

Council Meeting Minutes

12 April 2022

Council Chamber
Hobsons Bay Civic Centre
115 Civic Parade, Altona

HOBSONS
BAY CITY
COUNCIL



OUR MISSION

We will listen, engage and work with our community to plan, deliver and advocate for Hobsons Bay to secure a happy, healthy, fair and sustainable future for all.

OUR VALUES

Respectful

Community driven and focused

Trusted and reliable

Efficient and responsible

Bold and innovative

Accountable and transparent

Recognised

Council acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners of these municipal lands and waterways, and pay our respects to Elders past and present.

Chairperson:

Cr Peter Hemphill (Mayor)

Strand Ward

Councillors:

Cr Diana Grima (Deputy Mayor)

Wetlands Ward

Cr Tony Briffa JP

Cherry Lake Ward

Cr Daria Kellander

Cherry Lake Ward

Cr Jonathon Marsden

Strand Ward

Cr Pamela Sutton-Legaud

Strand Ward

Cr Matt Tyler

Wetlands Ward

Sanjay Manivasagasivam
Acting Chief Executive Officer
Hobsons Bay City Council

TABLE OF CONTENTS

1 Council Welcome and Acknowledgement.....	6
2 Apologies	6
3 Disclosure of Interest	6
4 Confirmation of Minutes.....	7
4.1 Confirmation of Minutes	7
5 Councillor Questions.....	7
6 Public Question Time	10
7 Petitions and Joint Letters	14
7.1 Petitions and Joint Letters Received.....	14
7.1.1 Petition – Precinct 15 Traffic Impact Management.....	14
8 Certificate Presentations.....	15
8.1 Certificate of Recognition - Mr Ian Watson	15
8.2 Certificate of Recognition – Mrs Lorraine Bedella.....	16
9 Business.....	17
9.1 Office of the Chief Executive.....	17
9.1.1 Chief Executive Officer’s Report on Operations.....	17
9.2 Corporate Services	19
9.2.1 Adoption of the Proposed Annual Budget 2022-23.....	19
9.2.2 Sale of Land - 122 Woods Street, Newport.....	23
9.2.3 Introduction of Visitor Paid Parking in Altona	27
9.2.4 Adoption of the Hobsons Bay Citizenship Ceremony Dress Code 2022	29
9.2.5 Audit and Risk Committee Update - February 2022 and Biannual Report.....	31
9.3 Sustainable Communities	33
9.3.1 Draft Hobsons Bay Response to Climate Change Action Plan	33
9.3.2 Hobsons Bay Business has Heart Outdoors - Future Framework.....	36
9.3.3 Adoption of the Hobsons Bay Planning Enforcement Policy 2022	46
9.3.4 Contract 2020.44 Provision of Day and Overnight Respite - Bateman House... 50	

9.4 Infrastructure and City Services	53
9.4.1 Naming of Box Lacrosse Court at PJ Lynch Reserve, Paisley Park, Newport...	53
9.4.2 Draft Asset Plan 2022-32	55
10 Delegate Reports	58
11 Notices of Motion.....	65
12 Urgent Business	65
12.1 Condolence – Derek Craggs.....	65
13 Supplementary Public Question Time	66
14 Close of Meeting	66

Minutes of the Council Meeting held on 12 April 2022 at 7.02pm.**Present****Chairperson**

Cr Peter Hemphill (Mayor) Strand Ward

Councillors

Cr Diana Grima (Deputy Mayor) Wetlands Ward

Cr Daria Kellander Cherry Lake Ward

Cr Jonathon Marsden Strand Ward

Cr Pamela Sutton-Legaud Strand Ward

Cr Matt Tyler Wetlands Ward

Officers

Mr Sanjay Manivasagasivam Acting Chief Executive Officer

Mr Andrew McLeod Director Corporate Services

Mr Matthew Irving Acting Director Infrastructure and City Services

Ms Penelope Winslade Director Sustainable Communities

Ms Diane Eyckens Manager Corporate Integrity (Legal Counsel)

Ms Briony Davis Governance Officer and Minute Secretary

1 Council Welcome and Acknowledgement

The Chairperson welcomed members of the public and acknowledged the Bunurong People of the Kulin Nation as the Traditional Owners of these municipal lands and waterways.

2 Apologies

The Chairperson called for apologies received from Councillors who are unable to attend this meeting.

Motion

Moved Cr Diana Grima, seconded Cr Matt Tyler:

That Council accepts an apology from Cr Tony Briffa.

Carried unanimously

3 Disclosure of Interest

In accordance with sections 127 and 128 of the *Local Government Act 2020* Councillors are required to disclose a general or material conflict of interest. A conflict of interest must be disclosed in accordance with rule 15.3 of the Hobsons Bay Governance Rules.

Disclosure must occur immediately before the matter is considered or discussed.

Cr Matt Tyler disclosed an interest relating to Item 9.1.1 Chief Executive Officer's Report on Operations, through his work as Executive Director with the Men's Project at Jesuit Social Services, which conducts workshops through the Sons of the West program which is referred to in the report. Cr Tyler stated that he did not regard the interest as a material conflict of interest and did not leave the room during debate on the item.

4 Confirmation of Minutes

4.1 Confirmation of Minutes

Confirmation of the minutes of the Council Meeting of Hobsons Bay City Council held on 8 March 2022 (copy previously circulated).

Motion

Moved Cr Jonathon Marsden, seconded Cr Pamela Sutton-Legaud:

That Council confirms the minutes of the Council Meeting of Hobsons Bay City Council held on 8 March 2022.

Carried unanimously

5 Councillor Questions

Cr Matt Tyler requested an update on the progress of detailed design works for the Queen Street pedestrian and cycling bridge and asked, based on discussions with the Victorian Government, when Council could expect an update regarding funding for construction of the bridge.

Mr Matthew Irving, Acting Director Infrastructure and City Services, responded that detailed design for the bridge was nearing completion, with final approvals from key agencies such as the Department of Environment, Land, Water and Planning (DELWP) and Melbourne Water to be received in the next month to allow the project to proceed to construction subject to funding from the Victorian Government.

Mr Irving added that the Department of Transport (DoT) have used this final design information to seek funding as part of their annual state government budgeting process. Mr Irving noted that while DoT was unable to confirm when an update would be available regarding potential funding for construction of the bridge, with the 2022-23 State Budget due to be released in May, there may be some advice at that time. Mr Irving stated that Council officers would continue to discuss the project with DoT to confirm funding for the delivery of the project in the future.

Noting that significant community consultation had been undertaken on the matter, Cr Pamela Sutton-Legaud requested an update regarding the various changes, including bike lanes, to be made to Victoria Street, Williamstown, and on the evidence for why those changes needed to be made.

Mr Matthew Irving, Acting Director Infrastructure and City Services, responded that the design was based on evidence and that Council had taken a review of previous studies into account, although noted that current conditions have changed.

The street design considered a number of other key inputs including transport movements (both cycling and traffic), crash statistics, strategic connectivity of the road, environmental conditions including width and existing speed limit. Mr Irving stated that these inputs allowed

Council to identify the road as a key connection between Williamstown North Railway Station and the beach precinct. Mr Irving also noted that the evidence showed Victoria Street has a high level of cycle use and consequently high potential crash conflicts between cyclists and vehicles, with a history of crashes involving cyclists, particularly school-aged children due to local schools being nearby.

Mr Irving stated that the original design took these findings on board and provided an improved cycling corridor while also maintaining vehicle movement and the existing level of car parking supply in the area. Mr Irving went on to say that feedback from the consultation noted by Cr Sutton-Legaud led to a redesign that reduced the amount of line marking to mitigate concerns raised about the amenity of Victoria Street, which is of aesthetic importance in Williamstown. Mr Irving stated that the design still retained the appropriate widths for vehicle and cyclist movements along the road and car parking supply numbers remained unchanged.

Mr Irving concluded by saying that Council would continue to respond to residents in the area who provided feedback and would look to move forward with implementing the redesign.

Cr Pamela Sutton-Legaud expressed concern about the contamination of Cherry Lake and requested an update on the current situation and whether anyone had been held to account regarding what had happened there.

Mr Matthew Irving, Acting Director Infrastructure and City Services, responded that Melbourne Water and the Environment Protection Authority (EPA) are continuing to work with the polluter, Melbourne Transport and Warehousing (MTW) and that the clean-up effort by contractors engaged by MTW was ongoing. Mr Irving added that Council was playing a support role in the matter by installing warning signage and having officers attend regular meetings.

Mr Irving stated that a visual inspection of the lake by Council officers the previous week indicated that water quality appeared to be improving and that signs of fish life were appearing again.

Mr Irving stated that Council anticipated that the EPA would take action to prosecute MTW but indicated that he was not aware of exact timelines for this to occur.

Mr Irving concluded by noting that the EPA was holding regular meetings to respond to questions from the community about the situation, and that a community session was taking place on Thursday 13 April 2022 at the Cherry Lake picnic area.

Cr Daria Kellander noted a recent report in *The Herald Sun* that strikes by staff at Cleanaway over pay conditions would have an impact on rubbish collections across the northern and western suburbs of Melbourne, and asked whether residents should expect any issues with having their rubbish collected in the near future.

Ms Pene Winslade, Director Sustainable Communities, responded that according to media reports, some parts of Cleanaway's workforce are proposing industrial action that may affect businesses and school services in some municipalities, but that this did not include Hobsons Bay. Ms Winslade stated that Council understood that there would not be any impact for Hobsons Bay as the workforces are managed separately.

Cr Daria Kellander asked, with respect to recent charges laid by the EPA against a developer for illegal dumping of asbestos in the Precinct 15 site, what Council's role was in the matter, what was being done to ensure the safety of the community, and what the expected outcome was for residents currently living in the area or who may live there in the future.

Ms Pene Winslade, Director Sustainable Communities, confirmed that the EPA had recently commenced proceedings against a developer regarding alleged illegal depositing of a large quantity of asbestos-containing material at the site. Ms Winslade went on to say that although the EPA was the lead authority in the matter, Council did have two main roles, the first as an advocate to the EPA and to WorkSafe for the best possible outcomes for the local community, and the second as a future land owner seeking good outcomes on future public land. Ms Winslade stated that Council was working very closely with the EPA in advocating for those outcomes.

Ms Winslade added that Council last year lodged its own court action against the developer within Council's powers under the *Planning and Environment Act 1987*.

Cr Daria Kellander, noting Council's goal to increase tree canopy within the municipality by 30 per cent, asked how many trees had been planted over the past 12 months and what percentage of those trees did not survive.

Mr Matthew Irving, Acting Director Infrastructure and City Services, responded that he was pleased to announce that Council had planted 8,600 trees across the municipality over the past 12 months. Mr Irving stated that failure rates for Council's trees sat at about 6 per cent, with 5 per cent being indicated as due to vandalism. Mr Irving added that under Council's contract, those trees that did not survive for other reasons were replaced by the contractors at their cost.

6 Public Question Time

Rowena Joske

Q Mirvac's master plan for their section of the Precinct 15 development shows a road layout that is not consistent with the endorsed Comprehensive Development Plan (CDP) for the precinct. Mirvac's master plan does not seem to include the shared use bike path from the precinct into Aloha Street, which is supposed to be the main bike route from the precinct to Spotswood Railway Station. Has Council permitted the removal of this key bike route through Precinct 15?

A The CDP for Precinct 15 in Altona North shows both a road and shared path connecting to New Street opposite Aloha Street from the Mirvac site. Mirvac does not own the lot fronting New Street opposite Aloha Street, so there is no ability to provide this link in this location.

The Mirvac master plan provides for an off-road shared path which connects out to New Street about 75m north of Aloha Street.

This outcome is generally in accordance with the CDP and the intent of the CDP is maintained by relocating the connection slightly further north.

Q Given its important role in facilitating active transport from the precinct and mitigating traffic impacts, what can Council do to ensure that this key bike route is put back into Mirvac's plan?

A The bike route is provided for. It is one of three future bike routes which connect Precinct 15 to the areas to the east.

Q Can Council please inform Councillors and the community of any other major changes that have been made from the endorsed CDP for Precinct 15?

A Some changes to the CDP are inevitable when matters proceed to the development application stage. The changes include:

- In both the Mirvac and Stockland subdivisions, the local parks have been moved slightly further south from the locations shown in the CDP. They are still serving the land within each landowner's land holding and the required land area for each park has been retained.
- The east-west local access street from Kyle Road through the Stockland subdivision has been moved slightly further north to address a requirement in the CDP that there be no intersecting roads within 80m of a signalised intersection. The location of this road shown in the CDP was inconsistent with this requirement.

Rosa McKenna

Q In 2019 Council announced a Hobsons Bay Transport Planning Study (HBTPS) with the Victorian Government following commitment to address transport issues emerging in the West Gate Tunnel Project Environment Effects Statement.

Why is there no report on the north-south road link investigation in this study report?

A The HBTPS was commissioned by the Victorian Government and custodianship for this document sits under their control through the Department of Transport (DoT). Council participated in the work as a key stakeholder, however all the findings are accountable to the Victorian Government.

The report outlines several measures to improve north-south movement along both the Millers Road and Williamstown Road corridors. Section 6.2.1.1 of the report also notes that there is the potential to create a new and direct north-south connection between Altona North industrial precinct and the Tottenham Industrial Precinct via Brooklyn Industrial and Commercial Precinct as outlined in the Brooklyn Evolution Plan.

Any further questions in relation to this report would be appropriately addressed through DoT.

Q Can it therefore be confirmed that Council is no longer advocating for this north-south road and explain its reasons?

A Council will continue to advocate to the Victorian Government for full implementation of the findings detailed within the Hobsons Bay Transport Study. Council will continue to deliver key local actions detailed within the Northern Local Area Movement Plans.

Q As Hudsons Road, Spotswood is a local road, can Council ban all trucks on this road and direct businesses and their contractors to use the arterial road network reflected in Traffic Management Plans?

A A truck ban requires the formal approval of the DoT.

Council has previously applied to the DoT for a truck ban in Hudsons Road to be established prior to the planned ban to be introduced at the opening of the West Gate Tunnel Project. The DoT did not support the introduction prior to the opening of the West Gate Tunnel.

Council continues to monitor truck traffic in the Spotswood area and encourages businesses and contractors to use the arterial road network and avoid the retail and residential areas of this road

Ruth Cronin

Q How does Council justify its position regarding the proposed Third Runway for Melbourne Airport, as to not put any recommendation forward to oppose it? All indications, via website for same and flyers etc. circulated at Cherry Lake Market recently, suggest that it very much will impact many suburbs in Hobsons Bay, with flight paths directly above us and aircraft of altitudes as low as 800m. Is Hobsons Bay City Council going to put forward a submission on behalf of its residents?

A Melbourne Airport is currently undertaking consultation in relation to the master plan for the site and inclusion of a third runway that is located approximately 15km from Hobsons Bay. The master plan will alter flight paths and volumes.

Melbourne Airport's interactive map outlining the noise implications for suburbs across Melbourne indicates relatively low impacts for Hobsons Bay. Given that the noise impacts are at the lower end of the spectrum, it is unlikely that a submission from Hobsons Bay would have any impact.

As noted, Melbourne Airport is undertaking consultation across metropolitan Melbourne, including some sessions in Hobsons Bay. Residents with concerns are encouraged to attend an information session or contact Melbourne Airport with questions.

Craig Rowley

- Q The Hobsons Bay Councillor Code of Conduct requires that Councillors are respectful, fair and open minded when using social media; what is the interpretation of the Code that allows a Councillor to block and censor residents, stopping the residents from making comment about Council policies in reply to a Councillor's social media posts, noting that the residents making such comments in reply to posts have not in any way breached the community standards of the social media platform provider?**
- Q Is it a breach of section 28 of the Local Government Act 2020 for a Councillor to censor community input that is provided by residents to that Councillor to enable the Councillor to properly consider the full range of the diversity of interests and needs of the municipal community?**
- Q When a Councillor has created a page on a social media platform and chosen to have it identified the page type as "public service" is the Councillor administering that page as a private citizen or as an elected Councillor?**
- A** Councillors administer their own Councillor Facebook pages. As such Councillors bear full responsibility for the posts and opinions expressed and also the comments that are generated on their pages.

Regardless of how the Councillor's page is named, "public service", "government and public service", the responsibility to administer the social media site rests solely with the Councillor. It is for all intents and purposes their page.

Any member of the public that believes that they are being censored because they share a differing view can make an official complaint to Council in accordance with Council's Complaints Policy.

7 Petitions and Joint Letters

7.1 Petitions and Joint Letters Received

7.1.1 Petition – Precinct 15 Traffic Impact Management

Cr Daria Kellander tabled an electronic petition containing 188 signatories which read as follows:

“We, the undersigned ask that Hobsons Bay City Council conduct a Local Area Traffic Management (LATM) study for the area surrounding Precinct 15. This should plan to mitigate the traffic impacts of 7,000 new residents on the area surrounding the development and be completed in the 2022-23 financial year.”

Motion

Moved Cr Daria Kellander, seconded Cr Jonathon Marsden:

That Council:

- 1. Receives and notes the petition in relation to managing the traffic impacts of the Precinct 15 development.**
- 2. Subject to a review of the petition in accordance with the Hobsons Bay Governance Rules, receives a further report on this matter at a future Council Meeting.**

Carried unanimously

8 Certificate Presentations

8.1 Certificate of Recognition - Mr Ian Watson

Directorate:	Corporate Services
Responsible Officer:	Governance Officer
Reviewer:	Director Corporate Services
Attachments:	Nil

Purpose

To present a Certificate of Recognition to Mr Ian Watson.

Motion

Moved Cr Matt Tyler, seconded Cr Diana Grima:

That Council presents a Certificate of Recognition to Mr Ian Watson in recognition of his significant contribution to the community of Hobsons Bay by fostering community connection and promoting the physical and mental health benefits of walking, for which efforts he recently was awarded a Heart Foundation Golden Shoe.

Carried unanimously

Recommendation

That Council presents a Certificate of Recognition to Mr Ian Watson in recognition of his significant contribution to the community of Hobsons Bay by fostering community connection and promoting the physical and mental health benefits of walking, for which efforts he recently was awarded a Heart Foundation Golden Shoe.

Summary

At the Council Meeting held on 10 August 2021, Council resolved to recognise Mr Ian Watson for his contribution to the Hobsons Bay community by promoting community connection, health and wellbeing through walking. With others, Mr Watson founded the Heart Foundation walking group Meadows Walkers in May 2019 and leads the Mighty West Walkers in Newport. He was recently awarded a Heart Foundation Golden Shoe in honour of his exceptional contribution to walking.

The Mayor will present the certificate to Mr Watson at the Council Meeting to be held on 12 April 2022.

8.2 Certificate of Recognition – Mrs Lorraine Bedella

Directorate: Corporate Services
Responsible Officer: Governance Officer
Reviewer: Director Corporate Services
Attachments: Nil

Purpose

To present a Certificate of Recognition to Mrs Lorraine Bedella.

Motion

Moved Cr Jonathon Marsden, seconded Cr Pamela Sutton-Legaud:

That Council presents a Certificate of Recognition to Mrs Lorraine Bedella in recognition of her community service.

Carried unanimously

Recommendation

That Council presents a Certificate of Recognition to Mrs Lorraine Bedella in recognition of her community service.

Summary

At the Council Meeting held on 8 February 2022, Council resolved to recognise Mrs Lorraine Bedella for her community service.

Mrs Bedella has been an active member of the Hobsons Bay community since she moved to the municipality in 1955. She immediately began volunteering her time at local sporting clubs and community groups, including the canteen of what is now Bayside College in Altona North. In January 1992 she joined the Walker Close Senior Citizens Centre and a month later became its president, only retiring recently after 30 years of continuous service. The centre was renamed the Lorraine Bedella Seniors Centre in her honour in 2004.

The Mayor will present the certificate to Mrs Bedella at the Council Meeting to be held on 12 April 2022.

9 Business

9.1 Office of the Chief Executive

9.1.1 Chief Executive Officer's Report on Operations

Directorate:	Office of the Chief Executive
Responsible Officer:	Executive Assistant to the Chief Executive Officer
Reviewer:	Chief Executive Officer
Attachments:	1. CEO Report on Operations [9.1.1.1 - 42 pages]

Cr Matt Tyler disclosed an interest relating to Item 9.1.1 Chief Executive Officer's Report on Operations, through his work as Executive Director with the Men's Project at Jesuit Social Services, which conducts workshops through the Sons of the West program which is referred to in the report. Cr Tyler stated that he did not regard the interest as a material conflict of interest and did not leave the room during debate on the item.

Purpose

To present the Chief Executive Officer's (CEO's) Report on Operations.

Motion

Moved Cr Pamela Sutton-Legaud, seconded Cr Matt Tyler:

That Council receives and notes the Chief Executive Officer's Report on Operations, including details of recent issues and initiatives undertaken by the organisation.

Carried unanimously

Recommendation

That Council receives and notes the Chief Executive Officer's Report on Operations, including details of recent issues and initiatives undertaken by the organisation.

Summary

The attached CEO's Report on Operations provides Councillors and community with a regular update from the CEO on key initiatives, projects and performance.

Discussion

The purpose of this report is to inform Council and the community of recent issues, initiatives and projects undertaken across Council. The report is provided on a monthly basis.

In accordance with rule 10.7.1 of the Hobsons Bay Governance Rules, Council maintains records of meetings attended by Councillors in the CEO's Report on Operations to ensure transparency and equity of information. A summary of meetings for the period between 1 March 2021 and 31 March 2021 is provided in this month's report.

9.2 Corporate Services

9.2.1 Adoption of the Proposed Annual Budget 2022-23

Directorate:	Corporate Services
Responsible Officer:	Chief Financial Officer
Reviewer:	Director Corporate Services
Attachments:	1. Proposed Annual Budget 2022-23 [9.2.1.1 - 80 pages] 2. Fees and Charges 2022-23 [9.2.1.2 - 28 pages] 3. Detailed Capital Works Program 2022-23 [9.2.1.3 - 8 pages]

Purpose

To present to Council the Proposed Annual Budget 2022-23 (Attachments 1-3) in accordance with section 94 of the *Local Government Act 2020*.

Motion

Moved Cr Pamela Sutton-Legaud, seconded Cr Matt Tyler:

That Council:

1. Approves the Proposed Annual Budget 2022-23 to be placed on public exhibition for a period of four weeks for the purpose of public consultation and comment.
2. Authorises the Acting Chief Executive Officer to:
 - a. Give public notice of the preparation of the Proposed Annual Budget 2022-23.
 - b. Make available for public inspection the information required by regulations 7 and 8 of the Local Government (Planning and Reporting) Regulations 2020.
3. Considers and hears any comments received in accordance with section 223 of the *Local Government Act 1989* at the Council Meeting to be held on 31 May 2022.

Carried unanimously

Recommendation

That Council:

1. Approves the Proposed Annual Budget 2022-23 to be placed on public exhibition for a period of four weeks for the purpose of public consultation and comment.
2. Authorises the Acting Chief Executive Officer to:
 - a. Give public notice of the preparation of the Proposed Annual Budget 2022-23.
 - b. Make available for public inspection the information required by regulations 7 and 8 of the Local Government (Planning and Reporting) Regulations 2020.
3. Considers and hears any comments received in accordance with section 223 of the *Local Government Act 1989* at the Council Meeting to be held on 31 May 2022.

Summary

The Proposed Annual Budget 2022-23 is based on an operational surplus of \$25.852 million for the year, although this does not include Council's significant investment in capital expenditure of \$56.78 million for 2022-23.

Operating surpluses are required to ensure that Council remains financially viable to fund current and future commitments, including the Ten Year Capital Works Program.

Council proposes to increase its general rates by 1.75 per cent in accordance with the Victorian Government rate cap legislation. This year's rates will be based on new 2022 valuations, meaning rate increases will vary across the differential rating categories and individual properties.

Despite not being included in the current budget figures, Council will continue its advocacy work towards other levels of government to identify future funding opportunities that will help to deliver an ongoing high standard of services and infrastructure. Council is actively advocating for projects that will bring economic, environmental and social benefits to the city of Hobsons Bay, such as the Hobsons Bay Wetlands Centre and the Western Aquatic and Leisure Centre.

Background

The annual budget process commenced in late 2021 when Council undertook its 2022-23 pre-budget consultation, providing an opportunity for community members to submit their ideas.

There have been nine budget briefings in relation to developing the Proposed Annual Budget 2022-23. These briefings were used to develop and bring together all the elements that have influenced the budget's development, including:

- Capital Works Program
- Financial Plan outlook
- fees and charges
- Valuation and Rating Discussion Paper, including rate modelling
- community consultation process
- operational budget

The Victorian Government has implemented an inflation-based rate cap, the Fair Go Rates System, which has been overseen by the Essential Services Commission since 2016-17. The rate cap for 2022-23 is 1.75 per cent, slightly higher than the 1.5 per cent cap in 2021-22.

The rate cap is only half of the All Groups CPI of 3.5 per cent over the 12 months up to and including the December 2021 quarter. Recent global circumstances have the potential to increase inflation further, reducing Council's real level of income from rates when compared to the possible increases in costs that could be incurred. This is expected to create significant pressure on Council's ability to deliver services and infrastructure projects. This is a challenge that has been carefully considered in forming the budget in 2022-23 and the rate increase in line with the cap.

Discussion

In preparing the proposed budget, effort has been taken to maintain service levels as much as possible. Council's operational budget reflects delivery of a significant number of services and has been constructed to ensure continuity of services, noting that some adjustments to internal resourcing have been made to meet organisational needs and ensure that the organisation can continue to respond to community expectations.

The 2022-23 operational budget surplus of \$25.852 million and the predicted increase in cash and investments of \$3.161 million may seem like a strong result but it should be noted that new loan borrowings of \$8 million are required to fund the Capital Works Program. Despite these borrowings there is still a shortfall in the funding available for the Ten Year Capital Works Program. The program has therefore been reduced in line with current financial limitations. Council is working to reduce this funding gap, but some projects in future years remain unfunded.

Council has a strong history of being financially sustainable and managing service delivery within its means. As revenue constraints outside of Council's control are applied and the level of organisational maturity increases in asset management, a higher degree of work is required on service planning. This work should ensure that Council remains in a reasonable financial position throughout the duration of the Financial Plan and delivers the most relevant mix of services to support the Hobsons Bay community.

The average rateable property's capital improved value (CIV) in Hobsons Bay has increased by 8.51 per cent in the past 12 months. Property valuation changes can vary considerably across the differential rating categories and individual properties in a revaluation year.

The overall average capital improved value (CIV) increase is 8.51 per cent, but this varies for each rating category as follows:

- residential ▲ 9.02 per cent increase
- residential vacant land ▲ 9.71 per cent increase
- commercial ▲ 4.36 per cent increase
- industrial ▲ 7.10 per cent increase
- petrochemical ▼ 5.28 per cent decrease
- cultural and recreational ▲ 1.42 per cent increase

There is a common misconception that as properties are revalued, Council receives a “windfall gain” of additional revenue. This is not the case, as the revaluation process results in a redistribution of the rate burden across all properties in the municipality. Total income from rates (excluding waste service charges) is determined by the rate cap. In simple terms, as property values increase, the rate in the dollar is reduced.

The average general rate increase is 1.75 per cent, consistent with rate cap, but the valuation changes above, mean that average rate increases vary for each rating category as follows:

- residential ▲ 2.84 per cent increase
- residential vacant land ▲ 3.51 per cent increase
- commercial ▼ 1.56 per cent decrease
- industrial ▲ 1.03 per cent increase
- petrochemical ▼ 10.65 per cent decrease
- cultural and recreational ▼ 4.36 per cent decrease

The rate notice will include service charges for the collection, disposal and processing of garbage, recycling, glass, garden and food waste and hard waste. These service charges are not subject to the rate cap, but based on the cost to provide the service. The charges are proposed to increase by 9.6 per cent in 2022-23 but still do not cover the cost of providing the waste service. Council has decided to recoup its considerable investment in expanding its waste service in future years.

Rate notices will also include the fire services property levy that Council collects on behalf of the Victorian Government. This levy is not regarded as Council income and is not included within the figures outlined in the Proposed Annual Budget 2022-23.

Should further financial assistance be required, it can be provided through Council’s Financial Hardship Policy. Council has included \$100,000 in the budget to provide this assistance.

9.2.2 Sale of Land - 122 Woods Street, Newport

Directorate:	Corporate Services
Responsible Officer:	Director Corporate Services
Reviewer:	Director Corporate Services
Attachments:	1. Plan of Lots 81, 82 and 83 - 122 Woods Street, Newport [9.2.2.1 - 1 page] 2. Marketing Submission - 122 Woods Street Newport [9.2.2.2 – 5 pages]

Purpose

To propose the sale of the property situated at 122 Woods Street, Newport and seek Council's approval to undertake public consultation for a period of six weeks.

Motion

Moved Cr Pamela Sutton-Legaud, seconded Cr Jonathon Marsden:

That Council:

1. Resolves to sell the property situated at 122 Woods Street, Newport and undertake public consultation for a period of six weeks.
2. Fulfills its obligations in accordance with the *Local Government Act 2020*, the *Hobsons Bay Community Engagement Policy 2021* and any statutory and relevant stakeholder consultation while maintaining appropriate levels of commercial confidentiality.
3. Obtains a valuation of land in accordance with section 114(2)(c) of the *Local Government Act 2020* which is made not more than six months prior to the sale.
4. Publishes a notice of its intention to sell the property on Council's website in accordance with subsection 114(2)(a) of the *Local Government Act 2020*.
5. Considers all submissions received in accordance with the *Hobsons Bay Community Engagement Policy 2021*.
6. Receives a further report dealing with any submissions and an updated property valuation.
7. Notes that sale proceeds will be allocated as follows:
 - 50 per cent to the Western Aquatics Facility Construction Reserve
 - 25 per cent to the Wetlands Centre Construction Reserve
 - 25 per cent to the Hobsons Bay Property Development Fund Reserve

Carried unanimously

Recommendation

That Council:

1. Resolves to sell the property situated at 122 Woods Street, Newport and undertake public consultation for a period of six weeks.
2. Fulfills its obligations in accordance with the *Local Government Act 2020*, the Hobsons Bay Community Engagement Policy 2021 and any statutory and relevant stakeholder consultation while maintaining appropriate levels of commercial confidentiality.
3. Obtains a valuation of land in accordance with section 114(2)(c) of the *Local Government Act 2020* which is made not more than six months prior to the sale.
4. Publishes a notice of its intention to sell the property on Council's website in accordance with subsection 114(2)(a) of the *Local Government Act 2020*.
5. Considers all submissions received in accordance with the Hobsons Bay Community Engagement Policy 2021.
6. Receives a further report dealing with any submissions and an updated property valuation.
7. Notes that sale proceeds will be allocated as follows:
 - 50 per cent to the Western Aquatics Facility Construction Reserve
 - 25 per cent to the Wetlands Centre Construction Reserve
 - 25 per cent to the Hobsons Bay Property Development Fund Reserve

Summary

It is proposed that Council divest the land situated at 122 Woods Street, Newport and place the funds in the Western Aquatics Facility Construction Reserve, the Wetlands Centre Construction Reserve and the Hobsons Bay Property Development and Investment Fund Reserve.

The site is currently being used as a temporary administrative base for a community group and has been identified as surplus to Council's requirements. A previous attempt to sell the land was blocked by a restrictive covenant which has now been removed.

Sale options are being explored, such as selling the land "as is" or subdividing it into smaller residential blocks.

Background

Council owns the three parcels of land comprised within the property, being the land indicated on the plan at Attachment 1.

Lots 82 and 83 are comprised within Certificate of Title Volume 8046 Folio 558. The site area for Lot 82 is approximately 689 m² and Lot 83 is approximately 703 m² with a total area of 1,392 m². These two lots front onto Woods Street.

Lots 82 and 83 were purchased by the former City of Williamstown from the Commonwealth of Australia in 1954 with the intention of constructing a baby health centre, kindergarten and public hall. The buildings were constructed in about 1954 contravening a restrictive covenant that required the lots to be used for the purpose of public recreation.

In 2014 the property was vacated following the completion of the Newport Gardens Early Years Centre located at 51 Maddox Road, Newport and the transition of services to that facility.

Lot 81 is comprised within Certificate of Title Volume 8354 Folio 060. This lot is vacant and was purchased by Council in 1961. Lot 81 is on a separate title, free of any encumbrances. The site area for Lot 81 is approximately 637 m². This lot fronts onto Laurie Street.

In 2010 Council resolved to record its intention to sell the property following the relocation of the Hobsons Bay Kindergarten and Toy Library to the Newport Gardens Early Years Centre. Proceeds from the land were targeted to be retained for capital works infrastructure for use in the five-year capital works program. The restrictive covenant registered on two of the lots prevented the progression of the sale.

To enable Council to achieve a maximum derived benefit from the property, a planning scheme amendment under Part 3 of the *Planning and Environment Act 1987* was embarked on by Council. The covenant has now been removed through the amendment process.

In initiating the removal of the covenant, Council was required to give consideration as to the adequacy of public open space requirements in the area.

The property is located within a residential pocket of Newport close to amenities that complement residential accommodation and zoned GRZ1, with Loft Reserve and Jack Madigan Reserve within the vicinity.

The property is not required for the provision of a Council service or operation, and there is no demonstrated demand for recreational, environmental or community use.

Discussion

The property is located in a popular residential pocket of Newport close to amenities that complement residential accommodation. The property is not in a prominent location, near public transport or an activity centre that would necessitate retention for future use.

With respect to public open space, Loft Reserve is located within 300m of the property and Jack Madigan Reserve is about 550m, therefore there is suitable available open space for both recreation and passive use within walking distance of this property.

Current considerations of Council's wider economic, strategic, social, and environmental objectives, the benefits, and liabilities, initiated a review of its property portfolio, yielding property identified as surplus and suitable for revenue and sale options.

The building is housing a small temporary administration base for a community group being the Williamstown Historical Society. Alternative accommodation is being considered for this group.

The property has been identified as surplus to Council's requirements at this point in time.

Sale Options

1. Sell the land as identified in the titles “as is” with the old kindergarten building remaining.
2. Demolish the existing building and sell the cleared land to a developer. The removal of the existing building would not add value to the sale price.
3. Demolish the building and Council subdivide the three lots into residential building blocks.

Sale options and applicable sales revenue estimates will be explored and provided to Council in a confidential session once evaluated.

It is the intent that the funds from the sale be allocated as follows:

- 50 per cent to the Western Aquatics Facility Construction Reserve
- 25 per cent to the Wetlands Centre Construction Reserve
- 25 per cent to the Hobsons Bay Property Development Fund Reserve

If Council decides to subdivide the property it is expected that there will be an increased yield yet to be valued.

9.2.3 Introduction of Visitor Paid Parking in Altona

Directorate: Corporate Services
Responsible Officer: Director Corporate Services
Reviewer: Director Corporate Services
Attachments: Nil

Purpose

To explore the potential for the expansion of paid parking for visitors, currently established in Williamstown, into other areas of the municipality.

Motion

Moved Cr Jonathon Marsden, seconded Cr Matt Tyler:

That Council:

- 1. Undertakes community consultation for a period of six weeks regarding the introduction of paid parking for visitors on the Esplanade in Altona.**
- 2. On completion of the consultation period, receives a further report at a future Council Meeting detailing any submissions received.**

Carried unanimously

Recommendation

That Council:

- 1. Undertakes community consultation for a period of six weeks regarding the introduction of paid parking for visitors on the Esplanade in Altona.**
- 2. On completion of the consultation period, receives a further report at a future Council Meeting detailing any submissions received.**

Summary

A paid parking system is currently established in parts of Williamstown. Residents are provided with free parking permits in these areas, so only visitors are charged.

Council is considering the expansion of this system to other locations with high car parking demand, such as the Esplanade in Altona, and intends to undertake community consultation regarding this plan.

Background

Paid parking is designed to provide equitable and accessible parking spaces for residents and visitors at premium locations in the municipality.

Council resolved to introduce ticket machine parking into parts of Williamstown during August 1987, leading to the installation of 44 machines along Nelson Place and the Esplanade. These machines are still in use and the charges are set as part of the Council's budget process, increasing in line with the Consumer Price Index (CPI). Residents are currently entitled to park two vehicles for free by using ticket machine parking permits which are issued every two years at no cost to residents.

The *Local Government Act 2020* empowers Council to fix fees and time periods for parking in designated areas. The introduction of paid parking increases the turnover of car parking spaces at premium locations and generates income for maintenance and upgrade to road and parking infrastructure.

Discussion

Visitors to Hobsons Bay's magnificent foreshore currently benefit from free parking without contributing to the upkeep of the amenity Council provides. The introduction of paid parking meters along the foreshore would allow Council to recoup these costs and would also assist in addressing the significant antisocial parking behaviour that is experienced through peak periods.

Paid parking will be introduced at locations with high car parking demand after relevant consultation in accordance with Council's Community Consultation Policy.

The Esplanade in Altona has been identified as having high car parking demand and visitor numbers. The introduction of paid parking will have minimal impact upon residents because they can continue to park for free. Paid parking assists with increasing the turnover of car parking spaces at premium locations which assists local traders. It also encourages more environmentally sustainable methods of transport.

9.2.4 Adoption of the Hobsons Bay Citizenship Ceremony Dress Code 2022

Directorate:	Corporate Services
Responsible Officer:	Manager Corporate Integrity (Legal Counsel)
Reviewer:	Director Corporate Services
Attachments:	1. Hobsons Bay Citizenship Ceremony Dress Code 2022 [9.2.4.1 - 6 pages]

Purpose

To adopt the revised Hobsons Bay Citizenship Ceremony Dress Code 2022 in accordance with the requirements of the Australian Citizenship Ceremonies Code 2019 (the ACC Code).

Motion

Moved Cr Jonathon Marsden, seconded Cr Diana Grima:

That Council:

1. Adopts the Hobsons Bay Citizenship Ceremony Dress Code 2022 as attached.
2. Revokes the previous Citizenship Ceremony Dress Code adopted on 10 March 2020.
3. Provides a copy of the Hobsons Bay Citizenship Ceremony Dress Code 2022 to the Department of Home Affairs in accordance with the requirements of the Australian Citizenship Ceremonies Code.
4. Publishes a copy of the Hobsons Bay Citizenship Ceremony Dress Code 2022 on the Citizenship Ceremonies page of Council's website.

Carried unanimously

Recommendation

That Council:

1. Adopts the Hobsons Bay Citizenship Ceremony Dress Code 2022 as attached.
2. Revokes the previous Citizenship Ceremony Dress Code adopted on 10 March 2020.

3. Provides a copy of the Hobsons Bay Citizenship Ceremony Dress Code 2022 to the Department of Home Affairs in accordance with the requirements of the Australian Citizenship Ceremonies Code.
4. Publishes a copy of the Hobsons Bay Citizenship Ceremony Dress Code 2022 on the Citizenship Ceremonies page of Council's website.

Summary

This report proposes an updated dress code for attendees at citizenship ceremonies held by Council.

Background

A requirement for individual councils to set and maintain a dress code for citizenship ceremonies was one among several changes made to the ACC Code by the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs in September 2019.

In accordance with this new requirement, the Citizenship Ceremony Dress Code was first adopted by Council at the Council Meeting held on 10 March 2020. The dress code is now due for review.

It is also a requirement of the ACC Code that councils provide a current copy of their citizenship ceremony dress code to the Department of Home Affairs.

Discussion

The Citizenship Ceremony Dress Code has been reviewed and updated in accordance with both Council's requirements and those of the ACC Code. The updated dress code has been benchmarked against other similar councils in order to ensure that it reflects best practice.

The proposed dress code incorporates the following key changes:

- inclusion of wording to deter the wearing of potentially offensive items of clothing at citizenship ceremonies held by Council
- provision authorising the Senior Governance Officer of Council present at a citizenship ceremony to either require attendees who do not comply with the above requirement to change their clothing or deny them entry to the event
- clear guidance as to internal roles and responsibilities in relation to the oversight, maintenance and enforcement of the dress code
- a designated future review date and contacts for further information

The Hobsons Bay Citizenship Ceremony Dress Code 2021 continues to encourage all attendees at citizenship ceremonies held by Council to wear smart casual attire reflective of the significance of the occasion, or to wear their national, traditional or cultural dress.

9.2.5 Audit and Risk Committee Update - February 2022 and Biannual Report

Directorate:	Corporate Services
Responsible Officer:	Audit and Risk Advisor
Reviewer:	Director Corporate Services
Attachments:	1. Audit and Risk Committee Meeting Minutes - 23 February 2022 [9.2.5.1 - 6 pages] 2. Audit and Risk Committee Biannual Report (July – December 2021) [9.2.5.2 - 11 pages]

Purpose

To update Council regarding issues considered at the Audit and Risk Committee meeting held on 23 February 2022.

Motion

Moved Cr Pamela Sutton-Legaud, seconded Cr Jonathon Marsden:

That Council:

- 1. Notes the matters considered by the Audit and Risk Committee at the meeting held on 23 February 2022.**
- 2. Receives and notes the Audit and Risk Committee Biannual Report (July – December 2021).**

Carried unanimously

Recommendation

That Council:

- 1. Notes the matters considered by the Audit and Risk Committee at the meeting held on 23 February 2022.**
- 2. Receives and notes the Audit and Risk Committee Biannual Report (July – December 2021).**

Summary

This report provides an update of the Audit and Risk Committee meeting held on 23 February 2022 to ensure that Council is informed of the activities of the Audit and Risk Committee. It provides Council with an opportunity to explore any issues that have been considered.

Also included in this report is the Audit and Risk Committee Biannual Report, in accordance with the requirements of the *Local Government Act 2020* (LG Act 2020).

Background

The Hobsons Bay City Council Audit and Risk Committee is an independent Committee of Council. The Committee comprises three independent members and two Councillors. The Chairperson is an independent member who has the casting vote.

The Committee meets at least quarterly throughout the year and has a Charter that addresses responsibilities that include risk management, control frameworks, external accountability, legislative compliance and internal and external audits.

The Audit and Risk Committee Biannual Report meets the reporting requirements to Council as mandated by section 54(5) of the LG Act 2020 and importantly provides Council with a summary of the matters that the Committee has addressed in the reporting period in discharging its responsibilities under its Charter.

Discussion

The 23 February 2022 meeting addressed the following items:

- External Audit Strategy 2021-22
- the Chief Executive Officer's update
- outstanding audit recommendations
- Internal Audit Program including draft Internal Audit Plan 2022 – 2024
- risk management update, highlighting the risk executive summary, a general update on recent issues and an insurance report
- Occupational Health and Safety report
- Quarterly Financial Report for the period ended 31 December 2021
- cash and investment balances as at 31 January 2022

9.3 Sustainable Communities

9.3.1 Draft Hobsons Bay Response to Climate Change Action Plan

Directorate: Sustainable Communities

Responsible Officer: Acting Manager Strategy, Economy and Sustainability

Reviewer: Director Sustainable Communities

Attachments: 1. Draft Hobsons Bay Response to Climate Change Action Plan
[9.3.1.1 - 20 pages]

Purpose

To seek Council's approval for the Draft Hobsons Bay Response to Climate Change Action Plan to be presented for community consultation.

Motion

Moved Cr Matt Tyler, seconded Cr Jonathon Marsden:

That Council:

1. Places the Draft Hobsons Bay Response to Climate Change Action Plan on public exhibition for six to eight weeks from 13 April 2022.
2. Receives a further report at a future Council Meeting to consider community feedback received.

Carried unanimously

Recommendation

That Council:

1. Places the Draft Hobsons Bay Response to Climate Change Action Plan on public exhibition for six to eight weeks from 13 April 2022.
2. Receives a further report at a future Council Meeting to consider community feedback received.

Summary

Council has been working to update its climate change planning for some time. A Climate Change Action Plan is an important guiding document for Council and community as the impacts of climate change for the community begin to increase. The draft plan outlines actions that Council will take to address climate change from 2022 to 2030.

Community consultation on the draft plan is proposed to begin in April 2022 and run for six to eight weeks.

Following the consultation, a further report outlining community feedback together with a finalised plan will be brought to Council for consideration, potentially in June or July 2022.

Background

The draft plan has been developed to ensure that Hobsons Bay City Council complies with legislation, meets the commitments of the Council Plan 2021-25 and Hobsons Bay 2030 Community Vision, and supports the delivery of Council's existing suite of environment and climate related policies.

The plan will update, consolidate and replace expired policies including the Climate Change Adaptation Plan 2013-18, the Corporate Greenhouse Strategy 2013-2020, Community Greenhouse Strategy 2013-2030 and the Integrated Water Management Plan 2014-2019.

Discussion

The draft plan recognises that climate change is a current and significant challenge that requires action from Council, the community and other levels of government. The plan outlines Council's vision to be a carbon neutral organisation that:

- inspires and supports residents and businesses to reduce their own greenhouse gas emissions
- provides future-proofed public spaces, facilities and services that are resilient to extreme weather events and changing coastline conditions
- supports net zero and climate resilient buildings in the private realm

It outlines tangible actions that Council will take to achieve the vision.

Goals and commitments

The draft plan confirms Council's commitment to reducing its own emissions and to achieving previously endorsed goals including, for example:

- increase tree canopy on public land to 30 per cent by 2040
- increase water use sourced from alternative sources by 20 per cent
- reduce potable (drinking) water use by 65 megalitres

Council also aims to support the community to:

- increase waste diversion from landfill rate to 66 per cent by 2025
- achieve net zero community greenhouse gas emissions by 2030

Council had previously aimed to achieve net zero corporate emissions by 2020. While significant reductions have already been achieved, full zero emissions would have required the use of purchased carbon offsets. Instead, Council has committed to significant investment in renewable electricity and energy efficiency to dramatically reduce emissions while utilising offsets as a last resort to achieve net zero. Council's Virtual Power Project has already installed almost 2 MW of generation across the municipality, with more now in train.

Themes and actions

The plan outlines 40 actions across four themes:

1. Implementation of Council's five-year emissions reduction action plan (mitigation)
2. Managing risk and preparing for a changing climate (adaptation)
3. Integrated Water Management (water)
4. Supporting the community to respond to climate change (community)

The actions have been informed by data and current research to maximise Council's impact as well as to support and facilitate climate change response from Council's partners. The actions support Council's vision and commitments to not only reduce emissions but to make the changes needed to protect health, wellbeing and assets in a changing climate.

Each action is within the control of Council, measurable, impactful, deliverable and financially responsible.

Implementation, monitoring and evaluation

Responding to climate change and integrated water management is a whole of organisation commitment that will be delivered by all areas of Council. Actions will be overseen by a multi-department- Steering Group and Working Group led by the Environment and Sustainability team with progress reported in Council's Annual Report and on its website.

Community consultation

Community consultation on the draft plan is proposed to run for four to six weeks commencing in April 2022. Consultation activities will be promoted widely to the broader community to seek to engage people not already active in community sustainability groups.

Activities will include:

- online feedback via the Participate Hobsons Bay website
- online and face-to-face information and feedback sessions
- pop-up consultation events

Next steps

It is proposed that the Draft Hobsons Bay Response to Climate Change Action Plan be released for community consultation from 13 April 2022 for a period of six to eight weeks. Community engagement will inform potential revisions to the plan.

A further report will then be brought to Council including the final version of the plan for formal endorsement along with a summary of community responses.

9.3.2 Hobsons Bay Business has Heart Outdoors - Future Framework

Directorate:	Sustainable Communities
Responsible Officer:	Acting Manager Strategy, Economy and Sustainability
Reviewer:	Director Sustainable Communities
Attachments:	1. Hobsons Bay Business has Heart Outdoors Flyer – Future Program [9.3.2.1 - 1 page]

Purpose

To provide a framework for the future of the Hobsons Bay Business has Heart (HBBhH) Outdoors program beyond the current extension of the program to 31 May 2022.

Motion

Moved Cr Daria Kellander, seconded Cr Diana Grima:

That Council:

1. Notes the community feedback received during the public consultation process on the future options for the Hobsons Bay Business has Heart Outdoors program.
2. Endorses the framework proposed for the future of the Hobsons Bay Business has Heart Outdoors program, to apply from 1 June 2022.
3. Endorses the waiving of the fixed area fee for the 2022-23 financial year, during which time all businesses will be able to work through their choices in detail.

Carried unanimously

Recommendation

That Council:

1. Notes the community feedback received during the public consultation process on the future options for the Hobsons Bay Business has Heart Outdoors program.
2. Endorses the framework proposed for the future of the Hobsons Bay Business has Heart Outdoors program, to apply from 1 June 2022.
3. Endorses the waiving of the fixed area fee for the 2022-23 financial year, during which time all businesses will be able to work through their choices in detail.

Summary

Between October and December 2020, in response to the significant impacts of the COVID-19 pandemic on businesses, Council installed outdoor trading areas across the municipality, including extended footpath trading zones, parklets in car parking spaces, barriers and a road closure, and waived the usual fees associated with outdoor trading.

The initial HBBhH Outdoors program ran until the end of March 2021 with 193 businesses participating. Based on positive community feedback the program was extended until 31 May 2021 and again until 31 May 2022. At the time of writing this report 153 businesses are participating in the program.

Over two months from December 2021 to January 2022, Council consulted with the community, residents and businesses regarding the future of the program. Nearly 1,000 online survey submissions were received either directly to Participate Hobsons Bay or via interview.

Based on community feedback received from the consultation process, a framework for future outdoor trading areas has been developed which will govern how the program transitions to a more permanent or recurring format beyond May 2022.

Background

The HBBhH Outdoors program was launched in October 2020, providing extended outdoor trading areas in 43 precincts to support 193 individual businesses across Hobsons Bay. This included:

- creation or extension of footpath trading areas in front of businesses and in some cases neighbouring businesses
- use of on-street public carpark spaces to create “parklets”
- use of private land (e.g. private car parks or land within privately held, body corporate-managed common areas) to create outdoor trading areas and parklets
- the closure of a section of Pier Street in Altona (between Blyth and Queen Streets) to create an open-air plaza as a “feature site” including provision for adjacent businesses to utilise part of the space for outdoor trading areas

The HBBhH Outdoors program was established quickly and efficiently, and at significant expense which was met through a combination of Council and Victorian Government funding (each party contributing about \$800,000 towards infrastructure costs) with operational costs absorbed by Council.

Extensive community consultation undertaken in March and April 2021 received almost 1,000 responses, including 159 participating businesses and 115 non-participating businesses, with the majority (86 per cent) indicating support for the program.

Following the consultation period some changes were made to the original outside trading areas, including removal of some sites that were no longer required, transition of communal areas to individual business areas and extension of the program until 31 May 2022.

The program facilitated businesses to respond to COVID-safe regulations, especially those reliant on indoor dining and trading areas who might have otherwise been unable or highly limited to operate. In addition, as Council was installing the infrastructure for businesses and undertook all engineering and safety approvals, businesses were not required to seek

engineering approval for fixed infrastructure (such as café screens or planter boxes) as is usually the case to ensure that the items are of a safe and publicly acceptable standard.

In October 2021, Council once again offered outdoor trading areas to businesses who wanted to join the program. An additional 18 sites were delivered in this phase. The continued operation of the program over the 2021-22 summer was further enhanced with additional funding provided by the Victorian Government's COVIDSafe Outdoor Activation Fund (which also enhanced Council's activation programs across the city).

Over this period, Council also waived footpath trading permit fees, which reduced costs for businesses for a total investment of about \$270,000.

Further consultation occurred between December 2021 and January 2022 to inform the development of a framework for the future of outdoor trading areas, and additional discussions were held with trader groups in March 2022.

Discussion

The HBBhH Outdoors program has delivered benefits to both participating businesses and the broader community by providing much-needed additional trading areas for businesses to meet social distancing requirements and addressing customer concerns in relation to spending prolonged periods indoors in public settings.

The program in its current format has been extended until 31 May 2022 and offers three formats of outdoor areas: extended footpath trading, parklets and a feature site. Beyond this date, there are three potential outcomes for how existing outdoor trading sites could move forward: (a) retention on a permanent or semi-permanent basis, (b) retention on a seasonal basis and (c) removal.

The determining factors for the future of each outdoor trading site includes potential safety concerns and impacts, business utilisation of the space, equitable use of public space, parking implications, potential amenity impacts on adjacent and nearby businesses and residents, and traffic impacts and risks. Participation rates from businesses following the removal of fee waivers, has also been considered within the framework.

Consultation feedback

Consultation on what the future program could look like including the (draft) Future Program – Transition and Interim Guidelines was undertaken from December 2021 to January 2022. Feedback was sought from the community, residents, and businesses.

During the consultation period almost 1,000 responses were received via the Participate Hobsons Bay website including responses from residents, participating and non-participating businesses. As part of the consultation postcards were delivered to businesses and residents within 100m of HBBhH Outdoors trading areas. Meetings were also held with traders and trader associations and participating businesses were visited to ensure all had opportunities to provide feedback.

Overall, survey responses indicated support for the program, with 75 per cent of residents in favour of transitioning to permanent extended footpath areas and 68 per cent in favour of transitioning to permanent parklets.

As part of the consultation, feedback was sought on feature sites with Pier Street in Altona serving as an example of how a feature location can operate as an outdoor trading area providing greater community benefit and creating flow-on benefits for nearby businesses within the wider precinct. The survey explored the community's response to this site as well as potential new feature locations in Laverton and Williamstown. Residents and businesses alike support feature locations with 90 per cent in support of Pier Street, 81 per cent in support of a feature location in Laverton and 83 per cent in support of a location in Williamstown.

Feedback was also sought on whether businesses should pay fees for outdoor trading areas with a mixed response; about half of resident respondents disagree or strongly disagree that businesses should pay fees with a further 21 per cent unsure.

A mixed response was received from businesses regarding fees. Just over half of business respondents were unsure or disagreed with fees being introduced for extended footpath trading areas and about 60 per cent of businesses were unsure or disagreed with fees being introduced for parklets. In response to likelihood to continue with outdoor trading areas if fees were introduced, businesses responded with just under half likely to pay a parklet user fee and continue and about 35 per cent likely to pay a user fee for an extended footpath trading area and continue.

Consultation indicates that the program has been best suited to businesses who offer a seated service, with takeaway shops indicating they are less likely to be willing to pay fees to continue on the basis that they are less likely to see sufficient return on investment.

Four overarching design principles for the outdoor trading areas were presented in the survey and received an overwhelmingly positive response with over 93 per cent agreement to each of the following principles:

- integrated with the streetscape and broader business precinct
- maintains and not impedes on pedestrian access
- safe, attractive and provide enhanced amenity for users and visitors
- secure and minimises impacts to the traffic network

Nine written submissions were received from residents and trader associations. Key points raised by residents included concerns relating to availability of parking, noise and amenity issues, particularly associated with outdoor trading areas of stand-alone pubs located close to residences.

Key points raised by trader associations included support for the optimisation of outdoor trading areas that bring additional people into the community and beautify the area. They also emphasised that any fees associated with the program need to be commercially viable, and that the fairest way to charge businesses would be as they have been charged under the footpath trading permit system, whereby a charge is levied per table, per chair, and so on. Trader associations also raised several questions about the future options for the program which were considered in the development of the proposed framework.

Further conversations were had with trader groups in March 2022 to discuss the proposed framework and address questions on the fees. In response, Council officers developed a summary document to clarify when and how fees will be applied (see Attachment 1).

Proposed framework for transition to future program

Based on the consultation results and further consideration, outdoor trading areas within the program will transition after the end of May 2022 to a permanent, semi-permanent or recurring seasonal status as described below. A diagrammatic explanation of the options and fees that will apply is available in Attachment 1.

Extended footpath trading areas

Extended footpath areas will transition to the existing Footpath Trading Permit (FTP) system, subject to meeting nominated criteria and guidelines. If a business chooses to retain permanent infrastructure (i.e. infrastructure that cannot be moved inside the business overnight) the fixed area process would apply. A transition time of three months would be provided to businesses who want to retain their footpath trading areas but do not want to retain fixed infrastructure.

Permanent parklets

A number of parklet areas will be eligible to transition to semi-permanent outdoor trading subject to the business's willingness to continue to participate and to meet nominated criteria and guidelines.

A semi-permanent period (two-year medium-term period) is proposed to allow for analysis of the potential for the permanent reallocation of space from road and car parking space to footpath. If shown to be appropriate, parklets could be included within the Capital Works Program and could be transitioned to a permanent public space accessible for outdoor trading and enhanced urban design outcomes.

Businesses will be gifted existing infrastructure from the program for use. After the two-year period, Council will inspect the infrastructure and if it is no longer fit for purpose, businesses may need to install their own replacement infrastructure.

Seasonal parklets

In areas where parklets have had low utilisation and greater impacts on parking or surrounding amenity, a seasonal option will be offered to businesses subject to criteria and guidelines. Seasonal parklets will be available from about late October until mid-March (exact dates to be determined).

Businesses will need to apply annually to be part of the seasonal program and Council will install and uninstall all seasonal parklet infrastructure simultaneously to maximise operational efficiencies.

Existing infrastructure (e.g. barriers, fake grass) will be utilised each season to continue the program for the next two years. After this time, Council will inspect the infrastructure and if it is no longer fit for purpose, businesses may need to contribute to the cost of renewing infrastructure items.

Feature sites

Feature sites provide additional benefits to the broader community over and above the individual business benefit. Pier Street, Altona (road closure between Blyth and Queen Streets) is a feature location and will be extended on a semi-permanent basis for a further two years enabling detailed site analysis and design to be undertaken with a view to

permanent long-term closure. It is noted the Pier Street feature site was created using a temporary road closure approved by Department of Transport (DoT). Pier Street is categorised as a local road and is managed by Council. However, under the *Road Management Act 2004* and the *Local Government Act 2020*, the proposal to make the closure permanent is subject to final approval from DoT by way of implementation of a statutory road closure process including community consultation.

It is proposed that Council utilise the additional Victorian Government funding (\$250,000) to make improvements to the existing infrastructure, which was initially intended to be temporary and requires upgrading to be more suitable for a medium-term closure.

Opportunities for additional feature sites will be explored focusing on Lohse Street and Woods Street in Laverton and Nelson Place in Williamstown. Urban design analysis of these precincts will ensure multi-use spaces are created for the community and that the spaces can accommodate for new adjacent businesses.

Fixed areas and design guidelines

Fixed areas are spaces that include infrastructure that changes the use of the space from a publicly accessible space to an area for commercial benefit, such as furnishings that are not taken indoors by individual businesses at night. They could include parklets, extended footpath trading sites or areas within feature sites. This has been raised as a need by some businesses to enable full utilisation of their outdoor trading areas.

Provision for fixed furnishings, including permanent café screens and other similar infrastructure, will be developed and included in Council design guidelines. Fixed furnishings will require permits in accordance with the guidelines and be subject to receiving appropriate approvals from Council.

Businesses that seek to take up the offer of implementing fixed furnishings/areas will be charged a fixed area fee. The fixed area fee takes into consideration the loss of publicly accessible and available space from fixed furnishings/areas and the greater commercial opportunities that businesses are able to leverage from the enhanced fixed furnishings and areas they create.

A transition period of three months from 1 June 2022 is proposed to enable businesses to determine whether fixed infrastructure meets their business needs.

Sites to be removed

As part of the quick implementation and need to support business to be able to trade during lockdowns, some areas were introduced that do not meet ongoing safety or regulatory requirements. Some businesses who were unable to access public space were also supported through the introduction of outdoor trading areas on private land. These sites will be removed from June 2022.

Residential amenity

The Future Program – Transition and Interim Design Guidelines set out three criteria for the retention of parklets on a semi-permanent basis, the third being “*Minimal impact on nearby residents*”. To determine “minimal impact” it is proposed that further guidance be developed to enable Council to appropriately consider the potential for impacts on residents from outdoor trading areas that would unreasonably limit residents’ enjoyment of their properties, in particular concerning noise, rubbish, other nuisances, and impacts on the availability of

car parking, along with suggested mitigation approaches to be adopted by businesses if a parklet is retained on a semi-permanent or seasonal basis.

Requests for new infrastructure

Victorian Government and Council investment enabled Council to roll out over 193 outdoor spaces over the past two years, with all existing businesses having been given an opportunity to participate in the program.

Existing infrastructure will be gifted to businesses and enable them to continue to use the spaces in the medium term (over the next two years), which aligns with the life expectancy of the infrastructure. If businesses wish to upgrade or renew their infrastructure, they will require Council approval and be responsible for the cost, installation and maintenance of any new fixtures and furnishing that they wish to utilise for their outdoor trading space, with any new installation of permanent fixtures requiring Council approval.

As the transition to the new arrangements unfolds, Council will continue to liaise with businesses to monitor outcomes and respond to new opportunities.

Fees

The capital cost of the initial HBBhH Outdoors program was approximately \$1.6 million (excluding Council staffing costs), delivered at no cost to participating businesses.

This has been enabled through both grant funding of about \$0.8 million from the Victorian Government and operational funding of about \$0.8 million from Council. Since November 2021, the Victorian Government has provided additional funds to assist with ongoing costs and support the implementation of new outdoor trading areas for a second summer season alongside enhanced activation of the outdoor areas. There have also been additional costs to Council that have been absorbed through operational budgets such as design, traffic analysis and enhanced cleansing.

Fees will apply beyond May 2022, so that the program can be sustained over the medium and longer term. For businesses continuing with their outdoor trading area after the end of the current period, the following fee structures are proposed:

- All participating businesses (including extended footpath, parklets and feature sites), will require a Footpath Trading Permit (FTP) and will be required to pay the associated fees in accordance with the existing Footpath Trading Code of Practice.
- Businesses that retain outdoor trading areas with fixed furnishings/areas will be charged a fixed area fee that takes into consideration the change of the outdoor trading area from public space to commercial space. This fee acknowledges the greater commercial opportunities businesses are able to leverage from these spaces.
 - A fixed area is a space that through the installation of permanent infrastructure or furnishings in effect becomes an extension of the business's space and cannot be easily used by the general public for other activities (e.g. parklet areas that cannot be used for car parking; footpath trading areas that have furnishings such as tables or screens which are not removed at night).
 - Noting that there is a level of complexity for this fee, and also that a minority of participating businesses are currently utilising fixed areas, it is proposed that the fixed area fee is waived for the first 12 months of the operation of this policy (for the financial year 2022-23). During this time businesses who wish

to utilise fixed areas will have an opportunity to work through their options and implications with Council officers, prior to the fees applying from 2023-24.

- Businesses with a seasonal parklet trading area will pay an infrastructure implementation charge to cover the costs associated with this service.

As part of the Community Support Package, Council waived footpath trading fees and other similar fees for the current year. Footpath trading fees usually renew from 1 September annually. The above fees would only be levied from 1 September 2022, thereby providing any business that is continuing with an outdoor trading area with a fee-free extension for a period of three months (for the waived fixed area fees, this would apply from 1 September 2022). The cost of the program will vary for individual businesses, depending on the size of their outdoor trading area, the type and quantity of supporting infrastructure, and whether it is fixed or removable. Further detail in respect of each fee is set out below.

Footpath trading permit fees

The use of the existing FTP fee structure as the foundation for charges to businesses will ensure that all businesses with outdoor trading areas on publicly owned land will be charged consistently, regardless of whether they had footpath trading prior to COVID-19 and the HBBhH Outdoors program or only since. Table 2 details the full extent of the FTP fees.

Fixed area fee

Footpath trading fees are already established and are anticipated to recommence next financial year. However, the use of public car parking spaces or existing footpath areas as fixed extended trading areas by private businesses was a new development during the pandemic. During the pandemic and lockdown period use of these spaces utilising fixed infrastructure has been provided free of charge however, future outdoor trading needs to address the use of public space for commercial benefit. The introduction of a fixed area fee will address this.

During the medium-term period urban design analysis will be undertaken, including analysis of potential reallocation of space from road reserve to footpath. As a result, reallocation of space from road reserve to footpath or increased footpath areas may occur, enabling businesses to transition to footpath trading if they choose to without requiring a fixed area.

To identify the value of outdoor trading areas utilising car parking spaces in Hobsons Bay on an evidence-informed basis, Council engaged Charter Keck Cramer (CKC) property group to provide independent valuation advice. CKC undertook a comparative rental assessment of similar spaces and, on the basis of that analysis, concluded that on-street unsecured and uncovered public car spaces within Hobsons Bay broadly fall into three tiers with respect to the value that they hold as car spaces and which is forgone if they are utilised instead for other uses, such as outdoor trading areas.

The annual value for one car space (about 12m²) is:

- Tier 1 (Nelson Place, Williamstown) = \$1,800 for one car space, or about \$150 per square metre
- Tier 2 (Cole Street, Williamstown; Hall Street, Spotswood; Mason Street, Newport; Harrington Square, Altona and Pier Street, Altona) = \$1,500 for one car space, or about \$125 per square metre
- Tier 3 (Borrack Square, North Altona; Railway Avenue, Laverton and Aviation Road, Laverton) = \$1,200 for one car space, or about \$100 per square metre.

The average value across the municipality about \$1,500 per car space or about \$125 per square metre. To ensure equity across the municipality the average is proposed to be utilised as a basis for fee considerations.

In response to the ongoing and significant impacts of the COVID-19 pandemic on businesses alongside consultation feedback received relating to the viability of fees for businesses, options such as a discount for the medium term have been explored. This would provide businesses with an adjustment period during which they can monitor the benefit to their business of having an outdoor trading space and an opportunity to restore their financial position.

In recognition of the uncertainty businesses may have about taking up the offer of implementing fixed furnishings/areas, the proposed fixed area fees will be waived for a period of one year and then levied in full thereafter. During this two-year period, Council will continue to liaise with participating businesses to understand the benefits and costs to them and utilise this information to inform further consideration of fees beyond the end of the two-year period (i.e. after 1 September 2024). The introduction of this fee also facilitates fixed furniture in outdoor trading areas, which has been a key aspect that businesses were seeking to address to enable them to maximise the commercial benefits from the space.

Table 1: Fixed area fees

CKC car space rental valuation		Potential medium-term discounts	
Average annual charge for equivalent of one car space	Average charge per square metre	Year 1: 100% discount (1 Sept 2022 – 31 Aug 2023)	Year 2 (1 Sept 2023 – 31 Aug 2024)
\$1,500	\$125	\$0	\$125 per m ²

Seasonal parklet infrastructure implementation charge

Cost modelling based on installation costings has informed this charge, although the actual cost would be dependent on the number of businesses that choose to have a seasonal parklet.

Council recognises that businesses need certainty around pricing in order to decide whether it is viable to participate. On this basis and cost modelling an infrastructure implementation fee of \$1,000 is proposed to cover the cost of installation and uninstalling and ensuring all safety requirements are met. This would be introduced alongside a pro-rata fixed area fee.

Proposed fees and charges

Table 2: Footpath Trading Fees and Outdoor Trading Area Fees

	Existing footpath trading annual fee	New fees proposed
Chair	\$63 each	N/A – as per existing FTP
Bench seats	\$121 each	N/A – as per existing FTP
Tables	\$42 each	N/A – as per existing FTP
A-boards	\$208 each	N/A – as per existing FTP
Display of goods	\$334 each	N/A – as per existing FTP
Screens <i>Note: if screens to remain overnight, fixed area fee would apply</i>	\$262 flat rate	N/A – as per existing FTP
Planter	\$88 each	N/A – as per existing FTP
Umbrellas	\$TBC	To be introduced in line with FTP code
Heaters	\$42 each	N/A – as per existing FTP
Fixed area fee		\$125 per square metre Year 1: 100% Discount: \$0 Year 2: \$125 per square metre
Seasonal parklet infrastructure implementation charge		\$1,000

9.3.3 Adoption of the Hobsons Bay Planning Enforcement Policy 2022

Directorate:	Sustainable Communities
Responsible Officer:	Manager Planning, Building and Health
Reviewer:	Director Sustainable Communities
Attachments:	1. Hobsons Bay Planning Enforcement Policy 2022 [9.3.3.1 – 12 pages]

Purpose

To seek Council's adoption of an updated Planning Enforcement Policy, following a routine periodic review and update.

Motion

Moved Cr Jonathon Marsden, seconded Cr Matt Tyler:

That Council:

- 1. Adopts the amended Hobsons Bay Planning Enforcement Policy 2022.**
- 2. Revokes the previous Planning Enforcement Policy adopted on 9 June 2015.**

Carried unanimously

Recommendation

That Council:

- 1. Adopts the amended Hobsons Bay Planning Enforcement Policy 2022.**
- 2. Revokes the previous Planning Enforcement Policy adopted on 9 June 2015.**

Summary

Council's Planning Enforcement Policy informs the community of the enforcement principles that will be used to determine the level and type of enforcement and compliance actions that will be taken for breaches of the Hobsons Bay Planning Scheme. A consistent and transparent process is important to Council's good governance and fairness to the accused.

Council adopted the current Planning Enforcement Policy, including its risk matrix, in 2015. A review of this policy confirmed that the policy is still applicable and should be retained.

However, several updates have been made to the policy to keep it contemporary and relevant. These include:

- addition of the modern litigant approach
- more information about approaching other enforcement bodies for information
- inclusion of additional definitions for compliance and enforcement
- inclusion of indicative timeframes to give users of the planning system some guidance on when and how they can expect action to be taken
- addition of a new action type, “Contempt of a VCAT Enforcement Order”

The Victorian Government Auditor General Office’s (VAGO’s) report into the conduct of planning investigations at Ballarat and Hume councils, recommended the implementation of a risk-based planning investigation process for all councils. This policy is consistent with the VAGO’s recommendations.

Background

Section 14(a) of the *Planning and Environment Act 1987* (the P&E Act) places an obligation on Council to enforce the P&E Act and the Hobsons Bay Planning Scheme (the Scheme). The objectives of the Scheme are to provide orderly planning with good and improved amenity outcomes for current and future generations within the municipality.

Statutory Planning and Planning Investigation functions fall within the responsibility of Council’s Planning, Building and Health department within the Sustainable Communities directorate.

- the Statutory Planning area is responsible for administering the Scheme and the P&E Act
- the Scheme sets out the planning policy which is used to inform a decision on a use or development application, and the conditions that should be applied to that permission within the municipality
- Council’s Planning Investigation area is tasked to investigate and enforce any breaches of the Scheme or a planning permit.

Occasionally landowners, occupiers or land users fail to obtain appropriate planning approvals or fail to abide by the conditions of planning permits or provisions of the Scheme. Non-compliances can have either short or lasting adverse impacts on the community.

The seriousness and the amenity impact of the breaches or the conduct of a person will determine the appropriate enforcement that should be undertaken. While consistent and measured approaches are important, there is not a “one size fits all” response as there is a great deal of variation in the nature and severity of offences. A tenet of good enforcement practices is that similar offending levels should receive a similar penalty.

Council’s Planning Enforcement Policy sets out the principles, criteria and measures that are used when undertaking compliance and enforcement activities related to the P&E Act and the Scheme, seeking to achieve a consistent and measured approach. The proposed policy is consistent with the recommendations of VAGO’s report in Parliament of November 2008 titled “Enforcement of Planning Permits”.

Discussion

“Enforcement” is the use of influence, authority and statutory powers under the P&E Act to achieve or compel compliance. “Compliance” is defined as adherence to the legal requirements and obligations of the P&E Act.

Six years have elapsed since the first Planning Enforcement Policy was adopted by Council, embedding a set of universal enforcement principles for planning related enforcement actions. A five-year review period was set and has now elapsed.

The aim of the policy has not changed over the last five years, which is to achieve compliance. The main available enforcement options have not changed and include verbal or written advice, warnings, penalty infringement notices (PINs), prosecution heard in the Magistrates’ Court of Victoria, enforcement orders obtained from VCAT, Section 173 agreements and injunctions granted in the Supreme Court of Victoria. The five main areas of proposed change are detailed below.

Model Litigant

The Department of Justice has published a set of Model Litigant guidelines that bind all state government departments and agencies. They set standards for how state and local governments should behave as a party to legal proceedings. The proposed updated policy is consistent with the Model Litigant guidelines and embodies principles such as openness, timeliness, fairness, and consistency.

Approaching other enforcement bodies for information

Prior to the commencement of an investigation, sufficient initial supporting information is required to confirm that an investigation is merited. A range of factors inform this assessment, and one area which has been added to this set of factors in the proposed revised policy is the consideration of previous history.

It is becoming increasingly common for enforcement agencies to share information, and this factor enables officers to consider relevant prior enforcement history that may be held by other agencies (such as the VBA or EPA). The amended policy seeks to introduce the option that Council can obtain such history from other enforcement bodies, in forming a view about whether an investigation is merited.

Additional definitions

The following new definitions have been added to the proposed revised policy:

- **Compliance:** adherence to the legal requirements and obligations of the P&E Act. Compliance is an ongoing process.
- **Enforcement:** the use of influence, authority and statutory powers under the P&E Act to achieve or compel compliance.

Timeframes for compliance actions

The policy includes an Action Matrix which summarises risk and impact ratings as required by Ombudsman reports. The matrix has well served the decision-making process and outcome by allowing both a uniformity, flexibility of the application circumstances and consistent actions.

However, the corresponding Response Matrix did not previously include timeframes for Council to act, and severity levels were not defined.

The proposed revised policy includes definitions and timeframes as follows:

- **Immediate:** officers undertake an inspection of the property on the same day or within 24 hours
- **High-Level:** officers undertake an inspection of the property within 3 days
- **Moderate Level:** officers undertake an inspection of the property within 5 days
- **Low Level:** officers undertake a desk top assessment of the matter within 10 days
- **Very Low-Level:** enforcement undertaken only if resourcing allows

Additional action – Contempt of a VCAT Enforcement Order

Following the introduction of the original policy, contempt proceedings have been undertaken. The original policy did not address this type of situation, but the revised policy has included a section for it. This addition does not alter the actions available to enforcement officers, only describes the steps taken.

9.3.4 Contract 2020.44 Provision of Day and Overnight Respite - Bateman House

Directorate: Sustainable Communities
Responsible Officer: Acting Manager Community Life
Reviewer: Director Sustainable Communities
Attachments: Nil

Purpose

To seek Council approval to extend the current Contract 2020.44 for the Provision of Day and Overnight Respite – Bateman House for a maximum of two one-year terms from 1 July 2022.

Motion

Moved Cr Diana Grima, seconded Cr Pamela Sutton-Legaud:

That Council:

- 1. Approves the extension of Contract 2020.44 for the Provision of Day and Overnight Respite – Bateman House with Anglican Aged Care Services Group trading as Benetas for a maximum of two one-year terms commencing from 1 July 2022.**
- 2. Notes that the annual value of the contract extension is \$1,003,440 (one million, three thousand, four hundred and forty dollars) excluding GST and a maximum total two-year value of \$2,006,880 (two million, six thousand, eight hundred and eighty dollars) excluding GST.**

Carried unanimously

Recommendation

That Council:

- 1. Approves the extension of Contract 2020.44 for the Provision of Day and Overnight Respite – Bateman House with Anglican Aged Care Services Group trading as Benetas for a maximum of two one-year terms commencing from 1 July 2022.**
- 2. Notes that the annual value of the contract extension is \$1,003,440 (one million, three thousand, four hundred and forty dollars) excluding GST and a maximum total two-year value of \$2,006,880 (two million, six thousand, eight hundred and eighty dollars) excluding GST.**

Summary

As part of the Commonwealth Home Support Programme (CHSP), Council runs day/night respite services which are delivered by a third party. In 2021, the existing contract expired, and a full public tender process was run. During that time, further information about the Commonwealth's CHSP reforms was released which created a level of uncertainty about the medium-term approach for Council's CHSP programs. As a result, an initial short term service contract, Contract No. 2020.44 for Provision of Day / Night Respite – Bateman House was awarded to Benetas for an initial seven-month period from 1 December 2021 to 30 June 2022 under the Chief Executive Officer's delegation.

The tender included pricing and options for a further two one-year extensions to allow Council flexibility while it considers the wider CHSP reforms and funding cuts. Council's endorsement is now sought to extend the initial contract for a maximum of two one-year extensions, which will be exercised subject to wider Council deliberations about CHSP reforms over this period.

Background

Council has a long history in the provision of respite within group settings. Bateman House, located in the Williamstown Botanic Gardens, opened in July 2004 and provides a small, secure environment for clients requiring specialised care.

Council receives federal funding under the CHSP to deliver day and overnight respite to eligible residents to support and maintain care relationships between carers and clients by providing good quality respite care for frail older people so that carers can take a break.

Council delivers the service through a third party, with this service competitively tendered. Benetas has been the successful provider on behalf of Council since Bateman House opened. Benetas is a well-regarded and experienced aged care organisation which provides similar services at three other venues in the inner and outer suburbs of Melbourne.

The Australian Government is progressively introducing reforms to the CHSP. Historically councils have been directly funded to deliver CHSP programs, but the latest reforms will introduce competition and reduce funding amounts over time. As these reforms roll out all councils are working through their options going forward. Council's current funding agreement with the Australian Government will expire on 30 June 2022, and it will be extended initially for one year (with some changes to funding models).

Discussion

Benetas provides high quality respite services on behalf of Council under contract. The COVID-19 pandemic has had significant impact on respite services due to lockdowns and restrictions. Current clients are significantly lower in number than the pre-COVID-19 period.

Given the ongoing Commonwealth aged care reforms, approval for a contract extension will allow current respite services to continue unchanged, while Council analyses and considers the impact of the broader reforms.

Approval is sought for up to two one-year extensions. The annual value of these extensions is \$1,003,440 excluding GST so if both years were utilised, the maximum total value of the two extensions would be \$2,006,880 (excluding GST). The second year will only be utilised if it is needed.

9.4 Infrastructure and City Services

9.4.1 Naming of Box Lacrosse Court at PJ Lynch Reserve, Paisley Park, Newport

Directorate:	Infrastructure and City Services
Responsible Officer:	Manager Active Communities and Assets
Reviewer:	Director Infrastructure and City Services
Attachments:	Nil

Purpose

To inform Council of the recommendation to name the recently constructed box lacrosse court at PJ Lynch Reserve, Paisley Park, Altona North.

Motion

Moved Cr Jonathon Marsden, seconded Cr Pamela Sutton-Legaud:

That Council:

- 1. Supports the naming of the box lacrosse court as “The Alan Lewer Box Court”.**
- 2. Supports an application to the Victorian Government as per its naming protocols, to have the court name formally recognised.**

Carried unanimously

Recommendation

That Council:

- 1. Supports the naming of the box lacrosse court as “The Alan Lewer Box Court”.**
- 2. Supports an application to the Victorian Government as per its naming protocols, to have the court name formally recognised.**

Summary

Council received a proposal to name the newly constructed box lacrosse court at PJ Lynch Reserve, Paisley Park, Altona North, after the late Alan Lewer. Alan was a key advocate for the development of the facility and has a long history of positively contributing to the Hobsons Bay lacrosse community.

Council officers have undertaken formal community engagement to seek feedback in relation to a suitable name for the new court, with 95 per cent of the feedback from 343 submissions supporting the facility being named after Alan Lewer.

Following endorsement by Council, the proposed name will form part of a submission to the Victorian Government through its naming protocols, to formally recognise the facility as "The Alan Lewer Box Court".

Background

In early 2021, Council completed construction of a new box lacrosse court at PJ Lynch Reserve in Altona North with funding support from Sport and Recreation Victoria through its Female Friendly Facilities Fund. The facility is the first of its kind in the southern hemisphere and will be used for training and competition by local, state and national participants.

Upon completion of the project, a submission was received by Council to name the facility after the late Alan Lewer in acknowledgment of his ongoing advocacy and dedication to the sport of lacrosse and, in particular, the construction of the box lacrosse court.

The process to approve formal naming of a facility requires endorsement by Council before an application can be lodged with the Victorian Government for final approval through its official naming protocols.

A community engagement process was undertaken by Council to seek feedback in relation to the naming of the box lacrosse court. A "What we heard" report from the community engagement process has been prepared and loaded onto Participate Hobsons Bay.

Discussion

Council sought community submissions to suggest a name for the newly constructed box lacrosse court from 20 September to 18 October 2021. The process was hosted on Participate Hobsons Bay and asked community members to familiarise themselves with naming guidelines prior to making a submission. Promotion of the engagement process was posted on Council's social media platforms and a signboard with QR code was placed at the site in PJ Lynch Reserve.

The Participate Hobsons Bay page received 1,176 site visits from 1,039 individual site visitors during the engagement period and 343 submissions were received. The majority – 327 submissions (95 per cent) – suggested naming the facility after the late Alan Lewer. Eight submissions (2 per cent) suggested that the facility be named after the late Sue Sofarnos.

Alan Lewer contributed over 20 years of commitment, mentorship and passion to the playing, teaching and development of competitions for box lacrosse in Victoria, and played a critical role in establishing a home for the sport in Melbourne. He was instrumental in the conception, advocacy and construction of the new facility at PJ Lynch Reserve.

Alan's family has been engaged throughout the court naming process and is supportive of the proposal to name the facility after him.

9.4.2 Draft Asset Plan 2022-32

Directorate: Infrastructure and City Services
Responsible Officer: Manager Active Communities and Assets
Reviewer: Director Infrastructure and City Services
Attachments: 1. Draft Asset Plan 2022-32 [9.4.2.1 - 22 pages]

Purpose

To seek Council's endorsement to place the Draft Asset Plan 2022-32 on public exhibition.

Motion

Moved Cr Matt Tyler, seconded Cr Pamela Sutton-Legaud:

That Council extends the meeting to 10pm.

Carried unanimously

Motion

Moved Cr Pamela Sutton-Legaud, seconded Cr Matt Tyler:

That Council:

1. Places the Draft Asset Plan 2022-32 on public exhibition for four weeks.
2. Receives a further report to adopt the Asset Plan 2022-32 at a future Council Meeting.

Carried

Recommendation

That Council:

1. Places the Draft Asset Plan 2022-32 on public exhibition for four weeks.
2. Receives a further report to adopt the Asset Plan 2022-32 at a future Council Meeting.

Summary

The Draft Asset Plan 2022-32 (the Asset Plan) has been prepared to meet the legislative requirements of section 92 of the *Local Government Act 2020* (the Act). It provides a strategic planning and financial view of the infrastructure assets owned or controlled by Council over the next 10 years.

The Act requires the development of the Asset Plan to be completed using a deliberative engagement approach. A deliberative engagement process consistent with the Hobsons Bay Community Engagement Policy 2021 was used to inform the development of the Asset Plan by establishing an Asset Plan Focus Group. Eight key principles were developed by the focus group to guide key themes and actions within the Asset Plan.

The Asset Plan (Attachment 1) is presented for endorsement to place on public exhibition for four weeks.

Background

The Asset Plan is a proactive approach combining the management of public assets with financial, engineering and technical considerations to ensure an appropriate level of service is provided at the most economical cost to the community. The Asset Plan guides the way Council protects public assets to lengthen their lifespan, and to ensure maintenance and renewal of all assets is undertaken and completed at the appropriate time.

The Asset Plan is a consolidated document that includes information from previous asset management documents including the Asset Management Policy, Asset Management Strategy and asset management plans previously developed for each major asset type.

Discussion

Council's assets are valued at approximately \$1.2 billion and include roads, bridges, drainage, pathways, car parks, buildings, open space and recreation assets. The purpose of the Asset Plan is to:

- demonstrate how Council will manage its assets responsibly in a cost-effective way to meet the service delivery needs of the Hobsons Bay community now and in the future
- ensure that there is integration between asset management planning outcomes and the Council Plan, Financial Plan and Capital Works Budget
- forecast capital and maintenance expenditure requirements for Council's assets over the next 10 years
- ensure that Council complies with its legislative obligations

An Asset Plan Focus Group consisting of 23 community members with diverse backgrounds from across Hobsons Bay was established to help inform the development of the Asset Plan. The use of this deliberative engagement process not only fulfilled the legislative obligations for the development of an Asset Plan within the *Local Government Act 2020*, but also offered opportunities for greater dialogue between Councillors, Council officers and the community. The focus group attended four facilitated sessions held virtually due to COVID-19 restrictions.

Eight key principles were developed by the focus group to guide key themes and actions within the Asset Plan:

- transparency
- technical
- safety
- equity
- inclusivity and accessibility
- sustainability
- relevance
- community engagement

The Asset Plan identifies improvement strategies to enable its principles and objectives to be achieved. Each of the actions are included under the below broad asset management groupings:

- asset data knowledge and processes
- strategic asset planning processes
- information systems
- operations and maintenance processes
- governance and management

10 Delegate Reports

Purpose

To consider reports by Councillors who have been appointed as delegates to Council and community committees.

Motion

Moved Cr Jonathon Marsden, seconded Cr Pamela Sutton-Legaud:

That Council receives and notes the recent Delegate Reports.

Carried unanimously

Recommendation

That Council receives and notes the recent Delegate Reports.

Metropolitan Transport Forum

Directorate: Infrastructure and City Services

Councillor Delegate: Cr Jonathon Marsden

Date of Meeting: 2 February 2022

Urban mobility advocates Melissa and Chris Bruntlett presented "Moving Forward Together: Advancing Safe, Inclusive and Resilient Streets".

The Bruntletts outlined key learnings about international efforts to take ideas from the Dutch approach to cycling and adapt them to a variety of local circumstances. They also spoke about the opportunities presented by COVID-19, comparing it to the Netherlands Oil Crisis moment in the 1970s.

The Bruntletts spoke about seeing the wider community benefits of cycling, not just transport, but also mental and physical health, and the cohesion it brings to society. They noted that improved cycling infrastructure is often welcomed by people with disabilities, as it provides them with greater access around their communities.

The Bruntletts commented on how to incorporate e-bikes into the transport menu, noting that these must be pedal-assist rather than low-powered motorbikes and speed limited to 25km/h (noting that this is only 2-3 km/h faster than many cyclists can achieve). Moreover, they noted that a two-way path with a minimum width of five metres is vital to allow faster riders to safely pass slower riders.

Lastly, they stressed the importance of values-driven conversations and consultation to engage and demonstrate support for the travel mode.

Western Melbourne Tourism Board

Directorate: Sustainable Communities
Councillor Delegate: Cr Pamela Sutton-Legaud
Date of Meeting: 18 February 2022

Papers were distributed in advance of the meeting enabling input prior to the meeting. Key agenda items covered are described below.

Colin Drake, Victoria University, gave an update on findings of the Resilient Enterprises and Sustainable Employment in Tourism (RESET) study, led by Victoria University and which Hobsons Bay has actively participated in. The study aims to address skills and capability gaps and build visitor economy industry sustainability in Melbourne's west. The key findings to date include challenges faced by tourism businesses in the current climate such as financial vulnerability, labour shortages, mental health challenges, lack of business adaptability, policy and governance issues, and infrastructure and destination planning.

Western Melbourne Tourism's (WMT) communications team provided updates on a new media partnership with Westside Living magazine to help promote tourism and visitor economy attractions within Melbourne's west to their readership.

Richard Ponsford, Executive Officer WMT, also provided updates on:

- the Eat Drink Westside project and emerging planning for the potential form it could take in 2022
- the PRIME Mentoring program, which has already benefited tourism businesses in Hobsons Bay, and the potential for extension of the program in 2022
- the Local Government Tourism Forums chaired by the City of Melbourne for the benefit of local governments seeking to support and grow their visitor economies in the Greater Melbourne area, including with respect to presentations made to the forum by Visit Victoria.

Truganina Explosives Reserve Advisory Committee

Directorate: Infrastructure and City Services

Councillor Delegate: Cr Pamela Sutton-Legaud

Date of Meeting: 8 February 2022

The committee is proposing a review of the Truganina Explosives Reserve Master Plan considering the vision statement, and ensuring the plan is reflective of the current condition and improved values of both heritage and conservation.

Further works are to occur around the restored windmill space with mechanical assistance required from Council to install appropriately.

The committee has continued with restoration works, and an audit of seating provisions for large events has been undertaken.

Metropolitan Local Government Waste Forum

Directorate: Sustainable Communities

Councillor Delegate: Cr Matt Tyler

Date of Meeting: 10 February 2022

Cr Matt Tyler attended the Metropolitan Local Government Waste Forum meeting.

The Chief Executive Officer of the Metropolitan Waste and Resource Recovery Group outlined current and upcoming education and circular economy grant opportunities and information about the Circular Economy Leadership Course that commenced in February.

A representative from Glen Eira City Council shared their experience introducing a weekly food organics and garden organics (FOGO) and fortnightly garbage collection service from July 2021.

A consultant shared their experience with introducing weekly FOGO in Australia and overseas.

An expert panel answered questions about how to implement and manage FOGO services.

Metropolitan Transport Forum

Directorate: Infrastructure and City Services

Councillor Delegate: Cr Jonathon Marsden

Date of Meeting: 2 March 2022

Marion Terrill, Transport and Cities Program Director from The Grattan Institute presented on “The Grattan Car Plan: Practical Policies for Cleaner Transport and Better Cities” (<https://grattan.edu.au/report/grattan-car-plan>), published in October 2021.

The report looks at the current conditions that place Australia behind most other advanced economies on moving to electric vehicles (EVs), how emissions can be reduced in the transport sector, and what can be learnt from what other countries have done in this space.

Ms Terrill noted that electric vehicle prices are decreasing and predicts that by 2030 there will be competitive pricing on most light vehicles, especially when the greater range of EVs available overseas becomes available in Australia.

Ms Terrill reviewed the barriers of EVs and considered how Australia’s housing practices need to adapt to facilitate EV use. It was noted that there is a place for publicly accessible charging as more people move into apartment-style dwellings.

Lastly, Ms Terrill noted the influence of transport pricing on behaviour – that cheaper driving means people drive more and that people are shunning public transport as a consequence of COVID-19. The report’s recommendations state that there is an opportunity for all to adapt and change.

RoadSafe Westgate Community Road Safety Council

Directorate: Infrastructure and City Services

Councillor Delegate: Cr Diana Grima

Date of Meeting: 16 March 2022

During the month of March 2022, the group focused its attention towards hoon behaviour. The billboard trailer was located at Western Freeway centre median opposite Moreton Close in Caroline Springs and displayed the messages “Stamp Out Hoon Behaviour” and “Protective Clothing: Not Just for Racers”.

The billboard was then relocated to the Princes Freeway Melbourne Water location (near Little River turn off) and displayed the messages “Stamp Out Hoon Behaviour” and “Turn This Off”.

Three Looking After Our Mates sessions were also conducted in March 2022 at the following schools:

- Springside West Secondary College (50 attendees)
- Loyola College – 325 Grimshaw Street, Watsonia (100 attendees)
- Loyola College – 325 Grimshaw Street, Watsonia (70 attendees)

In April 2022 the road safety messages will focus on Reporting Speeding Drivers.

The Local Media Road Safety Campaign 2021-2022 has continued with support for the road policing activity Operation Arid conducted over the Labour Day long weekend.

Due to COVID-19 protocols compliance issues and social distancing restraints, no RACV Years Ahead or Senior Driver Expos sessions are planned for 2021-22 or 2022-23.

Department of Transport Updates

The RoadSafe Westgate Community Road Safety Council has submitted an EOI to join the new proposed Hooning Community Reference Group. They will be advised shortly of the outcome of the application.

Road Trauma Support Services Victoria is preparing to take its Road Trauma Awareness Seminars (RTAS) back to face-to-face after almost a year of online delivery due to COVID-19 restrictions.

RTAS is a road safety education session based on honest and confronting conversation. It encourages behaviour change through a process of sharing experiences, reflecting on personal choices and exploring better options. The seminars are held in 33 locations across Victoria each month.

Hobsons Bay City Council Update

Preliminary discussions for safety improvements at the Ferguson Street / Melbourne Road roundabout were held with the Department of Transport.

Construction will soon commence on the Ferguson Street and Merton Street Black Spot projects.

Other Member Council Updates

Officers from Maribyrnong City Council, Melton City Council and Wyndham City Council provided an update on road safety projects, local area traffic management projects and progress on grant projects.

11 Notices of Motion

No notices of motion were received.

12 Urgent Business

Motion

Moved Cr Daria Kellander, seconded Cr Jonathon Marsden:

That Council considers items of Urgent Business relating to:

12.1 Condolence – Derek Craggs

Carried unanimously

12.1 Condolence – Derek Craggs

Motion

Moved Cr Daria Kellander, seconded Cr Jonathon Marsden:

That Council acknowledges the recent passing of the Hobsons Bay Arts Society co-founder, Derek Craggs, and sends a letter of condolence written under the signature of the Mayor to his family.

Carried unanimously

Mr Craggs was a prominent local resident who passed away on the previous Friday, aged 93. He was best known as founder of the Altona Arts Association in 1978, which later became the Hobsons Bay Arts Society.

Cr Hemphill paid tribute to both Mr Craggs and his wife Joan (who passed away in 2007), who together were involved in the Arts Society and other community associations.

Cr Hemphill expressed condolences to Mr Craggs' son Andrew and stepdaughters Jenny and Julie and their families.

13 Supplementary Public Question Time

Nil

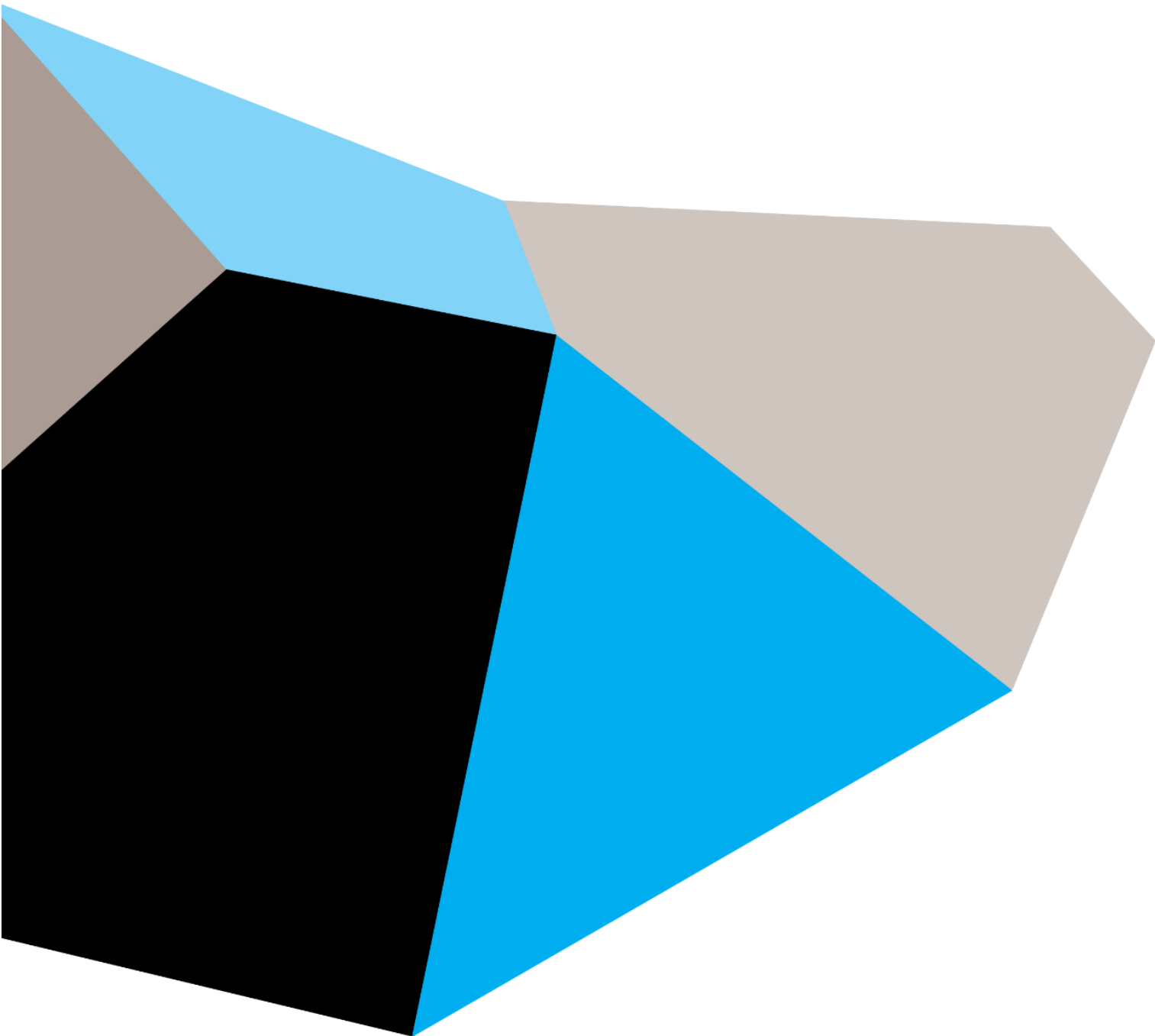
14 Close of Meeting

There being no further business, the Chairperson declared the meeting closed at 9.38pm.

Chairperson – Cr Peter Hemphill

Signed and certified as having been confirmed.

10 May 2022



HOBSONS BAY CITY COUNCIL

115 Civic Parade, Altona
PO Box 21, Altona 3018
Phone (03) 9932 1000
Fax (03) 9932 1039
NRS phone 133 677 and quote 03 9932 1000
Email customerservice@hobsonsbay.vic.gov.au

 www.twitter.com/HobsonsBayCC

 www.facebook.com/HobsonsBayCityCouncil

 www.hobsonsbay.vic.gov.au
