

Council Meeting

Minutes

Meeting No. 634

18 June 2024

Commenced at 7.00pm

Council Chamber

301 Hampshire Road, Sunshine,
Victoria

Fiona Blair
Chief Executive Officer
21 June 2024

Council

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

Municipal Monitors

Ms Janet Dore	Municipal Monitor
Ms Penelope Holloway	Municipal Monitor

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 Natalie Horvatic	Council Business Officer

Table of Contents

1	Opening (Including Acknowledgement Of Country)	5
2	Council Commitment	5
3	Apologies/Leave Of Absence	5
4	Disclosure Of Conflicts Of Interest	5
5	Designation Of Items As Confidential	6
6	Confirmation Of Minutes Of Previous Council Meetings	7
7	Condolences	7
8	Congratulations	7
9	Items to be Tabled	7
10	Public Question Time	7
11	Petitions	12
12	Minutes/Reports Of Delegated Committees	12
13	Officer Reports	13
13.1	Final Drafts Council Plan Action Plan 2024-2025, Financial Plan 2024-2034 And Annual Budget 2024-2025	13
13.2	Governance Report June 2024	20
13.3	Governance Policies Review	26
13.4	Quarterly Advocacy Report June 2024	31
13.5	Planning Activity Update And Delegate Decisions And Planning Scheme Amendments Update - May 2024	39
13.6	Brimbank Planning Scheme Amendment C239brim Housing And Neighbourhood Character Strategy	42
13.8	Submission To Developing A Plan For Victoria	53
13.9	Final Draft Brimbank City Council Innovate Reconciliation Action Plan 2024-2026	57
13.10	Final Draft Sports Facility Hire, Licences And Leases Agreement Policy 2024	61
13.11	Contract No. 24/3495 - Provision Of Kerbside Recyclables Processing	65
13.12	Contract No 19/2503 - Provision Of Pound And Animal Collection Services - Extension Of Contract	68
13.13	Response To Preliminary Views Of Governance Issues At Brimbank City Council	71
14	Notices Of Motion	73
15	Notices Of Rescission	73

16 Urgent Business.....	73
17 Confidential Business.....	73
18 Meeting Closure	74

1 Opening (Including Acknowledgement Of Country)

The Mayor, Cr Ranka Rasic, opened the meeting at 7.00pm and welcomed all in attendance.

The Mayor stated:

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

2 Council Commitment

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

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

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

3 Apologies/Leave Of Absence

The Mayor noted that Cr Jae Papalia and Cr Maria Kerr submitted apologies for this meeting and Cr Virginia Tachos is on a leave of absence.

Cr Ranka Rasic has requested a leave of absence from 9 July 2024 to 16 August 2024 and Cr Bruce Lancashire has requested a leave of absence from 3 August 2024 to 1 September 2024.

Motion

That Council approves the request for a leave of absence for:

- a. Cr Ranka Rasic for the period from 9 July 2024 to 16 August 2024.
- b. Cr Bruce Lancashire for the period from 3 August 2024 to 1 September 2024.

Resolution

That Council approves the request for a leave of absence for:

- a. Cr Ranka Rasic for the period from 9 July 2024 to 16 August 2024.**
- b. Cr Bruce Lancashire for the period from 3 August 2024 to 1 September 2024.**

CARRIED

4 Disclosure Of Conflicts Of Interest

Cr Thomas O'Reilly indicated they would raise a conflict of interest in relation to Item 13.7.

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 13.11 Contract No. 24/3495 - Provision of Kerbside Recyclables Processing
- Confidential Attachment 1 to report 13.12 Contract No 19/2503 - Provision of Pound and Animal Collection Services - Extension of Contract; and
- Confidential Attachment 2 to report 13.12 Contract No 19/2503 - Provision of Pound and Animal Collection Services - Extension of Contract

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

- Confidential Report 17.1 Confidential Item

as it relates to Information prescribed by the regulations to be confidential information for the purposes of this definition (s 3(1)(k) of the *Local Government Act 2020*).

Resolution

Moved Cr Sam David/Seconded Cr Victoria Borg

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

- **Confidential Attachment 1 to report 13.11 Contract No. 24/3495 - Provision of Kerbside Recyclables Processing**
- **Confidential Attachment 1 to report 13.12 Contract No 19/2503 - Provision of Pound and Animal Collection Services - Extension of Contract; and**
- **Confidential Attachment 2 to report 13.12 Contract No 19/2503 - Provision of Pound and Animal Collection Services - Extension of Contract**

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

- **Confidential Report 17.1 Confidential Item**

as it relates to Information prescribed by the regulations to be confidential information for the purposes of this definition (s 3(1)(k) 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. 633, held on 21 May 2024.

Resolution

Moved Cr Jasmine Nguyen/Seconded Cr Sam David

That Council confirms the Minutes of Council Meeting No. 633, held on 21 May 2024.

CARRIED

7 Condolences

Nil.

8 Congratulations

Motion

That Council congratulates Cr Jae Papalia and her family on the safe arrival of her son.

Resolution

Moved Cr Jasmine Nguyen/Seconded Cr Sam David

That Council congratulates Cr Jae Papalia and her family on the safe arrival of her son.

CARRIED

9 Items to be Tabled

The Determination and Statement of Reasons for Decision of the Arbiter in the following matters are attached in accordance with the requirements in section 147 of the *Local Government Act 2020*:

- IAP 2024-4 Rasic & Ors and Kerr (**Attachment 1**); and
- IAP 2024-5 Rasic & Ors and Tachos (**Attachment 2**).

10 Public Question Time

Public Question Time commenced at 7.07pm.

Question

R Carthew

The Draft Sunshine Energy Park Vision Plan has been costed at half a billion dollars by W T Partnerships how much of this will be funded by the Brimbank City Council?

Answer

The Mayor advised that the Sunshine Energy Park Vision Plan presents an ambitious Vision for the Park; the Visions Plan clearly states that realisation of the plan will rely on external investment and partnerships. The value of these projects and the contribution from Council cannot be determined at this stage, however the intent is for the Vision to be realised by investment to from partners and other stakeholders.

Question

R Carthew

The feasibility study and business case for establishing a Solar Farm at Energy Park has been finalised and been deemed not economically viable. Can this feasible study and business case be made available to the Residents and Rate Payers of Brimbank?

Answer

The Mayor advised that a business case for a Solar Farm at Sunshine Energy Park has been prepared. It is not proposed to make it publicly available because it contains information that is commercial in confidence.

Question

J Isa

Will Council be using the "significant Investment" clause to deter the public from objecting to the Vietnamese Museum planning application? If so, does that mean local residents will have no say in its construction and loss of parking to local businesses will completely be disregarded?

Answer

The Mayor advised that Clause 53.22 of the Brimbank Planning Scheme is a state-wide provision that relates to "Significant Economic Development". The Minister for Planning is the responsible authority for any application for use or development to which clause 53.22 applies, not the Brimbank City Council.

Council understands that the Vietnamese Museum of Australia has applied to the Minister for Planning for approval of the proposed museum. Should the Minister provide the opportunity for the public to have a say on the proposal, Council encourages them to do so.

J Isa asked three questions, in accordance with Governance Rule 55.7, only the first two questions were responded to.

Question

S Chebib

My questions relate to the Fitzgerald Rd level crossing removal in Sunshine West/Ardeer. The community would like an update regarding, (1) when will the energisation of public road lighting occur, the temporary lighting trailers have not been switched on, accident waiting to happen? (2) when will all the graffiti along the overpass and below be removed from the area and how will it be monitored to either not occur or be cleaned up in a timely manner

Answer

The Mayor advised that the matters raised are the responsibility of various organisations

within State Government, mainly the Level Crossing Removals team.

Council officers have passed on the concerns to the project team but as we are not responsible we are unable to provide a formal response.

Please keep an eye on the Level Crossing Removal project updates or contact them directly.

S Chebib asked three questions, in accordance with Governance Rule 55.7, only the first two questions were responded to.

Question

A Qani

Children rights are essential to the wellbeing of a community, however some kids feel like they have no rights. How is Brimbank Council protecting children's rights?

Answer

The Mayor advised that Brimbank Council is a Child Safe organisation adhering to 11 Child safe standards with a strong emphasis on Standard 3, which focuses on "children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously". Brimbank City Council has a child safety and wellbeing policy which guides Council's commitment to safeguarding children's rights.

Question

A Qani

Mental health is a serious issue impacting children. What is Brimbank Council doing to support primary school aged children facing mental health challenges?

Answer

The Mayor advised that Brimbank Youth services deliver a number of early intervention programs with schools in relation to the mental health and general wellbeing of students including friendship and body image programs as well as aiding schools to identify school specific supports.

Question

D Havelas

Given the current financial climate what amount of monies is Brimbank City Council budgeting for 2024/2025 to support Disability communities and Aboriginal communities in our Brimbank moving forward ?

Answer

The Mayor advised that Brimbank City Council's budget for 2024/2025 involves an integrated approach to supporting people with disability and Aboriginal communities in the delivery of services, planning and implementation of projects, programs, or initiatives across the organisation and in the community. This also includes the effective delivery and monitoring of the Disability Action Plan 2022-2026 and the Reconciliation Action Plan 2024 - 2026.

Question

G Blore

Regarding the arbitration that has just occurred, what is the cost of this to ratepayers, and was internal mediation sought firstly, and if not why not?

Answer

The Mayor advised that the cost is unknown at this time as the arbiters have yet to submit their invoices. The most applicable process under the Councillor Code of Conduct was used in these matters.

Question

S Meilak

Every month, Council announces it has met targets outlined in their various action plans, yet public opinion opposes the notion that such goals have been achieved. What metric does Council use to measure that strategic objectives of action plans have been met and what community engagement (if any) is conducted by Council to determine that such objectives have indeed been met?

Answer

The Mayor advised that the Annual Community Satisfaction Survey measures community satisfaction with our performance. Results can be accessed on the Brimbank Council Website.

The Annual Report includes a report of operations as well as financial statements. Indicators in this report include community satisfaction together with other metrics that indicate Council's performance. The Annual Report is also available on Council's website.

Question

S Meilak

In the attached agenda documents, it is stated that Phase 2 of the community engagement process included 5 pop-up in person sessions. Can Council please advise how and where specifically, these sessions were advertised to inform people that they could come and provide their feedback in person, rather than online?

Answer

The Mayor advised that the Pop-up in person sessions were designed as a casual way of connecting with people who otherwise would not participate in traditional methods of community consultation in their local community. Community members were also invited to contact and provide submissions via the Your Say community engagement platform.

Question

L Meilak

What supports or programs does Council have, that are specifically targeted to disabled people aged 25-55 and who are not eligible for NDIS funding or do not have a career? Please list them individually rather than suggest there are several options available.

Answer

The Mayor advised that a range of supports, services and programs are available including the Home and Community Care Programme for Young People that supports people to continue living home independently. Our Libraries and Neighbourhood Houses

also have programs that cater to all abilities, in the interest of time a full list will be provided within the minutes.

Council is one of a number of service providers in Brimbank that receives funding from the Victorian Government to deliver Home and Community Care Programme for Young People that targets people under the age of 65 years who need support to continue to live independently. Through this program the following services are delivered:

- Delivered meals
- Property maintenance
- Community care
- Assessment

There are a number of other programs and service delivered by Council and in Council facilities that are accessible to all community members.

Libraries programs cater for all abilities – arts and crafts, computers, games board and WII or PlayStation, connect and chat. Dependent on peoples interest programs are open to all in the community.

Specific programs

Deer Park

- Mambourin group – stem, scrap booking, petting zoo, crafting, themed events such as road safety, computer use
- Sensory hour Saturday morning

Sydenham Library

- Once a month Story Time session (1st week of the month)
- Wednesday for people to use in the library– Busy things/Story box library/Osmo Kits
- Run a movie that they can all watch in the programs room following fortnight
- Programs, Journalling, Craft/photo frames decoration
- Wildlife shows as requested (twice a year)

The library website has a Suggest a Program page:

<https://www.brimbanklibraries.vic.gov.au/index.php/what-s-on/suggest-a-program>

Neighbourhood Houses and Community Centres offer a variety of age-appropriate programs and activities that cater to individuals of all abilities, including arts, physical activities, and psychosocial support. We have collaborated closely with community groups and individuals to co-design programs that specifically meet their needs. One such successful collaboration is 'Dancability,' which has been tailored to provide inclusive dance classes. For more detailed information about these programs, please visit <https://learning.brimbank.vic.gov.au/>

Question

L Meilak

Noting the Draft Action/Financial Plan states \$5,317,000 will be allocated to 'aged and disability' programs, can Council advise what percentage of that funding will be allocated specifically, to supports and programs for disabled people aged 25-55?

Answer

The Mayor advised that people under 65 represent approximately 10% of service clients for aged and disability service area and approximately 21% of the total budget allocation.

Council received two questions from J Ramsay and one question from G Blore. In accordance with Rules 55.11.1, 55.11.3 and 55.11.4 of the Brimbank Governance Rules, these questions were disallowed and not read out or responded to.

Council also received one question from D Havelas and two questions from J Szabo which were deemed operational. These questions will be answered outside of public question time.

Public Question Time concluded at 7.17pm.

11 Petitions

Nil.

12 Minutes/Reports Of Delegated Committees

Nil.

13 Officer Reports

13.1	Final Drafts Council Plan Action Plan 2024-2025, Financial Plan 2024-2034 and Annual Budget 2024-2025
Directorate	People, Partnerships and Performance Corporate Services
Directors	Georgie Hill and Mark Stoermer
Manager	Rachel Deans and Andrew Brae
Attachment(s)	1. Phase Two Community Consultation Report [13.1.1 - 35 pages] 2. Final Draft Council Plan - Year Four Annual Action Plan 2024-2025 [13.1.2 - 8 pages] 3. Final Draft Financial Plan 2024-2034 [13.1.3 - 33 pages] 4. Final Draft Annual Budget 2024-2025 [13.1.4 - 84 pages]

Purpose

For Council to consider adoption of the Final Draft Council Plan Action Plan Year 4 2024/2025, the Final Draft Financial Plan 2024-2034 and Final Draft Annual Budget 2024/2025.

Officer Recommendation

That Council:

- Having considered the Phase 2 Community Consultation Report (at Attachment 1), adopts the Final Draft Council Plan Annual Action Plan (Year 4) 2024/2025 (at Attachment 2).
- Having considered the Phase 2 Community Consultation Report (at Attachment 1), adopts the Final Draft Financial Plan 2024-2034 (at Attachment 3).
- Having considered the Phase 2 Community Consultation Report (at Attachment 1), adopts the Final Draft Annual Budget 2024/2025 (at Attachment 4) and;
 - Sets the rate in the dollar (Capital Improved Value (CIV)) for 2024/2025 at:

Class of Land	(CIV)
Residential properties	0.17465
Residential flats/units' properties	0.17465
Commercial/industrial properties	0.36870
Vacant land properties	0.36422
Commercial/industrial vacant land properties	0.59708
Retirement village properties	0.16270
Farm properties	0.14927
Cultural and recreational land properties	0.18435

- Sets the Municipal Charge for each rateable property at \$84.00

iii. Sets Service Rates and Charges for 2024/2025 at:

Service Charge Type	Rate (\$)
Public Amenities Cleansing Levy	91.75
80 Litre Environmental Charge	231.54
140 Litre Environmental Charge	379.14
240 Litre Environmental Charge	675.83
140 Litre Green Waste Charge	99.26
240 Litre Green Waste Charge	110.97

- d. **Notes that as part of the budget process additional information has informed changes to operating income/expenditure and the schedule of fees and charges. The net effects result in an immaterial change in the budget position.**
- e. **Authorises the Chief Executive Officer to give public notice of the decision to adopt the Final Draft Council Plan Action Plan Year 4 2024/2025, Final Draft Financial Plan 2024-2034 and Final Draft Annual Budget 2024/2025.**
- f. **Writes to submitters thanking them for their submissions on the Final Draft Council Plan Action Plan Year 4 2024/2025, Final Draft Financial Plan 2024-2034 and Final Draft Annual Budget 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 four-year Council Plan following a municipal general election. To ensure implementation of the strategic directions outlined in the Council Plan, an Annual Action Plan is 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

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

The final draft Council Plan Annual Action Plan (Year 4) 2024/2025 (**Attachment 2**) outlines Council's commitment to 81 actions that contribute towards the implementation of 'Together we are Brimbank.' These actions further progress work towards the Council Vision, 'A transformed Brimbank that is beautiful, thriving, healthy and connected.'

No material changes to draft Council Plan actions have been made in response to community consultation.

Draft Financial Plan 2024-2034

The final draft Financial Plan is linked to Brimbank's objectives of providing high levels of appropriate services and a strong capital expenditure program (**Attachment 3**). 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 Financial Plan 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 Financial Plan 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.

Final Draft Annual Budget 2024/2025

The final draft Annual Budget 2024/2025, at **Attachment 4**, provides for a total operating expenditure of \$263.3 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. 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. This year the State Government increased the Fire Services Property Levy by 22%. All this revenue is collected for 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 operating costs for many Council services. One example is the impact of traffic management planning accreditation and provision on Parks Services, which costs an extra \$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 FY2034 budget). This has increased the average annual spending from \$3M (5% uplift) to \$8.8M (15% uplift).

Climate Change: Impact of Climate Emergency is contributing to increased costs for many Council services. One example is Parks Services, 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 is forecast to be significantly impacted by future interest rate movements. The current loan balance as 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 10year Treasury Corporation of Victoria Bond Rate is expected to reach 4.55%.

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

2024/2025

Council will invest \$263.3 million into operations. Our 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 our 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 in addition to:

- \$4.6 million towards Environmental Sustainability and Conservation
- \$10.7 million for Road Maintenance and Cleansing Services
- \$6.5 million to deliver Maternal and Child Health 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 towards playgrounds, parks and gardens
- \$2.1 million for walking and cycling paths to connect our city
- \$18.8 million towards improvements to community facilities including sports and early learning facilities
- \$0.9 million for a range of assets including \$825,000 for library books
- \$3.8 million for cyclical replacement of plant and vehicle fleet.

Changes to the draft Annual Budget:

As part of the budget process, additional information has informed changes to operating income/expenditure and the schedule of fees and charges. The net effects result in an immaterial change in the budget position. The budget surplus has increased by \$0.037 million to \$1.775 million.

Community Engagement

Phase 1

In November and December 2023, the first phase of community engagement was undertaken to inform the development of the Draft Council Plan Action Plan Year 4 2024/2025, Draft Financial Plan 2024-2034 and Draft Annual Budget 2024/2025.

A Phase One Community Consultation Report was tabled at the Council Meeting 16 April 2024.

Phase 2

The Phase 2 community engagement process was held from 18 April to 16 May 2024.

Council made the above documents available on the Your Say webpage. 55 written submissions were received.

In-person engagement activities connected with 94 people. This comprised five Pop-up consultations held at:

- Sunshine Market Place
- Brimbank Shopping Centre in Deer Park
- St Alban's Square
- Watergardens Shopping Centre
- Keilor Village.

The Phase 2 Community Consultation Report June 2024 is included as **Attachment 1** to this report.

A petition signed by 380 people, regarding the sporting pavilions at J.R. Parsons Reserve was presented to the May 2024 Council meeting where it was referred to this consultation process.

Changes to the capital budget in response:

- The JR Parsons Football and Cricket Pavilion Project has been brought forward to Year 1 with an allocation of \$400K to commence construction in 2024/2025.

Resource And Risk Implications

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

Financial: significant financial impacts

- Yes - Council must ensure that it has implemented the principles of sound financial management including prudently managing financial risks faced by Council, pursuing spending and rating policies consistent with a reasonable degree of stability, ensuring decisions are made and actions taken having regard for the financial effects on future generations, and ensuring full, accurate and timely disclosure of financial information relating 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 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 - In respect of the Annual Budget, the *LGA 2020* provides 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)
 - Must develop the budget and any revised budget in accordance with the financial management principles – Section 96 (1)(a)
 - Must develop the budget and any revised budget in accordance with its community engagement policy – Section 96 (1)(b)

Legislation/Council Plan/Policy Context

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

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

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

This report complies with Council Plan 2021-2025, *Local Government Act 2020 (LGA 2020)*, *Local Government (Planning and Reporting) Regulations 2014*, Australian Accounting Standards.

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:

- a. Having considered the Phase 2 Community Consultation Report (at Attachment 1), adopts the Final Draft Council Plan Annual Action Plan (Year 4) 2024/2025 (at Attachment 2).**

- b. Having considered the Phase 2 Community Consultation Report (at Attachment 1), adopts the Final Draft Financial Plan 2024-2034 (at Attachment 3).
- c. Having considered the Phase 2 Community Consultation Report (at Attachment 1), adopts the Final Draft Annual Budget 2024/2025 (at Attachment 4) and;
- i. Sets the rate in the dollar (Capital Improved Value (CIV)) for 2024/2025 at:

Class of Land	(CIV)
Residential properties	0.17465
Residential flats/units' properties	0.17465
Commercial/industrial properties	0.36870
Vacant land properties	0.36422
Commercial/industrial vacant land properties	0.59708
Retirement village properties	0.16270
Farm properties	0.14927
Cultural and recreational land properties	0.18435

- ii. Sets the Municipal Charge for each rateable property at \$84.00
- iii. Sets Service Rates and Charges for 2024/2025 at:

Service Charge Type	Rate (\$)
Public Amenities Cleansing Levy	91.75
80 Litre Environmental Charge	231.54
140 Litre Environmental Charge	379.14
240 Litre Environmental Charge	675.83
140 Litre Green Waste Charge	99.26
240 Litre Green Waste Charge	110.97

- d. Notes that as part of the budget process additional information has informed changes to operating income/expenditure and the schedule of fees and charges. The net effects result in an immaterial change in the budget position.
- e. Authorises the Chief Executive Officer to give public notice of the decision to adopt the Final Draft Council Plan Action Plan Year 4 2024/2025, Final Draft Financial Plan 2024-2034 and Final Draft Annual Budget 2024/2025.
- f. Writes to submitters thanking them for their submissions on the Final Draft Council Plan Action Plan Year 4 2024/2025, Final Draft Financial Plan 2024-2034 and Final Draft Annual Budget 2024/2025.

CARRIED

13.2	Governance Report June 2024
Directorate	People, Partnerships and Performance
Director	Georgie Hill
Manager	Danny Bilaver
Attachment(s)	1. Record of Informal Meeting of Councillors [13.2.1 - 8 pages] 2. Delegates and Representatives Report [13.2.2 - 2 pages] 3. Submission to the Inquiry into Local Government Funding and Service Delivery in Victoria [13.2.3 - 44 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.
- A proposal to amend the 2024 Council Meeting schedule.
- A submission to the Inquiry into Local Government Funding and Service Delivery in Victoria.

Council Recommendation

That Council:

- a. **Notes the:**
 - i. **Governance Report June 2024.**
 - ii. **Contracts entered into, and works orders approved, in accordance with S7 Instrument of Sub Delegation (24/3453AQ; 24/3466; 24/3473Q; 24/3476; 24/3485; 24/3501).**
 - iii. **Records of Informal Meetings of Councillors, at Attachment 1 to this report, for incorporation in the minutes of this meeting.**
 - iv. **Delegate's and Representative's Reports, at Attachment 2 to this report, for incorporation in the minutes of this meeting.**
 - v. **Councillor Declarations of Representations by Members of Parliament.**
- b. **Adopts the amendments to the meeting schedule for the months of September 2024 and November 2024, shown at Table 1 in this report, and authorises the Chief Executive Officer to further amend the meeting schedule for September, October and November 2024 should special circumstances arise.**
- c. **Endorses the submission to the Inquiry into Local Government Funding and Service Delivery in Victoria at Attachment 3 to this report.**

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 \$2,000,000 (exclusive of GST) through an Instrument of Delegation made on 23 April 2024 (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
24/3453AQ	Brimbank Sediment Basin Clean Out	Naturform Pty Ltd	\$141,583	16/5/2024
24/3466	Design Supply and Installation of a Modular Change Room Keilor Park Oval 2	K L Modular Pty Ltd	\$917,730	14/5/2024
24/3473Q	Supply and Installation of Feature Lighting Princess Lane St Albans	High Access Cabling Pty Ltd	\$172,062	23/5/2024
24/3476	Asphalt Resurfacing at various Roads	Asphaltech Pty Ltd	\$476,238	22/5/2024
24/3485	Robertson's Homestead Restoration Works	Stokes Rousseau	\$762,100	22/5/2024
24/3501	Selwyn Reserve Cricket Nets Construction	RMS Groundworks Pty Ltd	\$391,482	28/5/2024

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
20 May 2024	Safety and Wellbeing Partnership
28 May 2024	Briefing
29 May 2024	Disability Advisory Committee
14 June 2024	Council Meeting Briefing

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
20 May 2024	Safety and Wellbeing Partnership	Cr Kerr

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
24 May 2024	Cr Borg	Hon Dr Daniel Mulino MP	Mental health Vietnamese Museum Airport Rail Link Global challenges
31 May 2024	Cr Rasic	Trung Luu MP	Calder Freeway Melbourne Airport Rails / Sunshine Precinct Mental Health

			Greening the West Better Buses for Melbourne's West Homelessness Roads JR Patterson Reserve
--	--	--	---

Amendments to the 2024 Council Meeting Schedule

Since the adoption of the 2024 Meeting scheduled in September 2023, amendments have been proposed to the Local Government (Electoral) Regulations 2020. The amendments have arisen due to the Victorian Electoral Commission advising that the current election timelines are no longer viable as there has been an increase in the scale and complexity of local government elections, including changes to enrolment entitlements, population growth, higher number of wards, likely increase in the number of candidates, and reduction in mail services offered by Australia Post.

To accommodate the Victorian Electoral Commission's advice, Local Government Victoria has proposed that the Candidate Nomination Period will now commence Monday 9 September and close 12.00pm Tuesday 17 September. Council's election (caretaker) period will now commence 12pm Tuesday 17 September, requiring amendments to Councils' meeting schedule for the month of September to avoid Council having two Council Meetings during the election period.

Giving the changing dynamics of the election period and the potential need to review Council's post-election meeting structure (due to potential for late declaration of the election) it is also recommended that the Chief Executive Officer be authorised the ability to amend the September, October and November 2024 meeting schedule to cover for these special circumstances.

September 2024 Council Meeting

The September 2024 Council Meeting is recommended to be rescheduled from 17 September 2024 to 10 September 2024.

Swearing in Ceremony

The Swearing in Ceremony for Councillors will be held Wednesday, 6 November 2024.

Election of Mayor and Deputy Mayor

The Council Meeting to elect the Mayor and Deputy Mayor for 2024/25 will be held Tuesday, 19 November 2024.

Council will resume its meeting cycle in December 2024 as previously adopted in 2023.

Table 1

Month	Activity	Date	Time
September	Council Meeting	10 September	7.00pm

Month	Activity	Date	Time
November	Swearing in of New Council	6 November	6.00pm
	Election of Mayor/Deputy Mayor	19 November	6.00pm

Submission to the Inquiry into Local Government Funding and Service Delivery in Victoria

On 3 May 2024 the Legislative Council has tasked the Economy and Infrastructure Committee with investigating local government funding and service delivery in Victoria. The inquiry will cover cost shifting impacts, core service delivery adequacy, overall revenue structures, their sustainability, and potential alternative funding models. Submissions have been invited by 28 June 2024.

Attachment 3 is Brimbank's submission to this inquiry, highlighting challenges specific to our Council along with support for the submission from Local Government Finance Professionals (FinPro). FinPro is the peak body representing local government finance professionals in Victoria.

Public hearings will be held and a report to Parliament is due by 28 November 2024.

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, Safety, Environmental or Financial risks identified.

Legislation/Council Plan/Policy Context

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

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

- High Performing and Accountable - Our workforce strives 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 Victoria Borg/Seconded Cr Thomas O'Reilly

That Council:

a. Notes the:

- Governance Report June 2024.**

- ii. **Contracts entered into, and works orders approved, in accordance with S7 Instrument of Sub Delegation (24/3453AQ; 24/3466; 24/3473Q; 24/3476; 24/3485; 24/3501).**
 - iii. **Records of Informal Meetings of Councillors, at Attachment 1 to this report, for incorporation in the minutes of this meeting.**
 - iv. **Delegate's and Representative's Reports, at Attachment 2 to this report, for incorporation in the minutes of this meeting.**
 - v. **Councillor Declarations of Representations by Members of Parliament.**
- b. **Adopts the amendments to the meeting schedule for the months of September 2024 and November 2024, shown at Table 1 in this report, and authorises the Chief Executive Officer to further amend the meeting schedule for September, October and November 2024 should special circumstances arise.**
- c. **Endorses the submission to the Inquiry into Local Government Funding and Service Delivery in Victoria at Attachment 3 to this report.**

CARRIED

13.3	Governance Policies Review
Directorate	People, Partnerships and Performance
Director	Georgie Hill
Manager	Danny Bilaver
Attachment(s)	1. Councillor Code of Conduct [13.3.1 - 38 pages] 2. Councillor Gifts Benefits and Hospitality Policy [13.3.2 - 19 pages] 3. Live Streaming of Council Meetings Policy [13.3.3 - 18 pages] 4. Public Transparency Policy [13.3.4 - 16 pages] 5. Councillor Support Policy [13.3.5 - 35 pages] 6. Councillor Transparency Policy 2020 Reckoner [13.3.6 - 24 pages] 7. Councillor Protocol 2020 Reckoner [13.3.7 - 40 pages] 8. Councillor Respectful Conduct Policy 2020 Reckoner [13.3.8 - 16 pages]

Purpose

For Council to consider policies that are proposed to be revised or revoked to ensure legislative compliance and support good governance.

Officer Recommendation

That Council:

- Endorses for community consultation the revised *Councillor Code of Conduct; Councillor Gifts, Benefits and Hospitality Policy; Live Streaming of Council Meetings Policy; Public Transparency Policy; and Councillor Support Policy*, at Attachments 1 – 5 to this report (the revised policies).**
- Notes the 'ready reckoner' documents at Attachments 6 - 8 that identify where relevant content from the *Councillor Transparency Policy; Councillor Respectful Conduct Policy; and Councillor Protocol* (the revoked policies) can be transferred to other Council policies.**
- Endorses community consultation on the proposed revocation of the *Councillor Transparency Policy; Councillor Respectful Conduct Policy; Councillor Protocol* (the revoked policies).**
- Endorses the revocation of the *Councillor Portfolio Policy and Terms of Reference* at the end of the current Council term.**
- Notes the sunseting of Brimbank Governance [Major Policy Consultation] Local Law 3.**
- Receives a further report outlining any community consultation submissions made on the revised policies and presenting a final draft of the policies for consideration.**

Background

Councillors must comply with a range of policies and associated documents (governance policies). Some governance policies are mandatory under the *Local Government Act*

2020 (*the Act*); others are not mandated but support good governance. Broadly, Council's governance policies serve the important purpose of guiding Councillor conduct and supporting integrity and legislative compliance.

The governance policies outlined in this report have been reviewed in line with Council's commitment to maintain up to date policies and strategic documents. The aims for this the review were to:

- Move all Councillor policies over to updated standard policy template.
- Update any remaining outdated content.
- Replace content that was incorrectly removed as part of the expedited 2020-21 Governance policy reviews.
- Remove duplication of content across Councillor policies and protocols.
- Incorporate recommendations from the Operation Sandon report where appropriate.
- Revoke Councillor policies that duplicate other council policies (e.g. Councillor Transparency Policy duplicates Public Transparency Policy).
- Ensure no relevant content is lost when consolidating documents.

The Governance policies updated in this report also incorporate recommendations for strengthening policies from the IBAC report from Operation Sandon, which was an investigation of serious corrupt conduct within the City of Casey.

Matters for Consideration

Five policies have been reviewed and are recommended for community consultation. These are the revised *Councillor Code of Conduct*; *Councillor Gifts, Benefits and Hospitality Policy*; *Live Streaming of Council Meetings Policy*; *Public Transparency Policy*; and the *Councillor Support Policy*.

Three policies have been reviewed and identified as suitable to be revoked because they duplicate existing content and/or their content can be transferred to other policies. These are the *Councillor Transparency Policy*; *Councillor Respectful Conduct Policy*; and *Councillor Protocol*.

Where policies are recommended to be revoked, a document showing where relevant content will be captured and retained is at **Attachments 6 – 8** to this report.

The Councillor Portfolio Policy and Terms of Reference have been reviewed and are recommended to be revoked at the end of the Council term. The reasons this recommendation are outlined in the Overview section below.

The Brimbank Governance [Major Policy Consultation] Local Law 3 is due to sunset on its 10th anniversary on 17 July 2024. With the introduction of the Community Engagement Policy this year, this Local Law is not required and is recommended that it be allowed to lapse.

Overview of policies reviewed

1. *Councillor Code of Conduct*

The Councillor Code of Conduct is a prescribed policy under *the Act* that includes the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors, including prohibiting discrimination, sexual harassment and vilification.

The Councillor Code of Conduct was last reviewed and adopted in 2021. Pursuant to section 139(4) of *the Act*, this policy must be reviewed within 4 months after a general

election. Council can only amend the Councillor Code of Conduct by a formal resolution of the Council passed at a meeting by at least two-thirds of the total number of Councillors elected to the Council. The major changes to the Councillor Code of Conduct are:

- Values Statement added to link the Code with Council values and help make it a less prescriptive and more values based document.
- Definition of 'misconduct' changed to the statutory definition.
- Relevant content from the Councillor Protocol inserted (this Protocol is recommended to be revoked).
- Role of the CEO updated to reflect new *Act* provisions and redundant CEO duties under 1989 *Act* removed.
- Duties of the Principal Councillor Conduct Registrar summarised rather than replicating long list in the *Act*.
- Prescribed Standards of Conduct included verbatim as required by s139(3)(a) of *the Act*.
- Requirement for Councillors not to discredit or mislead reinserted in the Code after being omitted in the 2021 update.
- Prohibition on inciting hatred included in 'Other Conduct' section. This reflects *Racial and Religious Tolerance Act 2001* requirements.
- Requirements for interactions with Members of Parliament reinserted in the Code after being omitted in the 2021 update.
- Requirements for meetings with applicants planning permits or amendments and fitness for duty provisions reinserted in the Code after being omitted in the 2021 update.
- Child Safe Standards provision inserted.
- Conflict of Interest provisions updated to correctly reflect requirements in section 130 of *the Act*.
- Content relating to city representation added from Councillor Protocol, which is recommended to be revoked.
- List of incorporated documents updated.

State Government reforms occurring in 2024 will include the launch of a model code of conduct for councillors with a uniform set of standards. This will mean the Councillor Code of Conduct will need to be reviewed again to adopt these reforms following the election of the new Council.

A copy of the reviewed Councillor Code of Conduct is included at **Attachment 1**.

2. Councillor Gifts, Benefits and Hospitality Policy (Reviewed)

This policy was last reviewed as part of the implementation of the new *Act* on 20 April 2021. This policy applies to all Councillors of Brimbank including the Mayor. It is based on principles of integrity, good governance, transparency and accountability and seeks to minimise improper practices and potential conflicts of interest. Having a Councillor gifts policy is a requirement under section 138 of *the Act*.

The name of this policy has been changed from Councillor Gifts Policy 2021 to the Councillor Gifts, Benefits and Hospitality Policy for consistency with the Employee Gift, Benefit and Hospitality Policy 2023. The major changes to this policy are:

- Inclusion of a GIFT Table with questions for Councillors to consider when presented with a gift, benefit or hospitality.
- Inclusion of a definition of 'anonymous gifts'
- Changed from the gift register being always available online to being 'upon request' (to reduce admin effort).

A copy of the reviewed Councillor Gifts, Benefits and Hospitality Policy is included at **Attachment 2**.

3. Livestreaming of Council Meetings Policy

The Livestreaming of Council Meetings Policy 2021 was first endorsed on 16 October 2018 and was due for review on 21 September 2022 after a piloted period between 2020 and 2022. The live streaming of Council Meetings aims to provide greater flexibility and convenient access for the community to Council's decision-making process. The major changes to this policy are:

- References to redundant sections of 1989 *Act* removed.
- Provision made for publication on Council website (not just YouTube).
- Section added dealing with adjournment of meeting due to technical issues.

A copy of the reviewed Livestreaming of Council Meetings Policy is included at **Attachment 3**.

4. Public Transparency Policy

The Public Transparency Policy was adopted in August 2020 as required under section 57 the new *Act* and was due for review in August 2021. This Policy aims to adopt and maintain public transparency by ensuring the availability of all information needed in order to collaborate, cooperate and make considered well informed decisions. The major changes this policy are:

- Policy purpose statement expanded to include more detail about why transparency is important.
- Suggested amendment to commitment to publicly release decisions from closed meetings once it is determined that they are no longer confidential.
- Content re-ordered for readability throughout.

A copy of the reviewed Public Transparency Policy is included at **Attachment 4**.

5. Councillor Support Policy

The Councillor Support Policy was last reviewed in June 2020 as part of the implementation of the *Local Government Act 2020* and was due for review in June 2022. This is an important policy that details how the Council can provide assistance and support to the Mayor and Councillors when conducting council business. The major changes to this policy are:

- Removal of the major policy status of this policy following the expected sunset of the Governance (Major Policy Consultation) Local Law 3 on 17 July 2024.
- Inclusion of mandatory midyear refresher training for Councillors in accordance with *the Act* and Regulations.
- Amendment relating to the maximum annual expenditure for professional development if the amount exceeds the threshold.
- Provision added for CEO to be able to waive the requirement for Councillors to refund Council in certain circumstances.
- Further examples added of what might constitute unreasonable hospitality.
- Clarification of types of Councillor support that Council Officers would not ordinarily provide.
- Provision added for support to participate in Councillor engagement, in accordance with our Community Engagement Policy.
- Section inserted to include requests for information and viewing of Council files. This content was previously included in the Councillor Access to Information Protocol, which is recommended to be revoked.

- Section added to include advice and recommendations to Councillors in reports from Council. This content is from the Councillor Protocol, which is recommended to be revoked. The wording has been revised for clarity.
- Section on personal interest returns added.

A copy of the reviewed Councillor Support Policy is included at **Attachment 5**.

Overview of policies / protocols recommended to be revoked

A range of policies and protocols have been identified with content that is already covered, or could logically be incorporated, in other policies. It is therefore recommended that these documents be revoked:

- Councillor Transparency Policy 2020
- Councillor Protocol 2020
- Councillor Respectful Conduct Policy 2020

A 'ready reckoner' document showing where all relevant content from each of these documents will be captured if it is revoked is included in **Attachments 6-8**.

Councillor Portfolio Policy and Terms of Reference

The Councillor Portfolio system was introduced in 2018 originally as a pilot program then implemented ongoing, with a commitment to be evaluated annually to ensure effective and relevant. Council has seen a recent decrease in the activities of the portfolio system. The breadth of Council's Advisory Committees largely covers portfolio activities and Committees and Council briefing cycles provide a more focused and efficient system to brief Councillors on matters. Council's Community Engagement Policy 2021 also ensures community participation in decision making processes through other channels. It is therefore recommended that Council discontinues the Portfolio system and that the Councillor Portfolio Policy and Terms of Reference be revoked at the end of the current Council term.

Sunsetting of Governance (Major Policy Consultation) Local Law 3

This Local Law will sunset on its 10th anniversary on 17 July 2024. Since the inception of this Local law, the *Local Government Act 2020* was introduced which requires that Council to have a Community Engagement Policy. As such, the Local Law has now been superseded by this legislative requirement and is no longer required. It is proposed that the Brimbank Governance [Major Policy Consultation] Local Law 3 be allowed to lapse. The effect is that, after the sunset date, consultation on Major Policies will default to requirements under the Community Engagement Policy, as legislatively required.

Community Engagement

These policies and protocols have broad application and are therefore considered suitable for general, rather than targeted consultation with specific community groups. Community consultation will occur via the 'Your Say Brimbank' website. The recommended timelines for community engagement are:

- 20 June 2024 until 4 July 2024 - 2 weeks consultation policies that have been reviewed or are recommended to be revoked.
- 20 June 2024 until 18 July 2024 - 4 weeks consultation for Councillor Support (Major) Policy in line with Governance (Major Policy Consultation) Local Law.

Resource And Risk Implications

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

Community: Failure to keep our governance policies up to date can signal a lack of care and attention to our governance obligations and erode public trust.

Regulatory: Failure to update governance policies can result in key guidance material about our governance obligations not being clear, current and lawful.
There are no Environmental, Financial or Safety impacts.

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 Council's Policy Management Framework, Community Engagement Policy 2021, and *Local Government Act 2020* requirements.

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 Thomas O'Reilly

That Council:

- Endorses for community consultation the revised *Councillor Code of Conduct; Councillor Gifts, Benefits and Hospitality Policy; Live Streaming of Council Meetings Policy; Public Transparency Policy; and Councillor Support Policy*, at Attachments 1 – 5 to this report (the revised policies).**
- Notes the 'ready reckoner' documents at Attachments 6 - 8 that identify where relevant content from the *Councillor Transparency Policy; Councillor Respectful Conduct Policy; and Councillor Protocol* (the revoked policies) can be transferred to other Council policies.**
- Endorses community consultation on the proposed revocation of the *Councillor Transparency Policy; Councillor Respectful Conduct Policy; Councillor Protocol* (the revoked policies).**
- Endorses the revocation of the *Councillor Portfolio Policy and Terms of Reference* at the end of the current Council term.**
-
- Notes the sunseting of Brimbank Governance [Major Policy Consultation] Local Law 3.**
- Receives a further report outlining any community consultation submissions made on the revised policies and presenting a final draft of the policies for consideration.**

CARRIED

13.4 Quarterly Advocacy Report June 2024**Directorate**

People, Partnerships and Performance

Director

Georgie Hill

Manager

Elie Khalil

Attachment(s)

1. Quarterly Advocacy Report June 2024 Summary of 2024-2025 State and Federal Budgets [**13.4.1** - 2 pages]

Purpose

To report on Council's advocacy initiatives and highlights from early March 2024 to late May 2024.

Officer Recommendation

That Council notes the major advocacy highlights from March to May 2024 as detailed in this report.

Background**Brimbank's Advocacy Priorities**

The Brimbank Advocacy Plan 2023-25 was adopted at the Council Meeting on 19 September 2023. The Advocacy Plan outlines Council's key advocacy priorities and seeks partnerships to deliver projects and infrastructure for the Brimbank community.

Ranked as 'Gold', 'Silver', 'Bronze' and 'Maintain Influence', the priorities identified in the Advocacy Plan are aligned to the Council Plan Strategic Directions and are listed in the table below.

Priorities	Topic	Council Plan Strategic Direction
Gold	Transforming Brimbank	Opportunity and Prosperity (Growing and Transforming)
	Mental Health	People and Community (Wellbeing and Belonging)
Silver	Road Infrastructure	Places and Spaces (Liveable and Connected)
	Climate Emergency	Places and Spaces (Sustainable and Green)
Bronze	Addressing Unemployment	Opportunity and Prosperity (Earning and Learning)
	Housing and Homelessness	Opportunity and Prosperity (Growing and Transforming)
Maintain Influence	Melbourne Airport Third Runway	People and Community (Wellbeing and Belonging)
	Gambling Harm	People and Community (Wellbeing and Belonging)

	Major Parks	Places and Spaces (Liveable and Connected)
	Libraries	Opportunity and Prosperity (Earning and Learning)
	Government Burden on Council	Leadership and Governance (High Performing and Accountable)

Advocacy efforts are tailored to the specific issue and are adjusted over the period of the plan to ensure relevance and impact. Initiatives include campaigns, Mayoral meetings with MPs and Ministers, and working with other local Councils and peak advocacy bodies such as LeadWest, the Municipal Association of Victoria (MAV) and the Australian Local Government Association (ALGA). Advocacy highlights, achievements and adjustment to priorities are reported to Council quarterly.

Matters for Consideration

In the period from early March 2024 to late May 2024, whole-of-Council advocacy highlights included:

- Release of the Albion Quarter Structure Plan discussion paper (*Gold Priority – Transforming Brimbank*).
- LeadWest’s successful advocacy for new and improved bus services in Melbourne’s west (*Gold Priority – Transforming Brimbank*).
- Expansion of the Westside Lodge public residential rehabilitation facility (*Gold Priority – Mental Health*).
- Brimbank’s successful motions at the May 2024 MAV State Council Meeting.
 - Improving Victoria’s Bus Network (*Gold priority – Transforming Brimbank*)
 - Fast-tracking the rollout of mental health social inclusion action groups to all 79 LGAs (*Gold Priority – Mental Health*)
 - Increasing the level of funding allocated for upgrading major highways (*Silver Priority – Roads Infrastructure*)
- Launch of the ‘Improving the Calder Highway’ advocacy brochure, which attracted significant media coverage (*Silver Priority – Road Infrastructure*).
- Brimbank’s increased funding allocation under the ‘Roads to Recovery’ program (*Silver Priority – Road Infrastructure*).
- Initiation of the Jobs Victoria Mentors Program, targeting over 4,000 residents from five disadvantaged LGAs, including Brimbank (*Bronze Priority – Addressing Unemployment*).
- Extension of funding for the ‘Homes for Families’ program (*Bronze Priority – Housing and Homelessness*).
- Additional funding for three schools in the City of Brimbank.

In addition, both the 2024/2025 State and Federal Budgets were announced in May. Whilst these included a number of funding commitments that align with Brimbank’s advocacy and budget priorities, Council is concerned with the four-year delay to the delivery of the Melbourne Airport Rail and the impacts this may have on the implementation of the Sunshine Station Masterplan as well as the rebuild of Albion Station.

Council will continue to advocate for the construction of the Melbourne Airport Rail to be delivered as soon as possible. The delay has been attributed to an ongoing disagreement between the Melbourne Airport operator and the Victorian Government on the positioning of the train station at the airport, with the government preferring an above

ground option and the airport operator wanting it underground. Earlier this year, the Australian Government appointed a mediator in an attempt to resolve the dispute. Recent media articles have reported that the mediator, Neil Scales OBE, will be submitting his report to government in the coming weeks.

Council is also concerned with the State Government's decision to pause the 'Improving the Calder Freeway' project, following the Federal Government's decision to withdraw \$50m committed by the previous government.

Advocacy Highlights

Albion Quarter Structure Plan (Gold Priority - Transforming Brimbank)

Last month, the State Government released the Albion Quarter Structure Plan discussion paper. The Albion Quarter is comprised of the area surrounding Albion Station which extends to the four quarters either side of the railway station north of Ballarat Road. The Structure Plan aims to transition the Albion Quarter from the current mix of industrial-focused businesses to supporting the next generation of jobs, innovation and services. It also aims to provide for new residential dwellings close to public and active transport connections. The Structure Plan acknowledges the industrial heritage of the John Darling Flour Mill and the historical significance of Sunshine Harvester to the Sunshine Precinct.

New Bus Services for Melbourne's West (Gold Priority - Transforming Brimbank)

Over the past few months, LeadWest has been campaigning for better bus services in Melbourne's west. LeadWest Chair Cr Sophie Ramsey has so far met with 12 different MPs to raise our concerns about the urgent need for bus reform in our region, including Deputy Premier the Hon Ben Carroll. LeadWest has also been active in community events and has been successful in attracting significant media coverage, both in local media outlets and in the Age newspaper.

In April, the Victorian Government announced a \$150 million investment for new bus services across Melbourne's north, west and south-east. Of great interest to LeadWest is that \$61.2m of this \$150m investment will be allocated to Melbourne's west. This includes \$39.7m for new and modified bus routes between Tarneit and Laverton North in the City of Wyndham, and \$21.5m for a new bus connection between Wyndham Vale Station and the communities in both Harpley Estate and Cornerstone Estate.

Westside Lodge (Gold Priority - Mental Health)

Located in St Albans, Westside Lodge is a public residential rehabilitation facility that provides treatment to residents living with mental illness or are faced with addiction issues. In its Budget last year, the State Government committed \$10.2m to expand the Westside Lodge public residential rehabilitation facility by an additional 10 beds to a larger 30-bed residential unit and with refurbished common areas. The expansion has now been completed and staff at the facility are able to treat an additional 40 patients per year. This will help to reduce pressure on other health services across the western suburbs.

MAV State Council Meeting

At the recent State Council Meeting held on 17 May 2024, Brimbank submitted three motions relevant to our advocacy priorities for the MAV to advocate on our behalf. All three motions were deemed to have state-wide significance and were endorsed. Through these motions, the MAV will be calling on the State Government to:

- Improve Victoria's bus network (*Transforming Brimbank - Gold Priority*)

- Fast-track the rollout of mental health social inclusion action groups to all 79 LGAs (*Mental Health – Gold Priority*)
- Increase the level of funding allocated for upgrading major highways (*Roads Infrastructure – Silver Priority*)

'Fix the Calder' Campaign (*Silver Priority – Road Infrastructure*)

On Saturday 20 April, Brimbank hosted a community event calling on both the State and Federal Governments to Fix the Calder. We also launched a new advocacy brochure titled 'Improving the Calder Highway'. The brochure was produced on behalf of the Calder Highway Improvement Committee (CHIC), consisting of the Councils of Brimbank, Buloke, Greater Bendigo, Hume, Loddon, Macedon Ranges, Melton, Mildura and Mount Alexander. A number of MPs and Councillors from outside Brimbank were in attendance, including:

- Hon Natalie Hutchins MP
- Mrs Moira Deeming MP
- Mr Trung Luu MP
- Cr Kathy Majdlik, Mayor of Melton City Council
- Cr David Pollard, Buloke Shire Council; CHIC Chair

The event received significant media coverage in the 6pm bulletins of both Ch7 news and Ch9 news that night.

Roads to Recovery Program (*Silver Priority – Road Infrastructure*)

Last month, the Hon Catherine King MP advised Council that Brimbank's new allocation under the Federal Government's 'Roads to Recovery' program will be increasing. Roads to Recovery is a national program that funds the construction, upgrade and maintenance of local roads. Brimbank's allocation will be \$9.97m for the five-year period spanning 1 July 2024 to 30 June 2029. This is a significant improvement on the previous five-year period (1 July 2019 – 30 June 2024) when Council's allocation was \$5.66m. Although the total allocated nationally has also risen, Brimbank's share of the national total has increased by over 30%.

Jobs Victoria Mentors Program (*Bronze Priority – Addressing Unemployment*)

Last month, Jobs Victoria's Mentors program began working with over 4,000 participants to provide them with the support they need to become work-ready, followed by a job that's right for them. Nearly three quarters of participants in the program have been unemployed for more than 12 months. The program has targeted five disadvantaged LGAs, including Brimbank, Hume, Shepparton, Latrobe Valley and Greater Dandenong. More than 1,000 people have registered for the program in the Brimbank area since October last year. In order to deliver the program, Jobs Victoria has partnered with eleven local organisations across the state, including Jesuit Social Services, OCTEC and WCIG that are based in Brimbank.

Homes for Families Program (*Bronze Priority – Housing and Homelessness*)

The Homes for Families program is designed to support those experiencing homelessness. It falls under the 'Housing First' model which focuses on addressing homelessness by providing permanent and stable housing before addressing underlying factors such as challenges with alcohol, drugs and mental health. Ahead of the 2024-2025 State Budget, Council advocated for the extension of funding for the Homes for Families program and were pleased to learn that the Budget allocated an additional \$16.7m was allocated for this program.

Funding for Schools in Brimbank

In late April, the State Government announced an \$11.2m investment for essential works and repairs to 40 schools across Victoria. Three of these schools are located in Brimbank and will receive a total of \$676,192 as follows:

- St Albans Primary School – \$348,297
- Albion Primary School – \$269,453
- Sydenham-Hillside Primary School – \$58,442

Funded works will include fixing roofs and windows, replacing old fixtures, resurfacing floors and painting.

Outcomes of the 2024-2025 Victorian State Budget

The 2024-2025 Victorian State Budget delivers much needed investment in the areas identified in Council's "Funding Priorities for the 2024-2025 State Budget" which includes community mental health programs and reforms, suicide prevention initiatives, mental healthcare in schools and community-based support through Mental Health and Wellbeing Hubs.

Council also welcomes the various initiatives to tackle climate change and address environmental issues, especially the \$270 million commitment to protect and restore Victoria's waterways and catchments, and \$15m to progress the State's circular economy targets and to support Recycling Victoria to boost recycling and help households cut down waste.

A number of measures in the Budget are specific to the City of Brimbank. These are listed below.

- \$28.8 million for community legal centres and specialist legal services, including the Brimbank Melton Community Legal Centre.
 - This will enable the Centre to continue its support for victim survivors of family violence.
- \$6.6 million to expand the Youth Crime Prevention and Early Intervention Project.
 - Project is run by Victoria Police in Brimbank and Wyndham and seeks to help young people at risk of offending.
- Funding to the Caroline Chisholm Society
 - Provides specialist services to women and children who are experiencing homelessness in the western suburbs.
- Funding for five community hubs run through primary schools to support kids and families.
- Including St Albans Heights Primary School, Holy Eucharist Primary School, St Albans Primary School and Stevensville Primary School.
- Up to \$85,000 towards a scoreboard at Sunshine Heights Cricket Club.
- Further funding for the operations of a new Tech School in Brimbank.
- Funding to expand the capacity of the Sunshine Hospital emergency department.

Other Budget announcements that align with Council's priorities are:

- \$208m fund to repair and improve Victoria's roads and intersections.
- \$240m for accommodation and support services to Victorians experiencing homelessness,
- \$18 million to build and upgrade community sport infrastructure and create more opportunities for Victorians to get involved in sport and active recreation.

A more comprehensive list of the State Budget announcements that align with Brimbank's priorities can be found in **Attachment 1** to this report.

Despite the various measures in the Budget that Council has welcomed, there is a lack of funding for significant infrastructure projects that have been promised for

Brimbank but have now stalled. Although the Melbourne Airport Rail was an election commitment of the current State Government in 2018, it has now been delayed by four years.

Despite the delay to the Melbourne Airport Rail, there are strong community expectations that progress will continue on the delivery of the Sunshine Station Masterplan and the rebuild of Albion Station. Both of these projects were Labor Government commitments ahead of the 2022 State Election and it is critical that they implemented as a priority, to unlock jobs and secure investment in Melbourne's west.

Council is also disappointed that the State Government has paused its \$50m commitment for Calder Freeway improvement works. Despite the \$50m being promised at the 2021-2022 State Budget, only \$12.9m is reported as being expended on this project by 30 June 2024.

Brimbank will continue to advocate for Melbourne's west to be given the same priority as projects being delivered in more affluent areas of Melbourne that are already well-served by adequate transport connections and infrastructure.

Outcomes of the 2024-2025 Federal Budget

Brimbank welcomes the various measures from the 2024-2025 Federal Budget that will be implemented to support Australians with the cost of living. These include tax cuts to all taxpayers, a rebate on electricity bills of \$300 for all households and \$325 for small businesses, increasing the amount of Commonwealth rent assistance by 10%, a freeze on the price of Pharmaceutical Benefits Scheme (PBS) scripts, the listing of 42 new medicines on the PBS, and the wiping of student debt for three million Australians of \$1200 per person.

A list of the Federal Budget announcements that align with Brimbank's priorities can also be found in **Attachment 1** to this report. These include measures to address mental health challenges, the climate emergency and housing and homelessness. Whilst Council is pleased with these measures, we remain concerned with the Federal Government's reprioritisation of funding away from upgrading the Calder Freeway, with \$437.3 million committed to upgrading suburban roads in south-eastern and northern Melbourne. Brimbank will continue to advocate for Melbourne's west to receive its fair share.

Community Engagement

This report is consistent with the policy, evidence and current positions of Council, widely informed by community engagement and insight and the Brimbank Advocacy Plan 2023-2025.

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

- None

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

- None

Financial: significant financial impacts

- None

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:

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

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 Jasmine Nguyen/Seconded Cr Bruce Lancashire

That Council notes the major advocacy highlights from March to May 2024 as detailed in this report.

CARRIED

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

City Futures

Kelvin Walsh

Kristen Gilbert and Leanne Deans

1. Delegated Planning Permit Decisions - May 2024 [**13.5.1** - 28 pages]
2. Graphical Representation of Data from the Last Three Years [**13.5.2** - 3 pages]
3. Planning Scheme Amendment Status Summary - May 2024 [**13.5.3** - 3 pages]

Purpose

To report to Council on:

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

Officer Recommendation

That Council:

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

67 planning determinations and 30 subdivision determinations were made under delegated authority in May 2024. 70 new planning permit applications were received in May 2024. The value of development for these 70 applications is \$22.2 million.

A list of the planning applications determined under delegation from Council during May 2024 is at **Attachment 1**. **Attachment 2** provides a graphical representation of the data over the last three years.

	May 2024	Previous month (April 2024)	Monthly average for past 12 months	May 2023
Applications Received	70	70	64	61
Planning Permit Approvals	64	61	64	79
Notice of Decision to Grant a Permit	3	5	6	5
Refusal to Grant a Planning Permit	0	1	1	2
Subdivision Approvals	30	22	22	30
Cost of development for new applications (millions)	\$22.2	\$37.4	\$48.2	\$20.8

No planning appeals were determined by the Victorian Civil and Administrative Tribunal (VCAT) in this period. At the end of this period there were four appeals lodged at VCAT that had not yet been determined. This is nine less than at the end of May 2023.

The Planning Scheme Amendment Summary is shown at **Attachment 3** and includes four 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*.

During May, Council undertook work associated with its decision to abandon Amendment C214brim (Development Contributions Plan – Schedule 2). 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.

The progress highlight for the May period was:

Amendment	Intent	Progress status
Amendment C240 - extension of interim heritage controls	The amendment amends the incorporated documents titled 'Grand Junction Estate and Matthews Hill Precinct Statement of Significance' to extend the expiry date for the interim heritage control for five properties until 30 May 2025.	Gazetted on 30 May 2024

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:

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

13.6**Directorate****Director****Manager****Attachment(s)****Brimbank Planning Scheme Amendment C239brim Housing and Neighbourhood Character Strategy**

City Futures

Kelvin Walsh

Leanne Deans

1. Brimbank C239brim Explanatory Report Authorisation [13.6.1 - 16 pages]
2. Brimbank C239brim Instruction Sheet Authorisation [13.6.2 - 2 pages]
3. Brimbank C239brim Planning Scheme Maps Authorisation [13.6.3 - 11 pages]
4. Brimbank C239brim Ordinances Authorisation [13.6.4 - 70 pages]
5. Brimbank C239brim Brimbank Housing and Neighbourhood Character Strategy - Body (BCC, 2024) Authorisation [13.6.5 - 109 pages]
6. Brimbank C239brim Brimbank Housing and Neighbourhood Character Strategy - Appendices (BCC, 2024) Authorisation [13.6.6 - 43 pages]
7. Brimbank C239brim Brimbank Housing and Neighbourhood Character Background Report (BCC, 2024) Authorisation [13.6.7 - 273 pages]
8. Brimbank C239brim Brimbank Housing Strategy - Background Analysis (BCC, 2021) Authorisation [13.6.8 - 176 pages]
9. Brimbank C239brim Designing for Density in the RGZ - Design Guidelines (BCC, 2024) Authorisation [13.6.9 - 19 pages]

Purpose

For Council to consider proposed Amendment C239brim to the Brimbank Planning Scheme to implement the *Brimbank Housing and Neighbourhood Character Strategy* (Brimbank City Council, 2024).

Officer Recommendation**That Council:**

- a. **Notes that Planning Scheme Amendment C225brim has been submitted to the Minister for Planning for approval and will translate the Brimbank Planning Scheme into the new planning scheme format required by the Victorian Government, including a new Municipal Planning Strategy.**
- b. **Notes that Council submitted Planning Scheme Amendment C225brim to the Minister for Planning on 2 November 2022 and it is yet to be approved.**
- c. **Notes that proposed Planning Scheme Amendment C239brim has been prepared to accord with the new Planning Policy Framework in Amendment C225brim.**
- d. **Notes that Planning Scheme Amendment C239brim proposes to give limited exhibition under Section 19(1B) of the *Planning and Environment***

Act 1987 (the Act) on the basis that giving individual notice to all the owners and occupiers of residential land in the City of Brimbank is considered impractical, and that reasonable steps will be taken to ensure that public notice of the proposed amendment is given, including a six week exhibition and five public notices in the Star Weekly, and that owners and occupiers of land are entitled to make submissions in accordance with sections 21 and 21A of the Act.

- e. **Endorses the proposed Planning Scheme Amendment C239brim as shown in Attachments 1, 2, 3, 4, 5, 6, 7, 8 and 9 to this report for public exhibition, including giving notice of the amendment in accordance with Section 19(1B) of the *Planning and Environment Act 1987*.**
- f. **Subject to the Minister for Planning approving Planning Scheme Amendment C225brim, requests authorisation from the Minister for Planning to prepare and exhibit the proposed Planning Scheme Amendment C239brim under Section 8A of the *Planning and Environment Act 1987*.**
- g. **Notes that proposed Planning Scheme Amendment C239brim will not be lodged with the Minister for Planning (Minister) until Planning Scheme Amendment C225brim has been approved and gazetted by the Minister.**
- h. **Delegates to the Director City Futures endorsement of changes to Planning Scheme Amendment C239brim that are required following approval of Planning Scheme Amendment C225brim and or as part of any conditional authorisation of Planning Scheme Amendment C239brim.**
- i. **Receives a further report outlining submissions received on the proposed Planning Scheme Amendment C239brim and Council's options in relation to the amendment.**

Background

In December 2019, the State Government released Planning Practice Notes – *PPN90: Planning for Housing*, and *PPN91: Using the Residential Zones* – to provide guidance on how councils should plan for and manage housing change. The Practice Notes specify that councils should develop a Residential Development Framework (RDF) that is underpinned by a local housing strategy and other relevant strategic work, such as a neighbourhood character strategy, to implement local housing directions.

In April 2024, Council adopted the *Brimbank Housing and Neighbourhood Character Strategy (the Strategy)*, which is an integrated plan for housing and neighbourhood character. *The Strategy*, which supersedes the previous housing strategy completed by Council in 2014, 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. *The Strategy* is informed by the *Brimbank Housing and Neighbourhood Character Background Report (2024)*, which outlines Brimbank's residential context, analyses housing opportunities and constraints, and presents emerging neighbourhood character precincts.

The Strategy is structured around five themes – growth, character, diversity, amenity and sustainability. It 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.

The RDF in *the Strategy* articulates Council's strategic directions on planning for and managing housing change in Brimbank. It comprises 11 character-change areas with each area having a distinct residential zone schedule containing design or neighbourhood character objectives that correspond to a relevant preferred future character.

The Strategy recommends that an amendment to the Brimbank Planning Scheme be undertaken to implement the strategic directions identified in the RDF and other changes relating to policy provisions.

Matters for Consideration

Planning Scheme Amendment C239brim (Amendment C239brim) seeks to implement *the Strategy* by making changes to zones and ordinances in the Brimbank Planning Scheme by:

- Rezoning residential land so that the respective schedules to the Residential Growth Zone (RGZ), General Residential Zone (GRZ) and Neighbourhood Residential Zone (NRZ) are applied to 11 character-change areas as identified in the proposed RDF at Clause 02.04.
- Amending GRZ Schedule 2 (GRZ2) and NRZ Schedule 1 (NRZ1).
- Introducing RGZ Schedule 2 (RGZ2), GRZ Schedule 3 (GRZ3) and NRZ Schedules 3, 4, 5, 6, 7, 8 and 9 (NRZ3, NRZ4, NRZ5, NRZ6, NRZ7, NRZ8 and NRZ9 respectively).
- Updating the context at Clause 02.01, strategic directions at Clause 02.03 and strategic framework plans at Clause 02.04 in the Municipal Planning Strategy (MPS) as proposed under the Planning Policy Framework (PPF) in Planning Scheme Amendment C225brim (the PPF amendment), which is currently being considered for approval by the Minister for Planning.
- Updating local policies at Clauses 13.05, 15.01 and 16.01 in the PPF as proposed under the PPF amendment.
- Updating the Schedule to Clause 66.04.
- Updating operational provisions at Clause 72.08 and Clause 74.02 as proposed under the PPF amendment.

Amendment C239brim also proposes consequential changes to the following residential zone schedules by amending their names and updating content language to ensure consistency across schedules:

- RGZ Schedule 1 (RGZ1)
- GRZ Schedule 1 (GRZ1)
- NRZ Schedule 2 (NRZ2)

Further details of Amendment C239brim can be found in the amendment documentation, which comprises:

- Explanatory Report (**Attachment 1**)
- Instruction Sheet (**Attachment 2**)
- Planning Scheme Maps (**Attachment 3**)
- Ordinances (**Attachment 4**), which consist of the MPS, PPF, residential zone schedules, Schedule to Clause 66.04 (Referral of permit applications under local

- provisions), Schedule to Clause 72.08 (Background documents) and Schedule to Clause 74.02 (Further strategic work)
- Background documents (**Attachments 5 to 9**), which consist of
 - *Brimbank Housing and Neighbourhood Character Strategy* (Brimbank City Council, 2024)
 - *Brimbank Housing and Neighbourhood Character Background Report* (Brimbank City Council, 2024)
 - *Brimbank Housing Strategy: Background Analysis* (Brimbank City Council, 2021)
 - *Designing for Density in the Residential Growth Zone: Design Guidelines* (Brimbank City Council, 2024)

The Strategy attached to this report and the associated background report include minor editorial changes since they were adopted by Council. These changes include:

- Updating the cover page and content to remove the prefix 'draft' given Council has adopted the documents.
- Removing open landfills from interface areas given *the Strategy* defines interface areas as land in proximity to a major hazard facility only (p. 59).
- Removing the sentence 'Growth and change will be minimal' about development in the Landscape Suburban character areas given the character typology applies to both incremental and minimal change areas (p. 130).
- Updating the recommended zone schedule in the RDF for a small number of properties in Kealba that were accidentally overlooked.
- Amending the term 'increased change' to 'moderate change' following advice from the Department of Transport and Planning.

Options

There are two options before Council to consider:

- **Option A** – Provide support for Amendment C239brim as per the recommendation.
- **Option B** – Not support the preparation of Amendment C239brim.

Council officers recommend Option A as this will enable Council to plan for and manage housing change in accordance with the relevant Planning Practice Notes released by the State Government and *the Strategy* adopted by Council at its Council Meeting in April 2024. Amendment C239brim and *the Strategy* are consistent with Council's overarching objectives and strategic directions relating to places and spaces, i.e. liveable and connected neighbourhoods.

Analysis

Amendment C239brim is required to implement *the Strategy* into the Brimbank Planning Scheme to guide and manage housing change in Brimbank over the next 20 years. This will provide the right amount of housing at the appropriate location, typology and scale to enhance liveability and affordability.

Council's strategic directions regarding planning for and managing housing change is articulated in *the Strategy* through the RDF. Specifically, the RDF encourages diverse housing in the most suitable locations by designating land for one of four housing change levels:

- **Substantial change** – applies to areas immediately surrounding metropolitan or major activity centres and train stations, and along key transport corridors that do not have significant heritage or environmental constraints. In these areas, the RGZ applies with a maximum building height of 13.5 metres (4 storeys).
- **Moderate change** – applies to areas within walkable distances to activity centres and train stations that do not have significant heritage or environmental constraints. In these areas, the GRZ applies with a maximum building height of 11 metres and 3 storeys.
- **Incremental change** – applies to neighbourhoods that do not have walkable access to major opportunities such as a major activity centre or train station but may have access to a neighbourhood or local activity centre, or less frequent transport. In these areas, the NRZ applies with a maximum building height of 9 metres and 2 storeys.
- **Minimal change** – applies to areas where new development will be limited by the Heritage Overlay or site conditions such as proximity to a major hazard facility or landfill site, and aircraft noise from Melbourne Airport. In these areas, the NRZ applies with a maximum building height of 9 metres and 2 storeys and requirements for additional private open space. Interface areas, i.e. land near a major hazard facility, are additionally subject to a new subdivision requirement on minimum lot size to limit subdivision potential. An application to subdivide land or construct two or more dwellings in the interface areas must be referred to WorkSafe Victoria, which is listed as a recommending referral authority in the Schedule to Clause 66.04.

Amendment C239brim implements relevant objectives in the *Planning and Environment Act 1987 (the Act)* through the RDF, which:

- Ensures Brimbank has sufficient housing capacity to accommodate projected population growth over the next 20 years.
- Directs future housing towards the most suitable locations.
- Ensures housing change occurs at a rate that is appropriate to the area.
- Requires development to respect neighbourhood character where necessary.
- Encourages a diverse range of housing for various household types.
- Facilitates the provision of affordable housing.

Details of how Amendment C239brim addresses environmental, social and economic effects, complies with the requirements of relevant Ministerial Directions, and supports or implements relevant policies in the PPF are contained in the Explanatory Report as shown in **Attachment 1**.

The policy provisions to be amended under Amendment C239brim are based on those proposed in the Planning Policy Framework (PPF), which Council adopted as part of Planning Scheme Amendment C225brim. Amendment C225brim translates local policy into the new planning scheme format, including new policy identified as part of a planning scheme review. Council submitted Amendment C225brim to the Minister for Planning (Minister) for approval on 2 November 2022 following Council's adoption of the amendment at the Council Meeting on 18 October 2022. Officers worked closely with the Department of Transport and Planning to accord with guidance and direction and anticipate a decision by the Minister soon. On the basis that the Minister may approve the PPF amendment with changes which may also impact Amendment C239brim, it is necessary that Council delegates to the Director City Future endorsement of required

changes to Amendment C239brim that might be required following approval of Amendment C225brim. Officers do not anticipate these would be significant in nature.

Conclusion

Council has prepared and adopted a new housing and neighbourhood character strategy, which supersedes the previous housing strategy completed in 2014. The new Strategy, which accords with the guidance contained in PPN90 and PPN91 released by the State Government in December 2019, provides strategic directions on how to plan for and manage housing change in Brimbank over the next 20 years. These directions are articulated in the RDF and proposed changes to policy provisions. It is necessary that a planning scheme amendment be undertaken to implement *the Strategy*.

Next Steps

Subject to Council's endorsing Amendment C239brim and the Minister's approval of Amendment C225brim to introduce the new PPF, Amendment C239brim would be submitted to the Minister for consideration and placed on exhibition if authorised. On this basis, Amendment C239brim will not be submitted to the Minister for authorisation until Amendment C225brim is approved.

During the exhibition, the community and other stakeholders will have the opportunity to lodge submissions to Amendment C239brim. Following public exhibition, all submissions will be presented to Council for consideration. Where submissions cannot be resolved, Council may choose to refer the submissions to an independent Planning Panel for consideration or abandon Amendment C239brim.

If Council refers the submissions to a Planning Panel, the Panel will hold a public hearing and prepare a Panel Report outlining recommendations on how Council may proceed. The Panel Report will be presented to Council for consideration where Council may choose to support all, some or none of the recommendations prior to considering whether to adopt or abandon Amendment C239brim.

If adopted, Amendment C239brim will then be submitted to the Minister for consideration. The Minister can either approve the amendment, with or without changes, or refuse the amendment.

Community Engagement

Under Section 19(1)(b) of *the Act*, Council is required to give notice of the amendment to owners and occupiers of land materially affected by the amendment. However, under Section 19(1A) of *the Act*, Council is not required to give notice under Section 19(1)(b) if it considers the number of owners and occupiers affected makes it impractical to notify them all individually about the amendment. On the basis the amendment affects nearly all residential land in Brimbank, officers consider it appropriate to give notice under Section 19(1B) of *the Act*, which is to take reasonable steps to ensure that:

- a. Public notice of the proposed amendment is given in the area affected by the amendment; and
- b. That notice states that owners and occupiers of land are entitled to make submissions in accordance with Sections 21 and 21A of *the Act*.

Subject to the Minister authorising the preparation of Amendment C239brim, it is proposed that the amendment be exhibited for at least six weeks in accordance with Section 19(1B) of *the Act*, including

- A six-week exhibition period including five public notices in the local newspaper (Star Weekly) and one notice in the Victorian Government Gazette.
- Notification to prescribed Ministers and relevant authorities
- Information at the Brimbank Community and Civic Centre
- Information on Council's main website and Your Say website.

Any person can make a submission to Council about the amendment.

Resource And Risk Implications

Resource requirements to prepare and exhibit Amendment C239brim can be met within the Annual Budget 2024/2025.

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

- Yes - the amendment will have implications on how residential land may 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 the planning scheme amendment period.

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

- Yes - the amendment seeks to, among other things, enhance sustainability through improved planning and residential development guidance.

Financial: significant financial impacts

- Yes - Council will need to notify owners and occupiers 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 - Council will be bound by the procedural obligations associated with planning scheme amendments as established by the *Planning and Environment Act 1987* and Ministerial Direction No. 15.

Safety: health, safety or duty of care impacts

- Yes - the amendment seeks to, among other things, 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, and 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.

This report complies with the Brimbank Planning Scheme, the *Planning and Environment Act 1987*, relevant Ministerial Directions, PPN90 and PPN91.

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:

- a. Notes that Planning Scheme Amendment C225brim has been submitted to the Minister for Planning for approval and will translate the Brimbank Planning Scheme into the new planning scheme format required by the Victorian Government, including a new Municipal Planning Strategy.**
- b. Notes that Council submitted Planning Scheme Amendment C225brim to the Minister for Planning on 2 November 2022 and it is yet to be approved.**
- c. Notes that proposed Planning Scheme Amendment C239brim has been prepared to accord with the new Planning Policy Framework in Amendment C225brim.**
- d. Notes that Planning Scheme Amendment C239brim proposes to give limited exhibition under Section 19(1B) of the *Planning and Environment Act 1987 (the Act)* on the basis that giving individual notice to all the owners and occupiers of residential land in the City of Brimbank is considered impractical, and that reasonable steps will be taken to ensure that public notice of the proposed amendment is given, including a six week exhibition and five public notices in the Star Weekly, and that owners and occupiers of land are entitled to make submissions in accordance with sections 21 and 21A of *the Act*.**
- e. Endorses the proposed Planning Scheme Amendment C239brim as shown in Attachments 1, 2, 3, 4, 5, 6, 7, 8 and 9 to this report for public exhibition, including giving notice of the amendment in accordance with Section 19(1B) of the *Planning and Environment Act 1987*.**
- f. Subject to the Minister for Planning approving Planning Scheme Amendment C225brim, requests authorisation from the Minister for Planning to prepare and exhibit the proposed Planning Scheme Amendment C239brim under Section 8A of the *Planning and Environment Act 1987*.**
- g. Notes that proposed Planning Scheme Amendment C239brim will not be lodged with the Minister for Planning (Minister) until Planning Scheme Amendment C225brim has been approved and gazetted by the Minister.**
- h. Delegates to the Director City Futures endorsement of changes to Planning Scheme Amendment C239brim that are required following approval of Planning Scheme Amendment C225brim and or as part of any conditional authorisation of Planning Scheme Amendment C239brim.**
- i. Receives a further report outlining submissions received on the proposed Planning Scheme Amendment C239brim and Council's options in relation to the amendment.**

CARRIED

Cr Thomas O'Reilly, having declared a conflict of interest in relation to Report 13.7, left the meeting at 7.46pm.

13.7	Biodiversity Strategy Review
Directorate	City Futures
Director	Kelvin Walsh
Manager	Michelle van Gerrevink
Attachment(s)	1. 2024 Biodiversity Strategy and Habitat Connectivity Plan Review [13.7.1 - 40 pages]

Purpose

For Council to consider the Biodiversity Strategy and Habitat Connectivity Plan Review at **Attachment 1**

Officer Recommendation

That Council:

- a. **Notes the Biodiversity Strategy and Habitat Connectivity Plan Review at Attachment 1.**
- b. **Notes that a new Biodiversity Strategy, which will incorporate the Habitat Connectivity Plan, is in development and a draft will be presented to the next Council for consideration to be released for community consultation.**

Background

Brimbank Biodiversity Strategy 2012-2022 (the Strategy) and the Brimbank Habitat Connectivity Plan 2018-2023 (the Plan) guide Council's conservation activities and together form our approach to biodiversity. Both documents are due to be updated.

Both documents have been reviewed together with the aim of assessing our success in implementing the Strategy and identifying opportunities for the future. Analyses revealed that Council completed, or completed with an adjustment to scope, 100% of the actions in the Biodiversity Strategy, and 94% in the Habitat Connectivity Plan.

A new Biodiversity Strategy, which will incorporate the Habitat Connectivity Plan, is in development and a draft will be presented to the next Council for consideration to be released for community consultation.

Matters for Consideration

Analysis

Key successes were identified throughout the review process, alongside gaps that need to be addressed into the future.

Successes:

- Ongoing management of Council conservation reserves.
- Planning scheme amendments to increase protections within the planning process.
- Introduction of habitat elements into our reserves and creek lines to enhance habitat.

- Implemented an annual community engagement program to involve and educate our community.

Opportunities:

- Increase our knowledge of current biodiversity values for effective management.
- Review protections in current planning scheme in light of our changing landscape.
- Embed climate change considerations in biodiversity management.
- Increase the capacity of our community to contribute to protection of our environment.

Implementation

Our dynamic municipality, growing population and the impacts of climate change all influence how we manage our natural landscapes. This review document will inform the development of a draft Biodiversity Strategy to manage biodiversity into the future. Further work and consultation will be undertaken to refine a draft strategy.

Internal consultation has commenced with the review and will be ongoing with the development of the draft Biodiversity Strategy.

Key stakeholders within the organisation are the following teams;

- Climate Emergency and Environment
- Parks and Public Realm
- Engineering Services
- Asset and Property Services
- City Development
- City Strategy

External consultation with key external stakeholders will be conducted to inform the draft Biodiversity Strategy which will be presented next Council for consideration to be released for community consultation.

Community Engagement

An initial workshop was held on 5 March 2024, with 28 members of Brimbank Community Voice to assess community thoughts, attitudes and concerns regarding our local environment. The new Draft Biodiversity Strategy which will be presented next Council for consideration to be released for community consultation.

Initial meetings have been held with the Wurundjeri and Bunurong, and engagement will be ongoing.

Resource And Risk Implications

The new Strategy is in development stage, with community consultation required before finalisation. As such, costs with the project will be associated with the consultation and are expected to fall within the allocated budget.

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

- Yes – developing a strong public consultation plan will empower the community to participate in the strategy development and increase trust in Council process.

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

- Yes – development of the Strategy will guide how we protect our natural environment into the future

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

- Yes – the Strategy will guide how we ensure we are meeting our regulatory responsibilities.

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.

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:

- Notes the Biodiversity Strategy and Habitat Connectivity Plan Review at Attachment 1.**
- Notes that a new Biodiversity Strategy, which will incorporate the Habitat Connectivity Plan, is in development and a draft will be presented to the next Council for consideration to be released for community consultation.**

CARRIED

Cr Thomas O'Reilly returned to the meeting at 7.51pm.

13.8	Submission to Developing a Plan for Victoria
Directorate	City Futures
Director	Kelvin Walsh
Manager	Leanne Deans
Attachment(s)	1. Plan for Victoria Submission June 2024 [13.8.1 - 28 pages]

Purpose

For Council to consider endorsing the draft Submission to Plan for Victoria (the Submission) shown at **Attachment 1**.

Officer Recommendation

That Council notes and endorses the Submission to Plan for Victoria, shown at Attachment 1, and submits to the Department of Transport and Planning.

Background

The Victorian Government (Government) and councils play a critical role in how cities and towns are planned and grow. In 2017 the Government adopted a metropolitan planning strategy, Plan Melbourne 2017-50, to guide land use planning and development across metropolitan Melbourne. Integrating long-term land use, infrastructure and transport planning, Plan Melbourne aimed to set out the strategy for supporting jobs and growth, while building on Melbourne's legacy of distinctiveness, liveability and sustainability. One of the key elements of Plan Melbourne was the concept of 20 Minute Neighbourhoods, which aimed to encourage 'living locally' by enabling people to meet most of their daily needs within a 20-minute return walk from home.

The Government estimates that by 2050 Victoria will be home to more than ten million people, with eight million forecast to live in Melbourne and over two million in regional Victoria (Department of Transport and Planning, 2024). In response to this growth and change, the Government has commenced the preparation of a 'Plan for Victoria' (the Plan), which will supersede Plan Melbourne. This work started in late 2023, with the Government facilitating round table discussions and webinars with leaders and key decision-makers across local government, and the housing, development, environment and community sectors.

The Government has indicated that the Plan will focus on delivering more homes near transport, job opportunities and essential services in vibrant, liveable, and sustainable neighbourhoods with smarter and more sustainable solutions to support future growth.

The Government has commenced a second round of engagement to inform the development of the Plan, with feedback sought on four pillars comprising:

1. Affordable Housing and Choice
2. Equity and Jobs
3. Thriving and Liveable Suburbs and Towns
4. Sustainable Environments and Climate Change

Matters for Consideration

Options

The following options are available to Council:

- A. Endorse the Submission to Plan for Victoria, shown at **Attachment 1**.
- B. Endorse the Submission to Plan for Victoria shown at **Attachment 1**, with changes.
- C. Determine not to endorse the Submission to the Plan for Victoria shown at **Attachment 1**, with no further action.

The officer recommendation is Option A. The Submission to Plan for Victoria aligns with previous advocacy to the Victorian Government, is consistent with Council policy or consistent with best practice strategic planning principles.

Analysis

Consultation on Plan for Victoria provides an opportunity for Council to input into a new statewide integrated land use planning and transport strategy. Council's submission includes 33 recommendations responding to key priorities, with a focus on:

- Transforming Brimbank
- Planning for an integrated activity centre network
- Providing housing choice and diversity
- Establishing a regional planning approach
- Delivering planning certainty

A summary of the key recommendations includes:

- Reaffirming key rail infrastructure projects critical to the transformation of Brimbank including the importance of Melbourne Airport Rail, the Sunshine Super Hub, Keilor East Station and reconstruction of Albion Station.
- Reaffirming the need for a clear activity centre framework and hierarchy, including the identification of Sunshine as a Metropolitan Activity Centre (MEAC) and National Employment and Innovation Cluster and elevation of the Sydenham (Watergardens) to a MEAC.
- Development of business investment strategies and integrated transport solutions that support and connect activity centres.
- Improved connectivity including an expanded rapid bus network, upgrading the Calder Freeway, and electrification of the Wyndham Vale and Melton corridor rail lines.
- Development of a metropolitan housing strategy and housing targets based on realistic population projections.
- Reforming planning policy provisions and zoning to guide and support appropriate development in appropriate locations.
- Support to identify grey field urban renewal areas.
- Identification of surplus State Government land for urban renewal.
- Continued support and guidance to achieve the concept of living locally.
- The establishment of a regional approach to planning where land use issues cross municipal boundaries (i.e. contaminated land, Major Hazard Facilities, separation distances and flood mapping).
- Acknowledging the impact that aircraft noise has on human health and the need for mitigation and compensation in buildings that were constructed prior to the application of the Melbourne Airports Environs Overlay.
- Committing to the redevelopment of Sunshine Energy Park as a regional open space.

- Improved certainty and protection of high value eco systems including the management of State significant conservation assets.
- Development of regional land-use framework plans.
- Continuation of existing policies in Plan Melbourne that remain relevant.
- Ongoing support for the Urban Growth Boundary aligned with funding to support the preparation and implementation of Green Wedge Management Plans.
- Development of an approach to distribute any value uplift to land (i.e. for the purpose of social or affordable housing).
- Preparation of an implementation program and monitoring process for the new Plan.

Submissions are due to DTP by 30 June 2024 and a further round consultation has been flagged from 1 July to 30 August 2024. It is anticipated that a new Plan for Victoria will be finalised and released in late 2024.

Community Engagement

The Department of Transport and Planning is undertaking community consultation on the Engage Victoria site and has invited public submissions by 30 June 2024. In late 2023, the Government also conducted some round table discussions and webinars with leaders and key decision-makers across local government, and the housing, development, environment and community sectors.

Resource And Risk Implications

Resource requirements for the preparation of the Submission have been met within the Annual Budget 2023/2024.

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

- Yes – Plan for Victoria will be the overarching strategic planning and land use document prepared by the Victorian Government and inform future strategic planning policy documents across Brimbank. This will be of interest to the community, may be politically sensitive and impact Council resources.

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

- Yes – A proposed pillar within Plan for Victoria is 'Sustainable Environments and Climate Action' and this will impact on environmental sustainability.

Financial: significant financial impacts

- Yes – Plan for Victoria may have financial implication for Council as it may require Council to undertake additional or new strategic planning work.

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

- Yes – Plan for Victoria will guide strategic land use planning across Brimbank and impact on State, regional and local planning policy. Plan for Victoria will inform future strategic planning policy documents including the preparation of planning scheme amendments.

Safety: health, safety or duty of care impacts

- None – A proposed pillar within Plan for Victoria is 'Thriving and Liveable Suburbs and Towns' and this will impact on the safety of local communities.

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

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

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

The Draft Submission draws on priorities identified in adopted Council strategies and policies and relevant state government plans, including the Brimbank Housing and Neighbourhood Character Strategy 2024, Brimbank Advocacy Plan 2023-25, Brimbank Transport Priorities Paper 2022, Sunshine Priority Precinct Vision 2050, Brimbank Activity Centre Strategy 2018, Sunshine Station Super Hub Urban Design Principles 2019, Brimbank Position Statement of Social and Affordable Housing 2022, and Brimbank Economic Development Strategy 2022–2027.

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 Thomas O'Reilly

That Council notes and endorses the Submission to Plan for Victoria, shown at Attachment 1, and submits to the Department of Transport and Planning.

CARRIED

13.9	Final Draft Brimbank City Council Innovate Reconciliation Action Plan 2024-2026
Directorate	Community Wellbeing
Director	Lynley Dumble
Manager	Cheree Hunter
Attachment(s)	1. Final Draft Innovate Reconciliation Action Plan 2024-2026 [13.9.1 - 38 pages] 2. Draft Reconciliation Action Plan 2024-2026 Community Consultation Outcomes Report and Officer Response [13.9.2 - 24 pages] 3. Brimbank Aboriginal and Torres Strait Islander Reconciliation Action Plan Consultative Committee [13.9.3 - 8 pages]

Purpose

For Council to consider the Final Draft Innovate Reconciliation Action Plan 2024–2026, at **Attachment 1**, the Draft Innovate Reconciliation Action Plan 2024-2026 Community Consultation Report at **Attachment 2** and the Brimbank Aboriginal and Torres Strait Islander Consultative Committee revised Terms of Reference at **Attachment 3**.

Officer Recommendation

That Council:

- Adopts the Final Draft Innovative Reconciliation Action Plan 2024-2026 at Attachment 1 to this report.**
- Notes the Community Consultation Outcomes Report at Attachment 2 of this report.**
- Adopts the revised Terms of Reference for the Brimbank Aboriginal and Torres Strait Islander Consultative Committee, at Attachment 3.**

Background

At the Council meeting 12 December 2023, Council endorsed the Draft Reconciliation Action Plan 2024-2026 for four weeks of community consultation commencing in February 2024 and noted the Brimbank Aboriginal and Torres Strait Islander Consultative Committee Terms of Reference would be reviewed and updated to ensure they align with the Innovate Reconciliation Action Plan 2024–2026.

Brimbank's Reconciliation Action Plan (RAP) is a strategic document that outlines priority actions and deliverables expected under the Reconciliation Australia RAP Framework and those unique to Brimbank's Aboriginal and Torres Strait Islander community and Elders and Brimbank Council. The RAP guides how Council will work with local Aboriginal and Torres Strait Islander communities and Traditional Custodians.

The development and implementation of the RAP is linked to the [Brimbank Social Justice Charter](#) and the [Together We Are Brimbank Plan](#) which incorporates the Brimbank Community Vision 2040, the Council Plan 2021-2025, the Municipal Public Health and Wellbeing Plan. These documents form the core of Council's approach to working with Aboriginal and Torres Strait Islander peoples into the future.

The Draft Innovate Reconciliation Action Plan 2024-2026 has been developed, reviewed, amended and endorsed by, Bunurong Land Council Aboriginal Corporation, Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, Brimbank based Aboriginal and Torres Strait Islander community, Brimbank Aboriginal and Torres Strait Islander Consultative Committee.

The development of the Draft Innovate RAP 2024-2026 has been overseen by Council's internal Reconciliation Working Group who support, monitor and govern the implementation of the RAP. Membership of the Working Group includes two members who identify as Aboriginal and Torres Strait Islander people.

Matters for Consideration

The Country in which Brimbank is located is under the statutory care of its Traditional Custodians, the Bunurong Land Council Aboriginal Corporation to the south and Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation to the north of the municipality.

Aboriginal people have a deep and continuous connection to the land. It is a connection of more than 65,000 years. With thousands of years of history, Brimbank has a rich physical and cultural Aboriginal heritage.

Community Need

Brimbank's Reconciliation Action Plan confirms Council's commitment to deepening relationships with Traditional Custodians, Brimbank Aboriginal and Torres Strait Islander Consultative Committee and local Aboriginal and Torres Strait Islander people.

Analysis

The Innovate RAP focuses on developing and strengthening relationships with Aboriginal and Torres Strait Islander peoples, engaging staff and stakeholders in reconciliation, and developing and piloting innovative strategies to empower Aboriginal and Torres Strait Islander peoples.

This is the second Innovate RAP for Council. The Innovate RAP runs for two years and outlines actions for achieving Council's vision for reconciliation. Innovate RAP commitments will allow Council to gain a deeper understanding of our sphere of influence and establish the best approach to advance reconciliation.

The Brimbank Aboriginal and Torres Strait Islander Reconciliation Action Plan Consultative Committee provides Council with knowledge and advice on Aboriginal and Torres Strait Islander issues and needs, the ongoing implementation of Council's Reconciliation Action Plan (RAP) and Council's Strategic Direction.

The Brimbank Aboriginal and Torres Strait Islander Consultative Committee Terms of Reference have been reviewed and updated to ensure they align with the Innovate Reconciliation Action Plan 2024-2026.

Implementation

The Innovate RAP will be implemented between 2024 and 2026.

Community Engagement

From 1 – 29 February 2024, Brimbank City Council sort community feedback on its draft Innovate Reconciliation Action Plan (RAP).

Community engagement activity included conversation with Traditional Custodians and members of the Brimbank Aboriginal and Torres Strait Islander Consultative Committee (BATSICC); a community yarn for Aboriginal and Torres Strait Islanders facilitated by an

Aboriginal consultant and a survey on Council's online engagement platform. In addition, the Draft RAP, was provided to Reconciliation Australia for comment and in-principal approval.

The consultation opportunity was promoted via Council's communication channels, digital screens at libraries and community centres, e-flier distribution to over 19 community e-newsletter lists managed by staff, stakeholders such as Victoria University and western service agencies such as Victorian Aboriginal Childcare Agency (VACCA). Refer to **Attachment 2** for a response to community feedback.

Overall, there is strong support in the community for Councils reconciliation effort. While participation numbers for the workshop and online consultation were low with a total of 34 community participants the feedback received has been useful.

Traditional Custodians, Wurundjeri and Bunurong, BATSICC and Reconciliation Australia have congratulated Council on their ambition and have noted the inclusion of several deliverables that are unique to Brimbank.

The online survey hosted on Your Say, Brimbank received 27 submissions. A vast majority of participants (80% or 35/44 comments) understand reconciliation to be an opportunity to unite, acknowledge our past, demonstrate respect and bring about meaningful change for Aboriginal and Torres Strait Islanders. Most participants (59% or 16/27) agree or strongly agree with the actions and deliverables for 'Relationships', 'Respect' and 'Opportunities' and 'Governance' (65% or 17/26).

Members of the Reconciliation Working Group, an internal group comprised of over 17 Managers from across Council, have been instrumental in the development and review of the RAP. Managers have developed an implementation plan to ensure adequate resources and timelines.

Resource And Risk Implications

Resource requirements can be met within the Annual Budget 2024/2025 and 2025/2026.

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

- Yes - Failure to endorse the Innovate RAP 2024-2026 for consultation will impact relationships with Traditional Custodians and Brimbank Aboriginal and Torres Strait Islander Consultative Committee and be at odds with Councils commitment to Reconciliation.

There are no Environmental, Financial, Regulatory and Safety implications.

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

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.

This report complies with the Brimbank City Council Community Engagement Policy 2021 and the Brimbank City Council Social Justice Charter 2018.

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 Sam David

That Council:

- a. Adopts the Final Draft Innovative Reconciliation Action Plan 2024-2026 at Attachment 1 to this report.**
- b. Notes the Community Consultation Outcomes Report at Attachment 2 of this report.**
- c. Adopts the revised Terms of Reference for the Brimbank Aboriginal and Torres Strait Islander Consultative Committee, at Attachment 3.**

CARRIED

13.10**Directorate****Director****Manager****Attachment(s)****Final Draft Sports Facility Hire, Licences and Leases Agreement Policy 2024**

Community Wellbeing

Lynley Dumble

Ashley Fleming

1. Final Draft Sports Facility Hire Licences and Leases Agreement Policy 2024 [**13.10.1** - 11 pages]
2. Final Draft Operational Guidelines for Sports Facility Hire Licences and Leases Agreement [**13.10.2** - 10 pages]
3. Community Consultation Report Draft Sports Facility Hire Licences and Leases Agreement [**13.10.3** - 4 pages]

Purpose

For Council to consider adoption of the final draft Sports Facility Hire Licences and Leases Agreement Policy 2024 at **Attachment 1** and associated final draft Guidelines at **Attachment 2** to this report.

Officer Recommendation**That Council:**

- a. **Having considered submissions received on the draft Sports Facility Hire Licences and Leases Agreement Policy 2024 (draft policy), adopts the final draft Sports Facility Hire Licences and Leases Agreement Policy 2024 at Attachment 1 and associated final draft guidelines at Attachment 2 to this report.**
- b. **Writes to submitters thanking them for their submissions on the draft Sports Facility Hire Licences and Leases Agreement Policy 2024 and advising of Council's decision.**

Background

The Sports Facility Development Plan (SFDP) was reviewed and updated in 2016, 2018 and again more recently in 2023. An action identified in 2023 SFDP was to review and update Sports Facilities Leases and Licences Agreement Policy including reviewing fees and charges and incorporating the Victorian State Government Fair Access Policy and Principles.

The draft Policy has been directed and informed by:

- The need to meet the Fair Access Policy and Principles Roadmap Targets from the Office of Women in Sport by 1 July 2024, to be eligible for future funding from the State Government via Sport and Recreation Victoria.
- Key Principles of the Policy aligning with Brimbank's Community Vision, Council Plan and Municipal Health and Wellbeing Plan, Social Justice Charter and Fairness, Equality and Respect Strategy.
- Review of Depreciated Asset Value for Leases.
- Industry benchmarking.
- Review of License Facility Categories and fees determined by and aligned with facility audits and assessments conducted as part of the Sports Facility Development Plan.
- Review of discounts with the focus of discounts aligning with Fair access Principles to encourage increasing opportunities for women and girls.

At its Ordinary Council Meeting on 19 March 2024, Council resolved

That Council:

- a. *Endorses the draft Sports Facility Hire Licences and Leases Agreement Policy 2024 at **Attachment 1** and associated draft guidelines at **Attachment 2** to this report, for a minimum four-week community consultation and invites submissions.*
- b. *Receives a further report outlining any submissions made on the draft Sports Facility Hire Licences and Leases Agreement Policy 2024 and associated draft guidelines and presenting a Final Sports Facility Hire Licences and Leases Agreement Policy 2024 for consideration for adoption.*

Community consultation commenced on 26 March 2024 and closed on 22 April 2024. The process gave the community the opportunity to provide feedback on the draft Policy and Guidelines and was promoted widely to the Brimbank community, including direct emails to sports clubs on numerous occasions.

Matters for Consideration

Analysis

Council received 9 written submissions from community members during the community consultation period.

Overall the feedback received reflects strong community support for the draft Sports Facility Hire, Licences and Leases Agreement Policy 2024 with 6 community responses supporting it and 3 undecided.

Some clarifications were requested regarding club's facilities and their associated fees, with Council officers providing clarifications as requested.

Following consideration of all submissions no changes were made to the Policy and Guidelines.

A small number of grammatical and other minor changes were made based on a further internal review of the draft policy and guidelines. Most notably providing clarity that the policy does not apply to sports facilities managed in house by Council and that any agreements with sports clubs using these facilities will be in line with industry standards.

Further detail on the community feedback received can be found at **Attachment 3** to this report.

Implementation

Following adoption of the final Sports Facility Hire Licences and Leases Agreement Policy and Guidelines, Council officers will work closely with Brimbank sports clubs who have a lease or license with Council to implement the Policy including new fees and charges and related discounts as set out within the Guidelines.

Community Engagement

The proposed draft Policy and associated draft guidelines were made available for a 4 week period for community consultation.

Brimbank Sports Clubs and relevant State Sporting Associations were notified and invited to make submissions.

The draft Policy and associated guidelines were made available on Council's website, and at Council's libraries and customer service centres. In addition, all Brimbank sports clubs were directly emailed on numerous occasions to ensure they were aware of the opportunity to provide feedback.

Resource And Risk Implications

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

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

- The adoption of the updated Policy with outline Councils commitment to ensure that sports club contribute at the appropriate level to the operation of Councils sports facilities whilst also showing the high level of support that Council provides to sports clubs in providing participation opportunities to the Brimbank community.

Financial: significant financial impacts

- The new Policy will result in a slight increase in income from sports clubs, with the final amount determined by the final level of discounts achieved by clubs.

There are no Environmental, Regulatory or Safety risks.

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

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

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

Aligns and contributes to following Council Strategies and Policies:

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

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 Sam David/Seconded Cr Victoria Borg

That Council:

- a. **Having considered submissions received on the draft Sports Facility Hire Licences and Leases Agreement Policy 2024 (draft policy), adopts the final draft Sports Facility Hire Licences and Leases Agreement Policy 2024 at Attachment 1 and associated final draft guidelines at Attachment 2 to this report.**
- b. **Writes to submitters thanking them for their submissions on the draft Sports Facility Hire Licences and Leases Agreement Policy 2024 and advising of Council's decision.**

CARRIED

13.11	Contract No. 24/3495 - Provision of Kerbside Recyclables Processing
Directorate	Infrastructure and City Services
Director	Chris Leivers
Manager	Tom Razmovski
Attachment(s)	1. CONFIDENTIAL REDACTED - Tender Evaluation Report [13.11.1 - 10 pages]

Purpose

For Council to consider awarding Contract No. 24/3495 - Provision of Kerbside Recyclables Processing (Contract), for a five-year period.

Officer Recommendation

That Council:

- a. **Awards Contract No. 24/3495 - Provision of Kerbside Recyclables Processing to Cleanaway Pty Ltd for an initial term of five (5) years commencing 1 July 2024, for an estimated value of \$20,114,926 (Including GST) in accordance with the tendered schedule of rates, with the option to extend for three (3) further one (1) year period(s).**
- b. **Authorises the Chief Executive Officer to sign Contract No. 24/3495 - Provision of Kerbside Recyclables Processing.**
- c. **Assigns the Chief Executive Officer delegated authority to approve the Contract extension options of three (3) one (1) year periods, for an estimated amount of \$15,937,471 (Including GST), and for a maximum of up to \$20,000,000 (Including GST), in accordance with the tendered schedule of rates, subject to the performance and competitive pricing of the contractor.**
- d. **Notes that \$3,100,000 (excl. GST) has been allocated for the Contract in the draft 2024/25 Budget and appropriate amounts will be allocated in the budgets for subsequent years in order to cover the total maximum spend.**

Background

Council, at its Council Meeting on 19 November 2019, awarded Contract No. 20/2791 - Ex: Recyclables Processing Service with Cleanaway Pty Ltd. The initial Contract was for a 19-month period with options to extend for a further three, one-year periods and will conclude on 30 June 2024, with no further extension periods available.

The Contract forms part of the Operational Program approved by Council as part of the Annual Budget 2024/2025.

The services under this Contract are to provide a materials processing and resource recovery facility that can receive all recyclable materials delivered to the facility by Council's recyclables collection vehicles.

Matters for Consideration

Analysis

The tender for the Contract was advertised on 23 March 2024 and closed on 18 April 2024.

Two (2) tenders were received. The conforming tender was assessed by the Tender Evaluation Panel (TEP) against the evaluation criteria described in the tender documents.

The TEP considers Cleanaway Pty Ltd has the expertise and capacity to complete the works under the Contract.

The Tender Evaluation Report is at **Confidential Attachment 1**.

Implementation

Subject to Council approval, the Contract will be implemented for a five-year period from 1 July 2024 to 30 June 2029.

Community Engagement

Consultation in relation to Kerbside Recyclables Processing was conducted as part of the development of the Waste, Recycling and Litter Strategy 2018-2028 (Strategy).

Further consultation was undertaken with relevant Council departments to ensure the Contract services align with, and best support community users and meet Council's requirements.

Collaboration

Collaboration was undertaken with the Recycling Victoria and its parent body the Department of Energy, Environment and Climate Action (DEECA) in the development of the Contract specifications and alignment with the State Government's circular economy policy "*Recycling Victoria: A new economy*".

Resource And Risk Implications

The total estimated Contract spend over the five (5) year initial period is \$20,114,926 (including GST).

The total estimated Contract spend for the extension options of three (3) one (1) year periods is \$15,937,471 (including GST), subject to the performance and competitive pricing of the contractor.

The 2024/25 Budget has not yet been adopted although a budget provision for this service of \$3,100,000 (excl. GST) has been included in the draft budget for approval.

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

- Yes – The provision of this service is considered an integral part of the suite of Council's waste and recycling collection services provided to residential properties.

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

- Yes - The provision of this service is an integral part of the suite of Council's waste and recycling collection services provided to residential properties. The approach taken with this Tender has been to seek to increase the level of material recovered and recycled through this service.

Financial: significant financial impacts

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

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

- Yes – The provision of this service is a key element of the Victorian Government's circular economy policy, Recycling Victoria: a new economy.

There are no Regulatory or Safety risks identified.

Legislation/Council Plan/Policy Context

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

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

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

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

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

Resolution

Moved Cr Jasmine Nguyen/Seconded Cr Bruce Lancashire

That Council:

- Awards Contract No. 24/3495 - Provision of Kerbside Recyclables Processing to Cleanaway Pty Ltd for an initial term of five (5) years commencing 1 July 2024, for an estimated value of \$20,114,926 (Including GST) in accordance with the tendered schedule of rates, with the option to extend for three (3) further one (1) year period(s).**
- Authorises the Chief Executive Officer to sign Contract No. 24/3495 - Provision of Kerbside Recyclables Processing.**
- Assigns the Chief Executive Officer delegated authority to approve the Contract extension options of three (3) one (1) year periods, for an estimated amount of \$15,937,471 (Including GST), and for a maximum of up to \$20,000,000 (Including GST), in accordance with the tendered schedule of rates, subject to the performance and competitive pricing of the contractor.**
- Notes that \$3,100,000 (excl. GST) has been allocated for the Contract in the draft 2024/25 Budget and appropriate amounts will be allocated in the budgets for subsequent years in order to cover the total maximum spend.**

CARRIED

13.12**Directorate****Director****Manager****Attachment(s)****Contract No 19/2503 - Provision of Pound and Animal Collection Services - Extension of Contract**

City Futures

Kelvin Walsh

John Petraro

1. CONFIDENTIAL REDACTED - Extension Report Contract No 19 2503 Provision of Pound and Animal Collection [13.12.1 - 2 pages]
2. CONFIDENTIAL REDACTED - Lost Dogs Home Schedule of Rates From 1 July 2024 [13.12.2 - 5 pages]

Purpose

For Council to consider an extension of Contract No 19/2503 Provision of Pound and Animal Collection Services to The Lost Dogs Home, for final term of three years.

Officer Recommendation

That Council approves extension of Contract No. 19/2503 - Provision of Animal Pound and Collection Services to The Lost Dogs Home for a second additional period of three years to 30 June 2027, based on the agreed schedule of rates and an estimated amount in the order of \$5.2M.

Background

Contract No. 19/2503 - Provision of Pound and Animal Collection Services, was initially approved by Council at the Council Meeting 19 June 2018 for a three-year period with an option of two three-year extension to be awarded at Council's sole discretion. This report recommends taking up the second three-year period Contract extension.

The Contract is due to expire 30 June 2024. The Contract consists of a lump sum component and a schedule of rates (**Confidential Attachment 2**).

The services under this Contract allow Council to meet its legislative requirements to accommodate the number of animals collected. The Lost Dogs home has provided the services and facilities under the existing contract since June 2018.

The Contract is based on a schedule of rates where the incumbent has increased their rates for cat and dog collection by 18 per cent for financial year 2024/25 and subsequently for year five and six of the contract, rates will increase in accordance with CPI which is estimated to be an additional 5 per cent.

Matters for Consideration

This report is presented to Council to consider the Contract extension assessment and recommendation to extend the Contract for a further three-year period. Based on this, and the information contained in the **Confidential Attachment 1**, it is recommended that Council extends the Contract to The Lost Dogs Home for an additional three-year period at the agreed lump sum and schedule of rates to 30 June 2027.

Based on the past performance of the current provider, which has met Council's needs to a high level and limited alternative service providers, it is recommended that Council extend the Contract for a second period of three years, being the final term possible extension period within the Contract.

Implementation

Subject to Council approval, the Contract will be implemented for an additional three-year period from 1 July 2024 to 30 June 2027.

Community Engagement

Not applicable. No community engagement required.

Resource And Risk Implications

The cost for the Extension of Contract 19/2503 Provision of Animal Pound and Collection Services for Financial years 2024/2025, 2025/2026 and 2026/2027 in the order of \$5.2M will need to be referred to Council's annual budget process for consideration.

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

- Yes - This is a long-standing and well-utilised service provided to residents.

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 - Council has a statutory obligation to provide animal management services under the *Domestic Animals Act 1994*. Services provided by this contract represents a key component in councils ability to provide the service.

Safety: health, safety or duty of care impacts

- Yes - Council has a duty of care under the *Domestic Animals Act 1994* to provide this service.

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 Procurement Policy and the *Local Government Act 2020 (the Act)*.

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

Resolution

Moved Cr Sam David/Seconded Cr Bruce Lancashire

That Council approves extension of Contract No. 19/2503 - Provision of Animal Pound and Collection Services to The Lost Dogs Home for a second additional period of three years to 30 June 2027, based on the agreed schedule of rates and an estimated amount in the order of \$5.2M.

CARRIED

13.13**Directorate****Director****Manager****Attachment(s)****Response to Preliminary Views of Governance Issues at Brimbank City Council**

People, Partnerships and Performance

Georgie Hill

Danny Bilaver

1. Letter from Minister Melissa Horne MP to Brimbank City Council [**13.13.1** - 3 pages]
2. Letter to The Hon Melissa Horne MP RE Response to Preliminary Views of Governance Issues at Brimbank [**13.13.2** - 6 pages]

Purpose

For Council to endorse the response to a letter from the Minister Local Government, Melissa Horne MP, dated 28 May 2024 regarding the preliminary views of governance issues observed by the municipal monitors to Brimbank City Council.

Recommendation

That Council endorses the response to the letter dated 28 May 2024 from the Minister for Local Government Melissa Horne MP regarding preliminary views of governance issues at Brimbank City Council, including its commitment to the 10 Point Plan, at Attachment 2 to this report.

Background

Council received a letter from Minister Melissa Horne MP dated 28 May 2024 regarding the preliminary views of governance issues observed by the Municipal Monitors to Brimbank City Council (**Attachment 1**). The letter requested a response on the issues outlined in the letter and a written commitment to the 10 Point Plan by 30 June 2024.

Matters for Consideration

The Municipal Monitors were appointed to Brimbank City Council on 12 February 2024 to 31 December 2024, and have been working closely with Councillors and the Executive Leadership Team.

The letter from the Minister raised serious concerns in relation to the Council's ability to provide good governance to the Brimbank community, including:

- failures to give effect to the overarching governance principles in section 9(2) of the *Local Government Act 2020 (the Act)*.
- failures to take into account the supporting principles in section 9 (3) of *the Act*.
- failures by councillors to perform their role in accordance with section 28 of *the Act*.
- behaviour that may be inconsistent with the Standards of Conduct in the Council's Councillor Code of Conduct.

The Minister has asked for Council to provide a response by 30 June 2024, on the action that will be taken to address and remedy these concerns.

A response to the letter from the Minister has been drafted at **Attachment 2** for Council's consideration and endorsement. The response letter includes Council's commitment to advancing the 10 Point Plan.

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:

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

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

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

Resolution

Moved Cr Jasmine Nguyen/Seconded Cr Victoria Borg

That Council endorses the response to the letter dated 28 May 2024 from the Minister for Local Government Melissa Horne MP regarding preliminary views of governance issues at Brimbank City Council, including its commitment to the 10 Point Plan, at Attachment 2 to this report.

CARRIED

14 Notices Of Motion

Nil.

15 Notices Of Rescission

Nil.

16 Urgent Business

Nil.

17 Confidential Business**Resolution**

Moved Cr Sam David/Seconded Cr Jasmine Nguyen

That, in accordance with sections 3(1) and 66(2)(a) of the *Local Government Act 2020 (the Act)*, the meeting be closed to members of the public for the remaining of the meeting for the consideration of Confidential Report 17.1 which is classified as confidential as it relates to Information prescribed by the regulations to be confidential information for the purposes of this definition (s 3(1)(k) of the *Local Government Act 2020*), and is the last item for consideration at the meeting.

CARRIED

The meeting was closed to members of the public at 8.13pm.

18 Meeting Closure

The Mayor thanked all in attendance and closed the meeting at 8.20pm.

Confirmed at the meeting of Council held on 16 July 2024



.....
Cr Jae Papalia
Deputy Mayor