

7.5.1 Quarterly Resolutions Report to June 2024

Responsible GM: Debbie Tyson
Author: Doug Evans

Recommendation(s)

That Council note the report detailing implementation of Council resolutions for the period to the end of June 2024.

Attachments

1. Quarterly resolutions report April to June 2024 [7.5.1.1 - 19 pages]

Executive Summary

The attached report details all resolutions made for the quarter ended 30 June 2024, and includes the actions taken to implement the decisions; the report does not include matters listed for noting.

This quarter, there were three Council Meetings held where there were 31 resolutions made requiring action and two Town Planning Committee Meetings held where there were 8 resolutions made that required action.

Of these 39 decisions 31 have been completed with 8 retaining a status of 'In-Progress', these are predominantly where further reports have been called for.

The report includes one item from previous quarters that remains open with a status of 'In-Progress'.

Background

The Chief Executive Officer is responsible for ensuring that Council decisions are implemented without undue delay and when requested, to report to Council in respect of the implementation of these decisions.

The attached report informs the Council about the implementation of these decisions. Importantly, it also provides transparency to our community.

Policy Implications

This regular report is in keeping with the Governance Rules.

Relevance to Council Plan

5.1 We practise responsible leadership

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

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

Climate Emergency Consideration

There are no Climate Emergency considerations regarding this report.

Consultation/Communication

All relevant staff have been consulted regarding this report.

Financial and Resource Implications

There are no financial considerations associated with this matter.

Conclusion

This report is provided for the information of Councillors to ensure transparency regarding the implementation of Council decisions and provide confidence to the Council that the decisions are implemented without undue delay.

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Meeting	Item No.	Item	Status	Resolution	Assignee/action taken
Ordinary Council meeting 18 September 2023	6.2.2	Mulcahy Road, Pakenham	In progress	That Council: 1. Resolve to acknowledge the consultation process that has been undertaken for the Proposed Mulcahy Road - Road Closure. 2. Resolve to proceed to close Mulcahy Road, Pakenham between Thewlis Road and Moritz Street in accordance with clause 9 schedule 11 of the Local Government Act, 1989, (the Act), 3. Resolve to proceed, in accordance with clause 3 of Schedule 10 to the Local Government Act, 1989 to discontinue the section of Mulcahy Road, adjoining the Pakenham Cemetery, in order that the Department of Energy Environment and Climate Action (DEECA) formerly Department of Environment Land Water and Planning (DELWP) can include this parcel of crown land under the management of the Pakenham Cemetery Trust.	Mulcahy Road Pakenham formally closed. Further work being undertaken regarding section of Road adjoining Pakenham Cemetery
Ordinary Council Meeting 14 April 2024	6.1.1	T220285 PA - Use and Development of Land for a Medical Centre and alteration of an access in a Transport Zone Schedule 2 at 337 Belgrave-Gembrook Road, Emerald	Completed	That Council resolve to authorise Council's Statutory Planning Department to settle the matter [VCAT Ref P1554/2023] via consent, subject to conditions	Matter settled at VCAT
	6.2.1	Renaming Officer Recreation Reserve to 'Rob Porter Recreation Reserve	Completed	That Council undertake a community consultation exercise seeking community input into the suggested renaming of the officer Recreation	Consultation exercise completed; name change adopted at June Council Meeting

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				Reserve to 'Rob Porter Recreation Reserve' in acknowledgement and appreciation of the extraordinary services provided by Mr Porter to the community of Officer and the wider Cardinia Shire.	
	6.2.2	Suburb name for Pakenham East PSP	Completed	<p>That Council;</p> <ul style="list-style-type: none"> • Commences Community Engagement for a period of 5 weeks to seek feedback on the proposed names for the new suburb within the Pakenham East Precinct Structure Plan Area. • That a sixth name be added to the list with the names to be proposed: <ul style="list-style-type: none"> • Leila • Gwyn • Alice Park • Beatrice Park • Debra • Honora • That the first most popular name following the engagement process be used for the new suburb and the second most popular name used to rename Mount Ararat South Road. • A further report to be presented to Council following completion of the engagement process, with the results of the engagement and proposed suburb name. 	Community consultation completed, report to be listed for July Council meeting
	6.2.4	Cardinia Shire Council Kindergarten Direction follow up	Completed	<p>That Council:</p> <ol style="list-style-type: none"> 1. Note: <ol style="list-style-type: none"> a. The positive benefits kindergarten services provide children, and that 	Meeting held with Department of Education to advise of Council resolution

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				<p>quality kindergarten experiences in the two years prior to school, lead to improved social and learning outcomes and broader community and economic benefits.</p> <p>b. Its significant investment in kindergarten services evidenced through deliver of infrastructure, the ongoing operation of kindergarten services, procurement of Early Years Managers, adherence to ongoing compliance and governance requirements, facility management, fostering collaboration opportunities for learning, and providing development/capacity building opportunities and central registration.</p> <p>c. The State Government is committed to delivering its 2022 Best Start Best Life reform and thanks the State Government for recent funding to deliver:</p> <p>i. New kindergartens including Thewlis Road Integrated Child and Family Centre, Toun-Nun Integrated Child and Family Centre and Kurmboon</p>	<p>and explaining reasoning behind it. Negotiations soon to commence with Department of Education for a proposed building blocks partnership agreement</p>
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				<p>Integrated Child and Family Centre.</p> <ul style="list-style-type: none"> ii. Upgrades to existing kindergartens in Nar Nar Goon, Bayles and Avonsleigh. d. The funding and resources required for development, upgrade, compliance, and maintenance of facilities used for the purpose of kindergarten and to deliver the Best Start Best Life Reform is beyond Council's responsibility and financial capacity. <p>2. Advocate to the State Government that they prioritise kindergarten on school sites (KOSS) where current facilities and services cannot meet demand or accommodate reforms, and that:</p> <ul style="list-style-type: none"> a. These facilities are the responsibility of the State to plan, construct, maintain and manage. b. The State ensures the use of Cardinia's Central Registration & Enrolment Scheme in the operation of these facilities to facilitate access for families. c. The KOSS model (where appropriate) replaces kindergartens, thereby offering seamless integrated service delivery. A flexible consult 	
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				<p>room is included within KOSS facilities to support an integrated and seamless service delivery approach.</p> <p>d. The State lease the facility including consult rooms to Council, charged at a peppercorn rate to provide services such as maternal and child health for the community.</p> <p>3. Authorise the Chief Executive Officer or appropriate delegate to continue negotiating with the Department of Education and Victorian School Building Authority to enter a building blocks partnership whereby:</p> <p>a. The State Government fully funds the shortfall in kindergarten infrastructure projects including:</p> <p>i. New builds and upgrades to existing facilities, including required compliance and inclusion works, regardless of building type (traditional or modular).</p> <p>ii. Service connections, pathways, access requirements, lighting, site integration (where appropriate),</p>	
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				<p>additional amenity costs (where required) and facility fit out, regardless of building type (traditional or modular).</p> <p>b. Council receives ownership of any new state funded community assets on Council land for the community's benefit into the future.</p> <p>4. Note, the State Government support ongoing change management funding for local Councils who do not directly provide kindergarten services through the same mechanisms that it supports Early Years service providers.</p>	
	6.3.1	Amendments to Governance Rules	Completed	That Council receive and note the recommended amendments to the Governance Rules and release the document for a Community Consultation exercise and consider any feedback received at the June Council Meeting prior to adopting the amended Governance Rules.	Consultation exercise completed, Governance Rules adopted at June Council Meeting
	6.4.1	Draft Budget	Completed	That 1. The 2024-25 draft Budget (including the draft Capital Works Program) prepared in accordance with section 94 of the <i>Local Government Act</i>	Budget released for community consultation, submissions considered at June Council meeting and Budget adopted

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				<p>2020 be approved in principle for the purpose of providing a period of community exhibition.</p> <p>2. The Chief Executive Officer be authorised to:</p> <ul style="list-style-type: none"> a. Give public notice in accordance with section 96 of the <i>Local Government Act 2020</i> and Council's Engagement Policy of Council's intention to adopt the 2024-25 Budget (including the Capital Works Program) at the Council meeting to be held on 17 June 2024. b. Undertake any and all administrative procedures necessary to enable Council to carry out its functions in accordance with its Community Engagement Policy. 	
	6.4.2	CT000535 Tender Evaluation Report Trucks, Buses, Specialised Trucks, Bodies & Trailers	Completed	That Council award contract CT000535 for the provision of Trucks, Buses, Specialised Trucks, Bodies and Trailers as defined by MAV Procurement for three years, plus two optional extensions of up to three years each, with a final expiration date of 31 January 2033.	Contractors advised

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Town Planning Committee Meeting 6 May 2024	5.1	T230342 PA - Use of the land for Rural Industry (hemp-based mud brick manufacturing) at 565 Murray Road, Vervale 3814	Deferred	That this application is deferred to the July Town Planning meeting to consider further information that has come to light	Application deferred to allow review of water rights and off-site dust impacts
	5.2	T140068-2 APP - Development of the land for sixteen (16) dwellings - 13-15 Mahon Avenue, Beaconsfield	Completed	That Council form a position to support the application to Amend Planning Permit T140068-1 to develop land for sixteen (16) dwellings and removal of native vegetation subject to conditions:	Application being determined at VCAT with a consent agreement entered into by both parties.
	5.3	T220699 PA - Use and development of the land for a dwelling & development of an agricultural building - 130 Murphy Lane, Bunyip	Deferred	That Council Defers this report to the July Town Planning Meeting to enable further deliberations regarding the siting of the dwelling	Matter relisted for July Meeting
	5.4	T220807 PA - Use of land for indoor recreation (gymnasium) and associated works to construct car parking spaces - 4/108 Mulcahy Road Pakenham	Completed	That Council issue a Notice of Refusal to Grant a Permit for use of land for an Indoor Recreation Facility (gymnastics centre) and associated works to construct car parking spaces subject to conditions	Notice of Refusal issued 13 May
	5.6	T220009 PA - Two lot subdivision - 4 Hamilton Road Emerald	Completed	<ol style="list-style-type: none"> 1. That Council resolves to agree to end Section 173 Agreement AC971492S in accordance with s177(2)(a) of the Planning and Environment Act 1987. 2. That Council resolves to grant a permit for a two (2) lot subdivision (boundary re- alignment) in accordance with the conditions and endorsed plans. 	Permit issued 13 May
Ordinary Council Meeting 20 May 2024	6.1.1	Officer Urban Design Framework	Completed	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	Maddocks Lawyers appointed to represent staff at a future VCAT hearing, if it is not resolved

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				Victorian Civil and Administrative Tribunal relating to Officer’s Major Activity Centre Urban Design Framework	prior, as without prejudice conversations are occurring between the Applicant, Maddocks and staff
	6.2.1	Update of Delegation to Staff	Completed	<p>That in the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Cardinia Shire Council resolves that:</p> <ol style="list-style-type: none"> 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. 	Updated delegations document in place, Managers and Team Leaders advised accordingly

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	6.2.2	Road Discontinuance and Street Name change - Lecky Road Officer South	Completed	<p>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:</p> <ol style="list-style-type: none"> 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. 	All actions completed
	6.2.5	Youth Hub Construction Review	Completed	<p>That Council</p> <ol style="list-style-type: none"> 1. Authorise the Chief Executive Officer to proceed with demolition of the Youth Hub building, when required, including undertaking the procurement process within 	CEO will undertake legal advice and demolition, if required. Further options being considered.

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				<p>existing CEO delegations and signing relevant contract documents.</p> <p>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</p>	
	6.3.1	Councillor Expenses Policy amendments	Completed	That Council adopt the amended Councillor Expenses Policy 2024.	New Policy in place and being applied
	6.4.1	Contract RFT – 000028 Design & Construction of Cora Lynn Pavilion	Completed	<p>That Council:</p> <p>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</p> <p>2. Approve the use of the contingency items as detailed in the confidential attachment for the delivery of this contract</p>	Contractors advised
	6.4.2	RFT 000013 Provision of Plant, Tools, Equipment and Traffic Management Hire Services 2024 to 2027	Completed	<p>That Council:</p> <p>1. Accepts the proposals in the tender submissions received from:</p> <ul style="list-style-type: none"> • 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 	Contractors advised

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				<ul style="list-style-type: none"> • Plumbtrax • Pipeline Services & Equipment • Porter Excavations • Prestige Paving • PR Cootes • Sherrin Rentals • Slocombe Excavations • Solution Plant Hire, and • STA Traffic Management <p>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.</p> <ol style="list-style-type: none"> 2. advises unsuccessful tenderers accordingly. 3. Authorise execution of the contract documents. 	
	6.4.3	Additional Mowing Sites and Garden Beds	Completed	<p>That Council, in line with the attached document to this report:</p> <ol style="list-style-type: none"> 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 	Contractors advised

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				tender process in Zone 3 (Eastern Central) and Zone 4 (Western central).	
		Notice of Motion 1093 Cr Davies	In progress	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.	Report to be considered at July Council Meeting
Town Planning Committee 3 June 2024	5.1	T230268 PA - Development of three (3) dwellings, subdivision of the land into three (3) lots, removal of vegetation and associated works at 13-15 Town Road, Gembrook	Completed	That Council Issues a Notice of Decision to grant a permit for Planning Permit application T230268 for the development of three (3) lots, vegetation removal and associated works, subject to conditions:	Permit issued subject to correction to preamble
	5.2	T230127 PA - 30 Bunyip-Modella Road, Bunyip - Development of Land for Two (2) Warehouses and a Reduction in the Number of Car Parking Spaces Required	Completed	That Council resolve to Grant a Permit for Planning Permit Application T230127 PA for Development of Land for Two (2) Warehouses and a Reduction in the Number of Car Parking Spaces Required subject te conditions:	Permit issued
	5.3	T230251 PA - 20 O'Sullivan Street, Pakenham - Use of the Land for a Restricted Recreation Facility (Martial Arts Club)	Completed	That Council resolve to grant a permit for the use of the land for an Indoor Recreation Facility (Martial Arts Studio), generally in accordance with the endorsed plans, subject to conditions:	Permit issued
Ordinary Council Meeting 17 June 2024	6.1.2	Proposed Cardinia Planning Scheme Amendment C278card - New Environmentally Sustainable Development (ESD) Local Policy (Clause 22.11) and associated	Completed	That Council: 1. Receive and consider all submissions (including late submissions) made to proposed	Submissions referred for appointment of panel, submitters advised

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		changes to the Municipal Strategic Statement (MSS)		<p>Planning Scheme Amendment C278card.</p> <ol style="list-style-type: none"> 2. In accordance with Section 23 of the Planning and Environment Act 1987, refer all submissions for consideration to a Planning Panel to be appointed by the Minister for Planning. 3. Advise the submitters of Council's decision. 	
	6.2.2	Pakenham Revitalisation Main Street Design	In progress	<p>That Council :</p> <ul style="list-style-type: none"> • Endorse the design for Stage 1 of the Pakenham Revitalisation Project. • Delegate authority to the CEO to finalise such details as placement of bins, bike racks, seating and road and footpath pavement composition, and infrastructure location catering for flexibility of placement managing competing complexities with services as the project progresses. • Note the commitment to support local businesses throughout this project through planned engagement activities, as well as requirements of the successful tenderer to develop a disruption mitigation plan that addresses key concerns for local businesses, including: <ul style="list-style-type: none"> ○ access to the businesses for customers and deliveries ○ staged construction with time frames 	All actions completed

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				<ul style="list-style-type: none"> ○ utilise alternative methods to mitigate business disruptions like night works where practical ○ minimal disruptive works from September - December ○ noise and dust suppression ● Note that Council will continue to be updated as this project progresses through to final design, tender, and construction 	
	6.2.3	Renaming of Officer Recreation Reserve to 'Rob Porter Recreation Reserve'	Completed	<p>That Council:</p> <ol style="list-style-type: none"> 1. Note that no objections were received to the proposed renaming of the Officer Recreation Reserve, 2. Formally resolve to rename the Reserve the 'Rob Porter Recreation Reserve' and 3. Forward the resolution to Geographic Names Victoria for formal approval and publication in the Government Gazette 	Referred to GNV and approval received. Renaming appeared in Government Gazette
	6.2.4	Youth Hub Options Paper	In progress	<p>That Councillors endorse the following options to be further assessed as part of the Youth Hub redevelopment.</p> <ul style="list-style-type: none"> ● Build the Youth Hub in James St as planned. ● Expand/redevelop My Place. ● Build a new facility at PB Ronald or redevelop an existing building. 	Options being further assessed with a report scheduled for August

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				<ul style="list-style-type: none"> • Build a new facility at The Point or redevelop an existing building. • Explore opportunities within the vicinity of the Pakenham Major Activity Centre 	
	6.2.5	Appointment of Authorised Officer	Completed	<p>That Council resolve to appoint the following staff member as Authorised Officers pursuant to Section 147(4) of the <i>Planning and Environment Act 1997</i>, and resolve to attach the Council Seal to the instrument of appointment attached to this report:</p> <ul style="list-style-type: none"> • Mr Pete Courtney 	Officer appointed
	6.2.6	2024 2025 Festival and Events Grant Program	Completed	That Council approve 58 applications under the Festival and Events Grant Program to the value of \$254,971.00.	Letters of offer sent to all successful applicants
	6.2.7	Environmental Health contract extension	Completed	That Council approves the 2-year extension to Environmental Health Services Contract for Councils current contractor Kernow Environmental Services Pty Ltd	Contractor advised accordingly
	6.3.1	Amendments to Governance Rules	Completed	<p>That Council</p> <ol style="list-style-type: none"> 1. Approve the recommended amendments to the Governance Rules and adopt the attached amended Governance Rules document and 2. Thanks Mr Tony O'Hara for his submission and responds to the questions and suggestions 	New Governance Rules adopted and in place. Mr O'Hara advised accordingly

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				contained in his submission as detailed in the attached document.	
	6.3.2	Proposed Community Local Law 2024	Completed	<p>That Council:</p> <p>A) Acknowledge the submissions received in respect of Proposed Community Local Law 2024 from the engagement conducted during March 2024 (version 1.0 Proposed Community Local Law)</p> <p>B) In accordance with Section 73(6) of the Local Government Act 2020, resolve to alter the Proposed Community Local Law 2024 (in the form of version 1.3 attached to this report), namely:</p> <ul style="list-style-type: none"> a. Alter the hours specified in Clause 23.7 (pointer board hours), and b. Alter the definition of 'building site work hours' in in Clause 11 (to correct a drafting error), and c. Correct grammatical and punctuation errors that do not alter the meaning of the text (various clauses) <p>C) Resolve to conduct a further community engagement process in respect of the proposed alterations, and</p> <p>D) Further consider the Proposed Community Local Law at a future Ordinary Council meeting.</p>	Amendments made as resolved, further community engagement commenced 18/06/2024
	6.4.1	2024-25 Budget for Adoption	Completed	<p>That Council resolves as follows:</p> <p>1. The 2024/25 Budget, including the Capital Works Program, be adopted for the purposes of</p>	Budget adopted and in place for 2024/25 Financial year

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				<p>section 94 of the <i>Local Government Act 2020</i>.</p> <p>2. The declaration and levy of rates and charges for the 2024/25 financial year contained with the Budget be adopted for the purposes of section 94 of the <i>Local Government Act 2020</i>.</p>	
		Notice of Motion #1095 – Cr Davies	In progress	That Council Officers will prepare and table a report for Council at the September 2024 Council Meeting, regarding the 'Vaughn Court Christmas Lights display'..	Report being prepared
		Notice of Motion #1096 – Cr Ross	In progress	That council stops the removal of the Heritage Streetlights in the Heritage Springs estate. That council retains the unique and heritage streetlight fittings and finds a solution to fitting these old street lamps with the new LED light globes or other appropriate lighting globe options and provides Council with a report that includes solutions.	Report prepared
		Notice of Motion #1097 – Cr Davies	In progress	That a report is presented to Council regarding all aspects of Community Engagement following Council's April 2022 resolution to item 6.4.1	Report prepared
		Notice of Motion #1098 – Cr Moore	In progress	That the Officers engage with the Koo wee Rup Bowls Club and the local Community to explore ways in which the name "RAY BROWN" can be honoured through a naming proposal at the Bowls Club in the near future.	Bowls club and local community being consulted
		Notice of Motion #1099 – Cr Springfield	Completed	That Council amends the temporary community advertising signage policy to allow consideration of events that	Policy amended

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				may fall outside of Cardinia Shire. This consideration will only be applicable for events or community organisations that have a strong and established connection with residents and communities within Cardinia Shire	
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