

# **Ordinary Council Meeting**

## **Minutes**

Monday 16 May 2022

Commenced at 7:00 PM

Council Chambers  
20 Siding Avenue, Officer  
Victoria

|                  |                     |                                                    |
|------------------|---------------------|----------------------------------------------------|
| <b>Members:</b>  | Cr Jeff Springfield | Mayor                                              |
|                  | Cr Tammy Radford    | Deputy Mayor                                       |
|                  | Cr Kaye Cameron     |                                                    |
|                  | Cr Jack Kowarzik    |                                                    |
|                  | Cr Graeme Moore     |                                                    |
|                  | Cr Collin Ross      |                                                    |
|                  | Cr Brett Owen       |                                                    |
|                  | Cr Carol Ryan       |                                                    |
| <b>Officers:</b> | Carol Jeffs         | Chief Executive Officer                            |
|                  | Peter Benazic       | General Manager Infrastructure and Environment     |
|                  | Debbie Tyson        | General Manager Governance, Facilities and Economy |
|                  | Doug Evans          | Manager Governance                                 |

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## 1 Opening And Reflection/Prayer

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.

Meeting opened at 5:58 pm.

### Meeting closed to the public

Moved Cr Moore seconded Cr Cameron

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

Carried

At the conclusion of the item, a motion was passed to reopen the meeting to the public.

### Meeting opened to the public

Moved Cr Moore seconded Cr Radford

That the meeting be opened to the public

Carried

The Mayor adjourned the meeting at 6.00 pm to reconvene at 7.00 pm.

## 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 Stephanie Davies was an apology for this meeting.

## 4 Adoption And Confirmation Of Minutes

Moved Cr Graeme Moore, seconded Cr Kaye Cameron

That minutes of the following meetings be confirmed:

- General Council meeting 11 April 2022
- Town Planning Committee 2 May 2022

Carried

## 5 Declaration Of Interests

Nil.

**6 Ordinary Business**  
**6.1 Town Planning Reports**

## **6.1.1 Amendment C238card Glismann Road - Review Panel Recommendations and Adopt Amendment**

**Responsible GM:** Lili Rosic  
**Author:** Lorna Lablache

### **Recommendation(s)**

That Council:

- Adopt Amendment C238card to the Cardinia Planning Scheme, with changes as outlined in this report, under Section 29 of the Planning and Environment Act 1987, generally in accordance with Attachment 8
- Submit adopted Amendment C238card to the Minister for Planning for approval under Section 31 of the Planning and Environment Act 1987.

### **Attachments**

1. Att 1 - Am C 238 Affected Area **[6.1.2.1 - 1 page]**
2. Att 2 - Cardinia C 238 card Summary and Corrections Panel Report 25 Jan 2022 **[6.1.2.2 - 89 pages]**
3. Att 3 - Am C 238 Panel Report Assessment Closing, Part A and Part B FOR COUNCIL REPORT **[6.1.2.3 - 25 pages]**
4. Att 4 - Am C 238 Panel Report Table Rec and Tasks FOR COUNCIL REPORT **[6.1.2.4 - 14 pages]**
5. Att 5 - Am C 238 card Review of DCP post panel FOR COUNCIL REPORT **[6.1.2.5 - 17 pages]**
6. Att 6 - Cardinia C 238 FAQ 3\_ Glismann Road DCPO and DCP Exhibition FINAL **[6.1.2.6 - 2 pages]**
7. Att 7 - Glismann Road TIA May 2022 Tracked changes ADOPTED 16 May 2022 **[6.1.2.7 - 89 pages]**
8. Att 8 - Cardinia C 238 card All Am Docs Tracked changes ADOPTED 16 May 2022 **[6.1.2.8 - 63 pages]**

### **Executive Summary**

At its meeting on 19 August 2019, Council resolved to seek authorisation to prepare and exhibit Planning Scheme Amendment C238card (Am C238) from the Minister for Planning. Council received authorisation from the Minister for Planning to prepare Am C238 on 23 April 2020 (subject to conditions).

Am C238 was exhibited from 9 July 2020 to 14 September 2020. Sixteen submissions were received. On 15 February 2021 Council resolved to refer all submissions to a Ministerial Planning Panel.

A Planning Panel was held on 4 May 2021 to 7 May 2021, with the final day on the 11 October 2021. The Panel report was received on 4 January 2022 with a Panel Report re-submitted on 25 January 2022, with minor typographical changes.

The Panel report generally supports Am C238 subject to changes to the suite of amendment documentation. These changes are predominately consistent with Council's submission to the Panel.

It is recommended that Council:

- support all the Planning Panel recommendations
- adopt the revised Am C238 documentation with changes
- submit the adopted Amendment to the Minister for Planning for approval.

## **Background**

### **What did the amendment propose to do?**

Am C238 applies to the 21 hectares of land in Beaconsfield (see Attachment 1).

The amendment proposed to:

- Rezone land within the 'Glismann Road Area' from the Rural Living Zone (RLZ1) and General Residential Zone (GRZ1) to the Neighbourhood Residential Zone (NRZ2) that recognises the natural topography, visual sensitivity, and landscape features of the area.
- Apply a Development Plan Overlay (DPO19) to facilitate an integrated design within an area of fragmented ownership and facilitate best practice planning initiatives in relation to subdivision layout, urban design, service provision and environmental considerations.
- Apply a Development Contributions Plan Overlay (DCPO5) that shares the cost of key infrastructure items triggered by the new development in a fair and reasonable manner.
- Facilitate the provision of local open space through the DCP (that would otherwise be collected under Clause 53.01 of the Cardinia Planning Scheme).
- Incorporate the Glismann Road Development Contributions Plan into the Cardinia Planning Scheme.

### **Exhibition of AmC238 and consideration of submissions**

Council received authorisation from the Minister for Planning to prepare Am C238 on 23 April 2020 (subject to conditions). Am C238 was exhibited from 9 July 2020 to 14 September 2020. Sixteen submissions were received and then considered by Council at its meeting of 15 February 2021.

The Council resolution identified some changes to the exhibited Amendment (in response to the submissions received) and it was resolved to refer all submissions to an independent planning panel to be appointed by the Minister for Planning.

In summary the changes related to:

- Residential density - focus on a design response for individual site features rather than average lot yield. The development density of properties located at the crest of the hill and/or contain clusters with substantial slope of 20% and over is likely to remain low.
- Providing further clarification regarding access management, the design/levels of Glismann Road and the impact with site boundaries regarding footpaths, the use of cut/fill and retaining walls.
- The removal of 11 Mahon Avenue from the Amendment.
- The insertion of a new item into the DCP - \$70,000 for the cost of the preparation of the Development Plan.

### **The Panel process**

The Panel Hearing for Am C238 was scheduled to be held from 4 May 2021 to 7 May 2021. Of the 16 submissions to the amendment, 7 submitters appeared before the Panel. At the close of the Hearing Council sought more time to respond to issues raised during the Panel. The Panel granted the request. Several postponements were required because two of the parties

were unable to join an on-line hearing, and the Final Hearing day was reconvened on 11 October 2021.

### **The Panel Report**

The Panel Report for Am C238 was received by Council on 4 January 2022, with a corrected Panel Report received on 25 January 2022. The corrected report addressed minor typographical errors. The Panel Report was made available to the public on 18 January 2022 and the updated Corrected report on 25 January 2022.

The Panel is generally supportive of the changes proposed by Council to the amendment and recommends the Amendment proceed and be adopted as exhibited subject to these changes. The recommendations and the full Panel Report are provided in Attachment 2.

The recommended changes can be grouped under the following headings:

- Panel support of changes documented in Council's submission.
- 11 Mahon Avenue – removal from some elements of the Amendment.
- Content in the Development Plan Overlay (DPO19) – to provide further clarity.
- Content in the Traffic Impact Assessment Report prepared by TrafficWorks (which is referenced in DPO19) – to provide further clarity and consistency with content in DPO19.
- Amend and update the development Contributions Plan (DCPO5 and DCP document) – because of changes to the exhibited amendment.
- 
- **Assessment of the Panel Report**

An assessment of the changes recommended by the Planning Panel identified that (with the exception of 11 Mahon Avenue remaining in the Development Plan Overlay to facilitate a pedestrian connection to Glismann Road and reference to a typographical error) the recommendations of the Panel are consistent with Council's position.

It is important to note that the Panel's first recommendation to 'Apply the changes documented by Council in its closing submission (and presented in Appendix C of this report for Development Plan Overlay, Schedule 19)' encompasses several documents.

AmC238 is a very complex amendment. The amendment rezones land, introduces a development plan overlay and a development contributions overlay and development contributions plan into an area which on its own can be challenging. In the case of the Glismann Road area, the fragmented land ownership and the unique site features and constraints adds to the level of complexity.

To ensure transparency, the matters raised in Council's Part A, Part B and Closing Submission (including all attachments and talking notes) have been assessed against the Panel's recommendations which is provided as Attachment 3. Attachment 3 also includes a snapshot overview of each of the Panel recommendations against Council's Part A, Part B and Closing submission. This helps to highlight the issues that were not discussed until later in the panel process.

The assessment has confirmed, that with the exception of 11 Mahon Avenue remaining in the Development Plan Overlay, to facilitate a pedestrian connection to Glismann Road, reference to a typographical error and amending the DPO schedule to reflect legislative updates, the recommendations of the Panel are consistent with Council's position. The tasks required to facilitate the Panel recommendations are provided in Attachment 4.

### Impact of changes to the Development Contributions Plan

Changes to the exhibited Amendment, (as outlined in Council's submission and supported by the Panel Report), will likely result in an increase in the number of lots in the Glismann Road area as well as an increase in the Glismann Road Development Contributions rate. It is important to discuss the content of the Development Contributions Plan as it forms part of Am C238 and is an incorporated document. It will ensure that infrastructure required to deliver the development of Glismann Road is provided as required.

A detailed assessment has been carried out regarding the changes required to Glismann Road Development Contributions Plan (GRDCP) and is provided as Attachment 5.

There are three key issues that impact on the for the DCP.

1. The removal of 11 Mahon Avenue from the Glismann Road Development Contributions Plan (DCP).

Removing 11 Mahon Avenue from the Glismann Road DCP has reduced the total NDA from 16.71 ha to 15.72 ha. The reduction in the NDA will increase the cost of the DCP rate.

2. Change in approach regarding residential density and slope management.

The majority of projects in the DCP entirely within the Glismann Road DP area are fully funded by the Glismann Road DCP, however there are two projects (upgrade of the O'Neil Road Recreation Reserve) that are only partially funded by the DCP.

The Glismann Road DP area is adjacent to the O'Neil Road Recreation Reserve. New residents within the Glismann Road area will enjoy quick and easy access to this open space area for both its passive and active facilities. As a neighbourhood park, O'Neil Road Recreation Reserve offers different facilities to the local park which is fully funded by the Glismann Road DCP.

A review of the population characteristics and forecasts in the O'Neil Road Reserve Master Plan Final Report (September 2018) and information collected from 'ID profile Cardinia' was used to determine the expected use of the reserve by the future residents of the Glismann Road area.

Regardless of the 'change in approach regarding residential density and slope management' an estimated lot yield is required to inform the DCP, which will, in turn, determine the estimated potential population for the Glismann Road area and the 'expected use of the O'Neil Road Recreation Reserve' by the Glismann Road future residents. The lot yield is not to intended to mandate dwelling density, nor will it form part of or inform the future Development Plan.

Attachment 5 outlines the methodology used to determine the expected use of the O'Neil Road Recreation Reserve by the future Glismann Road residents. The revised DCP estimates a lot yield of 267 and a population of 775 (which is estimated to be 12% of the expected population of the Beaconsfield Precinct). The revised DCP estimate is only slightly higher than the exhibited lot yield, which allocated a lot yield of 244 and a population of 708, 11% of the expected population for Beaconsfield Precinct.

3. Change in DCP items.

A new DCP item - \$70,000 in planning costs (for the preparation of the Development Plan) and an amended DCP item – RD-02 Glismann Road part construction costs – Access Street Level 1.5. Increase from \$1,085,275 to \$1,213,442. The change will increase the cost of the DCP.

As expected, there has been an increase in the DCP rate due to the reduction of the Net Developable Area (removal of 11 Mahon Avenue) and the increase in the cost of 2 projects. A tracked changes version of the DCP schedule is provided in Attachment 5.

In summary the DCP cost for:

- Development Infrastructure per Net Developable Hectare has increased from \$418,810.86 to \$458,767.93.
- Community Infrastructure Per Dwelling has decreased from \$892.62 to \$889.12. (These figures are based on 2019 values and will be subject to the indexation like Council's other DCPs).

Development Contributions are a complex planning tool. More information regarding the exhibited Glismann Road Development Contribution (FAQ3) is provided in Attachment 6.

For context purposes, the other DCP Development Infrastructure Levy (DIL) rates in Cardinia Shire are as follows:

| DCP (indexed to 30 June 2022)                              | Per ha / net developable area |
|------------------------------------------------------------|-------------------------------|
| Officer Development Contribution Plan (DCP)                | \$674,860                     |
| Cardinia Road Development Contribution Plan (DCP) (Cell 5) | \$388,248                     |
| Cardinia Road Employment Precinct                          | \$217,316                     |
| Pakenham East ICP                                          | \$216,564                     |

### Traffic Impact Assessment

The Traffic Impact Assessment that informed Am C238 was discussed at length during the Panel process and is referenced throughout the Panel Report. Unlike the Glismann Road Development Contributions Plan, the Traffic Impact Assessment is a reference document.

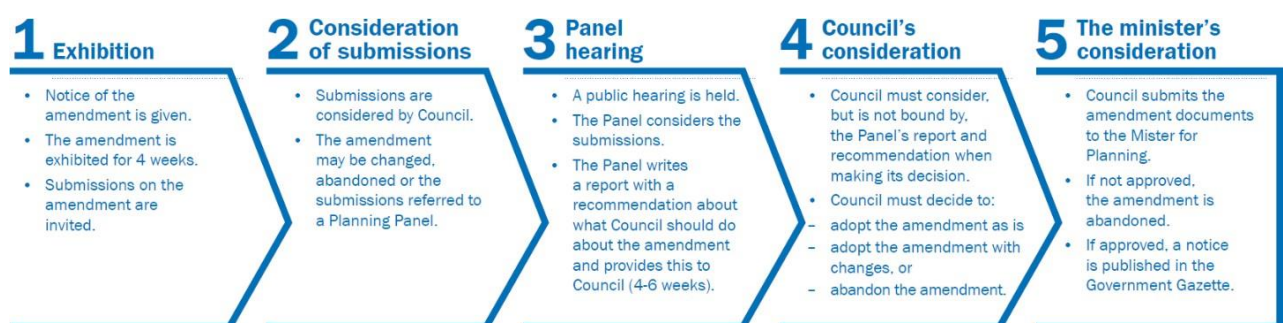
A tracked changes version of the updated Traffic Impact Assessment, which reflects the recommendations of the Panel Report is provided as Attachment 7. The *Trafficworks (May 2022) Glismann Road Residential Development, Beaconsfield, Traffic Impact Assessment Report*, is supported by Council.

### Revised amendment documentation

A comprehensive assessment has been carried out regarding the Panel Report, Am C238 exhibited documents as well as Council's submission to the Panel. It is considered that the Panel recommendations are consistent with Council's position on the amendment and that Council should support all the Planning Panel recommendations. Attachment 8 provides tracked changes for the full suite of amendment documents for Am C238.

### Next steps

We are at Stage 4 of the Planning Scheme Amendment process as detailed in Figure 1.



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

## **Policy Implications**

The Panel supported Council's strategic assessment of Am C238 and confirmed that the amendment had been prepared in accordance with both the State and Local Policy Framework, and it was consistent with the relevant Ministerial Directions and Practice Notes. The full strategic assessment is provided in the Explanatory Report contained in Attachment 8.

The Amendment was noted as being well founded and strategically justified.

## **Relevance to Council Plan**

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

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

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

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

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

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**

The land within the Glismann Road area presents an opportunity to create conditions for a more sustainable and resilient community, by developing land within the established urban area. Am C238 promotes pedestrian connectivity within a street network that has 'walkable' gradients. A connected local street network will enable long term behavioural change and improve the amenity of new neighbourhoods. Am C238 fosters the integration and retention of natural features and landforms of the area. These provisions also help maintain biodiversity and ensure established vegetation and view corridors are key features in the neighbourhood.

## **Consultation/Communication**

The amendment was exhibited from 9 July 2020 to 14 September 2020. Council had committed to an 8-week exhibition period for this amendment to provide the community with adequate time to review the amendment documentation. All submitters that participated in the panel process have received notification of the release of the Panel Report.

As with all milestones with this project, a letter was sent to the Glismann Road submitters advising of this Council Meeting.

### **Financial and Resource Implications**

The Glismann Road DCP has been prepared in a way that is consistent with the requirements and direction of the *Planning and Environment Act 1987*, the Ministerial Direction and the DCP Guidelines, and will enable the practical and equitable delivery of infrastructure required to support the development of the Amendment area.

All DCP infrastructure items except those relating to the O'Neil Road Recreation Reserve are fully apportioned to the DCP area (i.e. 100% apportionment). This means that the DCP fully funds the cost of those items on the basis that the items are needed only to respond to the development of the Amendment area.

With the exception of the modifications identified in the Panel Report (the content of which formed part of Council's submission), the DCP has been supported by the Panel.

The Panel's support of the \$70,000 to enable Council to engage a consultant to prepare the Development Plan provides a practical solution to help overcome the complexities of the fragmented land ownership. It is estimated the Development Plan for Glismann Road would take 6 – 7 months to complete. Council would need to fund the project upfront.

In addition to this, the DCP also:

- reimburses Council the cost of specialist reports (\$159,891) that have been completed to inform the amendment and development plan process and
- contributes nearly \$400,000 towards the upgrade of the O'Neil Road Recreation Reserve.

Costs associated with the remaining amendment process are to be provided in current and proposed operating budgets.

### **Conclusion**

Am C238 has been considered by an independent planning panel, appointed by the Minister for Planning. The Panel report generally supports Am C238 subject to changes to the suite of amendment documentation. These changes are predominately consistent with Council's submission to the Panel.

It is recommended that Council support the Planning Panel recommendations and adopt Am C238 (with changes) and submit the adopted Amendment to the Minister for Planning for approval.

## **Resolution**

Moved Cr Brett Owen, seconded Cr Collin Ross.

That Council:

- Adopt Amendment C238card to the Cardinia Planning Scheme, with changes as outlined in this report, under Section 29 of the Planning and Environment Act 1987, generally in accordance with Attachment 8
- Submit adopted Amendment C238card to the Minister for Planning for approval under Section 31 of the Planning and Environment Act 1987.

Carried

## 6.2 General Reports

### 6.2.1 Officer Tennis Club Petition Response

**Responsible GM:** Lili Rosic  
**Author:** Michael Casey

#### Recommendation(s)

That Council note the petition from the Officer Tennis Club has been received and will be investigated further for further consideration at the June Council Meeting

#### Attachments

Nil

#### Executive Summary

A petition has been received from the Officer Tennis Club requesting upgrades to their facilities to make them more accessible and female friendly.

The petition will be investigated with a report due to Council for the June Council meeting.

#### Background

A petition from the Officer Tennis Club of 98 signatures has been received and tabled at the Council meeting on 11 April. The petition requests upgrades to paths of travel, pavilion accessibility<sup>1</sup> including construction of an accessible toilet, disabled car parking bay/s, and suitable change facilities for females.

#### Policy Implications

Any upgrades will be undertaken in accordance with Council's Sport Facility Standards.

#### Relevance to Council Plan

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

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

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

#### Climate Emergency Consideration

Any future upgrade of the Officer Tennis Club facilities will be undertaken in accordance with Council's ESD policy at the time.

#### Consultation/Communication

Council has been in frequent contact with the Officer Tennis Club about the facility issues and to provide support to the club's operations and governance.

### **Financial and Resource Implications**

No funds have been allocated in the capital works program.

### **Conclusion**

A petition has been received from the Officer Tennis Club requesting upgrades to their facilities to make them more accessible and female friendly.

The petition will be investigated with a report due to Council for the June Council meeting.

**Resolution**

Moved Cr Tammy Radford, seconded Cr Brett Owen.

That Council note the petition from the Officer Tennis Club has been received and will be investigated further for further consideration at the July Council Meeting

Carried

## 6.2.2 Special Charge Scheme - Old Gembrook 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 21 February 2022, to part fund the construction of Durban Road, Old Gembrook Road and Sherriff Road Emerald, 2 submissions were 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 Durban Road, Old Gembrook Road and Sherriff Road Emerald 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 \$2,390,000.00.
- i. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$ 378,000.00.
- 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 Old Gembrook Catchment [6.2.2.1 - 1 page]
2. Old Gembrook Catchment map [6.2.2.2 - 2 pages]
3. PROCIVIL P C 21017- CC P-01 - Old Gembrook Catchment, Emerald [6.2.2.3 - 13 pages]
4. Major Roads Program Special Charge Scheme SCS Apportionment Sheet Old Gembrook [6.2.2.4 - 5 pages]
5. Submissions Hearing Old Gembrook Catchment [6.2.2.5 - 2 pages]

### Executive Summary

This report proposes to have a special charge declared to part fund the construction of Durban Road, Old Gembrook Road and Sherriff Road Emerald. It follows Council's resolution of 21 February 2022 to communicate its intention to declare a special charge for this purpose.

The Durban Road, Old Gembrook Road and Sherriff Road Emerald 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 62% 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 \$2,390,000.00 of which \$378,000.00 is proposed to be funded via the proposed special charge contribution received from the included property owners. This will leave an approximate balance of \$2,012,000.00 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 21 February 2022 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. 2 submissions were received in the prescribed 28 day submission period. Details of these submissions are outlined in attachment 5 of this report.

## Background

The Old Gembrook catchment that includes Durban Road, Old Gembrook Road and Sherriff Road 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 55), was undertaken asking if they were in support of contributing to a special charge scheme at a capped contribution rate of \$7,000 per benefit unit, with a benefit unit being defined as:

- Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit (\$7,000) towards the cost of construction.
- Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit (\$3,500) towards the cost of construction.
- Existing lots, either developed or vacant, that gain, or will gain, primary access and 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         | 55     | 100%       |
| No. of responses received              | 39     | 70.9%      |
| No. of responses supporting the scheme | 34     | 87.2%      |
| No. of responses opposing the scheme   | 5      | 12.8%      |

Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Durban Road, Old Gembrook Road and Sherriff Road Emerald.

Following Council's resolution on 21 February 2022 affected property owners were notified of the intention to declare a special charge scheme.

Council received 2 written and heard submissions. Details of these submissions 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 21 February 2022. 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 November 2021 to the property owners of Durban Road, Old Gembrook Road, Sherriff Road Emerald 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 December 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 39 questionnaire responses from 55 properties were received.

Following the Council resolution on 21 February 2022 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                          | \$2,390,000.00 |
| Total Council contribution (approx. 84.18%)             | \$2,012,000.00 |
| Benefiting property owner contribution (approx. 15.82%) | \$378,000.00   |

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 Durban Road, Old Gembrook Road and Sherriff Road Emerald 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 21 February 2022, to part fund the construction of Durban Road, Old Gembrook Road and Sherriff Road Emerald, 2 submissions were 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 Durban Road, Old Gembrook Road and Sherriff Road Emerald 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 \$2,390,000.00.
  - i. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$ 378,000.00.
  - 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

## 6.2.3 Notice of Intention - Sealing the Hills - Halcyon-Seaview (Cockatoo) Catchment - Special Charge Scheme

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

### Recommendation(s)

That Council:

1. Acknowledge the majority property owner support as set out in this report to contribute to the construction of Alexander Road, Fern Gully Road, Halcyon Grove, Jeanne Street, Lowen Road, Maurice Street, Seaview Road, Stringybark Road and Gum Street, Cockatoo (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works.
2. Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
3. Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
4. Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of Alexander Road, Fern Gully Road, Halcyon Grove, Jeanne Street, Lowen Road, Maurice Street, Seaview Road, Stringybark Road and Gum Street, Cockatoo.
5. Consider the declaration (attachment 5) at its meeting of 15 August 2022, or such later date as necessary.
6. Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
7. Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered.
8. Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

### Attachments

1. Scheme process chart [6.2.3.1 - 1 page]
2. Plan of scheme area [6.2.3.2 - 1 page]
3. Benefit ratio calculation [6.2.3.3 - 3 pages]
4. Apportionment table [6.2.3.4 - 4 pages]
5. Proposed Council declaration [6.2.3.5 - 2 pages]
6. Public notice [6.2.3.6 - 1 page]

### Executive Summary

This report proposes giving *notice of intention to declare* a special charge to part fund the construction of Alexander Road, Fern Gully Road, Halcyon Grove, Jeanne Street, Lowen Road, Maurice Street, Seaview Road, Stringybark Road and Gum Street, Cockatoo. This notice begins the formal consultation process at the commencement of the statutory process that enables Council to levy a special charge, (refer attachment 1).

The Halcyon-Seaview (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 91% 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 \$6,810,000 of which \$1,071,000 is proposed to be funded via the proposed special charge contribution received from the included property owners. This will leave an approximate balance of \$5,739,000 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.

## Background

The Halcyon-Seaview (Cockatoo) catchment that includes Alexander Road, Fern Gully Road, Halcyon Grove, Jeanne Street, Lowen Road, Maurice Street, Seaview Road, Stringybark Road and Gum 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 150), 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         | 150    | 100%       |
| No. of responses received              | 45     | 27%        |
| No. of responses supporting the scheme | 41     | 91%        |
| No. of responses opposing the scheme   | 4      | 9%         |

Support for the scheme was consistent across all roads surveyed except from property owners on Gum Street, for which, no responses were received. Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Alexander Road, Fern Gully Road, Halcyon Grove, Jeanne Street, Lowen Road, Maurice Street, Seaview Road, Stringybark Road and Gum Street, Cockatoo.

Assessment number 5000005666 was re-added to this catchment after further subdivision of property address, 1 Neville Street, Cockatoo. The property owner was charged 2 benefit units in the previous catchment created. After further subdivision, 3 additional properties 2A-2C Alexander Road were added to the same assessment number with primary driveway access on to Alexander Road, Cockatoo charging the property owner additional 3 benefit units, as indicated in attachment 3 and 4.

### **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 attachment 3 to this report. Given that Council has capped the property owner contribution at \$7,000 per benefit unit, the proposed scheme is compliant.

### **Relevance to Council Plan**

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

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

### **Climate Emergency Consideration**

The Sealing the Hills project will consider climate emergency reduction 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 Feb 2022 to the property owners of Alexander Road, Fern Gully Road, Halcyon Grove, Jeanne Street, Lowen Road, Maurice Street, Seaview Road, Stringybark Road and Gum Street, Cockatoo outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal.

With Covid-19 restrictions being eased mid-February after initial letter was mailed out to property owners, no face-to-face community consultation was 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 March 2022, 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, 45 questionnaire responses from 150 properties were received.

### 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                       | \$6,810,000 |
| Total Council contribution (approx. 84%)             | \$5,739,000 |
| Benefiting property owner contribution (approx. 16%) | \$1,071,000 |

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

It is concluded that the majority of property owners support the construction of Alexander Road, Fern Gully Road, Halcyon Grove, Jeanne Street, Lowen Road, Maurice Street, Seaview Road, Stringybark Road and Gum Street, Cockatoo and that Council should commence the formal consultation process to initiate a special charge scheme by proceeding to give notice of its intention to declare a special charge to part fund the works.

## Resolution

Moved Cr Graeme Moore, seconded Cr Jack Kowarzik.

That Council:

1. Acknowledge the majority property owner support as set out in this report to contribute to the construction of Alexander Road, Fern Gully Road, Halcyon Grove, Jeanne Street, Lowen Road, Maurice Street, Seaview Road, Stringybark Road and Gum Street, Cockatoo (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works.
2. Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
3. Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
4. Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of Alexander Road, Fern Gully Road, Halcyon Grove, Jeanne Street, Lowen Road, Maurice Street, Seaview Road, Stringybark Road and Gum Street, Cockatoo.
5. Consider the declaration (attachment 5) at its meeting of 15 August 2022, or such later date as necessary.
6. Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
7. Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered.
8. Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

Carried

## 6.2.4 Notice of Intention - Sealing the Hills - Red-Boyd (Gembrook) Catchment - Special Charge Scheme

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

### Recommendation(s)

That Council:

1. Acknowledge the majority property owner support as set out in this report to contribute to the construction of Red Road, Boyd Road, Ramage Lane, Ritchie Street and Williamson Road- Gembrook (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works.
2. Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
3. Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
4. Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of Red Road, Boyd Road, Ramage Lane, Ritchie Street and Williamson Road, Gembrook.
5. Consider the declaration (attachment 5) at its meeting of 15 August 2022, or such later date as necessary.
6. Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
7. Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered.
8. Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

### Attachments

1. Scheme process chart [6.2.4.1 - 1 page]
2. Plan of scheme area [6.2.4.2 - 1 page]
3. Benefit ratio calculation [6.2.4.3 - 3 pages]
4. Apportionment table [6.2.4.4 - 2 pages]
5. Proposed Council declaration [6.2.4.5 - 2 pages]
6. Public notice [6.2.4.6 - 1 page]

### Executive Summary

This report proposes giving *notice of intention to declare* a special charge to part fund the construction of Red Road, Boyd Road, Ramage Lane, Ritchie Street and Williamson Road - Gembrook. This notice begins the formal consultation process at the commencement of the statutory process that enables Council to levy a special charge, (refer attachment 1).

The Red-Boyd (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 85% 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 \$5,860,000 of which \$451,500 is proposed to be funded via the proposed special charge contribution received from the included property owners. This will leave an approximate balance of \$5,408,500 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.

## Background

The Red-Boyd (Gembrook) catchment that includes Red Road, Boyd Road, Ramage Lane, Ritchie Street and Williamson 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 67), 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         | 67     | 100%       |
| No. of responses received              | 20     | 25%        |
| No. of responses supporting the scheme | 17     | 85%        |
| No. of responses opposing the scheme   | 03     | 15%        |

Support for the scheme was consistent across all roads surveyed. Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Red Road, Boyd Road, Ramage Lane, Ritchie Street and Williamson Road Gembrook.

## 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 attachment 3 to this report. Given that Council has capped the property owner contribution at \$7,000 per benefit unit, the proposed scheme is compliant.

## Relevance to Council Plan

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

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

## Climate Emergency Consideration

The Sealing the Hills project will consider climate emergency reduction 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 February 2022 to the property owners of Red Road, Boyd Road, Ramage Lane, Ritchie Street and Williamson Road-Gembrook outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal.

With Covid-19 restrictions being eased mid-February after initial letter was mailed out to property owners, no face-to-face community consultation was 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 March 2022 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 20 questionnaire responses from 67 properties were received.

## 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                      | \$5,860,000 |
| Total Council contribution (approx. 92%)            | \$5,408,500 |
| Benefiting property owner contribution (approx. 8%) | \$451,500   |

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**

It is concluded that the majority of property owners support the construction of Red Road, Boyd Road, Ramage Lane, Ritchie Street and Williamson Road-Gembrook and that Council should commence the formal consultation process to initiate a special charge scheme by proceeding to give notice of its intention to declare a special charge to part fund the works.

## Resolution

Moved Cr Brett Owen, seconded Cr Collin Ross.

That Council:

1. Acknowledge the majority property owner support as set out in this report to contribute to the construction of Red Road, Boyd Road, Ramage Lane, Ritchie Street and Williamson Road- Gembrook (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works.
2. Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
3. Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
4. Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of Red Road, Boyd Road, Ramage Lane, Ritchie Street and Williamson Road, Gembrook.
5. Consider the declaration (attachment 5) at its meeting of 15 August 2022, or such later date as necessary.
6. Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
7. Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered.
8. Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

Carried

## 6.2.5 Major Recreation Facilities Contract Extension

**Responsible GM:** Lili Rosic  
**Author:** Michael Casey

### Recommendation(s)

That Council endorse offering the final 3-year contract extension included in the Major Recreation Facilities Contract to Aligned Leisure.

### Attachments

1. CONFIDENTIAL - Major Recreation Facilities Contract Extension - Financial & Contract Information [6.2.5.1 - 1 page]

### Executive Summary

A review of the Aligned Leisure, facility managers performance with the Major Recreation Facilities contract has been undertaken. A 94% compliance was achieved, with the outstanding items not able to be achieved due to COVID-19 restrictions and impacts.

The review included the costs submitted for the next three years, the contract itself and the most appropriate operating model.

Officers recommend Council endorses offering the final 3 year contract extension of the Major Recreation Facilities contract to Aligned Leisure.

### Background

The Major Leisure Facilities contract includes management of Cardinia Life, the Pakenham Regional Tennis Centre (PRTC), four seasonal outdoor pools, Officer Community Hub, and programming of IYU Recreation Reserve. Included in the current contract is the administration and management of the domestic basketball competition.

In 2016, the facility management contract was awarded to Aligned Leisure, and in 2019 the contract was extended for a three-year term, which expires on 30/6/2022. Council has the option to extend the contract for a final three-year period.

Alternate options for operation of Council's leisure facilities were not investigated through this period, following Council's provisional support for the contract extension mid-2021.

The extension of the contract in 2019 included all services and operations being consistent with the first contract, and several new services. Some of the new services included in the contract:

- Cardinia Life street team
- Year 10 activation initiative
- Water smart education program
- Schools network forum

These new services were included in the performance review. The performance review found:

- Compliance with 39 of the 40 tender specifications.
- Compliance with 10 of the 12 new services added to the contract. The two outstanding items (Year 10 activation initiative and Water Smart Education Process) are both school related impacted by COVID.
- Provision of inclusive programming, with all abilities Aussie Hoops, Wheelchair Tennis, a BlindSport and Recreation Victoria partnership program, accessible swimming lessons, and the achievement of Accessible Communication Accreditation
- Donating prizes and giveaways to a number of 'get active' promotions including Walk to School, Mobile March, Active April, and to local schools and user groups to support as action items.
- Aligned Leisure raised over \$10,000 to donate to the Victorian Bushfire Appeal, and \$3,000 was donated to the Casey Cardinia Foundation from the 2020 fun run
- Aligned Leisure's partnership approach, involved in St Francis Xavier's Better Man project, Council's Together We Can leadership summit, This Girl Can program, He Can So We Can Too gender equity initiative, International Women's Day, and Share the Dignity campaign,

Except for 2021/22, the contract has operated a guaranteed model every year, with a surplus share arrangement. The guaranteed model means that any deficit from the budget is the responsibility of the contractor. Any surplus is shared in accordance with the surplus share.

In 2021/22 the contract is operating a non-guaranteed model, reflecting the uncertainty of COVID-19. Any deficit from the budget this year is Council's responsibility and any surplus from budget will be recovered by Council. The non-guaranteed model has a lower cost to Council.

As owners of the Cardinia Leisure Facilities, Council has borne the cost of contract variations in 19/20, 20/21 and will also incur costs during the 21/22 financial year. These COVID-19 related challenges have not been unique to Cardinia Shire. Shutdowns, restrictions and the slow return of members, swim lesson participants and stadium teams have been the predominant causes of these variations.

Programming at IYU Recreation Reserve, (a recreation reserve located on Henry Road in Pakenham) was ceased through the COVID-19 impact variation periods and will not resume through this final contract extension period. This aspect of the contract saw Aligned Leisure run one clinic per week, building into a small weekly competition. Participation has been very low since the outset, with the tenant soccer club catering to all needs on site.

### **Next steps for the leisure contract**

A review of management and operation options for Council's leisure facilities will commence immediately. If third party management and operation of Cardinia's leisure facilities is identified as the preferred model, a review of the contract specifications and contract will commence and lead to a tender process.

## **Policy Implications**

Any exemptions or breaches occurring through the Major Facilities Contract will be managed in accordance with Council's Procurement Policy 2021-2025, including variations under contract and contract over expenditure.

## **Relevance to Council Plan**

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

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

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

## **5.1 We practise responsible leadership**

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

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

## **Climate Emergency Consideration**

Aligned Leisure and Council will continue to implement measures and practices with the operation of the leisure centres and pools to reduce and minimise the environmental impact.

## **Consultation/Communication**

The contract review, consultation occurred with:

- Finance
- Procurement
- Russell Kennedy Lawyers

## **Financial and Resource Implications**

Officers have worked with Council's Coordinator of Financial Planning, Analysis and Systems to review the information and arrive at a recommendation.

## **Conclusion**

The current contract has been significantly affected by COVID-19 with restrictions impacting operations, and staggered/slow return rates across memberships, swim school and stadium.

The performance of the incumbent facility management contractor through this contract period, and through COVID-19 has met expectation.

It is recommended that Council formally endorses a three- year extension to the Major Recreation Facilities Contract, including contract amendments, to Aligned Leisure.

**Resolution**

Moved Cr Jack Kowarzik, seconded Cr Graeme Moore.

That Council endorse offering the final 3-year contract extension included in the Major Recreation Facilities Contract to Aligned Leisure.

Carried

## 6.3 Policy Reports

### 6.3.1 Community Capital Works Grants Program Policy

**Responsible GM:** Lili Rosic  
**Author:** Nat Noonan and Helena Moloney

#### Recommendation(s)

That Council

- adopt the updated Community Capital Works Grants Policy

#### Attachments

1. Final draft CCWG policy May 2022 [6.3.1.1 - 9 pages]

#### Executive Summary

The Community Capital Works Grants Program Policy outlines Council's commitments and responsibilities in providing Community Capital Works Grants to the community. The Policy provides guidelines for the consistent management of the grant program across Council based on the principles of community involvement and good governance.

Following an internal audit conducted by Crowe Australasia several amendments to the Community Capital Works Grants Policy are proposed to improve the program and reduce risk.

#### Background

In accordance with the annual audit program, an internal audit of Council's Community Capital Works Grant program was undertaken by Crowe Australasia in June 2021. The audit assessed whether the existing controls and processes are operating effectively and a report with recommendations was provided to Council.

Overall, the audit determined that under a control rating there was an adequate control environment in most areas with moderate risk improvement opportunities identified which require corrective action.

The following items were identified as risks relating to the policy and have been addressed in the proposed updated policy:

| Risk                                                                                                              | Risk rating | Action taken                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Councillors are included in the grant assessment panel and have direct communication with staff regarding grants. | High        | <p>Councillors will no longer be on the formal assessment panel. Councillor's questions/communication regarding grant applications to be channelled through the CEO/General Manager (GM) Liveable Communities.</p> <p>Briefings, one or two as required, will be provided to Councillors by Council officers on the applications received and assessments undertaken by Council officers</p> |

|                                                                                                                |        |                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                |        | <p>prior to proceeding to Council Meeting for endorsement.</p> <p>Role of Councillors as final decision makers at Council Meeting clearly articulated.</p>                                                                                                                                 |
| There is a lack of senior officer involvement in the grant assessment panel.                                   | Medium | Internal Council Cross Divisional Group (ICCDG) is to have representation from at least 1 senior council officer. Manager Active and Connected Communities will be that member. The GM Liveable Communities is responsible for ensuring compliance with revised Policy/assessment process. |
| It is not clear within the policy what constitutes an improvement versus what would be considered maintenance. | Medium | Policy updated to include the funding scope and explicitly states that funding is not available for general maintenance.                                                                                                                                                                   |
| Roles and responsibilities of the various assessment panels are not clearly articulated.                       | Medium | <p>Terms of reference have been developed for the ICCDG.</p> <p>ICCDG and Grant Evaluation Committee have been combined.</p>                                                                                                                                                               |

### Policy Implications

This report presents proposed changes to the Community Capital Works Grants Policy.

The Community Capital Works Grants Program plays a role in delivering on the priorities identified in the Cardinia Shire Council Plan.

This Policy will be transferred onto Council's most recent Policy template

### Relevance to Council Plan

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

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

### Climate Emergency Consideration

Climate considerations are highly important within the Community Capital Works Grant Program. Category 1 has two of the four priority areas focused on this:

- Priority area 1: Upgrades to more efficient and effective appliances
- Priority area 2: Environmental building upgrades

In the policy update projects which provide an environmental benefit are encouraged.

### Consultation/Communication

The initial audit consulted a range of Council officers and involved the Audit Committee members.

Internal consultation has also informed the proposed amendments to the Community Capital Works Grants Policy.

### **Financial and Resource Implications**

There are no financial implications on the proposed amendments to the Community Capital Works Grants Policy.

Over the past 3 years, Council has contributed \$1,016,082.83 through the Community Capital Works Grants Program to improve community facilities.

### **Conclusion**

Following an internal audit conducted by Crowe Australasia, some risks surrounding the Community Capital Works Grant program administration were identified.

The audit identified several control measures that could be put into place to strengthen the program and these have been included in the proposed updated Community Capital Works Grant Policy.

Council is requested to adopt the updated Community Capital Works Grant Policy.

**Resolution**

Moved Cr Graeme Moore, seconded Cr Jack Kowarzik.

That Council

- adopt the updated Community Capital Works Grants Policy

Carried

## 6.3.2 Neighbourhood House Policy 2022-2025

**Responsible GM:** Lili Rosic  
**Author:** Hannah Milne & Nat Noonan

### Recommendation(s)

That Council

- adopt the revised Neighbourhood House Policy 2022-2025 and
- notes that the draft 22/23 Council budget for exhibition includes funding for Neighbourhood houses.

### Attachments

1. Neighbourhood House Policy draft 2022 1 1 [6.3.2.1 - 5 pages]
2. Confidential - Neighbourhood House Funding Distribution 2022-2023 [6.3.2.2 - 1 page]

### Executive Summary

The Neighbourhood House Policy outlines Cardinia Shire Council's commitment to Neighbourhood Houses and acts to:

- Reinforce the partnership between Cardinia Shire Council and Neighbourhood Houses
- Recognise the important role Neighbourhood Houses play in community strengthening
- Highlight the role Council has in supporting the Neighbourhood House sector.

The proposed Neighbourhood House Policy 2022-2025 aligns with and underpins the Neighbourhood House Funding Agreements.

### Background

Neighbourhood Houses are at the forefront of service provision, playing a significant role in community development and social equity by addressing specific social needs of the community they are situated in.

Cardinia Shire has 8 Neighbourhood Houses. These Neighbourhood Houses receive core funding from the Department of Families, Fairness and Housing (DFFH) through the Neighbourhood House Coordination Program. They also receive an operational subsidy from Council where a signed funding agreement is in place.

The Neighbourhood House Policy acts to reinforce the partnership between Cardinia Shire Council and Neighbourhood Houses, acknowledge the vital role they play in our community and outline the ways in which Council supports the sector.

Following the expiration of the previous Neighbourhood House Policy and changes to the funding agreement, a new Policy is required.

The review of the existing policy commenced in 2020, Council conducted a secondary review of Neighbourhood House Policy and Funding Agreements in response to the deferred policy endorsement in July 2021. The results from secondary review further highlighted the differences between each house and their operations due to varying community needs.

Extensive feedback was received on both the Neighbourhood House Policy and Funding Agreement during the 2-year consultation process. Endorsement of the 2022-2025 Neighbourhood House Policy will address majority of issues and concerns identified.

Council will continue to monitor industry trends and the outcomes of the DFFH Neighbourhood House Coordination Guideline review to inform future reviews of the Neighbourhood House Policy and Funding Agreements.

### **Policy Implications**

The Neighbourhood House funding agreement and policy is underpinned by the State Government's Neighbourhood House Coordination Program and Cardinia Shire's Liveability Plan.

A non-negotiable element is Neighbourhood House activities must demonstrate linkages to Cardinia Shire's Liveability Plan and fulfil the Funding Agreement requirements .

### **Relevance to Council Plan**

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

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

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

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

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

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

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

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

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

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

3.1.5 Facilitate community stewardship to build preparedness for natural threats.

#### **4.1 We support our productive land and employment land to grow local industries**

4.1.3 Improve local learning and employment pathway opportunities through strategic partnerships.

4.1.5 Strengthen and promote our shire's unique identity and visitor attractions.

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

- 5.1.1 Build trust through meaningful community engagement and transparent decision-making.
- 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.
- 5.1.5 Champion the collective values of the community through the Councillors' governance of the shire.

### **Climate Emergency Consideration**

Funding of Neighbourhood Houses assists the Shire's communities to prepare and respond during natural disasters and emergencies. It can also provide opportunities to establish programs and initiatives to mitigate climate change and assist to build community resilience to the adverse impacts.

### **Consultation/Communication**

An extensive consultation process was undertaken with the Neighbourhood Houses which spanned from November 2020 to May 2021. It consisted of 4 stages:

- Individual interviews with an independent consultant
- A survey
- Written feedback on the first draft
- Written feedback on the final draft

DFFH Community Partnership team and Neighbourhood House Liaisons have worked with Council providing information around their current guideline review and funding.

Internal stakeholders have been consulted for budget management and future planning for longevity of Neighbourhood Houses.

Key changes within the policy include:

- Updates to department titles and related document titles
- Changes to fund distribution based on community need
- Dedicated Council liaison officer
- Updated Neighbourhood House principles to:
  - Reflect different governance models
  - Service delivery linkages to Council's Liveability Plan.

### **Financial and Resource Implications**

Attached confidential paper lists house funding distribution for the 2022-2023 financial year based on the draft Council budget.

### **Conclusion**

Council acknowledges the pivotal role Neighbourhood Houses play in our diverse community. We thank the committees, staff and volunteers from the Neighbourhood Houses for being forthcoming with feedback during the Policy review. Minor changes have been made to the Funding Agreements and a revised Neighbourhood House Policy 2022-2025 has been prepared and is provided with this report (attachment 1).

## **Resolution**

Moved Cr Graeme Moore, seconded Cr Collin Ross.

That Council

- adopt the revised Neighbourhood House Policy 2022-2025 and
- notes that the draft 22/23 Council budget for exhibition includes funding for Neighbourhood houses.

Carried

## 6.4 Financial Reports

### 6.4.1 Quarterly Financial Report

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

#### Recommendation(s)

That Council

- Receives and notes the quarterly financial report for the period 1 July 2021 to 31 March 2022.
- Notes that the Chief Executive Officer, as required under Section 97(3) of the *Local Government Act 2020*, is of the opinion a revised budget is not required.

#### Attachments

1. Financial Performance Report - March 2022 [6.4.1.1 - 17 pages]
2. Income Statement and Balance Sheet Glossary [6.4.1.2 - 3 pages]
3. Capital Works Report - March 2022 [6.4.1.3 - 10 pages]

#### Executive Summary

This report summarises Council's financial performance for the nine months ended 31 March 2022.

#### Background

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

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

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

#### Policy Implications

Nil

#### Relevance to Council Plan

##### 5.1 We practise responsible leadership

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

## **Climate Emergency Consideration**

Nil

## **Consultation/Communication**

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

## **Financial and Resource Implications**

The analysis undertaken as part of the Financial Performance and Capital Works reports is based on the differences between the 2021-22 budget adopted in June 2021 and actual results as at 31 March 2022.

The adjusted underlying result year-to-date to March is a surplus of \$1.4m, which is \$5.3m favourable to the year-to-date budgeted deficit of \$3.9m. The adjusted surplus excludes capital income and other abnormals, but includes recurrent capital grants. The unadjusted result year-to-date to March is a surplus of \$52.8m, which is \$4.0m unfavourable to the year-to-date budgeted surplus of \$56.8m.

The March year-to-date total income is \$4.3m unfavourable to budget. Non-monetary capital contributions and monetary development levies are \$10.3m and \$7.0m respectively unfavourable to budget, but have been partly offset by non-monetary development levies being \$7.5m favourable to budget. Operating grant and capital grant revenue are \$5.5m and \$0.9m favourable respectively, partly due to recognition this financial year of grants received last financial year and recognition of unbudgeted grants. The major unbudgeted operating grants are for Koo Wee Rup football/cricket pavilion upgrades, COVID-Safe Outdoor Activation Funding, South East Victorian Fires Recovery Support, Storm and Flood Event Staffing and Local Partnerships. The major unbudgeted capital grants are for the Toomuc Reserve south oval pavilion upgrade, Timbertop Intergrated Children's Centre, Toomuc Reserve north oval pavilion upgrade, Avon Road Blackspot and Gembrook Reserve projects.

The March year-to-date total expenditure is \$0.2m favourable to budget. Other expenses are \$0.5m favourable, primarily due to timing variances in garbage collection, financial audit fees and IT hardware leases, and employee benefits are currently \$0.4m favourable primarily due to vacant positions across the organisation. These favourable budget variances have been partly offset by materials and services expenditure which is \$0.7m unfavourable. This is primarily due to the net impact of: unfavourable variance in capital works expenditure being recognised as unbudgeted operating expenses, where accounting standards criteria for capitalisation as assets were not met; unfavourable variances in other major items of expenditure, mainly associated with the June 2021 rain and October 2021 storm events; and partly offsetting favourable variances in contract payments, including waste services, parks and gardens and dangerous tree removal services.

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

The year-end forecast result as at the end of March is an adjusted underlying surplus of \$40k, which is \$302k favourable to the adopted budget adjusted underlying deficit of \$262k. The unadjusted result is forecast to be \$8.0m unfavourable to the adopted budget, with income forecast to be \$3.3m unfavourable and expenditure \$4.7m unfavourable.

Income forecast to be unfavourable compared to full year budget include: non-monetary capital contributions \$10.0m; monetary development levies \$3.0m; capital grants \$2.7m; statutory fees and fines \$0.8m; other income \$0.7m; user fees \$0.4m; and interest \$0.2m. These are partly offset by favourable variances in non-monetary development levies \$7.7m, operating grant income \$6.3m and rates and charges income \$0.5m.

Expenditure forecast to exceed budget by the end of the year includes: Materials and services \$5.1m; amortisation of right of use assets \$0.3m; and leases finance costs \$0.1m. These are partly offset by forecast under expenditure in employee benefits \$0.3m; borrowing costs \$0.2m; other expenses \$0.1m; and bad and doubtful debts \$0.1m.

The total cash balance at the end of March 2022 is \$112.4m, which is \$5.9m higher than at 30 June 2021 (Council cash \$15.7m higher and Development Contribution Plan (DCP) cash \$9.8m lower) and \$18.6m more than year-to-date budget. This is mainly due to: higher than anticipated cash holdings at 30 June 2021; favourable timing of receipts for rates, contributions, trust funds & deposits taken and net GST; and lower than budgeted capital works payments to date. These are partly offset by unfavourable variances in cash outflows for materials & services and trust funds & deposits repaid. The total cash surplus at 31 March of \$12.2m is after external restrictions on cash of \$54.3m and intended allocations of \$46.0m. Council is currently forecasting a total cash balance, including total financial assets, of \$108.4m at 30 June 2022 compared to a budget of \$103.6m.

Total reserves at 31 March of \$801.8m include public open space and various infrastructure reserves of \$60.6m. Within these are DCP reserves where Council's commitments at 31 March exceed related bank balances by \$33.2m, foreshadowing potential need for council cash subsidisation of some DCP projects in the short to medium term.

Total capital works project expenditure, including operating initiatives, to 31 March 2022 is \$36.4m, which is \$0.8m lower than at the same time last year and \$34.3m lower than the year-to-date budget. The combined forecast capital works expenditure for 2021-22 of \$69.7m and carryover to 2022-23 of \$34.1m is \$4.8m lower than full year budget, adjusted for actual carry-overs from 2020-21, of \$108.5m.

Capital grants income is favourable to budget due to: recognition of unbudgeted grants, including Toomuc Reserve south pavilion upgrade, Timbertop Integrated Children's Facility, Toomuc Reserve north pavilion upgrade, Avon Road Blackspot and Gembrook Reserve; and better than budgeted grants, including Sealing the Hills and Brunt Road Integrated Children's facility. These have been partly offset by the timing of budgeted grants, including Officer intersection upgrades, Soldiers Road widening and Kenilwoth Avenue footpath. Further project variance details are included in the attached Capital Works Report.

Council has committed approximately 69% of the \$108.5m full year expenditure budget as at 31 March 2022, with 34% actually spent. Key projects to which Council has committed funds include: Cardinia Youth Facility Expansion; roads re-sealing; Sealing the Hills program; IYU Recreation Reserve Athletics Facility; Integrated Family Centre at Timbertop; Toomuc Reserve south oval pavilion upgrade; and plant and equipment replacement. Further details are included in the attached Financial Performance and Capital Works reports.

## **Conclusion**

It is appropriate that Council receives and notes the quarterly financial report for the period 1 July 2021 to 31 March 2022.

## Resolution

Moved Cr Graeme Moore, seconded Cr Jack Kowarzik.

That Council

- Receives and notes the quarterly financial report for the period 1 July 2021 to 31 March 2022.
- Notes that the Chief Executive Officer, as required under Section 97(3) of the *Local Government Act 2020*, is of the opinion a revised budget is not required.

Carried

## **6.4.2 Cardinia Shire Audit and Risk Committee (ARC) for presentation to Council by the CEO**

**Responsible GM:** Debbie Tyson  
**Author:** Michael Said, Chair – Audit & Risk Committee

### **Recommendation(s)**

That Council note the report for the Audit & Risk Committee activities presented to Council by the Chair, Michael Said.

### **Attachments**

Nil

### **Introduction**

Under Section 54 (5) of the Local Government Act 2020 the Audit and Risk Committee (ARC) must prepare a biannual report which the Chief Executive Officer must table at the next Council meeting. This is the third of these reports and covers three ARC meetings since the formation of the new Council in November 2020.

### **Audit & Risk Committee membership**

- Mr Michael F Said OAM, CPA Independent Chairperson
- Vincent Philpott – Independent Member
- Leanna La Combre – Independent Member (Commenced March 2022)
- Cr Jack Kowarzik
- Cr Stephanie Davies
- Mr Homi Burjorjee – Independent Member (Retired after the November 2021 meeting)

All independent members are experienced people in ARC's in Local Government.

### **Committee meetings and Audit & Risk Committee Charter**

The Committee held two meetings on the 26 November 2021 and 18 March 2022. The agenda for both meetings was in accordance with the agreed ARC work plan for the 2021-2022 ARC work year.

All members of the ARC were present for the November and March meeting with the exception of the November meeting where one Councillor was able to participate. The CEO, General Managers and other officers attending as required.

### **Audit & Risk Committee Objectives and Purpose**

The key objective and purpose of the ARC as stated in the ARC Charter is to “provide support to Council in discharging its oversight responsibilities related to:

- financial and performance reporting,
- risk management,
- fraud prevention systems and control’
- internal and external audit assurance services, and
- councils compliance with its policies and legislative and regulatory requirements”

## **Audit & Risk Committee Responsibilities and Activities**

### **Financial and Performance Reporting**

Comprehensive quarterly and year to date (YTD) financial and performance reports were presented and discussed at both meetings covered by this report. There were no matters of concern noted by the ARC

### **Internal Control Environment**

The CEO advised the ARC that there were no organizational or system changes that impacted on the internal control environment at Council. In addition, the ARC reviewed the various comprehensive 'data analytics' papers related to various subject matters such as procurement OHS and safety at each meeting.

### **Risk Management (RM)**

The ARC reviewed and discussed RM updates at the November and March meetings, including reports from Executive Management (EM) relating to RM activities. An updated schedule of all strategic risks together with all extreme and operational risks was discussed at our March ARC meeting. This schedule details the status of the 11 strategic risks (3 high and 8 moderate) and the 25 operational risks with high risk ratings. In addition, there were presentations by the General Manager (GM) Infrastructure and Environment and the GM Liveable Communities of the 4 and 1 Strategic risks respectively for which they have responsibility.

Minutes for all strategic and extreme and high operational risks were made available to the ARC. The ARC was further advised that the Business Continuity Management (BCP) and OHS Committees continue to meet on regular basis. These minutes are of value to the ARC as it indicates the robustness of RM and active implementation of RM responsibilities under the LG Act 2020

The ARC were advised that the Senior Leadership Team (SLT) has implemented a program for Business Unit Managers, on a rotational basis, to present and discuss operational risks for which they are responsible at SLT risk meetings. This program is applauded by the ARC and will assist in enhancing a RM skill and culture throughout Council.

### **Fraud Prevention Systems and Controls**

Risk registers of Council include relevant risk and control information related to fraud and corruption control. There were not any instances of potential fraud or corruption advised to the ARC at any of the meetings covered by this report.

In addition, the ARC continues to monitor outcomes from reviews by integrity bodies including the Auditor General, Ombudsman, IBAC and LG Inspectorate reports relating to this topic, especially those related to the Local Government will be considered by the ARC after "self-evaluation/gap analysis" by Council officers of these reports.

### **Internal audit**

The Partner and senior audit manager from the contracted internal audit firm attended the November and March meetings and presented their status reports (on progress against the approved internal audit plan) and other literature of a general nature relevant to work of ARC's generally. In addition he presented the following two internal audit reports:

- Fraud Awareness, and
- Tendering.

Report findings and audit recommendations identifying where controls could be strengthened together with comprehensive management comments were discussed by the ARC. The ARC monitors the implementation by management of all audit recommendations at subsequent meetings.

Prior to the commencement of any internal audit, the ARC is provided with the proposed scope (MAP) of each audit. The MAP is developed by the auditor, with input from SLT, and discussed and approved at ARC meetings. Any ad hoc engagements undertaken by the internal auditor must similarly be referred to the ARC prior to commencement. There were no additional assignments

**External Audit by the Auditor General (AG)**

The AG has elected to contract Cardinia Shire external audit to one of his 9 specialist audit service provider's (ASP) to HLB Mann Judd. The AG's office still oversees all aspects of the audit including giving direction to the ASP regarding the scope of the audit, reference to any Council or industry related matters, undertaking a quality review prior to issuing his opinion and detailed quality review processes including review of the ASP work papers post completion of the audit. The partner responsible for Councils audit is a proven and very experienced agent of the AG.

It should be noted that issuing audit opinions this year may also be impacted by the State elections later in the year as it is expected that the Government will go into caretaker mode sometime late September/early October.

The ARC met with the partner from HLB Mann Judd at the March ARC meeting. The firm's audit strategy memorandum including the proposed timeline for completing the interim and final audit was discussed with the partner and officers at this meeting.

**Compliance**

The CEO provides the ARC with an update at each meeting relating to any non-compliance matter relating to Council policies and/or any Legislation. No instances of non-compliance issues were reported to the ARC for the period covered by this report.

The ARC continued to monitor the implementation of the Local Government Act 2020 (LGA 2020). and also received updates at each meeting

**General**

This report has been reviewed and approved by ARC members. It is respectfully requested that Council note the report from the Audit & Risk Committee.

**Resolution**

Moved Cr Jack Kowarzik, seconded Cr Tammy Radford.

That Council note the report for the Audit & Risk Committee activities presented to Council by the Chair, Michael Said.

Carried

## 6.5 Activity Reports

### 6.5.1 Quarterly Performance and Growth Report - Q3 2021-22

**Responsible GM:** Jenny Scicluna  
**Author:** Joy Emeruwa

#### Recommendation(s)

The Performance and Growth Reports for Quarter 3 2021-22 be received and noted.

#### Attachments

1. Attachment 1 - Performance Report - Q3 2021-22 [**6.5.1.1** - 15 pages]
2. Attachment 2 - Council Plan Initiative - Progress Report - Q3 2021-22 [**6.5.1.2** - 14 pages]
3. Attachment 3 - Growth Report - Q3 2021-22 [**6.5.1.3** - 6 pages]

#### Executive Summary

The new Council Plan 2021-25 was adopted at the Council Meeting on Monday 21 June 2021. This is the first reporting year for the new Council Plan. The Council Plan is structured around 5 strategic objectives that underpin the overarching strategic direction for the next 4 years. Under each strategic objective is a series of strategies, initiatives, and indicators. Council has committed to undertake work on 36 Council Plan initiatives during the 2021-22 financial year. 32 initiatives are currently on track to be completed by their due date. One initiative has been completed.

78% of incoming service requests across the organisation were actioned and closed within service standard. While this result is below our target of 90%, it should be noted that the organisation has been required to manage staffing difficulties during this time with the coronavirus pandemic taking a toll on our workforce.

The service levels achieved for unsealed road related requests and drainage related requests this quarter were 73% and 65% respectively. While these results are below our 90% target, they are the highest they have been in 3 years. The planned integration between Council's Customer Relationship Management System (CRMS) and Reflect, Council's inspection and maintenance management system, will ultimately result in improving these results further.

The percentage of calls answered within 300 seconds by the Customer Support team was 47% for the quarter. While this remains below our 80% target, it is an improvement over last quarter's result. This time of the year is typified by high workload for the Customer Support team, with Animals Registration Renewals and quarter 3 rates instalment reminders both being delivered to residents. There has also been further turn over within the team. Hiring of permanent staff will begin towards the end of quarter 4 and all staff members on secondment will return during quarter 1. There will be an initial period of retraining for these staff members but, providing no other staffing issues occur, we should be in good standing to see further improvement on these results.

We have observed a notable improvement in the results of several Local Government Performance Reporting Framework (LGPRF) service measures, those being 'Animals Reclaimed', 'Councillor Meeting Attendance', 'Missed Bins', and 'Waste Diverted from Landfill'. Our performance has declined slightly in some measures; those being, 'Time Taken to Action Animal Requests', 'Council Decisions Closed to the Public', and 'Planning Decisions Upheld at VCAT'. All other measures have remained relatively stable this quarter.

Population growth within the Shire declined slightly from four to three households moving into the Shire per day. Subdivision land activity has slowed this quarter, and the construction of sealed roads and footpaths was significantly lower than that of the same time last year, with a decrease by 36% and 38% respectively. This result is in part due to the reduction in estate developments this year to date.

## **Background**

### **CEO Report**

The third quarter of 2021/22 has been a challenging but rewarding time for Council, we have been presented with a number of opportunities to further develop and enhance the presence of our growing shire.

#### **Key strategies adopted by Council**

Many key strategies were adopted by Council this quarter, including the adoption of the updated Information Privacy Policy.

Council has also adopted an amended Travel Expenses Claim Form and the amended Councillor Expenses Policy to meet the recommendation of the Local Government Inspectorate.

Delivering on infrastructure and vital community services are just a few of the key important focusses for Council. Our commitment to responsible financial management whilst delivering on these key elements is reflected in our budget, financial plan and revenue and rating plan.

We have strived to maintain a high level of commitment to community services such as youth services, libraries, and safe and inclusive communities.

We look forward to continuing to work with our community to achieve our shared goals.

#### **Supporting our community**

Council continued to support our community this quarter through the impacts of the COVID-19 pandemic. In January we were pleased to announce the launch of the COVID-19 Multicultural Community Connection Grants Program which provided COVID-19 response and recovery support, including access to one-off payments to local multicultural communities.

We are thankful for our resilient community and will always endeavour to respond to community needs.

Emphasis was centred on encouraging the community to better connect with us, as a free interpreting service was launched this quarter for non-English speaking residents.

Residents were also encouraged to have their say on a number of plans and strategies, such as Council's first asset plan, domestic animal management plan, open-air fires and the climate

change adaption strategy. We're grateful to our community for its continued commitment to providing valuable input and feedback.

### **Advocating for Cardinia**

Within this financial year, 41 grant applications for a variety of programs have been lodged, totalling \$19M for a range of projects. To date, 19 applications have been successful for a total of \$10.7M.

Council continues to seek grant funds from a variety of state and federal government funding programs. We successfully obtained significant funding of \$2.5 million dollars through the Growing Suburbs Fund grant application to complete exciting upgrades across the shire.

Community safety is a leading priority for Council, and we are working hard to deliver new programs to ensure a safer Cardinia such as the Heavy Vehicle Alcohol and Other Drug Policy Grant Program.

This recently delivered \$7000 grant program will aim to address the serious health and safety risk and associated liabilities of alcohol and drug related issues in the heavy vehicle industry workplace.

We are taking action on important local issues, and we are working hard to focus on priorities that will benefit all of our local communities.

### **Our shire's major projects and roads**

Works have continued on the Strategic Sealed Roads project to seal 109 kilometres of roads in the shire, including works started in Rythdale, Cockatoo and Emerald. Upgrades have included road pavement construction, kerb and channel construction, drainage works and signage, guardrails and line markings.

Underground crossings installed during this project also allowed for rare and exciting photograph opportunities of the Southern Brown Bandicoot. Council had previously installed several bandicoot crossings in Koo Wee Rup as part of the Strategic Sealed Roads project.

We have continued to work hard to deliver on major projects across the shire, with several being completed this quarter.

The official opening of the upgraded Cockatoo Community Complex took place in March, which has now become the home for the Maternal and Child Health service in Cockatoo. Council has upgraded the complex to provide high-quality facilitation of Maternal and Child Health Nurse appointments.

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

Exciting times are ahead!

**Carol Jeffs**

**Chief Executive Officer**

**Cardinia Shire Council**

## **Government Interaction**

### ***Government Advocacy***

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

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

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

### ***Grant applications***

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

So far, this financial year, 41 grant applications have been lodged under various programs, totalling \$19M for a range of projects. To date, 19 applications have been successful for a total of \$10.7M.

### ***Legislative Program***

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

Council is monitoring the Victorian Government's progress in amendments to the Planning and Environment Act and the passage of the Sex Work Decriminalisation Act that was passed into law in February.

Council has expressed concerns to the relevant Ministers regarding both initiatives and will monitor implementation of the new measures.

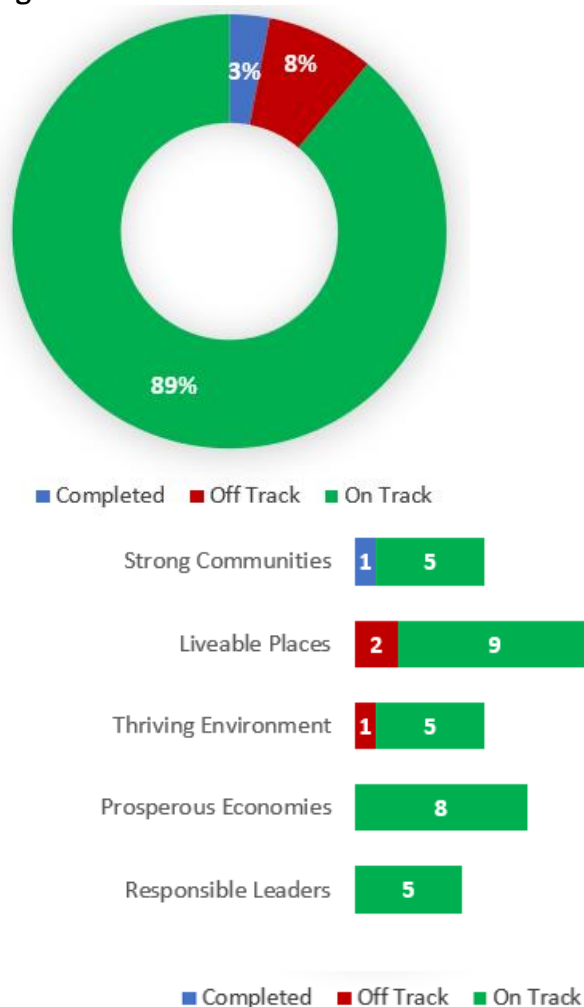
## Performance Summary

### ***Council Plan Performance***

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

There are 36 Council Plan initiatives due to be completed during the 2021-22 financial year of which 3 initiatives (8%) are off track. Please refer to Table 1 and Table 2 for further details.

**Figure 1. Council Plan Initiative Performance**



### ***Service Request Performance***

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

### ***Organisation Performance:***

78% of incoming service requests across the organisation were actioned and closed within service standard, below our target of 90%. It is important to note that, across the reporting period, the organisation has been required to manage staffing difficulties resulting from the toll that the coronavirus pandemic has taken a toll on our workforce, while the number of incoming service requests increased by 13%, compared to the same time last year.

Table 3 illustrates the top 5 service categories by volume and their service level, for the quarter. A focus on improving service levels across the below service categories is expected to have a strong effect on the overall service level for the organisation.

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

|   |                                                |       |     |  | 90% target |
|---|------------------------------------------------|-------|-----|--|------------|
| 1 | Waste – Kerbside Bin Issue                     | 1,569 | 89% |  |            |
| 2 | Waste – Kerbside Bins                          | 1,137 | 90% |  |            |
| 3 | Trees and vegetation on Public or Council land | 992   | 19% |  |            |
| 4 | Waste – Kerbside Bin Change                    | 787   | 97% |  |            |
| 5 | Rates                                          | 755   | 82% |  |            |

#### **Operations Performance:**

Council maintains a large, unsealed road network. Maintenance works consist of both grading and

Resheeting, done on a cyclic basis, along with responses to defects caused by adverse weather conditions such as storms or long dry spells. All works are conducted in accordance with Council's Road Management Plan, which ensures that the network is kept in a safe and trafficable condition.

The service level for unsealed road related requests this quarter was 73%, lower than our 90% target. While there was a 41% increase in the number of unsealed road services requests received, compared to the same time last year, the overall performance for unsealed road requests this quarter has increased by 20% from the last quarter. Additionally, this quarter's performance in this area is the highest it has been in 3 years. An impressive result.

The number of hours spent grading unsealed roads was 18% higher compared to the same time last year. Despite this, there has been an increase in the number of corrugation or pothole complaints, with the year-to-date figure 57% higher than the same time last year. The unsealed road network is generally in good condition, however warmer and drier weather is presenting in several roads exhibiting corrugation or loose surfaces.

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

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

our community. This integration project is currently under review, and further details will be provided when available.

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

The service level for drainage related requests this quarter was 65%, significantly lower than our 90% target. The Operations team have experienced periods of increased drainage related customer requests this quarter. This is primarily due to storm events which produced heavy rainfall in a short period of time, causing flash flooding leading to an increase in customer service requests and subsequent maintenance requirements. As the drainage service requests are also managed through the Reflect system, it is expected that the integrated solution will also affect the service level results for this service area.

The number of linear metres of surface drains cleared was 56% lower than the same time last year. Last year's significant increase in this area was due to the availability of resources, a combination of both internal staff and contractors, at that time. In comparison, the number of linear metres of underground drains cleared increased by 214% compared to the same time last year.

#### ***Waste Management Performance:***

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

Waste management performance results continue to meet the organisation's target, achieving a 92% service standard for the quarter. Waste disposal and recovery statistics remained stable, with under 1% less garbage waste being sent to landfill, compared to the same time last year. The amount of recycling recovered this quarter has decreased by 2% while green waste mulched increase by 1%, compared to the same time last year.

#### ***Customer Support Call Performance***

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

We currently report our Customer Support call service level as the percentage of calls that are answered in 300 seconds, with our target being 80% of calls answered within 300 seconds. The service level for the quarter was 47%. The average amount of time a customer spent waiting in the call queue was 311 seconds, lower than last quarter's result of 357 but still significantly higher than the first quarter's result of 136 seconds. The average amount of time taken by Customer Support Officers to finalise call details following conclusion of a call is referred to as the After-Call Work Time. The result this quarter was 138 seconds, which is above our target of 105 seconds. The Abandoned Call rate was 23% this quarter, lower than last quarter's result of 31% but significantly above the target of 3%.

These results are in part due to a high workload within the month of March, with Animals Registration Renewals and quarter 3 rates instalment reminders both being delivered to residents. There has also been further staff turnover within the team with one secondment extended, one staff member on extended sick leave and 3 of the maximum term staff leaving.

We have replaced FTE up to the allocated budget amount (including under spend) with temporary agents, until June 30, who are currently being trained. We will be hiring permanent staff towards the end of quarter 4 and all staff members on secondment will return during quarter 1. There will be an initial period of retraining for these staff members but, providing no other staffing issues occur, we should be in good standing to see further improvement on these results.

### ***LGPRF Performance***

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

We have observed a notable improvement in the results of several Local Government Performance Reporting Framework (LGPRF) service measures, those being 'Animals Reclaimed', 'Councillor Meeting Attendance', 'Missed Bins', and 'Waste Diverted from Landfill'. Our performance has declined slightly in some measures, those being 'Time Taken to Action Animal Requests', 'Council Decisions Closed to the Public', and 'Planning Decisions Upheld at VCAT'. All other measures have remained relatively stable this quarter.

### **Growth Summary**

Residential development activity drives much of the growth in demand for Council's services and facilities. There are 4 main precincts across the Shire in which residential land is currently in development. The structure plan for the Pakenham East Precinct was approved in early 2021 and development has now begun. There are just under 19,000 lots still to be developed across the Shire, the majority of which being within the Officer and the Pakenham East precincts. Residential land development in the Shire has seen lower results this quarter indicating a possible slowing down of estate development. The number of residential subdivision lot applications lodged was 23% lower than the same time last year, and the number of residential lots issued with a statement of compliance was 22% lower than the same time last year.

Activity within the property sector can help determine the growth rate within a municipality and therefore assist with future decision making. The number of building permits issued was 11% lower than the same time last year. This drop in numbers can be attributed to the departure and movement of staff in the team limiting the ability to process permits. Residential building completions stabilised, with a slightly higher number of building completions than the same time last year. Non-residential building completions are trending upward, with 13% more non-residential building completions processed than the same time last year.

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

The Maternal and Child Health statistics are also a lead growth indicator. Birth notices are the number of notifications received from hospitals, for newborn babies in the municipality. There were 509 births in the Shire this quarter, being 8% higher than the same time last year. Maternal and Child Health Enrolments include the number of babies and children, from birth to school age, that visit and enrol at an MCH centre, including children of families moving to Cardinia Shire. Enrolments were 7% higher than the same time last year.

The growth of the sealed road and footpath network provides insight into the progress of infrastructure activity within the Shire. Sealed road growth is due to a combination of subdivision development and Council's sealing of unsealed roads through special charge schemes or other external funding such as Roads to Recovery. There were 1.61 KMs of sealed roads constructed this quarter, with sealed road construction being 36% lower than the same time last year. Footpath growth is due to a combination of footpaths constructed from subdivision development and Council's capital works program. There were 1.49 KMs of footpaths constructed this quarter, with the total length of footpaths constructed being 38% lower than the same time last year. The construction of both sealed roads and footpaths has slowed due to the reduction in estate development this quarter.

### **Policy Implications**

Nil.

### **Relevance to Council Plan**

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

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

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

### **Climate Emergency Consideration**

Nil.

### **Consultation/Communication**

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

### **Risk Assessment**

Nil.

### **Financial and Resource Implications**

Nil.

### **Conclusion**

The Performance and Growth Reports for Quarter 3 2021-22 show various results in performance across the organisation, and growth across the Shire. The organisation will continue to aim targeted improvement initiatives at areas and services that are not achieving desired targets.

**Resolution**

Moved Cr Graeme Moore, seconded Cr Jack Kowarzik.

The Performance and Growth Reports for Quarter 3 2021-22 be received and noted.

Carried

## 6.5.2 Environment Council Plan Initiatives Quarterly Report

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

### Recommendation(s)

That Council note this report.

### Attachments

1. Environment Council Plan initiatives quarterly report - April 2022 [6.5.2.1 - 7 pages]

### Executive Summary

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

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

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

#### Initiatives

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

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

### Background

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

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

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

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

**Project Update**

Projects and updates are included in the attached report.

**Resolution**

Moved Cr Graeme Moore, seconded Cr Jack Kowarzik.

That Council note this report.

Carried

## 6.5.3 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 - May 2022 [6.5.3.1 - 17 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 Graeme Moore, seconded Cr Jack Kowarzik.

That Council note this report

Carried

## 7 Reports Or Minutes Of Committees

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

## 8 Reports By Delegates

Cr Radford advised of:

- The start of National Volunteer Week and thanked all volunteers in the community for their amazing and dedicated service
- Unveiling of the Officer World War II, Roll of Honour at the Officer Recreation Reserve. Cr Radford also gave thanks to some key community members for the project in particular Penny Harris Jennings and Carol and Rob Porter

Cr Ross also mentioned the unveiling of the advised of: Officer World War II, Roll of Honour noting that the plaque was made by the Berwick Woodworkers Club and donated to the Recreation Reserve.

Cr Moore advised:

- He had attended two 'Walk around the lake' events, one involving the Country Women's Association in memory of Carol Clay and the other being a charity walk to fight MND (Motor Neurone Disease)
- He had attended the Food and Tourism launch for the West Gippsland Progress Association at the Cannibal Creek Winery.

Cr Ryan advised of:

- Her visit to Pakenham Living and Learning with Victoria Police.
- Pakenham ANZAC Day Dawn Service
- Opening of the Orange Door Access Point at Toomah Community Centre.
- Attendance at the funding announcement for Pakenham Living and Learning by The Hon Jason Wood
- 'Walk around the lake' event in memory of Carol Clay

Cr Kowarzik advised of his attendance at:

- Picnic in the Park with the Pakenham Hills Resident's Group.
- CALD Advisory Group Meeting.
- Social Housing Tour conducted by Council Officers.
- IDAHOBIT Day
- Pakenham CBD and railway station safety meetings
- Walk around the Lake to defeat MND
- IDAHOBITY day event

Cr Cameron:

- Koo Wee Rup Anzac Day Dawn Service.
- Lang Lang RSL event for Lang Lang Primary School students
- West Gippsland Progress Association launch.
- Unveiling of the Officer World War II, Roll of Honour
- Lang Lang Rodeo

Cr Owen advised of:

- The Beaconsfield Progress Association working with the City of Casey regarding the Princes Highway Avenue of Honour plaques
- Upper Beaconsfield Community Centre AGM.
- Celebration at the Officer Seikh Temple

- Attendance at Pakenham Living and Learning where a medal box was presented to former police Commissioner Mick Miller's family
- ANZAC Day Dawn Services
- Local History Reference group Meetings
- Beaconsfield Primary School incursion where Cr Owen students the role of Local Government.
- New book launch from Berwick/Pakenham Historical Society named 'Pakenham: Then and Now'.
- Upper Beaconsfield Citizens of the Year announcement
- Casey Cardinia Foundation meeting noting that the Foundation was now called Cardinia Foundation following the withdrawal of the City of Casey from the Foundation

## **9 Presentation Of Petitions**

Nil.

**10 Notices Of Motion**

Nil.

**11 Community Questions**

Nil.

**12 Urgent Business**

There was no urgent business.

**13 Councillor Questions**

Nil.

**14 Confidential Business**

**Amendment to Minutes**

Council resolved at Council Meeting 14 April 2025 to approve the recording of item 14.1 *Purchase of Land* as an accurate record.

Item *Purchase of Land* was designated as confidential on the grounds that it relates to *Local Government Act 2020*, section 3(1)(e) legal privileged information, being information to which legal professional privilege or client legal privilege applies; (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released; (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

**15 Meeting Closure**

Meeting closed at 8:29 pm.

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Minutes confirmed  
Chairman