



Council Meeting Agenda

Tuesday 9 February 2021
Commencing at 7.00 PM

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

Chairperson:

Cr Jonathon Marsden (Mayor)

Strand Ward

Councillors:

Cr Daria Kellander (Deputy Mayor)

Cherry Lake Ward

Cr Tony Briffa JP

Cherry Lake Ward

Cr Peter Hemphill

Strand Ward

Cr Pamela Sutton-Legaud

Strand Ward

Cr Diana Grima

Wetlands 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 will welcome members of the gallery and acknowledge that Council is gathered on the traditional land of the Kulin nation and offers its respect to elders past and present.

2 Apologies

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

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.

4 Confirmation of Minutes

4.1 Confirmation of Minutes

Confirmation of the minutes of the Council Meeting of Hobsons Bay City Council held on 8 December 2020 (copy previously circulated).

5 Councillor Questions

6 Public Question Time

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

7 Petitions and Joint Letters

7.1 Petitions and Joint Letters Received

7.1.1 Petition - Save Laverton Swim and Fitness Centre

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

Purpose

To receive a petition containing 1123 signatories, of which 116 were identified as Hobsons Bay residents, requesting that Council reconsider its 2019 decision to endorse the closing down of the Laverton Swim and Fitness Centre.

Recommendation

That Council:

- 1. Receives and notes the petition in relation to saving the Laverton Swim and Fitness Centre.**
- 2. Receives a further report on this matter at a future Council Meeting.**

Summary

The petition was received on 28 January 2021.

The petition reads as follows:

“In 2019 the Hobsons Bay Council endorsed the closing down of the Laverton Swim and Fitness Centre. The decision to close the pool was made without proper consultation with the residents of Laverton. This petition is in response to the voice of our community and what this pool means to the people of Laverton.

What is so special about this pool? The funds that were required to build this centre were raised by our parents and our grandparents who lived in Laverton in the 1960s and 1970s. The money was raised through the dedication of the families in Laverton collecting money from everyone in their streets for years. This is why the residents of Laverton feel so strongly about our Family Pool, it was never the councils to get rid of in the first place and should only be improved and grown in line with the town it lives in.

There have been a lot of changes in Laverton over the years which comes with progress our community is getting bigger and bigger however the facilities have not grown in our town.

For many families, our pool has been where our children have learnt water safety and have become confident swimmers. For the parents of these children it was a social gathering and

a place to connect. If the plans for McCormick Park proceed there will not place for people to swim, to exercise or to attend the numerous classes that the centre provides.

What we wish to achieve with this petition at the very least is for our Pool to remain in Laverton for the service of our community. What we hope is for the Pool to be redeveloped in line with the growing community of Laverton for our health and wellbeing for many years to come.”

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. Chief Executive Officer's Report on Operations [8.1.1.1 - 35 pages]

Purpose

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

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.

Following the revocation of section 80A of the *Local Government Act* 1989 on 24 October 2020, there is no longer a statutory requirement that Council keep a written Record of Assembly of Councillors. However, in accordance with rule 10.7.1 of the Hobsons Bay Governance Rules, Council is continuing to maintain records of meetings attended by Councillors. To ensure transparency and equity of information, a summary of meetings for the period between 1 December 2020 and 31 January 2021 is provided in the CEO's Report on Operations.

Strategic Alignment

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

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 2: Community wellbeing and inter-connection.

Council Plan 2017-21

Goal 4: A Council of excellence

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

Declaration of Conflict of Interest

Section 130 of the *Local Government Act 2020* requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council meeting.

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

8.1.2 Adoption of the Hobsons Bay Community Engagement Policy 2021

Directorate:	Office of the Chief Executive
Responsible Officer:	Manager Communications, Community Engagement and Advocacy
Reviewer:	Chief Executive Officer
Attachments:	1. Hobsons Bay Community Engagement Policy 2021 [8.1.2.1 - 29 pages]

Purpose

To adopt the Hobsons Bay Community Engagement Policy 2021.

Recommendation

That Council:

1. **Adopts the Hobsons Bay Community Engagement Policy 2021.**
2. **Receives a further report at a future Council Meeting to review the Hobsons Bay Community Engagement Policy 2021 six months after its adoption.**

Summary

The Hobsons Bay Community Engagement Policy 2021 articulates the principles, commitments and various levels of engagement that Council is committed to delivering to ensure a clear process for community engagement in Council's decision-making processes.

Victorian Government legislation sees community engagement as essential for the delivery of good services and projects in the local government realm. This is reflected by the *Local Government Act 2020* (the LG Act) requirement that all councils deliver and maintain a community engagement policy by 1 March 2021.

This policy recognises this need and is an extension of the work Council has been doing in community engagement, as directed by the Hobsons Bay Community Engagement Policy Framework 2015.

Background

Community consultation process

At the Council Meeting held on Tuesday 8 December 2020, Council resolved to place the Draft Hobsons Bay Community Engagement Policy on public exhibition to gather community feedback. The Hobsons Bay Community Engagement Policy 2021 reflects this feedback.

The draft policy was publicly exhibited for five weeks from Friday 11 December 2020 to Sunday 17 January 2021 with a mix of digital and face-to-face engagement.

The digital engagement was hosted on Participate Hobsons Bay, which included an online survey. The survey took the "LOVE, CHANGE, IDEA" approach and asked the community

what they love and what they would change about the policy, as well as asking them to provide ideas and comments.

Three hundred and five people visited Participate Hobsons Bay and six residents made 11 separate contributions – two “loved” the policy and three gave “ideas for change”. Seventy-five per cent of visitors were new to the site. Forty-four per cent of visitors came directly to the site, 42 per cent came via social media, 9 per cent via search engine and 5 per cent via other websites.

Council hosted six face-to-face drop-in sessions (a composite total of about 17 hours) across the city and about 65 people conversed with Council staff at the sessions.

- Wednesday 16 December, 4-6pm, Newport Community Hub
- Wednesday 6 January, 4-6pm, Laverton Community Hub
- Sunday 10 January, 9am-12.30pm, Williamstown Farmers Market
- Tuesday 12 January, 9am-2pm Altona Beach Market
- Thursday 14 January, 4-6pm, Newport Community Hub
- Friday 15 January, 3-5pm, Altona Meadows Library

Local Government Act 2020 requirements

Section 56 of the LG Act lists the following community engagement principles that councils are required to adhere to in their community engagement policy:

- a community engagement process must have a clearly defined objective and scope
- participants in community engagement must have access to objective, relevant and timely information to inform their participation
- participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement
- participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement
- participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making

The Hobsons Bay Community Engagement Policy 2021 supports these principles and includes further additional principles that are responsive to the needs and wants of the Hobsons Bay community.

Section 55(2)(g) of the LG Act refers to “deliberative engagement practices”. While the Act does not prescribe and define specific community engagement actions to be carried out as part of deliberative engagement, advisory information provided by Local Government Victoria defines the key characteristics of deliberative engagement as:

- authentic engagement with the community
- good representation of the community in engagement activities
- clear demonstration of how all views have been considered
- accessible and relevant information available to the community to ensure the decision-making process and the community’s level of influence is clear in each instance and that participants are fully informed

The LG Act requires councils to apply their community engagement policy and to undertake deliberative engagement practices in the development of the Community Vision, Council Plan, Financial Plan and Asset Plan.

Discussion

Council is committed to sound community engagement processes that generate authentic input from the people of Hobsons Bay to help shape Council's decisions and projects. Good community engagement results in stronger democratic processes, decisions and services that better meet the needs of the community.

In the context of the Hobsons Bay Community Engagement Policy 2021, "community" includes all those who live, work, play and visit Hobsons Bay in any way, and/or those who may be impacted by a Council decision.

Council will engage when there is an opportunity or requirement for community and stakeholder input during the planning stages of decisions or deliverables of Council. In other words, Council will engage when:

- there is a legislative requirement to consult
- Council is in the planning and development stages for local laws, the Council Plan, the Annual Budget (including the Financial Plan and Asset Plan), the Community Vision, or high-level policies
- a key decision of Council will impact the community to a significant extent

Community engagement processes will be guided by the LG Act's principles, Council's community engagement principles and commitments, and the IAP2 Public Participation Spectrum.

Community feedback on the policy

Feedback from the community included 89 separate contributions ("contributions" refers to separate points of feedback, sometimes within the same submission or from the same person) in total.

There were some common themes of the feedback as per below. Also included are some feedback examples in each theme.

Positive with some areas to focus on moving forward:

- hard to fault, congratulations to the Council on the thorough work done
- addressed very well engagement between Council and the community
- a suitable and acceptable consultation process, a good start
- it will be good to see this translate into a concrete action plan

Needs some additional content:

- a summary of the policy outlined at the start
- provide several examples about the importance of community engagement and other factors
- include "legitimacy" as an additional principle
- include more about the important role Council should play in understanding underlying needs
- wanted more innovation – should be a clear commitment to new and emerging technologies, new formats, new locations etc.

- process for planning and services needs to be more explicit.
- explain the data and how the decisions are weighed up

Increased transparency and accountability:

- stakeholders should be made transparent to the community
- engagement plan needs to be defined and released to the public for transparency
- engagement options need to be specific to the needs of each stakeholder group, and be measurable against a target
- decision making criteria to be reported publicly
- evaluation to be reported publicly
- Community Engagement Staff Guidelines and Toolkit should be included
- current policy favours an information/response process only
- engagement in Council rarely moves beyond the inform and respond levels and there is more room for involve, collaborate and empower
- many projects could use a Community Advisory Committee model
- Workshops need to be a 2-way conversation to facilitate input and capture the data in a structured way.

Localised and home-based preference for communications and engagement tools:

- drawing on community groups (by geography, cohort and policy area) and well-connected individuals to “plug” our consultations and Council to meet with them
- engagement activities to be located where the people naturally go, instead of attending Council-run sessions
- engagement opportunities and information to be tailored to suburb level
- digital community noticeboards that are location based
- post cards or notifications via mail
- SMS messaging

Consultation methodology had gaps due to timing (summer holidays):

- liked the face-to-face consultation sessions onsite
- really like the “post your comment” section on Participate, where you can see others’ comments
- consultation wasn’t sufficient – short and inappropriate timelines; sessions didn’t reach the whole community during peak holiday period; and there were no sessions at South Kingsville Community Centre, Brooklyn Community Centre or Spotswood Community Centre
- wanted an online session

The Hobsons Bay Community Engagement Policy 2021 presented for adoption reflects community feedback and has been updated where possible.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 2: Community wellbeing and inter-connection

Council Plan 2017-21

Goal 4: A Council of excellence

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

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

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

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

Policies and Related Council Documents

This policy is an extension of the work Council has been doing in community engagement and builds upon the Hobsons Bay Community Engagement Policy Framework 2015.

At the Council Meeting held on Tuesday 8 December 2020, Council resolved to place the Draft Hobsons Bay Community Engagement Policy on public exhibition to gather community feedback.

By outlining the community engagement principles that drive Council's engagement practices, the Hobsons Bay Community Engagement Policy 2021 accords with the objective of the Hobsons Bay Public Transparency Policy 2021 to provide greater clarity in Council's decision-making processes.

Legal/Statutory Obligations and Risk

The LG Act requires that all councils deliver and maintain a community engagement policy by 1 March 2021.

Financial and Resource Implications

Resources required to implement the Hobsons Bay Community Engagement Policy 2021 can be accommodated within Council's operational budget.

Environmental, Social and Economic Impacts

There are positive social impacts arising from the community engagement policy such as enhanced community connection, engagement and participation in Council's decision-making process.

Consultation and Communication

The Hobsons Bay Community Engagement Policy 2021 has been developed in accordance with the requirements of the LG Act and in consultation with the Executive Leadership Team, Senior Leadership Team and other relevant Council officers.

The draft policy was exhibited for community consultation with a mix of digital and face-to-face-- engagement for five weeks from Friday 11 December 2020 to Sunday 17 January 2021. The digital engagement was hosted on Participate Hobsons Bay, which included an online survey. Council also hosted six face-to-face drop-in sessions.

The consultation was promoted on Council's communication channels including Facebook, LinkedIn and Twitter. Thirty separate posts went live across all platforms with a total reach of approximately 23,000 people. It was also promoted in a media release, *Star Weekly* advertising, email signature banner, Council e-newsletters and information at Council facilities.

Declaration of Conflict of Interest

Section 130 of the *Local Government Act 2020* requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council meeting.

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

8.2 Corporate Services

8.2.1 Mayoral Focus 2020-21

Directorate:	Corporate Services
Responsible Officer:	Coordinator Governance and Information Management
Reviewer:	Director Corporate Services
Attachments:	Nil

Purpose

To update Councillors and the community on the areas of focus for the 2020-21 mayoral term of Cr Jonathon Marsden.

Recommendation

That Council notes the proposed 2020-21 mayoral focus areas of the Mayor, Cr Jonathon Marsden.

Summary

In November 2020, Council elected Cr Jonathon Marsden to lead Council as Mayor for the 2020-21 mayoral term.

Cr Marsden has identified that during his term mayoral activities will focus on the establishment of the Virtual Power Plant (VPP), working towards reconciliation with our First Nations people, continuing to support the business community as it recovers from COVID-19, sustainability, the coastline, the coastline, active transport and cycling and placemaking.

This report outlines the areas of particular interest and provides details of the initiatives and activities that Cr Marsden intends to support over the course of his 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 2017-21.

Discussion

Virtual Power Plant and climate change

Council is committed to pursuing innovative ways to lower energy costs and carbon emissions. This Local Government first aims to develop a large-scale solar program which will deliver Council approximately 4MW of solar energy through the creation of a VPP network. The VPP network will support Council's goal of carbon neutrality by 2030 and will eventually provide the opportunity for Council to become an energy retailer offering low-cost

clean electricity to the community of Hobsons Bay, with all profits invested back into the City of Hobsons Bay.

The project will virtually connect solar panels across Council buildings, enabling energy to be used where it is needed most. A community solar program will also be developed, enabling the community to access low-cost, locally produced renewable power, buying power directly from Council. This is an important element in the Hobsons Bay community's COVID-19 economic recovery plans, and is intended to assist in lowering costs for the city.

Towards reconciliation

Cr Marsden looks forward to continued opportunities as a result of the implementation of Council's Innovate Reconciliation Action Plan 2019-21, including supporting pathways and respectful engagement and the Hobsons Bay Creative City Plan 2018-22 through its focus on First Australian history and truth-telling, locating stories in built, natural and online spaces.

COVID-19 recovery and Hobsons Bay has Heart

Another priority initiative is the continuation of the revitalisation of Hobsons Bay's business precincts. Council launched the Hobsons Bay Business has Heart program in October last year. The program supports our local businesses to survive, recover and thrive with business grants, precinct promotion free marketing, communications, graphic design and web design services and the installation of infrastructure to allow safe outside trading.

With a focus on supporting tourism, retail and trade within the municipality this priority aims to further economic activity within the municipality through enhancing the desirability of our trade and tourist precincts and creating a community "sense of place" that encourages people to shop, stay, play and enjoy the beautiful built and natural environments that the City of Hobsons Bay has in abundance.

Coastal and Marine Management Plan

The Coastal and Marine Management Plan will be finalised early in 2021, and a key focus will be working towards its effective implementation. With the *Marine and Coastal Act 2018*, Council is at the point of designing the infrastructure that it wishes to keep, preserve, maintain and renovate, such as the jetties in the Williamstown maritime precinct and along the Williamstown foreshore including path and seawall works at Gloucester Reserve and along Hatt Reserve and Cyril Curtain Reserve.

Key will be the establishment of a masterplan, in strong consultation with the community, for the Williamstown beach precinct, incorporating consideration of natural flora, approaches to shade management and community facilities within the precinct. It is intended that this initiative will complement the already spectacular beach precinct established in Altona.

This priority will also take on a focus of the maintenance of the Hobsons Bay's wetlands, not only as beautiful places for the community to swim, walk and run in, but also as significant ecosystems for sequestering atmospheric carbon and contributing to meet Council's goals for zero emissions by 2030. There are several wetlands projects and activities that will commence during Cr Marsden's mayoral term including the Rifle Range wetlands restoration project which aims to improve water levels, manage vegetation and reduce silt to ensure the continued functionality of the wetland system. The Mangrove Project involves saltmarsh planting and will be carried out in collaboration with Melbourne University.

Another exciting project supporting this priority that brings together the community, Council, Deakin University, Ecolinc, Melbourne Water, City West Water, Cirqit Health and Birdlife Australia in the signing of the Memorandum of Understanding with the Hobsons Bay Wetlands Centre Inc and the development of the Wetlands Centre. Council is managing the procurement process with a project working group comprising Council, Hobsons Bay Wetlands Centre and Deakin University. The design development of the Wetlands Centre will commence with the appointment of the design team which is scheduled for March 2021.

Urban Forest Strategy

The implementation of the Urban Forest Strategy is included as a focus item, with some 9,000 trees to be planted per year over the next four to five years. Increased tree canopy cover will cool the city and contribute to improving community health and wellbeing as well as many environmental benefits.

The Cool Streets tree program will be rolled out in three streets over the planting season. The program includes extensive community education on the importance and value of street trees followed by planting up the street with semi-advanced trees.

Stage 1 of the Urban Canopy Delivery Plan will be completed which will focus on directing streetscape and park planting projects in high priority planting including main roads, gateways and pathways in high heat vulnerability locations.

Active transport and cycling

A focus in promoting active transport within the community, which has boomed during the COVID-19 lockdown as people rediscovered the beauty of Hobsons Bay by walking, cycling and riding in their wheelchairs and scooters, is an important priority for the 20/21 Mayoral term.

Council is exploring infrastructure treatments to separate shared paths from roads and reducing local road speed limits to 40km/h, making roads safer for pedestrians and cyclists.

This will encourage more people to use sustainable methods of transport, provide better transport options to visit local shops and promote a healthy lifestyle, resulting in a more prosperous city with community wellbeing at its heart.

A key part of getting more people riding more often is closing network gaps and linking green spaces with safe bike routes, where parents will allow children to ride unsupervised.

Cycling is the most popular outdoor recreation in Hobsons Bay (after walking) and in addition to building and maintaining a safe cycling network, there is scope for developing pump tracks, informal BMX tracks and gravel circuits in suitable locations to cater for children and young people in order to meet community demand for safe off-road riding. Cr Marsden will lead engagement with the community in measuring that demand.

Placemaking

Cr Marsden will champion the principles of the Better Places program during its implementation in South Kingsville and Spotswood. This visioning process and infrastructure delivery program was rolled out in Laverton in 2020 and serves as a template for holistic renewal of neighbourhoods and activity centres with intensive and ongoing community engagement. Cr Marsden will lead the development of a future program and engage with the

municipal community on its development of the Council Plan, in accordance with his role as mayor as defined in §18(c) of the *Local Government Act 2020* (the LG Act).

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 1: Visionary, vibrant, accountable urban planning

Priority 2: Community wellbeing and inter-connection

Priority 3: Growth through innovation, access to local jobs, technology and education

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

Priority 5: Activate sustainable practices

Priority 6: An accessible and connected community

Council Plan 2017-21

Goal 1: An inclusive and healthy community

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

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

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

Objective 1.4: Work in partnership with stakeholders to advocate to all levels of government for quality education, training and lifelong learning opportunities for all community members.

Objective 1.5: Understand the current and future needs of our community, and work to ensure those most vulnerable in our community are safe and have equitable and timely access to the support they need.

Goal 2: A great place

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

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

Objective 2.3: Support the growth of our local economy, and encourage business investment that creates and maintains local jobs.

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

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

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

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

Objective 3.3: Protect and enhance our coastal environment, biodiversity and natural areas in partnership with major stakeholders and the community.

Objective 3.5: Work with the community, businesses and all levels of government to actively and innovatively address climate change and promote sustainable living.

Goal 4: A Council of excellence

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

Policies and Related Council Documents

All relevant Council policies have been taken into account in preparing the current initiatives outlined within this Mayoral Report. There are no previous Council reports on the 2020-21 Mayoral Program.

Legal/Statutory Obligations and Risk

The Mayoral Program is an important activity: as the leader of Council the Mayor has a number of roles which are both legislative and functional. The legislative requirements are outlined in sections 18 and 19 of the LG Act 2020. The Mayor not only takes precedence at all municipal proceedings within the municipality but must also take the chair at all meetings of Council at which they are present.

As reflected in the Mayoral Program, the Mayor's role extends well beyond officiating at Council meetings or other municipal proceedings. It includes providing leadership, promoting positive relationships, and modelling good governance.

The requirements of the *Charter of Human Rights and Responsibilities Act 2006* have been considered when writing this report.

Financial and Resource Implications

The initiatives in the Mayoral Program can be supported through the existing budget.

Environmental, Social and Economic Impacts

The Mayoral Program has a strong focus on environmental sustainability and a community focus on access and social inclusion.

Consultation and Communication

Relevant Council departments have been consulted about potential projects to assist the Mayor in achieving the aims of his Mayoral Program. If community consultation is required for any part of the program it will be carried out appropriately.

Declaration of Conflict of Interest

Section 130 of the *Local Government Act 2020* requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council meeting.

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

8.2.2 Adoption of the Hobsons Bay Councillor Code of Conduct

Directorate:	Corporate Services
Responsible Officer:	Governance Officer
Reviewer:	Director Corporate Services
Attachments:	1. Hobsons Bay Councillor Code of Conduct 2021 [8.2.2.1 - 37 pages]

Purpose

To adopt the Hobsons Bay Councillor Code of Conduct 2021.

Recommendation

That Council:

- 1. Adopts the Hobsons Bay Councillor Code of Conduct 2021.**
- 2. Receives a further report at a future Council Meeting to review the Hobsons Bay Councillor Code of Conduct 2021 six months after its adoption.**

Summary

Section 139 of the *Local Government Act 2020* (the LG Act) requires Council to develop and adopt a Councillor Code of Conduct. The Hobsons Bay Councillor Code of Conduct has been developed to comply with the requirements of the LG Act.

Background

The current Councillor Code of Conduct 2016 was adopted at the Council Meeting held on 7 June 2016 and reviewed by Council on 14 February 2017 in accordance with the *Local Government Act 1989*. The Hobsons Bay Councillor Code of Conduct 2021 is revised and updated to meet the requirements of the LG Act 2020.

Section 139(4) of the LG Act requires that Council must review and adopt its Code of Conduct by a formal resolution of Council within four months after a general election. The Code of Conduct includes the standards of conduct to be observed by Councillors when performing their duties and functions as Councillors and must be adopted by a formal resolution of Council.

Discussion

The purpose of local government is to provide a system under which councils perform the functions and exercise the powers conferred by or under the LG Act and any other Act for the peace, order and good government of their municipal districts. Good governance is fundamental to a council being able to perform its purpose and relies on agreed protocols and respectful good working relations between Councillors.

Local Government Victoria has provided a best practice framework for Codes of Conduct. The proposed Councillor Code of Conduct meets the requirements of this framework.

The Code of Conduct sets out:

- the Council Charter, which identifies the roles and responsibilities of Councillors, the relationship between Councillors and Council as an organisation, and the values and behaviours expected to be observed by Councillors
- the Standards of Conduct, including the Standards of Conduct prescribed by the Local Government (Governance and Integrity) Regulations 2020, specific Councillor obligations, and improper conduct as defined within the LG Act
- dispute resolution processes
- internal arbitration processes to address breaches of the Standards of Conduct

In order to comply with the LG Act, Council must adopt its Code of Conduct by 24 February 2021. The Code of Conduct must be passed by at least two-thirds of the total number of Councillors elected to Council, equating to five out of seven Councillors for Hobsons Bay City Council.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

This report does not relate to a specific priority of the Hobsons Bay 2030 Community Vision.

Council Plan 2017-21

Goal 4: A Council of excellence

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

Policies and Related Council Documents

The Hobsons Bay Councillor Code of Conduct 2021 replaces the previous Councillor Code of Conduct 2016, adopted at the Council Meeting held on 7 June 2016 and reviewed by Council on 14 February 2017.

Legal/Statutory Obligations and Risk

The proposed Code of Conduct has been developed in accordance with the requirements of the LG Act 2020.

The LG Act requires Council to adopt a Code of Conduct within four months of a general council election; that is, by 24 February 2021 following the general council election held on 24 October 2020. The Code of Conduct must be passed by at least two thirds of the total number of elected Councillors, or at least five out of Hobsons Bay's seven Councillors.

Financial and Resource Implications

There are no financial resource implications associated with the Councillor Code of Conduct.

Environmental, Social and Economic Impacts

The Code is an important element of Council's commitment to provide good governance in the best interests of the community.

Consultation and Communication

The Code has been reviewed in consultation with Councillors and with reference to best practice models from other councils and Local Government Victoria.

Declaration of Conflict of Interest

Section 130 of the *Local Government Act 2020* requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council meeting.

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

8.2.3 Mid-Year Budget Review 2020-21

Directorate:	Corporate Services
Responsible Officer:	Chief Financial Officer
Reviewer:	Director Corporate Services
Attachments:	1. Financial Report - December 2020 [8.2.3.1 - 13 pages] 2. Capital Works Program 2020-21 [8.2.3.2 - 3 pages]

Purpose

To present Council with the financial results for the period ended 31 December 2020, and the revised 2020-21 annual forecast projections following completion of the mid-year budget review.

Recommendation

That Council:

1. **Notes the financial report for the period ended 31 December 2020.**
2. **Endorses the revised 2020-21 annual forecasts.**

Summary

The quarterly financial report for the period ended 31 December 2020 and a detailed report on the Capital Works Program are attached.

An extensive financial mid-year budget review has been conducted resulting in the operational budget surplus for 2020-21 of \$23.762 million being decreased to a forecast of \$19.773 million. The operational surplus does not include Council's significant investment in capital expenditure, forecast to be \$73.974 million in 2020-21.

When compared to budget, income is expected to decrease by \$1.299 million and operational expenditure is expected to increase by \$2.69 million, largely due to the continuing impacts of COVID-19.

The forecast result of the Capital Works Program compared to budget is a deficit of \$2.135 million after forecast adjustments and carryovers are considered.

A \$4 million forecast deficit has been calculated as the Available Funding Result, consistent with the original budget. It is not usual practice to calculate an available funding deficit, but the decision considers the financial impacts of COVID-19 and ongoing financial sustainability of Council within the Long Term Financial Plan (LTFP).

The Chief Executive Officer, as required under Section 97(3) of the *Local Government Act* 2020 is of the opinion a revised budget is not required.

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

The forecast results are inferior when compared to budget as COVID-19 has had a greater impact than originally anticipated. While a strong operational surplus is still forecast, it should be noted that surpluses are required to fund Council's significant investment in capital expenditure and are expected to decline in future years of Council's LTFP. The LTFP has been updated and indicates that Council can remain in a reasonable financial position and continue to be financially sustainable.

When compared to previous financial plans, current and projected income has been dramatically reduced as a result of rate capping. Income funding streams such as user charges and statutory fees have also been significantly impacted by COVID-19. It is difficult to assess how long it will take for these income streams to recover from the ongoing impact of COVID-19. These assumptions will have an impact on the amount of funding expected to be available in future years of the LTFP 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 LTFP has been updated to reflect the 1.5 per cent rate cap for 2021-22 which was recently announced by the Victorian Government.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

This report does not relate to a specific priority of the Hobsons Bay 2030 Community Vision.

Council Plan 2017-21

Goal 4: A Council of excellence

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

Other Council strategies

The mid-year budget review is also directly aligned to Council's Annual Budget, LTFP, Strategic Resource Plan and Capital Works Program

Policies and Related Council Documents

Council considers financial reports at the end of the September, December (Mid-Year Budget Review), March and June (year-end) financial periods. The Mid-Year Budget Review is the second report considered as part of the 2020-21 financial year.

Legal/Statutory Obligations and Risk

It is a requirement of section 97 of the *Local Government Act 2020* for the Chief Executive Officer to ensure that a quarterly budget report is presented to Council at a Council meeting which is open to the public as soon as practicable after the end of each quarter of the financial year.

Financial and Resource Implications

The operational budget surplus for 2020-21 of \$23.762 million has decreased to a forecast of \$19.773 million. The operational surplus does not include Council's significant investment in capital expenditure, forecast to be \$73.974 million in 2020-21.

Income is expected to decrease by \$1.299 million when compared to budget.

Statutory fees and fines (\$697,000) and user fees (\$342,000) forecasts have been reduced when compared to budget mainly due the impacts of COVID-19 being greater than anticipated. Other income (\$693,000) forecasts have been adjusted to reflect reduced Council-owned building rental and hire income as a result of ongoing COVID-19 restrictions and an extension of the *COVID-19 Omnibus (Emergency Measures) Act 2020* for rental relief to 26 April 2021.

Monetary contributions are forecast to reduce by \$373,000, reflecting expected delays in receiving developer contribution plan payments and these reductions will be funded by reductions to the appropriate reserves.

Operational expenditure is expected to increase by \$2.69 million when compared to budget.

Materials and services are forecast to increase by \$2.148 million. The most significant forecast increases relate to COVID-19 sport and recreation facilities asset maintenance and electricity costs (\$694,000) and waste management expenditure (\$615,000).

Depreciation is forecast to increase by \$551,000 to better reflect purchases and revaluations that occurred late in the last financial year. Amortisation was not included in the initial budget and the forecast has been increased to \$818,000 to reflect a change in the accounting treatment of lease contracts previously allocated within materials and services and other expenses. Depreciation and amortisation are non-cash items, and these changes have minimal impact on funding Council's budget in 2020-21 and the LTFP.

A \$4 million forecast deficit has been calculated as the **Available Funding Result**, which is calculated by adding non-operational items such as capital expenditure, loan principal repayments and reserve transfers to the operational result and removing non-cash items such as depreciation and amortisation. While the \$4 million forecast deficit is consistent with the original budget, a further \$3.411 million is expected to be required from the Infrastructure reserve (total transfer is now \$17.088 million), leaving less funding available from the reserve in future years.

It is not usual practice to calculate an available funding deficit, but the decision considers the financial impacts of COVID-19 and ongoing financial sustainability of Council within the LTFP.

The **Summary Cash Flow Statement** indicates that Council's cash and investment balance was \$58.94 million as at 31 December 2020. The original budget of \$44.392 million for

30 June 2021 has been reduced to \$37.56 million generally as a result of the reduced operational result (\$3.989 million), the Capital Works Program deficit (\$2.135 million) and capital expenditure expected to be bought forward from 2021-22 (\$1.625 million).

The **Liquidity Ratio** (current assets divided by current liabilities) indicates the amount that Council's short-term assets exceed its short-term obligations and thus Council's ability to fund its short-term operations. This ratio was 161 per cent at 31 December 2020 and is expected to be 114 per cent by the end of 2020-21, a decrease when compared to the original budget of 130 per cent. A current ratio over 100 per cent generally indicates a manageable short term financial position.

The forecast result of the **Capital Works Program** shows a deficit of \$2.135 million when compared to the original budget after forecast adjustments and carryovers are considered.

Capital Works Expenditure for the period ended 31 December 2020 was \$30.32 million compared to the year-to-date budget of \$23.578 million. The initial budgeted capital expenditure of \$68.351 million for the 2020-21 financial year has increased to a forecast of \$73.974 million. The increased forecast expenditure of \$5.623 million compared to the budget is attributable to:

- the net deficit to capital expenditure (\$2.135 million)
- expenditure bought forward from next year's program (\$1.625 million)
- expenditure carryover adjustments from the prior year's program (\$935,000)
- the increase in funded capital expenditure (\$928,000)

Capital Income for the period ended 31 December 2020 was \$2.204 million. The initial budgeted capital income for the 2020-21 financial year of \$12.737 million has been increased to a year-end forecast of \$12.813 million. The increased forecast income of \$76,000 compared to budget is attributable to:

- additional unbudgeted income that has been received to fund the capital program (\$928,000)
- income that was budgeted to be received in 2020-21 that was received in 2019-20 (\$852,000)

Environmental, Social and Economic Impacts

Environmental, social and economic impacts are carefully considered during budgeting, forecasting and financial management processes.

Consultation and Communication

The Mid-Year Budget Review 2020-21 will be received and noted by Council's Audit Committee at the meeting held on 24 February 2021. The Committee provides financial guidance to Council and input into continually improving the content of the financial report.

Declaration of Conflict of Interest

Section 130 of the *Local Government Act 2020* requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council meeting.

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

8.2.4 Recognition of Hobsons Bay Residents in 2021 Australia Day Honours List

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

Purpose

To acknowledge the achievements of two Hobsons Bay residents, Paula Benson and George Said, who have been recognised in the Australia Day 2021 Honours List.

Recommendation

That Council:

- 1. Sends congratulatory letters from the Mayor to Paula Benson AM and George Said OAM recognising the honours they received in the Australia Day 2021 Honours List.**
- 2. Establishes a process to formally recognise Hobsons Bay residents who receive Australian Honours and Awards in the Australia Day and the Queen's Birthday Honours Lists.**

Summary

The Australia Day Honours List recognises the outstanding service and contributions of Australian citizens nationwide each year. Two residents of Hobsons Bay have been recognised among the 844 Australians honoured in 2021. This report acknowledges their achievement and service to the community.

Paula Benson of Williamstown was appointed a Member of the Order of Australia (AM) for significant service to people living with ovarian cancer, and to business.

George Said of Seaholme was awarded a Medal of the Order of Australia (OAM) for service to the community of Hobsons Bay.

Background

The Australia Day Honours List comprises a number of honours and awards, including for the General Division and Military Division of the Order of Australia, Meritorious Awards, Distinguished and Conspicuous Service Awards and Bravery Awards.

Both Hobsons Bay recipients for 2021 received honours within the General Division of the Order of Australia, which recognises Australians who have demonstrated outstanding service or exceptional achievement.

Members of the Order of Australia (AM) are appointed for service in a particular locality or field of activity, or service to a particular group.

The Medal of the Order of Australia (OAM) is awarded for service worthy of particular recognition.

Discussion

Paula Benson's appointment as a Member of the Order of Australia reflects her dedication to supporting women affected by ovarian cancer and her significant contributions to ovarian cancer research, prevention and awareness through her work with Ovarian Cancer Australia. Ms Benson, who survived ovarian cancer herself in 2003 at the age of 34, joined Ovarian Cancer Australia's Board of Directors in 2007 and was elected Chair in 2010.

As Chair, Ms Benson led the development of Australia's first national action plan for ovarian cancer research, developed Ovarian Cancer Awareness Month held in February each year. She also secured significant funding from the Australian Government for the ovarian cancer prevention program Traceback and for ovarian cancer research through the Medical Research Future Fund. In 2017 she received the Jeannie Ferris Cancer Australia Recognition Award for her outstanding contribution to improving outcomes for Australian women with ovarian cancer.

George Said was honoured with a Medal of the Order of Australia for his outstanding service to the Hobsons Bay community. Mr Said migrated to Altona with his wife and daughter in 1962 after having fled from Egypt to England in 1956 during the Suez Canal Crisis. At the time he was the only Greek person in Altona who could also read and write in English, and has used his skill with not only Greek and English, but also Italian, French and Arabic, to act as an interpreter and translator.

Since 1962, Mr Said has been heavily involved in the Greek Orthodox community of Hobsons Bay, including being partially responsible for acquiring the land for the largest Greek Orthodox church in Melbourne's west.

Mr Said has been a committed advocate for multiculturalism and community building throughout his life. He has been involved with numerous clubs and voluntary organisations in Hobsons Bay, including setting up Altona's first chess club and first anti-pollution group, teaching computing at Altona Men's Shed, and becoming the first president of the University of the Third Age in Williamstown. After moving from Altona to Seaholme, Mr Said began the Seaholme Sustainability Street community program to promote neighbourhood interaction and foster a better understanding of the environment.

In 2014 he was awarded Hobsons Bay Citizen of the Year alongside Lesley Ould OAM in recognition of his extensive voluntary involvement with the community.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 2: Community wellbeing and inter-connection

Council Plan 2017-21

Goal 2: A great place

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

Policies and Related Council Documents

Council is undertaking a process to recognise Hobsons Bay residents who receive Australian Honours and Awards on Australia Day and the Queen's Birthday.

Legal/Statutory Obligations and Risk

Not applicable.

Financial and Resource Implications

Any costs associated with the matter are accommodated by existing operational budgets.

Environmental, Social and Economic Impacts

This report acknowledges the significant social and environmental contributions made by Hobsons Bay residents who have received Australian Honours and Awards on Australia Day and the Queen's Birthday.

Consultation and Communication

Not applicable.

Declaration of Conflict of Interest

Section 130 of the *Local Government Act 2020* requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council meeting.

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

8.2.5 2021 Appointment of Councillor Delegates to Remaining Council and Community Committees

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

Purpose

To formally appoint Councillor delegates and proxies to the remaining Council, community and other committees and groups for 2021.

Recommendation

That Council appoints Councillor delegates and proxies to the remaining Council, community and other committees and groups for 2021 as nominated by Councillors at the 9 February 2021 Council Meeting.

Summary

Following an annual review of Councillor delegates and proxies appointed to Council, community and other committees and groups, Council appointed a number of delegates and proxies for 2021 at the Council Meeting held on 8 December 2020. Delegates and proxies are now to be appointed for the remaining Council, community and other committees and groups.

Background

Council has a number of internal committees and also nominates representatives to various groups, both locally and regionally. Use of committees, advisory groups and representation on external groups is an effective way for Council to be well-informed, enlist the expertise of independent members and represent Hobsons Bay City Council on strategic issues.

Discussion

The proposed committee delegate appointments for 2021 need to be determined by Council.

Where no delegate or proxy representative is specifically nominated for a committee, the appointment will default to the Mayor and Deputy Mayor without requiring resolution at a Council meeting.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

This report does not relate to a specific priority of the Hobsons Bay 2030 Community Vision.

Council Plan 2017-21

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

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

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

Objective 3.3: Protect and enhance our coastal environment, biodiversity and natural areas in partnership with major stakeholders and the community.

Goal 4: A Council of excellence

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

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

Policies and Related Council Documents

A review of Councillor delegates and proxies appointed to Council, community and other committees and groups is undertaken annually.

Legal/Statutory Obligations and Risk

In accordance with subsection 63(1)(a) of the *Local Government Act 2020*, at least two Councillors must be appointed to delegated committees established by Council. The Delegated Planning Committee is currently Council's sole delegated committee.

Council may also be required to nominate Councillor delegates and proxies for other Council, community and other committees and groups in accordance with the terms of reference, operating guidelines or charters of the respective groups.

Financial and Resource Implications

Costs associated with the operation of Council and community committees are accommodated by existing operational budgets.

Environmental, Social and Economic Impacts

The Council and community committees and groups have a key focus on the built, economic, social and natural environment within Hobsons Bay.

Consultation and Communication

Councillors and officers have been consulted in relation to the appointment of delegates and proxies to Council and community committees.

Declaration of Conflict of Interest

Section 130 of the *Local Government Act 2020* requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council meeting.

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

8.2.6 Proposed Lease to Optus at Paisley Park, 217 Mason Street, Altona North

Directorate:	Corporate Services
Responsible Officer:	Coordinator Property and Insurance
Reviewer:	Director Corporate Services
Attachments:	<ol style="list-style-type: none"> 1. Lease Plan - Paisley Park, 217 Mason Street, Altona North [8.2.6.1 - 1 page] 2. Location Plan - Paisley Park, 217 Mason Street, Altona North [8.2.6.2 - 1 page]

Purpose

To recommend a lease to Optus Mobile Pty Ltd (Optus) at Paisley Park, 217 Mason Street, Altona North.

Recommendation

That Council:

1. Resolves to commence statutory procedures in accordance with section 115 of the *Local Government Act 2020* (LG Act) proposing to seek a new lease to Optus Mobile Pty Ltd at Paisley Park, 217 Mason Street, Altona North.

Premises 217 Mason Street, Altona North as shown on the attached lease plan

Permitted use For the purpose of constructing, maintaining and operating a telecommunications network and telecommunications service including but not limited to installing, storing, operating, repairing, maintaining, altering, and replacing telecommunications equipment consistent with the evolving nature of telecommunications services

Commencement Following approval by Council and after receipt of the Grant and Purpose from the Department of Environment, Land, Water and Planning (DELWP)

Length of term 11 years with 2 x 5 year rights of renewal

Rent The commencing rent is to be \$30,000 (thirty thousand dollars) per annum including GST

2. Authorises the Chief Executive Officer of Council or their delegate to prepare and give public notice of the intention to lease the premises in the *Maribyrnong and Hobsons Bay Star Weekly* newspaper and on Council's website.

3. Resolves to hear and consider any submissions received pursuant to the LG Act at a meeting to be held on a date and time to be nominated in the event that submissions are received.
4. Receives a further report following the public notice.

Summary

It is proposed to offer a lease on commercial terms to Optus to erect a monopole and associated ground-based equipment to operate a telecommunications network and telecommunications service from Paisley Park, Altona North. It is proposed to offer Optus a lease for a total of 21 years on an 11+5+5 basis. This is the maximum term of lease permitted under section 17D of the *Crown Lands (Reserves) Act 1978* (CLR Act).

Background

The subject land is Crown land described as Crown allotment B2, section 3, Parish of Cut-Paw-Paw and is temporarily reserved for recreation. Hobsons Bay City Council is the appointed Committee of Management (CoM) for the site. The grant and purpose have been approved for the proposed lease under section 17D of the CLR Act, which permits a lease period of up to 21 years.

The proposed telecommunications site is located within the PJ Lynch Reserve and Paisley Park, south of Mason Street and east of Mills Street, Altona North. The proposed site is situated at the southern end of the existing lacrosse courts and is accessed from Mason Street via an internal road. The lease area is 102m² as shown on the attached plan. The lease area is adjacent to the lacrosse field and the position has been agreed in consultation with other Council departments.

The proposed location is nearby a monopole and ground-based equipment shed owned by Telstra. Telstra leases the area from Council. The proposed pole is sufficient distance from the Telstra pole so as not to interfere with the Telstra equipment. The Telstra pole is overloaded with equipment and there is no capacity for any more equipment on this pole. Telstra has made enquiries to locate equipment on the proposed new Optus pole. Telecommunications companies are required to share space on their poles under the *Telecommunications Act 1997*.

Paisley Park incorporates various recreational facilities including the Altona Lakes Golf Course, Altona North Bowling Club, Altona Badminton Centre, lacrosse courts, indoor swimming and fitness centres. Bayside P-12 College is located nearby.

Utilities complementing the subject property can be found within 500m including the main entry to Paisley Park, off Mason Street, Altona North.

The site is located close to various primary and secondary arterial roads including Mason and Mills Street, Altona North. The proposed telecommunications site is centrally located and adjoins the residential areas of Altona North, Newport, South Kingsville and Williamstown North.

Discussion

It is proposed to offer a lease of the area shown on the attached plan on the following terms and conditions:

Tenant:	Optus Mobile Pty Ltd
Term:	21 years (11 years with 2 x 5 year rights of renewal)
Commencement:	Following approval by Council and grant and purpose approval by DELWP
Commencing rental:	\$30,000 (including GST)
Rent reviews:	Five-yearly market rent reviews and annual rental increases of 3%
Lease document:	The lease will be a standard DELWP section 17D Leases with special conditions to tailor the lease for this site

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 3: Growth through innovation, access to local jobs, technology and education

Council Plan 2017-21

Goal 2: A great place

Objective 2.3: Support the growth of our local economy, and encourage business investment that creates and maintains local jobs.

Policies and Related Council Documents

The proposal to lease the premises will be undertaken in accordance with all legislative requirements of the LG Act and the CLR Act.

In the absence of a current leasing and licencing policy, there are a number of key leasing principles that are applied to all leases being proposed to be entered into by Council.

Legal/Statutory Obligations and Risk

Section 115 of the LG Act states:

- 3) A Council must include any proposal to lease land in a financial year in the budget, where the lease is—
 - a) for one year or more and—
 - i) the rent for any period of the lease is \$100 000 or more a year; or
 - ii) the current market rental value of the land is \$100 000 or more a year; or
 - b) for 10 years or more.

- 4) If a Council proposes to lease land that is subject to subsection (3) and that was not included as a proposal in the budget, the Council must undertake a community engagement process in accordance with the Council's community engagement policy in respect of the proposal before entering into the lease.

Financial and Resource Implications

The lease is a lease of land only with Optus owning and maintaining the monopole and ground-based equipment.

The rental of \$30,000 per annum (including GST) was determined by a valuer based on the current market rental for a facility of this nature.

Environmental, Social and Economic Impacts

The Optus monopole and associated equipment will be located near to a lacrosse field in Paisley Park. The telecommunications equipment will include 4G transmissions for mobile networks.

Consultation and Communication

As this lease proposal was not included in the budget proposal, Council must undertake a community engagement process in accordance with the Hobsons Bay Community Engagement Policy in respect of the proposal before entering into the lease. It is proposed to advertise the leasing proposal in the *Maribyrnong and Hobsons Bay Star Weekly* newspaper and on Council's website.

Declaration of Conflict of Interest

Section 130 of the *Local Government Act 2020* requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council meeting.

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

8.2.7 Audit and Risk Committee Update - August, September and December 2020

Directorate:	Corporate Services
Responsible Officer:	Audit and Risk Advisor
Reviewer:	Director Corporate Services
Attachments:	<ol style="list-style-type: none">1. Audit and Risk Committee Meeting Minutes - 26 August 2020 [8.2.7.1 - 6 pages]2. Audit and Risk Committee Meeting Minutes - 3 September 2020 [8.2.7.2 - 3 pages]3. Audit and Risk Committee Meeting Minutes - 16 December 2020 [8.2.7.3 - 6 pages]

Purpose

To update Council regarding issues considered at the Audit and Risk Committee meetings held on 26 August 2020, 3 September 2020 and 16 December 2020.

Recommendation

That Council notes the matters considered by the Audit and Risk Committee at the meetings held on 26 August 2020, 3 September 2020 and 16 December 2020.

Summary

This report provides an update of the Audit and Risk Committee meetings held on 26 August 2020, 3 September 2020 and 16 December 2020 to ensure that Council is informed of the activities of the Audit and Risk Committee. It provides Council with an opportunity to explore any issues that have been considered.

Background

The Hobsons Bay City Council Audit and Risk Committee is an independent Committee of Council. The Committee comprises three independent members and two Councillors. The Chairperson is an independent member who has the casting vote. The Mayor and Chief Executive Officer are non-voting members.

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

Discussion

The 26 August 2020 meeting addressed the following items:

- the Chief Executive Officer's update
- outstanding audit recommendations
- Internal Audit Program including proposed audits and completed audit reports

- risk management update, highlighting the risk executive summary, a general update on recent issues and an insurance report
- cash and investment balances as at 31 July 2020

The 3 September 2020 meeting addressed the following items:

- Draft Financial Report and Draft Financial Statement
- VAGO Closing Report and VAGO Management Letter
- Interim Financial Report – Year ended 30 June 2020

The 16 December 2020 meeting addressed the following items:

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

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 2: Community wellbeing and inter-connection

Council Plan 2017-21

Goal 4: A Council of excellence

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

Policies and Related Council Documents

Not applicable.

Legal/Statutory Obligations and Risk

As an independent Committee of Council, appointed by Council pursuant to section 53 of the *Local Government Act 2020*, the Audit and Risk Committee is not a delegated committee as defined by the Act.

The Audit and Risk Committee Charter has been developed having regard to Audit Committee – A Guide to Good Practice for Local Government, which was issued in January 2011 by the Minister of Local Government and the Victorian Auditor General's report Audit Committee Governance of August 2016 (including the Standing Directions of the Minister for Finance 2016).

Financial and Resource Implications

Not applicable.

Environmental, Social and Economic Impacts

Not applicable.

Consultation and Communication

Not applicable.

Declaration of Conflict of Interest

Section 130 of the *Local Government Act 2020* requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council meeting.

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

8.3 Sustainable Communities

8.3.1 Provision of Landfill Services

Directorate:	Sustainable Communities
Responsible Officer:	Strategic Commercial Lead
Reviewer:	Director Sustainable Communities
Attachments:	Nil

Purpose

To report the outcomes of the Metropolitan Waste and Resource Recovery Group (MWRRG) collective tender for the provision of landfill services and to recommend Cleanaway Pty Ltd as the preferred tenderer with Hanson Landfill Services listed as the contingency.

Recommendation

That Council authorises the Chief Executive Officer to execute agreements with the Metropolitan Waste and Resource Recovery Group and Cleanaway Pty Ltd in conjunction with Hanson Landfill Services to be listed as a contingency for the provision of landfill services on a four-year non-guaranteed basis commencing 1 April 2021.

Summary

An open tender process has been carried out for the procurement of landfill services by the MWRRG. The tender process was open from March to June 2020 with eight submissions received. Following a detailed evaluation process conducted by the MWRRG it is recommended that Council award the contract through the MWRRG to Cleanaway Pty Ltd.

Background

In 2010 the MWRRG conducted a collective procurement process for landfill services and contracts were awarded to each of the major putrescible landfill sites across Melbourne:

- City of Wyndham in Werribee
- Melbourne Regional Landfill (MRL) Cleanaway (formerly Boral) in Ravenhall
- Hanson in Wollert
- Suez in Hallam
- Suez in Lyndhurst (contingency site)
- Cleanaway in Clayton (now closed)

Twenty-six of the 31 metropolitan councils are currently a party to one or more of the MWRRG contracts delivering about 865,000 tonnes of waste to the landfill operators per year. All available contract extensions have now been exercised and the final contract extension expires on 31 March 2021.

In November 2019 Council entered into a new Memorandum of Understanding (MOU) with the MWRRG to conduct a collective procurement process for the provision of landfill services on behalf of Council and 29 other metropolitan councils.

Discussion

In February 2020 Council introduced the Recycling 2.0 program, bringing in significant change for Council's recycling and waste processes. A key objective of the program is to reduce the amount of waste going to landfill. The program has seen a significant reduction in the amounts going to landfill; however, Council will continue to require access to landfill for a proportion of the kerbside collection.

With the current landfill contracts expiring in March 2021 and as part of addressing the impacts of the 2019 recycling crisis, councils have worked closely with the MWRRG to undertake a tender process that addresses an immediate need and is aligned with Council and Victorian Government responses to the recycling crisis.

Procurement objectives

The overall objective of the procurement undertaken by the MMWRG is to enable metropolitan councils to access services for the disposal and transfer of waste that cannot be recovered or reused through other means.

To achieve this objective, the collective procurement has been structured to:

- provide a bridging period for the disposal of waste until an Alternative Waste Processing (AWP) contract is available
- enable the appointment of more than one provider
- ensure consistency across the metropolitan area
- integrate with other household waste services
- achieve a robust contract model that is based on: best value, pricing transparency, appropriate risk allocation, flexible contract terms, reduced tender costs and ensuring workable contingency arrangements.

Contract framework

Prior to commencement of this procurement MMWRG invited all metropolitan councils to participate in the procurement process. Thirty councils, including Hobsons Bay, executed MOUs recognising that both the MWRRG and councils would benefit from the MWRRG seeking the provision of landfill services for the benefit of council clusters and partially administering and facilitating the contractual arrangements of these services on behalf of the councils.

In line with the MOU the following documents would need to be executed at the conclusion of the tender process:

1. Participation Agreement between the MWRRG and Council
2. Landfill Services Deed for the provision of landfill services to be executed by successful tenderers and the MWRRG
3. Direct Deed to be executed by successful tenderers and councils

The MWRRG would administer the contracts on behalf of councils in line with these Participation Agreements, Direct Deeds and Landfill Services Deeds.

Tender process

The *Environment Protection Act 1970* formalises the MWRRG's role in collective procurement to:

- facilitate waste and resource recovery infrastructure and services by councils
- facilitate the development of joint procurement contracts for waste and resource recovery facilities and services
- manage contracts in the performance of these objectives and functions.
- ensure consistency across the metropolitan area
- integrate with other household waste services
- ensure workable contingency arrangements

This tender process has been resourced by the MWRRG on behalf of councils using the support of municipalities and external legal, probity, negotiation and financial advisors.

This collaborative procurement is consistent with the requirements of section 186 of the *Local Government Act 1989* (to be repealed on 1 July 2021) and with the future requirements of sections 108 and 109 of the *Local Government Act 2020*.

An extensive tender process was conducted with tenders released on 16 March 2020. An initial tender close date of 8 May 2020 was extended as a result of a request from the Minister following an approach by industry representatives seeking additional time to respond as a result of COVID-19 impacts. The tender close date was revised to 4 June 2020.

Tender responses and evaluation

Eight tender responses were received with seven considered compliant proposals.

For landfill this included:

- **Cleanaway Pty Ltd** – a national company that owns and operates the Melbourne Regional Landfill (MRL) at Ravenhall. Cleanaway takes waste from nine metropolitan councils under the current MWRRG Landfill Services contract
- **Suez Recycling and Recovery Pty Ltd** – a multi-national company that owns and operates a landfill in Hampton Park that currently provides services for nine metropolitan councils under an MWRRG contract
- **Hanson Landfill Services Limited** – has been providing landfilling services to councils at their Wollert Landfill for two decades and currently provides services to five metropolitan councils under an MWRRG contract
- **SBI Landfill Pty Ltd** – a solid inert landfill site in Botanic Ridge, unable accept residual municipal waste

For transfer this included:

- **Cleanaway Pty Ltd** – a national company that operates a network of transfer stations that provides councils with potential collection efficiencies and transport cost savings. Cleanaway has provided pricing for three sites:
 - South East Melbourne Transfer Station (established)
 - Lysterfield Transfer Station (established)
 - Northern Transfer Station in Coolaroo (Cleanaway has indicated that this will be available at the commencement of the contract)

- **KTS Recycling** – has managed and operated waste transfer stations since 2007. KTS proposes two sites:
 - Coldstream – for putrescible waste transfer
 - Knox – limited to the transfer of inert waste
- **Citywide Service Solutions** – has 25 years of experience in providing transfer services from its Dynon Road facility in West Melbourne

Two alternative offers were also received:

- **Wyndham City Council** submitted an offer based on receiving waste in an enclosed facility, mechanical separation to recover metals, baling of waste and anaerobic digestion of recovered organics
- **Recovered Energy Australia and Solo Resource Recovery (REA/Solo)** propose to jointly provide a service based on the high temperature destruction of waste to generate energy (gasification) at a facility to be constructed at Laverton North

Evaluation criteria

Tender responses were evaluated by a Tender Evaluation Panel comprising council representatives and MWRRG Procurement Team members supported by:

- **Probity Advisor** – responsible for ensuring the evaluation process is conducted in accordance with probity principles and adherence to the approved evaluation plan
- **MWRRG Subject Matter Experts and Project Managers** – responsible for providing expert advice as required to confirm tenderer's submissions compliance to the specification and compliance with procurement policies
- **Legal Advisor** - provide legal advice and support throughout the tender process on an "as needs" basis

Contract considerations and recommendations

It is recommended that Council enter into a contract with Cleanaway Pty Ltd in conjunction with Hanson Landfill Services to be listed as a contingency through the MWRRG for the provision of landfill services on a four-year non-guaranteed basis commencing 1 April 2021.

It is recommended that the Chief Executive Officer be delegated authority to execute agreements with the MWRRG, Cleanaway Pty Ltd and Hanson Landfill Services for the provision of Landfill Services.

Recommended provider and financial considerations: It is recommended that Council engage Cleanaway Pty Ltd as its landfill provider based on the recommendations of the evaluation panel which nominated three tenderers as compliant responses, those being Cleanaway Pty Ltd, Hanson Landfill Services, and Suez Recycling and Recovery Pty Ltd. Of the three responses Cleanaway provides the best value for money.

Social considerations: Cleanaway also provides additional benefits such as committing to an education support program for a minimum of two schools per year.

Contract timing: The initial contract term is for a four-year period commencing on 1 April 2021. There is an option to extend the contract for two further terms of two years. Any extension will need to be agreed on by Council and the service provider.

Non-guaranteed versus guaranteed: the contract documents allow Council to enter into contracts with a provider on either a four-year guaranteed basis or a 12-month guaranteed

basis and/or one or more contractors on a non-guaranteed basis. Penalties will apply for the early termination of a guaranteed agreement. It is recommended that Council enter into a non-guaranteed four-year contract, which (while slightly higher than guaranteed rates) provides some flexibility. Contractors would be invited to resubmit pricing in 2023 for the 1 April 2025 extension, to enable Council to determine if it wishes to exercise an extension option or commence a new procurement. A similar process will be conducted in 2025.

With new and emerging technologies, current major projects such as the waste-to-energy plant under construction in Laverton exercising the non-guaranteed option provides Council with the flexibility to explore other options in the future without being subjected to increased fees or other losses which may occur.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 5: Activate sustainable practices

Council Plan 2017-21

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

Objective 3.4: Maintain a clean city and encourage the community, business and industry to reduce, reuse and recycle.

Policies and Related Council Documents

The public tender process for the provision of landfill services undertaken by the MWRRG complies with Council's Procurement Policy and is consistent with the goals and strategies of the Waste and Litter Management Strategy 2025.

Legal/Statutory Obligations and Risk

This tender process has been undertaken by the MWRRG on behalf of councils using the support of municipalities and external legal, probity, negotiation and financial advisors.

The awarding of the contract through a public tender process undertaken by the MWRRG complies with section 186 of the *Local Government Act 1989*, which stipulates that a Council must publicly advertise and invite tenders for services over the value of \$150,000 as fixed by an Order in Council.

Financial and Resource Implications

The recommended contract budget is within Council's recycling and environmental waste budget allocation.

Environmental, Social and Economic Impacts

Currently sending putrescible waste to landfill is the only option until the sector develops new technologies to treat waste. The proposed contract term of four years with two by two year extensions allows Council flexibility in the future.

Consultation and Communication

Council officers have been extensively consulted during the MWRRG-led tender process through a working group of participating councils. The Evaluation Panel included MWRRG Procurement Team members and Council officers.

Declaration of Conflict of Interest

Section 130 of the *Local Government Act 2020* requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council meeting.

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

8.4 Infrastructure and City Services

8.4.1 Contract No. 2020.75A Outdoor Trading Activation Panel

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

Purpose

To seek Council endorsement for the awarding of Contract 2020.75A for the Outdoor Trading Activation Panel.

Recommendation

That Council awards Contract 2020.75A Outdoor Trading Activation Panel to multiple contractors as listed below at a total of up to \$1.65 million (one million, six hundred and fifty thousand dollars), including GST, for a period of one year.

- **Australian Mobile Food Vendors Group**
- **Excel Events**
- **Greenevent**
- **Harry the Hirer**
- **Pallets with a Purpose**
- **Rendine Constructions**

Summary

It is recommended that Contract 2020.75 Outdoor Trading Activation Panel be awarded to a panel of suppliers. Services utilised from this panel will total up to \$1.65 million (including GST). A sum of \$1.044 million has already been spent as of 31 January 2021.

Council has received a grant of \$500,000 from the Victorian Government to cover some of the expenses associated with this program, with the rest of the money coming from Council's rates revenue.

The supply and delivery of furniture through this panel will be procured competitively, with at least two panel members invited to quote for all projects in accordance with Council's Procurement Policy. Through this process, suitability of the panel suppliers would be assessed against previous experience, capacity and resources, project methodology and price.

The outdoor trading activation trial will end in March 2021. However, a public consultation process is currently underway through Hobsons Bay Business has Heart. Council is seeking feedback from the community to determine the future extension of this trial.

As part of this project 190 participating businesses across 42 precincts (groups) delivered through mix of parklets, footpath trading and plaza spaces.

Background

This contract is for a panel of suppliers for supply, delivery, and installation of outdoor trading options to activate business precincts following the reopening from COVID-19 restrictions. The Victorian Government has provided \$500,000 funding towards the outdoor activation trading program.

The main goal of the panel contract is to facilitate delivery of the outdoor trading activation program by ensuring probity, good governance, efficiencies and compliance with Council's procurement policy. Establishing a formal contract for outdoor trading activation services will provide an efficient procurement process that allows evaluation to focus on the scope, cost and time. Due to contractors' previous engagement with this project, their experience and qualifications have already been evaluated.

A sum of \$1.044 million has already been spent as of 31 January 2021 with suppliers on this panel in accordance with the pandemic emergency provision under section 186 of *Local Government Act* 1989. This allowed Council to meet timelines for reopening of business from restrictions as dictated by the Victorian Government and the Department of Health and Human Services.

Expenditure covers the purchasing and installation of timber decking, access ramps, umbrellas, table and chairs, synthetic grass and planter boxes. The hiring of 500m of fence and 50 concrete fencing blocks is also included in this amount.

Discussion

A tender for the development of an Outdoor Trading Activation Panel was formally advertised in *The Age* on 17 October 2020, closing on 30 October 2020. Council received a limited response, and a decision was made to readvertise to attract a greater range of suppliers. The public tender process was readvertised on 9 November 2020, closing on 16 November 2020. At the close of tenders, ten submissions were received by the tender deadline.

The Tender Evaluation Panel met during November 2020 to evaluate tenders against the selection criteria. Based on the evaluation process, a report was presented to the Tender Board on 11 December 2020 recommending multiple contractors for the delivery of outdoor trading activation services. These tenderers provide the best value for money within their submissions, have extensive experience in similar projects and have demonstrated an ability to meet the timelines and quality outcomes specified within the contract.

After an extensive evaluation process, it is recommended that the Contract 2020.75A Outdoor Trading Activation Panel be awarded to a panel of contractors as per the list below at an estimated schedule of rates up to \$1.5 million excluding GST for a period of one year:

- Australian Mobile Food Vendors Group
- Excel Events
- Greenevent
- Harry the Hirer
- Pallets with a Purpose
- Rendine Constructions

Process for procurement of works under the Outdoor Trading Activation Panel

This information outlines how the Outdoor Trading Activation Panel will function to ensure probity and compliance with the Procurement Policy.

Once accepted to be a member of the prequalified panel, contractors may from time to time be invited by a Council officer to competitively quote against other members of the panel for the work. Council will provide a brief that will include the following:

- a description of the tasks and the outcomes to be achieved
- the setting of any milestones and timeframes to complete the work
- other information as appropriate

Panel members invited to respond to such briefs must in their response confirm the following as a minimum:

- their lump sum price (inclusive of any external required charges) to complete the work, based on the hourly rates schedule submitted by the tenderer
- their ability and capacity to complete the work
- personnel who will be assigned to the work and indicative hours of each being assigned
- the timeframe to complete the work

Council officers will assess the submissions received for cost, quality, relative experience, ability to meet project timeframes, and meeting the Best Value Principles outlined in the *Local Government Act 2020*.

Council may choose not to award to the lowest cost submission or any tenderer. At least two panel members will be invited to quote for work offered through the Outdoor Trading Activation Panel.

Council reserves the right to undertake a public tender process for any of these services. There is no guarantee of a minimum amount or any amount of work being awarded through the panel.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 3: Growth through innovation, access to local jobs, technology and education

Council Plan 2017-21

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

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

Policies and Related Council Documents

The awarding of Contract 2020.75A through a public tender process complies with Council's Procurement Policy.

Legal/Statutory Obligations and Risk

The awarding of Contract 2020.75A through a public tender process complies with section 186 of the *Local Government Act 1989*, which stipulates that a Council must publicly advertise and invite tenders for services over the value of \$150,000 as fixed by an Order in Council.

Financial and Resource Implications

The estimated spend under this contract is expected to be up to \$1.5 million excluding GST. Budget is provided in the Capital Works Program with funding of \$500,000 from the Victorian Government to cover some of the expenses associated with this program.

Environmental, Social and Economic Impacts

The proposed scope of works and tender evaluation process have taken into consideration the following environmental, social and economic impacts:

- use of recycled materials where appropriate including use of old pallets and recycled plastic mod wood products
- utilisation of local businesses to deliver the services where appropriate

Consultation and Communication

The tender was publicly advertised in *The Age* on 17 October 2020. The Tender Evaluation Report for Contract 2020.75A was presented to Council's Tender Board on 11 December 2020. The Tender Board endorsed the Tender Evaluation Panel's recommendation to award the contract to multiple consultants for the delivery of specialised project technical services, subject to Council approval.

Declaration of Conflict of Interest

Section 130 of the *Local Government Act 2020* requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council meeting.

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

8.4.2 West Gate Tunnel Project Update

Directorate:	Infrastructure and City Services
Responsible Officer:	Senior Technical Advisor
Reviewer:	Director Infrastructure and City Services
Attachments:	Nil

Purpose

To provide a detailed report on the West Gate Tunnel Project (the Project) including current project works, associated projects and advocacy activities.

Recommendation

That Council:

- 1. Writes to the relevant state ministers seeking support for the recommendations identified in the Inner West Air Quality Community Report.**
- 2. Supports continued advocacy through the project to achieve the 5:1 ratio of tree replacement.**

Summary

Council continues to support the Project requirement to meet a tree replacement ratio of 5:1. The Project's Offset Tree Plan includes several reserves within the Project corridor however Council has identified additional sites where replacement trees could be planted to assist with the ratio requirement.

Council acknowledges the work and commitment of the Inner West Air Quality Community Group and the respective report and subsequently will write to the Ministers for Planning and Environment seeking support for the recommendations as identified within this Report which include direct actions by the state to contribute to improving air quality within Hobsons Bay, Brimbank and Maribyrnong Cities.

This report also provides updates on:

- Hobsons Bay Transport Planning Study (HBTPS) and the Local Area Movement Plans (LAMPs)
- Inner West Air Quality Report and associated actions
- West Gate Neighbourhood Fund
- Community Liaison Group (CLG)
- Project construction progress

Background

The Project commenced in 2018 and is expected to be completed in 2023. The Project is delivered through a partnership between the Victorian Government and Transurban (Project Co), managed by the West Gate Tunnel Project – Major Transport Infrastructure Authority

(WGTP MTIA) and built by construction contractors CPB Contractors and John Holland as a joint venture (the JV).

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

Discussion

Inner West Air Quality Report

The Inner West Air Quality Community Reference Group (IWAQCRG) presented their report, *Air Pollution in Melbourne's Inner West: taking direct action to reduce our community's exposure*, to the Victorian Government in March 2020.

The IWAQCRG was announced by the Minister for Energy, Environment and Climate Change, the Hon. Lily D'Ambrosio, and the then-Minister for Roads and Road Safety, the Hon. Luke Donnellan, in July 2018. Its key task was to investigate and provide advice, for Victorian Government consideration, on actions to address air quality issues in the Inner West of Melbourne (Brimbank, Hobsons Bay and Maribyrnong municipalities).

Members of the IWAQCRG included community and local government representatives. Over 15 months, they met 22 times to deliver on the Terms of Reference to:

- investigate current air quality issues and concerns across the three municipalities, including current transport initiatives such as the West Gate Tunnel Project
- provide advice and recommendations for government consideration, including feasibility and relative importance of any actions, to address air quality issues in the inner west, including in relation to tunnel filtration for the West Gate Tunnel
- ensure their findings are communicated to communities of the inner west

The group heard from scientific, public health and industry experts to better understand the issues associated with air pollution. The final report details the health and amenity impacts of air pollution on inner west metropolitan communities, and contains 26 recommendations, with 65 supporting actions about how the Victorian Government can tackle the impacts of local air pollution.

The report recommends action be taken to reduce air pollution from transport and industry (including the West Gate Tunnel) and improve the planning framework, regulation and policy, air quality monitoring and community education.

Key findings include:

- the pollution levels are directly impacting people's health, with inner-western residents reporting health problems associated with air pollution at a higher rate than the general Australian population
- higher rates of hospitalisation for heart failure, asthma and heart disease, and a higher incidence of lung cancer. Hospitalisation for heart failure was 60 per cent higher in Maribyrnong and about 30 per cent higher for Hobsons Bay and Brimbank than the general population
- hospital admissions for asthma are about 40 per cent higher in Maribyrnong and Brimbank and 20 per cent higher in Hobsons Bay

- during 2019, the Victorian standards for particulate matter (PM) were regularly exceeded at most monitoring stations in Melbourne's inner west. The average annual particulate matter with 2.5 micrometres (PM2.5) concentrations exceeded the government's standards at five of the seven inner-western monitoring stations
- 70 per cent of the 300 samples of air quality that have breached the state's standards over the past decade were taken in the inner west
- policies are needed that lower vehicle emissions, increase air pollution monitoring, standards and education, and fine-tune the planning system to better protect homes and kindergartens from toxic pollution
- many legacy industrial sites in Brooklyn with "existing use rights" are being allowed to continue with polluting activities that would not be allowed under current planning permits

Recommended priorities which are supported by actions include:

- increase the level of, and access to, inner west air quality monitoring and information
- identify pollutants of emerging scientific concern to the inner west (including ultrafine particles) to inform policies and programs to manage them
- implement an air pollution education campaign
- build on the reforms to the environment protection policy framework
- commit to ongoing funding of local medical resources specialising in addressing health risks from air pollution
- ensure that all future projects and operations in the inner west meet the environmental and social sustainability requirements of the *Transport Integration Act* 2010 and that transport and land use authorities work together to achieve an integrated and environmentally sustainable transport system
- develop a comprehensive policy to drive uptake of low- and no-emission vehicles
- develop a comprehensive, evidence-based policy to minimise air pollution associated with the Project both during construction and once the tunnel opens, including filtration on the tunnel ventilation stacks
- prioritise improvements to public transport in the inner west
- develop a Clean Port Program
- require that the Environmental Protection Authority prioritises its strengthened statutory tools and powers to ensure that industrial premises in the inner west comply with their air pollution management obligations
- identify and eliminate sources of dust emissions
- planning changes that include fast track implementation of the Brooklyn Evolution Strategy and development of local planning policies for the inner west that reduce exposure to air pollution
- identify and implement effective actions to protect particularly vulnerable residents from air pollution

A response to the report from the Victorian Government is expected in early 2021 and Council will further consider this item following the release of the Victorian Government's response. The report and further information can be found at:

www.environment.vic.gov.au/sustainability/inner-west-air-quality-reference-group

Offset Tree Plan

The Project has a requirement to plant 5 trees for every tree that is removed because of the project works. An offset tree plan has been developed with input from Council and community stakeholder groups, which identifies locations for tree replanting within the Project corridor. Council have identified further sites which could be included in the offset plan to assist with achieving the 5:1 target.

Hobsons Bay Transport Planning Study

The Department of Transport (DoT) is leading the HBTPS in partnership with Council to identify actions to improve network access and mobility across the northern suburbs.

A project report (Network Investigations Technical Report) for the study area has been completed which defines challenges and opportunities across all modes of transport, walking, cycling, public transport and vehicular. A series of initiatives have also been developed to address these future transport needs and challenges in Hobsons Bay.

In conjunction with the HBTPS, Local Area Movement Plans (LAMPs) for Brooklyn, Altona North, Spotswood, South Kingsville, Newport and Williamstown North are being developed, consistent with the objectives of the HBTPS and Council's Integrated Transport Plan. Initial community engagement for the LAMPs was completed in January with the final LAMPs scheduled for mid-2021. Over 1,300 comments were recorded on the Participate Hobsons Bay integrated map. Issues identified through this engagement include:

- lack of safe and convenient connectivity, particularly for cyclists and pedestrians
- busy roads creating barriers for pedestrians and cyclists
- trucks in residential streets
- traffic congestion around freeway interchanges
- road safety
- parking pressures
- poor quality stations and surrounds
- indirect and infrequent bus services

A detailed report on the transport issues identified in the study area and suggested responses and actions will be provided for Council consideration with the draft LAMPs in March 2021.

Open Space Enhancement Package

Works have commenced for the construction of the new pavilions at WLJ Crofts Reserve, Altona North and the WH Couch Pavilion at Donald McLean Reserve, Spotswood.

New multipurpose courts at Donald McLean Reserve are complete and the Book a Court portal is live.

Community consultation on the Donald McLean Reserve open space final design was undertaken in late 2020 and development of detailed design is underway.



Figure 1: New multipurpose courts at Donald McLean Reserve, Spotswood



Figure 2: Foundation works for the new pavilion at Donald McLean Reserve



Figure 3: New ovals under development at WLJ Crofts Reserve, Altana North



Figure 4: New cricket practice nets at WLJ Crofts Reserve

Further details and updates on each of these projects can be accessed via Council's Participate Hobsons Bay website at <https://participate.hobsonsbay.vic.gov.au/>

Other Items

A joint meeting of the Community Liaison Group (CLG) North and West Groups was held on 10 December 2020. Robyn Seymour, Deputy Secretary for Network Planning at the Department of Transport, provided a briefing update on the two transport studies arising from the WGTP Environmental Effects Statement, the HBTPS and a transport study for the North and West Melbourne and Docklands areas. Other agenda items included an overview of Project achievements in 2020 and current construction activity including the summer construction blitz and planned traffic disruptions. The next CLG meeting will be a joint North and West Group meeting to be held on 18 February 2021.

Further information on the CLG, including copies of meeting notes and presentations, can be found at: <http://westgatetunnelproject.vic.gov.au/clg>

The \$10 million West Gate Neighbourhood Fund is a grants and partnerships program for communities within Maribyrnong City Council and Hobsons Bay City Council. Applications for the 2019-20 Partnerships Program have been reviewed by WGTP MTIA. Community grant applications available to not-for-profits in the Maribyrnong and Hobsons Bay area will provide up to \$100,000 per application. No confirmed dates for announcements on either program have been provided by WGTP MTIA. Further information is available at: <http://westgatetunnelproject.vic.gov.au/community/grants>

As part of the environmental management requirements for the Project, air monitoring from six temporary air quality monitoring stations is undertaken monthly. The West Gate Tunnel Project air quality monitoring report for November 2020 has been published at: <https://westgatetunnelproject.vic.gov.au/about/keytopics/tunnel-ventilation-and-air-quality>

The fifth six-monthly Environmental Audit Report: March 2020 – August 2020 for the Project was released in December 2020 by the Independent Reviewer and Environmental Auditor (IREA). Audit findings during the period relate to a range of matters, mostly specific to on-site matters, including inadequate or inconsistent:

- contaminated soil and spoil management and associated documentation
- assessment of environmental aspects such as noise and vibration, dust generation, erosion and sediment runoff
- development and implementation of management actions

The Auditor found that Project Co is generally meeting their obligations and no adverse findings were raised during the reporting period. The findings arising from the reporting period by the IREA have not identified any immediate significant or material risks to the environment. Implementation of the Environmental Performance Requirements was found to be generally compliant, with one non-conformance and eight opportunities for improvement during the reporting period.

This report is available on the WGTP website:

https://westgatetunnelproject.vic.gov.au/_data/assets/pdf_file/0011/484769/WGT-IREA-audit-report-March-August-2020.pdf

Project Works Update

Works progressing include road and bridge widening; noise wall construction (Figure 5); interchange works at Williamstown Road, Millers Road (Figure 6), Grieve Parade and the M80 (Figure 7); installation of the pedestrian overpasses (Figure 8); Hyde Street ramps and the southern tunnel portal works (Figure 9). The Project is undertaking an extensive amount of works over the summer around the M80 interchange which included a four-day freeway closure in early January.



Figure 5: New noise wall works



Figure 6: Millers Road interchange works



Figure 7: Demolition of Grieve Parade Bridge

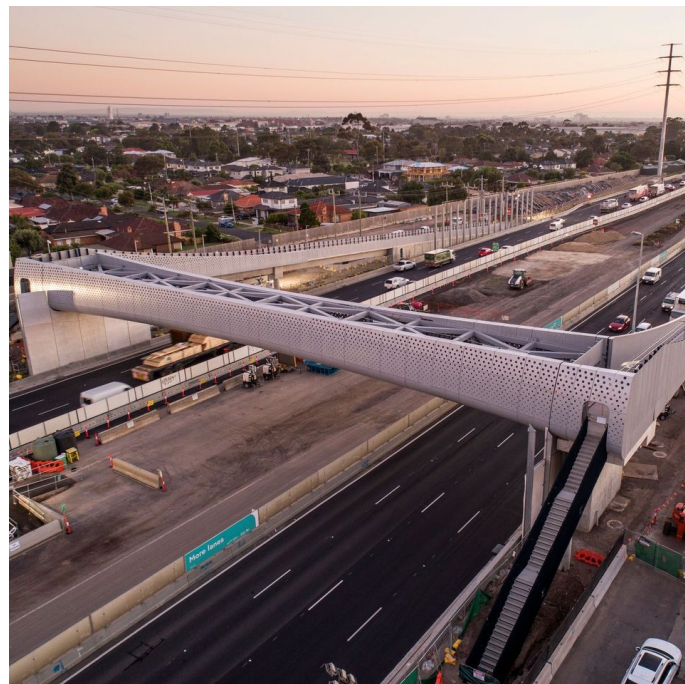


Figure 8: New Pedestrian Overpass



Figure 9: Southern Outbound Tunnel Portal

Resurfacing of the existing Federation Trail between Millers Road and Kororoit Creek in Brooklyn is planned to commence in early 2021.

Updates on construction activity and works notifications can be accessed via the Project website: <http://westgatetunnelproject.vic.gov.au/>

Throughout the design and construction stages, Council has advocated for outcomes and improvements wherever possible that are consistent with its adopted position to optimise beneficial community outcomes. Items recently discussed with Project Co, the JV and WGTP MTIA include the Hall Street SUP, Kororoit Creek SUP, relocation of cricket practice nets at the Donald McLean Reserve and designs for the offset tree planting.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 2: Community wellbeing and inter-connection

Priority 6: An accessible and connected community

Council Plan 2017-21

Goal 2: A great place

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

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

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

Goal 4: A Council of excellence

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

Policies and Related Council Documents

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

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

Legal/Statutory Obligations and Risk

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

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

Financial and Resource Implications

Design packages are still being reviewed and requests received to consider and respond to construction works. A Memorandum of Understanding has been established between Council and WGTP MTIA to provide for Council staff to assist in the management and delivery of the Project and the West Gate Neighbourhood Fund.

Environmental, Social and Economic Impacts

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

Consultation and Communication

Notifications to directly impacted areas prior to works commencing are ongoing. Latest notifications can be found at:

<https://westgatetunnelproject.vic.gov.au/construction/work-notifications>

Council has assisted in sharing information on planned traffic disruptions through its website and social media. Council officers continue to assist the community where possible in responding to or referring requests and issues relating to the Project. Recent concerns include the impacts of the traffic detours on residents, particularly traffic noise at night.

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

WGTP MTIA has commenced discussions with residents and owners of properties fronting Millers Road between the West Gate Freeway and Geelong Road relating to potential noise mitigation measures. This initiative was identified during the EES consideration of the extra trucks expected to use Millers Road when the new truck bans are introduced forcing more trucks onto Millers Road.

Declaration of Conflict of Interest

Section 130 of the *Local Government Act 2020* requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council meeting.

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

9 Delegate Reports

No delegate reports were received.

10 Notices of Motion

10.1 Notice of Motion No. 1220 - Acknowledgement of Hobsons Bay Wetlands Centre's Achievement in the Keep Victoria Beautiful Sustainable Cities Awards 2020

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

There are no apparent legal implications at this point in time.

Cr Matt Tyler has given notice of the following:

That Council acknowledges the Hobsons Bay Wetlands Centre's achievement on being highly commended in the Environment category of the Keep Victoria Beautiful Sustainable Cities Awards 2020, and offers its congratulations to the Centre and the volunteers who support it.

10.2 Notice of Motion No. 1221 - Reinstatement of Train Station at Altona North

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

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

Cr Tony Briffa has given notice of the following:

That Council:

- 1. Works with the Altona, Seaholme, Altona North and Brooklyn community on a public campaign to advocate for the reinstatement of a train station in Altona North on the Werribee line.**
- 2. Convenes a meeting with the Mayor, Cherry Lake Ward Councillors, the Chief Executive Officer, other relevant Council officers, the Member for Williamstown, the Member for Altona and the Minister for Public Transport to seek government support for the reinstatement of a train station in Altona North on the Werribee line.**
- 3. Considers a report from Council officers following the meeting with the Member for Williamstown, Member for Altona and the Minister for Public Transport detailing the outcomes of that meeting and the plan ahead to achieve the reinstatement of a train station in Altona North.**

10.3 Notice of Motion No. 1222 - Passenger Train Link on Sunshine-Newport Freight Train Line and New Altona North/Brooklyn Station

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

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

Cr Daria Kellander has given notice of the following:

That Council:

- 1. Works with the Altona, Seaholme, Altona North and Brooklyn community on a public campaign to advocate for a new passenger train link on the existing freight train line from Sunshine to Newport with a new train station to be built in the vicinity of Altona North/Brooklyn.**
- 2. Convenes a meeting with the Mayor, Cherry Lake Ward Councillors, the Chief Executive Officer, other relevant Council officers, the Member for Williamstown, the Member for Altona and the Minister for Public Transport, to seek government support for a new passenger train link on the existing freight train line from Sunshine to Newport with a new train station to be built in the vicinity of Altona North/Brooklyn.**
- 3. Considers a report from Council officers following the meeting with the Member for Williamstown, Member for Altona and the Minister for Public Transport detailing the outcomes of that meeting and the plan ahead to achieve a new passenger train link on the existing freight train line from Sunshine to Newport with a new train station to be built in the vicinity of Altona North/Brooklyn.**

10.4 Notice of Motion No. 1223 - Condolence - Kevin Skehan OAM

Cr Tony Briffa has given notice of the following:

That Council expresses its deepest condolences to the family of former Hobsons Bay City Council Deputy Mayor, the late Kevin Skehan OAM.

10.5 Notice of Motion No. 1224 - Single Use Plastics

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

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

Cr Daria Kellander has given notice of the following:

That Council:

1. Commits to eliminating where possible the use of single use plastic items by Council operations (e.g. Civic Centre) and Council-run events
2. Commits to the installation and use of bins using the Recycling 2.0 system by Council operations (e.g. Civic Centre) and Council-run events
3. Requires all Council events and activities to:
 - a. Refrain from the use and distribution of single use plastic packaging for promotional purposes
 - b. Refrain from the use and distribution of single use plastic bags, plastic straws and plastic cutlery
 - c. Refrain from balloon use and distribution
 - d. Avoid all unnecessary plastic packaging wherever possible (e.g. plastic covers on homemade goods, etc.)
 - e. Reconsider the need to create single use plastic event materials wherever possible (including event signage, promotional banners and flags)
 - f. Re-use event materials wherever possible (including event signage, promotional banners and flags)
4. Requests Council staff to report back to Council on a proposed implementation plan (including costs and timelines) to eliminate the use of single use plastic items across Council operations with the view to phasing out their use.
5. Encourages third party users of Council venues and facilities to reduce or eliminate single use plastics and products.

10.6 Notice of Motion No. 1225 - Recycling 2.0 Survey

Section 8.15.5 of the Hobsons Bay Governance Rules requires the Chief Executive Officer to inform Councillors about the legal and cost implications of any proposed notice of motion. Accordingly, the estimated additional cost of implementing this notice of motion is between \$45,000 to \$60,000.

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

Cr Matt Tyler has given notice of the following:

Given Recycling 2.0 was introduced relatively quickly, the upcoming review of the waste and recycling system presents a critical opportunity for consultation and subsequent adaption of a system that impacts all residents and ratepayers. While community consultation will involve a one-off cost, it is a tiny fraction of the over \$9 million paid by ratepayers in waste management charges for financial year 2020-21.

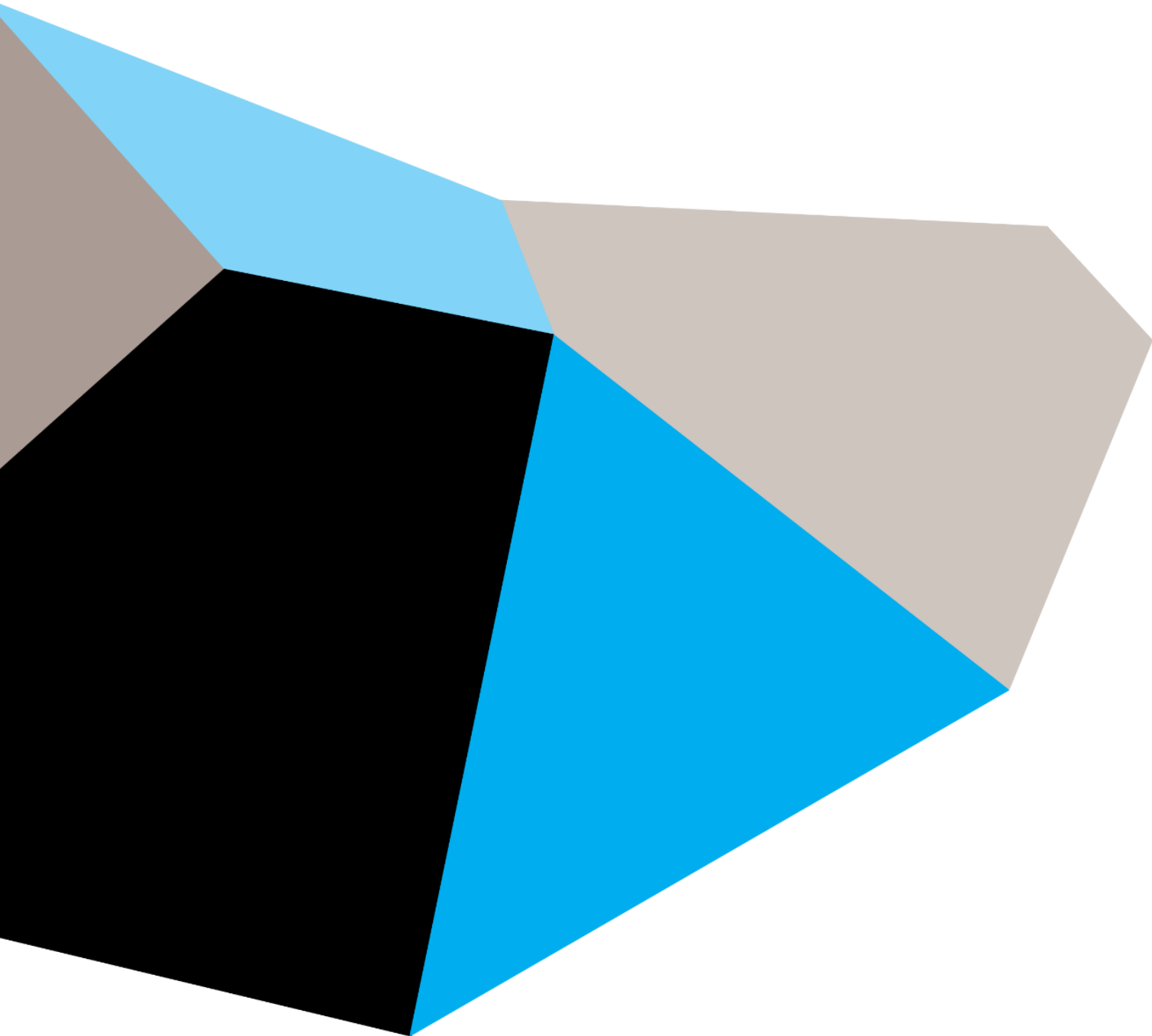
As one part of the Recycling 2.0 review, that Council:

1. Ensures that all members of the community are made aware of the opportunity to provide input as part of the review of our Waste and Recycling system by sending a mail out to all residents and ratepayers that includes the link to an online survey and a description of the feedback Council is seeking to obtain through the survey. The mail out should include contact details of Council's translation services including details of a Council Officer who can assist people who may need help to complete the survey.
2. To minimise consultation costs while still enabling households without Internet access to participate, on request (e.g. by phone or in-person), there should be an option (communicated to residents and ratepayers) to complete a hard copy survey and return it to Council in a supplied reply paid envelope.
3. Ensures the online survey has a mechanism to limit responses to one per household while maintaining anonymity (e.g. unique login code).
4. Ensures the survey includes questions to understand:
 - a. Household demographics including suburb, dwelling type, number of residents per household, age and any circumstances that have a particular impact on waste and recycling needs (e.g. babies in nappies; health needs; pets).
 - b. Satisfaction rating overall for the waste and recycling system, as well as for each of the four waste and recycling services/bins, including a brief description of the current service e.g. type of service (general waste, recycling, FOGO, glass), bin size, and frequency of collection.
 - c. Desired collection frequency for each of the four waste and recycling services/bins with existing default bin sizes.
 - d. Desired collection frequency for general waste collection and FOGO if a 240L bin was provided.

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- e. If weekly collection is desired with a 240L bin, seek to understand the reasons for this.
 - f. If only one bin could be collected weekly or up-sized (due to costs), what household's preference would be?
 - g. How often, on bin collection night for each bin, do residents observe rubbish overflowing from either their own or their neighbour's bins?
 - h. If at a point in time contract negotiations allow, whether residents would like the option to use compostable bags as part of their FOGO service.
 - i. If compostable bags were provided, understand whether this would impact their use of the FOGO bin / desired collection frequency for FOGO.
 - j. Assess resident's willingness to pay an estimated additional cost for more frequent general waste collection / or a bin upsize (including providing an estimate of the annual cost increase for weekly collection / upsize for each service) and if introduced the cost of compostable bags.
 - k. Any other comments that respondents would like to make.
5. Engages an expert in survey question design to, prior to distribution, review the draft survey for clarity.
 6. Conducts a separate consultation to understand the Waste and Recycling needs of businesses across Hobsons Bay.

11 Urgent Business

12 Close of Meeting



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