

# **Council Meeting**

## **Minutes**

**Monday 18 May 2026**

**Commenced at 6:00 PM**

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

**Members:** Cr Brett Owen Mayor  
Cr Liz Roberts Deputy Mayor  
Cr Alanna Pomeroy  
Cr Samantha-Jane Potter  
Cr Casey Thomsen  
Cr David Nickell  
Cr Collin Ross  
Cr Jack Kowarzik  
Cr Trudi Paton

**Officers:** James Collins Chief Executive Officer  
Ana Caicedo Acting General Manager Infrastructure and Environment  
Wayne Mack Acting General Manager Community & Planning Services  
Allison Southwell Acting General Manager Corporate Services  
Peter Harris Manager Governance, Safety & Property  
Natasha Berry Senior Governance Officer

Meeting opened at 6.00pm.

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## 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

Nil

## 4 Adoption and Confirmation of Minutes

### Resolution

Moved Cr Roberts, seconded Cr Kowarzik

That Council confirms the minutes of Council Meeting Monday 20 April 2026.

For: Cr Kowarzik, Cr Nickell, Cr Owen, Cr Paton, Cr Pomeroy, Cr Potter, Cr Roberts, Cr Ross and Cr Thomsen

Against: Nil

Carried

## 5 Declaration Of Interests

Cr Liz Roberts declared a general conflict of interest in Agenda Item 7.1.3 Notice of Motion 1123 - Report Response - Decorative Street Lights, as a family member works for the lighting replacement contractors.

Cr Alanna Pomeroy declared a general conflict of interest in Agenda Item 7.1.5 Club Officer Application for 20 Additional Electronic Gaming Machines (Pokies), due to her previous role as board member and staff member.

Cr Samantha Potter declared a general conflict of interest in Agenda Item 7.3.2 Draft Festival & Events Policy 2026 -2030, as a family member has proposed financial interest in local festivals and events.

## 6 Community Questions

In accordance with clause 3.52.2 of the *Governance Rules*, any commentary or preamble submitted with community questions was removed, not read aloud or included in the minutes.

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Stephanie Davies submitted 7 questions, with parts that total 27 questions. They were not present and their questions were not read at the meeting.

Re: Agenda item 7.2.1 – Decorative Streetlights.  
Questions 1 through 10 have been responded to in a single response.

### Question 1

Can Council provide, by PSP and/or estate:

(a) all developer contributions, special charge scheme funding, maintenance contributions or other payments collected by Council associated with decorative or non-standard street lighting infrastructure;

### Question 2

(b) the total amount currently held in any decorative lighting reserve, sinking fund or quarantined account associated with decorative lighting infrastructure;

### Question 3

(c) a breakdown of all expenditure, transfers, reallocations or other uses of monies collected for decorative lighting purposes since establishment of those funds, including the purpose for which those monies were applied;

### Question 4

(d) the total amount expended by Council to date on decorative lighting maintenance, replacement, retrofit and reinstatement works;

### Question 5

(e) the total number of decorative streetlights currently within the municipality, including the number already replaced with standard fittings and the number awaiting replacement or retrofit; and

### Question 6

(f) the estimated future lifecycle replacement liability associated with decorative lighting assets across the municipality?

### Question 7

Noting the report states Council intends to “review the developer contribution model for non-standard lighting”, can Council clarify:

(a) whether lifecycle maintenance and replacement costs for decorative lighting were formally assessed before Council accepted these assets from developers;

### Question 8

(b) whether Council considers the original developer contribution and reserve funding arrangements were sufficient to meet the long-term maintenance and replacement obligations associated with decorative lighting assets;

**Question 9**

(c) whether Council now considers any aspect of the current decorative lighting replacement liability to represent an unfunded or underfunded long-term obligation for ratepayers; and

**Question 10**

(d) whether Council intends to change future asset acceptance or developer contribution arrangements for non-standard infrastructure to avoid similar long-term financial liabilities arising in future estates?

**Response**

Approximately \$840,000 is currently held in Council's reserve accounts. This amount is insufficient to fund replacement of current non-standard lighting infrastructure in future. Pending the consideration of the matter at tonight's meeting, Council will undertake further work to consider its Policy position.

**Re: Agenda Item 7.4.4 – Organisation Quarterly Finance Report – December 2025 to March 2026**

Question 11 through 18 have been responded to in a single response.

**Question 11**

Can Council Officers please explain:

(a) what objective evidence supports confidence in delivering the substantially expanded FY2026/27 capital program given the under-delivery of the current FY2025/26 program;

**Question 12**

(b) whether the assumptions underpinning the Draft Budget were reassessed following preparation of the Q3 report; and

**Question 13**

(c) whether Council considers the Draft Budget's forward capital delivery assumptions remain realistic and achievable?

**Question 14**

The report states that developer contributions are significantly declining.

Can Council provide:

(a) a breakdown of developer monetary contribution revenue received compared to budget, by PSP/growth area;

**Question 15**

(b) identification of which growth areas or estates are most materially under performing against forecast developer contribution revenue;

**Question 16**

(c) whether the decline is considered temporary timing-related, market-related, or indicative of a longer-term structural trend;

**Question 17**

(d) whether Council continues to maintain its previous growth assumptions regarding dwelling and household growth across the municipality given the reported decline in developer contribution revenue and infrastructure funding outcomes; and

**Question 18**

(e) the impact these issues are expected to have on planned infrastructure delivery, capital works programming, future borrowing requirements and long-term financial sustainability?

**Response**

Council remains confident in the information and assumptions provided in its quarterly financial report and draft 2026/27 budget.

Question 19 through 21 have been responded to in a single response.

**Question 19**

Can Council clarify whether the reported Comprehensive Result surplus provides an accurate reflection of Council's underlying operating position, given:

(a) the forecast Adjusted Underlying Result is a deficit of approximately \$18.4 million; and

**Question 20**

(b) the report further states that, when adjusted for the VLGGC timing issue, the underlying deficit is approximately \$25.4 million?

**Question 21**

Can Council explain which measure it considers most representative of Council's true underlying financial performance for the purpose of informing the community about Council's financial position?

**Response**

Council monitors its financial performance using a range of measures, including the comprehensive result and adjusted underlying result, which are key indicators of reported profitability. However, in recent years these measures have been significantly affected by the timing of payments received under the Financial Assistance Grants scheme via the Victoria Local Government Grants Commission (VLGGC), resulting in volatility that can obscure underlying trends.

For the purpose of informing the community about Council's true underlying financial performance, Council considers the underlying result excluding this income stream to be the most representative measure. This approach removes the impact of timing distortions associated with grant receipts and provides a clearer and more consistent view of Council's core operating position.

Question 22 through 23, have been responded to in a single response.

**Question 22**

Noting Council recently resolved to support implementation of a major ERP/IT transformation and implementation program involving approximately \$35 million in project costs and associated borrowings, can Council advise:

(a) how Council reconciles increasing borrowings and major new financial commitments with:

- declining developer contribution revenue;
- delayed capital delivery;
- increasing underlying deficits; and
- increasing reliance on Council cash to fund projects;

**Question 23**

(b) whether Council has modelled the cumulative long-term financial impact of:

- the ERP/IT transformation program;
- future borrowing costs;
- slower growth revenue; and
- infrastructure renewal obligations occurring simultaneously; and

**Response**

Please review the information in the summary business case that was considered at the April 2025 Council meeting.

Question 24 through 27 have been responded to in a single response.

**Question 24**

(c) whether Council considers the municipality's current financial trajectory sustainable without future service reductions, additional rate increases, project deferrals or materially increased debt levels?

**Question 25**

The report notes an asset renewal gap ratio below 1.0.

Can Council advise:

(a) whether Council considers current asset renewal expenditure sufficient to prevent deterioration of existing infrastructure assets over the medium to long term;

**Question 26**

(b) which asset classes are presently most at risk of falling behind renewal requirements; and

**Question 27**

(c) whether Council has identified any future risk of increasing maintenance costs or asset condition decline if renewal expenditure does not keep pace with depreciation?

**Response**

Please review the information in Council's Long Term Financial Plan and 10 Year Asset Plan that was considered at the October 2025 Council meeting.

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George Trojan submitted 10 questions. These were read and answered by the Acting General Manager Community and Planning Services.

Re: Significant Dutch Elm and Beech Trees, Station Avenue & Sellars Road, Emerald

Question 1 through 10 have been responded to in a single response.

**Question 1**

For the Dutch elm and beech trees in Station Avenue and Sellars Road, Emerald identified within Council's adopted 2009 Significant Tree assessment, is Council currently implementing the recommended management actions contained within that report?

**Question 2**

Has Council undertaken any recognised arboricultural, environmental, tourism, heritage landscape, or asset valuation of the mature elm and oak avenues associated with the former Nobelius nursery landscape, the Puffing Billy Railway corridor, and the Emerald Lake Park precinct, including assessment of canopy, environmental, heritage, tourism, and economic contribution values?

**Question 3**

If no such valuation has been undertaken, on what evidentiary basis does Council assess the environmental, financial, tourism, or landscape consequences associated with decline or loss of these mature trees?

**Question 4**

If the recommended management actions contained within the adopted Significant Tree assessment are not being implemented, what statutory, policy, governance, or asset management basis does Council rely upon in departing from those recommendations?

**Question 5**

Are the subject trees currently included within, or proposed to be included within, a Heritage Overlay, Vegetation Protection Overlay, Significant Landscape Overlay, or any other planning control under the Cardinia Planning Scheme?

**Question 6**

Where statutory planning controls apply, does Council accept that, as the responsible authority under the Planning and Environment Act 1987 (Vic), it has an obligation to conserve and protect the identified significance of those trees?

**Question 7**

If so, how does Council ensure compliance with those obligations where recommended arboricultural management actions are not being undertaken?

**Question 8**

Does Council consider that failure to undertake recommended management of identified significant trees may contribute to decline in the heritage, environmental, landscape, tourism, or canopy values those controls and studies are intended to protect?

**Question 9**

What governance, compliance, audit, or reporting mechanisms are in place to ensure that management of Council-controlled significant trees aligns with adopted significant tree studies, arboricultural recommendations, and any applicable statutory protections?

**Question 10**

Can Council confirm whether it considers the recommendations contained within the adopted Significant Tree assessment to be advisory only, or whether those recommendations form part of the evidentiary basis informing Council's statutory, governance, and asset management obligations?

**Response**

Trees on the significant tree register were entered into Council's Tree Asset Management system in 2025. Where still applicable, the original management recommendations are implemented/considered. Council has endorsed a proactive tree maintenance contract to commence in July 2026, where significant trees will be proactively inspected on a 2-yearly cycle and any works required subsequently completed.

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Linda Amos submitted 10 questions, with parts that total 17 questions. These were read and answered by the Acting General Manager Community and Planning Services.

**Re: Agenda Item 7.2.2 Glismann Road / Mahon Avenue Matters**

**Question 1**

**Mahon Avenue Development – Process and Transparency**

It is understood that an extraordinary Council meeting was recently held in confidence regarding the Mahon Avenue development?

**Response**

Council held a meeting on 7 April 2026 to consider an agenda item VCAT Hearing – 13-15 Mahon Avenue, Beaconsfield.

**Question 2**

Why was this matter considered in a confidential setting, and what specific grounds justified excluding the public?

**Response**

The agenda states that it was confidential on the grounds that it relates to s.3(1)(e) legal privileged information, being information to which legal professional privilege or client legal privilege applies.

**Question 3**

Given the direct and significant impact on Glismann Road landowners, why were affected parties not notified or consulted?

**Response**

Parties are not consulted on legal privileged information.

**Question 4**

Why is this matter treated differently to the Glismann Road VCAT proceedings, which are subject to a more transparent process?

**Response**

With respect to the Mahon Ave decision, parties are not consulted on legal privileged information. The Glismann Road matter being determined tonight relates to the agreed compulsory conference outcome with the applicant.

Question 5 and 6, have been responded to in a single response.

**Question 5**

**Assurances to Landowners**

Given that we, as landowners, have also been unable to progress development or sell our properties for development purposes—and may therefore be required to retain them as lifestyle properties—will Council extend the same assurances to us?

**Question 6**

If not, on what basis is Council determining which landowners are entitled to this consideration and which are not?

**Response**

Council would be happy to provide a letter of assurance regarding acquisition following the outcome of the VCAT Hearing.

Question 7 and 8, have been responded to in a single response.

**Question 7**

**Drainage and Infrastructure Impacts**

Given the approval of the Mahon Avenue development, which sits directly behind Glismann Road properties:

How does Council intend to manage drainage for this development?

**Question 8**

Will drainage infrastructure require access through, or impact upon, Glismann Road properties?

If so, why have affected landowners not been formally consulted or advised of these implications?

Will land be compulsorily acquired for this purpose?

**Response**

Drainage is a matter that is being considered under the current planning permit. The design has not been submitted and therefore it is premature to confirm this information.

**Question 9**

**Impact on Existing Proceedings**

In light of the substantive change introduced by the Mahon Avenue development:

Will Council consider seeking an adjournment of the current VCAT proceedings to allow all parties to fully assess the implications and engage in further discussions?

If not, how does Council justify proceeding when the planning context has materially changed?

**Response**

Council has reached 'in-principle' agreement with the applicant for the VCAT proceedings, and therefore there is no basis to adjourn the matter. The Mahon Avenue development is unrelated to the VCAT proceedings.

**Question 10**

**Planning Consistency and Deliverability**

How does Council reconcile continuing to rely on a Development Plan that includes infrastructure which is no longer deliverable?

**Response**

The Development Plan provides clarity on how development can proceed and is deliverable as no individual property is land locked. Council cannot force individual landowners to develop.

**Question 11**

How does Council justify limiting alternative access options—such as Patrick Place—when the primary access strategy is effectively unachievable?

**Response**

This matter has been tested and considered through an independent Planning Panel hearing, which concluded not to support this access.

**Question 12**

What steps will Council take to ensure that planning decisions across adjoining precincts are coordinated, realistic, and do not unfairly disadvantage certain landowners?

**Response**

Council has approved the Development Plan for this purpose. These matters are considered during the permit application process.

**Question 13 and 14 have been responded to in a single response.**

**Question 13**

**Patrick Place Access and State Planning Tools**

**Has Council investigated the option of fast-tracking a planning amendment or using available tools to enable access via Patrick Place to support the fair and orderly implementation of the Glismann Road Development Plan?**

**Question 14**

**If not, will Council commit to doing so, and within what time frame?**

**Response**

Council has previously advised that it will not be fast-tracking a planning amendment. The Development Plan was adopted in November 2025 and there has been no material change in circumstance since then.

**Question 15 and 16 have been responded to in a single response.**

**Question 15**

**Timing and Coordination of Landowners**

**What steps is Council taking to support timely resolution of this matter, recognising that the current level of coordination of 4 adjacent properties may not be sustainable indefinitely?  
Does Council acknowledge that delays risk undermining a rare opportunity for coordinated development of 4 adjacent properties?**

**Question 16**

**Engagement with Landowners Seeking Solutions**

**When will Council actively engage with landowners who are working in good faith to develop practical and workable solutions?**

**Response**

Council has progressed this matter by funding the Development Plan up-front, noting many others are funded by landowners. Council advises that landowners should engage appropriately qualified professionals to support them through the development process.

**Question 17**

**In particular, will Council commit to genuinely considering and progressing the solution put forward by landowners, which has been designed to balance the interests of stakeholders involved in the current process and support a fair and implementable outcome?**

**Response**

Access through Patrick Place was not supported through the independent Planning Panel hearing. There has been no material change that would warrant any change from this position.

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**Adrian Dowell submitted 2 questions. These were read and answered by the Acting General Manager Community and Planning Services.**

**Question 1 and 2 will be answered together.**

**Question 1**

Does Council have a pool inspector or a person of a similar title on staff; if so, can Council please provide their commencement date in that role and their Building and Plumbing Commission registration details?

**Question 2**

Is the current Deputy Municipal Building Surveyor capable of carrying out all functions under the Building Act 1993 as their registration only permits buildings of up to 2,000 metres squared; if not, what is Council's contingency plan for an event in a building such as a warehouse that is over 2,000 metres squared in area during a period of the Municipal Building Surveyor's absence?

**Response**

Council engages and has access to suitably qualified people as required to deal with any matters that arise.

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**Dean Hurlston submitted 10 questions, with parts that total 33 questions.**

**Response:**

The questions have been taken on notice and are being reviewed in the context of the Governance Rules.

## 7 Ordinary Business

### 7.1 General Reports

#### 7.1.1 MEMBER APPOINTMENTS - ARTS & CULTURE REFERENCE GROUP

Responsible GM:	Wayne Mack
Staff Disclosure:	All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.
Council Plan Reference:	<b>1. Thriving Communities</b> <b>1.1. Community culture and identity</b> - We enrich local identity and foster opportunities for the community to make meaningful connections through creative arts, events and cultural expression.

#### Resolution

Moved Cr Potter, seconded Cr Thomsen.

That Council:

1. Appoints the following to the Cardinia Arts and Culture Reference Group for a period of two years:
  - a. Patrick Lyons
  - b. Rekha Devdas
2. Formally thanks the outgoing Group members and community members who submitted applications.

For: Cr Kowarzik, Cr Nickell, Cr Owen, Cr Paton, Cr Pomeroy, Cr Potter, Cr Roberts, Cr Ross and Cr Thomsen

Against: Nil

Carried



## 7.1.3 NOTICE OF MOTION 1123 - REPORT RESPONSE - DECORATIVE STREET LIGHTS

Responsible GM:	Ana Caicedo
Staff Disclosure:	All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.
Council Plan Reference:	<p><b>1. Thriving Communities</b></p> <p><b>1.5 Safe and accessible places</b> - We plan for, provide and maintain safe, inviting and accessible public spaces and places, to promote pride of place and improve wellbeing.</p> <p><b>2. Vibrant Places</b></p> <p><b>2.5 Community and open space infrastructure</b> - We plan, deliver and maintain recreation facilities, open spaces and places that support community connection and promote the health and wellbeing of the community.</p>

Cr Roberts left the meeting at 6:23 pm with a declared conflict of interest in this item.

### Alternate Resolution

Moved Cr Kowarzik, seconded Cr Pomeroy.

That Council:

1. Notes the response to Notice of Motion 1123.
2. Notes the process for removing or replacing decorative streetlights outlined in the report.
3. Notes the following next steps:
  - a. Continue discussions with AusNet to formalise the decorative replacement process.
  - b. Audit all decorative lights to identify priority areas for bulk upgrades.
  - c. Develop a public facing FAQ (frequently asked questions) explaining the process for residents.
  - d. Review the developer contribution model for non-standard lighting.
4. Requests a report within six months, including;
  - a. A formal response from AusNet to this report to be tabled at an Ordinary Council meeting, outlining their commitment in finding a solution to retaining decorative streetlights within Cardinia Shire, whilst moving toward a mercury-free, LED future for streetlighting.
  - b. An update on the progress of the audit, as described in item 3(b) of this resolution; and,
5. Receives a separate officer report back at a future Council meeting, within six months, that considers a policy position that Council does not accept the installation of non-standard decorative lighting in future development applications.

For: Cr Kowarzik, Cr Nickell, Cr Owen, Cr Paton, Cr Pomeroy, Cr Potter, Cr Ross and Cr Thomsen  
Against: Nil

Carried

## 7.1.4 LOCAL STREET SEALING INITIATIVE - LISTING OF ROADS

Responsible GM:	Ana Caicedo
Staff Disclosure:	All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.
Council Plan Reference:	<p><b>2. Vibrant Places</b></p> <p><b>2.2 Annual capital project planning</b> - We identify and deliver capital projects that provide and renew public infrastructure.</p> <p><b>2.3 Road network</b> - We partner with agencies to plan, deliver, and maintain an integrated transport network that supports connected communities into the future.</p> <p><b>2.4 Road advocacy</b> - We advocate for State and Federal Governments for increased investment in infrastructure for all modes of transport, public transport infrastructure and services, and enhanced road safety treatments.</p> <p><b>2.9 Asset planning and management</b> - We manage assets on behalf of the community to sustainably deliver services with the optimal balance of whole of life costs and performance.</p>

Cr Roberts returned to the meeting at 6:36 pm.

### Resolution

Moved Cr Nickell, seconded Cr Pomeroy.

That Council notes that Attachment 1 of this report includes the list of roads that currently meet the criteria for participation in the Local Street Sealing Initiative as adopted on 20 April 2026.

For: Cr Kowarzik, Cr Nickell, Cr Owen, Cr Pomeroy, Cr Potter, Cr Roberts, Cr Ross and Cr Thomsen

Against: Cr Paton

Carried

## 7.1.5 CLUB OFFICER APPLICATION FOR 20 ADDITIONAL ELECTRONIC GAMING MACHINES (POKIES)

Responsible GM:	Wayne Mack
Staff Disclosure:	All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.
Council Plan Reference:	<p><b>1. Thriving Communities</b></p> <p><b>1.3 Wellbeing and liveability</b> - With diverse partner agencies we work to protect, improve and promote community health and wellbeing by implementing the Cardinia Shire Council Liveability Plan 2017-2029.</p> <p><b>5. Responsible Leaders</b></p> <p><b>5.4 Advocacy</b> - We act as a proactive and powerful advocate for our community, influencing outcomes that improve and enhance quality of life, access to services and future opportunities for our residents.</p>

Cr Pomeroy left the meeting at 6:53 pm with a declared conflict of interest in this item.

### Resolution

Moved Cr Kowarzik, seconded Cr Roberts.

That Council:

1. Makes a submission to the Victorian Gambling and Casino Control Commission (VGCCC) by 25 May 2026, opposing the application submitted by Cranbourne Pakenham Racing Club Incorporated (trading as Club Officer) to increase the number of electronic gaming machines by 20 at 3 Niki Place, Officer, based on the potential social and economic harm to the wellbeing of the community.
2. Notes officers notified the VGCCC within statutory time frames of Cardinia Shire Council's intention to make a submission, in accordance with Council's Gambling Harm Prevention and Minimisation Policy.
3. Authorises the Chief Executive Officer to delegate authority, provide instructions, negotiate as required, and make a determination on Council's attendance at the VGCCC hearing.

For: Cr Kowarzik, Cr Nickell, Cr Owen, Cr Potter, Cr Roberts, Cr Ross and Cr Thomsen

Against: Cr Paton

Carried

## 7.2 Town Planning Reports

### 7.2.1 PLANNING APPLICATION T250159 PA - USE AND DEVELOPMENT OF LAND FOR RESTRICTED RETAIL PREMISES, SERVICE STATION AND ADVERTISING SIGNAGE

Responsible GM:	Wayne Mack
Staff Disclosure:	All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.
Council Plan Reference:	<b>4. Prosperous Economies</b> <b>4.5 Business and industry development</b> - We enhance and develop local economy through industry development, programs and initiatives.

Cr Pomeroy returned to the meeting at 7:09 pm.

#### Resolution

Moved Cr Paton, seconded Cr Kowarzik.

It is recommended that Council resolves to grant Planning Permit Application T250159 at Lot 2 PS904617S (proposed Lot 400) 130 Greenhills Road, Pakenham, for the use and development of the land for restricted retail premises, service station and advertising signs in accordance with the endorsed plans, as per the following table, and subject to the following conditions:

Planning scheme clause	Matter for which the permit has been granted
Clause 2.3 of Schedule 6 to Clause 37.07	A permit is required to use the land for a Service Station.
Clause 33.01-1	A permit is required to use the land for Restricted retail premises.
Clause 33.01-4	A permit is required to construct a building or construct or carry out works.
Clause 44.04-2	A permit is required to construct a building or to construct or carry out works.
Clause 52.05-12	A permit is required for signs exceeding 8sqm to each premises and illuminated signs exceeding 1.5sqm.
Clause 52.34-2	A permit may be granted to reduce the requirements of Clause 52.34-5 and 52.34-6.

1. Prior to buildings and works commencing amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions and provided in an electronic

- format. The plans must be in accordance with the plans prepared by Group GSA submitted 20 October 2025 but modified to show:
- a. Removal of the unidentified squares and rectangles from the site plan and staging plan.
  - b. The bio-swale removed from the typical carpark space 02.
  - c. The external colour schedule for item 2 to list all Colorbond colours proposed as per the elevations.
  - d. Any changes as required by Head Transport for Victoria at Condition 48.
2. Prior to buildings and works commencing, additional land required for roads and road widening must be vested in the relevant public agency with designation (e.g. road) nominated by the relevant agency at no cost to the acquiring agency.
  3. Prior to buildings and works commencing an amended Sustainability Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and form part of the permit. The Plan must be in accordance with the Sustainability Management Plan prepared by NDY dated 13 May 2025 but modified to show:
    - a. How the development will achieve best practice sustainable design, using the Built Environment Sustainability Scorecard (BESS) or other comparable design tool (including Green Star assessment and certification) to demonstrate best practice environmental design.
  4. Prior to buildings and works commencing, a stormwater management plan to the satisfaction of the Responsible Authority showing the stormwater works to the nominated point of discharge must be submitted to and approved by the Responsible Authority. Once approved, the stormwater management plan will be endorsed and will then form part of the permit. The stormwater management plan must be prepared by a suitably experienced engineer and show details of the proposed stormwater works including all existing and proposed features that may have impact (including trees to be retained, tree protection pits, crossings, services, fences, abutting buildings, existing boundary levels etc). All works must be carried out and completed in accordance with the approved stormwater management plan.
  5. Prior to buildings and works commencing, unless otherwise agreed in writing by the Responsible Authority, easement E-1 on Lot 2 PS904617S must be removed from the land.
  6. Prior to buildings and works commencing, the following must be completed to the satisfaction of the Responsible Authority:
    - a. Road drainage and outfall drainage construction for the applicable stage of subdivision under Planning Permit T230179.
    - b. The subgrade protection layer with additional protective working layer on top of Meadow Parade and Waddell Loop.
  7. Before the submission and approval of detailed engineering plans for any external road and drainage works required as a result of the approved development, a Functional Layout Plan for the proposed works, in accordance with the standards nominated in the Victorian Planning Authority (VPA) produced "Engineering and Construction Manual for Subdivisions in Growth Areas" to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Functional Layout Plan will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and provided in an electronic format. The Functional Layout Plan must show:
    - a. A fully dimensioned development layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations.
    - b. Topography and existing features, including contours for the subject land and any affected adjacent land.

- c. Identification by survey of all trees (or group of trees) existing on the subject land, including dead trees and those that overhang the subject land from adjoining land.
  - d. Details of tree protection zones (TPZs) for all trees to be retained on the subject land or adjoining land.
  - e. All trees proposed for removal from the subject land clearly designated.
  - f. Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements identified in the Pakenham South Employment Precinct Structure Plan.
  - g. Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls. The shared use path should have priority over the vehicle crossovers.
  - h. The proposed minor drainage network and any spatial features requiring access.
  - i. The major drainage system, including any watercourse, lake, wetland, sediment pond rain gardens, bio-infiltration system and/or piped elements showing preliminary sizing.
  - j. Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination.
  - k. Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for the construction and maintenance.
  - l. A table of offsets for all utility services and street trees.
  - m. Preliminary location of reserves for electrical kiosks.
  - n. Traffic management plan showing, traffic control devices and large vehicle turning overlays.
  - o. Works external to the site, including both interim and ultimate access requirements.
  - p. Intersections with Category 1 roads showing interim and ultimate treatments.
  - q. Drainage and sewerage outfalls including any easements required over other property.
8. At least 14 days before any works start, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP. The CEMP must address all environmental risks and include:
- a. Temporary stormwater management including sedimentation control,
  - b. Provision of pollution and contamination controls including noise and dust,
  - c. Location of stockpiles and stockpile management,
  - d. Location of site office and facilities,
  - e. Equipment, materials and goods management,
  - f. Tree protection zones, trees to be retained and trees to be removed.
9. Before the development is occupied, industrial type vehicle crossovers as shown on the approved plans must be constructed generally in accordance with AS2890.2 with pavement composition selected from EDCM 503 standards to the satisfaction of the Responsible Authority.
10. Before the development is occupied, the proposed lot must be titled and all road and streetscapes providing access to the lot must be designed, constructed and operational in accordance with approved detailed design (engineering plans) to the satisfaction of the Responsible Authority, including:

- a. Koo Wee Rup Road / Greenhills Road intersection (PSP ref. IN-01) upgrade to the ultimate signalised intersection.
  - b. Greenhills Road/Commercial Drive/Meadow Parade roundabout (PSP ref. IN-02).
  - c. Duplication of Greenhills Road between IN-01 and IN-02 (PSP ref. RD-01) and site access arrangements.
  - d. Meadow Parade between IN-02 and Waddell Loop including centre median, shared path and site access arrangements.
  - e. Roundabout at Meadow Parade/Waddell Loop catering for B-double vehicles.
  - f. Waddell Loop from Meadow Parade/Waddell Loop roundabout to the loading dock access point.
11. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the areas set aside for accessways, crossovers, circulation and car and bicycle parking as shown on the endorsed plans must be:
    - a. Constructed;
    - b. Properly formed to such levels that they can be used in accordance with the plans;
    - c. Drained;
    - d. Line-marked to indicate each car space and all access lanes; and
    - e. Clearly marked to show the direction of traffic along access lanes and driveways.To the satisfaction of the Responsible Authority.
  12. Before the development is occupied, outfall drainage for the development must be designed and constructed to a point of discharge approved by and to the satisfaction of the Responsible Authority and in accordance with plans and specifications approved by the Responsible Authority.
  13. Before the development is occupied a maintenance manual in accordance with the Water Management Plan prepared by ACOR Consultants Pty Limited dated 8 October 2025 must be submitted to the Responsible Authority and be to the satisfaction of the Responsible Authority. All works must be in accordance with the Water Management Plan.
  14. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
  15. Before the development is occupied, a Memorandum of Authorisation (MOA) from the Department of Transport approving any formal zebra crossing must be obtained to the satisfaction of the Responsible Authority. The two (2) zebra crossings on the main north-south access through the site must be on raised platforms and designed with flashing lights to the satisfaction of the Responsible Authority.

### **Signage**

16. The location and details of the signs, including those on supporting structures, as shown on the endorsed plan/s, must not be altered without the written consent of the Responsible Authority.
17. The sign/s must not be illuminated by external or internal light except as approved by this permit.
18. The illumination of the sign/s must not detrimentally affect the amenity of the area through the emission of light beyond the boundary of the subject land.
19. The sign/s must not:
  - a. Contain any flashing light.
  - b. Dazzle or distract drivers due to its colouring.

- c. Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles.
  - d. Be able to be mistaken as an instruction to drivers.
20. The sign/s must be displayed and maintained to the satisfaction of the Responsible Authority.

**General**

21. The use and development of the land must be in accordance with the plan/s endorsed under this permit and subject to the conditions set out in this permit.
22. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development of the subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.
23. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
24. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
25. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
26. The development must be provided with reticulated water and sewerage, underground power and telecommunications connections to the satisfaction of the Responsible Authority.
27. Concrete structures must be designed for a non-aggressive to mild aggressive soil exposure classification in accordance with AS2159-2009 to the satisfaction of the Responsible Authority. A corrosion allowance for any steel pile needs to be taken into account as per AS2159.
28. All external road and drainage works required as a result of the approved development must be designed and constructed in accordance with detailed engineering plans and specifications approved by the Responsible Authority. The works must comply with the standards nominated in the Victorian Planning Authority (VPA) produced "Engineering Design and Construction Manual for Subdivision in Growth Areas".
29. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.
30. All waste generated by the use of the land must be managed in accordance with the approved waste management plan.
31. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the building, including the roof, must be of a least-reflective nature.
32. All rooftop plant and equipment (including air conditioning units, heating units and hot water systems) must be concealed or screened from the public realm (and remain so), all to the satisfaction of the Responsible Authority.
33. The development must be managed so that the amenity of the area is not detrimentally affected through the:
- a. Transport of materials, goods or commodities to or from the land.
  - b. Appearance of any buildings, works or materials.
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - d. Presence of vermin.

- To the satisfaction of the Responsible Authority.
34. The areas shown on the endorsed plan/s for car and bicycle spaces and vehicle accessways must be kept clear of obstructions, made available for use by vehicles at all times and thereafter maintained to the satisfaction of the Responsible Authority.
  35. The loading and unloading of delivery vehicles must only be carried out within the designated loading bay/s and must not disrupt the circulation and parking of vehicles. The maximum size (length) of vehicles permitted to access the site is limited to 26m B-Double vehicles via the Main Truck access and 19m fuel tankers via the Fuel Truck access.
  36. Except with the written consent of the Responsible Authority the premises may operate only between the following hours:
    - a. Restricted retail premises – 10am till 8.30pm Monday to Friday and 10am till 6.30pm Saturday and Sunday.
    - b. Service station – 6am till 9.30pm seven days a week.

#### **South East Water**

37. Prior to the commencement of the uses allowed by the planning permit, all recommendations included in the endorsed Odour Amenity Impact Assessment (prepared by Tonkin & Taylor, dated 04/2026) must be implemented to the satisfaction of the Referral Authority.
38. Within six months of completion of the expanded South East Water treatment plant at 1070 Koo Wee Rup Road, Pakenham, or as otherwise agreed with the Referral Authority, the permit holder must undertake an Odour Amenity Impact Assessment. The assessment must be prepared to the satisfaction of the Responsible Authority by a suitably qualified professional, and must:
  - a. Be prepared in accordance with EPA Publication 1883 (or as amended);
  - b. Confirm any assumptions made relating to odour emanating from 1070 Koo Wee Rup Road;
  - c. Assess whether the mitigation measures identified in the endorsed Odour Amenity Impact Assessment (prepared by Tonkin & Taylor, dated 04/2026) are operating effectively to mitigate odour impacts at 130 Greenhills Road, Pakenham, to the satisfaction of the Responsible Authority; and
  - d. Identify and confirm the details of any additional mitigation measures required.In the event that additional mitigation measures are required, these must be implemented within six months of the assessment report being submitted and approved, at the cost of the permit holder and to the satisfaction of the Referral Authority.
39. Prior to the commencement of the use, the permit holder must prepare and implement an Odour Communication Strategy to the satisfaction of the Responsible Authority. The strategy must outline how customers, staff and visitors will be informed that the land is located within an odour buffer area associated with the Pakenham Water Recycling Plant, and that odour impacts may be experienced from time to time. Any complaints received in relation to odour from the Water Recycling Plant must be directed to and addressed by the permit holder.

#### **Melbourne Water**

40. Before the commencement of works, a separate application for any new or modified stormwater connection to Melbourne Water's drains or watercourses must be made to and approved by Melbourne Water.
41. Before a certificate of occupancy for the proposed development is issued, all interim drainage infrastructure must be constructed (having received a certificate of

- practical completion) in accordance with the Cardinia Business Park Stormwater Management Plan prepared by KLM Spatial dated 5 May 2025 (Version 1) to the satisfaction of Melbourne Water and Council.
42. Before the commencement of works, the land must be filled 300mm above the 1 in 100 year flood level associated with an existing or proposed Melbourne Water pipeline or 600mm above the 1 in 100 year flood level associated with an existing or proposed Melbourne Water waterway, wetland or retarding basin; whichever is greater. A certified survey plan (CSP) must be prepared demonstrating this has been achieved to Melbourne Water's satisfaction. The CSP must be prepared by or under the supervision of a licensed land surveyor, and clearly show the finished levels reduced to Australian Height Datum (AHD) and the 1% AEP flood levels associated with the existing or proposed Melbourne Water asset.
  43. Before the commencement of works, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways and other matters in accordance with the statutory powers of Melbourne Water Corporation.
  44. Any new fencing or gates must be an open/permeable style (minimum 50% permeable) to allow for the passage of floodwater (timber paling fencing is acceptable).
  45. The layout of buildings and works as shown on the plans must not be altered without the prior written consent from Melbourne Water.
  46. Pollution and / or sediment laden runoff must not be discharged directly or indirectly into Melbourne Waters drains or waterways.
  47. Local drainage must be to the satisfaction of Council.

#### **Head Transport for Victoria**

48. Prior to the endorsement of development plans, Functional Layout Plans (FLPs) must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed by the Responsible Authority and will then form part of the permit. The FLPs must be generally in accordance with the Concept Plan – Alternate Layout (Drawing Number G34852-03-01, Issue F, dated 02-Sep-2025 and prepared by Traffix Group), but modified to show to the satisfaction of the Head, Transport for Victoria:
  - a. the alignment and extent of the RD-01 Greenhills Road ultimate 34 metre reservation in accordance with the Pakenham South Employment Infrastructure Contributions Plan (ICP), including land to be set aside for arterial widening;
  - b. a cross-section consistent with the PSP and ICP, showing verge widths, 3.0 m shared user path, landscape zones, and bus-capable carriageways;
  - c. the ultimate Left-in/Left-out access location to the proposed development, including a deceleration lane within the property boundary to the easternmost access point in accordance with Austroads Guidelines;
  - d. a bus stop in an appropriate location in accordance with the Department of Transport and Planning's Indented Bus Bay Guidelines;
  - e. a 3.0 metre wide shared user path along the southern side of Greenhills Road and necessary pedestrian and cyclist crossings and priority treatments;
  - f. sufficient setback from the carriageway and shared user path;
  - g. associated works required to integrate the access and road widening outcomes; and
  - h. land set aside as road, clearly labelled 'Road'.
49. Once the Functional Layout Plans required under Condition 48 are approved, amended development plans must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans (Project No. NA230819, Issue E, dated 16.06.2025 and prepared by Group GSA),

- but modified to show the roadworks and associated transport infrastructure shown in the approved Functional Layout Plans, to the satisfaction of the Head, Transport for Victoria.
50. Subsequent to the approval of the Functional Layout Plans and development plans, and prior to the commencement of any roadworks on Greenhills Road required by this permit, the permit holder must submit detailed engineering design plans to the Responsible Authority for approval, following review by the Department of Transport and Planning (Project Advice Team).
  51. Prior to the occupation of the development, the required roadworks on Greenhills Road, as shown on the approved detailed design plans, must be completed to the satisfaction of and at no cost to the Responsible Authority.
  52. Prior to the commencement of any works within or affecting Greenhills Road:
    - a. Detailed engineering design drawings must be submitted to the Department of Transport and Planning (Project Advice Team) for review and endorsement under the External Works approval process. The endorsed plans will form part of this permit and must be implemented to the satisfaction of the Head, Transport for Victoria.
    - b. Any land required for the ultimate widening of Greenhills Road, as shown on the approved Functional Layout Plans, must be set aside and vested in the Head, Transport for Victoria as a public road at no cost to the Responsible Authority or the Department of Transport and Planning.
  53. All works required by or under this permit, including roadworks, drainage, bus stops and associated land dedication, must be constructed or provided at no cost to the Department of Transport and Planning or the Responsible Authority.
  54. Unless otherwise agreed in writing by the Head, Transport for Victoria, prior to the occupation of the development hereby approved, the Koo Wee Rup Road/Greenhills Road signalised intersection must be completed and available for use to the satisfaction of and at no cost to the Head, Transport for Victoria.

**Expiry**

55. This permit will expire if:
  - a. The development does not start within three (3) years of the date of this permit;  
or
  - b. The development is not completed within five (5) years after the issue of the permit. or
  - c. The use does not start within three (3) years after the completion of the development; or
  - d. The use is discontinued for a period of two (2) years.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with section 69 of the Planning and Environment Act 1987.

For: Cr Kowarzik, Cr Owen, Cr Paton, Cr Pomeroy, Cr Potter, Cr Roberts, Cr Ross and Cr Thomsen

Against: Cr Nickell

Carried

## 7.2.2 GLISMANN ROAD AREA DEVELOPMENT PLAN (DP019)

Responsible GM:	Wayne Mack
Staff Disclosure:	All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.
Council Plan Reference:	<p><b>2. Vibrant Places</b></p> <p><b>2.1 Strategic planning</b> - We ensure the Cardinia Shire Planning Scheme delivers high quality outcomes that preserve the liveability and identity of the municipality and protecting our natural environment, while also accommodating for population growth and economic development, while preserving the liveability and identity of the municipality and protecting our natural environment.</p>

### Resolution

Moved Cr Roberts, seconded Cr Kowarzik.

That Council:

1. Endorses in principle the four settlement principles, and the associated provisions, outlined in the without-prejudice letter from Maddocks Lawyers to Best Hooper Lawyers dated 1 May 2026 (**Confidential Attachment 2**) in relation to VCAT Proceeding P1102/2025.
2. Approves the tracked changes outlined in **Attachment 3** - Tracked Changes to the Approved Glismann Road Area Development Plan (Principle 2) and confirms that these changes form part of the Glismann Road Area Development Plan approved by Council on 17 November 2025, under section 4.0 of Schedule 19 to Clause 43.04 (Development Plan Overlay) of the Cardinia Planning Scheme.

For: Cr Kowarzik, Cr Owen, Cr Potter, Cr Roberts, Cr Ross and Cr Thomsen

Against: Cr Nickell and Cr Pomeroy

Carried

7.3 Policy Reports

<b>7.3.1 REVISED PUBLIC ART POLICY 2026 - 2030</b>	
Responsible GM:	Wayne Mack
Staff Disclosure:	All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.
Council Plan Reference:	<b>1. Thriving Communities</b> <b>1.1. Community culture and identity</b> - We enrich local identity and foster opportunities for the community to make meaningful connections through creative arts, events and cultural expression.

**Alternate Resolution**

Moved Cr Paton, seconded Cr Pomeroy.

Cr Kowarzik left the meeting at 7:48 pm and returned at 7.50pm.

That Council adopts the Public Art Policy 2026-2030 with the following administrative changes:

1. Clarifies that excluded elements (such as wayfinding, interpretative signage, streetscaping and lighting) identified in section 2 are not excluded when they fall within the scope of a broader public art project
2. Amends the wording ‘are to be funded through’ to ‘have historically been funded through’ in section 4.3
3. Includes reference to representatives of the Arts and Culture Reference Group being on the Public Art Working Group in section 4.6 with respect to Council led projects

For: Cr Kowarzik, Cr Nickell, Cr Owen, Cr Paton, Cr Pomeroy, Cr Potter, Cr Roberts, Cr Ross and Cr Thomsen

Against: Nil

Carried

## 7.3.2 DRAFT FESTIVAL & EVENTS POLICY 2026 -2030

Responsible GM:	Wayne Mack
Staff Disclosure:	All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.
Council Plan Reference:	<b>1. Thriving Communities</b> <b>1.1. Community culture and identity</b> - We enrich local identity and foster opportunities for the community to make meaningful connections through creative arts, events and cultural expression.

Cr Potter left the meeting at 8:05 pm with a declared conflict of interest in this item.

### Resolution

Moved Cr Pomeroy, seconded Cr Thomsen.

That Council:

1. Opens the 2026-27 Festival and Events grants round and assesses applications in accordance with the draft Festival and Events Policy 2026-2030 and associated guidelines.
2. Adopts the draft Festival and Events Policy 2026-2030 for the purposes of further community engagement, including feedback received through the 2026-27 process.
3. Receives a further report following community engagement to adopt the Festival and Events Policy.

For: Cr Kowarzik, Cr Nickell, Cr Owen, Cr Paton, Cr Pomeroy, Cr Roberts, Cr Ross and Cr Thomsen

Against: Nil

Carried

7.4 Financial Reports

**7.4.1 CONTRACT AWARD RFT000099 - ENTERPRISE SYSTEM IMPLEMENTATION PARTNER**

Responsible GM:	Allison Southwell
Staff Disclosure:	All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.
Council Plan Reference:	<p><b>5. Responsible Leaders</b></p> <p><b>5.5 Continuous improvement</b> - We take advantage of emerging technologies to continuously improve our customer experience, ensure our services are efficient, scalable and secure.</p> <p><b>5.6 Service quality and review</b> - Our services are designed and reviewed to ensure that they address changing community needs, are efficient, effective, respond to risks and fulfill Council’s legal obligations.</p>

Cr Potter returned to the meeting at 8:16 pm.

**Resolution**

Moved Cr Nickell, seconded Cr Roberts.

That Council:

1. Awards the contract for ERP Implementation Partner to PM Partners for capped time and materials over the life of the contract (including extensions) for \$6,588,763 ex GST.
2. Awards the initial contract period for a period of twelve months from commencement with up to three (3) additional twelve (12) month extension options at the discretion of CEO.
3. Approves the use of any additional time and material items up to 10% variation on the total contract value at the rates outlined in the confidential attachment and within budgetary constraints.

Cr Thomsen left the meeting at 8:23 pm and returned at 8:29pm.

For: Cr Kowarzik, Cr Nickell, Cr Owen, Cr Paton, Cr Pomeroy, Cr Potter, Cr Roberts, Cr Ross and Cr Thomsen

Against: Nil

Carried

## 7.4.2 AWARD CONTRACT RFT000098 - ANNUAL SUPPLY FOOTPATH, KERB & CHANNEL & ASSOCIATED WORKS – NEW, REPLACEMENT & MAINTENANCE

Responsible GM:	Ana Caicedo
Staff Disclosure:	All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.
Council Plan Reference:	<p><b>2. Vibrant Places</b></p> <p><b>2.2 Annual capital project planning</b> - We identify and deliver capital projects that provide and renew public infrastructure.</p> <p><b>2.5 Community and open space infrastructure</b> - We plan, deliver and maintain recreation facilities, open spaces and places that support community connection and promote the health and wellbeing of the community.</p>

### Resolution

Moved Cr Kowarzik, seconded Cr Pomeroy.

That Council:

1. Awards the contract for RFT000098 – Annual Supply of Footpath, Kerb & Channel and Associated Works – New, Replacement and Maintenance to following tenderers for initial period of three (3) years, with provisions for two (2) extensions of two (2) years each
  - a. Germano Construction Pty Ltd
  - b. Rabot Paving (Australia) Pty Ltd
  - c. Sahhar Holdings Pty Ltd as trustee for (ATF) Paul Sahhar Family Trust t/a UCIVIL
  - d. Prestige Infrastructure Services Pty Ltd
  - e. Tony and Sam Porto Family Trust ATF Uniscape Pty Ltd

For: Cr Kowarzik, Cr Nickell, Cr Owen, Cr Paton, Cr Pomeroy, Cr Potter, Cr Roberts, Cr Ross and Cr Thomsen

Against: Nil

Carried

## 7.4.3 AWARD CONTRACT RFT000103 - STAGE 2 PAKENHAM REVITALISATION PROJECT - CONSTRUCTION OF DRAKE PLACE AND JOHN STREET

Responsible GM:	Ana Caicedo
Staff Disclosure:	All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.
Council Plan Reference:	<b>2. Vibrant Places</b> <b>2.5 Community and open space infrastructure</b> - We plan, deliver and maintain recreation facilities, open spaces and places that support community connection and promote the health and wellbeing of the community.

Cr Pomeroy left the meeting at 8:39 pm.

### Resolution

Moved Cr Roberts, seconded Cr Kowarzik.

That Council:

1. Awards the contract for RFT000103 Stage 2 Pakenham Revitalisation Project – Construction of Drake Place and John Street to Blue Peak Constructions for \$6,981,247.85
2. Approves the use of any contingency items as outlined in the confidential attachment for the delivery of this contract should they arise throughout the course of the contract.
3. Delegates CEO to have the authority to approve up to 10% variation on the total contract value as declared in Recommendation 1.

Cr Pomeroy returned to the meeting at 8:40 pm.

For: Cr Kowarzik, Cr Nickell, Cr Owen, Cr Pomeroy, Cr Potter, Cr Roberts, Cr Ross and Cr Thomsen

Against: Cr Paton

Carried

## 7.4.4 ORGANISATION QUARTERLY FINANCE REPORT – DECEMBER 2025 – MARCH 2026

Responsible GM:	Allison Southwell
Staff Disclosure:	All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.
Council Plan Reference:	<p><b>2. Vibrant Places</b></p> <p><b>2.1 Strategic planning</b> - We ensure the Cardinia Shire Planning Scheme delivers high quality outcomes that preserve the liveability and identity of the municipality and protecting our natural environment, while also accommodating for population growth and economic development, while preserving the liveability and identity of the municipality and protecting our natural environment.</p> <p><b>2.2 Annual capital project planning</b> - We identify and deliver capital projects that provide and renew public infrastructure.</p> <p><b>5. Responsible Leaders</b></p> <p><b>5.3 Long term financial sustainability</b> - We manage Council's resources prudently and efficiently to ensure long-term financial sustainability.</p>

Cr Roberts left the meeting at 8:52 pm.

### Resolution

Moved Cr Kowarzik, seconded Cr Paton.

That Council:

1. Receives and notes the Quarterly Finance Report for the period ended 31 March 2026, for the purpose of section 97 of the *Local Government Act 2020*.
2. Notes that the Chief Executive Officer, as required under section 97(3) of the *Local Government Act 2020*, is of the opinion that a revised budget is not required.

Cr Roberts returned to the meeting at 8:55 pm.

For: Cr Kowarzik, Cr Nickell, Cr Owen, Cr Paton, Cr Pomeroy, Cr Potter, Cr Roberts, Cr Ross and Cr Thomsen  
 Against: Nil

Carried

## 7.5 Activity Reports

### 7.5.1 Q3 QUARTERLY PERFORMANCE AND ACTIVITY REPORT 2025-2026

Responsible GM:	Allison Southwell
Staff Disclosure:	All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.
Council Plan Reference:	<p><b>5. Responsible Leaders</b></p> <p><b>5.5 Continuous improvement</b> - We take advantage of emerging technologies to continuously improve our customer experience, ensure our services are efficient, scalable and secure.</p> <p><b>5.7 Governance</b> - We maintain a high level of transparent, accountable, unbiased and representative governance.</p>

#### Resolution

Moved Cr Roberts, seconded Cr Pomeroy.

That Council receive and note the contents of the Performance and Activity Reports for Quarter 3 2025-2026.

For: Cr Kowarzik, Cr Nickell, Cr Owen, Cr Paton, Cr Pomeroy, Cr Potter, Cr Roberts, Cr Ross and Cr Thomsen

Against: Nil

Carried

At 9:06pm, the Mayor adjourned the meeting for 5 minutes.

## 8 Reports by Councillors

The meeting recommenced at 9:14pm.

**Cr Kowarzik addressed Council by reporting on attendance at the following:**

- Attendance at Candle Light Vigil for family violence victims
- Pakenham Girl Guides 100 years birthday celebration
- Bring Your Bills Day
- ANZAC Day and mentioned the many different services held throughout the Shire and thanked the RSLs for keeping this important national day alive.

**Cr Roberts addressed Council by reporting on attendance at the following:**

- Pakenham Girl Guides 100 years birthday celebration
- U3A meeting, Chaired this meeting
- Reconciliation Week events held throughout the Shire

**Cr Potter addressed Council by reporting on:**

- Attendance at Candle Light Vigil for family violence victims
- IDAHOBt Day
- Volunteers Week and thanked all the volunteers
- Victorian Government Funding of Meningococcal B vaccine for infants and teenagers
- Donated Blood to Red Cross
- Officer Specialist School Expo
- Cardinia Leadership Program
- Mothers Day at Belview Farm Officer
- New mural in Officer
- Next ONE Officer Business Network meeting to be held on Sunday 31 May at 10am.

**Cr Paton addressed Council by reporting on:**

- Attendance at the gallery of the Legislative Council at State Parliament.
- Koo Wee Rup Netball courts resurfacing delays

**Cr Ross addressed Council by reporting on:**

- Council's Unsealed Roads Community Feedback session
- Attendance at RSL ANZAC services
- Citizenship Ceremony
- John Henry Primary School
- Toomuc Valley Recreation Reserve
- Candle Light Vigil for family violence victims

**Cr Thomsen addressed Council by reporting on:**

- Attendance at RSL ANZAC services
- Candle Light Vigil for family violence victims
- Local legend Alan Bailey who turned 100 years

## 9 Presentation of Petitions

### Resolution

Moved: Cr Kowarzik, Seconded: Cr Ross

That Council:

1. Receives petition titled, 'Upgrade Mt Pleasant Estate Timberlane Park'.
2. Considers a report on the matter at Council Meeting 20 July 2026.
3. Notifies the lead petitioner, Japji Kaur Gill of the progress of the petition.

For: Cr Kowarzik, Cr Nickell, Cr Owen, Cr Paton, Cr Pomeroy, Cr Potter, Cr Roberts, Cr Ross and Cr Thomsen

Against: Nil

Carried

## 10 Notices of Motion

Nil

## 11 Urgent Business

There was no urgent business.

## 12 Councillor Questions

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**Cr Paton asked one question. The question was read and answered by the Acting General Manager Community and Planning Services.**

**Re: Koo Wee Rup Netball court resurfacing**

### **Question 1**

**Given that the refurbishment project of Koo Wee Rups netball courts has failed to meet its deadline in time for the winter season - will Council refund the club's \$20,000 contribution; and what if any compensation be offered to offset the significant costs and lost revenue the club is now incurring?**

### **Response**

Council has offered an alternative site for use during this period free of charge.

Any contribution towards the project has been for the construction of the courts, which is still being undertaken in its entirety.

A refund for the capital contribution is not currently being considered.

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**Cr Potter asked one question. The question was read and answered by the Acting General Manager Community and Planning Services.**

### **Question 1**

**Can Council officers provide the community with more details about why officer town centre hasn't developed yet? And what conversations and advocacy has been had with private land holders, private developers and development Victoria?**

### **Response**

The delivery of the town centre has been delayed due to a range of factors, including complexities associated with both privately and State-owned land, which limit Council's ability to mandate development timing. These constraints have been compounded by subdued private investment and changing market conditions.

In response, Council is leveraging planning mechanisms and actively working with developers to introduce greater flexibility and encourage increased private sector investment.

Council officers have been engaging with key private landowners and developers to support the development of sites within the town centre and build momentum. This includes ongoing discussions to better understand barriers to development and delivery, with this engagement continuing as a priority.

Council has also established regular communication with Development Victoria, a significant landowner within the town centre, and will continue to advocate for timely development to meet the needs of the existing and growing community.

## 13 Mayoral Minute

The Mayor acknowledged the following:

### **State and Federal budget response**

- State and Federal budgets, and the investment that will support the Cardinia Shire community.
- Positive inclusions – extended hours for route 982 bus service between Berwick and Pakenham, and planning for improvements to the Toomuc Valley Road and Princes Highway intersection.
- Funding commitments towards land acquisition for future schools and upgrades.
- Federal budget, \$2 billion Local Infrastructure Fund has been announced to deliver fast-tracked utility connections in new housing developments.
- Council is committed to working with all levels of government to deliver for the Cardinia Shire community.

### **IDAHOBIT Day**

- Attended IDAHOBIT Day alongside Cardinia Shire staff including a flag raising ceremony here at the Civic Centre.
- IDAHOBIT Day is an important reminder of the role of Council in creating safe, inclusive and respectful community.

### **National volunteer week**

- National Volunteer Week, thanked the wonderful volunteers in the Cardinia Shire.
- Cardinia Shire is a great place to live is because of our volunteers.

## 14. Confidential Business

The *Local Government Act 2020* (the Act), section 66 provides that if a council or delegated committee determines that a meeting is to be closed to the public to consider confidential information, the Council or delegated committee must record in the minutes of the meeting that are available for public inspection:

- a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of ***confidential information*** in section 3(1); and
- b) an explanation of why the specified ground or grounds applied.

The Act defines ***confidential information*** in s.3(1)(a)-(l), and includes information that may prejudice or impact; commercial negotiations, the security of Council, land use planning, law enforcement, legal privilege, personal information, private commercial information, confidential meeting information, internal arbitration, Councillor conduct panel information and information specified under s.77 of the previous *Local Government Act 1989*.

Once confidential information has been considered and decided in a closed session of a Council Meeting, a further resolution to resume open Council is required.

### Resolution

Moved Cr Kowarzik, seconded Cr Thomsen.

That Council pursuant to section 66(5)(a) and (b) of the *Local Government Act 2020* close the Council Meeting to the public to consider the following confidential information:

1. Agenda Item 14.1 – Confidential - Contract Award is designated confidential on the grounds that it relates to s.3(1)(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released. (b) The grounds for designation have been made to ensure the smooth procurement transaction for a matter that sits outside the Chief Executive Officer financial delegation.

For: Cr Kowarzik, Cr Nickell, Cr Owen, Cr Paton, Cr Pomeroy, Cr Potter, Cr Roberts, Cr Ross and Cr Thomsen

Against: Nil

Carried

The meeting was adjourned at 9:38pm to allow the gallery to leave the meeting.

## 15 Meeting Closure

Meeting closed at 9:45pm.

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Minutes confirmed  
Mayor