

Ordinary Council Meeting

Minutes

Monday 18 September 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 (7.04pm)

Cr Jeff Springfield

Cr Graeme Moore

Cr Collin Ross

Cr Brett Owen

Cr Carol Ryan

Officers: Carol Jeffs Chief Executive Officer
Misty Johannsen Acting 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

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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.

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 21 August 2023
- Town Planning Committee 2 September 2023

Carried

5 Declaration Of Interests

Nil

6 Ordinary Business

6.1 Town Planning Reports

6.2 General Reports

6.2.1 Discontinuance of commenced and previously declared special charge schemes – Sealing the Hills

Responsible GM: Peter Benazic
Author: Nicole Alvares

Recommendation(s)

That Council:

1. Discontinue the road sealing works for the following Special Charge Schemes that were previously declared and/or commenced community consultation, under the *Sealing the Hills* program, in accordance with Section 164 of the Local Government Act 1989.
 - i. Alexander Road, Halcyon Grove, Maurice Street, Jeanne Street, Lowen Road, Stringybark Road, Fern Gully Road, Seaview Road and Gum Street, Cockatoo
 - ii. Belgrave Avenue, Colin Avenue and Woodlands Avenue, Cockatoo
 - iii. Hillside Road, Haven Court, George Road, Edmunds Road, Dorchester Road, Laneway Access, Haylock Avenue and Salisbury Avenue, Cockatoo
 - iv. Mackenzie Street, Maillard Street, Meyer Street, View Hill Road, Vincent Street and Woodrow Court, Cockatoo
 - v. Boundary Road East, Legg Road, Steel Road, Curtis Road, Maisie Road, Nolan Road, Upton Road and Railway Road, Emerald
 - vi. Alfred Grove, Elizabeth Court, Lawsons Road, Ronald Road and Royal Parade, Emerald
 - vii. St Georges Road and Halford Street, Beaconsfield Upper | Montuna Grove, Guys Hills
 - viii. Lenne Street, Haupt Place and Sutherland Road, Beaconsfield Upper
 - ix. Boyd Road, Ramage Lane, Ritchie Street, Red Road and Williamson Road, Gembrook

Notify those persons who are liable to pay the fixed special charge of \$7,000 per benefit unit that was previously declared to all included properties, of the discontinuance of the special charge in accordance with attachments 2 to this report.

Attachments

1. Scheme process chart [6.2.1.1 - 1 page]
2. Discontinued Special Charge Scheme projects [6.2.1.2 - 1 page]

Executive Summary

The report recommends Council to consider, at a meeting to be held prior to 18 September 2023, the discontinuance of nine Special Charge Scheme projects under Sealing the Hills program, attachment 2 of this report, that was previously declared and/or commenced community consultation by Council due to Federal Government funding reductions that had no commitment of cost involved in construction, following a comparison of expenditure and commitments.

This notice terminates the commencement of construction and final cost report of the statutory process that would have enabled Council to levy a special charge (refer to attachment 1).

Background

Council identified that the Special charge scheme projects under *Sealing the Hills* program was not detailed in the Australian Government revised budget in October 2022. Council called for urgent clarification from the federal government about the future of the funding status, in November 2022.

On 10 January 2023, Council received formal notification from the Federal Government, that the \$150 million Federal Government Road construction funding initiative would be reduced to a total funding of \$41 million. The notice detailed what projects could be delivered based on the funding available in the program with consideration to the projects that had been cost committed.

By mid-February 2023, all property owners across the Sealing the Hills program were notified of the status of their road sealing project following the recent Federal Government funding reductions.

In addition, advocacy efforts were put in place by Council:

- Sealing the Hills petition EN4785 was submitted to the House of Parliament on 20 March 2023 with support of 2897 residents and owners from the Shire.
- A pre-budget submission report 2023-2024 under Road Sealing program was submitted in May 2023 in collaboration with Yarra Ranges Council.

On 17 April 2023, Council received official confirmation that the commitment towards the Sealing of the Hills program has been reduced with uncommitted funding being returned to the Budget and all works currently under consideration or contracted would be delivered.

A comparison of expenditure and commitments was undertaken, enabling the reduced funds to construct twelve scheme catchments consisting of thirty-seven roads across four townships of the total of seventeen Special Charge Schemes previously declared by Council until funding was exhausted. The remaining five scheme catchments consisting of twenty-nine roads across five townships where Council has declared Special Charge Scheme had no commitment for cost involved and therefore could not proceed with construction.

In addition, four scheme catchments consisting of twenty-two roads that had commenced community consultation as per special charge scheme process would also be discontinued as a result of reduced funds.

The five declared special charge schemes recommended for discontinuance are:

Road Names, Locality	Special Charge Scheme Declaration Date
Belgrave Avenue, Colin Avenue and Woodlands Avenue, Cockatoo	20 June 2022
Alexander Road, Halcyon Grove, Maurice Street, Jeanne Street, Lowen Road, Stringybark Road, Fern Gully Road, Seaview Road and Gum Street, Cockatoo	15 August 2022
Boyd Road, Ramage Lane, Ritchie Street, Red Road and Williamson Road, Gembrook	15 August 2022
Boundary Road East, Legg Road, Steel Road, Curtis Road, Maisie Road, Nolan Road, Upton Road and Railway Road, Emerald	21 November 2022
St Georges Road and Halford Street, Beaconsfield Upper Montuna Grove, Guys Hills	21 November 2022

The four special charge schemes that commenced community consultation, recommended for discontinuance are:

Road Names, Locality	Special Charge Scheme Commenced Date
Lenne Street, Haupt Place and Sutherland Road, Beaconsfield Upper	07 June 2022
Hillside Road, Haven Court, George Road, Edmunds Road, Dorchester Road, Laneway Access, Haylock Avenue and Salisbury Avenue, Cockatoo	15 September 2022
Mackenzie Street, Maillard Street, Meyer Street, View Hill Road, Vincent Street and Woodrow Court, Cockatoo	25 October 2022
Alfred Grove, Elizabeth Court, Lawsons Road, Ronald Road and Royal Parade, Emerald	25 October 2022

Policy Implications

The proposed special charge schemes under Sealing the Hills program had 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.

After complying with the procedure for levying a special charge, a Council may discontinue the special charge under Section 164 of the Local Government Act 1989.

Council must ensure that those persons who are liable to pay the special charge are notified of the decision to discontinue the special charge.

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.

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

Climate Emergency Consideration

Leaving the unsealed road network in its current condition will continue to create drainage, dust and other environmental concerns.

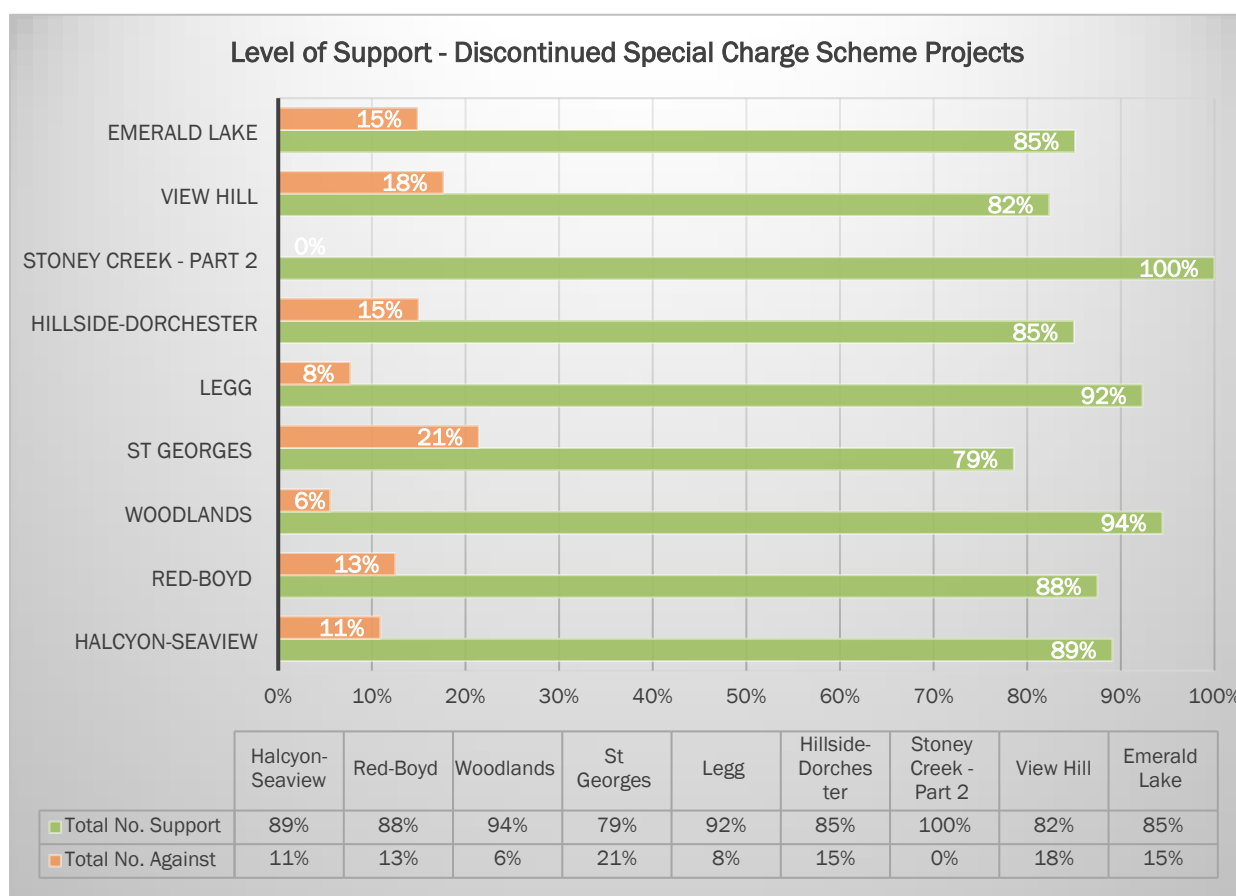
Unsealed roads greatly deteriorate in condition following storm events creating an increased stress on service delivery for the unsealed road network.

Consultation/Communication

Extensive community consultation had been undertaken with the affected property owners under the *Sealing the Hills* Program as per the legislative process under Section 163 of the Local Government Act 1989 with majority property owners support received across all the special charge schemes that had commenced as well as those that had been declared by Council.

	Percentage (Level of support)

Alexander Road, Halcyon Grove, Maurice Street, Jeanne Street, Lowen Road, Stringybark Road, Fern Gully Road, Seaview Road, and Gum Street, Cockatoo	89%
Boyd Road, Ramage Lane, Ritchie Street, Red Road and Williamson Road, Gembrook	88%
Belgrave Avenue, Colin Avenue and Woodlands Avenue, Cockatoo	94%
St Georges Road and Halford Street, Beaconsfield Upper Montuna Grove, Guys Hills	79%
Boundary Road East, Legg Road, Steel Road, Curtis Road, Maisie Road, Nolan Road, Upton Road and Railway Road, Emerald	92%
Hillside Road, Haven Court, George Road, Edmunds Road, Dorchester Road, Laneway Access, Haylock Avenue and Salisbury Avenue, Cockatoo	85%
Lenne Street, Haupt Place and Sutherland Road, Beaconsfield Upper	100%
Mackenzie Street, Maillard Street, Meyer Street, View Hill Road, Vincent Street and Woodrow Court, Cockatoo	82%
Alfred Grove, Elizabeth Court, Lawsons Road, Ronald Road and Royal Parade, Emerald	85%



Following the initial confirmation received in January 2023 of the reductions of the federal government funding, all property owners across the Sealing the Hills program were notified of their road sealing project whether or not it was to proceed for road construction through mailout as well as a project update against all the projects on Cardinia [website](#).

With the strong support from community and reduction of federal funding to the Sealing of the Hills program, continued advocacy will need to be undertaken to re-establish the funding that provide benefits of road sealing to the community.

On adoption of this report's recommendations, affected property owners will be formally notified of discontinuance of the Special Charge Scheme.

Financial and Resource Implications

The scheme road projects that are recommended for discontinuance that was previously declared and/or commenced are as outlined in Table 1.

Table 1. Preliminary estimated cost of road projects

Alexander Road, Halcyon Grove, Maurice Street, Jeanne Street, Lowen Road, Stringybark Road, Fern Gully Road, Seaview Road, and Gum Street, Cockatoo	\$6,810,000
Belgrave Avenue, Colin Avenue and Woodlands Avenue, Cockatoo	\$1,310,000
Hillside Road, Haven Court, George Road, Edmunds Road, Dorchester Road, Laneway Access, Haylock Avenue and Salisbury Avenue, Cockatoo	\$3,582,000
Mackenzie Street, Maillard Street, Meyer Street, View Hill Road, Vincent Street and Woodrow Court, Cockatoo	\$4,285,600
Boundary Road East, Legg Road, Steel Road, Curtis Road, Maisie Road, Nolan Road, Upton Road and Railway Road, Emerald	\$3,880,000
Alfred Grove, Elizabeth Court, Lawsons Road, Ronald Road and Royal Parade, Emerald	\$3,818,000
St Georges Road and Halford Street, Beaconsfield Upper Montuna Grove, Guys Hills	\$1,810,800
Lenne Street, Haupt Place and Sutherland Road, Beaconsfield Upper	\$1,546,200
Boyd Road, Ramage Lane, Ritchie Street, Red Road and Williamson Road, Gembrook	\$5,860,000
TOTAL	\$32,902,600

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

With the proposed road construction projects not proceeding, there is expected to be significantly more grading, inspections, and service reports/requests to be experienced by Council.

Conclusion

It is concluded that due to the insufficient funding from the Federal Government the nine special charge schemes that was previously declared and/or commenced consultation with the community, under the *Sealing the Hills* program, is to be discontinued.

Under *Section 164* of the *Local Government Act 1989*, a Council may discontinue a special charge and must notify those persons who are liable to pay the special charge of the decision to discontinue the special charge scheme.

Resolution

Moved Cr Jeff Springfield, seconded Cr Brett Owen.

That Council:

1. Discontinue the road sealing works for the following Special Charge Schemes that were previously declared and/or commenced community consultation, under the *Sealing the Hills* program, in accordance with Section 164 of the Local Government Act 1989.
 - i. Alexander Road, Halcyon Grove, Maurice Street, Jeanne Street, Lowen Road, Stringybark Road, Fern Gully Road, Seaview Road and Gum Street, Cockatoo
 - ii. Belgrave Avenue, Colin Avenue and Woodlands Avenue, Cockatoo
 - iii. Hillside Road, Haven Court, George Road, Edmunds Road, Dorchester Road, Laneway Access, Haylock Avenue and Salisbury Avenue, Cockatoo
 - iv. Mackenzie Street, Maillard Street, Meyer Street, View Hill Road, Vincent Street and Woodrow Court, Cockatoo
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 - vii. St Georges Road and Halford Street, Beaconsfield Upper | Montuna Grove, Guys Hills
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 - ix. Boyd Road, Ramage Lane, Ritchie Street, Red Road and Williamson Road, Gembrook

Notify those persons who are liable to pay the fixed special charge of \$7,000 per benefit unit that was previously declared to all included properties, of the discontinuance of the special charge in accordance with attachments 2 to this report.

Carried

6.2.2 Mulcahy Road, Pakenham - Road Closure

Responsible GM: Peter Benazic
Report Authors Roland Rozario, David Fice

Recommendation(s)

That Council:

2. Resolve to acknowledge the consultation process that has been undertaken for the Proposed Mulcahy Road Road Closure
3. Resolve to proceed to close Mulcahy Road, Pakenham between Thewlis Road and Moritz Street in accordance with clause 9 schedule 11 of the Local Government Act, 1989, (the Act),
4. Resolve to proceed, in accordance with clause 3 of Schedule 10 to the Local Government Act, 1989 to discontinue the section of Mulcahy Road, adjoining the Pakenham Cemetery, in order that the Department of Energy Environment and Climate Action (DEECA) formerly Department of Environment Land Water and Planning (DELWP) can include this parcel of crown land under the management of the Pakenham Cemetery Trust.

Attachments

1. Permanent closure of Mulcahy Road Pakenham - reply to Council [6.2.2.1 - 1 page]
2. Mulcahy Road Pakenham_-_ Road__ Sept 2022 Council Report [6.2.2.2 - 12 pages]
3. 220269 Mulcahy Road Pakenham TI A 230821 [6.2.2.3 - 53 pages]

Executive Summary

At the September 2022 Council meeting, Council resolved to commence the process into closing Mulcahy Road, between Thewlis Road and Moritz Street in accordance with Clause 9 Schedule 11 of the Local Government Act, 1989, (the Act).

As per the Report put to the September 2022 Council Meeting (See Attachment), Mulcahy Road, Pakenham, runs from Thewlis Road, east past Purton Road. The road is located on Department of Environment, Land, Water and Planning land (now called DEECA). Some parts have kerb and channel and sealed pavement whilst other sections are totally unconstructed.

The western end of Mulcahy Road, Thewlis Road to Moritz Street, is currently blocked to motor traffic. This was done as a temporary arrangement by the developer of the Mount Pleasant Estate, which includes Moritz Street and Mammoth Court. As this developer has nearly completed works associated with the development Council must either open Up Mulcahy Road or instigate a formal closure. Note: the developer has already completed constructing the road between Moritz Street and Pointer Drive. No road pavement is proposed west of Moritz Street.

The closure of Mulcahy Road at Thewlis Road is proposed as the designated, unsignalised intersection treatment (i.e. roundabout) as shown within the Cardinia Road Precinct Structure Plan is not able to be achieved. The roundabout was investigated and would have required land acquisition from the adjacent cemetery, most probably including relocation of graves, and was thus not deemed reasonable. This was reviewed and confirmed a number of years ago, and developments in the area have proceeded on this basis with alternate access being provided through the adjacent developments (existing and future).

The Cardinia Road Precinct Structure Plan also shows the road priority at the intersection as a local arterial road connection from Thewlis Road (southern approach), to Kenneth Road (western approach). This will still be able to be maintained with a developer delivered alternative intersection treatment and the proposed Mulcahy Road road closure in place.

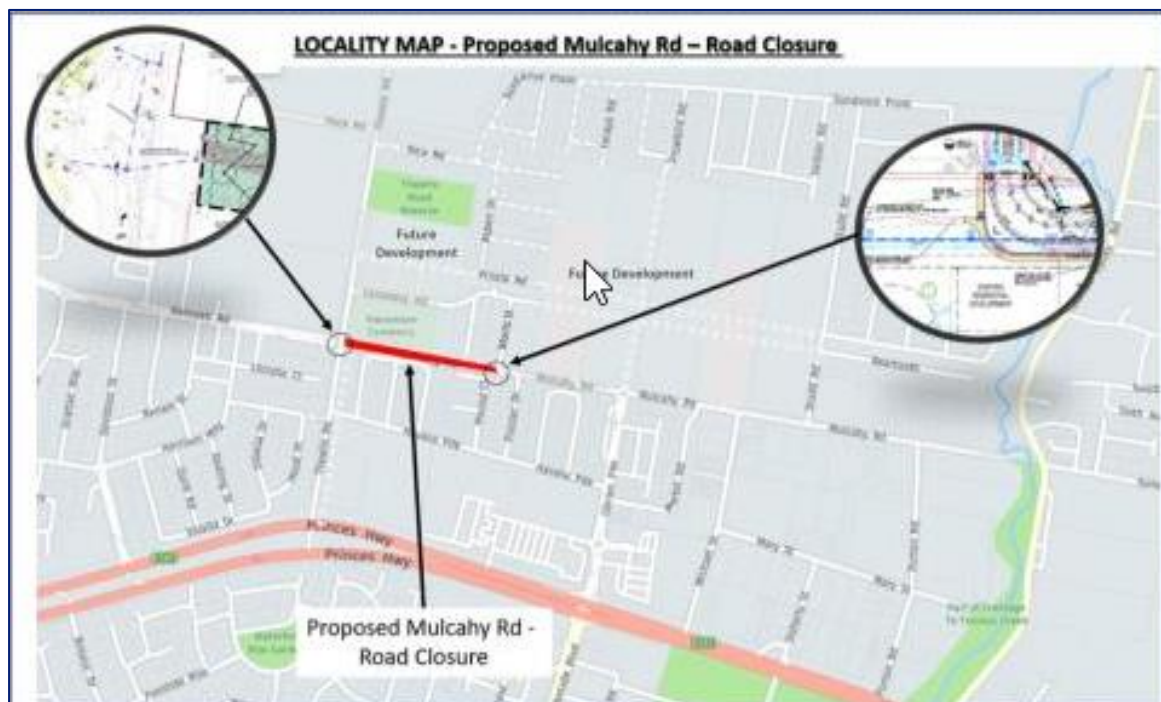
The Pakenham Cemetery has expressed interest in acquiring a portion of the Mulcahy Road, road reserve. This will require a discontinuance in accordance with Clause 3, Schedule 10 of the Local Government Act, 1989 (the Act)

Background

Detailed below is the process that was followed to arrive at the recommendation.

- At the September 2022 Council meeting, Council resolved to commence the process into closing Mulcahy Road, between Thewlis Road and Moritz Street in accordance with Clause 9 Schedule 11 of the Local Government Act, 1989, (the Act). The September 2022 Council Report is attached.

Figure 1. Plan and aerial photo showing proposed Mulcahy Road closure



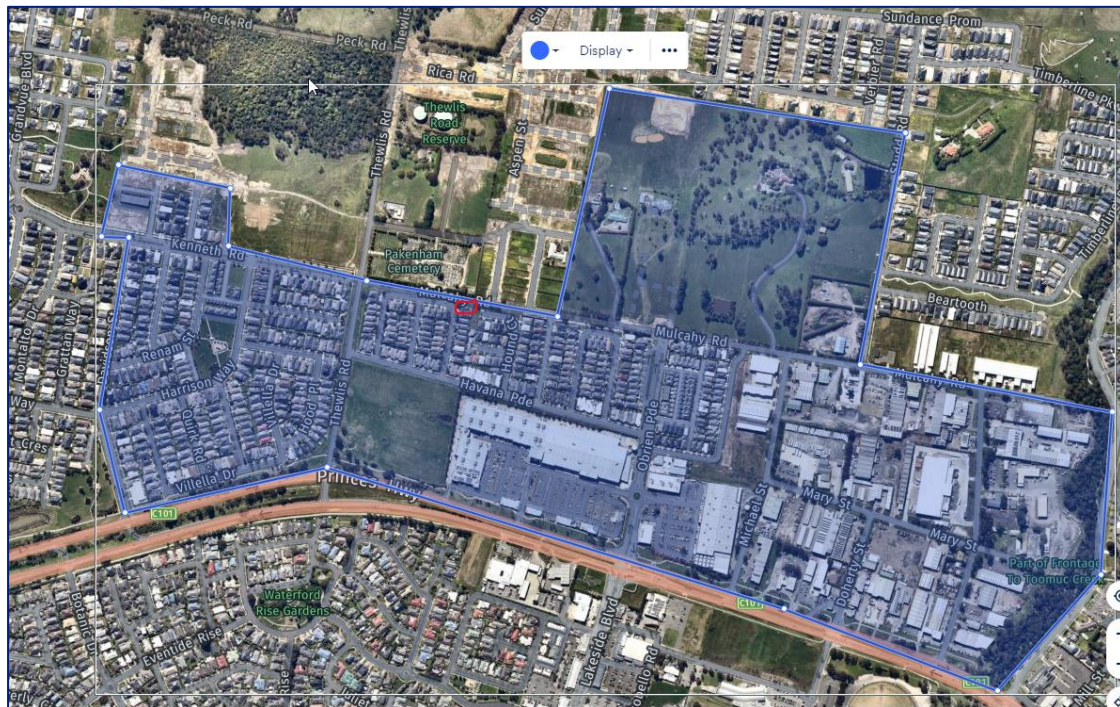


Following the September 2022 Council meeting,

- a letter was sent to Owners/Occupiers in the area highlighted below in Figure 2. in October 2022 advising of the proposed closure.

Figure 2. Aerial photo showing properties that received letter regarding propose

Figure 3. Mulcahy Road closure



- In addition to the letter sent to Owners/Occupiers, letters were also sent to the following
 - Telstra
 - Optus
 - NBN
 - South East Water
 - Ausnet
 - APA Group

- Victoria Police
- CFA
- Ambulance Vic
- DELWP (now Department of Energy Environment and Climate Action- DEECA)
- Cemetery Trust
- 'Head of Transport Victoria' requesting a Report on the proposed closure as per the Local Government Act
- A Traffic Impact Assessment (report attached for further information) of the proposed road network alterations for Mulcahy Road was undertaken by consultant (Traffic Works). The assessment determined:
 - 'based on the indicative traffic volumes within the PSP, the anticipated traffic volumes utilising the Mulcahy Road leg from the Mulcahy Road / Thewlis Road /Kenneth Road intersection have been redistributed along the surrounding road network. SIDRA analysis reveals that the surrounding intersections will operate under practical capacity during both the AM and PM Peak period with the proposed Mulcahy Road closure between Thewlis Road and Moritz Street in the ultimate condition's layout configurations'.
 - Future east west access from Thewlis Road will also be provided north of the cemetery as part of future residential developments via an extension of Prizzle Road. This access will link with Studd Road which intersects Mulcahy Road to the east in the industrial area.
 - Bus Routes/access will not be impacted as alternative east west access will be provided in the area north of Mulcahy Road.
- A letter was hand delivered to a property in Botham Crescent, requesting the use of Mulcahy Road cease for vehicle access to that property which does not have access off Mulcahy Road, no response was received from this property owner.
- A Drop In Session was held on Wednesday 2nd November, 2022 at the Civic Centre to give residents and business owners the opportunity to discuss the proposed closure and ask questions. One resident attended this session. She had no concerns with the proposed road closure.
- Telstra, South East Water, Ausnet and DELWP sent acknowledgements confirming that they received our letter but did not send any follow up letter. Accordingly, it is taken that there is no objection to the proposed road closure these authorities and the other authorities who did not respond.
- A letter has been received from 'The Head of Transport Victoria' (Department of Transport and Planning) advising that their office has no objection to the proposed permanent closure of Mulcahy Road. See attachment.
-
- As part of the developer delivered modified T intersection, landscape plans have been approved for landscape treatments east of the intersection within the Mulcahy Road reserve. If these require further changes or if any other works were going to occur along the discontinued section of Mulcahy Road, it will need to be delivered and funded by Council.

Further investigation and discussions are required with the Department of Health Human Services (Pakenham Cemetery Trust) into the exact size of the parcel of land they are seeking to acquire. The

use of a licensed surveyor and a title search is also recommended in determining the exact dimensions of the parcel of land (road reserve) to be discontinued.

The width of this parcel of land is yet to be established but would be dependent on

- the slope of the land
- underground services
- existing trees and vegetation, i.e., what can be lost/removed or should be retained?
- amenity of the shared path, i.e., would landscaping be required on either side of shared path?
- stormwater drainage and overland flow and how these would be managed.
- future upgrade of the Kenneth/Thewlis intersection.

Policy Implications

There are no policy implications.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

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

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

2.1 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.

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

Climate Emergency Consideration

This proposal has no impact on Climate Emergency.

Consultation/Communication

Council's Communications Team prepared the Engagement and Communications Plan for the consultation. As there were no objections to the proposed road closure, it is proposed that only properties abutting the closure will be notified at the time when the physical road closure works are to occur.

Financial and Resource Implications

Costs for the closure of western end of Mulcahy Road are outlined in Table 1.

Table 1. Thewlis Road to Moritz Street closure

Proposed works	Cost
Construction of physical barriers such as bollards to prevent access to motor vehicles, 40 round, dome top timber bollards 1800 long (to be installed 600mm in ground)	\$8,000
Landscaping including tree planting	\$11,000
Supply and installation of signs	\$1,000
Total cost	\$20,000

This \$20,000 can be funded through the Council's Annual Traffic Management Devices Capital Works Budget which is \$297,138 for 2023/24.

Conclusion

There were no submissions regarding the proposed closure of Mulcahy Road to motorised traffic.

As the existing temporary closure, at the western end of Mulcahy Road, needs to be formalised, this road closure should now proceed as there were no objections received from the 'Head of Transport Victoria' (Department of Transport and Planning) or any other authority.

Council can then also investigate discontinuing a section of land along the cemetery southern boundary as the cemetery would like to incorporate a part of the adjacent road reserve.

Resolution

Moved Cr Stephanie Davies, seconded Cr Jack Kowarzik.

That Council:

1. Resolve to acknowledge the consultation process that has been undertaken for the Proposed Mulcahy Road Road Closure
2. Resolve to proceed to close Mulcahy Road, Pakenham between Thewlis Road and Moritz Street in accordance with clause 9 schedule 11 of the Local Government Act, 1989, (the Act),
3. Resolve to proceed, in accordance with clause 3 of Schedule 10 to the Local Government Act, 1989 to discontinue the section of Mulcahy Road, adjoining the Pakenham Cemetery, in order that the Department of Energy Environment and Climate Action (DEECA) formerly Department of Environment Land Water and Planning (DELWP) can include this parcel of crown land under the management of the Pakenham Cemetery Trust.

Carried

6.2.3 Officer District Park Construction Tender

Responsible GM: Peter Benazic
Author: Shane McGrath

Recommendation(s)

That Council award Contract 23-019 Officer District Park Construction – Stage One to Warrandale Industries Pty Ltd for the sum of \$7,026,267.72 excluding GST.

Attachments

1. CONFIDENTIAL REDACTED - 23-019 Officer District Park - Tender Evaluation Report - signed [6.2.3.1 - 9 pages]

Executive Summary

The competitive public tender process for Officer District Park Construction – Stage One has now closed with 10 conforming submissions received. The tender process allowed for tenderers to submit pricing for the entire project or for the Civil works or Landscaping component of the project separately. This was to allow council flexibility in seeking the best pricing for each component of the overall project. Four tenderers submitted pricing for the civil works only. Six tenderers provided pricing for the project in its entirety.

All tenders were formally evaluated against the criteria outlined in the tender documentation along with their submitted price. Based on this evaluation process it was concluded the Warrandale Industries tender submission provided best value to Council as it demonstrated a strong understanding of the project, a proven track record of delivering similar projects and the most competitive pricing. It was also noted that the Warrandale Industries price of \$7,026,267.72 is within the project budget allocation.

Background

Officer District Park will be a ten hectare multipurpose community recreation space in the heart of Cardinia Shire. Stage One of the project will provide a diverse range of amenities to the community including:

- Regional level adventure playspace
- Dog off leash park
- BBQ and picnic facilities
- Extensive walking/fitness trails
- Fitness equipment stations
- Public bathroom facilities
- Hilltop lookout
- Carpark
- Broad landscaped open space

The project has been in development for several years now and aims to commence construction in October 2023 with completion of stage one expected in late 2024.

Funding for the project has been secured through the Victorian Growing Suburbs Fund (GSF- \$2,200,000.00), Australian Government Community Infrastructure Fund (LRCI - \$435,000.00) along with Cardinia Shire Councils contribution of \$4,595,278.00, combining for a total project budget of \$7,230,278.00

Funding source	Amount
Victorian Government GSF program	\$2,200,000.00
Australian Government Local Roads and Community Infrastructure fund (LRCI)	\$435,000.00
Cardinia Shire Council	\$4,595,278.00
Total	\$7,230,278.00

Policy Implications/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.
- 5.1.2 Manage our finances responsibly and leave a positive legacy for future generations.

Climate Emergency Consideration

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

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

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

Consultation/Communication

Extensive community consultation has been undertaken for this project including via Councils website and social media platforms. This will continue throughout project including ongoing website updates as the project progresses along with a consultation process with the community to provide a permanent name for the park.

Financial and Resource Implications

The total project budget is \$7,230,278.00 including \$2,200,000.00 contribution from the Victorian State Government Growing Suburbs Fund (GSF) combined with \$435,000.00 from the Australian Government Local Roads and Infrastructure Fund (LRCI) and Cardinia Shire Councils contribution of \$4,595,278.00 (Sourced via Cardinia Road Development Contributions Plan (DCP) and Council funds.

The submission from Warrandale Industries Pty Ltd for the total amount of \$7,026,267.72 excl GST can be accommodated within the allocated funding for this project.

Conclusion

It is recommended that Council award contract 23-019 Officer District Park Construction- Stage One to Warrandale Industries Pty Ltd for total amount of \$7,026,267.72 excl. GST.

Resolution

Moved Cr Stephanie Davies, seconded Cr Jeff Springfield.

That Council:

1. Award Contract 23-019 Officer District Park Construction– Stage One to Warrandale Industries Pty Ltd for the sum of \$6,387,515.72 excluding GST.
2. Approve the use of any remaining project budget for contingency items under the contract should they arise throughout the course of the project.

Carried

6.2.4 Appointment of committee members to the Koo Wee Rup Community Centre Community Asset Committee

Responsible GM: Lili Rosic
Author: Helena Moloney

Recommendation(s)

That Council

1. make the following appointments to the Koo Wee Rup Community Centre Community Asset Committee under Section 65 of the Local Government Act (2020):
 - Gus Moore President
 - Georgia Sharp Secretary
 - Frank Crameri Treasurer
 - Leonie Smith Bookings officer
 - Gwenda Woff General committee
 - Ellen Brown General committee
 - Craige Fox General committee
 - Garry Oates General committee
 - Rex Sanders General committee
 - Tina Kendall General committee
 - Jan Fox General committee
2. Thank the outgoing members of the committee for their service to the community.

Attachments

Nil

Executive Summary

This report seeks a Council resolution to appoint membership to the Koo Wee Rup Community Centre Community Asset Committee following a public meeting conducted by the Westernport Ward Councillor.

Background

Members of Community Asset Committees require appointment by Council resolution in accordance with Section 65 of the Local Government Act.

At a public meeting held Tuesday 8 August 2023, the members detailed above were elected to be appointed by Council to the Koo Wee Rup Community Centre Community Asset Committee for the current term as specified in the Instrument of Delegation (2 years).

Council is very grateful to all committee members of halls for the time and energy they dedicate to their important roles.

Policy Implications

Nil

Relevance to Council Plan

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

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

2.1 We support the creation of liveable spaces and places

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

Climate Emergency Consideration

Nil

Consultation/Communication

Nil

Financial and Resource Implications

Nil

Conclusion

Following a public meeting election process and in accordance with the Local Government Act 2020, it is recommended that Council resolve to appoint the nominated new members to the Koo Wee Rup Community Centre Community Asset Committee.

Resolution

Moved Cr Kaye Cameron, seconded Cr Graeme Moore.

That Council

1. make the following appointments to the Koo Wee Rup Community Centre Community Asset Committee under Section 65 of the Local Government Act (2020):
 - Gus Moore President
 - Georgia Sharp Secretary
 - Frank Crameri Treasurer
 - Leonie Smith Bookings officer
 - Gwenda Woff General committee
 - Ellen Brown General committee
 - Craige Fox General committee
 - Garry Oates General committee
 - Rex Sanders General committee
 - Tina Kendall General committee
 - Jan Fox General committee
2. Thank the outgoing members of the committee for their service to the community.

Carried

6.2.5 Appointment of Community Asset Committees for Recreation Reserves

Responsible GM: Lili Rosic
Author: Cameron Miller

Recommendation(s)

That Council:

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

Huxtable Road Reserve

President	Laurence Brown
Vice President	Pat Langley
Secretary	Leanne McLean
Treasurer	Alison McHenry
Committee Member	Ben Barrett
Committee Member	Mark Gulen
Committee Member	Rebecca Reynolds
Committee Member	Sally Moser
Committee Member	John Baillie

Sutherland Park Recreation Reserve

President	Glenn Burridge
Secretary	Matt Hutchinson
Treasurer	Sandra Butler
Committee Member	Carol Gibson
Committee Member	Sue Simmons

Worrell Reserve

Committee Member	Matt Byron
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- Thanks Committee Asset Committee Members for their valuable contribution to the management of community recreation reserves.

Attachments

Nil

Executive Summary

This report advises Council of the memberships elected for three Community Asset Committees and seeks formal Council appointment of these members. Community Asset Committee members make a significant contribution to community liveability and wellbeing through the management of fifteen recreation reserves.

Background

There are fifteen (15) recreation reserves within Cardinia Shire managed by Community Asset Committees:

- Twelve (12) of the reserves managed by Council appointed Community Asset Committees,
- Three (3) are Department of Environment, Land, Water and Planning (DELWP) owned with Council appointed as Committee of Management under the Crown Land Reserves Act and managed by Council appointed Community Asset Committees,

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

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

- Huxtable Road Reserve.
- Sutherland Park Recreation Reserve.

This report also recommends Council appoints a new member for the following reserve committee following the committee electing another member to fill a vacant position at a general meeting:

- Worrell Reserve (Matt Byron replacing Jamie Grace as a general committee member).

Resignation by Jamie Grace as a general committee member (Emerald Junior Football Club Representative) was submitted in writing to the committee. The committee accepted and recorded the resignation in the minutes of the 10 July 2023 general meeting. The committee elected another member in Matt Bryon to fill that position at the same general meeting.

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

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

Council employs a full-time Liaison Officer to support the Recreation Community Asset Committees including providing training for volunteers and assisting committees in compliance with risk requirements.

Policy Implications

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

Relevance to Council Plan

1.5 Our People - Variety of recreation and leisure opportunities

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

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

5.2 Our Governance - Open governance

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

Climate Emergency Consideration

N/A

Consultation/Communication

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

Financial and Resource Implications

N/A

Conclusion

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

Resolution

Moved Cr Brett Owen, seconded Cr Collin Ross.

That Council:

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

Huxtable Road Reserve

President	Laurence Brown
Vice President	Pat Langley
Secretary	Leanne McLean
Treasurer	Alison McHenry
Committee Member	Ben Barrett
Committee Member	Mark Gulen
Committee Member	Rebecca Reynolds
Committee Member	Sally Moser
Committee Member	John Baillie

Sutherland Park Recreation Reserve

President	Glenn Burridge
Secretary	Matt Hutchinson
Treasurer	Sandra Butler
Committee Member	Carol Gibson
Committee Member	Sue Simmons

Worrell Reserve

Committee Member	Matt Byron
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2. Thanks Community Asset Committee Members for their valuable contribution to the management of community recreation reserves.

Carried

6.3 Policy Reports

6.4 Financial Reports

6.4.1 Financial Report and Performance Statement 2022-23

Responsible GM: Wayne Mack
Author: Scott Moore

Recommendation(s)

That Council:

1. Pursuant to Section 99(2) of the *Local Government Act 2020*, Council gives its approval in principle to the annual financial statements and performance statement for the year ended 30 June 2023, subject to any changes recommended or agreed to by the auditor;
2. Pursuant to Section 99(3) of the *Local Government Act 2020*, Council authorises Cr. Jack Kowarzik and Cr. Stephanie Davies to certify the annual financial statements and performance statement for the year ended 30 June 2023, in their final form after any changes recommended or agreed by the auditor have been made, in accordance with the *Local Government (Planning and Reporting) Regulations 2020*, and
3. Scott Moore, Chief Finance Officer, is appointed as the Principal Accounting Officer for the purposes of Section 99(3b) of the *Local Government Act 2020*.

Attachments

1. 2022-23 Financial Statements [6.4.1.1 - 53 pages]
2. 2022-23 Performance Statement [6.4.1.2 - 17 pages]

Executive Summary

This report seeks Council to approve the annual financial statements and performance statement for the year ended 30 June 2023 and authorise Cr. Jack Kowarzik and Cr. Stephanie Davies as the Audit and Risk Committee representatives to sign the documents in their final form after any changes recommended or agreed to by the auditors have been made.

Background

Council is required to prepare an Annual Report in respect to the financial year ended 30 June 2023. The *Local Government Act 2020* prescribes the information that must appear in the Annual Report, the process that the Council must undertake to prepare the report, the audit requirements and the process to be undertaken to adopt the report. Section 98(2) requires the inclusion of the annual financial statements and performance statement in the Annual Report.

Council is required to authorise two councillors to approve the annual financial statements and performance statement in their final form after any changes recommended, or agreed to, by the Auditor have been made. It is recommended that the Audit and Risk Committee members Cr. Jack Kowarzik and Cr. Stephanie Davies be the councillors authorised to sign these documents.

The documents were considered by the by the Audit and Risk Committee at its meeting on 25 August 2023.

Section 100 of the *Local Government Act 2020* stipulates that the Mayor must present the Annual Report at a Council meeting open to the public within 4 months of the end of the financial year. It is proposed to consider the Annual Report at the Council Meeting to be held on 16 October 2023.

Discussion

Annual Financial Report

The financial statements are prepared in accordance with Australian Accounting Standards, the *Local Government Act 2020*, *Local Government (Planning and Reporting) Regulations 2020* and the Local Government Model Financial Report (LGMFR) published by Local Government Victoria as required by the Regulations.

The financial statements are a general purpose financial report comprising a Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows, Statement of Capital Works and accompanying notes.

Comprehensive Income Statement

Council achieved a surplus for the year of \$90.83m before net asset revaluation increment, compared to a budget of \$80.82m and last year's surplus of \$61.49m.

This surplus is due to \$91.28m of income 'tied' and unavailable for general operational use. This 'tied' income includes non-cash contributions of \$51.58m for the value of roads, drains, bridges, land and land under roads contributed by developers undertaking residential developments within the Urban Growth Corridor and \$22.24m of cash Development levies, Community infrastructure levies and Public open space contributions.

Also included in this income are non-recurrent capital grants of \$17.17m and capital cash contributions of \$0.29m, which do not cover operating expenses but relate to capital expenditure for non-current assets summarised in the Statement of Capital Works.

The adjusted underlying result, which is a key financial sustainability indicator that excludes these capital and abnormal items, is a deficit of \$0.22m for the year.

The factors that contributed to the surplus for the year 2022-23 included the following:

- **Rates and charges income:** Rates revenue is lower than budget due to raising lower supplementary rates (\$0.2m) than expected. Additionally, the residential garbage charge and Green waste recycling charge are lower due to a reduced number of services than initially anticipated (\$1.2m). This is partially offset by higher-than-expected interest on rates income (\$0.2m).
- **Operating grant:** The favourable variance is largely due to the early receipt of the 2023-24 VLGGC grant allocation (\$4.0m). In addition, the recognition of various unbudgeted grants including the Local Partnerships Project, June 2021 rain event, COVID-Safe Outdoor Activation Funding and Southeast Victorian Fires Recovery Support.
- **Capital grant:** The unfavourable variance is mainly due to the timing of recognition of budgeted grants relating to Sealing the Hills (\$2.6m), Princes Hwy Intersections (\$10.6m), and the Garfield North Reserve Building (\$1.3m) in line with updated project delivery timelines.
- **Contributions (monetary):** Capital monetary contributions are favourable due to receipt of unbudgeted contributions for Special Charge Scheme Contributions.
- **Development levies (monetary):** The favourable variance is largely due to higher than budget levies raised during the year for Officer DCP due to increased development activity.

- Contributions (non-monetary): This favourable variance includes higher than anticipated developer contributions of roads, footpaths, drains, bridges, land and land under roads, and open public spaces. Timing of developer contributions can vary from year to year.
- Share of profit of associates: Share of profit and distribution received from Casey Cardinia Library Corporation, which was unbudgeted.
- Other income: The favourable variance is mainly a result of increased interest rates as set by RBA during the year, which increased Council's return on investments by \$4.0m. A further \$1.5m in unbudgeted cost recoveries were received, including bank guarantee reimbursements for Gembrook Recreation Reserve Pavilion, Victorian Energy Efficiency Certificates, Mercury light replacement rebate payouts for vandalism-related insurance, rebates and event revenue from Cardinia Cultural Centre.
- Employee costs: The unfavourable variance is influenced by newly approved positions during the year coupled with increased casual staff and overtime. This has been partially offset by underspend due to staff vacancies.
- Materials and services: Materials and services are favourable to budget mainly due to incomplete operating initiatives which has resulted in the related expenses not being transferred. These projects are expected to be completed in 2023-24.
- Depreciation: This favourable variance is primarily driven by the roads category, where asset balances are lower due to the discontinuation of the Sealing the Hills initiative and receipt of fewer than predicted gifted assets. In addition, results of the buildings revaluation applied in April 2023 reduced depreciation due to application of new useful lives and componentised depreciation rates. These favourable variances are partially offset by a higher depreciation expense for Drains, Parks, and Open spaces.
- Amortisation - intangible assets: Lower amortisation expense in 2022-23 is due to the timing of when works were completed on new information management systems during the year.
- Borrowing costs: The favourable variance on loan interest is due to the budgeted loan for 2022-23 not being drawn down in line with updated project delivery timelines.
- Bad and doubtful debts - allowance for impairment losses: The unfavourable variance is due to the unbudgeted write off of uncollectable Development Levies (\$0.1m) and utility reimbursements (\$0.08m).
- Other expenses: The unfavourable variance is due to the unbudgeted loss as a result of withdrawing from the Casey Cardinia Library Corporation agreement (\$0.5m).

Balance Sheet

Net assets of \$2.49b as at 30 June 2023 exceeded budget by \$0.24m (\$0.26m higher than 2021-22) to maintain Council's strong financial position.

Total Cash and cash equivalents of \$25.78m were higher than budget by \$9.09m (\$4.83m higher than 2021-22) due to retaining cash for weekly payment runs in June 2023 (due to the migration to a new finance system), loan repayment and salaries.

Other financials assets of \$138m include investments held at 30 June 2023 with original maturity dates exceeding 3 months to earn higher interest rates. These exceeded budget by \$70m (\$26.5m higher than 2021-22) mainly due to grants received in advance for capital projects, such as Sealing the Hills funds and Intersection works and the carryover of budgeted capital projects to the next financial year.

The annual increase in cash and cash equivalents is largely due to an increased value of grants received in advance of associated works. These grants will be utilised as works are completed in the coming years. Restricted funds held at 30 June 2023 (trust funds and deposits, carried forward capital works, developer contribution levies and grant income received in advance,) total \$140.4 million.

Subsequent to initial recognition, non-current physical assets other than plant and equipment and other infrastructure are measured at their fair value. This is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date.

Council undertakes a formal revaluation of land every two years, buildings every 3 years and infrastructure assets every 4 years. The valuations are performed by experienced council employees and external valuers. Council reviewed the carrying value of individual asset classes measured at fair value to ensure each asset materially approximated its fair value. There were no assets where the carrying value materially differed from the fair value at balance date that warranted an indexation or full revaluation.

The external comprehensive valuations of buildings, open space and recreational assets were valued by Westlink Consulting. An interim valuation of roads, bridges, footpaths and cycleways, off-street car parks was performed by council's asset management team.

Buildings, Roads, Bridges, Footpaths and cycleways, off-street car parks, open spaces and recreational assets have been revalued in 2022-23, with a total net increment of \$172.3m credited to the asset revaluation reserve (\$80.3m 2021-22).

Council's total trade and other payables of \$10.6m is lower than 2021-22 by \$12.39m due to a change in the application of accounting standards for Development Contribution Plan levies. Application of AASB 15 *Revenue from Contracts with Customers* and AASB 1058 *Income of Not-for-Profit Entities* has been updated to better represent the nature and timing of the Development Contribution Plan related assets and liabilities in the financial statements. This impacts notes 5.1(c), 5.3(a), 5.3 (c) and 5.2(b).

Unearned income of \$46.86m is higher than the prior year by \$6.01m, mainly due to Sealing the Hills and Intersection project funding received during 2021-22 and 2022-23 being recognised as income in advance received for projects where the performance obligations have not been met.

Statement of Capital Works

Capital works expenditure for the year of \$56.26m (excluding capital carryovers of \$44.01m) was \$43.23m below budget (\$3.93m higher than 2021-22). This variance is largely due to supply chain delays driven by geopolitical, economic and environmental conditions not within Council's control. In addition, reduced federal government funding and later than anticipated settlement of land purchases \$5.1m contributed to this variance.

Works already underway totaling \$44.01m carried over to 2023-24 for completion include: Garfield Netball Pavilion, Garfield Cannibal Creek, Sealing the Hills program, Officer Intersection upgrades, Officer District Park and various building maintenance projects. Most of these projects have commenced and commitments raised for the projects to be delivered over multiple years.

Statement of Cash Flows

Total Cash and cash equivalents of \$25.78m were higher than budget by \$9.09m (\$4.83m higher than 2021-22) due to retaining cash for weekly payment runs in June 2023 (due to the migration to a new finance system), loan repayment and salaries.

Council's cash and cash equivalents need to be considered together with term deposits with maturities over 3 months of \$138m which exceeded budget by \$70m (\$26.5m higher than 2021-22). Together with Other financial assets, Council has more than sufficient funds to cover all restricted funds and intended allocations, despite it being highly unlikely that their settlement will be required within the next twelve months.

Other cash flow items of note are as follows:

- Decrease in net cash provided from operating activities of \$11.08m, mainly due to an increased materials and services outflows \$13.2m, which was primarily due to an increase in employee cost and the expensing of capital works project expenditure on assets not owned by Council. These were slightly offset by an increase in grants, contributions and other income inflows of \$2.1m. An increase in other income inflows are from increased Interest on investments.
- Decrease in net cash used in investing activities of \$19.72m, mainly due to reduced payment outflows for investments and property, infrastructure, plant and equipment of \$12m and \$7.9m respectively.
- Total loan borrowings at 30 June 2023 were \$14.08m, after \$2.81m scheduled principal repayments during the year.

Performance Statement

The Local Government Performance Reporting Framework (LGPRF) is a mandatory reporting requirement under the *Local Government (Planning and Reporting) Regulations 2020*. The framework includes:

- Report of Operations: All service indicator results.
- The Performance Statement: A selection of service indicators and all financial and sustainability indicators. The Performance Statement is audited and is certified by two Councillors, the CEO and Principal Accounting Officer.
- Governance and Management Checklist: A list of 24 policies, plans, strategies, and guidelines.

All performance results are reported in Council's Annual Report 2022-23.

Four performance indicators recorded materially unfavourable variations (10% materiality threshold):

Performance indicators	2020	2021	2022	2023	Comment to be published in Annual Report
Workforce turnover	12.75%	13.38%	14.92%	16.94%	An increase in turnover can be seen across the broader industry. We have implemented a workforce plan and developing an employee value proposition to help with attraction and retention.
Relative socio-economic disadvantage	8	8	8	7	Although Cardinia has moved down the ranking for relative socio-economic disadvantage, our SEIFA score has remained at the 2016 level.
Unrestricted cash compared to current liabilities	-23.22%	-86.00%	-102.19%	-143.71%	The increase in 2022-23 is due to a higher value of grants received in advance of the delivery of associated works. These funds are treated as a liability until associated works are completed. When calculating unrestricted cash, this indicator excludes the value of term deposits with maturities over 90 days, in which Council currently invests the majority of its funds to maximise returns. If all Council term deposits were included in this measure, it would show a positive result and provide a more relevant measure.
Rates compared to property values	0.35%	0.36%	0.35%	0.29%	Large property valuation increases have materially impacted this measure.

Nine performance indicators recorded materially favourable variations (10% materiality threshold):

Performance indicators	2020	2021	2022	2023	Comment to be published in Annual Report
Infrastructure per head of municipal population	\$8,927	\$9,153	\$9,987	\$11,434	Major asset revaluations undertaken primarily in buildings and infrastructure in 2022-23 have impacted this measure.
Utilisation of aquatic facilities	4.78	2.46	3.29	5.50	In 2022-23, visitation rates are greater than pre Covid-19. Cardinia's aquatic facilities were closed or operating in a very reduced capacity July – October 2021 due to a COVID-19 environment.
Participation in the MCH service by Aboriginal children	84.98%	73.26%	67.62%	75.43%	The Cardinia MCH service has recovered well from COVID workforce shortages and state directions around altered services in relation to the pandemic, resulting in an increase in available MCH appointments for all families across the shire in 2023.
Council planning decisions upheld at VCAT	0%	40%	57%	50%	Out of the four decisions go to VCAT, two are set aside.
Loans and borrowings compared to rates	33.95%	28.15%	15.94%	12.76%	The decrease in 2022-23 reflects the annual servicing and decrease in loan balances as a result of ongoing responsible cash and investment management.
Loans and borrowings Repayments compared to rates	6.71%	14.03%	12.09%	3.62%	This indicator is lower in 2022-23 as a large loan settlement was fulfilled during the 2021-22 year.
Non-current liabilities compared to own source revenue	39.44%	31.11%	25.03%	16.11%	The decrease in 2022-23 is due to the receipt of higher interest revenue due to higher interest rate levels compared to 2021-22. In addition, a reduction in non-current liabilities is a result of timing in recognition of developer transactions coupled with ongoing reductions in loan balances.
Asset renewal and upgrade compared to depreciation	79.55%	106.09%	71.56%	128.02%	The removal of Covid restrictions in 2022-23 allowed increased delivery of budgeted infrastructure renewal and upgrade projects compared to 2021-22.
Adjusted underlying surplus (or deficit)	-2.54%	-0.80%	-0.39%	- 0.14%	The 2022-23 adjusted underlying deficit is lower than in previous years. Contributing to the result was increased interest revenue resulting from higher interest rates compared to 2021-22. In addition, higher operating grants were received primarily as a result of the advanced receipt of the full 2023-24 Financial Assistance Grant. These have been partly offset by higher employee costs in line with additional resource requirements and fulfilment of Enterprise Agreement obligations. Although the ratio is negative and indicates a risk to council, the surplus for the year was \$90.83m and Council's operating position is backed by significant accumulated surplus of

Performance indicators	2020	2021	2022	2023	Comment to be published in Annual Report
					\$1.30b and reserves balance of \$1.19b.

The remaining measures within the performance statement are all within materiality thresholds, with minor improvements or declines.

Conclusion

It is recommended that Council approves the financial statements and performance statement and authorises Cr. Jack Kowarzik and Cr. Stephanie Davies to sign the documents in their final form.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Stephanie Davies.

That Council:

1. Pursuant to Section 99(2) of the *Local Government Act 2020*, Council gives its approval in principle to the annual financial statements and performance statement for the year ended 30 June 2023, subject to any changes recommended or agreed to by the auditor;
2. Pursuant to Section 99(3) of the *Local Government Act 2020*, Council authorises Cr. Jack Kowarzik and Cr. Stephanie Davies to certify the annual financial statements and performance statement for the year ended 30 June 2023, in their final form after any changes recommended or agreed by the auditor have been made, in accordance with the *Local Government (Planning and Reporting) Regulations 2020*; and
3. Scott Moore, Chief Finance Officer, is appointed as the Principal Accounting Officer for the purposes of Section 99(3b) of the *Local Government Act 2020*.

Carried

6.5 Activity Reports

6.5.1 Community Engagement update

Responsible GM: Debbie Tyson
Author: Georgja Davies-Jackson (Coordinator Communications & Engagement)

Recommendation(s)

That Council notes the community engagement activities being undertaken for September and October 2023.

Attachments

Nil

Executive Summary

This report provides a monthly update on community engagement opportunities that have commenced and planned for September and October 2023.

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

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

Consultation/Communication

It is noted that some projects will involve more than one stage of engagement and that the Engagement Plans for each project documents the stages and purpose of engagement. This month, the following Engagement Plans are being implemented:

Community engagement activity September - October 2023			
Project	Project description	Proposed consultation date/s and details	Responsible Business Unit
Stage 1 Puffing Billy Play Space Renewal	Community engagement on equipment and infrastructure to be included in the renewal of the Puffing Billy Park play space area (with construction next financial year).	Creating Cardinia survey: 21 August – 18 September. QR code posters directing people to the survey on Creating Cardinia displayed in key locations. Mailout to residents within a 400m radius of play space. Email to key stakeholders.	Active and Connected Communities
Stage 1 William Bruce (WB) Ronald Reserve Renewal	Community engagement on equipment and infrastructure to be included in the renewal of play spaces within the William Bruce (WB) Ronald Reserve (with construction next financial year).	Creating Cardinia survey: 21 August – 18 September. QR code posters directing people to the survey on Creating Cardinia displayed in key locations. Mailout to residents within a 400m radius of play space. Email to key stakeholders. Community Pop up at William Bruce (WB) Ronald Reserve: Dates TBC*. *More details will be confirmed on Creating Cardinia as the project continues.	Active and Connected Communities
Council News and Information Survey 2023	Community engagement on how residents and community members like to receive council news and information.	Creating Cardinia survey: September 11 – October 9. Feature in Connect magazine in September edition.	Communications and Engagement
Phase 1 Toun-nun Public Art Project	Community engagement on design elements of a proposed public art mural on the exterior wall of the Toun-nun Childcare Centre.	Creating Cardinia survey: September TBC*. Community pop up on site – date TBC. *More details will be confirmed on Creating Cardinia as the project continues.	Arts, Advocacy and Economy

		<p>QR code posters directing people to the survey on Creating Cardinia displayed in key locations.</p> <p>Email to key stakeholders.</p>	
<p>Stage 2 Village Green Playground Renewal</p>	<p>Community engagement on the draft concept plan created from Stage 1 consultation.</p>	<p>Creating Cardinia survey – October TBC* *More details will be confirmed on Creating Cardinia as the project continues.</p> <p>QR Code Posters around playground and surrounding area.</p>	<p>Active and Connected Communities</p>
<p>Stage 2 Waterford Rise Pakenham Playground Renewal</p>	<p>Community engagement on the draft concept plan created from Stage 1 feedback.</p>	<p>Creating Cardinia survey – October TBC* *More details will be confirmed on Creating Cardinia as the project continues.</p> <p>QR Code Posters around playground and surrounding area.</p>	<p>Active and Connected Communities</p>
<p>Stage 2 Pepi’s Land BMX Track Upgrade</p>	<p>Community engagement on the draft concept plan created from Stage 1 feedback.</p>	<p>Creating Cardinia survey – October TBC* *More details will be confirmed on Creating Cardinia as the project continues.</p> <p>QR Code Posters around Pepi’s Land Reserve and around current BMX track area.</p>	<p>Active and Connected Communities</p>
<p>Sealing the Hills – Local Area Traffic Management for Station Rd, Naughton catchment and First- Grenville catchment, Cockatoo</p>	<p>Informing property owners, local businesses and community groups of Council’s plans to install LATM devices along roads that are currently being upgraded as part of the Sealing the Hills program.</p>	<p>Letter mailout and Creating Cardinia updates from 5 -19 September 2023</p> <p>Community information session on Wednesday 4 October from 5pm-6pm at Cockatoo Community Complex</p>	<p>Major Roads Projects</p>
<p>Huxtable Road, Pakenham Upper</p>	<p>Informing residents and the local Pony Club about Council’s upcoming plans to</p>	<p>Community information session with the Pony Club and affected residents – TBC October 2023</p>	<p>Major Roads Projects</p>

	seal and upgrade Huxtable Road under the Strategic Sealed Roads program.		
James Street carpark	Informing neighbouring residents, businesses and community groups about the upcoming works and temporary closure to the James Street carpark in Pakenham.	Letter mailout and follow up emails to key stakeholders from 18 September - 2 October 2023	Major Roads Projects

Financial and Resource Implications

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

Conclusion

The table above outlines projects for engagement over the months of October and September which is provided to support awareness and involvement from our community, to seek their valued input into projects and will assist 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.

Resolution

Moved Cr Stephanie Davies, seconded Cr Brett Owen.

That Council notes the community engagement activities being undertaken for September and October 2023.

Carried

6.5.2 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 - September 2023 [6.5.2.1 - 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 Jeff Springfield.

That Council note this report

Carried

7 Reports Or Minutes Of Committees

Nil

8 Reports By Delegates

Cr Kowarzik reported on his attendance at the following:

- Lakeside Resident Group AGM and congratulated Wendy Andrews on her 10 year anniversary of being President
- Community Safety Forum held by VicPol in company with several other Councillors
- Citizenship Ceremony conducted on National Citizenship Day
- Pakenham Arthritis Self Help Group meeting
- Puffing Billy Great Run event

Cr Springfield reported on his attendance at:

- Community Capital Works grants night
- Emerald Village Association community night volunteer form
- Cockatoo Township Committee open forum community event
- Unfortunately could not attend the Gembrook Community Group event as he was unwell

Cr Ryan reported on her attendance at:

- Cardinia Foundation 20th Anniversary event
- VicPol Community Safety Forum
- AGM for the Pakenham Opportunity Shopt
- Mental Health Foundation meeting
- Suicide Awareness Walk

Cr Cameron reported on her attendance at:

- 100 Year Celebration of Catani Football Club
- Citizenship Ceremony
- West Gippsland Soccer Final at Lang Lang Community reserve

Cr Moore reported on his attendance at:

- Tynong Progress Association AGM and thanked Tom Glazzard for his service who had stood down as President - thank you
- Citizenship Ceremony noting that this was the last Ceremony for the Mayor and congratulated her on her efforts

Cr Ross reported on his attendance at:

- Community Capital Works Grants night
- Citizenship Ceremony
- Cardinia Foundation 20th Anniversary event
- Cardinia Interfaith Network network
- Victoria Police Community Safety Forum

Cr Owen reported on his attendance at:

- Victoria Police Community Safety Forum
- Cardinia Foundation 20th Anniversary event
- Guys Hill Bio Blitz
- Mt Shamrock Environmental Review Committee

Cr Radford advised of her conduct of the Citizenship Ceremonies conducted on National Citizenship day and thanked the staff involved for organising the event

9 Presentation Of Petitions

Nil

10 Notices Of Motion

10.1 Notice of Motion 1082 - Cr Cameron

Motion

I hereby give notice of my intention to move the following motion at the Council meeting to be held at 7.00pm on Monday 18th September, 2023:

That Council:

1. Implement a “Developer Contact Register” from 1st October 2023. The register will enable all Councillors to list ALL CONTACT (phone, email, text, messaging applications, written mail, face to face and the like) with developers within Cardinia Shire, in relation to any proposed, current or future PLANNING APPLICATIONS.
2. Makes the Developer Contact Register compulsory for all Councillors.
3. Requires that the Developer Contact Register be updated monthly and appear on the Council Website under the Governance and Integrity page.
4. Establishes the Developer Contact Register to be in the format as per Attachment 1.
5. Amends the Councillor Code of Conduct to make the Developer Contact Register compulsory.
6. Updates Council policy to include the Decision Making Connection Disclosure (as per Attachment 2) in all Council decisions from 1st October 2023.
7. Includes the following definition of “Developer” means an individual, body corporate or company engaged in a business that:
 - a. Regularly involves the making of relevant planning applications with the exclusion of single dwelling residential developments in connection with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit; and
 - b. Includes any consultant, lobbyist, advisor, agent, representative or person closely associated with a Developer and who is appointed to promote or advocate for the Developer’s interests or proposal, except when they are representing someone who is not regularly involved in the making of relevant planning applications or the development of land.
8. Asks Council officers to develop guidelines on the recording of any contact between Councillors and Developers relating to a planning or development proposal, including proposals in a preliminary stage, for which the Developer is a proponent.

Resolution

Moved Cr Kaye Cameron, seconded Cr Collin Ross.

I hereby give notice of my intention to move the following motion at the Council meeting to be held at 7.00pm on Monday 18th September, 2023:

That Council:

1. Implement a “Developer Contact Register” from 1st October 2023. The register will enable all Councillors to list ALL CONTACT (phone, email, text, messaging applications, written mail, face to face and the like) with developers within Cardinia Shire, in relation to any proposed, current or future PLANNING APPLICATIONS.
2. Makes the Developer Contact Register compulsory for all Councillors.
3. Requires that the Developer Contact Register be updated monthly and appear on the Council Website under the Governance and Integrity page.
4. Establishes the Developer Contact Register to be in the format as per Attachment 1.
5. Amends the Councillor Code of Conduct to make the Developer Contact Register compulsory.
6. Updates Council policy to include the Decision Making Connection Disclosure (as per Attachment 2) in all Council decisions from 1st October 2023.
7. Includes the following definition of “Developer” means an individual, body corporate or company engaged in a business that:
 - a. Regularly involves the making of relevant planning applications with the exclusion of single dwelling residential developments in connection with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit; and
 - b. Includes any consultant, lobbyist, advisor, agent, representative or person closely associated with a Developer and who is appointed to promote or advocate for the Developer’s interests or proposal, except when they are representing someone who is not regularly involved in the making of relevant planning applications or the development of land.
8. Asks Council officers to develop guidelines on the recording of any contact between Councillors and Developers relating to a planning or development proposal, including proposals in a preliminary stage, for which the Developer is a proponent.

Carried

10.2 Notice of Motion 1083 - Cr Cameron

Motion

That a report be tabled at the November 2023 Council Meeting for the enhancement of community consultation at Cardinia Shire Council, including 'People's Panel' models.

Resolution

Moved Cr Stephanie Davies, seconded Cr Collin Ross.

That a report be tabled at the November 2023 Council Meeting for the enhancement of community consultation at Cardinia Shire Council, including 'People's Panel' models.

Carried

11 Community Questions

Nil questions received

12 Urgent Business

There was no urgent business.

13 Councillor Questions

Nil

15 Meeting Closure

Meeting closed at 8.52pm.