

Council Meeting Minutes

8 March 2022

COUNCIL CHAMBER

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

Chairperson:

Cr Peter Hemphill (Mayor)

Strand Ward

Councillors:

Cr Diana Grima (Deputy Mayor)

Wetlands Ward

Cr Tony Briffa JP

Cherry Lake Ward

Cr Daria Kellander

Cherry Lake Ward

Cr Jonathon Marsden

Strand Ward

Cr Pamela Sutton-Legaud

Strand Ward

Cr Matt Tyler

Wetlands Ward

Pene Winslade
Acting Chief Executive Officer
Hobsons Bay City Council

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Minutes of the Council Meeting held on 8 March 2022 at 7.03pm.**Present****Chairperson**

Cr Peter Hemphill (Mayor) Strand Ward

Councillors

Cr Diana Grima (Deputy Mayor)	Wetlands Ward
Cr Tony Briffa JP	Cherry Lake Ward
Cr Daria Kellander	Cherry Lake Ward
Cr Jonathon Marsden	Strand Ward
Cr Pamela Sutton-Legaud	Strand Ward
Cr Matt Tyler	Wetlands Ward

Officers

Ms Penelope Winslade	Acting Chief Executive Officer
Mr Andrew McLeod	Director Corporate Services
Mr Sanjay Manivasagasivam	Director Infrastructure and City Services
Mr Matthew Irving	Acting Director Sustainable Communities
Ms Diane Eyckens	Manager Corporate Integrity (Legal Counsel)
Ms Briony Davis	Governance Officer and Minute Secretary

1 Council Welcome and Acknowledgement

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

2 Virtual Meeting Protocols

Due to current COVID-19 restrictions, this Council Meeting was conducted virtually in accordance with subsection 4.6 of the Hobsons Bay Governance Rules, and livestreamed on the Council website at <http://webcast.hobsonsbay.vic.gov.au>

2.1 Voting Method

Voting was 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 called for apologies received from Councillors who are unable to attend this meeting.

Nil

4 Disclosure of Interest

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

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

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

5 Confirmation of Minutes

5.1 Confirmation of Minutes

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

Motion

Moved Cr Jonathon Marsden, seconded Cr Matt Tyler:

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

Carried unanimously

6 Councillor Questions

Noting that 3,366 tonnes of recycling was sent directly to landfill due to contamination between February 2020 and February 2021 according to data provided in the minutes of the 29 June 2021 Council Meeting, Cr Matt Tyler asked if any updated data was available on contamination of comingled recycling within Hobsons Bay.

Mr Matthew Irving, Acting Director Sustainable Communities, responded that Council has commissioned truck condition audits which will be carried out shortly to gauge levels of contamination, with the process to be carried out manually to gather the most accurate results. Mr Irving added that due to the nature of the manual activity, final results would be available about three months from completion of the audit, whereupon Council officers would be able to accurately gauge any change in contamination levels since the changes to waste management collection schedules that were introduced in November 2021.

Cr Jonathon Marsden requested information on the toxic surfactant spill in Cherry Creek and what precautions the community should take.

Mr Sanjay Manivasagasivam, Director Infrastructure and City Services, responded that Council was only alerted to the incident three hours ago, and that according to Melbourne Water a pollution incident had occurred upstream of Cherry Lake closer to Laverton North. Mr Manivasagasivam added that Melbourne Water advised the community to avoid catching or eating any fish caught in Cherry Lake and keep pets and animals away from the water area at this stage. Mr Manivasagasivam stated that the Environment Protection Authority (EPA) and Melbourne Water were investigating and would provide further information.

Noting that Melbourne Airport's Third Runway project and Master Plan 2022 are currently on public exhibition until May 2022, Cr Tony Briffa asked whether a report would come to Council regarding their impact on the residents and workers of Hobsons Bay and on flora and fauna, and whether a submission would be provided that would come to Council for endorsement.

Mr Matthew Irving, Acting Director Sustainable Communities, responded that he would take the question on notice.

Cr Tony Briffa asked that this information also be communicated to the community so that residents could gain a better understanding of the impacts on them and what Council is doing regarding the matter.

7 Public Question Time

Sarah Vincenzini

Q What is Council going to do about the rubbish in, on and around Williamstown Beach?

A Council will be upgrading bins at several sites along the Hobsons Bay foreshore area shortly and the Williamstown Beach precinct is included in this project.

Larger bins and improved recycling options will be provided, including a comprehensive signage and communications strategy that will be implemented to make visitors to these areas aware of the improvements to the current system.

Collection frequencies will also be increased at some locations to ensure bins do not overflow. Paid parking at Council's beach areas is presently under review and Council has an ongoing program to install litter trap devices on its drainage systems.

Craig Rowley

Q On a few occasions in January 2022, Council communicated via its social media and other means that Council's waste and recycling collection contractors were impacted by COVID-related staff shortages. Those staff shortages impacted the timely collection of waste and recycling bins from households. What action has Council taken to ensure that the risk of such impacts is reduced in future so that services are resilient in the face of any future COVID-19 outbreak or other widespread outbreak of disease?

A Like many businesses and all councils, Council's waste and recycling contractors were impacted by staff shortages which delayed bin collection on some occasions. Council and the contractor worked to minimise delays, with the majority of bins collected within 24 hours.

Council's contractor implemented increased COVID-19 protocols with their workforce to reduce the risk of infection exposure and the related isolation requirements, and brought in additional staff during times of high staff shortages. This mitigated the risk resulting in the very minor disruptions experienced by the community during this challenging time. These revised protocols will assist in mitigating future challenges, noting the risk cannot be completely eliminated.

Q Over the summer the Waste and Recycling Collection Service was disrupted and there were delayed collections. What was the longest period over which a green waste bin containing food organics was left uncollected at households during this period of disruption?

A Council and the contractor worked to minimise delays, with the majority of bins collected within 24 hours.

There may have been some occasions when residents presented their bin late or when individual bins were inadvertently missed in the next day collection.

Rowena Joske

Q What process is Council going through to determine the best use and design for the large central park space intended for the new Altona North community in Precinct 15?

A The detailed design process is yet to commence for the park as the timing for delivery of the open space depends on rate of development within Precinct 15 and is still uncertain. When appropriate, planning and design will be carried out in accordance with the principles outlined in Council's Open Space Plan and Sports Needs Analysis.

Q The Precinct 15 Developer Contribution Plan allocates funds to develop a Local Area Movement Plan (LAMP) for the area with measures to include in that LAMP recommended through expert reports. Given that the recommended measures were mostly not considered in Council's recent LAMPs, will another separate LAMP be completed for Precinct 15?

A The recently adopted Northern Local Area Movement Plans have taken into consideration the development impacts from Precinct 15, recommended measures resulting from associated traffic impact assessment and feedback from the community received during the engagement period. Council is now focused in delivering the associated actions, including obtaining funding external funding where necessary (including developer contributions from Precinct 15 development), design and infrastructure implementation.

Q Is Council advocating or planning for a bus route to Spotswood Station as part of the improved bus services in Altona North?

A Public transport routes and stops are a state government responsibility. As part of the Precinct 15 development Council advocated for improved bus services including a more direct route to Spotswood Station. Until a critical mass of people exists that would support a new bus route it is unlikely that DoT will deliver this improved service. However, Council continues to advocate for a review of the bus network and services ahead the expected population growth at every opportunity.

Maureen Fastenau

Q I am aware that Council management is proposing to improve Council customer service information services by integrating the positions of customer services staff and library staff.

What consultation has been had with library patrons and ratepayers about the quality of Council customer services with regard to the provision of information?

A Increasing the number of customer service centres and hours of operation across the municipality to promote more convenient face to face access to Council's services was identified as a priority in the Council Plan 2021-25. The development of the Council Plan involved extensive community engagement, and Council sought feedback from the community on the Draft Council Plan via a number of different channels. Council also regularly and continues to seek feedback from community

members accessing Council services and interacting with Council, and monitors this feedback to identify areas for improvement.

Q What consultation will be had with Library patrons with regard to the integration of Council Customer Service staff and Library staff on Library services, programs, and hours as part of determination if this project should be continued and expanded to other libraries in Hobsons Bay?

A Answered above.

Q What evidence has Council management relied on as the basis for this job integration project that it is highly likely to result in improved information services to ratepayers and maintain the quality library services that have previously been offered to library patrons and ratepayers?

A Maintaining professional standards within Council's libraries has always been, and will continue to be, at the forefront of all decision making, to ensure we continue to deliver high quality, flexible and accessible services to our community.

To support the delivery of an enhanced service offering to the Hobsons Bay community, library customer service officers and our frontline library service team have been offered additional training to enable them to support the community with a broader range of enquiries.

Planned service enhancements have been designed to make it easier for the community to access all Council services (including library services) and interact with Council.

Alexandra Damasoliotis

Q I would like to submit a question to Council in regard to vaccination requirements to enter Council-run, ratepayer-funded libraries. I am unable to access the library with my four year old daughter.

When will this discriminatory requirement be lifted?

As a ratepayer, I have every right to enter a facility without discrimination especially since the Council prides itself on being inclusive of all people regardless of their beliefs.

A Council's COVID-19 response has always been, and will continue to be, guided by directions and mandates from both federal and state government. The requirement for visitors to be fully vaccinated (or exempt) to visit a local library is currently a legal obligation under the Victorian Government's "Open Premises Order (No.5)" which is in place until 11:59pm on 12 April 2022.

Brett Lucas

Q When is Council going to address the ongoing issue of domestic and feral cats being allowed to roam freely.

None of the cats where I live have collars and cat excrement on other people's properties poses a health risk.

A Council manages unwelcome cats on private property under the "Nuisance" provisions in the *Domestic Animals Act* 1994. Council collected approximately 600 cats from private properties in the past 12 months. This process allows cats to be returned to their owners and also makes their owners aware of responsible pet ownership.

In terms of feral cats, Council runs a cat trapping program. Council also runs a successful kitten adoption program and has found homes for 89 kittens in the last 12 months.

Zoran Babic

Q Around the year 2000, Council planted a number of street trees in and around Newport Junction. The trees, especially river gums, have been planted in close proximity to dwellings. These trees are not a recommended species for residential areas.

Why is Council still planting river gums in the area, and what is Council going to do to rectify the problem?

A Council has no record of planting river red gums in the Newport Junction area. These are not a species Council would plant in residential areas, as these large, spreading trees are primarily suited to our natural areas.

Any resident who has concerns regarding trees is encouraged to contact Customer Service on 1300 179 944.

8 Petitions and Joint Letters

8.1 Petitions and Joint Letters Received

8.1.1 Petition – Drainage Issues in Altona

Cr Tony Briffa tabled a petition containing 39 signatories which read as follows:

“We, the undersigned, petition Hobsons Bay City Council to address the longstanding and significant drainage issues in the area bounded by Sugar Gum Drive, Civic Parade, Grieve Parade, Lugg St and McIntyre Drive, Altona, including:

- a) Conducting a detailed investigation into the current serviceability and capacity of the drainage of the subject area;
- b) Developing a detailed design for improved drainage for the subject area; an
- c) Conducting the works as per the developed design.

We also ask that this drainage upgrade be prioritised and managed as a specific council project with regular communication and consultation with affected residents and property owners.”

Motion

Moved Cr Tony Briffa, seconded Cr Daria Kellander:

That Council:

- 1. Receives and notes the petition in relation to drainage issues in the area bounded by Sugar Gum Drive, Civic Parade, Grieve Parade, Lug Street and McIntyre Drive, Altona.**
- 2. Subject to a review of the petition in accordance with the Hobsons Bay Governance Rules, receives a further report on this matter at a future Council Meeting.**

Carried unanimously

8.2 Responses to Petitions and Joint Letters

8.2.1 Response to Petition - Hobsons Bay: Don't Go Back to a Costly and Waste-Filled Future

Directorate: Sustainable Communities
Responsible Officer: Manager Strategy, Economy and Sustainability
Reviewer: Acting Director Sustainable Communities
Attachments: Nil

Purpose

To respond to the petition regarding changes to the kerbside waste collection service frequency.

Motion

Moved Cr Jonathon Marsden, seconded Cr Tony Briffa:

That Council:

1. Notes that the petition titled **Hobsons Bay: Don't Go Backwards to a Costly and Waste-Filled Future** received in response to the actions arising from Council's Recycling 2.0 one-year review has been responded to through consideration of Item 9.3.2.
2. Writes to the lead petitioner advising of the outcome.

Carried unanimously

Recommendation

That Council:

1. Notes that the petition titled **Hobsons Bay: Don't Go Backwards to a Costly and Waste-Filled Future** received in response to the actions arising from Council's Recycling 2.0 one-year review has been responded to through consideration of Item 9.3.2.
2. Writes to the lead petitioner advising of the outcome.

Summary

The petition requests that Council:

- rescinds (or overturns) the decision made on 29 June 2021 to reinstate weekly garbage collection and to reduce the food organics and garden organics (FOGO) collection to fortnightly
- listens to the positive community feedback from the statistically valid community survey
- finds a better, affordable, and sustainable solution for those households who need more than a 120L bin with a fortnightly collection
- continues to advocate to reduce waste and assist households in adjusting to the waste service.

Background

The petition, containing 1,867 signatures, was tabled at the Council Meeting on 13 July 2021 subject to a review to confirm the validity of the petition. The review subsequently verified that it met the minimum requirement of 25 valid signatories for a petition to be accepted and dealt with by Council in accordance with the Hobsons Bay Governance Rules.

The petition was in response to endorsed changes to the frequency of the kerbside waste collection service that reinstated weekly general waste collection and designated FOGO collection to fortnightly for all households.

Council introduced a four-bin kerbside waste and recycling service in February 2020 in response to the significant changes in the waste and recycling sector. The service is aligned with new Victorian Government requirements and meets Council's core objective to divert waste from landfill.

Discussion

Council undertook a review of the new four-bin kerbside waste and recycling service in June 2021. In response to the review several changes to the service were proposed, including service changes that reinstated weekly general waste collection and introduced fortnightly FOGO collection.

Item 9.3.2 responds to the changes introduced following the one-year review. The report outlines several actions that aim to reduce landfill volumes and increase the recycling of food organics which will be delivered alongside continued engagement initiatives.

8.2.2 Response to Petition - Speed Hump in Burswood Court, Seabrook

Directorate: Infrastructure and City Services
Responsible Officer: Coordinator Transport and Engineering Developments
Reviewer: Director Infrastructure and City Services
Attachments: Nil

Cr Tony Briffa left the meeting at 7.42pm and was not present for the vote on Item 8.2.2.

Purpose

To provide Council with a response to the petition requesting that Council abandon the proposal to install a raised threshold treatment on Burswood Court at Canonbury Circle, Seabrook.

Motion

Moved Cr Matt Tyler, seconded Cr Diana Grima:

That Council:

1. Proceeds with works to install a raised safety platform on Burswood Court at Canonbury Circle, Seabrook.
2. Writes to the lead petitioner and residents of Burswood Court advising of the outcome.

Carried

Recommendation

That Council:

1. Proceeds with works to install a raised safety platform on Burswood Court at Canonbury Circle, Seabrook.
2. Writes to the lead petitioner and residents of Burswood Court advising of the outcome.

Summary

The submitted petition outlined local community opposition to a proposed raised safety platform on Burswood Court at Canonbury Circle, Seabrook.

A subsequent community survey of Burswood Court households showed that the majority of residents of Burwood Court did not oppose the proposed raised safety platform. It is therefore recommended to progress with the installation of the raised safety platform on Burswood Court.

Background

Plans were presented to the Seabrook local community involving a range of Local Area Traffic Management (LATM) treatments in local streets near Seabrook Primary School by letter in April 2021. The proposal comprised:

- five raised safety platforms on Glenelg Way, Cintara Circuit, Tintern Court, Burswood Court and Finnbar Way at their intersections with Canonbury Circuit
- a pedestrian crossing and changes to parking controls on The Robbins
- a pedestrian crossing on Seabrook Boulevard

The treatments aimed to improve road safety and local pedestrian access and amenity, particularly to children walking to and from Seabrook Primary School. The works were to be fully funded through a road safety grant provided by the Australian Government.

Feedback received on the proposal was limited with four responses received and two objecting to the proposal. One of the objections was related to the crossing on Seabrook Boulevard, which would impact their driveway access and on-street parking. The other objection was related to the way in which the raised crossing on The Robbins would impact planting in the nature strip. Some questions were also raised by residents as to the suitability of the changes to parking controls on The Robbins.

As a result of the feedback received the scope of the project was revised, with the removal of the pedestrian crossing on Seabrook Boulevard, changes to the path to the pedestrian crossing on The Robbins to minimise impacts to planting on the nature strip, and removal of changes to parking controls.

A letter was sent to about 200 properties in the local community on 30 September 2021 inviting feedback by 22 October 2021, presenting a revised proposal which incorporated:

- five raised safety platforms on Glenelg Way, Cintara Circuit, Tintern Court, Burswood Court and Finnbar Way at their intersections with Canonbury Circuit
- a pedestrian crossing on The Robbins

One local resident provided feedback during this second period of consultation in support of the raised threshold treatments and suggesting that a 40km/h speed limit also be introduced. The implementation of 40km/h speed was not feasible at this location, in accordance with current state speed zoning guidelines, and was not included in this proposal.

Taking into consideration the results of this engagement period, the revised proposal was programmed for delivery and works notification was sent to local residents in November 2021, advising that the works would be delivered in December 2021.

On 29 November 2021, a signed petition was received formally requesting that the proposed raised threshold on Burswood Court at Canonbury Circle, Seabrook be abandoned (Attachment 1). As a result of the petition, works to install the raised threshold treatment on Burswood Court were placed on hold, but the other traffic calming treatments on

Glenelg Way, Cintara Circuit, Tintern Court, Finnbar Way and The Robbins were installed in December 2021 consistent with the revised proposal presented to the community.

Discussion

The petition included a total of 32 signatures from 20 separate addresses, including seven signatures from Burswood Court, 11 signatures from Canonbury Circuit and two from Tintern Court. There are 14 addresses on Burswood Court, so the petition indicates that half of the residents that would be expected to regularly use Burswood Court oppose the installation. The petition focuses on the discomfort and delays to motorists that result due to the proposed raised safety platform.

The petition characterises the works as a “speed hump”. It is important to note that the proposed treatment differs to a normal road hump. Although the treatment does involve changes in vertical alignment, it is designed to be installed in the areas where motorists would already be traveling at slow speeds and provides improved access and safety for pedestrians by keeping the footpaths at grade.

The original intent of the project sought to improve safety and amenity of local pedestrians in a consistent manner across the precinct, particularly to students walking to and from Seabrook Primary School. The proposed treatment at Burswood Court is identical to the four other treatments now installed at Glenelg Way, Cintara Circuit, Tintern Court and Finnbar Way. The proposed raised threshold treatment would not result in delay to travel times for vehicle access to Burswood Court and has been designed to reduce discomfort and noise when traveling at low speeds. There is no evidence that they would have impacts on emergency service response times.

Subsequent Community Survey

In order to ensure that the views of all residents of Burswood Court were considered, a letter was sent to the 14 households on Burswood Court that included further explanation on the nature of the proposed treatment and its safety benefits, and sought feedback from households by way of an online survey and QR code. The survey invited one response per household and included the statement that “if we do not hear from your household it will be assumed that you are in support of the proposed Raised Safety Platform”. The survey was open for two weeks.

Six responses were received opposing the proposed raised safety platform, or 43 per cent of the 14 households of Burswood Court. No response was received from eight households on Burswood Court, representing 57 per cent of the 14 households.

The results of the online survey show that the majority of residents of Burswood Court did not oppose the proposed raised safety platform.

It is therefore recommended to proceed with the installation of the raised safety platform, consistent with other treatments in the area and the anticipated safety benefits, particularly for local school children.

9 Business

9.1 Office of the Chief Executive

9.1.1 Chief Executive Officer's Report on Operations

Directorate:	Office of the Chief Executive
Responsible Officer:	Executive Assistant to the Chief Executive Officer
Reviewer:	Acting Chief Executive Officer
Attachments:	1. CEO Report on Operations [9.1.1.1 - 45 pages]

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

Purpose

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

Motion

Moved Cr Matt Tyler, seconded Cr Diana Grima:

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

Carried

Recommendation

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

Summary

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

Discussion

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

In accordance with rule 10.7.1 of the Hobsons Bay Governance Rules, Council maintains records of meetings attended by Councillors in the CEO's Report on Operations to ensure transparency and equity of information. A summary of meetings for the period between 1 February 2022 and 28 February 2022 is provided in this month's report.

9.2 Corporate Services

9.2.1 Draft Hobsons Bay Leasing and Licensing Policy 2022-30

Directorate:	Corporate Services
Responsible Officer:	Coordinator Property and Insurance
Reviewer:	Director Corporate Services
Attachments:	1. Draft Hobsons Bay Leasing and Licensing Policy 2022 [9.2.1.1 - 26 pages] 2. Master Maintenance List for Leases Associated with Hobsons Bay City Council Leased Properties [9.2.1.2 - 9 pages]

Purpose

To seek Council's approval for the Draft Hobsons Bay Leasing and Licensing Policy 2022-30 to be placed on public exhibition for a period of six weeks.

Motion

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

That Council:

1. Receives the report.
2. Places the Draft Hobsons Bay Leasing and Licensing Policy 2022-30 on public exhibition for six weeks from 14 March 2022 to 24 April 2022.
3. Receives a further report to consider any submissions made at a future Council Meeting.

Carried

Recommendation

That Council:

1. Receives the report.
2. Places the Draft Hobsons Bay Leasing and Licensing Policy 2022-30 on public exhibition for six weeks from 14 March 2022 to 24 April 2022.
3. Receives a further report to consider any submissions made at a future Council Meeting.

Summary

The policy purpose is to guide the framework of tenancy management of Council's property portfolio. The framework is underlined by principles and guidelines for objective assessment of tenancy application and entitlement to allocate access to Council assets and determine Council support.

Council is also required to comply with Acts and Regulations in the management of community facilities vested in Council. As such the statutory responsibilities are given highest order of priority when providing occupancy agreements to tenants. These Acts have been clearly highlighted in the draft policy to ensure full and ongoing compliance by Council when issuing occupancy agreements for Council properties.

The policy applies to all Council assets including land, buildings and facilities on freehold land, and managed Crown Land as a trustee, that is occupied by community groups, not-for-profit organisations, private individuals, and commercial entities.

Background

A review of the existing Leasing and Licencing Policy adopted by Council in 1996 found that the policy is not relevant to the current operational need to deliver services in an environment of constrained rate capping and increased community expectations.

Council's property portfolio is a strategic and highly valuable asset and it is essential that it is maintained and used effectively. The review found that the adopted 1996 policy was too broad in its governance approach, lacking in procedure and practices that help Council to generate maximum public value by informing decisions about occupancy, ownership, retention, disposal and maintenance.

The Draft Hobsons Bay Leasing and Licensing Policy 2022-30 (note the change of spelling to "licensing" for the verb, consistent with spelling in Victorian Government legislation) resolves these issues and also addresses the lack of understanding and differentiation in the management of Council's community and commercial portfolio with the intended formation of a Property Development Fund.

This updated policy will consider the way Council leases or licenses its owned and managed land and buildings. It is a general policy that outlines Council's principles and it is intended as a framework that will assist Council in participating in fair, impartial and transparent processes with all types of tenants who occupy Council owned or managed property.

Discussion

Shared use of facilities by multiple tenants

The proposed policy will seek to optimise the use of Council property by providing facilities that encourage higher usage rates, support multi-use and co-location of tenants and increase community access to activities, programs and services from Council property.

Council will endeavour to make Council property available for use by the wider community by encouraging multi-use and co-location of its community facilities where feasible. To ensure that Council property is used to its greatest potential and to optimise access to and use of community facilities, Council will generally not lease Council property to a single

community tenant for exclusive use and will give preference to a licence rather than a lease. Exceptions may apply where Council considers that providing exclusive rights to a community tenant is in the best interests of the community, for instance where the tenant has made a significant financial contribution and an exclusive lease arrangement can demonstrate benefit for the long-term management of the asset.

Council recognises that many existing community tenants have strong historical, social, emotional, and financial ties to the community facilities they use and occupy. In many cases, community tenants have contributed cash or in-kind contributions to the maintenance or improvements of Council property and Council will take this into account in considering tenure renewals of such Council property. However, Council is not obliged to renew or offer a new occupancy agreement to a community tenant.

At the end of the term of a community tenant's occupancy agreement, or where a community tenant requests a further term, or where a new community tenant requests an occupancy agreement of Council property, Council officers will carry out a property review in accordance with the proposed policy to assist with deciding whether to offer a new occupancy agreement to the existing tenant or a new community tenant.

Crown Land

Council may grant a lease or licence for Crown Land managed by Council as the appointed Committee of Management (CoM) with prior approval of the Minister for Environment, Land, Water and Planning or the Minister's delegate. Council as the CoM will aim to ensure that leases and licences have a demonstrated benefit to the community and the use is not contrary to the reservation of the Crown Land.

Commercial leases

All commercial leases will be prepared and managed in accordance with the specific requirements of the *Retail Leases Act 2003* where that Act applies.

Unless prescribed by legislation, or otherwise agreed, Council will charge commercial tenants all reasonable legal costs associated with the preparation and negotiation of an occupancy agreement, including lease or licence transfer, variation or sub-lease/licence. Commercial tenants will be required to pay municipal rates and other outgoings associated with the property.

Council officers

As Council's delegated officers, the Chief Executive Officer and Directors are permitted to enter, vary, review or terminate any occupancy agreement within their area of accountability in consultation with the Property Services team and tenants.

9.2.2 Contract 2021.73 Microsoft Enterprise Agreement 2022-25

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

Purpose

To approve a new Microsoft Enterprise Agreement for the licensing of Microsoft software used by Council.

Motion

Moved Cr Jonathon Marsden, seconded Cr Matt Tyler:

That Council awards Contract No. 2021.73 for Microsoft Enterprise Agreement 2022-2025 to Data#3 Limited at an estimated price of \$1,337,172 (one million, three hundred and thirty-seven thousand, one hundred and seventy-two dollars) including GST over a period of three years commencing 1 April 2022.

Carried

Recommendation

That Council awards Contract No. 2021.73 for Microsoft Enterprise Agreement 2022-2025 to Data#3 Limited at an estimated price of \$1,337,172 (one million, three hundred and thirty-seven thousand, one hundred and seventy-two dollars) including GST over a period of three years commencing 1 April 2022.

Summary

The current three-year Microsoft Enterprise Agreement for the licensing of Microsoft software used by Hobsons Bay City Council will expire on 1 April 2022.

A new three-year Microsoft Enterprise Agreement is required prior to the expiration of the existing contract, to allow Council continued access to enterprise Information and Communications Technology (ICT) systems to enable the delivery of essential public services.

Background

Hobsons Bay City Council utilised Municipal Association of Victoria (MAV) Procurement's tendering process, which recommended a list of preferred Microsoft Licensing Solution Partners for the provision of Microsoft licensing services to the Victorian local government sector.

In the pursuit of best value, Council conducted a thorough evaluation of the preferred suppliers listed in this MAV Procurement contract. While Crayon Australia Pty Ltd is Council's current supplier of Microsoft software licensing, Council's Tender Evaluation Panel concluded that Data#3 Limited demonstrated best value to Council among the various suppliers for this new Microsoft Enterprise Agreement.

Discussion

To maintain Hobsons Bay City Council's ICT requirements, a new three-year contract for the provision of Microsoft software licensing must be signed by 31 March 2022 to ensure that Council remains under contract with Microsoft.

This contract is necessary for Council to maintain access to Microsoft's enterprise software suite. Almost every ICT system utilised by Council (including email, Microsoft Office applications, notebook PCs, servers, corporate applications, databases, and so on) requires components of the Microsoft software suite.

Council has made a significant investment in Microsoft's software suite and a new enterprise agreement is required to maintain this investment, as well as provide software support and upgrade rights to Microsoft's ongoing software development and future suite of products.

There are no viable alternatives to Microsoft's enterprise software suite in the marketplace that can meet the broad ICT needs of local government.

9.3 Sustainable Communities

9.3.1 Hobsons Bay Business has Heart Outdoors - Future Options

Directorate: Sustainable Communities
Responsible Officer: Coordinator Economic Development and Social Planning
Reviewer: Acting Director Sustainable Communities
Attachments: Nil

Purpose

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

Motion

Moved Cr Daria Kellander, seconded Cr Matt Tyler:

That Council:

- 1. Notes the community feedback received during the public consultation process on the future options for the Hobsons Bay Business has Heart Outdoors program.**
- 2. Uses the framework proposed for the future of the Hobsons Bay Business has Heart Outdoors program as a starting point for a discussion with the Hobsons Bay trader groups before a fee structure is endorsed at the April 2022 Council Meeting.**

Carried

Recommendation

That Council:

- 1. Notes the community feedback received during the public consultation process on the future options for the HBBhH Outdoors program.**
- 2. Endorses the framework proposed for the future of the HBBhH Outdoors program.**

Summary

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

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

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

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

Background

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

This included:

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

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

In March and April 2021, almost 1,000 community members (including 159 participating businesses and 115 non-participating businesses) responded as part of an extensive consultation, with the majority (86 per cent) indicating support for the program.

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

The program facilitated businesses to respond to COVID-safe regulations, especially those reliant on indoor dining and trading areas who might have otherwise been unable or highly limited to operate. In addition, as Council was installing the infrastructure for businesses and undertook all engineering and safety approvals, businesses were not required to seek engineering approval for fixed infrastructure (such as café screens or planter boxes) as is usually the case to ensure that any fixed infrastructure is of a safe and publicly acceptable standard.

In October 2021, Council once again offered outdoor trading areas to businesses who wanted to join the program. An additional 18 sites were delivered in this phase. The continued operation of the program over the 2021-22 summer was further supported by an additional \$500,000 of Victorian Government funding as part of the COVIDSafe Outdoor Activation Fund. The additional funding also enhanced activation programs across the city.

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

Further consultation occurred between December 2021 and January 2022 to inform the development of a framework for the future of outdoor trading areas.

Discussion

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

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

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

Consultation feedback

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

During the consultation period almost 1000 responses were received via the Participate Hobsons Bay website including responses from residents, participating and non-participating businesses. As part of the consultation postcards were delivered to businesses and residents within 100m of HBBhH Outdoors trading areas. Meetings were also held with traders and trader associations and participating businesses were visited to ensure all had opportunities to provide feedback.

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

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

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

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

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

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

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

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

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

Proposed Framework for Transition to Future Program

Based on the consultation results and further consideration, outdoor trading areas within the program will transition after the end of May 2022 to a permanent, semi-permanent or recurring seasonal status as follows:

Extended footpath trading areas

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

Permanent parklets

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

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

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

Seasonal parklets

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

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

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

Feature Sites

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

temporary road closure approved by Department of Transport (DoT). The proposal to make the closure permanent will be subject to further approval from DoT and implementation of a statutory road closure process including community consultation.

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

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

Fixed Areas and Design Guidelines

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

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

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

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

Sites to be removed

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

Residential Amenity

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

Requests for new infrastructure

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

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

Fees

The initial HBBhH Outdoors program cost about \$1.6 million (not including Council staffing costs) and has been delivered at no cost to participating businesses.

This has been enabled through both grant funding of about \$800,000 from the Victorian Government and operational funding of about \$800,000 from Council. Since November 2021, the Victorian Government has provided additional funds to assist with ongoing costs and support the implementation of new outdoor trading areas for a second summer season alongside enhanced activation of the outdoor areas. There have also been additional costs to Council that have been absorbed through operational budgets such as design, traffic analysis and enhanced cleansing.

Extension of the program beyond May 2022 is being developed on a user pays system for participating businesses so that the program can be sustained over the medium and longer term.

For businesses continuing with their outdoor trading area after the end of the current period, the following fee structures are proposed:

- All participating businesses (including extended footpath, parklets and feature sites), will require a Footpath Trading Permit (FTP) and will be required to pay the associated fees in accordance with the existing Footpath Trading Code of Practice
- Businesses that retain outdoor trading areas with fixed furnishings/areas will be charged a fixed area fee that takes into consideration the change of the outdoor trading area from public space to commercial space. This fee acknowledges the greater commercial opportunities businesses are able to leverage from these spaces
 - Note that a fixed area is a space that through the installation of permanent infrastructure or furnishings in effect becomes an extension of the business's space and cannot be easily used by the general public for other activities (e.g. parklet areas that cannot be used for car parking; footpath trading areas that have furnishings such as tables or screens which are not removed at night)
- Businesses with a seasonal parklet trading area will pay an infrastructure implementation charge to cover the costs associated with this service.

As part of the Community Support Package, Council waived footpath trading fees and other similar fees for the current year. Footpath trading fees usually renew from 1 September annually. As such, the above fees would only be levied from 1 September 2022, thereby providing any business that is continuing with an outdoor trading area with a fee-free

extension for a period of three months. The cost of the program will vary for individual businesses, depending on the size of their outdoor trading area, the type and quantity of supporting infrastructure, and whether it is fixed or removable. Further detail in respect of each fee is set out below.

Footpath trading permit fees

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

Fixed Area Fee

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

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

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

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

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

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

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

As such, it is proposed to provide a 50 per cent discount in the first year and a 25 per cent discount in the second year. The effect of the discounts is set out below, on a square metre basis. During this two-year period, Council will continue to liaise with participating businesses to understand the benefits and costs to them and utilise this information to inform further consideration of fees beyond the end of the two-year period (i.e. after 1 September 2024).

The introduction of this fee also facilitates fixed furniture in outdoor trading areas, which has been a key aspect that businesses were seeking to address to enable them to maximise the commercial benefits from the space.

Table 1: Fixed area fees

CKC car space rental valuation		Potential medium-term discounts	
Average annual charge for the equivalent of one car space	Average charge per square metre	Year 1 – 50% discount (1 Sept 2022 – 31 Aug 2023)	Year 2 – 25% discount (1 Sept 2023 – 31 Aug 2024)
\$1,500	\$125	\$62.50	\$94

Seasonal parklet infrastructure implementation charge

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

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

Proposed fees and charges

Table 2: Footpath Trading Fees and Outdoor Trading Area Fees

	Existing footpath trading annual fee	New fees proposed
Chair	\$63	N/A – as per existing FTP
Bench seats	\$121	N/A – as per existing FTP
Tables	\$42	N/A – as per existing FTP
A-boards	\$208	N/A – as per existing FTP
Display of goods	\$334	N/A – as per existing FTP
Screens <i>Note: if screens to remain overnight, fixed area fee would apply</i>	\$262	N/A – as per existing FTP
Planter	\$88	N/A – as per existing FTP
Umbrellas	\$0	To be introduced in line with FTP code
Heaters	\$42	N/A – as per existing FTP
Fixed area fee		\$125 per square metre Year 1: 50% Discount: \$62.50 Year 2: 25% Discount: \$94
Seasonal parklet infrastructure implementation charge		\$1000

9.3.2 Recycling 2.0 Update

Directorate: Sustainable Communities
Responsible Officer: Coordinator Environment and Sustainability
Reviewer: Acting Director Sustainable Communities
Attachments: Nil

Purpose

To provide an update on the actions arising from the Recycling 2.0 one-year review.

Motion

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

That Council notes the report.

Carried

Recommendation

That Council notes the report.

Summary

Recycling 2.0, a new four-bin waste service, was introduced across Hobsons Bay in February 2020. Following the first year of service a one-year review was undertaken, with the outcomes of the review considered by Council at the Council Meeting held on 29 June 2021. Council resolved to make a number of changes in response to the review including:

- reinstatement of weekly general waste collection and fortnightly Food Organics and Garden Organics (FOGO) collection
- extension of the paper bag trial to all households
- further consideration through a report back for tailored waste management options for businesses and compliance activities
- consideration of opportunities through a report back for further engagement and education alongside opportunities to increase the disposal of food organics in the FOGO bin

This report responds to this resolution and provides a progress update on the service changes that have been implemented.

Background

Council's new kerbside recycling and waste service was developed in response to the recycling crisis and community need for improved community recycling outcomes within the municipality. On 8 October 2019, Council endorsed the immediate rollout of a revised waste and recycling service that included four bins for kerbside source separation, a focus on local recycling and resource use, a revised kerbside collection schedule and an intensive community engagement program.

This brought forward key elements of the Waste and Litter Management Strategy 2025, including introducing a FOGO service and improving kerbside source separation. The new service aligned with the directions of the Victorian Government's circular economy policy *Recycling Victoria: a new economy*, announced in February 2020.

Council's new kerbside recycling and waste service commenced in February 2020. Council undertook an interim review of the service in June 2020 and a full review of the service in June 2021. The review included in-depth analysis of performance outcomes of all four streams of the service and extensive community consultation.

The review identified key performance outcomes of the first year of the service, including a 33 per cent reduction in landfill and a 124 per cent increase in FOGO waste. An increase in comingled recycling of 11 per cent was identified, but the comingled recycling stream also had significant contamination.

The review achieved a high rate of community engagement with more than 6,000 responses. Most of the feedback indicated "good" to "very good" satisfaction levels with the overall service. However, it also identified areas of community concern relating to volume in the fortnightly garbage stream and amenity issues relating to the FOGO stream.

Following the review, Council resolved to introduce several changes to the waste and recycling service as outlined in the summary section of this report. Council also endorsed the suspension of the vented caddy pilot and extension of the free upsize program.

Discussion

This report addresses Council's resolution following the one-year review of the Recycling 2.0 program including:

Service changes:

- reinstatement of weekly general waste collection
- fortnightly collection of FOGO.

Additional service offering:

- paper bag trial offered to all households

Report for further consideration:

- tailored options for businesses and compliance activities
- engagement and education opportunities to:
 - reduce contamination rates
 - improve environmental outcomes and mechanisms to reduce landfill volume
- opportunities to increase the disposal of food organics in the FOGO bin
- reduction in rollout of additional bins

Service Changes

The collection schedules were revised with weekly general waste collection and fortnightly FOGO collection commencing 1 November 2021. To assist in the transition an extra collection truck was scheduled for the first month. While there was a slight increase in missed bin calls in the first month this was addressed with the inclusion of an additional collection truck and the collection schedules are now embedded for efficient delivery of the service.

Given that only three months of data is available at the time of writing, the performance outcomes of the revised schedules are still to be determined. Early indications show a trend towards more waste going to landfill and less going into the FOGO bin with an approximate 30 percent increase in landfill and 15 percent decrease in FOGO. However, it is noted that the preliminary months are summer months, which may impact the use of FOGO, and there may be an increase in materials going into the FOGO bin as the amenity impacts of hot weather decrease and trial participants begin using paper bags for food recycling.

Paper Bag Trial

To assist in addressing the amenity issues raised by some households through the review, Council is trialling the use of paper bags to reduce odour and mess and make it easier to recycle food. The trial provides about six months' supply of paper bags free of charge to all households who register. At the time of writing 6,800 households have registered, of which 3,700 have already picked up their bags and are using them to increase their food recycling.

Households who register undertake a brief survey indicating if and how they currently use their FOGO bin for food organics recycling to provide baseline data of household behaviour. Over the trial two further short surveys will be undertaken to determine any behaviour change. Council is working with processing partner Veolia and will monitor the use of the bags.

Waste and recycling service options for businesses

Council's kerbside waste and collection service is a residential focused service. However, several businesses also opt into the service, at the same charge as residential households. There is no difference between the service for a household and for a business even though it is acknowledged they would have differing needs to residential properties and that the service will never meet the needs of all businesses – for example, a large manufacturing business would not be able to recycle or dispose of their waste through a residential focused

service. There are a range of commercial operators who provide waste and recycling collection services at a range of levels to meet these differing needs.

The review has indicated that some of the businesses who do opt into the service do not utilise all four streams due to the nature of their business.

Benchmarking against both commercial service providers and other councils' kerbside collection services (accessed by businesses) indicates that currently Hobsons Bay kerbside collection service provides a cost-effective option for businesses.

Analysis of a variety of options has been undertaken based on objectives of:

3. Minimising costs to businesses
4. Maximising diversion from landfill
5. Improving service and amenity for businesses
6. Acknowledgement that there is a market solution for businesses

To ensure participating businesses have access to the collection streams they need, Council intends to introduce options that allow neighbouring businesses to liaise with one another and share glass bins. Businesses will also be able to confirm their needs for general waste, comingled and FOGO bins and shared glass bins. The introduction of this modified service will be considered as part of the upcoming budget deliberations.

Alongside introduction of choice of bin options for businesses, Council will introduce a three-step compliance program to address contamination and amenity:

1. Compliance issue such as contamination or amenity impacts (e.g. large volumes of rotting food) identified via audits, complaints or collection contamination notice

Action: Businesses will be contacted and provided with information on how to address the issue.

2. Compliance issue identified again (second occurrence)

Action: Business contacted again and advised this is a repeat issue. A notice to comply is issued to the business.

3. Compliance issue continues (third or further occurrences)

Action: Business contacted and issue investigated. If business has failed to meet the notice to comply, a fine will be issued to the occupier of the business.

Education and Engagement

Now that the Recycling 2.0 service has been in operation for two years and the service changes introduced in November 2021 are embedded, further education and engagement programs will be implemented to assist the community to reduce landfill, reduce contamination and increase recycling of food organics. Upcoming programs include:

- Welcome to Hobsons Bay information pack with Recycling 2.0 resources
- multi-unit development toolkit

- partnering with Sustainability Victoria and Recycling Victoria on recycling campaigns
- partnering with schools on programs such as ResourceSmart Schools and OzHarvest FEAST (Food Education And Sustainability Training)
- targeted comingled contamination engagement program at a household level

Opportunities to reduce landfill and increase food organics recycling

To increase the amount of food organics being recycled and reduce the amount of food going to landfill, a paper bag trial open to all households across Hobsons Bay has commenced. This is a medium-term program with results to be analysed over the coming months. Alongside this program Council also rolled out increased accessibility to the Compost Revolution Program (whereby households can purchase subsidised composting bins to suit different types of households) and a FOGO drop-off service at Council's operation centre over December 2021 and January 2022.

Several additional options have also been explored including alternative collection schedules, additional user-pays collections; free bin upsizing; and alternative treatments. Many of these options can only be delivered at a significant cost, which would increase the overall operational cost of the waste and recycling service and require a further increase to the waste service charge, over and above what is already forecast to return the waste reserve from a planned deficit.

Taking into consideration the significant costs associated with these options and the fact that recent embedded service alterations to the collection schedule are in their infancy, no further changes are proposed at this time.

Monitoring of the service will continue, including analysis of landfill and FOGO volumes, contamination levels and the outcomes of the paper bag trial.

Bin upsizing/downsizing and additional bins

To address some households' concerns regarding rubbish collection volumes, Council offered a free general rubbish bin upsizing to all households of three or more people. Given the collection of general rubbish bins is now weekly the volume issue will have reduced for many households. All households who opted in for the free upsizing have been notified and many have swapped to 120L bins. For households who continue to need the 240L bin they have been advised the upsizing fee will become effective from 1 July 2022.

Council is working with its bin provider to reuse bins wherever possible when changing bin sizes, but this ability is limited. Although the process to "swap" bins can support a reuse of bins, wear and tear from everyday use of the bins quickly renders them unsuitable for reuse at a new household. Where bins can be reused, they are collected and put back into circulation. Council is also looking to reuse the returned bins where appropriate as part of the public bin provisions. Where they are unable to be reused as a bin they are collected and taken to a recycling plant where the components are separated and the plastic is recycled.

9.3.3 Newport Structure Plan and Inner Heritage Gap Study – Amendment C133

Directorate:	Sustainable Communities
Responsible Officer:	Strategic Planner
Reviewer:	Acting Director Sustainable Communities
Attachments:	1. Inner Newport Heritage Gap Study 2021 [9.3.3.1 - 76 pages] 2. Newport Structure Plan 2021 [9.3.3.2 - 92 pages] 3. Planning Scheme Amendment C133 Documentation [9.3.3.3 - 85 pages]

Cr Tony Briffa returned to the meeting at 8.28pm and was present for the vote on Item 9.3.3.

Purpose

To seek adoption of the Newport Structure Plan (NSP) and the Inner Newport Heritage Gap Study 2021 and to recommend Council seek authorisation from the Minister for Planning to exhibit Amendment C133.

Motion

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

That Council:

1. Adopts the Newport Structure Plan and the Inner Newport Heritage Gap Study 2021 and progresses Amendment C133 to a six week public exhibition to implement this work.
2. Requests that the Minister for Planning grant authorisation under Section 8A of the *Planning and Environment Act 1987* to prepare and exhibit Amendment C133 to the Hobsons Bay Planning Scheme to implement the Newport Structure Plan and the Inner Newport Heritage Gap Study 2021.
3. Notes the delegation of the Chief Executive Officer to make any necessary minor changes in seeking authorisation to prepare and exhibit Amendment C133 to the Hobsons Bay Planning Scheme to implement the Newport Structure Plan and the Inner Newport Heritage Gap Study 2021.
4. 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 1987* 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 1987*.

5. **Notes that the Newport Structure Plan, Inner Newport Heritage Gap Study 2021 and Amendment C133 will go on public exhibition, with the opportunity for community members to provide feedback and submissions and to be heard at any future planning panel.**

Carried unanimously

Recommendation

That Council:

1. **Adopts the Newport Structure Plan and the Inner Newport Heritage Gap Study 2021 and progresses Amendment C133 to a six week public exhibition to implement this work.**
2. **Requests that the Minister for Planning grant authorisation under Section 8A of the *Planning and Environment Act 1987* to prepare and exhibit Amendment C133 to the Hobsons Bay Planning Scheme to implement the Newport Structure Plan and the Inner Newport Heritage Gap Study 2021.**
3. **Notes the delegation of the Chief Executive Officer to make any necessary minor changes in seeking authorisation to prepare and exhibit Amendment C133 to the Hobsons Bay Planning Scheme to implement the Newport Structure Plan and the Inner Newport Heritage Gap Study 2021.**
4. **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 1987* 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 1987*.**
5. **Notes that the Newport Structure Plan, Inner Newport Heritage Gap Study 2021 and Amendment C133 will go on public exhibition, with the opportunity for community members to provide feedback and submissions and to be heard at any future planning panel.**

Summary

In 2019 Council determined to defer the adoption of the NSP until a heritage gap study was undertaken. This heritage gap study was completed in 2020 and peer reviewed in 2021. The NSP has been updated to include the findings of the heritage study that recommends additional local heritage sites for protection. The NSP now strikes an appropriate balance between supporting housing growth and protecting the historic character of inner Newport.

The findings of the heritage gap study and the NSP are proposed to be implemented into the Hobsons Bay Planning Scheme via a planning scheme Amendment C133. It is proposed to adopt the NSP and submit Amendment C133 to the Minister for Planning for authorisation which would start the formal planning scheme amendment process.

Background

The NSP sets a long-term strategic direction for land use and development in the Newport activity centre to inform planning decisions and capital works projects.

The NSP was first put on community consultation in July and August 2018. Council received 42 submissions from community members, authorities and stakeholders. As a result of community submissions, several changes were made to the document and an updated NSP was presented to Council in 2019.

In 2019 Council resolved to defer the NSP for adoption until a heritage gap study was undertaken. Later in the same year the Victorian Government introduced new guidance on how to apply new residential zones. This guidance reaffirmed that a site of heritage significance should not be zoned for significant residential growth. The inner Newport area was therefore excluded from the municipal wide amendment (Amendment C131) that proposed to bring in new residential zones until a heritage study was completed.

Now that the heritage gap study has been completed and Amendment C131 has been approved by the Minister for Planning new zones and heritage controls can be implemented within the remaining part of inner Newport. This is proposed via a new planning scheme amendment called Amendment C133.

Discussion

Inner Newport Heritage Gap Study

The Inner Newport Heritage Gap Study was commissioned to identify if there were any sites within the structure plan area of heritage significance not covered by a Heritage Overlay (HO). The study area extended beyond the structure plan boundary to include buildings of a similar historic period to the west.

The Inner Newport Heritage Gap Study was prepared by heritage consultants Lovell Chen and peer reviewed by RBA heritage consultants in 2021. The study found there were several sites within the inner Newport area that were of local heritage significance and recommended for heritage protection.

The study recommends 156 additional properties be included in HO22 and HO23, the removal of four properties from the heritage overlay and the creation of a new ecclesiastical and residential heritage precinct for sites along Mason Street associated with the Christ Church complex (HO322). The Inner Newport Heritage Gap Study is included at Attachment 1.

Newport Structure Plan (NSP)

The NSP sets a long-term vision for the Newport activity centre. The NSP includes a series of objectives, strategies, and actions for how the vision will be realised and will be the primary strategy for guiding land use, development, and public realm improvements within the activity centre over the next decade. A key aim of the Structure Plan is to support the growth of the centre to a Large Neighbourhood Activity Centre as identified in Council's Activity Centre Strategy 2019.

The NSP breaks the area into five key precincts that include (1) Northern Gateway Precinct, (2) Mason Street Precinct, (3) Arts and Recreation Precinct, (4) Hall Street Precinct and (5) Southern Gateway Precinct. Each precinct has its own objectives, strategies, and actions to guide land use and identifies potential future zoning changes. The NSP also includes specific built form guidelines and a detailed implementation plan with projects to be implemented in the short, medium, and long term such as streetscape works and tree planting.

Previous consultation

In 2014 community engagement was held to gather ideas on improvement opportunities for Newport. Subsequent workshops provided potential solutions and recommendations for the ideas raised at the drop-in session. Council received 514 comments from people who live in, work in, and visit Newport.

In 2018 the Draft NSP was put on consultation for seven weeks between July and August 2018. Council received 42 submissions from community members, authorities, and stakeholders. As a result of community submissions, several changes were made to the document and an updated Draft NSP was presented to Council in 2019.

In 2019 Council resolved to defer the adoption of the NSP until a heritage gap study was undertaken.

Updated NSP

A revised NSP has now been prepared in response to the heritage gap study that reinforces the importance of Newport's heritage character and limits the potential for residential intensification in heritage areas. The NSP is included at Attachment 2 and includes the following key changes:

- the vision now places more emphasis on the importance of heritage to ensure local heritage sites are protected
- the strategies have been updated to ensure building heights appropriately respond to heritage character
- the inner boundary of the NSP has been adjusted to exclude new heritage areas in Durkin Street, Mirils Street and part of Walker Street where housing growth is proposed to be minimal to conserve local heritage character
- the maps have been updated to show proposed heritage overlays and revised new zones and building heights as explained further below to ensure built form controls are updated
- the built form guidelines have been updated to respond to the heritage gap study and refer to a maximum building height (e.g. four or five storeys) rather than proposed range (e.g. four to five storeys) to provide clarity on the built form outcomes proposed and allow for the translation of the work into the planning scheme

Planning Scheme Amendment C133

Amendment C133 is proposed to make changes to local policy, zones, and overlays within the Hobsons Bay Planning Scheme to implement the recommendations of the NSP and heritage gap study. The planning scheme changes are summarised below, with full draft amendment documents included at Attachment 3.

New Zones

The following new residential zones are proposed to be introduced to implement the NSP and are consistent with state guidance and Council's Housing Strategy 2019:

- a Neighbourhood Residential Zone (NRZ; minimal housing change with a maximum height of two storeys) has been applied for much of the inner Newport area due to existing constraints such as existing or proposed heritage overlays
- a General Residential Zone (GRZ; moderate housing change, default height limit of three storeys) has been applied for sites that are not subject to any constraints such as a heritage overlay and that are close to public transport
- a Residential Growth Zone (RGZ; substantial change and four storeys) is proposed for a small section of Walker Street close to the station where the land is not subject to heritage constraints

The following zoning changes are also proposed to retail areas on Mason Street and Melbourne Road:

- a Mixed-Use Zone (MUZ) is proposed to be applied for properties along Mason Street to allow for residential development above existing ground floor retail. The MUZ provides a transition between residential and commercial areas. A new schedule 2 to the MUZ is proposed that would limit heights to 13.5m and four storeys. These sites are currently zoned GRZ1
- a Commercial 1 Zone (C1Z) is proposed for sites on the periphery of the existing commercial areas where commercial uses already exist, but land is zoned residential. This is to ensure an orderly application of the zones and includes sites at 28 Mason Street, 146 North Road, and 300-308 Melbourne Road

Heritage Protection

The following heritage overlay revisions are proposed to provide heritage protection:

- HO22 and HO23 are proposed to be updated and a new heritage overlay precinct added (proposed as HO322) to protect sites of local heritage significance

New Overlays

The following new overlays are proposed to guide built form and development:

- five new Design and Development Overlays (DDOs) are proposed to inform built form outcomes in areas that are expected to experience change such as within the C1Z, MUZ and RGZ where development of four and five storeys could be achieved and buildings adjoin heritage or minimal change areas
- four new Environmental Audit Overlays (EAOs) are proposed to apply to sites that are potentially contaminated as recommended by the Environment Protection Authority (EPA)

Next steps

The NSP and associated heritage work are proposed to be implemented into the Hobsons Bay Planning Scheme via Amendment C133. This will complete the implementation of new residential zones across the municipality that commenced with Amendment C131.

The community has been engaged and consulted throughout the preparation of the NSP including originally in 2014 and 2018 and will now have opportunity to comment further on the updated NSP and proposed new zones and heritage study as part of the next phase of the planning scheme amendment process for Amendment C133.

9.3.4 Brooklyn Air Quality Advocacy Plan

Directorate: Sustainable Communities
Responsible Officer: Manager Planning, Building and Health
Reviewer: Acting Director Sustainable Communities
Attachments: Nil

Purpose

To provide an update on the advocacy efforts and achievements on the Brooklyn Air Quality Advocacy Plan.

Motion

Moved Cr Tony Briffa, seconded Cr Daria Kellander:

That Council notes the action plan update.

Carried unanimously

Recommendation

That Council notes the action plan update.

Summary

Several key items of the Brooklyn Air Quality Advocacy Plan have now been completed. This includes:

- embedding an Environment Protection Authority (EPA) Officer for the Protection of the Local Environment (OPLE) to increase enforcement against non-complying industrial sites
- advocacy to Ministers and EPA that they commit to implementing the recommendations of the Inner West Air Quality Community Reference Group (IWAQCRG)
- ongoing engagement with the community through the Brooklyn and Altona North Better Places program.

Over the next six months, implementation of increased controls on developments and ongoing enforcement for non-compliance will continue and meetings with stakeholders will be arranged twice yearly to discuss the implementation of actions and evaluate the progress of advocacy efforts.

Background

As part of the West Gate Tunnel Project, the Victorian Government established the IWAQCRG to investigate (among other things) air quality issues and concerns which could arise from this project.

In March 2020 the IWAQCRG published and submitted to the Victorian Government its completed report, *Air Pollution in Melbourne's Inner West: Taking direct action to reduce our community's exposure*. This report provides the necessary advice and recommendations to the Victorian Government for consideration to address air quality issues in the inner west.

The report outlines 26 recommendations and 52 actions for consideration. Since its publication, Council has recognised the report in the chamber on several occasions.

On 21 April 2021, Council acknowledged the Brooklyn Air Quality Advocacy Plan and sought to build on it by:

- formally adopting a leadership role in relation to the air quality issues in Brooklyn
- seeking to convene a meeting with all stakeholders to discuss the air quality issues in Brooklyn, including but not limited to the neighbouring councils, the EPA, the State MP representing Brooklyn, VicRoads, the Minister for Planning, the Minister for the Environment, the Chief Health Officer, the Minister for Public Transport, DELWP, the Chair of the IWAQCRG, DHHS (now the Department of Health), the Department of Transport, WGTP, BCRG and local ward Councillors
- developing a detailed Brooklyn Air Quality Action Plan with all stakeholders following that meeting, that is also informed by Brooklyn residents and the recommendations of the Inner West Air Quality Community Reference Group
- convening a biannual meeting with stakeholders to discuss actions
- tabling update reports at the end of the financial year and calendar year on advocacy efforts and achievements of the Brooklyn Air Quality Action Plan.

Discussion

Over the past six months, the following actions have been taken since the adoption of the Advocacy Plan.

Development and implementation of revised planning permit conditions to mitigate dust and noise impacts from industrial sites

Planning permit conditions have been revised by the Statutory Planning team to require all industrial sites to be sealed with concrete or bitumen across the entire site, except for areas set aside for landscaping. This revision will reduce dust emissions and sediment runoff in drainage networks and waterways on new and redeveloped industrial sites.

Proactive investigation and enforcement of industrial sites, including legacy sites, that create dust or noise emissions

The EPA OPLE program aims to address small-scale, lower risk and complex pollution and waste complaints, in collaboration with local councils. The OPLE program has been designed to target pollution from small-to-medium business and industry, such as noise, air pollution, odour, dumping of waste and dust emissions.

This program has been highly successful in 2020 and 2021, enforcing against several businesses with old and outdated practices and illegal businesses occupying large tracts of land. The enforcement has ranged from issuing of Pollution Abatement Notices (PANs) to shutdown of non-compliant businesses.

Council officers will continue to be involved in this program and are advocating to have a dedicated OPLE for Hobsons Bay, as the current OPLE is shared with Brimbank City Council.

Campaigning against inappropriate uses and development applications in adjoining municipalities that create an adverse amenity impact for the community of Hobsons Bay

Two key examples of campaigning against inappropriate uses are:

- Brimbank City Council Planning Application P752/2019 (594-598 Geelong Road, Brooklyn for the new Powercor depot). Officers made a submission against this application and raised issues with the proposed unsealed road access, poor air quality resulting from open air storage and the non-use of low or no emission electric vehicles, existing land fill gas risks and low amenity outcomes from proposed landscaping. These issues were mitigated within the issued planning permit.
- Brimbank City Council Planning Application P0649/2020 (552 Geelong Road, Brooklyn, for Materials Recycling). Officers made a submission against this application and raised issues relating to poor air quality and noise emissions from the recycling operations and storage of dangerous materials not being compatible with surrounding uses. Brimbank refused this application, and the applicant lodged an appeal with VCAT. Officers from Hobsons Bay presented these concerns at the VCAT hearing, with the determination forecast to be delivered shortly.

Letters sent to key people advocating for action in respect of the IWAQCRG's report

Letters were sent to Professor Kate Auty, Chair of the EPA and the Hon. Jacinta Allan MP, Minister for Transport Infrastructure.

Specifically, the letters have sought for action on several key priorities including:

- that the six air quality monitoring stations temporarily commissioned as part of the West Gate Tunnel Project be gifted to the EPA on the project's completion and funded to continue operating on a permanent basis
- that in addition to the existing two air quality monitoring stations in the inner west, the EPA fund and install additional monitoring stations that are located closer to acute sources of air pollution in the community
- urging the EPA to progress the development of a smartphone app to alert local communities of levels of pollution and specific actions that can be taken. The app would provide real time access to data in meaningful and simple terms that is available to all cohorts of the community.

Collectively, these three priorities, along with continued advocacy to the Victorian Government for all the recommendations to be progressed, will ensure sustained long-term improvements in air quality and bring increased health and wellbeing benefits for residents of Hobsons Bay.

Actively engaging with the Brooklyn and Altona North community through the Better Places program

The Better Places program provides a more holistic and integrated approach to thinking about and designing for change into the future. Through this program, the community will be actively involved to help create the vision and include their ideas for real improvement into the future on air quality. The program has commenced, with community engagement underway and events to occur in March 2022.

Actively participating in the Brooklyn Community Residents Group (BCRG) and outlining the progress and successes of the campaign

Council is a participant at the BCRG and recently presented to the group on the initial Advocacy Action Plan and the resolution of Council. Residents of that group also maintain ongoing communication with officers to discuss and resolve key issues.

Next steps

Moving forward in the delivery of the Advocacy Plan, the next steps to be undertaken in the following two quarters include:

- letters to be written to all stakeholders seeking attendance at a meeting to discuss the air quality issues in Brooklyn
- convening twice yearly meetings with all stakeholders, to discuss and resolve actions relating to air quality improvements.

9.4 Infrastructure and City Services

9.4.1 Brooklyn Community Hall Project - Contract Variation

Directorate:	Infrastructure and City Services
Responsible Officer:	Senior Project Manager
Reviewer:	Director Infrastructure and City Services
Attachments:	1. Brooklyn Community Hall Proposed Floor Plan [9.4.1.1 – 1 page]

Purpose

To seek Council approval to vary Contract 2020.42 with Simbuilt Pty Ltd. This variation will increase the fixed price lump sum total contract value by \$639,287 from \$1,647,712 to \$2,286,999 (all amounts including GST).

Motion

Moved Cr Tony Briffa, seconded Cr Daria Kellander:

That Council:

1. Approves the proposed variation of Contract 2020.42 with Simbuilt Pty Ltd to increase the fixed price lump sum total contract value from \$1,647,712 (one million, six hundred and forty-seven thousand, seven hundred and twelve dollars) including GST to \$2,286,999 (two million, two hundred and eighty-six thousand, nine hundred and ninety-nine dollars) including GST.
2. Notes that the variation increases the fixed price lump sum total contract value by \$639,287 (six hundred and thirty-nine thousand, two hundred and eighty-seven dollars) including GST.

Carried unanimously

Recommendation

That Council:

1. Approves the proposed variation of Contract 2020.42 with Simbuilt Pty Ltd to increase the fixed price lump sum total contract value from \$1,647,712 (one million, six hundred and forty-seven thousand, seven hundred and twelve dollars) including GST to \$2,286,999 (two million, two hundred and eighty-six thousand, nine hundred and ninety-nine dollars) including GST.
2. Notes that the variation increases the fixed price lump sum total contract value by \$639,287 (six hundred and thirty-nine thousand, two hundred and eighty-seven dollars) including GST.

Summary

The purpose of this variation is to seek additional funding to reflect the revised concept plan that has been approved and to proceed with construction.

This is a legitimate contract variation as a consequence of Council's decision to change the design to accommodate the community requests. The design changes and costs were quite substantial, affecting the structure of the building, increasing the footprint and requiring additional fixtures and fittings.

Background

The Brooklyn community has advocated to Council to update the Brooklyn Community Hall and bring it in line with current standards. Members of the Brooklyn community have asked for more flexible space to host meetings, community events and activities simultaneously. Users of the Brooklyn Community Hall have spoken directly to Councillors about some of the challenges with the current hall.

On 26 February 2020, Council submitted this project for a grant application to the West Gate Neighbourhood Fund, which was a Partnerships Program supported by the West Gate Tunnel Project. The original design and cost plan submitted with the application stated the total project budget as \$2,225,000. The grant application was unsuccessful.

Council used this information to develop a concept design for the redevelopment of the Brooklyn Community Hall. Contract 2020.42 for the design and construction of Brooklyn Community Hall Redevelopment works was endorsed at the Council Meeting held on 8 September 2020.

An architect was engaged directly by Council to prepare a basic concept plan, which formed part of the tender documents. A Design and Construct brief was also prepared and issued for tender.

Following tender evaluation, Council entered into a Design and Construct contract with Simbuilt Pty Ltd to undertake the redevelopment of the existing community hall. Further community consultation has led to the community advocating for items not included in the original scope.

Discussion

The proposed concept plan and scope of works has been developed over the past 18 months following numerous consultations with the Stakeholder Reference Group, discussions with Councillors and representatives from various Brooklyn community groups.

Following the community consultation has led to changes from the original project's scope and a resulting cost increase. The changes include:

- increased demolition elements
- a larger extension (127m² more than the original design) comprising a large commercial kitchen and additional toilets

- an extended external decking area (70m² more than the original proposed deck) with handrails
- additional service upgrades to support the larger facility.

A copy of the revised concept plan is attached which includes the above changes as advocated by the Stakeholder Reference Group and supported by the community.

9.4.2 Better Places Program Update

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

Purpose

To provide Council with an update on the Better Places program.

Motion

Moved Cr Jonathon Marsden, seconded Cr Diana Grima:

That Council notes the overall progress of implementation of the Better Places program.

Carried unanimously

Recommendation

That Council notes the overall progress of implementation of the Better Places program.

Summary

The Better Places program is a Council initiative that helps shape the future vision of each suburb it touches using place-based thinking. The process seeks extensive community input and feedback on the suburbs people live and work in, then uses place-based design principles to consider how overall “places” look, feel and work together rather than approaching them as individual pieces. This process is providing a new model for the way that Council designs and delivers projects and services.

Better Places Laverton was the first Place Guide adopted in 2020 followed by the Spotswood and South Kingsville Place Guide adopted in 2021. Work on projects identified within each Place Guide is underway. The development of a Place Guide for Brooklyn and Altona North is underway, and consultation will soon commence on a Place Guide for Seabrook and Altona Meadows. Once completed, the Better Places Program will cover all 11 suburbs throughout Hobsons Bay.

Background

The Better Places program is a unique offering to Hobsons Bay City Council that provides an innovative and holistic approach to the delivery of services, programs, and projects. The extensive community involvement is an innovative way to engage user experience design principles in their planning and delivery processes.

By using user experience principles throughout the program, not just at the beginning, Council is getting up-to-date community sentiment gaining the opportunity to continually revise and adapt the projects to ensure they gain community-driven impacts and results.

After first commencing in 2020 with the adoption of the Laverton Place Guide, Council is in the process of developing a place guide that covers all 11 suburbs throughout the municipality as per the below schedule.

Suburb/s	Year adopted	Ward
Laverton	2020-21: Completed	Wetlands
Spotswood + South Kingsville	2021-22: Completed	Strand
Brooklyn + Altona North	2022-23	Cherry Lake, Strand
Altona Meadows + Seabrook	2022-23	Cherry Lake, Wetlands
Review Year	2023-24	
Newport	2024-25	Strand
Altona + Seaholme	2025-26	Cherry Lake
Williamstown + Williamstown North	2026-27	Strand

Discussion

There is now either an active Better Places Place Guide or community consultation taking place on the development of a Place Guide in each ward throughout Hobsons Bay. The program has provided an opportunity for members of the community to actively participate in helping shape the future direction of their suburb. In addition to this, the two Place Guides completed have featured the establishment of a community leadership group. These groups include ward Councillor representation and provide additional engagement opportunities with local voices to help shape future projects or activation ideas.

Below is an update on the current activities occurring within each Place Guide that has been initiated as part of Council's Better Places Program.

Better Places Laverton

Consultation with the Laverton community on projects from the Laverton Place Guide will be occurring from 21 March to 18 April as part of the 12-month check-in process. To assist with this consultation work, a publication on the progress of each of the 12 Place Projects is being prepared and distributed to all residential properties in Laverton. The publication will also include general information on the program and provide opportunities for feedback on completed projects, or projects still within their planning stage. A community drop-in session will also occur as part of the public exhibition period.

Since the Laverton Place Guide was adopted in September 2020, there has been some good progress on the delivery of projects including:

- **Project 1: Looking Good Laverton** – Cleaning blitz of key public assets completed
- **Project 2: Green Streets Laverton** – Key plantings along Bladin Street and McCormack Park completed (among others)
- **Project 3: Love Laverton Parks** – Works completed at Frank Gibson Reserve and Whittaker Avenue Reserve, with works set to be completed this year at Dick Murdoch Reserve, Henderson Street Reserve, Bladin Street Reserve and Beverly Anton Reserve
- **Project 5: Better Places Laverton Leadership** – The group has been established and had its second meeting
- **Project 9: Better Places and Spaces Project** – McCormack Park Master Plan, Stage 1 consultation completed, Stage 2 to commence in March
- **Project 12: Love Laverton Leadership Group** – has been combined to also include the intent of the Better Places Laverton Leadership Group (Project 5). The group has been established and has had two meetings

Better Places Spotswood and South Kingsville

Since the adoption of the Spotswood and South Kingsville Place Guide in October 2021, a number of projects have commenced and are in their early planning stages. Extensive community consultation on many of the 16 projects listed in the Better Places Spotswood and South Kingsville Place Guide will be sought for four weeks from late April 2022. This consultation process will align with consultation on the Draft Spotswood Structure Plan that will be occurring at the same time. Consultation will be hosted on Participate Hobsons Bay and engagement opportunities at Better West's Spotswood Festival will also be available for the community.

Below is a summary of the progress that has been made on some projects:

- **Project 1: A Guiding Vision** – Senior Place Maker Officer appointed
- **Project 3: Hidden Histories** – Project underway to uncover historical stories from each suburb
- **Project 5: Streets for People** – Work underway to commence the implementation of a 40km trial within a precinct in Spotswood
- **Project 6: The GreenLine** – Preliminary concept development underway focusing on the east-west alignment. Hall Street North preliminary concept development is also underway

- **Project 9: Greening your Neighbourhood** – Existing street vacancies have been assessed in preparation for the upcoming street tree planting season
- **Project 10: Love our Parks** – Procurement process is underway to commence Mary Street Reserve Landscape Improvement Plan
- **Project 15: Local Leaders Focus Group** – The group has been established and had its first meeting

Better Places Brooklyn and Altona North

Stage 1 community consultation for the Brooklyn and Altona North Place Guide was completed in December 2021 and the second round of community consultation is currently underway. Community feedback is currently being sought on a draft vision, key themes and principles that will guide the future development of these two suburbs. The community also can suggest possible project ideas that will be considered within the final place guide.

Included with the second round of consultation is the Out and About Festival which will take place at Paisley Park and Brooklyn Reserve in late March with local bands, food trucks and kids' activities. The consultation period closes at the end of March, and the Draft Place Guide will be available for community feedback in mid-2022.

Better Places Seabrook and Altona Meadows

The development of the Place Guide for Seabrook and Altona Meadows has commenced with the first stage of community consultation set to occur throughout May this year.

9.4.3 Contract 2021.71 Donald McLean Reserve Playspace and Associated Community Park Upgrade

Directorate: Infrastructure and City Services
Responsible Officer: Project Manager
Reviewer: Director Infrastructure and City Services
Attachments: Nil

Purpose

To award Contract No. 2021.71 for the Donald McLean Reserve Playspace and Associated Community Park Upgrade.

Motion

Moved Cr Jonathon Marsden, seconded Cr Diana Grima:

That Council awards Contract No. 2021.71 for the Donald McLean Reserve Playspace and Associated Community Park Upgrade to Citywide Service Solutions Pty Ltd at a fixed lump sum price of \$1,166,566 (one million, one hundred and sixty-six thousand, five hundred and sixty-six dollars) including GST.

Carried unanimously

Recommendation

That Council awards Contract No. 2021.71 for the Donald McLean Reserve Playspace and Associated Community Park Upgrade to Citywide Service Solutions Pty Ltd at a fixed lump sum price of \$1,166,566 (one million, one hundred and sixty-six thousand, five hundred and sixty-six dollars) including GST.

Summary

Playground and landscaping upgrade works are proposed to be undertaken at Donald McLean Reserve, Spotswood, utilising funds in Council's annual capital works budget. An open tender process has been carried out for the procurement of these works with three submissions received during this process.

Following the evaluation of these tenders, a report was presented to the Tender Board on 15 February 2022, recommending awarding the contract to Citywide Service Solutions Pty Ltd as the preferred contractor for this project.

Background

The Donald McLean Reserve Master Plan was formally endorsed by Council in 2013. The reserve is primarily used for organised sport, including cricket, football and tennis with the perimeter and western section of the site available for informal recreation.

The implementation of the master plan is underway with the courts, cricket nets and ovals already completed and the redevelopment of the Couch Pavilion to be completed by May 2022.

The Donald McLean Reserve site has been identified as a prime candidate for optimisation. This consists of the creation of a “destination” level play space and improved site connectivity and accessibility. The scope of works for this contract includes pathways, seating, open areas for informal play, shade structure, barbeque facilities, drinking fountains, outdoor gym equipment, waste bins, basketball hoop, flying fox, roadside fencing and soft landscaping.

Discussion

The contract was advertised in *The Age* on 8 December 2021. The tender remained open for seven weeks until 25 January 2022.

A site inspection was held on 14 December 2021. Only Citywide Service Solutions attended this inspection.

Seven landscaping contractors downloaded the tender documents. During the tender period 15 questions were received relating to the scope of works all of which were responded to. At the close of tender three tender submissions were received. The Tender Evaluation Panel met on 31 January 2022 to review the submissions and prepare tender clarification questions.

Contractors were requested to respond to these clarification questions and submit their best and final offer. All three contractors were invited to attend an online interview on 10 February 2022. Following the evaluation of these tenders, a report was presented to the Tender Board on 15 February 2022, recommending awarding the contract to Citywide Service Solutions as the preferred contractor for this project.

Citywide Service Solutions achieved the highest score, has extensive experience in similar projects and has demonstrated an ability to achieve the quality outcomes specified within the contract.

9.4.4 West Gate Tunnel Project Update

Directorate: Infrastructure and City Services
Responsible Officer: Strategic Projects Specialist
Reviewer: Director Infrastructure and City Services
Attachments: Nil

Purpose

To provide an update report on the West Gate Tunnel Project (the Project) including the status of advocacy activities and project initiatives.

Motion

Moved Cr Jonathon Marsden, seconded Cr Diana Grima:

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

Carried unanimously

Recommendation

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

Summary

This report includes strategic advocacy items and progress updates on project works, the Sports and Open Space Enhancement Package and the West Gate Neighbourhood Fund.

Background

The Project is delivered through a partnership between the Victorian Government and Transurban (Project Co), 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).

Construction on the Project has been underway since March 2018 and is due for completion in 2024. Recent activities have been concentrated on the widening of the West Gate Freeway, preparing to launch the tunnel boring machines and substructure works for the various bridges along the eastern and western portion of the Project.

Reports providing updates on various aspects of the Project have been tabled through Council Meetings since early 2018 with the latest provided to the December 2021 meeting. Previous reports can be accessed via the Council website at:

www.hobsonsbay.vic.gov.au/Council/Council-Meetings/Minutes-and-Agendas

Discussion

Sports and Open Space Enhancement and Access Package

As part of the Project, the Victorian Government agreed to partner with Council to fund the delivery of capital improvements up to the value of \$5 million on Donald McLean Reserve, Spotswood; WLJ Crofts Reserve, Altona North; and three reserves in Brooklyn: Brooklyn Reserve, DN Duane Reserve and Rowan Avenue Reserve. Council has contributed an equivalent amount.

Most of the package has been completed and works are progressing on the sporting pavilion at WLJ Crofts Reserve, Altona North (Figure 1) and the Couch Pavilion at Donald McLean Reserve, Spotswood (Figure 2) with completion of both expected in mid-2022. Construction of the open space improvements and replacement playground at Donald McLean Reserve is soon to commence for completion in 2022.



Figure 1: WLJ Crofts Reserve pavilion under construction



Figure 2: Couch Pavilion under construction at Donald McLean Reserve

West Gate Neighbourhood Fund

The West Gate Neighbourhood Fund is a \$10 million community grants program established by WGTP MTIA to support communities in Melbourne's inner west. This consists of four rounds of funding (two partnerships and two community grants rounds).

The first partnership round allocated over \$3 million to organisations in Hobsons Bay with additional funding from Council and other stakeholders. The successful recipients are now commencing their projects.

Applications for the first round of community grants closed in June 2021. This grants stream will support community-led projects that improve community access and participation across three funding categories up to \$100,000. Of the 83 applications for the first round of the community grants within Hobsons Bay, 15 successful applicants have been announced by WGTP MTIA with over \$265,000 to be distributed.

Further information can be found at:

<https://bigbuild.vic.gov.au/projects/west-gate-tunnel-project/community/west-gate-neighbourhood-fund>

Project Works Update

Project construction works have significantly progressed in the west zone. Tunnelling is scheduled to commence in early 2022.

Major work continues at the Williamstown Road (Figure 3), Millers Road and the M80/Western Ring Road freeway interchange areas, the Hyde Street ramps and widening the Newport freight rail bridge. Noise wall works continue along both sides of the freeway corridor.



Figure 3: Hyde Street exit ramp at Melbourne Road

Several traffic lane switches have occurred over the summer construction blitz to enable rebuilding of the freeway in various sections (Figure 4).



Figure 4: Traffic switch around inbound tunnel portal works

Up-to-date information on planned road closures and detours can be found at the Victoria's Big Build website: <https://bigbuild.vic.gov.au/disruptions>

Traffic Monitoring

WGTP is required to undertake traffic monitoring in selected streets pre-construction, at six-monthly intervals during construction and up to two years after construction is complete.

Recent monitoring on the West Gate Freeway by the JV indicates that inbound and outbound travel time is operating well and in the order of 20 per cent better than what was modelled. Closures are also loaded on Google Maps which is assisting with the operation of the detour routes. Works requiring the recent closures of Williamstown Road and freeway ramps in January and February have been completed.

Tree Planting and Trail upgrades

The Project has a requirement to plant five trees for every tree that is removed because of Project works. An offset tree plan has been developed with input from Council and community stakeholder groups, which identifies suitable locations for offset tree planting within the Project corridor. The final plan is being prepared by the JV for review by Council and other stakeholders.

The JV has commenced work on the new section of Kororoit Creek Trail between Geelong Road and GJ Hosken Reserve, linking the existing paths. Works are expected to be completed by mid-2022. The design includes an upgrade of Federation Trail between Kororoit Creek and Millers Road.

10 Delegate Reports

Cr Tony Briffa left the meeting at 9.05pm and returned at 9.07pm.

Purpose

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

Motion

Moved Cr Diana Grima, seconded Cr Jonathon Marsden:

That Council receives and notes the recent Delegate Reports.

Carried unanimously

Recommendation

That Council receives and notes the recent Delegate Reports.

RoadSafe Westgate Community Road Safety Council

Directorate: Infrastructure and City Services

Councillor Delegate: Cr Diana Grima

Date of Meeting: 16 February 2022

RoadSafe Westgate Update

During the month of December 2021 road safety messages were about hoon behaviour. The billboard trailer was located at the intersection of Geelong Road and Somerville Road (West Footscray) and displayed:

- Stamp Out Hoon Behaviour
- Protective Clothing: Not Just for Racers

The road safety messages were then relocated to the Western Ring Road near Boundary Road (Laverton North) and displayed:

- Stamp Out Hoon Behaviour
- Turn This Off

In January 2022 the road safety messages will focus on speed and speeding.

The Looking After Our Mates sessions will resume with four sessions booked from March through to May 2022.

The school year has started off with 13 Fit to Drive (F2D) Year 11 workshops booked in the Westgate region. The team has also scheduled with workshops in other regions.

F2D Police Presenter Training has been arranged for Brimbank and Melton's Proactive Policing Unit and Highway Patrols for March 2022. The police are also working with DoorDash to create road safety modules for their delivery drivers focusing on driver safety.

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

Department of Transport Updates

2022-2023 Community Road Safety Grants Program opened on 9 February 2022 and will close on 9 March at 3.00 pm. The DoT representative encouraged groups and councils to have a go with different submission ideas.

Hobsons Bay City Council Update

- Ferguson Street, Williamstown, walking/cycling project preparing for delivery
- Victoria Street, Williamstown, walking/cycling project undergoing changes following community consultation
- Maddox Road, Williamstown North, walking/cycling priority crossing ready for delivery. Waiting for funding opportunities
- work continuing for delivery and planning of other projects including Mason Street in Altona North-Newport and Merton Street in Altona Meadows

Other Member Council Updates

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

11 Notices of Motion

11.1 Notice of Motion No. 1233 - Condolence - The Late Percy Fernandez

Section 8.15.5 of the Hobsons Bay Governance Rules requires the Chief Executive Officer to inform Councillors about the legal and cost implications of any proposed notice of motion. Accordingly, the costs of implementing this notice of motion will be accommodated within the existing operational budget.

At the time of receiving this notice of motion, there are no apparent legal implications to be considered.

Cr Tony Briffa has given notice of the following:

Motion

Moved Cr Tony Briffa, seconded Cr Matt Tyler:

That Council acknowledges the passing of Mr Percy Fernandez and sends a letter of condolence written under the signature of the Mayor to his family.

Carried unanimously

That Council acknowledges the passing of Mr Percy Fernandez and sends a letter of condolence written under the signature of the Mayor to his family.

Throughout his life, Mr Fernandez was significantly involved with his local community in Altona North, particularly through his involvement with the Altona Complex Neighbourhood Consultative Group and the Mobil Community Consultative Committee. Mr Fernandez also volunteered to help the local migrant community throughout Hobsons Bay as a member of the Westgate Migrant Resource Centre. In 2008-09 he was recognised by the Victorian Multicultural Commission's Awards of Excellence for his meritorious service to the community.

12 Urgent Business

Nil

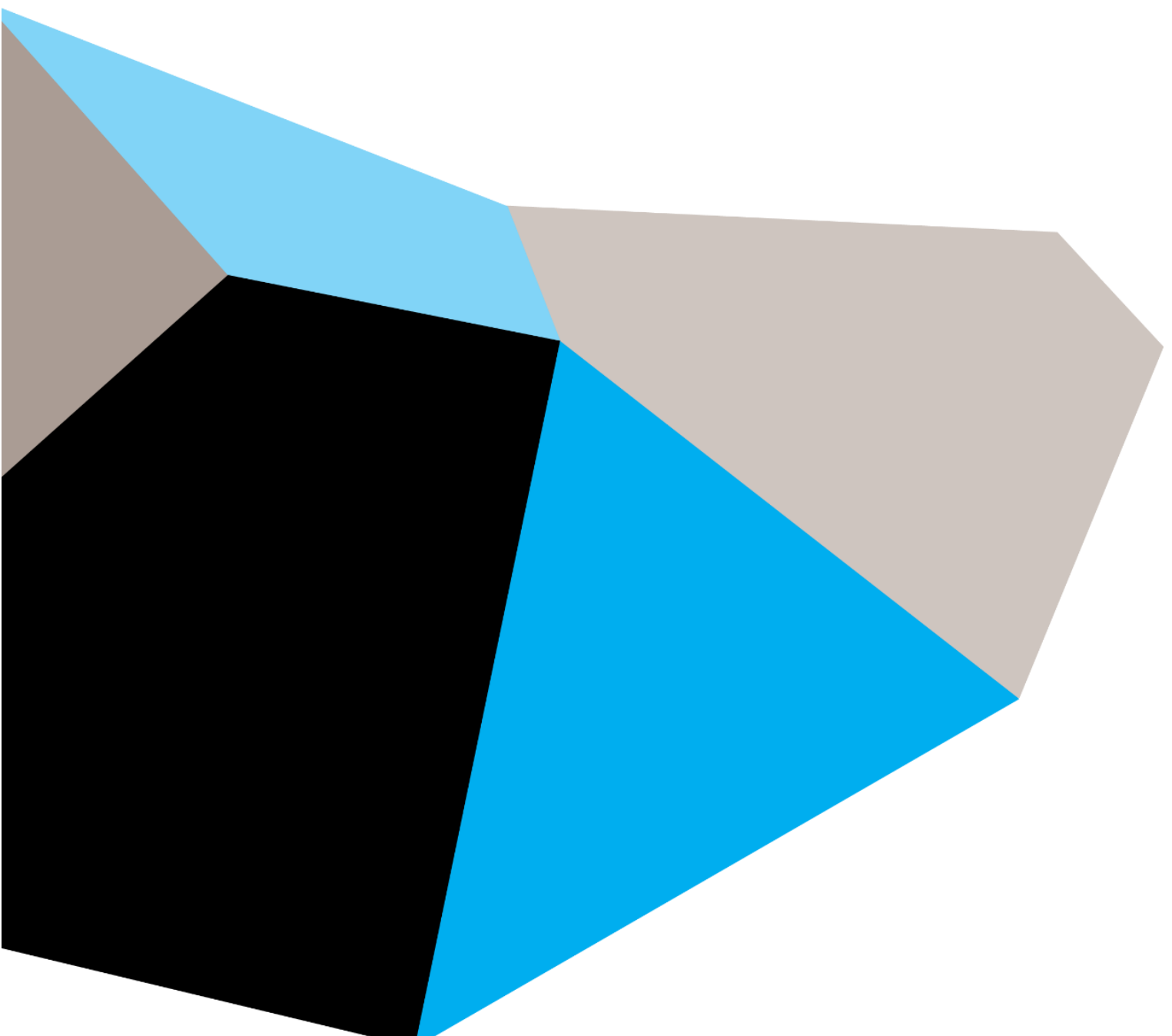
13 Close of Meeting

There being no further business, the Chairperson declared the meeting closed at 9.13pm.

Chairperson – Cr Peter Hemphill

Signed and certified as having been confirmed.

12 April 2022



HOBSONS BAY CITY COUNCIL

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

 www.twitter.com/HobsonsBayCC

 www.facebook.com/HobsonsBayCityCouncil

 www.hobsonsabay.vic.gov.au
