

Council Meeting

Minutes

Meeting No. 632

16 April 2024

Commenced at 7.00pm

Council Chamber

301 Hampshire Road, Sunshine,
Victoria

Fiona Blair
Chief Executive Officer
19 April 2024

Council

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

Municipal Monitors

Ms Penelope Holloway	Municipal Monitor
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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

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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1 Opening (Including Acknowledgement Of Country)

The Deputy Mayor, Cr Jae Papalia, opened the meeting at 7pm and welcomed all in attendance.

The Deputy 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 Deputy 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 Deputy Mayor noted Cr Ranka Rasic submitted an apology for this meeting.

4 Disclosure Of Conflicts Of Interest

Cr Thomas O'Reilly indicated he would raise a conflict of interest in relation to Item 12.1 Draft Financial Plan 2024-2034, Draft Annual Budget 2024/2025 (Including Draft Capital Works Budget) And Draft Council Plan Annual Action Plan (Year 4) 2024/2025 and Item 12.7 Final Draft Brimbank Housing and Neighbourhood Character Strategy – Adoption.

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 1 to report 12.15 Contract No. 21/2994 - Graffiti Removal and Inspection Services - Contract Extension as it relates 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*).

Resolution

Moved Cr Jasmine Nguyen/Seconded Cr Maria Kerr

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

Confidential Attachment 1 to report 12.15 Contract No. 21/2994 - Graffiti Removal and Inspection Services - Contract Extension as it relates 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*).

CARRIED

6 Confirmation Of Minutes Of Previous Council Meetings

Motion

That Council confirms the Minutes of Council Meeting No. 631, held on 19 March 2024.

Resolution

Moved Cr Victoria Borg/Seconded Cr Virginia Tachos

That Council confirms the Minutes of Council Meeting No. 631, held on 19 March 2024.

CARRIED

7 Condolences

7.1 Les Twentyman

Motion

That Council notes the passing of Les Twentyman, and extends condolences to his family.

Resolution

Moved Cr Virginia Tachos/Seconded Cr Maria Kerr

That Council notes the passing of Les Twentyman, and extends condolences to his family.

CARRIED

7.2 Bondi Tragedy

Motion

That Council notes the tragic events in Bondi and extends condolences to everyone effected.

Resolution

Moved Cr Maria Kerr/Seconded Cr Virginia Tachos

That Council notes the tragic events in Bondi and extends condolences to everyone effected.

CARRIED

8 Congratulations

8.1 Julian Reynolds

Motion

That Council congratulates Julian Reynolds for his effort of cleaning up dumped rubbish for the community.

Resolution

Moved Cr Virginia Tachos/Seconded Cr Maria Kerr

That Council congratulates Julian Reynolds for his effort of cleaning up dumped rubbish for the community.

CARRIED

9 Public Question Time

Public Question Time commences at 7.12pm.

K Thomson and E Marabeliotakis both have similar questions in relation to Durham Road Car Park and will be answered together in accordance with Rule 55.14 of the Governance Rules.

9.1 61/24

Question

K Thomson

What considerations or Options in regards to Car Park at Durham Rd??

9.2 62/24

Question

E Marabeliotakis

My father is an elderly citizen of Sunshine and regularly uses the health clinic 2 doors down to the Durham Road carpark, at least 2 times a week. He relies on the car park to access the clinic, especially as it means he doesn't have to cross which makes him breathless. I recently found out that council is looking to sell part of it, which was concerning as its full every time I use it. Very disappointed by this proposal as are hundreds of local residents, I feel that locals are being sold out. No-one has anything against the museum but we need the carpark; especially elderly, local businesses, disabled, vulnerable, neighbours, all that will be devastated. The reduction will mean that we will no longer be able to get to the clinic. I thought that council was meant to make good decisions in the interests of local residents, not for other organisations. I feel let down by the councillors, especially those representing Sunshine. Will council put locals first in this instance?

Answer

The Deputy Mayor advised that at the last Council meeting, Council resolved to sell part of the Durham Road Car Park to the Vietnamese Museum Australia.

As part of this decision, Council considered all the community consultation submissions received, where the majority of submissions supported the sale of land.

There will be 30 publicly accessible spaces retained at the Car Park, including two disabled spaces.

Council has also agreed to undertake a range of measures to increase the supply and turnover of car spaces within the streets around the site.

9.3 63/24

Question

J Murray

What are my rights as a salvation army transitional house Tennant when it comes to being evicted because the property owner don't want to renew the lease with dhhf (my property is a head leased property) I have been stable in this house after 26 years of reoccurring homelessness how can my housing be ripped out from under my feet like this during the worst housing crisis

Answer

The Deputy Mayor advised that we recommend contacting Tenants Victoria regarding the landlord's obligations as a social housing provider under the Residential Tenancies Act.

Inquiries are directed to lawyers with specialist knowledge of Victorian rental laws. Tenants Victoria can be contacted via phone 1800 068 860.

9.4 64/24

Question

A Koomen

Brimbank has one of the highest rates of urban heat in Melbourne. It's no surprise when the bulk of the landmass affected is made up of private yards that are filled with concrete and artificial turf with hardly any natural green cover. What is the Council doing to improve this serious situation and encourage ratepayers to plant more trees and gardens?

Answer

The Deputy Mayor advised that some examples of how we are taking action to address urban heat impacts are:

- Delivering the My Smart Garden Program to help residents grow food, shelter their homes from the sun and wind, create homes for native plants and animals and use water wisely.
- Taking a lead role in Greening the West since 2013, a collaboration with other councils and public landowners to increase tree canopy in Melbourne's West.
- Brimbank was one of the first council in Melbourne to require trees in the front and back yards of single lot developments and we have a local law to protect significant trees on private land.

J Issa asked three questions, in accordance with Governance Rule 55.8, only the first two questions were responded to.

9.5 65/24**Question**

J Issa

Good evening,

Has the Brimbank City Council planning department already seen the planning application for the Vietnamese Museum, as so when time comes to submit the application, they don't have any issues?

And since when can a Council predetermine an application in favour of a developer, when it hasn't yet gone through the proper and democratic process to publicly advertise the application online?

Thank you.

Answer

The Deputy Mayor advised that under the Planning and Environment Act 1987 this project can be considered under Clause 53.22 (Significant Economic Development) where the applicant may seek the State Government to be the responsible authority for the application.

Senior officers of Council's City Planning Department have been approached in respect to the proposed development and have provided initial feedback to the Vietnamese Museum Association and their representatives in respect of issues that should be considered in formulating an application for planning approval. This advice is preliminary pre-application advice only to assist with any application for planning approval and does not represent any predetermination of the application under the Planning & Environment Act 1987.

Resolution

Moved Cr Virginia Tachos/Seconded Cr Sam David

That the meeting be adjourned for a short period of time.

CARRIED

The meeting adjourned at 7.18pm

The meeting resumed at 7.29pm.

9.6 67/24**Question**

R Rizk

Street parking on Roseleigh Boulevard Sydenham between Moonlight Terrace and Kings Road is always full due to residents in house number 23 Roseleigh Bvd Sydenham permanently parking 8 to 10 cars in this section of the street and leaving the cars for months without moving them. They are running some sort of a business from their residential home and only 2 or 3 people permanently live in the property. This essentially takes up all the parking spots in the whole street and doesn't give street residents or their visitors the chance to park their vehicles. Multiple Neighbours are frustrated with this issue. What's the council doing to address this issue or regulate the parking in this section of the road.

Answer

The Deputy Mayor advised that Council officers acknowledge the concern raised and will investigate whether a business is operating from the site. A business may operate from the site provided the requirements for a home based business under CI 52.11 of the Brimbank Planning Scheme are met. If the resident would like to contact Council's Planning Compliance Unit directly, they can provide an update following the investigation.

9.7 68/24**Question**

G Blore

What penalties are in place for Brimbank Councillors who falsely and deceitfully claimed in their campaign material to have NO affiliation with any political party prior to being elected to office in 2020, and were in fact members of political parties?

Answer

The Deputy Mayor advised that the Victorian Electoral Commission and the Local Government Inspectorate are the authorities responsible for investigating and applying penalties in relation to complaints about local government elections. Any complaints in relation to campaign material would need to be directed to the VEC.

9.8 69/24**Question**

G Blore

Brimbank Council claim to support and develop physical activity participation as part of its broader health and wellbeing approach, which includes the stated principles of: Availability and affordability; Accessibility and equity; and Valuing and respecting diversity. Why is it that despite repeated requests for ONE set of Aussie Rules goalposts at Kevin Flint Reserve Cairnlea, even 4 weeks after the start of the season they have still not been replaced, and why were they removed anyway, also noting that there are no female change rooms at Kevin Flint Reserve?

Answer

The Deputy Mayor advised that Council has provided one set of AFL goal posts at Kevin Flint Memorial Reserve for informal use by the community. These goals, like AFL goals across Council's formal competition sports grounds are removed for the summer season as the venues are used for cricket with the goals being an obstruction to the cricket field of play. The set of goals at Kevin Flint are being installed in the coming weeks. Kevin Flint has four change rooms all of which are suitable for female participation.

9.9 70/24**Question**

M Lynn

Hello Brimbank Council. My name is Mat Lynn and I'm asking my questions today on behalf of Melbourne Zero, an ambitious, city-wide movement to end rough sleeping by 2030. I have two questions.

What are Council's official plans to increase affordable housing and end homelessness, and how is this coordinated with others, including nearby councils?

Answer

The Deputy Mayor advised that in 2022 Council endorsed a Homelessness Implementation Plan and works closely with neighbouring councils and peak bodies on joint advocacy to Federal and state governments to increase funding for both homelessness service responses as well as social and affordable housing provision.

9.10 71/24**Question**

M Lynn

Does Council know how many people are sleeping rough across the LGA? How is Council collecting this vital health information?

Answer

The Deputy Mayor advised that according to the 2021 census, there were 46 people are sleeping rough in the municipality.

D Hurlston asked three questions, in accordance with Governance Rule 55.8, only the first two questions were responded to.

9.11 72/24**Question**

D Hurlston

What amount of waste enforcement costs in the current financial year 2023/24 has the Council included in its waste levies charged to residents? (if any)

Answer

The Deputy Mayor advised that there is no amount of waste enforcement costs in the current financial year 2023/24 that Council included in its waste levies charged to residents.

9.12 73/24**Question**

D Hurlston

What amount of revenue has council included in the current financial year 2023/24 from waste enforcement actions?

Answer

The Mayor advised that Council has not included any revenue in the current financial year 2023/24 from waste enforcement actions. Council has Litter Enforcement Officers. Through infringement and prosecution Council is estimated to receive \$200k in fines from dumped rubbish offenders in the current financial year 2023/24.

9.13 74/24**Question**

D Cappelli

Can BCC consider a policy mandating a declaration of political affiliations/memberships for: candidates, elected councillors, and staff?

Answer

The Deputy Mayor advised that as per the notice of motion passed by Council at its February 2024 meeting, Councillors are to provide quarterly updates on their current and previous political memberships.

Council has no authority to mandate that candidates for Council elections provide such information. Council staff are bound a code of conduct that specifies that they are not to use work time, facilities or resources in relation to their personal interests including political organisations.

9.14 75/24**Question**

D Cappelli

Did BCC complete a due diligence report on the proposed sports grounds at Green Gully Reserve, where can residents review the report?

Answer

The Deputy Mayor advised that Council has completed a number of reports as part of the planning for this Project; these cover bio diversity (native grass), contaminated land and cultural heritage.

These reports have not been made public, but have informed planning for the Project and the advice provided to Council.

9.15 76/24**Question**

Brimbank Disability & Neurodiversity Advocacy Group

Despite promising the disability community that Council would Beta test their new website and seek feedback for improvement prior to launch, Council hard launched the new website in December 2023, without Beta testing. The website has many issues concerning accessibility and it seems much of the feedback that has been provided by the community, has not been included in the new website. Can Council advise why it chose to renege on its promise to have the site beta tested by the disability community and how it plans to address these issues without adequate consultation.

Answer

The Deputy Mayor advised that the new website, launched in February, includes a range of features that enhances accessibility. Unfortunately, it was not feasible to undertake testing with the disability community prior to the launch due to the complexity of the site. Many parts of the site were behaving differently in the test environment from how they would behave in the live environment and we have been working to resolve and refine key parts of the live site before undertaking community testing. The new website is organic and will continue to change and evolve. Feedback is always welcomed from community about the website and we will actively seek feedback in the months ahead, including from members of the disability community.

9.16 77/24**Question**

Brimbank Disability & Neurodiversity Advocacy Group

Can Council please provide a date for when easy read and plain English versions of policies and documents - including Council meeting agendas and minutes, will be

provided for the disability community to access, as it has been promised by Council for years, but not yet provided?

Answer

The Deputy Mayor advised that Council is moving toward using plain English in more of our communications to ensure they are accessible to all. This has already been implemented in some communications already including community consultations on our Your Say webpages. We are continuing to explore how we can communicate more simply and effectively with our community.

9.17 78/24

Question

Brimbank Sustainability & Climate Action

With news that parks in Victoria have been impacted by Asbestos contamination, can Council confirm if any other parks besides Fitzgerald Square Reserve, have been or are due to be tested, which parks have been or will be tested, and what the results of any tests that have been conducted are.

Answer

The Deputy Mayor advised that officers have advised that no other parks have been, or are due to be, tested for asbestos by the EPA.

With reference to Fitzgerald Square Reserve, EPA identified asbestos in a test sample from this reserve; it was in 'bound form' and was determined to have been illegally dumped there along with building rubble. This has since been removed and the site has been cleared as safe. No other asbestos has been identified in parks in Brimbank.

9.18 79/24

Question

Brimbank Sustainability & Climate Action

In Council's YourSay feedback opportunities, there is always a question that asks "In case we have questions about your feedback, do you consent to being contacted by a Council Officer?"

Has anyone ever been contacted with regards to their feedback and if so, how many people have been contacted and when was the last time someone was contacted?

Answer

The Deputy Mayor advised that the question in our Have Your Say portal is framed so that if the Project Manager needs more information, they can obtain it, whilst adhering to the *Privacy Act* requirements.

When the Project Lead is reviewing the feedback, there may be an occasion when they wish to follow up with the respondent. However, our records in Parks and Public Realm show that no follow up has been required in the past 12 months of community engagement on projects. This is because the questions are designed to illicit the feedback needed - through surveys, open ended questions and sometimes voting on options.

Resolution**Moved Cr Virginia Tachos/ Seconded Cr Victoria Borg****That Council extend Public Question time for another 15 minutes.****CARRIED****9.19 80/24****Question**

S Meilak

Since passing a motion of support for Palestine, can Council please advise if it is providing trauma counselling, accommodation, and other localised support to its Palestinian community, and what specific support it has begun providing since the motion was passed?

Answer

The Deputy Mayor advised that Council provides advice on specific Council supports as well as those services provided by other organisations that may be able to assist members of the Palestinian community based on their individual needs. The Government has also confirmed that People fleeing the Israel-Palestine conflict who arrived in Australia on a visa subclass 600 (Visitor visa) will have free access to health services in Victoria.

9.20 81/24**Question**

S Meilak

Council recently advised members of the Brimbank Community Voice that all consultations will now be managed in-house, as the agreement with Deliberately Engaging will be coming to an end. Can Council advise how participants for consultations will be selected going forward, if member information will be de-identified to establish fair and adequate representation of diverse groups, and what strategies will be implemented to ensure transparency in the selection process and that no biased selection of participants is made.

Answer

The Deputy Mayor advised that after Council takes over management of Brimbank Community Voice, Panel members will continue to receive Expression of Interest emails and have the ability to register to participate in consultations, excepting for occasions where we are seeking feedback on a project from a specific demographic group. Panel member information will be de-identified to establish fair and adequate representation of diverse groups. The Community Engagement Team will be responsible for organising panel member participation in consultations for activities to prevent bias and ensure a diverse range of people can participate.

9.21 82/24**Question**

F Pistillo

On the 20th of February 2024, the Brimbank Council unanimously passed a motion in support of Palestine entitled "Ceasefire in Gaza." The motion requested that the

Brimbank Council lobby the Australian Government, on behalf of Brimbank residents, calling for a permanent ceasefire in Gaza, to allow for urgent humanitarian aid and an end to the occupation and apartheid in Gaza.

The Brimbank Solidarity Group for Palestine are seeking confirmation about what, if any, action or lobbying the Brimbank Council has undertaken since the passing of this motion?

If so, please provide details about the actions that Brimbank Council have implemented. If not, can Council outline any proposed actions, along with target dates to ensure this matter progresses accordingly?

Answer

The Deputy Mayor advised that a letter has been sent to the Prime Minister in accordance with the motion passed at the meeting in February.

9.22 83/24

Question

F Pistillo

The Brimbank Solidarity Group for Palestine would like to offer support and ideas about how council can lobby the Australian Government around this issue. Is a partnership something that Brimbank Council would be open to and if so, please provide further details on how we can achieve this collaboratively?

Answer

The Deputy Mayor advised that Council staff will contact the Brimbank Solidarity Group for Palestine regarding their offer support.

9.23 84/24

Question

D Havelas

Once again Brimbank City Council is dismissing the importance of disabilities in the municipality. Can Brimbank City Council explain why in our draft budget page 49 the words People with additional needs was used instead of the correct word of Disabilities being acknowledged as a community need?

Answer

The Deputy Mayor advised that the wording within the Mayors message that you have referenced is part of a list of priorities identified by community through the consultation process. In this instance the wording 'People with additional needs and/or who are at risk' extends to those experiencing homelessness, new arrivals, as well as people with disabilities. Further information about the consultation findings is included in Attachment 4. The Annual Action Plan in attachment 3 includes actions that are specific to people with disabilities. It includes encouraging local employment of people with disability and implementing the Disability Action Plan.

9.24 85/24**Question**

D Havelas

Brimbank City Council needs to advocate the State and Federal Governments for Disabilities. What is Brimbank City Council doing to actually include this very important residents that are part of our community including adults ?

Answer

The Deputy Mayor advised that Council has a diversity of services and programs that community can access, including people with disability. Council also are able to connect community members into other existing services and supports provided by local community organisations. Council's advocacy efforts will continue in alignment with the Together We Are Brimbank Plan; we will respond to community needs and matters as they are identified.

9.25 86/24**Question**

B Bligh

The Council's recent initiative to restrict parking on Dubbo St, Albion is a good one, particularly in the context of Albion as a densely populated and highly walkable neighbourhood. However the new rules are widely flouted and cars are often parked next to the no parking sign. Is Council considering active enforcement of the new rules to increase compliance?

Answer

The Deputy Mayor advised that Council is currently routinely patrolling the Dubbo Street area. Compliance officers have carried out educational enforcement of the no stopping signage in the street and have also issued a number of infringements to those found parking illegally. Council Officers will continue to monitor and patrol the area in an attempted to change unsafe driver parking behaviour.

9.26 87/24**Question**

B Bligh

Furthermore will Council additionally consider a resident permit only parking approach for neighbourhoods like Albion to effectively ration the limited public resource that on-street parking is?

Answer

The Deputy Mayor advised that the streets within Albion, closer to the Albion Train station currently have 'Resident Permit Parking' to manage parking demands between commuters and residents. At this stage there is are no proposals to implement further 'Resident Permit Parking' throughout Albion, as the introduction of permit parking is generally only implemented around train stations, schools, Hospitals and Activity Centres where there is competing demands for parking. Permit Parking is not implemented in streets where the demand for on-street parking is generated by residents.

9.27 88/24**Question**

M DeBrincat

Looking at Brimbank's Final Draft Brimbank Housing And Neighbourhood Character Strategy. In reading the submissions to the original draft and the corresponding Officer Responses, I can't help but feel that the council has only listened to concerns expressed by external corporates (Melbourne Airport, WorkSafe & River Valley Estate) but has otherwise disregarded the concerns of its residents. In response to certain concerns, it reads as though the Officer has just responded with a regurgitation of what the draft strategy says on the particular topic (ie. a regurgitation of the very thing the objector was concerned about) but doesn't seek to resolve the concern noted as all objections by the public were marked as not changes being made. What was the process of reviewing these concerns by local residents how much consideration was put to them? Did council members review these & the Draft Strategy themselves or are they just relying on the summary provided in the agenda.

Answer

The Deputy Mayor advised that not all matters raised in submissions to the draft Housing and Neighbourhood Character Strategy resulted in changes to the final draft Strategy. This is because some matters raised by submitters were outside the scope of the project or not strategically justified. The process of reviewing the submissions included an officer assessment which was reviewed by the supervisor, project control group; consultants; Manager; Director; Executive Leadership Team and Councillors, who also received a full copy of all submissions received. Submitters were also given an opportunity to present their submission to Councillors at the Planning Forum on 12 March 2024.

Public Question Time concluded at 7.48pm.

10 Petitions**10.1 Tree Removal**

Petition received with 15 petitioners requesting Council to remove a tree in front of 1 Sorghum Way, Delahey.

Motion

That Council:

- a. Receives a petition from 15 petitioners, requesting Council to remove a tree in front of 1 Sorghum Way, Delahey.
- b. Refers the petition from 15 petitioners in relation to the removal of a tree in front of 1 Sorghum Way, Delahey to the Chief Executive Officer for consideration and response.

Resolution

Moved Cr Maria Kerr/Seconded Cr Thomas O'Reilly

That Council:

- a. Receives a petition from 15 petitioners, requesting Council to remove a tree in front of 1 Sorghum Way, Delahey.**
- b. Refers the petition from 15 petitioners in relation to the removal of a tree in front of 1 Sorghum Way, Delahey to the Chief Executive Officer for consideration and response.**

CARRIED

11 Minutes/Reports Of Delegated Committees

Nil.

Cr Thomas O'Reilly having declared a conflict of interest in relation to Report 12.1, left the meeting at 7.49pm.

12 Officer Reports

12.1	Draft Financial Plan 2024-2034, Draft Annual Budget 2024/2025 (Including Draft Capital Works Budget) and Draft Council Plan Annual Action Plan (Year 4) 2024/2025
Directorate	People, Partnerships and Performance; Corporate Services
Director	Georgie Hill, Mark Stoermer
Managers	Rachel Deans, Andrew Brae
Attachment(s)	1. BCC Draft Financial Plan 2024-2034 [12.1.1 - 32 pages] 2. Draft BCC Annual Budget 2024-2025 [12.1.2 - 84 pages] 3. Draft Council Plan - Year Four Annual Action Plan 2024-2025 [12.1.3 - 8 pages] 4. Report of Phase One Community Consultation for 24-25 Annual Budget and Council Plan A [12.1.4 - 19 pages]

Purpose

For Council to consider the draft Financial Plan 2024–2034, the draft Annual Budget 2024/2025 and draft Council Plan Annual Action Plan (Year 4) 2024/2025 for endorsement prior to community consultation.

Officer Recommendation

That Council:

- Notes the diverse and complex strategic financial challenges facing Council including rate capping, a growing asset base, increasing asset renewal obligation, the impact of climate emergency and that the budget has been developed within Council's objective of being financially sustainable with the focus on value for money and best community outcomes.
- Endorses the draft Financial Plan 2024 – 2034 at Attachment 1 to this report for consultation.
- Endorses the draft Annual Budget 2024/2025 at Attachment 2 to this report for consultation.
- Endorses the draft Council Plan Annual Action Plan (Year 4) 2024/2025, at Attachment 3 to this report for consultation.
- Gives public notice, of the draft Financial Plan 2024 – 2034, the draft Annual Budget 2024/2025 and the draft Council Plan Annual Action Plan (Year 4) 2024/2025, in the Star Weekly and on Council's website and invites written online submissions from 22 April 2024 until 16 May 2024.
- Notes the Phase One Community Consultation Report, that has informed development of the draft Council Plan Annual Action Plan (Year 4) 2024/2025 and draft Budget 2024/2025, at Attachment 4.
- Receives a further report outlining community consultation and online submissions, about the draft Financial Plan 2024 – 2034, the draft Annual Budget 2024/2025 and the draft Council Plan Annual Action Plan (Year 4) 2024/2025, and presenting a final

draft Annual Budget 2024/2025, final draft Financial Plan 2024 - 2034 and final draft Council Plan Annual Action Plan (Year 4) 2024/2025.

Background

'Together We are Brimbank' is an integrated plan that describes the Council Plan 2021-2025, Community Vision 2040, and Municipal Public Health and Wellbeing Plan. Adopted on 19 October 2021, 'Together We are Brimbank' sets the four-year strategic direction for Brimbank City Council, whilst working towards the long-term Community Vision 2040 and the Municipal Public Health and Wellbeing priorities.

The Local Government Act 2020 (LGA 2020) requires Council to develop a 4-year Council Plan following a municipal general election. To ensure implementation of the strategic directions outlined in the Council Plan, Annual Action Plans are developed and monitored.

Quarterly Council Plan Annual Action Plan reports are presented to Council and annual achievements are published in the Brimbank City Council Annual Report, in line with legislative requirements of the Local Government Act 2020.

Additionally, the LGA 2020 states that a Council must:

- Prepare and adopt a budget for each financial year and the subsequent 3 years by 30 June each year – Section 94(1)(a)
- Develop the budget and any revised budget in accordance with the financial management principles – Section 96 (1)(a)
- Develop the budget and any revised budget in accordance with its community engagement policy – Section 96 (1)(b).

In respect of the Financial Plan, the LGA 2020 states a Council must:

- Develop, adopt and keep in force a Financial Plan in accordance with its deliberative engagement practices – Section 91(1)
- Develop or review the Financial Plan in accordance with its deliberative engagement practices and adopt the Financial Plan by 31 October in the year following a general election – Section 91(4).

Matters for Consideration

Draft Financial Plan 2024-2034

The draft Financial Plan (FP) is linked to Brimbank's objectives of providing high levels of appropriate services and a strong capital expenditure program (**Attachment 1**). It is developed to provide a long-term view of the resources that are expected to be available to Council and the proposed application of those resources over a 10-year period.

The FP is designed as a high-level summary document that outlines future planning of Council's financial resources. It outlines Council's objective of being financially sustainable in the short, medium and long-term to deliver on future projects and address challenges, while upholding strong financial management principles.

It is important to note, however, that Council faces several diverse and complex strategic financial challenges including:

- Maintaining services and managing growth at a level to meet community expectations while rates, being Council's main source of income, are capped in line with the Victorian Government's rate capping system.
- The risk and liability that Council and the community face if Council does not invest in asset renewal at an adequate rate.

- Continuing to provide an appropriate range of services to an evolving and changing community
- Climate change and the impact of the climate emergency
- Land contamination in areas of Brimbank and;
- Maintaining a sound financial position in light of these challenges.

The draft FP includes a 10-year forecast across the following key financial statements:

- Income statement
- Cash flow statement
- Balance sheet
- Statement of changes of equity
- Capital work statement
- Statement of human resources.

Draft Annual Budget 2024/2025

The draft Annual Budget 2024/2025, at **Attachment 2**, provides for a total operating expenditure of \$263.2 million and a capital works program of nearly \$58.7 million. The budget includes a total rate increase of 2.75 per cent across all properties.

In 2024/2025 Council will invest \$263.2 million into operations. The operational budget funds 76 diverse services ranging from arts and culture and maternal and child health to statutory planning and urban design.

The operational budget allocates \$25.6 million for Waste Services, \$13.9 million for Libraries, Arts and Culture and our Neighbourhood Houses and Community Centres, \$6.5 million to deliver Maternal and Child Health services across Brimbank and \$15 million towards Leisure services (which includes the Brimbank Aquatic and Wellness Centre and Sunshine Leisure Centre).

Next year Council will spend an increased amount, \$17.6 million, on Parks and Trees across the municipality as well as:

- \$4.6 million towards Environmental Sustainability and Conservation
- \$10.7 million for Road Maintenance and Cleansing Services
- \$3.4 million on Statutory Planning and;
- \$2.6 million for Animal Management across Brimbank.

An investment of \$58.7 million will be made into the capital works program in 2024/2025. Highlights include:

- \$27.9 million on roads and drainage upgrades
- \$5.2 million for playgrounds, parks and gardens
- \$2.1 million on walking and cycling paths to connect our city
- \$18.8 million on improvements to community facilities including sports and early learning facilities
- \$0.9 million on assets including \$800,000 for library books, and;
- \$3.8 million for the cyclical replacement of plant and vehicle fleet.

Shifting demographics, changes to Government policy, service model reforms, and ensuring social equity and access in a constrained financial environment, are creating pressure on the way services and infrastructure are funded and delivered.

The preparation of the draft Annual Budget 2024/2025 has been influenced by the following external factors:

Rate Base:

The Victorian State Government introduced a cap on rate increases in 2016/2017. The cap for 2024/25 has been set at 2.75%. This rate cap poses significant challenges to Council as it is set well below CPI.

State Government:

The landfill levy payable to the State Government upon disposal of waste into landfill has increased from \$6.59 million in FY2023/2024 to \$7.61 million in FY2024/2025 and is included in Council's waste management budget.

The Fire Services Property Levy is a State Government levy, which is collected by Council on behalf of the State Government.

Legislative Changes:

The Federal Budget delivered in 2021 announced increases in the Superannuation guarantee percentage for the 2021/22 financial year, moving the rate from 9.5% to 10.0%, and a further 0.5% increase, each financial year, until the rate reaches 12.0% in the 2025/26 financial year. These Superannuation guarantee percentage increases have been factored into the Draft Annual Budget 2024/25, and outer year figures.

Legislative changes have and will continue to have an impact on the operating costs for many Council services. One example is the impact of traffic management planning accreditation and provision on Parks Services, which costs an additional \$250,000 per annum.

Cost Shifting:

As funding from the Federal and State Governments either lessens or remains the same, the 'gap' between the true cost of running Council services and the level of subsidy continues to grow. Grant revenue as a proportion of total revenue is budgeted to decrease from a position of 10.65% in 2023/2024 to 10.37% in 2024/2025.

Global influences:

The construction industry relies on global supply chains for materials, equipment, and labour. Capital works costs have grown from 5% to 15% over baseline (FY2024 to FY 2034 budget). This has increased the average annual spending from \$3M (5% uplift) to \$8.8M (15%uplift).

Climate Emergency:

Impact of Climate Emergency is contributing to increased costs for many Council services. One example is the Parks Service, where prolonged Spring seasons result in greater vegetation growth and more frequent and severe storm events increase maintenance costs.

Borrowing Rates:

The cost of borrowings are forecast to be significantly impacted by future interest rate movements. The current loan balance at 30 June 2023 is \$88.3m, where the majority of the balance is locked in at historically low rates of less than 2%. The projected 10-year Treasury Corporation of Victoria Bond Rate is expected to reach 4.55%.

Community Expectations:

Community are at the heart of Council's work and drive service provision. Over time Council have seen an increase in expectations relating to the use of technology, and access to Council services online. This is having an impact on technology infrastructure and systems that are ageing and in need of significant uplift.

Draft Council Plan Annual Action Plan (Year 4) 2024/2025

The draft Council Plan Annual Action Plan (Year 4) 2024/2025 (**Attachment 3**) outlines Council's annual commitment towards the implementation of 'Together We are Brimbank.' The draft Annual Action Plan progresses work towards the Council Vision, 'A transformed Brimbank that is beautiful, thriving, healthy and connected'.

The draft Annual Action Plan contains 81 actions related to the four Strategic Directions of 'Together We are Brimbank':

- People and Community - A welcoming, safe and supported community – an inclusive place for all
- Places and Spaces - Liveable and connected neighbourhoods that support healthy and sustainable futures - a green place for all
- Opportunity and Prosperity - A future focused, transforming city where all have opportunities to learn and earn - a prosperous place for all
- 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.

Some actions reflect the progress of initiatives from the previous Annual Action Plan, acknowledging that 'Together We are Brimbank', spans the term of this Council.

Community Engagement

The draft Annual Budget 2024/2025 and draft Annual Action Plan have been developed to reflect information provided by community through engagement processes completed in 2023. This first phase of consultation included:

- Community Voice sessions with 66 participants and;
- Engagement with an additional 55 people as follows:
 - Youth Focus Group at Visy Hub (12 participants)
 - Brimbank Aboriginal and Torres Strait Islander Consultative Committee (BATSICC) consultation at Coinda (2 participants)
 - Older persons 'pop-up' at St Albans Community Centre (12 participants)
 - Disability Advisory Committee at the Keilor Hub (7 participants).

A report detailing Phase One Community Consultation is available at **Attachment 4**.

Subject to endorsement, the draft Annual Budget 2024/2025 and draft Annual Action Plan will be made publicly available for online submissions and feedback from 22 April 2024 until 16 May 2024 via the Your Say Brimbank website and other community engagement activities.

This will be promoted and supported by:

- placing an advertisement in the local newspaper to notify the public of the opportunity to make comment

- printed copies being made available to view in-person at the Brimbank Community and Civic Centre, 301 Hampshire Road, Sunshine.

After the second phase of community consultation, Council will receive a report that summarises all the feedback received from the community. This report will also include the final Draft Annual Budget for 2024/2025 and the final Draft Council Plan Annual Action Plan for 2024/2025 for consideration.

Resource And Risk Implications

Resource requirements can be met within the Annual Budget 2024/2025.

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 to Council.

This report and its attachments address the risks associated with demonstrating Council's commitment to the principles of sound financial management by developing a Budget, Financial Plan, Revenue and Rating Plan that outlines the future planning of Council's financial outcomes, particularly in relations to key components such as rate levels, service levels to the community, major infrastructure asset replacement and renewal, loan borrowings and cash reserves.

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

- Yes – Legal requirements, as per background section above.

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

- Engaged and Responsive - Community insights are valued to enhance connection and engagement with Council
- High Performing and Accountable - Our workforce strives 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 Virginia Tachos/Seconded Cr Sam David****That Council:**

- a. Notes the diverse and complex strategic financial challenges facing Council including rate capping, a growing asset base, increasing asset renewal obligation, the impact of climate emergency and that the budget has been developed within Council's objective of being financially sustainable with the focus on value for money and best community outcomes.**
- b. Endorses the draft Financial Plan 2024 – 2034 at Attachment 1 to this report for consultation.**
- c. Endorses the draft Annual Budget 2024/2025 at Attachment 2 to this report for consultation.**
- d. Endorses the draft Council Plan Annual Action Plan (Year 4) 2024/2025, at Attachment 3 to this report for consultation.**
- e. Gives public notice, of the draft Financial Plan 2024 – 2034, the draft Annual Budget 2024/2025 and the draft Council Plan Annual Action Plan (Year 4) 2024/2025, in the Star Weekly and on Council's website and invites written online submissions from 22 April 2024 until 16 May 2024.**
- f. Notes the Phase One Community Consultation Report, that has informed development of the draft Council Plan Annual Action Plan (Year 4) 2024/2025 and draft Budget 2024/2025, at Attachment 4.**
- g. Receives a further report outlining community consultation and online submissions, about the draft Financial Plan 2024 – 2034, the draft Annual Budget 2024/2025 and the draft Council Plan Annual Action Plan (Year 4) 2024/2025, and presenting a final draft Annual Budget 2024/2025, final draft Financial Plan 2024 - 2034 and final draft Council Plan Annual Action Plan (Year 4) 2024/2025.**

CARRIED*Cr Thomas O'Reilly returned to the meeting at 7.56pm.*

12.2**Governance Report April 2024****Directorate**

People, Partnerships and Performance

Director

Georgie Hill

Manager

Danny Bilaver

Attachment(s)

1. Record of Informal Meeting of Councillors [**12.2.1** - 7 pages]
2. Delegates and Representatives Report [**12.2.2** - 1 page]
3. Minutes of Audit and Risk Committee - 24 February 2024 [**12.2.3** - 8 pages]
4. ARC Biannual Activity Report - February 2024 [**12.2.4** - 5 pages]
5. Draft S5 Instrument of Delegation to the Chief Executive Officer - April 2024 [**12.2.5** - 4 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.
- Audit and Risk Committee Minutes of 24 February 2024.
- Biannual ARC Activity Report 2023-2024.
- Review of Instrument of Delegation from Council the Chief Executive Officer (S5 Instrument).
- Brimbank Economic and Employment Advisory Committee (BEEAC).
- Interim Land Subject to Inundation Overlay - Flora Street Keilor.

Council Recommendation

That Council:

- a. Notes the:
 - i. Governance Report April 2024.
 - ii. Contracts entered into, and works orders approved, in accordance with S7 Instrument of Sub Delegation (24/3464).
 - 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.
 - vi. Minutes of Audit and Risk Committee Meeting No. 137 held on 24 February 2024, at Attachment 3 to this report.
 - vii. Biannual ARC Activity Report 2023-2024, at Attachment 4 to this report.
- b. In the exercise of the power conferred by section 11(1)(b) of the *Local Government Act 2020 (the Act)*, resolves that:
 - i. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the S5 Instrument of Delegation, at Attachment 5 to this report, subject to the conditions and limitations specified in that Instrument.

- ii. The Instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor.
 - iii. On the coming into force of the Instrument the previous S5 Instrument of delegation to the Chief Executive Officer is revoked.
 - iv. Despite the revocation of the S5 Instrument any Addendum made under any previous S5 Instruments continues in force until revoked in accordance with the terms of the Addendum.
 - v. The duties and functions set out in the Instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
- c. In relation to the Brimbank Economic and Employment Advisory Committee (BEEAC):
- i. Endorses changes to the Brimbank Economic and Employment Advisory Committee Terms of Reference that replace section 3c) Membership with "Ten to twelve Brimbank-based local business owners, operators or managers from key sectors including Manufacturing; Construction; Retail Trade; Accommodation and Food Services; Education and Training (including Employment Services); Transport, Postal and Warehousing; Professional, Scientific and Technical Services; Health Care and Social Assistance; and the Visitor Economy".
 - ii. Notes that the Brimbank Economic and Employment Advisory Committee Selection Panel have appointed twelve members to the BEEAC, as outlined in this report.
- d. Writes Melbourne Water advising that Council supports in principle the proposal for Melbourne Water to request the Minister for Planning to apply interim planning controls designating the Land Subject to Inundation Overlay (LSIO) in Flora Street, Keilor, noting that third party appeal rights will remain for property owners when Melbourne Water progress the permanent LSIO.

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
24/3464	Selwyn Tennis Court Reconstruction – Design Consultancy Services	2MH Consulting	\$87,265.50	6 March 2024

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
9 April 2024	Council Meeting Briefing
25 March 2024	Social Justice Coalition
22 March 2024	Brimbank Economic and Employment Advisory Committee

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
22 March 2024	Brimbank Economic and Employment Advisory Committee	Cr Tachos

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
8 April 2024	Cr Rasic	David Ettershank	Calder Freeway Melbourne Airport Rail Sunshine Station Masterplan Albion Station Vietnamese Museum Mental Health Greening the West Better Buses Housing and Homelessness Melbourne Airport Third Runway
8 April 2024	Cr Kerr	David Ettershank	Calder Freeway Melbourne Airport Rail Mental Health Greening the West Better Buses Housing and Homelessness Melbourne Airport Third Runway

Audit and Risk Committee

Minutes of the Audit and Risk Committee (ARC) meeting held 23 February 2024, is presented to Council for noting at **Attachment 3**.

Biannual ARC Activity Report 2023-2024

The Audit and Risk Committee (ARC) Chair prepared a draft biannual report on the ARC activities and was presented to the ARC to consider during the 24 February 2024.

The report covers ARC activity from September 2023 to March 2024. The report meets the reporting requirements to Council as mandated by the Local Government Act 2020 (LGA) pursuant to section 54(5), and importantly provides Council with a summary of the matters that the ARC has addressed in the reporting period in discharging its responsibilities under its Charter.

The final report is presented to Council for noting at **Attachment 4** to this report.

Review of Instrument of Delegation from Council the Chief Executive Officer (S5 Instrument)

The Instrument of Delegation from Council the Chief Executive Officer (CEO) was last reviewed in October 2022. Since then, a number of operational challenges have arisen and advice on those identified issues was sought from Maddocks law firm, Council's provider of delegation tools and updates.

The Instrument of Delegation has been reviewed and amended to provide further clarity in the delegation's practical application. The updated Instrument (**Attachment 5**) proposes to allow the CEO to enter into a contract above the CEO threshold, if the expenditure is in relation to a contract with a utility supplier to Council or an insurer of Council, or expenditure required under legislation (e.g. WorkCover or fire services property levy). This broadens the current delegation that allows expenditure in excess of the CEOs threshold in relation to Public Liability and Professional Indemnity Insurances only. These contracts and expenditures are generally low risk and to a single or dominant service provide on the market.

A proposed improvement has been made in relation to where Council has approved a panel of contractors for a project, that will clarify that the CEO can implement the approved contract by being able to approve work/purchase orders above financial delegation limits.

A further improvement has been proposed in relation to contract variations where the wording "whichever is the greater" has been added as there is a lack of clarity between the current wording of sub paragraphs 1d(i) and 1d(ii) and to allow greater flexibility to the CEO. This aligns with the practical application of other instruments of delegation, namely the CEOs delegation to Council staff.

Finally, benchmarking was undertaken across other metropolitan and large regional Councils that reveals that financial delegation thresholds for CEOs differ widely from Council to Council.

Whilst a common financial limit for CEOs is \$1,000,000 including GST, several exclude GST from this amount. There are several metropolitan Councils that have delegation limits set lower than \$1,000,000. However, these Councils are generally considered to be semi-metropolitan. Six Councils have delegation limits set above \$1,000,000 with the maximum being set at \$5,000,000. Two neighbouring Councils have thresholds set above \$2,000,000.

Given the current requirements at Brimbank and the benchmarking against other similar Council's, it is proposed that there be an increase to the CEOs financial delegation limit to \$2,000,000 (exl GST) to more accurately reflect the scale of Brimbank's procurement activities and will also facilitate a more efficient delivery of the capital works budget.

Brimbank Economic and Employment Advisory Committee (BEEAC)

The formation of the BEEAC was a recommendation of the Brimbank Economic Development Strategy 2022 - 2027, which was adopted by Council in December 2022, and is an action in the Together We are Brimbank Council Plan.

Council endorsed the BEEAC Terms of Reference (TOR) in September 2023 and ran a four-week expression of interest (EOI) process, which closed 27 February 2024. Twenty-two EOIs were received across multiple industry categories.

Council recently appointed Wade Noonan, Deputy Vice-Chancellor, External Relations and Partnerships at Victoria University as the independent chair to the BEEAC. The BEEAC

Selection Panel, comprising Wade Noonan, Councillor Papalia, Councillor Tachos and Kelvin Walsh, recently selected 12 industry representatives from the 22 EOIs received.

The BEEAC TOR provides for ten industry representatives and on this basis a change is proposed to increase industry members to 12.

The appointed members include:

- Zipporah Bryan, PuntHill Apartments, Sunshine
- Emma Stott, Overnewton Castle, Keilor
- Gazal Kamali, Quest Apartments, Sydenham
- Gengiz Soy Turk, Djerriwarrh, Brimbank
- Kate Peart, OCTEC, Sunshine
- Milton Young, Accountant, Sydenham
- Trish Gardiner, Watergardens Town Centre (QIC), Sydenham
- Xiaofan Ji, Bon Bons, Sunshine
- Jonathon Castelino, Wholesaler & Manufacturer, Sunshine
- Chad Stokes, Child Care, Sunshine
- Pierre Hinton, Visa Print, Derrimut
- Andrew Miles, General Laser, Sunshine West.

Officers are working to schedule the inaugural meeting of the BEEAC in the coming months.

Interim Land Subject to Inundation Overlay - Flora Street Keilor

On 7 December 2023 Melbourne Water wrote to Council advising that it had submitted a request to the Minister (Minister) for Planning to apply an interim Land Subject to Inundation Overlay (LSIO) to properties in Flora Street, Keilor, which experienced flooding in the October 2022 flood event. This is in accordance with the recommendations of the Independent Panel appointed to review the flood event.

The report of the Maribyrnong River Flood Event Independent Review Panel (August 2023) made fifteen recommendations in relation to matters associated with Melbourne Water's functions as a floodplain management authority. Melbourne Water accepted all 15 of the Panel's recommendations and is now working on implementation.

Melbourne Water has requested the Council to advise if it supports the application of the interim LSIO it is intended to be a Ministerial amendment without notification and third-party appeal rights.

Brimbank Council endorsed a Submission to the Maribyrnong River Flood Review at its Council Meeting on 21 March 2023 (2023 Submission), which included among other matters that Melbourne Water should:

- Review flood mapping data within the catchment, with consideration to the type of flood events anticipated as a result of climate change, and current and future land use and development.
- Once flood mapping has been revised and updated, Melbourne Water should then undertake a GC Amendment (as the Planning Authority) in consultation with Brimbank, Hume, Maribyrnong, Melbourne and Moonee Valley City Councils to ensure a consistent approach to flood mapping is applied along the Maribyrnong River

- Revise flood mapping for all major waterways and flood prone areas in Melbourne's west, where mapping is not up to date, and then undertake a GC Amendment.

Melbourne Water has commenced a review of flood mapping within Brimbank and other councils. The proposed application of the interim LSIO to Flora Street is considered consistent with Council's 2023 Submission. Melbourne Water has advised that third party appeal rights will remain for property owners when they progress the permanent LSIO.

Melbourne Water has also indicated they will write to Flora Street, Keilor, property owners advising of the proposed interim LSIO. The interim LSIO will identify the potential for flooding to existing and future property owners. On this basis it is proposed that Council write a letter providing in principle support, noting that third party appeal rights will remain for Flora Street property owners.

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:

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

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 Virginia Tachos/Seconded Cr Victoria Borg

That Council:

- a. **Notes the:**
 - i. **Governance Report April 2024.**
 - ii. **Contracts entered into, and works orders approved, in accordance with S7 Instrument of Sub Delegation (24/3464).**
 - 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.**
 - vi. **Minutes of Audit and Risk Committee Meeting No. 137 held on 24 February 2024, at Attachment 3 to this report.**
 - vii. **Biannual ARC Activity Report 2023-2024, at Attachment 4 to this report.**
- b. **In the exercise of the power conferred by section 11(1)(b) of the *Local Government Act 2020 (the Act)*, resolves that:**
 - i. **There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the S5 Instrument of Delegation, at Attachment 5 to this report, subject to the conditions and limitations specified in that Instrument.**
 - ii. **The Instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor.**
 - iii. **On the coming into force of the Instrument the previous S5 Instrument of delegation to the Chief Executive Officer is revoked.**
 - iv. **Despite the revocation of the S5 Instrument any Addendum made under any previous S5 Instruments continues in force until revoked in accordance with the terms of the Addendum.**
 - v. **The duties and functions set out in the Instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**
- c. **In relation to the Brimbank Economic and Employment Advisory Committee (BEEAC):**
 - i. **Endorses changes to the Brimbank Economic and Employment Advisory Committee Terms of Reference that replace section 3c) Membership with "Ten to twelve Brimbank-based local business owners, operators or managers from key sectors including Manufacturing; Construction; Retail Trade; Accommodation and Food Services; Education and Training (including Employment Services); Transport, Postal and Warehousing; Professional,**

- Scientific and Technical Services; Health Care and Social Assistance; and the Visitor Economy”.**
- ii. Notes that the Brimbank Economic and Employment Advisory Committee Selection Panel have appointed twelve members to the BEEAC, as outlined in this report.**
- d. Writes Melbourne Water advising that Council supports in principle the proposal for Melbourne Water to request the Minister for Planning to apply interim planning controls designating the Land Subject to Inundation Overlay (LSIO) in Flora Street, Keilor, noting that third party appeal rights will remain for property owners when Melbourne Water progress the permanent LSIO.**

CARRIED

12.3	Keilor Sports Club Social Room Extension
Directorate	Community Wellbeing
Director	Lynley Dumble
Manager	Ashley Fleming
Attachment(s)	Nil

Purpose

For Council to consider a report in response to a Council Resolution from the Ordinary Council Meeting No.631 held on 19 March 2024, on the proposed Keilor Sports Club Social Club Extension project and the proposal to provide an additional \$550,000 Council contribution towards the project.

Officer Recommendation

That Council:

- a. Notes this report outlining further consultation with the Keilor Sports Club and further legal advice on the legal options in relation to the guarantors for the proposed Keilor Sports Club Social Room extension since the Council meeting of 26 March 2024;
- b. Notes that the advice detailed in the report on the legal options in relation to the guarantors for the proposed Keilor Sports Club Social Room extension confirms the significant financial and reputational risk to Council in entering into Legal Deeds with guarantors;
- c. Notes the Keilor Sports Club have invested significant time and effort to develop the proposal and have secured external funding towards the project;
- d. Notes that despite this, the approach proposed by the Keilor Sports Club is inconsistent with the approach generally taken to develop Council assets and is not consistent with the priorities outlined in Council's adopted Sports Facility Development Plan.
- e. Notes Council have allocated \$150,000 in the 23/24 budget for the upgrade of the Keilor Sports Club kitchen and remains committed to the upgrade of the kitchen as an identified priority in the Sports Facility Development Plan;
- f. Notes the State Government have made an election commitment in 2022 to allocate \$700,000 for the upgrade of the kitchen and toilets at Keilor Sports Club and, while this funding is committed, a funding agreement is not yet in place, with the information submitted by the club currently being assessed by Sport & Recreation Victoria (SRV) to determine whether it meets SRV requirements and addresses all unresolved concerns, prior to formal consideration and approval by the Minister.
- g. Notes the proposed expansion of the Keilor Sports Club Social Club, while expanding the social space and improving the facilities at the Keilor Sports Club social club rooms, does not align with priority projects within Council's adopted Sports Facility Development Plan (SFDP)2023;

- h. Notes the club has provided a fixed price quote and signed contract for the proposed works at a cost of \$1,823,080, which replaces the previous Quantity Surveyors Report from 2023 that estimated the cost at \$2.6M.
- i. Notes the significant risk to Council if the Keilor Sports Club are unable to complete the project and that unfinished works to a Council asset may require Council to fund and complete the works to ensure the safety and amenity of the site;
- j. Notes that with rate capping, a growing asset base, increasing asset renewal obligation, various competing priorities for funding and broader ongoing financial challenges facing Council, and an ambitious agenda for Council to deliver assets that support community participation and broader wellbeing, investment in infrastructure must be directed into projects that deliver the greatest value for money and best community outcome;
- k. Acknowledges the previous Council Resolution from June 2023 indicating in principle support for the additional \$550,000 Council contribution towards the project, however notes
 - the current financial constraints,
 - the project is not a strategic priority identified in the Sports Development Plan 2023,
 - the fact that Council's capital works program is over-subscribed with projects that have a demonstrated strategic basis via endorsed Council strategies and plans,
 - and the risks involved in proceeding with the project;
- l. Resolves not to provide the additional \$550,000 for the Keilor Sports Club proposed expansion of the Social Club rooms.
- m. Continues to work with the Keilor Sports Club to deliver the already committed funded program of upgrades to the kitchen and toilets at Keilor Sports Club, which is in line with Council's adopted Sports Facility Development Plan (SFDP) 2023 and usual process of delivering capital works projects.

Background

Council's Sports Facility Development Plan 2023 (SFDP) was recently adopted in October 2023. This Plan outlines how Council allocates funding across all sporting clubs and facilities. It determines the capital works funding priorities following facility audits and the application of assessment criteria and weightings.

Through the Sports Facility Development Plan process of assessing and prioritising all sports facilities for upgrade and renewal, a kitchen and toilet upgrade was identified for Keilor Sports Club and funding of \$150,000 was allocated towards the scope of this project as part of Council's budget process.

During the 2022/23 Annual Budget process, the Keilor Sports Club requested Council funding for the upgrade of the Club's social rooms. The upgrade of the Social Club is not identified as a priority project in Council's adopted Sports Facility Development Plan. Increasing sports participation is the priority of the Plan which is why expanded social club rooms are lower in the order of priority.

As there was not an accurate cost estimate for the works from the club, Council, in the final 2022/23 Budget, provided \$50,000 to the Keilor Sports Club to undertake a detailed design and cost estimates of their requirements for the upgrade. A funding agreement

with clear project outcomes was developed and signed by the club to manage the Council funding.

Ahead of the 2022 State Elections, an election commitment of \$700,000 was made by Ben Carroll, State Member for Niddrie towards the upgrade of the kitchen and toilets at the Keilor Sports Club. This election commitment was successful and in 2023 Sport and Recreation Victoria (SRV) and Keilor Sports Club developed an agreement to manage the distribution of this money.

In the 2023/24 Council budget process Keilor Sports Club requested matched funding from Council of \$700,000 for the project. At the June 2023 Council meeting, Council resolved:

- iv. *Notes the following changes to the final draft Annual Budget 2023/2024: Allocates \$150,000 as Council's contribution, with the State Government, to upgrade the kitchen at the Keilor Sports Club Social rooms.*
- v. *Notes the Keilor Sports Club budget submission requesting Council to match the State Government funding of \$700,000 for the Keilor Sports Club Social Club rooms.*
- vi. *Gives in principle support, for an additional maximum \$550,000 to contribute to the proposed staged expansion of the Keilor Sports Club Social Rooms subject to a further report to Council detailing the available budget, funding, procurement, project supervision, final project staging, risk management plan, proposed legal agreement with the Club and clarification that the project can be delivered within the available budget.*
- vii. *Notes that planning and building approvals will be required for the expansion of the Keilor Sports Club social rooms in accordance with Council's obligations and processes.'*

Council officers have met monthly with the Keilor Sports Club and met regularly with Sport and Recreation Victoria regarding the club's proposal.

At the March 2024 Council meeting a further report was presented to Council addressing the matters outlined in vi. above. Council resolved:

'That Council requests and received an update to Report 12.5 to be considered at the next month's Council Meeting to allow for further consultation, explore further legal options in relation to the guarantors to enable Council more time and further consultation with the club'

Matters for Consideration

Analysis

Legal Options in relation to guarantors

As requested by Council, further legal advice was obtained regarding the guarantors, with it being confirmed that Council can enter into Legal Deeds with individuals. The options Council has available to it, processes and associated risks include:

1. In the Funding Agreement with the Keilor Sports Club that outlines the terms on which Council provides any funds for the proposed works, a section is included that addresses Council's relationship with the guarantors by providing that the

club will return or repay any part of the Council funding in the event that the guarantors fail to provide the club with the funds referenced in the Club Deed.

The process for this option is for a draft Funding Agreement to be developed, reviewed by the club and once agreed upon signed by both parties. While this agreement could be developed internally to minimise costs, it is recommended that a legal review be undertaken at a cost of approximately between \$2,000 and \$3,500 plus GST depending on how many rounds of amendments are required during negotiation. One of the main risks with this option is if the Funding Agreement was the only protection used by Council to provide security in relation to the guarantor's payments, Council would risk losing the opportunity to pursue the guarantors directly if they did not provide the funds and the club cannot cover the costs for the project.

2. Council prepares its own Deed with the guarantors, this document provides that in circumstances where the construction costs exceed the amount of funds committed by the club, Council and the State Government, Council requires the guarantors to pay the difference as outlined in the Deed.

The process for this option is similar to option 1, with the additional process of the guarantors involved in reviewing the Deed and signing it once finalised. The clauses of the Deed would determine in what circumstances the guarantors funding would be provided. Council would be protected the most if the guarantors funding was provided up front, however the club and guarantors do not support this arrangement. Bank guarantees could be an alternative arrangement that is more supported by the club and guarantors. It is estimated that the cost to Council for this option is approximately \$1,500 to \$3,000 plus GST depending on the level of involvement of legal assistance and how many rounds of amendments are required.

3. The Club Deed be amended with Council becoming a party to the Deed and the inclusion of additional provisions to benefit and protect Council relating to the guarantors.

The process for this option is more complex than the two options above, as Council would need to negotiate matters in the existing proposed Deed between the Club and guarantors. Council would need to be included as a party to the Deed, prepare and negotiate additional provisions to protect the Council prior to the Deed being finalised and signed. One of the main risks is that any possible amendments would have to be agreed to by both the club and guarantors, rather than just one of them. The estimated cost is approximately \$750 to \$1,750 plus GST, depending on how many rounds of amendments are required.

In terms of claiming the guaranteed funds if required, it would involve Council ensuring that any arrangement it has entered into with the guarantors provides for the mechanism by which Council requires the funds to be paid – whether that be via bank guarantee or in cash – and the specific circumstances under which Council would be entitled to draw down on those funds. The guarantors would have to provide those funds to Council in accordance with the terms of the arrangement.

The main risks to Council relating to guarantors' involvement in the project would be if they refuse to pay the committed funds if required for completion of the project. While Council may have a legal right to pursue funds committed to through the Legal Deed, there would be significant costs involved and potential reputational risks with pursuing this funding if not paid as outlined in the Deed. The costs would arise from Council asking the Court to order the guarantors to perform their obligations under the Deed by paying Council the funds due under it.

An estimate of time and cost is difficult, however any proceedings for breach of contract would likely be lengthy and expensive for Council, costing anywhere from \$15,000 to \$150,000 depending on how proceedings unfolded. In terms of time, it could be anywhere between 3 months to a couple of years, once again depending on how proceedings unfolded. Another relevant matter for Council to consider is reputational risk. That is, Council may open itself to criticism if it is seen to be commencing lengthy and expensive Court proceedings against several individual community members.

If Council decides to progress with the project including the guarantors, council officers recommend that Council should implement both Options 1 and 2 outlined above with bank guarantees in place at the start of the project for the committed funds in order to protect itself as much as possible from the significant risks outlined above.

Further consultation with the club

A meeting took place with the Keilor Sports Club working group on 26 March 2024 to allow further consultation to be undertaken with the club. The Council report from the March Council meeting and legal options for guarantors was discussed, with the club providing the following updates and feedback:

- The club is comfortable with all three legal options relating to the guarantors however do not support and the guarantors will not support the provision of funds up front and prefer bank guarantees if this matter is included in any of the three options above.
- The Quality Surveyor's report (QS) is being reviewed with the club expecting a fixed quote for the project by the first week in May. This will provide an accurate cost for the project as opposed to the QS which provides an estimate. In addition, the club pointed out that the QS included Design Contingency and now with design mostly complete a total of \$200,000 can be removed from the QS so the estimated construction estimate for the QS is \$2.4M.
- The club doesn't support a staged approach and if the project reverts back to a kitchen and toilet upgrade it is highly likely that the club funding and expertise will not be provided, leaving \$850,000 for the project.
- The club will be applying for the Building Permit in the next week via their architect who has advised all conditions have been met. They will then wait for Council to issue the permit.
- The club believe they have the ability to continue to generate funds towards the project through fundraisers and their members so are confident they will be able to contribute more funds towards the project.
- In response to the desktop OHS Project Management Plan review undertaken by a consultant on behalf of Council, the club are confident they can meet all requirements and need to wait for the contract to be signed to provide the required information.

In relation to the above, it should be noted that if the project reverted back to the scope on which the confirmed funding was provided (kitchen and toilets upgrade) that \$850,000 would comfortably fund these works, which aligns with the priorities and commitments in the Sports Facility Development Plan.

Council received further information from the Keilor Sports Club via email on April 9, which included:

- A fixed price quote and signed contract from Insuraplex P/L for a project cost of \$1,823,080.
- A letter from Insuraplex P/L that outlined their experience in delivering projects at all levels of Government
- A proposed project budget of:
 - \$700,000 State Government
 - \$700,000 Brimbank City Council

- \$423,000 Keilor Sports Club
- In addition to the above the club outlined that the three sports clubs under the Keilor Sports Club could provide an additional \$200,000 in the event of any unforeseen costs the builder could justifiably claim.
- The club has a Deed in place with club members to provide up to \$650,000 on a loan basis but believe, given the costings in the contract, it is highly unlikely the Deed will need to be drawn on.

The club believes the above provides Council with an opportunity devoid of commercial risk to upgrade a Council asset in 2024/25 and add circa \$2M to the asset value at a cost of \$700,000. At this point in time a financial check has not been completed on Insuraplex P/L to confirm they are in a sound financial position to deliver the project successfully.

It should be noted the additional legal and club consultation information above only addresses two of several concerns raised by council officers in relation to this project, with the following information from the March Council Meeting being re-presented to Council with further officer commentary to ensure all relevant information on this matter is considered.

Alignment with Council's Sports Facility Development Plan 2023

The proposed expansion of the Keilor Sports Club Social Club rooms does not align with projects identified and prioritised above this project listed within Council's adopted Sports Facility Development Plan (SFDP) 2023. The SFDP is Council's strategic plan that informs Council's Annual Budget and Long-Term Financial Plan in relation to upgrading and improving sports facilities throughout Brimbank.

The SFDP, adopted in October 2023, assessed the needs of the community and current condition of all sports facilities within the municipality to produce a priority order listing of projects for consideration through Council's annual budget process. The kitchen upgrade for this building has been prioritised highly within the SFDP, however the social room upgrade and related works which would be considered as part of a pavilion redevelopment project is identified as a low priority within the SFDP and is number 23 on the list. In order to provide further funding to this project, a reallocation of funding from a higher priority project within the SFDP would be required in the draft 2024/25 Capital Works Program which is likely to lead to complaints from the sports clubs negatively impacted by the decision.

There is no change to the advice above following further consultation with the club.

Available budget

Previously the Keilor Sports Club have advised income of \$1.45M is committed to the project from the following income sources as detailed in Table 1.

Table 1: Income sources

Item	Funding Source	Amount
Towards upgrade of the kitchen and toilets	Victorian State Government	\$700,000
Kitchen upgrade	Brimbank City Council through 2023/24 Council budget	\$150,000
Total project	Keilor Sports Club and Melbourne Airport Sponsorship	\$400,000

Total project	Keilor Football & Cricket Clubs contribution	\$200,000
TOTAL		\$1.45M

The club have advised that they have access to \$650,000 additional funds from club members and sponsors(guarantors) through repayable loans detailed in a legal Deed. If these repayable loan funds are included, the above provides a total budget of \$2.10M for the clubs proposed project.

From additional consultation with the club following the March Council meeting the club on April 9 provided a fixed price quote and signed contract with Insuraplex for the project cost of \$1,823,080. The club are proposing the following budget:

Funding Source	Amount
Victorian State Government	\$700,000
Brimbank City Council	\$700,000
Keilor Sports Club	\$423,000
TOTAL	\$1.823M

In addition to the above the three sports clubs under the Keilor Sports Club could provide an additional \$200,000 in the event of any unforeseen costs which the builder could justifiably claim. The club has a Deed in place with club members to provide up to \$650,000 on a loan basis but believe given the costings in the contract it is highly unlikely the Deed will need to be drawn on.

The club believe they have the ability to continue to generate funds towards the project through fundraisers and their members so are confident they will be able to contribute more funds towards the project if required. While Council Officers believe the club may be able to generate additional funds, the amount is unknown so there is still a risk for Council to consider around the available budget.

In relation to the \$700,000 election commitment, which is being managed by Sport & Recreation Victoria (SRV), Council Officers understand the club have submitted information for consideration which is currently being assessed by SRV. This information needs to meet all SRV requirements prior to funding being released. SRV requires evidence of all confirmed funding to deliver a proposed project scope, inclusive of a 10% contingency, prior to seeking Ministerial approval for a project. The club are awaiting feedback from SRV on any further information or clarifications in relation to the information they have provided.

A further consideration for Council is that the additional \$550,000 requested for the Keilor Sports Club Social Room Extension is not in Council's draft 24/25 Capital Works Budget as it is not a priority in the Sports Facility Development Plan. As such, if the decision is made to fund this project, Council will need to remove other sports capital works projects from 2024/25 to the total of \$550,000, which will not be received well by the sports clubs at facilities that have high priority projects postponed.

Clarification that the project can be delivered within the available budget.

Previously issues were identified with the 2023 QS of \$2.6M including that it did not include items such as a 10% contingency and price escalation. Discussions with the club at the March 26 meeting reduce this figure to \$2.4M as it included \$200,000 for design contingency, with design now almost complete. At this meeting, the club advised they expected a fixed cost quote in the first week of May, which would provide the actual cost for the project.

On April 9, the club emailed Council a fixed priced quote and signing contract for a final project price of \$1,823,080. They also provided the proposed budget for the project, which included \$700,000 from Council. The provision of a fixed price quote and signed contract that matches the available budget, should Council provide the additional \$550,000, now results in the project being able to be delivered within the available budget, subject to Council providing the additional funds. The further protection of the \$200,000 available from the sports clubs under Keilor Sports Clubs and up to \$650,000 from club guarantors may provide additional protection for Council should the project face unplanned expenditure while under construction. Should the project face significant issues there could still be a significant risk to Council of unfinished works to a Council asset and either the asset being compromised, or Council being required to fund and complete the works to ensure safety and amenity of the site. There is also high reputational risk for Council if the project is left incomplete or delivered to a poor standard.

Procurement

The original advice from Sport and Recreation Victoria (SRV) was that the funding agreement for the State Government funding of \$700,000 had to be with Council, meaning that Council would need to financially manage and be responsible for the project which the club proposes to deliver. More recently it has been confirmed by SRV that the funding agreement for the State Government funding will be directly with the club.

The club have decided on a builder that has not been subject to a competitive process, however the builder is required to provide both Council and SRV the appropriate documentation to adhere to Council's Town Planning, OHS and ESD requirements as per the conditions of Council's Community Facilities Capital Development Major Policy.

Council's Procurement Policy would require such works at the estimated cost to be procured through a public tender process. Public tendering enables Council to achieve value for money and quality in the acquisition of goods, services and works; achieve compliance with relevant legislative requirements; achieve high standards of probity, transparency, accountability and risk management; prioritise where practical the procurement of environmentally responsible, locally sourced and socially responsible goods and services.

There is no change to the advice above following further consultation with the club.

Project Supervision/ Risk Management Plan

If the project commences, it is proposed that Council would supervise the project delivery, ensuring that works are completed to the required standard and the funding agreement hold points are met satisfactorily. Council has supervised sports clubs' works on smaller-scale constructions like cricket nets or score boards. This is not an approach Council has undertaken previously on larger scale construction delivered by Clubs due to the inherent risks.

Should the project proceed Council would be requesting the club develop a risk management plan which would be required under the funding agreement and to be

approved by Council officers. In addition, in line with previous club delivered projects on Council owned land, Council would engage a consultant to perform Site Safety Audits and desktop OHS Project Management Plan reviews. These reviews would assess the principal contractors project planning compliance with relevant sections of OHS related legislation and OHS best practice. Since the March Council Report, the OHS Project Management Plan review has been undertaken and only identified minor non-conformances identified. The results have been sent to the club, who are confident that they can meet all requirements and need to wait for the contract to be signed to address the minor non-conformances.

Final Project Staging

Through the detailed design process the club has confirmed that they would not intend to stage the project instead delivering the project as a whole. This approach is a potential risk if the project runs over budget and the social room works cannot be completed resulting in the building being unavailable until further funding is found to finish the project. During construction the club would be responsible for ensuring that club competition can continue throughout the duration of works and have arranged with the adjacent bowling club to ensure that club operations can continue. The club confirmed this stance in the follow up consultation outlining that if the project reverts back to a kitchen and toilet upgrade it is highly likely that the club funding and expertise will not be provided and there would only be SRV and Council funds (\$850,000). This approach is consistent with other capital works projects and how Council usually delivers capital works projects.

Proposed legal agreement with the Club

Should the project proceed as proposed by the Club, the SRV funding agreement will be directly with the club which eliminates significant risk to Council including the need to consider breaching its Procurement Policy, underwrite the project and cover any additional costs. Subject to Council endorsing the clubs proposal and allocating funding for the social room redevelopment, Council would enter into a funding agreement with the club for the allocated \$150,000 Council funding, and additional \$550,000 if decided by Council, which outlines Councils financial contribution, Councils relationship with the guarantors, the key milestones to obtain the funding and hold points to ensure the project is being completed to the required standards. This agreement would need to be aligned with the SRV agreement. A further Deed between Council and any club project guarantors would be required to protect Council further.

Setting of precedent

Proceeding with the funding of a project outside the priority order in the SFDP is likely to damage Council's reputation with sporting clubs in applying its adopted strategic approach to improving and delivering sports facilities in Brimbank, and could encourage other sports clubs to appeal to Council to go against adopted strategy.

Options A (Recommended)

Council does not proceed with allocating \$550,000 for the expansion of the Keilor Sports Club social club rooms. This is on the basis that Council's in principle support at the June 2023 Ordinary Council Meeting was subject to a number of considerations which have not been able to be satisfied through further detailed investigations. Council continues to work with the Keilor Sports Club to plan the delivery of the currently funded upgrades to the kitchen and toilets at Keilor Sports Club.

Option B (Not recommended)

Proceed with allocating \$550,000 to the Keilor Sports Club via a funding agreement for expansion of the social club rooms noting the project is not a priority in the Sports Facility Development Plan 2023; the project presents significant financial, residual and reputational risk due to the uncertainty of the accurate costs and budget to deliver the

project and the unorthodox approach of the Club managing the construction project and being outside Council's Procurement Policy. Noting officers would need to budget in the order \$550,000 for this work in 2024/25 and this would require an amendment to the draft 2024/25 Capital Works Program at the expense of other projects currently listed in the draft 2024/25 Capital Works Program. If this option is preferred it is recommended that additional protections to Council should be obtained through bank guarantees with guarantors.

Community Engagement

As a Council facility, Council would play a role with the Club in continuing community engagement on matters related to the facility. Additionally, if the decision is made by Council to provide the funding of \$550,000, then ongoing engagement with other local sports clubs will be necessary in terms of their expectations on Council delivering on the priorities of the Sports Facility Development Plan 2023.

Resource And Risk Implications

Council has committed \$150,000 to date. If Council decides to commit to an additional \$550,000 funding this would require an amendment to the draft 2024/25 Capital Works Program at the expense of other projects currently listed in the draft 2024/25 Capital Works Program.

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

- Yes - The risk to Council and the community is the club proceeds with building and does not have sufficient funds to deliver the project resulting in the loss of the asset until the club has the funds to complete the job. The club have various strategies in place to minimise this risk. Alternatively, through the club and others funding the majority of the project, the community will benefit from enhanced facilities at a reduced cost to Council.

Financial: significant financial impacts

- Yes - While financial risks to Council exist with this club proposed project, Council is protected through the SRV funding agreement being directly with the club, the club being fully responsible for any cost overruns and the club's advice that should \$700,000 be provided from Council they will not seek any further Council contributions.

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

- Yes - All Regulatory implications will be managed by the club as outlined in the proposed funding agreement with Council.

Safety: health, safety or duty of care impacts

- Yes - The safety impacts will be managed by the club and their appointed builder, overseen by Council and reviewed by qualified consultants appointed by Council.

There are no Environmental risks.

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

- Growing and Transforming - Optimise community opportunities through infrastructure innovation and investment.

This report complies with Council Plan 2021 -2025.

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 Maria Kerr

That Council:

- Provides the Keilor Sports Club with funding of \$550,000 in 2024/25 in line with the in-principle support resolved at the June 2023 Ordinary Council Meeting for the club's proposed expansion of the Keilor Sports Club Social Rooms, subject to the club-appointed builder successfully completing a Corporate Score Card Report.**
- Requires Keilor Sports Club guarantors to provide Council with bank guarantees prior to the commencement of construction for the \$650,000 committed to the project, should it be required.**

CARRIED

Cr Maria Kerr called for a division.

For: Cr Victoria Borg, Cr Thuy Dang, Cr Sam David, Cr Maia Kerr, Cr Bruce Lancashire, Cr Thomas O'Reilly, Cr Jae Papalia and Cr Virginia Tachos.

Against: Cr Sarah Branton and Cr Jasmine Nguyen.

Abstained: Nil.

CARRIED

12.4**Directorate****Director****Manager****Attachment(s)****Planning Activity Update and Delegate Decisions and Planning Scheme Amendments Update - March 2024**

City Futures

Kelvin Walsh

Kristen Gilbert and Leanne Deans

1. Delegated Planning Permit Decisions - March 2024 [12.4.1 - 21 pages]
2. Graphical Representation of the Data from the Last Three Years [12.4.2 - 3 pages]
3. Planning Scheme Amendment Status Summary - March 2024 [12.4.3 - 4 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 March 2024 regarding planning permit applications and other matters
- The status of current Planning Scheme Amendments at 31 March 2024.

Officer Recommendation

That Council:

- a. Notes the Planning Activity Update and Delegate Decisions – March 2024 report, and Delegated Planning Permit Decisions, at Attachment 1 to this report.
- b. Notes the Planning Scheme Amendment Summary – March 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

25 planning determinations and 22 subdivision determinations were made under delegated authority in March 2024. 48 new planning permit applications were received in March 2024. The value of development for these 48 applications is \$23.6 million.

A list of the planning applications determined under delegation from Council during March 2024 is at **Attachment 1**.

	March 2024	Previous month (February 2024)	Monthly average for past 12 months	March 2023
Applications Received	48	46	64	79
Planning Permit Approvals	28	54	68	65
Notice of Decision to Grant a Permit	5	4	6	5
Refusal to Grant a Planning Permit	1	2	2	1
Subdivision Approvals	22	28	23	27
Cost of development for new applications (millions)	\$24.7	\$17.3	\$43.4	\$76.3

One planning appeal was determined by the Victorian Civil and Administrative Tribunal (VCAT) in this period:

- A consent order was reached between the parties for an appeal against non-determination of the application within the prescribed time for the use and development of the land for an indoor recreation facility within a Melbourne Airport

Environs Overlay Schedule 1 and erection and display of associated signage (P407/2022)

- An appeal against a delegated decision to refuse to grant a planning permit for use and development of the land for warehouses and storage in a Land Subject to Inundation Overlay and removal of native vegetation in an Environmental Significance Overlay Schedule 6 was successful, with VCAT ordering that a planning permit be issued (P371/2020 for 275 – 293 St Albans Road, St Albans).

At the end of this period there were five appeals lodged at VCAT that had not yet been determined. This is six less than at the end of March 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.

At the Council Meeting held on the 19 March 2024 Council resolved to abandon Amendment C214brim to the Brimbank Planning Scheme. Amendment C214brim proposed to introduce the Development Contributions Plan 2022 by updating the Development Contributions Plan Overlay (Schedule 2) in the Brimbank Planning Scheme.

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 Victoria Borg

That Council:

- Notes the Planning Activity Update and Delegate Decisions – March 2024 report, and Delegated Planning Permit Decisions, at Attachment 1 to this report.**
- Notes the Planning Scheme Amendment Summary – March 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

12.5	Planning Compliance Activity Update - 1 January to 31 March 2024
Directorate	City Futures
Director	Kelvin Walsh
Manager	Kristen Gilbert
Attachment(s)	1. Service Requests Received and PINS Issued - 1 January to 31 March 2024 [12.5.1 - 1 page] 2. Location of Requests for Services Received - 1 January to 31 March 2024 [12.5.2 - 1 page]

Purpose

For Council to note the Planning Compliance Activity Update for the period 1 January to 31 March 2024.

Officer Recommendation

That Council notes the Planning Compliance Activity update for the period of 1 January to 31 March 2024.

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 January – 31 March 24	105	109	180	24	13
Year to Date 1 July – 31 March 24	329	458	180	78	13

Council's Planning Compliance Unit received 105 new requests for service between 1 January and 31 March 2024. The number of requests received was higher than the previous quarter when 92 requests were received. There were 109 requests resolved by officers during the quarter.

The most common requests received related to contravention of planning permit conditions, which accounted for 24 percent of the total requests. These requests were located across the municipality, with the majority being in the central and eastern areas.

Home based businesses were next, being 21 percent of total requests, and uses without a planning permit being 15 percent of the most common requests received.

Other requests for service related to signage. Information on the number of service requests received and Planning Infringement Notices issued is in **Attachment 1**.

A location map of requests received is in **Attachment 2**.

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 (the Act) 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 Sam David

That Council notes the Planning Compliance Activity update for the period of 1 January to 31 March 2024.

CARRIED

12.6**Directorate****Director****Manager****Attachment(s)****Application to Amend Planning Permit P772/2014 for 697-703 Ballarat Road, Ardeer**

City Futures

Kelvin Walsh

Kristen Gilbert

1. Zoning Map [**12.6.1** - 1 page]
2. Aerial Photo [**12.6.2** - 1 page]
3. Acoustic Report [**12.6.3** - 8 pages]
4. Detailed Assessment [**12.6.4** - 7 pages]
5. Proposed Conditions [**12.6.5** - 6 pages]

Purpose

To provide Council with an assessment of an application to amend Planning Permit P772/2014 for use and development of the land for a child care centre and creation of access to a main road at 697 – 703 Ballarat Road, Ardeer, against the Brimbank Planning Scheme.

Officer Recommendation

That Council issues a Notice of Decision to Amend Planning Permit P772/2014 for use and development of the land for a child care centre and creation of access to a Road Zone Category 1 at 697 – 703 Ballarat Road, Ardeer, subject to the conditions at Attachment 5 to this report.

Background

The subject site is located on the southern side of the Ballarat Road service road in Ardeer, east of the intersection with Chatsworth Avenue (refer to **Attachments 1 and 2**). The site is irregular in shape, generally flat and has a total site area of 2,215 square metres. The site adjoins residential properties to the south, east and west. A child care centre currently operates on the site.

The original planning application for this child care centre received eight (8) objections when it was advertised, with issues raised by the objectors relating to overlooking, noise and traffic and parking concerns. The application was considered at the Council Meeting on 10 March 2015 where it was resolved to issue a Notice of Decision to Grant a Planning Permit. As no appeals were lodged against this decision, the planning permit was subsequently issued on 13 April 2015.

The child care centre was constructed in 2019/2020 and commenced operation around July 2021.

Planning Permit P772/2014 allows the centre to operate from 7am to 7pm Monday to Friday and includes a condition which prevents children from using the outdoor play areas before 9am and after 5pm. This application seeks approval to amend the permit to change the hours of operation to 6.30am to 6.30pm and to delete condition 15(b) which prevents children from using the outdoor play areas before 9am and after 5pm.

The application is coming before Council for consideration because the previous decision was made at a Council Meeting and the current proposal is seeking to vary that decision.

Matters for Consideration

The site and the surrounding land to the south, east and west are located within the General Residential Zone Schedule 1. The outdoor area of the child care centre abuts the secluded private open space areas of five adjoining residential properties and the car park for the child care centre abuts three adjoining properties.

An acoustic report was submitted with the application, assessing the noise impact of earlier drop-offs of children and arrival of staff. The acoustic report is contained at **Attachment 3**. The acoustic report concluded that there would be no material change in surrounding noise amenity if the centre opened at 6.30am instead of 7am due to the noise already created by traffic on Ballarat Road.

Whilst the acoustic report did not consider the proposal to remove the condition that restricts children from playing outdoors before 9am and after 5pm, this was the aspect of the proposal that resulted in an objection being lodged. Following consideration of the objection, the applicant advised that they were happy to have this condition amended to restrict outdoor play before 8am instead.

A detailed assessment of the application against the provisions of the Brimbank Planning Scheme is contained at **Attachment 4** to this report. The detailed assessment indicates that there is policy support for this proposed amendment and that it will not have an adverse impact on the surrounding properties. It is recommended that the application to amend the permit be approved subject to the conditions at **Attachment 5** to this report.

Community Engagement

Notice of the application to amend the permit was given in accordance with the notice requirements of section 52(1)(a) and (d) of the Act in February 2024. At the end of the notification process, one objection had been received.

The objection raised concerns about noise disturbance associated with the removal of the condition that restricts outdoor playtimes before 9am. The objector suggested that outdoor playtimes should commence no earlier than 8am.

One letter of support was also received during public notification. It welcomed the proposal to remove restrictions to outdoor playtimes, especially in the morning hours.

A response to these submissions is in the detailed assessment at **Attachment 4** to this report.

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 Jasmine Nguyen/Seconded Cr Bruce Lancashire

That Council issues a Notice of Decision to Amend Planning Permit P772/2014 for use and development of the land for a child care centre and creation of access to a Road Zone Category 1 at 697 – 703 Ballarat Road, Ardeer, subject to the conditions at Attachment 5 to this report.

CARRIED

Cr Thomas O'Reilly having declared a conflict of interest in relation to Report 12.7, left the meeting at 8.22pm.

12.7	Final Draft Brimbank Housing and Neighbourhood Character Strategy - Adoption
Directorate	City Futures
Director	Kelvin Walsh
Manager	Leanne Deans
Attachment(s)	1. Draft Brimbank Housing and Neighbourhood Character Strategy - Officer Consideration of Submissions Received [12.7.1 - 33 pages] 2. Final Draft Brimbank Housing and Neighbourhood Character Strategy [12.7.2 - 109 pages] 3. Final Draft Brimbank Housing and Neighbourhood Character Strategy - Appendices [12.7.3 - 43 pages] 4. Final Draft Brimbank Housing and Neighbourhood Character Background Report [12.7.4 - 141 pages] 5. Final Draft Brimbank Housing and Neighbourhood Character Background Report - Appendices [12.7.5 - 132 pages]

Purpose

For Council to consider the Final Draft Brimbank Housing and Neighbourhood Character Strategy and Appendices (Final Draft Strategy), shown at **Attachments 2 and 3** and Final Draft Brimbank Housing and Neighbourhood Character Background Report and Appendices (Final Draft Background Report), shown at **Attachments 4 and 5** for adoption.

Officer Recommendation

That Council:

- a. Notes the Summary of Submissions Report in relation to the Draft Brimbank Housing and Neighbourhood Character Strategy, shown at Attachment 1.
- b. Adopts the Final Draft Brimbank Housing and Neighbourhood Character Strategy and Appendices shown at Attachments 2 and 3, and the Final Draft Brimbank Housing and Neighbourhood Character Background Report and Appendices, shown at Attachments 4 and 5.
- c. Writes to submitters to the Draft Brimbank Housing and Neighbourhood Character Strategy thanking them for their submission and advising of Council's decision.

Background

At the Council Meeting on 17 October 2023, Council endorsed the Draft Strategy for an eight-week community consultation and resolved to receive a further report:

- outlining all submissions made about the Draft Strategy
- presenting the Final Draft Strategy and Final Draft Background Report for consideration.

The Final Draft Strategy is an integrated plan for housing and neighbourhood character that sets out how Brimbank can meet housing need over the next 20 years through a framework that provides a broad mix of housing in the most suitable locations. It is informed by the Final Draft Background Report, which outlines Brimbank's residential context, analyses housing opportunities and constraints, and presents emerging neighbourhood character precincts.

The Final Draft Strategy is structured around five themes and includes an implementation plan with an associated action plan. The five themes are growth, character, diversity, amenity and sustainability. The Final Draft Strategy has been prepared to:

- support growth and enhance liveability
- respect and celebrate neighbourhood character and facilitate high quality new development that contributes positively to the public realm
- enhance housing diversity to meet changing community needs and respond to an urgent need for more affordable housing
- manage potential amenity conflicts between residential and other incompatible land uses
- improve the sustainability and climate resilience of new housing development.

Matters for Consideration

Options

The following options are available to Council and the officer recommendation is Option A.

Option A

Adopt the Final Draft Strategy shown at **Attachments 2 and 3** and Final Draft Background Report shown at **Attachments 4 and 5**, including changes informed by community feedback, as recommended in the Summary of Submissions Report shown at **Attachment 1**.

Option B

Adopt the Final Draft Strategy and Final Draft Background Report with different changes to those recommended in the Summary of Submissions Report shown at **Attachment 1**.

Option C

Defer a decision about the Final Draft Strategy and Final Draft Background Report, pending further work.

Analysis

Council received 33 submissions from a wide range of stakeholders that comprise residents, resident groups, a major landholder, a non-profit organisation, local developers, Melbourne Airport, Development Victoria and WorkSafe Victoria.

The key issues that emerged from the submissions outlined in **Attachment 1** are:

Key Issue	Per Cent of Submissions
Support protecting heritage and character	30
Support higher density developments	30
Want more action on tree coverage / protection, sustainability, climate change	21

Want more action on housing affordability and diversity	15
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The feedback has informed suggested changes to the Draft Strategy, which are incorporated into the Final Draft Strategy at **Attachments 2 and 3**. These changes can be summarised as follows:

- Acknowledging the heritage significance of the H. V. McKay Estate in Albion.
- Making changes to the description of the H.V. McKay Estate Street layout to emphasise that the streets radiate out from the eastern half of Selwyn Park.
- Updating aircraft noise related content including labelling and mapping.
- Adding commentary to clarify that Council would continue to use the existing Melbourne Airport Environs Overlay (MAEO), which is based on the 2018 Australian Noise Exposure Forecast (ANEF) contour, as a constraint because it is the MAEO that triggers the need for a planning permit to develop a dwelling and the overlay contains restrictions on subdivision.
- Removing the River Valley Estate from the housing change and character maps to avoid inconsistent strategic direction on the basis that the site already has an approved development plan that provides for a higher density of residential development.
- Adding a note to indicate that the balance of Development Victoria's land in Cairnlea (26S Glenbrook Avenue and 147 Cairnlea Drive, Cairnlea), which is located outside the inner and outer safety areas (Major Hazard Facility buffer) for the Hexion Major Hazard Facility, has the potential to be in an increased change area.
- Updating the Residential Development Framework to ensure all areas in a Major Hazard Facility buffer are designated for minimal change.
- Including more detailed information from Worksafe about Major Hazard Facilities and the associated risks and potential effects.
- Provide a simple overview about the intent of the Final Draft Strategy through inclusion of a two-page summary, including the proposed residential zoning map and information about the new residential zone schedules.

Council officers have also included the following changes in the Final Draft Strategy to align with the *Victoria's Housing Statement 2024-2034*, which was released after the Draft Strategy was prepared, including:

- Adding a note to indicate that the Final Draft Strategy supports the 'Future Homes' initiative on the basis that the areas designated for increased or significant change are informed by a similar methodology.
- Changing references to granny flats and dependent person units, given they are now redundant terms and are now referred to as small second dwellings.

In consultation with the Department of Transport and Planning, the Residential Development Framework has been further refined to ensure no two housing change categories have the same proposed residential zone schedules. This update means additional residential zone schedules that apply to minimal change areas are needed. Also, officers propose to retain existing private open space requirements in all schedules that apply to minimal change areas, including interface areas, to differentiate these schedules from other change areas.

Council officers have included the following editorial changes in the Final Draft Strategy:

- Updating and contextualising photos with short captions.
- Minor edits to maps and other content.

Consequential updates have also been incorporated into the Final Draft Background Report to align with the Final Draft Strategy including:

- Adding commentary about the Housing Australia Future Fund initiative.

- Adding a note about WorkSafe Victoria's request to refer to its Land Use Planning guidance on their website.
- Updating the planning/building approval requirements for a single dwelling on a lot between 300 and 500 square metres, following the change introduced by the *Victoria's Housing Statement 2024-2034* that has been implemented into the Victoria Planning Provisions via relevant residential zones.

Implementation

If Council decides to adopt the Final Draft Strategy and Final Draft Background Report, a planning scheme amendment will be required to implement relevant strategic policy objectives into the Brimbank Planning Scheme.

Subject to a decision to adopt, Council officers will prepare planning scheme amendment documentation, which will be presented to a future Council Meeting for a decision about whether to request the Minister for Planning to prepare and exhibit the planning scheme amendment. The amendment documentation is proposed to be drafted using the new format planning scheme. This would include:

- Updates to and new residential zone schedules (with tailored objectives and built form requirements) and associated updates to zoning maps.
- Updated local policy content to include new housing policy provisions.
- Updates to the list of background documents to include the Final Draft Strategy, Final Draft Background Report and other associated documents.
- Explanatory Report and other documentation required by the Department of Transport and Planning.
- Confirmation of consultation with relevant authorities including Department of Transport and Planning officers and referral authorities required under Ministerial Directions.

Community Engagement

Council conducted community consultation about the Draft Strategy from 18 October to 13 December 2023, seeking feedback about what respondents liked and if there was anything that could be improved.

Consultation activities included:

- Six drop-in sessions across Brimbank in Council's libraries where the community could view the Draft Strategy and associated documents and discuss or seek further information with attending Council officers.
- Two webinars were proposed during the consultation period; however, they were not required due to only one registration, which involved a meeting with officers instead.
- A local developer forum on 29 November 2023, with invitations sent to 55 stakeholders of which six attended. The purpose of the forum was to hear what local developers thought about the proposed location of new residential zones, and new preferred design and neighbourhood character objectives.
- The Draft Strategy and associated documents (including translated information in Vietnamese, Greek Tagalog and Punjabi) were available on Council's Your Say website, which attracted 717 visitors and 1,513 views. Community engagement also occurred via social media, with over 1,300 views on Facebook.

- Submitters to the Draft Strategy were invited to present their submission to a Planning Forum on 12 March 2024. Six submitters accepted the invitation to speak at the Forum of which five attended.

Consultation on the Draft Strategy was led by Council's Strategic Planning Unit, with support from City Planning officers. Support was also provided by the Project Working Group and Project Control Group comprising membership from Council departments and units including City Strategy, City Planning, Urban Design, Engineering and Infrastructure Services, Social Policy and Research, and Leisure and Facilities.

In addition to broad community engagement, consultation has also involved the Brimbank Community Voice, the Social Justice Coalition, the development sector, the Department of Transport and Planning, Melbourne Airport, Development Victoria and WorkSafe Victoria.

Resource And Risk Implications

Resource requirements for the preparation of the Final Draft Strategy and Final Draft Background Report have been met within the Annual Budget 2023/2024.

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

- Yes – subject to a Council decision, the Final Draft Strategy will have implications for how residential land can be developed in the future. This will be of interest to the community, may be politically sensitive and therefore likely to have customer service impacts during any future planning scheme amendment period.

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

- Yes – the Final Draft Strategy seeks to enhance sustainability through improved planning and residential development guidance.

Financial: significant financial impacts

- Yes – subject to a Council Decision, a planning scheme amendment will be required to implement key strategic policy objectives into the Brimbank Planning Scheme during which Council will need to notify by post every owner and occupier of a residential property in Brimbank to which the amendment will apply.

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

- Yes – subject to a Council decision, a planning scheme amendment will be required to implement key strategic policy objectives into the Brimbank Planning Scheme. Council would be bound by the procedural obligations associated with planning scheme amendments as established by the *Planning and Environment Act 1987*. This includes a requirement for authorisation and approval by the Minister for Planning.

Safety: health, safety or duty of care impacts

- Yes – the Final Draft Strategy seeks to minimise amenity impacts by limiting residential development in areas that are designated for minimal change due to the presence of one or more constraints such as aircraft noise, proximity to a major hazard facility or a significant landfill site.

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

- Growing and Transforming - Optimise community opportunities through infrastructure innovation and investment

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 the Brimbank Planning Scheme, the *Planning and Environment Act 1987*, Planning Practice Note 90: Planning for Housing (PPN90), and Planning Practice Note 91: Using the Residential Zones (PPN91).

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

Resolution

Moved Cr Victoria Borg/Seconded Cr Bruce Lancashire

That Council:

- Notes the Summary of Submissions Report in relation to the Draft Brimbank Housing and Neighbourhood Character Strategy, shown at Attachment 1.**
- Adopts the Final Draft Brimbank Housing and Neighbourhood Character Strategy and Appendices shown at Attachments 2 and 3, and the Final Draft Brimbank Housing and Neighbourhood Character Background Report and Appendices, shown at Attachments 4 and 5.**
- Writes to submitters to the Draft Brimbank Housing and Neighbourhood Character Strategy thanking them for their submission and advising of Council's decision.**

CARRIED

Cr Thomas O'Reilly returned to the meeting at 8.25pm

12.8	Impact and Mitigation of Aircraft Noise Inquiry Draft Submission
Directorate	City Futures
Director	Kelvin Walsh
Manager	Leanne Deans
Attachment(s)	1. Brimbank Council Submission to Parliamentary Inquiry into Impact and Mitigation of Aircraft Noise [12.8.1 - 72 pages]

Purpose

For Council to consider the draft Submission to the Commonwealth Rural and Regional Affairs and Transport References Committee Inquiry into the Impacts and Mitigation of Aircraft Noise, shown at **Attachment 1**.

Officer Recommendation

That Council:

- a. Notes and endorses the draft Submission to the Commonwealth Rural and Regional Affairs Transport References Committee Inquiry into the Impacts and Mitigation of Aircraft Noise, shown at Attachment 1.
- b. Submits the draft Submission on the Impacts and Mitigation of Aircraft Noise, shown at Attachment 1, to the Commonwealth Rural and Regional Affairs Transport References Committee.

Background

On 6 February 2024, the Commonwealth Rural and Regional Affairs Transport References Committee (the Committee) was referred an Inquiry into the Impacts and Mitigation of Aircraft Noise (the Inquiry).

The Inquiry is focussed on the impact and mitigation of aircraft noise on residents and business in capital cities and regional towns, particularly:

- the effect of aircraft noise on amenity, physical and mental wellbeing and everyday life of residents;
- the effect of aircraft noise on small business;
- any proposals for the mitigation and limitation of aircraft noise, including flight curfews, changes to flight paths and alternatives to air travel;
- any barriers to the mitigation and limitation of aircraft noise; and
- any other related matters.

Melbourne Airport is located within the City of Hume and just north of the Brimbank local government boundary. It has a substantial presence and interface with the Tullamarine and Keilor Park industrial precincts, the Brimbank Green Wedge area, as well as Brimbank's established residential areas including Keilor, Keilor Park, Taylors Lakes, St Albans, Sunshine North and Sunshine. These areas are impacted by the Melbourne Airport Environs Overlay (MAEO) and Australian Noise Exposure Forecast (ANEF) 20 and 25, with Keilor and Keilor Park also being impacted by the Public Safety Area. The

combined area of Brimbank impacted by the MAEO includes 3547 hectares and 23,750 dwellings. Neighbouring suburbs are also impacted by flight paths and N Contours.

Council has previously made submissions to State and Federal Governments relating to aviation and more specifically the impact Melbourne Airport has on the Brimbank community including to the:

- 2022 Draft Melbourne Airport Master Plan (2022)
- Preliminary Draft Major Development Plan for the Third Runway (2022)
- Aviation White Paper Terms of Reference (2023)
- Aviation Green Paper (2023).

The draft Submission to the Rural and Regional Affairs and Transport References Committee Inquiry into the Impacts and Mitigation of Aircraft Noise (draft Submission), is shown at **Attachment 1** and draws on previous submissions. The draft Submission also includes the Melbourne Airport Expansion Noise Health Risk Assessment prepared by Dr Lyn Denison from Tonkin & Taylor, that formed part of Council's submission to the 2022 Draft Melbourne Airport Master Plan and Preliminary Draft Major Development Plan for the Third Runway.

Matters for Consideration

Options

The following options are available to Council:

- a. Endorse the draft Submission to the Inquiry shown at **Attachment 1** and submit it to the Committee.
- b. Endorse the draft Submission to the Inquiry shown at **Attachment 1**, with changes and submit it to the Committee.
- c. Determine not to endorse the Submission to the Inquiry shown at **Attachment 1**, with no further action.

The officer recommendation is Option A. The Submission to the Inquiry aligns with previous advocacy in relation to Melbourne Airport and aviation related matters.

Analysis

The Inquiry creates an opportunity for Council to present evidence directly to the Committee on the extent that aircraft noise can impact the health and wellbeing of communities that surround airports.

Council acknowledges that aviation plays a significant role in supporting economic development, commerce and trade and the visitor economy at an international, state, regional and local level. Aviation can also provide the catalyst for infrastructure investment such as Melbourne Airport Rail, which if delivered, could support the transformation of parts of Brimbank. Notwithstanding, the expansion of the aviation sector cannot come at the expense of community health and wellbeing.

Key outcomes and recommendations that are highlighted in Council's draft Submission includes (but is not limited to):

- Undertaking a review of the aircraft noise system to minimise harm to human health and provide health impact guidance to protect community from aircraft noise. This should include the establishment of appropriate noise metrics that accord with health guidance established by WHO, and best practice noise

prevention and amelioration measures to address noise exceedances, including the establishment of a noise insulation program and compensation scheme.

- Requiring airports to prepare a Health Impact Assessment (HIA) for the development and expansion of runways as part of the Master Plan and MDP, that are assessed against WHO Noise Guidance; mandating that the HIA undergoes an independent and expert peer review to ensure its veracity; and requiring that the HIA and peer review are made available for public review as part of the statutory consultation.
- Providing clear guidance that requires mitigation and amelioration measures to adequately address noise exceedances beyond the WHO Noise Guidance, including setting out the range of options including, but not limited to - a federally funded noise insulation program, a noise curfew, voluntary property acquisition or other measures to ensure that the impacts are adequately addressed and minimised.
- Requiring a review of the current noise management system, including the composition and management of Aviation Community Consultation Groups, Airservices Australia noise complaints system and the purpose of Environmental Noise Units surrounding airports.
- Establishing a policy framework that outlines a compensation scheme for airport-impacted communities. This should be provided either by means of a noise amelioration program or to owners of dwellings and buildings accommodating sensitive land uses (i.e., schools, places of worship, childcare centres and hospitals) adversely affected by aircraft noise. Such a compensation scheme aligns with the legislated requirement under the Aircraft Noise Levy Act 1995 which aims to recover the costs incurred in providing noise amelioration programs to airport-impacted communities.
- Increase transparency including consideration for commissioning a third-party peer review of Airport Master Plans and runway Major Development Plans, particularly where there are impacts on the health and wellbeing of surrounding communities.
- Support for new technologies and innovation where they contribute to sustainability, increases employment and economic output and do not adversely affect the health and wellbeing of the community e.g. quieter engines.

Community Engagement

The Rural and Regional Affairs and Transport References Committee invited submissions to the Inquiry via the Parliament of Australia website, which are due by 30 April 2024.

Resource And Risk Implications

Resource requirements for the preparation of this submission have been met within the 2023/2024 Annual Plan.

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

- Yes - Council continues to advocate about the unreasonable and unacceptable health impacts of airport and aviation development on community, and for improved airport planning and greater transparency.

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

- Yes – The aviation sector contributes significantly to environmental impacts including the impacts of noise.

Financial: significant financial impacts

- Yes – There is likely to be financial impacts on airports if they are required to consider community health and wellbeing as part of their development and growth, and specifically if they are required to contribute to noise attenuation and compensation schemes. Conversely, the expansion of airports that results in greater noise impacts on residents may require in surrounding property to fund noise attenuation at their own cost if appropriate programs are not put in place.

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

- Yes – The legislative framework informing the airport planning needs to be strengthened to facilitate improved outcomes.

Safety: health, safety or duty of care impacts

- Yes – There are a range of safety matters that impact communities surrounding airports including those identified in the National Airports Safeguarding Framework and referenced in Victorian planning schemes.

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

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.

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. Notes and endorses the draft Submission to the Commonwealth Rural and Regional Affairs Transport References Committee Inquiry into the Impacts and Mitigation of Aircraft Noise, shown at Attachment 1.**
- b. Submits the draft Submission on the Impacts and Mitigation of Aircraft Noise, shown at Attachment 1, to the Commonwealth Rural and Regional Affairs Transport References Committee.**

CARRIED

12.9**Directorate****Director****Manager****Attachment(s)****Securing Victoria's Food Supply Inquiry Draft Submission**

City Futures

Kelvin Walsh

Leanne Deans

1. Brimbank Submission to Legislative Assembly Inquiry - Securing Victoria's Food Supply [**12.9.1** - 10 pages]

Purpose

For Council to consider the draft Submission to the Victorian Legislative Assembly Environment and Planning Committee inquiry into Securing Victoria's Food Supply (draft Submission), shown at **Attachment 1**.

Officer Recommendation

That Council:

- a. Notes and endorses the draft Submission to the Victorian Legislative Assembly Environment and Planning Committee inquiry into Securing Victoria's Food Supply, shown at Attachment 1.
- b. Submits the draft Submission into Securing Victoria's Food Supply, shown at Attachment 1 to the Legislative Assembly Environment and Planning Committee for their consideration.

Background

On 14 November 2023, the Victorian Legislative Assembly Environment and Planning Committee (the Committee) was referred an inquiry into securing Victoria's food supply (the Inquiry). The Inquiry is focussed on the peri-urban food system, which encompasses the production of food on the urban fringe, including:

- the impacts of urban sprawl and population growth on arable land and the farming industry in Victoria
- the use of planning controls to protect agricultural land in green wedge and peri-urban areas
- the resilience of the Victorian food system, including the production of food, its transportation and sale.

Brimbank contains land outside the Urban Growth Boundary that is used, in part, for agricultural purposes and forms the Brimbank portion of the Sunbury Green Wedge. The Brimbank Green Wedge Management Plan (BGWMP) was adopted by Council in 2010 and provides a vision and objectives for the Brimbank portion of the Sunbury Green Wedge. The BGWMP seeks to achieve sustainable land management and the protection of environmental, biodiversity, cultural heritage and scenic landscape values.

Council has previously made submissions to State Government consultations relating to land use planning within green wedge areas. In 2018 the Department of Environment, Land, Water and Planning (DELWP) now Department of Transport and Planning (DTP) commenced a review of existing policy and legislation in relation to Melbourne's Green Wedges and Agricultural Land. This included a Green Wedges and Agricultural Land Consultation Paper (GWALCP) that proposed planning system reforms to strengthen

planning protections for green wedge and peri urban areas. Council endorsed a submission in response to the GWALCP on 16 February 2021.

Council also endorsed a submission to the Final Draft Western Land Use Framework Plan (draft WLUPF) at the Council Meeting on the 19 October 2022. Direction 5 of the WLUPF seeks to ensure the protection of green wedges and is supported by a range of proposed strategies. In relation to the Brimbank Green Wedge, Council's submission highlighted its role in safeguarding Melbourne Airport and the need to identify viable future uses for the land. Council is yet to be advised about the outcomes of this consultation.

The draft Submission at **Attachment 1** draws on previous submissions, as well as more recently adopted State and regional policy related to green wedges and agricultural land. The Committee is expected to report its findings by 31 December 2024.

Matters for Consideration

Options

The following options are available to Council:

- a. Endorse the draft Submission to the Inquiry shown at **Attachment 1** and submit it to the Committee for their consideration.
- b. Endorse the draft Submission to the Inquiry shown at **Attachment 1** with changes and submit it to the Committee for their consideration, noting that submissions are due by Friday 26 April.
- c. Determine not to endorse the Submission to the Inquiry shown at **Attachment 1**, with no further action.

The officer recommendation is Option A. The Submission to the Inquiry aligns with previous submissions to the State Government in relation to the Brimbank portion of the Sunbury Green Wedge.

Analysis

The draft Submission responds to the Inquiry's Terms of Reference and focus areas. It identifies key issues impacting the viability of agriculture in Brimbanks' portion of the Sunbury Green Wedge, as identified in the BGWMP and Council's prior submission to the GWALP. The following is a summary of the key issues and recommendations highlighted in the draft Submission:

- Agricultural land in the Brimbank portion of the Sunbury Green Wedge is constrained by several factors, most notably reliable and affordable access to appropriately treated water for irrigation.
- This situation is likely to be exacerbated by the impacts of climate change, however, areas near Melbourne also could address these impacts if the State government invests in alternative water supplies such as captured stormwater run-off and recycled wastewater.
- There is a plethora of strategic documents and plans that in-part address agricultural production within 100km of Melbourne and sustainable water use (for a variety of urban, non-urban, environmental and cultural purposes). The relationship between these documents and coordination of actions should be prioritised to ensure planning and resourcing by all stakeholders is coordinated and efficient, and benefits are maximised.
- The State Government should adopt a regional/catchment area approach to strategic land use planning for green wedges and peri-urban land that assesses the relative importance and viability of agriculture across the catchment and recognises the 'Waterways of the West' as living entities and Traditional Owners

as their voices. This approach seeks to ensure that the importance of conservation values, habitat corridors, waterway health and landscape qualities in the Brimbank portion of the Sunbury Green Wedge are protected, as well as any viable opportunity for agriculture and recreational pursuits.

- Mapping of State or regional policy areas should be able to be interpreted at the local level to ensure clarity of recommendations.
- The State Government should 'close the loop' on previous consultation activities by publishing proposed actions related to policy reforms and regulation in green wedge and peri-urban areas. Actions should respond to issues identified through consultation and provide clarity and certainty to landowners and decision makers. It is also requested that Council is given the opportunity to review and comment on any draft changes to planning policy or land use planning controls.
- Previously proposed changes to planning policy at the urban-rural interface to encourage uses serving urban populations, such as schools or places of worship may create land use conflict with other aspirations for green wedges, such as agricultural production and conservation and landscape values. On this basis these types of uses should be carefully regulated with consideration to local conditions.
- The State Government should provide funding opportunities and support to landowners to encourage ongoing agricultural uses that are sustainable, innovative, productive and viable.
- In addition to water infrastructure projects the State Government also needs to prioritise road transport projects that will secure the safe and efficient transportation of food across the western region, such as improvements to the Calder Freeway. Council has been strongly advocating for improvements to the Calder Freeway and recently launched further advocacy on its 'Fix the Calder' campaign.

Implementation

Subject to Council's decision, the draft Submission shown at **Attachment 1** will be submitted to the Committee by Friday 26 April 2024.

Community Engagement

The Parliament of Victoria has advertised the Inquiry through various methods including its own website, social media and traditional media releases. A letter inviting Council to make a submission was sent to the Council's Chief Executive Officer.

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

- Yes - The draft Submission canvasses a range of issues that impact landowners, business operators, community groups, residents and visitors in the Brimbank portion of the Sunbury Green Wedge.

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

- Yes - The draft Submission recommends a range of further work by the State Government, including strategic land use planning activities and possible amendments to planning controls to protect and enhance opportunities for agricultural production in green wedges, as well as the protection of environmental systems and landscape values.

Financial: significant financial impacts

- No - The draft Submission will not have a significant financial impact to Council.

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

- Yes – The draft Submission proposes a number of options for the State Government to prepare, review or update the legislative and planning policy framework relating to Melbourne’s green wedges and agricultural land which could result in new statutory obligations for stakeholders including Council, landowners and planning permit applicants.

Safety: health, safety or duty of care impacts

- No – The draft submission will not have any health, safety or duty of care impacts to Council

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

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

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 aligns with the Brimbank Green Wedge Management Plan 2010 and Brimbank Sustainable Water Management Strategy 2013-2023.

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:

- Notes and endorses the draft Submission to the Victorian Legislative Assembly Environment and Planning Committee inquiry into Securing Victoria’s Food Supply, shown at Attachment 1.**
- Submits the draft Submission into Securing Victoria’s Food Supply, shown at Attachment 1 to the Legislative Assembly Environment and Planning Committee for their consideration.**

CARRIED

12.10	Approval of Borrowings
Directorate	Corporate Services
Director	Mark Stoermer
Manager	Andrew Brae
Attachment(s)	1. Addendum to the S5 Instrument of Delegation to the Chief Executive Officer Approval of Borrowings [12.10.1 - 1 page]

Purpose

For Council to consider authorising:

1. The Chief Executive Officer to sign loan documentation
2. The Chief Executive Officer and Mayor to sign and seal mortgage documentation, if required by the lender

To take up a \$6 million loan to finance the 2023/2024 capital works, on behalf of Council.

Officer Recommendation

That Council:

- a. Notes that the borrowings are in line with Council's adopted Financial Plan and Annual Budget.
- b. In the exercise of the power conferred by section 11(1) of the Local Government Act 2020, delegates to the Chief Executive Officer, and any Acting Chief Executive Officer, the power to authorise and execute loan documentation, for the value of \$6 million, to fund capital works projects carried out during 2023/2024, in accordance with the Addendum to the S5 Instrument of Delegation from Council to the Chief Executive Officer, at Attachment 1 to this report.
- c. Authorises the Chief Executive Officer and Mayor to sign and seal mortgage documentation, if required to secure the loan for the value of \$6 million, to fund capital works projects carried out during 2023/2024.

Background

In the 2023/2024 Annual Budget, Council made provision to borrow \$6 million to fund capital works projects being carried out during the financial year. The borrowings, together with other factors such as operating surplus and government grants, fund Council's capital works program. It is important that Council maintains a healthy level of capital works expenditure to ensure maintenance of existing infrastructure and building of new infrastructure to meet the changing needs of the community.

These borrowings are included in Council's adopted Financial Plan and approved as part of the annual budget process.

Matters for Consideration

Quotes for a loan amount of \$6 million will be sought from Australian banks. The terms of the loan sought will be:

- Amount: \$6 million
- Term: Fixed interest rate for 10 years
- Repayments: Principal and interest amortising over 10 years
- Take up date: Early May 2024

The banks will provide a borrowing rate and require Council to accept the loan and sign the loan documentation by 4pm on the day of the offer.

Brimbank City Council has also been approved by the Treasurer of Victoria to borrow funds under the local government lending framework from the Treasury Corporation of Victoria (TCV).

The Treasurer has approved the Council a total borrowing limit from TCV of \$103,767,000 (TCV Borrowing Limit), subject to a number of conditions including:

- A guarantee of 0.15 per cent per annum will be charged on Local Council Loan Scheme loans from TCV, which will be recovered by TCV on the State's behalf
- Security is required in the form of a charge over the Council's General Rates
- The Council will be required to maintain compliance against the following financial covenants:
 - Interest Cover Ratio not to be less than 2:1
 - Interest Cover Ratio = EBITDA: Interest Expense
 - Interest bearing loans and borrowings not exceeding 60 per cent of Own Source Revenue
 - Interest bearing liabilities / Own Source Revenue
 - Council's Ratios as per the 2023/24 budget:
 - Interest Cover Ratio 2.37
 - Interest Bearing loans and borrowings compared to own sourced revenue 39%

The TCV Borrowing Limit is based on a credit assessment of the Council by the Department of Treasury and Finance.

Community Engagement

Consultation with the community occurred through the 2023/2024 budget process.

Resource And Risk Implications

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

Financial: significant financial impacts

- Yes - Future interest and principal payments are included in the LTFP.

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 *Local Government Act 2020, Local Government (Planning & Reporting) Regulations 2014*.

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

Resolution**Moved Cr Maria Kerr/Seconded Cr Sam David****That Council:**

- a. Notes that the borrowings are in line with Council's adopted Financial Plan and Annual Budget.**
- b. In the exercise of the power conferred by section 11(1) of the Local Government Act 2020, delegates to the Chief Executive Officer, and any Acting Chief Executive Officer, the power to authorise and execute loan documentation, for the value of \$6 million, to fund capital works projects carried out during 2023/2024, in accordance with the Addendum to the S5 Instrument of Delegation from Council to the Chief Executive Officer, at Attachment 1 to this report.**
- c. Authorises the Chief Executive Officer and Mayor to sign and seal mortgage documentation, if required to secure the loan for the value of \$6 million, to fund capital works projects carried out during 2023/2024.**

CARRIED

12.11**Green Gully Reserve Northern Precinct Enhancement Plan Project Update****Directorate**

Infrastructure and City Services

Director

Chris Leivers

Manager

Dominic Di Martino

Attachment(s)

Nil

Purpose

For Council to consider an update on the Green Gully Reserve Northern Precinct Enhancement Plan.

Officer Recommendation

That Council:

- a. Notes the status update on Green Gully Reserve Northern Precinct Enhancement Plan.
- b. Notes that with rate capping, a growing asset base, increasing asset renewal obligation, various competing priorities for funding and broader ongoing financial challenges facing Council, and an ambitious agenda for Council to deliver assets that support community participation and broader wellbeing, investment in infrastructure must be directed into projects that deliver the greatest value for money and best community outcome;
- c. After considering the options available for development of the Green Gully site, and noting the known complexities and uncertainty about the ability to proceed, the uncertainty of the full costs to deliver the project at this site, and the relatively poor value for money represented by this project, determines not to proceed with the planned sports facilities at the site;
- d. Subject to the decision not to proceed with the planned sports facilities at the site, refers the site to the upcoming Creating Better Parks Open Space and Playground Policy and Plan update to determine the most suitable informal use of the site in future.

Background

Council's Sports Facility Development Plan 2023 (Sports Plan) identifies the sporting trends and sporting infrastructure needs of the Brimbank community, and establishes ways to provide people of all ages, abilities and gender, the opportunity to access and participate in a range of sporting activities. The Sports Plan identified that the current and future demand for sports facilities outweighs the current provision, with the community requiring a further seven soccer pitches, three AFL ovals and two rugby pitches by 2027. Council has been investing significantly in existing and new facilities to reduce this demand gap.

The Sports Plan includes a rolling program for the development of new sports facilities, with Green Gully Reserve the highest priority for a new sports ground and supporting infrastructure. To ensure the appropriate layout of required facilities in the vacant Northern Precinct of the Reserve, the Green Gully Reserve Northern Precinct Enhancement Plan (Enhancement Plan) was developed and subsequently adopted by

Council at the Council Meeting on 21 July 2020 following a six-week community consultation process on the Draft Enhancement Plan.

The adopted Enhancement Plan provides Council with a proposed site layout of Green Gully Reserve Northern Precinct (the Site) including the following facilities which are recommended to be included to provide additional sporting and recreational opportunities for the Brimbank community:

- Senior size oval to cater for numerous sports
- Multipurpose pavilion with two change rooms
- Sports lighting (100 lux)
- Coaches boxes
- High ball protection fencing
- Car parking (100 spaces)
- Picnic and playground area
- Pathway network
- Road extension (McRae Boulevard)

At the Council Meeting on 18 August 2020 Council considered a report on the Final Draft 2020/2021 Annual Budget, including the Capital Works Budget. The Capital Works Budget included an initial allocation of \$1.4M for the implementation of the Green Gully Reserve Northern Precinct Enhancement Plan Project (Project), to fund the commencement of detailed design and fund the procurement of native vegetation offsets required to progress the development of the sports facilities.

At the Council Meeting on 16 February 2021, Council received a report on the status of the implementation of the Project and noted Council's Chief Executive Officer, under delegation, had submitted an Application for a Ministerial Exemption for the procurement of native grass offset. In July 2021, Council received the Ministerial Exemption to enable Council officers to progress the procurement of the native grass offset and finalisation of Commonwealth and State Government approvals to enable development to proceed.

At the Council Meeting on 15 March 2022, Council received a report with an update on the implementation of the Green Gully Reserve Northern Precinct Enhancement Plan and in the exercise of the power conferred by section 11(1) of the Local Government Act 2020, delegated to the Chief Executive Officer, and any Acting Chief Executive Officer, the power to execute the agreement with Crichton Properties from Council to the Chief Executive Office, for the purchase of native grass offsets.

During concept design and due to increasing project costs and budget constraints, Green Gully Close access road, a secondary car park on the Green Gully Close access road and storm water harvesting system dam upgrade were removed from the scope of works (A full scope of works and costs can be found at **Attachment 1**).

Matters for Consideration

Brimbank, like all Victorian councils, have been subject to Rate Capping since 2016. This has had a cumulative impact at Brimbank of in the order of \$126M to date and will continue to impact the financial sustainability in future years. Brimbank Council also has a large asset base, a significant obligation to maintain and renew these assets and an ambitious agenda to continue to deliver assets that support community participation and support broader wellbeing. As such, it is critical that capital investments are well considered, and provide good value for money.

It is also important that Council fully understand both the cost of projects and any complexity that risks delivery of the project, cost increases, or both.

Recent developments relating to the Project have raised questions regarding the viability of the Green Gully Project, with Aboriginal artefacts being discovered; these will require further investigations to understand the full implications and the cost. The current cost estimate for the project is \$16,150,000, however due to the further cultural heritage investigations, and potential actions required, this could escalate to an estimate of \$17,700,000 or more, with the final upper amount unable to be confirmed.

Analysis

Native Grass

Council's consultant Ecology and Heritage Partners (EHP) have provided expertise and advice to assist with this specialist process.

An investigation by EHP consultants identified native vegetation that is protected as per the requirements of Commonwealth Government and Victorian State Government. The native vegetation is an endangered ecological community "Natural Temperate Grassland of the Victorian Volcanic Plain" (NTGVVP), protected under the Commonwealth *Environment Protection and Biodiversity Conservation Act (EPBC Act)* and the "Western (Basalt) Plains Grassland" ecological community, protected under the State Government *Flora and Fauna Guarantee Act 1998 (FFG Act – Victoria)*.

In cases where protected native grass is identified, the development can only proceed if it is 'offset' as per Commonwealth and State Government requirements. Given the limited native grass offset sites available i.e. only one suitable site identified to meet requirements, and the *Local Government Act 1989* procurement requirements for tendering of goods and services, a Ministerial Exemption was required to progress the procurement of native grass offset exempting tendering process. Based on this, Council's Chief Executive Officer, under delegation, submitted an Application for a Ministerial Exemption in November 2020.

In July 2021 Council was notified by the Minister for Local Government that the request to enter into a contract with landowners identified on the Department of Environment, Land, Water and Planning's (DELWP) Victorian Native Vegetation Credit Register, for the management and purchase of native vegetation offsets at Green Gully Reserve Northern Precinct in Keilor Downs, was successful.

Upon review of all parties, it was submitted to Commonwealth Department of Agriculture, Water and the Environment (DAWE) for review. After extensive reviews and two rounds of community consultation, the Preliminary Document and Offset Management Plan was finalised. During this process, a variation to the submission was submitted to omit Stage 2 of the development, as securing costly offsets at this stage was not viable.

The Planning Permit was approved August 2023, following over 12 months of extensive negotiations with Department of Energy, Environment and Climate Action (DEECA).

Until DEECA confirmed the scope of the native grass removal, detailed design for the precinct was unable to progress, as site design set out could not be confirmed.

Following Planning Permit approval, native grass offsets were required to address State Government requirements and were secured October 2023.

An agreement was formed with Crichton Properties Pty Ltd and DELWP which required Council to pay \$1.477 million for the purchase of native grass offsets.

Cultural Heritage

As part of the Project site is an 'area of cultural heritage sensitivity', Council undertook a CHMP, as part of a best practice approach and to mitigate potential risks to the project. If the project was undertaken without a CHMP it could risk damaging a cultural significant site; in addition, if any artefacts that were subsequently discovered during construction, the project would be required to immediately cease until those artefacts were recovered and appropriate approvals obtained, resulting in significant delays and costs to the Project.

An on-site archaeological investigation (standard & assessment) survey commenced October 2023, following the approved Planning Permit and approval for removal of the native grass. Artefacts were found during fieldwork, in four separate locations, in ground and on the surface, and as a result a further phase of archaeological fieldwork are required. Should additional Aboriginal cultural heritage items be discovered in the next phase of testing, further phases of excavation would be required until no further artefacts are found. The programming of the next phase of fieldwork can take months to secure in a booking.

Following the completion of the fieldwork, a meeting with the Registered Aboriginal Party (RAP) would be required to discuss the results and proposed management conditions. The RAP has long lead times for both fieldwork and meetings and this process could take up to 5 months.

If a Cultural Heritage Management Plan (CHMP) is undertaken to progress the planning for this project, on completion of the fieldwork a CHMP will be submitted for approval and proceed to register the Aboriginal Place(s), which can take up to nine months. For any salvage work undertaken, the Heritage Archaeologist is required to prepare a separate Salvage Report. If the Aboriginal Place/s discovered during this time cannot be protected from harm, salvage requirements may be required by the Registered Aboriginal Party.

Salvage would be endorsed during the CHMP process and would need to occur before any works could occur onsite. This process can add an additional 12 months to the project timeline, also resulting in significant costs. Council officers cannot confirm possible salvage costs at present because they do not know what the final size of each registered Place will be until after the fieldwork is complete, making the cost and timeframe uncertain.

Cost Analysis

To address budgetary considerations for this project, Council at the August 2022 Council Meeting endorsed extending the project timeline by an additional twelve months, with the revised completion date June 2025.

Financial Year	Allocated Budget	Expenditure
2020/2021	\$1,400,000.00	\$381,659.22
2021/2022	\$1,400,000.00	\$11,612.58
2022/2023	\$4,700,000.00	\$183,339.20
2023/2024	\$3,850,000.00	\$1,613,942.82
Total	\$9,950,000.00	\$2,190,553.82

The current Stage 1 Precinct Plan includes the development of one multipurpose ground, car parking, landscaping, footpath network and road access from McCrae Boulevard. The cost of this development is estimated to be \$16,150,000 (See **Attachment 2**). However, due to the cultural heritage of the site, could escalate to an estimate of \$17,700,000 or

more. Unfortunately, with the current level of site complexity and uncertainty, officers cannot provide an upper limit to the potential cost of the Project.

The Project has had only one confirmed potential funding opportunity, being Sport and Recreation Victoria's Local Sports Infrastructure Fund, with an application currently submitted for \$300,000. The Grant, whilst welcome, would cover only a very small portion of the project cost, if Council were successful with its application. This is also a highly competitive grant program with limited funding available, with the complexities around native grasses and cultural heritage likely to make this a less attractive project to fund. As such, the majority of not all funding for the project will be required from Council's Annual Capital Works budget. Given that costs are now significantly higher than anticipated when initially approved by Council, and with the upper limit currently unknown, Council would be required to reallocate funds in future years Capital Works Program for this Project, which would necessarily be at the expense of other high priority projects.

From a cost benefit perspective, if Council were to proceed with the Project, this investment will provide for one winter tenant and one summer tenant. Officers note an investment of this level (circa \$17M) at other sites identified in the Sports Facility Development Plan, could deliver 4-5 new sportsgrounds and provide significantly greater benefits for the community.

The new sportsground priority order (in the adopted Sports Development Plan) includes, Keilor Park Reserve, new synthetics in the South, outdoor netball courts, Sassella Park Pitch 1 Deer Park, Keilor Lodge Pitch 4 Taylors Lakes with an expected cost of \$15,000,000 to deliver all 5 facilities, which officers believe would benefit the wider Brimbank community.

The current Project site at Green Gully has no current infrastructure and requires a complete redevelopment; whereas the alternative priority sites identified in the Sports Facility Development Plan are project ready and do not have any significant overlays that would prevent future development.

Options

Option A (Recommended)

- A. Upon a thorough analysis and careful consideration, the Project does not proceed due to financial constraints and extensive feasibility issues, resulting in significant delays. Noting that there may be some future community use of the site, and that this future use can be referred to Council's Creating Better Parks Open Space and Playground Policy and Plan for consideration. Noting also however that the Design Development stage of this project is complete, and a cost plan has been developed, and Preliminary Contract Documentation has commenced (Architectural only), with base documentation created; this would provide the basis for the project to be revisited in future if deemed necessary and good value.

Option B (Not recommended)

- B. Proceed with planning for the Project, be undertaking the second phase of archaeological fieldwork, noting that should additional cultural heritage items be discovered, subsequent phases of excavation will be required, extending the process by at least 12-18 months or more and increasing costs. Noting also that if there is a discovery of critical artefacts, salvage treatments and recommendations would be made, which would impact construction commencement, which would be delayed until April 2025 or later; there is also

potential for these recommendations to have considerable impact on the ability to deliver the proposed Stage 2 in this precinct. If Council determined to proceed with the Project, cognisant of the various risks outlined in this report, the project contract documentation would be completed, with a further cost increase reflected in the Design Consultant Contract.

Implementation

Option 1 – Not proceed

Based on Council decision to proceed with Option 1, Council will formalise the Deed of Termination and Release with the Design Consultant, eliminating any further design costs and cease CHMP investigations.

Communications with relevant stakeholders and the broader community will take place to explain the decision not to proceed.

Given the complexity of Green Gully Reserve regarding its environmental and cultural values and its size, making improvements will require time and careful consideration; this will be guided by the Green Gully Northern Precinct Master Plan. To date there have been delays and budget constraints in delivering on elements of the Master Plan; however detailed design and Cost Plan C (Design Development Stage) has been completed. Preliminary Contract Documentation (architectural only) has commenced so that it can be ready if Council make a decision to proceed with the project (subject to design consultants contract fee being revised to reflect the project budget increase).

Option 2 - Proceed

On the basis of Council decision to proceed with Option 2 and based on the current information and advice received to date, the completion of the CHMP due to the many variables and a salvage type process could push the timelines out as follows:

- | | |
|---|---------------|
| • Next phase of Archaeological fieldwork | April 2024 |
| • CHMP process thereafter, based on a 9 month period | January 2024 |
| • RAP determines salvage required, additional 12 months | December 2025 |
| • Construction commences** | April 2026 |

**Assumes the Tender and Tender evaluation process occurs during the CHMP or salvage process.

Note: The timelines may change if there are unforeseen delays in the CHMP process, and any decision to tender the project would need to be reviewed/re-evaluated.

If Council decided to support this option and proceed with further archaeological work and the CHMP process in 2024/25, officers would need to budget for this work in 2024/25 and this would require an amendment to the draft 2024/25 Capital Works Program; this would necessarily be at the expense of other projects currently listed in the draft 2024/25 Capital Works Program.

In addition, a variation of \$388,876.40 excluding GST would be required for Contract No. 21/430211 Design and Consultancy Contract due to the revised project budget. It is highly likely that this Contract will continue to increase in costs as the design and investigations progress leading to further variations required.

Green Gully Reserve Northern Precinct Enhancement Plan - Stage 2

The Green Gully Site includes an additional land parcel designated for potential future development, pending further investigations and approvals. However, given the

prolonged and intricate approval processes endured, such as securing Commonwealth and State native grass approvals and obtaining cultural heritage approval, coupled with the future development area being situated within a high voltage electricity power line easement, its development potential is significantly constrained. And whilst the costs to achieve sporting use is unknown, based on current knowledge is likely to be significant (assuming approvals can be received), and poor value for money.

During the initial Stage 1 consultation process with Department of Energy, Environment and Climate Action (DEECA), the scope of native grass removal was reduced by over 4,000m² and it is expected that there would not be support for the removal of the remaining native grass located in Stage 2; and if approval was received, it would come at a substantial cost, given that suited sites are scarce for Commonwealth protected native grasses.

Expert advice has indicated that due to the location of the future playing fields being within the 'area of cultural heritage sensitivity', and over an existing 'Heritage Place', a new Cultural Heritage Management Plan for Stage 2 would be required. With artefacts found within the proposed development area (existing heritage Place), the likelihood of finding further artefacts is increased.

Stage 2 includes an overhead transmission easement making it challenging for an additional competition sportsground due to the overhead restrictions that will restrict the optimum location of floodlighting. Without being able to achieve optimum levels of lighting, this site would likely restrict any future sportsground be training grounds only.

Considering these limitations, particularly in floodlighting installation and the need to navigate extensive approval processes including a new Planning permit, the viability of the future development option of Stage 2 appears to be increasingly untenable.

Alternative Use

The Master Plan includes existing Council strategies, policies and plans and frameworks were reviewed and considered in the development of this Project. The key documents that have influenced the development of the project include, Sports Facility Development 2018, Cycling and Walking Strategy, Creating Better Parks Policy and Plan, Urban Forest Strategy, Biodiversity Strategy, Habitat Connectivity Plan, ESD Framework and Sustainable Water Management Strategy.

Subject to Council agreeing with the recommendation not to proceed with the Pavilion and Sportsground project in this location, future alternative use of the site would be referred to Councils' Creating Better Parks Open Space and Playground Policy and Plan (CBP) for consideration.

Community Engagement

During the development of the Green Gully Northern Precinct Enhancement Plan, extensive consultation with the community and key internal stakeholders was carried out.

Council will continue to engage with stakeholders and the community to inform the future use of the site following Council's decision if the recommended option is adopted. Communications with the community will take place following Council's decision on this matter via Council's website and other methods as appropriate.

The Project is at high risk, of significant delays and uncontrollable cost escalations. If Council accept officers' recommendation not to proceed, officers will inform stakeholders and the broader community of the decision and rationale; if the recommended option is not endorsed Council will provide status updates via Council's website to ensure the Community is kept informed of the Project progress.

Resource And Risk Implications

The resources required for current planning and design can be met within the Annual Budget 2023/2024, however noting that Option 2 would have a significant impact on multiple years budgets and a direct impact on the ability to deliver prioritised projects. Refer to **Confidential Attachment 2** for project financials.

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

- Yes - The Sports Facility Development Plan identifies that additional sports facilities are required in order to meet current and future demand. However, there would be substantially more community benefit from investing the likely cost of proceeding with the sports facilities at Green Gully Reserve, in other high priority sportsground projects at other sites. It is highly likely that investing upwards of \$16-17M for one winter and one summer tenant would not be considered by many in the community as a wise investment of Council funds.

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

- Yes - Environmental investigations have been undertaken to provide Council with a clear understanding of the site and the required actions to develop the site. These investigations have revealed the site has high native flora and cultural heritage values that is resulting in it being a very complex site for development for sports facilities.

Financial: significant financial impacts

- Yes - If the project were to proceed, it will require additional funding in future years over the allocated and approved budget of \$9,950,000.00. The cost estimate at this stage, whilst still not finalised is currently approximately \$16,150,000, with the potential for the project cost to be \$17,700,000 or more. On that basis, officers' advice is the project represents a financial risk and does not represent good value for money.

This report addresses the financial risks with this project and endorsement of Officer Recommendation outlines that Council is managing its budgets in a sustainable and responsible manner and look to invest in sites less complex resulting in a better outcome for the community.

There are no regulatory or safety implications of note.

Legislation/Council Plan/Policy Context

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

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.

This report complies with Council Plan 2021-2025, Community Vision 2040, Sports Facility Development Plan 2018, Creating Better Parks Policy and Plan 2016, Sustainable Water Management Strategy 2013-2023, Community Services and Infrastructure Plan 2018 and Cycling and Walking Strategy 2016.

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

Cr Jasmine Nguyen foreshadowed a motion.

Motion

Moved Cr Bruce Lancashire/Seconded Cr Virginia Tachos

That Council:

- a. Proceeds with planning for the Green Gully Reserve - Northern Precinct Enhancement Plan (the Project) which will involve undertaking the second phase of archaeological fieldwork in 2024-2025, noting that this will require an amendment to the draft 2024/25 Capital Works Program.
- b. Notes that subsequent to the investigations carried out in 2024/2025, Council Officers will provide a report back to Council.

LOST

Cr Maria Kerr asked for a division.

For: Cr Maria Kerr, Cr Bruce Lancashire and Cr Virginia Tachos.

Against: Cr Victoria Borg, Cr Sarah Branton, Cr Thuy Dang, Cr Sam David, Cr Jasmine Nguyen, Cr Thomas O'Reilly and Cr Jae Papalia

Abstained: Nil.

LOST

Resolution

Moved Cr Jasmine Nguyen/ Seconded Cr Sam David

That Council:

- a. **Notes the status update on Green Gully Reserve Northern Precinct Enhancement Plan.**
- b. **Notes that with rate capping, a growing asset base, increasing asset renewal obligation, various competing priorities for funding and broader ongoing financial challenges facing Council, and an ambitious agenda for Council to deliver assets that support community participation and broader wellbeing, investment in infrastructure must be directed into projects that deliver the greatest value for money and best community outcome;**
- c. **After considering the options available for development of the Green Gully site, and noting the known complexities and uncertainty about the ability to proceed, the uncertainty of the full costs to deliver the project at this site, and the relatively poor value for money represented by this project, determines not to proceed with the planned sports facilities at the site;**

- d. **Subject to the decision not to proceed with the planned sports facilities at the site, refers the site to the upcoming Creating Better Parks Open Space and Playground Policy and Plan update to determine the most suitable informal use of the site in future.**

CARRIED

Cr Thomas O'Reilly left the meeting at 9.04pm

Cr Maria Kerr asked for a division.

For: Cr Victoria Borg, Cr Sarah Branton, Cr Thuy Dang, Cr Sam David, Cr Jasmine Nguyen and Cr Jae Papalia.

Against: Cr Maria Kerr, Cr Bruce Lancashire and Cr Virginia Tachos.

Abstained: Nil.

CARRIED

12.12	Proposed Additional Accessible Parking in front of Brimbank Community & Civic Centre
Directorate	Infrastructure and City Services
Director	Chris Leivers
Manager	Adrian Ashford
Attachment(s)	Nil

Purpose

To provide a report in response to the Notice of Motion adopted at the Council meeting of 17 October 2023, seeking advice on the feasibility, costing and options for the redesignation of the existing parking bays at the entrance to the Brimbank Community and Civic Centre (BCCC) to accommodate an additional accessible parking bay.

Officer Recommendation

That Council:

- a. Notes this report has been provided in response to a Notice of Motion endorsed by Council in October 2023;
- b. Notes the findings of the feasibility, costings and options report;
- c. Endorses Option C in this report, which would retain the existing parking bays along Hampshire Road (comprising of one accessible bay and two short term parking bays).

Background

This report has been drafted in response to a Notice of Motion adopted at the Council meeting of 17 October 2023.

The Brimbank Disability Advisory Committee (DAC) has been established to provide input and advice to Council and to champion accessibility and inclusivity for people with disability. The DAC has advocated for additional accessible parking at the entrance to the Brimbank Community and Civic Centre (BCCC).

As part of the construction of the BCCC (opened in July 2016), three parking bays were provided along Hampshire Road to provide short term parking (15 minutes) and opportunities for loading and unloading.

Since the opening of the BCCC, people with a disability have raised concerns at the lack of parking at the entrance. In November 2016, one of the car parking bays along Hampshire Road (outside the BCCC) was converted to an accessible car parking bay and additional accessible car parking bays were constructed outside Visy Hub.

On 12 September 2023, DAC members encountered misuse and disregard for the existing accessible bay, creating a barrier for people with a disability wanting to enter the building. This is an ongoing issue that has been raised at previous DAC and Brimbank Disability Network Group meetings.

At Council's meeting held on October 17, 2023, the following motion was moved:

That Council receive a feasibility, costing and options report for the redesignation of the existing parking bays at the entrance to the Brimbank Community and Civic Centre (BCCC) to accommodate an additional accessible park.

Matters for Consideration

Options

- A. Convert one existing short term car parking bay to an accessible car parking bay. This would allow for two accessible car parking bays and one short term parking bay. To accommodate these works, modifications to the kerbing and streetscape along Hampshire Road would be required as the parking bays would need to be widened to comply with the Australian Standards. The existing accessible car parking bay would also be required to be modified as it currently does not comply with the Australian standards. The cost estimate for this option is \$85,000.
- B. The existing short term parking bays (x2) are converted to accessible car parking bays. This would require modifications to the kerbing and streetscape as the parking bays would need to be widened to comply with the Australian Standards. The existing accessible bay would also need to be modified as it currently does not comply with the Australian standards. This would result in three accessible car parking bays with no provisions for short term parking for members of the community who are not a holder of a disabled parking permit. The cost estimate for this option is \$100,000.
- C. Existing parking bays along Hampshire Road (comprising of one accessible bay and two short term parking bays) remain as they are, with enforcement to ensure appropriate use. The current parking conditions allow for short term parking for members of the community to access the BCCC and library while also providing a parking space for someone with a disability. Holders of a disabled parking permit are permitted to park for longer periods within the short-term parking bays. There is no additional cost for this option.

Analysis

As part of the construction of the BCCC, three parking bays were constructed along Hampshire Road to provide short term parking opportunities for members of the community accessing the BCCC and Library. In November 2016, one car parking bay was converted to an accessible car parking bay to allow for parking opportunities for people with a disability. As part of these works, additional accessible parking spaces were also constructed outside Visy Hub.

There are currently eight accessible carparks within close proximity of the BCCC and further accessible car parking bays in the shopping precinct. A Parking Occupancy survey from 2019 for the Sunshine Town Centre showed that the occupancy rate for disabled bays was 74% across the Centre.

Anecdotal evidence suggests there is high demand for short term parking in this location and that these parks are highly valued by those accessing shops and services in the area, including by members of the community with mobility issues that do not have a permit to park in bays designated as disabled parking.

Council officers have undertaken a feasibility costings and options study for the conversion of the existing car parking bays to allow for an additional accessible car

parking bay. To ensure the accessible car parking bay is constructed in accordance with the Australian standards, the street furniture along Hampshire Road would need to be removed to allow for the parking bay to be widened and the pram ramps constructed. The existing accessible car parking bay would also be required to be upgraded to the current Australian Standards. In addition, service relocation works would be required to accommodate the installation of the accessible car parking bays.

The cost to convert one short term car parking bay, upgrade the existing accessible car parking bay and associated works is estimated at \$85,000, resulting in two accessible car parking bays and one short term car parking bay.

As part of the study, an alternative option was considered where the existing two short term car parking bays are converted to accessible car parking bays. This would result in three accessible car parking bays, limiting the car parking outside the BCCC to only disabled parking permit holders. The cost to undertake these works is estimated at \$100,000.

The third option is for the car parking arrangement to remain as it is, which provides one accessible car parking bay and two short term car parking bays. Note, Disabled parking permit holders are permitted to stay for longer durations within the short-term car parking bays.

Implementation

Given the estimated \$85,000 cost of converting one short term parking bay to disabled parking, or \$100,000 to convert two short-term parking bays to accessible parking bays, and noting there seems to be sufficient disabled parking bays in the Sunshine Town Centre to accommodate the demand at most times, it is recommended that the existing parking restrictions remain.

Community Engagement

Report back to the DAC and Brimbank Disability Network Group meeting with the outcome of the Council decision.

Resource And Risk Implications

No additional resources are required.

Community: Ongoing concerns from DCA due to lack of accessible car parking outside the BCCC if an additional accessible car parking bay is not provided.

There are no Environmental, Financial, Regulatory or Safety impacts.

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 *Local Government Act 2020*.

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

Cr Thomas O'Reilly returned to the meeting at 9.10pm.

Resolution

Moved Cr Maria Kerr /Seconded Cr Thomas O'Reilly

That Council defers item 12.12 Proposed Additional Accessible Parking in front of Brimbank Community & Civic Centre, to be considered at the next practicable Council Meeting.

CARRIED

12.13**Directorate****Director****Manager****Attachment(s)****Municipal Maintenance Agreement (Department of Transport formerly VicRoads)**

Infrastructure and City Services

Chris Leivers

Tom Razmovski

Nil

Purpose

For Council to consider the cost and implications of maintaining the Department of Transport and Planning (formerly VicRoads) assets; and seek an increased contribution for the maintenance responsibilities on various Urban Arterial Roads included in the Municipal Maintenance Agreement between the Department of Transport and Planning, formerly VicRoads and Brimbank City Council.

Officer Recommendation

That Council:

- a. Requests the CEO to write to the Secretary of the Department of Transport staff seeking an increased contribution towards the upkeep of various arterial roads included in the Municipal Maintenance Agreement between the Department of Transport and Planning and Brimbank City Council, requesting a response be provided before 30 June 2024.
- b. Writes to the Hon. Minister Roads and Road Safety, and local members (State Government) seeking an increased contribution towards the upkeep of various arterial roads included in the Municipal Maintenance Agreement between the Department of Transport and Planning and Brimbank City Council, requesting a response be provided before 30 June 2024.
- c. Receive a further report detailing the responses from senior Department of Transport and Planning staff, Hon. Minister for Roads and Road Safety, Secretary of the Department of Transport and local members (State Government), and officer advice in response.

Background

In 2014, Brimbank Council entered into a Municipal Maintenance Agreement (MMA) with VicRoads (now Department of Transport and Planning) whereby Council took over specified maintenance responsibility (mainly grass cutting and associated works) for those parts of the Urban Arterial Road Network (mainly medians) for which DTP is the Responsible Road Authority. Around the same time, other councils were also entering these MMAs for similar reasons.

The MMA covers Urban Arterial Roads north of Ballarat Road, while Urban Arterial Roads south of Ballarat Road continue to be maintained by DTP's contractor Ventia (formerly Broad Spectrum).

In summary the MMA requires Council to provide all labour, plant/ equipment, traffic management, etc. to undertake the following activities:

- Grass Mowing;

- Edge Trimming;
- Grass and Weed Control;
- Tree and Shrub Management;
- Noxious Weed Control; and
- Litter Control.

Council's delivery against the MMA has improved the presentation and appearance of these roads by delivering a higher level of service because Parks Services has delivered a more frequent and higher quality service than was otherwise being provided by DTP.

The DTP service specification for this work, captured within the MMA, only requires 3-4 cuts per year, whereas Council aims to provide around 12 cuts per site per year in line with the level of maintenance it provides in the areas 'behind the back of kerb' where Council has maintenance obligations as the Responsible Road Authority.

Council's current total annual spend to deliver the MMA is around \$475,000 (excl. GST) and DTP currently contributes around \$109,090 (excl. GST), leaving a net cost to Council of around \$355,000 (excl. GST). With increases to relevant service Contracts, this difference is likely to increase in coming years if there is no change.

Over the period since this agreement was signed, and in response to fatalities and 'near misses' elsewhere on the DTP road network, DTP has acted to mitigate the risks associated with the traffic management arrangements being adopted for works on the DTP road network. These measures include:

- A more robust works approvals process;
- Placing restrictions on the spread of hours during which works are permitted, including a requirement for certain works to be done of an evening;
- The nomination of DTP 'prequalified' traffic management service providers to provide traffic management for works on the DTP road network, including all applications for approvals and Memorandums of Authorisation; and
- DTP no longer deals directly with councils in relation to these approvals.

These improvements have improved safety but have also added significantly to Council's costs to deliver the MMA. However, while the payment received by Council from DTP is indexed annually, the MMA makes no provision for these additional costs to Council.

Under similar increasing cost pressures, some councils who have these MMAs with DTP have made a conscious decision to stop maintaining these DTP assets, handing them back to DTP to manage, along with any complaints and service requests received from the community.

Matters for Consideration

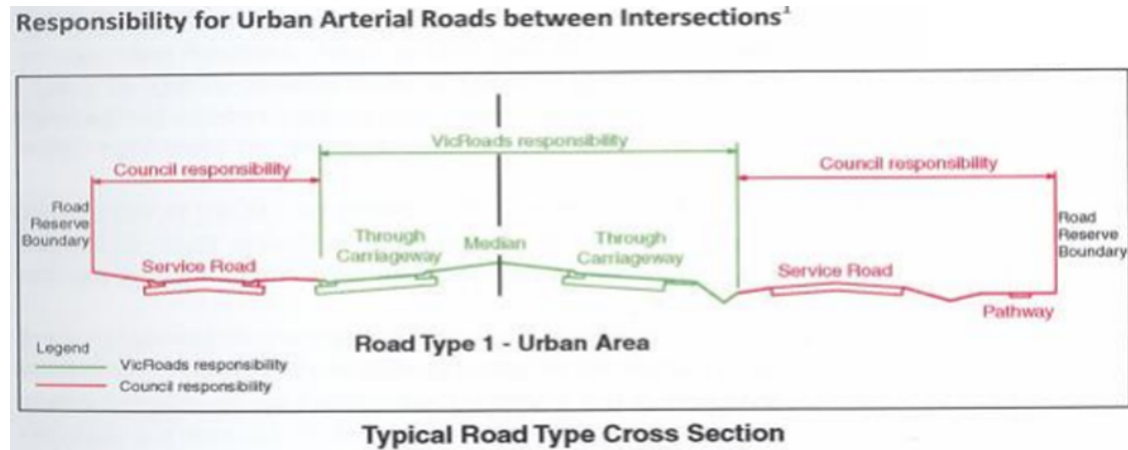
Analysis

Roles and Responsibilities under the *Road Management Act*

Notwithstanding the MMA Council has with DTP to maintain parts of the Urban Arterial Road Network for which VicRoads is the Responsible Road Authority (under the *Road Management Act*), Council is likewise the Responsible Road Authority, and has

maintenance responsibilities, for the areas within the road reserve either side of the through carriageways (the diagram below describes this arrangement).

For certainty, it should be noted, the area that Council maintains on behalf of DTP, which is the subject of this report, is the median, and is within the area identified as VicRoads responsibility under the RMA.



Municipal Maintenance Agreement

Council first signed a Municipal Maintenance Agreement (MMA) to maintain DTP assets in 2014. This has been renewed several times, with the last Agreement signed in 2020. This Agreement remains in place unless varied by one of the parties to the Agreement.

The level of service provided for by DTP under the MMA (being 3-4 cuts per year) does not meet community expectations. Council has intervened to provide what it believes is an acceptable level of service. There is a risk that Council retaining responsibility for the maintenance of DTP assets but reducing the frequency of service and simply delivering according to the MMA schedule, would leave Council open to criticism for not sufficiently maintaining amenity – on that basis, this approach is not recommended.

The following schedule of roads forms part of the signed MMA between DTP and Brimbank City Council:

- Furlong Road
- Keilor Park Drive
- Keilor-Derrimut Road
- Keilor-Melton Road
- Kings Road
- Main Road
- McIntyre Road
- Melrose Drive
- Melton Highway
- Sharps Road
- St Albans Road
- Sunshine Avenue
- Federation Trail

NOTE: This is not a complete list of the Urban Arterial Roads within the municipality of Brimbank. It is a list of the Urban Arterial Roads which forms part of the signed MMA between DTP and Brimbank City Council.

The MMA is not the only agreement Brimbank has with DTP regarding maintenance on Urban Arterial Roads. There are numerous other agreements in respect of Council's urban design type projects such as gateway landscaping, roundabouts, etc. These

arrangements are separate to the MMA, there is no changes proposed to these arrangements at this stage.

Traffic Management and the Approvals Process

The DTP is the Coordinating Road Authority for the Urban Arterial Network and as such is responsible for the safety of road users. It is therefore DTPs statutory prerogative to introduce policies and procedures around who undertakes traffic management on its roads and the conditions attached to this activity.

One such requirement is that any application to the DTP for the approval to undertake traffic management can only be made by a DTP 'prequalified' traffic management service provider. A list of these providers is published on the DTP website.

Notwithstanding that Brimbank has its own traffic management powers and duties, it is not a DTP 'prequalified' service provider in this space. Therefore, Brimbank uses an accredited and 'prequalified' traffic management company to provide this service, at a cost.

The roads Brimbank Council maintains on behalf of DTP require significant traffic management, as a condition of the MMA, and to ensure safety of those performing the works. This contributes to the complexity and cost of maintaining these roads on behalf of DTP.

Restrictions on Hours of Work

The MMA includes a condition that no work shall be carried out on the Site outside the period between 7.00 a.m. or sunrise, whichever is the later, and 6.00 p.m. or sunset, whichever is the earlier. However, an overriding requirement for all sites is the need for a DTP approved Memorandum of Agreement (MOA) to undertake works on each site.

The MOA approval generally is provided for a 12-month period.

Currently, the DTP restricts mowing and other associated landscape maintenance on Urban Arterial Roads to generally between the hours 9.30am and 2.30pm (Monday to Friday). This requirement is not ideal for Council in terms of facilitating productivity and/or efficiency.

Furthermore, DTP is now hesitant to grant approvals for certain works (where the DTP deems it unsafe to impede traffic) to be carried out during normal working hours. In these instances, works can only be carried in the evening between 8pm and 4am. At this stage no roads on the MMA are impacted by this requirement.

Advice from Department of Transport and Planning, formerly VicRoads (DTP)

In October 2023, senior staff at the DTP advised Council officers that there would be no additional funding for an increased maintenance response (at least in the next 2 financial years), and that if Council did not wish to continue under the current arrangements, the agreement could be terminated, resulting in Council handing back the maintenance responsibilities. The DTP further advised that their maintenance response prioritised risk mitigation, rather than amenity.

Termination Clause

The MMA includes a termination provision that either party may, in its sole and unfettered discretion, terminate the Agreement upon giving the other party six month's written notice.

DTP Contractor Maintenance south of Ballarat Road

The standard of maintenance provided by DTP's contractors south of Ballarat Road (which are the responsibility of DTP) is considered satisfactory. Council has received significantly less service requests (relating to long grass and litter) for roads maintained by contractors on behalf of DTP on arterial roads south of Ballarat Road, than for the arterial roads maintained by Council on behalf of DTP for arterial roads north of Ballarat Road (204 compared to 88 for the last 2 years).

It should be noted that the length of arterial roads to the north is significantly higher in comparison to the south; however proportionally the number of service request received is higher for the north than the south of Ballarat Road. This appears to indicate the contractors engaged by DTP are maintaining these roads to an acceptable standard.

Other council's

Several other councils with similar MMAs have made the decision to hand back the maintenance responsibilities back to the DTP due to the cost/benefit inadequacies of the current agreements. Officers understand a number of other Councils are considering taking similar action.

Financial Impacts and RisksAnnual Costs

The following cost estimates relates specifically to delivering the Municipal Maintenance Agreement:

Wages	\$ 150,000
Plant & Equipment	\$ 55,000
Traffic Management	\$ 240,000
Edging (4 cuts annually)	\$ 30,000
Annual Total Spend	\$475,000
Less Income (DTP Contribution)	(\$109,090)
Net Estimated Annual Total Spend	\$365,910

Notwithstanding the costs associated with delivering the MMA, Council also spends around \$775,000 annually on roadside maintenance (grass cutting and associated works) including roadside maintenance on that part of the Urban Arterial Road Network for which Brimbank has maintenance responsibilities as the Responsible Road Authority. There would be no change to this responsibility if Council handed back responsibility for maintaining the DTP assets covered under the MMA.

Implementation

Subject to Council approval, correspondence would be sent to senior Department of Transport and Planning staff, Hon. Minister for Transport and Infrastructure, Secretary of the Department of Transport and local members (State Government) with a request for Brimbank Council to receive an additional contribution to the upkeep of various arterial roads included in the Municipal Maintenance Agreement between the Department of Transport and Planning and Brimbank City Council.

Council officers propose to draft a subsequent report to Council detailing the responses (if any) and proposed next steps.

Community Engagement

Consultation in relation to the Municipal Maintenance Agreement was undertaken with relevant Council officers to ensure the maintenance requirements meet community needs and expectations.

Resource And Risk Implications

Council currently contributes an additional net cost of around \$355,000 (excl. GST) to achieve a desired standard of maintenance for the arterial network north of Ballarat Road. It is anticipated this additional contribution is likely to increase in coming years.

The works associated with the Municipal Maintenance Agreement are currently part of the Parks and Public Realm Operational Program approved by Council as part of the Annual Budget process.

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

- Yes – Potential complaints and service requests, where maintenance standards do not meet community expectations.

Financial: significant financial impacts

- Yes - Budget expenditure is from Council funding; the Operational budget is subject to Council approval.

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

- Yes – The Municipal Maintenance Agreement transfers specified maintenance responsibilities for those parts of the Urban Arterial Road Network to Council for which DTP is the Responsible Road Authority.

Safety: health, safety or duty of care impacts

- Yes – Works carried out as part of the Municipal Maintenance Agreement are required to maintain sites to required safety standards, including appropriate traffic management.

There are no Environmental 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

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 Council's Road Management Plan and *the Road Management (General) Regulations 2016* through a Municipal Maintenance Agreement that transfers specified maintenance responsibilities for those parts of the Urban Arterial Road Network to Council for which the Department of Transport and Planning is the Responsible Road Authority.

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 Virginia Tachos****That Council:**

- a. Requests the CEO to write to the Secretary of the Department of Transport staff seeking an increased contribution towards the upkeep of various arterial roads included in the Municipal Maintenance Agreement between the Department of Transport and Planning and Brimbank City Council, requesting a response be provided before 30 June 2024.**
- b. Writes to the Hon. Minister Roads and Road Safety, and local members (State Government) seeking an increased contribution towards the upkeep of various arterial roads included in the Municipal Maintenance Agreement between the Department of Transport and Planning and Brimbank City Council, requesting a response be provided before 30 June 2024.**
- c. Receive a further report detailing the responses from senior Department of Transport and Planning staff, Hon. Minister for Roads and Road Safety, Secretary of the Department of Transport and local members (State Government), and officer advice in response.**

CARRIED

12.14	Final Draft Alfrieda Street Public Realm Master Plan
Directorate	Infrastructure and City Services
Director	Chris Leivers
Manager	Lisa Davis
Attachment(s)	1. Draft Alfrieda Street Public Realm Master Plan Revised Following Feedback March 2024 [12.14.1 - 38 pages] 2. Draft Alfrieda Street Public Realm Master Plan Respondent Feedback Summary [12.14.2 - 5 pages]

Purpose

For Council to consider adopting the Final Draft Alfrieda Street Public Realm Master Plan (the Final Draft ASPRMP), at **Attachment 1**.

Officer Recommendation

That Council:

- Having considered feedback received as part of the consultation process for the draft Alfrieda Street Public Realm Master Plan, adopts the Final Draft Alfrieda Street Public Realm Master Plan, at Attachment 1.
- Notes the intent to, as far as practicable within site conditions, create footpath widths that are of approximately equal size on both sides of Alfrieda Street within the Civic Walk section.
- Consider funding for implementation of the Final Draft Alfrieda Street Public Realm Master Plan in future budget processes.
- Writes to St Albans Business Association thanking them for their feedback on the draft Alfrieda Street Public Realm Master Plan and advising of Council's decision.

Background

The Draft ASPRMP is a strategic document outlining the future direction for the main street of the St Albans Activity Centre. St Albans is situated within the Sunshine National Employment and Innovation Cluster (SNEIC) and Alfrieda Street is positioned to become a vital community hub.

This Final Draft ASPRMP has been developed over the past three years, with input from local businesses, industry, and residents, to guide the future of Alfrieda Street so that it supports local economic growth, enhances public spaces, and improves connectivity.

The Final Draft ASPRMP encompasses the streetscape from Main Road West to Taylors Road and identifies three distinctive zones: The Civic Walk, covering the shopping strip within the activity centre, and the Nature and Neighbourhood Walks, situated within the residential areas, each possessing a unique typology.

The development of the Final Draft ASPRMP is an action (7.4.1) in the Go St Albans Plan 2019-2024: *"Consider preparing a centre wide Streetscape Master Plan to establish the design and preferred connections with an initial focus on Alfrieda Street but also including Main Road East, Main Road West, St Albans Road and select laneways."*

Matters for Consideration

Options

The Final Draft ASPRMP is has been prepared for consideration following three rounds of consultation:

- A. Option 1: (Officer Recommendation): the Final Draft ASPRMP be adopted to guide the planning, design, maintenance and associated budget allocations for Alfrieda Street
- B. Option 2: Do not adopt the Final Draft ASPRMP and plan for maintenance of the existing public realm only.

Analysis

The Final Draft ASPRMP covers the entire length of Alfrieda Street and is divided into three sections – the Civic Walk Precinct, Nature Walk Precinct and Neighbourhood Walk Precinct. It outlines the community's aspirations and embeds the shared objectives for the street for the next 10 years. The shared objectives that have been informed by 3 rounds of community and stakeholder engagement are outlined below.

For the Civic Walk Precinct:

- Wider footpaths, outdoor dining and trading
- Shade trees and planting
- Seating, drinking fountains, bins/recycling
- Spaces for community gatherings/events
- Easy access to car parking

For Nature Walk and Neighbourhood Walk Precincts:

- Shade trees and greenery
- Spaces for community events and gatherings
- Wider footpaths, outdoor dining and trading
- Connection to public transport, safer crossings
- Adequate car parking

Two key Projects that deliver on these shared objectives have been identified for each of the three sections, as shown in the **Table 1** below.

The cost estimates shown are based on 2023 prices and are anticipated to rise. All project timeframes are subject to Council approval and budget allocation, as part of the annual budget process. Potential additional costs such as dealing with contaminated material and rock removal and disposal that are required as part of project implementation have not been costed or included at this stage. Further work will be required, as part of a subsequent stage, to understand these costs.

Table 1: High level implementation overview and cost estimates

Precinct	Project	Improvement Linked to Consultation Feedback	Delivery	Additional Annual Upkeep	Design and Delivery*
Civic Walk	Community Activation Space	Increased pedestrian and trading space	\$2.1M	\$65K	2027-2030

Precinct	Project	Improvement Linked to Consultation Feedback	Delivery	Additional Annual Upkeep	Design and Delivery*
	Footpath Expansion	Increased greening and canopy cover Increased public space and amenities Minimal loss of car parks and improved access to Collins Street car park	\$2.2M	\$52K	2028-2032
Nature Walk	Shared User Path	Increased pedestrian and cycling space Increased greening and canopy cover	\$450K	\$9K	2027-2030
	Suburban Park	Improved public space amenities	\$1.8M	\$22K	2027-2030
Neighbourhood Walk	Shared User Path	Increased pedestrian and cycling space Increased greening and canopy cover	\$1.3M	\$5K	2027-2030
	Local Park	Improved public space amenities	\$150K	\$3.5K	2029-2030

*Timeframes are estimates and will be subject to priority and affordability, which will be confirmed as part of Council's annual budget process.

These six Projects were highlighted as the most critical in addressing the main issues and opportunities identified during the master planning and engagement process. The delivery of these Projects would bring about a tangible transformation, making Alfrieda Street a more appealing and functional space for all.

Community Engagement

Three rounds of community engagement have informed the development of the Final Draft ASPRMP. Translated material has been provided and translators were included in the engagement processes.

Round 1 2021:

The first round of consultation was undertaken from 5 March to 9 May for the purpose of gathering information from the community around current sentiment, issues and opportunities. This information was used to inform the development of the Final Draft Master Plan. In Round 1, approximately 440 people provided feedback across the various engagement methods, which included listening posts, targeted consultation and online surveys.

Round 2 2022:

The second round of consultation was undertaken from 7 November to 2 December for the purpose of obtaining feedback on the Draft Master Plan. In Round 2, approximately 350 people provided feedback across the various engagement methods, which included

listening posts, targeted consultation and online surveys. There was 66% support for the draft Master Plan vision.

Council received a petition from the St Albans Business Association with 848 signatures objecting to the removal of the centre street carparking that had been proposed.

Round 3 2024:

The third round of consultation was undertaken from 19 February to 18 March for the purpose of obtaining feedback on the Revised Draft ASPRMP.

Consultation included:

- Making the Draft ASPRMP available on Council's 'Have Your Say' Web Page
- Attending the St Albans Business Association Meeting on 19 February and presenting the Draft ASPRMP
- Face to face targeted engagement with all traders on Alfrieda Street on 29 February with a Vietnamese Translator and translated engagement collateral
- Attending the St Albans Partnership Group meeting on 4 March and presenting the Draft ASPRMP

The feedback received has been provided at **Attachment 2** and has been summarised below under the relevant key project:

Footpath Expansion

- Loading zones required for businesses (rear and in front) and short-term parking for takeaway delivery drivers (3 mentions)
- Does the master plan allow for the setup requirements of St Albans Lunar Festival (1 mention)
- Loved the idea of more greenery and in particular bamboo plants to provide shade to grocers on the eastern side. Shade is really important as it protects produce. Do not want any loss of car-parking at all (2 mentions)
- Loved the idea of having more opportunity for outdoor dining (3 mentions)
- Loss of parking on the sides of the road are not an issue, want to see middle parking kept (1 mention)
- Look at the parking times to make sure they are suiting all businesses (1 mention)
- Concerned that making the road more narrow means that cars cannot overtake cars that are waiting for a park or double parked to enter shops (1 mention)

Community Activation Space

- Request for more public toilets (1 mention)
- Will encourage more people to congregate and drink like the other one (1 mention)
- Current Civic Plaza may look good, but it is not being maintained – want to ensure better maintenance (1 mention)
- Closure of Elaine St will create circulation problems, keep access from Alfrieda St into Elaine St, egress can be removed if required (1 mention)
- The current layout doesn't allow vehicles to do a loop of Alfrieda St again if looking for car parking (1 mention)
- Don't repeat mistakes from Sunshine (Civic Green) because no one uses this area and businesses there are struggling as a result (1 mention)

In addition to the above feedback, the feedback below relates to the existing Collins Street Car Park and improving the community's use of this:

- To increase the use of the carpark lighting and safety of the car park and the laneways needs to be increased (6 mentions)

- Signage advising motorists of available car spaces in Collins St is a great idea (1 mention)

Modifications to Draft ASPRMP in response to feedback

Modifications have been made to the Draft ASPRMP based on feedback received from the community, as summarised below:

- P25 text updated on the plan: Increase pedestrian and trading with dedicated zones for outdoor dining, trading and **events**, featuring shade trees, **landscape plantings** and structural soils to support healthy tree growth. **Ensure parking spaces are allocated in appropriate locations for short term (including delivery vehicles) and longer stays**
- P28 text updated: The revised plan proposes the removal of 41 car parking spaces along the Civic Walk. To mitigate this, **approximately** 15 new spaces will be added on Nature Walk, leading to a net loss of 26 spaces.
- P25 text added: Strategically place amenities like seating, bicycle parking and **toilets** to enhance convenience and comfort.
- P25 text added: Ensure the area **is designed to feel welcoming for all**, is well lit and promotes a safe environment at night
- P25 text added: added bullet point - **Investigate opportunities to improve pedestrian safety and amenity in adjacent laneways and car parks**

Additional change proposed below in preparing the master plan document as final:

- P36 – rename page to “Staging and Implementation” and remove “Next Steps” and remove bullet points

The Final Draft ASPRMP sets out the community’s vision for the transformation of Alfrieda Street’s public realm into a greener, safer and better-connected urban environment. This strategic document outlines the transformation of Alfrieda Street over the next decade underpinned by sustainability principles and community-focused urban design.

Incorporating feedback from three rounds of community consultation, the Final Draft ASPRMP emphasises the need for more greenery, safer pedestrian crossings, and better cycling infrastructure, while addressing key community concerns about car parking and support to local businesses.

Throughout the master planning process, the following external stakeholders have been engaged to provide information about the Project and to ensure there is consideration of potential alignment: Department of Transport, Powercor, CDC Buses and Greater Western Water.

An internal working group with representatives from the following departments has been engaged at key stages of the master planning process including prior to each phase of community engagement; City Strategy, Engineering Services, Asset and Property Services, Climate Emergency and Environment, Community Learning and Participation, Community Strengthening and Social Planning, Community Wellbeing (including Youth Services), Leisure and Community Facilities, Parks and Public Realm, Park Services, Communications and Community Engagement.

Evolution of the project

The Civic Walk section of the Master Plan underwent significant transformation in response to community feedback received in the second round of consultation. The Final Draft ASPRMP that is being presented for adoption has been adapted to better meet the needs and desires of local residents, traders, and visitors.

The initial Draft ASPRMP that was presented in the second round of consultation in 2022, aimed for a complete upgrade of the street, which included the removal of 91 car park spaces to facilitate a significant expansion of public space. However, this option was met with concerns, particularly regarding the loss of parking spaces and the potential impact on local businesses. The estimated cost of such a Project was also determined to be beyond Council's capacity.

Implementation

Implementation of the Draft ASPRMP has been included in the 10 Year Capital Works Plan to align with other projects and strategy implementation, including the redevelopment of the St Albans library, the implementation of the Public Toilet Strategy, Cycling and Walking Strategy and the Creating Better Parks and Plan and the Annual Road Rehabilitation Program. Implementation will be subject to annual funding allocations.

Resource And Risk Implications

Environmental:

Implementation of the Final Draft ASPRMP seeks to reduce car travel, providing a safer street for pedestrians and cyclists while increasing biodiversity, tree canopy cover that is supported by stormwater harvesting and treatment, where possible.

Financial:

Implementation of the Final Draft ASPRMP will require significant allocation of funds in the forward Capital Works Program. Funding for implementation of the various projects is subject to Council approval and will be considered as part of future Council Plan and Budget processes.

There are no Community, Regulatory or Safety risks identified.

Legislation/Council Plan/Policy Context

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

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

This report complies with the Council Plan 2021-2025, Brimbank Climate Emergency Plan, St Albans Structure Plan, Go St Albans Action Plan, Brimbank Activity Centre Strategy, Brimbank Cycling and Walking Strategy 2016, Brimbank Creating Better Parks Policy and Plan.

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 Thuy Dang**That Council:**

- a. Having considered feedback received as part of the consultation process for the draft Alfrieda Street Public Realm Master Plan, adopts the Final Draft Alfrieda Street Public Realm Master Plan, at Attachment 1.**
- b. Notes the intent to, as far as practicable within site conditions, create footpath widths that are of approximately equal size on both sides of Alfrieda Street within the Civic Walk section.**
- c. Consider funding for implementation of the Final Draft Alfrieda Street Public Realm Master Plan in future budget processes.**
- d. Writes to St Albans Business Association thanking them for their feedback on the draft Alfrieda Street Public Realm Master Plan and advising of Council's decision.**

CARRIED

12.15	Contract No. 21/2994 - Graffiti Removal and Inspection Services - Contract Extension
Directorate	Infrastructure and City Services
Director	Chris Leivers
Manager	Dominic Di Martino
Attachment(s)	1. CONFIDENTIAL - Contract Extension Report [12.15.1 - 2 pages]

Purpose

For Council to consider the extension of Contract No 21/2994 - Graffiti Removal and Inspection Services, for a two year period.

Officer Recommendation

That Council:

- a. Approves extension of Contract No. 21/2994 - Graffiti Removal and Inspection Services to Calcorp Services Pty Ltd for an additional two-year period to 8 May 2026, based on the tendered Lump Sum Component and Schedule of Rates.
- b. Authorises extension of Contract No. 21/2994 - Graffiti Removal and Inspection Services to be signed.

Background

Contract No. 21/2994 - Graffiti Removal and Inspection Services, was initially approved by Council at the Council Meeting on 20 April 2021 for an initial three-year period with an option of a two-year extension to be awarded at Council's sole discretion. This report recommends taking up the two-year period Contract extension.

The Contract is due to expire 8 May 2024. The Contract consists of a lump sum component and a schedule of rates.

The services under this Contract are for removal of graffiti and programmed inspections on Councils Facilities, assets and open space throughout Brimbank.

Matters for Consideration

This report is presented to Council to consider the Contract extension assessment and recommendation to extend the Contract for a further two-year period.

Based on this, and the information contained in the **Confidential Attachment 1**, it is recommended that Council extends the Contract to Calcorp Services Pty Ltd for an additional two-year period at the agreed lump sum and schedule of rates to 8 May 2026.

Implementation

Subject to Council approval, the Contract extension will be implemented for an additional two-year period from 09 May 2024 to 08 May 2026.

Community Engagement

Not applicable. No community engagement required.

Resource And Risk Implications

The funding requirements for the extension period 9 May 2024 to 30 June 2024 has been included in the 2023/2024 annual budget.

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

The funding requirements for the extension period 1 July 2025 to 8 May 2026 will be referred to the 2025/2026 annual budget process for consideration.

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

- Yes – Works under this Contract ensures that Council assets and the municipality is constantly maintained.

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

- None

Financial: significant financial impacts

- Yes – Budget expenditure is from Council funding, from the Operational budget subject to Council approval.

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.

This report complies with Procurement Policy and *Local Government Act 2020 (the Act)*

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 Maria Kerr

That Council:

- Approves extension of Contract No. 21/2994 - Graffiti Removal and Inspection Services to Calcorp Services Pty Ltd for an additional two-year period to 8 May 2026, based on the tendered Lump Sum Component and Schedule of Rates.**

- b. Authorises extension of Contract No. 21/2994 - Graffiti Removal and Inspection Services to be signed.**

CARRIED

13 Notices Of Motion

Nil

14 Notices Of Rescission

Nil.

15 Urgent Business

Nil.

16 Confidential Business

Nil.

17 Meeting Closure

The Deputy Mayor thanked all in attendance and closed the meeting at 9.23pm.

Confirmed at the meeting of Council held on 21 May 2024



Cr Ranka Rasic
Mayor