

Ordinary Council Meeting Agenda

Tuesday 11 August 2020
Commencing at 7.00 pm

Virtual Meeting

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 peoples 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 Colleen Gates (Mayor)

Wetlands Ward

Councillors:

Cr Sandra Wilson (Deputy Mayor)

Cherry Lake Ward

Cr Tony Briffa JP

Cherry Lake Ward

Cr Angela Altair

Strand Ward

Cr Peter Hemphill

Strand Ward

Cr Jonathon Marsden

Strand Ward

Cr Michael Grech

Wetlands Ward

Aaron van Egmond
Chief Executive Officer
Hobsons Bay City Council

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1 Council Welcome and Acknowledgement

The Chairperson will welcome members of the gallery and acknowledge the people of the Kulin Nation as the Traditional Owners of this land.

2 Virtual Meeting Protocols

Due to current COVID-19 restrictions, this Ordinary Council Meeting is being conducted virtually in accordance with the Virtual Meeting Policy 2020, and will be livestreamed on the Council website at <http://webcast.hobsonsbay.vic.gov.au>

2.1 Voting Method

Voting will be conducted by show of hands, as in the Council Chamber.

2.2 Absence from Meeting

If a Councillor leaves the meeting at any time for any reason other than for a conflict of interest, the Councillor will stand to indicate their intention to leave and then walk away.

If a Councillor needs to leave the meeting due to a declared conflict of interest, the Chairperson will remove the Councillor from the virtual meeting until the matter under discussion has been resolved. The Chairperson will then invite the Councillor back into the meeting.

If a Councillor cannot be seen or heard due to technical issues and cannot carry on as a participant in the meeting, the meeting will continue as long as a quorum remains.

If the quorum is lost, the meeting will be adjourned until the quorum can be returned.

The time that any Councillor leaves and returns to the meeting will be recorded in the minutes regardless of the reason for absence.

3 Apologies

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

4 Disclosure of Interest

In accordance with sections 77A, 77B, 78 and 79 of the *Local Government Act 1989* Councillors are required to disclose a "conflict of interest" in a decision if they would receive, or could be reasonably perceived as receiving a direct or indirect financial or non-financial benefit or detriment (other than as a voter, resident or ratepayer) from the decision.

In accordance with section 79B of the *Local Government Act 1989* Councillors who consider that they have a personal interest that is in conflict with their public duty in relation to a matter may, if they do not have a conflict of interest as described above, apply to Council to be exempted from voting on the matter.

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

5 Confirmation of Minutes

5.1 Confirmation of Minutes

Confirmation of the minutes of the Ordinary Council Meeting of the Hobsons Bay City Council held on 14 July 2020 (copy previously circulated).

6 Councillor Questions

7 Public Question Time

Public Question Time provides an opportunity for the public to ask questions related to items on the agenda of the Council meeting or any other matter within Council's responsibility. Questions must be put in writing and received by 12pm on the day of the Council meeting.

8 Petitions and Joint Letters

8.1 Petitions and Joint Letters Received

8.1.1 Petition - Urban Forest Strategy Brooklyn

Directorate:	Corporate Services
Responsible Officer:	Governance Advisor
Reviewer:	Director Corporate Services
Councillor Portfolio:	Environmental Sustainability – Cr Jonathon Marsden and Cr Sandra Wilson
Attachments:	Nil

Purpose

To receive a petition requesting that Council develop a “bold, evidence based” Urban Forest Strategy for a more liveable Brooklyn.

Recommendation

That Council:

- 1. Receives and notes the petition in relation to the development of an Urban Forest Strategy for Brooklyn.**
- 2. Considers the petition as part of the consultation process for the development of the Hobsons Bay Urban Forest Strategy and receives a further report on this matter at a future Council meeting.**

Summary

This petition was coordinated via the change.org website.

Of the 231 people who have responded to this petition, 35 petitioners have identified specifically as residents of Brooklyn or Hobsons Bay.

The information provided to support the petition is as follows:

“This petition requests that the Urban Forest Strategy, to be rolled out throughout the Hobsons Bay municipality, recognise that the pre-existing pollution conditions in Brooklyn, and the West Gate Tunnel off-ramp – also to be located in Brooklyn – cause the entire suburb of Brooklyn to be unique, and as such, require an Urban Forest Strategy response that is specifically designed for conditions in Brooklyn.

Members of the Brooklyn community have consulted widely with local and state government representatives, local industry, and experts in urban forestry. We have the support of The Hon Melissa Horne MP, who is keen to see a genuine solution for the suburb and its community.

Community residents have spoken with Ian Shears, as an expert in this field (and a resident of Hobsons Bay) who is extremely enthusiastic about the potential to develop an Urban Forest in Brooklyn, to mitigate the existing pollution situation, and the effects of the West Gate Tunnel moving forward. We would like to propose that Ian be involved as a consultant/designer on an Urban Forest project in Brooklyn, as we consider he has the expertise necessary to get this right for our suburb, and to leave a legacy for future generations. He is abreast of global research, and world's best practice in this field, and Brooklyn's Urban Forest development could serve as a longitudinal study for Melbourne University, and this research could be used to inform future responses to the use of Urban Forest Planting in heavily polluted suburbs.

We have also made connections with representatives from Veolia, and JBS Meats, both of whom have expressed interest in supporting the initiative in Brooklyn. They expressed an interest in being involved in supporting improvement to conditions in the area.

It would be most desirable, and somewhat fair, if Brooklyn received an appropriate share of the \$15,000,000 that has been allocated by the West Gate Tunnel Project. The location of the tunnel would suggest that Brooklyn is the suburb most greatly impacted, and without significant money spent, will certainly not have a sustainable future. For Brooklyn to be simply be one suburb among many under the broader Urban Forest strategy, would fail to recognise just how dire the situation is for this suburb. Brooklyn's Urban Forest response would have to be able to start functioning as an ecosystem, in line with the opening of the West Gate Tunnel in 2022. As such, trees, and any other planting, would have to be significantly more established than in other suburbs of Hobsons Bay."

8.1.2 Petition - Request to abandon the proposal to make Acacia Avenue and Central Avenue, Seaholme one-way streets

Directorate:	Corporate Services
Responsible Officer:	Governance Advisor
Reviewer:	Director Corporate Services
Councillor Portfolio:	Integrated Transport – Cr Jonathon Marsden and Cr Sandra Wilson
Attachments:	Nil

Purpose

To receive a petition containing 93 signatories requesting that Council abandon its proposal to make Acacia Avenue and Central Avenue, Seaholme one-way streets as part of its "Revised Proposal to Address Traffic and Parking Concerns Around Seaholme Station" published on the Participate Hobsons Bay website on 2 July 2020.

Recommendation

That Council:

1. **Receives and notes the petition requesting Council to abandon the proposal to make Acacia Avenue and Central Avenue, Seaholme one-way streets as part of the proposal to address traffic and parking concerns around Seaholme Station.**
2. **Considers the petition as part of the review of traffic and parking conditions around Seaholme Station and receives a further report on this matter at a future Council meeting.**

Summary

The petition was received on 22 July 2020.

The petition reads as follows:

"We, the undersigned, petition the Hobsons Bay City Council to:

Abandon its proposal to make Acacia Avenue and Central Avenue, Seaholme ('the affected streets'), one way streets as part of its "Revised Proposal to Address Traffic and Parking Concerns Around Seaholme Station", published on the Participate Hobsons Bay website on 2 July 2020.

For the following reasons:

- Residents of the affected streets have not identified or raised traffic and parking concerns to be solved by the proposal.
- Council has not identified, with any specificity or data, the traffic and parking concerns to be solved by the proposal.

- Council has not provided the community with any evidence:
 - in the form of analysis by traffic engineering, road design or road safety practitioners to justify the proposal
 - which supports the singling out of the affected streets for one-way traffic flow, noting that Waratah Street and Wattle Grove are not subject to the same proposal
 - to support its position that one-way street traffic modelling reduces traffic and parking issues
- The proposal will significantly reduce parking options for residents of the affected streets.
- The proposal will require residents of the affected streets to place bins on the opposite side of the street, and there is a reasonable expectation that this requirement will expose residents and their children to safety risks as they will be required to regularly cross the road for bin placement and retrieval.
- The proposal is likely to result in increased traffic into Acacia Avenue due to Central Avenue becoming a one-way street with the installation of 45 train commuter parking spots as part of the Revised Proposal.
- The proposal is likely to create a blind spot at the end of Acacia Avenue and Civic Parade which may increase the cause of accidents.
- The community and residents of the affected streets are overwhelmingly against the proposal.
- Residents of the affected streets do not consider that their feedback in relation to the original parking proposal for the streets north of Seaholme Railway Station is reflected in the Revised Proposal.”

8.2 Responses to Petitions and Joint Letters

8.2.1 Response to Petition - Lights at Newport Skate Park

Directorate:	Infrastructure and City Services
Responsible Officer:	Coordinator Sport and Recreation
Reviewer:	Director Infrastructure and City Services
Councillor Portfolio:	Active and Inclusive Communities – Cr Michael Grech and Cr Peter Hemphill
Attachments:	Nil

Purpose

To respond to the petition requesting that lighting be installed at Newport Skate Park.

Recommendation

That Council:

- 1. Considers the installation of floodlighting at Newport Skate Park as part of the Newport Park Reserve Development Plan to be developed in 2021-22.**
- 2. Advises the lead petitioner of the outcome.**

Summary

At the Ordinary Council Meeting on 9 June 2020 a petition was received, containing 276 signatures, requesting that Council install lighting at Newport Skate Park.

The Newport Park Reserve Development Plan has been scheduled for 2021-22. This plan will include a review of all park aspects, including the skate park, play space, park furniture, fixtures and footpath networks as well as advanced tree planting and landscape treatments.

The installation of skate park lighting will require an extensive community engagement process given the proposed changes to site usage times. This level of engagement is best to occur as part of the community engagement process for the Newport Park Reserve Development Plan where the function of all recreational and open space improvements within the precinct will be considered together.

Background

There are four skate parks within Hobsons Bay, located at Newport Park, Newport; Cherry Lake, Altona; HD Graham Reserve, Altona Meadows; and McCormack Park, Laverton.

The Newport Skate Park is a district-level facility which services the east of the municipality, namely Newport, Spotswood, South Kingsville, Williamstown and Altona North. The facility is a multi-disciplinary style park with a mix of transition and street style elements. The park contains a large bowl, open bowl and street course section. The size, style and layout of the skate features make the facility suitable for beginner through to advanced level riders.

A skate park facilities audit was recently prepared for Council and included a range of recommendations for maintenance of skate facilities, and items to be considered for future upgrades. The recommendations for Newport Skate Park will be considered as part of the Newport Park Reserve Development Plan.

Discussion

Feedback from users of the Newport Skate Park confirms that the site has become increasingly popular and congested. Although the park caters for a diverse range of abilities, there can be conflict between beginners and more experienced users. The installation of lighting would help spread the demand and decrease this conflict, by allowing more experienced users to participate at times when beginners will not be present.

Based on the Open Space Strategy implementation plan and Play Space Strategy, upgrades to the play space and skate facilities at Newport Park will occur in 2022-23. A comprehensive Reserve Development Plan will precede the works and is scheduled to occur in 2021-22.

There is currently no lighting at any of Council's skate parks. A number of issues require further assessment to determine the suitability of lighting at the Newport Skate Park, including community consultation and feedback, site management options, lighting standards and associated costs. Benchmarking of similar facilities across metropolitan Melbourne will be undertaken to determine the range of options available to Council if support to install lighting proceeds, based on the outcome of community engagement.

Riverslide Skate Park in Melbourne is a facility managed by the YMCA with floodlighting, toilet amenities and café facilities. Other skate parks with lighting include Balnarring, Noble Park and Box Hill. These facilities are not directly managed by on-site operators so officers will liaise with the councils who manage them to understand the issues and opportunities.

Council officers have liaised with the lead petitioner and the President of the Victorian Skateboard Association (VSA) to discuss the proposal for lighting at Newport Skate Park. Both parties have expressed their support for the proposed direction and timelines and will provide further feedback and guidance throughout the development of the Newport Park Reserve Development Plan.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 2: Community wellbeing and inter-connection

This report specifically addresses the following goals and objectives of the Council Plan 2017-21:

Council Plan 2017-21

Goal 1: An inclusive and healthy community

Objective 1.3: Ensure all community members will have access to quality community, sport

and recreation facilities, cultural experiences and open spaces that encourage a healthy and active lifestyle.

Other Council strategies

This report is directly linked to Council's Open Space Strategy and Play Space Strategy.

Policies and Related Council Documents

The petition was received by Council at the Ordinary Council Meeting on 9 June 2020.

Legal/Statutory Obligations and Risk

Newport Park, located on Douglas Parade, Newport is Crown Land for which Council is the appointed Committee of Management. The land is permanently reserved for Public Park and Recreation (PPRZ) under the *Crown Land (Reserves) Act 1978*.

A planning permit will be required to complete any works on-site over \$1,000,000.

Approval through the Department of Environment, Land, Water and Planning (DELWP) will be required to complete site improvements at Newport Park.

Financial and Resource Implications

Funding allocations to complete improvement works to the precinct will be confirmed following the development of the Newport Park Reserve Development Plan. High priority action items will be included within Council's Capital Works Program for construction to take place in 2022-23.

Environmental, Social and Economic Impacts

Council has obligations under the *Health and Wellbeing Act 2008* to seek, protect, improve and promote public health and wellbeing. The provision of facilities that encourage the community to participate in sporting, recreational and community activities is a fundamental role of Council.

Recreation and leisure facilities make a significant contribution to the health and wellbeing of the community. Participation in physical activity is associated with better physical health and improved social, emotional and psychological wellbeing.

Where reasonable, local contractors will be utilised to help increased economic benefits to Hobsons Bay.

Consultation and Communication

Consultation with the lead petitioner

Council officers have liaised with the lead petitioner to gain a greater understanding of the background to the petition. The lead petitioner has provided advice and feedback including a willingness to continue involvement in the Newport Park Reserve Development Plan process.

Consultation with other parties

Contact has been made with the President of the Victorian Skateboarding Association. The President supports the timelines for the Newport Park Reserve Development Plan and is enthusiastic about providing ongoing support and guidance throughout the design of any future improvements to Newport Skate Park.

Declaration of Conflict of Interest

Section 80C of the *Local Government Act* 1989 requires members of Council staff and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

9 Business

9.1 Office of the Chief Executive

9.1.1 Chief Executive Officer Report on Operations

Directorate:	Office of the Chief Executive
Responsible Officer:	Executive Assistant to the Chief Executive Officer
Reviewer:	Chief Executive Officer
Councillor Portfolio:	Not Applicable
Attachments:	<ol style="list-style-type: none">1. CEO Report on Operations - July 2020 [9.1.1.1 - 29 pages]2. AOC - 7 July 2020 Councillor Briefing Session [9.1.1.2 - 2 pages]3. AOC - 10 July 2020 COVID-19 Briefing [9.1.1.3 - 2 pages]4. AOC - 14 July 2020 Pre-Ordinary Council Meeting Agenda Briefing [9.1.1.4 - 2 pages]5. AOC - 17 July 2020 COVID-19 Briefing [9.1.1.5 - 1 page]6. AOC - 21 July 2020 Councillor Briefing Session [9.1.1.6 - 2 pages]7. AOC - 30 July 2020 Community Grants 2021 Councillor Review Panel [9.1.1.7 - 2 pages]8. AOC - 31 July 2020 COVID-19 Briefing [9.1.1.8 - 2 pages]

Purpose

To present the Chief Executive Officer's (CEO's) Report on Operations (Attachment 1).

Recommendation

That Council:

1. **Receives and notes the Chief Executive Officer's Report on Operations, including details of recent issues and initiatives undertaken by the organisation.**
2. **In accordance with section 80A(2) of the Local Government Act 1989 incorporates into the minutes of this meeting the written Records of Assembly of Councillors held on 7 July 2020, 10 July 2020, 14 July 2020, 17 July 2020, 21 July 2020, 30 July 2020 and 31 July 2020.**

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.

Strategic Alignment

Council provides a wide range of services to the community of Hobsons Bay as well as developing and delivering actions to ensure community assets are maintained and service the needs of the community. Each month this report highlights these activities, initiatives and projects and provides a high-level performance summary.

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 2: Community wellbeing and inter-connection.

Council Plan 2017-21

Goal 4: A Council of excellence

Objective 4.3: Provide excellent customer service whilst ensuring all our communications are clear and easy to understand.

Declaration of Conflict of Interest

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

9.2 Corporate Services

9.2.1 Presentation of Budget and Rating Strategy Submissions 2020-21

Directorate:	Corporate Services
Responsible Officer:	Chief Financial Officer
Reviewer:	Director Corporate Services
Councillor Portfolio:	Not Applicable
Attachments:	1. Detailed Budget Submissions 2020-21 [9.2.1.1 - 124 pages]

Purpose

To present the submissions received by Council in relation to the Proposed Annual Budget and Proposed Rating Strategy for 2020-21 and to hear from submitters requesting to be heard in support of their submission as a result of the public exhibition process.

Recommendation

That Council:

1. **Receives and notes the submissions following the public exhibition period for the Proposed Annual Budget and Proposed Rating Strategy for 2020-21.**
2. **Hears from those submitters requesting to be heard by Council in support of their submission.**
3. **Responds to submitters as part of the final budget deliberations at the Ordinary Council Meeting on 18 August 2020.**

Summary

The Proposed Annual Budget and Proposed Rating Strategy for 2020-21 were placed on public exhibition following formal consideration at the Ordinary Council Meeting held on 23 June 2020, in accordance with Section 223 of the *Local Government Act 1989* (the Act). This statutory exhibition period provides a further opportunity for interested parties from the community to make comment on the proposed budget.

Council received 66 responses at the close of the public exhibition period. A copy of each submission is attached to this report. Seven of the parties that provided feedback have requested to be heard by Council at this Council meeting.

Background

The annual budget process commenced in September 2019 when Council undertook its 2020-21 pre-budget consultation, providing an opportunity for community members to submit their ideas. The Proposed Annual Budget 2020-21 brings together all the elements that have influenced its development including the community consultation process, strategic priorities,

Capital Works Program, rating strategy and rate modelling, operational budget, and fees and charges.

The Proposed Annual Budget 2020-21 and the Proposed Rating Strategy 2020-21 were initially presented to the Ordinary Council Meeting on 14 April 2020. At the meeting Council noted the Victorian Government extension for councils to complete their budgets by 31 August 2020 and resolved to use the additional time to analyse and further revise the Proposed Annual Budget 2020-21.

In accordance with the requirements of the Act, the Proposed Annual Budget 2020-21 was placed on public exhibition. The Proposed Rating Strategy 2020-21 was also placed on public exhibition and comments invited in relation to both documents from interested members of the community. The exhibition period was for 28 days and closed on 24 July 2020.

Interested parties who have provided comment could request to present to Council at the Ordinary Council Meeting on 11 August 2020. Seven requests have been made to address Council at this meeting.

Discussion

A schedule of the submissions on the budget is attached to this report. The following interested parties have requested to be heard in support of their submission:

- Todd McHardy representing Bluefit (Bayfit Leisure Centre) is requesting short-term support in the form of rent relief and subsidy funding
- Sharon Walsh representing the Altona Village Traders Association is requesting two paid lifeguards on Altona Beach for three months over the summer period
- Jordan Doyle representing the Williamstown Cricket Club has provided a submission in relation to a number of issues affecting the cricket club
- Russell (no surname supplied) from the Customs House Hotel is requesting no rate increase in 2020-21
- John Sultana is requesting the construction of player shelters at HC Kim Reserve
- the Altona Village Traders Association (presenter yet to be determined) is requesting no rate increase in 2020-21, particularly for small business
- Angus Ward is requesting Council to consider waiving permit/registration fees and the rates for businesses for the 2020-21 year

Following this meeting, Council will consider all submissions and presentations in final preparation of the Annual Budget as well as the Rating Strategy for 2020-21. Both documents are scheduled for adoption at the Ordinary Council Meeting on 18 August 2020.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Council Plan 2017-21

Goal 4: A Council of excellence

Objective 4.2: Be a more efficient and effective organisation by having a strong focus on

continuous improvement, innovation, strategic planning and responsible financial management.

Policies and Related Council Documents

Any consideration of the matters raised will be in the context of Council's Annual Budget, Strategic Resource Plan, Long Term Financial Plan, Ten Year Capital Works Program priorities and the Rating and Borrowing strategies.

Individual submissions may pertain to a specific Council policy or strategy and, if appropriate, will be reflected in the formal consideration of that submission.

Legal/Statutory Obligations and Risk

Council has complied with the requirements of the Act in advertising the Proposed Annual Budget 2020-21 and inviting public comment. No risks are associated with this process.

Financial and Resource Implications

Any changes that may be made due to the comments received will be factored into the budget and associated strategies that will be formally considered by Council at the Ordinary Council Meeting on 18 August 2020.

Environmental, Social and Economic Impacts

The receiving and hearing of submissions contained within this report has no direct environmental, social or economic impact to note. The specific impacts of any submission will be taken into account as part of formal consideration of that submission.

Consultation and Communication

After resolving to use the additional time provided by the Victorian Government for councils to complete their budgets by 31 August 2020, Council hosted a number of budget consultation sessions during May 2020. These sessions sought guidance and ideas (particularly on the third COVID-19 Community Support Package) to incorporate into the Proposed Annual Budget 2020-21. This included representatives from its Portfolio Advisory Committees, convening specialist business groups and youth representatives.

The Proposed Annual Budget and Proposed Rating Strategy for 2020-21 were placed on public exhibition as part of the legislated four week consultation period. Both documents were made available for inspection and comment until 24 July 2020, to allow any person to make written comment on any proposal contained within.

In addition to the requirements of the Act to advertise the Proposed Annual Budget 2020-21 and invite public comment, Council conducted an additional pre-budget community consultation process. This was undertaken in line with Council's Community Engagement Framework and ensures that community considerations are taken into account within the Proposed Annual Budget and Proposed Rating Strategy for 2019-20.

In accordance with the advertisement placed in the Herald Sun on 25 June 2020 and Star Weekly newspaper (Maribyrnong and Hobsons Bay edition) on 1 July 2020, it is noted that

any submissions received will be included in a register of submissions received in accordance with Section 223 of the Act. Submissions (including any personal information) form part of the public record of the meeting and will be published on Council's website (accessible worldwide) for an indefinite period. A hard copy will also be made available for inspection by members of the public at the Hobsons Bay Civic Centre.

Declaration of Conflict of Interest

Section 80C of the *Local Government Act* 1989 requires members of Council staff and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

9.2.2 Delegations to the Chief Executive Officer, Members of Council Staff and Delegated Planning Committee

Directorate:	Corporate Services
Responsible Officer:	Governance Advisor
Reviewer:	Director Corporate Services
Councillor Portfolio:	Not Applicable
Attachments:	<ol style="list-style-type: none">1. Instrument of Delegation - Council to CEO 11 August 2020 [9.2.2.1 - 4 pages]2. S6 Instrument of Delegation Council to Members of Staff 11 August 2020 [9.2.2.2 - 90 pages]3. Instrument of Delegation - Delegated Planning Committee 11 August 2020 [9.2.2.3 - 1 page]

Purpose

To update the Instrument of Delegation to the Chief Executive Officer, the Instrument of Delegation from Council to members of Council staff and the Instrument of Delegation to the Special Planning Committee in accordance with the *Local Government Act 2020*.

Recommendation

That Council, in the exercise of the power conferred by section 11(1)(b) and section 63 of the *Local Government Act 2020* and section 188 of the *Planning and Environment Act 1987*, and the powers conferred by the legislation referred to in the instrument of delegation to members of Council staff resolves:

1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer dated 11 August 2020, subject to the conditions and limitations specified in that Instrument.
2. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff dated 11 August 2020, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
3. To adopt the attached Instrument of Delegation to the Delegated Planning Committee dated 11 August 2020.
4. The instruments come into force immediately once they are executed by the Mayor.
5. On the coming into force of the instruments all previous delegations to the Chief Executive Officer, members of Council staff (other than the Chief Executive Officer) and the Special Planning Committee are revoked.

6. The duties and functions set out in the instruments must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
7. Notes that the powers, discretions and authorities conferred on the Delegated Planning Committee by the Instrument must be exercised in accordance with the delegations and limitations set out in the Instrument and the Terms of Reference and procedures as outlined within the Hobsons Bay Governance Rules.
8. In accordance with section 47(1)(a) of the Local Government Act 2020 the Chief Executive Officer may by instrument of delegation delegate any power, duty or function of Council that has been delegated to the Chief Executive Officer by Council to a member of Council staff.
9. In circumstances where the Chief Executive Officer is to enact delegated authority beyond previous financial delegation limits, the Chief Executive Officer will undertake the agreed consultation process with the Council, noting individual Councillor concurrence or dissent, prior to the exercise of such delegation.
10. On receipt of communication from the Victorian Government that the State of Emergency in relation to the COVID-19 pandemic has ceased, a report will be tabled at the next scheduled Ordinary Meeting of Council to revoke the Instrument of Delegation to the Chief Executive Officer and adopt a revised Instrument of Delegation to the Chief Executive Officer.

Summary

Section 11(1)(b) of the *Local Government Act 2020* provides that Council may, by instrument of delegation, delegate to the Chief Executive Officer any power, duty or function of a Council under the Act or any other Act with some exceptions.

Council can also delegate powers, duties and functions directly to other members of Council staff. This update to the Instrument of Delegation from Council to members of Council staff reflects commencement of the *Local Government Act 2020*.

With the introduction of the *Local Government Act 2020*, the instrument of delegation for the current Special Planning Committee also needs to be updated. The current instrument of delegation will be revoked and replaced with a new instrument which is similar to the current, apart from changing the name of the committee and providing additional clarification on the types of application to be heard by the community.

Background

The current Instrument of Delegation to the Chief Executive Officer (CEO) dated 31 March 2020 was made under the *Local Government Act 1989* and remains in force only until 1 September 2020 when the delegation provisions of the *Local Government Act 2020* take effect.

The existing Instrument of Delegation from Council to members of Council staff was made under section 98(1) of the *Local Government Act 1989*. Delegations made by Council under the *Local Government Act 1989* continue in force until 1 September 2020.

The Special Planning Committee process was introduced in 1999 as a means of facilitating public involvement in major development proposals being considered in the City of Hobsons Bay. The committee facilitates public involvement in the permit assessment process, over and above the minimum provisions contained in the *Planning and Environment Act 1987* by allowing residents an appropriate opportunity to voice their concerns and by giving the applicant a right of response.

Discussion

The power of a Council to act by resolution is set out in section 59 of the *Local Government Act 2020*. Most Council decisions, however, are not made at Council meetings. To effectively facilitate Council business most decision-making power is allocated by formal delegations.

There are two sources of powers of delegation under the Act:

- section 11 - delegation of Council powers to the CEO or members of a delegated committee
- section 47 - delegation of Council powers by the CEO to Council staff or members of a community asset committee, as well as delegation of CEO powers to Council staff

Delegation to the Chief Executive Officer

The Instrument of Delegation to the CEO excludes the following powers:

- the power of delegation
- the power to elect a Mayor or Deputy Mayor
- the power to grant a reasonable request for leave under section 35 of the *Local Government Act 2020* (in relation to a Councillor ceasing to hold office)
- the power to appoint the CEO, whether on a permanent or acting basis (note: a Council may delegate to the CEO the power to appoint an Acting CEO for a period not exceeding 28 days)
- the power to make any decision in relation to the employment, dismissal or removal of the CEO
- the power to approve or amend the Council Plan
- the power to adopt or amend any policy that the Council is required to adopt under the *Local Government Act 2020*
- the power to adopt or amend the Governance Rules
- the power to appoint the chair or the members to a delegated committee
- the power to make, amend or revoke a local law
- the power to approve the budget or revised budget
- the power to borrow money
- subject to section 181H(1)(b) of the *Local Government Act 1989*, the power to declare general rates, municipal charges, service rates and charges and special rates and charges

The delegation to the CEO may be made subject to any conditions or limitations specified in the instrument of delegation.

In addition, a delegation that includes the power to enter into a contract or make any expenditure must specify a maximum monetary limit that cannot be exceeded.

Delegation to members of Council staff

The Instrument of Delegation from Council to members of Council staff relates to Council powers, duties and functions within various Acts and Regulations which contain a specific power of delegation. This delegates certain powers directly from Council to Council staff due to the legislation referred to containing specific powers of delegation.

For example, the *Planning and Environment Act 1987*, the *Food Act 1984* and others contain specific powers of delegation, and do not contain an express power of sub-delegation. Therefore, it is assumed that the power of delegation cannot be sub-delegated. This means it is necessary for the delegation to come from Council to the staff members directly.

The instrument of delegation to Council staff has been updated to reflect legislative amendments across several Acts and officer position titles following changes to the organisation structure.

Delegated Planning Committee

With the introduction of the *Local Government Act 2020*, the instrument of delegation and supporting documents of the Committee need to be reviewed to align with the new Act. Apart from changing relevant sections of the Act, there are three changes proposed:

1. The name of the Special Planning Committee will change to the Delegated Planning Committee (DPC) to reflect the new wording under the *Local Government Act 2020*.
2. Multiple objections that are identical copies of each other will only be counted as one objection. At times, identical copies of objections are used as a method to achieve a higher number of objections to reach the threshold for a DPC. This additional requirement will mean that objections submitted are meaningful, and the quantity of objections reflect the concern of the community.
3. Applications to use land to sell or consume liquor has been added as a specified application type that may be referred to the DPC.

These improvements will align with the required legislative requirements, provide clarity on the types of applications to be referred to the DPC, and ensure it focuses on higher-order applications which are significant for the community. Small scale applications will generally not be a recommended use of the DPC's time, as these applications generally have less strategic implications for the municipality.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 1: Visionary, vibrant, accountable urban planning

Council Plan 2017-21

Goal 3: A well designed, maintained and environmentally sustainable place

Objective 3.1: Work with all levels of government, key stakeholders and the community to ensure urban development is appropriate and considers neighbourhood character and heritage.

Goal 4: A Council of excellence

Objective 4.2: Be a more efficient and effective organisation by having a strong focus on continuous improvement, innovation, strategic planning and responsible financial management.

Objective 4.4: Actively seek the community's views by providing a range of opportunities for the community to contribute to Council's decision making.

Policies and Related Council Documents

The current Instrument of Delegation to the CEO was adopted by Council on 31 March 2020.

The current Instrument of Delegation from Council to members of Council staff was adopted by Council on 10 October 2017.

The Instrument of Delegation to the Special Planning Committee was last reviewed by Council on 15 December 2009.

The instrument of sub-delegation from the CEO to Council staff will also require review by 1 September 2020.

Legal/Statutory Obligations and Risk

Section 11(1)(b) of the *Local Government Act 2020* provides that Council may, by instrument of delegation, delegate to the Chief Executive Officer any power, duty or function of a Council under the Act or any other Act with some exceptions.

Section 47 allows the CEO, by instrument of delegation, to delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to a member of Council staff.

There are several reasons why delegations should be made carefully and reviewed regularly. In particular:

- accountability and responsibility for decisions is possible only if the decision-makers are identified
- in delegating responsibility, Council can set conditions, limitations and guidelines for decision-makers, including reporting requirements
- Council decisions may be subject to legal scrutiny in courts and tribunals, thus it is important to keep precise details about what decision was made, who made it and when it was made

The Instrument of Delegation for the Special Planning Committee has been updated to comply with the requirements of the *Local Government Act 2020* and will ensure the ongoing functionality of the newly named Delegated Planning Committee.

Financial and Resource Implications

This instrument of delegation to the CEO retains the financial delegations endorsed by Council resolution on 31 March 2020 in response to the COVID-19 pandemic.

Environmental, Social and Economic Impacts

The delegation of duties, powers and functions from the Council to the CEO and from the Council to other members of Council staff is considered good governance practice to facilitate the business of Council.

The DPC's involvement in applications provides the community with an opportunity to play a meaningful part in the planning process.

Consultation and Communication

Updating the instrument of delegation to the CEO supports legislative compliance and facilitates administrative efficiency and does not require community consultation.

Relevant Council officers have also been consulted in relation to the appointment of appropriate delegates.

Planning applications are subject to the notification provisions of section 52 of the *Planning and Environment Act 1987* and provide an opportunity for the community to have input into planning applications.

Declaration of Conflict of Interest

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

9.2.3 Audit Committee Update

Directorate:	Corporate Services
Responsible Officer:	Audit and Risk Advisor
Reviewer:	Director Corporate Services
Councillor Portfolio:	Not Applicable
Attachments:	1. Audit Committee Meeting Minutes - 27 May 2020 [9.2.3.1 - 7 pages]

Purpose

To update Council regarding issues considered at the Audit Committee meeting held on 27 May 2020.

Recommendation

That Council notes the matters considered by the Audit Committee at the meeting held on 27 May 2020.

Summary

This report provides an update of the Audit Committee meeting held on 27 May 2020 to ensure that Council is informed of the activities of the Audit Committee. It provides Council with an opportunity to explore any issues that have been considered.

Background

The Audit Committee is an advisory committee of Council appointed under section 139 of the *Local Government Act* 1989. The committee comprises three independent members and two Councillors. The Chairperson is an independent member who has the casting vote. The Mayor and Chief Executive Officer are non-voting members.

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.

Discussion

The 27 May 2020 meeting addressed the following items:

- the Chief Executive Officer's update
- outstanding audit recommendations
- Internal Audit Program including proposed audits and completed audit reports
- risk management update, highlighting the risk executive summary, a general update on recent issues and an insurance report
- financial reports for the year ended 31 March 2020
- cash and investment balances as at 30 April 2020

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 2: Community wellbeing and inter-connection

Council Plan 2017-21

Goal 4: A Council of excellence

Objective 4.2: Be a more efficient and effective organisation by having a strong focus on continuous improvement, innovation, strategic planning and responsible financial management.

Policies and Related Council Documents

Not applicable.

Legal/Statutory Obligations and Risk

The Audit Committee is an advisory committee of Council, appointed under section 139 of the *Local Government Act 1989*.

The committee operates within the guidelines of *Audit Committees: A Guide to Good Practice for Local Government* which was released by the Department of Planning and Community Development in January 2011.

Financial and Resource Implications

Not applicable.

Environmental, Social and Economic Impacts

Not applicable.

Consultation and Communication

Not applicable.

Declaration of Conflict of Interest

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

9.3 Sustainable Communities

9.3.1 Planning Policy Framework Translation and New Residential Zones

Directorate:	Sustainable Communities
Responsible Officer:	Coordinator Strategic Planning
Reviewer:	Director Sustainable Communities
Councillor Portfolio:	Planning – Cr Tony Briffa JP and Cr Michael Grech
Attachments:	<ol style="list-style-type: none">1. Draft PPF Final [9.3.1.1 - 86 pages]2. MSS Review Exhibition Documents [9.3.1.2 - 167 pages]3. Hobsons Bay Housing Strategy Volume 2 - Housing Framework Plan (updated) [9.3.1.3 - 147 pages]4. Hobsons Bay Housing Strategy Volume 3 (updated) [9.3.1.4 - 114 pages]5. Changes Proposed to Adopted Neighbourhood Character Study 2019 [9.3.1.5 - 2 pages]6. Changes Proposed to Adopted Activity Centres Strategy 2019 [9.3.1.6 - 1 page]7. Proposed New Residential Zones Map [9.3.1.7 - 1 page]

Purpose

To progress with exhibition and public consultation on the New Residential Zones and Planning Policy Framework, which have been delayed as a result of Victorian Government changes in late 2019.

Recommendation

That Council:

1. **Readopts the updated New Residential Zones, Neighbourhood Character Study 2019, Activity Centres Strategy 2019, Housing Strategy 2019 and Housing Framework Plan, updated to align with Planning Practice Notes 90 and 91 released in December 2019, to progress to exhibition and public consultation.**
2. **Notes that the Newport Structure Plan and Inner Newport Heritage Gap Study areas have been excised from the New Residential Zones with updates to be made following completion of the Inner Newport Heritage Gap Study and the subsequent Newport Structure Plan process.**
3. **Adopts the revised Hobsons Bay Planning Scheme that has been translated into the new Victorian Government format and is required to support the implementation of the New Residential Zones.**
4. **Requests that the Minister for Planning grant authorisation under Section 8A of the *Planning and Environment Act 1987* to prepare and exhibit an Amendment to the Hobsons Bay Planning Scheme to implement the New Residential Zones and the translated Hobsons Bay Planning Scheme.**

5. **Notes the delegation of the Chief Executive Officer to make any necessary minor changes in seeking authorisation to prepare and exhibit the Amendment to the Hobsons Bay Planning Scheme to implement the New Residential Zones and the new translated Hobsons Bay Planning Policy Framework.**
6. **Notes the delegation of the Chief Executive Officer to consider any submissions received about the amendment in accordance with section 22 of the Planning and Environment Act, and refer any submissions that cannot be resolved to an independent panel appointed by the Minister for Planning in accordance with section 23 of the Planning and Environment Act.**
7. **Notes that the translated Hobsons Bay Planning Scheme and New Residential Zones will go on exhibition, with formal community consultation and the opportunity for community members to provide feedback and submissions for the panel's consideration.**

Summary

In order to implement the New Residential Zones adopted by Council in 2019, the Department of Environment, Land, Water and Planning (DELWP) requires the Hobsons Bay Planning Scheme to be translated into a new Victorian Government framework. Slight changes are required to the adopted zones and supporting policy to align with state guidance.

The updates required are consistent with the intent of the adopted residential zones and the rewriting of the scheme into the new Victorian Government format will deliver a more concise and user-friendly scheme that includes recently adopted Council policy. The community will be invited to make further comment on the new residential zones and translated Hobsons Bay Planning Scheme as part of the exhibition process.

Background

Council resolved at its meeting of 13 August 2019 to adopt new residential zones and to prepare a Planning Scheme Amendment to implement the work underpinning the new zones including the Housing Strategy, Housing Framework Plan, Neighbourhood Character Study and Activity Centres Strategy. The Newport Structure Plan area was excised noting that the Newport Structure Plan is well underway and any refinement to zones will be finalised through that process.

Following the adoption of the new zones DELWP advised that due to the extent of changes required to the Hobsons Bay Planning Scheme an amendment could not progress until the scheme was first translated into the new state format introduced by the Victorian Government in July 2018. All local planning schemes are expected to be translated into this format by mid-2021.

The translation of the Hobsons Bay Planning Scheme commenced in October 2019 and includes the restructuring of the scheme to align with the new format and the introduction of new policy content from existing Council policies as follows:

- Hobsons Bay 2030 Community Vision
- Economic Development Strategy 2015-20
- Sustainable Tourism Strategy 2019-24

- Public Art Strategy 2016-20
- Biodiversity Strategy 2017-22
- Living Hobsons Bay: Integrated Water Management Plan 2014-19
- Community Greenhouse Strategy 2013-30
- Integrated Transport Plan 2017-30
- A Fair Hobsons Bay for All 2019-23
- Open Space Strategy 2018
- Affordable Housing Policy Statement 2016
- Housing Strategy 2019
- Neighborhood Character Study 2019
- Activity Centre Strategy 2019

In addition to restructuring and updating the planning scheme, DELWP advised that changes were required to the adopted housing policy to respond to Planning Practice Notes 90 and 91. These practice notes were released in December 2019 to provide guidance on how to plan for housing growth, protect neighbourhood character and use the residential zones to implement strategic work. The proposed updates to the adopted policy and the adopted zones support the intent of the supporting strategic documents. It is proposed that the restructured planning scheme and the new residential zones be implemented as one amendment.

The exhibition of the amendment will provide the community the opportunity to make further comment on the new residential zones and translated planning scheme. Any unresolved submissions will be considered by an independent Planning Panel and submitters will have another opportunity to present their views as part of this panel process.

Discussion

Restructuring the Hobsons Bay Planning Scheme into the new state format

The new structure for planning schemes introduced by Victorian Government in 2018 integrates state and local policy into one integrated framework to remove duplication.

This new structure replaces Council's Municipal Strategic Statement (MSS) and the Local Planning Policy Framework (LPPF) at Clause 21 and 22 of the Hobsons Bay Planning Scheme with what is now called the Municipal Planning Strategy (MPS) and inserts relevant local policies into a single framework. This is explained further below. A draft translated Hobsons Bay Planning Scheme is included in Attachment 1.

Municipal Planning Strategy (MPS)

The Municipal Planning Strategy provides the foundation for the planning scheme's policies by identifying the regional context as well as the assets, opportunities and challenges facing Hobsons Bay. The new MPS content is summarised in the table below. This table indicates where content has been translated from the existing scheme and where it has been taken from adopted Council policy.

A review of the Municipal Strategic Statement (MSS) was undertaken in 2019 by Council officers with the intention to include new policies in the scheme and give them statutory

weight. This revised MSS (Attachment 2) has formed the basis for the translation into the new format.

New Clauses	Content and Proposed Change
02.01 Context	General overview of the municipality based on revised content previously contained in the LPPF at Clauses 21.02 (Key Issues and Strategic Vision).
02.02 Vision	Vision for the municipality based on revised content previously contained in the LPPF at Clause 21.02 (Key Issues and Strategic Vision).
02.03 Strategic Directions	Key land use themes based on the PPF and a brief overview and strategic directions for each theme, based on content previously contained in the LPPF at Clauses 21 and 22. Implements strategic work from the Activity Centres Strategy 2019, Biodiversity Strategy 2019-24, Climate Adaptation Plan 2013, Integrated Water Management Plan 2014, Housing Strategy 2019, Economic Development Strategy 2015, Experience Hobsons Bay Tourism Strategy 2019, Integrated Transport Plan 2019, and Open Space Strategy 2018.
02.04	New strategic plans that should be read in conjunction with 02.03 strategic directions; Strategic Framework Plan; Residential Development Framework Plan (Housing Framework Plan); Integrated Transport Plan; Biodiversity Plan.

Combined Local and State Planning Policy Framework

The content of the new framework is summarised in the table below. This table indicates where existing content has been translated from the current scheme and where new content has been taken from adopted Council policy.

New Clauses	Content and Proposed Change	Adopted policy introduced
11 Settlement	Local policy relating to strategic redevelopment areas and activity centres in Hobsons Bay Council from content previously contained in the LPPF at Clauses 21.02 (Key Issues and Strategic Vision), 21.03 (Settlement), 21.06 (Built Environment and Heritage), 21.08 (Economic Development) and 21.10 (Infrastructure).	Introduces new policy relating to Activity Centres Strategy 2019.
12 Environmental and Landscape Values	Local policies relating to the protection of biodiversity and coastal areas from content previously contained in the LPPF at Clause 21.02 (Key Issues and Strategic Vision) and 21.05 (Environment).	Introduces new policy relating to the Biodiversity Strategy 2017.
13 Environmental Risks and Amenity	Local policies relating to flood plain management and coastal inundation and erosion from content previously contained in the LPPF at Clauses 21.02 (Key Issues and Strategic Vision), 21.06 (Built Environment and Heritage), 21.07 (Housing) and 21.05 (Environment).	

New Clauses	Content and Proposed Change	Adopted policy introduced
15 Built Environment and Heritage	Local policy relating to building, landscape and urban design, signs, subdivision design, neighbourhood character, environmentally sustainable development and heritage conservation from content previously contained in the LPPF at Clauses 21.02, 21.03, 21.05, 21.06, 21.07, 21.08, 21.09, 21.10, 22.01, 22.02, 22.11 and 22.13.	Introduces new policy relating to preferred neighbourhood character and accessibility to implement strategic work from the Neighbourhood Character Study 2019 and Integrated Transport Study 2017-30.
16 Housing	Local policy relating to the location of residential development from content previously contained in the LPPF at 21.07 (Housing).	Introduces new policy relating to the location of residential development to implement strategic work from the Housing Framework Plan 2019.
17 Economic Development	Local policy relating to out-of-centre development, industrial land supply, sustainable industry and facilitating tourism from content previously contained in the LPPF at Clauses 21.02 (Hobsons Bay Key Issues and Strategic Vision), 21.03 (Settlement), 21.08 (Economic Development) and 22.02 (Industry).	Introduces new policy relating to the location of commercial development and the facilitation of tourism to implement strategic work from the Activity Centres Strategy 2019 and the Experience Hobsons Bay Tourism Strategy 2019.
18 Transport	Local policy relating to the transport system and public transport from content previously contained in the LPPF at Clauses 21.09 (Transport and Mobility).	
19 Infrastructure	Local policy relating to social and cultural infrastructure, open space and integrated water management from content previously contained in the LPPF at Clauses 21.03 (Settlement), 21.05 (Environment), 21.06 (Natural Resource Management) and 21.10 (Infrastructure).	Introduces new policy relating to the reuse of industrial building to implement strategic work from the Public Art Strategy 2016.

Overlays, Particular Provisions and Operational Provisions

The content of the new framework in relation to overlays and other provisions such as incorporated documents is summarised in the table below:

New Clauses	Content and Proposed Change
43.01 Heritage Overlay	Replace the Schedule to Clause 43.01 (Heritage Overlay) with a new schedule that includes application requirements previously contained at Clause 22.01 (Heritage) of the Local Planning Policy Framework.
52.28 Gaming	Replace the Schedule to Clause 52.28 (Gaming) with a new schedule that includes content previously contained at Clause 22.12 (Gaming) of the Local Planning Policy Framework.

72.04 Incorporated documents	Amend the Schedule to Clause 72.04 (Documents Incorporated into this Planning Scheme) to include a number of heritage design guidelines as incorporated documents previously contained at Clause 22.01 (Heritage).
72.08 Background documents	Replace the Schedule to Clause 72.08 (Background Documents) with a new schedule that consolidates and updates all background documents from Clauses 21 and 22 of the Local Planning Policy Framework.
74.01 Application of Zones, Overlays and Provisions	Introduces a new Schedule to Clause 74.01 (Application of Zones, Overlays and Provisions) to provide an explanation of the relationship between the municipal objectives, strategies and controls on the use and development of land in the planning scheme. The schedule consolidates all planning scheme implementation actions from Clause 21 of the Local Planning Policy Framework.
74.02 Further Strategic Work	Introduces a new Schedule to Clause 74.02 (Further Strategic Work) that consolidates all further strategic work actions from Clause 21 of the LPPF.

Updates to the Housing Strategy 2019

DELWP requires further clarification of where there are special heritage or environmental limitations on development and housing growth in Hobsons Bay. To respond this the Housing Framework Plan is proposed to be updated to show the “Limited” change area split into more detailed housing change areas being “Minimal” and “Incremental”.

Housing change areas relate to the preservation of neighbourhood character and seek to identify any environmental constraints as follows:

- **Minimal Change:** Areas that should be protected because of their special heritage character or areas where development may be restricted due environmental factors (e.g. within a precinct heritage overlay, prone to flooding or in proximity to a Major Hazard Facility)
- **Incremental Change:** Areas where housing growth occurs within the context of existing or preferred neighbourhood character
- **Moderate Change:** Areas where housing will evolve up to three storeys whilst respecting neighbourhood character
- **Substantial Change:** Areas where housing intensification will occur that results in a substantially different scale and intensity of housing compared to other areas

This approach provides more certainty to the community about the type of change and built form expected within each area. The housing change areas also now include other zones that have residential outcomes such as the Mixed Use Zone (MUZ) and Comprehensive Development Zone (CDZ). These are outlined in the table below.

Adopted housing change areas vs revised housing change areas

Adopted 2019 Housing Framework Plan	LIMITED CHANGE AREA		MODERATE CHANGE AREA	SUBSTANTIAL CHANGE AREA		
Revised 2019 Housing Framework Plan Height	MINIMAL CHANGE AREA 2 storey building height	INCREMENTAL CHANGE AREA 2 storey building height	MODERATE CHANGE AREA 3 storey building height	SUBSTANTIAL CHANGE AREA 3 or 4+ storey building height		
*Proposed Zone	NRZ	NRZ	GRZ	RGZ	MUZ	CDZ

There is a logical alignment between the zones and housing change areas for most areas within Hobsons Bay with some exceptions as change is relative to its context (see Attachments 3 & 4).

Updates to the Neighbourhood Character Study 2019

The Neighbourhood Character Study (including 28 brochures), adopted in 2019, outlines the preferred built form outcomes for specified neighbourhood character precincts. Minor updates are required to the Neighbourhood Character Study to reflect the four housing change areas discussed above. It is proposed that brochures are updated to reflect the new change areas once the amendment is adopted by Council. Refer to Attachment 5.

Updates to the Activity Centres Strategy 2019

A minor update is proposed to the Activity Centres Strategy where reference is made to the three housing change areas. Refer to proposed updates at Attachment 6.

Updates to the New Residential Zones adopted 2019

A review of the proposed residential zones was undertaken to ensure consistency with Victorian Government guidelines. This has resulted in minor changes to zones outlined below and detailed in the New Residential Zones Map at Attachment 7.

Review of residential zones that have existing controls

DELWP has advised that the new residential zones must not conflict with any existing controls. The Design and Development Overlay Schedule 8 (DDO8) that applies to land along the foreshore in Williamstown specifies a preferred building height of two storeys with an allowance for three storeys subject to meeting certain design criteria. As the overlay allows for three storeys DELWP have advised it is incorrect to apply the Neighbourhood Residential Zone (NRZ) for these properties which would only allow for two storeys.

It is therefore proposed to retain the General Residential Zone (GRZ) for the few properties listed below where this conflict occurs:

- 1-2 The Strand, Newport – these sites are not contributory within HO31 and will be protected by the provisions of the DDO8
- 263 Nelson Place, Williamstown – this site is already a three-storey development and is protected by its own HO229 and the provisions of the existing DDO8

For the same reason the GRZ is also proposed to be retained for land within the Rifle Range Estate in Williamstown which is subject to the *Rifle Range Estate Urban Design Guidelines*. These guidelines are registered on title and allow for dwellings with a third-floor attic up to a height of 12m.

Review of new residential zones within precinct Heritage Overlays

There are only a few areas within Hobsons Bay where the adopted zones would allow buildings of greater than two storeys in a precinct heritage overlay. Council officers have reviewed these areas in response to the new practice notes that aim to ensure new zones consider the impact of building heights on special heritage character.

The following minor changes to the adopted zones are proposed:

- 136 Ferguson Street is proposed to be changed from RGZ to GRZ given this is a smaller site and due to its relationship to adjoining properties
- 114 to 120 Ferguson Street Williamstown are proposed to be changed from GRZ to NRZ given the sites are all contributory dwellings within HO27
- 3-93 Mason Street are proposed to be changed from GRZ to NRZ given the sites are all contributory dwellings under HO23

Consistent with the adopted August 2019 approach, the area that forms part of the Newport Precinct Structure Plan has been excised from the New Residential Zones amendment. In addition it is proposed to excise additional land in Newport which is being considered as part of the Inner Newport Heritage Gap Study. This study may identify additional areas with the potential to be included in a heritage overlay and therefore may be a Neighbourhood Residential Zone rather than General Residential Zone. Once finalised any changes will be made through the Newport Structure Plan amendment process.

There are no other changes proposed to the new residential zones adopted by Council on 13 August 2019 following extensive community consultation. The exhibition of the amendment will provide the community the opportunity to make further comment on the new residential zones and translated Hobsons Bay Planning Scheme and any unresolved submissions will be considered by an independent Planning Panel.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 1: Visionary, vibrant, accountable urban planning

Council Plan 2017-21

Goal 3: A well designed, maintained and environmentally sustainable place

Objective 3.1: Work with all levels of government, key stakeholders and the community to ensure urban development is appropriate and considers neighbourhood character and heritage.

The report proposes to update the Hobsons Bay Planning Scheme with revised policy content that reflects the key strategic directions for the municipality to provide for the orderly use and development of the municipality consistent with the objectives of the Council Plan and Community Vision.

Policies and Related Council Documents

An amendment to introduce the new translated Hobsons Bay Planning Scheme and residential zones would implement the following adopted Council policies and strategies:

- Activity Centre Strategy 2019
- Housing Strategy 2019
- Hobsons Bay Neighbourhood Character Study 2019
- Open Space Strategy 2018
- Biodiversity Strategy 2017–22
- Living Hobsons Bay: An Integrated Water Management Plan 2014-2019
- Experience Hobsons Bay – Tourism Strategy 2019-2024
- Hobsons Bay 2030 Community Vision
- Public Art Strategy 2016-20
- Universal Design Policy Statement 2017
- Affordable Housing Policy Statement 2016
- Community Greenhouse Strategy 2013-30
- Economic Development Strategy 2015-20
- Integrated Transport Plan 2017-30
- A Fairer Hobsons Bay 2019
- Climate Change Adaptation Plan 2013
- Electronic Gaming Machines (EGMs) in Hobsons Bay Background Paper January 2014
- Integrated Water Management Plan 2014

Previous Council reports that relate to the new residential zones

- 11 September 2012 Ordinary Council Meeting (OCM) – Council advised of the Victorian Government’s intention to reform the residential zones
- 13 August 2013 OCM – Council resolved to receive and note the information on the new zones and prepare an implementation plan to strategically justify their application
- 27 June 2017 OCM – update on all state reforms including new residential zones
- 11 September 2018 OCM – Council resolved to place the New Residential Zones documents on exhibition for eight weeks seeking community and stakeholder feedback
- 11 December 2018 OCM – Council resolved to consider all submissions received on the draft New Residential Zones and supporting draft strategies and receive a further report to consider the adoption of the final New Residential Zones and supporting strategies
- 13 August 2019 OCM – Council adopted the New Residential Zones package and resolved to proceed with the preparation of a Planning Scheme Amendment to implement zones

Legal/Statutory Obligations and Risk

The adopted new residential zones are proposed to be updated to respond to Planning Practice Notes 90 and 91 released by DELWP in December 2019. The Hobsons Bay

Planning Scheme has been translated into the new state format in accordance with the *Planning and Environment Act 1987* and with guidance by Victorian Government policy, as well as Victorian Government staff and the consultant Tract.

The exhibition of the amendment will provide the community the opportunity to make further comment on the new residential zones and translated Hobsons Bay Planning Scheme and any unresolved submissions will be considered by an independent Planning Panel, in accordance with the *Planning and Environment Act 1987*.

Financial and Resource Implications

The adoption of the recommendations of this agenda item will not result in additional financial implications. The resource implications of this agenda item are included within the operational budget.

Environmental, Social and Economic Impacts

The amendment is expected to have positive environmental, social and economic effects by:

- improving the clarity of local policy content in the MPS, PPF and local schedules which will result in greater certainty for users of the system
- improving the clarity within the Housing Strategy around how the new residential zones have been introduced
- reducing unnecessary costs to applicants and councils by removing unclear and overly onerous planning requirements
- improving planning outcomes by removing errors, inconsistencies and incompatibility in local policy content in the MPS, PPF and local schedules
- ensuring new residential development occurs in an appropriate manner across the municipality

Consultation and Communication

The new residential zones adopted in 2019 were prepared following extensive community consultation that occurred over eight weeks in late 2018. The changes proposed to the adopted new zones are minor and are necessary to ensure the amendment can progress through the department.

The community will have the opportunity to make further submissions to the process during the exhibition of the planning scheme amendment. Any submissions that cannot be resolved will then be presented to an independent planning panel and submitters will have another opportunity to present their views as part of this panel process.

Declaration of Conflict of Interest

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

9.3.2 2021 Community Grants Program Recommendations Report

Directorate:	Sustainable Communities
Responsible Officer:	Community Grants Officer
Reviewer:	Director Sustainable Communities
Councillor Portfolio:	Social Wellbeing and Community Services – Cr Tony Briffa JP and Cr Colleen Gates
Attachments:	1. Council Community Grants Overview - August 2020 [9.3.2.1 - 12 pages]

Purpose

To note the outcome of grant funding allocation through the 2021 Hobsons Bay Community Grants Program.

Recommendation

That Council:

1. **Notes the Councillor Review Panel's recommendation that the Hobsons Bay Community Grants Program (the program) allocates \$245,500 (two hundred and forty-five thousand, five hundred dollars), excluding GST, to fund 162 applications from the 2021 program.**
2. **Notes that a list of all grant recipients will be released on Council's website and grant outcomes will be promoted to the community.**
3. **Endorses contacting all applicants to advise them of their grant outcome and providing unsuccessful applicants with the opportunity for feedback on their application.**
4. **Notes that funds originally retained for the purposes of a Quick Response Round in February 2021 may be released to the community earlier as Council responds to unique community needs in the context of the COVID-19 pandemic.**

Summary

The Hobsons Bay Community Grants Program closed on 30 June 2020. The program received 193 applications requesting a total of \$409,449. A rigorous evaluation process has been undertaken culminating in a Councillor Review Panel which reviewed and finalised the recommended outcomes. A total of 162 grants are proposed which will distribute \$245,500 to local community organisations and projects and will leverage a further \$1 million in co-investment from the community.

Background

The program enables investment directly into the community. Funding provided through the program is of vital importance to the sustainability and viability of community groups. Recognising the impact of COVID-19, Council committed to a short application and

assessment timeframe for the 2021 program, cutting several months from the normal timelines. The 2020 Community Grants Program opened on 29 May 2020 and closed on 30 June 2020, with a commitment that grants would be paid during August 2020. Acquittals are due in December 2021.

Many applicants to the 2021 program reported they have been significantly impacted by COVID-19. Significant concerns include loss of income and sponsorship, program implementation, community engagement and members' engagement.

As with past rounds, applications were invited across four categories:

- Small Expenses supports administration and registration costs of groups
- Vibrant Community supports projects, activities and programs
- Invested Together is a two year partnership fund
- Toyota Australia contributes an annual \$30,000 and its own assessment staff to support the Toyota Equipment and Resources category. This year Toyota contributed an additional \$10,000 to help meet higher needs during COVID-19

The overall funding pool for Hobsons Bay Community Grants in 2020-21 is \$318,000. From that total, \$245,500 is available to new applications made through the current phase of the program, \$22,500 is pre-allocated to second-term payments for the Invested Together category and \$50,000 has been set aside by Council to resource a later quick response round in February 2021. Council will review the intent of a quick response program in context of the ongoing COVID-19 response and support for the community. A further report on future grants to support community groups during the pandemic will be presented for Council's consideration in the coming months.

Discussion

There was a strong response to the Hobsons Bay Community Grants round with 193 applications received.

The program was advertised publicly and further promoted by direct contact with networks, groups, and previous applicants. Council hosted four online information and grant writing workshops. Workshops were attended by 40 residents representing their local community groups and organisations. Assistance was provided to additional groups over the phone, including to help complete applications online and to develop individual project ideas.

Initial assessment was undertaken by Council staff (Toyota staff oversaw the Equipment and Resources category) utilising an eligibility checklist and assessment matrix which included impacts of COVID-19 as a priority area. A management assessment panel reviewed and referred the recommendations for final consideration and endorsement by Council's delegated Councillor Review Panel.

There is a notable increase in demand for equipment purchases to support community groups and clubs. Equipment and resource supported requests included Zoom licences, IT equipment, sport equipment, cleaning and sanitising products and online resources. Even though the grant had increased funding, there were more applications than money for the Toyota Equipment and Resources category. The Councillor Review Panel endorsed funding some of the equipment and resources applications to meet additional needs.

Allocation of funding to each category

Category	Number of applications funded	Total funding allocation
Small Expenses	41	\$21,000
Toyota Equipment/Resources	42	\$40,000
Additional equipment/resources funded by Council	26	\$25,823
Vibrant Community	53	\$158,677
Total	162	\$245,500

Detailed information on the grants round including locations, themes and processes is included in Attachment 1, along with detailed charts summarising the total funds requested and allocated by organisation type, suburb, and grant type. A list of funded applicants will be available on the Community Grants Program page of Council's website.

Applications that are supported will enable a range of projects and initiatives, including community development, community strengthening and support, sports inclusion, social connection, environment projects, youth activities, volunteer initiatives and seniors projects.

No new projects were recommended for the Invested Together partnership category due to the COVID-19 pandemic impacting applicants' capacity to make longer term development plans.

In addition to the Hobsons Bay Community Grants Program, Council supports and enables other grants programs throughout the year. A review of grants and funding is currently underway to ensure a holistic, responsive and best value outcome for the city.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 2: Community wellbeing and inter-connection

Council Plan 2017-21**Goal 1: An inclusive and healthy community**

Objective 1.1: Provide access to high quality services that enhance community health and wellbeing.

Objective 1.2: Deliver, support and facilitate projects and programs that encourage equity and diversity, so everyone can reach their full potential.

Objective 1.3: Ensure all community members will have access to quality community, sport and recreation facilities, cultural experiences and open spaces that encourage a healthy and active lifestyle.

Goal 2: A great place

Objective 2.1: Protect and promote public health and community safety.

Objective 2.2: Celebrate and promote the diversity of our community.

Policies and Related Council Documents

Council approved the Community Grants Program guidelines, budget, timelines and initiation at its Ordinary Council Meeting 10 March 2020. Council nominates three Councillors to be on the Community Grants Councillor Review Panel in accordance with its endorsed Terms of Reference.

Legal/Statutory Obligations and Risk

Disbursement of the funds will be in accordance with Council's accounting practices and funding is required to be acquitted in keeping with the conditions of the receipt of the funds. Projects are assessed against key criteria and recommendations made.

Financial and Resource Implications

Council approved \$278,000 in the 2020-21 budget for allocation in the Community Grants Program. A further \$40,000 (a one-off increase of \$10,000 due to the COVID-19 pandemic impact on community groups and clubs) is pledged by Toyota Australia for new equipment and/or resources.

Environmental, Social and Economic Impacts

The implementation of the SmartyGrants online application service has eliminated all paper based grants applications.

The Community Grants Program supports local not-for-profit groups and clubs, networks and community organisations. Grants are intended to assist to build capacity, help with expenses, provide equipment, support services, grow initiatives and enable new ideas. The program themes support applications from groups affected by the COVID-19 pandemic, allowing flexibility in application requests and across grant categories. It supports community building, health and wellbeing, capacity building, social inclusion and participation.

As part of the application process, applicants estimated their contribution in participant numbers and volunteer hours invested. For this round, these figures indicate opportunities for more than 35,000 people to participate, with an estimated 1,769 volunteers contributing about 20,054 hours, representing an in-kind investment of more than \$501,000. Combined with direct project contributions estimated at \$475,517 the total co-investment by grant applicants through this round is almost \$1 million.

Council is committed to a shorter administration timeframe for this funding round to enable the release of funds into the community and in support of the local economy during August 2020.

Consultation and Communication

Community engagement opportunities provided through this program included grant information sessions, project development and grant writing workshops, in-person

consultations, phone consultations and feedback opportunities. This engagement can improve Council's knowledge of community groups, enabling information to be gathered regarding the community's needs and aspirations, which can then be reflected in future grant priorities and allocations.

Declaration of Conflict of Interest

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

9.4 Infrastructure and City Services

9.4.1 Building Asset Management Plan 2020

Directorate:	Infrastructure and City Services
Responsible Officer:	Coordinator Strategic Asset Management
Reviewer:	Director Infrastructure and City Services
Councillor Portfolio:	Not Applicable
Attachments:	1. Building Asset Management Plan 2020 [9.4.1.1 - 39 pages]

Purpose

To seek Council's endorsement of the Building Asset Management Plan 2020 (BAMP).

Recommendation

That Council adopts the Building Asset Management Plan 2020.

Summary

The Draft BAMP has been developed to demonstrate responsible management of the Hobsons Bay municipal open space assets.

The Draft BAMP was endorsed at the Ordinary Council Meeting on 12 May 2020 to be placed on public exhibition for four weeks.

No comments or feedback were received from the community during the public exhibition period; therefore, the Draft BAMP (Attachment 1) is being presented for adoption unchanged.

Background

There are 216 buildings owned and/or managed by Council. Some of these have further separable facilities within them. The building portfolio has an estimated replacement value of \$223 million.

The BAMP combines management, financial, engineering and technical practices to ensure the level of service required is provided at the most economical cost to the community.

Discussion

A building condition audit was completed in 2019 to determine those building assets in poor condition that require renewal. The audit results have informed the development of a long term works program and the asset management plan.

Most of Council's buildings are in good to moderate condition, with 9 percent of buildings in poor condition. These poor condition buildings have been included in the Capital Works Program over the next five years.

The required expenditure to renew the buildings and components in a timely manner over the next 10 years is detailed in the Financial and Resource Implications section of this report.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 2: Community wellbeing and inter-connection

Council Plan 2017-21

Goal 3: A well designed, maintained and environmentally sustainable place

Objective 3.2: Deliver and maintain well-designed, accessible and environmentally sustainable community assets.

Policies and Related Council Documents

This report and recommendation are consistent with Council's Asset Management Policy and Action Plan 2017.

This report follows the resolution at the Ordinary Council Meeting on 12 May 2020 to endorse the Draft BAMP for public exhibition for a period of four weeks and receive a further report to adopt the BAMP following the public exhibition period.

Legal/Statutory Obligations and Risk

In accordance with the new reforms under the *Local Government Act 2020*, councils are required to develop and implement asset management plans demonstrating responsible asset stewardship. The adoption of the BAMP meets the requirements of these reforms.

Financial and Resource Implications

The required expenditure to renew the poor condition buildings and components is about \$63 million over the next 10 years, with an average of \$6.3 million per year. This renewal forecast includes those poor condition buildings that have been earmarked for major upgrade.

Building maintenance expenditure is forecast to be \$35 million over the next 10 years, while building new and upgrade expenditure is forecast to be \$125 million over the next 10 years as of June 2019.

The total forecast expenditure to provide maintenance, renewal, new and upgraded building assets across the municipality is estimated to be \$223 million over the next 10 years.

This forecast expenditure has been included in Council's Long Term Financial Plan.

Environmental, Social and Economic Impacts

Council's strategic asset management approach has positive environmental, social and economic benefits for the community. Long term asset planning and timely renewal of Council's infrastructure assets ensure there is ongoing provision of facilities that are safe, accessible and fit for purpose for present and future communities.

Consultation and Communication

Internal consultation and engagement have been undertaken with service managers and key officers responsible for the implementation of the plan and ongoing management of the open space assets.

The Draft BAMP was endorsed at the Ordinary Council Meeting on 12 May 2020 to be placed on public exhibition for a period of four weeks. The public exhibition period was held between 13 May 2020 and 10 June 2020 and was widely promoted to the local community and all stakeholders via Council's website and social media platforms.

At the completion of the public exhibition period, a total of 18 people had visited the Draft BAMP page on Council's website, with eight of them downloading a copy of the report. No feedback was received during the public exhibition period.

Declaration of Conflict of Interest

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

9.4.2 Aviation Road, Laverton and Ferguson Street, Williamstown North Level Crossing Removal Project Precinct Plans

Directorate:	Infrastructure and City Services
Responsible Officer:	Manager Strategic Projects
Reviewer:	Director Infrastructure and City Services
Councillor Portfolio:	Integrated Transport – Cr Jonathon Marsden and Cr Sandra Wilson
Attachments:	<ol style="list-style-type: none">1. Aviation Road Level Crossing Removal Precinct Plan 3172020 (A 3377076) [9.4.2.1 - 18 pages]2. Ferguson Street Precinct Plan (FINAL) 3072020 (A 3377074) [9.4.2.2 - 16 pages]

Purpose

To provide Council with the finalised level crossing precinct plans for Aviation Road, Laverton and Ferguson Street, Williamstown North (Attachment 1) These precinct plans have been developed with community input and will be referenced for the purposes of advocating to respective Victorian Government agencies and Ministers.

Recommendation

That Council:

1. **Adopts the Aviation Road Precinct Plan and Ferguson Street Precinct Plan.**
2. **Advocates to the Victorian Government for the implementation of the Aviation Road Precinct Plan and Ferguson Street Precinct Plan to improve the precinct amenity, address pedestrian and cyclist safety, protect local heritage and environmental values and improve the traffic and transport arrangements.**

Summary

Both the Aviation Road and Ferguson Street precinct plans represent amenity improvements which have been identified through community engagement. Council established Community Interest Groups for both project sites and input received from these groups has also contributed to the development of the precinct plans.

The precinct plans are consistent with the Hobsons Bay Grade Separation Guidelines and Objectives which were adopted in March 2016 following community consultation. Council acknowledges that the precinct plans are beyond the scope of the respective Level Crossing Removal Projects (LXRP); however, the precinct plans provide an opportunity for the relevant Victorian Government agencies and Council to continue to collaborate to improve the local amenities and address specific issues.

Background

In March 2016 Council endorsed the Hobsons Bay Grade Separation Principles and Guidelines which were developed with input from the community. The principles apply in the planning, design, consultation and implementation of any grade separation project within

Hobsons Bay. They are in place to ensure that level crossing removals are well integrated with the local area and that community amenity is protected.

The principles are:

- a value for money outcome
- an efficient road network
- a connected community
- conservation of special values
- minimal impact on adjacent private land
- quality public places
- allowance for future development
- a safe and accessible precinct
- an integrated transport hub
- an environmentally responsible development
- a development that addresses community concerns and aspirations

The following guidelines specifically apply to the Ferguson Street level crossing removal project:

Conservation of special values and neighbourhood character

- retain the North Williamstown Railway Station building
- enhance and celebrate the heritage values of the station, other heritage features and the local village feel of the precinct
- improve the appearance and sense of arrival at this key gateway to Williamstown

Quality public places

- retain, improve and create new public spaces that are connected to the train station
- maintain significant tree canopy and vegetation

A connected community

- ensure that the built response does not include a rail or vehicle overpass or other barriers that physically divide the community
- ensure that views from adjacent residences, public spaces and businesses are preserved or improved

A value for money outcome

- ensure that the level crossing removal is the most cost-effective solution to current congestion and safety issues
- undertake investigations into a well-designed pedestrian underpass that achieves safe pedestrian and cycling connectivity to all sides of the intersection as an alternative to separation of the road and rail infrastructure

A safer community

- achieve the safest possible pedestrian and cycling connections through this intersection, providing a well-connected neighbourhood

An efficient road network

- modify the current road design to provide a smoother transition from Kororoit Creek Road to Ferguson Street and improve motorist safety

Early 2017 Council established the Aviation Road CIG followed by the Ferguson Street Level Crossing CIG, comprising community representatives and Councillors. The purpose of the CIGs was to formulate input for Council's consideration on the level crossing removal projects. In September 2019 the Ferguson Street Level Crossing CIG reported to Council that their preferred option for the site was rail under road on the basis that several of the Hobsons Bay Grade Separation objectives would be achieved.

Discussion

The Aviation Road Level Crossing Removal Project commenced in September 2016 with site assessments and preliminary design development which were released for community engagement. The final design resulted in a road over rail solution based around a total project package to be delivered in two stages. Stage 1 comprises the road bridge, a new shared use path for a short section of Maher Road and landscaping. An important pedestrian underpass to connect commuters to the nearby Aircraft Station will be completed in Stage 2 in parallel with level crossing removal works at Werribee and Cherry Streets in Werribee. This will reduce the number of rail shutdowns needed on the Werribee line to remove the three level crossings.

The Level Crossing Removal Project (LXRP) completed Stage 1 in September 2019 and the overpass is now operational.

Representatives of the Laverton community together with Council have participated in various engagement opportunities throughout the design development and delivery phase of Stage 1. In response to the community engagement findings Council has undertaken this study to help identify potential opportunities at the wider precinct level. This Aviation Road Level Crossing Removal Precinct Plan identifies opportunities, ideas and principles which shift the project from a road-based traffic and public transport focus to one that will deliver a greater variety of community improvements.

The draft Ferguson Street Williamstown North Level Crossing Precinct Plan was released for community comment on 25 May 2020. On 19 June 2020, the LXRP announced that the final design option for the level crossing removal will be rail under road. The draft precinct plan was developed on the understanding that two options remained, these being rail under road and rail over road. The final precinct plan as developed by Council recognises the rail under road level crossing removal concept plan as released by LXRP.

Following the exhibition of the draft precinct plan, a total of 534 survey responses were received, of which 46 per cent agreed that the precinct plan addresses the issues and opportunities in the precinct, 30 per cent disagreed and 24 per cent neither agreed nor disagreed. Most of the survey respondents (80 per cent) live in Williamstown or Williamstown North, 12 per cent in Newport and 7 per cent did not list their residential suburb. One respondent was from Brooklyn and one was from Seaholme.

In summary the key feedback themes received through the survey responses included:

Pedestrian and cyclist safety

- pedestrian and cyclist safety remain a key concern for residents

- most respondents supported the proposed layout for shared user pathways throughout the precinct including the option for an underpass

Traffic management

- the proposal to remove the existing roundabouts and establish signalised intersections received mixed responses
- some respondents believe the signalised intersections would address pedestrian and cyclist safety
- some respondents questioned how the proposal for traffic lights would enable continued local road access onto Ferguson Street, specifically from Victoria Street

Car parking

- the proposal to relocate the car park further north on Power Street was not supported due to the increased traffic impacting local roads and residents
- changes were suggested for the existing Champion Road parking limits to service all day commuter parking

Heritage values

- retention and repurposing of the station houses was supported by the vast majority of the survey respondents with the request to retain the village feel in the precinct

Open space and vegetation

- retention of the open space including the established trees was supported by most respondents
- many respondents raised the playground's proximity to Ferguson Street as a safety concern, but retention of a playground within the precinct was supported
- many respondents supported the inclusion of public art in the open space areas

Further to the submissions received in response to the draft plan and noting the level crossing removal design response being rail under road, the Ferguson Street Precinct Plan includes the following elements:

- retention of both station houses to be repurposed for railway station and community use
- enlarged community plaza space to enable safe and continued access through the precinct, specifically over the rail corridor
- relocation of the Power Street playground away from Ferguson Street, further north on Power Street
- no increase to the current car park capacity
- retention of existing established trees (subject to further formal assessment of their health condition)

No changes to the road management treatments have been included in the Ferguson Street Precinct Plan. Further detailed monitoring and modelling will be undertaken before and after the level crossing removal to identify any change in travel patterns and determine the preferred treatments. Council will continue to engage with the Victorian Government in reviewing these traffic arrangements, noting Kororoit Creek Road is an arterial road contributing to the local road network.

Both precinct plans are not technical documents but rather define tangible outcomes which are consistent with community engagement findings, Council's Grade Separation Guidelines

and Principles and respective policies and strategies. Council will continue to liaise with the relevant state agencies and authorities to progress these precinct plans and specifically through the design development and delivery phases for Stage 2 of the Aviation Road Level Crossing Removal and the Ferguson Street Level Crossing Removal projects.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 6: An accessible and connected community

The development of the precinct plan aims to address current issues regarding pedestrian and cyclist safety, retain connections for the local community and improve the amenities within the precinct, ensuring that the Williamstown community remains connected with improved access.

Council Plan 2017-21

Goal 3: A well designed, maintained and environmentally sustainable place

Objective 3.1: Work with all levels of government, key stakeholders and the community to ensure urban development is appropriate and considers neighbourhood character and heritage.

The Ferguson Street Precinct Plan has been developed to improve the amenities within the area surrounding the Williamstown North Railway Station. The forthcoming level crossing removal project and its associated design development process provides an opportunity for the respective land managers to collaborate on an agreed vision for this precinct.

Hobsons Bay Open Space Strategy

The Hobsons Bay Open Space Strategy has also informed the precinct plans, specifically in reference to the retention of the playground, improved pedestrian and cyclist shared pathways and improved access.

Policies and Related Council Documents

The March 2016 Hobsons Bay Grade Separation Principles and Guidelines have been integral to the development of the Aviation Road and Ferguson Street Precinct Plans. Council receives regular updates on the status of level crossing removal projects within the municipality.

Legal/Statutory Obligations and Risk

The Aviation Road Level Crossing Precinct Plan refers to the surrounding area specifically including Maher Road to the north, Railway Avenue to the south, the connection with Aircraft Railway Station to the west and Laverton Railway Station to the east. Council as the responsible road authority will continue to manage and maintain Maher Road. At the Ordinary Council Meeting on 12 March 2019 Council resolved to not agree to accept ownership and maintenance of the new road approach structures except for the road

pavement, road drainage, kerbs, footpath, signage and lighting and adjacent VicTrack land except for the two road drainage detention ponds.

The Ferguson Street Precinct Plan refers to the area immediately to the east and west of the North Williamstown Railway Station. This precinct comprises land owned and managed by Metro Trains Melbourne and the Department of Health and Human Services. Kororoit Creek Road is an arterial road managed by the Department of Transport. Council is the responsible road authority for the local roads surrounding the Ferguson Street Precinct, specifically Power Street and Station Road.

While Council does not own or manage all the land or assets within these precincts, Council has identified the opportunity to establish the precinct plans for the purposes of advocating to the relevant Victorian Government agencies and respective Ministers.

Financial and Resource Implications

The Aviation Road Laverton and Ferguson Street Williamstown North Precinct Plans have been developed by Council following community consultation and engagement. Issues raised by the Laverton and Williamstown community's particularly regarding pedestrian and cyclist safety, traffic congestion and flows, heritage and environmental values have been considered in the development of the precinct plans.

Council seeks Victorian Government support to the Aviation Road and Ferguson Street Level Crossing Precinct Plans through financial commitment and partnership to the further design development and construction. Implementation of both precinct plans represents an estimated \$15 million investment. Council has not committed any future funding to the implementation of the precinct plan in its Long Term Capital Works Program.

Environmental, Social and Economic Impacts

The Hobsons Bay Grade Separation Principles and Guidelines acknowledge the environmental, social and economic values and opportunities of both the Aviation Road and Ferguson Street level crossing removal sites. Similarly, the precinct plans respect the environmental features of the area, specifically the landscaped accessible open space and established trees.

Both precincts are popular meeting places particularly for commuters and students attending the nearby schools. The precincts also serve as key connections for residents to the nearby activities centres and provide important open space and connecting pathways.

Consultation and Communication

On 20 May 2020 Council released the Ferguson Street Level Crossing Removal: Initial Ideas and Opportunities Investigation, containing the Draft Ferguson Street Precinct Plan, for community engagement. Due to the current COVID-19 restrictions a modified community consultation program was undertaken including the hand delivery of project information to over 10,000 properties in Williamstown, Williamstown North and Newport. A live Facebook session was conducted on 17 June with 30 participants engaging. Of the 552 responses received, 429 responses were received via reply-paid mail and 123 via the Participate Hobsons Bay portal. About 60 residents made telephone contact. The Draft Ferguson Street Precinct Plan was placed on public exhibition from 25 May to 22 June 2020.

In addition to the community engagement recently undertaken for the Ferguson Street project site, both the Department of Transport and the LXP have been engaged on the draft precinct plan. Council has participated in a series of workshops to develop the Urban Design Guidelines for the LXP and the draft plan has been the basis of Council's input.

The precinct plans will be referenced for future advocacy with the Hon. Jacinta Allan, MP, Minister for Transport Infrastructure; the Hon. Ben Carroll, MP, Minister for Public Transport, Roads and Road Safety; and the Hon. Jenny Mikakos, MP, Minister for Co-ordinating Health and Human Services.

Declaration of Conflict of Interest

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

9.4.3 West Gate Tunnel Project Update Report

Directorate:	Infrastructure and City Services
Responsible Officer:	Senior Technical Advisor
Reviewer:	Director Infrastructure and City Services
Councillor Portfolio:	Integrated Transport – Cr Jonathon Marsden and Cr Sandra Wilson
Attachments:	Nil

Purpose

To provide a monthly status report on the West Gate Tunnel Project (the Project) and associated initiatives, projects and advocacy activities.

Recommendation

That Council receives this update report on the status of the West Gate Tunnel Project and Council's advocacy on aspects of the Project.

Summary

This month's report includes the status of:

- Council's ongoing advocacy focus items:
 - Muir Street, Spotswood and Rosala Avenue, Brooklyn pedestrian overpasses
 - Hall Street streetscape design
 - Kororoit Creek shared use path
 - landscape plans and tree replacement
- construction activity and disruptions
- Open Space Enhancement Package (OSEP)
- summary of other items

Background

The Project started in 2018 and following delays experienced is now due to finish in 2023. It is a partnership between the Victorian Government and Transurban, managed by the West Gate Tunnel Project – Major Transport Infrastructure Authority (WGTP MTIA) and built by construction contractors CPB Contractors and John Holland as a joint venture (the JV).

Monthly reports are tabled through the Ordinary Council Meetings providing updates on various aspects of the Project. Earlier reports can be accessed via the Council website. Operational updates including live traffic disruption information can be accessed via: <http://westgatetunnelproject.vic.gov.au/disruptions>

Discussion

Council advocacy

Throughout the design and construction stages, Council has negotiated outcomes and improvements wherever possible that are consistent with its adopted position to optimise beneficial community outcomes.

Council advocacy is currently focused on five strategic items, detailed below, which are being discussed with Project Co, the JV and WGTP MTIA.

1. Muir Street and Rosala Avenue pedestrian overpasses

The JV removed the two pedestrian overpasses at Muir Street, Spotswood and Rosala Avenue, Altona North on 23 May 2020 for freeway widening and noise wall work prior to the new bridges being constructed. A temporary replacement bus service has been set up for the Yarraville/Spotswood and Altona North/Brooklyn communities. A review of the service has included a survey of residents, community groups, local schools and sporting clubs to determine improvements to best meet the local access needs. While the response was relatively low, the survey results indicate:

- general opposition to the overpass removals and dissatisfaction with the bus routes, service frequency and service information and promotion
- more promotion of the service is needed
- greater service flexibility which should be determined through regular monitoring and assessment of the bus service
- there is support for the school run to Wembley Primary School but the service to schools is lacking in Brooklyn
- patronage is low (less than five patrons) outside school start and finish times
- issues with the larger buses on local roads

Council officers have been consulted as a part of the bus service review and have suggested use of smaller 12-15 person buses outside the busy school run periods and the need for more promotion of the service throughout the two communities. Council requires the bus service to continue until the new bridges are operational and that it continues to be reviewed, monitored and adjusted accordingly following stakeholder review to improve the service.

2. Hall Street streetscape design

Council has negotiated a successful outcome with the JV for Hall Street that provides for a three-metre-wide shared use path connecting the proposed Federation Trail to Spotswood Railway Station while keeping parking and two-way traffic flow. Council has started survey and design services to coordinate the construction of the road and drainage in Hall Street with the JV's works on both Hall Street and the upcoming Hyde Street ramp construction works. Further updates on the design will be provided in future reports.

3. Kororoit Creek shared use path

Outstanding issues in relation to the Kororoit Creek area include the proposed tree planting and landscaping; trail design alignment, safety and upgrade works at the Bluestone Bridge; cultural interpretation and wayfinding. Several items requested by Council remain outside the project scope. Discussions to resolve these issues continue between Council, WGTP MTIA, their heritage consultant and other key stakeholders including the Friends of Lower Kororoit Creek and Traditional Owner Groups. Council has written to the JV requesting that the decision to delay the opening of the path until late 2022 be reconsidered.

4. Landscape plans and tree replacement

A total of 11,346 trees are currently proposed to be planted in Hobsons Bay to replace 2,427 removed as part of the Project. This equates to a replacement ratio of 4.7:1, slightly less than the stipulated 5:1. Council continues to advocate for maximum planting in appropriate areas as part of the Project and further updates will be provided in future reports.

Construction activity and disruptions

Construction works continue along the freeway corridor including at the interchanges at Grieve Parade, Millers Road and Williamstown Road. Recent notifications regarding Williamstown Road utilities and widening works and works to widen and strengthen the Newport Rail Bridge have been distributed.

Due to ongoing resident concerns about construction vehicles in the local area, Council officers met with the JV to agree on measures to minimise the impacts of WGTP trucks on the community. Such measures include extra signage to direct trucks, an induction and management system set up for anyone working on the Project of the approved routes and encouraging residents to report number plate or other identification details for the JV to follow up with any offending drivers.

Updates on construction activity and disruption notifications can be accessed via the Project website <https://westgatetunnelproject.vic.gov.au/construction/work-notifications>

Open Space Enhancement Package

The status of the OSEP is described below.

DN Duane Reserve, Brooklyn Reserve and Rowan Avenue Reserve, Brooklyn:

- All works are now complete including play equipment installed and other enhancement works including adult fitness equipment at DN Duane Reserve and shade structures at both Rowan and DN Duane Reserves
- the decommissioned Frances Sullivan Kindergarten at Brooklyn Reserve has been demolished
- all remaining works including the installation of the new public toilet, shade structure and walkways at Brooklyn Reserve were completed at the end of July 2020

WLJ Crofts Reserve, Altona North:

- site preparation for the development of the new pavilion has started and demolition to be completed in August 2020
- sportsground and floodlighting works are expected to begin from September 2020 with completion in April 2021.

Donald McLean Reserve, Spotswood:

- preliminary preparation is underway for the demolition of the existing pavilion
- the multipurpose courts are well underway and will be completed in late September 2020
- upgrades of Ovals 1 and 2 are complete and open to the public
- the relocated cricket practice pitches and nets are due to be completed in October 2020

- request for quotations have been called to appoint a consultant to develop designs for the remaining open space areas within the reserve

Further details and updates on each of these projects including community engagement opportunities can be accessed via Council's Participate page at <https://participate.hobsonsbay.vic.gov.au/>

Other Items

The last meeting of the Community Liaison Group (CLG) was held on 23 July 2020. Further information on the CLG including copies of meeting notes and presentations can be found at: <http://westgatetunnelproject.vic.gov.au/clg/>

A meeting of the Traffic Management Liaison Group was held on 1 July 20 and discussed the ongoing traffic coordination, monitoring and impacts of the WGTP including ramp and lane closures. In the next phase of work, the JV will shift lanes to the outer edge of the freeway, allowing crews to create a new worksite in the centre to safely continue building the new tunnel portals and add extra lanes to the freeway while keeping traffic moving. This phase begins in late July and will require overnight freeway, ramp and lane closures as well as some full weekend ramp closures. Details on upcoming traffic impacts can be found at: <https://bigbuild.vic.gov.au/disruptions>

The \$10 million West Gate Neighbourhood Fund is a grants and partnerships program for communities within Maribyrnong City Council and Hobsons Bay City Council. The application period for the 2019-20 partnerships program closed on 26 February 2020. Applications are currently being reviewed by WGTP MTIA with reviews by the CLG, Councils, and other state government agencies to follow. Funding recipients are to be announced in the second half of the year. Community grant applications available to not-for-profits in the Maribyrnong and Hobsons Bay areas will be open in the second half of the year and will provide up to \$100,000 per application. Grant writing workshops and information sessions are planned to be held. Further information is available at: <http://westgatetunnelproject.vic.gov.au/neighbourhoodfund>

The WGTP air quality monitoring report for May 2020 recorded no exceedances of the air quality objectives. Monthly monitoring reports are published on the Project website at: <http://westgatetunnelproject.vic.gov.au/about/keytopics/tunnel-ventilation-and-air-quality>

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 4: Proactive enrichment, expansion and conservation of the natural and urban environment

Priority 6: An accessible and connected community

Council Plan 2017-21

Goal 1: An inclusive and healthy community

Objective 1.3: Ensure all community members will have access to quality community, sport

and recreation facilities, cultural experiences and open spaces that encourage a healthy and active lifestyle.

Goal 2: A great place

Objective 2.4: Deliver, support and promote arts, cultural, heritage, recreational and sporting events and programs that foster a sense of belonging and contribute to the liveability of the city.

Objective 2.5: Work with all levels of government and other stakeholders to improve our transport network and to address gaps and capacity in public transport, our roads, foot paths and cycling routes.

Goal 3: A well designed, maintained and environmentally sustainable place

Objective 3.1: Work with all levels of government, key stakeholders and the community to ensure urban development is appropriate and considers neighbourhood character and heritage.

Objective 3.2: Deliver and maintain well-designed, accessible and environmentally sustainable community assets.

Goal 4: A Council of excellence

Objective 4.1: Collaborate with all levels of government, service providers, not-for-profit organisations and the private sector to address the concerns of our community.

Policies and Related Council Documents

On 26 August 2016 Council adopted the updated Hobsons Bay City Council's Adopted Position and Recommendations for the then Western Distributor Project.

Several Council policies and strategies were considered in the establishment of the adopted position on the Project and have been considered to inform the design and EES. Council has received numerous reports regarding officer assessments of the Project design development, community engagement and advocacy activities undertaken in response to the Project.

Legal/Statutory Obligations and Risk

Legal and statutory obligations and risks have been identified throughout Council's review and input to the Project. These obligations and opportunities will continue to be monitored and assessed.

A report and formal submission on the preferred design and EES was adopted by Council at the Ordinary Council Meeting on 27 June 2017. This report considered legal, risk and statutory obligations for the Project. A statutory process for the acquisition of Council land has commenced.

The latest available Independent Reviewer and Environmental Auditor's (IREA) report on the Project can be viewed at:

https://westgatetunnelproject.vic.gov.au/data/assets/pdf_file/0011/447365/WGT-IREA-Fourth-Ministers-Report.pdf

Financial and Resource Implications

Significant time has been committed by Council officers in responding to requests for advice, information and comment regarding the Project. Design packages are still being reviewed and frequent requests are being received now that construction is underway. An MOU has been established between Council and WGTP MTIA to provide for Council staff to respond to the Project and assist in the management and delivery of the West Gate Neighbourhood Fund.

Environmental, Social and Economic Impacts

The environmental, social and economic impacts of the Project to the Hobsons Bay community have been described in detail through the EES and will be monitored and mitigated through the implementation of the Environmental Performance Requirements (EPRs) for the Project.

Consultation and Communication

The Project EPRs include development of a Communications and Community Engagement Plan that links closely with the proposed EPRs, requiring a Traffic Monitoring and Management Plan, Business Involvement Plan and Community Involvement and Participation Plan.

Notifications to directly impacted areas prior to works commencing are ongoing. Council has assisted in sharing information on planned traffic disruptions through its website and social media. Council officers continue to assist the community where possible in responding to or referring requests and issues relating to the Project.

Construction issues and impacts arising from the works such as noise, vibration and dust are being closely monitored by the WGTP MTIA and the IREA to detect and respond to any exceedance of permitted levels.

Declaration of Conflict of Interest

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

10 Delegate Reports

10.1 Delegate Report - Metropolitan Transport Forum

Directorate:	Infrastructure and City Services
Councillor	Cr Jonathan Marsden
Delegate:	
Date of Meeting:	1 July 2020
Attachments:	<ol style="list-style-type: none">1. MTF letter to MPs re: COVID-19 Active Transport Resolution June 2020 [4.8.1 - 2 pages]2. MTF cover letter and June Active Transport Resolution June 2020 [4.8.2 - 4 pages]

Department of Transport's response to COVID-19

Brett Langley, Acting Head of Transport Services, Department of Transport (DoT) presented on DoT's response to COVID-19.

Restrictions have caused public transport patronage to drop by 90 per cent as customers have been asked to work from home and avoid unnecessary travel. Considering this, a key decision for DoT was how to maintain the confidence of customers and whether to run a full timetable and maintain capacity. It was noted that public transport is essential for many workers and that maintaining the timetable and capacity would allow passengers to physically distance. In addition, it was outlined that trials in Sydney to limit public transport capacity had not worked well as they were unenforceable by regular transport staff and created conflict between passengers.

To maintain the confidence of passengers and reduce transmission risk DoT removed cash handling and ticket checking and focused on staff hygiene and more cleaning. Currently patronage is now at 27 per cent capacity, although this is deemed to equate to full capacity on average once physical distancing requirements are considered. Restrictions also caused road traffic to drop 40 per cent but levels have since returned to 85 per cent of normal levels.

DoT is currently assessing options for additional public transport services in the shoulder period due to changing travel demand patterns. A \$340 million package of measures is also being rolled out to manage road congestion and better use existing roads and will take in some roads in Hobsons Bay. CCTV cameras and wireless travel time sensors will gather data and manage demand. Traffic light timings will be re-sequenced, clearways enforced with new penalties and upgraded to tow-away zone status, and road occupation charges for developers that block traffic lanes introduced. DoT is also investigating options to support safe travel options for pedestrians and cyclists.

Strategic advocacy update

The Metropolitan Transport Forum (MTF) has written to all metropolitan state MPs advising them of local government support for active transport (Attachment 1). MTF has also requested that all member councils add the transport implications of COVID-19 to the

agenda of their COVID Response Committee and consider what could be done to support alternatives to public transport and private cars (Attachment 2).

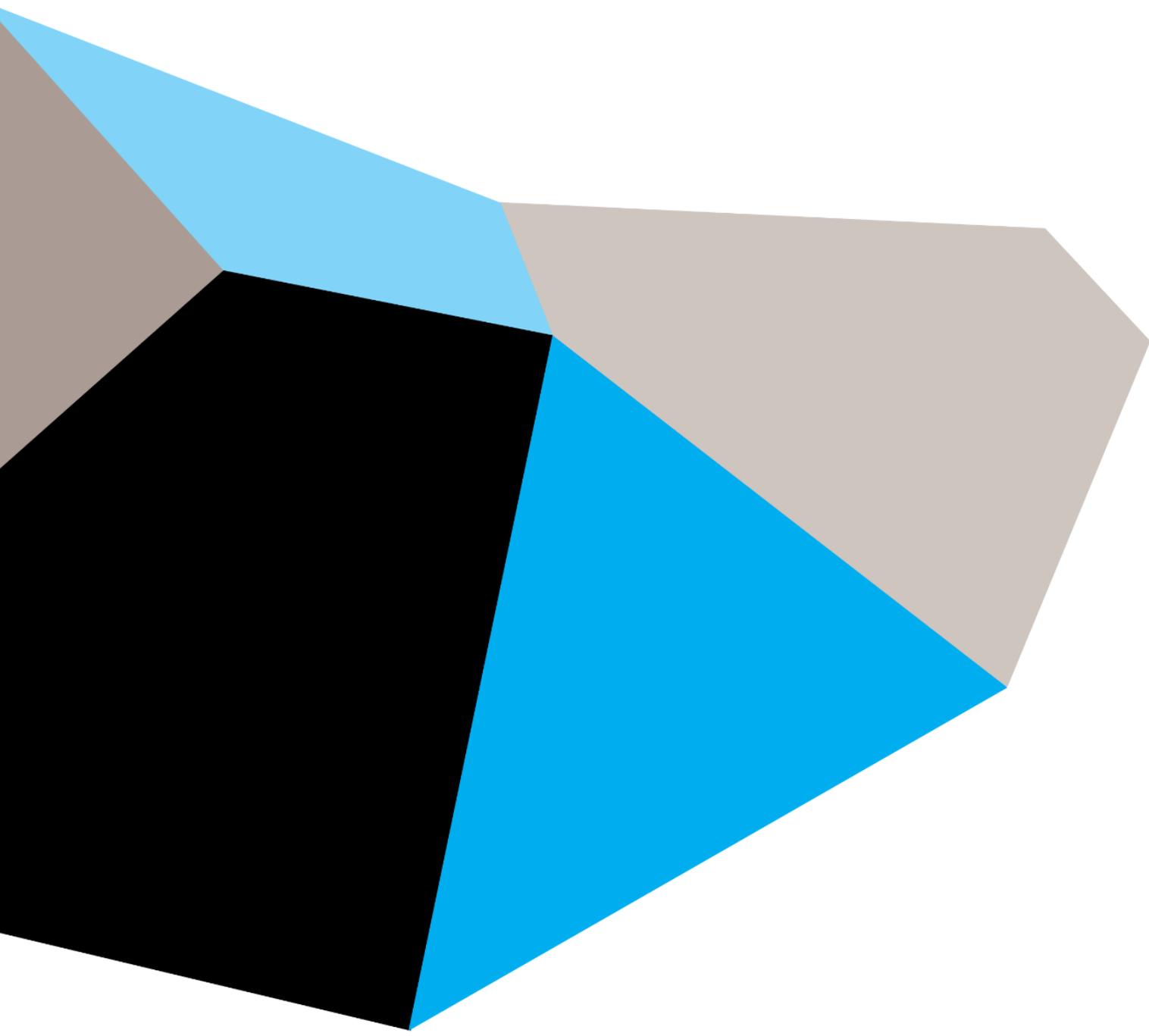
It was also reported that the Australian Government has announced a \$500 million Local Road and Community Infrastructure available from 1 July 2020 which may support COVID response projects. Discussion among the group noted that Councillors need to take an active role in promoting COVID-19 response transport projects and be supportive when difficult issues, such as the loss of parking to facilitate bike lanes, arise.

11 Notices of Motion

No notices of motion were received.

12 Urgent Business

13 Close of Meeting



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