

Council Meeting Minutes

9 May 2023

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.

CONDUCT OF COUNCIL MEETINGS

Meetings of Hobsons Bay City Council are to be conducted in accordance with Council's Governance Rules, which can be viewed at:

<https://www.hobsonsbay.vic.gov.au/Council/About-Council/Governance/Governance-Rules>

Members of the public attending Council meetings must abide by the standards of behaviour set out in section 13.3 of the Governance Rules. Any person engaging in disruptive or disorderly behaviour may be required by the Chairperson to leave the meeting in accordance with the Governance Rules.

Chairperson:

Cr Antoinette Briffa JP (Mayor) Cherry Lake Ward

Councillors:

Cr Diana Grima (Deputy Mayor)	Wetlands Ward
Cr Daria Kellander	Cherry Lake Ward
Cr Peter Hemphill	Strand 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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1 Council Welcome and Acknowledgement

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

2 Apologies

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

Motion

Moved Cr Matt Tyler, seconded Cr Peter Hemphill:

That Council accepts an apology from Cr Diana Grima.

Carried unanimously

Cr Diana Grima arrived at the meeting at 7.26pm, during discussion on Item 7.1.2 (formerly Item 8.4.1), Adoption of Public Toilet Strategy 2022-32.

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 11 April 2023 (copy previously circulated).

Motion

Moved Cr Peter Hemphill, seconded Cr Pamela Sutton-Legaud:

That Council confirms the minutes of the Council Meeting of Hobsons Bay City Council held on 11 April 2023.

Carried unanimously

5 Councillor Questions

Cr Matt Tyler requested an update on Cleanaway service provision and what progress has been made to address shortfalls since the previous Council Meeting.

Ms Pene Winslade, Director Sustainable Communities, responded that after Cleanaway's acknowledgement in late March or early April that the service disruptions to residents were unacceptable, a dedicated recovery officer has been managing a service improvement process at Cleanaway. Ms Winslade noted that the service has significantly improved, with most services collected on time and delays being much shorter, (usually collected the day after or as soon as possible afterwards), despite Cleanaway continuing to grapple with labour market shortages. Ms Winslade stated that Council would continue to work closely with Cleanaway on a recovery plan to ensure a return to normal service levels as quickly as possible.

6 Public Question Time

Kaylene O'Shea

Q Can the Council please advise what airline and what class of travel did the Mayor and others fly to Anjo?

A The details of this travel have been included in the Chief Executive Officer's Report on Operations (attachment to Item 8.1.1) and all tickets purchased for members of the delegation to Anjo were standard economy flights with Qantas, in accordance with the Hobsons Bay Councillor Support and Expenses Policy.

The total cost of the return airfares to Japan and accommodation for the Mayor and two Council officers was \$10,871.74, consisting of \$9,402.97 for flights and \$1,468.77 for accommodation in Anjo.

Catherine Curtain

Q With 697 out of 743 people (94 per cent) who responded to the community consultation about the Bay Trail trees overwhelmingly supporting them to remain, but in the face of vandalism, what is Council doing to educate the minority and to protect these trees from further damage?

A Broader promotion of the benefits of trees is being undertaken via many mediums such as social media, tree giveaways, events and letters as part of the urban forest strategy implementation.

Q What are the penalties under the Community Local Law for damaging or removing trees?

A Council-managed trees in Hobsons Bay are protected by Section 47 (1) of the Community Local Law (2015), whereby a person other than an authorised officer or a person authorised by an authorised officer must not destroy, cut, trim, prune or otherwise interfere with a street tree. Any breach of this law has an on-the-spot infringement of 4 penalty units (\$400) and a maximum court penalty of 20 penalty units (\$2,000) per offence.

Q How can Council show leadership and reassure the community that it is in control of the situation so that retaliation against those who have been visible in their opposition to the tree plantings may be avoided?

A Council appreciates that this matter has several polarising viewpoints from different members of the community. Council has considered all feedback on its merits. Any submissions that include reference to an individual's name and/or address have not been circulated. Council conducts all consultations in accordance with its Privacy Policy, which is available at: www.hobsonsbay.vic.gov.au/Council/Policies-Strategies-Plans/Privacy-policy

Rowena Joske

Q In 2017, both when Councillors endorsed it's submission to the Westgate Tunnel Environmental Effects Study and when it endorsed the planning scheme amendment for Precinct 15 in Altona North, resolutions were passed to advocate for an additional north-south road link across the freeway which was reported either as a potential extension across the freeway from Kyle Road, or an extension of New Street under the freeway or along the freight line.

Can Council please disclose what is the current status of Council's advocacy for this north south link at each of these potential sites?

A Following the Environmental Effects Statement (EES) assessment, the Victorian Government funded the Hobsons Bay Transport Planning Study, an extensive transport study which included consideration of this issue. The study's Network Investigations Technical Report (Department of Transport and Hobsons Bay City Council, December 2020) concluded that West Gate Tunnel Project traffic modelling indicates satisfactory operation of the Millers Road, Grieve Parade and Hyde Street interchanges after the West Gate Tunnel opens. It also identified that further investigation is required to understand the potential congestion hotspots and key barriers to efficient north-south movement within the area.

Council will continue to work with the Department of Transport on this matter.

Q Can Council please explain what the results were of the Hobsons Bay Transport Planning Study investigations into the additional north-south road somewhere between Millers Road and Melbourne Road?

A This question has been answered in the response above.

Q The draft budget allocated \$65,000 to a project called "The Link" described in the Brooklyn and Altona North Place Guide as a major cycling and pedestrian connection between those two suburbs. Can Council please provide some detail of the scope of the proposed spending and how it might overlap with the three pedestrian and cycling connections currently being completed as part of the West Gate Tunnel Project (i.e. the new relocated pedestrian overpass near Misten Avenue, the new shared path and crossings under the freeway along Millers Road and the new path along Kororoit Creek).

A The Link is a project identified in the Brooklyn + Altona North Place Guide that was adopted by Council in December 2022.

The vision for this project is to create a north-south walking and cycling corridor connecting Brooklyn and Altona North.

The funding identified within the Draft 2023-24 Capital Works Program is to undertake investigation, feasibility and concept design for this project.

Interrelationships with pedestrian and cycling linkages provided as part of the West Gate Tunnel Project will be included within this project.

Patty Cutter

Q Council Officers acknowledged in their report their failure to consult with directly affected neighbouring ratepayers before planting trees that will reduce views of the coast, yet the CEO's report describes consultation with residents in Stevedore street, Williamstown, before planting trees. Can Council explain how it chooses to follow its Community Engagement Policy by such discretionary and biased ways?

A Given that the tree planting has taken place on public land, all members of the community are impacted, and accordingly Council adhered to its Community Engagement Policy. However, following some of the concerns raised in relation to this particular tree planting, Council will consider opportunities for more targeted consultation in future projects of this type.

Stephen Dean

Q If Council proceeds with removing every second tree along the recent Bay Trail plantings, will other foreshore areas be planted with the same trees and spacings, or is it only this area being singled out and treated differently?

A The intent for tree planting is to continue the implementation of the Urban Forest Strategy and Canopy Delivery Plan and plant in high priority locations, including along shared trails and foreshore locations across the municipality.

Council will take on board the learnings from this process for future consultations.

Gordana Joncevski

Q Why were the directly impacted residents not consulted prior to planting the trees, and how this will affect them and their property values?

A Prior to the plantings, Council undertook an informative consultation, installing signage at multiple locations along the section of trail being planted, boosting a Facebook post that targeted the area and including an article in the Hobsons Bay newsletter the consultation was available to all residents. Council received no negative feedback regarding the planned plantings so proceeded with the plantings.

It is acknowledged that there was no targeted consultation between Council and nearby property owners who back onto the open space area prior to the plantings being undertaken.

Further consultation was undertaken with the nearby property owners, as well as users of the trail, to inform the recommendation to Council.

Q The consultation meetings highlighted many safety issues which even Council members had not taken into consideration, like grass fires, branches falling on the footpaths and remaining there for weeks. Who will cover these costs for extra grass cutting?

A Maintaining the grass one metre either side of the path is Council's responsibility, while the remaining area is the responsibility of the land manager, Parks Victoria.

Q Why didn't the survey for the recently planted trees along the Bay Trail provide removal of all planted trees as an option?

A The plantings are aligned with Council's endorsed strategic direction contained within the Urban Forest Strategy and Canopy Delivery Plan and therefore the complete removal of all trees was not considered a suitable option.

Rosa McKenna

Q Can you confirm that Greenline plans for McLister Street and Birmingham Street, Spotswood are proceeding with developer support, and that the current works on McLister Street are implementing the bike plans included in Better Places implementation plans?

A The current works on the south side of McLister Street are being undertaken by the developer, were approved under planning permit PA1533178 and are associated with that development. These works are independent of the Better Places Greenline Project.

7 Petitions and Joint Letters

7.1 Petitions and Joint Letters Received

7.1.1 Petition – Say No to Gender Neutral Toilets

Cr Daria Kellander tabled a petition, consisting of a written component containing 68 signatories and an electronic component containing 1,075 signatories, which reads as follows:

“We, the undersigned, petition Hobsons Bay City Council to keep toilet options open at Hobson’s Bay. Hobson’s Bay City Council is proposing to convert all public toilets to gender neutral, doing away with single sex facilities and denying residents choice, safety and comfort. This misguided proposal must be stopped.

Hobson’s Bay Local Government Area is a diverse, tolerant and multi-faith community. Some faith communities have specific concerns about mixed sex toilet facilities. These concerns should be respected, just as the safety and comfort of gender diverse locals should be respected.

Hobson’s Bay should instead support an inclusive bathroom policy that allows people of all genders to access toilet facilities, while preserving single sex options.

Providing the option of women’s men’s, and gender-neutral toilets will support inclusion while respecting the diversity of our community.”

Motion

Moved Cr Daria Kellander, seconded Cr Jonathon Marsden:

That Council:

- 1. Receives and notes the petition in relation to gender neutral toilets in Hobsons Bay.**
- 2. Varies the order of business in order to consider the petition and Item 8.4.1 Adoption of Public Toilet Strategy 2022-32 concurrently, with Council considering the substance of the petition during debate on Item 8.4.1.**

Carried unanimously

7.1.2 Adoption of Public Toilet Strategy 2022-32

Directorate: Infrastructure and City Services
Responsible Officer: Manager Active Communities and Assets
Reviewer: Director Infrastructure and City Services
Attachments: 1. Hobsons Bay Public Toilet Strategy 2023-33 [8.4.1.1 - 32 pages]

Cr Diana Grima arrived at the meeting at 7.26pm, during discussion on Item 7.1.2 (formerly Item 8.4.1).

During questions on Cr Daria Kellander's proposed motion, Cr Antoinette Briffa asked whether trans women would be able to use the women's only toilet proposed. Cr Kellander declined to respond, stating that she would speak to that as part of the debate. Cr Briffa requested that Cr Kellander's refusal to answer the question be noted.

Purpose

To seek Council's endorsement of the Hobsons Bay Public Toilet Strategy 2023-33 (Attachment 1).

Motion

Moved Cr Daria Kellander:

That Council:

1. Adopts the Hobsons Bay Public Toilet Strategy 2023-33, with the following amendment:

Reinstate a women's-only toilet cubicle in any unisex toilet facility containing three or more cubicles.
2. Writes to all submitters on the draft strategy to thank them for their contribution.
3. Writes to the lead petitioner of the petition relating to gender neutral toilets in Hobsons Bay, tabled at the meeting as Item 7.1.1, advising them of the outcome.

Lapsed

Motion

Moved Cr Daria Kellander:

That Council extends Cr Daria Kellander's speaking time by two minutes.

Lapsed

Point of Order

Cr Matt Tyler raised a point of order regarding remarks made by Cr Kellander during debate on the amended motion, alleging that the remarks were improper and irrelevant.

Mayor Cr Briffa upheld the point of order, agreeing that the remarks were improper and irrelevant in accordance with rules 8.18.3.2 and 8.18.3.3, and requested that Cr Kellander keep comments relevant to the toilet strategy and factual, as the strategy is not about removing male or female toilets as heard previously during debate.

Amended Motion

Moved Cr Jonathon Marsden, seconded Cr Matt Tyler:

That Council:

1. Adopts the Hobsons Bay Public Toilet Strategy 2023-33.
2. Writes to all submitters on the draft strategy to thank them for their contribution.
3. Writes to the lead petitioner of the petition relating to gender neutral toilets in Hobsons Bay, tabled at the meeting as Item 7.1.1, advising them of the outcome.

Carried

Division

For: Cr Jonathon Marsden, Cr Pamela Sutton-Legaud, Cr Peter Hemphill,
Cr Antoinette Briffa, Cr Diana Grima, Cr Matt Tyler

Against: Cr Daria Kellander

Carried

Recommendation

That Council:

1. Adopts the Hobsons Bay Public Toilet Strategy 2023-33.
2. Writes to all submitters on the draft strategy to thank them for their contribution.

Summary

Following approval by Council at the 13 December 2022 Council Meeting, the Draft Public Toilet Strategy was placed on public exhibition for eight weeks from 16 December 2022 to 10 February 2023. This report outlines feedback from the community following the public exhibition period and the changes that have been made to the strategy as a result of this feedback.

A Public Toilet Strategy is required to guide future development and management of these facilities throughout the municipality. Council recognises that the provision of public toilets is critical to enable all members of the community to use public spaces and participate in community life.

Background

Council provides and manages 37 public toilet facilities that vary in age and condition. Public toilets throughout the municipality comprise free-standing facilities located in parks, activity centres and along the Yarra River and Port Phillip Bay foreshores. While Council also provides public toilets within many of its community facilities (e.g. libraries, senior citizens, sports pavilions), this strategy is specifically focused on stand-alone facilities in public parks and spaces.

The purpose of the strategy is to guide the provision and management of public toilet facilities in the appropriate places to encourage community health, participation and recreation while supporting economic development.

The strategy includes:

- criteria for determining where to provide public toilets, and what types of toilets to provide
- an evaluation framework to guide decision making about the provision of public toilets
- an additional program of Changing Places (changing spaces specifically designed for adults with disabilities)
- principles and guidelines for the planning and development of public toilets
- an indication of the budgetary implications of these actions

Development of the strategy commenced in March 2021 and a preliminary background report was prepared in July 2022. The process also included the completion of a Gender Impact Assessment which is linked to Council's responsibilities under the *Gender Equality Act 2020*.

Following approval by Council at the 13 December 2022 Council Meeting, the Draft Public Toilet Strategy was placed on public exhibition for eight weeks from 16 December 2022 to 10 February 2023 via the Participate Hobsons Bay website, which included information on the Gender Impact Assessment Process, previous consultation completed and frequently asked questions.

Discussion

At the conclusion of the public exhibition period, Participate Hobsons Bay received 1,210 site visits and 160 contributions.

The key themes in the feedback received related to:

- signage concerns relating to gender
- requests for site specific toilets to be included in the strategy
- design and configuration feedback

There were a number of concerns relating to a recommendation in the draft strategy that called for the review of a “possible adoption of a new approach to signage that indicates the fittings/equipment within facilities and cubicles, rather than indicating expected gender of users”.

The key areas of concern from the feedback received related to perceived safety issues of having males and females co-mingling in the same toilet facility. This recommendation was intended to review single cubicle unisex facilities commonly found within public settings, and not facilities marked as male or female only.

Figures 1 and 2 show a case study with images from Weaver Reserve (no changes recommended) and Blenheim Reserve (unisex facilities that would be included as part of a future review).



Figure 1: Weaver Reserve public toilets with signage showing female symbols and internal space with cubicles (left), and with signage showing male symbols and internal space with urinals and cubicles (right)



Figure 2: Blenheim Road Reserve unisex public toilet symbols

Within the updated strategy, the recommendation has been updated to “conduct a review of all existing public toilet to ensure facilities are fit for purpose, safe and inclusive”.

A number of site-specific requests for public toilets were received throughout the public exhibition period. Some of these requests were in support of toilets already included in the draft strategy, while others were for toilets not included. Some requests for toilets that have not been supported include:

- **Truganina Park, Altona Meadows:** There is currently a public toilet facility opposite Altona Sports Centre. Any future provision within the precinct will be considered as part of the Hobsons Bay Wetlands Centre project.
- **Ferguson Street, Williamstown:** Public toilets within the precinct were recently upgraded on The Strand. There are public toilets available within the precinct at Williamstown Library and within the Coles precinct (not a Council-managed facility).
- **Williamstown Beach:** Public toilets are well catered for within the precinct, with facilities currently provided at Point Gellibrand (Parks Victoria managed), Williamstown Cricket Ground, Fearon Reserve, beside Sebastian restaurant and the Williamstown Swimming and Life Saving Club (WSLSC). The number of toilets servicing the Williamstown Beach area will be reviewed as part of any future upgrades to the WSLSC facility.

A range of design and configuration comments were received on site specific issues at a variety of toilets across the municipality. The development of the strategy included an inspection of all facilities that found some older toilets in poor condition, with the newer facilities providing improved service and amenity for the community. Some issues with design arise where sites are not fully compliant with Australian Standards and requirements under the *Disability Discrimination Act 1992*, including poor performance in access, lighting, signage, and materials, fixtures, and fittings. A key recommendation of the strategy is to introduce a program of upgrades to existing toilet facilities with a focus on compliance and signage.

Following the public exhibition period, the Strategy has now been updated for Council's final consideration.

7.2 Responses to Petitions and Joint Letters

7.2.1 Response to Petition - Removal of Recently Planted Trees on Bay West Trail

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

Purpose

To address a petition in relation to removing all recently planted trees along the Bay Trail West from the rear of 61 Sommers Drive to the rear of 8 Gaskell Court in Altona Meadows.

Motion

Moved Cr Matt Tyler, seconded Cr Diana Grima:

That Council:

1. Relocates 160 trees (every second tree) along the section of the Bay Trail planted in 2022, extending from the rear of 61 Sommers Drive to the rear of 8 Gaskell Court in Altona Meadows.
2. Writes to the lead petitioner advising of the outcome.

Carried

Division

For: Cr Matt Tyler, Cr Diana Grima, Cr Antoinette Briffa, Cr Jonathon Marsden

Against: Cr Peter Hemphill, Cr Daria Kellander

Abstained: Cr Pamela Sutton-Legaud

Carried

Recommendation

That Council:

1. Relocates 160 trees (every second tree) along the section of the Bay Trail planted in 2022, extending from the rear of 61 Sommers Drive to the rear of 8 Gaskell Court in Altona Meadows.
2. Writes to the lead petitioner advising of the outcome.

Summary

Council received a petition of 345 signatories from Hobsons Bay, Brimbank, Maribyrnong and Wyndham residents which was tabled at the Council Meeting held on 7 February 2023. The petitioners request that Council remove all 320 trees recently planted along the Bay Trail West from the rear of 61 Sommers Drive section of Skeleton Creek Trail to the rear of 8 Gaskell Court along Bay Trail West.

In responding to complaints made about these plantings, Council conducted a consultation between January and March 2023 which sought community opinions on the plantings as well as potential future tree plantings along the trail. The consultation showed overwhelming support for the plantings. A total of 743 submissions were received, from which 94 per cent (697 respondents) requested for all trees to be retained. Only 4 per cent (46 respondents) requested for the trees to be removed. Of those 46 respondents, 26 (3 per cent of the total submissions) stated that they would prefer all trees to be removed.

Council officers engaged with properties in the streets directly adjacent to the trail. The properties included Groome Court, Ward Court, Hopkins Court, Hosie Street and Gaskell Court. Of the properties immediately adjacent to the trail, the officers were able to speak directly with 34 residents. There were 19 requests for the removal of all the planted trees, nine requests for all trees to be retained and six advised that the current numbers of tree planting appeared excessive, and they would prefer to see a reduction.

During the consultation period, Council spent four days engaging directly with users of the trail, including walkers, runners, cyclists, a few nearby residents who wished to directly engage with Council, and adults with young children. Of the 44 trail users Council officers engaged with, 91 per cent (40 users) supported the plantings and requested for all trees to be retained. Two trail users requested for all trees to be removed and two requested for every second tree to be removed. Those who requested for the trees to be removed cited a lack of consultation in the lead-up to the plantings as a concern. Some who were in support of the plantings mentioned that they cannot use the trail in the height of summer and look forward to being able to do so once the trees become established and provide shade.

There is broad community support for tree planting and increased canopy cover in Hobsons Bay, which is strongly supported by the results of this consultation and the consultations during development of the Urban Forest Strategy and Canopy Delivery Plan. It is also acknowledged that the primary stakeholders, in this case residents whose properties back onto the trail, are those who are more heavily impacted by the presence of these trees.

Following a detailed review of the results of the consultation, several meetings with impacted residents, and advice and consultation with environmental specialists and Parks Victoria as land managers, a recommendation to relocate every second tree along this stretch has been made. No option will satisfy all stakeholders in this case, but with relocation of every second tree planted there will be significant canopy gains to provide shade to trail users and meet the original intent of the planting, while framing future views for the nearby residents. It is important to note that while every effort to successfully relocate the trees will be made, there is considerable risk of tree loss when transplanting.

Background

As part of the 2022 tree planting program, 320 *Eucalyptus melliodora* (commonly known as Yellow Box) trees were planted along a section of the Skeleton Creek and Bay trail. The planting in this location is intended to provide shade and cooling to the trail, which will benefit trail users, as well as assist in responding to climate change.

The tree plantings are a continuation of a row of similar trees that were planted slightly further west along the Skeleton Creek Trail in 2021. The planting of these trees generated positive feedback from the community, as well as requests for the row of trees to be extended further along the trails.

Following the 2022 plantings, Council received both positive and negative feedback. The negative complaints primarily originated from properties that back on to the trail and have voiced concerns that the new trees will obstruct views as they become established.

To understand the impact the trees have made to the community, seek the opinion of all stakeholders and to plan for future tree planting in the area, a consultation was undertaken between January and March 2023.

The petition, received in February, reads as follows:

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

Remove all recently planted trees along the Bay Trail West from the rear of 61 Sommers Drive section of Skeleton Creek Trail to the rear of 8 Gaskell Court along Bay Trail West for the following reasons:

1. No **consultation** with neighbouring properties before trees were planted, nor with related nearby properties who could reasonably be expected to be frequent users of the path and grasslands
2. No obvious **environmental risk assessment** (impact on Ramsar-protected bird species; introduction of trees into the wetlands area with no history of trees from European records back into the mid-1800s)
3. No obvious **economic risk assessment** cost of watering programme to keep trees alive in their early phase: cost of additional grass maintenance due to tractors not reaching all areas; replacement of cracked concrete path whose life is shortened due to tree roots)
4. No obvious assessment of the **risk to human life** (impact of falling branches from a mature tree would seriously injure or kill, & smaller twigs and rubble risk to bike riders)
5. No obvious assessment on the Council Budget (**risk of class action** by ratepayers whose land was a premium value above surrounds until the arrival of these trees – a conservative estimate is a 10% loss of land value x about 54 properties, or \$5.4m)
6. No obvious **consultation with Parks Victoria** (on whose land the trees were planted, and who is responsible for maintenance. HBCC may be responsible for breaching the Ramsar International Treaty)

In addition to the petition and consultation, Council has received many emails and letters from community members outlining their concerns about the trees. All concerns were considered when preparing a response to the petition, including:

- no direct communication with property owners who back onto the open space area
- increased risk of fire due to the presence of trees
- inappropriate species being planted
- no maintenance plan for the trees or grassed areas

The plantings are aligned with Council's strategic direction. The planting of trees along active transport corridors such as cycleway links and shared paths is identified as a priority location in Council's Urban Forest Strategy 2020.

These plantings are supported by Section 4.5 of Council's Tree Policy 2021, namely, "Priority will be given to planting avenues of trees along the Hobsons Bay City Council pathways and trails."

The planting of trees along the Hobsons Bay shared path network is also identified as a key canopy enhancement opportunity in Council's Canopy Delivery Plan 2022.

Discussion

Council officers have considered the concerns raised through all feedback including those specifically raised in the petition and addressed each item below.

Consultation

Prior to the plantings, Council undertook an informative consultation, installing signage at multiple locations along the section of trail being planted, boosting a Facebook post that targeted the area and including an article in the Hobsons Bay newsletter. Council received no negative feedback regarding the planned plantings.

This planting project is a continuation of a row of similar trees that were planted further west along the Skeleton Creek Trail during 2020 and 2021. The previous tree plantings generated positive feedback from the community, particularly from users of the trail who were excited by the prospect of shade being provided to the trail as the trees become established. There were requests from the community to extend the row of trees further along the trail, towards the 100 Steps. Given the success of the previous planting, combined with requests for further plantings along the trail and a lack of negative feedback for the project following the informative consultation, officers proceeded with the project.

It is acknowledged that there was no direct, targeted consultation between Council and nearby property owners who back onto the open space area. This has been identified as a key improvement to be made with future planting projects in potentially contentious areas.

Environmental and economic risk assessment

These plantings are considered a positive addition to the environmental values of the area, rather than a negative. The trees comprise *Eucalyptus melliodora* species that were selected for this area in consultation with Council's Conservation Team, Council's Biodiversity Officer and Parks Victoria. These species are not expected to adversely affect the natural area of the nearby Cheetham Wetlands. *Eucalyptus melliodora* are widely planted within Hobsons Bay near ecologically sensitive areas, including at Truganina Park, without providing detrimental impacts.

In reviewing this concern, Council officers sought independent environmental advice from an environmental expert that confirmed that the new trees will have negligible impacts on the wading and migratory shore birds of the Ramsar-protected Cheetham Wetlands. The advice indicates that if anything, the trees may help to buffer the site from disturbance and so may confer a benefit to shorebird populations. The environmental expert advised that domestic cats and dogs have a more substantial effect on the birds in the wetland.

Costs associated with the trees' two-year establishment period are allocated through the implementation of the Urban Forest Strategy's Tree Planting Program.

Maintaining the grass one metre either side of the park is Council's responsibility, while the remaining area is the responsibility of the land manager, Parks Victoria. Council will continue to work with Parks Victoria to maintain the grass to acceptable levels.

The trees are located about three metres from the path, which is considered sufficient distance to avoid any impacts to the path from the trees' root systems.

Risk to human life

The subject trees are not expected to provide an unreasonable level of risk once established. Quality tree stock was selected and planted and will be maintained closely during the critical two-year establishment period.

Formative pruning will be undertaken during the establishment period, which is an effective way to promote strong tree growth and reduce the risk of future failure. Formative pruning is the process of removing or reducing branches when a tree is young to promote strong and healthy growth patterns. This can help to develop a stronger structure and prevent the development of weak or poorly attached branches that may be prone to failure later in the tree's life.

Risk of class action

The Victorian Civil and Administrative Tribunal (VCAT) and its predecessors have considered the "loss of views" over many decades. Over this period, several principles have been formulated and applied to the consideration of this issue. These principles were set out by VCAT in *Healy v Surf Coast SC* [2005] VCAT 990 (26 May 2005) as follows:

- (a) There is no legal right to a view;
- (b) Views form part of the existing amenity of a dwelling and their loss is a relevant consideration to take into account.
- (c) The availability of views must be considered in the light of what constitutes a reasonable sharing of those views; and
- (d) Added emphasis will be placed on considerations (b) and (c) above if the question of views is specifically addressed under the Planning Scheme.

Currently, the question of views is not specifically addressed in any planning overlays that affect the land in the vicinity of the recent plantings. Accordingly, Council is unlikely to be at risk of a class action because of undertaking the plantings.

The Municipal Planning Strategy instead identifies extreme heat as being a key environmental risk caused by a lack of canopy trees and the use of heat-absorbent surfaces such as paving and concrete within the public realm. The strategy considers a healthy and growing urban forest consisting of trees on public land as critical infrastructure in not only mitigating the effects of climate change but also protecting and enhancing community health and wellbeing.

Consultation with Parks Victoria

Council entered an access agreement with the land manager, Parks Victoria, in May 2022 prior to undertaking the plantings. In preparation of the agreement, Parks Victoria reviewed the proposed planting plans, including the proposed species type, spacing and alignment through the reserve. Following a review of the proposal, Parks Victoria granted access to Hobsons Bay City Council to undertake the project.

Vandalism

Vandalism was carried out on many of the trees in February 2023, concentrated in the area highlighted in Figure 1. Forty-two of the 67 trees were affected. Figure 3 shows one of the vandalised trees that has had its central leader removed. Signs were erected in this section of the trail to notify the public of the vandalism and appeal for witnesses.



Figure 1: Area where trees were vandalised



Figure 2: Example of a vandalised tree with the central leader removed

Tree species selection

Eucalyptus melliodora is an Australian native tree species that is often planted in urban environments due to its attractive appearance and hardiness. This species was selected for this location as they are widely planted within Hobsons Bay near ecologically sensitive areas, including at nearby Truganina Park where it provides suitable food sources for significant fauna such as the critically endangered Swift Parrot.

In its natural grassy woodland habitat, *Eucalyptus melliodora* can reach mature heights of up to 30 metres. This is due to the tree being in an optimal growing environment, including well drained, moderately fertile, sandy loam and alluvial soils. In the Altona Meadows area, where the growing environment is not as favourable, *Eucalyptus melliodora* typically attains a mature height of between 10 and 15 metres.

Increased risk of fire

Residents have raised concerns with Council about the increased risk of wildfires due to the tree planting. The planting of these trees is not expected to increase the risk of fires in this location and Council officers have worked with Parks Victoria as the land manager to ensure that grass cutting is undertaken periodically to reduce the fire risk.

7.2.2 Response to Petition - Public Toilets at Somers Parade, Altona

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

Purpose

To respond to the petition requesting a new public toilet facility at G Den Dulk Reserve, Somers Parade, Altona.

Motion

Moved Cr Daria Kellander, seconded Cr Jonathon Marsden:

That Council:

- 1. Includes the provision of a public toilet facility at G Den Dulk Reserve as a medium-term priority in the Hobsons Bay Public Toilet Strategy.**
- 2. Writes to the lead petitioner advising of the outcome.**

Carried unanimously

Recommendation

That Council:

- 1. Includes the provision of a public toilet facility at G Den Dulk Reserve as a medium-term priority in the Hobsons Bay Public Toilet Strategy.**
- 2. Writes to the lead petitioner advising of the outcome.**

Summary

At the Council Meeting on 24 November 2022, a petition was received containing 229 signatures requesting a new public toilet at G Den Dulk Reserve on Somers Parade.

An assessment of the reserve has been undertaken. The provision of a public toilet is supported and has been included as a medium-term priority in the Hobsons Bay Public Toilet Strategy. While a new toilet facility is considered appropriate, the area has significant space constraints, and its provision should be addressed with any future changes that may occur to the existing community infrastructure onsite (Somers Parade Kindergarten and the facility currently occupied by Latitude Services).

Background

G Den Dulk Reserve, located on Somers Parade in Altona, is a constrained reserve that includes a facility occupied by Latitude (a service that supports youth experiencing homelessness) at the north-east end of the reserve, and an open space area south of the facility. Adjacent to G Den Dulk Reserve (immediately south-west) is the Somers Parade Kindergarten facility, which provides 3-year-old and 4-year-old kindergarten services.

The open space area was redeveloped by Council in 2019-20 to include a new playground area, hardcourt activity area (for basketball and netball) and a community garden, and the reserve has become a well utilised space by many members of the local community.

The petition was received at the November 2022 Council Meeting and reads as follows:

Our local Park at Somers Parade Altona requires toilets that all abilities, ages & genders can use. This park is frequented daily by Kinder families [situated across the road from Park] the space includes a vibrant Community Garden that brings all ages together daily. With a basketball court, we have teens, and families of all ages visiting after school & weekends, family picnics and community events taking place in this space. This includes 60+ kinder families gathering for special occasions [post covid].

The closest public toilets are 11 mins walk away. With the increase in 3-year-old Kinder families, we will have more visitors using this park in 2023. We have the support of Local Traders at Somers Parade who stand to benefit from families who choose to stay at our park longer enjoying food & beverages from Somers Parade shops. Increasing local trade by those who may have gone to another park with toilets.

The feedback collected by locals before the park upgrade was to include toilets & a BBQ area. Council has the power to make a lot of families/residents & visitors happy by installing toilets. On an environmental note, the roof of toilets could capture water to be used for the community garden.

These facilities offer freedom to hang out longer as a community in a safe open space & reassurance to those in need of a toilet without leaving the park

The petition was hosted online at [change.org](https://www.change.org) and was signed by 229 people, 35 of whom reside in Hobsons Bay.

Discussion

While the development of a new public toilet at this location is desirable and would potentially be well used, the siting of a facility onsite is difficult to confirm. Officers have assessed the size of the park and playground zone, the current street width, footpath width along the traders' side of Somers Parade, the number of car parking bays, and the current location of the Latitude building and Kindergarten building as part of a site assessment.

There is currently no space within the park to construct a double cubicle toilet facility and there is extremely restricted space within the road reserve. Locating the toilet within the road reserve is not recommended due to safety concerns, particularly for children.

When officers first assisted Altona Community Gardens with the design and development of the garden area, Latitude was approached to see if it would be possible to develop a shared use approach to the toilet facilities within the building, but concerns were raised around security and the importance of Latitude client confidentiality.

Council is working with the Department of Education and Early Childhood Development for an extension to the Somers Parade Kindergarten located immediately south-west of the reserve. Any future development of this facility, or any future changes to the facility currently occupied by Latitude, provides the best opportunity for the inclusion of a new public toilet facility onsite.

The provision of a public toilet facility at G Den Dulk Reserve has been included as a medium-term priority in the Hobsons Bay Public Toilet Strategy. Assessing the provision of a public toilet at the reserve with any proposed infrastructure changes to the Somers Parade Kindergarten or the Latitude facility provide the best opportunity to ensure a public toilet is built in the safest, most appropriate location for the community to access.

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 [8.1.1.1 - 51 pages]

Cr Daria Kellander left the meeting at 8.37pm and was not present for the vote on Item 8.1.1.

Purpose

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

Motion

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

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 April 2023 and 30 April 2023 is provided in this month's report.

8.2 Corporate Services

8.2.1 Mayoral Focus Update

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

Cr Daria Kellander returned to the meeting at 8.43pm during the Mayor's closing comments, but was not present for the vote on Item 8.2.1.

Purpose

To update Councillors and the community on the areas of focus for the 2022-23 mayoral term of Cr Antoinette Briffa.

Motion

Moved Cr Diana Grima, seconded Cr Matt Tyler:

That Council notes the progress made on initiatives and activities that were identified as focus areas for the 2022-23 mayoral term by Cr Antoinette Briffa.

Carried

Recommendation

That Council notes the progress made on initiatives and activities that were identified as focus areas for the 2022-23 mayoral term by Cr Antoinette Briffa.

Summary

In November 2022, Council elected Cr Briffa to lead Council as Mayor for the 2022-23 mayoral term.

Cr Briffa identified the following areas of focus for her mayoral term:

- strengthening the relationship between Council and the community by seeking to celebrate the diversity and unique spirit of the Hobsons Bay community
- offering the community a greater voice and more opportunities to participate in Council activities
- strengthening Council's relationships with the Victorian and Australian governments
- building stronger connections and purposeful engagement with the business community, sister cities, members of parliament and neighbouring councils

- promoting awareness of First Nations people through Council's relationship with the Bunurong Land Council Aboriginal Corporation, the Yarrabah Aboriginal Shire friendship alliance and exploring support for the Aboriginal and Torres Strait Islander Voice to Parliament
- seeking to make Hobsons Bay a greener, more environmentally proactive and liveable city

This report outlines the areas of particular interest and provides an update on the initiatives and activities that Cr Briffa intends to support over the course of her mayoral term.

Background

The Mayoral Program provides an opportunity for the Mayor to support the implementation of key strategic actions that will serve the best interest of the Hobsons Bay community and align with the Hobsons Bay 2030 Community Vision and the Council Plan 2021-25.

Discussion

Celebrating the diversity and community spirit of Hobsons Bay

Mayor Cr Briffa celebrated the diversity and vibrancy of the Hobsons Bay community when she joined Deputy Mayor Cr Diana Grima, Cr Jonathon Marsden, Cr Matt Tyler and Council officers at the Midsumma Pride March on 5 February 2023, alongside hundreds of other organisations including councils, Victorian government agencies and private sector organisations, and the public.

Council's work in this space continues with the creation of the Hobsons Bay Pride Community Liaison Group. As one of the initiatives in her mayoral program, Cr Briffa is pleased to see this group is now established. Members were selected following an EOI (Expression of Interest) process and met for the first time on 26 April 2023.



Figure 1: Cr Briffa with Council representatives at the Midsumma Pride March



Figure 2: Cr Briffa was a panel member talking about representation and rights at the Sydney WorldPride Human Rights Conference

Progress is also being made on plans for an open day for all sporting and community clubs across the municipality. The concept of the open day is to give residents and club members the chance to connect in order for clubs to promote themselves, share ideas and foster new relationships. It will also be a great opportunity for those clubs to recruit new members as players or volunteers. The event will be held in September 2023 in the lead-up to the summer sporting season.

Cr Briffa was honoured to welcome 229 new Australian citizens in two back-to-back citizenship ceremonies at the Williamstown Town Hall on Saturday 2 April 2023.



Figure 3: Cr Briffa was joined by new member for the Western Metropolitan Region Trung Luu MLC, Deputy Mayor Cr Diana Grima and Cr Peter Hemphill at the citizenship ceremonies held on 2 April 2023

Greater community voice and opportunities to participate in Council activities

Cr Briffa is supporting opportunities for the community to meet with Councillors and participate in Council. The community has been asked to review the A Fair Hobsons Bay for All policy as part of this commitment. Cr Briffa was also part of the Women in Hobsons Bay focus group, which brought together participants from the Multicultural Women's Leadership Program.



Figure 4: Cr Briffa with graduates from the Multicultural Women's Leadership Program

Cr Briffa continues to attend Saturday morning sessions at Hobsons Bay libraries to meet with members of the community to discuss any issues of concern. She also enjoyed attending a number of events and meeting with representatives from the Finnish community, Maltese Association of Hobsons Bay and the Australian Islamic Centre.



Figure 5: Students from St Mary's Primary School Williamstown met Cr Briffa as part of their visit to the Hobsons Bay Council Chamber

Strengthening the relationship between Council and the Victorian and Australian governments

Building stronger relationships with the Victorian and Australian governments assists Council's efforts to advocate for projects that will make a big difference to the community, whether for infrastructure, programs or services. Cr Briffa has met with local state and federal MPs and is encouraged by their advocacy for and interest in Hobsons Bay.

The Hobsons Bay Wetlands Centre, the Western Aquatic and Early Years Centre, youth mental health and improved public transport options have been among the major advocacy priorities discussed.

Cr Briffa was selected as one of thirteen mayors from across Victoria to be appointed to the 2023 Local Government Advisory panel. The panel changes annually and is set up to offer the Minister for Local government advice of legislative, regulatory, strategic and policy issues that affect councils across the state. This year's panel is expected to focus on governance and accountability.



Figure 6: Cr Briffa was appointed as a member of the Victorian Local Government Mayoral Advisory Panel



Figure 7: (Left to right) The Hon Melissa Horne MP, Mr Mathew Hilakari MP, Ms Sarah Connolly MP, Minister for Equality the Hon Harriet Shing MP and Cr Briffa



Figure 8: Cr Briffa and Councillors meeting with local MPs the Hon Melissa Horne, Ms Sarah Connolly and Mr Mat Hilakari at a Councillor Briefing Session to share ideas

Stronger connections and purposeful engagement with the business community, sister cities, members of parliament and neighbouring councils

Engaging with the local business community has been a priority for Cr Briffa. A business roundtable with manufacturing sector representatives provided the Mayor with insights into the unique challenges and opportunities faced by manufacturing businesses in Hobsons Bay. A program of business visits in June is currently being prepared under the Mayor's guidance.



Figure 9: Cr Briffa with Council's Chief Executive Officer, Aaron van Egmond, and representatives from the manufacturing sector in Hobsons Bay who attended the recent business roundtable



Figure 10: Cr Briffa with new member for the Western Metropolitan Region, David Ettershank MLC

In April 2023, Cr Briffa supported and travelled with the community delegation to Anjo to acknowledge the significant anniversary of the 35-year sister city relationship between the two cities. The short visit included the opportunity to meet and form relationships with the new Mayor of Anjo, Motohito Mitsuboshi, and senior staff, and to make local plans in support of the Anjo citizens' delegation, which will visit Hobsons Bay in October 2023. Cr Briffa also met with the Hobsons Bay students preparing for their upcoming exchange visit.



Figure 11: Cr Briffa with the new Mayor of Anjo, Motohito Mitsuboshi

Promoting awareness of First Nations people through Council's relationship with the Bunurong Land Council Aboriginal Corporation, the Yarrabah Aboriginal Shire Council friendship alliance and exploring support for the Aboriginal and Torres Strait Islander Voice to Parliament

Cr Briffa supports the Uluru Statement from the Heart and it is a priority of her mayoral term to raise community awareness and explore support for the First Nations Voice to Parliament. Cr Briffa has had informal discussions with local representatives of the Bunurong Land Council Aboriginal Corporation and is seeking further discussions with BLCAC and Council's sister city, the Yarrabah Aboriginal Shire Council, to understand their perspectives on the Voice to Parliament.

Cr Briffa raised awareness of the Voice in many of her speaking appointments, including at the launch of the community artwork exhibition Colours of the Rainbow at the Hobsons Bay Civic Centre and with Greater Western Water delegates at the Dear Agnes launch at Truganina Explosives Reserve.



Figure 12: (Left to right) Cr Briffa with Maree Lang (Managing Director Greater Western Water), Terry Atkinson and Shane Atkinson (Bunurong Land Council), Cr Briffa, Tania Blackwell (Coordinator Arts Culture and Heritage) and Dr Katie Lee (Deakin University)

Making Hobsons Bay a greener, more environmentally proactive and liveable city

It is important that the environment be protected to improve water and air quality, and that trees continue to be planted to reduce the impact of global warming.

Cr Briffa supports several programs and initiatives that are working to improve the quality of air in Hobsons Bay, be more environmentally friendly and sustainable, and make the city a greener and better place to live.

Plans are underway for a community forum on air quality to be led by Council and open to residents of Hobsons Bay, Maribyrnong and Brimbank. Participation will be sought from key responsible agencies and office bearers. forum will review progress against the priorities of the community-led Inner West Air Quality review, and identify priorities for action going forward.

Council is also playing a leading role in advocating for improved air quality in the west. In the first period of 2023, Council has successfully lobbied the Minister for Transport to permanently fund air quality monitoring stations along the West Gate Tunnel Project. Council has also secured a commitment from the Department of Energy, Environment and Climate Change to provide grant funding to local businesses for improvements that reduce air quality impacts.

Council's Virtual Power Network is expanding renewable capacity. Phase one of the ambitious rooftop solar rollout is complete with 2.2MW of solar panels installed and operating across Council's property portfolio. Phase two is in the planning and design stage.

Several programs are also helping to make Hobsons Bay a greener place to live, work and play. The Green Schools Program 2023 will supply 500 trees and 1,000 plants to nine local schools who will plant them during the winter planting season.

The Habitat Gardens program provides three informative workshops and free indigenous plants to residents for their gardens. So far, 4,600 indigenous plants have been given to residents at 28 events, and by the end of Cr Briffa's mayoral term it is expected that nearly 19,000 plants will have been given away, including from the Habitat Gardens program.



Figure 13: Cr Briffa with the Hon Melissa Horne MP and Cr Peter Hemphill at the opening of the Donald McLean Reserve playground in April 2023

8.2.2 Third Quarter Financial Report - Period Ended 31 March 2023

Directorate:	Corporate Services
Responsible Officer:	Chief Financial Officer
Reviewer:	Director Corporate Services
Attachments:	1. Financial Report - Period Ended 31 March 2023 [8.2.2.1 – 17 pages] 2. Capital Works Program 2022-23 [8.2.2.2 - 2 pages]

Purpose

To present Council with the financial results for the period ended 31 March 2023, and the revised 2022-23 annual forecast projections following completion of the March quarterly forecast review.

Motion

Moved Cr Peter Hemphill, seconded Cr Jonathon Marsden:

That Council:

- 1. Notes the financial report for the period ended 31 March 2023.**
- 2. Endorses the revised 2022-23 annual forecasts.**

Carried unanimously

Recommendation

That Council:

- 1. Notes the financial report for the period ended 31 March 2023.**
- 2. Endorses the revised 2022-23 annual forecasts.**

Summary

The quarterly financial report for the period ended 31 March 2023 (Attachment 1) and a detailed report on the Capital Works Program (Attachment 2) are attached.

The March forecast review has been conducted resulting in the operational budget surplus for 2022-23 of \$26.339 million decreasing to a forecast of \$25.323 million. The operational surplus does not include Council's significant investment in capital expenditure, forecast to be \$65.555 million in 2022-23.

When compared to budget, income is expected to increase by \$4.843 million and operational expenditure is expected to increase by \$5.859 million.

The forecast result of the Capital Works Program compared to budget is a balanced financial result after forecast adjustments and carryovers are considered.

Quarterly financial reporting provides accountability and transparency in relation to Council's operations and capital works. Council budgets are subject to internal scrutiny, driven by regular reports to the Executive Leadership Team and meetings with managers.

Background

When compared to previous financial plans, current and projected income funding streams such as user charges and statutory fees have been and continue to be impacted by the ongoing effects of the COVID-19 pandemic, and it is difficult to assess how long it will take for these income streams to recover. These assumptions affect the amount of funding expected to be available in future years of the Financial Plan to be used by Council to maintain critical community assets.

Council will continue to monitor the impact of the financial results in relation to Council's overall financial viability. The Financial Plan has been updated to reflect the 3.5 per cent rate cap for 2023-24 recently announced by the Victorian Government.

8.2.3 Third Quarter - Council Plan Initiatives Progress Report 2022-23

Directorate:	Corporate Services
Responsible Officer:	Manager Corporate Integrity and Legal Counsel
Reviewer:	Director Corporate Services
Attachments:	1. Q3 Progress Report - Council Plan Initiatives January-March 2023 [8.2.3.1 - 13 pages]

Purpose

To provide Council with a third quarter (1 January to 31 March 2023) update on the progress of the major initiatives that are included in the annual budget to support the achievement of the Council Plan 2021-25.

Motion

Moved Cr Matt Tyler, seconded Cr Jonathon Marsden:

That Council notes the progress made on the Council Plan 2021-25 major initiatives during the third quarter of 2022-23.

Carried unanimously

Recommendation

That Council notes the progress made on the Council Plan 2021-25 major initiatives during the third quarter of 2022-23.

Summary

Each financial year, Council's performance is measured against several indicators, including the progress of projects that have been listed as Council major initiatives in the budget. This progress report provides an update on how Council is progressing on the committed projects for the period from 1 January to 31 March 2023, the third quarter of the 2022-23 financial year.

Council nominated 21 major initiatives to support the delivery of Council Plan 2021-25 for the 2022-23 financial year. To date Council has completed three major initiatives and progressed the remaining 18 major initiatives to plan.

Background

The Council Plan is developed every four years in accordance with the requirements of the *Local Government Act 2020* (the Act). It guides the work of Council by setting objectives, strategies and priorities that are achieved through the delivery of Council services and major initiatives.

The Council Plan 2021-25 was adopted by Council on 12 October 2021. It consists of five strategic objectives supported by nine strategies and 59 priorities. Other major initiatives that support the delivery of the Council Plan objectives are identified in the annual budget process. The reporting of the major initiatives is a requirement under the Act. Council reports quarterly on the progress to major initiatives and projects to ensure they are on track throughout the financial year.

Discussion

In 2021-22 Council nominated 21 major initiatives to support the delivery of Council Plan 2021-25. Three major initiatives have been completed so far, namely the Hobsons 2.0 Risk Management Framework, Newport Gardens Early Years Centre and HD Graham Reserve Sport Facility Development.

The remaining 18 major initiatives (which have all commenced and are progressing to plan) are:

- Centres of Excellence Strategy 2022-27
- Customer Experience Transformation (CX 2.0)
- EDMS & Intranet Project
- implementation of Community Relationship Management (CRM) system including online payment processes
- Altona Meadows Library building renewal and energy efficiency upgrades
- Brooklyn Community Hall redevelopment
- Dennis Reserve master plan implementation
- HC Kim Reserve, Altona – new pavilion, female friendly change rooms and car park upgrades
- Open Space Enhancement and Access Package – Donald McLean Reserve
- WLJ Crofts Reserve Master Plan – pavilion, cricket practice nets and car park
- Bruce Comben Reserve – including the open space development of the southern area oval and Henry Drive car park
- Better Places Laverton 8: Places and Spaces – Road Reconstruction (On/Off-Road Rehabilitation) Program
- Better Places Laverton
- Better Places Spotswood and South Kingsville
- Hobsons Bay Affordable Housing Trust
- Large Scale Solar Program
- Tree Planting – Urban Forest Strategy (2020-23) Electronic Data Management System Project
- Hobsons Bay Wetlands Centre development

Apart from the major initiatives, Council undertakes a wide range of projects and activities to support achievement of the objectives of the Council Plan 2021-25.

8.3 Sustainable Communities

8.3.1 Draft Industrial Land Management Strategy and Industrial Design Guidelines

Directorate:	Sustainable Communities
Responsible Officer:	Manager Strategy, Economy and Sustainability
Reviewer:	Director Sustainable Communities
Attachments:	1. Draft Industrial Land Management Strategy 2023 [8.3.1.1 - 60 pages] 2. Draft Industrial Design Guidelines 2023 [8.3.1.2 - 51 pages]

Purpose

To place the Draft Industrial Land Management Strategy (ILMS) and Draft Industrial Design Guidelines (IDG) on public exhibition for a period of six weeks from 22 May to 2 July 2023.

Motion

Moved Cr Pamela Sutton-Legaud, seconded Cr Peter Hemphill:

That Council:

1. Places the Draft Industrial Land Management Strategy and Draft Industrial Design Guidelines on public exhibition for a period of six weeks from 22 May to 2 July 2023.
2. Receives a further report following the public exhibition period.

Carried unanimously

Recommendation

That Council:

1. Places the Draft Industrial Land Management Strategy and Draft Industrial Design Guidelines on public exhibition for a period of six weeks from 22 May to 2 July 2023.
2. Receives a further report following the public exhibition period.

Summary

Council's current ILMS, adopted in 2008, is due for review. A Draft ILMS (Attachment 1) has been prepared with a focus on the protection of industrial land in Hobsons Bay. In addition, a revised IDG (Attachment 2) has been prepared to support the objectives of the Draft ILMS. It is proposed that the Draft ILMS and Draft IDG be placed on public exhibition for a period of six weeks in May and June 2023. Feedback from this engagement will inform the final ILMS and IDG and a future planning scheme amendment.

Background

In 2021, Council undertook initial visioning work for key industrial precincts through the Reimagining our Industrial Areas (RIA) project. This was the first step in the review of Council's ILMS and its Economic Development Strategy 2015-2020. The output was a prospectus style document that identified Council's key objectives for the future of industrial land in Hobsons Bay and potential future industry sectors to attract, including new energy, recycling and repurposing (circular economy industries), advanced manufacturing and digital industries. The key objectives were to:

- increase local jobs and diversify Hobsons Bay's industry sectors
- become an environmental leader
- balance job growth with community impacts
- continue to be a major economic force in the Victorian economy

The RIA Statement of Opportunity (2021) was used to test Council's aspirations for the future of Hobsons Bay's industrial precincts with community, businesses and industry. Key engagement outcomes included:

- support for a proactive marketing approach, showing leadership in response to change
- acknowledgement that the project aligned with objectives of the Victorian Government and private landowners
- support for the key objectives and target industry sectors
- requests to:
 - provide more business support
 - consider and protect the natural environment
 - improve the look and feel of industrial areas
 - make changes to the planning framework

Feedback from the RIA engagement has been used to inform the Draft ILMS.

Discussion

The Draft ILMS is informed by the outcomes of the RIA project, recent economic and census data, and key stakeholder consultation. A Draft IDG has also been prepared to support the objectives of the Draft ILMS and to guide the design and built form of industrial precincts.

The new ILMS and IDG focus on protecting industrial land for employment and economic growth within six key industrial precincts:

- Altona Industrial Precinct
- Altona North Industrial Precinct
- Williamstown North Industrial Precinct
- Williamstown Maritime Industrial Precinct
- Spotswood Industrial Precinct
- Brooklyn Industrial Precinct

Objectives include increasing local jobs, attracting sustainable and green industries with minimal offsite impacts, balancing growth with impacts on community and ensuring that the industrial areas of Hobsons Bay remain attractive and competitive within the Victorian

economy. The Draft ILMS and Draft IDG aim to ensure the right industrial outcomes are delivered to the benefit of the Hobsons Bay community and the local economy.

A key objective of the Draft ILMS is to facilitate improved industrial precincts across Hobsons Bay. It continues to support the overarching aspiration for more jobs and renewal of industrial precincts in areas such as Spotswood. Although matters related to the new WorkSafe Victoria guidance for land use planning near Major Hazard Facilities (MHFs) are still being worked through, Council continues to advocate for the Victorian Government to introduce a Buffer Area Overlay (BAO) that can ensure a more transparent and balanced approach to land use planning around MHFs. Council also continues to progress the future land use vision of high amenity industrial precincts with increased local jobs and sustainable industries.

A six-week public consultation is proposed to seek feedback on the Draft ILMS and Draft IDG in May and June 2023, with a focus on the proposed land use framework and precinct directions. Consultation will include drop-in sessions open to the broader community and more in-depth discussions with key stakeholders including industrial landowners, businesses, state agencies and departments, emerging industries, industry bodies and networks, workers and developers.

Following the consultation period, the Draft ILMS and Draft IDG will be updated in response to feedback and brought back to Council for consideration and adoption. Once the strategy is adopted, a planning scheme amendment can be progressed to implement the ILMS and IDG into the Hobsons Bay Planning Scheme. The amendment process would involve further consultation with the community and key stakeholders on revised zones and overlays as well as changes to local planning policy.

8.3.2 Draft Gambling Harm Prevention Policy Statement 2023

Directorate:	Sustainable Communities
Responsible Officer:	Manager Strategy, Economy and Sustainability
Reviewer:	Director Sustainable Communities
Attachments:	1. Draft Gambling Harm Prevention Policy Statement May 2023 [8.3.2.1 - 39 pages]

Purpose

To provide an update on the Draft Gambling Harm Prevention Policy Statement (Draft Policy Statement) and seek approval to put the draft out for public consultation.

Motion

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

That Council:

- 1. Endorses the Draft Gambling Harm Prevention Policy Statement to be placed on public exhibition for four weeks from 12 May to 9 June 2023.**
- 2. Receives a further report following the public exhibition period.**

Carried unanimously

Recommendation

That Council:

- 1. Endorses the Draft Gambling Harm Prevention Policy Statement to be placed on public exhibition for four weeks from 12 May to 9 June 2023.**
- 2. Receives a further report following the public exhibition period.**

Summary

The Draft Policy Statement has been developed to guide Council's ongoing efforts to prevent harm from gambling in Hobsons Bay. It updates Council's Problem Gambling (Electronic Gaming Machines) Policy Statement 2015. The development of the Draft Policy Statement has been informed by academic research and preliminary engagement with community members and key stakeholders. It is underpinned by a public health approach which aims to address the "determinants of gambling harm" that shape individual behaviour, including a range of sociocultural, environmental, commercial and political factors. The Draft Policy Statement is built around six priority areas and series of proposed commitments.

Feedback will be sought on the Draft Policy Statement during a four-week period in May and June 2023. Opportunities to provide feedback will be promoted through Council's social media platforms and via direct communication with key stakeholders and previous

engagement participants. Additionally, a targeted survey will be issued to relevant community organisations (such as sporting clubs) to collect further data to assess the likely impact of proposed commitments. Following the period of public consultation, feedback will be reviewed, and an updated Policy Statement will be presented to Council for consideration for adoption.

Background

While gambling is a legal activity in Australia, it causes considerable harm in local communities. Research commissioned by the Victorian Responsible Gambling Foundation shows that harm from gambling occurs across multiple “domains”, and can affect financial security, relationships, physical and mental health and work and study performance.

Preventing harm from gambling is consistent with Council’s role to protect, improve and promote public health and wellbeing, as required under the *Public Health and Wellbeing Act 2008*.

In 2015, Council adopted the Problem Gambling (Electronic Gaming Machines) Policy Statement. It guides Council’s efforts to manage and minimise the negative impacts of Electronic Gaming Machine (EGM) gambling through a series of principles and commitments. These are focussed on various priority areas, including the number and location of EGMs, land use planning, advocacy, and the use of Council resources and facilities.

The Victorian and Australian governments set the key regulatory and legislative frameworks for gambling activity in Australia. The Victorian Government oversees the regulation of EGMs, including through regional caps, taxation, harm reduction measures, and community benefits systems. The Australian Government regulates online gambling and sets rules for gambling advertising on commercial radio and television. Local government also plays a role in preventing harm within local communities, particularly through advocacy and land use planning.

In Hobsons Bay, EGMs have contributed to gambling harm over many years. Since their introduction in 1992, more than \$1.2 billion has been lost in gaming venues in the municipality, with research indicating that more than 40 per cent of regular (monthly) EGM users experience some level of harm. More recently, online gambling has become a more prominent cause of harm, with state-wide losses reaching an estimated \$2.58 billion in 2021-22, an increase of 50 per cent since 2019-20. Local data is not available for online gambling, but it is likely that Hobsons Bay residents have experienced similar trends.

Research indicates that the following trends have continued or emerged since the current policy statement was adopted in 2015:

- **EGMs** – despite a series of harm prevention measures introduced by the Victorian Government, losses have remained constant for the past decade, with growth of 5.1 per cent in the current financial year in Hobsons Bay
- **Online gambling** – losses from online gambling have increased substantially over the past decade, particularly during the COVID-19 pandemic
- **Gambling advertising** – spending on advertising tripled in the past decade, with almost 1,000 advertisements broadcast each day on Victorian free-to-air television in 2021
- **Community sentiment** – there is growing concern over the impact of gambling in local communities, as indicated by broad support for bans on gambling advertisements and divestment of EGMs by several AFL football clubs

- **COVID-19** – while losses from online gambling increased during the pandemic, gaming venues closed due to health restrictions, resulting in estimated savings of \$45 million in Hobsons Bay
- **Understanding gambling harm** – a growing body of research indicates that harm from gambling extends beyond financial losses, with the burden of harm concentrated amongst low and moderate risk gamblers
- **Public health approach** – local governments are increasingly adopting a public health approach to preventing harm from gambling, which shifts the focus from individual “problem gamblers” to broader determinants of gambling harm

These research findings have been used to shape the scope and direction of the Draft Policy Statement, alongside a series of preliminary engagement activities.

Discussion

The Draft Policy Statement has been prepared to guide Council’s ongoing efforts to prevent harm from gambling in Hobsons Bay (see Attachment 1). It specifically aims to prevent harm from EGMs and online gambling within the scope of Council’s roles and responsibilities. The Draft Policy Statement identifies five key roles for Council:

- **Leadership and advocacy** – Council advocates to the Australian and Victorian governments for legislative and regulatory reform
- **Planning and regulation** – Council assesses planning permit applications and initiates planning scheme amendments with regard to EGMs
- **Providing resources and facilities** – Council provides resources and facilities that contribute to healthy communities and offer alternatives to gambling activities and venues
- **Research and data** – Council monitors data and supports local research to identify emerging trends and inform its decision-making and advocacy
- **Activities and promotion** – Council delivers activities that provide alternatives to gambling, and promotes Gamblers Help and other support services

The Draft Policy Statement is underpinned by a public health approach to addressing gambling harm. This approach has been used successfully to prevent harm from tobacco use and is being increasingly adopted by local governments around Victoria. It focuses on the prevention of gambling harm by addressing harmful products and environments, not just addressing the individual behaviours of people experiencing or at risk of gambling harm. In doing so, it seeks to address the “determinants of gambling harm” that shape individual behaviour, including a range of sociocultural, environmental, commercial and political factors.

The Draft Policy Statement is built around six priority areas that have been adapted and updated from the current Policy Statement:

1. Advocacy
2. Availability and accessibility of EGMs
3. Use of Council assets and facilities
4. Access to Council resources
5. Prevention and Support
6. Research and Awareness

Each priority area includes a series of commitments that provide further detail as to how Council will aim to prevent harm from gambling. All commitments respond to ongoing and emerging issues (such as online gambling) and are aligned to best practice research and evidence-based public health approaches to preventing gambling harm in local communities. Several commitments have been carried forward from the current policy statement, while others have been updated or added.

The key changes to the Draft Policy Statement include:

- **Title** – removes outdated language (“problem gambling”) and highlights the Draft Policy Statement’s aim of preventing harm from gambling
- **Scope** – expands the scope to include online gambling, while noting Council’s more limited role when compared to EGMs
- **Purpose** – highlights the aim of preventing harm (as opposed to “managing and minimising harm”), which is underpinned by a public health approach
- **Use of Council assets and facilities** – introduces a new proposed commitment to discourage advertising of gaming venues or gambling products on Council land
- **Access to Council resources** – introduces new proposed commitments to limit or prevent access to Council grants or funding for organisations that promote or derive income from gambling, for activities held in gaming venues, and for organisations or activities that receive sponsorship from gaming venues or online betting companies

The anticipated impacts of proposed policy commitments have been considered (with relevant implementation and mitigation measures identified) to present a measured and balanced approach. For example, exemptions are provided for Capital Works funding and for Anzac Day and Remembrance Day activities, alongside two-year transition periods to allow key stakeholders to adjust to new arrangements and for Council to provide information and support. Additionally, a targeted survey will be conducted as part of the period of public consultation to further assess potential impacts and consider additional or extended mitigation measures, as required.

Council will seek community and stakeholder feedback on the Draft Policy Statement through a four-week public consultation period in May and June 2023. Council will advise all key stakeholders of their opportunity to provide feedback, including sports clubs, community groups, gaming venues and all previous engagement participants. Information will be available via the Participate Hobsons Bay website and promotions will be undertaken via social media and other appropriate channels. Following the period of public consultation, an engagement summary will be prepared and the Policy Statement updated and presented to Council for consideration for adoption.

8.4 Infrastructure and City Services

8.4.1 Contract 2022.28A Dennis Reserve Pavilion

Directorate:	Infrastructure and City Services
Responsible Officer:	Manager Capital Works
Reviewer:	Director Infrastructure and City Services
Attachments:	1. Dennis Reserve - Tender Set Drawings [8.4.2.1 - 55 pages]

Cr Daria Kellander left the meeting at 9.15pm and was not present for the vote on Item 8.4.2.

Purpose

To award Contract 2022.28A for the Dennis Reserve Project: Stage 3 – New Facility.

Motion

Moved Cr Peter Hemphill, seconded Cr Jonathon Marsden:

That Council awards Contract 2022.28A for the Dennis Reserve Project: Stage 3 – New Facility to Simbuilt Pty Ltd at a fixed lump sum price of \$4,224,816 (four million, two hundred and twenty-four thousand, eight hundred and sixteen dollars) including GST.

Carried

Recommendation

That Council awards Contract 2022.28A for the Dennis Reserve Project: Stage 3 – New Facility to Simbuilt Pty Ltd at a fixed lump sum price of \$4,224,816 (four million, two hundred and twenty-four thousand, eight hundred and sixteen dollars) including GST.

Summary

Stage 3 of the Dennis Reserve Master Plan – the demolition of Williamstown Senior Citizen Community Hall and construction of a new multipurpose community facility at the reserve – is proposed to be undertaken utilising funds within Council's annual capital works budget.

Three submissions were received following an open tender process for the procurement of these works. Following the evaluation of the tenders, a report was presented to the Tender Board on 14 April 2023 that recommended awarding the contract to Simbuilt Pty Ltd for the construction of the new facility.

Background

Dennis Reserve is a popular park in central Williamstown. It is home to the Williamstown Central Tennis Club, Williamstown Bowling Club and Williamstown Senior Citizens Centre where a range of community groups participate in activities and events.

In March 2019, Council endorsed the Dennis Reserve Master Plan, which has guided improvement works on the reserve. Works were planned in three stages:

Stage 1: Demolish the ladies' bowling green and pavilion, the Williamstown Central Tennis Club pavilion and the two existing courts, and construct four new courts. These works were completed in March 2021.

Stage 2: Reconstruct the central east-west pathway connection, construct a new central open space area and update the southern playground, planting and other pathways throughout the reserve. These works were completed in July 2021.

Stage 3: Demolish the Williamstown Senior Citizens Centre and construct a new multipurpose community pavilion which will cater not only to existing user groups but also be a venue for community events. The facility will include multipurpose rooms, amenities, a kitchen and activity spaces.

The existing Williamstown Senior Citizens Centre located at Dennis Reserve has reached the end of its useful life. The design of a new facility has been completed following consultation with the existing user groups and community representatives, and tenders have been sought for the construction of a new facility.

Discussion

A public tender for Contract 2022.28A Dennis Reserve Project: Stage 3 – New Facility was formally advertised on eProcure on 6 January 2023, closing on 24 February 2023.

Three submissions were received by the tender deadline. The initial tender responses were reviewed by the tender evaluation panel and clarifications were issued to all three suppliers. Responses were received from two of the tenderers, who were subsequently invited to interview on 17 and 24 March 2023. The tenderers were then asked to submit final prices for evaluation and scoring by the tender evaluation panel.

Based on the evaluation process and reference checks, the Tender Evaluation Panel recommended Simbuilt Pty Ltd as the preferred tenderer, for providing the best value for money, experience in similar projects and ability to meet the timelines and quality outcomes specified in the contract.

9 Delegate Reports

Cr Daria Kellander returned to the meeting at 9.21pm.

Purpose

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

Motion

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

That Council receives and notes the recent Delegate Reports.

Carried unanimously

Motion

Moved Cr Matt Tyler, seconded Cr Diana Grima:

That Council extends the meeting by 30 minutes.

Carried unanimously

Recommendation

That Council receives and notes the recent Delegate Reports.

Metropolitan Transport Forum

Directorate: Infrastructure and City Services

Councillor Delegate: Cr Jonathan Marsden

Date of Meeting: 1 February 2023

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

Executive election

The executive of the MTF is elected each February. Cr Jonathan Marsden was elected as Chair, Cr Victor Franco (Boroondara City Council) as Deputy Chair, Ms Melissa Falkenberg (Wyndham City Council) as Secretary, and Mr Ross Evans (Monash Council) as Treasurer.

Presentation

Dr Luisiana Paganelli and Mr Nuno Pires presented on urban planning lessons from Lisbon and Curitiba. Mr Pires outlined Lisbon's goal to reduce transport emissions as part of a 20-year plan. Six years into the plan, Lisbon saw a 3 per cent reduction in private vehicle use. Dr Paganelli spoke about how transport-oriented design can transform a city, and can also expand with a city, as Curitiba grew from 300,000 people to over 2,000,000 over four decades. She described how Curitiba's plans were created in advance of the expansion of the city and provided the basis for implementation over many years.

Draft MTF Strategic Plan

Feedback on the draft MTF Strategic Plan was sought from MTF members, prior to the final version being prepared for adoption at the March meeting.

Council updates

Each month a select number of councils are invited to present to the forum.

Bhavin Mehta of Melton City Council outlined the continuing work on the Digital Transport Strategy and Active Transport Plan. The strategy aims to develop roads, public transport and active transport options for the City of Melton to reduce traffic congestion and high car dependence.

Damir Agic of Moonee Valley City Council described the wide range of transport projects currently underway in Moonee Valley, including advocacy on Airport Rail, electric vehicle charging stations, pop-up bike lanes and school travel behaviour.

RoadSafe Westgate Community Road Safety Council

Directorate: Infrastructure and City Services

Councillor Delegate: Cr Antoinette Briffa

Date of Meeting: 15 March 2023

RoadSafe Westgate update

RoadSafe Westgate provided updates on the Fit to Drive Foundation's 2022-23 workshops for Year 11 around schools. Additionally, updates were provided on the five-session program, Looking After Our Mates.

The mobile billboard program focused on reducing hoon behaviour around the Caroline Springs area over March 2023.

Social and print media updates were provided, with the messages in March supporting Victoria Police's Operation Arid, which targeted road safety over the Labour Day long period.

Council updates

Officers from Hobsons Bay City Council, 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.

Highlights included:

- expressions of interest being sought from all schools for the Road Safety Around Schools initiative, which is aligned with the Open Streets Program
- installation of Local Area Traffic Management devices
- Road Safety Grant applications seeking funding for community education programs
- an analytical study conducted to measure the success of speed changes throughout the Wattle Avenue precinct in Wyndham.

Police updates

A police representative provided statistical data for offences that occurred during the Labour Day long weekend under Operation Arid.

LeadWest Joint Delegated Committee

Directorate: Office of the Chief Executive

Councillor Delegate: Cr Matt Tyler

Date of Meeting: 29 March 2023

The March meeting of the LeadWest Joint Delegated Committee was hosted by Brimbank City Council online via Teams. The following items were discussed.

Inaugural West MP's Meet and Greet event

An update was provided on the planning for the inaugural West MP's Meet and Greet event. The event will be held on 21 June 2023 at Parliament House.

LeadWest advocacy update

An update on all advocacy activities over the past 12 months was provided to the committee including meetings with MPs regarding advocacy priorities such as regional mental health services, the Hobsons Bay Wetlands Centre and active and public transport.

LeadWest governance model

An update was provided on LeadWest's governance model moving forward. LeadWest has appointed a new Executive Officer.

10 Notices of Motion

No notices of motion were received.

11 Supplementary Public Question Time

Christos Apostolakis

Q What is Council's proposed strategy for future larger co-mingling toilets and what is Council's position on concerns females may have? Can Council guarantee there will be no gender comingling facilities?

A As mentioned numerous times tonight, there are no plans for comingling toilets. Council does not have comingling toilets now, nor does it have any plans to introduce them.

Jonathan Pace

Q Is Council planning to have any toilet signage other than male, female and unisex?

A Council will review the signage as per its Public Toilet Strategy.

Q What is a woman?

A It is not Council's role to tell anyone what a woman is.

12 Urgent Business

Nil

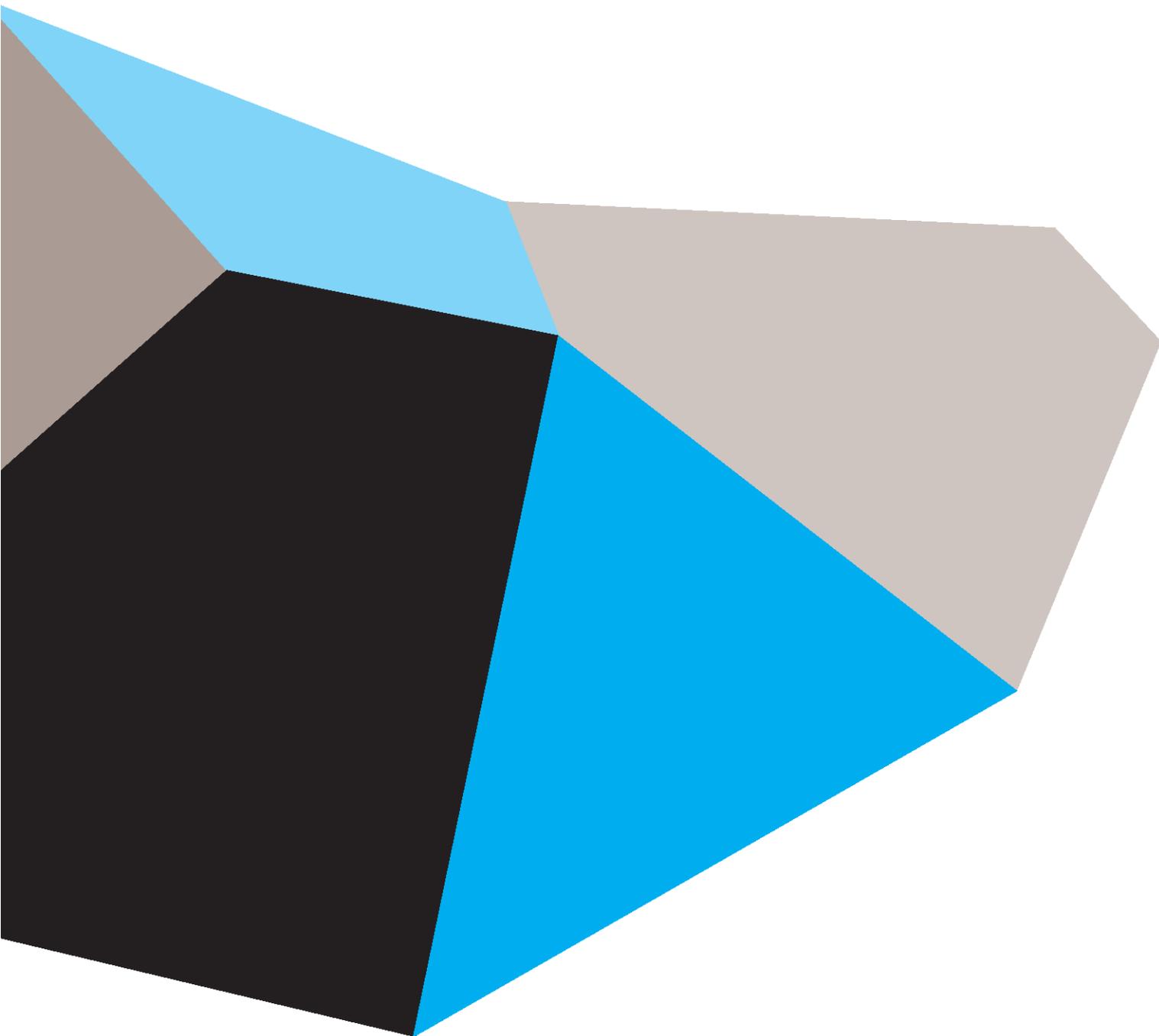
13 Close of Meeting

There being no further business, the Chairperson declared the meeting closed at 9.26pm.

Chairperson – Cr Antoinette Briffa

Signed and certified as having been confirmed.

20 June 2023



HOBSONS BAY CITY COUNCIL

115 Civic Parade, Altona

PO Box 21, Altona 3018

Phone 1300 179 944

Fax (03) 9932 1039

NRS phone 133 677 and quote 1300 179 944

Email customerservice@hobsonsabay.vic.gov.au



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