

# **Ordinary Council Meeting**

## **Minutes**

**Monday 20 May 2024**

**Commenced at 7:00 PM**

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

<b>Members:</b>	Cr Jack Kowarzik	Mayor
	Cr Graeme Moore	Deputy Mayor
	Cr Tammy Radford	
	Cr Kaye Cameron	
	Cr Stephanie Davies	
	Cr Jeff Springfield	
	Cr Brett Owen	
<b>Officers:</b>	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
	Peter Harris	Manager Governance, Safety & Property

Meeting opened at 7.00PM.

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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

Cr Colin Ross  
Cr Carol Ryan

## 4 Adoption And Confirmation Of Minutes

Moved Cr Graeme Moore, seconded Cr Tammy Radford

That minutes of the following meetings be confirmed:

- General Council meeting 15 April 2024
- Town Planning Committee 6 May 2024

Carried

## 5 Declaration Of Interests

Nil

## 6 Ordinary Business

### 6.1 Town Planning Reports

#### 6.1.1 {Officer Major Activity Centre Urban Design Framework VCAT order}

**Responsible GM:** Lili Rosic  
**Author:** {Livia Baranyay and Marcelle Bell}

##### Recommendation(s)

That Council authorise the Manager of Planning and Design to instruct Council's Planning Strategy and Urban Design staff and/or Council Solicitors on any application for review at the Victorian Civil and Administrative Tribunal relating to Officer's Major Activity Centre Urban Design Framework

##### Attachments

{Attachment 1 – Grounds of Review}

##### Executive Summary

On the 26 March 2024, Council received an order from the Victorian Civil Administrative Tribunal for the Grounds of Review under Section 149 (1) of the Planning and Environment Act for Officer's Major Activity Centre Urban Design Framework. The Applicant, Officer Holdings (Vic) Pty Ltd, located at 67 Officer South Road is seeking changes to the Council's endorsed Officer Major Activity Centre Urban Design Framework.

The Applicant is seeking changes to Officer's Urban Design Framework to recognise residential development is not prohibited and can be considered within a 'Local Business' sub-precinct depicted in Officer's Precinct Structure Plan (PSP). The Applicant also alleges the Urban Design Framework fails to recognise the full range of uses appropriate for the Core sub-precinct.

Council and Victorian Planning Authority staff do not consider the present Urban Design Framework prohibits residential development in the Local Business sub-precinct or conflict with the Urban Growth Zone. Nonetheless, Council staff are open to discussing this matter raised by the Applicant to determine if any changes are possible with a view to avoiding the need to proceed to a Victorian Civil Administrative Tribunal hearing.

This matter will be considered at a future Compulsory Conference and/or a Victorian Civil Administrative Tribunal hearing. Staff authorisation to act on Council's behalf is requested to ensure a decision at the Victorian Civil Administrative Tribunal can be made.

##### Background

Council in collaboration with the Victorian Planning Authority endorsed Officer's Major Activity Centre Urban Design Framework at a Council Meeting on 19<sup>th</sup> February 2024.

On the 26 March 2024 Council received from the Victorian Civil Administrative Tribunal, an order for the review of Officer's Major Activity Centre Urban Design Framework, as per Attachment 1.

The application is seeking the following:

1. *That the Officer Major Activity Centre Urban Design Framework be amended to be consistent with the Officer Precinct Structure Plan and Urban Growth Zone, Schedule 4, by expressly recognising the appropriateness of residential / mixed-use development in the Local Business sub-precinct and the range of appropriate uses in the Core sub-precinct; or*
2. *A declaration pursuant to s 124 of the Victorian Civil and Administrative Tribunal Act 1998 that Officer UDF is invalid because it is inconsistent with the PSP.*

In summary the Applicant's grounds are:

*The approved Officer Major Activity Centre Urban Design Framework is inconsistent with the Officer Precinct Structure Plan and Urban Growth Zone, Schedule 4 in that it fails to recognise, and could be interpreted as prohibiting, residential development in the Local Business sub precinct and the full range of uses recognised as appropriate for the Core sub-precinct in the PSP.*

Council staff do not consider the present Urban Design Framework prohibits residential development in the Local Business sub-precinct or conflict with the Urban Growth Zone. Nonetheless, Council staff are open to discussing this matter raised by the Applicant to determine if any changes are possible with a view to avoiding the need to proceed to a Victorian Civil Administrative Tribunal hearing.

On the 3 May 2024 a Practise Day Hearing was conducted and representatives for the Applicant, Victorian Planning Authority and Council were present.

Under the Planning and Environment Act 1987, a decision of the responsible authority can be reviewed under Section 149(1a-1d) of the Act in relation an approved document.

Senior Member Dhojan wasn't entirely convinced that Section 149(1) of the Planning and Environment Act is the correct provision to be relied on for this application, stating that in her view it was not clear that the Urban Growth Zone (Schedule 4) schedule requires the Urban Design Framework to be 'prepared to the satisfaction of Council and Victorian Planning Authority' and therefore the Tribunal does not have jurisdiction under Section 149(1). Senior Member (SM) Dhojan indicated that she thought Section 149B of the Planning and Environment Act would be a more appropriate avenue for review.

The parties made their submissions, consistent with the written submissions filed last week, being that Section 149(1) is the correct provision, based on the wording of the Urban Growth Zone (Schedule 4). Mr Watters acting on behalf of the Applicant took the Tribunal through the Applicant's rationale for relying on Section 149(1)(a) in detail.

SM Dhojan reserved her decision, noting that there are a few possible outcomes:

- The matter could be set down for preliminary hearing to determine whether s149(1) is the correct provision; or
- The matter could be determined on the material presented at the Practise Day Hearing. In other words, the Senior Member would either allow the application to proceed under Section 149(1) and set the matter down for a Compulsory Conference and hearing or find that the matter has been filed under the wrong provision and invite the Applicant to amend its application to be brought under Section 149B.

Council staff will learn of the outcome from the Victorian Civil Administrative Tribunal Order soon.

### **Policy Implications**

Any proposed change to the Officer's Major Activity Centre Urban Design Framework Officer will require to be policy neutral or minor and be agreed to for the purpose of clarity by Council and the

Victorian Planning Authority staff. No changes are proposed to Cardinia's Planning Scheme, Urban Growth Zone or Officer's Precinct Structure Plan.

## **Relevance to Council Plan**

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

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

## **Climate Emergency Consideration**

No climate emergency considerations are relevant to these processes.

## **Consultation/Communication**

Council staff and Council's lawyers have been in communication with the Applicant and will continue discussions leading up to Victorian Civil Administrative Tribunal proceedings.

## **Financial and Resource Implications**

The financial and resource implications for this matter will be undertaken as part of the Departments operational budget.

## **Conclusion**

Based on above report it is recommended that:

- a. That Council authorise the Manager of Planning and Design to instruct Council's Planning Strategy and Urban Design staff and/or Council Solicitors on any application for review at the Victorian Civil and Administrative Tribunal relating to Officer's Major Activity Centre Urban Design Framework.

## **Resolution**

Moved Cr Tammy Radford, seconded Cr Graeme Moore.

That Council authorise the Manager of Planning and Design to instruct Council's Planning Strategy and Urban Design staff and/or Council Solicitors on any application for review at the Victorian Civil and Administrative Tribunal relating to Officer's Major Activity Centre Urban Design Framework

Carried



## 6.2 General Reports

### 6.2.1 Update of Delegations to Staff

**Responsible GM:** Debbie Tyson  
**Author:** Doug Evans

#### Recommendation(s)

That in the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Cardinia Shire Council resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
2. The Instrument comes into force immediately it is signed by the Chief Executive Officer.
3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. 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. Instrument of delegation Council to members of staff Update May 2024 [6.2.1.1 - 38 pages]

#### Executive Summary

Council last executed an Instrument of Delegation to staff members in November 2022, since that date there have been some minor amendments made to the various Acts and Regulations detailed in that Instrument, in addition several changes to the structure of the organisation and position titles, as a result the Instrument of Delegation to staff requires updating to reflect these legislative amendments and staff changes.

An updated Instrument is attached.

#### Background

Most Council decisions are not made at Council meetings; effective functioning of the Council would not be possible if they were. Instead, most decision-making power is allocated by formal delegations to specific positions within the organisation.

The Local Government Act 2020 makes provision for the Council to delegate powers to the Chief Executive Officer and for the Chief Executive Officer to then sub-delegate to Council staff. There are other Acts and Regulations that empower a Council to delegate certain powers that do not contain express powers of sub-delegation by the Chief Executive Officer, therefore it is necessary for the delegation to come from Council to the staff members directly. These Acts are the Domestic Animals Act 1994, Food Act 1984, Local Government Act 1989, Planning and Environment Act 1987, Residential Tenancies Act 1997 and Road Management Act 2004 and the regulations under these Acts.

The attached Instrument of Delegation relates to those Acts and Regulations

This Instrument was last updated in November 2022 and now needs to be updated to reflect legislative amendments and staff changes that have been made since that date.

### **Policy Implications**

There are no policy implications as a result of this report.

### **Relevance to Council Plan**

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

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

### **Climate Emergency Consideration**

There are no climate emergency considerations as a result of this report.

### **Consultation/Communication**

Relevant members of staff have been consulted in regard to the updated Instrument of Delegation

### **Financial and Resource Implications**

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

### **Conclusion**

With amendments made to the various Acts and Regulations detailed in the Instrument of Delegation and staff changes that have occurred it is necessary to introduce an updated Instrument of Delegation to staff reflecting these changes.

### **Alternate Motion**

Moved Cr Davies, seconded Cr Owen

That Council defer this report to the June Council Meeting.

Lost

### **Resolution**

Moved Cr Jeff Springfield, seconded Cr Graeme Moore.

That in the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Cardinia Shire Council resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
2. The Instrument comes into force immediately it is signed by the Chief Executive Officer.

3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. 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

## 6.2.2 Road Discontinuance and Street Name change - Lecky Road Officer South

**Responsible GM:** Debbie Tyson  
**Author:** Jeanette Blackwood

### Recommendation(s)

That Council having given public notice of a proposal to discontinue part of Lecky Road, Officer South as shown in Attachment 1 (Road) pursuant to s206, Schedule 10, Clause 3 of the Local Government Act 1989 and having considered no submissions being made in respect of the discontinuance, hereby directs:

1. that a notice be published in the Victorian Government Gazette to discontinue the Road
2. that the Road be removed from the Councils register of Public Roads in accordance with section 17(4) of the Road Management Act 2004 as it is no longer reasonably required for general public use;
3. notify the Department of Energy, Environment and Climate Action that the land has reverted to the crown as unreserved crown land following, the publication of the notice in the Government Gazette; and
4. notify the Geographic Names Victoria of the name change of the section of road to the east of the discontinued road from Lecky Road to Nancie Road.

### Attachments

1. Lecky Rd plan [6.2.2.1 - 1 page]

### Executive Summary

Council is proceeding with the proposal to discontinue a section of Lecky Road Officer South, to deliver on the adopted Cardinia Road Employment Precinct Structure Plan (PSP). The section of road is a government road and therefore when discontinued it will revert to the Crown and the Department of Energy, Environment and Climate Action (DEECA) will then be responsible to create Melbourne Water as the committee of management for it to be maintained as a drainage path.

### Background

The PSP includes a proposal to discontinue two sections of Lecky Road for the land to be created as a drainage path. Furthermore, the planning permit for the development of 70 Lecky Road includes a requirement for the discontinuance of the two sections of Lecky Road.

Officers have commenced the discontinuance process under delegation for the section of Road. The western section of road to be discontinued will occur at a later time based upon the timing of development of the adjoining land, this is also shown on the attached plan for information.

Officers gave public notice on Wednesday 28 February of the proposal to discontinue the Road (Proposal) in accordance with s207A, Schedule 10 Clause 3 and s223 of the Local Government Act 1989 (LGA). Public notice was given in the Pakenham Gazette, on the Councils website and a letter to all abutting owners allowing for submissions to be provided for a period of 28 days.

No submissions were received in relation to the Proposal, therefore officers seek approval to discontinue the Road. If Council resolves to discontinue the Road a notice will be included in the Victoria Government Gazette discontinuing the Road at which point the land will revert to the crown as unreserved crown land. Furthermore, the Road will also be removed from the Public Road Register.

As a result of the road discontinuance Lecky Road will be inaccessible along its full length, therefore in accordance with Geographic Names Victoria (GNV) provisions, the isolated sections of Lecky Road require renaming, each with a unique name. The renaming is necessary before lots being developed can be appropriately addressed.

It is proposed that the eastern section of Lecky Road be renamed to Nancie Rd. Officers wrote to adjoining owners previously seeking feedback about this proposition. Feedback was considered and the proposed renaming has been included with the road discontinuance public notice. A further name change will be proposed in the future for the western section of Lecky Road, following the second road discontinuance with a proposed name change to Kathleen Grove.

### **Policy Implications**

The Proposal is carried out in accordance with the Road Discontinuance Policy 2024. In particular, the Proposal meets the objective of improving local amenity for residents.

### **Relevance to Council Plan**

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

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

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

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

### **Climate Emergency Consideration**

The Proposal will allow for the development of the wetlands shown in the attached plan as included in the PSP.

### **Consultation/Communication**

Council gave public notice in accordance with section 223 of the LGA allowing for submissions to be received for a period of 28 days. No submissions were received. The second section of road to be discontinued will be carried out at an appropriate time in accordance with the development of land along Lecky Road and as such public notice associated with the second discontinuance will occur at that time.

Officers previously consulted with Geographic Names Victoria and abutting owners in relation to the proposed name changes, being the eastern section of Lecky Road to Nancie Road and the western section to Kathleen Grove.

The proposed names associated with the proposal and the future section of discontinuance are to honour the two sisters, Nancie and Kathleen Kinsella who were the daughters of Michael Kinsella and Susan Kinsella (nee Lockens) of Cora Lynn. The family moved to Cora Lynn in 1905, having purchased 60 acres of land north of Main Drain.

Nancie was born in 1900 and Kathleen in 1904, and they had three older brothers, Arthur, Daniel and Norman. The children attended school at Koo Wee Rup North State School and then Cora Lynn State School. Nancie and Kathleen both went on to become nurses. Nancie left Australia prior to the war and, after the outbreak of war, enlisted with Queen Alexandra's Imperial Military Nursing Service. Nancie was awarded an MBE in recognition of gallant and distinguished services and the Associate

Royal Red Cross medal for bravery and exceptional devotion to duty. Kathleen enlisted with the Australian Army Nursing Service. Sadly, Kathleen died as a passenger on the Vyner Brooke Ship. The Ship, which was boarded by civilians and nurses, was bombed, strafed and sunk.

### **Financial and Resource Implications**

No income will be derived from the Proposal, however the survey and public notice costs associated with the Proposal are quoted at \$9,500.

### **Conclusion**

As no submissions have been received and the Proposal is a recommendation of the PSP it is proposed that Council endorse the discontinuance of the Road, remove the Road from the public road register and notify the Geographic Names Victoria of the change in name of the section of road to the east of the discontinued road to Nancie Road as shown on the attached plan.

### **Resolution**

Moved Cr Jeff Springfield, seconded Cr Graeme Moore.

That Council having given public notice of a proposal to discontinue part of Lecky Road, Officer South as shown in Attachment 1 (Road) pursuant to s206, Schedule 10, Clause 3 of the Local Government Act 1989 and having considered no submissions being made in respect of the discontinuance, hereby directs:

1. that a notice be published in the Victorian Government Gazette to discontinue the Road
2. that the Road be removed from the Councils register of Public Roads in accordance with section 17(4) of the Road Management Act 2004 as it is no longer reasonably required for general public use;
3. notify the Department of Energy, Environment and Climate Action that the land has reverted to the crown as unreserved crown land following the publication of the notice in the Government Gazette; and
4. notify the Geographic Names Victoria of the name change of the section of road to the east of the discontinued road from Lecky Road to Nancie Road.

Carried

## 6.2.3 Waste and resource recovery strategy update - kerbside reform and future of waste update

**Responsible GM:** Peter Benazic  
**Author:** Jacqui Kelly

### Recommendation(s)

That Council:

- Note the progress on implementation of the Waste and Resource Recovery Strategy; and
- Note the Advanced Waste Processing project is in the tender evaluation phase with a Council decision planned by the end of 2024.

### Attachments

Nil

### Executive Summary

The Waste and Resource Recovery Strategy 2017-26 (WRRS) was adopted by Council on 11 December 2017 and provides a ten-year roadmap for the future direction of Council's waste and resource recovery services, waste related education and advocacy activities. It identifies the key issues facing the municipality, reflects community needs, and sets out a plan for how we can keep waste services efficient and effective, minimise waste to landfill and other impacts on the environment.

The associated Action Plans are designed to turn the strategic direction into achievable actions, identifying cross department collaboration opportunities, timelines and resources required to achieve each action.

The strategy is adaptive to the new, and changing Victorian Government directions of recent years. The Victorian Government's policy 'Recycling Victoria: A New Economy' (RV) aimed to address the urgent challenges that caused disruptions to Victoria's recycling industry in recent years and makes fundamental changes to improve waste and recycling in Victoria. RV integrates a number of reforms, including the Kerbside Reform which mandates requirements for a more standardised approach to household waste management, including a four-stream waste and recycling system, standard bin lid colours, standard acceptable items and diversion from landfill targets, all of which have been incorporated into Council's Waste and Resource recovery Action Plan (2022-26).

Through this strategy, Council is continuing to work with other Councils, the State Government and industry to facilitate new infrastructure solutions and services to contribute to a more stable and resilient sector. This report outlines some of the highlights and work undertaken to deliver on Council's strategy and align to the requirements set out by the Victorian Government, helping us deliver on the vision for sustainable, secure, and effective services for the community.

Some of the highlights covered include red lid bin transition, support for the Container deposit scheme, Green waste services and storm support, securing alternative landfill services via the Advanced waste processing project, and Litter prevention activities.

## **Background**

### ***Implementation highlights***

Council is working on a number of initiatives that will help facilitate better environmental outcomes and resilience within the waste and resource recovery sector. Some of these are set or led by State or Federal Government policy, and all are within Councils own WRRS.

#### **Kerbside Reform**

Recycling Victoria: A new economy is the Victorian Government's 10-year circular economy policy and action plan to fundamentally transform the state's recycling sector, reduce waste, create thousands of jobs and sets Victoria up for a more sustainable future. The policy includes a number of reforms, including the Kerbside Reform which provides a more consistent and standardised direction for household waste and recycling systems in Victoria.

All households in Victoria will require access to a four-stream waste and recycling service, including rubbish, combined food and garden organics, mixed recyclables, and glass. Each service will have a colour-coded lid, which will be the same across the state and supported by state-wide education. A service standard will also be developed to specify the quality and performance expected of council's and alpine resorts when providing the new four-stream household waste and recycling service.

#### **Red lid bin implementation**

Aligning Cardinia's bin lid colours was our first step in meeting our obligations under the Kerbside Reform. Standard colours will help reduce user confusion, improve waste sorting behaviour, and simplify communication and education messages before further, more complex changes can be implemented.

Cardinia Shire was in the fortunate position of already having services that closely align with the standard lid colours, lime green for food and garden waste, yellow for recycling, and since 2019 all new rubbish bin deliveries & replacements have had red lids, rather than the previous dark green.

During February, March and April, a shire wide project was implemented to change all remaining (approx 25,000) green rubbish bin lids to red. The rollout successfully changed 83% of known lids, and final replacement activities are currently underway. This involved a significant communication program, with the community responding by leaving their bins out at the appropriate time, contributing to the successful outcome.

#### **Service Standards**

Household waste and recycling services will be regulated via mandatory Service Standards and accompanying regulations established under the Circular Economy (Waste Reduction and Recycling) Act 2021. The first service standards, which are yet to be finalised by state government, will detail how councils and alpine resorts must provide waste and recycling services to households and will support councils and alpine resorts to provide a high quality, consistent service across the state. The Service Standards will also include acceptable items lists for all four waste streams, ensuring consistency for all Victorian households. This will allow Council to commence planning for its next Recycling Processing Contract.

#### **Container deposit scheme**

Victoria's Container Deposit Scheme (CDS) launched on 1 November 2023, allowing Victorians to receive a 10c refund for every eligible drink container returned to a designated drop-off point. Accepted containers include most aluminium, glass, plastic and liquid paperboard (carton) drink containers between 150ml and 3L. Upon return, residents can choose to receive their refund as cash, EFT, voucher, or a charity donation.



Collection points can be found across Victoria. Cardinia Shire is fortunate enough to have 15 locations, which are a mix of Over the Counter, Reverse Vending Machines and the Return-It Depot on Bald Hill Road, Pakenham – the second busiest location in the state. As a Victorian Government initiative, Council's role in the CDS has focused on connecting network operators with local sites, and educating the community about what containers are accepted and directing residents to the CDS website for return locations and further information. This effective collaboration has contributed to the successful network within Cardinia, meaning our residents can fully take up this initiative and opportunity.

Eligible containers received through councils kerbside recycling bin also provide refunds to Council and recycling operators.

### **Green waste drop-off services – storm support**

Following the severe storm that impacted Cardinia residents on 13 February 2024, the waste team responded quickly, adjusting collection schedules, supplying bins and staff support at the recovery centres and within 48 hours following the storm, impacted residents were able to take garden waste and debris to local transfer stations at no cost to them. While waste management is only one aspect of disaster recovery, approximately 400 residents used the service between 15 and 20 February. This service helped reduce the financial and emotional burden on impacted families during a challenging time. Additional support from the State Government, and operational support from Council meant that impacted residents could continue to drop off storm related debris to local transfer stations at no charge until April 30 and that professional clean-up crews continued to remove debris placed on the kerbside until May 2024.

Council continues to provide residents with opportunities to correctly dispose of green waste throughout the year through our regular green waste drop off services, optional fortnightly FOGO bin collection and bookable hard and green waste collection service.

### **Litter and illegally dumped rubbish**

In 2022 Council introduced a dedicated full time Litter Prevention Officer in the suite of roles in the Waste Services team. This role has been instrumental to Council providing a proactive approach to managing litter, illegally dumped rubbish and unbooked hard waste across the shire. Since the authorised role started, we have actioned 3,011 dumped rubbish related customer requests, removed 539 tonnes of dumped rubbish from the environment and issued more than \$38,000 in infringements to people doing the wrong thing. Council has been able to proactively educate the community on correct behaviours and target and take action against unacceptable behaviours.

### **Advanced waste processing**

Council's adopted Waste and Resource Recovery Strategy 2017-2026 included an action for Council to work with the State Government (formerly Metropolitan Waste and Resource Recovery Group) to procure alternatives to landfill beyond 2021. This work has been a priority for many years, driven by the impending closure of the only remaining landfill in the south east metropolitan area, the need for secure services for the future, and a desire for better environmental and social outcome than landfilling. Advanced waste processing technologies are utilised extensively in advanced regions in Europe, the US, and Asia, as a safe, trusted and reliable infrastructure solution to compliment other Resource recovery systems, achieving good diversion from landfill outcomes. This technology is seen within the Recycling Victoria policy as a key component of a circular economy, supporting the other resource recovery initiatives and aspirations.

This complex project has been worked on over a number of years. The collaborative procurement project, involving 9 Councils, is supported by a Victorian Government project team and a Special Purpose Vehicle that contains shareholders from each Council. The project is now in the tender evaluation phase. It is expected that Council will consider the tender recommendations by the end

of 2024. Any successful contractor would be expected to utilise tried and tested, and reliable technologies, and be experienced with delivery and management of these types of facilities.

### **Policy Implications**

The Waste and Resource recovery strategy Action Plan (2022-26) plays a high-level role to guide the direction and resource allocation for Councils Waste Management Services team over the coming years. It is a key document in a suite of strategic documents and articulates the implementation of strategy and policy that has been determined by Council.

Implementing this WRRS will ensure Cardinia Shire continues to meet the needs and expectations of our community, as well as the Council Plan priorities (2.1, 3.2 & 5.4). The WRRS Action Plan also ensures we are meeting the requirements outlined in the Victorian Governments, 'Recycling Victoria: A New Economy', policy and plan.

### **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.

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

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

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

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

### **Climate Emergency Consideration**

At the September 2019 Council meeting, Council resolved to declare a climate emergency. In addition to this, the Recycling Victoria transition to a more circular economy, outlines the need to reduce our reliance on landfill, while also effectively managing our waste and minimising our impact on the natural environment.

With a growing population and the increased waste produced as a result, Council will engage and communicate upcoming service changes to the community while also continuing educating on the importance of reducing and correctly disposing of waste to gain maximum recovery and minimise littering and dumped rubbish in the environment. As such, the WRRS action plan is essential in managing these changes and enable us to meet waste reduction targets set by the Recycling Victoria.

The Victorian Governments Kerbside Reform will substantially improve the value of materials recycled in Victoria. For example, Recycling Victoria in their 10-year strategic policy and plan has estimated that separating glass from other materials could increase the value of recycled glass, plastic, paper and cardboard by up to \$210 million annually. It is also estimated that by providing all Victorian households with access to a combined food and garden waste service we could divert a significant amount of organic waste from landfill each year and significantly reduce greenhouse gas emissions associated with disposing of organic waste in landfill.

Advanced Waste technologies in place of current Landfill services will also contribute to climate change action by reducing greenhouse emission from landfill, and potentially generating electricity.

## **Consultation/Communication**

As part of the WRRS development in 2017, Council engaged a contractor to undertake an initial survey of 700 residents to gain an insight into their thoughts and priorities in relation to waste management issues and future options.

Internal Council teams identified for the updated action plan included Communications and Engagement, Active and Connected Communities, Festivals and Events, Compliance Services and Learning and Organisational Development, and were consulted throughout August and September 2022.

Ongoing initiatives and planning is informed by Councillor feedback received at regular briefings. This includes the addition of food waste into the green waste kerbside bin in 2020, the addition of an authorised Litter Prevention Officer in 2021, the Hard Waste Satisfaction survey conducted in 2022 - after which several changes were made to the management of this service and the timing and structure of the recent red lid changeover project in 2023 and 2024. This is not an exhaustive list, and it is worth noting that each of these programs and all others conducted by the waste services team include extensive communication and engagement plans and programs, including emergency and unplanned extreme event response.

The advanced waste processing project has a specific webpage available for updates, and updates will continue to be communicated to the community as key milestones are achieved as we work towards alternatives to landfill.

## **Financial and Resource Implications**

The ongoing actions are services within the WRRS are covered by the General Garbage charge, and are included within the draft 2024-25 budget.

The red lidded bin program cost approximately \$750,000 to complete, \$304,000 of which was provided by the State Governments Kerbside Reform Funding across the FY23 and FY24 financial years. Communications and engagement for this project cost \$37,329 which was fully funded by the Sustainability Victoria household education fund in FY24. There will be more funding provided by the Kerbside Reform Fund in future financial years to support future projects.

## **Conclusion**

Considerable work and progress has occurred within the Waste and Resource Recovery area at Cardinia Shire Council – we have lots to be proud of. This report seeks to inform Council and the community on some highlights of the implementation of the WRRS Action Plan.

## **Resolution**

Moved Cr Brett Owen, seconded Cr Jeff Springfield.

That Council:

- Note the progress on implementation of the Waste and Resource Recovery Strategy; and
- Note the Advanced Waste Processing project is in the tender evaluation phase with a Council decision planned by the end of 2024.

Carried

## 6.2.4 Audit & Risk Committee Biannual Report

**Responsible GM:** Debbie Tyson  
**Author:** Vincent Philpott

### Recommendation(s)

That Council notes the Audit and Risk Committee Biannual Report as presented by Chairperson Vincent Philpott.

### Attachments

Nil

### Executive Summary

This report summarises the activities carried out by the Committee in compliance with its purpose as set out in the Act:

*The committee's role is to monitor, review and advise Council on the standard of its financial control, risk management and corporate governance. Specifically, the Committee must:*

*(a) Monitor the compliance of Council policies and procedures with—*

*(i) the overarching governance principles; and*

*(ii) this Act and the regulations and any Ministerial directions;*

*(b) Monitor Council financial and performance reporting;*

*(c) Monitor and provide advice on risk management and fraud prevention systems and controls;*

*(d) Oversee internal and external audit functions.*

The committee acknowledges the ongoing willing and unfettered commitment of Council's executives and officers to the effective functioning of the Audit and Risk Committee. This commitment together with high quality secretarial support ensures the committee is able to fulfil its purpose and to provide assurance to Council that the requirements of the Local Government Act are being met and applied.

### Background

The committee comprises three independent members and two Councillor members:

- Cr Jack Kowarzik (Mayor)
- Cr Stephanie Davies
- Vince Philpott (committee chairperson)
- Leanna La Combre
- Michael Said

<i>Meeting Attendance</i>		
	November 17 <sup>th</sup> 2023	March 15 <sup>th</sup> 2024
Cr Jack Kowarzik	✓	✓
Cr Stephanie Davies	x	✓
Vince Philpott (chairperson)	✓	✓
Leanna La Combre	✓	✓
Michael Said	✓	✓

### Committee Workplan

The agenda for each committee meeting is derived from its annual workplan which is composed of the committee's roles and responsibilities as set out in the Act.

### Internal Audit

The internal audit function is a key element in assessing the integrity of council's framework of internal controls. The following Internal Audits were performed during the reporting period in accordance with the annual audit program:

- **Review of Councillor Expenses** - this internal audit assessed the adequacy of controls and processes around the management of Councillor Expenses. Overall, the audit found that the current controls in place to manage Councillor expense reimbursement at Cardinia Shire Council can be further strengthened. No high-risk issues were identified. The main areas for improvement relate to the Councillor expense reimbursement policy and the implementation of recommendations from Local Government Inspectorate (LGI) reports 2020 and 2023.
- **Project Management** - this internal audit assessed the adequacy of processes and procedures surrounding the management of Council's responsibilities for project management of capital works including project governance framework, monitoring progress, consultation with the community, project governance meetings and actions, management reporting, milestones and budget reporting, variations and contingency payments, post implementation reviews. The audit identified a range of controls that should be implemented and/or improved to reduce the identified weaknesses and exposures. The report did not identify any high-risk issues.
- **Complaints Management** - Internal audit reviewed the adequacy of processes with respect to complaints management including processes for handling customer complaints, monitoring and tracking of responses, management reporting, liaison with the public, response times, staff training. The audit identified a range of controls that should be implemented to reduce identified weaknesses and exposures. The report did not identify any high-risk issues.

### Review of key corporate policies

The 2023/2024 Audit and Risk Committee Work Plan requires a review of the adequacy and effectiveness of key policies, systems, controls, and development of a 3-year policy and strategy review program. The process for reviewing policies firstly identifies those that relate to matters essential to effective governance. The policies are then reviewed by Senior Leadership Team prior to being presented to the Audit and Risk Committee. The following key policies were reviewed and endorsed by the committee with minor modifications during the reporting period:

- Public Transparency Policy
- Fraud and Corruption Control Policy

- CEO Purchasing Delegations
- Information Privacy Policy
- Councillor and Staff Relationships Policy
- Amendment to Councillor Expenses Policy
- AI artificial intelligence policy (new policy)

### Financial reporting and oversight

The half year results to December 2023 were provided to the committee for review. Although a number of variations of actual position to budget were noted and queried, many are results of timing effects. The overall performance as measured against VAGO’s sustainability indicators is considered satisfactory

### VAGO Financial Sustainability Indicators as at 31 December 2023

	Actual YTD 2023-24	Budget 2023-24	Forecast 2023-24	Scale
<b>Net result (%)</b> <i>Measures the size of the operating result</i>	48.89%	37.99%	39.43%	<-10%   -10%-0%   >0%
<b>Adjusted underlying result (%)</b> <i>Removes non-recurrent items to measure pure operating result</i>	-5.80%	-6.34%	-0.14%	<0   0%-5%   >5%
<b>Liquidity (Working Capital ratio)</b> <i>Measures ability to pay existing liabilities in the next 12mths</i>	2.56	2.05	2.95	<0.75   0.75-1.0   >1
<b>Internal financing (%)</b> <i>Measures ability to finance capex cash outflow through operating cashflow</i>	105%	89%	95%	<75%   75%-100%   >100%
<b>Indebtedness (%)</b> <i>Measures ability to cover non-current liabilities through own revenue</i>	35.21%	42.97%	27.39%	>60%   40%-60%   <40%
<b>Capital replacement (ratio)</b> <i>Measures if rate of infrastructure investment exceeds dep'n, excl carryovers</i>	2.51	3.41	4.11	<1   1-1.5   >1.5
<b>Renewal gap (ratio)</b> <i>Measures if Council is maintaining its existing assets, excl carryovers</i>	1.40	2.08	2.32	<0.5   0.5-1.0   >1.0

Legend - trend

- Improvement
- Deterioration

### IT - Disaster Recovery testing

The committee received the results of the annual testing of disaster recovery processes for key applications and systems. The purpose of the testing is to validate the data integrity between production environment and the DraaS environment (Logicalis’s Mitcham Data Centre) in a system loss simulation. Testing only concentrates on application and systems provided by the Information technology team to the organisation and is not a business continuity test. All systems passed with only three conditional passes, due to internet related components unable to be tested due to bubble environment.

## **Risk Management Reporting**

Risk management reports are considered at each committee meeting. The topics covered include: Occupational Health and Safety, Workcover, Insurance and Public Liability claims, Strategic risk register and response, Extreme and High Operational risk registers and response and OHS committees meeting minutes, including Senior Leadership Team Quarterly Strategic Risk meeting.

## **Local Government Performance Reporting Framework**

The committee was appraised of changes to the LGPRF which includes the removal of some indicators, amendments to what some indicators measure and the introduction of additional indicators. There is also now the requirement to set targets for indicators during the budgeting process. Councils will be required to set a target for the current budgeted year and the next three future years. LGPRF will also be renamed as *Local Government Model Sector Performance Report*

## **Critical Training Process**

During the March 2023 Audit and Risk Committee meeting, an action was agreed regarding the Fraud and Corruption Policy and Plan presentation. Upon implementation of this action, it was recognised that while new staff receive training on critical policies upon commencing at Cardinia Shire Council, there was a gap in ensuring ongoing awareness among existing staff. In order to ensure all staff are adequately trained on critical policies, every 2 years, on each employee's work anniversary, staff will be required to undergo a refresher on critical policies within a four-week timeframe. Managers will receive reports on completion of training by their staff and will be responsible for ensuring compliance among their team members. At the September Audit and Risk Committee meeting, the CEO Report will include statistics confirming attendance in training programs.

## **Policy Implications**

There are no policy implications as part of this report.

## **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 as part of this report.

## **Consultation/Communication**

The contents of this report were presented in person by the committee chair on the April 22<sup>nd</sup> Councillor Briefing session.

## **Financial and Resource Implications**

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

## **Conclusion**

It is respectfully requested that Council note the May 2024 Audit and Risk Committee Biannual report as prepared by Chairperson, Vincent Philpott.

**Resolution**

Moved Cr Kaye Cameron, seconded Cr Graeme Moore.

That Council notes the Audit and Risk Committee Biannual Report as presented by Chairperson Vincent Philpott.

Carried



## 6.2.5 Youth Hub Construction Review

**Responsible GM:** Carol Jeffs  
**Author:** Debbie Tyson

### Recommendation(s)

That Council

1. Authorise the Chief Executive Officer to proceed with demolition of the Youth Hub building, when required, including undertaking the procurement process within existing CEO delegations and signing relevant contract documents.
2. Authorise the Chief Executive Officer to seek legal advice and undertake legal action against any relevant parties provided the cost do not exceed \$150,000

### Attachments

1. CONFIDENTIAL REDACTED - S 65994 287115 - 43 James St Pakenham - Structural Report - 2 [6.2.5.1 - 19 pages]

### Executive Summary

Council has committed funding in its Capital Works Program to construct and deliver a new Youth Hub Facility in Pakenham. Construction on this project commenced in March 2023 and was put on hold during September 2023 as the builder went in to liquidation.

A review of the work completed was undertaken with the intention of documenting the progress to allow for a tender to be issued to market to complete construction of the Youth Hub.

As part of this review, specialist advice was sought from structural engineers. These structural engineering reports have identified structural integrity issues related to the design of the new Youth Hub.

Given the progress of the work on site, remediation works to rectify the design issues will require extensive demolition including sections of the ground floor slab and the majority of the first floor slab. Additional construction would be required to increase the buildings foundations and replace concrete wall panels associated with the lateral stability of the structure. The remediation work would present risk to the remaining structure.

To progress rectification works, the buildings design would require redocumentation to address the structural engineering design. This will also necessitate architectural and services changes to accommodate the design changes in slab and wall specifications. The costs associated with the remediation would likely outweigh the cost of demolition and reconstruction to the status of the building.

Advice received is that given the risks associated with the extensive demolition and works required, it is very unlikely that a new builder would be willing to take over the project and complete the existing construction.

This report recommends that Council provides approval to demolish the existing building on site.

### Background

Council successfully secured funding from Federal and State Governments in 2019. This financial backing, combined with Council contributions, enabled the development of a new Cardinia Youth

Hub on Council-owned land at 43 James Street in Pakenham. This report outlines the key milestones and challenges encountered throughout the project's progression, from its inception to the present day.

- Victorian Government committed \$3 million from the Growing Suburbs Fund for the development of a multi storey Youth Facility within central Pakenham.
- The Australian Government contributed \$1.5 million of funding through the Department of Health and Ageing - *Community Health and Hospitals Program*, with criteria met for this funding under 'mental health'. A partnership agreement was expanded with Headspace as the lead youth mental health service to be accommodated within the facility.
- Both grant funding agreements outlined an expected completion date of late 2023.
- Council embarked on partnership agreements with a variety of stakeholders to provide place based support in the new facility including;
  - Headspace
  - Youth Support and Advocacy Service (YSAS)
  - Oakwood School
  - Centre for Multi-cultural Youth (CMY)
  - Taskforce
  - Berry Street
  - South East Community Links (SECL)
- Council confirmed a commitment of \$1,850,000 in the 2021/2022 Budget.
- March 2020 – Katz Architecture engaged under the Architectural Services Panel Contract for the provision of design documentation for the My Place project. Significant stakeholder consultation and various value management exercises to reduce constructions costs undertaken in preparing a final design.
- February 2021 – Tender released - Three (3) Tender offers were received. All Tenders were evaluated in accordance with the Tender Evaluation Plan to ensure the viability of the Tender submissions.
- June 2021 – preferred Tenderer chosen however withdrew their submission at the late stage of awarding. The remaining Tender submissions were above the project budget allocation.
- June 2021 - a redesign and a further value management process was conducted by the Project team to reduce construction costs of the project.
- October 2021 – Tender awarded to Allmore Constructions Pty Ltd at the October Ordinary Council Meeting.
- January 2022 – Allmore Construction set up site establishment – Delays experienced through Melbourne Water approvals and changes in flood levels requiring services and slab set out design changes.
- February 2022 – Design revised to accommodate Melbourne Water requirements, a staged Building permit was issued, and construction commenced.

Throughout 2022, significant impacts were experienced from COVID19 on the construction industry, where there were unfavourable material and labour shortages and associated cost rises, impacting the progress of this project.

- March 2023 - Indesco Consulting Engineers prepared structural peer review of the built form against the design documentation to support dispute resolution between Katz Architects and Allmore Construction.

- April 2023 – Project management team requested the Architect to amend the design documentation and for structural certification to be issued to include design changes to date and to address structural concerns raised by Indesco Consulting Engineers.
- May 2023 – Project management team consider the projects structural engineer to be incompetent and commissioned QED Engineering Consultants to prepare further reports relating to the structural design and decisions relating to site cutting of precast concrete panels.
- July 2023 - QED Engineering Consultants prepared further structural reports to assess the site cutting of precast panels due to errors within the Architect approved precast panel shop drawings. This report determined the site to be unsafe should construction continue. Project delivery team ceased construction based on the findings of this report.
- September 2023 – QED Engineering Consultants prepared reports to address issues related to the construction of the building, these items had straightforward remediation, except for the panels which had been site modified under instruction by the projects structural engineer, the project management team was receiving conflicting advice in terms of remediation options of the panels, this led the team to seek warranty advice from the panel manufacture who confirmed the warranty is void due to the site modifications.
- September 2023 - Allmore Constructions Pty Ltd advised that they have gone into liquidation with the building being partially constructed. \$3.08m was spent, with Council recovering \$256,583.75 (ex GST) from the builder by cashing in two construction bonds.
- October 2023 – Concern arose within the Project management team regarding the building's compliance with regulations and relevant Australian Standards. To enable a new tender process for a builder, it was decided that a Structural Engineer would be engaged prior to releasing new Tender.
- November 2023 - Structural Engineer engaged to determine the state of the construction. Concerns highlighted by the engineer who determined further analysis required.
- March 2023 – Confirmation received from - Structural Engineer that, in simple terms, “due to undersized footings and precast concrete walls, the lateral stability of the building is insufficient. Lateral stability is the ability for the building to withstand earthquake forces without collapsing.”
- April 2023 – Councillors, Community, Stakeholders and Funding Bodies advised of demolition requirement.

### **Policy Implications**

There are no policy implications as part of this report

### **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 as part of this report.

### Consultation/Communication

A Communications and engagement plan has been developed and being implemented. Following the results of the final structural investigation into the partially built Youth Hub, Council prioritised the notification of all stakeholders.

These included a wide range of stakeholders, including;

- Councillors
- State and Federal Funding representatives
- MPs
- Tenants
- Youth Services team & All internal staff
- Residents including young people
- Adjacent businesses (& residences within James st)
- Broader community organisations such as schools
- Contractors

This consultation process has;

- Highlighted that all relevant Stakeholders had been kept informed of the complexities during the delays
- Commitment to be involved in planning next steps
- An understanding that Council is disappointed with this outcome

Next Steps:

- Further consultation with tenants to understand challenges, opportunities and demolition timelines
- Scoping options based on tenant advice and considerations, noting to date all services have indicated a willingness and sentiment of commitment to services within the shire.

### Financial and Resource Implications

Council received a total of \$5m of external funding, with Council contributing \$1,850,000 providing a total project budget of \$6,850,000. In considering the work completed to date the project has expended \$3,184,802.68 excluding GST.

Council sought legal advice that concludes there is provision to seek legal recourse through entities that have been party to this project. This recourse is formed by the following categories of cost to Council;

- Costs to date;
- demolition costs;
- redesign costs;
- if building is capable of being remediated, the remedial cost;
- if building required to be demolished and re-constructed, difference between cost to re-construct facility and balance of contract sum under Construction Contract;
- alternative accommodation.

It is recommended that Council authorise the CEO to commence legal proceedings to reclaim costs and damages for losses incurred. The costs of these legal proceedings are difficult to estimate, however an initial delegation of \$150,000 is considered appropriate, with a report to Council to be provided for direction in the event that costs will exceed this amount.

### Conclusion

Council has received the findings from the final structural examination of the partially constructed Youth Hub in Pakenham. Following the liquidation of Allmore Constructions in October of last year, an independent investigation involving technical experts was conducted. This investigation was

expected to pave the way for a new tender process to select a replacement builder to complete the construction. Unfortunately, the investigations revealed several serious structural issues rendering the building unsafe.

As a result of the investigation, it has been determined that the structural defects are beyond feasible repair, necessitating the demolition of the building. This report outlines the project's historic timeline and respectfully requests delegation to the Chief Executive Officer to initiate legal action and proceed with the demolition as required.

## **Resolution**

Moved Cr Kaye Cameron, seconded Cr Jeff Springfield.

That Council

1. Authorise the Chief Executive Officer to proceed with demolition of the Youth Hub building, when required, including undertaking the procurement process within existing CEO delegations and signing relevant contract documents.
2. Authorise the Chief Executive Officer to seek legal advice and undertake legal action against any relevant parties provided the cost do not exceed \$150,000

Carried

## 6.3 Policy Reports

### 6.3.1 Councillor Expenses Policy amendments

**Responsible GM:** Debbie Tyson  
**Author:** Doug Evans

#### Recommendation(s)

That Council adopt the amended Councillor Expenses Policy 2024.

#### Attachments

1. Amendment to Councillor Expenses Policy clean version [6.3.1.1 - 10 pages]

#### Executive Summary

An Internal Audit was undertaken into the Councillor Expenses Policy late last year. The Internal Audit Report was accepted by the Audit & Risk Committee at its meeting held in November 2023. The amended Policy was subsequently considered by the Committee at its meeting held on 15 March and the amended Policy was approved in principle for consideration by the Council.

In addition, an amendment is proposed in regard to a Councillor being able to access additional professional development activities in their first year of office if required.

#### Background

Council has had a Councillor Expenses Policy in place for many years and this has been a requirement of the previous 1998 Local Government Act and now the 2020 Local Government Act.

As part of the internal Audit Program Council's Internal Auditors 'Crowe' undertook an Audit into the Policy and handed down their report in October 2023, copy attached.

The recommendations arising from the report can be summaries as follows:

Recommendation	Action
Management should: <ol style="list-style-type: none"> <li>1. Referencing the Expense policy to the Councils Financial Delegations Policy, where necessary, to include explicit financial delegation guidelines</li> <li>2. Amend the Travel Claim Form declaration by Councillors to state: <i>"I certify that these expenses have been incurred whilst exercising my duties and obligations as a Councillor for Cardinia Shire Council, in accordance with the Councillor Expenses Policy and Local Government Act 2020 (Division 6 - entitlements 39, 40 and 41).</i></li> </ol>	Agreed included in amended Policy. <ol style="list-style-type: none"> <li>1. Refer Clause 4.1</li> <li>2. Refer travel claim form</li> </ol>
Management should <ol style="list-style-type: none"> <li>1. Update the Councillor Expense policy to include clear and comprehensive guidelines for Councillor expense claims related conferences and seminars. These could include:</li> </ol>	Included in amended policy. Refer Clause 3.3

<p>a. Define a clear approval process that outlines the steps Councillors must follow to seek approval before attending conferences and seminars. Specify the responsible authority for granting approval.</p> <p>b. Establish caps or guidelines for the reimbursement of expenses related to accommodation, travel, food, drinks, Councillor’s spouse / partner expenses and other conference related costs.</p> <p>c. Clearly articulate the procedures for payment and reimbursement of expenses incurred during conferences and seminars. Include details on submission deadlines, required documentation and the responsible department for processing payments.</p> <p>d. Mandate that Councillors report the outcomes of their activities upon completion of the seminar or conference. This should include a summary of the knowledge gained and how it aligns with the Council’s goals.</p>	
<p>Management should</p> <p>1. Amend the Councillor Expense Policy, where necessary, to include comprehensive guidelines for Councillor allowances in accordance with the requirements of the Local Government Act 2020, specifically as outlined in section 39.</p> <p>By implementing this recommendation, Council will bring the Councillor Expense policy into alignment with the LGA 2020, enhance transparency and accountability in Councillor allowances and minimize the risk of legal and regulatory consequences associated with non-compliance.</p>	<p>Agreed Policy amended accordingly Refer Clause 3.5</p>
<p>Management should offer refresher training to Councillors regarding the amended Councillor Expense Policy, following updates to the policy as a result of this internal audit.</p>	<p>Agree – Mid Term training will be scheduled for Councillors</p>
<p>Management/Council to review the recommendations from these reports and implement as recommended by the LGI. For recommendations not implemented, an explanation/rationale to be provided to the ARC.</p>	<p>All recommendations from LGI report implemented other than amending per kilometre rate to ATO rate rather than EBA rate</p>

These recommendations have been included in an amended version of the Policy which is also attached.

In regard to the additional matters raised at the Audit & Risk Committee the following details are included for Councillors information

- Professional Development Allowance

The current version of the Councillor Expenses Policy includes provision for an allocation of \$3,000 per Councillor for professional development. The Policy also stipulates that any unused funds from the annual allocation can be rolled over from one year to the next provided the cumulated funds do not exceed \$12,000.

During this Council’s term the amounts spent on Councillor Development activities per annum from an annual budget of \$27,000 have been as follows:

- 20/21      \$14,276
- 21/22      \$6,818
- 22/23      \$7,730
- 23/24      \$2,744

Based on previous years expenditure and demand on the Professional Development Budget an increase over the current amount is not warranted. The policy has been amended to allow a Councillor to access additional professional development funds in their first year of office if required.

On April 30, 2024 the Local Government Amendment (Governance and Integrity) Bill 2024 was tabled in Parliament. If adopted, this legislation will require a range of mandatory training for Councillors when elected, training for each Mayor and Deputy Mayor throughout a Council term and mandatory annual professional development training for all Councillors. Regulations will be released which will provide greater detail, this is known Council will need to revise this policy and its Councillor Training budget.

- Travel allowance rate

Historically the rate included in the Councillor Expenses Policy for travel reimbursement has been set at the rate set in Council's Enterprise Bargaining Agreement so that Councillors are paid the same rate for use of their private vehicle as Council staff are.

The Local Government Inspectorate released a report in 2021 and, amongst other recommendations, recommended that:

*All councils should adopt the position that private vehicle use claims are reimbursed at the Australian Taxation Office rate (currently \$0.72 per kilometre travelled, as of 1 July 2020). This rate has now increased to \$0.85 per kilometre from July 2023.*

It is recommended that Council adopt this suggestion and apply the Australian Tax office rate to travel reimbursement claims which is currently 85 cents per kilometre.

## Policy Implications

The proposed attached Councillor Expenses Policy will replace the current Policy.

## 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.

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

## Climate Emergency Consideration

There are no climate emergency considerations associated with this matter

## Consultation/Communication

External community consultation is not required to be undertaken to adopt amendments to the Councillor Expenses Policy

## Financial and Resource Implications

There are no financial or resource implications associated with amending the policy.

## Conclusion

Following the Internal Audit of the Councillor Expenses Policy and confirmation of the revised Policy by the Audit & Risk Committee it is appropriate for the Council to consider the recommended amendments to the Policy.



**Resolution**

Moved Cr Brett Owen, seconded Cr Tammy Radford.

That Council adopt the amended Councillor Expenses Policy 2024.

Carried

## 6.4 Financial Reports

### 6.2.7 Contract RFT – 000028 Design & Construction of Cora Lynn Pavilion

**Responsible GM:** Debbie Tyson  
**Author:** Vanessa Perkins

#### Recommendation(s)

That Council:

1. Award Modular Spaces Pty Ltd, Contract RFT - 000028 – Design & Construction of Cora Lynn Football Pavilion for tender price including Provisional Sums of \$1,930,628.00 excluding GST, and
2. Approve the use of the contingency items as detailed in the confidential attachment for the delivery of this contract.

#### Attachments

CONFIDENTIAL – Confidential Memorandum

#### 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 RFT - 000028 - Construction of Cora Lynn Football Pavilion.

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.

Modular Spaces Pty Ltd demonstrated a clear understanding of the contract deliverables within their tender submission.

The Tender submitted by Modular Spaces Pty Ltd complies with all the Tender Conditions and their submission represents best value outcome.

#### Background

The planning for the development of the new Cora Lynn Changerooms saw rigours consultation with the design and construction methodology agreed by all stakeholders in April 2022.

The new building proposal delivers a 400m<sup>2</sup> facility including home and away changerooms, umpire changerooms, first aid room, strapping rooms, meeting and storage rooms, male, female and unisex accessible public toilets and a gym. The project also includes the construction of a stand-alone timekeeper's box and equipment shed. The new building will be constructed utilising modular construction methodology.

The public tender process for the engagement of a suitably qualified Commercial Builder opened for submissions on 2 December 2023 and closed on 13 February 2024. Three 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 and tender clarifications are summarised in the table below:

Contractor	Assessment score	Ranking
Modular Spaces Pty Ltd	30166	1
KL Modular Systems (Aust) Pty Ltd	46202	2
Rendine – Modularity	53584	3

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

Modular Spaces Pty Ltd Tender submission for the design and construction of the Cora Lynn Football Pavilion 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

#### 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
- 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 \$4,100,000.00, as detailed in the table below:

Organisation	Amount
State Loan	\$2,510,000.00
Council Funds	\$1,590,000.00
<b>Total</b>	<b>\$4,100,000.00</b>

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

### Conclusion

It is recommended that Council:

1. Award Modular Spaces Pty Ltd, Contract RFT - 000028 – Design & Construction of Cora Lynn Football Pavilion for tender price including Provisional Sums of \$1,930,628.00 excluding GST, and
2. Approve the use of the contingency items as detailed in the confidential attachment for the delivery of this contract.

### Resolution

Moved Cr Kaye Cameron, seconded Cr Graeme Moore.

That Council:

- 1 Award Modular Spaces Pty Ltd Contract RFT - 000028 - Design & Construction of Cora Lynn Football Pavilion for tender price including Provisional Sums of \$1,930,628.00 excluding GST, and
2. Approve the use of the contingency items as detailed in the confidential attachment for the delivery of this contract

Carried

## 6.4.2 RFT 000013 Provision of Plant, Tools, Equipment and Traffic Management Hire Services 2024 to 2027

**Responsible GM:** Peter Benazic  
**Author:** Mark Howard

### Recommendation(s)

That Council:

1. Accepts the proposals in the tender submissions received from:
  - Accomplished Plumbing Services,
  - Altus Traffic
  - Ashley's Transport
  - ATC Traffic
  - Coates
  - Comar Constructions
  - Construct Traffic
  - EPH Group Holdings
  - Kent Environmental and Vegetation Management
  - Linct Group
  - Plumbtrax
  - Pipeline Services & Equipment
  - Porter Excavations
  - Prestige Paving
  - PR Cootes
  - Sherrin Rentals
  - Slocombe Excavations
  - Solution Plant Hire, and
  - STA Traffic Management

to undertake the works associated with Contract RFT 000013 Provision of Plant, Tools, Equipment and Traffic Management Hire Services 2024 to 2027, for an initial period of three (3) years, plus one optional extension for a further two (2) years. as tendered in accordance with the submitted schedule of rates.

2. Advises unsuccessful tenderers accordingly.
3. Authorise execution of the contract documents.

### Attachments

1. CONFIDENTIAL REDACTED - Confidential Memo RFT000013 Plant Tools Equip TM [6.4.2.1 - 13 pages]

### Executive Summary

The current Provision of Plant Tools Equipment and Traffic Management Hires Services (CT19/02) expired on the 31 March 2024. This contract allows for the supply of the full range of plant as well as various tools and small items of equipment and traffic management services that are typically used by Council in the day-to-day maintenance and minor construction activities associated with its infrastructure including roads, drainage, open space and bridge maintenance. Therefore, tenders have been sought for the renewal of the services provided by this original contract.

This report provides consideration for the appointment of a panel of contractors for the supply of plant tools equipment and traffic management hires services within Cardinia Shire, as detailed in

Contract RFT 000013 Provision of Plant, Tools, Equipment and Traffic Management Hire Services 2024 to 2027. This contract is for an initial period of three (3) years, plus an extension for a further two (2) years.

Tenders were advertised on 18 November 2023 and closed at 2.00pm on 19 December 2023. Tenders were received from twenty-nine (29) Tenderers. Following an assessment of the tenders taking into consideration the assessment criteria, the tenders submitted by the following contractors are considered to be the most advantageous to Council are.

- Accomplished Plumbing Services
- Altus Traffic
- Ashley's Transport
- ATC Traffic
- Coates
- Comar Constructions
- Construct Traffic
- EPH Group Holdings
- Kent Environmental and Vegetation Management
- Linct Group
- Pipeline Services & Equipment
- Plumbtrax
- Porter Excavations
- Prestige Paving
- PR Cootes
- Sherrin Rentals
- Slocombe Excavations
- Solution Plant Hire
- STA Traffic Management

It is therefore recommended that Contract RFT000013 for the supply of plant tools equipment and traffic management hires services within Cardinia Shire be awarded accordingly.

### **Background**

The current Provision of Plant Tools Equipment and Traffic Management Hires Services (CT19/02) expired on the 31 March 2024. This contract allows for the supply of the full range of plant as well as various tools and small items of equipment and traffic management services that are typically used by Council in the day-to-day maintenance and minor construction activities associated with its infrastructure including roads, drainage, open space and bridge maintenance.

Contract RFT 000013 Provision of Plant, Tools, Equipment and Traffic Management Hire Services 2024 to 2027 is fundamentally the same as the previous contract. The Contract will be for an initial term of three years commencing 1 July 2024, plus an extension for a further two (2) years. This contract is subject to payment adjustments from the 1 July 2026.

The Contract provides for the following services:

- Dry Hire (equipment without an operator / driver) Heavy Plant, Light Vehicles, Mowing, Tools and Portable Buildings.
- Wet Hire (equipment with an operator / driver) Heavy Plant, Vehicles, Mowing, Drain Cleaning and Traffic Management Services.

The tender is structured to enable Council to engage several hire firms as each firm generally has a slightly different range of equipment available and none of these firms has all the equipment available that is likely to be 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 plant, tools, equipment and services.

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 twenty-nine (29) tenders that were received for this contract were evaluated against the weighted and non-weighted criteria of Capability and Capacity, Relevant Experience and past performance of the tenderer, Range, Age and Reliability of Plant, Customer Service, Risk and Insurance, Conditions of Contract, OH&S and Quality Management and Conflict of Interest. In summary, it is considered that the nineteen (19) individual companies will provide Council the resources required for the supply of plant tools equipment and traffic management hires services.

### **Policy Implications**

The Local Government Act 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**

Not considered to be applicable in this circumstance.

### **Consultation/Communication**

Consultation with the internal stakeholders who use these services was completed during the planning phase of this tender. No specific community consultation is involved for periodic supply contracts.

### **Financial and Resource Implications**

Funding for plant tools equipment and traffic management hires services is made available under various Capital and Operational budgets for annual maintenance and capital works. Council typically spends approximately \$800,000 in hiring plant, equipment and tools and traffic management hire services over the course of a year which includes items of heavy plant as well as smaller tools and equipment. Prices have been sought on a schedule of rates basis. This contract does not guarantee work or prevent Council from engaging other suppliers outside of the contract. There is no fixed financial implication resulting from the award of these contracts.

### **Conclusion**

It is recommended that the tenders submitted by Accomplished Plumbing Services, Altus Traffic, Ashley's Transport, ATC Traffic, Coates, Comar Constructions, Construct Traffic, EPH Group Holdings, Kent Environmental and Vegetation Management, Linct Group, Plumbtrax, Pipeline Services & Equipment, Porter Excavations, Prestige Paving, PR Cootes, Sherrin Rentals, Slocombe Excavations, Solution Plant Hire and STA Traffic Management be accepted as they will provide the best value for Council to undertake the works associated with Contract RFT 000013 Provision of Plant, Tools, Equipment and Traffic Management Hire Services 2024 to 2027.

## Resolution

Moved Cr Jeff Springfield, seconded Cr Tammy Radford.

That Council:

1. Accepts the proposals in the tender submissions received from:
  - Accomplished Plumbing Services,
  - Altus Traffic
  - Ashley's Transport
  - ATC Traffic
  - Coates
  - Comar Constructions
  - Construct Traffic
  - EPH Group Holdings
  - Kent Environmental and Vegetation Management
  - Linct Group
  - Plumbtrax
  - Pipeline Services & Equipment
  - Porter Excavations
  - Prestige Paving
  - PR Cootes
  - Sherrin Rentals
  - Slocombe Excavations
  - Solution Plant Hire, and
  - STA Traffic Management

to undertake the works associated with Contract RFT 000013 Provision of Plant, Tools, Equipment and Traffic Management Hire Services 2024 to 2027, for an initial period of three (3) years, plus one optional extension for a further two (2) years. as tendered in accordance with the submitted schedule of rates.

2. Advises unsuccessful tenderers accordingly.
3. Authorise execution of the contract documents.

Carried



## 6.4.3 Additional Mowing Sites and Garden Beds

**Responsible GM:** Peter Benazic  
**Author:** Anna Caciado

### Recommendation(s)

That Council, in line with the attached document to this report:

1. Amend contract 23-0015 with **Skyline Landscape Services Pty Ltd**, to include sites excluded from the initial tender process in **Zone 1 (north)**.
2. Amend contract 23-0015 with **UDLM Pty Ltd**, to include sites excluded from the initial tender process in **Zone 2 (south) and Zone 4 (central)**.
3. Amend contract 23-0015 with **Antler Environmental**, to include sites excluded from the initial tender process in **Zone 3 (Eastern Central) and Zone 4 (Western central)**.

### Attachments

1. CONFIDENTIAL REDACTED - Attachment 1 Recommended Contract Variations per Contractor [6.4.3.1 - 1 page]

### Executive Summary

Following Council's decision to engage three contractors for Open Space Mowing and Horticultural maintenance services, discrepancies between contracted assets and those requiring maintenance were identified, needing negotiations and adjustments. Contractors cooperated, offering discounted rates to service additional sites, with an estimated cost of \$215,000 for the remainder of the financial year. Adjustments to the 2023/24 budget are made feasible by savings in other areas, without requiring additional funds.

The proposed 2024/25 budget reflects adjustments for a total contract cost of \$7,480,000. Anticipating rising costs, officers plan to explore alternative service solutions, considering potential extensions to existing contracts and evaluating long-term sustainability.

### Background

At its meeting on 20 November 2023, Council resolved to enter into three-year contracts with Skyline Landscape Services, UDLM and Antler Environmental for the provision of Open Space Mowing and Horticultural maintenance services across the Shire.

Systems and databases were upgraded in preparation for the commencement of the delivery of the services on 4 March 2024. Discrepancies in the assets listed for maintenance in all zones in the system and the executed contract were identified by contractors on the first day of service. Upon review of the data utilised, it was found that a number of assets that require service were excluded from the contract.

In order to ensure continuity of the delivery of service, negotiations with existing contractors commenced immediately, with the view to vary the list of assets serviced for the remainder of the 2023/24 financial year, and until officers were in a position to brief Council on the challenges and to recommend an appropriate course of action for the remainder of the contract term.

## Initial Response and Financial Implications for 2023/24

Meetings to discuss the challenges and options with all contractors took place on the week of 11 March. All contractors were willing to work with the organisation in resolving the problems, and provided discounted rates for the additional sites to the contract.

The approximate cost for the maintenance of additional assets to the contract for the remainder of the financial year is \$215,000. Exact costs cannot be provided as the frequency of service for assets will vary due to the standard of service associated with them, and external conditions that may affect the serviceability of each site.

Forecasts for the 2023/2024 have been adjusted accordingly. Given savings in other areas of the Operations Business Unit, no additional funds are required to be allocated to cover the servicing of additional sites.

## Medium and Long-term Considerations

In line with estimates, the proposed budget for 2024/25 has been adjusted so that the total cost of contract is \$7,480,000. The recommended variation value for each contract is included in the attachment of this report.

Cardinia's existing contracts allow for the possibility of extending agreements for two additional periods of up to three years each. It's anticipated that there will be a consistent and significant rise in costs for mowing and horticultural services in the coming years. It's responsible for the Council to explore alternative solutions for providing these services.

Officers will initiate a thorough examination of costs and services, with a subsequent presentation to the Council detailing the progress and expected results of this review at a later date.

## Relevance to Council Plan

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

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

## Conclusion

Despite initial challenges, collaborative efforts with contractors ensured uninterrupted service delivery for the current financial year within budgetary constraints. With a proactive approach to future planning, including cost evaluations and exploring alternative service models, officers will explore option to sustainably meet community needs for open space maintenance.

## Resolution

Moved Cr Tammy Radford, seconded Cr Brett Owen.

That Council, in line with the attached document to this report:

1. Amend contract 23-0015 with **Skyline Landscape Services Pty Ltd**, to include sites excluded from the initial tender process in **Zone 1 (north)**.
2. Amend contract 23-0015 with **UDLM Pty Ltd**, to include sites excluded from the initial tender process in **Zone 2 (south) and Zone 4 (central)**.

3. Amend contract 23-0015 with **Antler Environmental**, to include sites excluded from the initial tender process in **Zone 3 (Eastern Central) and Zone 4 (Western central)**.

Carried

## 6.4.4 Quarterly Financial Report 2023/24 - Q3 March 2024

**Responsible GM:** Wayne Mack  
**Author:** Allison Southwell

### Recommendation(s)

That Council:

1. Receives and notes the quarterly financial report for the nine months to 31 March 2024, for the purpose of Section 97 of the *Local Government Act 2020*.
2. Notes the capital project variations as outlined in the report.
3. Approves the budget variation for the Alma Treloar Amphitheatre.
4. Notes that the Chief Executive Officer, as required under Section 97 (3) of the *Local Government Act 2020*, is of the opinion that a revised budget is not required.

### Attachments

1. Quarterly Finance Report - Q3 March 2024 [6.4.4.1 - 11 pages]
2. Appendix 1 - Capital Works by Project [6.4.4.2 - 4 pages]

### Executive Summary

The attached quarterly finance report has been prepared as of 31 March 2024. The report includes financial year-to-date data up to quarter three of the 2023/24 financial year and is compared to the adopted budget for the full year to 30 June 2024.

Also included in this report is information on capital budget variations, one of which requires Council approval.

### Background

#### Quarterly Financial Report

The quarterly financial update presents summary financial statements and a series of other progress reports on matters that will inform both Council and the community on the performance of Council for the nine months ending 31 March 2024.

#### Comprehensive result (net surplus/deficit)

Year to date comprehensive result of \$97.5m surplus is \$45.4m favourable to the adopted budget.

Revenue is currently tracking higher than budget, mainly due to:

- The difference in expected recognition of capital grant income between budget and actual.
- Contributions income is higher mainly due to Officer precinct development growing faster than anticipated.
- Interest income is higher than budget due to the current ability to retain cash in interest bearing accounts that have been attracting higher interest rates.

This is being offset by lower operating grant revenue, caused by the receipt in full of the 2023/24 financial assistance payment in June 2023 which was budgeted for in this financial year.

Expenses are lower than budget due to:

- Materials and services show a favourable variance due to the timing of expenditure in various areas.
- Depreciation is lower than budget because of recent asset valuations completed for buildings, roads, pathways, and off-street carparks.
- Transfer of employee costs for project delivery to capital projects.

The current full year forecast result of \$107.2m is favourable to adopted budget by \$7.1m, largely due to income from other sources including:

- Higher interest income with increasing interest rates.
- Higher development levies as Officer Precinct Development is growing at a faster rate than anticipated.

Additionally, forecasted savings in depreciation due to recent asset revaluations is also contributing to this favourable result.

This is being partially offset by:

- Lower than budgeted grant income following a recent review of the capital program.
- Higher forecasted expenditure in materials and services.

#### Adjusted underlying result

This is the net result exclusive of capital grants and contributions. It is an indicator of the sustainable operating result required to enable Council to continue to provide core services and meet its objectives.

The year-to-date result of \$632k surplus is \$2.3m unfavourable to the adopted budget. This is mostly related to the timing of expenditure.

The full year forecast is currently showing a small surplus of \$487k, which is \$10.2m favourable to the adopted budget deficit of \$9.7m. This is being influenced by:

- Increased interest income
- Reduced employee costs
- Reduced depreciation expenses

#### Balance sheet and cashflow statement

Cash and investment holdings are \$156.2m as of 31 March 2024 representing a positive cash position. The Balance Sheet presents a working capital \$141.2m (total current assets of \$203.6m less total current liabilities of \$62.4m). The full year forecast working capital is expected to be positive at \$101.6m as at June 2024, reflecting Council's ability to meet its obligations as and when they fall due.

#### Capital program

Year to date capital expenditure of \$59.5m is \$32.5m (35.3%) below the year to date adopted budget (including carry forward) of \$91.9m. The full year forecast is expected to be \$20.3m below the full year adopted budget (including carry forward).

## Capital project variations

### Alma Treloar amphitheatre

*FOR APPROVAL - Request to increase the project budget to a total of \$880,100 (\$540,000 grant funding, \$340,100 council contribution)*

Rationale:

- The original project budget of \$360,000 was a 50/50 split between Council and the Growing Suburbs Fund (GSF) Round 2.
- Due to no market uptake to the first two tenders, Council had to seek GSF approval for an extension to the delivery timelines. Once this was granted, Council proceeded to tender, but costs had risen significantly.
- In July 2022, savings resulting from the receipt of LRCI funds from the roads program were allocated to the project, increasing the project budget to \$720,000.
- Once works commenced on site, changes to the design were required, which has increased costs further.
- The project is on track to be completed by June 2024, as required under the terms of the GSF funding.

### IYU Recreation Reserve

*FOR NOTING - Request to reallocate existing project budgets under the parent project to install temporary facilities (an office, kitchen and toilets) at IYU (\$466,200 council contribution)*

- Three projects were planned at IYU in FY23/24: Track & field construction; Roundabout construction; Design of a pavilion.
- Current traffic demands mean that the roundabout is not currently required.
- Funding for the construction of the pavilion is not available in the short term, meaning design is not currently required.
- Temporary facilities are required to enable clubs to effectively use the track and field facilities. Facilities can be installed within the next six months.

### PB Ronald Recreation Reserve

*FOR NOTING - Council note the proposal for a solar lighting project at PB Ronald Recreation Reserve*

- Council received \$400,000 funding for installing a public toilet at PB Ronald Reserve. \$50,000 contribution was required by Council, bringing the total project budget to \$450,000.
- The toilet cost less than expected, leaving \$100,000 underspent against the grant requirements.
- A project has been scoped to use the underspend to fund the installation of solar lights at PB Ronald Recreation Reserve. Approval is being requested from the funding body for this reallocation.
- No additional Council contribution will be required.

## Policy Implications

Nil.

## Relevance to Council Plan

### 5.1 We practise responsible leadership

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

## Climate Emergency Consideration

Nil.

### **Consultation/Communication**

Finance Business Partners work together with Business Units Managers to inform year to date results and full year forecasts for operating and capital works budgets. Outcomes of these discussions provide input to the financial performance and capital works reports for further review with the relevant General Managers and governance working groups. These reports are subsequently presented to the Senior Leadership Team, the Audit and Risk Committee, and Council.

### **Financial and Resource Implications**

The attached report outlines the financial performance and position of Council's activities for the 2023/24 financial year up to 31 March 2024. It includes analysis of the differences between the 2023/24 budget adopted in June 2023, as well as forecast of performance for the full year.

### **Conclusion**

The report provides a summary of the financial position of Cardinia Shire Council up to 31 March 2024. Council is currently tracking ahead of the adopted budget after nine months, with a full financial year forecast anticipated to be \$7.0m higher than budget. These variances are largely due to higher income expectations, being partially offset by increased operating expenses in relation material and services costs, as outlined in the attached report.

### **Resolution**

Moved Cr Jeff Springfield, seconded Cr Graeme Moore.

That Council:

1. Receives and notes the quarterly financial report for the nine months to 31 March 2024, for the purpose of Section 97 of the *Local Government Act 2020*.
2. Notes the capital project variations as outlined in the report.
3. Approves the budget variation for the Alma Treloar Amphitheatre.
4. Notes that the Chief Executive Officer, as required under Section 97 (3) of the *Local Government Act 2020*, is of the opinion that a revised budget is not required.

Carried

## 6.5 Activity Reports

### 6.5.1 Environment Council Plan Initiatives Quarterly Report

**Responsible GM:** Peter Benazic  
**Authors:** Desiree Lovell and Misty Johannsen

#### Recommendation(s)

That Council notes the Environmental Council Plan Initiatives quarterly report for the three months to March 2024.

#### Attachments

1. Environment Council Plan initiatives quarterly report - April 2024 [6.5.1.1 - 10 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 Jeff Springfield.

That Council notes the Environmental Council Plan Initiatives quarterly report for the three months to March 2024.

Carried

## 6.5.2 Performance and Growth Reports - Q3 2023-24

### Resolution

Moved Cr Tammy Radford, seconded Cr Jeff Springfield.

The Performance and Growth Reports for Quarter 3 2023-24 be received and noted.

Carried

## 6.5.3 Community Engagement Update

**Responsible GM:** Debbie Tyson  
**Author:** Emma Wilkinson

### Recommendation(s)

That Council notes the community engagement activities being undertaken in May/June 2024.

### Attachments

Nil

### Executive Summary

This report provides a monthly update on Council's 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"> <li>• Fact sheets</li> <li>• Websites</li> <li>• Open houses</li> </ul>	<ul style="list-style-type: none"> <li>• Public comment</li> <li>• Focus groups</li> <li>• Surveys</li> <li>• Public meetings</li> </ul>	<ul style="list-style-type: none"> <li>• Workshops</li> <li>• Deliberate polling</li> </ul>	<ul style="list-style-type: none"> <li>• Citizen Advisory committees</li> <li>• Consensus building</li> <li>• Participatory</li> <li>• Decision-making</li> </ul>	<ul style="list-style-type: none"> <li>• Citizen juries</li> <li>• Ballots</li> <li>• Delegated</li> <li>• Decisions</li> </ul>

### 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**

This month, the following Engagement Plans are being implemented:

<b>Community engagement activity May - June 2024</b>			
<b>Project</b>	<b>Project description</b>	<b>Proposed consultation date/s and details</b>	<b>Responsible Business Unit</b>
Naming of Officer District Park, Lansell Avenue, Officer.	The project involves the community voting on a new name for Officer District Park.	Online Creating Cardinia survey: 13th May – 16 <sup>th</sup> June 2024  QR code poster around the site and at council facilities directing people to the Creating Cardinia site.	Active and Connected Communities.
Proposed parking restrictions Sharnet Circuit, Pakenham.	Providing consultation results back to businesses regarding the support for proposed parking restrictions. Presenting back recommendation and additional consultation questions.	From early May to June 2024.	Community Infrastructure Delivery

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**

The activities undertaken fall within Councils existing budget and resourcing.

### **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.

### **Resolution**

Moved Cr Brett Owen, seconded Cr Tammy Radford.

That Council notes the community engagement activities being undertaken in May/June 2024.

Carried

## 6.5.4 Major Projects Report

**Responsible GM:** Peter Benazic  
**Author:** Dan Hammond, Jarrad Unsworth, Michael Casey

### Recommendation(s)

That Council note Major Projects report for the month of February 2024.

### Attachments

1. Major projects report - May 2024 [6.5.4.1 - 15 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, as at the end of April 2024, when the report was collated.

### Background

Projects and updates are included in the attached report

### Conclusion

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

### Resolution

Prior to calling for a mover of the report, the Mayor noted an administrative error referencing the report being for the month of February and that the report is for April which will be amended in the minutes.

Moved Cr Tammy Radford, seconded Cr Graeme Moore.

That Council note Major Projects report for the month of April 2024.

Carried

## 7 Reports Or Minutes Of Committees

### 8 Reports By Delegates

Cr Radford advised that she attended the ANZAC Day Dawn Service at the Officer Memorial Gates which is a beautiful community led service, Cr Owen MC'd the event taking over from the late Rob Porter. Cr Radford thanked the community and encouraged more people to become involved in the organising of this event and noted the growing suburb and attendance which needs more volunteers.

Cr Radford advised of her attendance at a recent meeting of the Cardinia Access and Inclusion Advisory committee acknowledging attendees from the committee in the gallery highlighting a question put to tonight's meeting and the discussion at the last meeting focusing on the budget. She thanked the committee and noted that since it began in 2018 has spent \$1,057,574 on existing facilities to upgrade access.

Cr Owen advised that he attended the Casey Cardinia Heritage Festival on 21 April and congratulated the groups involved.

Cr Owen also advised of his attendance at the ANZAC Day service in Beaconsfield at the recently upgraded Bonnett Reserve and of his attendance at the Officer and Upper Beaconsfield Dawn Services noting the lengthy service of Eric Chaplin the outgoing president of 20 years who provided a fitting speech.

Cr Owen advised of his attendance with the Beaconsfield Progress Association at the City of Casey where the Beaconsfield Avenue of Honour name plates were provided to the Berwick Pakenham Historical Society for safe keeping and eventual display.

Cr Owen advised of his attendance at an Ageing Well seminar at the CCC.

Cr Owen advised of his attendance at the opening of the Officer Sporting Club Rooms where Rob Porter was remembered and his contribution noted.

Cr Owen also advised of his attendance in company with the Mayor at the Narre Warren Family History group celebrating their 35th anniversary.

Cr Moore advised of his attendance at the ANZAC Day Services at Bunyip, Garfield and Nar Nar Goon and congratulated local resident Casey Thomson played the Last Post at the Nar Nar Goon service.

Cr Moore also advised of his attendance in company with the Mayor at the Cannibal Creek Planting Day at Lovers Lane Garfield, where 1,000's of plants were planted with a large number of people attending.

Cr Moore also advised of his attendance and participation at the Ageing Well Expo that was a great day with 250 attendees, fantastic presenters and well attended and complimented the Council Staff who organised the day, noting other Councillors and the CEO who were in attendance.

## 9 Presentation Of Petitions

There were no petitions tabled.

## 10 Notices Of Motion

### Notice of Motion 1093 – Cr Davies

That Council notes there has been correspondence from residents requesting that another name of Hannah Meadows be considered for the new suburb name for Pakenham East and that this will be included as a submission in the final report that comes back to Council.

#### Resolution

Moved Cr Stephanie Davies seconded Cr Graeme Moore

That Council notes there has been correspondence from residents requesting that another name of Hannah Meadows be considered for the new suburb name for Pakenham East and that this will be included as a submission in the final report that comes back to Council.

The asked for a mover to allow for an extension of time for Cr Davies to speak to this matter.

Cr Brett Owen moved that Cr Davies be granted an extension of time.

Extension was granted.

**Motion was Carried**

### Notice of Motion 1094 – Cr Davies

That Council,

- 1) Commences an expression of interest process, to seek a community group or organisation to lead the Pakenham Carols in 2024 and 2025
- 2) Pending the completion of a signed funding agreement: -
  - allocates a grant of maximum of \$40,000 to the successful organisation to facilitate the running of the Pakenham Christmas Carols event scheduled for December 2024;
  - and as an optional extension, pending successful completion of the 2024 event, allocates a further maximum of \$40,000 for the organisation and management of the 2025 Pakenham Christmas Carols event, with disbursement scheduled for March or April 2025.

#### Resolution

Moved: Cr Stephanie Davies seconded Cr Tammy Radford

That Council,

- 1) Commences an expression of interest process, to seek a community group or organisation to lead the Pakenham Carols in 2024 and 2025
- 2) Pending the completion of a signed funding agreement: -
  - allocates a grant of maximum of \$40,000 to the successful organisation to facilitate the running of the Pakenham Christmas Carols event scheduled for December 2024;
  - and as an optional extension, pending successful completion of the 2024 event, allocates a further maximum of \$40,000 for the organisation and management of the 2025 Pakenham Christmas Carols event, with disbursement scheduled for March or April 2025.



Carried

## 11 Community Questions

The Mayor advised that nine (9) questions from the Public had been received.

As Christopher Blazevic, Wayne Andrews, Corry Hopkins, Suresh Para and Paul McMurray were not present in the Gallery there questions were not read and answered and a response will be provided in writing.

### **Question from Michael Wright**

The members of the Cardinia Access and Inclusion Advisory Committee, like myself, all donate our time, some for more than two decades, solely for the benefit of the local community. Can council please explain why the committee was not consulted before the Access Upgrade Program funding was completely removed from the 2024/25 budget that was endorsed at the previous council meeting? Thank you.

### **Answer by Wayne Mack, General Manager Customer, People and Performance**

Thank you for your question and for your ongoing commitment to the Access and Inclusion Advisory Committee.

The draft 24/25 budget discusses financial sustainability challenges and prioritisation of capital projects on renewal of existing assets and completion of committed projects that are underway or grant funded.

Using these principles, \$110,224 is allocated in the draft 24/25 budget for the completion of the Koo Wee Rup Pool Pod, however funding was not included in the years future years as new projects were not prioritised.

The draft budget was tabled at the 15 April Council Meeting seeking a resolution to commence community consultation for a period of four weeks. This is the time where community members, groups and committees can provide feedback into the draft budget prior to Council adopting its final budget for the next financial year. Engagement does not typically occur before the formal consultation process.

Council has received a number of submissions for the reinstatement of the Access Upgrade Program and these will be considered by Council on 17 June.

### **Question from Chantelle McLachlan**

I recently put forward a submission for an alternative name to be considered as part of the renaming of the Pakenham East precinct. Can this name be added to the current community consultation voting options?

Alternatively, can a second community consultation period commence for this additional name given it is already so late into the process?

### **Answer by Deb Tyson, General Manager Governance, Facilities and Economy**

Thank you for your questions. The name put forward cannot be included in the current engagement process. For a new name to be included, the current Community Engagement

would be required to be ceased and a new community engagement process undertaken, if the proposed name was supported by Geographic Names Victoria.

However we note that the submission you have provided will be included in full as an attachment to the Officer Report to Council following the Community Engagement process.

### **Questions from Tony Ohara**

#### **Question 1 Item 6.3.1 Councillor Expenses Policy amendments**

With ref to the clause: "d. Mandate that Councillors report the outcomes of their activities upon completion of the seminar or conference... "

Question:

Under the recommendations' on Councillor expense claims related to conferences and seminars, could the clause also require councillors to provide a brief report to the public at a Council meeting, Council website or on Social Media on the outcomes of their activities and how it relates and can assist Council?

#### **Answer by Deb Tyson, General Manager, Governance, Facilities and Economy**

The intention is to report the outcomes through the Council Chamber during the Reports from Delegates section of the Ordinary Council Meeting. Councillors may also discuss conferences and seminars and share any insights on their own personal social media accounts.

#### **Question 2 Item 6.2.2 Road Discontinuance and Street Name change - Lecky Road, Officer South.**

Was any consideration given to retaining the name "Lecky Road" (originally Leckey) to the Gin-Gin-Ben homestead where the name originated, rather than disassociate it from the original Leckey properties. As per the PROV file <https://prov.vic.gov.au/archive/BCA555BE-F843-11E9-AE98-A9536C74A6DC?image=1>

#### **Answer by Deb Tyson, General Manager, Governance, Facilities and Economy**

Using the name Gin-Gin-Ben was not considered. The names refer to the Kinsella Sisters and were included as a group of possible names in the ANZAC Centenary commemorative naming project. They also meet the naming criteria for recognition of female names and are in keeping with the theme of using ANZAC names in the Kaduna Park Estate.

## **12 Urgent Business**

Nil

## **13 Councillor Questions**

Nil

## 15 Meeting Closure

### Mayoral Minute

Today marks the start of National Volunteer Week – “something for everyone” This provides an opportunity to highlight the important role of volunteers in our community and invites people not currently volunteering to give it a go. On behalf of Council, can I thank all of the volunteers in our Shire, for their dedication and selflessness.

The Mayor reported on attending the MAV State Conference Review on Friday 17 May. On behalf of Cardinia Shire tabling 3 motions – all successful. One motion that the MAV calls on the State Government to provide financial support to municipalities experiencing very significant population growth, to address the growing funding gap between funds raised through Development and Infrastructure Contributions frameworks and the true cost of delivering essential infrastructure was passed with amendment from the City of Melbourne and Melton Shire Council.

The other motions were one relating to Improved Social and Affordable Housing for Growth Areas and the third motion relating to financial vulnerability and wellbeing nationally. The Mayor advised that all motions were passed successfully, which was nice.

The Mayor noted that the community consultation period for the coming budget has now closed and thanked everyone who took the time to submit their thoughts and take an interest in the stewardship of this council.

All submissions will now be read and considered before the final budget is presented to Council

Meeting closed at 9.20pm.