the largest reform of the kindergarten service system in Victoria's history. This reform is designed to ensure access to two years of funded kindergarten for all 3 and 4-year-old children in Victoria. In 2022, 3-year-old children will have access to a minimum of 5 hours of funded kindergarten, increasing to 15 hours no later than 2029. By 2029, all 3 and 4-year-old children will have access to two years

of funded kindergarten prior to starting school. The intent of the reform is to improve the social, educational, and economical outcomes for children across Victoria, now and into the future. The reform consists of four overarching key directions:

- Supporting higher quality services and reducing disadvantage in early education
- Providing more support for parenting
- Making early childhood services more accessible and inclusive
- Building a better system

In recent years Cardinia Shire has led the development of an accessible universal service system that strengthens outcomes for children and their families. This has been achieved through promoting collaboration and understanding between services to improve integration and seamless delivery, planning for future growth so Cardinia Shire is a Child Friendly City where children can learn, develop, and grow and strengthen early childhood development to improve support for children.

Council officers have undertaken significant planning through the Early Years Kindergarten Program to implement the transition to two years of funded kindergarten. This has included business and operational planning, communication and engagement with the community, analysis of projected kindergarten population and planning for the impact of increased utilisation on kindergarten infrastructure.

In 2022, Cardinia Shire Council's Early Years Managers have commenced providing 5 hours of funded 3-year-old kindergarten through existing kindergarten infrastructure.

#### **Kindergarten Infrastructure and Services Plan (KISP)**

Each Local Government Area as part of the reform, is required to develop, in partnership with the Department of Education and Training a Kindergarten Infrastructure and Services Plan (KISP). The KISP outlines estimated future demand and unmet demand based on current infrastructure capacity and incorporates relevant local context and trends. The objective of a KISP is to support key stakeholders within the early childhood sector. The KISP becomes a public document on the DET website and is intended to be used as a planning resource to assist current and potential kindergarten providers to invest in infrastructure within Cardinia Shire. The KISP is intended to be indicative and used by private and not-for-profit providers at their own discretion. At the time of writing this report, 63 of 79 Victorian Local Government Areas have a signed KISP publicly available on the DET website.

The development of Cardinia Shire's KISP has also created opportunities for senior Council officers to participate in discussions with senior officers in the State Government Department of Education and Training (DET) regarding potential models of infrastructure partnership. Further discussions will explore the level and commitment of State Government investment in Council-owned early years infrastructure required in response to the reform.

KISP data includes all currently available and planned kindergarten places across Cardinia Shire through council kindergartens, independent, not-for-profit, and private providers. The KISP predicts unmet demand for kindergarten places based on population forecasts and assumptions. All language in the KISP template is written for the early childhood sector as the audience.

#### **KISP Structure and Assumptions**

The KISP is a template developed by the Department of Education and Training (DET) and includes standard commentary indicating it has been developed in partnership between DET and Cardinia Shire Council. DET has applied a theoretical forecast model which indicates a potential for unmet demand. Assumptions are made around how many licensed places are counted across each existing service location to estimate current available supply. These assumptions do not consider the local context of individual service site locations and

necessary community amenity. As such, the KISP is not a plan for how unmet demand can be addressed.

The KISP template consists of a standard structure broken into five sections:

*Section 1: A short introduction to the Three-Year-Old Kindergarten reform and the KISP.* This section contains standard commentary that is the same for all KISPs (Kindergarten Infrastructure Service Plan).

*Section 2: A map of existing and planned Early Childhood Education and Care service locations.* This map has been prepared using DET data, from both the National Quality Agenda IT System (NQAITS) 2021 and the Victorian School Building Authority (VSBA). This map has been refined by Cardinia Shire Council and the DET to capture other services that are planned to open in the next 12 months.

*Section 3: Local knowledge and context relevant to the expansion of kindergarten services.* This section was prepared by Council officers to capture the local context and planning data of Cardinia Shire.

*Section 4: Funded kindergarten demand estimates.* The calculation of “unmet demand” uses two different methodologies. Four-year-old kindergarten projections utilises 2019 participation rates and then adjusts the data for predicted population growth as projected by Victorian in Future (VIF) data.

Three-year-old kindergarten uses a methodology which considers forecast population demand against existing capacity and then a participation assumption is applied to the data to identify potential future unmet demand. This assessment of unmet demand uses the DET’s theoretical roll out approach of incremental increases from five hours per week in 2022, then increases yearly to 7.5, 9, 10, 11, 12, 13, 14 hours and moving to 15 hours in 2029. The participation rate percentage is then applied to the data for 3-year-old kindergarten. In 2022 this percentage is 70% of eligible children participating in 3-year-old kindergarten. The percentage then increases year-on-year to 75%, 80%, 85%, 90%, 93%, 95% and finally reaching 100% in 2029. It is however up to each service provider to determine how they move from five to 15 hours over the roll-out period of the kindergarten reform.

It is important to note that the KISP has not considered the impact of COVID-19 on the potential roll-out model of the Kindergarten Expansion Reform, i.e., being an interface council currently experiencing significant growth, change in birth rate and changes to community demand for kindergarten. The document has considered the influence in the localised context on how a planned roll-out would proceed including workforce availability, business viability, year to year service enrolment, demand, and community and family preference.

*Section 5: An authorisation page.* For Cardinia Shire Council and Department of Education and Training representatives to endorse and co-sign the KISP.

### **KISP estimates unmet demand for Kindergarten in Cardinia Shire**

The KISP maps estimated unmet demand from 2022-2029 in Cardinia Shire. The data for all six local (SA2) areas indicate potential unmet demand. This indicates that the number of children cannot be accommodated by existing kindergarten infrastructure across all providers in Cardinia Shire when two years of 15 hours is implemented.

The KISP estimates (Section 4 of Attachment 1) use the methodology assumptions (incremental increasing hours and population participation rates) used by the Department of Education and Training discussed in section 2.1 of this report. This unmet demand is projected to commence in Pakenham-South in 2026; Koo Wee Rup, Emerald-Cockatoo and Bunyip-Garfield in 2027; and Beaconsfield-Officer and Pakenham-North in 2028 (Table 1).



**Table 1: Unmet Demand Estimates**

Year	2026	2027	2028	2029
<b>SA2 Region</b>	Pakenham - South	Pakenham - South Koo Wee Rup Emerald-Cockatoo Bunyip - Garfield	Pakenham - South Koo Wee Rup Emerald-Cockatoo Bunyip - Garfield Beaconsfield - Officer Pakenham - North	Pakenham - South Koo Wee Rup Emerald - Cockatoo Bunyip - Garfield Beaconsfield - Officer Pakenham - North
<b>Unmet demand</b>	40	215	490	889

One of the key drivers for unmet demand will be the timing of when the full 15 hours of funded kindergarten is offered for 3-year-old children. Given the Social Implications (discussed in the next section of this report) this is one of the key factors Council Officers are exploring. Four-year old, funded kindergarten participation rates across Cardinia Shire are consistently over 96% and it is expected three-year-old kindergarten rates will reach that level as the roll out expands. Cardinia Shire Council's Central Registration System currently shows a 25% increase from 2021 in children accessing a 3-year-old kindergarten place through council infrastructure.

Council officers are currently assessing the early years infrastructure and service changes required to facilitate the implementation of the State Government's kindergarten reforms within the Shire

### **Social Implications**

The Kindergarten Expansion Reform is part of the Victorian Government's Early Childhood Reform Plan, which is focused on improving outcomes for all children, with an emphasis on accessibility for all children and families, especially those experiencing vulnerability. The reform aims to lift outcomes for children and families by increasing the hours of high quality early childcare education, providing more support within home environments, and strengthening partnerships.

The Cardinia Shire KISP local context (Attachment 1, Section 3.2) highlights several key demographical and socio-economic considerations in the roll-out of funded 3-year-old kindergarten. Cardinia Shire is a diverse interface local government area and is ranked in the 57<sup>th</sup> percentile on the Socio-Economic Indexes for Areas (SEIFA) measure having scored 1,021.0. Vulnerability and socio-economic disadvantage can negatively impact child development.

Research concludes that one of the few strategies that improve outcomes for all children is access to high quality kindergarten.

### **Policy Implications**

This work sits within Cardinia Shire key documents of:

- Council Plan
- Liveability Plan
- Child Youth and Family Strategy
- Capital Infrastructure Plan
- More broadly the work sits under State Government direction of:
  - The Education State
  - The Early Years Framework
  - The Roadmap to Reform

## 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.

### 5.1 We practise responsible leadership

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

## Climate Emergency Consideration

Considered in all aspects of the Early Years Kindergarten Program.

## Consultation/Communication

Internal consultation and collaboration continues across several business units. As part of the Communication Plan further information will be provided to Councillors via future Briefings and Councillor Bulletin articles.

External consultation and collaboration continues with a wide variety of relevant stakeholders including the Department of Education and Training (DET) and Victorian School Building Authority (VSBA). Council officers have worked collaboratively with officers from the Department of Education and Training in identifying areas of unmet demand based on available forecast data and the development of the KISP document.

During ongoing conversations with the Department of Education and Training (DET), Council officers have articulated the implications of using the KISP to inform approval of capital grant funding applications through the Building Blocks grant program. Discussions have also been held regarding the significant challenges posed by the reform for Cardinia Shire Council as well as other kindergarten service providers within Cardinia Shire.

Internally, Council officers have worked collaboratively to ensure that the Victoria in Future (VIF) data used by the Department of Education and Training to inform Section 3 of the KISP document (Attachment 1) was consistent with Population id.data used by Cardinia Shire Council as well as reflected local planning knowledge.

## Financial and Resource Implications

### Financial and economic implications

Cardinia Shire Council is the central planner for early years services. Council continues to make a considerable investment in early years services as the central planner for kindergarten. For example, building strong partnerships, investing in infrastructure, facilitating kindergarten registrations, and engaging with Early Years Providers.

In 2020, Cardinia Shire Council received \$90,000 in grant funding from the Department of Education and Training to support the development of the KISP.

Cardinia Shire Council has been successful in its application for a Building Blocks Planning grant for \$150,000 to progress planning for new and upgraded kindergarten infrastructure within the Shire, under the DET Building Blocks program.

Becoming a signatory to the Cardinia Shire KISP does not have direct financial and economic implications for Cardinia Shire Council. The KISP is intended to support implementation of the reform in a mixed economy of kindergarten service providers across Cardinia Shire. This includes Council infrastructure, not-for-profit, schools and privately-owned and for-profit providers, thereby providing families with choice about the service which best suits their child, and their family circumstances.

The Cardinia Shire's KISP details information regarding the resource considerations of the State Government's 15 hour of 3 year old kindergarten policy for council including:

- Cardinia Shire Council makes a significant financial contribution to the provision of kindergarten through infrastructure and as the administrator for the Central Registration Enrolment System. Although committed to the educational benefits of the Early Years Reform, the ongoing costs to plan and deliver two years of 15 hours universal kindergarten will increase demand on existing Cardinia Shire Council infrastructure beyond what has been previously projected in capital works programs. This demand occurs whilst operating in a rate cap environment and is further impacted by the uncertain post-pandemic economy.
- Council notes that funding is available through the Building Blocks Partnership grants program and officers will work collaboratively with the Department of Education and Victorian School Building Authority to secure funding to build new infrastructure where required.
- To respond to the State Governments Three-Year-Old Kindergarten reform, Cardinia Shire Council will need to recruit additional staff in the Kindergarten Enrolment, Family Support, and early years planning areas. The annual cost to deliver the Central Registration Enrolment System is currently higher than the funding received from DET.
- The ongoing costs associated with the upkeep of assets and operational requirements needs to be considered. Each new asset adds further pressure to Cardinia Shire Councils capitals works budget and operational budgets. Expenses include:
  - Asset renewal – Capital investment
  - Asset replacement/disposal – Capital Investment
  - Building maintenance – Operational Investment
  - Landscape maintenance - Operational Investment
  - Operating costs such as utilities and cleaning – Operational Investment including contract management
  - Staffing – Operational Investment
  - Asset Management Plans – Operational Investment
  - Purchasing and upgrading/replacing Fittings, Furnishings and Equipment (FFE)
  - 
  - Capital/Operational Investment
  - Project management and planning resources – Capital/Operational Investment
- Cardinia Shire Council has reviewed and endorses this document as far as it is an indicator of future unmet demand as predicted by currently available forecast data and a planning tool for potential future investment by various parties at their own discretion. Cardinia Shire Council's endorsement is not and should not be interpreted as an indication that Council accepts responsibility for meeting that unmet demand, or



that Cardinia Shire Council is capable of, or committed to meeting that demand, through either service provision or infrastructure expansion. Neither should Cardinia Shire Council's endorsement be interpreted as a commitment to impose change management activities and practices upon independent service providers, to resolve unmet demand.

### **Environmental/Amenity Issues**

Cardinia Shire Council current maintains 25 kindergarten facilities, with Kurnboon (formerly Timbertop) Child and Family Centre under construction. All Cardinia Shire Council owned facilities are operated by not-for-profit Early Years Managers. Seven of the 25 kindergarten facilities are Child and Family Centres providing a range of universal early years services including Maternal and Child Health, playgroups, and allied health services.

The impact of the Kindergarten Expansion Reform on the existing infrastructure is a significant challenge for Cardinia Shire Council. Existing facilities cannot be easily modified to increase licensed places and therefore meet increasing demand brought about by the reform. Furthermore, increased utilisation of existing infrastructure will require increased maintenance, especially on ageing facilities. More than 50% of Cardinia Shire Councils kindergarten infrastructure is more than 50 years old. The KISP does not reflect the increased maintenance and amenity improvements required to ensure Occupational Health and Safety, staff wellbeing, community safety and adequate car parking is retained.

### **Conclusion**

This report includes the Cardinia Shire Kindergarten Infrastructure Service Plan (KISP). The KISP is now endorsed by Cardinia Shire Council and the Department of Education and Training (DET) and will now become a publicly available document on the DET website. The KISP document is not inferring that Cardinia Shire Council takes responsibility to meet the unmet demand forecasted, which is based on DET's assumptions and implementation model.

The KISP has been jointly developed by Cardinia Shire Council and the Department of Education and Training (DET) to estimate the growth in demand for kindergarten within Cardinia Shire. The KISP is designed to be a planning tool to support the whole early childhood sector to plan for and invest in Three-Year-Old and Four-Year-Old Kindergarten. The State Government through its Building Blocks Grants is providing funding to the kindergarten sector to upgrade or build infrastructure to enable the 15 hours of kindergarten for 3-year-old children reform to be implemented.

## Resolution

Moved Cr Collin Ross, seconded Cr Graeme Moore.

That Council:

- Note that the Kindergarten Infrastructure and Services Plan (KISP), Attachment 1, has been submitted by the Chief Executive Officer on behalf of Council to the Department of Education and Training (DET). The KISP includes estimated the future demand and unmet demand of three-year-old kindergarten places based on current infrastructure capacity. Council has been notified by DET that the document has been signed by the Southern Area Executive Director.
- Notes the KISP details that Cardinia Shire Council's endorsement is not and should not be interpreted as an indication that Council accepts responsibility for meeting that unmet demand, or that Cardinia Shire Council is capable of, or committed to meeting that demand, through either service provision or infrastructure expansion.
- Endorses the CEO, or her delegate/s, to continue working with the DET to plan future infrastructure models to meet future demand for three-year-old kindergarten places and to progress discussion regarding Building Blocks Partnership funding (state funding) to renew or build new facilities within the Shire to meet the State Government 15 hours of kindergarten policy for 3-year-old children.
- That this decision and the accompanying report be made available to the public

Carried

**15 Meeting Closure**

Meeting closed at 8:15pm.

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Minutes confirmed  
Chairman