

Ordinary Council Meeting

Minutes

Monday 21 August 2023

Commenced at 7:00 PM

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

Members: Cr Tammy Radford Mayor

Cr Jack Kowarzik Deputy Mayor

Cr Kaye Cameron

Cr Stephanie Davies

Cr Jeff Springfield

Cr Graeme Moore

Cr Collin Ross

Cr Brett Owen

Cr Carol Ryan

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

Meeting opened at 7.00 pm.

Order of Business

1	Opening And Reflection/Prayer	5
2	Acknowledgements	5
3	Apologies	5
4	Adoption And Confirmation Of Minutes	5
5	Declaration Of Interests	5
6	Ordinary Business	6
6.1	Town Planning Reports.....	6
6.2	General Reports.....	6
6.2.1	Appointment Of Committee Members To The Nobelius Heritage Park And Emerald Museum Community Asset Committee.....	6
6.2.2	Road Discontinuance And Sale Abutting 40 Jefferson Road Garfield	8
6.2.3	Update Of Delegations To Chief Executive Officer	18
6.2.4	Lease - My Place 5-7 Main Street Pakenham	24
6.2.5	Appointment Of Authorised Officers Pursuant To The Planning And Environment Act 1987	28
6.3	Policy Reports	31
6.3.1	Endorsement Of Decision To Adopt Open Space Strategy Debated At July Ordinary Council Meeting.....	31
6.4	Financial Reports	214
6.4.1	23-006 Garfield North Cannibal Creek Reserve Community Centre	214
6.4.2	Contract 23-008 - Supply Of Asphalt And Asphalt Paving Services 2023 - 2026	227
6.5	Activity Reports.....	233
6.5.1	Environment Council Plan Initiatives Quarterly Report	233
6.5.2	Performance And Growth Reports - Q4 2022-23	250
6.5.3	Community Engagement Update.....	296

6.5.4 Major Projects Report.....	4
7 Reports Or Minutes Of Committees.....	21
8 Reports By Delegates	21
9 Presentation Of Petitions.....	21
10 Notices Of Motion	22
10.1 Notice Of Motion 1080 Cr Ross	22
10.2 Notice Of Motion 1081 - Cr Ross	23
11 Community Questions.....	24
12 Urgent Business	27
13 Councillor Questions.....	27
14 Confidential Business	28

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.

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

Nil

4 Adoption And Confirmation Of Minutes

Moved Cr Graeme Moore, seconded Cr Carol Ryan

That minutes of the following meetings be confirmed:

- General Council meeting 17 July 2023
- Town Planning Committee 7 August 2023

Carried

5 Declaration Of Interests

Nil

6 Ordinary Business

6.1 Town Planning Reports

6.2 General Reports

6.2.1 Appointment of committee members to the Nobelius Heritage Park and Emerald Museum Community Asset Committee

Responsible GM: Peter Benazic
Author: Desiree Lovell

Recommendation(s)

That the following appointments be made to the Nobelius Heritage Park and Emerald Museum Community Asset Committee for a two-year term.

- Pauline Murphy (President)
- Lynne Schrull (Secretary)
- Julia Bell (Treasurer)
- Kerry Champness
- Anne Carter
- Anne Deschepper

Attachments

Nil

Executive Summary

This report advises Council of the members elected to the Nobelius Heritage Park and Emerald Museum Community Asset Committee following the Biennial General Meeting held on 13 July 2023.

Background

The Nobelius Heritage Park and Emerald Museum Committee operate as a Community Asset Committee of Cardinia Shire Council. The committee manages the daily operations of the Emerald Museum and surrounding Nobelius Heritage Park.

A total of six committee members were elected to the Nobelius Heritage Park and Emerald Museum Committee at the Biennial General Meeting (BGM) held on the 13 July 2023. The BGM was held at the Emerald Museum.

The current Instrument of Delegation (2020) for the Nobelius Heritage Park and Emerald Museum Community Asset Committee requires the committee of management to be made up of between five and ten members. The elected committee meets this requirement.

Policy Implications

Nil

Relevance to Council Plan

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

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

1.1.3 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.

Climate Emergency Consideration

Not applicable

Consultation/Communication

Council officers developed various promotional media in the lead up to the BGM, aiming to increase awareness within the community of the museum, and seek nominations to the committee of management. Mayor Tammy Radford chaired the nomination process and welcomed the new committee.

Financial and Resource Implications

Nil

Conclusion

The BGM of the Nobeliuss Heritage Park and Emerald Museum Community Asset Committee was held on the 13 July 2023. Six members were nominated to the committee.

Resolution

Moved Cr Jeff Springfield, seconded Cr Kaye Cameron.

That the following appointments be made to the Nobeliuss Heritage Park and Emerald Museum Community Asset Committee for a two-year term.

- Pauline Murphy (President)
- Lynne Schrull (Secretary)
- Julia Bell (Treasurer)
- Kerry Champness
- Anne Carter
- Anne Deschepper

Carried

6.2.2 Road Discontinuance and Sale Abutting 40 Jefferson Road Garfield

Responsible GM: Owen Hardidge
Author: Erin Moore
Report Purpose: For discussion
Time: 30 minutes

Recommendation(s)

That Council commence community engagement and consultation in accordance with s114 of the Local Government Act 2020 and s207A, Schedule 10 clause 3 and s223 of the Local Government Act 1989 for a proposal to proceed with negotiations to discontinue a 491.5m² section of road and sell to the abutting landowner at 40 Jefferson Road Garfield.

If submissions are received and submitters request to be heard a submission hearing will be arranged and a further report will be presented to a future Council Meeting regarding the discontinuance.

Attachments

- Road Discontinuance Policy V 2 2021 5 Z Ozpr T Rb 02 Fq J Bytk V Q 6 Q [6.2.2.1 - 6 pages]
- Attachment Plans and Imagery [6.2.2.2 - 3 pages]

Executive Summary

Council have power to change the status of a non-Government 'road' to a 'lot' through a road discontinuance process, to enable abutting landowners to purchase part, or all, of a road which is then generally required by Council to be consolidated into their land parcel. Council's Road Discontinuance Policy adopted 10 March 2021, encourages the sale of such minor parcels of land that are not being used for pedestrian or vehicular access or are no longer required for other strategic or public use.

A request to purchase the 491.5m² of road was received from the abutting landowner at 40 Jefferson Road Garfield. It has already been through the internal referral process with appropriate teams as well as the external referral process to service authorities regarding services within this section of road that will require an easement to be created. Following the updated valuation of the land, a *conditional letter of intent* with a proposed sale price of \$57,000 has been accepted by the abutting landowner outlining their responsibility to reimburse Council with associated fees.

The "conditional letter of intent" is expressed to be wholly contingent upon Council engagement and Council resolution. The potential purchaser is aware that until all statutory procedures are completed including community consultation and engagement in line with S114 of the LGA 2020 and S223 of the LGA 1989, Council is not bound to proceed with the discontinuance and sale.

The decision to discontinue and sell the road is determined following a resolution at a Council Meeting where community engagement is presented.

The administrative process and low land value is a reason some Council's don't readily undertake minor road discontinuances and sales. Typically, it will take two Council Resolutions to complete the process, the first Council Meeting seeking a resolution to commence public advertising under S223

LGA 1989 and LGA2020 and a second Council Meeting to hear and consider submissions. A summary of the submission hearing will then be considered by Council to seek a resolution to discontinue and sell or not to discontinue and sell under s114 LGA 2020 and s207A, Schedule 10 clause 3 and s223 LGA 1989.

Background

Section 114 of the LGA 2020 provides the power for Council to sell land, section 206 and Clause 3 of schedule 10 of the LGA 1989 provide the authority for Council to discontinue a road or part thereof and sell it to a third party or retain it for municipal purposes. The property owner at 40 Jefferson Road Garfield has contacted Council's Property Team, in hopes of purchasing the 491.5m² section of road abutting their land, which is currently part of Council's road reserve.

The section of road is shown on certificate of title volume 09856 folio 424 being road on Plan of Subdivision LP213555F.

The internal referral process found no objections from Statutory Planning, Environment, Engineering and Traffic teams at Council. The external referral process identified an Ausnet Services easement required to be created, should the discontinuance and sale proceed.

The current market value is \$114,000 provided by Westlink Consulting as per the valuation report dated 23 March 2023. The sale price offered is in line with 4.9(A) of the Road Discontinuance Policy 2021 which allows up to 50% of the current market value, as it was determined the owner-occupier could demonstrate continuous exclusive occupation of the road or reserve in excess of 15 years.

A letter of intent has been received from the abutting landowner for the purchase of the land for \$57,000, also agreeing to Council's conditions to consolidate the land within their parcel and agreeing to reimburse Council for associated costs in discontinuing the road and selling the land. See imagery attached for further context in relation to the section of road and surrounding land.

Policy Implications

Council's Road Discontinuance Policy, which was adopted on 10 March 2021, outlines guidance in the decision-making process. A consistent approach is taken when considering sections of road which are no longer needed, to be discontinued for sale. See attachment for full policy which outlines under 4.7 general principles which apply to the sale of roads.

- (i) Council will encourage the sale of such minor parcels of land that are not being used for pedestrian or vehicular access or are no longer required for other strategic or public use.
- (ii) Council discourages the unauthorised occupation of roads or minor reserves and may take steps to remove such illegal occupation.
- (iii) Council will only sell roads or minor reserves to abutting property owners.
- (iv) Council or its Solicitors shall recover all costs incurred in the application of this policy.
 - a. Council reserves the right to retain any road or minor reserve once they take title to such land, if it is seen to be appropriate. This land may be retained to meet a strategic need or sold at some point in the future in accordance with this Policy.
 - b. Council has the right to place an easement or covenant on or over the land in order to protect existing rights or future requirements. If there is a requirement by statutory authorities to relocate such assets (eg. drains) all costs will be borne by the purchaser.
 - c. Council will require any land that is purchased to be consolidated with the abutting land title within six months of the purchase of the land.
 - d. Council will not recognise or assist with adverse possession claims over roads and minor reserves and reserves the right to contest such claims.

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.

The report outlines a considered approach to any potential road discontinuance and sale of Council land. The process of referring each potential road discontinuance to internal teams and external authorities for advice and information, allows for potential concerns, risks or conflicts with any existing or future strategies, plans or policies to be raised for discussion. The sale of discontinued sections of road in line with Council's Road Discontinuance Policy provides an opportunity to raise additional funds which relates to Council's recent project to identify 'alternative revenue streams'.

Consultation/Communication

A suitable plan is being prepared for community consultation and engagement in line with S114 of the LGA 2020 and S223 of the LGA 1989. The consultation and engagement outcome will be presented in a Council Meeting with any feedback relating to a proposal to discontinue the section of road and sell to the abutting landowner at 40 Jefferson Road Garfield.

Financial and Resource Implications

The income generated from the sale would be \$57,000. Council recovers costs associated with the discontinuance and sale if it proceeds. During the process of negotiating with purchasers, the purchaser agrees in writing to pay or reimburse the relevant fees and charges associated, these including;

- Surveyor's costs;
- Council's legal fees;
- Public notice;
- Government Gazette notice;
- Reimbursement of valuation fees and
- Preparation of transfer documentation including title registration costs.

Conclusion

It is recommended that community engagement/consultation commences in accordance with s114 of the LGA 2020 and s207A, Schedule 10 clause 3 and s223 of the LGA 1989 for a proposal to proceed with negotiations to discontinue a 491.5m² section of road and sell to the abutting landowner at 40 Jefferson Road Garfield.

If submissions are received and submitters request to be heard a submission hearing will be arranged and a proposal will be presented to a Council Meeting with any feedback relating to a proposal.

Resolution

Moved Cr Graeme Moore, seconded Cr Stephanie Davies.

That Council commence community engagement and consultation in accordance with s114 of the Local Government Act 2020 and s207A, Schedule 10 clause 3 and s223 of the Local Government Act 1989 for a proposal to proceed with negotiations to discontinue a 491.5m² section of road and sell to the abutting landowner at 40 Jefferson Road Garfield.

If submissions are received and submitters request to be heard a submission hearing will be arranged and a further report will be presented to a future Council Meeting regarding the discontinuance.

Carried

6.2.3 Update of Delegations to Chief Executive Officer

Responsible GM: Owen Hardidge
Author: Doug Evans

Recommendation(s)

That in the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 Council resolves that:

- There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.
- The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
- The duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Attachments

1. Draft amended Instrument of delegation Council to CEO August 2023 [6.2.3.1 - 4 pages]

Executive Summary

This report proposes to approve an updated Instrument of Delegation to the Chief Executive Officer. This update is suggested for two reasons:

1. so that all ongoing delegations to the CEO are included in the one document and not sitting separately in isolated Council resolutions. This is particularly relevant for the delegation in relation to accepting tenders for Contract CT20-10 Construction of Urban and Rural Roads Panel resolved by the Council on 20 March 2023.
2. To increase the delegation to approve payments over \$1M where this is required as part of a contract already entered or is required under legislation, it is proposed to increase this amount to \$2M. This is required due to the increasing cost of Council insurances now being in excess of \$1M, the most recent example if the Workcover premium for the n23/24 financial year which is \$1,079,463.24

Background

The Instrument of Delegation to the Chief Executive officer was last updated in April 2022. There are no major changes proposed to the Instrument other than to include the specific delegation approved at the March Council Meeting to accept contracts under Contract CT20-10 Construction of Urban and Rural Roads Panel, this will require a slight amendment to include numbered clause 1.1.2 this additional clause will limit this delegation to a maximum value of \$3.5M and will require the CEO to report on any contracts awarded and to provide for payment of Council's insurance premiums which at times are exceeding \$1M

The proposed additional clauses read as follows:

- 1.1.2 it is a contract for works or services tendered, procured or awarded through the Constructions Contractors Panel, established by resolution of Council on April 2020 (and extended by resolution of Council on 20 March 2023), in which case the delegate may enter into the contract up to any amount not exceeding \$3,500,000, if this

delegation is exercised the Chief Executive Officer is required to report to the Council on the award of the contract at the earliest available opportunity after it is entered

- 1.2 authorising any expenditure that exceeds \$1,000,000 (unless it is expenditure made under a contract already entered into, or is expenditure which Council is, by or under legislation, required to make in which case it must not exceed \$2,000,000);

Policy Implications

There are no policy implications associated with updating the CEO delegations.

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

There are no climate emergency considerations associated with the proposal.

Financial and Resource Implications

There are no financial or resource implications associated with updating the CEO delegations, funds are included in the budget for any works that would be accepted by the CEO under delegation.

Conclusion

It is considered appropriate to execute a new Instrument of Delegation to the Chief Executive Officer so that all ongoing delegations to the CEO are included in the one document, and not sitting separately in isolated Council resolutions and to allow for the increasing cost of Council Insurance premiums which are now exceeding \$1M.

Resolution

Moved Cr Kaye Cameron, seconded Cr Jack Kowarzik.

That in the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 Council resolves that:

- There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.
- The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
- The duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Carried

6.2.4 Lease - My Place 5-7 Main Street Pakenham

Responsible GM: Debbie Tyson
Author: Erin Moore

Recommendation(s)

That Council proceed to lease the property 5-7 Main Street Pakenham to Community College Gippsland with a 5-year lease with 2 further terms of 5 years.

Attachments

1. Attachment 1 - Summary of EOI submissions [6.2.4.1 - 1 page]

Executive Summary

This report presents the proposal to lease 5-7 Main Street Pakenham to Community College Gippsland. This follows the outcome of the Expression of Interest (EOI) for the Council owned properties located at 1a Main Street Pakenham and 5-7 Main Street Pakenham. There were two submissions, both having interest in 5-7 Main Street only. The Property Team will continue to investigate potential opportunities for 1a Main Street Pakenham.

Background

The EOI for the three buildings across two sites was offered in line with Council's Lease and Licence Policy which was adopted on the 21 February 2022. The site at 5-7 Main Street Pakenham, also known as My Place, is currently run by Council's Youth services team with licences to a range of services. Each service intends to relocate to alternative properties in 2024, including to the Cardinia Youth Hub at 43 James Street Pakenham following construction completion, which is anticipated for early 2024. 1a Main Street Pakenham offers the Chapel, currently occupied by EACH (Headspace), who will also relocate to the Cardinia Youth Facility once complete. The Church building also located at 1a Main Street Pakenham has a hire agreement in place for the use of a church group until the 31 July 2023.

The expression of interest was publicly advertised, closing on the 16 February 2023. Council received two (2) submissions only for 5-7 Main Street Pakenham. One from Community College Gippsland Ltd and the other from Anchor Inc. Anchor had previously submitted their interest in the site at 5-7 Main Street Pakenham approximately 2 years ago. Substantial community engagement and planning took place for their plans to construct a Foyer to support youth with temporary housing and support services. Unfortunately, funding was not secured by Anchor. In the recent submission from Anchor, they were still unable to confirm they had secured both capital and operating funding for this model in Cardinia.

Each submission summarised in an attached table, provide services which would benefit the community with Anchor offering a youth foyer to assist in addressing youth homelessness and CCG offering education services to disadvantaged and disengaged young people. They have extensive experience in delivering these services and would offer suitable resources to maintain the property. The reoccurring concern regarding Anchor's uncertain funding for their project was noted by the panel. Lack of confirmed funding not only impacts the development of the site for its long-term use but would lead to a shorter term for the tenancy and reduced rent as outlined in Anchor's submission. CCG were able to demonstrate a strong financial position and confidence in their plans to occupy and commence operating. The panel found the preferred tenant of 5-7 Main Street Pakenham to be CCG.

The preferred tenant is also an existing tenant of a nearby Council property at 126 Princes Highway Pakenham. The panel were comfortable proceeding with this tenant based on their ability to maintain and manage the premises, their financial position with multiple funding opportunities, and their proven experience in delivering their services to benefit the community.

Policy Implications

The Lease and Licence Policy which was adopted on 21 February 2022 outlines the requirement for Council to undertake the EOI process and this, along with procurement guidelines, have been followed. Objectives of the EOI were to:

- secure a reliable and experienced tenant to occupy the Premises providing an accessible community service that is under high demand within the municipality;
- ensure that the Tenant will carry out any improvements required, at their cost and ongoing maintenance and provide a commercial return to Council; and
- ensure the Tenant delivers a high-quality service to the public.

Relevance to Council Plan

5.1 We practise responsible leadership

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

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

Consultation/Communication

The expression of interest was advertised from 15 December 2022 and closed on the 16 February 2023. During this time the Community and Family Services team contacted many key services, to ensure they were aware of the EOI and to offer information to ensure they had every opportunity to prepare a submission. This included services we are seeking to attract to the shire, including housing agencies, Aboriginal and Torres Strait supports and those in the social service sector. To proceed with a lease term of more than 10 years, Council must carry out community engagement in accordance with section 115 of the Local Government Act 2020. Accordingly, a communication plan was prepared, reviewed then approved by the General Manager. The Councillor Bulletin was distributed on the 26 April 2023, outlining the proposal and plans to commence community consultation. A media release went out and was added to Council's [website](#) on the 13 June 2023. Each of these have been attached to this report. Letters to surrounding landowners/occupiers were posted on the 14 June 2023. We can confirm there have been no submissions or responses from the community in relation to the proposed lease.

Financial and Resource Implications

The proposed tenant has agreed to all terms outlined in the draft agreement advertised with the EOI document including the 5-year term with 2 further terms of 5 years. Also agreeing to pay appropriate utilities, rates and charges and maintain the building in accordance with the maintenance schedule. Their initial rental offering within their submission was \$66,000 per annum. Further negotiations have taken place to increase the rent significantly over the first 5-year period shown below, then a fixed increase of 3% will be applied to the 2 further terms of 5 years.

- Year 1 \$66,000 + GST
- Year 2 \$74,778 + GST
- Year 3 \$83,819 + GST
- Year 4 \$93,132 + GST
- Year 5 \$102,724 + GST

As there was no submissions or interest raised for 1A Main Street Pakenham, the Property team will continue to investigate alternative uses for the site with the intent to provide a report in the future with these findings.

Conclusion

Community engagement has been carried out in accordance with section 115 of the Local Government Act 2020. There have been no submissions or responses from the community in relation to the proposed lease at 5-7 Main Street Pakenham. Further discussions with Community College Gippsland improved the rental offering to Council, with all other terms being agreed upon. It is proposed that Council should proceed to lease the property 5-7 Main Street Pakenham to Community College Gippsland with a 5-year lease with 2 further terms of 5 years.

The Property Team will continue their work in reviewing the future use of 1a Main Street Pakenham including the Church and the Chapel buildings and surrounding land and provide a further report regarding this.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Carol Ryan.

That Council proceed to lease the property 5-7 Main Street Pakenham to Community College Gippsland with a 5-year lease with 2 further terms of 5 years.

Carried

6.2.5 Appointment of Authorised Officers pursuant to the Planning and Environment Act 1987

Responsible GM: Debbie Tyson
Author: Samantha McMahon

Recommendation(s)

That Council resolve to appoint the following staff members as Authorised Officers pursuant to Section 147(4) of the *Planning and Environment Act 1997*, and resolve to attach the Council Seal to the instrument of appointment attached to this report:

- Ms Taneekah CRAZE
- Ms Collette-Marie BELMUDA

Attachments

1. Council 21 08 2023 Planning and Environment appointment Compliance staff [6.2.5.1 - 1 page]

Executive Summary

Section 147 (4) of the *Planning and Environment Act 1997* allows Council to appoint staff members to conduct enforcement when breaches of the planning scheme occur. Council routinely appoints staff members to undertake enforcement, and it is recommended that the named staff members should be so appointed. They will exercise their powers in accordance with the Cardinia Shire Compliance and Enforcement Policy.

Background

Section 147 (4) of the *Planning and Environment Act 1997* allows Council to appoint staff members to conduct enforcement when breaches of the planning scheme occur. When breaches of the scheme are detected, certain investigative powers may be exercised, such as entering land without consent, applying for search warrants, issuing infringements or issuing charge sheets. Only designated appointees may exercise these powers.

Council routinely appoints staff members to undertake enforcement. Typically, the Chief Executive Officer directly appoints staff, but section 188 (2)(c) of the *Planning and Environment Act* does not allow this function to be delegated to the CEO or to Committees. As such, Council resolutions are required to appoint staff members for this purpose.

The staff members are officers in the Compliance Services team, both of which who have recently commenced within the Compliance Services Team. In all cases, it is recommended that the authorisation be made.

All staff will exercise their powers in accordance with the Cardinia Shire Compliance and Enforcement Policy.

Policy Implications

There are no Policy Implications with this report

Relevance to Council Plan

5.1 We practise responsible leadership

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

Climate Emergency Consideration

There are no Climate Emergency considerations.

Consultation/Communication

There is no consultation necessary in respect of this resolution

Financial and Resource Implications

There are no financial implications of this resolution. The named staff are existing staff members

Conclusion

It is recommended that all named staff members be appointed as authorised officers for the purpose of conducting enforcement powers under the *Planning and Environment Act 1997*.

- Ms Taneekah CRAZE
- Ms Collette-Marie BELMUDA

Resolution

Moved Cr Stephanie Davies, seconded Cr Kaye Cameron.

That Council resolve to appoint the following staff members as Authorised Officers pursuant to Section 147(4) of the *Planning and Environment Act 1997*, and resolve to attach the Council Seal to the instrument of appointment attached to this report:

- Ms Taneekah CRAZE
- Ms Collette-Marie BELMUDA

Carried

6.3 Policy Reports

6.3.1 Endorsement of decision to adopt Open Space Strategy debated at July Ordinary Council Meeting

Responsible GM: Debbie Tyson
Author: Owen Hardidge

Recommendation(s)

That Council resolve to ratify the decision made at the 17 July 2023 Ordinary Council Meeting concerning the Cardinia Shire Council Open Space Strategy.

Attachments

1. Attachment Open spaces strategy minutes [6.3.1.1 - 180 pages]

Executive Summary

At the 17 July 2023, Council considered and debated an item on the agenda, regarding the Cardinia Shire Open Space Strategy. Following a debate and vote, Council endorsed the Open Space Strategy, subject to an amendment moved by motion of Cr Kowarzik, and seconded by Cr Ross.

The resolution read as follows:

That Council:

- Notes the program of community engagement undertaken, feedback received, and subsequent changes made to the Cardinia Shire draft Open Space Strategy.
- Adopts the revised Cardinia Shire Council Open Space Strategy.
- Provides the final Cardinia Shire Open Space Strategy to the community on its website and thanks the community for its feedback
- That Eastone Reserve be listed in the Strategy at a minimum of District level

Due to an administrative error, the contents of the report and Strategy were not included on the Council public website, but this did not become apparent until the debate was already occurring in the Chamber and subsequently adoption of resolution.

While the decision of Council was validly made, and complied with all requirements of the Local Government Act and the Governance Rules, it is clearly undesirable that the a proposed strategy be debated without the usual publication.

The outcome of the vote was recorded in the minutes of the meeting. The Chief Executive Officer undertook to place the report on the agenda of the next Ordinary Council meeting, so that the proposed strategy and accompanying officer report may be published online, and Council may transparently ratify the outcome on the motion.

Background

At the Ordinary Council Meeting held on 17 July 2023, item 6.3.1 on the agenda was a report that recommended the adoption of a Cardinia Shire Council Open Space Strategy.

The Cardinia Shire Council Open Space Strategy is attached to this report.

The officer report recommended the adoption of the report and outlined the engagement processes that had occurred which informed and influenced the recommended strategy. A copy of the report from the circulated agenda is attached.

The resolution adopted by the Council differed slightly to the Officer's recommendation

During the debate, the Chief Executive Officer became aware that the Open Space Strategy and accompanying Officer Report was not appropriately uploaded to the Council website prior to the meeting. The CEO immediately advised the Mayor.

The agenda and reports were properly distributed to Councillors in accordance with the requirements of the Local Government Act 2020(Act) and Governance Rules. It is not a requirement of the Act or Councils Governance Rules that an agenda is made publicly available on the website, however it is the usual practice.

Following the conclusion of the debate, the CEO advised all present that the report had not been published on the website. The CEO proposed that Councillors record their votes on the matter, with the intention of returning the matter for ratification to the Ordinary Council Meeting in August 2023. The CEO undertook to ensure that officers did not implement the decision until the outcome was ratified at the August Ordinary Council Meeting.

Councillors voted on Cr Kowarzik's alternative resolution, and a division was called by Cr Davies.

In favour:

- Cr Radford
- Cr Kowarzik
- Cr Owen
- Cr Ross
- Cr Cameron
- Cr Springfield
- Cr Ryan

Against:

- Cr Davies
- Cr Moore

This report is prepared in accordance with the undertaking of the CEO.

Policy Implications

There are no policy implications as part of this report.

Relevance to Council Plan

5.1 We practise responsible leadership

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

Climate Emergency Consideration

There are no climate emergency consideration as part of this report.

Consultation/Communication

The Cardinia Shire Council Open Space Strategy undertook extensive community consultation, it is recognised that no further consultation is required as part of this report.

Financial and Resource Implications

There are no financial or resource implications as part of this report.

Conclusion

The Cardinia Shire Council Open Space Strategy was considered and debated at the 17 July 2023. Following a debate and vote, Council endorsed the Open Space Strategy, subject to an amendment moved by motion of Cr Kowarzik, and seconded by Cr Ross. Due to an administrative error, the agenda did not correctly identify the Open Space Strategy report. Although not in breach of the Act or Governance Rules, to enable clear transparency for our community, this report is submitted to ratify the decision undertaken in the chamber on July 17 2023.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Collin Ross.

That Council resolve to ratify the decision made at the 17 July 2023 Ordinary Council Meeting concerning the Cardinia Shire Council Open Space Strategy.

Carried

6.4 Financial Reports

6.4.1 23-006 Garfield North Cannibal Creek Reserve Community Centre

Responsible GM: Debbie Tyson
Author: Nethmi Dassanayake

Recommendation(s)

That Council award More Building Group Pty Ltd, Contract 23-006 - Construction of Garfield North Cannibal Creek Reserve Community Centre for a final tender price including Provisional Sums of \$1,337,700.00 excluding GST.

Attachments

1. 23-006 Garfield North - Confidential Tender Evaluation Report [6.4.1.1 - 7 pages]
2. 23-006 Garfield North Community Centre - Confidential Memorandum [6.4.1.2 - 3 pages]

Executive Summary

This report provides recommendation for the appointment of a Commercial Builder to undertake the design and construction of the works prescribed within Contract 23-006 - Construction of Garfield North Cannibal Creek Reserve Community Centre.

The facility will be designed and constructed to meet the project's scope of works , and in accordance with the relevant Australian Standards, Building Codes and with consideration to Cardinia Shire Council Enhanced Standards.

The tender evaluation was conducted against weighted and non-weighted criteria followed by clarifications, reference checks and a scorecard financial assessment of the preferred tenderer.

More Building Group Pty Ltd demonstrated a clear understanding of the contract deliverables within their tender submission.

The Tender submitted by More Building Group Pty Ltd complies with all the Tender Conditions and their submission represents best value outcome.

Background

Garfield North Cannibal Creek Reserve covers approximately 25 acres of bushland, walking trails, equestrian arenas and provides broader recreational activities to the community. The proposed new facility will contribute to the health and wellbeing of the community.

The new Community Centre will accommodate events of approximately 100 people to fulfill the expectations and needs of the community at Garfield North. The new building shall be constructed utilising modular construction methodology and have minimum impact to vegetation.

The new building will provide the following functionality:

- Social Room
- Kitchen for pre-prepared/ packaged food and beverages
- Accessible and unisex toilets

- Cleaner storeroom
- Storages
- Meeting room
- Spectator cover / Veranda to the buildings perimeter

The public tender process for the engagement of a suitably qualified Commercial Builder opened for submissions on Monday, 8 May 2023 and closed on Tuesday, 6 June 2023. Two conforming Tender submissions were received.

The tenders were assessed against a range of non-weighted selection criteria including: Financial Viability, Risk and Insurance, Conditions of Contract, Conflict of interest, Occupational Health and Safety and Environmental Commitments. The tenders were also assessed against the weighted criteria: Compliance with Specifications, Capability and Capacity, Relevant experience and past performance, Quality System, Project Plan and Use of Local Suppliers.

A tender comparison considering the above criteria was undertaken, the results of the evaluation are summarised in the table below:

Contractor	Assessment score	Ranking
Ausco Modular Pty Ltd	31012	2
More Building Group Pty Ltd	24345	1

The Tender Evaluation Panel requested clarifications from the preferred tenderer. Following the outcome of the tender clarifications, the tender price was adjusted, though, the ranking remained unchanged.

Contractor	Assessment score	Ranking
Ausco Modular Pty Ltd	31012	2
More Building Group Pty Ltd	24631	1

A rigorous evaluation of the submitted Tenders was undertaken by the Tender Evaluation Panel with the tender provided by More Building Group Pty Ltd considered to offer the best value for money outcomes, their tender submission was concluded to be the preferred submission.

More Building Group Pty Ltd Tender submission for the design and construction of the Garfield North community centre utilising modular construction methodology complies with the Tender Specifications and the proposed construction timeline detailed within the Request for Tender documentation.

Policy Implications

The delivery of this project aligns with other Council strategies, policies, and plans, such as:

- Cardinia Shire Council's Enhanced Standard Sustainable Buildings
- Cardinia Shire Council's Enhanced Standard Universal Design Access Guide

Relevance to Council Plan

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

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

2.1 We support the creation of liveable spaces and places

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

Climate Emergency Consideration

To attain an Environmentally Sustainable Design outcome, the building design will include consideration to the following requirements;

- Roof-mounted Solar PV system
- Rainwater harvesting tanks and reuse the water for irrigation and toilet flushing
- Energy & Carbon emissions - Locate hot water appliances close together near the hot water system, Electrical appliances with higher energy rating
- Other components: LED Lighting, sustainable materials selection etc.

Consultation/Communication

Consultation and engagement with various stakeholders including user groups, funding departments and Council Officers has occurred throughout the initiation and planning phases of this project.

The requirements for the design were discussed through various meetings carried out with the user groups inline with Council Standards.

Financial and Resource Implications

The overall budget allocation for the project is \$2,303,000.00.

Funding sources:

- Growing Suburbs Fund \$ 1,300,000.00 (ex GST)
- Council Funds \$ 1,003,000.00 (ex GST)

The final tender price falls within the Council's budget allocation for this project.

Conclusion

The tender submitted by More Building Group Pty Ltd for \$1,337,700.00 ex GST and including the Provisional Sum is the preferred tender for Contract 23-006 Construction of Garfield North Cannibal Creek Reserve Community Centre.

Resolution

Moved Cr Graeme Moore, seconded Cr Collin Ross.

That Council award More Building Group Pty Ltd, Contract 23-006 - Construction of Garfield North Cannibal Creek Reserve Community Centre for a final tender price including Provisional Sums of \$1,337,700.00 excluding GST.

Carried

6.4.2 Contract 23-008 - Supply of Asphalt and Asphalt Paving Services 2023 - 2026

Responsible GM: Peter Benazic
Author: Buddhika Wilwara Achchige

Recommendation(s)

That Council accept the tenders submitted by A1 Asphalting Pty Ltd, Boral Resources (VIC) Pty Ltd, Downer EDI Works, Fowlers Asphalting Pty Ltd, Prestige Paving Pty Ltd and R&C Asphalt Paving Pty Ltd for RFT 23-008 - Supply of Asphalt and Asphalt Paving Services 2023-26. The Contracts will be for an initial term of three years, with an option to extend for a further two years.

Attachments

1. Confidential Memorandum - Contract 23-008 - Supply of Asphalt _ Asphalt Paving Services 2023-26 [6.4.2.1 - 3 pages]

Executive Summary

The current Supply of Asphalt & Asphalt Paving Services Contract (CT18-07) expired 17 July 2023. This contract has been used to complete a significant amount of the Shires Road Renewal program which includes asphalt patching and resurfacing works allowing Council to meet its requirements under its Road Management Plan.

This report considers tenders received for the supply of asphalt and asphalt paving services within Cardinia Shire for the three-year period, as detailed in Contract 23-008 - Supply of Asphalt and Asphalt Paving Services 2023-26. The contract is for an initial period of three (3) years, with the option for a two (2) year extension.

Tenders were advertised in Council's website on 20 May 2023 and closed at 2.00pm on 13 June 2023. Tenders were received from seven (7) tenderers. Following an assessment of the tenders taking into consideration the tenderer's experience and capacity to undertake the required works, the quality of workmanship and the tendered prices, the tenders submitted by the following six (6) contractors are considered to be the most advantageous to Council:

- A1 Asphalting Pty Ltd
- Boral Resources (VIC) Pty Ltd
- Downer EDI Works
- Fowlers Asphalting Pty Ltd
- Prestige Paving Pty Ltd
- R&C Asphalt Paving Pty Ltd

It is therefore recommended that Contract 23-008 for the supply of asphalt and asphalt paving services within Cardinia Shire be awarded accordingly.

Background

The existing asphalt annual supply contract (Contract 18-07) has expired on 17 July 2023. That contract has been used to complete a significant amount of the road renewal program which includes

asphalt patching and resurfacing allowing Council to meet its requirements under the Road Management Plan.

Contract 23-008 for the Supply of Asphalt and Asphalt Paving Services 2023-26 is similar to the previous contract. The Contracts will be for an initial term of three years, with an option to extend for a further two years. It is subject to a CPI indexed price increase for year two and three and any additional extension period.

The tender documents provide for profiling services, supply of asphalt, asphalt paving and traffic management. Works are to be carried out on a schedule of rates basis with varying rates depending on the quantities of work involved, the specified asphalt type, timing of works (day or night) and various other attributes of the works. Suppliers are also required to comply with the Occupational Health and Safety legislation particularly with respect to plant and equipment safety, maintenance systems and traffic management to ensure their activities do not pose a health and safety risk to those carrying out the works or the general public.

The tender is structured to enable Council to engage several contractors for supply of the service to ensure a contractor is available when required. This contract does not require the contractor to be available to Council at all times to the exclusion of other customers, as costs would become prohibitive through contractors having limited opportunity to fully utilise their equipment.

Where several suppliers are contracted, Council may select a preferred supplier from those under contract for each particular job based on the hire rate and contractor availability.

The seven tenders that were received for this contract were evaluated against the stipulated criteria of pricing and value for money, conditions of contract, risk, insurance, environmental commitments, OHS and compliance to the conditions of contract, conflict of interest, quality of previous works, capability and capacity, relevant experience and past performance, quality system and compliance with the specifications

Prices were assessed by developing mock job sheets and inserting the relevant prices from the contractor's schedule of rates. The contractors were then rated according to their prices, and this was then compared to their overall weighted score.

In summary, there are six (6) contractors recommended for the supply of asphalt and asphalt paving services as detailed in the tender documents. It is considered that the six (6) individual companies will provide Council the resources required to undertake the asphalt paving works.

Policy Implications

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

According to Council's Procurement policy, it requires Council to call tenders by public notice prior to entering into any contract valued in excess of \$300,000 for the supply of services and materials. The creation of this panel of contractors assists Council officers in adhering with this requirement.

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

Nil

Consultation/Communication

Community consultation will occur as appropriate as the works under these contracts are implemented. No specific community consultation is involved for periodic supply contracts.

Financial and Resource Implications

Annually, there are significant funds within Council budget that are associated with works under this contract. In the 2023/24 Capital Works and Operational Budgets, it is estimated that there will be approximately \$2,500,000 associated with works to be allocated under this contract which will provide for renewal works over 75+ sites across the Shire.

Conclusion

It is recommended that the tenders submitted by A1 Asphaltting Pty Ltd, Boral Resources (VIC) Pty Ltd, Downer EDI Works, Fowlers Asphaltting Pty Ltd, Prestige Paving Pty Ltd and R&C Asphalt Paving Pty Ltd will provide best value for Council and that they should be accepted for Contract 23-008 - Supply of Asphalt & Paving Services 2023-26. The Contracts will be for an initial term of three years, with an option to extend for a further two years.

Resolution

Moved Cr Kaye Cameron, seconded Cr Stephanie Davies.

That Council accept the tenders submitted by A1 Asphaltting Pty Ltd, Boral Resources (VIC) Pty Ltd, Downer EDI Works, Fowlers Asphaltting Pty Ltd, Prestige Paving Pty Ltd and R&C Asphalt Paving Pty Ltd for RFT 23-008 - Supply of Asphalt and Asphalt Paving Services 2023-26. The Contracts will be for an initial term of three years, with an option to extend for a further two years.

Carried

6.5 Activity Reports

6.5.1 Environment Council Plan Initiatives Quarterly Report

Responsible GM: Peter Benazic
Authors: Desiree Lovell and Kerrie Lamble

Recommendation(s)

That this report be noted

Attachments

1. Environment Council Plan initiatives quarterly report - July 2023 [6.5.1.1 - 15 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 Brett Owen, seconded Cr Jack Kowarzik.

That this report be noted

Carried

6.5.2 Performance and Growth Reports - Q4 2022-23

Resolution

Moved Cr Stephanie Davies, seconded Cr Jack Kowarzik.

The Performance and Growth Reports for Quarter 4 2022-23 be received and noted.

Carried

6.5.3 Community Engagement update

Responsible GM: Debbie Tyson
Author: Georgia Davies-Jackson (Team Leader Engagement)

Recommendation(s)

That Council notes the community engagement activities being undertaken this month.

Attachments

Nil

Executive Summary

Monthly update on community engagement opportunities commencing or continuing.

Background

Community engagement is a process whereby Council uses a variety of methods to proactively seek out information and feedback from the community, including their values, concerns, ideas and aspirations. Where possible and when required by legislation, Council will include the community in the development and delivery of identified initiatives and projects. This practice establishes an ongoing partnership, ensuring that community members continue to shape Council's decision making and implementation process.

Council's Community Engagement Policy (Policy) sets out Council's accountability for community engagement practices. The Policy meets the requirements of the Local Government Act 2020 and Council's commitment to undertaking best practice, high quality community engagement activities to receive input, feedback and ideas from the community on Council projects, services, plans, policies, strategies and other Council decisions.

Council uses the IAP2 Spectrum of Public Participation (see below) as the model for its community engagement activities depending on the nature of the project, legislative requirements affecting the project and level of influence the community can have on the project, the risk and level of complexity of the project and available resources.

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.	To obtain public feedback on analysis, alternatives and/or decision.	To work directly with the public throughout the process to ensure that public issues and concerns are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and issues are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advise and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
EXAMPLE TOOLS	<ul style="list-style-type: none"> • Fact sheets • Websites • Open houses 	<ul style="list-style-type: none"> • Public comment • Focus groups • Surveys • Public meetings 	<ul style="list-style-type: none"> • Workshops • Deliberate polling 	<ul style="list-style-type: none"> • Citizen Advisory committees • Consensus building • Participatory • Decision-making 	<ul style="list-style-type: none"> • Citizen juries • Ballots • Delegated • Decisions

Policy Implications

Community engagement is undertaken in line with Council’s *Community Engagement Policy*.

Relevance to Council Plan

5.1 We practise responsible leadership

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

Climate Emergency Consideration

N.A

Consultation/Communication

This month, the following Engagement Plans are being implemented:

Community engagement activity August/September 2023			
Project	Project description	Proposed consultation date/s and details	Responsible Business Unit
Phase 1 Lang Lang Public Art Project	Community has the opportunity to influence the proposed public art work at Dick Jones Reserve. The initial consultation with community and key stakeholders is to understand if community is still supportive of the proposed project.	<p>Creating Cardinia Survey - go live date 7th August – 4th September 2023</p> <p>Community Pop up at Dick Jones Reserve:</p> <ul style="list-style-type: none"> • Dates TBC • <p>Emails to key stakeholders.</p> <p>QR code posters directing people to the survey on Creating Cardinia displayed in key locations.</p> <p>*More details will be confirmed on Creating Cardinia as the project continues.</p>	Arts, Advocacy and Economy
Business Landscape Survey	Council is engaging with local businesses owners within the shire, to better understand the challenges they are facing in this current economic climate and post-pandemic. This engagement aims to help inform Council's initiatives and programs that offer support to businesses.	<p>Creating Cardinia survey – go live date 8th August – 5th September 2023</p> <p>QR code posters directing people to the survey on Creating Cardinia displayed in key locations.</p>	Arts, Advocacy and Economy
Stage 1 Puffing Billy Play Space Renewal	Community has the opportunity to influence what equipment and infrastructure is included in the renewal of the Puffing Billy Park play space area (with construction next financial year).	<p>Creating Cardinia survey – go live date 21st August – 18th September</p> <p>QR code posters directing people to the survey on Creating Cardinia displayed in key locations.</p> <p>Mailout to residents within a 400m radius of play space.</p> <p>Email to key stakeholders.</p>	Active and Connected Communities

<p>Stage 1 William Bruce (WB) Ronald Reserve Renewal</p>	<p>Community has the opportunity to influence what equipment and infrastructure is included in the renewal of play spaces within the William Bruce (WB) Ronald Reserve (with construction next financial year).</p>	<p>Creating Cardinia survey – go live date 21st August – 18th September.</p> <p>QR code posters directing people to the survey on Creating Cardinia displayed in key locations.</p> <p>Mailout to residents within a 400m radius of play space.</p> <p>Email to key stakeholders.</p> <p>Community Pop up at William Bruce (WB) Ronald Reserve: Dates TBC.</p> <p>*More details will be confirmed on Creating Cardinia as the project continues.</p>	<p>Active and Connected Communities</p>
<p>Phase 1 Toun-nun Public Art Project</p>	<p>Community is able to influence the design elements of a proposed public art mural on the exterior wall of the Toun-nun Childcare Centre. This can include colours and the overall design of the artwork.</p>	<p>Creating Cardinia survey – go live date 28th August – 25th September 2023 – TBC.</p> <p>Community pop up on site – date TBC.</p> <p>*More details will be confirmed on Creating Cardinia as the project continues.</p> <p>QR code posters directing people to the survey on Creating Cardinia displayed in key locations.</p> <p>Email to key stakeholders.</p>	<p>Arts, Advocacy and Economy</p>

Some projects will involve more than one stage of engagement. The relevant Engagement Plans for each project will document the stages and purpose of engagement.

Financial and Resource Implications

N.A

Conclusion

The table above outlines projects for engagement that can be promoted to the community this month to support its awareness and involvement and will assist Council in the delivery of the Council Plan action.

The relevant Business Unit can be contacted for additional information and for further details on specific engagement activities planned (including dates).

Resolution

Moved Cr Kaye Cameron, seconded Cr Jeff Springfield.

That Council notes the community engagement activities being undertaken this month.

Carried

6.5.4 Major Projects Report

Responsible GM: Peter Benazic
Author: David Fice, Jarrad Unsworth, Kristen Jackson

Recommendation(s)

That Council note this report

Attachments

1. Major projects report - August 2023 [6.5.4.1 - 16 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 Stephanie Davies, seconded Cr Brett Owen.

That Council note this report

Carried

7 Reports Or Minutes Of Committees

Nil

8 Reports By Delegates

Cr Ryan reported on her attendance at:

- Pop up community consultations sessions regarding the Main Street Pakenham revitalisation works
- Pakenham Men's Shed
- Pakenham Tennis Club
- Mental Health Wellbeing Action Team meeting
- Connect Magazine photo shoot
- 2 day conference on Mental health
- Scottish Society Group event
- Debutante Ball involving students from Francis Xavier and Officer Secondary College

Cr Davies advised that she had been appointed to the Municipal Association of Victoria Advisory Committee for Emergency Management Activities

Cr Cameron advised of her attendance at:

- Annual general Meetings of 4 community groups
- Cora Lyn Football Club
- Bayles Primary School to talk to the students.
- Koo Wee Rup Primary School to visit the Bandicoot Habitat
- Lang Lang & District Business Group as a judge of their photo competition

Cr Ross advised of his attendance at:

- Citizenship Ceremonies
- White Ribbon Event
- Viv's Community House in Dandenong
- Safer Communities partnership meeting

Cr Kowarzik advised of his attendance at:

- A planting day arranged by the Cardinia Creek Landcare Group in Lovers Lane in Garfield, in company with Harriet Shing MP
- A visit to Parliament House for the launch of Interface week and as an invite from local MP's
- Multicultural Advisory group bi monthly meeting
- Cardinia Cultural Centre with his wife to attend a Peter Hellier comedy show and congratulated the Cardinia Cultural Centre on arranging such an event

Cr Kowarzik also congratulated the Matildas for the FIFA Womens World Cup campaign

Cr Moore thanked Cr Kowarzik for deputising for him at the Cardinia Creek Landcare planting day at Garfield and advised that he had attended the recent White Ribbon Event

Cr Owen advised of an upcoming bushwalk arranged by the Friends of Cardinia Creek along Cardinia Creek inn Guys Hill on 9 September.

Cr Owen also advised of his attendance at a Cardinia Access and Inclusion Advisory Committee Meeting at the Cardinia Cultural centre and commented on the Expression Exhibition currently on show at the Centre. Cr Owen also thanks Annie McCormack for 30 years of service to the Committee representing Outlook.

Cr Owen also commented on the Cardinia foundation activities and of a forthcoming event on Tuesday 5 September where the recent grant recipients would be in attendance as a 'meet and greet'

Cr Owen also advised of a forthcoming Victoria Police community safety event on 7 September and encouraged residents to attend.

The Mayor advised that she was very impressed with the Expression Exhibition at the Cultural centre and noted that this exhibition by people with a disability had the highest attendance by residents from outside of the Shire of an exhibition held at the Centre.

The Mayor also advised of her attendance at the Officer Specialist School and participated in a drumming event class.

The Mayor also advised of her attendance with Cr Kowarzik and the CEO at parliament House as part of Interface Week.

9 Presentation Of Petitions

Nil

10 Notices Of Motion

10.1 Notice of Motion 1080 Cr Ross

Motion

That future Quarterly Performance and Growth reports include progress on the implementation of the Gender Equality Action Plan (GEAP) and related gender equity activities undertaken by Cardinia Shire Council

Resolution

Moved Cr Collin Ross, seconded Cr Jack Kowarzik.

That future Quarterly Performance and Growth reports include progress on the implementation of the Gender Equality Action Plan (GEAP) and related gender equity activities undertaken by Cardinia Shire Council

Carried

10.2 Notice of Motion 1081 - Cr Ross

Motion

That Council receives an update on the progress of Cardinia's Social and Affordable Housing Strategy and opportunities to increase housing in the Shire for vulnerable members of the community. This could explore the options around building, funding and appropriate management similar to Viv's House in Dandenong.

Resolution

Moved Cr Collin Ross, seconded Cr Carol Ryan.

That Council receives an update on the progress of Cardinia's Social and Affordable Housing Strategy and opportunities to increase housing in the Shire for vulnerable members of the community. This could explore the options around building, funding and appropriate management similar to Viv's House in Dandenong.

Carried

11 Community Questions

The Mayor advised that Council had received XXX questions from XXX.

Community Question Time

The Mayor advised that several Community Questions had been received and referred them to Council staff to answer as below:

Question from Louise Hunter

What would it take for councillors and staff to implement a ban or restrictions on grey or black roofs and driveways.

Please do not respond with "it is a homeowner or developers right to choose in most cases".

At the moment that is a given, and does not answer or address the question.

The time is past for acres of grey and black roofs and driveways to continue to appear.

Some people are aware of why this needs to cease, others are not.

The questions and discussion go back to the question.

What would it take for councillors and staff to implement or ban or restrictions on grey or black roofs and driveways?

Answer by General Manager Governance Facilities and Economy

Thank you for your question, Ms Hunter

The design and construction of dwellings in residential areas are primarily regulated by planning schemes and by the Australian Building Standards and Victorian Building Regulations.

For a Council to have any influence on colour of roofs and driveways in built up residential area, there would need to be a change in the planning scheme, however it is noted that most dwellings in a residential area do not require planning permits, therefore Council could not influence colour of roofs and driveways. Any changes of this nature are better suited at the State level that can be applied across the State.

Energy efficiency standards will increase in Victoria from 1 May 2024 for new dwellings with the introduction of a minimum 7 star energy rating. Roof colour is considered as part of this 7 star rating assessments

Question from Cheryl Billing Smith

The current proposal for the question to be put to the Australian people at the 2023 referendum on the voice to parliament is a simple one, the proposed law is to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice.

The Statement from the Heart is a magnificent document that outlines on one page their offer to the people of Australia. They wish to have a seat, and they offer their heart to work together, walk together and to come together.

I note that Cardinia Shire acknowledges the need for reconciliation, the need for equity, and the need for a shared vision of consultation with our multicultural community and with our indigenous brothers and sisters.

Question:

What plan does the Cardinia Shire Council have to show true leadership in our community, by supporting the Yes vote?

Answer by General Manager Governance Facilities and Economy

Thank for your question Ms Billing Smith,

As this matter is subject to a formal complaint process I will not provide a response tonight but you will be provided an answer once the complaint process has been undertaken and an outcome reached.

Question from Tony O'Hara

A recent report on the ABC, titled "Melbourne's fastest growing and youngest areas have the worst access to public libraries", quotes "Growth areas with younger populations like Melton, Casey, Cardinia, Wyndham and Whittlesea had the smallest number of libraries per 100,000 people."

Considering the huge Officer and Pakenham East developments, which will bring thousand of new homes with families who will want Library services into Cardinia.

Question in 3 parts.

1. Would Council consider preparing a report on the future delivery of Library Services?
2. When is the proposed Library in the Officer CBD precinct expected to be delivered?
3. Would Council consider an extension of the Mobile Library Services to cover these areas? If not, would Council consider a bus service from these areas as they develop to take residents families?

Answer by General Manager Liveable Communities

Thank you for your question Mr Tony O'Hara
Responses to the three questions are as follows:

Question 1

MYLI – My Community Library commenced the provision of library services in Cardinia from December 2022 and will provide Council with a Library Plan and Strategic Resource Plan later this year. Council has allocated resources in 23/24 to complete planning for the future provision of libraries in the Shire. As this planning progresses, reports and updates will be provided to Council and the community where appropriate.

Question 2

The Officer Precinct Structure Plan includes provision of land for range of community services, such as library services. Council has been developing a Community Infrastructure Plan to help guide the provision of community infrastructure such as library services, with a draft of that plan scheduled for community engagement later this calendar year. As mentioned, feasibility planning for a library facility is due expected to commence this financial year. A date has not been scheduled for delivery, and will be dependent upon the feasibility outcomes, and resourcing requirements.

Question 3

Council has two libraries in the shire and a mobile library service. Council has successful applied for and received external funding from the Victorian Government's Living Libraries Infrastructure program for the upgrade of the Emerald Library completed in 2022 and funding for the purchase of a mobile library. The mobile library service receives more than 55,000 visits each year. Council will consider options for the provision of library services (mobile or fixed) when planning for the Officer Library.

Question from Tony O'Hara

As the Costco saga continues, many people are asking if, when and where will we ever get a Costco in Cardinia.

Question in 2 parts.

1. Could the residents please be provided the current status on the situation?

2. It seems that the State Government easily amends DPO's when they need to. Has the Council taken action to try to convince the State Government to allow this major retail warehouse to be built in the intended area in or near the Kaduna Business Park?

Answer by General Manager Liveable Communities

Thank you for the question, Mr O'Hara in response I advise that:

1. The status of COSTCO in Cardinia Shire Council is that Council Officers are in regular contact with COSTCO to try and find a suitable site within Cardinia Shire Council.
2. Initially COSTCO were looking to locate in the Cardinia Road Employment Precinct Structure Plan area, but State Government Planning Policy does not allow for this use to occur in that Precinct due to the site being located in State Significant Industrial land which does not support major retail premises.
Council has had numerous discussions with the State Government regarding this topic.

Question from Rosa Santo

The total expenses of \$5,000 spent on the repairs to the Pakenham Outdoor Pool fence to display this public Artwork.

What did the repairs work involve?

Could this be itemised by what the tasks were carried out on this fence?

Considering the artwork was created on a piece of mesh shade cloth by the Artist.

Answer by General Manager Governance Facilities and Economy

Thank you for your question, Ms Santo

Works to the fence involved straightening and leveling of existing fence posts, supply and installation of 12 galvanized pipe backstays clamped back to the existing pipe fence posts to provide greater support.

Question from Henk Heeremans

Question to Cr Carol Ryan, regarding the Childcare application at 1-3 Savage Street, Pakenham.

Six councillors and six resident objectors supported your motion to refuse 17/10/22.

Why did you then support the VCAT review which resulted in the application being granted?

Further why did you not stop Council supporting the review, so the Item could be independently heard by VCAT with the support of the six objectors.

Question from Kathy Heeremans

Re planning permit application for Childcare Centre 1-3 Savage Street Pakenham

At a Council Meeting on 17 October 2022 the Planning Permit Application was debated at length.

A vote was taken, a clear majority of 6 Councillors voted against the Planning Permit.

The applicant started proceeding at VCAT.

Council then granted the permit.

The matter did not go to a full hearing at VCAT.

I now ask how was the Councillor majority vote overturned?

Was refusal of the permit rescinded at a Council Meeting all Councillors present in Council

Chambers with members of the public present, after which the Councillors took a second vote?

Or was it illegally done in a backroom deal with Council staff?

Since when have the Council Planning Officers had the power to overturn a majority vote of Councillors?

Answer by General Manager Liveable Communities

Thank you for your questions Mr and Mrs Heeremans. As a complaint regarding the planning permit application for a Childcare Centre 1-3 Savage Street Pakenham is currently being considered by Council in accordance with the Council's Complaint Policy I cannot provide a response until the complaint has been resolved. A response will be provided once the review of the complaint is completed.

12 Urgent Business

There was no urgent business.

13 Councillor Questions

Nil

15 Meeting Closure

Meeting closed at 9.15pm

Minutes confirmed
Chairman