

Council Meeting Minutes

11 October 2022

Council Chamber
Hobsons Bay Civic Centre
115 Civic Parade, Altona

HOBSONS
BAY CITY
COUNCIL



OUR MISSION

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

OUR VALUES

Respectful

Community driven and focused

Trusted and reliable

Efficient and responsible

Bold and innovative

Accountable and transparent

Recognised

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

Chairperson:

Cr Peter Hemphill (Mayor)

Strand Ward

Councillors:

Cr Diana Grima (Deputy Mayor)

Wetlands Ward

Cr Antoinette (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

Aaron van Egmond
Chief Executive Officer
Hobsons Bay City Council

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Minutes of the Council Meeting held on 11 October 2022 at 7.03pm.**Present****Chairperson**

Cr Peter Hemphill (Mayor) Strand Ward

Councillors

Cr Diana Grima (Deputy Mayor)	Wetlands Ward
Cr Antoinette (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

Mr Aaron van Egmond	Chief Executive Officer
Mr Andrew McLeod	Director Corporate Services
Mr Sanjay Manivasagasivam	Director Infrastructure and City Services
Ms Penelope Winslade	Director Sustainable Communities
Ms Diane Eyckens	Manager Corporate Integrity (Legal Counsel)
Ms Julie Brne	Governance Officer and Minute Secretary

1 Council Welcome and Acknowledgement

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

2 Apologies

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

Council has previously granted Cr Antoinette (Tony) Briffa leave of absence.

3 Disclosure of Interest

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

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

Nil

4 Confirmation of Minutes

4.1 Confirmation of Minutes

Confirmation of the minutes of the Council Meeting of Hobsons Bay City Council held on 13 September 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 13 September 2022.

Carried unanimously

5 Councillor Questions

Cr Daria Kellander requested an update on the completion date for works in Pier Street and the Altona foreshore.

Mr Sanjay Manivasagasivam, Director Infrastructure and City Services, responded that Powercor works are going smoothly and expected to finish in three to four weeks.

Cr Daria Kellander requested for the completion date for works on the Altona Esplanade.

Mr Sanjay Manivasagasivam, Director Infrastructure and City Services, responded that there was no exact date but that he would talk to the relevant teams to confirm.

Cr Daria Kellander asked for an update on the EPA's proceedings regarding the toxic spill at Cherry Lake.

Ms Diane Eyckens, Manager Corporate Integrity and Legal Counsel, responded that the EPA is still working with the company that caused the spill and that Council is not aware of any enforcement at this point. Ms Eyckens said that Council officers could get additional information and took the question on notice.

6 Public Question Time

Rowena Joske

Q Why isn't Mirvac's cycling path street being built on the southernmost part of their New Street land, where it would be much closer to the Aloha Street bike route?

A The answer to this question was previously provided at the Council Meeting on 12 April 2022.

Q How will a safe cycling path and crossing from the bike path north of Aloha Street connecting to the Aloha Street bike route be provided?

A New Street works to connect Precinct 15 and the neighbourhood of South Kingsville sit outside the Precinct 15 Comprehensive Development Plan and will be conducted as a separate exercise in the future. This will be the same for the New Street crossing, regardless of the alignment.

Q An off-road bicycle path from Watson Street, South Kingsville to Spotswood along the northern edge of Edwards Reserve was included in initial drafts of the Better Places Spotswood and South Kingsville place guide but deleted from the final draft. Noting that the path was included in Council's Precinct 15 Comprehensive Development Plan and Local Area Movement Plans, that Council advocated for it during development of the West Gate Tunnel Project's plans, and that it was included in the project's design for the Watson Street Park, has Council scrapped this off-road path?

A The Better Places Spotswood and South Kingsville place guide focuses on bringing together the improvements proposed under the Local Area Movement Plan and tying these together with the GreenLine and other Better Places projects. The project pulls together all the different pieces needed to provide a truly integrated and effective multi-modal network for Spotswood and South Kingsville into the future.

Kaylene O'Shea

Q At the 13 September 2022 meeting there was a proposed motion that the Council support the introduction of paid parking on the Esplanade at Altona Beach. The motion was carried. I note that the substantive motion is not included in the October meeting agenda; can Council please advise me when the plan to install parking meters is likely to be discussed and when an outcome is likely to be decided by Council.

A At this point the report has been delayed and will be considered at another meeting of Council.

Q In July 2022, Council conducted community consultation to gauge views on the Altona Beach Paid Parking Strategy. One of the questions asked was "what are your thoughts on the introduction of paid parking meters for visitors to Altona Beach precinct?" – 463 residents responded to this question; 67 per cent opposed the proposal and only 25 per cent supported the proposal.

Has Council noted this opposition by over two-thirds of the residents polled, and will Council take this response into account in its deliberations?

A As advised, the report will be considered at a future meeting of Council.

Council always takes into account responses from public consultation.

Rosa McKenna on behalf of Better West Inc.

Q The recently endorsed plan for Mirvac's subdivision shows that the public road connecting to New Street has been increased from a 16m road into a 23m boulevard. Is the extra seven metres of road width being funded by money that would otherwise have been put aside as developer contributions funds for the future infrastructure shown in the Development Contributions Plan?

A The new public road (Basswood Boulevard) connecting to New Street in the Mirvac Stage 3 subdivision is entirely funded by Mirvac and a requirement to service the dwellings in this subdivision. It does not involve the money collected under the development contributions plan and is not a development contributions project.

7 Petitions and Joint Letters

7.1 Petitions and Joint Letters Received

7.1.1 Petition - Advocacy for Funding the Kororoit Creek Trail Connection Between Cherry Lake and Altona North

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

Purpose

To receive written petition containing 42 signatories, requesting that Council advocate to both levels of government to financially support the building of the shared bicycle/walking trail between Barnes Road, Altona North and Cherry Lake, Altona.

Motion

Moved Cr Daria Kellander, seconded Cr Diana Grima:

That Council:

1. Receives and notes the petition in relation to advocating to the Victorian and Australian governments to financially support the building of the shared bicycle/walking trail between Barnes Road, Altona North and Cherry Lake, Altona.
2. Receives a further report on this matter at a future Council meeting.

Carried unanimously

Recommendation

That Council:

1. Receives and notes the petition in relation to advocating to the Victorian and Australian governments to financially support the building of the shared bicycle/walking trail between Barnes Road, Altona North and Cherry Lake, Altona.
2. Receives a further report on this matter at a future Council meeting.

Summary

The petition was received on 26 September 2022 and acknowledged on 30 September 2022. It has been reviewed to verify that it meets the minimum requirement of 25 valid signatories in accordance with the Hobsons Bay Governance Rules and can therefore be dealt with by Council.

The petition reads as follows:

“We, the undersigned, Members of Friends of Lower Kororoit Creek, petition the Hobsons Bay Council, to advocate to both levels of Government, before the next State & Federal Budgets, to financially support the building of the shared bicycle/walking trail between Barnes Road Altona North and Cherry Lake, with the aim to complete this section of the trail by the end of 2024.”

7.1.2 Petition - Cease Installation of Parking Meters along Altona Foreshore

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

Purpose

To receive a combined written and electronic petition containing a total of 550 signatories, requesting that Council cease all plans to install parking meters along the Altona foreshore.

Motion

Moved Cr Daria Kellander, seconded Cr Jonathon Marsden:

That Council:

- 1. Receives and notes the petition in relation to ceasing plans to install parking meters along the Altona foreshore.**
- 2. Receives a further report on this matter at a future Council meeting.**

Carried unanimously

Recommendation

That Council:

- 1. Receives and notes the petition in relation to ceasing plans to install parking meters along the Altona foreshore.**
- 2. Receives a further report on this matter at a future Council meeting.**

Summary

The electronic component of the petition was received on 5 October 2022, followed by the written component on 6 October 2022. The petition has been reviewed to verify that it meets the minimum requirement of 25 valid signatories in accordance with the Hobsons Bay Governance Rules and can therefore be dealt with by Council.

The petition reads as follows:

“The Hobsons Bay City Council proposes to install parking meters along the Altona foreshore. As local residents, we are opposed to this plan.

The reason behind our opposition is that it is clear that the installation of such meters will have a detrimental effect on the suburb of Altona. Visitors to the suburb will not want to pay for parking. The visitors will then park in locations that are not metered. This will mean that local residents will be adversely impacted, with parked cars spilling out to adjacent and parking meter free streets. This will cause more congestion to streets that are already struggling with increased traffic movements.

Furthermore, the car park adjacent to the Louis Joel Arts and Community Centre will be used by visitors to the Altona foreshore. This will mean those attending the Louis Joel Centre will not have parking spaces available. Tenants have car spaces included in the terms of their lease so therefore parking must be available to them.

For all of the above reasons, we, the undersigned petition the Hobsons Bay City Council to take the following actions:

Hobsons Bay City Council should terminate all plans to install parking meters along the Altona foreshore

Hobsons Bay City Council should advise the residents that parking meters will not be installed along the Altona foreshore”

8 Business

8.1 Office of the Chief Executive

8.1.1 Chief Executive Officer's Report on Operations

Directorate:	Office of the Chief Executive
Responsible Officer:	Executive Assistant to the Chief Executive Officer
Reviewer:	Chief Executive Officer
Attachments:	1. CEO Report on Operations - September 2022 [8.1.1.1 - 44 pages]

Purpose

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

Motion

Moved Cr Diana Grima, seconded Cr Matt Tyler:

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

Carried unanimously

Recommendation

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

Summary

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

Discussion

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

In accordance with rule 10.7.1 of the Hobsons Bay Governance Rules, Council maintains records of meetings attended by Councillors in the CEO's Report on Operations to ensure transparency and equity of information. A summary of meetings for the period between 1 September 2022 and 30 September 2022 is provided in this month's report.

8.2 Corporate Services

8.2.1 Annual Report 2021-22

Directorate:	Corporate Services
Responsible Officer:	Manager Corporate Integrity and Legal Counsel
Reviewer:	Director Corporate Services
Attachments:	1. Annual Report 2021-22 [8.2.1.1 - 118 pages] 2. Annual Financial Report 2021-22 [8.2.1.2 - 50 pages] 3. Annual Performance Statement 2021-22 [8.2.1.3 - 31 pages]

Purpose

To consider the Hobsons Bay 2021-22 Annual Report under section 18(1)(d) of the *Local Government Act 2020*, the Mayor must report on the implementation of the Council Plan by presenting the annual report at a Council Meeting open to the public.

Motion

Moved Cr Jonathon Marsden, seconded Cr Matt Tyler:

That Council adopts the Hobsons Bay City Council 2021-22 Annual Report in accordance with the legislative requirements of the *Local Government Act 2020* and the Local Government (Planning and Reporting) Regulations 2020, noting that:

- a. The Victorian Auditor-General's Office has provided verbal confirmation that the Annual Financial Report and Performance Statement are in their final form
- b. The Annual Financial Report, Performance Statement and Auditor's Report as certified will be included within the amended Annual Report to be presented at Council's Meeting on 15 November 2022 to confirm that these further actions have been completed and that the Annual Report is finalised for publication to the community

Carried unanimously

Recommendation

That Council considers the Hobsons Bay City Council 2021-22 Annual Report in accordance with the legislative requirements of the *Local Government Act 2020* and the Local Government (Planning and Reporting) Regulations 2020.

Summary

The Annual Report, consisting of the Report of Operations and the Annual Financial Report, is a legislative requirement providing details of Council's operational and financial performance for the 2021-22 financial year.

The Report of Operations includes information on the progress of the 28 initiatives Council committed to in the 2021-22 budget and Council's performance in the Local Government Performance Reporting Framework (LGPRF) Service Performance Indicators. The report presents results achieved in relation to the 18 indicators under the five objectives in the Council Plan and the progress of projects in delivering 17 strategies and 53 priorities.

This is the first Annual Report prepared in accordance with section 98 of the *Local Government Act 2020* and the Local Government (Planning and Reporting) Regulations 2020. It is also the first year reporting against the Council Plan 2021-25.

Ten initiatives were carried over from the previous Council Plan, with 18 new initiatives developed. A number of initiatives will be delivered through a phased approach over the four-year plan. Seven of the planned initiatives have been completed, 20 are progressing and have been carried over into the next financial year, and one has been discontinued.

The 2021-22 results from the LGPRF Performance Indicators showed that Council has improved in 17 of 37 performance measures compared to the previous year. The impact of COVID-19 resulted in a decrease in the level of performance in other service areas, such as the physical library collection usage rate, the number of active library borrowers and the participation rate in the maternal and child health (MCH) service, all of which were impacted by lockdowns and branch closures.

Background

Council's strategic reporting framework includes the Hobsons Bay 2030 Community Vision which guides Council in identifying the community's needs and aspirations over the long term. Council operationalises the work required to deliver the Vision through the adoption of a four-year Council Plan. The resources required to achieve the strategic objectives in a Council Plan are managed through the Annual Budget process and Council holds itself accountable to the community through the Annual Report.

The Annual Report is a statutory obligation that informs the community about Council's activities, achievements, challenges and financial performance over the year and reports on the delivery of the commitments made in Council Plan 2021-25 and the Annual Budget 2021-22.

Council's performance for the 2021-22 year has been reported against each of the strategic objectives of the Council Plan 2021-25:

- Objective 1: Community – Healthy, equitable and thriving communities
- Objective 2: Environment – Valuing our environment
- Objective 3: Place, Recreation and Economy – Vibrant place and economy
- Objective 4: Community Infrastructure – Visionary community infrastructure
- Objective 5: Organisation – A high performing organisation

Performance has been measured as follows:

- 1. Progress in relation to the initiatives identified in the 2021-22 budget**
Initiatives are programs or projects that Council undertakes to support the delivery of the Council Plan.
- 2. Results achieved in relation to the indicators in the Council Plan**
Under each strategic objective in the Council Plan, several indicators have been nominated, as required under the *Local Government Act 2020*, to provide indications of achievement of the objectives. The results are calculated from various data sources, such as the Annual Community Survey results and Council's operational data.
- 3. Results against the LGPRF Performance Indicators**
The Local Government Performance Reporting Framework is a mandatory system of performance reporting for all Victorian councils. It ensures that councils are measuring and reporting on their performance in a consistent way to promote transparency and accountability in the local government sector.
- 4. Progress in relation to the projects in delivering each objective, strategy and priority**
In addition to delivering the ongoing core services, Council also delivers projects and actions to improve the services and create more value for the community. The projects are delivered in line with the Council Plan's objectives, strategies and priorities.

The Annual Report also provides information about the elected Council, the organisation, the community and other statutory corporate governance information. Council's overall financial position is reported in the Audited Financial Statements section of the Annual Financial Report.

Discussion

Council initiatives

Council committed to undertaking 28 initiatives in the 2021-22 budget. By the end of the year seven initiatives were completed:

- co-design, plan and deliver a Creative Technology Hub at Seaworks
- Newport Gardens Early Years Centre expansion
- Altona Tennis Club precinct development
- Better Places City Image and place making program, Paine Reserve
- COVID-19 Recovery Support
- Footpath Renewal Program
- implementation of the new internal Learning Management System

There are four initiatives which are multi-year projects:

- the establishment of a Housing Trust
- the Solar Program
- tree planting – Urban Forest Program
- the Customer Experience Transformation

The Creative City – Creative Spaces project was discontinued and will be integrated into the new Creative City Arts and Culture Plan.

The remaining 16 initiatives have progressed to various degrees and have been carried over into the next financial year.

LGPRF results

The 2021-22 results of the LGPRF Performance Indicators showed improvements in 17 of the 37 measures of service performance compared to the previous year. The highest improvements were:

- animals rehomed
- participation in the MCH service by Aboriginal children
- kerbside collection bins missed
- cost of sealed local road reconstruction (has continued to decrease over the past two years)

Four measures remained consistent including:

- satisfaction with Council's decisions
- Councillor attendance at Council meetings
- satisfaction with community consultation and engagement
- cost of sealed local road resealing

Reductions of performance were observed in 16 of the measures, particularly:

- time taken to decide planning applications
- kerbside bin collection requests
- sealed local road requests

The impacts of COVID-19 lockdowns continued to put pressure on the physical library collection usage rate, the number of active library borrowers and the participation rate in the maternal and child health service.

The LGPRF Performance Indicators have been shared with the relevant departments across Council to build understanding and foster continuous improvement in the areas where Council performance has declined.

8.2.2 Municipal Association of Victoria State Council Motions - October 2022

Directorate: Corporate Services
Responsible Officer: Manager Corporate Integrity and Legal Counsel
Reviewer: Director Corporate Services
Attachments: Nil

Purpose

To consider the motion put forward to the Municipal Association of Victoria (MAV) for the State Council Meeting on 14 October 2022.

Motion

Moved Cr Matt Tyler, seconded Cr Jonathon Marsden:

That Council resolves to put the following motion to the MAV State Council Meeting to be held on 14 October 2022:

“That the MAV advocate to the Victorian Government to consider, informed by appropriate stakeholder consultation, extending the introduction of the new pre-commitment laws arising out of the 2021 Royal Commission into the Casino Operator and Licence to all gaming venues across the state. Pre-commitment is a harm reduction measure requiring gamblers to set a limit on the time and money they intend to spend playing the pokies.”

Carried unanimously

Recommendation

That Council resolves to put the following motion to the MAV State Council Meeting to be held on 14 October 2022:

“That the MAV advocate to the Victorian Government to consider, informed by appropriate stakeholder consultation, extending the introduction of the new pre-commitment laws arising out of the 2021 Royal Commission into the Casino Operator and Licence to all gaming venues across the state. Pre-commitment is a harm reduction measure requiring gamblers to set a limit on the time and money they intend to spend playing the pokies.”

Summary

Earlier this year, Council resolved to put six motions to the June MAV State Council Meeting.

Council is being asked to endorse the motion detailed in this report for submission to the 14 October 2022 MAV State Council Meeting.

MAV State Council meetings provide an opportunity for local government to submit motions for key priorities that require state or federal government support.

Background

The MAV is a statutory peak body for local government in Victoria and takes a lead role in advocating for local government to state and federal government on a variety of issues of concern.

The State Council is the governing body for the MAV and has representation from all member councils. Members are invited to submit motions to be considered by the State Council twice a year. Resolutions are assessed by the Board to determine how they will be progressed.

Discussion

The MAV State Council Meeting presents an opportunity to advocate for key priorities within Hobsons Bay that require state and federal government support to effect meaningful change.

The following motion has been developed for Council to consider for submission to the MAV State Council Meeting to be held on 14 October 2022:

Extension of pre-commitment laws to all gaming venues across Victoria

That the MAV advocate to the Victorian Government to consider, informed by appropriate stakeholder consultation, extending the introduction of the new pre-commitment laws arising out of the 2021 Royal Commission into the Casino Operator and Licence to all gaming venues across the state. Pre-commitment is a harm reduction measure requiring gamblers to set a limit on the time and money they intend to spend playing the pokies.

8.2.3 Instruments of Delegation to the Chief Executive Officer and Members of Staff - October 2022 Update

Directorate:	Corporate Services
Responsible Officer:	Manager Corporate Integrity and Legal Counsel
Reviewer:	Director Corporate Services
Attachments:	1. S5 Instrument of Delegation Council to CEO - 11 October 2022 [8.2.3.1 - 9 pages] 2. S6 Instrument of Delegation Council to Members of Staff - 11 October 2022 [8.2.3.2 - 88 pages]

Cr Diana Grima left the meeting at 7.53pm, returned at 7.54pm and was present for the vote on Item 8.2.3.

Cr Sutton-Legaud left the meeting at 7.53pm, returned at 7.54pm and was present for the vote on Item 8.2.3.

Purpose

To review the S5 Instrument of Delegation to the Chief Executive Officer (CEO) and the S6 Instrument of Delegation – Members of Staff in accordance with section 11 of the *Local Government Act 2020*.

Motion

Moved Cr Jonathon Marsden, seconded Cr Daria Kellander:

That Council:

1. In the exercise of the power conferred by section 11(1)(b) of the *Local Government Act 2020*, resolves:
 - a. There be delegated to the person holding the position, or acting in or performing the duties of, Chief Executive Officer the powers, duties and functions set out in the attached S5 Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument (refer Attachment 1).
 - b. The Instrument comes into force immediately the Instrument is executed by the Mayor and will remain in force until 13 October 2023, when the Instrument will be reviewed, or sooner if Council resolves to vary or revoke it.
 - c. On the coming into force of the Instrument, the previous Instrument of Delegation dated 8 February 2022 is revoked in accordance with item 2.6 of that Instrument.

(continued next page)

- when the Instrument will be reviewed, or sooner if Council resolves to vary or revoke it.
- c. On the coming into force of the Instrument, the previous Instrument of Delegation dated 8 February 2022 is revoked in accordance with item 2.6 of that Instrument.
 - d. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
2. Notes that the proposed Instrument of Delegation to the Chief Executive Officer reverts the delegated threshold for awarding or entering into contracts or expending Council funds to \$1,000,000 (one million dollars), in line with the last Instrument of Delegation endorsed before the COVID-19 pandemic.
3. In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation, resolves:
- a. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached S6 Instrument of Delegation to Members of Council Staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument (refer Attachment 2).
 - b. The Instrument comes into force immediately the Instrument is executed by the Mayor and will remain in force until 13 October 2023, when the Instrument will be reviewed, or sooner if Council resolves to vary or revoke it.
 - c. On the coming into force of the Instrument, the previous Instrument of delegation dated 8 February 2022 is revoked in accordance with item 2.6 of the current Instrument.
 - d. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Summary

The current Instruments of Delegation to the CEO and members of staff, dated 8 February 2022, were to remain in force until 14 October 2022 and are accordingly due for review.

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

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

Background

The delegations to the CEO and to Council staff were last reviewed and updated by Council on 8 February 2022.

The Instrument of Delegation to the CEO recognises that certain functions and duties are conferred on the CEO under section 11 of the *Local Government Act 2020*. These are specified in the Instrument along with any conditions and limitations.

The Instrument of Delegation reflects a model by which Council makes a comprehensive delegation to the CEO who then sub-delegates to relevant staff. The CEO will execute delegations to other officers as required, to ensure good decision-making practices and the effective facilitation of Council business.

As some legislation does not expressly provide for sub-delegation, it is necessary for Council, by resolution, to delegate directly to officers through the S6 Instrument of Delegation – Members of Staff.

Discussion

The Council resolution on 8 February 2022 specified that the current Instrument of Delegation was to remain in force until 14 October 2022, when the Instrument would be reviewed, or sooner if Council resolved to vary or revoke it. Accordingly, an updated Instrument of Delegation to the CEO is now provided for Council's consideration.

With the exception of a change in schedule 2 reflecting an update in the relevant legislation, the Instrument of Delegation to the CEO has been returned to the form of the Instrument prior to the update made on 31 March 2020. The March 2020 Instrument, which was endorsed by Council at the beginning of the COVID-19 pandemic in direct response to the declaration of the State of Emergency, elevated the CEO's delegated authority to award or enter into contracts or expend Council funds from \$1 million to \$3.5 million. The new Instrument reverts the delegated threshold to the pre-pandemic level of \$1 million.

Any contracts awarded under delegation will continue to be reported within the CEO's monthly Report on Operations to ensure transparency to Council and the community.

An updated Instrument of Delegation to Members of Staff is also provided.

8.4 Infrastructure and City Services

8.4.1 West Gate Tunnel Project Update

Directorate:	Infrastructure and City Services
Responsible Officer:	Strategic Project 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 progress updates on project works and strategic advocacy items, 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 now due for completion in 2025. Recent activities in the west have been focused on completing the rebuilding and widening of the West Gate Freeway, and associated infrastructure including noise walls, bridges, ramps and the southern tunnel portals.

Reports providing updates on various aspects of the Project have been tabled through Council Meetings since early 2018. The most recent previous report was presented at the July 2022 meeting. Previous reports can be accessed via the Council website at: www.hobsonsbay.vic.gov.au/Council/Council-Meetings/Minutes-and-Agendas

Discussion

Community Feedback and Advocacy

The key issues raised by community members to Council over the life of the Project in relation to project works include:

- construction issues and impacts arising from works, such as noise, vibration and dust
- ongoing works resulting in traffic congestion and delays in locations such as Millers Road and Melbourne Road
- safety issues at the intersections of Primula Avenue and Paringa Road with Millers Road
- inconvenience and amenity impact on surrounding residents resulting from Project traffic detours and Project construction traffic moving through the area
- delays in the Project works prolonging the construction impacts and inconvenience on community
- vegetation removal associated with the Project

Council officers have advocated on behalf of community members in relation to these matters through various forums including regular meetings with the project partners.

Council has also advocated along with the local community for the permanent reopening of Paringa Road at Millers Road, contingent on addressing the following issues in the design process:

- appropriate and clear signage and line marking and lighting to minimise traffic confusion accessing the freeway ramp
- addressing the noise impacts on adjacent residents resulting from the reduced noise wall at the intersection
- full reinstatement of the Council car park to support access for, and to, the 16 Shops (currently temporarily modified for the Project work)
- addressing access requirements to 90 Millers Road (Ultra Tune)
- ensuring full *Disability Discrimination Act*-compliant pedestrian crossings and safe lighting requirements are met.

The JV have prepared a design that addresses the above items for construction in the current Millers Road works program. The key changes are removal of a section of proposed noise wall, realigned road kerb alignment, shifting some intersection infrastructure and incorporating a signalised pedestrian crossing. The JV proposes to achieve the required noise reduction outcomes through specific measures on each of the properties impacted.

The Community Liaison Group (CLG) was established at commencement of the Project to provide an avenue for community representatives to learn more about the Project, share community insight with the project team and help support community engagement activities.

CLG membership consists of active community members who represent various suburbs across Melbourne's west and inner west, as well as key community interest groups. The last meeting of the CLG was held on 29 September 2022 with discussion on the construction progress and disruptions in the west zone, and upcoming works across the project. A site meeting was recently held for interested CLG members to discuss the Millers Road interchange works.

CLG meeting documents can be obtained at:

<https://westgatetunnelproject.vic.gov.au/community/community-liaison-groups>

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 in Spotswood, WLJ Crofts Reserve in Altona North and Brooklyn Reserve, DN Duane Reserve and Rowan Avenue Reserve in Brooklyn. Council has contributed an equivalent amount.

Funded works in the package are now close to completion with the new sporting pavilion at WLJ Crofts Reserve (Figure 1) and the W&M Couch Pavilion at Donald McLean Reserve now complete and open for use by the sporting clubs. The final landscaping and open space improvement works at these two reserves will be completed in coming months.



Figure 1: New WLJ Crofts Reserve Pavilion

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). Council has entered into a Funding Administration Agreement with WGTP MTIA to facilitate the distribution of funding to the recipients.

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 Round 2 community grants have now closed for review. Announcements of successful applications are expected in early October 2022.

Further information on the fund can be found at: <https://bigbuild.vic.gov.au/projects/west-gate-tunnel-project/community/west-gate-neighbourhood-fund>

Project Works Update

Major works by the West Gate Tunnel Project (WGTP) on widening the West Gate Freeway and bridge strengthening in Altona North, Brooklyn, South Kingsville and Spotswood continued throughout September.

Ongoing works continue at the Williamstown Road and inbound tunnel portal, Millers Road (Figure 2) and the M80/Western Ring Road freeway interchange areas, the Hyde Street ramps, and widening the Newport freight rail bridge. Noise wall works are nearing completion along both sides of the freeway corridor. Works along Fogarty Avenue have been completed and the road is now open. At the M80 interchange, the M80 entry and exit ramps have been reconstructed, including drainage works, information technology services, new barriers and pavement reconstruction. Inbound on the M80, a new road ramp has been built and is now open to traffic.

From 19 August to 24 October 2022, the WGTP is carrying out major road works at the Millers Road/West Gate Freeway interchange. At the end of this construction period nearly all the works at Millers Road will be completed. To enable work to be completed as quickly as possible, construction activities are taking place 24/7 and require road, ramp and lane closures with several signed, recommended detour routes in place. Businesses along Millers Road will remain open with access available as normal.



Figure 2: Works at Millers Road

Tunnel boring works for the twin tunnels between the Maribyrnong River and the West Gate Freeway are underway, and over 40 per cent of the tunnel length has been dug so far.

Until July 2023, the remaining works along freeway verges will be carried out to reinstate roads and footpaths at the ends of local streets between The Avenue and Melbourne Road. Works will include landscaping, maintenance track and footpath construction, drainage, kerbing, barrier installation, road resurfacing, asphaltting, freeway technology system works, rectification works, fencing, noise wall installation, removal of temporary noise walls, demolition works and other minor works.

Notifications have been provided to residents advising that the following streets at the freeway end will be closed for short periods to complete these works: Strong Street, Abbott Street, Steel Street, Ferguson Street, Muir Street, Andrews Street, Derham Street, Hick Street, Vernier Street, Le Fevre Street and Cullen Court.

Over August and September, as part of the Backyard Planting Program, eligible residents were able to access a variety of plant tube stock of species that are native to the area. For the most significantly impacted residents, vouchers for trees from a local nursery were provided.

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>

Tree Planting and Trail Upgrades

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

Construction is nearing completion on the new section of Kororoit Creek Trail between Geelong Road and GJ Hosken Reserve to link the existing paths.

9 Committee and Delegate Reports

9.1 Committee Reports

9.1.1 Audit and Risk Committee Update - August 2022 and Biannual Report

Directorate:	Corporate Services
Responsible Officer:	Manager Corporate Integrity and Legal Counsel
Reviewer:	Director Corporate Services
Attachments:	1. Audit and Risk Committee Meeting Minutes - 31 August 2022 [9.1.1.1 - 10 pages] 2. Audit and Risk Committee Biannual Report (1 February-31 August 2022) [9.1.1.2 - 11 pages]

Purpose

To update Council regarding issues considered at the Audit and Risk Committee meeting held on 31 August 2022 and provide Council with a copy of the Audit and Risk Committee Biannual Report (February-August 2022).

Motion

Moved Cr Jonathon Marsden, seconded Cr Matt Tyler:

That Council:

1. Notes the matters considered by the Audit and Risk Committee at the meeting held on 31 August 2022.
2. Receives and notes the Audit and Risk Committee Biannual Report (February-August 2022).

Carried unanimously

Recommendation

That Council:

1. Notes the matters considered by the Audit and Risk Committee at the meeting held on 31 August 2022.
2. Receives and notes the Audit and Risk Committee Biannual Report (February-August 2022).

Summary

This report provides an update of the Audit and Risk Committee meeting held on 31 August 2022 to ensure that Council is informed of the activities of the Audit and Risk Committee. The Audit and Risk Committee Biannual Report for February to August 2022 is also provided in accordance with the requirements of the *Local Government Act 2020*.

Background

The Hobsons Bay City Council Audit and Risk Committee is an independent Committee of Council. The Committee comprises three independent members and two Councillors. The Chairperson is an independent member who has the casting vote. The Mayor and Chief Executive Officer are non-voting members. The Committee meets at least quarterly throughout the year and has a Charter that addresses responsibilities that include risk management, control frameworks, external accountability, legislative compliance and internal and external audits.

The Audit and Risk Committee Biannual Report meets the reporting requirements to Council as mandated by the *Local Government Act 2020* pursuant to section 54(5) and importantly provides Council with a summary of the matters that the Committee has addressed in the reporting period in discharging its responsibilities under its Charter. Councillor members of the Audit and Risk Committee are appointed annually by Council as part of the process of appointing Councillor delegates and proxies to Council and community committees and groups at the final Council Meeting of each year.

Discussion

The 31 August 2022 meeting addressed the following items:

- VAGO Interim Management Letter
- Draft Annual Financial Report and Draft Performance Statement
- VAGO Closing Report and Management Representation Letter to VAGO
- Interim Financial Report – year ended 30 June 2022
- Chief Executive Officer's update
- outstanding audit recommendations
- Enterprise Digital Strategy update
- Audit and Risk Committee Biannual Report (February-August 2022)
- internal audit program, including proposed scopes for upcoming audits
- risk and insurance update
- occupational health and safety update – financial year 2021-22, Quarter 4
- cash and investment balances as at 31 July 2022
- Capital Works Quarterly Report – financial year 2021-22, Quarter 4

9.1.2 Delegated Planning Committee Update

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

Purpose

To provide an update on the outcomes of the Delegated Planning Committee (DPC) for the 2021-22 financial year and Quarter 1 (Q1) of the 2022-23 financial year.

Motion

Moved Cr Matt Tyler, seconded Cr Diana Grima:

That Council notes the outcomes of the Delegated Planning Committee for the 2021-22 financial year and Quarter 1 of 2022-23.

Carried unanimously

Recommendation

That Council notes the outcomes of the Delegated Planning Committee for the 2021-22 financial year and Quarter 1 of 2022-23.

Summary

The DPC is delegated by Council to consider and determine planning permit applications.

Six meetings of the DPC were held in 2021-22 and one in Q1 of 2022-23.

The DPC made determinations on nine planning permit applications, supporting one and opposing eight.

Background

The DPC was formerly known as the Special Planning Committee. This change was made in August 2020 to align with the new *Local Government Act 2020*.

The DPC considers and determines planning permit applications where either:

- there are 11 or more individual objections to that application
- in other special circumstances, an application is referred to the DPC by the Director Sustainable Communities for a decision

Where a DPC meeting has been scheduled but no applications requiring consideration have been received, the meeting is cancelled.

The quorum required to hold a DPC meeting is three Councillors.

Discussion

For the financial year 2021-22 and Q1 of 2022-23, all DPC meetings were held virtually via Zoom. Members of the public, including applicants and objectors, were invited to attend and participate in these meetings. All agendas and minutes can be viewed on Council's website at: www.hobsonsbay.vic.gov.au/Services/Planning-Building/Town-Planning-Services-and-Delegated-Planning-Committee/Delegated-Planning-Committee

The table below outlines the applications considered at each DPC meeting held in 2021-22 and Q1 of 2022-23.

Meeting Date	Application	Address	Proposal	Officer Rec.	DPC Decision
22 June 2021	PA1841550	37-45 Ajax Road, Altona	<ul style="list-style-type: none"> subdivision of the land into two lots buildings and works associated with stormwater management and site remediation removal of native vegetation 	Approve	Refuse
24 Aug. 2021	PA210026	31 Tatman Drive, Altona Meadows	<ul style="list-style-type: none"> construction of four double storey dwellings 	Approve	Refuse
10 Nov. 2021	PA1944089-1	30 Craig Street, Spotswood	<ul style="list-style-type: none"> amendment of operating hours from 7am-5pm Monday-Friday to 6am-6pm Monday-Saturday use of a vacant building and surrounds for additional storage purposes 	Approve	Approve
10 Nov. 2021	PA2048400	571-589 Melbourne Road, Spotswood	<ul style="list-style-type: none"> use and development of the land for the construction of a staged mixed use development including dwellings, shops, supermarket, food and drink premises (including café and bar), restricted recreation facility (gym), residential hotel, childcare centre, office and medical centre, and associated buildings and works use of part of the land for the sale and consumption of liquor <p>(list continues next page)</p>	Refuse	Refuse

Meeting Date	Application	Address	Proposal	Officer Rec.	DPC Decision
			<ul style="list-style-type: none"> • vegetation removal • partial demolition of and alterations to the existing heritage building • reduction in the bicycle parking requirement • creation and alteration of access to a road in a Road Zone, Category 1 		
30 Nov. 2021	PA210113	9 Fenfield Street, Altona	<ul style="list-style-type: none"> • construction of two or more dwellings on a lot under clause 32.08-6 (two dwellings) in accordance with the endorsed plans 	Approve	Refuse
30 Nov. 2021	PA2048405	1/239 Esplanade, Altona	<ul style="list-style-type: none"> • construction of one dwelling on a lot under clause 32.08-5 (General Residential Zone) • construction of building and carrying out of works under clause 43.02-2 (Design and Development Overlay) • reduction of the statutory car parking provisions of Clause 52.06-5 (waiver of second car space) in accordance with the endorsed plans 	Approve	Refuse
29 Mar. 2022	PA210026	31 Tatman Drive, Altona Meadows	<ul style="list-style-type: none"> • construction of four double storey dwellings (VCAT Amended Plans) 	Refuse	Refuse
21 June 2022	PA210113	9 Fenfield Street, Altona	<ul style="list-style-type: none"> • demolition of the existing dwelling • construction of two dwellings 	Refuse	Refuse
26 July 2022	PA2048405	1/239 Esplanade, Altona	<ul style="list-style-type: none"> • construction of one dwelling on common property • construction of a building or to construct or carry out works 	Refuse	Refuse

9.2 Delegate Reports

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.

Metropolitan Transport Forum

Directorate: Infrastructure and City Services

Councillor Delegate: Cr Jonathon Marsden

Date of Meeting: 3 August 2022

Regular meeting of metropolitan councils to discuss and advocate for improvements to the transport system, particularly for sustainable transport.

Key Presentation

City of Melton Infrastructure Planning Coordinator Bhavin Mehta and Senior Transport Planner Michael Smith presented on the detailed modelling process which the City of Melton recently undertook as part of its planning processes. The analysis is used for Melton's advocacy on major roads projects and in engagement with residents.

The model takes into account all modes of transport and projects volumes into future decades, although it is difficult to get satisfactory results for active transport modes. The model is used to examine the consequences of new links and potential infrastructure treatments such as road widenings.

The model is currently being used by Melton City Council to support its advocacy for a high-quality bus network to support the growing population of the city.

Council Updates

Each month four participating councils are invited to present to the forum. This month, three councils presented.

Ted Teo, Principal Transport Planner from the City of Casey, outlined the continuing rollout of safe routes to schools in the municipality. Other updates included advocacy for amenity improvements to the Monash Freeway upgrade, upgrades to the Cranbourne line, and level crossing removals.

David Logan from the City of Darebin outlined the council's refresh of its transport strategy and ongoing development of an electric vehicle policy, which would consider things like putting in place requirements for charging in new developments.

Mayor of Yarra Ranges Cr Jim Child outlined the implementation of Yarra Ranges' integrated transport strategy, adopted in 2020. Other updates included advocacy on the condition of roads in the municipality and the importance of walking and riding trail tourism to the region.

RoadSafe Westgate Community Road Safety Council

Directorate: Infrastructure and City Services

Councillor Delegate: Cr Diana Grima

Date of Meeting: 24 August 2022

Updates were provided on the key programs undertaken by RoadSafe Westgate in the 2021-22 financial year. This included seven *Looking After Our Mates* drink-driving information sessions; six road safety awareness campaigns focused on road policing operations; and a summary of the roadside banners and signs used at four sites over the year, with the road safety messages seen by more than a million road users.

An update was also provided on RoadSafe Westgate's submission for funding to continue the Fit To Drive (F2D) program in Wyndham for the next three years.

Hobsons Bay City Council Update

Updates were provided on a range of road safety projects including the Mason Street, Ferguson Street and Merton Street Black Spot projects which are nearing completion. An update was also provided on the 40km/h speed limit reduction which was recently implemented to an area in Altona North.

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 applications.

Other Updates

The police representative provided an update on state-wide operations to target road safety issues, including Operation Scoreboard and Operation Furlong targeting the AFL Grand Final long weekend and Melbourne Cup long weekend respectively.

Furthermore, the police have submitted two funding applications under the Transport Accident Commission's enforcement programs to combat drink-driving and driving under the influence of drugs.

10 Notices of Motion

No notices of motion were received.

11 Urgent Business

Nil

12 Supplementary Public Question Time

Nil

13 Close of Meeting

Cr Hemphill took a moment to reflect on his year as Mayor and commended his colleagues for their performance during the year. He noted that the Victorian state elections are approaching and noted commitments made by various political parties that relate to Hobsons Bay.

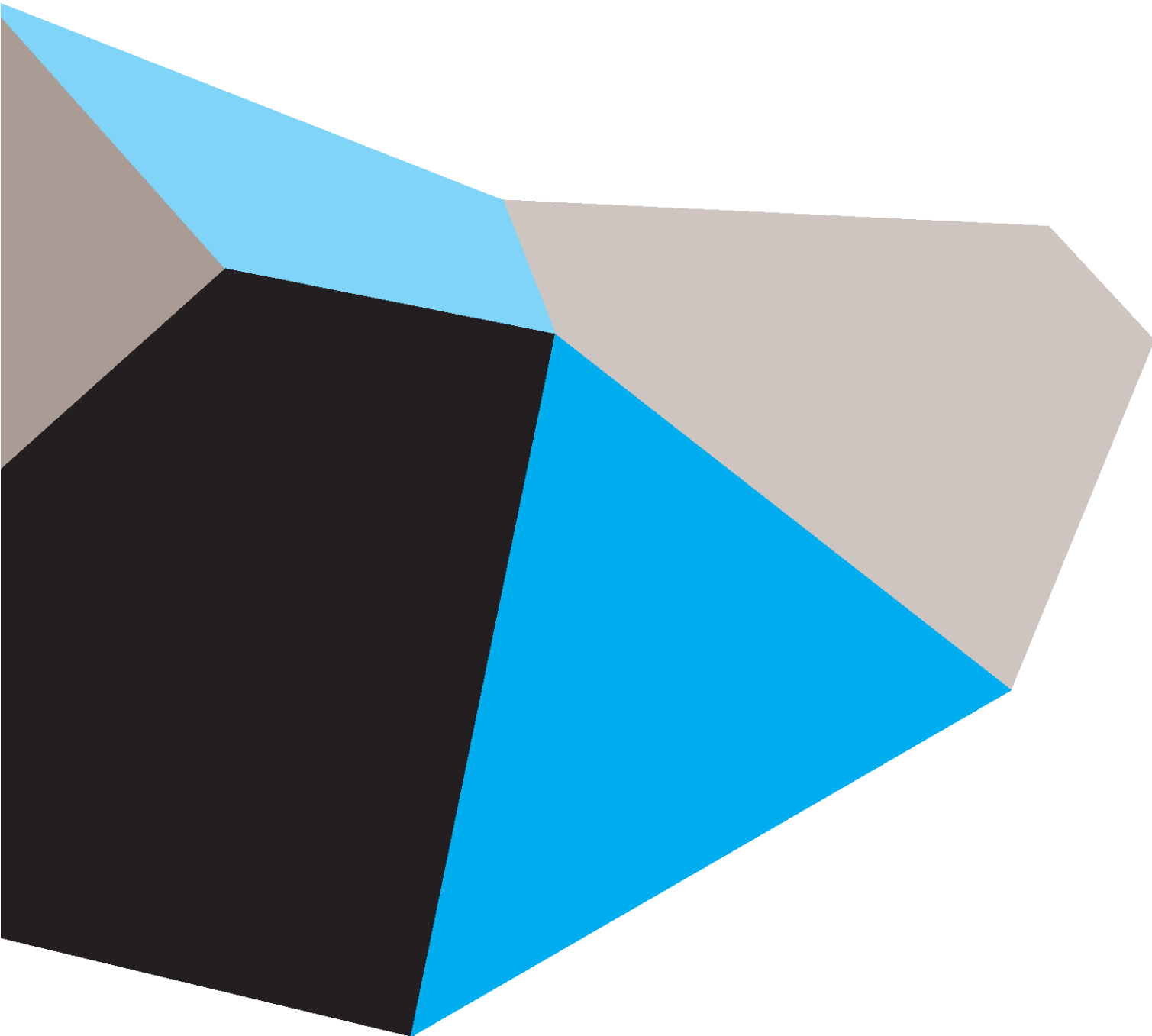
Cr Marsden thanked Cr Hemphill for his work during the year.

There being no further business, the Chairperson declared the meeting closed at 8.21pm.

Chairperson – Cr Peter Hemphill

Signed and certified as having been confirmed.

11 November 2022



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