

# **Ordinary Council Meeting**

## **Minutes**

**Monday 15 May 2023**

**Commenced at 5.45PM to consider Confidential Business and  
was adjourned at 5.55PM to reconvene at 7:00 PM**

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

**Members:** Cr Tammy Radford  
Cr Jack Kowarzik  
Cr Kaye Cameron  
Cr Stephanie Davies  
Cr Jeff Springfield  
Cr Graeme Moore  
Cr Collin Ross  
Cr Brett Owen  
Cr Carol Ryan

Mayor  
Deputy Mayor

**Officers:** Carol Jeffs  
Peter Benazic

Lili Rosic  
Owen Hardidge

Debbie Tyson

Doug Evans

Chief Executive Officer  
General Manager Infrastructure and  
Environment  
General Manager Liveable Communities  
Acting General Manager Governance, Facilities  
and Economy  
Acting General Manager Customer, People and  
Performance  
Manager Governance

## Order of Business

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## 1 Opening And Reflection/Prayer

I would ask those gathered to join us now for a few moments of silence as we reflect on our roles in this chamber. Please use this opportunity for reflection, Prayer or thought, to focus on our shared intention to work respectfully together for the well-being of our whole community.

Meeting opened at 5.45 PM to consider confidential business 'In Camera' and adjourned at 5.50PM to reconvene at 7.00PM

## 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

Apologies were received from Cr Stephanie Davies and Cr Jeff Springfield

## 4 Adoption And Confirmation Of Minutes

Moved Cr Graeme Moore, seconded Cr Carol Ryan

That minutes of the following meetings be confirmed:

- General Council meeting 17 April 2023
- Town Planning Committee 1 May 2023

Carried

## 5 Declaration Of Interests

Nil

## 6 Ordinary Business

### 6.1 Town Planning Reports

#### 6.1.1 Amendment C273 – Infrastructure Contributions Plan for Pakenham South Employment PSP

**Responsible GM:** Lili Rosic  
**Author:** Mir Faruque

##### Recommendation(s)

That Council

1. Adopt the Pakenham South Employment Infrastructure Contributions Plan (ICP) for the Pakenham South Employment Precinct Structure Plan;
2. Authorise officers to submit the Amendment C273 to the Minister for Planning, in accordance with section 20(A) of the *Planning and Environment Act 1987* (Prescribed Amendment);
3. Authorise officers to finalise the Amendment documentation in accordance with Council's resolution including any administrative or formatting changes to the amendment documentation and mapping required to give effect to Council's resolution; and
4. Authorise officers to advise the landowners of the Pakenham South Employment PSP area of the Council resolution.

##### Attachments

1. Attachment 1 Pakenham South Employment ICP MAY 2023 [6.1.1.1 - 32 pages]
2. Attachment 2 Am C 273 card Explanatory Report [6.1.1.2 - 2 pages]

Attachment 1: Pakenham South Employment ICP May 2023

Attachment 2: Amendment C273card Explanatory Report

##### Executive Summary

The purpose of this report is for Council to consider the Pakenham South Employment Infrastructure Contributions Plan (ICP) to fund the identified future infrastructure within the Pakenham South Employment PSP and request the Minister for planning to approve the Amendment C273. The Amendment C273 will incorporate the Pakenham South Employment Infrastructure Contributions Plan into the Cardinia Planning Scheme and make related changes.

The ICP is a statutory document that needs to be incorporated into the planning scheme and is prepared in accordance with Section 46 of the Planning and Environment Act 1987, Ministerial Direction on The Preparation and Content of Infrastructure Contributions Plans and Ministerial Reporting Requirements for Infrastructure Contributions Plans and Infrastructure Contributions Plan Guidelines, November 2019.

Council adopted the Amendment C265 to the Cardinia Planning Scheme on 19 July 2021 which seeks to incorporate the Pakenham South Employment Precinct Structure Plan (PSP) into the Cardinia Planning Scheme and make a number of related changes. The Amendment was submitted to the Department of Transport and Planning (then DELWP) for the Minister's consideration on 27 October 2021. No decision has been made on the Amendment C265 as it

is anticipated that a decision will be made on Amendment C265, once Amendment C273 is submitted to the Minister, for consideration together.

Once approved by the Minister for Planning, the Pakenham South Employment Precinct Structure Plan will create approximately 3,500 job opportunities and sets the vision for how the land should be developed to ensure a high standard of urban design and amenity.

### Background

The Pakenham South Employment Precinct forms part of the Pakenham/Officer State Significant Industrial Precincts. The PSP and ICP land is located directly south of the Industrial South East Business Park and south west of the Livestock Exchange.

The precinct is bound by:

- Greenhills Road to the north;
- Healesville-Koo Wee Rup Road to the east;
- Green Wedge land to the south; and
- McGregor Road to the west.



Figure 1: Location of the PSP and ICP area identified with purple dashed line

The Pakenham South Employment PSP and ICP has been prepared to facilitate the development of approximately 185 hectares of employment land within a State Significant Industrial Precinct as identified in *Plan Melbourne 2017-2050* and the *Melbourne Industrial and Commercial Land Use Plan (2020)*. The PSP seeks to provide approximately 3,500 job opportunities and sets the vision for how the land should be developed to ensure a high standard of urban design and amenity.

### Pakenham South Employment PSP Infrastructure Contributions Plan

The purpose of the ICP is to provide a contribution towards provision of infrastructure within the PSP. An ICP can impose infrastructure contributions on the development land to fund the

provision of infrastructure in the ICP plan area or outside of the plan area, if it is essential to, and there is demonstrated need generated by the development of land in the ICP plan area.

An Infrastructure Contributions Plan (ICP) contributes to the basic transport and community infrastructure needs of new communities, up to a specified cap. ICPs are developed alongside a Precinct Structure Plan (PSP).

The key features of the Pakenham South Employment ICP are:

- Applies a standard levy rate to collect a contribution for infrastructure and public land.
- The total levy to be collected and paid by the ICP towards infrastructure projects is \$21,870,059.
- The total land required for public purpose land is 8.03 hectares (\$4,573,162 in land equalisation amounts to be paid).

See 'Financial and Resource Implications' section below for further details.

### **Amendment C273**

The Amendment C273 requests the Minister for Planning to approve the Amendment under 20(A) of the *Planning and Environment Act 1987* (Prescribed Amendment) which will incorporate the Pakenham South Employment Infrastructure Contributions Plan into the Cardinia Planning Scheme and make related changes.

No public consultation is required under the Act to consider the Pakenham South Employment Infrastructure Contributions Plan as it is a Prescribed Amendment.

### **Amendment C265 – Pakenham South Employment PSP**

At the General Council Meeting 16 March 2020, Council resolved to seek authorisation from the Minister for Planning under Section 8A(2) of the Planning and Environment Act 1987, to prepare Amendment C265card to the Cardinia Planning Scheme. Amendment C265 was exhibited for a period of six weeks from 15 October 2020 to the 26 November 2020. At the General Council Meeting 15 February 2021, Council resolved to refer the submissions to an independent Planning Panel.

A Planning Panel hearing was held on the 12 and 13 April 2021 and considered all submissions and Council's response to the submissions. The Panel provided their report to Council and recommended Amendment C265 be adopted as exhibited with changes recommended by the Panel. Council adopted the Amendment C265 to the Cardinia Planning Scheme accepting all changes recommended by the Panel on 19 July 2021 and submitted to the Department of Transport and Planning (then DELWP) for the Minister's consideration on 27 October 2021.

### ***The Vision***

Together Pakenham South Employment PSP and ICP will guide and deliver approximately 185 hectares of new industrial development and describe how land is expected to be developed, what natural assets must be protected, where services are planned, and the financial contribution landowners/developers will make towards the cost of infrastructure projects within the precinct.

The PSP will provide opportunities for industries to operate in a defined employment hub, appropriately located away from sensitive residential areas. Businesses requiring larger lots and buffer distances will be attracted to the precinct with its limited environmental and topographical issues and accessibility to infrastructure, nearby services and freight connections.



A diverse mix of industrial, manufacturing, warehouses and commercial jobs within the precinct will enable residents living in Cardinia and its surrounds the opportunity to work closer to home and reduce commute times. The PSP area will include the following facilities to make it more vibrant:

- A local convenience centre with adjacent open space
- Local parks
- Shared path network
- Access to public transport and bus capable roads throughout

### **Policy Implications**

The PSP aligns with key Commonwealth, State, and local policies as they relate to the planning of an employment PSP.

### **Plan Melbourne 2017 - 2050 Melbourne Metropolitan Planning Strategy**

The relevant directions and policies of Plan Melbourne are as follows:

- Direction 1.1 - Create a city structure that strengthens Melbourne's competitiveness for jobs and investment.
- Policy 1.1.6 - Plan for industrial land in the right locations to support employment and investment opportunities.
- Direction 1.2 - Improve access to jobs across Melbourne and closer to where people live.
- Policy 1.2.2 - Facilitate investment in Melbourne's outer areas to increase local access to employment.

### **Cardinia Shire Liveability Plan 2017 – 2029 (reviewed in 2021)**

In particular, it aligns with the following policies:

- Employment - to increase participation in local employment.
- Environment and Open Space - Plan and construct accessible pedestrian and cycling routes which link education, employment and residential areas with public transport, activity centres and public open space.

### **Cardinia Planning Scheme**

- Clause 11.02-2S Structure planning - to facilitate the orderly development of urban Areas.
- Clause 11.03-2S Growth areas - Develop precinct structure plans consistent with the Precinct Structure Planning Guidelines (Victorian Planning Authority, 2021) approved by the Minister for Planning to provide for local employment and business activity.
- Clause 17.01-1S Diversified economy: Protect and strengthen existing and planned employment areas and plan for new employment areas.
- Clause 17.03-1S Industrial land supply - to ensure availability of land for industry.
- Clause 17.03-3S State significant industrial land - to protect industrial land of state significance.
- Clause 21.03-2 Urban growth area - to create a functional, attractive, safe and sustainable urban environment for the existing and future community of the Urban Growth Area.
- Clause 21.04-1 Employment - to develop diverse local employment opportunities to meet the needs of a growing residential population

The ICP document is also informed by:

- Council adopted Pakenham South Employment Precinct Structure Plan.
- Ministerial Direction on The Preparation and Content of Infrastructure Contributions Plans and Ministerial Reporting Requirements for Infrastructure Contributions Plans.

- Infrastructure Contributions Plan Guidelines, November 2019.

## 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.

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

4.1.2 Plan for sustainable employment precincts to entice new industries to the region and support new business.

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

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

## Climate Emergency Consideration

The future implementation and development of the PSP and ICP is guided by the following objective within the PSP:

- Prepare for the impacts of climate change by encouraging resilient, environmentally sustainable design and development across the precinct.

## Consultation/Communication

Amendment C265 was placed on exhibition for a period of six weeks from 15 October 2020 - 26 November 2020. A total of thirteen submissions were received during the exhibition period.

Council considered all submissions at its meeting on 15 February 2021 and in response to submissions, Council resolved to refer all submissions for consideration to an Independent Planning Panel appointed by the Minister for Planning in accordance with section 23 of the Planning and Environment Act 1987.

No public consultation is required under the Act to consider the Pakenham South Employment Infrastructure Contributions Plan as it is a Prescribed Amendment.

### **Planning Panel Hearing and Report**

The Panel Hearing was held online on 12 and 13 April 2021. Council received the Panel Report on 12 May 2021, and DELWP made it public on 20 May 2021. Council adopted the Amendment C265 accepting all changes recommended by the Panel at the 19 July 2021 Council Meeting and informed all the submitters of the Council's resolution.

No public consultation is required under the Act to consider the Pakenham South Employment Infrastructure Contributions Plan as it is a Prescribed Amendment.

Although public consultation is not required to prepare the ICP, Council officers have informed the landowners about the process and have emailed the landowners and their representatives with regular project updates.

### Financial and Resource Implications

The costs associated with the Amendment are funded by Council and the project is accounted for in the Growth Area Planning budget for 2022-2023.

The cost of local infrastructure for the Pakenham South Employment Precinct Structure Plan will be facilitated through the Infrastructure Contributions Plan (ICP).

### ICP Standard Levy Rates and transfer upfront

An ICP sets out the monetary amount that developers must pay for construction of transport and community infrastructure as well as the land that must be provided for infrastructure, at the time of development. The legislation sets out allowable items and establishes caps for expenditure, limiting the discretion planning authorities have in funding infrastructure items.

A standard levy is a pre-determined monetary rate set by the Minister for Planning through the Ministerial Direction. The standard levy is designed to provide a fair and reasonable budget for funding the infrastructure that is basic and essential for new urban development. The Ministerial Direction may specify different standard levy rates for different development settings and for different classes of development. The Ministerial Direction will also specify how the amount of standard levy to be paid is to be determined.

The standard levy rates for the Metropolitan Greenfield Growth Areas development settings are indexed on 1 July each year in accordance with the indexation method specified in the Ministerial Direction.

The present State Government Standard Levy rates for contributions for constructions projects are shown in following table.

Rates for Standard Levies for 2022-23 indexed rates

Class of Development	Community and Recreation Construction	Transport Construction	Total Standard Levy Rate
All amounts in \$ per net developable hectare			
Residential development	\$94,308	\$129,862	\$224,170
Commercial and residential development	\$ 0	\$129,862	\$129,862

The total levy to be collected and paid by the ICP towards infrastructure construction projects is \$21,870,059 for Pakenham South Employment PSP area.

### Conclusion

The ICP is a statutory document that needs to be incorporated into the planning scheme and is prepared in accordance with Section 46 of the Planning and Environment Act 1987,

Ministerial Direction on The Preparation and Content of Infrastructure Contributions Plans and Ministerial Reporting Requirements for Infrastructure Contributions Plans and Infrastructure Contributions Plan Guidelines, November 2019.

It is recommended that Council adopt the Infrastructure Contributions Plan (ICP) for the Pakenham South Employment Precinct Structure Plan and submit Amendment C273 to the Minister for Planning, in accordance with section 20(A) of the *Planning and Environment Act 1987* (Prescribed Amendment).

## Resolution

Moved Cr Kaye Cameron, seconded Cr Graeme Moore.

That Council

1. Adopt the Pakenham South Employment Infrastructure Contributions Plan (ICP) for the Pakenham South Employment Precinct Structure Plan;
2. Authorise officers to submit the Amendment C273 to the Minister for Planning, in accordance with section 20(A) of the *Planning and Environment Act 1987* (Prescribed Amendment);
3. Authorise officers to finalise the Amendment documentation in accordance with Council's resolution including any administrative or formatting changes to the amendment documentation and mapping required to give effect to Council's resolution; and
4. Authorise officers to advise the landowners of the Pakenham South Employment PSP area of the Council resolution.

Carried unanimously

## 6.2 General Reports

### 6.2.1 Disbandment of Cardinia Public Hall Community Asset Committee

**Responsible GM:** Lili Rosic  
**Author:** Helena Moloney

#### Recommendation(s)

That Council resolves to disband the Cardinia Public Hall Community Asset Committee, established by the Council on Monday 20 July 2020 under the provisions of Section 65 of the Local Government Act (2020), and thank the members of the committee for their contribution to the community.

#### Attachments

Nil

#### Executive Summary

The Cardinia Public Hall Community Asset Committee has struggled to attract new committee members despite varying and multiple attempts. With several existing committee members standing down and/or planning to stand down, a special committee meeting was called on Tuesday 4th of April 2023 to garner interest from new committee members. No additional interest was shown at this meeting, therefore the current committee determined to resign as the caretakers of the Cardinia Public Hall, and to hand back the management of this facility to Council.

#### Background

The Cardinia Public Hall Community Asset Committee was appointed by the Council on 20 July 2020 and has the duty to 'provide a public community centre for the hire of individuals and organisations which will be of benefit and use for present and future residents of Cardinia Shire' as detailed in their instrument of delegation. Despite trying to attract new members, the committee has been unable to fill vacancies.

Following the unexpected departure of a key committee member due to illness, the current committee contacted Council to advise that they were unable to continue to meet the requirements of managing the hall. Council provided support to the committee to continue operating through the Christmas/New Year period until such time that the committee could meet.

At a meeting on Thursday 16<sup>th</sup> February 2023, Council officers met with committee members to discuss the future management of the hall. The committee elected to hold a special committee meeting to garner interest from community members to join the committee and if there was no interest at this meeting and it was determined that a committee could not be formed, the committee would resign and hand the management of the Cardinia Public Hall to Council.

At a special committee meeting held on Tuesday 4th April 2023, only the existing community members and Council officers attended. No interested community members attended. At this meeting the committee resigned and handed the management of the Cardinia Public Hall to Council.

Council officers have acknowledged and thanked the outgoing committee members for their significant commitment and contributions to the hall.

### **Policy Implications**

Nil

### **Relevance to Council Plan**

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

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

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

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

### **Climate Emergency Consideration**

N/A

### **Consultation/Communication**

The special committee meeting was advertised broadly within the local community via flyer, letterbox drops and newspaper advertising.

The local community will be notified of the change and Council will work with the hall's existing/regular hirers.

Committee members will be formally thanked for their service.

### **Financial and Resource Implications**

There are no costs associated with disbanding the Lang Lang Hall Community Asset Committee. Existing regular hires will proceed with Council officer support.

### **Conclusion**

Following the resignation of the existing Cardinia Public Hall Community Asset Committee at a meeting on Tuesday 4th April 2023, it is proposed to disband the committee and return the hall to Council management.

Subject to Council endorsement, Council officers will write to the committee to advise them of Council's resolution, including thanking the committee for managing the Cardinia Public Hall and for their contribution to the community's wellbeing.

### **Resolution**

Moved Cr Kaye Cameron, seconded Cr Collin Ross.

That Council resolves to disband the Cardinia Public Hall Community Asset Committee, established by the Council on Monday 20 July 2020 under the provisions of Section 65 of the Local Government Act (2020), and thank the members of the committee for their contribution to the community.

Carried unanimously

## 6.2.2 Emerald Lake Precinct Masterplan Endorsement

**Responsible GM:** Lili Rosic  
**Author:** Stephanie Langton

### Recommendation(s)

That Council

- Notes the program of community engagement undertaken, feedback received, and subsequent changes made to the Emerald Lake Precinct Masterplan.
- Endorses the final Emerald Lake Precinct Masterplan.
- Provides the final Masterplan to the community on its website and thanks the community for its feedback.
- Notes the detailed design of Stage 1 of the Masterplan is proposed to commence in the 23/24 financial year, subject to Council endorsement in June 2023 of its annual budget.

### Attachments

Attachment 1 – Emerald Lake Precinct Masterplan

### Executive Summary

The draft Emerald Lake Precinct (ELP) Masterplan was presented to Councillors in June 2022 prior to community engagement. Community consultation was undertaken over an eight-week period from 4 July to 25 August 2022. The draft Masterplan was well received with 3,074 views and 428 contributions from 333 contributors through the Creating Cardinia online portal. In addition, targeted consultation was undertaken with stakeholders to gain further insights and feedback.

Significant feedback was received regarding the playspace, including water play area. As per the draft Masterplan, removing the wading pool and replacing it with zero depth water play remains the preferred option by the community. However, further investigation will take place as part of the detailed design phase to explore how the water play experience can meet community expectations, improve accessibility, and provide the most appropriate technical, operational, and environmental outcomes.

Many actions identified in the Masterplan are focused on asset renewal, followed by upgrades to meet the Precinct's regional status without compromising its character.

Actions have been prioritised as low, medium and high based on community identified priorities and recent cost increases and fiscal pressures. The implementation of the Masterplan will be staged based on available funding with Stage 1 commencing following Masterplan and Council budget endorsement. Detailed design of Stage 1 will enable Council to seek external grant funding to support the delivery of this project.

Stage 1 will include:

- Upgrade of the playspace (playground, water play and public toilets)
- Large new shelter and picnic area with new toilets including the removal of the existing ELP Cafe
- New exercise hub for all ages and abilities
- Expression of Interest (for external investment) for the waterside cafe



- Improvements to the Lakeside carpark including more parking spaces, alignment of the Eastern Dandenong Ranges Trail (EDRT), carpark lighting and infrastructure to support food vans
- Renewal of the Gus Ryberg Amphitheatre seating, and
- New harbour to support the wisteria in Nobelius Heritage Park.

### **Background**

Historically, Emerald Lake Precinct (ELP) has been considered a regional park and a tourist attraction. It has always attracted international and domestic visitors with Puffing Billy, one of Victoria's major tourist attractions located in the park. The regional status of ELP is validated in the 2020 ELP Strategic Plan, 2018 Open Space Management Framework and Council's draft Open Space Strategy. The actions proposed in the ELP Masterplan reflect this regional importance.

In 2020, Council adopted the Emerald Lake Precinct (ELP) Strategic Plan 2020 – 2030. This Plan provides the strategic direction to the Emerald Lake Park and Nobelius Heritage Park (NHP) which are collectively known as Emerald Lake Precinct. A priority action in the ELP Strategic Plan is for the development of a Masterplan that includes the following key themes:

- Playground and pool
- Events and activation
- Food and hospitality
- Parking and road access, and
- Maintenance standards and upkeep.

Fitzgerald Frisby Landscape Architects (FFLA) were engaged to complete a Masterplan for the precinct which included a literature review, site investigations, targeted stakeholder, and council staff engagement. The draft ELP Masterplan was presented to a Councillor Briefing in June 2022 prior to being presented to the community for eight weeks of engagement.

The draft ELP Masterplan was prepared based on the Strategic Plan and other key reports including:

- 2020 Arborist Assessment identified significant trees and recommendations for their ongoing management
- 2020 Conservation Management Plans completed for both parks provide a clear understanding of the requirements and around significant infrastructure and vegetation and a guide to future development
- 2021 Aboriginal Cultural Heritage desktop assessment informed Council about the potential areas of Aboriginal cultural heritage sensitivities
- 2021 ELP Building and Facilities Feasibility provided recommendations that align the buildings and commercial operations with the regional status of the precinct, moving from a 'business as usual' approach to one considering asset renewal through upgrades and redevelopments.

The precinct has been divided into five zones. These include:

- Lake Treganowan (main activity area)
- Western forest
- Nobelius Heritage Park
- Cafe, and
- Lake Nobelius.

The draft Masterplan identified whole of site actions as well as actions identified in each of the five zones. The key features of the draft Masterplan included:

- An upgrade of the existing playspace to a regional level playspace. This included the removal of the wading pool, to be replaced by zero depth waterplay.

- Improvements to the Lakeside carpark including Eastern Dandenong Ranges Trail connection, additional carparking spaces and disabled parking bay, and lighting.
- Consolidation of toilet blocks from three toilet blocks that do not meet standards to one new toilet block that has a Changing Places facility and four unisex toilets which is centrally located near the playground and lakeside carpark entrance. Upgrade of the heritage Lake Treganowan toilets.
- An upgrade to the Gus Ryberg Amphitheatre to improve performer and spectator amenity with all abilities access, upgraded seating, stage area and a new soundshell. Repairs and renewal work to the four other amphitheatres: The Pines, The Gums, Bunurong and Carl Stemp.
- Conversion of part of the Lakeside Office to a waterside cafe (retaining some office space for Council staff) and demolish the ELP cafe building and replace with a large picnic shelter and barbecue area.
- Lighting installed (for night-time events only) along key paths connecting performance areas to carparks.
- Four shelters with barbecues and picnic facilities have been identified: three in the main activity area and the fourth in a quiet location in the Gus Ryberg Arboretum.
- Nobelius Heritage Park bandstand upgrade with a shelter and power supply for performers to align the park's suitability for smaller music events and performances.
- Improved pathways including accessible loop path around Lake Treganowan, new bridge over the lake connecting the playspace, the loop path, bandstand and new picnic area
- Bike parking (including e-bike charging and bike repair stations) at key locations
- Improved wayfinding, interpretative, and educational signage throughout the precinct.

Community consultation on the draft Emerald Lake Precinct Masterplan was held from 4 July 2022 to 25 August 2022. The online survey on Council's Creating Cardinia online portal was the primary source of feedback. There were other options for community members to learn about the proposals and provide feedback which are all detailed in the Consultation/Communication section of this report.

In response to the feedback received, the following changes to the Masterplan were made:

**Playspace (including zero depth water play)** – as per the draft Masterplan, the wading pool is proposed to be removed because it is ageing and requires significant capital investment to bring it up to standard. Zero depth water play has broader universal appeal and provides play opportunities throughout the year, which was highlighted in the feedback received from the community. However, in response to community feedback, further investigation and community engagement will take place during the detailed design phase to ensure the most appropriate water play option for the Precinct is provided, which also aligns with community expectations.

#### ***Changes to the Masterplan and next steps for water play***

- Following community consultation, input from industry experts and other Councils about their water play facilities was sought to apply learnings to the ELP location.
- Some facilities suggested by community members were not achievable for this site due to the associated high-cost plant infrastructure and operational requirements, limited available space for these facilities, and the volume of water usage is extremely high. The space for the ELP water play is constrained by the mature trees and the lake boundary.
- More investigation is required to determine accessibility of people powered elements, the condition and capacity of existing services to feed the water and the potential impacts on the water quality of the lake even though it is proposed to use potable water. This will be undertaken during the detailed design phase.
- The community will continue to be informed about the water play options and feedback considered. Community engagement will continue through the detailed design stage.

- The history of water activities in and around the lake as part of the precinct redevelopment will be considered.

### **Amphitheatres**

There are five amphitheatres of varying shapes, sizes, and conditions. Prior to consultation, the community's attachment and sentiment towards these assets was largely unknown. One of the purposes of asking people to choose their top 5 priorities was to ascertain how people would prioritise amphitheatre upgrades. Feedback demonstrated that the amphitheatres were not a high priority for the community.

10 people provided comments and feedback varied:

- Four performance spaces were not required
- The amphitheatres were not used
- They are part of the precinct's history and while not perfect, they are a quiet spot to sit or hang out with friends.

Subsequent input and ideas were sought from the ELP Advisory Committee, Council's Arts and Creative Industries Team and Council staff in the Project Working and Project Control Groups, as to the future role of each amphitheatre.

The function of the little used Gums amphitheatre is proposed to change. The Gums is located at the furthest end of the park, has a 30-metre steep access path that will be difficult to improve from an accessibility perspective, and six tiers of seating that has deteriorated will be expensive to renew. It was felt that this space would be better suited as a quiet area with less formal seating, to be used as more of a reflection or informal meeting space in a natural setting rather than another space for events or performances.

The Bunurong Amphitheatre will continue as a performance space but to alleviate budgetary pressures, the arbour, which was added to improve aesthetics only, will be removed.

### ***Changes to the Masterplan:***

- Amend the action to repurpose the Gums amphitheatre while retaining respect for the original intent of the area. This may include removing the timber tiered seating, retaining a bowl like shape and have logs or mudstone rocks for seating around the base only.
- Amend the action for the Bunurong Amphitheatre to remove the arbour element.

### **Toilets and change rooms**

Emerald Lake Park has four existing toilet blocks in addition to toilets and a changing places facility within the Puffing Billy Visitor Centre. There are also public toilets in Nobelius Heritage Park. The existing Emerald Lake Park toilet blocks are located:

- Lake Treganowan historic toilets (Lake Treganowan zone)
- Cafe toilets (cafe zone)
- Bandstand toilets (cafe zone)
- Lake Nobelius toilets (Lake Nobelius zone)
- Lakeside Visitor Centre (managed by Puffing Billy)

The historic Lake Treganowan toilet block building needs to be retained due to its historic significance and will be upgraded internally.

The other three toilet blocks in ELP all need upgrading and currently do not meet requirements and regulations. The draft Masterplan proposed to remove these three toilet blocks and replace them with one toilet block in the Lake Treganowan activity zone. Two toilet blocks are in the cafe zone and one toilet block is in Lake Nobelius zone: a passive recreation area, away from the activity of Lake Treganowan and Cafe zones.

Community and stakeholder consultation and a meeting with Victoria Police determined the following:

- There will not be enough toilets in the park to cater for busy days
- Change rooms were suggested to support water play
- If there is an increase in activation of spaces, toilets should be nearby
- The isolated location in the Lake Nobelius zone is not suitable for toilets and as a low traffic area, does not meet CPTED requirements.

The site for the large new shelter and barbecue facilities (ELP cafe building) has enough space and plumbing infrastructure for new toilets to be added to the Masterplan. This new location is close to the Lake Nobelius zone to cater for walkers, Paddleboats and picnic areas on the same side of the lake.

***Changes to the Masterplan:***

- Add new toilets on the site of the proposed new large shelter where the existing ELP cafe is currently located
- Add change facilities to the proposed new toilet block in the playspace adjacent to the Lakeside carpark.

**Food retail in the park**

The proposed waterfront cafe in part of the lakeside building on Lake Treganowan was well supported during community consultation and there is an expectation that more than one food retail should be offered in the park. As business investment in the waterfront cafe is not guaranteed, infrastructure for 1-2 food vans in the Lakeside carpark will be added to the Masterplan with costs absorbed into the carpark upgrade action. Food vans will provide more options for people during summer peak times and during events (i.e., ice cream & fish and chip vans).

***Change to the Masterplan:*** Include opportunity to support food vans as part of Action 10 – Lakeside carpark upgrade.

**Nobelius Heritage Park**

Feedback from Heritage Victoria was sought to ensure there are no significant concerns with the proposed outcomes for Nobelius Heritage Park in the draft Masterplan. Clarification was sought on where permit exemptions for specific actions are likely to apply, and a decision on the merits of a finalised proposal (detailed design) will be fully tested through the permit processes under the *Heritage Act 2017*. The proposed design for the Nobelius Heritage Park access road and carpark upgrade retains the crushed rock surface but with improved drainage to align with the heritage requirements for the park.

Heritage Victoria recognises the significance of the NHP landscape and encourages Council to work towards botanic garden status and to become a member of the Botanic Gardens Australia and New Zealand (BGANZ)

Community feedback about Nobelius Heritage Park focused on the value of retaining the quiet sensory ambience and its unsuitability as a venue for markets and events that attract lots of people and traffic. A barbecue and more picnic facilities in Nobelius Heritage Park rated as the fourth highest priority by the community and a small new shelter with two picnic tables and barbecue will be added instead.

***Proposed new action:*** Investigate Nobelius Heritage Park being officially recognised with botanic garden status

***Proposed changes:***

- Remove Action 9: To provide power and a shelter over the band platform and replace barriers to cater for events and performances.
- A new picnic shelter and one barbecue will be added to support community priorities.

### Western forest zone

There were 12 responses for the western forest zone, eight with comments. While the idea of bird hides was well received, it didn't rate highly in the top 5 priorities, so the number has been reduced to provide one bird hide.

**Change to Masterplan:** Reduce the number of bird hides for birdwatchers and nature photographers to one bird hide

Funding for the implementation of the ELP Masterplan will be incorporated in Council's future capital works budget, in addition, Council will advocate for funding from other levels of government.

Following the endorsement of the ELP Masterplan, Council will commence detailed design for Stage 1. There are opportunities to group actions and co-deliver projects to save costs, improve efficiencies, and minimise visitor impact.

### Policy Implications

The regional status of ELP is validated in the 2020 ELP Strategic Plan, 2018 Open Space Management Framework and Council's draft Open Space Strategy. Therefore, the actions proposed in the ELP Masterplan reflect this regional importance.

Service levels and infrastructure should be developed and maintained to meet this expectation and the asset renewal focus of the draft Masterplan aligns with Council's Asset Management Policy.

### Emerald Lake Precinct Strategic Plan 2020

- Incorporating both Emerald Lake Park and Nobelius Heritage Park as a precinct yet respecting their individual attributes – A focus on recognising and conserving the heritage of the quiet NHP with a focus on pedestrian connectivity and wayfinding to link the popular activities and infrastructure of Emerald Lake Park
- Recognising the precinct as a regional level open space with service levels that meet this expectation – this is especially evident with the proposed playspace and zero depth water play, upgraded Gus Ryberg Amphitheatre, relocation of an ELP cafe to the waterside location at Lakeside office building and the consolidation of toilets in the main activity area.
- Incorporating key placemaking principles to ensure success and buy-in of visitors and stakeholders, of which the following placemaking qualities have been applied: being accessible, engaging people in activities, being comfortable and having a positive image and allowing people to be sociable, meet others and take visitors.

### Open Space Management Framework 2018

This framework establishes an open space hierarchy of which Emerald Lake Park is rated as a regional park. Characteristics of a regional park include:

- Cater for residents of Cardinia and beyond and in the case of ELP, attracts international, interstate, and regional visitors
- Attracts large numbers of residents and visitors for long periods of time
- Access is from numerous transport options which in the case of ELP includes private car, public transport (bus), Puffing Billy Railway, pedestrians and cycling on the Eastern Dandenong Ranges Trail
- There is infrastructure to cater for large numbers of visitors and periods of intense use. At ELP this includes café, paddle boats, model railway, Puffing Billy facilities, barbecues, picnic shelters and facilities, shared paths, walking tracks, toilets, carparks, cultural and heritage artwork, exercise equipment and a playspace.

### Cardinia Shire Council draft Open Space Strategy

Emerald Lake Precinct's regional status is validated and meets the criteria for regional level open space in Council's draft Open Space Strategy.

#### **Cardinia Shire Council Playspace Strategy 2014**

The action pertaining to the playspace at Emerald Lake Park states the following:  
Investigate the feasibility of a 'municipal' playspace at Emerald Lake Park in consultation with key stakeholders and with consideration given to the topography of the area and provision of accessible play opportunities. Pending the outcome, develop detailed plans and source funding to develop a municipal playspace in Emerald.

#### **Cardinia Shire Council Innovate Reconciliation Action Plan January 2022 – December 2023**

Engagement with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation has commenced to ultimately determine how their culture and knowledge can be recognised and honoured at ELP. As the longest continuing living culture in the world, embedding cultural stories of people and place will add value to the precinct and Council's relationship with the Wurundjeri.

#### **Cardinia Shire Council Integrated Water Management Plan (IWMP) 2015-25**

The IWMP addresses the need to consolidate Council's management of water issues under the banner of integrated water management, rather than focus specifically on potable water use, stormwater, and on-site wastewater issues. This is particularly relevant to the operating model chosen for the water play facility which will be further investigated during the detailed design stage.

### **Relevance to Council Plan**

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

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

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

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

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

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

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

### **Climate Emergency Consideration**

Climate change and natural resource protection and efficiencies have been considered in the following ways:

- The significant trees and remnant vegetation will be conserved and protected. No trees are earmarked for removal in this concept stage of the Masterplan.
- Water saving measures will be considered for water play and new toilet facilities. These will be guided by Council's Integrated Water Management Plan.
- Sustainable materials and products will be sourced in line with Council's environmental commitments.
- E-bike and electric vehicle charging stations will be investigated at ELP.

### **Consultation/Communication**

Community consultation on the draft Emerald Lake Precinct Masterplan was held from 4 July 2022 – 25 August 2022. The Creating Cardinia online portal was the primary source of feedback with an in-depth online survey. This was advertised through:

- Council's Facebook page



- Mailout to 3,386 residents,
- Emails: 239 database of interested residents, sports clubs, Emerald community groups and all Cardinia Council staff, 8 x local schools (newsletter item)
- Six open office drop-in sessions at ELP Lakeside building with promotional signs throughout the precinct.
- Hills Hub, Emerald: Display board with opportunity for community to leave comments on sticky notes.

The gender split for responses was a 49% male and 51% female. There was a good distribution from the 4 age groups with biggest contributors being 55+ (29%). Emerald residents were the main contributors at 58%, other Hills residents (28%) which indicates that feedback was received from those who have an interest in the precinct.

The following targeted consultation also took place:

- On site/online meetings: Victoria Police (Crime Prevention Through Environmental Design (CPTED) feedback), Heritage Victoria (Nobelius Heritage Park)
- Presentations to committees and community groups: Emerald Lake Precinct Advisory Committee, Cardinia Access and Inclusion Advisory Committee and the Emerald Village Association.
- Local schools: Workshop with Emerald Primary School Grades 4-6 (341 students), Emerald Secondary College – lunchtime drop-in session for all years and newsletter information for families.
- Meeting with Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation to discuss how they would like to add value to the Masterplan and future collaborative projects.

Overall, the feedback for the draft Masterplan was very positive and well received by the community. (Refer to Attachment 2 – ELP Draft Masterplan Community Consultation Summary Report).

The Creating Cardinia page received 3,074 views and 428 contributions from 333 contributors. The high number of views indicate good public awareness of the campaign and high interest in the project. The online survey asked specific questions about each of the five zones, playspace concept and whole of precinct actions. However, as shown in Table 1 below, questions asking for their precinct priorities received the most responses.

**Table 1 – Number of responses received for each zone**

	Online	Other	Total
Lake Nobelius Zone	7	3	10
Lake Treganowan Zone	16	3	19
Cafe Zone	11	3	14
Nobelius Heritage Zone	9	6	15
Playspace (incl water play)	18	3	21
Western Forest Zone	11	1	12
Whole of Precinct actions	31	3	34
Precinct Priorities	325	2	327

### Top 5 priorities

Respondents were asked to select their top 5 priorities from a list of 15 actions and to then rate them in order of importance. This is to understand community priorities for consideration in project implementation.

309 people participated and the most selected in the top 5 (in order) were:

- Playspace and water play
- New waterside cafe near the Paddleboats
- More picnic shelters in Emerald Lake Park
- A barbecue and more picnic facilities in Nobelius Heritage Park
- All abilities loop path with sealed surface around Lake Treganowan

The playspace attracted the most interest during community consultation. 227 (79%) respondents included this in their top 5 priorities on what matters most to them. It rated the highest priority for the precinct with 140 people putting it as the number one priority and 34 as number two. The playground was well supported and recognised that it catered well for a range of ages and designed well using the slope and trees to advantage. The water play feedback was a little more mixed.

Of the 227 responses, feedback was as follows:

- 31 (13.6%) of people who answered that question, made a comment to keep or upgrade the pool. However, the remaining 86.4% of people who selected this option as a priority, accepted the proposal to remove the pool.
- 2 people said they preferred the proposed water play
- 8 people requested waterslides to be brought back

### **Carparking fees**

14 people provided feedback that paying carparking fees to use their local park was unfair and that it is a barrier for locals to visit Emerald Lake Park, particularly for families who would like to have regular, free access to the play facilities. The submissions from the Emerald Village Association and Puffing Billy Railway also advocated for free carparking. Cardinia residents can purchase an annual parking pass for \$10.

This feedback has been considered in the preparation of Council's 2023/24 Fees and Charges which will be considered as part of the annual budget due to be adopted in June 2023.

### **Community engagement next steps**

There will be further engagement opportunities with the community and relevant committees and community groups throughout the next stage of the project.

### **Financial and Resource Implications**

The indicative cost of the draft Masterplan presented to Council prior to community consultation was \$13.9 million. Recognising increasing costs, fiscal pressures, and the community's prioritised actions, the total cost has been reduced to \$12.13 million.

The current cost estimate to implement Stage 1 high priority works, is approximately \$5.3M. Once the detailed design of Stage 1 has been finalised, funding to implement the design will be sought from other levels of government.

The next step subject to Council's endorsement will be to commence the detailed design phase for Stage 1 which will help to confirm costs and support future funding advocacy and grant applications.

### **Conclusion**

Community consultation for the draft Emerald Lake Precinct Masterplan was detailed and targeted a wide range of community groups, stakeholders and residents. Overall, it was well received and supported by the community.

The infrastructure at Emerald Lake Precinct is ageing and requires an endorsed Masterplan to guide the future renewal and upgrade of assets improving accessibility, safety, usability, and overall amenity of this significant open space. The estimated cost to deliver the Masterplan is \$12.13 million. A staged approach has been adopted with Stage 1 seeing the delivery of high



priority actions as determined by the community and to ensure ageing infrastructure is upgraded in a logical manner and in consideration of the impact to the community.

Stage 1 will see the implementation of priority actions identified in the Cafe zone, Lake Treganowan zone, and Nobelius Heritage Park zone.

Subject to endorsement of the Emerald Lake Precinct Masterplan, the project will move into detailed design for Stage 1. Through this process more detailed cost estimates for each of the key elements will be developed. This information will then inform the preparation of future council budgets and external funding applications. As a tourist attraction and regional park, Emerald Lake Precinct is an excellent candidate for grant funding from various streams.

An endorsed Masterplan will ensure that the aging infrastructure at Emerald Lake Precinct is proactively replaced to a modern, regional park standard, in a logical order, that supports the community's identified priorities for this precinct.

## **Resolution**

Moved Cr Brett Owen, seconded Cr Graeme Moore.

That Council

- Notes the program of community engagement undertaken, feedback received, and subsequent changes made to the Emerald Lake Precinct Masterplan.
- Endorses the final Emerald Lake Precinct Masterplan.
- Provides the final Masterplan to the community on its website and thanks the community for its feedback.
- Notes the detailed design of Stage 1 of the Masterplan is proposed to commence in the 23/24 financial year, subject to Council endorsement in June 2023 of its annual budget.

Carried unanimously

## 6.3 Policy Reports

### 6.3.1 Complaints Policy Review - Draft document for adoption

#### Resolution

Moved Cr Jack Kowarzik, seconded Cr Collin Ross.

That Council endorses the amended Complaints Policy, as attached

Carried unanimously

## 6.4 Financial Reports

### 6.4.1 Variation of contract 21-032 Environmental Health Shared Service

**Responsible GM:** Owen Hardidge  
**Author:** {author-name-do-not-remove}

#### Recommendation(s)

That Council note the contents of this report and approve the variation to the contract 21-032 for Environmental Health Services to increase the Year 3 contract price to be \$1,441,504 (excl GST).

#### Attachments

Nil

#### Background

In Dec 2021, Council resolved to award the tender and enter a shared service contract with Bass Coast Shire Council and Casey City Council (member councils), to use a common provider of Kernow Environmental Services Pty Ltd (Kernow) for the above-mentioned Contract. This was established through a previous collaborative procurement tender process in June 2021 where Kernow was selected as the preferred tenderer.

The total Contract is for an initial period of 3 years with an option to extended 2 + 2 years. The current Contract expiry date is 30 June 2024.

The contract has not been previously varied.

On the 16 January 2023, Kernow wrote to member councils requesting a contract variation with issues concerning the adoption of a shared IT system. On the 17 February 2023 member

councils meet with Kernow representatives who highlighted many unforeseen financial challenges that were not known at the time of providing their original tender price:

- High inflation impacting consumables,
- Significant wage growth levels,
- Major fleet and insurance increases,
- Unprecedented Environmental Health Professional workforce shortages

Further, Council staff and Kernow representatives recognise that the “shared service” model is a novel arrangement in Victoria, and that there was an inherent level of uncertainty in Councils offering, and contractors replying to, the tender.

Following negotiations between member councils and Kernow representatives, where the justification for the variation was interrogated, Kernow have agreed with the member council’s proposal to vary the **total** contract price for the 2023/24 period (i.e. year 3) of \$210,929 (GST exclusive) with this cost to be shared **across the shared service contract**. This variation will make the year 3 prices the same as Year 2. The year 3 price (i.e., the discounted price) will be deferred until such time an IT solution is in place.

As such, the variation impacting Cardinia Shire Council is proposed to increase the contract price by **\$83,147** (excl GST), bringing the total annual price to \$1,441,504.

Pending Council approval, this variation has been anticipated in the proposed 23/24FY budget.

**Table 1: Contract Variation History**

A. Original Contract Value (23/24 FY)	\$1,358,357 (excl GST)
B. Value of Variation/s to Date (if any)	\$0
C. Value of any Extension/s to Date (if any)	\$0
D. Value of this Proposed Variation	\$83,147
E. Proposed Revised Total Contract Value	\$1,441,504

### Policy Implications

This variation does not impact any previously adopted policies.

### 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

The initial tender included consideration of environmentally sensitive practices, but otherwise there is limited impact on Climate Emergency considerations.

### **Consultation/Communication**

In keeping with the Shared Service approach, the request for contract variation was addressed to all member Councils to consider, and negotiations were undertaken together. The recommendation (to increase the contract cost) is consistent with Shared Service Councils, who have also supported increases to their 3<sup>rd</sup> year contract term.

### **Financial and Resource Implications**

The increase to the contract cost will be \$83,147 for a total annual price of \$1,441,504. This increase has been anticipated in the proposed 23/24FY operational budget, subject to Council approval.

### **Conclusion**

Due to a range of factors impacting contract costs, the 3<sup>rd</sup> year price of the contract is recommended to be increased. The proposed increase represents a negotiated figure following detailed analysis of the variation proposal, and is relatively modest (because the cost increase is spread across all member Councils).

It is therefore recommended that the contract variation be approved.

### **Resolution**

Moved Cr Jack Kowarzik, seconded Cr Carol Ryan.

That Council note the contents of this report and approve the variation to the contract 21-032 for Environmental Health Services to increase the Year 3 contract price to be \$1,441,504 (excl GST).

Carried unanimously

## 6.4.2 23-016 - Koo Wee Rup Bowling Club Modular Build Construction

**Responsible GM:** Owen Hardidge  
**Author:** Christine Loizou

### Recommendation(s)

1. Note that the tender process for the traditional construction of the Koo Wee Rup Bowls Club 22-059 has been abandoned due to the higher than expected tender prices.
2. In exercise of the power conferred by s 11 (1) of the Local Government Act 2020, Council delegates to the Chief Executive Officer the authority to seek tenders for a Modular construction of the Koo Wee Rup Bowls Club and to enter a contract arising from such tender up to a maximum value of \$4,600,000 (excluding GST).
3. If the Chief Executive Officer exercises the delegation in accordance with Resolution 2, the Chief Executive Officer is requested to report Council on the outcome of the tender and subsequent contract entered at the earliest available opportunity after it is entered.

### Attachments

Nil

### Executive Summary

Council Officers have sought tenders for the traditional construction of the Koo Wee Rup Bowls project on two occasions with both attempts abandoned, due to higher than expected tender prices, which is a result of the ongoing pressures within the construction industry.

With consideration to the current position of the construction industry, several Councils are turning towards modular construction, as a viable and attractive alternative for the construction of community facilities.

Modular construction presents a significant cost saving, whilst providing quality outcomes and minimal disruption to user groups and the community through reduced project delivery timeframes.

Council Officers will initiate an open tender process seeking tender responses from modular construction companies.

It should be noted that external funding for this project, Building Better Regions Funding of \$1.647M, is at risk, as there is a set deadline for construction completion of December 2023.

To mitigate this risk, this report seeks approval from Council for the CEO delegation to be increased on a one-time basis, to seek a tender and award a contract for a Koo Wee Rup Bowling Club modular construction up to a maximum value of \$4,600,000 excluding GST.

### Background

The existing Koo Wee Rup Bowling Club building is to be replaced to provide improved functionality, accessibility and long-term viability of the facility. The current facility does not meet Council's facility standards. The new building provides the following functionality:

- Change rooms

- Accessible toilets
- Lounge areas
- A kitchen
- Bar servery
- Bistro
- Community rooms with breakout areas and kitchenette
- New carpark facilities
- Covered walkway

The initial public tender process for the engagement of a suitably qualified commercial builder opened for submissions in May 2022 and closed on 21 June 2022. Two conforming Tender submissions were received.

The second public tender process was combined with two other projects namely Garfield Netball Pavilion and Pakenham Regional Tennis Centre Extension. This tender process opened for submissions on 27 October 2022 and closed on 14 February 2023. Five conforming Tender submissions were received.

In both instances the tender submissions were evaluated, and the Tender Evaluation Panel concluded to abandon the tender process for the Koo Wee Rup Bowls Construction due to higher than expected tender prices, which is a result of the ongoing pressures within the construction industry.

### **Policy Implications**

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

Cardinia Shire Council Sport Facility Standards  
Cardinia Shire Council's Draft Recreation Strategy  
Cardinia Shire Council's Building Maintenance Policy  
Cardinia Shire Council's Project Management Framework  
Cardinia Shire Council Liveability Plan  
Cardinia Shire Council Active Cardinia Strategy

### **Relevance to Council Plan**

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

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

#### **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 internal Council requirements.

Consideration and implementation have been made to the following items:

- Energy and Carbon emissions components: locate hot water appliances close together and near the hot water system.
- A central recirculating system is specified, no gas appliances are utilised in this project.
- HVAC components: VRV based system has been specified, to provide the ability to use more outside air.
- Indoor Environment components: good levels of natural light to most of the occupied area.
- 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 all phases of the planning and design processes for this project.

Members of the Koo Wee Rup Bowling club attended a recent visit to Grove Pty Ltd a modular construction company located in Pakenham. The purpose of this visit was to demonstrate the standard of construction being achieved in the modular industry. The members in attendance were receptive to the use of modular construction for their needs.

### **Financial and Resource Implications**

External project funding has been secured through the Growing Suburbs Fund of \$1.647M and the Building Better Regions fund of \$1.647M. The Building Better Regions Funding agreement stipulates construction must be finalised by 31 December 2023. Council has been advised that extensions of time for this funding will not be granted due to the cessation of the fund through changes in Government.

To retain the Building Better Regions Funding grant for this project, Council Officers will seek tender submissions from the modular construction market, with the view to deliver the full scope of works as detailed and agreed with the user groups. This Tender process is expected to close during June 2023.

### **Conclusion**

The Building Better Regions Funding grant for this project requires Council to deliver the KWR Bowls facility by December 2023, or Council not receive the Federal funding of \$1.647million.

Noting that there is a tight timeframe for the delivery of this project of around 7 months, in order to continue to retain the Building Better Regions Funding, it is recommended that Council delegate to the Chief Executive Officer the authority to seek tenders for a Modular construction of the Koo Wee Rup Bowls Club and to accept a contract for this construction up to a maximum value of \$4,600,000 (excluding GST).

### **Resolution**

Moved Cr Kaye Cameron, seconded Cr Carol Ryan.

1. Note that the tender process for the traditional construction of the Koo Wee Rup Bowls Club 22-059 has been abandoned due to the higher than expected tender prices.
2. In exercise of the power conferred by s 11 (1) of the Local Government Act 2020, Council delegates to the Chief Executive Officer the authority to seek tenders for a Modular

construction of the Koo Wee Rup Bowls Club and to enter a contract arising from such tender up to a maximum value of \$4,600,000 (excluding GST).

3. If the Chief Executive Officer exercises the delegation in accordance with Resolution 2, the Chief Executive Officer is requested to report Council on the outcome of the tender and subsequent contract entered at the earliest available opportunity after it is entered.

Carried unanimously



## 6.4.3 Cleaning and Internal Waste Contract Extension

**Responsible GM:** Owen Hardidge  
**Author:** Walter Carmignani

### Recommendation(s)

That Council approves the proposed Contract option term extension from the period of 17 July 2023 to 22 December 2023, for the Cleaning and Internal Waste Contract 18-03 with Pickwick Group.

### Attachments

Nil

### Executive Summary

The Cleaning and Internal Waste Contract 18-03 is proposed to be extended from 17 July 2023 to 22 December 2023, to allow for review of the existing contractual documentation, and to re-tendering the Service in the market.

### Background

In July 2018, Council entered into a 3 year with 2 x 1 year options extension terms with Pickwick Group for the Cleaning and Internal Waste Services Contract across Council's facilities and related assets, such as barbecues and public toilets. The original approval by Council only considered the initial three year contract with annual 1% CPI increases.

The COVID impact partially changed cleaning activities, emphasising the implementation of a vigorous touch-point cleaning strategy. There are also additional existing assets requiring cleaning under the Contract, due to changes in management responsibility, and as such a full review of all charges, costs and scopes will need to be undertaken, prior to re-tendering of this Service.

### Policy Implications

Not applicable.

### Relevance to Council Plan

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

1.1.4 Facilitate a partnership approach to create safer communities.

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

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

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

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

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

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

3.1.4 Plan and advocate for better water cycle planning and management to reduce environmental impacts.

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

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

**5.1 We practise responsible leadership**

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

**Climate Emergency Consideration**

The Cleaning and Internal Waste Contract has been developed to consider Council's climate change strategies, through the purchasing of environmentally sustainable products and in ensuring that impacts to community and Council are mitigated.

**Consultation/Communication**

Our clients continually provide feedback on the performance and quality delivery of services, and Client Surveys are conducted to further understand how well or otherwise client expectations are being met. This includes feedback regarding key performance measures, as part of the management requirements of the Contract.

Feedback to date indicates that although some improvements on service delivery have taken place, customers are not altogether satisfied with the cleaner's performance.

**Financial and Resource Implications**

The Council's annual Operating budgets allocated for the relevant commitments appear to be sufficient in maintaining services to requirements.

Note that the impact of COVID19 during the relevant period, meant that additional cleaning and a different approach was required, in mitigating risks to community and staff. Further, there has been new additional facilities coming online, together with some existing facilities, due to changes in management responsibility.

Contract expenditure experienced to date and projected is:

- **2022/23FY** - \$980,807.52 (Note this figure includes a number of variations to a total of \$180,000 (approximately) allowing new additional facilities (Bridgewood Children's Centre) plus future addition of facilities throughout financial year (Timbertop Children's Centre and Cardinia Youth Facilities).
- **1 July 2023 to 22 December 2023** – (A number of building construction projects should still be in delivery phase during this period, with consideration provided to carry over of negative market conditions, e.g., increased wages costs, cash rate and inflation rate). Note this figure is an estimate and is projected to be \$557,500.

**Conclusion**

We are preparing contractual documentation to go back to market in late 2023 for the Cleaning & Internal Waste service for Council and our community.

The projected timeframe will also require a transition period, with the new Contract beginning post 22 December 2023.

**Resolution**

Moved Cr Collin Ross, seconded Cr Jack Kowarzik.

That Council approves the proposed Contract option term extension from the period of 17 July 2023 to 22 December 2023, for the Cleaning and Internal Waste Contract 18-03 with Pickwick Group.

Carried unanimously

## 6.4.4 Contract Award End User Computer Equipment Lease

**Responsible GM:** Debbie Tyson  
**Author:** Fran Miller

### Recommendation(s)

That the pricing submitted by HP PPS Australia Pty Ltd for a three year period for the lease of 481 end use computers for a cost of \$1,010,214 be accepted for CT23-014 End User Computer Equipment Lease.

### Attachments

1. Laptop Lease CT23 014 Confidential attachment [6.4.4.1 - 2 pages]

### Executive Summary

Council supply laptops to staff in the delivery of council services. Council wishes to utilise the Victorian State Government End User Computer Equipment Lease panel, contracting with supplier HP PPS Australia Pty Ltd for the supply and leasing finance to cover laptop hardware requirements.

### Background

Council currently leases laptops for staff to use in the course of delivering council services. The current lease agreement expires on 30 September 2023, and a refresh of the laptop fleet is required. Council staff have identified that utilisation of the State Government contract, End User Computer Equipment Lease panel provides the most advantageous result for council's requirements.

Staff have sourced the most appropriate hardware for operational use, together with the available budget. HP PPS Australia Pty Ltd have been selected as the best fit for council considering product, service, reliability, and value for money, for the next three years.

### Policy Implications

Procurement Policy

### 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.

5.1.3 Strive to be a customer focused organisation and be a great place to work.

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

### **Financial and Resource Implications**

All Information Technology costs are appropriately budgeted during each year's operational budget process. The funds required for the activation of this lease agreement is within current budget allocations.

### **Conclusion**

It is recommended that HP PPS Australia Pty Ltd are approved to provide a lease for 481 items over the course of three years.

### **Resolution**

Moved Cr Kaye Cameron, seconded Cr Graeme Moore.

That the pricing submitted by HP PPS Australia Pty Ltd for a three year period for the lease of 481 end use computers for a cost of \$1,010,214 be accepted for CT23-014 End User Computer Equipment Lease.

Carried unanimously

## 6.4.5 Quarterly Financial Report

**Responsible GM:** Debbie Tyson

**Author:** Scott Moore

### Recommendation(s)

That Council:

- Receives and notes the quarterly financial report for the period 1 July 2022 to 31 March 2023.
- Notes that the Chief Executive Officer, as required under Section 97(3) of the *Local Government Act 2020*, is of the opinion a revised budget is not required.

### Attachments

1. Financial Performance Report - Mar 2023 [6.4.5.1 - 10 pages]
2. Capital Works Report - Mar 2023 [6.4.5.2 - 12 pages]
3. Income Statement and Balance Sheet Glossary [6.4.5.3 - 3 pages]

### Executive Summary

This report summarises Council's financial performance for the nine months ended 31 March 2023.

### Background

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

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

### 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 meet monthly with Business Unit Managers to discuss year-to-date progress against the Operating and Capital Works budgets. Outcomes of these discussions provide input to the completion of the monthly Financial Performance and Capital Works reports for further review with the relevant General Managers. These reports are subsequently presented monthly to the Senior Leadership Team and quarterly to the Audit and Risk Committee and Council.

## Financial and Resource Implications

The analysis undertaken as part of the Financial Performance and Capital Works reports is based on the differences between the 2022-23 budget adopted in June 2022 and actual results year-to-date as at 31 March 2023.

**Year-to-date adjusted underlying deficit \$8.1m** is \$2.4m unfavourable to the year-to-date budgeted deficit of \$5.6m. The adjusted underlying result excludes capital income and other abnormals, but includes recurrent capital grants. The unadjusted result year-to-date to March is a surplus of \$69.8m, which is \$6.9m favourable to the year-to-date budgeted surplus of \$62.9m.

**Year-to-date total income \$181.7m** is \$11.6m higher than budget. Contributing to this result are material favourable variances mainly in the following:

- Development levies (non-monetary) received that were unbudgeted \$4.2m; and
- Capital grants \$21.5m
  - received earlier than expected for Sealing the Hills \$21.0m, and
  - received that were not budgeted, including Upper Beaconsfield Recreation Reserve \$3.3m, less
  - the delay in receipt of budgeted Garfield North Cannibal Creek Reserve Hub grant of \$1.3m.

These favourable income variances have been partly offset by

- Capital contributions (non-monetary) received from developers that were \$8.3m lower than expected by March, although the value and timing of these contributions are uncertain and extremely difficult to project.
- Development levies (monetary) received for Public Open Space contributions that were \$4.9m less than expected by March. The unfavourable variance is due to lower than expected Developer levy of \$2.3m and Public Open Space contributions of \$1.2m.

This levy is hard to predict as the developers make payments when they are ready to commence development.

**Year-to-date total expenditure \$112.0m** is \$4.7m higher than budget. Contributing to this result are material expenditure over budget, mainly in the following:

- Materials and services \$6.0m, including materials and services costs \$2.4m and contract service payments \$1.5m (including library \$715k, green waste bin \$671k and garbage collection \$395k), minor equipment \$793k, external labour \$549k, donations/grants \$414k and legals \$317k.
- Employee benefits \$427k due to additional positions approved out of budget.

These have been offset by lower than budgeted expenses in:

- Borrowing costs \$504k due to budgeted loans not yet drawn for capital works projects Connect Cardinia, Comely Banks and Cora Lynn Pavilion; and
- Other expenses \$354k, including Infrastructure Services' garbage collection other costs \$78k, Regulatory Services' animal control costs \$65k, IT hardware leases \$43k and financial audit fees \$51k.

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

**Year-end forecast adjusted underlying deficit \$6.0m** projected at the end of March is \$2.2m less than the adopted budget adjusted underlying deficit of \$8.2m. The unadjusted surplus is forecast to be \$10.1m less than the adopted budget, with income forecast to be \$14.7m lower and expenditure to be \$4.6m lower.

**Year-end forecast total income \$219.9m** is \$14.7m less than the full year adopted budget of \$234.6m. Contributing to this result is the net impact of the following:

- Capital contributions (non-monetary) less than budget by \$1.9m;
- User fees less than budget by \$913k;
- Statutory fees and fines income less than budget by \$228k;
- Development levies (monetary) more than budget by \$3.4m; and
- Capital grants less than budget by \$13.8m.

**Year-end forecast total expenditure \$149.2m** is \$4.6m less than the full year adopted budget of \$153.8m. Contributing to this result is the net impact of the following:

- Materials & services less than budget by \$5.8m mainly due to decreases in
  - Operations materials and services \$3.0m,
  - Operations contract payments \$229k,
  - Operations training \$202k, and
  - Planning and Design legal and professional fees \$624k.
- Employee benefits more than budget by \$1.7m primarily due to the addition of a net 39 staff FTE to resource major infrastructure projects, Statutory Planning, Future and Connected Communities, People & Culture, Community & Family Services, and Operations activities amounting to approximately \$2.6m.
- Partially offsetting this increase are approximately \$900k savings from existing position employment status changes, year-to-date vacancies and recruitment delays.



**Year-to-date total cash and investments balance \$163.0m** is \$30.6m higher than at 30 June 2022 (Council cash excluding investments \$7.7m higher and DCP cash \$13.4m higher) and \$19.4m more than year-to-date budget. This is mainly due to the net of impact of the following:

- Higher than anticipated cash holdings at 1 July 2022 \$25.9m due to financial assistance grants received in advance in 2021-22, higher than expected capital grants received in 2021-22, higher than expected capital carry-overs to 2022-23 and lower than expected materials and services cash outflows to 30 June 2022;
- Favourable timing of receipts for rates \$2.0m, other receipts \$5.9m, Contributions \$6.6m, GST receipts \$8.8m and lower than budgeted capital works payments to date \$41.7m; and
- Unfavourable timing of receipts for capital grants \$170k, operating grants \$7.6mm and higher than budgeted materials and services cash outflows \$19.2m.

An actual net cash surplus at 31 March of \$74.1m is after external restrictions on cash of \$88.9m.

**Year-end forecast total cash and investments balance \$147.9m** is \$63.2m more than the full year budget of \$84.7m. This is mainly due to the net impact of \$19.7 lower forecast opening cash balance at the start of the year, higher forecast of net cash from operating activities of \$6.1m, \$34.6m lower forecast payments for property, plant and equipment and \$43.5m forecast other financial assets.

**Year-to-date total reserves \$984m** include public open space and various infrastructure reserves of \$71.9m. Within these are DCP and CIL reserves of \$51.8m, against which future commitments estimated at 31 March are approximately \$95.9m to foreshadow a material funding shortfall of approximately \$44.1m. This, together with a DCP cash & equivalents shortfall of \$48.5m, indicates a potential need for material Council subsidisation of DCP capital works projects in the medium to long term. Such subsidisation is not possible through rate revenue and Council will need to consider other funding alternatives, including debt borrowing, government grants and new operating revenue streams.

**Year-to-date total capital works project expenditure (including operating initiatives) \$34.6m** is \$1.8m lower than at the same time last year and \$26.2m lower than the year-to-date budget. The forecast capital works expenditure for 2022-23 of \$68.2m is \$41.8m less than full year budget \$110.0m (adjusted for actual carry-overs from 2021-22).

Council has committed \$100.4m in capital works expenditure, which is approximately 91.2% of the full year budget as at 31 March 2023, with 31.4% actually spent. Key projects to which Council has committed funds include: Intersection upgrades, roads resealing, Sealing the Hills program, IYU Recreation Reserve Athletics Facility, Integrated Children's Facilities and Cardinia Youth Facility Expansion.

Further details are included in the attached Financial Performance Report and Capital Works Report.

## Conclusion

It is appropriate that Council receives and notes the quarterly financial report for the period 1 July 2022 to 31 March 2023 and notes that the Chief Executive Officer, as required under Section 97(3) of the *Local Government Act 2020*, is of the opinion a revised budget is not required.

## Resolution

Moved Cr Jack Kowarzik, seconded Cr Collin Ross.

That Council:

- Receives and notes the quarterly financial report for the period 1 July 2022 to 31 March 2023.
- Notes that the Chief Executive Officer, as required under Section 97(3) of the *Local Government Act 2020*, is of the opinion a revised budget is not required.

Carried unanimously

## 6.5 Activity Reports

### 6.5.1 Environment Council Plan Initiatives Quarterly Report

**Responsible GM:** Peter Benazic  
**Authors:** Desiree Lovell, Jacqui Kelly and Lisa Kuriata

#### Recommendation(s)

That this report be noted

#### Attachments

1. Environment Council Plan initiatives quarterly report - April 2023 [6.5.1.1 - 6 pages]

#### Executive Summary

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

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

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

#### **Initiatives**

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

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

## Background

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

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

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

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

## Project update

Projects and updates are included in the attached report

## Resolution

Moved Cr Brett Owen, seconded Cr Jack Kowarzik.

That this report be noted

Carried unanimously

## **6.5.2 Performance and Growth Reports - Q3 2022-23**

### **Resolution**

Moved Cr Jack Kowarzik, seconded Cr Kaye Cameron.

The Performance and Growth Reports for Quarter 3 2022-23 be received and noted.

Carried unanimously.

## 6.5.3 Major Projects Report

**Responsible GM:** Peter Benazic

**Author:** David Fice, Walter Carmignani, Kristen Jackson

### Recommendation(s)

That Council note this report

### Attachments

1. Major projects report Council meeting 15 May 2023 [6.5.3.1 - 20 pages]

### Executive Summary

As part of the reporting process to Council, this monthly report provides an update of the status of major projects in progress.

### Background

Projects and updates are included in the attached report

### Conclusion

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

### Resolution

Moved Cr Brett Owen, seconded Cr Jack Kowarzik.

That Council note this report

Carried unanimously

## 8 Reports By Delegates

Cr Ryan advised that she had attended

- the Pakenham U3A Sewing Group and Men's History Group
- Social and affordable housing network meeting
- Pakenham CBD and railway precinct safety network meeting
- Pakenham revitalisation site inspection

Cr Cameron advised that she had attended

- Lang Lang RSL Dawn Service
- Lang Lang Township meeting regarding a permanent Police presence in the town

Cr Ross advised that he had attended

- a Citizenship Ceremony at the Cardinia Cultural centre
- Pakenham revitalisation and LXP site inspection
- Koo Wee Rup Anzac Day Dawn Service
- Community Safety Policy meeting
- Social and affordable housing network meeting

Cr Moore advised that he had attended

- Four Anzac Day services at Nar Nar Goon, Tynong, Garfield and Bunyip
- Yakkerboo Festival
- Vegetable growers forum at Catani

Cr Owen advised of his attendance at

- Anzac Day services at Beaconsfield, Officer and Upper Beaconsfield
- 'Fire Storm' exhibition regarding the Ash Wednesday fires at the Cardinia Cultural Centre and congratulated Ian Pinney from Upper Beaconsfield on the exhibition
- Gazette Art exhibition hosted by the Cardinia Art Society
- Heritage Festival held at the Pakenham Hall
- Toomuc Fire Brigade Awards Ceremony

Cr Owen also commented on the current fund raising exercise efforts to raise additional funds for the Community Rooms project at the Officer Recreation Reserve and the May Red Shield Appeal where he had been appointed as an Ambassador

Cr Kowarzik reported on his attendance at the

- Toomuc Fire Brigade Awards dinner
- Walk through of Main Street and LXP works
- Anzac day Ceremony at Dandenong
- Fight MND fundraising walk around Lakeside Lake
- Financial Wellbeing and resilience team meeting

Cr Kowarzik also advised that to celebrate National Volunteers week that the Mayor's Volunteer Reception was being held on Thursday at the Cardinia Cultural Centre

## 9 Presentation Of Petitions

Nil

## 10 Notices Of Motion

### Notice of Motion 1077- Cr Cameron

I hereby give notice that I intend to move a motion at the Ordinary Meeting on 15th May 2023, which reads as follows:

#### WESTERNPORT BAY STRATEGIC FRAMEWORK

1. That Council supports the Strategic Framework for the future of Western Port Bay, as a formal document advocating for the restoration and protection of the marine environment and surrounding catchment of Western Port, to establish an ecologically sustainable and thriving economy for the future.
2. That Council writes to the Minister for Environment and the Minister for Climate Action, Energy and Resources to request:
  - a) recognition for Western Port, its bay and surrounding catchment areas – including the Biosphere Reserve and Ramsar wetlands – as an important environmental, social and economic region; and a public commitment to protect it for those who reside, work and visit.
  - b) delivery of a Strategic Plan and a dedicated fund for Western Port, that restores and protects the marine life environment, and continues to provide for a sustainable, thriving economy for the future.
  - c) that the Department of Energy, Environment and Climate Action (DEECA) establish a new collaborative management partnership with Traditional Owners, Melbourne Water and other key stakeholders (including community and other Bay users), under the Marine and Coastal Act 2018 and the State Environment Protection Policy (Waters) 2018, to protect and manage the bay's environmental values.

### Reasoning behind the motion

This Notice of Motion is a result of my role as a delegate on the Westernport Biosphere Foundation, together with all member councils – inclusive of Casey, Mornington Peninsular, Cardinia and Bass Coast who adjoin this incredibly significant environment and who are supportive in a united approach for the protection of Westernport Bay. This Notice of Motion seeks to encourage the Victorian State Government to commence with a Strategic Framework to protect this Internationally recognized waterway. Westernport Bay is recognized by the United Nations as a Biosphere Reserve and the International Ramsar Convention for wetland conservation. It is imperative that all local governments adjoining it are provided with an overarching plan that provides the vision and direction for community and government ensuring management is conducted in a way that protects it for future generations.

### Resolution

Moved Cr Kaye Cameron , seconded Cr Collin Ross.

1. That Council supports the Strategic Framework for the future of Western Port Bay, as a formal document advocating for the restoration and protection of the marine environment and surrounding catchment of Western Port, to establish an ecologically sustainable and thriving economy for the future.
2. That Council writes to the Minister for Environment and the Minister for Climate Action, Energy and Resources to request:
  - a) recognition for Western Port, its bay and surrounding catchment areas – including the Biosphere Reserve and Ramsar wetlands – as an important environmental, social and economic region; and a public commitment to protect it for those who reside, work and visit.



- b) delivery of a Strategic Plan and a dedicated fund for Western Port, that restores and protects the marine life environment, and continues to provide for a sustainable, thriving economy for the future.
- c) that the Department of Energy, Environment and Climate Action (DEECA) establish a new collaborative management partnership with Traditional Owners, Melbourne Water and other key stakeholders (including community and other Bay users), under the Marine and Coastal Act 2018 and the State Environment Protection Policy (Waters) 2018, to protect and manage the bay's environmental values.

Carried unanimously

## 11 Community Questions

The Mayor advised that Council had received 2 questions from Rosa Santo.

The questions were referred to the Acting General Manager Governance Facilities and Economy to read and answer, as follows.

Questions received from Rosa Santo

### **Question 1 'An issue with Council live online meeting coverage'**

Since changes to Council cameras for online meetings to the public. There is a delay in receiving live coverage, there is a lot of static during the coverage, community not able to see how Councillors are voting for or against the motion? As cameras showing Councillors hands raised in the voting.

Council is always stating that you are transparent, this isn't being transparent in the eyes of the community if we are not able to see each Councillors hand raised during decision time.

### **Answer by Acting General Manager Governance Facilities and Economy**

Since September 2022, Council has used Microsoft Teams Live as a solution to provide a live stream of the Council meetings. This solution uses cameras that are permanently in the Council chamber, and was chosen in preference to the more expensive "multi-camera and operator" solution that was previously used by Council during COVID.

Council officers are satisfied that the streaming of the meetings complies with the Local Government Act, and all applicable governance rules - however, we welcome any feedback from the community about the streaming service.

Council IT staff have not previously been advised of technical issues with the live feed, and if users report interruptions to the stream (such as static etc) and we can troubleshoot such issues.

Regarding the camera angles, we will review the operation of the cameras (including the automation of movement and views) , however the cameras have technical limitations and any alternative broadcast options would be implemented at significant cost.

### **Question 2 'Pakenham Outdoor Pool Mural Artwork'**

Is the Artwork on the fence completed?

Who made the final selection of the Artist?

What was the total cost of the completed work?

### **Answer by Acting General Manager Governance Facilities and Economy**

In 2021, funding was made available to deliver a public art project, with the intention of disguising the pool plant area behind the fence at the Pakenham Outdoor Pool.

An initial expression of interest for artists was open in late 2021, although issues relating to the structural integrity of the fence resulted in immediate works, and the need to vary the scope of the project.

A revised expression of interest concluded in September 2022, with four applications received.

The selected artist submission was chosen by Council officers representing the Arts, Parks Planning and Building and Facilities teams.

Community engagement consisted of a day at the Pakenham Outdoor Pool, engagement through social media and various targeted groups – seeking memories associated with public outdoor swimming pools to incorporate into the artwork.

The artist took the community feedback onboard and developed a concept design to be printed on mesh and adhered to the fence as per the project brief.

The artwork is complete, and Council is currently considering minor landscaping to compliment the artwork.

The total cost of the completed work was \$16,500 (including GST), with \$5,000 spent on fence repair works.

## 12 Urgent Business

Nil

## 13 Councillor Questions

Nil

## 14 Confidential Business

### **Amendment to Minutes**

Council resolved at Council Meeting 14 April 2025 to approve the recording of item **14.1 Chief Executive Officer Contract - Listed in the open agenda as "Personnel Matter"** as an accurate record.

Item **Chief Executive Officer Contract - Listed in the open agenda as "Personnel Matter"** was designated as confidential on the grounds that it relates to Local Government Act 2020, section 3(1)(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

## 15 Meeting Closure

Meeting closed at 8.33PM