

Council Meeting

Minutes

Meeting No. 629

20 February 2024

Commenced at 7.04pm

Council Chamber

301 Hampshire Road, Sunshine,
Victoria

Fiona Blair
Chief Executive Officer
23 February 2024

Council

Cr Ranka Rasic	Mayor
Cr Jae Papalia	Deputy Mayor
Cr Victoria Borg	Apology
Cr Sarah Branton	
Cr Thuy Dang	Leave of absence
Cr Sam David	
Cr Maria Kerr	
Cr Bruce Lancashire	
Cr Jasmine Nguyen	
Cr Thomas O'Reilly	
Cr Virginia Tachos	

Executive Leadership Team

Ms Fiona Blair	Chief Executive Officer
Ms Lynley Dumble	Director Community Wellbeing
Ms Georgie Hill	Director People, Partnerships and Performance
Mr Chris Leivers	Director Infrastructure and City Services
Mr Mark Stoermer	Director Corporate Services
Mr Kelvin Walsh	Director City Futures

Municipal Monitors

Ms Janet Dore	Municipal Monitor
Ms Penelope Holloway	Municipal Monitor

Governance Team

Mr Danny Bilaver	Manager Governance and Risk
Mr Tony Vo	Coordinator Council Business
Ms Jessica Zelenbaba	Council Business Officer

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Order of Business

1 Opening (Including Acknowledgement Of Country)

The Mayor, Cr Ranka Rasic, opened the meeting at 7.04pm and welcomed all in attendance.

The Mayor stated:

On behalf of Brimbank City Council, I respectfully acknowledge and recognise the Wurundjeri and Bunurong Peoples as the Traditional Custodians of this land and pay respect to their Elders, past, present and future.

2 Council Commitment

The Mayor, on behalf of the Council, read the Council Commitment:

As the Council, we will act in the best interests of the Brimbank community and consider the immediate and long term impacts of our decisions. We will make these decisions fairly and without bias.

We will uphold all of our obligations under the laws of Victoria and Council's local laws, and will act in accordance with our Code of Conduct.

3 Apologies/Leave Of Absence

The Mayor noted Cr Victoria Borg submitted an apology for this meeting.

Motion

That Council approves the request for a leave of absence for Cr Thuy Dang for the period from 19 February 2024 to 23 February 2024.

Resolution

Moved Cr Virginia Tachos/Seconded Cr Sam David

That Council approves the request for a leave of absence for Cr Thuy Dang for the period from 19 February 2024 to 23 February 2024.

CARRIED

4 Disclosure Of Conflicts Of Interest

Councillor Thomas O'Reilly indicated he would raise a conflict of interest in relation to Item 12.5 Quarter 2 Budget Report (Oct/Nov/Dec2023) and 12.9 Council Plan Year 3 Quarter 2 – Progress Report.

Resolution

Moved Cr Jae Papalia/Seconded Cr Bruce Lancashire

That the item listed as Notice of Motion 13.5 – Ceasefire in Gaza on the agenda be considered immediately before the item listed as Item 11 – Minutes/Reports of Delegated Committees.

CARRIED

5 Designation Of Items As Confidential

Motion

That Council declares confidential in accordance with section 66(2)(a) of the *Local Government Act 2020 (the Act)*:

- Confidential Attachment 7 to Report 12.6 Governance Report February 2024; and
- Confidential Attachment 1 to Report 12.10 Contract No. 21/2925 - Provision of Human Resource Information Systems - Extension of Contract

as they relate to Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (s 3(1)(a) of the *Local Government Act 2020*);

- Confidential Attachment 1 to Report 12.12 Contract No. 21/3049PA – 2306/0843 Library Collections Furniture Equipment and Associated Requirements

as it relates to private commercial information, being information provided by a business, commercial or financial undertaking that, if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (s 3(1)(g) of the *Local Government Act 2020*); and

- Confidential Report 16.1

as it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (s 3(1)(f) of the *Local Government Act 2020*).

Resolution

Moved Cr Jae Papalia/Seconded Cr Sam David

That Council declares confidential in accordance with section 66(2)(a) of the *Local Government Act 2020 (the Act)*:

- **Confidential Attachment 7 to Report 12.6 Governance Report February 2024; and**
- **Confidential Attachment 1 to Report 12.10 Contract No. 21/2925 - Provision of Human Resource Information Systems - Extension of Contract**

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- Confidential Report 16.1

as it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (s 3(1)(f) of the *Local Government Act 2020*).

CARRIED

6 Confirmation Of Minutes Of Previous Council Meetings

Motion

That Council confirms the Minutes of Council Meeting No. 628, held on 12 December 2023.

Resolution

Moved Cr Jae Papalia/Seconded Cr Thomas O'Reilly

That Council confirms the Minutes of Council Meeting No. 628, held on 12 December 2023.

CARRIED

7 Condolences

7.1 Passing Of Zulqarnain Haider

Motion

That Council notes the passing of Zulqarnain Haider, and extends condolences to his family.

Resolution

Moved Cr Sarah Branton/Seconded Cr Jasmine Nguyen

That Council notes the passing of Zulqarnain Haider, and extends condolences to his family.

CARRIED

8 Congratulations

8.1 Support During Festive Season

Motion

That Council congratulates and thanks individuals and organisations from Brimbank for their support to the community during the festive season.

Resolution

Moved Cr Virginia Tachos/Seconded Cr Thomas O'Reilly

That Council congratulates and thanks individuals and organisations from Brimbank for their support to the community during the festive season.

CARRIED

8.2 Beautification Of Linear Park, Taylors Lakes

Motion

That Council congratulates and thanks Neil and Deb for their beautification efforts in and around Linear Park, Taylors Lakes.

Resolution

Moved Cr Virginia Tachos/Seconded Cr Bruce Lancashire

That Council congratulates and thanks Neil and Deb for their beautification efforts in and around Linear Park, Taylors Lakes.

CARRIED

9 Public Question Time

Public Question Time commenced at 7.15pm.

9.1 1/24

Question

K Cullen

With the recent stabbing in Cairnlea Shopping centre last week, I am concerned with for the safety of my family and friends.

It is the council's job to ensure there are centres for youth and ample free and accessible services for the Youth of Brimbank.

What is the council doing to ensure the safety of the residents and visitors to this and other shopping centres in Brimbank other than just leaving it to the police?

Answer

The Mayor advised Council's Youth Services offer a wide range of free and accessible activities for young people to participate in, in addition to safe spaces for them to gather.

Council is working alongside Victoria Police and other partners through the Brimbank 'Safety and Wellbeing Partnership,' the 'Hotspots Working Group' and Brimbank Shopping Centres Network to address safety in shopping centres. We are also working with schools, Victoria Police and crime stoppers on programs to pro-actively address knife crime.

For further information about these initiatives and more, please contact our customer service centre and visit the youth services website (www.brimbankyouth.com).

Council would like to note that community members should report any personal safety concerns or incidents to Victoria Police.

9.2 2/24

Council received a question from K Cullen regarding a personnel matter. This question is disallowed in accordance with Rule 55.11.5 of the Brimbank Governance Rules as it relates to personnel matters.

9.3 3/24

Question

D Cappelli

Can council please confirm how much money was allocated by Mayor Rasic to the "Fix the Calder" campaign and what benefits has it achieved?

Answer

The Mayor advised Council's 'Fix the Calder' campaign was launched in April 2021 and a total amount of \$16,500 was expended directly on this campaign. Following the launch of the campaign:

- The Victorian and Federal Government committed \$50 million each of funding to upgrade the Freeway
- Works to remove the level crossing at Calder Park Drive commenced and are expected to be completed next year, and
- A business case for a new diamond interchange at Calder Park Drive over the Calder Freeway has been completed.

Unfortunately, the Calder Freeway project was not identified as a priority in last year's review of the infrastructure pipeline by the Australian Government which meant the \$50m funding was withdrawn. However, fixing the Calder remains a priority in Council's new Advocacy Plan 2023-25 and advocacy will continue.

9.4 4/24

Question

D Cappelli

Will Brimbank Council be handing back Sydenham park to the traditional owners - and is this the reason for the name change?

Answer

The Mayor advised the proposal to change the name of Sydenham Park was prompted by a Notice of Motion on 19 July 2022 to acknowledge the cultural significance of the park to the Traditional Custodians the Wurundjeri Woi-wurrung people.

The responsibility of managing the site will remain the duty of Council. As part of this responsibility, Council will continue to liaise with Traditional Custodians, community groups, and residents of Brimbank in its service delivery.

9.5 5/24**Question**

C Nomdegur

Can the minutes of meetings of the Safety and Wellbeing Partnership from the period December 2022 to present be made publicly available?

Answer

The Mayor advised the Councillor Representatives Report for the Safety and Wellbeing Partnership meetings which meets quarterly are tabled in the Governance Report which is made public in the Council Meeting Minutes.

9.6 6/24**Question**

C Nomdegur

Has or will the Social Justice Coalition Strategic Implementation Group discuss(ed) the impact of the alleged fascist activity at the Legacy Boxing Gym in Sunshine West?

Answer

The Mayor advised Council is pleased to note that the Legacy Boxing Gym is no longer operating in Sunshine West as their lease was not renewed.

9.7 7/24**Question**

G Exadactylos

My concern is as follows!!

The council is opposed to garage doors warehouse style doors and roller shutters used in sores for business protection.

I have surveyed the business district of Brimbank and 90 % of business in street shopping strip's use them.

I have further taken pictures of these and in particular 22 stores of liquor stores that have these types of protection.

I have in writing request from Planning compliance department if any one was prosecuted.

I have not received any response.

Now my 20 year old son has established a liquor store at 465 Ballarat Rd in Sunshine and the council is taking action to take him to VCAT.

Why is the council so unfair?

I have supplied the council with three businesses that also installed these since my sons case began.

I believe it's a vendetta against me because I raise my voice and they are taking it against my son.

Justice and equality and common sense should prevail.

Stop wasting rate payers money.

Answer

The Mayor advised a planning permit is required to install roller shutters on commercial properties pursuant to the Brimbank Planning Scheme. Where it has been identified that a site has installed roller shutters without a valid planning permit, officers provide the land owner and/or occupier with the opportunity to apply for a planning permit. If the permit application is refused and the roller shutters are not removed, officers are required to pursue compliance action. One means of which is through VCAT.

A number of sites with roller shutters have recently been reported to Council and officers are working through these to determine whether or not they have the relevant approvals. Where it is identified that they don't, appropriate action will be taken in accordance with the Planning and Environment Act 1987.

Our response will be provided directly to Mr Exadactylos.

9.8 8/24

Question

G Exadactylos

Has the council forced any business in Brimbank area to take its roller shutters down. If yes why not Dan Murphys on McIntyre Rd.

Answer

The Mayor advised a number of businesses have been required to remove solid roller shutters that were installed without a valid planning permit. Most of these have replaced the solid roller shutters with open-type roller shutters.

For privacy reasons, Council will not disclose details of specific sites that are or have been the subject of compliance action.

Council received three questions from A Harrison, and Kellie in relation to the overgrown grass. In accordance with Rule 55.14 of the Brimbank Governance Rules, these like questions were grouped together and a single answer provided.

9.9 9/24**Question**

A Harrison

Can the CEO please explain why there is record overgrown grass, weeds and lack of efficient maintenance during this summer leaving our parks inaccessible for ratepayers?

9.10 11/24**Question**

Kellie

Given we are able to access FORCASTS for growing seasons which affect grasslands, why hasn't council been able to keep up to date with overgrown grass?

9.11 12/24**Question**

Kellie

What preparations has council made to mitigate risks for overgrown grass associated with excessive weather events and should I be paying my rates if my children can't use the parklands that council are paid to maintain?

Answer

The Mayor advised that Council officers have advised Council that they had challenges maintaining the usual level of amenity in some areas during December 2023 and January 2024 due to wet and warm weather – which was contrary to the expert forecasts, and led to growth three times the rate of other seasons. This is not unique to Brimbank and has been experienced in parks and open spaces across Melbourne.

Brimbank Council maintains 10 million square metres of open space; all available staff and equipment were allocated to maintain parks and open space, but with so much space to manage, and the high growth conditions, there was a period where staff struggled to keep up.

Additional resources were allocated temporarily to maintain parks, and mowing schedules are now keeping up with demand. As of February 2024, all parks are now being maintained according to the regular schedule.

9.12 10/24**Question**

A Harrison

Can the CEO please give an explanation as to when was the last time the CEO and Director drove around to observe our appalling reserves including trailers with dumped rubbish and explain where are rates are being spent?

Answer

The Mayor advised your rates go towards Council services that touch almost every aspect of our lives across a lifetime. From roads, parks and footpaths to libraries and community services. From waste collection and recycling to events, arts and culture. A detailed listing of how every \$1,000 of rates revenue collected is spent can be found in our Annual Budget which is publicly available and on our website at www.brimbank.gov.au.

Council and Council officers are aware of the significant level of dumped rubbish and invest heavily to manage this illegal behaviour.

Council proactively manages dumped rubbish and in 2023, received 8,769 requests relating to dumped rubbish, clearing 99% of requests within 5 days. Council also visit 58 locations known as dumped rubbish hot spots weekly.

In December 2023 and January 2024, there has been a significant increase in incidents of dumped rubbish, with 757 requests in January alone. Council are attending to these requests as soon as they are able and will continue to focus on maintaining the safety and amenity for the Brimbank community.

9.13 13/24

Question

Anthony

Why on earth are there no lighting installed along the stretch of the Calder freeway (yes Freeway).

In addition to this, where there are lights installed such as the off ramp on the kings road exit, these lights have been out of order going on 12 months now.

Is this a cost saving exercise, or are council happy with the neglect of our infrastructure in the city of Brimbank?

Answer

The Mayor advised Calder Freeway and Kings Road are both declared arterial roads under the care and management of the State Government Department of Transport and Planning (DTP). As such, Council does not have any control over the lighting or maintenance on these roads. Any safety concerns should be addressed to DTP at www.vicroads.vic.gov.au or 13 11 70.

Council has advocated to DTP regarding the lighting at the Kings Road ramps. Community members that want to advocate for change are encouraged to do so directly to DTP as the relevant authority.

9.14 14/24

Question

J Issa

Good evening Council,

When will the planning application be advertised for the Vietnamese Cultural Centre in Sunshine? And what conversations has Council already had with the group?

Answer

The Mayor advised no decision has been made by Council at this stage.

If Council does decide to sell land, one of the conditions of the contract would be for the Vietnamese Museum of Australia (VMA) to seek and obtain a planning permit before the land will be transacted.

Advertising of the planning permit, if received, would be undertaken in accordance with the Planning and Environment Act 1987 and the Brimbank Planning Scheme.

Council has engaged with the VMA in order to undertake proper due diligence to inform the sale of land process and associated considerations and decisions.

A Memorandum of Understanding (MOU) was signed by Council, following the December Council Meeting, to formalise these due diligence discussions.

9.15 15/24

Question

J Issa

Can Council also please provide the revenue collected for the Brimbank Leisure Centre against its operating costs since the centre opened, as well the percentage of users/members who live outside of the Brimbank district?

Answer

The Mayor advised the Brimbank Aquatic and Wellness Centre opened in September 2022. Since then the facility has recorded revenue of \$16,327,703. Operating costs recorded against the facility for the same period are \$13,755,830. This excludes corporate costs, depreciation, landscaping etc. Based on monthly figures 71% of members are Brimbank residents. Council cannot provide an accurate reflection on the number of casual users coming from Brimbank because the transaction by the customer does not track postcodes.

9.16 16/24

Question

Mark

Cr Rasic, with the huge increase in the cost of living, and many residents unable to even afford smashed avocado from breakfast, what advocacy strategies are you initiating to assist the residents of Brimbank?

Answer

The Mayor advised Council shares your concerns about the current cost of living crisis. The Brimbank Advocacy Plan 2023-2025 includes priorities relating to 'addressing unemployment' and 'housing and homelessness'. We have also raised these topics in our funding priorities brochures ahead of the upcoming 2024-2025 Federal and State Budgets and, as the Mayor, I meet with local MPs on a regular basis to discuss Council's priorities. Further information is available in our quarterly updates on our advocacy efforts at Council meetings.

Resolution

Moved Cr Virginia Tachos/Seconded Cr Bruce Lancashire

That Public Question Time be extended for a further 15 minutes.

CARRIED

9.17 17/24**Question**

M Jukov

Back in May 2023, I enquired about a track that had been illegally graded through private properties within the southern section of Solomon Heights (Council meeting - Public Questions).

At that time Council had no information and was investigating the matter, and I am now asking if that investigation has been completed, and if so, who has been held responsible, and what penalties have been handed out, if any?

Answer

The Mayor advised Council's investigation revealed that there was a train derailment in August 2022 and that heavy machinery, including cranes, was required to access the railway line to recover the derailed carriages. This activity necessitated the grading of the track. As this was an emergency situation, no penalties were issued.

9.18 18/24**Question**

D Havelas

Maroodah City Council have shown initiative and forward thinking in developing a much needed staff role of Program Lead NDIS. Will Brimbank City Council invest in a person that assist our local community members with accesibility and inclusion in our municipality?

Answer

The Mayor advised Brimbank Council has a Service Navigation Officer who provides practical support and assistance to navigate NDIS and Aged Care environments, working closely with residents and their families to engage support services. The intake number is 9249 4494

9.19 19/24**Question**

D Havelas

As a resident of Brimbank City Council your community programs are either scarce or focused towards children's needs. Does Brimbank City Council have any digital art workshops or creative programs to support young individuals around 18- 25 years old?

Answer

The Mayor advised Brimbank City Council supports our creative youth by offering several local programs through our Neighbourhood Houses and Community Centres and Creative Brimbank programs at St Albans Community Centre (STACC). Some of these programs are specifically tailored for individuals aged 18 to 25. More information about our offerings can be located on our website.

9.20 20/24**Question**

J Kerr

With the council having monthly meetings, will it consider having a meeting at the Keilor offices in the next 3 months and at least another meeting in the second half of 2024?

Your rate payers in the northern part of Brimbank would appreciate this consideration and inclusion.

I certainly would be present at the next Keilor based meeting as living in the Horseshoe Bend Ward.

Thank you for your consideration and commitment to residents closer to the Keilor offices.

Answer

The Mayor advised that at the present stage, there are no plans for Council Meetings to be held at the Keilor Community Hub. Unfortunately, the former chambers are not currently considered a suitable space to host meetings given its size only allows for a small public gallery, at present there is no audio and video equipment and there is a lack of facilities for livestreaming, which is a policy requirement of Council.

9.21 21/24**Question**

J Ramsay

Can the mayor confirm she has declared all conflicts of interest with a politician that employed family members ?

Answer

The Mayor advised conflicts of interest are declared as required when a matter comes before Council for a decision and a conflict has arisen in relation to that matter. I assess all items that come before Council and, if I determine that there is a conflict, I make this declaration and exclude myself from decision making.

9.22 22/24**Question**

J Ramsay

Residents and rate payers are concerned that the fix the Calder campaign is being done in support of a local MP who has employed her family members. Can the Mayor declare that there is no conflict in her role in advocacy and advise what are the priorities for the whole of Brimbank?

Answer

The Mayor advised the advocacy priorities for the whole of Brimbank are outlined in our Brimbank Advocacy Plan 2023-25. This Plan identifies fixing the Calder Freeway as one of Council's top advocacy priorities. Fixing the Calder is not just a priority for Brimbank, but for all Councils through which the Calder passes. We are working with these Councils on a broader advocacy campaign and look forward to providing updates in due course. The Calder remains a dangerous and congested road and we continue to advocate for

the safety of our community, especially given that previously committed Federal Government funding for Calder upgrades was recently withdrawn.

9.23 23/24

Question

Brimbank Sustainability & Climate Action

Council's 'Climate Emergency Plan' acknowledges that a plant-rich diet is a key pathway to respond to the climate crisis and "fundamentally shift our impact on animal welfare".

It also sets an action of ensuring that Council events, festivals and offices have plant-based food selections available.

Why has there not been plant based options at most, if not all of Council's events, what is Council doing to promote a plant-based diet, and why is Council providing petting farm experiences to the community, when they are counter productive to both animal welfare and shifting away from animal agriculture?

Answer

The Mayor advised our Climate Emergency Plan does acknowledge the importance of a plant rich diet to meet the challenge of the climate crisis and to promote improved health and wellbeing. Council provides a range of vegetarian and vegan options at events and festivals. We also run a range of education activities to support community food growing and reducing food waste.

Brimbank City Council has occasionally provided opportunities for local children to feed, touch and learn about domesticated animals at petting zoos. This experience allows children in Brimbank who might otherwise have limited ways of interacting with animals to develop an interest in them – their needs, what they eat and how they behave.

Council staff source an ethical organisation who adhere to Animal Welfare Victoria's Code of Practice for the Public Display of Exhibition of Animals.

9.24 24/24

Question

Brimbank Sustainability & Climate Action

Council's 'Tree Policy' states that "Removals done in this calendar year to be replaced in the following year.", yet several residents have reported that trees have been removed and not replaced, even years after they were removed. Council recently responded to an enquiry into this matter, stating that 1360 trees were removed last year alone, despite acknowledging heatwaves being particularly severe in Brimbank due to the heat island effect, that there was no budget to replace all of the trees Council removed, and that it is up to a resident to request a tree be replaced after removal. This is not detailed anywhere in the Tree Policy. What is Council doing to communicate this requirement to residents and why is there no mention of it in the policy itself?

Answer

The Mayor advised Council has a commitment to increase the tree canopy in Brimbank. The most efficient and cost effective way to do this is to approach tree planting in a strategic way, via precincts. Whilst residents can request the replacement of a tree outside their property, the Street Tree Infill Program will otherwise guide where trees are

planted in a programmed way. This supports many more trees to be planted than if individual locations were prioritised for replacement.

Officers are aware of this inconsistency in the previous Tree Policy and will seek to address this when this policy is reviewed and updated. In the meantime, officers will provide further information on Council's website.

9.25 25/24

Question

G Blore

With the Australian Rules season pending, will Council actually provide full sized goalposts (instead of the junior goalposts from last year) for the neglected Cairnlea area, to encourage diversity of choice and opportunity apart from soccer into an area with ZERO goalposts, yet more than enough space to provide this facility to ratepayers and residents, and if not why not?

Answer

The Mayor advised Council provided a set of goal posts to the Kevin Flint Oval at the dog park end in 2023.

The oval is not used for competitive football as the allocated clubs onsite are soccer and cricket and as a result full size posts are not required. The junior size posts enable casual community use.

9.26 26/24

Question

G Blore

Given the need for monitors to oversee Brimbank Council, can residents now anticipate that ALL Councillors will actually respond in a timely manner, to letters, emails and phone calls, particularly given my own experience in Grasslands with one Councillor ignoring 38 emails, letters, and phone calls regarding vital local issues, and the then serving Mayor ignoring my request to address this blatant lack of representation for the Ward?

Answer

The Mayor advised Councillors recognize the importance of accessibility and responsiveness from all councillors to their constituents. It is our responsibility to ensure that your concerns and inquiries are addressed in a timely and effective manner. However, please note that Councillors receive a very high volume of communication and are not always able to respond immediately. Any queries regarding operational matters are best directed to Council's administration for consideration.

Council received 18 questions from 10 residents concerning the conflict in Gaza. As the questions received are of a similar nature, they have been grouped into themes, and will be provided in four responses in accordance with Governance Rule 55.14. which permits like questions to be grouped together, and a single answer provided. Full questions will be recorded in the minutes of this meeting.

Y Haq, H Pham, Y As-Shourbaji, R Paterson and M Kaiser have submitted questions relating to:

- *Council's engagement with the Brimbank for Palestine Solidarity Group, in light of the Council's Community Engagement Policy and the group's efforts to communicate with councillors.*
- *the extent of community engagement that informed the Notice of Motion, Ceasefire in Gaza.*
- *Issues raised regarding the absence of feedback from The Brimbank for Palestine Solidarity Group in the development of the Notice of Motion, Ceasefire in Gaza, questioning the value placed on community insights.*
- *Questions about the transparency and decision-making process behind the Notice of Motion, Ceasefire in Gaza, and how it was developed in accordance with the Community Engagement Policy.*
- *A call for the Mayor to outline plans for engaging with the community on the issue of Gaza, referencing a significant petition and rally as indicators of community concern.*

9.27 27/24**Question**

Y Haq

According to the Council's Community Engagement Policy: Council is committed to understanding the many different views, experiences and expertise of Brimbank's diverse community.

The state government says the role of Councillor's is to engage with community groups like ours. Our community group - Brimbank for Palestine solidarity group - feel frustrated, defeated and no longer trust our Councillors after hundreds of unsuccessful attempts to speak to councillors about our issue.

One Councillor has met with us, answered our emails and phone calls and we acknowledge that we had one meeting last year with the Mayor and Deputy Mayor (with no further follow up). The majority of councillors have never answered our phone calls or emails.

Considering this, can the Mayor comment on whether the Council's engagement with our group has been adequate to satisfy the policy?

9.28 28/24**Question**

Y Haq

it is over four months since the beginning of genocide in Gaza. Particularly in relation to the numerous Mosques across Brimbank, can the Council please describe their current engagement and future engagement with those in our community with personal and cultural connections to the region?

9.29 29/24**Question**

H Pham

According to the Council's Community Engagement Policy, the council will often go beyond the minimum requirements to gain a strong understanding of community perspectives to ensure it is achieving the best possible outcomes for the community.

We - The Brimbank for Palestine Solidarity Group - are the key community group representing a diverse range of Brimbank residents committed to a free Palestine and the full rights of the Palestinian people.

We do not believe that the Notice of Motion, Ceasefire in Gaza is the best possible outcome for the community. Can the Mayor or the Deputy Mayor, please explain the minimum Community Engagement that has occurred to produce the Notice of Motion, Ceasefire In Gaza?

9.30 30/24

Question

H Pham

According to the Council's Community Engagement Policy, the council values the insights of our community and respects the time and effort the community gives towards informing our decision making.

If valuing the insights of the community is important to Council, why has none of the written and verbal feedback from The Brimbank for Palestine Solidarity Group been captured in Notice of Motion, Ceasefire in Gaza?

9.31 32/24

Question

R Paterson

In writing, a Brimbank councillor told our group - Brimbank for Palestine Solidarity Group - they felt ignorant about the war on Palestine and unable to engage with us.

In Maribyrnong, Hobsons Bay and Wyndham councils, the mayor took an active role in organising an education panel so Councillors could understand this issue. We raised the idea of a panel to the Mayor, Deputy Mayor and other council staff verbally and in writing. Our group even volunteered local expertise, as according to the Councils Community Engagement policy, the Council values the expertise of Brimbank's diverse community.

To the Mayor: Why was an education panel never organised if Councillors did not have a strong understanding of the issue and community perspectives (as per the engagement policy)?

9.32 38/24

Question

Y As-Shourbaji

In line with the Community Engagement Policy which advocates for transparency and allowing residents to understand the scope of, the pending decision, the decision-making, process and any constraints on this process, can the Council please explain the decision making and process of putting the Notice of Motion, Ceasefire in Gaza together?

9.33 40/24**Question**

M Kaiser

You can see a petition in front of you with over 3k signatures, related to a permanent ceasefire in Gaza and asking the Council to pass a motion on this. At a recent rally in Sunshine for in solidarity with the Palestinian people, there was close to 400 people in attendance. This is a municipal issue in the eyes of the community.

In line with Brimbank's Community Engagement policy, can the Mayor please outline the Council's plan to engage with the community about the siege on Gaza and the plausible genocide being perpetrated against the Palestinian people, particularly in order to gain an understanding of the community perspectives that were expressed at the rally and in the petition and have been omitted from the Notice of Motion, Ceasefire in Gaza?

9.34 41/24**Question**

M Kaiser

Re: the Notice of Motion, Ceasefire in Gaza, According to the Council's Community Engagement Policy, Council will ensure that those affected by a Council decision, understand decision- making, process and any constraints on this process. Our community group was given no information about how and why this notice of motion was put together, even though this was our core concern put to Council in a petition, numerous emails, unanswered phone calls and a single meeting with the Mayor and Deputy Mayor.

Can the Mayor please explain why she or the Deputy Mayor did not follow up with us or explain to us how this Motion was put together, especially as it is completely different to what we asked for in our meeting, correspondence and petition?

Answer

The Mayor advised in the first instance, I would like to state that we acknowledge that there is a diversity of views held by our community on this conflict which is having a devastating impact with thousands of lives now lost and lasting trauma. We condemn violence in any form and express our deepest solidarity with the Brimbank community during these challenging times. We are focused on continuing to foster understanding, empathy, and peaceful dialogue in celebration of our multicultural community.

In relation to Brimbank's Community Engagement Policy, which is currently out for community feedback, this policy is designed as a guide for best practice and effective community engagement to inform decision making for the benefit of the community in relation to key Council policies, strategies and plans. The policy does not relate to engagement outside this scope nor is able to be applied to Notices of Motion.

The next group of question are from V Rudd, R Paterson, F Pistillo, Y As-Shourbaji and B Sanday and relate to:

- *Why the notice of motion in the agenda regarding the conflict in Gaza is not more akin to a previous motion regarding Ukraine, given the ongoing crisis in Gaza.*
- *Concerns about the council's decision-making process in relation to the wording or the notice of motion.*

- *Difference in the notice of motion and the proposed motion put forth by the Brimbank for Palestine Solidarity Group and community petitions, raising questions about the alignment of council actions with community perspectives.*

9.35 31/24**Question**

V Rudd

On 07/22, the Council put forward the notice of Motion which stated the Brimbank Council Condemns the Russian invasion of Ukraine. b. Conveys its support for the people of Ukraine during this humanitarian crisis. c. Expresses its support for all people of Ukrainian heritage, particularly those who reside in Brimbank.

Considering every hour in Gaza, 15 people are killed and six are children, and a total of almost 30,000 Palestinians have died in four months, did the Brimbank Council consider putting forward a similar motion to one passed about Ukraine, to support the Palestinian people in Palestine and in Brimbank?

9.36 33/24**Question**

R Paterson

In the single meeting between our group - The Brimbank for Palestine Solidarity Group, and the Deputy Mayor and Mayor, the Deputy Mayor expressed that she was interested in supporting a motion like the motion passed in Hume. Our group said in that meeting, and to other Council staff after, putting forward a notice of motion like Hume's was not considered a good outcome for us and we would not support that course of action. The notice of Notice of Motion, Ceasefire in Gaza is almost a word for word copy of the Hume motion passed in Dec 2023. Can the Mayor or Deputy Mayor explain why their preferences were put above the voice of the community?

9.37 37/24**Question**

F Pistillo

The "Ceasefire in Gaza" motion, put forward by Brimbank Council this evening, is a "copy and paste" of City of Hume's motion. Is Brimbank Council familiar with laws governing plagiarism? If so, what implications could this have on Brimbank's "Ceasefire in Gaza" motion? Please explain your answer.

9.38 39/24**Question**

Y As-Shourbaji

In the Notice of Motion, Ceasefire in Gaza, there is no mention of the 26th Jan ICJ ruling which ordered Israel to prevent death, destruction and any acts of genocide in Gaza. Can the Mayor please speak to why this was omitted?

9.39 44/24**Question**

B Sanday

A petition by the Brimbank Solidarity Group for Palestine (BSGfP) was submitted to council with over 3000 signatures and serves as corroborating evidence in support of the

"Ceasefire in Gaza." However, Council's current motion does not reflect the views and values of the petitioners and signatories.

Please explain your rationale for dismissing the community's concern about the occupation and apartheid, the gross human rights violations against the people of Palestine, as well as a clear refusal to raise the Palestinian Flag.

Answer

The Mayor advised I note that these questions are in relation to an item on tonight's agenda and as such will be debated on later this evening. With respect to that, I will only make mention that a Notice of Motion is a request by a Councillor for a business item to be discussed and decided upon at a Council Meeting. A councillor may consider input from other Councillors, council staff or the community when drafting their motion, however, the wording included as part of a notice of motion is entirely up to the Councillor introducing the motion.

9.40 34/24

Question

B Green

How does the Mayor and the Labor aligned majority councillors feel that the state government has appointed 2 monitors to Brimbank council to ensure that council's performance and governance rules are upheld, is this a reflection of the poor performance of Brimbank council and how should the constituents of Brimbank feel ?

Answer

The Mayor advised I fully support and welcome the appointment of municipal monitors to improve behaviour and governance for our community's benefit. It's crucial for all Councillors to know their duties under the Local Government Act, and work together for Brimbank's good governance and the best outcomes for the community.

9.41 35/24

Question

B Green

With Council committed to building a Vietnamese Museum in the heart of sunshine to celebrate the Vietnamese contribution in the Brimbank areas, is this a slap in the face to all the other ethnicities such as the Greek, Italian, Maltese, Croatian, Indigenous Australians that have massively contributed to Brimbank and its success, history and culture ?

Answer

The Mayor advised Brimbank City Council has not yet made a decision in relation to this matter and will be considering it at a future Council Meeting. Brimbank City Council celebrates the City's diversity through a range of activities, services and initiatives. If the Museum progresses, this would be one such initiative that celebrates the City's diversity.

9.42 36/24

Question

Council received a question from F Pistillo. This question is disallowed in accordance with Rule 55.11.2 of the Brimbank Governance Rules as it has objectionable substance.

The third group of questions from H Baarini and O Baarini relate to Council specifically condemning the action of Israel and whether Council will acknowledge genocide and ethnic cleansing in Gaza.

9.43 42/24**Question**

H Baarini

Does the Council acknowledge that the current conflict in Gaza is the worst genocide of the 21st Century?

Resolution

Moved Cr Jasmine Nguyen/Seconded Cr Virginia Tachos

That Public Question Time be extended for a further 15 minutes

CARRIED

9.44 43/24**Question**

H Baarini

Does the Council acknowledge that the founding of the State of Israel - as attested to by numerous historical records - was done in violation of international law with the forced ethnic cleansing of 750,000 Palestinians?

9.45 46/24**Question**

O Baarini

Will the Council condemn the actions of Israel, which have led to the deaths of over 27,000 people, more than 12,000 of which are children?

Answer

The Mayor advised the Council is deeply aware of the suffering and historical complexities surrounding the conflict in Gaza. While we recognize the profound impacts of these events, our focus remains on fostering community cohesion and respect of human rights within our community. As a local government body, we advocate for understanding and respectful dialogue within our community, emphasizing the importance of pursuing peace for all affected.

9.46 45/24**Question**

B Sanday

Are Councilors political aspirations a hinderance when it comes to War Crimes and the plight of Palestinian people?

Answer

The Mayor advised our Councillors are deeply committed to serving the community and ensuring that all voices are heard. The Council remains dedicated to an inclusive approach that respects diverse perspectives and seeks to address complex global issues with sensitivity and fairness.

9.47 47/24**Question**

O Baarini

We have been hearing the same rhetoric over and over again about why passing a motion in solidarity with Palestine is not a local government issue. Yet we are aware that representatives from Brimbank city council have attended the ALGA conference held in June 2022 where Ambassador Vasyl Myroshnychenko was given a platform to speak to 1000 councillors and community leaders. Councils voted unanimously for a motion that expresses solidarity with Ukraine.

Why would a motion for Palestine be treated any differently considering what is happening in Palestine is a genocide and deliberate act of ethnic cleansing of a sanctioned population?

Answer

The Mayor advised the Australian Local Government Association is a body that includes all Council's from across Australia, Brimbank is just one of many participating Councils and is not an organiser of these conferences. Each motion proposed to Council whether at this conference or others are considered on their own merits.

9.48 48/24**Question**

S Meilak

To mitigate the risk of COVID-19, the Victorian State Government advises that public gatherings for disabled people only be held in venues that have ventilation through fresh air and HEPA filtration installed, yet Brimbank Council continues to encourage vulnerable people to gather in venues that are not compliant with these current COVID-19 safety measures.

When concerns were raised at a Brimbank Disability Network Group meeting, Council staff not only seemed unaware of the current health advice, but responded saying they do not need to follow this advice as it is not legislated.

What is Council doing to ensure its vulnerable community members know and understand the current risk and health advice regarding COVID-19 and when will Council be updating their public buildings to be compliant with the current State Government health advice?

Answer

The Mayor advised thank you for your feedback. We acknowledge that your feedback has been received. The Department of Health have guidelines listed on their website for COVID infection prevention and control. This information includes references to various ventilation and filtration systems.

Our buildings meet building code regulations. While fresh air ventilation systems and HEPA filters are referenced as options through the Department of Health they are not legislated and therefore Council is not required to fit these systems into all our facilities.

9.49 49/24**Question**

S Meilak

The Green Gully Dog Park is an excellent new addition to our community, however, the park lacks accessible car parking. The closest accessible car space to the dog park is approximately 160 meters away and requires you to walk across grass, through wooden posts, step down a concrete curb, and finally cross the road to get to the footpath leading to the dog park. The alternative is to literally walk on the road itself and through a large road about, competing with cars and other vehicles. The other accessible car spaces are approximately 300 meters away, which is far from close, and whilst they provide a flat surface to access the dog park, they also require you to walk on the road itself for 300 meters or face the same accessibility challenges that other car spaces do.

Can Council advise why accessible car spaces have not been placed in close proximity to this new dog park, despite there being regular car spaces available for non-disabled people and when Council intends to rectify the issue.

Answer

The Mayor advised officers have confirmed there has been no change to the disabled car spaces as part of the dog park upgrade; this was not part of the scope of the park upgrade. Disabled car parking spaces exist near the playground and within the new car park near the clubhouse. Officers have committed to undertake an assessment on whether additional disabled car parking bays are considered warranted along McRae Boulevard. If additional disabled parking bays are deemed warranted, then Council officers will seek funding from future budgets to enable the construction of the disabled car parking bays.

9.50 50/24**Question**

P Macintosh Lastatvia-Crosista

What is the reason for the newly added registration to council meetings? As a public meeting why should we have to provide names, addresses and identification. Is the council afraid of their own public? Where has the freedom gone?

Answer

The Mayor advised due to ongoing disruptions experienced at Council meetings, Council implemented a registration process to further support efforts to maintain a safe and secure environment for all participants whilst allowing Council to conduct an orderly meeting.

9.51 51/24**Question**

P Whelan

We have a public liability claim and would like to know why after 18 months there has been no decision of legal liability, we received a letter on the 23rd dec 2023 from council requiring us to provide quotes by the 31st Jan 2024 or the claim would be closed and the office of the insurer was closed at that time.

We think this is an inappropriate time frame because the building industry shuts down over that time frame and the backlog of work is an issue, we are trying to acquire quotes as requested.

Answer

Council received a question from Paul Whelan regarding an Operational matter and it will be addressed directly to Mr Whelan.

Public Question Time concluded at 7.50pm.

10 Petitions**10.1 Fireworks**

Petition received from 368 petitioners requesting Brimbank City Council to stop granting permits that allow the use of fireworks at events in the community.

Motion

That Council:

- a. Receives a petition from 368 petitioners, requesting Brimbank City Council to stop granting permits that allow the use of fireworks at events in the community.
- b. Refers the petition from 368 petitioners, requesting Brimbank City Council to stop granting permits that allow the use of fireworks at events in the community, to the Chief Executive Officer for consideration and response.

Resolution**Moved Cr Virginia Tachos/Seconded Cr Sam David**

That Council:

- a. **Receives a petition from 368 petitioners, requesting Brimbank City Council to stop granting permits that allow the use of fireworks at events in the community.**
- b. **Refers the petition from 368 petitioners, requesting Brimbank City Council to stop granting permits that allow the use of fireworks at events in the community, to the Chief Executive Officer for consideration and response.**

CARRIED

10.2 Ceasefire In Gaza

Petition received from 3,408 petitioners requesting that Council raise a motion for:

- a. An immediate permanent ceasefire in Gaza to allow for urgent humanitarian aid to reach the people of the Occupied Territory of Gaza following seven weeks of indiscriminate bombardment and mass killing of innocent civilians.
- b. To lobby the Australian Government to condemn the war crimes carried out by the Israeli Government on the Occupied Territory of Gaza.

- c. To lobby the Australian Government to call out Israeli's legacy of gross humanitarian violations and atrocities carried out on the Palestinian people.
- d. To call for an immediate end to the illegal occupation, apartheid and displacement of the people of Palestine.

Motion

That Council:

- a. Receives a petition from 3,408 petitioners requesting Council to raise a motion for:
 - i. An immediate permanent ceasefire in Gaza to allow for urgent humanitarian aid to reach the people of the Occupied Territory of Gaza following seven weeks of indiscriminate bombardment and mass killing of innocent civilians.
 - ii. To lobby the Australian Government to condemn the war crimes carried out by the Israeli Government on the Occupied Territory of Gaza.
 - iii. To lobby the Australian Government to call out Israeli's legacy of gross humanitarian violations and atrocities carried out on the Palestinian people.
 - iv. To call for an immediate end to the illegal occupation, apartheid and displacement of the people of Palestine.
- b. Refers the petition from 3,408 petitioners, to the Chief Executive Officer for consideration and response.

Resolution

Moved Cr Virginia Tachos/Seconded Cr Jasmine Nguyen

That Council:

- a. **Receives a petition from 3,408 petitioners requesting Council to raise a motion for:**
 - i. **An immediate permanent ceasefire in Gaza to allow for urgent humanitarian aid to reach the people of the Occupied Territory of Gaza following seven weeks of indiscriminate bombardment and mass killing of innocent civilians.**
 - ii. **To lobby the Australian Government to condemn the war crimes carried out by the Israeli Government on the Occupied Territory of Gaza.**
 - iii. **To lobby the Australian Government to call out Israeli's legacy of gross humanitarian violations and atrocities carried out on the Palestinian people.**
 - iv. **To call for an immediate end to the illegal occupation, apartheid and displacement of the people of Palestine.**
- b. **Refers the petition from 3,408 petitioners, to the Chief Executive Officer for consideration and response.**

CARRIED**10.3 LGBTIQA+ Advisory Group**

Petition received from 22 petitioners requesting Council to establish an LGBTIQA+ Community Advisory Committee to recognise the specific concerns and needs of the LGBTIQA+ community and to ensure its services are accessible and inclusive.

Motion

That Council:

- a. Receives a petition from 22 petitioners, requesting Council to establish an LGBTIQA+ Community Advisory Committee to recognise the specific concerns and needs of the LGBTIQA+ community and to ensure its services are accessible and inclusive.
- b. Refers the petition from 22 petitioners in relation to an LGBTIQA+ Community Advisory Committee, to the Chief Executive Officer for consideration and response.

Resolution

Moved Cr Jae Papalia/Seconded Cr Jasmine Nguyen

That Council:

- a. **Receives a petition from 22 petitioners, requesting Council to establish an LGBTIQA+ Community Advisory Committee to recognise the specific concerns and needs of the LGBTIQA+ community and to ensure its services are accessible and inclusive.**
- b. **Refers the petition from 22 petitioners in relation to an LGBTIQA+ Community Advisory Committee, to the Chief Executive Officer for consideration and response.**

CARRIED

Following the resolution of Council, the meeting moved directly to item 13.5.

13 Notices Of Motion**13.5 Ceasefire In Gaza**

Notice of Motion 5/24 – Cr Tachos

Motion

That Council:

- a. Acknowledges the horrific impact of the present conflict in Israel and Gaza on the Brimbank community, noting in particular the acuteness of this impact on those with personal, familial, cultural and religious ties to the region.

- b. Stands in solidarity with all those impacted by the conflict while raising its collective voice for a lasting peace.
- c. Expresses its profound sorrow and mourning at the harrowing and horrific loss of every civilian life while sharing its condolences with families and communities affected.
- d. Joins the Australian Government and international community in:
 - i. calling for an immediate humanitarian ceasefire;
 - ii. demanding the immediate and unconditional release of all innocent civilian hostages; and,
 - iii. emphasising that Palestinian and Israeli civilian populations must be protected in accordance with international humanitarian law.
- e. Affirms its commitment to welcome and support those displaced by the conflict who may arrive in our City in line with our proud and lengthy history as a new home for victims of conflict, displacement and persecution.

and,

- f. Condemns racism Islamophobia and anti-Semitism, and in all its ugly forms, including those who seek to ferment hatred, division and conflict in our proudly diverse, multicultural and open society.

Motion

Moved Cr Virginia Tachos/Seconded Cr Bruce Lancashire

That Council:

- a. Acknowledges the horrific impact of the present conflict in Israel and Gaza on the Brimbank community, noting in particular the acuteness of this impact on those with personal, familial, cultural and religious ties to the region.
- b. Stands in solidarity with all those impacted by the conflict while raising its collective voice for a lasting peace.
- c. Expresses its profound sorrow and mourning at the harrowing and horrific loss of every civilian life while sharing its condolences with families and communities affected.
- d. Joins the Australian Government and international community in:
 - i. calling for an immediate humanitarian ceasefire;
 - ii. demanding the immediate and unconditional release of all innocent civilian hostages; and,
 - iii. emphasising that Palestinian and Israeli civilian populations must be protected in accordance with international humanitarian law.
- e. Affirms its commitment to welcome and support those displaced by the conflict who may arrive in our City in line with our proud and lengthy history as a new home for victims of conflict, displacement and persecution.

and,

- f. Condemns racism Islamophobia and anti-Semitism, and in all its ugly forms, including those who seek to ferment hatred, division and conflict in our proudly diverse, multicultural and open society.

Amendment

Moved Cr Jasmine Nguyen/Seconded Cr Jae Papalia.

That the motion be amended to read:

That Council:

- a. Acknowledges the horrific impact of the present conflict in Israel and Gaza on the Brimbank community, noting in particular the acuteness of this impact on those with personal, familial, cultural and religious ties to the region.
- b. Stands in solidarity with all those impacted by the conflict while raising its collective voice for a lasting peace.
- c. Expresses its profound sorrow and mourning at the harrowing and horrific loss of every civilian life while sharing its condolences with families and communities affected.
- d. Joins the Australian Government and international community in:
 - i. calling for an immediate humanitarian ceasefire;
 - ii. demanding the immediate and unconditional release of all innocent civilian hostages; and,
 - iii. emphasising that Palestinian and Israeli civilian populations must be protected in accordance with international humanitarian law.
- e. Affirms its commitment to welcome and support those displaced by the conflict who may arrive in our City in line with our proud and lengthy history as a new home for victims of conflict, displacement and persecution.

and,

- f. Condemns racism Islamophobia and anti-Semitism, and in all its ugly forms, including those who seek to ferment hatred, division and conflict in our proudly diverse, multicultural and open society.
- g. Calls for an immediate permanent ceasefire in Gaza to allow for urgent humanitarian aid to reach the people of the Occupied Territory of Gaza following seven weeks of indiscriminate bombardment and mass killing of innocent civilians.
- h. To lobby the Australian Government to condemn the war crimes carried out by the Israeli Government on the Occupied Territory of Gaza.
- i. To lobby the Australian Government to call out Israeli's legacy of gross humanitarian violations and atrocities carried out on the Palestinian people.
- j. To call for an immediate end to the illegal occupation, apartheid and displacement of the people of Palestine.

The amendment was put and CARRIED and became the motion before the meeting.

Resolution

Moved Cr Virginia Tachos/Seconded Cr Bruce Lancashire

That Council:

- a. Acknowledges the horrific impact of the present conflict in Israel and Gaza on the Brimbank community, noting in particular the acuteness of this impact on those with personal, familial, cultural and religious ties to the region.**
- b. Stands in solidarity with all those impacted by the conflict while raising its collective voice for a lasting peace.**
- c. Expresses its profound sorrow and mourning at the harrowing and horrific loss of every civilian life while sharing its condolences with families and communities affected.**
- d. Joins the Australian Government and international community in:
 - i. calling for an immediate humanitarian ceasefire;**
 - ii. demanding the immediate and unconditional release of all innocent civilian hostages; and,**
 - iii. emphasising that Palestinian and Israeli civilian populations must be protected in accordance with international humanitarian law.****
- e. Affirms its commitment to welcome and support those displaced by the conflict who may arrive in our City in line with our proud and lengthy history as a new home for victims of conflict, displacement and persecution.**

and,

- f. Condemns racism Islamophobia and anti-Semitism, and in all its ugly forms, including those who seek to ferment hatred, division and conflict in our proudly diverse, multicultural and open society.**
- g. Calls for an immediate permanent ceasefire in Gaza to allow for urgent humanitarian aid to reach the people of the Occupied Territory of Gaza following seven weeks of indiscriminate bombardment and mass killing of innocent civilians.**
- h. To lobby the Australian Government to condemn the war crimes carried out by the Israeli Government on the Occupied Territory of Gaza.**
- i. To lobby the Australian Government to call out Israeli's legacy of gross humanitarian violations and atrocities carried out on the Palestinian people.**
- j. To call for an immediate end to the illegal occupation, apartheid and displacement of the people of Palestine.**

CARRIED

Resolution

Moved Cr Maria Kerr/Seconded Cr Virginia Tachos

That items Notices of Motion 13.1, 13.2, 13.3, 13.4 and 13.6 be considered immediately after item Notice of Motion 13.5 - Ceasefire in Gaza.

CARRIED

13 Notices Of Motion

13.1 Political Party Membership Registration

Notice of Motion 1/24 – Cr Tachos

Motion

That Council create a Political Party Membership Register that:

- a. Details the current and previous political party membership details of all current Councillors, as specified by each Councillor;
- b. Where a Councillor has no political party affiliations they be recorded on the Register as Independent;
- c. Is updated quarterly; and
- d. Is made publicly available on Council's website.

Resolution

Moved Cr Virginia Tachos/Seconded Cr Maria Kerr

That Council create a Political Party Membership Register that:

- a. Details the current and previous political party membership details of all current Councillors, as specified by each Councillor;**
- b. Where a Councillor has no political party affiliations they be recorded on the Register as Independent;**
- c. Is updated quarterly; and**
- d. Is made publicly available on Council's website.**

CARRIED

13.2 Improving Openness And Transparency

Notice of Motion 2/24 – Cr Tachos

Motion

That Council amends the Councillor Code of Conduct to include the following clause in relation to Binding Caucus Votes:

- a. A binding caucus vote is a process whereby a group of Councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the Council, irrespective of the personal views of individual members of the group on the merits of the matter before the Council.
- b. Nevertheless, Councillors are not prohibited from discussing a matter before the Council prior to considering the matter in question at a Council meeting, or from voluntarily holding a shared view with other Councillors on the merits of a matter.
- c. However Councillors must not participate in binding caucus votes in relation to matters to be considered at a Council meeting.

Resolution

Moved Cr Virginia Tachos/Seconded Cr Maria Kerr

That Council amends the Councillor Code of Conduct to include the following clause in relation to Binding Caucus Votes:

- a. **A binding caucus vote is a process whereby a group of Councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the Council, irrespective of the personal views of individual members of the group on the merits of the matter before the Council.**
- b. **Nevertheless, Councillors are not prohibited from discussing a matter before the Council prior to considering the matter in question at a Council meeting, or from voluntarily holding a shared view with other Councillors on the merits of a matter.**
- c. **However Councillors must not participate in binding caucus votes in relation to matters to be considered at a Council meeting.**

CARRIED

13.3 Taylors Road Upgrade

Notice of Motion 3/24 – Cr Kerr

Motion

That Council writes to the Hon. Melissa Horne MP Minister for Roads and Road Safety (the Minister) to declare Taylors Road between Kings Road and Westwood Drive as a

state-managed arterial road and provide additional lanes and supporting active transport infrastructure to match demand.

Motion

Moved Cr Maria Kerr/Seconded Cr Bruce Lancashire

That Council writes to the Hon. Melissa Horne MP Minister for Roads and Road Safety (the Minister) to declare Taylors Road between Kings Road and Westwood Drive as a state-managed arterial road and provide additional lanes and supporting active transport infrastructure to match demand.

Amendment

Moved Cr Jae Papalia /Seconded Cr Jasmine Nguyen

That the motion be amended to read:

That Council writes to the Hon. Melissa Horne MP Minister for Roads and Road Safety (the Minister) to declare Taylors Road between Kings Road and Westwood Drive as a state-managed arterial road and provide additional lanes and supporting active transport infrastructure to match demand including the installation of traffic signals at the intersection of Taylors Road and Tennyson Drive.

The amendment was put and CARRIED and became the motion before the meeting.

Resolution

Moved Cr Maria Kerr/Seconded Cr Bruce Lancashire

That Council writes to the Hon. Melissa Horne MP Minister for Roads and Road Safety (the Minister) to declare Taylors Road between Kings Road and Westwood Drive as a state-managed arterial road and provide additional lanes and supporting active transport infrastructure to match demand including the installation of traffic signals at the intersection of Taylors Road and Tennyson Drive.

CARRIED

13.4 BAWC Fees

Notice of Motion 4/24 – Cr Kerr

Motion

That Council receives a report providing advice on fee discounts for Brimbank residents to attend Brimbank Aquatic and Wellness Centre and Sunshine Leisure Centre.

Resolution

Moved Cr Maria Kerr/Seconded Cr Virginia Tachos

That Council receives a report providing advice on fee discounts for Brimbank residents to attend Brimbank Aquatic and Wellness Centre and Sunshine Leisure Centre.

CARRIED

13.6 Funding For Automated External Defibrillators

Notice of Motion 6/24 – Cr O'Reilly

Motion

That Council write to the Premier of Victoria Hon Jacinta Allan MP requesting the State Government fund provision of defibrillators at Community-managed not for profit Neighbourhood Houses and Community Centres.

Resolution

Moved Cr Thomas O'Reilly/Seconded Cr Sam David

That Council write to the Premier of Victoria Hon Jacinta Allan MP requesting the State Government fund provision of defibrillators at Community-managed not for profit Neighbourhood Houses and Community Centres.

CARRIED

Resolution

Moved Cr Maria Kerr/Seconded Cr Virginia Tachos

That the meeting be adjourned for a short break.

CARRIED

Meeting was adjourned at 8.38pm.

Meeting resumed at 8.47pm.

11 Minutes/Reports Of Delegated Committees

Nil.

12 Officer Reports

12.1	Planning Activity Update and Delegate Decisions and Planning Scheme Amendments Update - December 2023 and January 2024
Directorate	City Futures
Director	Kelvin Walsh
Manager	Kristen Gilbert and Leanne Deans
Attachment(s)	1. Delegated Planning Permit Decisions - December 2023 and January 2024 [12.1.1 - 48 pages] 2. Graphical representation of the data from the last three years [12.1.2 - 3 pages] 3. Planning Scheme Amendment Status Summary December 2023 and January 2024 [12.1.3 - 3 pages]

Purpose

To report to Council on:

- The status of planning permit applications and trends in planning approvals in Brimbank
- Decisions made under delegated authority in December 2023 and January 2024 regarding planning permit applications and other matters
- The status of current Planning Scheme Amendments at 31 January 2024.

Officer Recommendation

That Council:

- a. Notes the Planning Activity Update and Delegate Decisions – December 2023 and January 2024 report, and Delegated Planning Permit Decisions, at Attachment 1 to this report.
- b. Notes the Planning Scheme Amendment Summary – December 2023 and January 2024, at Attachment 3, and that this relates to amendments where Council has resolved to request authorisation from the Minister for Planning to prepare and exhibit an amendment or has requested that the Minister prepare an amendment under section 20(4) of the *Planning and Environment Act 1987*.

Background

Council is a Responsible Authority under the *Planning and Environment Act 1987* (the Act). In this role, Council administers the Brimbank Planning Scheme (Planning Scheme) and, among other things, determines planning permit applications made for the use and development of the land in the municipality. Certain planning permit applications, and other matters, are determined by Council officers under the delegated authority of Council.

The statistics presented do not represent all development activity in the municipality. Many types of use and development do not require a planning permit and may take place without being recorded as part of the planning approvals data. In addition, some planning permits are not acted on, or there may be a delay between when the approval is granted and when works take place.

Council is a Planning Authority for the Planning Scheme and undertakes amendments to the Planning Scheme when authorised by the Minister for Planning (Minister), or in accordance with section 8A(7) of the Act. Council undertakes amendments for a range of reasons including to enhance or implement the strategic vision, to implement local policy, to correct mistakes, to enable or restrict development, and to set aside land for acquisition for a public purpose or remove such a reservation when it is no longer required.

The Minister may prepare an amendment or authorise the preparation of an amendment by another Minister, public authority or municipal council. For the purpose of this report, the status of Planning Scheme Amendments will only include amendments where Council is the Planning Authority, and where Council has resolved to request authorisation from the Minister to prepare and exhibit an amendment or has requested that the Minister prepare an amendment under section 20(4) of the Act.

Matters for Consideration

Seventy-eight planning determinations and 24 subdivision determinations were made under delegated authority in December 2023. Sixty-nine new planning permit applications were received in December 2023. The value of development for these 69 applications is \$30.6 million.

Fifty-seven planning determinations and 13 subdivision determinations were made under delegated authority in January 2024. Thirty new planning permit applications were received in January 2024. The value of development for these 30 applications is \$13.2 million.

A list of the planning applications determined under delegation from Council during December 2023 and January 2024 is at **Attachment 1**.

	Dec 2023	Jan 2024	Previous month (Nov 2023)	Monthly average for past 12 months	Dec 2022	Jan 2023
Applications Received	69	30	68	68	67	36
Planning Permit Approvals	72	55	76	74	75	62
Notice of Decision to Grant a Permit	6	1	5	6	16	7
Refusal to Grant a Planning Permit	0	1	1	2	3	4
Subdivision Approvals	15	13	25	22	15	11
Cost of development for new	\$30.6	\$13.2	\$169.7	\$47.6	\$68.6	\$10.4

**applications
(millions)**

No planning appeals were determined by the Victorian Civil and Administrative Tribunal (VCAT) in this period.

At the end of this period there were seven appeals lodged at VCAT that had not yet been determined. This is four less than at the end of January 2023.

The Planning Scheme Amendment Summary is shown at **Attachment 3** and includes five Planning Scheme Amendments where Council is the Planning Authority or has requested the Minister to prepare an amendment under section 20(4) of the Act.

Three amendments including Amendments C219brim (Heritage Update), C225brim (Planning Policy Framework) and C227brim (Heritage Overlay Sunshine Silos) are with the Minister for Planning for either authorisation or approval.

Community Engagement

Not applicable.

Resource And Risk Implications

Resource requirements can be met within the Annual Budget 2023/2024.

There are no Community, Environmental, Financial, Regulatory or Safety risks identified.

Legislation/Council Plan/Policy Context

This report complies with the *Planning and Environment Act 1987*, *Local Government Act 1989* and the Brimbank Planning Scheme.

Council officers contributing to the preparation and approval of this report, have no conflicts of interests to declare.

Resolution

Moved Cr Bruce Lancashire/Seconded Cr Jae Papalia

That Council:

- a. **Notes the Planning Activity Update and Delegate Decisions – December 2023 and January 2024 report, and Delegated Planning Permit Decisions, at Attachment 1 to this report.**
- b. **Notes the Planning Scheme Amendment Summary – December 2023 and January 2024, at Attachment 3, and that this relates to amendments where Council has resolved to request authorisation from the Minister for Planning to prepare and exhibit an amendment or has requested that the Minister prepare an amendment under section 20(4) of the *Planning and Environment Act 1987*.**

CARRIED

12.2**Directorate****Director****Manager****Attachment(s)****Planning Compliance Activity Update - 1 October to 31 December 2023**

City Futures

Kelvin Walsh

Kristen Gilbert

1. Service Requests Received and PI Ns issued - 1 October to 31 December 2023 [**12.2.1** - 1 page]
2. Location of Requests for Services Received - 1 October to 31 December 2023 [**12.2.2** - 1 page]

Purpose

For Council to note the Planning Compliance Activity Update for the period 1 October to 31 December 2023.

Officer Recommendation

That Council notes the Planning Compliance Activity Update for the period of 1 October to 31 December 2023.

Background

Council is the Responsible Authority under the *Planning and Environment Act 1987*. In this role, Council administers the Planning Scheme and enforces its requirements to ensure the use and development of land in the municipality is consistent with the various zones, overlays and other planning provisions. Council also enforces compliance with conditions of planning permits and other statutory requirements, including agreements made under section 173 of the Act.

Matters for Consideration**Analysis**

Request	Requests for Service	Resolved during this period	Total active requests	Infringement Notices Issued	Official Warnings Issued
Quarterly 1 October –31 December 23	92	210	159	33	3
Year to Date 1 July –31 December 23	224	349	159	54	13

Council's Planning Compliance Unit received 92 new requests for service between 1 October and 31 December 2023. The number of requests received is lower than the previous quarter when 132 requests were received. This is thought to be as a result of the Christmas period. There were 210 requests resolved by Officers during the quarter.

The most common requests received related to home-based businesses, which accounted for 26 per cent of the total requests. These requests were located throughout the municipality, with the majority being in the central and western areas.

Contravention of a planning permit and signage without a permit (both 17 per cent) were the next most common requests received.

Other requests for service related to use for motor vehicle repairs in residential premises, materials recycling and truck parking on vacant land. Information on the number of service requests received and Planning Infringement Notices issued is at **Attachment 1**. A location map of requests received is at **Attachment 2**.

Planning Infringement Notices (PINs)

There were 33 PINs issued during the quarter relating to:

- Breach of Planning Scheme/use of the land without a valid planning permit
- Erection and display of real estate signage in breach of the Planning Scheme.

Community Engagement

Not applicable.

Resource And Risk Implications

Resource requirements can be met within the Annual Budget 2023/2024.

There are no Community, Environmental, Financial, Regulatory or Safety risks identified.

Legislation/Council Plan/Policy Context

This report supports the Council Plan 2021-2025 strategic direction and objective of:

2. Places and Spaces - Liveable and connected neighbourhoods that support healthy and sustainable futures - A green place for all

- Liveable and Connected - Inviting and liveable spaces and facilities, connected so people can get around.

This report complies with the Planning and Environment Act 1987 and the Brimbank Planning Scheme (Planning Scheme).

Council officers contributing to the preparation and approval of this report, have no conflicts of interests to declare.

Resolution

Moved Cr Bruce Lancashire/Seconded Cr Maria Kerr

That Council notes the Planning Compliance Activity Update for the period of 1 October to 31 December 2023.

CARRIED

12.3

Directorate
Director
Manager
Attachment(s)

Application to Amend Planning Permit P699/2017 for land previously known as 322 Duke Street Sunshine North

City Futures
 Kelvin Walsh
 Kristen Gilbert

1. Zoning Map [**12.3.1** - 1 page]
2. Aerial Photo [**12.3.2** - 1 page]
3. Proposed Plans [**12.3.3** - 33 pages]
4. Detailed Assessment [**12.3.4** - 54 pages]
5. Proposed Conditions [**12.3.5** - 12 pages]

Purpose

To provide Council with an assessment of a proposed amendment to Planning Permit P699/2017 to allow the construction of two apartment blocks at 400A Duke Street, Sunshine North (originally known as 322 Duke Street) against the provisions of the Brimbank Planning Scheme (Planning Scheme).

Officer Recommendation

That Council issues an amended Planning Permit P699/2017 for the construction of 85 dwellings in the form of two apartment buildings in addition to the existing development at land previously known as 322 Duke Street, Sunshine North, subject to the permit conditions contained in Attachment 5 to this report.

Background

The overall site that is the subject of Planning Permit P699/2017 is located on the eastern side of Duke Street in Sunshine North and was previously known as 322 Duke Street and 30A Riverview Link, Sunshine North. It is bounded by the Maribyrnong River to the east, the Duke Street reserve to the south, Duke Street to the west and Riverview Link to the north. This area is shown as Stage 4 on the approved Development Plan for the Rivervalley Estate, however is known locally as the Pace development. The site is within the General Residential Zone Schedule 1 and is affected by a number of planning overlays under the Planning Scheme.

Planning Permit P699/2017 was originally issued by Council on 17 May 2018 for the construction of 266 dwellings and associated works. The endorsed plans showed a vacant area in the north-western corner of the site that was nominated as a superlot and was subject to future development approval. The permit was subsequently amended on 19 September 2019 to allow for the construction of an additional 22 dwellings in townhouse form, of which 19 were in the area shown as the vacant superlot on the original endorsed plans.

Development of the rest of the land has been completed in accordance with this planning permit, however the approved townhouses within the superlot area have not been constructed and this area remains vacant.

The current proposal seeks amendments to Planning Permit P699/2017 and the endorsed plans to construct 85 dwellings in the form of two apartment blocks in this area and to delete the previously approved 19 townhouses. This would reduce the overall number of townhouses within the development from 256 to 237 and increase the number of apartments from 32 to 117.

Matters for Consideration

The two proposed apartment buildings are three storeys in height above natural ground level. The western building has a total of five levels of apartments plus a basement car park, however two of these levels plus the basement sit below the natural ground level due to the site's relatively steep topography and proposed excavation. The eastern building has a total of four levels of apartments, with one of these levels sitting below the natural ground level. Only one vehicle access point to the site is proposed which will be from Riverview Link to the north.

Ninety-nine parking spaces are provided within the basement car park. The apartments require 86 parking spaces for residents plus an additional 17 spaces for visitors. All of the resident parking plus some of the visitor parking is provided within the basement car park. The remaining visitor parking is provided within the current development because when calculated across the entire development site there are a total of 354 dwellings (237 townhouses 117 apartments) which require 70 visitor parking spaces. The overall development provides 86 visitor parking spaces which exceeds with the requirements for resident and visitor parking as set out at Clause 52.06 of the Planning Scheme.

The amended development has been assessed against Clause 58 (Apartment Developments) of the Brimbank Planning Scheme and it has been found to achieve a high level of compliance with the standards and objectives.

A thorough assessment of the proposal against the provisions of the Planning Scheme is included at **Attachment 4** to this report. The assessment indicates there is strategic justification and policy support for this application in relation to the principle of supporting a more intense form of development on this site than was previously approved.

The proposal would create an acceptable level of amenity to future occupants of the development without significantly impacting on the current occupants in the wider development; achieves compliance with the mandatory height requirements of the General Residential Zone; and is an innovative and site responsive form of development. It is recommended that an Amended Planning Permit be issued based on the proposed conditions outlined in **Attachment 5** to this report.

Community Engagement

The application is exempt from the notice requirements of Section 52(1) (a), (b) and (d) of the *Planning and Environment Act 1987 (the Act)* because it is generally in accordance with the approved Development Plan for the site. This means Council is unable to advertise the application and no third parties have appeal rights in relation to any decision Council makes on the application.

Resource And Risk Implications

Resource requirements can be met within the Annual Budget 2023/2024.

There are no Community, Environmental, Financial, Regulatory or Safety risks identified.

Legislation/Council Plan/Policy Context

This report has also been prepared under the relevant guiding principles of the Brimbank Planning Scheme and the Planning and Environment Act 1987.

Council officers contributing to the preparation and approval of this report, have no conflicts of interests to declare.

Resolution

Moved Cr Bruce Lancashire/Seconded Cr Sam David

That Council issues an amended Planning Permit P699/2017 for the construction of 85 dwellings in the form of two apartment buildings in addition to the existing development at land previously known as 322 Duke Street, Sunshine North, subject to the permit conditions contained in Attachment 5 to this report.

CARRIED

12.4**Integrated Water Management Update****Directorate**

City Futures

Director

Kelvin Walsh

Manager

Michelle van Gerrevink

Attachment(s)

1. Maribyrnong Catchment IWM Action Plan DRAFT FOR ISSUE [**12.4.1** - 56 pages]
2. Werribee Catchment IWM Action Plan DRAFT FOR ISSUE [**12.4.2** - 42 pages]
3. Brimbank Sustainable Water Strategy Review Final Report - Feb 2024 [**12.4.3** - 9 pages]

Purpose

To provide an update on the Catchment Integrated Water Management Plans; and the review and planned update to the Sustainable Water Management Strategy 2013 - 2023.

Officer Recommendation

That Council:

- a. Notes the Maribyrnong and Werribee Catchment Integrated Water Management Plans shown at Attachment 1 and 2.
- b. Writes to the Maribyrnong and Werribee Integrated Water Management Forum Chairs giving in principle support for the Maribyrnong and Werribee Catchment Integrated Water Management (IWM) Plans and requesting:
 - i. That the lead in the Maribyrnong IWM Plan for the Stony Creek and Albion Quarter precinct project be changed to the Department of Transport and Planning.
 - ii. That changes are made to the strategic outcomes for actions where Council is a lead or partner to ensure they are correctly linked.
- c. Notes the review of the Brimbank Sustainable Water Management Strategy 2013 – 2023, shown at Attachment 3.
- d. Notes that Council officers will engage with the Brimbank Community Voice to inform the development of the draft Brimbank Integrated Water Management Strategy.

Background

Victoria's Integrated Water Management Forums (IWM Forums) are made up of representatives from local government, water corporations, Traditional Owners, and State Government agencies including the Department of Energy, Environment and Climate Action (DEECA). In metropolitan Melbourne the IWM Forums are geographical bound by water catchments. Brimbank City Council (Council) is part of both the Maribyrnong and Werribee IWM Forums.

The purpose of the IWM Forums is to identify, prioritise and oversee the implementation of collaborative water opportunities across Victoria. Recently the IWM Forums developed draft actions plans to help prioritise projects that may not be possible for a single organisation to deliver by itself. Projects within the draft action plans have a greater likelihood of receiving State Government funding. Feedback about the draft Plans is required by 1 March 2024.

In addition to participating in the IWM Forums, Council delivers many functions, programs and projects in which water plays a major role. These include planning, urban design, flood mitigation, conservation and irrigation of sports ovals and parks. To effectively manage those projects Council developed the Brimbank Sustainable Water Management Strategy 2013 – 2023 (Strategy). The Strategy provided high-level objectives and actions to facilitate Brimbank's transition to a water sensitive city with healthy waterways.

The Strategy is due for update and to commence this process Council officers have reviewed the strategy and are preparing to undertake engagement activities to inform the development a new draft Strategy.

Matters for Consideration

IWM Forum Catchment Integrated Water Management Plans

The IWM Forums have developed draft plans over the past 12 months and the draft Maribyrnong Catchment Integrated Water Management Plan (draft Maribyrnong Plan) and the draft Werribee Catchment Integrated Water Management Plan (draft Werribee Plan) is shown at **Attachment 1 and 2** respectively. These have been provided to Council for a final round of feedback.

Council officers have participated in the development of the draft Maribyrnong Plan and the draft Werribee Plan and prioritisation of actions. The actions where Council are either a lead or partner are:

Draft Maribyrnong Plan

- Green Gully Stormwater Harvesting Expansion. (Led by Brimbank City Council)
- Copernicus Way Reserve Wetland and Stormwater Harvesting. (Led by Brimbank City Council)
- Lower Stony Creek priority project. (Led by Maribyrnong City Council)
- Stony Creek and Albion Quarter precinct. (Identified lead is Brimbank City Council)

Draft Werribee Plan

- Greening the pipeline Zone 9 (Brooklyn) masterplan. (Led by Melbourne Water)

In addition, both draft Plans contain systemic enabling actions which are relevant to all IWM Forum members. These include actions such as developing a WSUD asset management framework, clarifying roles and responsibilities, developing an IWM investment framework, among others.

The draft Maribyrnong Plan and the draft Werribee Plan have been reviewed by Council officers, who have suggested some minor changes, including:

- Changing the lead for Stony Creek and Albion Quarter precinct project to Department of Transport and Planning (DTP). This project is being led by DTP however it was Council officers who requested the project be included in the draft Maribyrnong Plan. DEECA (the author of draft Plans) then mistakenly listed Council as the lead.
- Ensuring the correct strategic outcomes are highlighted for the actions Council is a lead or partner in. There are seven strategic outcomes identified in the draft Plans and each action is linked to one or more of those strategic outcomes. For actions where Council is a lead or partner, Council officers identified that not all strategic outcomes were correctly linked and recommended that that be rectified.

The actions identified in the draft Plans where Brimbank is the lead organisation (Green Gully Stormwater Harvesting Expansion, Copernicus Way Reserve Wetland and Stormwater Harvesting) are identified in Council's 10 Year Capital Works Program. Budget to support the delivery of these actions will be sought through both Melbourne Water and Greater Western Water grants programs.

Brimbank Sustainable Water Management Strategy Review 2013 – 2023

Council officers have conducted a review of the Brimbank Sustainable Water Management Strategy 2013 – 2023 (the Strategy) which is shown at **Attachment 3**. The review was conducted through an assessment of the status of actions within the Strategy and feedback from interviews with Council officers across Urban Design, Engineering Services, Facilities & Major Projects, Parks Services and Leisure & Community Infrastructure. Melbourne Water and Greater Western Water were also engaged as part of the Strategy review.

The review found that significant progress has been made in making Brimbank a water sensitive city. The Strategy included 34 actions and the review identified that progress had been made on all 34:

- Five actions have been completed
- Fifteen actions are ongoing
- Eight actions were partly completed
- Six are progressing through other government programs.

The review report shown at **Attachment 3** provides further detail on the status of the Strategy's actions.

The review identifies the following considerations for the development of the next Strategy:

- Rename the Strategy to the 'Brimbank Integrated Water Management Strategy' to better align to current water management governance and our key stakeholder partners.
- Improve the clarity of the high-level objectives within the Strategy.
- Increase the focus on data collection and management supported by a Monitoring, Evaluation, Reporting and Improvement (MERI) framework.
- Upgrade Council's water asset maintenance program through prioritised actions, regular audits, better data management, clear processes and well-understood roles and responsibilities.
- Improve engagement with Traditional Owners on relevant water-related initiatives and activities.
- Engage private developers to facilitate the adoption of best practice IWM.

Council officers will progress the development of a new Strategy in 2024.

Community Engagement

It is proposed that preliminary community engagement is undertaken with the Brimbank Community Voice in March 2024, to inform preparation of the new draft Strategy. The draft Strategy would be presented to Council seeking support to undertake community consultation.

Resource And Risk Implications

The actions identified in the IWM Forum plans where Brimbank is the lead organisation are also identified within Council's 10 Year Capital Works Program. The resources

required to deliver those projects will likely come from a combination of Council and partner organisation grant funding.

Resource requirements for the development of a new Strategy can be met within the Annual Budget 2023-2024.

Environmental: impacts on environmental sustainability, including water/waste management, climate change, and contaminated land

- Yes – The development of a new water focused Strategy will help ensure Council delivers water assets and water related projects in the most efficient and effective manner. This Strategy will lower Council's environmental risk and build resilience to climate change.

Legislation/Council Plan/Policy Context

This report supports the Council Plan 2021-2025 strategic direction and objective of:

2. Places and Spaces - Liveable and connected neighbourhoods that support healthy and sustainable futures - A green place for all

- Sustainable and Green - Protect natural environments for current and future generations.

An action in the Council Plan – Year 3 Action Plan 2023-2024 is to update the Brimbank Sustainable Water Management Strategy 2013 – 2023 and continue working with key partners and authorities on integrated water management.

Council officers contributing to the preparation and approval of this report, have no conflicts of interests to declare.

Resolution

Moved Cr Virginia Tachos/Seconded Cr Jae Papalia

That Council:

- Notes the Maribyrnong and Werribee Catchment Integrated Water Management Plans shown at Attachment 1 and 2.**
- Writes to the Maribyrnong and Werribee Integrated Water Management Forum Chairs giving in principle support for the Maribyrnong and Werribee Catchment Integrated Water Management (IWM) Plans and requesting:**
 - That the lead in the Maribyrnong IWM Plan for the Stony Creek and Albion Quarter precinct project be changed to the Department of Transport and Planning.**
 - That changes are made to the strategic outcomes for actions where Council is a lead or partner to ensure they are correctly linked.**
- Notes the review of the Brimbank Sustainable Water Management Strategy 2013 – 2023, shown at Attachment 3.**
- Notes that Council officers will engage with the Brimbank Community Voice to inform the development of the draft Brimbank Integrated Water Management Strategy.**

CARRIED

Cr Thomas O'Reilly, having declared a conflict of interest in relation to Report 12.5, left the meeting at 8.56pm.

12.5	Quarter 2 Budget Report (Oct/Nov/Dec2023)
Directorate	Corporate Services
Director	Mark Stoermer
Manager	Andrew Brae
Attachment(s)	1. Quarterly Budget Report - 31 December 2023 [12.5.1 - 22 pages]

Purpose

For Council to note the Quarterly Budget Report and accompanying statements for the period ending 31 December 2023.

Officer Recommendation

That Council notes the Quarterly Budget Report and accompanying statements for the period ending 31 December 2023, at Attachment 1 to this report.

Background

The Quarterly Budget Report is a requirement under the Local Government Act 2020 (the Act).

Matters for Consideration

For Council to note the Quarterly Budget Report and accompanying statements for the period ending 31 December 2023, as per **Attachment 1** to this report.

Analysis

Operating Performance

The Annual Budget for the 2023/24 financial year has an operating surplus of \$8.03 million.

The year to date (YTD) operating surplus of \$104.39 million is \$12.35 million or 13.41% favourable to the YTD Budget of \$92.05 million.

Current full year forecast estimates an operating surplus of \$1.12 million, being \$6.92 million or 86.09% unfavourable to the Annual Budget, driven in part by \$14.17 million reduction in Victorian Grants Commission received and recognised in 2022/2023 financial year whilst budgeted to be received in 2023-2024, as this amount was paid to Brimbank early June 2023. Our cash position is not affected negatively, but we have downgraded our Income forecast by this amount in the current year. Other major factors offsetting the reduction in Victorian Grants Commission funding include \$3.39 million increase in Capital Grants mainly due to carried forward grants from last financial year, \$5.24 million increase in Cash Contributions mainly due to unbudgeted Open Space Contribution of \$3.75m received from subdivision of Aldi land and \$1.00 million from Australian Renewable Energy Agency and User Fees up by \$1.94 million due to increased membership uptake in Brimbank Aquatic and Wellness Centre.

Capital Performance

The 2023/24 Annual Budget is \$72.40 million, comprising of \$55.85 million of Capital Works projects and \$16.55 million carried forward from the 2022/23 financial year.

YTD Capital Works actual expenditure is \$18.07 million against a budget of \$18.74 million. This is a favourable variance of \$0.67 million made up of favourable Road Works \$3.78 million, offset by unfavourable Playgrounds/Parks/Gardens (\$1.28 million), Sports Facilities (\$0.52 million) and Other (0.83 million) made up of Plant & Machinery, Passenger & Commercial Vehicles.

The full year capital expenditure forecast estimates expenditure of \$64.33 million being \$8.07 million lower than budget.

YTD external funding is \$4.59 million comprising recurrent and non-recurrent grants and Contributions. Total full year external funding Forecast is \$6.42 million.

Cash Position

The Annual Budget has a cash balance of \$69.85 million at the end of the financial year.

The YTD cash balance is \$90.93 million comprising an opening balance of \$93.71 million at 1 July 2023 and year to date net cash outflows of (\$2.78) million.

The forecast year end cash balance is \$69.75 million which is (\$102K) lower than the budgeted closing cash at bank of \$69.85 million. Section 2 of attached report provides a detailed analysis on the variances to budget.

Key Financial Ratios

Details of key financial ratios are:

Indicator	Measure	Budget 2023/24	Forecast	Risk
Adjusted underlying result	Underlying net surplus (or deficit) / Adjusted Underlying Revenue	3%	1%	Low
Self-Financing	Net Operating cash flows / Adjusted underlying revenue	22%	21%	Low
Capital Replacement	Capital expenditure / Depreciation	1.49	1.33	Medium
Asset Renewal	Asset renewal expenditure / Depreciation	0.56	0.59	Medium
Working Capital	Current assets / Current liabilities	1.47	4.56	Low

Indebtedness	Non-current liabilities / Own source revenue	34%	42%	Medium
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Adjusted Underlying Result

This measures an entity's ability to generate surplus in its ordinary course of business, excluding non-recurrent capital grants, non-monetary asset contributions and other contributions to fund capital expenditure from its net result. A surplus or increasing surplus suggests an improvement in the operating position.

The forecast result of 1% indicates a Low risk.

Self-Financing

This indicator measures the ability to replace assets using cash generated by the entity's operations. The forecast result of 21% indicates a Low risk.

Capital Replacement

This is a long-term indicator. The forecast result of 1.33 indicates a Medium risk and that spending is faster than the depreciation rate. This result should be read with caution as it is important to note that only 43% of the overall capital budget was identified as renewal expenditure.

Asset Renewal

The forecast result of 0.59 indicates a Medium risk and is constant with only 43% of the overall capital budget identified as renewal. This would suggest that there is insufficient spending on the renewal of existing assets.

Working Capital

The actual result of 4.56 indicates a Low risk to Council. This is due to a change in accounting treatment of rates income. The full amount of rates income is now recognised when we issue the Annual Notice, instead of progressively recognising income over the year which has significantly increased the rates debtors in current assets at the start of the year. It is anticipated that the ratio will be in line with the budget at year end with the payment of rates.

Indebtedness

The actual result of 42% indicates Medium risk and that Council has the ability to repay debt from its own revenue sources. This is mostly driven by the recognition of Lease Liability as per AASB 16.

Community Engagement

The Annual Budget 2023/2024 was adopted by Council at the Council Meeting on 20 June 2023, following a community consultation process.

Resource And Risk Implications

Resource requirements can be met within the Annual Budget 2023/2024.

Financial: significant financial impacts

- Yes - Council must ensure that it has implemented the principles of sound financial management including prudently managing financial risks faced by Council, pursuing spending and rating policies consistent with a reasonable degree of stability, ensuring decisions are made and actions taken having regard for the financial effects on future generations, and ensuring full, accurate and timely disclosure of financial information relating Council. This report addresses the risks associated with demonstrating Council's commitment to the principles of sound financial management by reviewing Council's financial position to the adopted budget, projecting a year end position to ensure overall financial strength of Council and outlining to the community that Council is managing its finances in a sustainable and responsible manner.

Regulatory: legal, legislative or regulatory implications including the rights/obligations of stakeholders

- Yes - The Quarterly Budget Report is a requirement under the Local Government Act 2020

Legislation/Council Plan/Policy Context

This report supports the Council Plan 2021-2025 strategic direction and objective of:

4. Leadership and Governance - A high performing organisation that enacts the vision and decisions of Council through the delivery of quality and innovative services - A fairer place for all

- Engaged and Responsive - Community insights are valued to enhance connection and engagement with Council
- High Performing and Accountable - Our workforce strive to enhance services and liveability for the Brimbank community.

This report complies with *Local Government Act 2020*, Australian Accounting Standards and Annual Budget 2023/2024.

Council officers contributing to the preparation and approval of this report, have no conflicts of interests to declare.

Resolution

Moved Cr Virginia Tachos/Seconded Cr Sam David

That Council notes the Quarterly Budget Report and accompanying statements for the period ending 31 December 2023, at Attachment 1 to this report.

CARRIED

Cr Thomas O'Reilly returned to the meeting at 8.58pm.

12.6**Directorate****Director****Manager****Attachment(s)****Governance Report February 2024**

People, Partnerships and Performance

Georgie Hill

Danny Bilaver

1. Record of Informal Meeting of Councillors [**12.6.1** - 14 pages]
2. Delegates and Representatives Report [**12.6.2** - 6 pages]
3. Sydenham Park Consultative Committee Terms of Reference - February 2024 [**12.6.3** - 5 pages]
4. Minutes of Audit and Risk Committee - 24 November 2023 [**12.6.4** - 8 pages]
5. Risk Management Policy 2024 [**12.6.5** - 11 pages]
6. Kindergarten Registration and Enrolment Guideline 2024 [**12.6.6** - 12 pages]
7. CONFIDENTIAL - Regional Assessment Service [**12.6.7** - 2 pages]

Purpose

For Council to consider:

- A summary of recent Governance activity.
- Contracts entered into, and works orders approved in accordance with the S7 Instrument of Sub Delegation.
- Councillor Declarations of Representations by Members of Parliament.
- Updated Sydenham Park Consultative Committee Terms of Reference.
- Audit and Risk Committee Minutes of 24 November 2023.
- Risk Management Policy.
- Kindergarten Central Registration and Enrolment Guideline.
- Funding Agreement with the State Government for Old Geelong Road, Brooklyn
- Update on the Regional Assessment Service.

Council Recommendation

That Council:

- a. Notes the:
 - i. Governance Report February 2024.
 - ii. Contracts entered into, and works orders approved, in accordance with S7 Instrument of Sub Delegation (24/3414; 24/3420MAV).
 - iii. Records of Informal Meetings of Councillors, at Attachment 1 to this report, for incorporation in the minutes of this meeting.
 - iv. Delegate's and Representative's Reports, at Attachment 2 to this report, for incorporation in the minutes of this meeting.
 - v. Councillor Declarations of Representations by Members of Parliament.
- b. Increases the representation of Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation membership on the Sydenham Park Consultative Committee from two to three positions, to enable representation from the Nevin, Wandin and Terrick families, and endorses the revised Sydenham Park Consultative Committee Terms of Reference shown at Attachment 3.
- c. Notes the Minutes of Audit and Risk Committee Meeting No. 137 held on 24 November 2023, at Attachment 4 to this report.

- d. Adopts the Risk Management Policy, at Attachment 5 to this report.
- e. Authorises the Chief Executive Officer to enter into a Funding Agreement with the State Government:
 - i. for the amount of \$1.67 million to construct and seal the western end of Old Geelong Road in Brooklyn and enter into any contracts necessary to discharge Council's obligations under the Funding Agreement.
 - ii. for the amount of \$2 million to implement road safety treatment projects as part of the Safe Local Roads and Street Program and enter into any contracts necessary to discharge Council's obligations under the Funding Agreement.
- f. Notes the Kindergarten Registration and Enrolment Guideline as at Attachment 6.
- g. Notes the update provided on the Regional Assessment Service as contained in Confidential Attachment 7.

Background

The monthly governance report is a standing report to Council, in accordance with best practice and good governance principles, and to ensure compliance with the requirements of the *Local Government Act 2020 (the Act)*, Councillor Code of Conduct 2021 (Code), and Councillor Support (Major) Policy 2020.

Matters for Consideration

Exercise of Delegated Authority

Council delegates powers, duties and functions to the Chief Executive Officer in order to support efficient operation and delivery of Council services. The Chief Executive Officer has sub-delegated some authority to Directors (and other Council officers). Significant decisions made, or actions undertaken exercising delegated authority, are reported to Council as a transparency and accountability measure.

The Chief Executive Officer has been delegated authority by Council to award contracts up to \$1,000,000 (inclusive of GST) through an Instrument of Delegation made on 18 October 2022 (S5 Instrument of Delegation to the Chief Executive Officer). The Chief Executive Officer has sub-delegated authority to Directors to award contracts up to \$200,000 (inclusive of GST) through an Instrument of Delegation made on 12 December 2023 (S7 Instrument of Sub-Delegation by the Chief Executive Officer).

Contracts entered into, and works orders approved, in accordance with S7 Instrument of Sub-Delegation

Contracts entered into, and works orders approved, under delegation since reporting to the last Council Meeting are:

Contract No.	Description	Successful Tenderer	Contract Amount (inc GST)	Date Awarded
24/3414	Fire Equipment Maintenance Services	Wormald Australia	\$450,000	18/12/2023
24/3420 MAV	Supply and Delivery of Two Compact Street Sweepers	Sweepers N Scrubbers	\$529,126.60	15/12/2023

Records of Informal Meetings of Councillors

An Informal Meeting of Councillors includes meetings that are:

- Scheduled or planned for the purpose of discussing the business of Council or briefing Councillors,
- Attended by at least one member of Council staff, and
- Not Council meetings, Delegated Committee meetings or Community Asset Committee meetings.

Written records of Informal Meetings of Councillors are kept and include the names of all Councillors and Council officers attending, the matters considered, any conflict of interest disclosures made, and whether a Councillor who has disclosed a conflict of interest leaves the meeting.

These records, as soon as practicable, will be reported at a Council Meeting, and incorporated in the minutes of that Council Meeting.

Records of Informal Meetings of Councillors (**Attachment 1**) were received for the following meetings:

Date	Event
6 December 2023	Heritage Advisory Committee
11 December 2023	Disability Advisory Committee
11 December 2023	Sydenham Park Consultative Committee
13 December 2023	BATSICC
30 January 2024	Briefing
13 February 2024	Council Meeting Briefing
13 February 2024	Planning Forum

Delegate's and Representative's Reports

The participation on a range of local, specific issues, committees established by Council, peak body/sector associations, and local and regional forums, is an essential part of the representative role Council plays. Council nominates Councillors as delegates and representatives to these committees annually.

The role, as the Council delegate or Council representative on these committees, is to represent the position of Council, and report back to Council at a Council Meeting on the issues or progress of the committees, and any recommendations made by the committees.

Delegate's and Representative's Reports (**Attachment 2**) were received for the following meetings:

Date	Event	Councillor/s
6 December 2023	Heritage Advisory Committee	Cr Bruce Lancashire
11 December 2023	Disability Advisory Committee	Cr Victoria Borg and Cr Thomas O'Reilly
11 December 2023	Sydenham Park Consultative Committee	Cr Ranka Rasic and Cr Bruce Lancashire
13 December 2023	BATSICC	Cr Jae Papalia

Councillor Declarations of Representations by Members of Parliament

Councillors have a legitimate role in advocating on behalf of their communities. At times, this may include the receiving of representations by a Member of State or Federal Parliament, to Council or Councillors. Councillors will declare and record any representations made to a Councillor by a Member of Parliament or their staff representative.

Councillor Declaration of Representations by Members of Parliament was received for the following meetings.

Date	Councillor	Member of Parliament	Matter Discussed
29 January 2024	Cr Rasic	Dr Daniel Mulino	Melbourne Airport Rail Melbourne Airport Third Runway Calder Freeway Climate Emergency Addressing Unemployment Homelessness Community Facilities Rate Capping Federal Election Vietnamese Museum of Australia ALGA National General Assembly (July 2024) LeadWest advocacy update

Sydenham Park Consultative Committee

At the Council Meeting on 17 October 2023, Council resolved, among several matters, to endorse changes to the terms of reference for the Sydenham Park Consultative Committee (Committee), which included increasing the representation of Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation (WWCHAC) from one to two positions. This change was at the request of the Brimbank Aboriginal and Torres Strait Islander Consultative Committee.

The Committee's independent chair, Dr David Jones, has been liaising with the WWCHAC regarding their nominated representatives. The WWCHAC is made up of three family groups - Nevin, Wandin and Terrick. The WWCHAC Board of Directors has indicated that they would like three positions on the Committee so that each family can be represented. This is a similar arrangement to Wurundjeri Woi-wurrung representation on the Birrarung Council and is considered best practise.

The Committee Terms of Reference have been revised to reflect this change and are shown at **Attachment 3**.

Audit and Risk Committee

Minutes of the Audit and Risk Committee (ARC) meeting held 24 November 2023, is presented to Council for noting at **Attachment 4**.

Risk Management Policy

The Risk Management Policy outlines Council's commitment to managing risks. It sets Council's risk management objectives. It also defines how responsibility for managing risks is distributed among Councillors, officers and committees of the organisation. The

policy is enacted through the Risk Management Framework and various management system processes and procedures.

It is considered opportune to review the Risk Management Policy due to recent changes to Council's risk management operating environment. The changes include:

- alignment with the new organisational structure
- the establishment of the Strategic Risk and Internal Audit Group (SRIAG) to:
 - provide oversight and active management of major and emerging risks, issues, opportunities and Council's assurance environment
 - lead role in promoting, communicating and embedding a positive risk, innovation and opportunity culture across the organisation
 - have oversight of risk maturity program, audit management function, control and assurance management and uplifting organisational risk culture.

This Risk Management Policy is supported by the Risk Management Framework, which has also been subject to a simultaneous review. This aligned and coordinated approach strengthens Council's risk maturity and provides a level of transparency in Council's commitment and approach to risk. The Risk Management Policy is a central part of Council's governance framework for risk management, which also includes the:

- Risk Management Framework;
- Fraud and Corruption Framework;
- Audit and Risk Committee;
- Strategic Risk and Internal Audit Group; and
- Internal and External Audit Program.

The Audit and Risk Committee has endorsed the Risk Management Policy during the 24 November 2023. The policy is presented for adoption at **Attachment 5**.

Funding Agreements

1. Funding Agreement to construct and seal part of Old Geelong Road, Brooklyn

Council has recently been awarded \$1.67m in grant funding from the State Government to construct and seal the western end of Old Geelong Road in Brooklyn to effectively remove the dust nuisance occurring from the existing section of unsealed road. The project is fully funded by the State Government.

A project proposal has now been agreed in principle between Council and the Department of Transport and Planning. Council's delegation to the CEO allows the CEO to enter into funding agreements in line with financial delegation thresholds. As the agreement exceeds the CEO delegation thresholds, this proposal is being put to Council to be formally endorsed.

The works are expected to commence towards the end of the current financial year (2023/24) and be completed in the following financial year (2024/25).

2. Funding Agreement for the Safe Local Roads and Street Program

Council has been given in-principal approval for \$2m in funding from the State Government for the Safe Local Roads and Street Program. The program is a partnership between the TAC and the Department of Transport and Planning. Funding is being provided to Council to implement Council identified road safety treatments projects on local roads within the municipality.

Council's delegation to the CEO allows the CEO to enter into funding agreements in line with financial delegation thresholds. As the agreement exceeds the CEO delegation

thresholds, this proposal is being put to Council to be formally endorsed. Upon endorsement, Council will complete the administrative process to formalise the funding agreement.

Kindergarten Central Registration and Enrolment Guideline

At the 18 July 2023 Council Meeting, Cr Virginia Tachos brought forward the following Notice of Motion that was carried:

That Council undertakes a review of the current Kindergarten Central Registration and Enrolment Policy prior to the 2025 kindergarten allocation process, to consider the inclusion of additional local criteria of family's proximity to preferred kindergarten.

A review was undertaken that included:

- Benchmarking analysis with other LGAs, with a focus on those with similar demographic and geographic profiles to Brimbank;
- Data analysis of potential impacts of the inclusion/exclusion of local priority of access criteria on different demographics and suburb areas of the Brimbank community;
- Community consultation via a Your Say survey and targeted outreach activities.

The review resulted in the following proposed changes:

- Inclusion of Council and Central Registration and Enrolment Scheme (CRES) principles and obligations
- Introduce a 3km radius residential proximity as local Priority of Access criteria
- Introduce existing sibling attendance as a local Priority of Access criteria.

The key changes to the guidelines as at **Attachment 6** include:

- Increased emphasis on the intent of the Central Registration and Enrolment Scheme, which is to promote equity, consistency and access
- Introduction of additional local criteria:
 - 3km radius residential proximity as local Priority of Access criteria
 - Existing sibling attendance as a local Priority of Access criteria
 - Four-Year-Old kindergarten if attended Three-Year-Old kindergarten (this was already being applied but not formalised in policy).

With the introduction of local criteria, it should be noted that these are secondary to the existing criteria for high priority children as defined by the Department of Education. Children experiencing vulnerability will be placed ahead of any other children, regardless of their previous attendance, sibling connections or proximity to the kindergarten.

To support transparency for families a procedure document has been developed, along with other promotional material, to support families to understand the kindergarten registration and enrolment process.

Regional Assessment Service

An update on the Regional Assessment Service is provided in **Confidential Attachment 7**.

Community Engagement

Not applicable.

Resource And Risk Implications

Resource requirements can be met within the Annual Budget 2023/2024.

Regulatory: legal, legislative or regulatory implications including the rights/obligations of stakeholders

- This report fulfils legislative governance obligations, to provide transparent and accountable reporting of governance activity.

There are no Community, Environmental, Financial or Safety risks identified.

Legislation/Council Plan/Policy Context

This report supports the Council Plan 2021-2025 strategic direction and objective of:

4. Leadership and Governance - A high performing organisation that enacts the vision and decisions of Council through the delivery of quality and innovative services - A fairer place for all

- High Performing and Accountable - Our workforce strive to enhance services and liveability for the Brimbank community.

This report complies with the *Local Government Act 2020*, *Local Government (Governance and Integrity) Regulations 2020*, Council Plan 2021-2025, S5 Instrument of Delegation to the Chief Executive Officer, S7 Instrument of Sub-Delegation by the Chief Executive Officer, Councillor Code of Conduct 2021 and Procurement Policy.

Council officers contributing to the preparation and approval of this report, have no conflicts of interests to declare.

Resolution

Moved Cr Jae Papalia/Seconded Cr Sam David

That Council:

a. Notes the:

- Governance Report February 2024.**
- Contracts entered into, and works orders approved, in accordance with S7 Instrument of Sub Delegation (24/3414; 24/3420MAV).**
- Records of Informal Meetings of Councillors, at Attachment 1 to this report, for incorporation in the minutes of this meeting.**
- Delegate's and Representative's Reports, at Attachment 2 to this report, for incorporation in the minutes of this meeting.**
- Councillor Declarations of Representations by Members of Parliament.**

b. Increases the representation of Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation membership on the Sydenham Park Consultative Committee from two to three positions, to enable representation from the Nevin, Wandin and Terrick families, and endorses the revised Sydenham Park Consultative Committee Terms of Reference shown at Attachment 3.

c. Notes the Minutes of Audit and Risk Committee Meeting No. 137 held on 24 November 2023, at Attachment 4 to this report.

d. Adopts the Risk Management Policy, at Attachment 5 to this report.

- e. Authorises the Chief Executive Officer to enter into a Funding Agreement with the State Government:**
 - i. for the amount of \$1.67 million to construct and seal the western end of Old Geelong Road in Brooklyn and enter into any contracts necessary to discharge Council's obligations under the Funding Agreement.**
 - ii. for the amount of \$2 million to implement road safety treatment projects as part of the Safe Local Roads and Street Program and enter into any contracts necessary to discharge Council's obligations under the Funding Agreement.**
- f. Notes the Kindergarten Registration and Enrolment Guideline as at Attachment 6.**
- g. Notes the update provided on the Regional Assessment Service as contained in Confidential Attachment 7.**

CARRIED

12.7**Appointment to Committees 2024****Directorate**

People, Partnerships and Performance

Director

Georgie Hill

Manager

Danny Bilaver

Attachment(s)

Nil

Purpose

For Council to consider appointments to Committees.

Officer Recommendation

That Council:

- a. Appoints until Council resolves otherwise:
- i. Councillor _____ as Councillor delegate, and Councillor _____ as proxy, to the LeadWest Joint Delegated Committee.
 - ii. Councillors _____ and _____ as representatives, and Councillors _____ and _____ as substitute to the Audit and Risk Committee.
 - iii. Councillor _____ as Chair, and Councillors _____ and _____ as representatives, to the Brimbank Arts Advisory Committee.
 - iv. Councillor _____ as co-Chair, and Councillors _____ and _____ as representatives, to the Brimbank Disability Advisory Committee.
 - v. Councillor _____ as co-Chair, and Councillor _____ as representative, to the Brimbank Youth Council.
 - vi. Councillor _____ as Chair, to the Brooklyn Industrial Precinct Strategy Committee.
 - vii. Councillors Ranka Rasic, _____, _____, _____, _____, and _____ as representatives, to the Chief Executive Officer Employment Matters Committee.
 - viii. Councillor _____ as Chair, to the Heritage Advisory Committee.
 - ix. Councillor _____ as Chair, and Councillor _____ as representative, to the Social Justice Coalition – Strategic Implementation Group.
 - x. Councillor _____ as representative, to the Sunshine Town Centre Partnership Group.
 - xi. Councillor _____ and Councillor _____ to the Sydenham Park Consultative Committee.
 - xii. Councillor _____ as delegate and Councillor _____ as substitute to the Brimbank Community Fund Advisory Committee.
 - xiii. Councillor _____, Councillor _____ and Councillor _____ as delegates to the Brooklyn Community Representative Group.
 - xiv. Councillor _____ as delegate, and Councillor _____ as substitute, to the Calder Highway Improvement Committee.

- xv. Councillors _____ as representative to the Local Government Working Group on Gambling.
 - xvi. Councillors _____ as delegate to the Melbourne Regional Landfill Community Reference Group.
 - xvii. Councillor _____ as delegate to the Metropolitan Transport Forum.
 - xviii. Councillor _____ as delegate, and Councillor _____ as substitute delegate to the Municipal Association of Victoria (MAV).
 - xix. Councillor _____ as delegate to the Western Melbourne Tourism Committee.
- b. Notes that in accordance with their respective Terms of Reference, Council appointed Councillor representatives to the following Committees for a two year term in February 2023:
- i. Brimbank Aboriginal and Torres Strait Islander Reconciliation Action Plan Consultative Committee;
 - ii. Safety and Wellbeing Partnership; and
 - iii. St Albans Town Centre Partnership Group.

Background

Committees

Council has established LeadWest Joint Delegated Committee with four other western metropolitan councils and appointed Council delegates to this committee. Council has also established a range of internal advisory committees to which it appoints Council representatives. Council is also invited to participate on external committees convened by other organisations and bodies, to which it appoints Council delegates.

The role of the Council representative or delegate is defined in the Terms of Reference for each committee, and is, broadly, to represent the issues facing, and position of Council.

Matters for Consideration

Committee Appointments

Council generally reviews appointments of Council delegates and representatives to committees on an annual basis, at the February Council Meeting.

Chief Executive Officer Employment Matters Committee

Under the Chief Executive Officer Employment Matters Committee Terms of Reference, the Mayor is a compulsory appointment. Accordingly, it is recommended Council appoints the Mayor, Councillor Ranka Rasic, to the Committee.

Community Engagement

Not applicable.

Resource And Risk Implications

Resource requirements can be met within the Annual Budget 2023/2024.

Regulatory: legal, legislative or regulatory implications including the rights/obligations of stakeholders

- This report fulfils legislative governance obligations, to provide transparent and accountable reporting of governance activity.

There are no Community, Environmental, Financial or Safety risks identified.

Legislation/Council Plan/Policy Context

This report supports the Council Plan 2021-2025 strategic direction and objective of:

4. Leadership and Governance - A high performing organisation that enacts the vision and decisions of Council through the delivery of quality and innovative services - A fairer place for all

- High Performing and Accountable - Our workforce strive to enhance services and liveability for the Brimbank community.

This report complies with the *Local Government Act 2020*, *Local Government (Governance and Integrity) Regulations 2020*, Council Plan 2021-2025, S5 Instrument of Delegation to the Chief Executive Officer, S7 Instrument of Sub-Delegation by the Chief Executive Officer, Councillor Code of Conduct 2021 and Procurement Policy.

Council officers contributing to the preparation and approval of this report, have no conflicts of interests to declare.

Section 129 of the *Local Government Act 2020* provides that a conflict of interest does not arise in relation to a decision by a Councillor on a matter or in a circumstance that is prescribed to be exempt by the Local Government (Governance and Integrity) Regulations 2020. Regulation 7(1) prescribes the following are exempt matters:

- the nomination or appointment by the Council of a Councillor to a position for which the Councillor will not be remunerated;
- the nomination or appointment by the Council of a Councillor to a position in the Municipal Association of Victoria or in another body that has the purpose of representing the interests of Councils.

Resolution

Moved Cr Jae Papalia/Seconded Cr Sam David

That Council:

a. Appoints until Council resolves otherwise:

- i. **Councillor Jae Papalia as Councillor delegate, and Councillor Virginia Tachos as proxy, to the LeadWest Joint Delegated Committee.**
- ii. **Councillors Sam David and Bruce Lancashire as representatives, and Councillors Maria Kerr and Ranka Rasic as substitute to the Audit and Risk Committee.**
- iii. **Councillor Thuy Dang as Chair, and Councillors Victoria Borg and Jasmine Nguyen as representatives, to the Brimbank Arts Advisory Committee.**
- iv. **Councillor Victoria Borg as co-Chair, and Councillors Maria Kerr and Thomas O'Reilly as representatives, to the Brimbank Disability Advisory Committee.**
- v. **Councillor Thomas O'Reilly as co-Chair, and Councillor Jasmine Nguyen as representative, to the Brimbank Youth Council.**
- vi. **Councillor Sam David as Chair, to the Brooklyn Industrial Precinct Strategy Committee.**

- vii. **Councillors Ranka Rasic, Thuy Dang, Sam David, Jae Papalia and Bruce Lancashire as representatives, to the Chief Executive Officer Employment Matters Committee.**
 - viii. **Councillor Bruce Lancashire as Chair, to the Heritage Advisory Committee.**
 - ix. **Councillor Thomas O'Reilly as Chair, and Councillor Victoria Borg as representative, to the Social Justice Coalition – Strategic Implementation Group.**
 - x. **Councillor Sam David as representative, to the Sunshine Town Centre Partnership Group.**
 - xi. **Councillor Ranka Rasic and Councillor Bruce Lancashire to the Sydenham Park Consultative Committee.**
 - xii. **Councillor Thomas O'Reilly as delegate and Councillor Victoria Borg as substitute to the Brimbank Community Fund Advisory Committee.**
 - xiii. **Councillor Thomas O'Reilly, Councillor Sam David and Councillor Jasmine Nguyen as delegates to the Brooklyn Community Representative Group.**
 - xiv. **Councillor Ranka Rasic as delegate, and Councillor Bruce Lancashire as substitute, to the Calder Highway Improvement Committee.**
 - xv. **Councillor Virginia Tachos as representative to the Local Government Working Group on Gambling.**
 - xvi. **Councillor Bruce Lancashire as delegate to the Melbourne Regional Landfill Community Reference Group.**
 - xvii. **Councillor Bruce Lancashire as delegate to the Metropolitan Transport Forum.**
 - xviii. **Councillor Ranka Rasic as delegate, and Councillor Jae Papalia as substitute delegate to the Municipal Association of Victoria (MAV).**
 - xix. **Councillor Virginia Tachos as delegate to the Western Melbourne Tourism Committee.**
- b. Notes that in accordance with their respective Terms of Reference, Council appointed Councillor representatives to the following Committees for a two year term in February 2023:**
- i. **Brimbank Aboriginal and Torres Strait Islander Reconciliation Action Plan Consultative Committee;**
 - ii. **Safety and Wellbeing Partnership; and**
 - iii. **St Albans Town Centre Partnership Group.**

CARRIED

12.8	Local Government Reforms 2024 Consultation Paper
Directorate	People, Partnerships and Performance
Director	Georgie Hill
Manager	Danny Bilaver
Attachment(s)	1. Brimbank Council Submission on Local Government Reform 2024 Consultation Paper [12.8.1 - 4 pages] 2. Local Government Reforms 2024 Consultation Paper [12.8.2 - 15 pages]

Purpose

For Council to consider and endorse its feedback submission (**Attachment 1**) on the Local Government Reforms 2024 Consultation Paper (**Attachment 2**) prepared by Local Government Victoria.

Officer Recommendation

That Council endorses its feedback submission (Attachment 1) on the Local Government Reforms 2024 Consultation Paper (Attachment 2) and submits it to Local Government Victoria.

Background

On November 17, 2023, the Victorian Government announced plans for legislative reforms in 2024 to enhance governance and integrity in the local government sector before the 2024 council general elections.

Following the enactment of the *Local Government Act 2020* (Act), Victorian Councils have undergone significant reform, with a high compliance rate reported in adopting required policies. Continued sector engagement is crucial for embedding the new principles-based Act and promoting ongoing improvement.

Efforts for continuous improvement involve addressing governance issues highlighted by integrity body reports and government initiatives.

Since October 2020, the Minister for Local Government has appointed Municipal Monitors to ten Councils, with the dismissal of Moira Shire council in 2023 following a Commission of Inquiry. Strathbogie Shire Council was suspended in December 2023. Most recently Municipal Monitors were appointed to Moonee Valley City Council for a period of 6 months.

Moreover, interventions by bodies like the Independent Broad-based Anti-Corruption Commission (IBAC), the Local Government Inspectorate (LGI), and government projects such as the Local Government Culture Project underscore governance challenges and suggest opportunities for enhancing leadership, capability, and conduct within Councils. These issues, if not tackled, risk eroding public trust, hampering decision-making, and obstructing essential service delivery to local communities.

Matters for Consideration

Analysis

The Consultation Paper provides an overview of the reforms, which is presented in three key areas:

Part 1: Reforms to Strengthen Council Leadership, Capability, and Councillor Conduct:

- Proposes mandatory ongoing training for councillors and mayors to enhance their understanding and leadership capabilities.
- Suggests a uniform Model Councillor Code of Conduct, replacing individual council codes, to ensure consistent standards of behaviour.

Part 2: Early Intervention and Dispute Resolution:

- Proposes limiting VCAT's jurisdiction concerning councillor conduct panel decisions to streamline dispute resolution.
- Recommends councils not indemnify councillors for legal costs related to internal arbitration and councillor conduct panel processes.
- Expands the scope of sanctions that may be imposed by an arbiter on a finding of misconduct.

Part 3: Oversight Mechanisms:

- Proposes empowering the Minister to suspend or disqualify councillors based on advice based on serious misconduct findings.
- Clarifies the application of privileges and statutory secrecy to Municipal Monitors and Commissions of Inquiry.
- Proposes giving the Chief Municipal Inspector the power to issue infringements for certain electoral and personal interests related offences.

Implementation

Following this initial invitation to provide feedback, Local Government Victoria will undertake a separate consultation process with the local government sector to inform the development of regulations that will give effect to reforms outlined in this Consultation Paper. Local Government Victoria will release details on this consultation process to the sector, including instructions on how the sector can participate, in due course.

Community Engagement

Local Government Victoria invites feedback and comments from Councils and peak bodies on the proposed reforms by 29 February 2024.

To facilitate this, the Municipal Association of Victoria (MAV), the Victorian Local Governance Association (VLGA) and the Local Government Professionals Inc (LGPro) will actively seek feedback and comments and submit this to Local Government Victoria by the closing date.

Individual, sensitive, and confidential submissions can be sent directly to LGV.

Resource And Risk Implications

Resource requirements can be met within the Annual Budget 2023/2024.

Regulatory: legal, legislative or regulatory implications including the rights/obligations of stakeholders

- The Local Government Reforms 2024 Consultation Paper marks the outset of legislative reforms aimed at bolstering governance and integrity within the local government sector.

There are no Community, Environmental, Financial or Safety risks identified.

Legislation/Council Plan/Policy Context

This report supports the Council Plan 2021-2025 strategic direction and objective of:

4. Leadership and Governance - A high performing organisation that enacts the vision and decisions of Council through the delivery of quality and innovative services - A fairer place for all

- High Performing and Accountable - Our workforce strive to enhance services and liveability for the Brimbank community.

Council officers contributing to the preparation and approval of this report, have no conflicts of interests to declare.

Resolution

Moved Cr Jae Papalia/Seconded Cr Maria Kerr

That Council endorses its feedback submission (Attachment 1) on the Local Government Reforms 2024 Consultation Paper (Attachment 2) and submits it to Local Government Victoria.

CARRIED

Cr Thomas O'Reilly, having declared a conflict of interest in relation to Report 12.9, left the meeting at 9.04pm.

12.9**Directorate****Director****Manager****Attachment(s)****Council Plan Year 3 Quarter 2 - Progress Report**

People, Partnerships and Performance

Georgie Hill

Rachel Deans

1. Draft Council Plan Action Plan Y3Q2 Report (Oct- Dec 2023) [**12.9.1** - 39 pages]

Purpose

For Council to note the status of progress towards implementing the Council Plan Action Plan Year 3 as presented in the attached Quarter Two Progress Report for October – December 2023.

Officer Recommendation

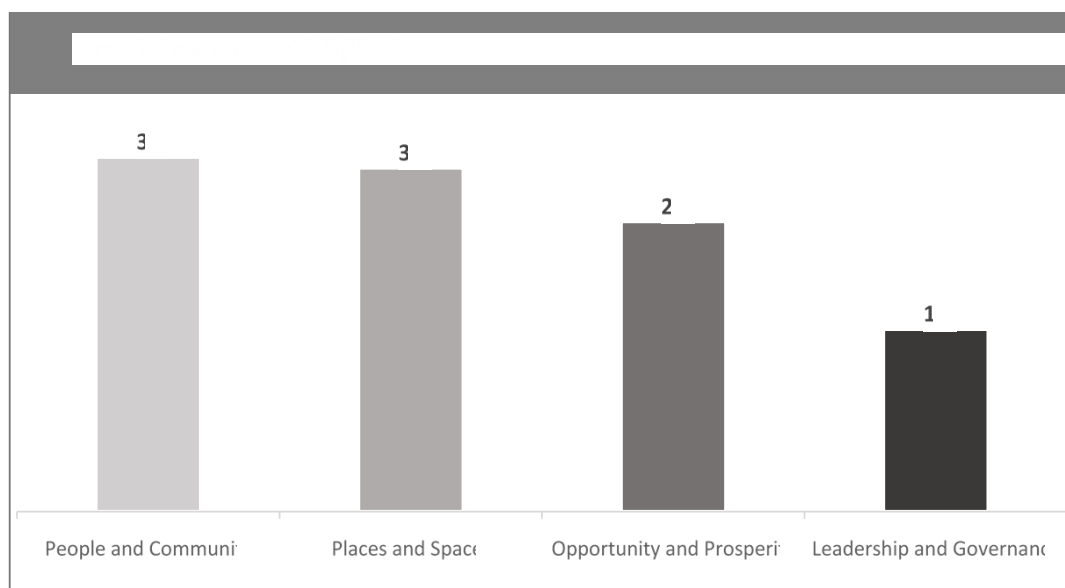
That Council notes the status of progress towards implementing the Council Plan Action Plan Year 3 as presented in Attachment 1, Quarter Two Progress Report for October – December 2023.

Background

Adopted in October 2021, 'Together we are Brimbank' integrates Council's Community Vision, Council Plan (2021-2025) and Municipal Health and Wellbeing Plan.

Implementation of 'Together we are Brimbank' is monitored and evaluated through quarterly reporting of Council Plan actions identified in the Council Plan Annual Action Plan. End of financial year achievements are published in the Brimbank Annual Report.

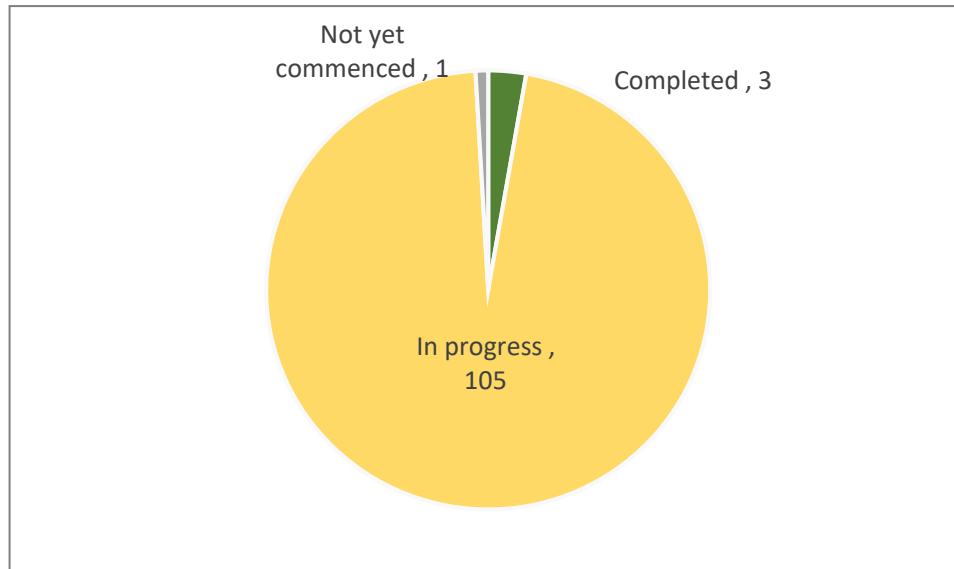
Both of these reporting mechanisms are requirements of the Local Government Act 2020.



Matters for Consideration

Analysis

The following chart summarises Council's progress towards delivering the Council Plan Action Plan for Year 3 Quarter Two between October and December 2023.



At the mid-point, the following actions have been completed:

- Adopt and implement the updated Sports Facility Development Plan.
- Update Council's Lifelong Learning Baseline Measures to monitor outcomes and support advocacy.
- Work towards developing a technology innovation space at Deer Park library.

The following action is yet to commence:

- Investigate and deliver a training program for volunteers to improve digital skills and enhance wellbeing for older adults – to commence quarter 3.

Community Engagement

The 'Together we are Brimbank' Council Plan Annual Action Plan Quarterly Report has been developed for community. The report includes detailed information about the progress of Council's 109 actions and service highlights aligned to each of the Council Plan Strategic Directions.

Links to quarterly action plan progress reports are made available to the public via the Council Plan webpage on the Brimbank City Council website.

<https://www.brimbank.vic.gov.au/about-council/how-we-work/annual-budget>

Resource And Risk Implications

Resource requirements can be met within the Annual Budget 2023/2024.

There are no Community, Environmental, Financial, Regulatory or Safety risks are identified.

Legislation/Council Plan/Policy Context

This report supports the Council Plan 2021-2025 strategic direction and objective of:

Leadership and Governance - A high-performing organisation that enacts the vision and decisions of Council through the delivery of quality and innovative services – A fairer place for all

High Performing and Accountable: Our workforce strive to enhance services and liveability for the Brimbank community.

This report complies with The Local Government Act 2020.

Council officers contributing to the preparation and approval of this report, have no conflicts of interests to declare.

Resolution

Moved Cr Jasmine Nguyen/Seconded Cr Maria Kerr

That Council notes the status of progress towards implementing the Council Plan Action Plan Year 3 as presented in Attachment 1, Quarter Two Progress Report for October – December 2023.

CARRIED

Cr O'Reilly returned to the meeting at 9.06pm.

12.10	Contract Extension HRIS Category 1 & 3 Frontier/Pulse
Directorate	People, Partnerships and Performance
Director	Georgie Hill
Manager	Mark Brady
Attachment(s)	1. CONFIDENTIAL - Contract Extension Report - Contract No 21 2925 HRIS Contract Feb [12.10.1 - 9 pages]

Purpose

For Council to consider the extension of Contract 21/2925 – Human Resource Information Systems (Contract), for a two-year period from the initial three-year period.

Officer Recommendation

That Council approves extension of Contract No. 21/2925 - Provision of Human Resource Information Systems, with Frontier (Payroll) and Pulse (HRIS) for a two-year period to 28 February 2026, based on an agreed schedule of rates.

Background

In early 2021 the then CEO provided direction under delegation to Award the three-year HRIS contract to Frontier Software Chris 21 (Payroll) and Pulse Software (Recruitment, Onboarding, Learning and Performance).

Pulse and Chris21 were procured to support Brimbank City Council's delivery of high quality HRIS solutions to support the business capture and utilise data collected in relation to our employees and remunerate them in an accurate and timely manner.

The initial contract was for a three-year period with an option to extend both contracts with each provider for a further two years. Pulse and Chris21 were chosen at the time as they presented the best value of money for rate payers and mitigated risk to Council by reducing the time, resources and costs.

The engagement of Pulse as a new provider and the continued use of Chris 21 as a payroll system has allowed Council to integrate segmented HR systems and processes, both electronic and paper-based, into one system. It has also enhanced integration with other non-HR systems in the business that required accurate and up-to-date employee information.

Chris21 currently integrates with seven business systems providing those systems with 'live' employee information.

This report is presented to Council to consider extending the Frontier Software and Pulse Software Contract for a further two-year period to 28 February 2026.

Matters for Consideration

Analysis

The current Human Resources Information Systems are;

1. Payroll System (Chris21, Frontier Software); and

2. General HRIS system for Recruitment, Onboarding/Off Boarding, Learning and Development and Performance (Pulse, Pulse Software).

The current service providers have provided a satisfactory level of service during the initial term of the Contract. There have been no contractual issues with the current service providers.

Council Officers have determined that Frontier and Pulse continue to have the capacity, experience, skilled and qualified resources to successfully provide the services as required under this Contract.

Refer to **Confidential Attachment 1** to this report for further details.

Implementation

Subject to Council approval, the Contract extension will be implemented for an additional two-year period from 1 March 2024 to 28 February 2026.

Community Engagement

Consultation was undertaken with the relevant Council departments to ensure the Contract services align with, and best support, benchmark practices and meet Council's requirements.

Resource And Risk Implications

The funding requirements for the extension period 1 July 2024 to 30 June 2025 have been referred to the 2024/2025 annual budget process for consideration.

Resources required for future financial years will be referred to the Annual Budget process for consideration.

Expenditure for these services is approximately \$518,350 for the two-year period (GST inclusive). The extension for a further two years will result in the total expenditure under the contract exceeding the CEO delegation, requiring Council approval.

Community: potential impact on community, including public trust and customer service impact

- No – Internal Services Systems.

Environmental: Impacts on environmental sustainability, including water/waste management, climate change, and contaminated land

- No - Internal information System.

Financial: significant financial impacts

- Yes - Budget expenditure is from Council funding; the Operational budget is subject to Council approval. Refer to **Confidential Attachment 1** for financial impacts.

There are no Regulatory or Safety risks identified.

Legislation/Council Plan/Policy Context

This report supports the Council Plan 2021-2025 and the organisational strategic direction and objective of:

- High Performing and Accountable
- Be financially sustainable
- Support innovation and continuous improvement

- Enable digital access
- Consider future needs
- Demonstrate transparency
- Employ a highly skilled and diverse workforce
- Report on performance

This report complies with Council's Procurement Policy and the *Local Government Act 2020* (the Act).

Council officers contributing to the preparation and approval of this report have no conflicts of interest to declare.

Resolution

Moved Cr Jae Papalia/Seconded Cr Sam David

That Council approves extension of Contract No. 21/2925 - Provision of Human Resource Information Systems, with Frontier (Payroll) and Pulse (HRIS) for a two-year period to 28 February 2026, based on an agreed schedule of rates.

CARRIED

12.11	Draft Community Services and Infrastructure Planning Policy
Directorate	Community Wellbeing
Director	Lynley Dumble
Manager	Ashley Fleming
Attachment(s)	1. Draft Community Services and Infrastructure Planning Policy [12.11.1 - 9 pages]

Purpose

For Council to consider endorsing the draft Community Services and Infrastructure Planning Policy (draft Policy) at **Attachment 1** for a minimum four-week community consultation.

Officer Recommendation

That Council:

- a. Endorses the draft Community Services and Infrastructure Planning Policy, at Attachment 1 to this report, for a minimum four-week community consultation and invites written submissions.
- b. Receives a further report detailing any submissions received on the draft Community Services and Infrastructure Planning Policy and presenting a final draft Community Services and Infrastructure Planning Policy for consideration.

Background

Council has two adopted Plans with aligned objectives that guides its approach and investment into community infrastructure, these are the Community Services and Infrastructure Plan (CSIP) and Sports Facility Development Plan.

Council adopted the Community Services and Infrastructure Planning Policy 2018 (CSIP Policy 2018) at the 16 October 2018 Ordinary Council Meeting. The CSIP Policy 2018 set out the framework for the CSIP including the Purpose, Scope, Policy Principles and Specific Requirements related to the CSIP. The guiding principles and commitments within the Policy provided the strategic context and informed the CSIP 2018-2038, which was adopted by Council on 20 November 2018.

The CSIP

- Explains Council's evidence-based approach to community services and infrastructure planning and delivery.
- Describes Council's role in planning, developing and maintaining community infrastructure.
- Provides an overview of existing community infrastructure, and what service facilities will be required, by planning district, over the short, medium and long term.
- Guides decision-making on future community infrastructure projects, funding requirements, advocacy efforts and partnership opportunities.

Matters for Consideration

Analysis

An extensive review of the CSIP Policy 2018 and its guidelines has been undertaken leading to a number of key changes in the draft Policy including:

- An update of the Purpose of the draft Policy including reference to considering Council's Asset Management Principles and aligning with Council's Long Term Financial and Capital Works Plans.
- Changes to the draft Policy scope; Creative, Learning and Development Facilities has been added, this refers to facilities such as Guides and Scout Halls, Men's Sheds, Bicycle Education Centre, Housing of local heritage and historical artefacts, Cultural/ Support facilities, Community Gardens, Makers Spaces and Recording Studios. In addition clear identification of what is not covered by the Policy has been included.
- Enhanced definitions around what is considered Community Infrastructure and Community Services.
- A review and update of the Policy Principles that set the framework for the update of the CSIP 2018. These have been updated to be:

Prioritising Community

Active community engagement and consultation to ensure robust responsiveness of services and to address barriers of access and inequity. The principle embraces a commitment to inclusive decision-making, aiming to cultivate community leadership. It also seeks to revitalise existing infrastructure to reach and connect with marginalised cohorts.

Building Community resilience

Investing in adaptable and safe services and facilities, anticipating and mitigating future challenges through innovative design and service approaches, and ensuring that diverse community needs are met by responsive and flexible facilities and services.

Fostering Social Justice

Providing inclusive opportunities, promoting equality, and ensuring the equitable distribution of resources to address diverse needs of our community. This commitment prioritises an intersectional approach in planning community services and infrastructure to ensure equity, access, and opportunity across gender, disability, diversity, socio-economic status, and demographics. This principle will create affordable, accessible services and infrastructure to allow the community to benefit and thrive.

Striving for Sustainability

Maximising the efficiency by developing community infrastructure, that is integrated and flexible to meet multiple service needs and is financially and environmentally sustainable. Advocating and creating innovative partnerships, dynamic planning where decision making is guided by a solid evidence base and responsive to community need.

Fit for Purpose

Council commits to supporting, advocating and delivering quality services, through well designed and maintained Community Infrastructure. Council will seek opportunities to

repurpose, rationalise and expand existing infrastructure to accommodate changing community needs.

The above updated CSIP Policy Principles align with Council's focus on Social Justice and equity for all.

Community Engagement

Following Council's endorsement of the draft Policy for community consultation, the draft Policy will be posted on Council's website for a period of four weeks. The community will have the opportunity to provide feedback and comment on the draft Policy. Following the community consultation period, a report will be provided outlining the feedback received and any changes made to the draft Policy in response to Community feedback. A final draft Policy will be presented to Council for consideration and adoption in mid 2024.

Resource And Risk Implications

Resource requirements can be met within the Annual Budget 2023/2024.

Community: potential impact on community, including public trust and customer service impact

- The draft Policy, once adopted will set the framework for the update of the CSIP 2018 which will provide Council with an updated Plan to meet community infrastructure needs. There are no Environmental, Financial, Regulatory or Safety implications relating to this report.

Legislation/Council Plan/Policy Context

This policy supports and aligns with the Community Vision, Council Plan 2021-2025 through the following objectives:

- 1. People and Community - A welcoming, safe and supported community - An inclusive place for all**
 - Wellbeing and Belonging - Responsive services that support mental and physical wellbeing
- 2. Places and Spaces - Liveable and connected neighbourhoods that support healthy and sustainable futures - A green place for all**
 - Liveable and Connected - Inviting and liveable spaces and facilities, connected so people can get around
- 3. Opportunity and Prosperity - A future focused, transforming city where all have opportunities to learn and earn - A prosperous place for all**
 - Growing and Transforming - Optimise community opportunities through infrastructure innovation and investment.

Aligns and contributes to following Council Strategies and Policies:

- Social Justice - Social Justice Principles relating to Access, Equity and Participation.
- Fairness, Equality and Respect Strategy

Council officers contributing to the preparation and approval of this report, have no conflicts of interests to declare.

Resolution

Moved Cr Virginia Tachos/Seconded Cr Jasmine Nguyen

That Council:

- a. Endorses the draft Community Services and Infrastructure Planning Policy, at Attachment 1 to this report, for a minimum four-week community consultation and invites written submissions.**
- b. Receives a further report detailing any submissions received on the draft Community Services and Infrastructure Planning Policy and presenting a final draft Community Services and Infrastructure Planning Policy for consideration.**

CARRIED

12.12

Directorate
Director
Manager
Attachment(s)

Contract No. 21/3049PA – 2306/0843 Library Collections Furniture Equipment and Associated Requirements

Community Wellbeing
 Lynley Dumble
 Rose Bruhn

1. CONFIDENTIAL - Contract Extension Report (213049PA 23060843) [**12.12.1** - 4 pages]

Purpose

For Council to consider the extension of a schedule of rates contract with Procurement Australia, Contract No. 21/3049PA – 2306/0843 Library Collections Furniture Equipment and Associated Requirements.

Officer Recommendation

That Council authorises the final year (year four) of Contract 21/3049PA – 2306/0843 Library Collections, Furniture, Equipment, and Associated Requirements, from 1 July 2024 to 30 June 2025, based on an agreed structure of rates.

Background

At the Ordinary Council Meeting on 18 May 2021, Council awarded Procurement Australia Contract 2306/0843 (Contract) as an up-to-four-year schedule of rates contract for the supply and delivery of library collections, furniture, equipment and associated requirements. The Contract committed Council for an initial two-year period, from July 2021 to June 2023, with the option to extend for a further two, one-year periods at Council discretion. The initial two-year contract ended 30 June 2023, with the first of the one year optional extensions endorsed by Council on 21 March 2023 for the 2023/24 financial year.

The Contract is a panel contract administered by Procurement Australia. It provides a panel of 57 specialist library suppliers who have the expertise and capability to provide library books and other materials and maintain quality services. Brimbank is one of 52 local governments that entered the Procurement Australia tender contract.

The Contract is used primarily for the purchase of library books and other library collections; however, specialist suppliers provide various library goods and services, including the supply and delivery of furniture, equipment and other associated requirements.

Expenditure under this contract forms part of the capital works program and operating budget that is considered by Council as part of its annual budget process.

Matters for Consideration

Analysis

The Contract provides a panel of 57 specialist library suppliers who have the expertise and capability to provide library books and other materials, maintain quality services, and adapt to changes in service requirements throughout the period of the Contract.

The schedule of rates within this Contract, were market tested as part of the original tender process.

The suppliers contracted to Procurement Australia to provide the services under the Contract have extensive knowledge of Council's library requirements. They have carried out the service to a high standard during the contract period, providing best value for services and resources.

Random audits have been conducted to ensure compliance with contractual responsibilities. There have been no contractual issues with the current provider.

Based on this, and the information contained at **Confidential Attachment 1**, it is recommended that Council extends the Contract, for the second optional one-year period from July 1 2024 to 30 June 2025, at the agreed schedule of rates.

Implementation

Subject to Council approval, the Contract extension will be implemented for an additional one-year period from 1 July 2024 to 30 June 2025.

Community Engagement

Consultation in relation to the Contract was undertaken with relevant Council officers to ensure library collections and associated requirements meet community needs and expectations.

Resource And Risk Implications

The resources required for this Contract have been referred to the annual budget process for consideration. Refer to **Confidential Attachment 1** for financial details.

Community: potential impact on community, including public trust and customer service impact

- Yes - There is a possibility for reputational damage should Council Libraries not have the full range of suppliers and resources that Procurement Australia provides, which would have an impact on the Brimbank community's lifelong learning opportunities.

Environmental: impacts on environmental sustainability, including water/waste management, climate change, and contaminated land

- Yes - Library collections are a shared community resource that reduce the need for individuals to purchase and dispose of newspapers, books and magazines etc. therefore reducing waste.

Financial: significant financial impacts

- Yes - Budget expenditure is from Council funding subject to Council approval. Refer to **Confidential Attachment 1** for financial impacts. Council procuring the requirements individually of the Procurement Australia contract would be more expensive and not in line with best practice.

Regulatory: legal, legislative or regulatory implications including the rights/obligations of stakeholders

- None

Safety: health, safety or duty of care impacts

- None

Legislation/Council Plan/Policy Context

This report supports the Council Plan 2021-2025 strategic direction and objective of:

2. Places and Spaces - Liveable and connected neighbourhoods that support healthy and sustainable futures - A green place for all

- Liveable and Connected - Inviting and liveable spaces and facilities, connected so people can get around

3. Opportunity and Prosperity - A future focused, transforming city where all have opportunities to learn and earn - A prosperous place for all

- Earning and Learning - Everyone has access to education, training and lifelong learning to support their aspirations

4. Leadership and Governance - A high-performing organisation that enacts the vision and decisions of Council through the delivery of quality and innovative services - A fairer place for all

- High Performing and Accountable - Our workforce strive to enhance services and liveability for the Brimbank community.

This report complies with the Procurement Policy and the *Local Government Act 1989* (the Act).

Council officers contributing to the preparation and approval of this report, have no conflicts of interests to declare.

Resolution

Moved Cr Jasmine Nguyen/Seconded Cr Maria Kerr

That Council authorises the final year (year four) of Contract 21/3049PA – 2306/0843 Library Collections, Furniture, Equipment, and Associated Requirements, from 1 July 2024 to 30 June 2025, based on an agreed structure of rates.

CARRIED

14 Notices Of Rescission

Nil.

15 Urgent Business

Nil.

16 Confidential Business

Resolution

Moved Cr Jae Papalia/Seconded Cr Sam David

That in accordance with sections 3(1) and 66(2)(a) of the *Local Government Act 2020*, the meeting be closed to members of the public for the remaining of the meeting for consideration of item 16 which is classified as confidential information in accordance with section 3(1)(f) of the *Local Government Act 2020* and is the last item for consideration at the meeting.

CARRIED

The meeting was closed to members of the public at 9.12pm.

17 Meeting Closure

The Mayor thanked all in attendance and closed the meeting at 9.35pm.

Confirmed at the meeting of Council held on

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Cr Ranka Rasic