

Ordinary Council Meeting

Minutes

Monday 16 September 2024

Commenced at 7:00 PM

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

Members: Cr Jack Kowarzik Mayor
Cr Graeme Moore Deputy Mayor
Cr Carol Ryan
Cr Kaye Cameron
Cr Stephanie Davies
Cr Jeff Springfield
Cr Brett Owen

Officers: Carol Jeffs Chief Executive Officer
Peter Benazic General Manager Infrastructure and Environment
Micheal Casey Acting General Manager Liveable Communities
Dana Harding Acting General Manager Governance, Facilities and Economy
Allison Southwell Chief Financial Officer
Peter Harris Manager Governance, Safety & Property

Meeting opened at 7.00pm.

Order of Business

1	Opening And Reflection	5
2	Traditional Owners Acknowledgement	5
3	Apologies.....	5
4	Adoption And Confirmation Of Minutes	5
5	Declaration Of Interests.....	5
6	Community Questions.....	6
7	Ordinary Business	6
7.1	Town Planning Reports.....	6
7.2	General Reports.....	13
7.2.1	Notice Of Motion 1095 - Vaughn Court Christmas Lights Display	13
7.2.2	Public Art Independent Assessment Panel	16
7.2.3	Audit & Risk Committee Biannual Report.....	23
7.3	Policy Reports	28
7.4	Financial Reports.....	28
7.4.1	Draft Annual Financial Report And Performance Statement For The Year Ended 30 June 2024	28
7.5	Activity Reports	32
7.5.1	Major Projects Report	32
8	Reports By Councillors.....	33
9	Presentation Of Petitions.....	33
10	Notices Of Motion	34
10.1	Notice Of Motion #1106 - Cr Davies.....	34
10.2	Notice Of Motion #1107 - Cr Davies.....	35
11	Urgent Business	36

12 Councillor Questions.....	36
13 Mayoral Minute	40
14 Confidential Business.....	41

1 Opening and Reflection

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

2 Traditional Owners Acknowledgement

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 Tammy Radford and Cr Colin Ross.

4 Adoption and Confirmation Of Minutes

Moved Cr Graeme Moore, seconded Cr Jeff Springfield

That minutes of the following meetings be confirmed:

- General Council meeting 19 August 2024
- Town Planning Committee meeting 2 September 2024

For:Cr Brett Owen, Cr Carol Ryan, Cr Graeme Moore, Cr Jack Kowarzik, Cr Jeff Springfield, Cr Kaye Cameron and Cr Stephanie Davies

Against:Nil

Carried

5 Declaration of Interests

Nil

6 Community Questions

Question from Isabella Ronald

The cost of delivering legal services to the shire in 2023, was identified as being \$1.068 million dollars, is this the entire amount of legal fees payable, and exactly how many legal firms were engaged, showing the company name and what was each legal firm's share of that amount?

Council records its legal expenses in financial years with \$1.068m in 22/23 and \$1.024m in 23/24. Given the range of services provided by Council, the expenses are for a wide range of advice including planning, property, governance, regulatory and compliance, freedom of information, waste management, contracts and procurement, court fees and other matters.

There were 41 different suppliers listed during the two financial years and all engagements are in accordance with Council's Procurement Policy.

Questions from Jillian Ronald

1. *For the year ended 30 June 2023, the decorative light pole fund was reduced by \$173,000 so how was this money spent and which companies were used?*

The money was predominantly paid to UAG services who provide replacement decorative lighting materials to AusNet services on behalf of Council. Some funds were also used to address lighting issues in other areas such as council owned parks and carparks for community benefit, through the use of Campeyn Group, DCL Electrics and Wallgates Electrical.

2. *The 2022 year saw \$256,000 removed from the Decorative Light Pole Fund, how was this money allocated and for what reason and to which companies?*

The money in the 2021/22 year was predominantly paid to UAG services who provide replacement decorative lighting materials to AusNet services on behalf of Council. Some funds were also used to address lighting issues in other areas such as council owned parks and carparks for community benefit, through the use of Campeyn Group, and solar lighting contractor Leadsun. Additionally, public lighting consultant Ironbark Sustainability were engaged to audit street lighting as part of planning street lighting upgrades which had a focus on decorative street lighting.

3. *The reserves description – in the report – Decorative Light Poles, states; existing subdivisions where decorative light poles are already installed are to be offered the option to install the same decorative light poles in the future stages, so what steps has Council taken to advance this concept, on which estates and with which developers, and why was this approach not taken with existing decorative light poles, such as those in the Heritage Springs Estate, so the beautiful Collins Street- street lights could be retained?*

This statement refers to the ability of developers to continue to use the same non-standard lighting throughout an estate when it is being established, if approval has been provided in an initial stage. This has been commonly used by developers and is why similar lights are installed throughout estates. This is not relevant for the management of existing assets, such as the lights in the Heritage Springs estate, as it relates to the choice of lighting being installed in new estate.

Questions from Leigh Bourke

1. *In 2021/2022 Council removed \$256,000 from the Decorative Light Pole fund, which was used for the contractor costs related to replacement of decorative poles/lanterns, which the company/companies were involved, and which estates specifically has decorative lights/poles replaced?*

The money in the 2021/22 year was paid to UAG services who provide replacement decorative lighting materials to AusNet services on behalf of Council. Some funds were also used to address lighting issues in other areas such as council owned parks and carparks for community benefit, through the use of Campeyn Group, and solar lighting contractor Leadsun. Additionally, public lighting consultant Ironbark Sustainability were engaged to audit street lighting as part of planning street lighting upgrades which had a focus on decorative street lighting.

Council records indicate estates where the money was spent for decorative lighting materials include Lakeside and Grandview Pakenham.

2. *Since the engagement of the Ironbark sustainability, in relation to the Led upgrade of Council streetlights, how much have they been paid?*

Council records indicate Ironbark Sustainability have been paid approximately \$111,000 in relation to the mercury vapour street lighting replacement program since 2021-22 – including a field audit of approximately 2000 lights.

3. *Council identified funding sources in April 2022 to fund the lighting upgrade estimated at \$2.5 million dollars, other than the actual physical replacement contractors, can Council provide a list of engaged consultants and how much they have, or are expected to be paid?*

In addition to Ironbark Sustainability, Council incurred legal fees of approximately \$5,000.

4. *How much funds have been removed from the decorative light pole fund during the current 2023-2024 financial year, and who was it paid to, and for exactly what service was being supplied to Council?*

Council records indicate approximately \$36,000 was used from decorative poles reserve account during the 2023/24 financial year. It was used for various lighting maintenance activities such as reviewing and addressing lighting issues in Cook Springs and Eastone reserves, addressing lighting issues at Toomah community centre carpark and addressing lighting issues in other parks and reserves. Those engaged include Campeyn Group, Ironbark Sustainability, Enhar and DCL electrics.

5. *Have the very specific Decorative Light Pole Fund reserves been used for any other purposes, other than for decorative light poles and decorative lamps?*

Council records indicate the decorative light pole fund reserves have also been used for the maintenance of other lighting such as council owned carpark and park lighting to benefit the community and community safety.

Questions from Trevor James

1. *Council states AusNet owns all the decorative street light poles in the shire, why is the provision of decorative lights and poles to AusNet the responsibility of Cardinia Shire Council?*

AusNet's responsibility in relation to these assets is to provide functional light, not a decorative looking lights and poles. If the decorative look is desired, Council must provide replacement materials due to AusNet requirements.

2. *Council records indicate approximately 100 decorative light poles have been replaced in the shire over the last 10 years, how many have been replaced in the last 12 months, the location of each replacement., and the reason for the replacement?*

Council records indicate that in 2023/24 no decorative light poles were replaced with decorative poles, Council does not have a record of non-standard poles being replaced with standard poles by AusNet if this occurred.

3. *What is the total number of decorative lights and or poles that have been replaced in the heritage Springs residential estate over the last 20 years?*

Due to the time period requested, this information is not readily accessible and therefore we are unable to answer the question with certainty. Council will respond directly to the community member to provide available information.

4. *Is the council aware, that lining the Main Street in Healesville there are over 70 of the same Collins Street design – street lights as Heritage Springs Estate, none of which will be replaced or crushed for recycling?*

Council is aware of a diversity of lighting types, plans and maintenance arrangements being in place across Victoria.

Questions from Henk Heeremans

1. *Why did the Heritage Springs light installers not have the Cardinia Shire Council FAQ Sheet that was developed by Council's Project Management Consultant as a resource that the installers have on hand to distribute to community members who enquire about the inappropriate work?*

Council will review this matter with the contractor.

2. *Why did Council's Project Management also advise Council that it is best to try and be as inclusive as possible around consultation and the Mayor's joint statement 3rd September states – Council is committed to ensuring good governance and transparency in all that we do including our community engagement activities?*

Council's actions have been in accordance with its Community Engagement policy.

3. *I have read the Council's Public Transparency Policy, which is scheduled for review on 17/08/24. Has it been reviewed and if not, why not, and when is it expected to be reviewed?*

The public transparency policy will be reviewed within 12 months of the Council Election.

4. *Why did Council recently change the Governance Rules, specifically in relation to community question time, dictating questions not to have commentary or preamble and that no questions will be responded to by the elected Councillors only Officers?*

The changes reflect council meeting efficiency and good governance. Council undertook community engagement on the revised governance rules and considered all submissions before adopting the revised rules.

Questions from Bill Ronald

Cardinia Shire Council issued an infringement notice to Sharlin Pty Ltd, Fail to Comply with the planning scheme from 28th January 2020 to 28th April 2020. What was the dollar value of this fine?

On 18 September 2020 Council issued an infringement for \$1652.00.

Cardinia Shire Council listed this case number M10348339 in the Dandenong Magistrates Court for a Hearing on 18 February 2021, the case was resolved on 23 July 2024, by Magistrate Gregory Connellan, what was the Verdict?

In the first proceeding, the accused company was convicted and fined \$20,000 and ordered to pay Council costs. The accused company, commenced a second proceeding, (a “rehearing”) on 4 May 2021. This second proceeding was finalised on 23 July 2024 and the accused company were found not guilty.

The Case over the last 5 years has involved many Council Officers, such as, but not limited to, Hardidge, Alford, Benazic, Dredge and Tyson, can Council estimate the total number of hours and cost in dollar terms?

Council cannot isolate staff time in this investigation or proceeding. Council has an obligation to investigate and prosecute suspected breaches of the Planning Scheme.

The case number M1034339 was listed for hearing 21 times in the Dandenong Magistrates Court over the last 5 years. What was the total cost so far of engaging Sherwell, Harrison, Munro Lawyers?

External lawyers Sherwell Harrison Munro lawyers were engaged for a portion of this proceeding. Total legal fees incurred by Council are estimated to be approximately \$45,000, including professional fees and costs.

Cardinia Shire Council requested two adjournments and were ordered to pay costs 12 October 2022 and 1 November 2023 what were the costs for each adjournment?

Combined cost awarded against Council on 12 October 2024 and 1 November 2023 total \$6,300.00

Cardinia Shire Council Resolved to appoint a Melbourne Barrister to present the case, what was the full cost of engaging Samuel P Bird?

Order of the court finalises the question of costs totalling \$45,000 inclusive of the two orders referred to above.

The Hearing listed to decide the costs payable by the Shire Cardinia on the 21 August 2024 saw the Councils Lawyer make an offer of costs to Sharlin Pty Ltd, what was this offer in Dollar Terms? And has a final offer of costs been accepted by Sharlin Pty Ltd?

The costs associated with briefing Counsel is included in the legal costs provided above.

Can Cardinia Shire Council confirm the total cost to the Ratepayers of the Shire in taking this legal action against Sharlin Pty Ltd, will Exceed \$150,000?

Total costs in this matter will not exceed \$150,000.

And Lastly, Can Council advise Exactly when, with Dates and Times, this 5 year legal action was reported to the Councillors for their information?

The Audit and Risk Committee were advised of the matter on 13 September 2024

Questions from Rosa Santo

1. *How much training do staff receive before they man the phones in customer service department for residents inquiries? And at the Civic Centre front desk inquiries especially when it comes to Rates inquiries. I was put through to three different staff members on the phone which none of them could answer my inquiry to do with rates.*

Customer Support Staff receive 4 weeks of training prior to taking calls unsupported, and additional training before working on the customer counter. This training provides them with resources and knowledge to answer basic questions on all the services Council offer. Where a customer has a more specific or complex question regarding any of our services, including Rates, the Customer is transferred to the relevant team.

2. *Why is the front desk at the Civic Centre only attended by staff on certain days of the week and why I can't make an appointment to speak to a staff member any day of the week with my inquiries? As I was informed by staff to just turn up on a Wednesday and I will have to wait to be attended too. Residents deserve better than this.*

The front desk is attended by a Customer Support staff member Monday – Friday 9:00am – 4:30pm. Making appointments to see Customer Support is not necessary. For more complex or detailed enquiries, making appointments with specific departments is generally not required as there are staff members available to answer enquiries at the front counter during our operating hours.

3. *Why are some Cardinia Shire Wards, during election nominations multiplied in numbers stacked up to Six, Seven or more at one time, and some only have one or none running at all? What happens if there are no candidates running in a Ward?*

The Candidate nomination and election is run by the Victorian Electoral Commission. Candidates themselves choose the specific Ward in which they wish to nominate and run in. Each candidate provides a contact email for queries. If there is a Ward with no candidates, the VEC will hold a by-election specifically for that Ward.

Questions from Allison Haddock

When Cardinia Shire Council, on the 17th of June 2024, resolved item number 9, amendments to governance rules, to read: "3.52.2 The community question submitted should

not contain any commentary on the matter or any preamble to the question," did Cardinia Shire realise this restriction is in breach of the Charter of Human Rights and Responsibilities Act 2006 and the Equal Opportunity Act 2010, especially for those with English as their second language?

Did Cardinia Shire Council obtain legal advice regarding Section 15 of the Act, Freedom of Expression, before applying the changes to the governance rules? If so, which law firm was used, what was the precise and specific advice, and on what date was the advice requested?

The officer's response, attachment 6.3.1.1, suggests that if officers feel the preamble—which is now deemed unnecessary and should not be submitted with the question—is reasonable for the question, it will be read. Does Council stand by this anomaly, giving council officers the right to not read parts of residents' questions?

Is Council aware of the specific wording in the Act: "The Charter of Human Rights and Responsibilities protects our right to have our own opinion, and to seek, receive, and express information"?

Does Council accept that the new limitation placed on community questions—no preamble or commentary—is unreasonable, unnecessary, unjustified, and disproportionate?

Do the sitting councillors realise that freedom of expression includes not only freedom of speech but also freedom of artistic expression and the freedom to communicate generally, and that freedom of expression is a fundamental human right?

The Governance Rules allow for questions to be asked by the community and they were reviewed in line with all relevant legislation. The Governance Rules will be reviewed following the council election.

The Mayor advised that Council was aware of two questions from Cheryl Billing-Smith and Chantelle McLachlan that were not received by Council Officers to answer at this meeting. These will however be answered and published in the minutes.

Questions from Cheryl Billing-Smith

Can the council advise what plans they have to ensure the swimming pools at Koo Wee Rup, Garfield and Pakenham are ready for the summer season? Will there be extra opening times? I note that a lot of the problems last year were related to the fact that the opening hours were not regular, and they were also not as clean as they should have been. I also note that on days over 30 degrees the pool was closed, contrary to advertising, and when people tried to go to the indoor pool they were turned away due to the indoor pool being at capacity.

Council is committed to ensuring that all our swimming facilities are ready and in optimal condition for the summer season. In preparation for the season:

- The pools are undergoing maintenance and painting works and will be well presented for the coming season. Maintenance and cleaning routines have been reviewed to ensure that the pools continue to be safe for all users.
- The pools will, and have always opened, as advertised. The temperature trigger has been reviewed and decreased which will enable the pools to be open more often, noting this is still weather dependant. The facilities will be open with a BOM temperature trigger of 25 °C taken from a centralised location point 4pm the day prior within the advertised hours.
- To prevent overcrowding at Cardinia Life, there have been occasions where staff have had to turn away residents because the pool is at capacity. This is to ensure a safe facility for all and to comply with Life Saving Victoria staff to patron ratios.

We look forward to a great summer and are dedicated to providing a great experience for all pool users.

I participated in the recent Pakenham Pool Study in relation to a Sensory Quiet Time at our pools and I wish to know what council has done about that study?

Based on feedback and findings from the study, the council has taken significant steps to accommodate the needs of our community:

- **Sensory Quiet Time Implementation:** a regular sensory quiet hour is intended to be introduced at one of the pools as a trial this summer. Details are being finalised with NDIS staff and it will be advertised soon. This dedicated time will provide a calm and quiet environment for individuals who benefit from reduced sensory stimulation. A review of the trial will be undertaken at seasons end.
- **Community Feedback:** we continue to value and incorporate community feedback in our planning and operations. Community input has been instrumental in shaping these changes, and we encourage ongoing dialogue to further enhance our services. Surveys will be conducted throughout the season, and we encourage you to continue participating.

What is happening about the naming of the Pakenham East suburb? I participated in the voting for the name of the new suburb and I would like to know what the total number of votes were and how the names fared? When will there be an announcement?

The naming of the Pakenham East Suburb was adopted by Council at its meeting on 15 July 2024 to be Honora. There were a total of 1,840 votes received with Honora receiving the most 1st preferred votes being 636. More information on the voting process and results can be found in the Council report on Council's website.

I am extremely concerned about the issues surrounding the proposed renewal of the Main Street. I had also participated in that survey and as there have been several starts and stops in relation to the proposal I see this situation as being so unprofessional and upsetting for the long suffering traders. Where are we at with this?

Council remains committed to working closely with the community to deliver all 12 stages of the Pakenham Revitalisation project over the next decade and is still looking forward to delivering these vital upgrades on Main Street to reimagine Pakenham as a place for all people.

Our decision to review this project is a proactive measure to manage risks effectively and be prudent with ratepayers' money and government investment. This decision comes after careful consideration of the budget through the tender process and importantly potential impact on traders, customers, and the community, given the concurrent major road and infrastructure works.

We are now completing a review to ensure that upgrades can continue to be delivered in future, within budget and in a way that minimises disruptions to the community and local business. Further information about the project will be provided as soon as it is available in the coming months.

I have been speaking with Cr Moore and he has said he is not standing again at the forthcoming election, are there other councillors who are not standing? If so who are they?

If a councillor states they are not standing again at this election what is the protocol for voting on actions and decisions that will affect and influence the incoming council and of course the

residents and ratepayers. I ask this as I note Cr Moore voted for the proposal of another child care centre in Hope Street Bunyip when many of the local residents were against the proposal, arguing traffic congestion as just one of the residents concerns.

If Cr Moore is not going forward into the next council term, as he has publicly stated, is it appropriate that he be able to make such significant decisions which are contrary to the wishes of the community. A community he had said he would support and represent.

Current elected Councillors remain Councillors until 12pm on 26 October 2024. They continue to perform their role as Councillors until this time. All Councillors that are intending to run for re-election in this year's election are confirmed by the VEC who conduct the elections for all local governments.

Questions from Chantelle McLachlan

Regarding the Pakenham East suburb renaming, 66 voters wrote in the comments that they did not like any of the name options. According to GNV's Naming Rules, at minimum a voting poll must contain "the opportunity to object" along with other minimum requirements.

1. *Did the online voting form allow voters to object or express their dissatisfaction with the naming options or were they forced to select a name?*

People were able to choose No preference if they did not like any of the names.

2. *Were these 66 voters specifically advised at any point during or after casting their vote that they could lodge an objection to the naming proposal?*

Advice on how to register a complaint was outlined with links on the Creating Cardinia page.

3. *If not, why not? And if they were advised, how many of these ultimately went on to lodge an objection?*

Personal details were not collected from people who left comments, therefore, we were unable to respond directly to each comment.

7 Ordinary Business

7.1 Town Planning Reports

7.1.1 Proposed Bunyip North Quarry Environmental Effects Statement

Responsible GM: Michael Casey
Author: Teresa Hazendonk

Recommendation(s)

That Council delegate to the Chief Executive Officer authority to make a submission to the proposed Bunyip North Quarry Environmental Effects Statement if it is placed on exhibition during the Council caretaker and election period 2024.

Executive Summary

In 2010 Hanson Constructions Material Pty LTD (the proponent) advised Council of their intention to seek a planning permit to use and develop five land titles in Bunyip North comprising of 280 hectares for the purposes of an extractive industry (quarry). Due to the proposal's potential to have significant environmental, social and economic impacts on the surrounding area, Council wrote to the Minister for Planning requesting that an Environment Effects Statement (EES) be required for the proposal.

In 2015, the Minister for Planning advised that an EES would be required and specified the procedures and requirements for the EES. In early 2017 a Technical Reference Group (TRG) was formed, including Council. The Minister for Planning released the Scoping Requirements for the proposal later that year.

As part of the Technical Reference Group Council officers have provided feedback to numerous drafts of various technical reports to assist in ensuring the final EES documents will be of an adequate standard for formal exhibition and assessment, to enable the Minister for Planning to make a final decision.

The Department of Transport and Planning have recently advised Council that the proponent has commenced lodging their final EES documents for the purpose of an 'adequacy test', and consequently formal exhibition could commence over the coming months.

The purpose of this report is to seek Council approval for the Chief Executive Officer to make a submission if the EES is placed on public exhibition during the Council election caretaker period.

Background

History of this proposal

In 2010, Hanson Constructions Materials Pty Ltd (the proponent) advised of their intention to seek a planning permit for an extractive industry (quarry). Before a planning permit application could be lodged, a Works Authority had to first be endorsed by the [then] State Department of Primary Industries (DPI). The proponent needed to consult with Council and other authorities and held a preliminary onsite meeting on 6 May 2010. If a planning permit were issued, the

Works Authority would be reconsidered in light of any permit conditions and an approved Works Authority would then be issued.

In June 2010, Council wrote to the Minister for Planning requesting that an Environment Effects Statement (EES) be required for this proposal under the provisions of the *Environment Effects Act 1978*.

In November 2015, the Minister for Planning decided that an EES would be required and provided reasons for the decision and stated that the EES Scoping Requirements would subsequently be issued. The Minister stated that a Technical Reference Group must be formed (including representatives from Council) to provide guidance and assistance during the scoping and preparation of the EES (see Attachment 1).

In May 2017, the Technical Reference Group meetings began to assist the Minister in determining the Scoping Requirements. In September 2017, the Minister for Planning released the final EES Scoping Requirements (see Attachment 2).

Since the release of the Scoping Requirements, Council officers have attended numerous Technical Reference Group meetings and presentations to receive information. Various technical reports have been provided by the proponent to the Technical Reference Group for analysis and comment over this time.

The proponent has commenced lodging parts of their final EES with the Department of Transport and Planning (DTP) for the purpose of an Adequacy Test. DTP have commenced assessment and formal exhibition of the EES could commence by the end of September 2024.

Site and surrounds

The site is located within a valley which runs between Garfield North Road and Tonimbuk Road. A watercourse (No Name Creek) passes through the valley. The site is hilly and is occupied by a single dwelling on the northern side. Parts of the site are covered by extensive areas of native vegetation. The site includes the Tonimbuk Equestrian Centre that was purchased by the proponent.

The properties forming the proposed quarry site are demonstrated in Table 1:

Address	Title description	Land area	Current land use
195 Tonimbuk Road, Bunyip North	Lot 3 PS520625	64.04 ha	Equestrian Centre
240 Sanders Road, Bunyip North	Lots 1 PS531586	4.1 ha	Livestock grazing
310 Sanders Road, Bunyip North	Lot 2 PS531586 & Lot 8 LP116228	93.27 ha 50.26 ha	Dwelling and livestock grazing
5 Wallaby Court, Bunyip North	Lot 1 TP251325	8.09 ha	Livestock grazing

Table 1 – Sites in Quarry Site

Land to the north and east and south are occupied by farming properties some of which graze livestock and others which are occupied by equestrian facilities.

Land to the west is occupied by rural lots which are extensively covered by dense vegetation with many containing dwellings. Also to the west is the densely vegetated Mount Cannibal Conservation Reserve.

Summary of the proposal

The proposal is for a granite quarry with an ultimate footprint of 134 hectares on a site of 280 hectares, to extract 70-100 million tonnes of granite over a period of 75-120 years completed over four proposed stages. The proposal includes:

- A quarry processing plant (crushers and workshop), stockpiles of granite product and overburden, water sediment pond and a landscaping buffer.
- The quarry is likely to extend to a maximum depth of 140 metres below the current land surface.
- A new road is proposed to be built on-site, connecting the proposed processing plant southwards to Tonimbuk Road. It will also require an upgrade to Tonimbuk Road and Princes Highway.

Full details of the proposal and supporting assessments will be made available for review during the EES exhibition.

Community concern

The proposed quarry has become a highly emotive issue for residents living near the proposed quarry site and the 'Friends of Mount Cannibal Flora and Fauna Reserve'.

The proposal has been reported in the local paper several times. Local residents have mobilised to form a group to actively oppose the quarry and have created a website.

Discussion

It is anticipated that DTP officers will soon complete the EES adequacy test, and shortly thereafter, it is expected that the Minister for Planning will require formal exhibition of the EES for a minimum of 30 business days to be undertaken. There is a risk the EES could be placed on public exhibition during the Council election caretaker period. Due to the limited exhibition timeframe, Council's reporting timeframes and the upcoming restriction on Council reports being considered during the Council election caretaker period, there will not be sufficient time for officers to present a written submission to Council for endorsement. To meet the EES submission timeframe, it is recommended that officers prepare a written submission and have it signed by the CEO before lodging it with the Minister for Planning within the exhibition timeframe.

When the formal exhibition of the EES has been completed, it is expected that the Minister for Planning will appoint an Intendant Advisory Committee (IAC) to consider all submissions that were received during exhibition. It is expected that the IAC will conduct a Panel Hearing where all submitters can request to be heard and elaborate on their written submission.

It is anticipated that officers will have sufficient time to present to Council the detailed written submissions that will be prepared for the Panel Hearing before it commences. To properly represent Council's position at the IAC Panel Hearing, Council may need to engage a legal representative with expertise in Environmental Effects and Planning. Council may also need to consider engaging technical experts (consultants) in targeted matters.

Policy Implications

Policy and legislation that are relevant to this proposal include, but is not limited to, the following:

Environment Effects Act 1978 (EE Act)

The EE Act provides for environmental impact assessment of proposed project works capable of having a significant effect on the environment. Under the EE Act, the Minister can determine an Environment Effects Statement (EES) is required. In Victoria, an assessment does not

confer approval of a project, rather it informs decision makers when considering project approvals.

An EES usually has:

- a description of the proposed development.
- an outline of public and stakeholder consultation undertaken during investigations and the issues raised.
- a description of the existing environment that may be affected.
- predictions of significant environmental effects of the proposal and relevant alternatives.
- proposed measures to avoid, minimise or manage adverse environmental effects.
- a proposed program for monitoring and managing environmental effects during project implementation.

The purpose of the EES is to provide a sufficiently detailed description of the proposal, assess its potential effects on the environment and assess relevant alternative designs and approaches to mitigation. The EES process also informs, and seeks feedback from, the public and stakeholders, prior to the Minister for Planning issuing an assessment of the project under the EE Act. The Minister's assessment will then inform statutory decision-makers responsible for the project's approvals.

The Department of Transport and Planning coordinates the EES process as closely as practicable with relevant approvals procedures, consultation and public notice requirements. The EES identifies relevant legislation, policies, guidelines and standards, and assesses the specific requirements for the proposal, particularly in relation to required approvals, including (but not limited to):

Commonwealth Legislation

- Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

State Legislation

- Aboriginal Heritage Act 2006
- Catchment and Land Protection Act 1994
- Environment Protection Act 1970 including the principles of environment protection and relevant State Environment Protection Policies (SEPPs), the Protocol for Environmental Management – Mining and extractive industries (PEM) and other relevant policies and guidelines
- Flora and Fauna Guarantee Act 1988
- Heritage Act 1995
- Mineral Resources (Sustainable Development) Act 1990 (MRSD Act)
- Planning and Environment Act 1987, and relevant provisions in the Cardinia Planning Scheme
- Public Health and Wellbeing Act 2008
- Road Management Act 2004
- Water Act 1989
- Wildlife Act 1975.

Accreditation of the EES process under the EPBC Act

The project was also referred to the Australian Government under the Commonwealth legislation EPBC Act. The delegate for the Commonwealth Minister determined on 23 November 2015 that the project is a 'controlled action' as it is likely to have a significant impact on the following matters of national environmental significance (MNES), which are protected under Part 3 of the EPBC Act:

- threatened species and ecological communities (s18 and s18A); and
- listed migratory species (section 20 and 20A).

The Commonwealth Minister or delegate will decide whether the project is approved, refused or approved with conditions under the EPBC Act, after having considered the Minister for Planning's assessment under the EE Act.

Cardinia Planning Scheme

A summarised list of the relevant provisions of the Cardinia Planning Scheme are contained in Attachment 3. These must all be addressed in detail by the proponent in the relevant EES chapter.

A key planning scheme provision to note is Clause 21.04-6.

Clause 21.04-6 of the Cardinia Planning Scheme relates to extractive industry. The objective of this is *"To recognise and protect significant sand and stone resources in the municipality and to allow the extraction of these resources if it can be demonstrated that the extraction operation will not adversely impact on the environment or community"*.

The proposed quarry site falls within a State government Extractive Industry Interest Area (EIIA). While Clause 21.04-6 acknowledges EIAs, it also acknowledges that EIAs overlap with areas of high environmental and landscape values. An EIIA does not grant an automatic right to extract resources, and in areas where there is an overlap with high environmental and landscape values, a comprehensive evaluation process such as an EES is undertaken to assess the economic value of the stone resource, the environmental impact and the impact on the community prior to any decision being made on whether to allow the establishment of a quarry.

The establishment of an extractive industry in this locality could have significant impacts on the environmental aspects of this area such as, visual impacts, flora and fauna including bio links, surface water quality and flows, air quality, noise and vibration, cultural heritage and drainage and waterways. It should be noted that the Bunyip State Park is located a few kilometres north of the site, and the Mount Cannibal reserve is located a kilometre to the west of the site, these areas contain significant flora and fauna, and surrounding areas provide important biolinks to these areas.

In addition, the proposal could have impacts on land uses on adjoining properties, including economic impacts, impacts on road networks, traffic impact, and amenity and lifestyle of residents on adjoining properties. Land located to the north of the Princes Highway provide significant views across to Westernport Bay and is a reason the area is of significant value to tourism in the region. The potential destruction of this landscape, or alterations to, or impacts on view lines could significantly impact on the area. Further, in relation to economic impacts, there are businesses including equestrian facilities and tourism attractions and accommodation near the site. The assessment should consider impacts on such facilities, many which attract business from across Australia and internationally and contribute to the economic viability of the region.

Financial and Resource Implications

The 2024-2025 budget for Planning and Design includes an allocation for the proposed EES, specifically the cost of:

- analysis of the technical reports during exhibition, and,
- legal representation and expert evidence at the IAC Panel Hearing.

The preparation of a submission to the exhibition of the EES can occur within the allocated operational budget for 2024-25. Council officers are developing a brief to request quotes from lawyers and technical experts (consultants) to confirm budget implications for the subsequent IAC Panel Hearing process.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

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

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

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

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

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

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

Climate Emergency Consideration

The natural environment, and managing the adverse impacts of climate change, is regarded as an underlying determinant of healthy and liveable neighbourhoods. All liveability domains are impacted by the adverse effects of climate change, which often exacerbates underlying community vulnerability. Climate change has been identified as the greatest threat to public health of the 21st century and both mitigation and adaptation-focused activities can create conditions to reduce the negative impacts of climate change. Council staff will review the proposed quarry EES when placed on formal public exhibition to determine it responds appropriately to the Climate Change Act 2017.

Climate change is anticipated to further alter our natural environment, impacting the persistence of native vegetation across the landscape. The protection and enhancement of native vegetation is critical to tackling the impacts of climate change.

Consultation/Communication

In recent years DTP and the proponent have provided updates to the community.

The timing and form of the DTP formal exhibition commencement is unknown at this stage, although Council officers understand it could be within two months and will likely be on public exhibition for a minimum of 30 days.

Council officers are concerned the exhibition of the EES could occur during the Council election caretaker period and before a new Council is sworn in.

Conclusion

Council delegation to the CEO is sought to enable a submission to the proposed Bunyip North Quarry Environmental Effects Statement if it is placed on exhibition during the Council caretaker and election period 2024. This authority is important given the sensitive nature of this proposal to the community, the limited exhibition period that will be afforded to Council to make a formal submission and Council's own reporting timeline constraints.

Officers will present the CEO approved submission to the new Council for noting.

When officers are preparing for the Inquiry and Advisory Committee Panel Hearing, the detailed written submission will be presented to Council for endorsement.

Attachments

1. Minister for Planning Reasons for an Environment Effects Statement [7.1.1.1 - 5 pages]

2. Minister for Planning Scoping Requirements for an Environment Effects Statement [7.1.1.2 - 27 pages]
3. Summarised list of Relevant Cardinia Planning Scheme Policy [7.1.1.3 - 1 page]

Resolution

Moved Cr Graeme Moore, seconded Cr Jeff Springfield.

That Council delegate to the Chief Executive Officer authority to make a submission to the proposed Bunyip North Quarry Environmental Effects Statement if it is placed on exhibition during the Council caretaker and election period 2024.

For: Cr Brett Owen, Cr Graeme Moore, Cr Jack Kowarzik, Cr Jeff Springfield and Cr Kaye Cameron

Against: Nil

Carried

7.2 General Reports

7.2.1 Notice of Motion 1095 - Vaughn Court Christmas Lights display

Responsible GM: Debbie Tyson
Author: Debbie Tyson

Recommendation(s)

That Council note this report in response to the Notice of Motion number 1095.

Executive Summary

This report is in response to Councillor Davies Notice of Motion #1095 that Council Officers will prepare and table a report for Council at the September 2024 Council Meeting, regarding the 'Vaughn Court Christmas Lights display'.

Councillor Davies acknowledged that the Vaughan Court Christmas Light show is a much loved, and now huge community attraction, and a report is needed to ensure Council has oversight of the risk management practices Council Officers, in collaboration with the Victoria Police provide, to protect the safety of our community as they enjoy this event.

Background

In the past few years, some Councils have stopped Christmas light displays, classifying them as events. This classification necessitates that residents assume responsibility for public liability insurance and traffic management expenses, which can be substantial. Such was the case with Casey City Council's and Banyule City Council's decisions.

However, the position within Cardinia differs. Here, Christmas light displays are not deemed organised events nor are they considered under Council's jurisdiction; thus, they are not categorised as events.

Council's definition of an event encompasses any gathering on public land within the municipality, or on private property that requires legal approval. Consequently, the community-led Christmas light displays, which are a collective effort by residents, do not fall under Council management.

Cardinia Shire Council's Event Permit Policy defines an event as:

- All events and festivals held in Cardinia Shire on Council managed spaces

The policy also states that:

- Events on non-Council-managed land may still necessitate additional permits and approvals from the Council or other governmental bodies.

In 2023, Council received three complaints via the Customer Response Management System (CRMS) concerning the Christmas light displays at Vaughn Court and Stanton Court in Pakenham. These included one from the community and two raised by a Councillor. No issues were reported in 2021 and 2022 through this system, although this does not account for any telephone inquiries made directly to Council as the number of phone enquiries are not captured.

During site visits in the festive season of 2023, Council's Senior Traffic Engineer visited the area around the Christmas light display at night. Despite the high volume of traffic and pedestrians in the surrounding streets, particularly Vaughn Court and Stanton Court, no significant safety concerns were detected, with residents and visitors appearing to coexist cordially. Additionally, Compliance Officers made visits and reported few incidents. Council officers have not noted any traffic management measures, such as road closures, either in recent times or in the past.

Nevertheless, it is acknowledged by Council that the Christmas light display has had an impact on some residents. Issues such as increased traffic, parking congestion, elevated noise levels, large crowds, anti-social behaviour, and a rise in litter have been brought to Council's attention. The well-being of all community members remains a priority, and a balance is being sought to ensure that the festive spirit does not compromise the quality of life in the neighbourhood.

To assist in balancing these needs, in anticipation of the festive season of 2024, a letter drop will be initiated in early November 2024. This communication will remind property owners to ensure that their Christmas decorations, such as lights and displays, are sited in a manner that is clear for pedestrian movement.

Furthermore, Council is planning to provide additional waste collection services to Council owned bins during this period. Enforcement actions will be considered if any food or beverage vendors operate on Council land.

Council also reaffirms its commitment to work in partnership with Victoria Police. We will request regular patrols to oversee the area and maintain a visible presence, which will help deter any unwelcome activities. This ongoing collaboration underscores our dedication to ensuring a safe and enjoyable Christmas season for everyone.

In summary, Council is committed to supporting residents and addressing their concerns, balancing this with precautionary measures for community members wishing to celebrate festivities on their property. To this end, Council will

- Write to the residents in the location reminding them to keep areas clear for pedestrian movement.
- Increase waste collection services for Council bins in the area.
- Conduct random patrols to ensure food and drink vendors are not located on Council land and required to vacate if they are.
- Engage with Victoria Police to advocate for regular patrols in the area, thus ensuring a consistent and noticeable presence.

Policy Implications

Event Permit Policy – adopted 10/08/2022

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.

5.1 We practise responsible leadership

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

Climate Emergency Consideration

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

Consultation/Communication

Council will distribute letters to residents and property owners in the local area, advising them to position their Christmas decorations, including lights and displays, in a way that does not obstruct pedestrian pathways. This initiative ensures that festive decorations enhance the holiday spirit while maintaining clear and safe passage for all pedestrians.

Financial and Resource Implications

This report does not present any large financial consequences. Officers will be present during the event, ad hoc and afterhours, to monitor the activities taking place.

Conclusion

It is requested that this report is noted as a formal response to Notice of Motion #1095, and the outlined activities proposed are noted.

Attachments

Nil

Alternate Recommendation

Moved Cr Stephanie Davies, seconded Cr Brett Owen

That Council returns this report.

For: Cr Stephanie Davies

Against: Cr Brett Owen, Cr Carol Ryan, Cr Graeme Moore, Cr Jack Kowarzik, Cr Jeff Springfield and Cr Kaye Cameron

Lost

Resolution

Moved Cr Jeff Springfield, seconded Cr Graeme Moore.

That Council note this report in response to the Notice of Motion number 1095.

For: Cr Brett Owen, Cr Carol Ryan, Cr Graeme Moore, Cr Jack Kowarzik, Cr Jeff Springfield and Cr Kaye Cameron

Against: Cr Stephanie Davies

Carried

7.2.2 Public Art Independent Assessment Panel

Responsible GM: Debbie Tyson
Author: Dana Harding

Recommendation(s)

That Council:

1. Notes the community engagement outcomes for the Lang Lang Public Artwork initiative as shown in Attachment 2, indicating a strong preference for the creation of a mural artwork (40%), followed by a sculpture (30%).
2. Notes the successful acquisition of the Tiny Towns grant, which has resulted in a \$50,000 allocation towards the Lang Lang Public Artwork initiative, requiring an equivalent contribution from Council, establishing a minimum project budget of \$100,000.
3. Supports the allocation of \$100,000 for the creation of a new sculpture that celebrates the proud history of the Lang Lang rodeo and up to \$40,000 be allocated for the development of a mural, both in Lang Lang.
4. Endorses the establishment of a Public Arts Independent Assessment Panel and the Draft Terms of Reference as detailed in Attachment 3, effective until the reappointment of the Arts and Culture Reference Group in the forthcoming Council term.
5. Notes the proposed members of the Independent Assessment Panel as outlined in Attachment 1.
6. Notes both the Lang Lang Public Artwork and Thewlis Road Integrated Child and Family Centre public art project will be assessed by the proposed Independent Assessment Panel.

Executive Summary

The establishment of an Independent Assessment Panel (IAP) is a strategic move to guarantee the advancement of two key public arts projects, which are required to be delivered by June 2025. This initiative is particularly crucial during the Council's caretaker period and the upcoming election cycle, ensuring that these significant cultural contributions are delivered on schedule and with the due diligence they deserve.

The IAP's role is to offer decisive leadership and strategic direction for the Lang Lang Public Art Project and the Thewlis Road Integrated Child and Family Centre Public Art Project, providing unbiased oversight and expert guidance, and facilitating the seamless progression of these initiatives despite the transitional political climate.

This panel will serve as an interim authority until the establishment of the Arts and Culture Reference Group, which will include elected Council representatives. The IAP's guidance is crucial to maintain the integrity and continuity of these cultural projects, ensuring that artistic merit remains the sole criterion for decision-making.

Background

Council Election and Caretaker Period

The cyclical nature of council elections introduces a dynamic aspect to the governance of public art, necessitating a review and update to our approach towards artwork program delivery. As we enter the election cycle, it becomes imperative to reassess our methodologies

to ensure they align with the evolving priorities and expectations of the community and the newly elected council. Additionally, it is imperative to maintain the progress of the two public art initiatives, ensuring their completion adheres to the established schedules.

To ensure the continued delivery of the art projects, the introduction of a Public Art Independent Assessment Panel is being proposed, which aims to streamline the approval process and enhance the objectivity and transparency of program delivery until a new Art and Culture Reference Group can be established with the new term of council.

Lang Lang Public Artwork Project

The Lang Lang Public Artwork Project aims to enhance the cultural landscape of Lang Lang through the creation of a public artwork/s. The project seeks to engage residents and community groups in the artistic process, ensuring that the final artwork reflects the community's identity and aspirations.

The project has undergone various stages of consultation and development, with Council taking significant steps to ensure that the artwork resonates with the people of Lang Lang. Council's approach has included surveys and public activations to gather ideas and preferences from the community. This participatory process is crucial for the project's success, as it allows residents to have a say in the artistic direction and ensures that the artwork will be something that they feel connected to and proud of for years to come.

In August 2023, Council conducted a survey among the residents of Lang Lang regarding the continuation of a proposed horse sculpture project at Dick Jones Reserve. The response rate was minimal, with only 27 participants, indicating an insufficient sample size to conclusively determine community support and the demographic profile of respondents did not adequately represent the broader community.

Furthermore, Council was advised that the selected artist who had designed the proposed horse sculpture was now unavailable to deliver the concept, with a three-year wait period to commence the artwork.

Consequently, and on request of the ward councillor, in February 2024, Council commenced a comprehensive engagement program to capture the wider voice of the community. The engagement program was designed to gather input on preferred themes, artistic mediums, and locations for the proposed artwork. Additionally, residents were given the option to contribute visual inspirations for the project. Council initiated an online survey and series of pop-up engagement events in Lang Lang, recognising the importance of direct community interaction in the context of public art initiatives.

In July 2024, following proactive action by Council officers, Council was awarded a \$50,000 injection from the Tiny Towns program for the Lang Lang project (Council must contribute \$50,000). With this financial support, the project can now enter its implementation phase, where the visions and ideas gathered from the community consultations can come to life. Ideally, Officers are recommending a mural be delivered to add a splash of colour and creativity to the town's landscape, as well as a sculpture, that will stand as a testament to Lang Lang's strong rodeo history. This recommendation is aligned with the outcomes of the community engagement program as outlined in the consultation section of this report.

Information gathered within the engagement process is now being drafted into the scope of an Artist/s Brief, so Council may extend an invitation to a suitably experienced artist/s or arts organisation to submit an Expression of Interest (EOI) to deliver the community-led public artworks. This brief provides the information relevant for an EOI submission to be considered for shortlisting as well as an outline of the conditions that need to be met by the successful applicant.

It is intended that the Lang Land Public Artwork project be overseen by the proposed IAP as outlined above, including approval of the Artists Brief, shortlisting of the Artist/s or Arts Organisation, final selection of the preferred Artist/s or Arts Organisation, artwork concept/design endorsement, approval to deliver and any other decision related to the successful delivery of the project,

The Lang Lang project must be completed by June 2025, in accordance with the Tiny Towns Grant Fund.

Thewlis Road Integrated Child and Family Centre Public Artwork (TRICFC)

The Thewlis Road Integrated Child and Family Centre (TRICFC), situated at 2 Roderick Drive in Pakenham, represents a significant community development, aiming to provide comprehensive services including kindergarten programs, maternal and child health services, playgroups, and parenting programs. The inclusion of a public artwork within this centre is a testament to Councils commitment to integrating art into daily life, enhancing the aesthetic appeal and providing cultural enrichment for families and children who will use the centre. The building is due to be completed by December 2024.

The families, particularly the children that will attend the TRICFC, will be the direct beneficiaries of the artwork. Residents will also enjoy the work as the centre is within a residential area. The project seeks a site-specific work, meaning that the concept(s) proposed and the successfully selected artwork will have a direct relationship with, and be in response to, the physical, social and cultural environment in and around the location of the artwork.

The strength, success and longevity of this project lies in establishing meaningful connections with children and families for this artwork. The aim is that this site-specific work will increase the vitality and richness of community experience in the area.

With an Artist Brief now in development, it is expected that Artists will meaningfully engage with the community (target audience) in the concept development phase if shortlisted. The artist will be required to prepare an artwork that is appropriate, inclusive and safe for all users to the site. The design should be environmentally sustainable and integrated within the landscape design.

It is intended that the TRICFC Public Artwork project be overseen by the proposed IAP as outlined above, including approval of the Artists Brief, shortlisting of the Artist, final selection of the preferred Artist, artwork concept/design endorsement, approval to deliver and any other decision related to the successful delivery of the project.

The TRICFC project must be completed by June 2025.

Discussion

Public Art Independent Assessment Panels (IAP)

Independent assessment panels for public art play a crucial role in ensuring that decisions about public art are made with expertise, impartiality, and transparency. These panels, often composed of artists, curators, public art experts, and community development specialists bring a diverse range of perspectives and professional knowledge to the evaluation process. This is vital for maintaining the integrity of public art programs, especially during politically sensitive times such as local government elections and caretaker periods.

The panels help to uphold the principles of due process and natural justice, as outlined in various legislative frameworks. They also contribute to public accountability and the responsible stewardship of public funds, which is particularly important when the regular functions of government are constrained during the caretaker period.

Community Group Representation on the IAP

When multiple community groups are associated with a project, the likelihood of competing interests influencing the outcome increases. An independent panel serves as a crucial mediator that impartially assesses each submission on its merits. This ensures that the selected public art not only enhances the aesthetic and cultural fabric of the community but also aligns with broader civic values and objectives.

The panel's role is not to diminish the voice of community groups but to amplify it within a structured framework that promotes equity, diversity, and artistic excellence. This approach is particularly beneficial during periods such as local government elections and the caretaker period, where the regular decision-making processes are under heightened scrutiny.

Appointment of an IAP

To ensure the success and integrity of current public artwork projects leading into and during the caretaker period, election cycle, and up until the new council resolve to appoint elected representatives to the Arts Advisory Panel, the establishment of an Independent Art Panel (IAP) is proposed.

This panel would play a crucial role in overseeing the scope of the artist brief, artistic direction, selection processes, and implementation of public art projects. The proposed IAP, as evidenced in confidential Attachment 1, consists of individuals with expertise in various fields of art, culture, and community engagement, providing a well-rounded perspective on the potential impact of each artwork.

The IAP's responsibilities would include reviewing the draft artist brief, proposals, advising on artist selection, ensuring community values are reflected in the artwork, site selection, and maintaining transparency throughout the development of all public arts projects. Moreover, the panel would serve as a bridge between the artists, the community, and Council, facilitating a dialogue that fosters mutual understanding and respect for the artistic process.

Public Artwork Location Criteria

The IAP will be responsible for approving the location of all proposed public artworks. Selecting a location for a public artwork involves a multifaceted approach that considers various criteria to ensure the artwork's success and relevance.

The IAP will consider factors such as high pedestrian traffic, visibility, and accessibility to ensure the artwork engages the community effectively. It's also important to evaluate the site's potential to enhance the public environment and contribute positively to the streetscape experience. The artwork should serve as an anchor, activating its surroundings and resonating with the local context in a meaningful way. Additionally, the selection process will scrutinise the site's suitability for the artwork's design and the artist's and community's vision, ensuring the chosen location complements the artistic intent. Other considerations include the technical feasibility of installing the artwork, CPTED and public safety, and the long-term maintenance and conservation requirements.

By thoroughly evaluating these criteria, the panel can select a location that not only showcases the artwork to its best advantage but also enriches the public space and fosters community engagement. The abovementioned criteria have been referenced within the IAP Terms of Reference as demonstrated in Attachment B.

Policy Implications

As outlined in section 7.1 of Cardinia's Public Art Policy (Attachment 4), public art selection and management should be governed as follows:

- Consideration will be given to encourage public art selection that explores a variety of medium, approaches and geographical distribution and (where possible) encourages and engages the expertise and/or involvement of local artists and art groups, working across a range of art forms.
- The Public Art Coordination Team comprising of appropriate officers from various Council business units will form the basis of all Council led public art selection and working groups.
- Where partnerships are formed with developers a team with representatives of each agency is to agree on the selection of works.
- Community stakeholders (such as township committees, business groups, Arts and Culture Reference Group, Council ACRG delegate and the wider community) will be engaged in the commissioning of site-specific projects.

While this approach diverges from the establishment of an Independent Assessment Panel, it is deemed preferable during the electoral period to reduce potential political biases.

Notably, the existing policy, which dates back to 2012-17, is due for a review. The intention is to update the Public Art Policy in alignment with the new council term, reflecting current priorities and community values. This revision is anticipated to enhance the policy's relevance and impact, ensuring that public art continues to be a vibrant and integral part of the community's cultural landscape.

Financial and Resource Implications

Lang Lang Public Artwork

The Lang Lang Public Art Project, an initiative delivered as part of Council's annual capital works program, has an allocated budget of \$90,000. The project's financial scope has recently expanded due to a successful application for the Tiny Towns grant, resulting in an additional \$50,000 (with a Council contribution of \$50,000). This increase brings the total available funds to \$140,000.

In accordance with the grant's stipulations, Council is obliged to match the Tiny Towns grant on a dollar-for-dollar basis, necessitating a minimum project allocation of \$100,000. It is proposed that \$100,000 be dedicated to the creation of a sculpture, and a maximum of \$40,000 be allocated for a mural. Should there be any residual funds upon the completion of the mural artwork, it is recommended that such amounts be reabsorbed into Council's budget.

Thewlis Road Integrated Child and Family Centre Public Artwork (TRICFC)

The total budget for this project is \$160,000 and is jointly funded by Developer Contributions and the Victorian State Government (DE- Building Blocks Capacity Grant).

Relevance to Council Plan

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

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

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

Not applicable for this report.

Consultation/Communication

Lang Lang Public Art Project

From 108 overall participants, approximately 37% of surveys were completed at a pop-up event. 73% of participants live in Lang Lang, with others residing in surrounding suburbs or having a strong connection to the town. 30% of participants are aged 60 years or older, however every age from 10 to 80 is represented. 64% of participants identify as female and 34% identify as male.

Some of the key proposed artwork locations mentioned were Dick Jones Reserve, the Community Centre, the school, the water tower, the main street, and the Showgrounds, with many residents suggesting the artwork be somewhere with high visibility to enhance local tourism.

Respondents were also invited to suggest their preferred artform, including a sculpture, mural, artwork integrated into the environment, a site-specific work, or other (where they could again suggest their own idea). A mural artwork was the first preference (40%) and a sculpture was the second preference (30%).

Respondents were invited to choose from the themes of Lang Lang history, community, First Nations, native flora and fauna, or other (where they could suggest their own theme), they were also provided prompts to support the decision-making process, for example, Lang Lang history was inclusive of the rodeo, railway, and farming, and community included family, culture, and connection.

A summary of the Community Engagement outcomes is referenced in Attachment C.

Thewlis Road Integrated Child and Family Centre Public Artwork (TRICFC)

The TRICFC project requires artists to submit a preliminary community consultation plan alongside their expression of interest. This plan is a cornerstone for fostering interaction between the artist, the physical site, and the local community, including children and families. It also serves as a platform for the broader community to connect with artistic endeavours and the creative journey.

Artists will be encouraged to reach out to local Indigenous communities, ensuring a culturally inclusive process. The project seeks to celebrate the diversity of artistic methods and will encourage artists to devise a consultation strategy that aligns with their unique practice. Potential activities may include interactive workshops, 'meet the artist' sessions, or direct community involvement in the creation of the artwork. While the primary consultation phase is aligned with the concept development stage, artists have the flexibility to propose ongoing engagement activities throughout the project's timeline. This inclusive and adaptable consultation process not only enriches the artistic outcome but also strengthens community ties and fosters a shared sense of ownership in the public art initiative.

Conclusion

In conclusion, the establishment of the IAP represents a forward-thinking approach to safeguarding the progression and excellence of the Lang Lang Public Art Project and the Thewlis Road Integrated Child and Family Centre Public Art Project.

The IAP's role in providing strategic leadership and expert guidance is indispensable, particularly during the Council's caretaker period and the forthcoming election cycle. The panel's interim authority, pending the formation of the Arts and Culture Reference Group, ensures that these public art initiatives will not only enhance the cultural landscape but also reflect the community's voice and artistic preferences.

As we look towards the June 2025 deadline, Council's proactive measures and community engagement promise to culminate in culturally significant and cherished public artworks that will enrich the lives of residents and visitors alike for generations to come.

Attachments

1. CONFIDENTIAL REDACTED - Public Art Independent Assessment Panel (1) [7.2.2.1 - 2 pages]
2. Lang Lang Public Artwork Engagement Summary_ [7.2.2.2 - 17 pages]
3. TERMS OF REFERENCE [7.2.2.3 - 5 pages]
4. Cardinia Shire Council Public Art Policy 2012-17 - Adopted 2012-08-01 [7.2.2.4 - 5 pages]

Alternate Resolution

Moved Cr Kaye Cameron, seconded Cr Stephanie Davies.

That Council:

1. Delegate the selection and commissioning of public art for the Lang Lang township to the CEO or their designated representative, adhering to the specified design criteria:
 - The artwork shall be a sculpture, excluding murals.
 - It must commemorate the Lang Lang rodeo with an equine theme.
 - Materials reflective of Lang Lang's rural setting and council maintenance requirements, such as anti-graffiti measures, must be incorporated.
 - The sculpture will be situated at Thwaites Park, Lang Lang.
 - The artwork should be of a size that is visible from the main road and positioned within the park to allow safe public access.
 - A maximum budget of \$140,000 is allocated for this project.
 - The artist selected must demonstrate an understanding of local history and engage with the local community.
2. Endorse the creation of a Public Arts Independent Assessment Panel, as outlined in Attachment 3, to oversee the public art project at Thewlis Road Integrated Child and Family Centre.
3. Require council officers to provide a report on the artist selection and progress of the public art projects for Lang Lang and Thewlis Road Integrated Child and Family Centre to the Arts and Culture Reference Group following the establishment of the committee after the Council election.
4. Delegate the oversight of all future public art projects to the Arts and Culture Reference Group, who may consult an Independent Assessment Panel as needed.

For: Cr Brett Owen, Cr Carol Ryan, Cr Graeme Moore, Cr Jack Kowarzik, Cr Jeff Springfield, Cr Kaye Cameron and Cr Stephanie Davies

Against: Nil

Carried

7.2.3 Audit & Risk Committee Biannual Report

Responsible GM: Debbie Tyson
Author: Vince Philpott – Chairperson Audit & Risk Committee

Recommendation(s)

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

Executive Summary

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

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

- (a) Monitor the compliance of Council policies and procedures with—*
 - (i) the overarching governance principles; and*
 - (ii) this Act and the regulations and any Ministerial directions;*
- (b) Monitor Council financial and performance reporting;*
- (c) Monitor and provide advice on risk management and fraud prevention systems and controls;*
- (d) Oversee internal and external audit functions.*

These responsibilities are mapped to the committee's workplan and distributed evenly across the committee's annual calendar of meetings. At each meeting the committee verifies that each agenda includes all the items scheduled for that meeting and that any carry over items be addressed before the start of the next calendar period.

The committee's 2024-2025 workplan was endorsed at the committee's June meeting.

The committee again acknowledges the timely and high-quality support of Council's executives and officers which ensures the effective functioning of the Audit and Risk Committee. In fulfilling its purpose, the committee is in a position to provide Council with assurance that the overarching governance requirements of the Local Government Act are being met and applied.

In this report to Council, the committee wishes to acknowledge the excellent work of the finance team in particular for the quality and clarity of the annual Financial Report and Performance Statement for the year ended 30 June 2024 (*see External Audit comments below*). VAGO also to be applauded for the collaborative nature of the external audit process.

Background

The committee comprises of three independent members and two Councillor members:

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

Meeting Attendance		
	June 14 th 2024	August 23 rd 2024
Cr Jack Kowarzik (apology for August meeting)	✓	☐
Alternate for August meeting Cr Kaye Cameron		✓
Cr Stephanie Davies	<i>Noted that Cr Davies left the meeting at 10:28am</i>	<i>Noted that Cr Davies left the meeting at 9:30am and returned at 10:21am</i>
Vince Philpott (chairperson)	✓	✓
Leanna La Combre	✓	✓
Michael Said	✓	✓

Internal Audit

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

- Asset Management – Infrastructure
- Cyber Security – Essential 8
- Gender Equity Action Plan
- Leases & Licences – Property Portfolio Management

Asset Management – Infrastructure

The objectives of this internal audit were to assess the adequacy of internal controls and processes in place to manage the following key stages of the infrastructure asset lifecycle.

- Planning (asset management strategy, business case, risk management, cost benefit analysis, accounting treatment and non-asset alternatives).
- Acquisition (acquisition process, risk evaluation and procurement method).
- Operation and Maintenance (Monitoring, maintenance, information management, asset valuation, utilisation and functionality).
- Disposal (Retirement, replacement, renewal and redeployment).

The internal audit identified a range of control improvements to reduce identified medium rated weaknesses and exposures in: Infrastructure asset management policy framework; Asset management governance; Reporting framework and Data integrity.

The report did not identify any high-risk issues.

Cyber Security – Essential 8

Council sought an Essential Eight assessment to gain insight into its cybersecurity framework's strengths and vulnerabilities. The objectives were to assess CSC's maturity against the Australian Signals Directorates 'Essential Eight' cyber security mitigation strategies.

The audit found that although CSC has established controls that cover most of the Essential Eight components, the controls are not fully aligned to ASD's Essential Eight requirements.

Modifications to those controls were recommended that will enable CSC to progress towards the target Maturity Level 2.

No unmitigated security vulnerabilities were identified.

Gender Equity Action Plan

The purpose of this audit was to assess CSC's plan for achieving mandatory compliance with the Gender Equity Act 2020 and progress against the Gender Equity Action Plan (GEAP). The internal audit assessed the adequacy of:

- Overall governance framework (policy/procedures/guidelines)
- Adequacy of completeness of Gender Impact Assessments
- Progress against the GEAP action plan and implementation plan
- Management reporting
- Staff training and awareness

The auditors confirmed that Cardinia is meeting its obligations under the Gender Equity Act and concluded that the current processes and practices to facilitate compliance with the Gender Equity Act 2020 and progress against the Gender Equity Action Plan (GEAP) are adequate. However, they found there are opportunities to further strengthen the governance framework.

Leases and Licenses (Property Portfolio Management)

This audit reviewed the adequacy of management processes for the leasing and/or licensing of Council owned properties to third parties for commercial and community use.

The internal audit did not cover regulatory services e.g., liquor licenses, licenses related to essential safety measures and sporting club seasonal licences

The audit found that the current controls in place over the management of Council properties leased and or licensed to third parties can be further strengthened.

There was one high-risk finding relating to the processes in place to manage and monitor the invoicing and debt collection function.

Strategic Internal Audit Plan - July 2024 to June 2027

The committee chair, senior officers and Internal Audit service provider Crowe, developed an internal audit plan for 2024/25 and a rolling three-year audit universe out to 2026/27. The plan was developed in consideration of strategic risks, general assurance activities and audit coverage back to 2017. The following audit topics are proposed for 2024-2025:

- Playground Maintenance
- Procurement – credit & fuel cards and panel contractors
- Strategic Planning Governance – Decision Making focus (with reference to Casey IBAC investigation)
- Business Continuity Planning (BCP) with IT Disaster Recovery ((IT-DRP)

External Audit

The external audit was completed within the planned timing. Draft accounts and performance statement together with VAGO's closing report were presented to the Committee's August meeting for consideration. The Audit & Risk Committee sought clarification of a number of items in the reports which were addressed to the committee's satisfaction enabling the committee to recommend that Council give 'in principle' approval, noting any minor amendments that may be recommended by VAGO.

VAGO Closing Report

Based on their audit, and subject to internal VAGO review, the VAGO agent expects to conclude that the financial report is presented fairly. They also expect to conclude that the performance statement is presented fairly. VAGO expect to issue an unmodified audit opinion. They will conclude and issue their audit opinion once the audit process is finalised. Outstanding audit matters include:

- a final review of the financial report and performance statement
- a review of the signed management representation letter
- completion of the review of subsequent events

Internal Controls - Review of key corporate policies

The Audit and Risk Committee Work Plan requires a review of the adequacy and effectiveness of key policies, over a rolling 3-year policy and strategy review program. The process for reviewing policies firstly identifies those that relate to matters essential to effective governance. The policies are then reviewed by SLT prior to being presented to the Audit and Risk Committee. Since my last biannual report to Council the following key policy was reviewed and endorsed by the committee:

- Chief Executive Officer Employment and Remuneration Policy

Risk Management

The committee reviewed the following reports:

- Operational risk report – High & Extreme risks
- Strategic Risk report
- OHS report to SLT
- Claims report
- SLT Operational & Strategic risk meeting minutes

The committee's internal audit service provider, Crowe, provided the following risk discussion papers for review:

Internal Fraud

The Association of Certified Fraud Examiners (ACFE) conducts a global biennial survey into the factors of occupational fraud. Occupational fraud represents a significant risk to the operation of every organisation. The report provides insight into the categories of occupational fraud, how fraud is detected, anti-fraud controls and behavioural red flags. There is much of interest in the report however the section on how frauds were detected is illuminating and highlights the importance of having safe reporting mechanisms as this is the predominant way in which frauds are detected. The speed in which a fraud is detected and the way it is detected can determine the magnitude of the fraud. According to the survey, the most common ways fraud is detected include:

- Tip (43% of cases)
- Internal audit (14%)
- Management review (13%)
- Document examination (6%)
- By accident/account reconciliation (5%)
- Data analytics /external audit (4%)

Global Risk Report 2024

The 'Global Risks Report 2024' published by the World Economic Forum (WEF) presents the results of the Global Risk Perception Survey. The WEF analyses key risk data emanating from current economic, societal, environmental, and technological tensions and summarises key findings. The report provides Boards and Audit and Risk Committees with Global Risk Insights and is a vehicle to discuss with management the relationship and relevance of global risks

within the organisations they represent. This report was taken into consideration by CSC when developing it's risk-based Strategic Internal Audit plan 2024-2027



Conclusion

Council is requested to note the September 2024 Audit and Risk Committee Biannual report as prepared by Chairperson, Vincent Philpott.

Attachments

Not applicable

Resolution

Moved Cr Kaye Cameron, seconded Cr Carol Ryan.

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

For: Cr Brett Owen, Cr Carol Ryan, Cr Graeme Moore, Cr Jack Kowarzik, Cr Jeff Springfield, Cr Kaye Cameron and Cr Stephanie Davies

Against: Nil

Carried

7.3 Policy Reports

7.4 Financial Reports

7.4.1 Draft Annual Financial Report and Performance Statement for the year ended 30 June 2024

Responsible GM: Wayne Mack
Author: Allison Southwell

Recommendation(s)

That Council

1. Approve in principle the draft 2023-24 Annual Financial Statements and the Performance Statement attached to this report.
2. Authorise the Principal Accounting Officer to make any changes recommended by the Victorian Auditor General's Office or HLB Mann Judd.
3. Authorise Councillors Kowarzik and Davies to certify the Annual Financial Statements and the Performance Statement in their final form after any changes that may be recommended, and agreed to, by the Victorian Auditor General's Office.

Executive Summary

The draft 2023-24 Annual Financial Statements and Performance Statement (Statements) are presented to Council for approval in principle, prior to final consideration by the Victorian Auditor General's Office (VAGO) and their agent (HLB Mann Judd). HLB Mann Judd have completed a review of the Financial Statements and Performance Statement and all supporting information, with the statements reflecting the outcomes of the audit. HLB Mann Judd expects to issue an unqualified audit opinion (subject to final sign off by VAGO). These statements have been reviewed and endorsed by Council's Audit and Risk Committee (ARC) on 23 August 2024 and have verbal audit clearance from HLB Mann Judd for presentation to Council.

Council is required under the *Local Government Act 2020* to approve in principle each of the Statements and to authorise two Councillors to certify each of the Statements in their final form, subject to any changes recommended, and agreed to, by VAGO.

It is recommended the two Councillors authorised to certify the Statements be the appointed Councillor representatives on the ARC, being Cr Jack Kowarzik and Cr Stephanie Davies.

Background

The purpose of this report is to present to Council for approval in principle the Annual Financial Statements and Performance Statement for the 2023-24 financial year.

The Annual Financial Statements represent a general purpose financial report consisting of a Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows, Statement of Capital Works, along with accompanying notes. These statements have been prepared in accordance with the relevant professional and statutory requirements.

The Performance Statement reports against a range of performance indicators introduced under the Local Government Performance Reporting Framework, which are statutorily required under the *Local Government Performance Reporting and Accountability Act 2014*.

After the conclusion of the financial year ended 30 June 2024, the Annual Financial Statements and Performance Statement were prepared. Council's external auditors, HLB Mann Judd (as VAGO's agent), commenced the audit on these statements on 29 July 2024. HLB Mann Judd have undertaken a review of the draft Statements and all supporting information, with the Statements reflecting the outcome of the audit. The ARC reviewed the draft Statements on 23 August 2024. Any changes recommended by the ARC have been incorporated into the Statements attached to this report.

The key highlights to note are as follows:

- The draft 2023-24 Annual Financial Statements have been prepared in accordance with Australian Accounting Standards and Interpretations, the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*;
- Council's financial position is sound, and the Statements are presented fairly;
- Council's working capital remains positive. This measures Council's ability to meet its current commitments as and when they fall due; and
- Council's debt servicing and indebtedness ratios are well within prudential guidelines and in alignment with Council's Long Term Financial Plan.

ANNUAL FINANCIAL STATEMENTS

Income statement

The operating surplus reported in the 2023-24 Annual Financial Statements is \$105.3 million, which compares to a budgeted surplus of \$100.1 million.

The main elements influencing this favourable variance are:

- increased development levies due to higher than anticipated receipts, particularly relating to Officer DCP.
- higher other income, which has mainly resulted from increased interest income, being influenced by the combination of higher interest rates and increased availability of cash reserves due to unspent grants.
- lower depreciation expense, resulting from a combination of a lower asset values due to capital delivery not occurring as originally budgeted along with the impacts following the comprehensive revaluation conducted in March 2023, which was not reflected in the budget.

This is being offset by:

- lower operating grant income due to the timing of Financial Assistance Grant payments for both 2023-24 and 2024-25.
- lower capital grant income primarily due to planned works in the 2023-24 Capital Works program not being completed as per the adopted budget.

It is important to note that the reported operating surplus is not a cash surplus. The operating results are presented under the accrual basis of accounting and includes a mix of cash and non-cash items within both the income and expense categories.

The adjusted underlying result of \$5.8 million deficit is favourable to the adopted budget by \$3.9 million.

Balance sheet

Council ended the year with net assets of \$3.1 billion, an increase of \$706 million from the previous year (\$2.4 billion).

This has been influenced by the increase in the value of PIPE assets, resulting from the capital works activity completed during the year combined with the revaluations undertaken to see a net increase of \$696.4 million.

Cash position

The closing cash and cash equivalents balance at 30 June 2024 was \$29.9 million, a \$4.1 million increase from 2022-23.

This is due to two key factors:

- The movement in both the reduction in payments for materials and services and subsequent increase in trade and other payables from the prior year is due to all outstanding creditor payments having to be settled prior to the migration to the new CiA Finance System on 1 July 2023, which was a one off instance.
- This is being offset by the reduction in grants received during the year, particularly the timing of the Financial Assistance Grants payments for both 2022-23 and 2023-24, as well as the increased activity in capital works seeing a significant change in the amount of unspent income.

PERFORMANCE STATEMENT

Councils are required to present their individual council results via the Performance Statement.

Following amendments in October 2022 to the *Local Government (Planning and Reporting) Regulations 2020*, there is now a target setting component within the LGPRF which were included in the 2023-24 Budget. These targets can now be compared to actual results and have been included in the draft 2023-24 Performance Statement.

It should be noted that all service measures deviate from targets by no more than 10 per cent, indicating consistent performance across Council. Notably, planning applications decided within required timeframes has shown significant improvement, as a result of increased resources to address turnaround times and address the backlog of older applications.

All other indicators that have deviated by more than 10 per cent from the previous year, variance commentary has been included.

Policy Implications

The Annual Financial Statements provide an auditable account of the performance of Council's strategic objectives and priorities outlined in the Council Plan 2021-25 for the financial year covering the 2023-24 period.

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.

Conclusion

The 2023-24 Annual Financial Statements and Performance Statement are presented to Council for approval in principle. HLB Mann Judd have completed a review of the Financial Statements and Performance Statement and all supporting information, with the statements reflecting the outcomes of the audit.

Council is required under the *Local Government Act 2020* to approve in principle each of the Statements and to authorise two Councillors to certify each of the Statements in their final form, subject to any changes recommended, and agreed to, by VAGO.

Attachments

1. Draft 2023-24 Financial Statements [7.4.1.1 - 53 pages]
2. Draft 2023-24 Performance Statement [7.4.1.2 - 21 pages]

Alternate Resolution

Moved Cr Jeff Springfield, seconded Cr Kaye Cameron.

That Council

1. Approve in principle the draft 2023-24 Annual Financial Statements and the Performance Statement attached to this report.
2. Authorise the Principal Accounting Officer to make any changes recommended by the Victorian Auditor General's Office or HLB Mann Judd.
3. Authorise All Councillors, noting only two will be required, to certify the Annual Financial Statements and the Performance Statement in their final form after any changes that may be recommended, and agreed to, by the Victorian Auditor General's Office.

For: Cr Brett Owen, Cr Carol Ryan, Cr Graeme Moore, Cr Jack Kowarzik, Cr Jeff Springfield and Cr Kaye Cameron

Against: Nil

Carried

7.5 Activity Reports

7.5.1 Major Projects Report

Responsible GM: Peter Benazic
Author: James Kelly and Jarrad Unsworth

Recommendation(s)

That Council note the September 2024 Major Projects Report.

Attachments

1. Major projects report - September 2024 [7.5.1.1 - 14 pages]

Executive Summary

As part of the reporting process to Council, this monthly report provides an update of the status of major projects in progress, as at the end of August 2024 when the report was collated.

Background

Projects and updates are included in the attached report

Conclusion

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

Resolution

Moved Cr Brett Owen, seconded Cr Graeme Moore.

That Council note the September 2024 Major Projects Report.

For: Cr Brett Owen, Cr Carol Ryan, Cr Graeme Moore, Cr Jack Kowarzik, Cr Jeff Springfield, Cr Kaye Cameron and Cr Stephanie Davies

Against: Nil

Carried

8 Reports By Councillors

Cr Ryan attended the Ageing Well Networking event with Cr Moore. Attended the official opening of the Pakenham Bowls 2024/25 Season. Mental Health Action Team referencing partnerships in the community. Attended the board meeting of SE Mental Health a member of the board noting Mental Health October is coming up.

Cr Davies Shout out to the 'GROW' exhibition at the CCC, which is focused on agriculture in the region encouraging people to attend.

Cr Moore honour to be with the Mayor at the Garfield Netball Pavillion opening and the fantastic facility it is. Noting the NNG Football club winning the Seniors Grand Final. Passed onto staff the standard of the grounds on the day of the GF. Sunday went to the concert by the Cardinia Civic Concert Band at Bunjil Place and Kym Johnson's efforts are commended, along with her family, for what they have achieved with the band.

Cr Cameron was also present at the Garfield Netball Pavillion opening noting it was a great facility with a fantastic turnout. Attended a dinner at the Tynong Racecourse. Attended the Koo Wee Rup Township Committee AGM which was well attended.

Cr Springfield Emerald Hills Assn had their AGM which Cr Sp attended on his birthday and was presented with a birthday cake! Noted also a change in the long serving President. Attended the Gembrook Community Centre Bi-Annual AGM. Noted and thanked the community members who make things happen in our Communities. Attended the ELP Advisory Committee quarterly meeting thanks patience in relation to the park being closed due to storms and the impacts on businesses in the Park.

9 Presentation Of Petitions

Nil

10 Notices Of Motion

10.1 Notice of Motion #1106 - Cr Davies

Motion

That a 'Changing Places' facility is included in the scope of the second stage of works at Officer District Park

Resolution

Moved Cr Stephanie Davies, seconded Cr Brett Owen.

That a 'Changing Places' facility is included in the scope of the second stage of works at Officer District Park

For: Cr Brett Owen, Cr Carol Ryan, Cr Graeme Moore, Cr Jack Kowarzik, Cr Jeff Springfield, Cr Kaye Cameron and Cr Stephanie Davies

Against: Nil

Carried

10.2 Notice of Motion #1107 - Cr Davies

Amended Notice of Motion

Moved Cr Stephanie Davies, seconded Cr Brett Owen.

1. That Council refer the process used during the Pakenham East suburb naming to the Local Government Inspectorate for review, in particular to consider allegations that:
 - a. that the Councillors influenced a changed Officers recommendation of the recommended name,
 - b. that Officers and Councillors workshopped a rating matrix for the consultation data in full view of the data which compromised the integrity of the consultation and,
 - c. that undisclosed potential perceived conflicts of interests by Councillors and Officers are relevant.
2. That Council pauses the current suburb naming process for the new suburb in the Pakenham East PSP, presently recommended by Council as Honora Fields, pending the outcome of the Local Government Inspectorate referral.

3. That Geographic Names Victoria and all submitters are notified of the council resolution.

A Point of Order was called by Cr Carol Ryan. The Mayor did not accept this as a valid point of order under the Governance Rules.

Cr Stephanie Davies requested an extension of speaking time. As there was no mover for this motion an extension of time was not granted.

A Point of Order was called by Cr Stephanie Davies. The Mayor accepted this as a valid point of order under the Governance Rules and requested Cr Jeff Springfield to withdraw his remark. Cr Jeff Springfield withdrew his remark and apologised.

Cr Jeff Springfield requested an extension of speaking time.

Moved Cr Graeme Moore, seconded Cr Carol Ryan

That an extension of time be granted to Cr Jeff Springfield.

Carried

Cr Brett Owen requested an extension of speaking time.

Moved Cr Stephanie Davies, seconded Cr Carol Ryan

That an extension of time be granted to Cr Brett Owen.

Carried

A Point of Order was called by Cr Jeff Springfield. The Mayor accepted this as a valid point of order under the Governance Rules.

The Amended Notice of Motion was put to the vote.

For: Cr Stephanie Davies

Against: Cr Brett Owen, Cr Carol Ryan, Cr Graeme Moore, Cr Jeff Springfield and Cr Kaye Cameron

Lost

11 Urgent Business

Nil

12 Councillor Questions

Cr Stephanie Davies submitted 16 questions which officers answered and provided responses to all Councillors before the meeting. The Governance Rules allow for 5 minutes to be allocated for each Councillor to ask question. Not all questions were able to be answered in this time by Mr Peter Benazic, General Manager Infrastructure and Environment however have been provided below.

1. *Would you please confirm for the public record, what Resolutions (Decisions) were made by this Council between 2020 and now, at public Council Meetings, in relation to the Pakenham Town Centre and Main Street upgrades? Please present a tabled list with both the confirm the month of meeting, and the Council Resolution.*

Date endorsed	Council Endorsed Decision	Council Resolution
17 th June 2024	Stage 1 design	<p>Resolution Moved Cr Carol Ryan, seconded Cr Collin Ross. That Council :</p> <ul style="list-style-type: none"> • Endorse the design for Stage 1 of the Pakenham Revitalisation Project. • Delegate authority to the CEO to finalise such details as placement of bins, bike racks, seating and road and footpath pavement composition, and infrastructure location catering for flexibility of placement managing competing complexities with services as the project progresses. • Note the commitment to support local businesses throughout this project through planned engagement activities, as well as requirements of the successful tenderer to develop a disruption mitigation plan that addresses key concerns for local businesses, including: <ul style="list-style-type: none"> ○ access to the businesses for customers and deliveries ○ staged construction with time frames ○ utilise alternative methods to mitigate business disruptions like night works where practical ○ minimal disruptive works from September - December ○ noise and dust suppression

Date endorsed	Council Endorsed Decision	Council Resolution
		<ul style="list-style-type: none"> Note that Council will continue to be updated as this project progresses through to final design, tender, and construction
<p>17th June 2024</p>	<p>Council endorsed detailed design</p>	<p>That Council :</p> <ul style="list-style-type: none"> Endorse the design for Stage 1 of the Pakenham Revitalisation Project. Delegate authority to the CEO to finalise such details as placement of bins, bike racks, seating and road and footpath pavement composition, and infrastructure location catering ORDINARY COUNCIL MEETING 17 JUNE 2024 Ordinary Council Meeting 17 June 2024 23 for flexibility of placement managing competing complexities with services as the project progresses. Note the commitment to support local businesses throughout this project through planned engagement activities, as well as requirements of the successful tenderer to develop a disruption mitigation plan that addresses key concerns for local businesses, including: <ul style="list-style-type: none"> access to the businesses for customers and deliveries staged construction with time frames utilise alternative methods to mitigate business disruptions like night works where practical o minimal disruptive works from September – December noise and dust suppression Note that Council will continue to be updated as this project progresses through to final design, tender, and construction
<p>20th November 2023</p>	<p>Public Realm Strategy</p>	<p>Resolution That Council endorses the Public Realm Strategy to support the implementation of the long-term plan to revitalise Pakenham.</p> <p>Alternate Resolution Moved Cr Jeff Springfield, seconded Cr Carol Ryan.</p> <p>That Council:</p> <ol style="list-style-type: none"> endorses the public realm strategy to support the implementation of the long-term plan to revitalise Pakenham. provides further consideration towards the potential of a one-way traffic flow scenario for Main St Pakenham. undertakes further assessment of the viability of a one-way traffic flow scenario that may potentially be implemented during future phases of this strategy. commences engagement with the community and local traders to inform them of the Pakenham Revitalisation

Date endorsed	Council Endorsed Decision	Council Resolution
		Project and the impacts for the delivery of Phase 1 of the project.
15th February 2021	Pakenham Major Activity Centre Structure Plan, Urban Design Framework Parking Precinct Plan	<p>Resolution Moved Cr Jack Kowarzik, seconded Cr Stephanie Davies That Council:</p> <ul style="list-style-type: none"> • Adopts the updated Pakenham Major Activity Centre Structure Plan, 15 February 2021 as contained in Attachment 1 • Adopts the updated Pakenham Major Activity Centre Urban Design Framework, 15 February 2021 as contained in Attachment 1 • Adopts Amendment C228 to the Cardinia Planning Scheme, with changes, under Section 29(1) of the Planning and Environment Act 1987 generally in accordance with Attachment 6. • Submits adopted Amendment C228 to the Minister for Planning for approval under Section 31(1) of the Planning and Environment Act 1987.

2. *Would you please confirm for the public record that Councillors were advised on Monday 3 September that the Pakenham Town Centre revitalisation project including Main Street upgrades Stage 1 – is ceased?*
3. *Would you please confirm for the public record, that this information was shared to Council by verbal advice of two Senior Officers of Council, Peter Benazic and Narelle Bulleid of the organisation, at the afore mentioned briefing?*

Briefing occurred on Monday 2nd September at 5pm by General Manager Infrastructure and Environment and Manager Major Projects

- Tender received 5 submissions
- The evaluation of the Stage 1 tender identified numerous significant complexities and risks, including the true cost of the project, which no longer aligned with the current financial climate and budget.
- It became clear during the evaluation process that contractors would struggle to stay within budget and face challenges throughout construction with staging, minimising disruption, keeping businesses open, maintaining pedestrian access and providing a clear delivery schedule due to uncertainty with other planned works.

4. *Was this advice shared to the media before the Council? Please confirm the date and time of the organisations correspondence to the Star News Group and all other media channels.*

Tuesday 4th September 2024 Council briefed the local media

5. *Would you please confirm for the public record that the afore mentioned Senior Officers advised Council that project learnings, and reports, would be available to inform them in other improvement initiatives, and it was proposed that this will be considered for the community in the next 10 years?*

Council is committed to utilising project learnings to inform and deliver outstanding community outcomes at every opportunity.

6. *Please advise if any Councillor was briefed about the decision to cancel the planned stage 1 work on the Pakenham Main Street and town centre decision earlier than at the Council Briefing on 3 September 2024?*
- If there are any, please provide a table listing the Councillor, the information provided, the communicator, their means of communication and date and time.

All Councillors were briefed on Monday 2nd September 2024

7. *Who made the decision to abandon the work before communicating this decision to the Council? Was this decision within the approvers delegation, and if so, please advise a basis on how this is reasoned to be their decision to have made?*

Tender panel recommended not to award the tender at this time and was approved by senior management under delegation and outcome briefed at 2nd September 2024.

8. *What documentation and information informed their decision?*
- Please provide a summary of the documentation and information, and reasoning informing the decision, including concerns and challenges, risks and costs.
- This information is contained within the tender submissions that are governed by probity and conditions of confidentiality for the tender.
 - The evaluation of the Stage 1 tender identified numerous significant complexities and risks, including the true cost of the project, which no longer aligned with the current financial climate and budget.
 - It became clear during the evaluation process that contractors would struggle to stay within budget and face challenges throughout construction with staging, minimising disruption, keeping businesses open, maintaining pedestrian access and providing a clear delivery schedule due to uncertainty with other planned works.

9. *Would you please advise if any reports or paperwork are available – and why has this not been provided to the Council?*

Under the conditions of tender Council is in its right to not award any tender and is not committing Council to a contract at this time.

A tender report for a future awarded tender will form part of the Council decision process.

10. *What information is proposed to be shared to Councillors, and when, about this decision?*
11. *What information will be provided, and when, for the public to review?*

Once the sequencing of works across the whole Pakenham Program is confirmed, information can be shared to all key stakeholders of this project.

12. *What amount in the 2024-2025 Council endorsed budget was allocated for the Pakenham Town Centre renewal stage 1?*

\$2.4M is allocated in the 2024-2025 endorsed budget.

13. *How does the organisation propose to re-direct these funds for the public benefit?*

Council remains committed to delivering this project, as such funds remain allocated to the project.

14. *Why was this decision to abandoned the State 1 work, not put to the Council to make at a public meeting?*

The tender for stage 1 has not been awarded, Council remains committed to delivering this project and will reconsider the procurement of the project in 2025 and will ensure that we continue to work closely with the community and traders.

15. *What is the total value of expenditure on the Pakenham Revitalisation, town-centre renewal and Main St upgrade initialise. Please provide a summary with annual expenditure, including breakdowns on staff costs, contractors, consultancy and legal fees, and investigations.*

Council has invested approximately \$500,000 in detailed design, service and preconstruction investigations with a project budget of \$5.5 million for Stage 1 of the Pakenham Revitalisation. The funding for this project continues to be allocated for delivery of this important community infrastructure as part of the Council budget.

The full breakdown of staffing costs interrelates with LXP staff funding and will take time to compile.

16. *What is the value of the Victorian Government grant accessed to support the work, does it need to be paid back, and when will this payment be made? Will the failure of the Council to deliver this project risk the success of future grant applications, due to reputational damage?*

Council is continuing to work closely with the State Government to retain the funding for this project and to sequence with other projects and works taking place across Pakenham. The \$1M in funding for Stage 1 of this project continues to be allocated for delivery of this important community infrastructure as part of the Council budget.

Date	Council Briefing
23rd August 2021	<ul style="list-style-type: none"> Draft concept Urban Design/Public Realm Strategy
4th July 2022	<ul style="list-style-type: none"> Draft Public Realm Strategy – consultant presentation
December 2022	<ul style="list-style-type: none"> Major Projects commencement dedicated Pakenham Revitalisation resource
20th February 2023	<ul style="list-style-type: none"> Project overview and update since July 2022
27th February 2023	<ul style="list-style-type: none"> Project timeline GSF update
17th April 2023	<ul style="list-style-type: none"> Main Street walk through – issues and opportunities

Date	Council Briefing
8 th May 2023	<ul style="list-style-type: none"> • Pakenham Station tour • Main Street walk through – issues and opportunities • Councillor Workshop at the Railway Hotel • Project timeline • Public Realm Strategy • Project Brand • Wayfinding
22 nd May 2023	<ul style="list-style-type: none"> • Project Update • Brand outcome • Project timeline • Public Realm Strategy - wayfinding
26 th June 2023	<ul style="list-style-type: none"> • Project Update • Focus group with community outcome
28 th August 2023	<ul style="list-style-type: none"> • Community consultation results and report
9 th October 2023	<ul style="list-style-type: none"> • Public Realm Strategy briefing – supported with a video on the Strategy
24 th October 2023	<ul style="list-style-type: none"> • Public Realm Strategy Workshop and Briefing
8 th November 2023	<ul style="list-style-type: none"> • Cross section benchmarking • Precinct Parking Plan • Safety, Standards and Accessibility of Parallel Parking • Transport Network and Traffic Flow • Stakeholder engagement update
14 th November 2023	<ul style="list-style-type: none"> • Cross section benchmarking • Precinct Parking Plan • Safety, Standards and Accessibility of Parallel Parking • Transport Network and Traffic Flow • Stakeholder engagement update
20 th November 2023	<p>Council endorsed Public Realm Strategy</p>
19 th February 2024	<ul style="list-style-type: none"> • Briefing on the Notice of Motion work undertaken resulting from 20th November Council Meeting. • Traffic and Transport expert paper • Stakeholder engagement update – Main Street Traders
8 th April 2024	<ul style="list-style-type: none"> • Stakeholder engagement update and next steps • CCTV - design

Date	Council Briefing
27 th May 2024	<ul style="list-style-type: none"> Detailed Design GAIC funding success
3 rd June 2024	<ul style="list-style-type: none"> Detailed Design Tender process
17 th June 2024	Council Endorsed Detailed Design
8 th July 2024	<ul style="list-style-type: none"> Cost update
2 nd September 2024	<ul style="list-style-type: none"> Tender update – not awarded, next steps

13 Mayoral Minute

The Mayor announced some schedule changes for the next upcoming meetings

- Special Council Meeting held on 21 October 2024 to adopt the annual report.
- Town Planning Committee meeting advertised to be held on the 2nd of December 2024 will now be held on the 9th of December 2024.
- Statutory Council Meeting advertised to be held on the 18th of November will now be held on the 25th of November.
- There will be no Ordinary Council Meeting on the 25th of November.

Refer to Council's website for further information.

14 Confidential Business

Nil

15 Meeting Closure

Meeting closed at 9.13pm.

Minutes confirmed
Mayor

