



# Council Meeting Agenda

Tuesday 8 February 2022  
Commencing at 7.00 PM

Virtual Meeting

**HOBSONS**  
**BAY CITY**  
COUNCIL



## OUR MISSION

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

## OUR VALUES

Respectful

Community driven and focused

Trusted and reliable

Efficient and responsible

Bold and innovative

Accountable and transparent

Recognised

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

### Chairperson:

Cr Peter Hemphill (Mayor)

Strand Ward

### Councillors:

Cr Diana Grima (Deputy Mayor)

Wetlands Ward

Cr Tony Briffa JP

Cherry Lake Ward

Cr Daria Kellander

Cherry Lake Ward

Cr Jonathon Marsden

Strand Ward

Cr Pamela Sutton-Legaud

Strand Ward

Cr Matt Tyler

Wetlands Ward

Pene Winslade  
Acting Chief Executive Officer  
Hobsons Bay City Council

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## 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 Bunurong People of the Kulin Nation and offers its respect to elders past and present.

## 2 Virtual Meeting Protocols

This Council Meeting is being conducted virtually in accordance with subsection 4.6 of the Hobsons Bay Governance Rules, and will be livestreamed on the Council website at <http://webcast.hobsonsbay.vic.gov.au>

### 2.1 Voting Method

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

### 2.2 Absence From Meeting

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

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

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

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

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

## 3 Apologies

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

## 4 Disclosure of Interest

In accordance with section 130 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.

## **5 Confirmation of Minutes**

### **5.1 Confirmation of Minutes**

Confirmation of the minutes of the Council Meeting of Hobsons Bay City Council held on 14 December 2021 (copy previously circulated).

## **6 Councillor Questions**

### **7 Public Question Time**

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

## **8 Petitions and Joint Letters**

### **8.1 Petitions and Joint Letters Received**

No petitions or joint letters were received at the time of printing the Council Meeting agenda.

## 8.2 Responses to Petitions and Joint Letters

### 8.2.1 Response to Petition - Make Ferguson Street Safe for Pedestrians

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

#### Purpose

To provide Council with a response to the petition requesting road safety improvements in Williamstown at the intersection of Melbourne Road and Ferguson Street, and along Ferguson Street.

#### Recommendation

##### That Council:

- 1. Undertakes further transport engineering assessments of the Melbourne Road and Ferguson Street intersection to support Council's advocacy to the Department of Transport to address the pedestrian road safety issues.**
- 2. Writes to the lead petitioner advising of the outcome.**

#### Summary

The submitted petition highlights known road safety risks to pedestrians at the intersection of Melbourne Road and Ferguson Street, which is managed by the Department of Transport (DoT). It is proposed to undertake further assessment to support advocacy to DoT and the Victorian Government seeking long-term improvements to address these issues.

Concerns raised about safety on Ferguson Street east of the intersection will be considered and addressed as part of Council's proposed road safety works at Ferguson Street under the federal Black Spot Program. This section is managed by Council.

#### Background

DoT is the managing authority for the intersection of Melbourne Road and Ferguson Street, the section of Melbourne Road north of the intersection, and Ferguson Street west of the intersection. The sections of road east and south of the intersection are managed by Council.

Community members have frequently contacted Council about road safety issues at the intersection, which is to be expected given the level of traffic and pedestrian activity. There is a pattern of road crashes with a total of 10 crashes having occurred in the vicinity of the intersection between 2011 and 2020, resulting in six serious injuries and one fatality.

## Petition

An online petition was formally submitted to Council in October 2021, comprising three requests summarised as follows:

- installation of a safety barrier on the corners of Melbourne Road and Ferguson Street to protect pedestrians, particularly at the Explorers Early Learning Childcare Centre corner
- creation of a crossing for pedestrians to cross Melbourne Road near the roundabout given the difficulty experienced by pedestrians and the road safety risks
- improvements to address motorists not stopping for pedestrians at crossings on Ferguson Street, particularly the crossing outside Explorers Early Learning Childcare Centre and those at the intersection of Ferguson Street and Douglas Parade.

It is understood that the petition was also submitted to the Victorian Government and the lead petitioner received a response from the Minister for Roads and Road Safety, the Hon. Ben Carroll MP, indicating that DoT would be undertaking a further assessment of the intersection, to conclude by the end of April 2022.

## Black Spot Program works

Council manages the section of Ferguson Street east of the intersection and is finalising plans for road safety works in this area. These plans were underway prior to receiving the petition and were listed on the Participate Hobsons Bay website for community feedback in September 2021.

In summary, the proposed works are:

- installation of a raised zebra crossing at the existing pedestrian crossing near Melbourne Road
- installation of a raised zebra crossing near Bath Place
- installation of electronic 40km/h speed limit signs near Melbourne Road and Nelson Place and painted 40 text on the road surface at various locations
- installation of a separated bicycle lane with painted buffer areas with other bicycle improvements including green pavement treatments.

The works aim to improve safety to vulnerable road users (pedestrians and cyclists) and respond to the recorded crash history on the road, and are fully funded by the Australian Government through the Black Spot Program.

The lead petitioner was among the people who provided feedback through the Participate page and this feedback is currently being considered by the project team in order to confirm delivery later this financial year.

## Discussion

Each of the three key requests made in the petition is discussed separately below.

### Safety Barrers

A preliminary investigation has been undertaken of the potential for the installation of safety barriers at the intersection of Melbourne Road and Ferguson Street, focusing on the frontage of Explorers Early Learning Childcare Centre. As the intersection is managed by DoT, the



installation of safety barriers or fencing requires their approval and consent. Council officers have sought DoT's position on this matter but given experience with similar requests it is likely that DoT would oppose the installation of barriers as they present roadside hazards.

A review has also been undertaken of the crashes that have occurred at the intersection. While 10 crashes were recorded there since 2011, none of these crashes involved vehicles running off the road. In addition, an inspection of the site has shown that there are underground assets (water, electricity, and Telstra assets) as well as nearby street trees that likely preclude the installation of safety barriers that could be approved by DoT. A barrier would also limit the space available for pedestrians to use the footpath at the corner.

Additionally, safety barriers can give pedestrians a false sense of security, as barriers meeting current standards are effectively designed as crumple zones that bring vehicles to a slow stop rather than an abrupt halt. Therefore, even when a barrier is struck, vehicles (and the barrier structure itself) can still enter the areas used by pedestrians.

As a result of the above considerations, the installation of barriers is not considered suitable at this time but a long-term solution to the known existing safety issues is being developed.

### **Pedestrian Crossing over Melbourne Road**

The crossing over Melbourne Road on the northern leg of the intersection is managed by DoT. It carries the highest levels of traffic with pram ramps provided to facilitate pedestrians crossing four lanes of traffic. This crossing would be anticipated to carry the highest number of pedestrians at the intersection given the immediate surrounding land uses (childcare facility and takeaway food shop). A review of the crash statistics confirms that there are serious risks crossing this part of intersection, with four crashes occurring here since 2012 involving pedestrians collectively resulting in one fatality, three serious injuries and one "other" type injury. Council officers have highlighted this issue to DoT numerous times over the years without traction or identification of a long-term solution to address this issue.

On the southern leg, which is officially under the control of Council, pram ramps are provided and there is a formal zebra crossing further south near Perry Street. This crossing is supported with a central median, and compared to the northern leg it carries less traffic with a reduced crossing distance. No crashes involving pedestrians have been recorded on this leg of the intersection. While improvements are possible here, it would necessitate DoT's approval and consent given the proximity to the intersection and the operational impacts of any potential works.

It is proposed to contact DoT and the Victorian Government to gain an understanding and appreciation of their assessment of the intersection and to advocate for commitment to long-term solutions that address the known road safety risks to pedestrians. In addition, Council officers would start their own engineering assessment and concept design of options to address the issue, including surveys and modelling of the intersection to bolster advocacy efforts and ensure that any solutions respond to the road safety risks and issues raised by the local community.

### **Improvements for pedestrians crossing Ferguson Street**

The only formal pedestrian crossing at the intersection is the zebra crossing on Ferguson Street on the eastern leg, in the area controlled and managed by Council. This crossing is proposed to be upgraded to a raised crossing as part of the Black Spot Program works described above, and the lead petitioner supported these works with their anticipated safety benefits. It effectively responds to a key component of their petition.

The other concerns raised about crossing Ferguson Street at Douglas Parade have been considered as part of the proposed works. The scope of works does not include improvements specifically at the intersection, but the improved line marking and electronic speed limit signs would be expected to improve safety for road users, including pedestrians at Douglas Parade. Future infrastructure improvements at this intersection could be considered later as funding opportunities become available.

## **Strategic Alignment**

This report specifically addresses priorities from the following strategic documents:

### **Hobsons Bay 2030 Community Vision**

**Priority 6:** An accessible and connected community

### **Council Plan 2021-25**

**Objective 4:** Visionary community infrastructure

**Strategy 4.1:** Ensure the transport network is safe and efficient for all users with a focus on pedestrians and cyclists

**Priority b)** Advocate to State Government for improvements works on Millers Road, Melbourne Road, Central Avenue/Queen Street and Point Cook Road

### **Integrated Transport Plan**

Council's Integrated Transport Plan seeks to promote and facilitate safe sustainable transport options for residents, including walking. Improvements at the Melbourne Road and Ferguson Street intersection would support the Integrated Transport Plan.

## **Policies and Related Council Documents**

The petition was received by Council at the Council Meeting held on 12 October 2021. There have been no previous reports presented to Council in response to this petition.

## **Legal/Statutory Obligations and Risk**

Future advocacy design and assessment would be developed in accordance with Austroads Guidelines, Australian Standards, the *Road Management Act 2004*, and *Road Safety Act 1986*.

## **Financial and Resource Implications**

It is proposed to utilise existing operational budgets to undertake the transport engineering assessment and design, and associated advocacy.

## **Environmental, Social and Economic Impacts**

The proposal does not have significant environmental, social or economic impacts.

## **Consultation and Communication**

### **Consultation with lead petitioner**

Council officers contacted the lead petitioner to provide details on the proposed recommendation being put forward for Council's consideration. It is noted that the lead petitioner also provided feedback to the Ferguson Street proposed works online via the Participate portal.

### **Consultation with other parties**

Council officers have sought, but not yet received, feedback from DoT on the status of their assessment of the Melbourne Road and Ferguson Street intersection.

## **Declaration of Conflict of Interest**

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

## 8.2.2 Response to Petition - Sealing Joiner Lane, Seaholme

**Directorate:** Infrastructure and City Services  
**Responsible Officer:** Coordinator Projects Management Office  
**Reviewer:** Director Infrastructure and City Services  
**Attachments:** Nil

### Purpose

To respond to the petition requesting that Council seal the full length of Joiner Lane, Seaholme by the end of 2022.

### Recommendation

**That Council:**

- 1. Refers the sealing works of Joiner Lane, Seaholme for consideration in a future Capital Works Program.**
- 2. Writes to the lead petitioner advising of the outcome.**

### Summary

At the Council Meeting on 16 November 2021, a petition was received containing 30 signatures seeking the sealing of the full length of Joiner Lane by the end of 2022. All of the signatories are identified as Hobsons Bay residents.

Council currently has about 14 kilometres of unsealed laneway, which is managed and maintained to facilitate vehicle and pedestrian access. Joiner Lane is included in this class of asset that is subject to continual requests for upgrade sealing works.

### Background

Joiner Lane is a low traffic road only used for accessing local properties. Seven properties have vehicle access to this laneway. Three properties in Joiner Lane that only have access from Joiner Lane. The laneway is 80 metres long with half already sealed to access units constructed several years ago.

The unsealed section of the laneway is maintained in accordance with Council's Road Management Plan and is in good condition with no defects present that are above defect intervention level.

Over the past two years Council has received three petitions and over 80 individual customer enquiries requesting the sealing of various unsealed laneways throughout the municipality.

Council currently has no funding allocation within the Long Term Capital Works Program for the upgrade of unsealed laneways throughout the municipality.

## Discussion

The traffic volume on the unsealed laneways varies with some being heavily utilised as primary access to properties and many seldomly used with no access occurring. The overall funding required to upgrade all of Council's unsealed laneways is estimated to be \$12.1 million.

A strategic review of Council's unsealed laneway network has identified a program for potential unsealed laneway upgrade projects, which has prioritised laneways with higher direct property access requirements and greater degradation levels from traffic movements. Joiner Lane is among the laneways identified as high priority, although funding is not currently available for the program, with the funds required to deliver these prioritised sites estimated to be \$3.8 million.

To resolve the issue raised within the recently received petition regarding Joiner Lane, previously received petitions and customer enquiries relating to various unsealed laneways throughout the municipality, the sealing of the unsealed laneways will be referred for the future capital works program.

## Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

### Hobsons Bay 2030 Community Vision

**Priority 6:** An accessible and connected community

### Council Plan 2021-25

**Objective 4:** Visionary community infrastructure

**Strategy 4.2:** Ensure that our assets are properly maintained now and into the future at the most economical cost to the community and the environment

## Policies and Related Council Documents

The petition was received by Council at the Council Meeting held on 16 November 2021. There have been no previous reports presented to Council in response to this petition.

## Legal/Statutory Obligations and Risk

Council has a legal obligation under the *Road Management Act 2004* and Council's Road Management Plan to maintain a safe and trafficable surface for road users. In carrying out its duties and fulfilling its obligations, Council will undertake minor repairs and maintenance of the laneway as required.

## Financial and Resource Implications

Funding required to complete upgrade works the entire network of unsealed laneways is estimated to be \$12.1 million. Funding required to complete works at high-priority sites is estimated to be \$3.8 million with the project at Joiner Lane estimated to cost \$87,000.

No funding allocation exists within the Long Term Capital Works Program for the upgrade of unsealed laneways throughout the municipality, and any funding proposed to deliver works under this program would need to be considered in future budget deliberation processes.

## Environmental, Social and Economic Impacts

Council's strategic asset management approach has positive environmental, social and economic impacts. Implementing a program to construct or resurface all unsealed laneways will (i) provide safe, accessible, fit-for-purpose assets and networks for present and future communities, (ii) decrease ongoing maintenance costs in the future and (iii) contribute to the health and wellbeing of the community.

## Consultation and Communication

### Consultation with lead petitioner

Communication occurred with the lead petitioner on 21 December 2021 to advise of the investigation outcomes and the proposed recommendation being put forward for Council's consideration.

### Consultation with other parties

No communication has occurred with any other stakeholders.

## Declaration of Conflict of Interest

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

## 9 Business

### 9.1 Office of the Chief Executive

#### 9.1.1 Chief Executive Officer's Report on Operations

<b>Directorate:</b>	Office of the Chief Executive
<b>Responsible Officer:</b>	Executive Assistant to the Chief Executive Officer
<b>Reviewer:</b>	Acting Chief Executive Officer
<b>Attachments:</b>	1. CEO's Report on Operations [9.1.1.1 - 43 pages]

#### Purpose

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

#### Recommendation

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

#### Summary

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

#### Discussion

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

In accordance with rule 10.7.1 of the Hobsons Bay Governance Rules, Council maintains records of meetings attended by Councillors in the CEO's Report on Operations to ensure transparency and equity of information. A summary of meetings for the period between 1 December 2021 and 31 January 2022 is provided in this month's report.

#### 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 2021-25**

### **Objective 5: A High Performing Organisation**

#### **Strategy 5.4: Enhance transparency, accountability and good governance practice**

### **Declaration of Conflict of Interest**

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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



## 9.2 Corporate Services

### 9.2.1 2021-22 Mayoral Program

<b>Directorate:</b>	Corporate Services
<b>Responsible Officer:</b>	Manager Corporate Integrity (Legal Counsel)
<b>Reviewer:</b>	Director Corporate Services
<b>Attachments:</b>	Nil

### Purpose

To update Councillors and the community on the areas of focus for the 2021-22 mayoral term of Cr Peter Hemphill.

### Recommendation

**That Council notes the proposed 2021-22 mayoral focus areas of the Mayor, Cr Peter Hemphill.**

### Summary

In November 2021, Council elected Cr Peter Hemphill to lead Council as Mayor for the 2021-22 mayoral term.

Cr Hemphill was first elected to Council in 1999 and served as Mayor in 2008-09 and 2015-16. This will be Cr Hemphill's third term as Mayor.

Cr Hemphill brings his passion for maritime history, preserving local heritage, building the city's sports network, and the environment, when identifying the focus areas for his mayoral term.

Accordingly, mayoral activities will focus on four key areas of heritage, environment, infrastructure and community building. These include:

- preserving important heritage in Hobsons Bay such as the former Newport Railway Workshops, the Hobsons Bay Heritage Street Signs Program and the historical significance of Altona Pier
- showcasing and advocating for expansion of the Virtual Energy Network
- rolling out the Urban Forest Strategy including a virtual dashboard for the community
- advocating and supporting delivery of critical infrastructure including:
  - continued advocacy for important projects such as the Wetlands Centre and the Western Aquatic Facility at Bruce Comben Reserve in Altona Meadows
  - collaborating with the Victorian Government on the upgrading of the Williamstown Swimming and Life Saving Club facilities
  - continuing to work in partnership with the Victorian Government and the West Gate Tunnel Project to deliver the WLJ Crofts Reserve Pavilion in Altona North and new facilities at Donald McLean Reserve in Spotswood
  - a new pavilion at JT Gray Reserve in Williamstown North

- supporting Council's Citizen of the Year and Young Citizen of the Year in their community work

This report outlines the areas of particular interest and provides details of the initiatives and activities that Cr Hemphill 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 2021-25.

## Discussion

### Heritage

Hobsons Bay has a range of significant heritage, some of which is not well known or which is in need of protection. Cr Hemphill is passionate about preserving and celebrating this local heritage. Three key projects Cr Hemphill will champion in his mayoral term are outlined below.

The former **Newport Railway Workshops** including the land and buildings are of local and state significance and are listed on the Victorian Heritage Register. The site was established in the late 1880s and became instrumental in the development of Victoria's rapidly expanding rail network. Locomotives and carriages were manufactured at the site. During World War II, the Newport Railway Workshops were used to manufacture military equipment.

Since the 1990s, a significant section of the Newport Railway Workshops has been used by three separate volunteer rail groups to refurbish steam and diesel locomotives and an array of rail carriages. A significant independent study has linked the rolling stock to the workshops. The study has been lodged with Heritage Victoria seeking further heritage protections on the site. In 1994, Heritage Victoria identified the Newport Railway Workshops as "one of the best surviving 19th century railway workshops in the world". Cr Hemphill will work with the rail workshop volunteers to push for a UNESCO World Heritage listing for the site. Council will advocate for the site's increased heritage protection and seek to protect what is there while Heritage Victoria undertakes a complex and potentially lengthy assessment.

The stories behind the naming of streets in Hobsons Bay provide insight into the history and heritage of the city and in some cases the lives of political, business, cultural and community leaders. First launched as a new initiative by Cr Hemphill during his last term as Mayor in 2016, the **Hobsons Bay Heritage Street Signs** program now comprises 45 streets across Altona, Altona Meadows, Laverton, Newport, Williamstown and Williamstown North.

Council works with local historical society representatives and historians to identify existing streets with historically significant names and undertakes research on them. Residents are welcome to nominate street names for consideration. Cr Hemphill is looking forward to promoting the expansion of the heritage street sign program to Spotswood during his mayoral term as well as progressing plans for digitisation of the program. Heritage street signs will once again be promoted during the Heritage Hobsons Bay Festival in 2022.

Life in Altona is greatly enriched by its bayside activity and aspect, and its central asset the **Altona Pier**. As noted by the Altona Laverton Historical Society, the original timber pier at Altona was built in 1888 by the Altona Bay Estate Company, primarily to transport potential land buyers between Port Melbourne and Melbourne to Altona by steam ships. While plans for a new pier are under way by Parks Victoria, ensuring the place that the Altona Pier has in the history of the city is a priority of Council.

During his mayoral term, Cr Hemphill looks forward to progressing the collaboration between Council officers and local historical societies to discover stories to be included in heritage interpretation along Altona Pier and the foreshore.

## Environment

Carrying forward a priority of former mayor Cr Jonathon Marsden, Cr Hemphill is keen to support the further development of the innovative **Virtual Energy Network** during his mayoral term. This virtual solar power network project continues to provide Council with significant environmental benefits through renewable energy being generated on and moved between Council buildings. The first major stage of the solar project will realise approximately 1,800 kilowatts of new solar generation which, added to the systems on Council hubs and libraries, will bring total generation to 2,200 kilowatts.

The next stages of the project include community engagement about potential solar services that the community might value to help residents take up renewable energy in their homes, informed by Council's Community Solar Reference Group. Council is also advocating to the Victorian and Australian governments for investment to support a large scale battery which would substantially increase the benefits of this renewable energy source.

Cr Hemphill has long been a supporter of the preservation of street trees in Hobsons Bay. He will continue that support through advocacy for the **Urban Forest Strategy**, which is an important priority for a number of Councillors. In addition to the planting of 8,500 trees on streets, in parks and reserves, and special projects, Cr Hemphill is looking forward to launching a new Green Streets Program.

The Green Streets Program involves Council working closely with residents on the renewal of street trees in their streets, providing residents with an opportunity to have input on the plantings as well as educate the community on the benefits of trees. Council received over 150 nominations from residents across Hobsons Bay last year as part of the Canopy Delivery Plan consultation period.

This year, Council's *Lagunaria patersonia* (commonly known as itchy bomb trees) replacement program will also commence. The program is Action 2.5 of Council's Urban Forest Strategy and will see the replacement of the problematic *Lagunaria patersonia* with more suitable species.

The live online tree planting dashboard will enable the community to monitor Council's tree planting progress against the Urban Forest Strategy goals. It is hoped the dashboard will be available for the community to monitor the 2022 planting season.

## Infrastructure

Council's infrastructure program makes a significant contribution to the community's enjoyment of life in Hobsons Bay – through the natural environment, and sporting and community activities. Cr Hemphill's Mayoral Program will support and advocate for six key projects identified by Councillors late last year.

Cr Hemphill is a keen advocate for the development of a **Wetlands Centre**. During his mayoral term, together with his fellow Councillors and the Hobsons Bay Wetlands group, Cr Hemphill will continue to strongly advocate to all levels of government for project funding. A concept design was completed at the end of 2021 including the development of a project prospectus which will be launched in March 2022.

During his mayoral term, Cr Hemphill will also strongly advocate for the funding and construction of the **Western Aquatic Facility** at Bruce Comben Reserve in Altona Meadows to address a significant service gap across the west side of Hobsons Bay and surrounding areas. Once delivered, this facility will replace the Laverton Swim and Fitness Facility at McCormack Park which is nearing the end of its useful life. The Western Aquatic Facility is an important advocacy priority of Council's in the upcoming federal and state government elections.

The **Williamstown Swimming and Life Saving Club** was successful in obtaining \$11.34 million from the Victorian Government to upgrade its facilities on the Williamstown foreshore. Cr Hemphill is looking forward to progressing the project during his mayoral term. Council is currently working closely with the government and the Williamstown Swimming and Life Saving Club to establish the project. A design process will commence over the coming months and will include community consultation.

Cr Hemphill is looking forward to the opening of the **WLJ Crofts Reserve Pavilion** in Altona North in June 2022. The WLJ Crofts Reserve Pavilion, described as a superstructure, has been delivered by Council in partnership with the West Gate Tunnel Project and the Victorian Government.

The next phase of works at **Digman Reserve**, Newport, is the upgrade of the playground near Home Road, which is due for completion during Cr Hemphill's mayoral term. This follows two years of development on the site including a new pavilion, additional car parking and the redevelopment of the western and eastern ovals including the installation of irrigation and floodlights to support increased training events.

Cr Hemphill will support significant works which continue at **Donald McLean Reserve** in Spotswood during this mayoral term. These works will follow on from the other completed works on the site including the redevelopment and installation of new irrigation systems and floodlighting on the ovals, new tennis and netball multipurpose courts and the construction of new cricket practice nets.

Works currently under construction include the new main sports club pavilion to replace the existing facility and a new formalised car parking, with an upgraded play space to be commenced at the western end of the reserve during Cr Hemphill's mayoral term.

Cr Hemphill will support the continued rollout of the **JT Gray Reserve** Master Plan. This includes the construction of a new sports pavilion and the revamping of car parks servicing the reserve.

## Community Building

Cr Hemphill is a big supporter of community leaders and was delighted to announce Council's 2022 Citizen of the Year Kate de Marco and Young Citizen of the Year Tahlia Kotiau at the Australia Day Citizenship Ceremony. Cr Hemphill has been impressed with the contributions of both leaders and looks forward to supporting both to work with Council in community development and youth programs.

## Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

### Hobsons Bay 2030 Community Vision

This report relates to all priorities within the Hobsons Bay 2030 Community Vision.

### Council Plan 2021-25

#### Objective 2: Environment

##### **Strategy 2.2: Enhance protection, preservation and promotion of our coastal environment and wetlands/waterways, biodiversity and natural areas**

**Priority d)** Advocate for the establishment of a wetlands centre, promoting environment and tourism at the Hobsons Bay Ramsar rated wetlands

##### **Strategy 2.3: Increase tree canopy cover within Hobsons Bay to reduce the urban heat island effect, improve air quality and enhance general amenity**

**Priority a)** Deliver increased tree canopy outcomes across the municipality within streets, open space reserves and appropriate public realm locations

##### **Strategy 2.4: Continue to reduce Council's greenhouse gas emissions by increasing the use of renewable energy, increasing energy efficiency and implementing Council's zero net emissions strategy**

**Priority a)** Deliver the endorsed solar program across the municipality for increased renewable energy consumption

#### Objective 3: Vibrant place and economy

##### **Strategy 3.4: Increase participation in recreation activities across the community**

**Priority c)** Support increased participation opportunities by providing infrastructure which meets the needs of the sporting 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.

This report is the first in a series of four update reports on the 2021-22 Mayoral Program. There are no previous Council reports on the 2021-22 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 *Local Government 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.

## 9.2.2 Recognition of Hobsons Bay Residents in 2022 Australia Day Honours List

<b>Directorate:</b>	Corporate Services
<b>Responsible Officer:</b>	Governance Officer
<b>Reviewer:</b>	Director Corporate Services
<b>Attachments:</b>	Nil

### Purpose

To acknowledge the achievements of two Hobsons Bay residents, Tony Dodemaide and Faye Temple, and former Williamstown resident Dr Ann Morrow, who have been recognised in the Australia Day 2022 Honours List.

### Recommendation

**That Council:**

- 1. Sends letters of congratulations from the Mayor to Tony Dodemaide OAM, Faye Temple OAM and Dr Ann Morrow OAM, on being recognised in the Australia Day 2022 Honours List.**
- 2. Invites the award recipients to attend a future Council Meeting, in accordance with the Council Recognition of Australian Honours and Awards Recipients Procedure.**

### Summary

The Australia Day Honours List recognises the outstanding service and contributions of Australian citizens nationwide each year. Two current residents and one former resident of Hobsons Bay have been recognised among the 1,040 Australians honoured in 2022. This report acknowledges their achievement and service to the community.

Tony Dodemaide of Williamstown was awarded a Medal of the Order of Australia (OAM) for service to sports administration and to cricket.

Faye Temple of Seaholme was awarded a Medal of the Order of Australia (OAM) for service to sonography (medical ultrasound).

Dr Ann Morrow, formerly of Williamstown, was awarded a Medal of the Order of Australia (OAM) for service to the community through a range of organisations, and to local government.

### 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.

The Hobsons Bay recipients for 2022 received honours within the General Division of the Order of Australia, which recognises Australians who have demonstrated outstanding service or exceptional achievement.

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

## **Discussion**

### **Tony Dodemaide OAM**

Tony Dodemaide OAM was honoured with a Medal of the Order of Australia for his service to sports administration and cricket.

As a player, Mr Dodemaide had a successful 15-year career during the 1980s and 1990s in which he played 184 first-class matches, including 10 Test matches and 24 One Day Internationals for Australia, and 104 matches played in Victoria. He played 150 matches in total for the Footscray Cricket Club.

Mr Dodemaide has the distinction of being the only Australian since 1895 to score a 50 and take a five-for on his debut in the 1987 Boxing Day Test match against New Zealand, ultimately scoring 53 runs and taking six wickets in the game. He also took five-for in his debut One Day International match against Sri Lanka the following year and ended his playing career with 534 first-class wickets.

In the later years of his career as a professional cricketer, between 1993 and 1998, Mr Dodemaide was also Corporate Marketing Manager for the Melbourne Cricket Club. Mr Dodemaide went on to become a highly respected cricket administrator, initially as Head of the Marylebone Cricket Club in the United Kingdom before returning to Australia as the Chief Executive Officer of the Western Australia Cricket Association in 2004. In 2007 he became Chief Executive Officer of Cricket Victoria, and in 2021 also became a National Selector for the Australian men's cricket team for Cricket Australia.

### **Faye Temple OAM**

Faye Temple OAM was honoured with a Medal of the Order of Australia for her service to sonography (medical ultrasound).

Ms Temple served as sonographer at St Vincent's Hospital from 1999 and then as sonographer in charge from 2002 until her retirement in 2019.

Ms Temple has had an extensive association with the Australasian Sonographers Association (ASA), having served as a board member from 1999 to 2013 and in various positions during that time including Chair of the Victorian State Branch between 2000 and 2014 and as President from 2010 to 2013. Ms Temple was co-convenor of the ASA's National Conference in 2010 and convenor in 2016.

Throughout Ms Temple's career she has been passionate about maintaining high standards for sonography. She was a member of the Board of the Australian Sonographer Accreditation Registry from 2010 to 2019 and served as Vice-Chairperson from 2012 to 2018. She has also been a committee member for monitoring and implementation of the Diagnostic Imaging Accreditation Scheme since 2010 and was a contributor to the Diagnostic Imaging Quality Program between 2010 and 2012. From 2006 onward



Ms Temple has shared her professional knowledge with a new generation by lecturing at RMIT and Monash University.

In 2008 Ms Temple received the Prue Pratten Memorial Award from the ASA in recognition of her service to the field. In 2012 she was awarded Professional of the Year by Professions Australia.

### **Dr Ann Morrow OAM**

Dr Ann Morrow, a long-time resident of Williamstown who now lives in Carlton, was honoured with a Medal of the Order of Australia for her service to the community through a range of organisations, and to local government.

Beginning her career in education, Dr Morrow co-founded the East Serrell Street Kindergarten in Malvern in 1971. Her commitment to community led her to become a Councillor of the City of Malvern, where she served from 1974 to 1981, including a term as Mayor in her final year as a Councillor.

Dr Morrow became Director of the Social Development Division of the Victorian Department of Premier and Cabinet in 1982 and then Chief Executive Officer of the Victorian Education Ministry from 1988 to 1991. She was also a former Chair of the NSW Department of Education and Training's Professional Relations Forum.

Dr Morrow has served on a variety of education and training boards over the years. She was a board member of the Dusseldorp Skills Forum for 10 years, Chair of the Schools Council's National Board of Employment, Education and Training from 1991 to 1996 and Deputy Chair of the Hobsons Bay/Wyndham Local Learning and Employment Network (LLEN) from 2001 to 2005. She was also a member of the South Australian TAFE Board from 2003 to 2004 and then Chair of the Faculty of Education External Advisory Board for the University of South Australia between 2004 and 2005.

Dr Morrow has also made significant contributions to support refugees through community organisations. Formerly a convenor of Friends of Maribyrnong Detainees, she co-founded the Hobsons Bay Refugee Network with Dorothy Page in 2001 and was a convenor until the network announced its retirement in late 2021. From 2003 to 2008 she was involved in organising four Bid for Freedom art auctions to raise funds for the Brigidine Asylum Seeker Fund. In 2006 she was also a founding member of the Slingshot Board for the Hobsons Bay Community Fund.

## **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 2021-25**

**Objective 1:** Healthy, equitable and thriving communities

**Strategy 1.1:** Celebrate the diversity of our community and provide equitable opportunities for all

## **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, in accordance with the Council Recognition of Australian Honours and Awards Recipients Procedure.

## **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.

### 9.2.3 Instruments of Delegation to the Chief Executive Officer and Members of Staff - 2022 Update

<b>Directorate:</b>	Corporate Services
<b>Responsible Officer:</b>	Manager Corporate Integrity (Legal Counsel)
<b>Reviewer:</b>	Director Corporate Services
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. S5 Instrument of Delegation to CEO - 8 February 2022 [9.2.3.1 - 10 pages]</li><li>2. S6 Instrument of Delegation Council to Members of Staff - 8 February 2022 [9.2.3.2 - 88 pages]</li></ol>

#### Purpose

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

#### Recommendation

That Council:

1. In the exercise of the power conferred by s11(1)(b) of the *Local Government Act 2020*, resolves:
  - a. There be delegated to the person holding the position, or acting in or performing the duties of, Chief Executive Officer the powers, duties and functions set out in the attached S5 Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument (refer Attachment 1).
  - b. The Instrument comes into force immediately the Instrument is executed by the Mayor, and will remain in force until 14 October 2022, when the Instrument will be reviewed, or sooner if Council resolves to vary or revoke it.
  - c. On the coming into force of the Instrument, the previous Instrument of Delegation dated 25 August 2020 is revoked in accordance with item 2.6 of that Instrument.
  - d. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt, except in the case of decisions made to support the Community Support Packages, as specified in item 2.5 of the Instrument.
  - e. In circumstances where the Chief Executive Officer is to enact delegated authority beyond previous delegation limits, the Chief Executive Officer will undertake the agreed consultation process with Council, noting individual Councillor concurrence or dissent, prior to the exercise of such delegation.

- 2. In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation, resolves:**
- a. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached S6 Instrument of Delegation to Members of Council Staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument (refer Attachment 2).**
  - b. The Instrument comes into force immediately the Instrument is executed by the Mayor, and will remain in force until 14 October 2022, when the Instrument will be reviewed, or sooner if Council resolves to vary or revoke it.**
  - c. On the coming into force of the Instrument, the previous Instrument of delegation dated 25 August 2020 is revoked in accordance with item 2.6 of the current Instrument.**
  - d. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

## Summary

Subsection 11(7) of the LG Act 2020 required Council to review within 12 months of a general election all delegations made under section 11 which were still in force, causing a report to be brought to the 12 October Council Meeting in order to comply with this requirement. Council resolved at this meeting, however, to hold over the review of the Instrument until the first meeting of 2022. The Instrument of Delegation dated 25 August 2020 was to remain in force until the Victorian Premier declared the cessation of the State of Emergency, which occurred on 15 December 2021.

## Background

The delegations to the CEO and to Council staff were last reviewed and updated by Council on 25 August 2020.

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

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

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

## Discussion

In accordance with section 11(7) of the LG Act 2020, Council must review, within the period of 12 months after a general election, all delegations which have been made under this section and are still in force.

Legal advice obtained supported the approach that Council keep its current Instrument of Delegation to the CEO in force until 15 December 2021 and that a report revoking this delegation be brought to the first Council Meeting on 8 February 2022, to avoid signing a new Instrument in October 2021 and again in February 2022.

While the delegation to staff did not have the same clause keeping it in effect until the State of Emergency ceased, both delegations are reviewed together so it also remained in force until 8 February 2022.

The current Instrument of Delegation to the CEO was prepared by Macquarie Lawyers in March 2020 at the beginning of the COVID-19 pandemic and in direct response to the declaration of the State of Emergency. Council endorsed the revised Instrument at a Special Meeting on 31 March 2020.

The 31 March 2020 Instrument was subsequently reviewed and endorsed by Council on 25 August 2020.

Council's resolution to adopt the 31 March 2020 Instrument, and the current Instrument, required that in circumstances where the CEO is to enact delegated authority beyond previous delegation limits, the CEO will undertake the agreed consultation process with Council, noting individual Councillor concurrence or dissent, prior to the exercise of such delegation. For the record, the CEO has not been required to enact any extended delegated authority since the commencement of the 31 March 2020 Instrument.

The provisions included in the Instrument of Delegation dated 25 August 2020 addressing the COVID-19 pandemic remain in the Instrument attached to this agenda. Given the uncertainty attached to the current pandemic, it has been recommended that these provisions remain in place until a further review on 14 October 2022 unless the Instrument is varied or revoked sooner by a resolution of Council.

Given the ongoing exceptional circumstances created by the COVID-19 pandemic, where the CEO is required to enact items 2.4 and 2.5 as detailed in the proposed Instrument of Delegation or enact item 1(b) of Schedule 1 concerning expenditure beyond previous delegation limits – it is envisaged that it would be done in consultation with, and upon obtaining a formal concurrence or dissent from, 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 2021-25

### Objective 5: A High Performing Organisation

#### Strategy 5.4: Enhance transparency, accountability and good governance practice

**Priority a)** Implement recent changes to legislation (such as the *Local Government Act 2020*, *Gender Equality Act 2020*, Child Safe Standards) to improve democracy, accountability, gender equality and service delivery for Hobsons Bay

## Policies and Related Council Documents

The delegation to the CEO was last reviewed and endorsed by Council on 25 August 2020.

A report was also considered by Council on 12 October 2021, where it was agreed to hold over the review of the current Instruments of Delegation until February 2022.

## Legal/Statutory Obligations and Risk

Section 11(1) of the LG Act 2020 allows Council, by instrument of delegation, to delegate to its CEO or a member of a delegated committee certain powers, duties or functions under the LG Act 2020 or any other Act.

Under section 47(1) of the LG Act 2020, the CEO is empowered to delegate a power, duty or function of Council other than the power of delegation to a member of Council staff.

## Consultation and Communication

As previously discussed, the current Instrument of Delegation to the CEO was prepared by Macquarie Lawyers in March 2020 at the commencement of the COVID-19 pandemic and in direct response to the declaration of the State of Emergency. Council endorsed the revised Instrument at a Special Meeting on 31 March 2020.

The Instrument was subsequently reviewed and endorsed by Council on 25 August 2020.

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

## 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.

## 9.2.4 Second Quarter Financial Report - Period Ended 31 December 2021

**Directorate:** Corporate Services

**Responsible Officer:** Chief Financial Officer

**Reviewer:** Director Corporate Services

**Attachments:**

1. Financial Report 2021-22 [9.2.4.1 - 16 pages]
2. Capital Works Program 2021-22 [9.2.4.2 - 3 pages]

### Purpose

To present Council with the financial results for the period ended 31 December 2021, and the revised 2021-22 annual forecast projections following completion of the December mid-year forecast review.

### Recommendation

**That Council:**

1. **Notes the financial report for the period ended 31 December 2021.**
2. **Endorses the revised 2021-22 annual forecasts.**

### Summary

The quarterly financial report for the period ended 31 December 2021 (Attachment 1) and a detailed report on the Capital Works Program (Attachment 2) are attached.

The December mid-year forecast review has been conducted resulting in the operational budget surplus for 2021-22 of \$31.199 million decreasing to a forecast of \$30.785 million. The operational surplus does not include Council's significant investment in capital expenditure, forecast to be \$69.416 million in 2021-22.

When compared to budget, income is expected to increase by \$3.385 million and operational expenditure is expected to increase by \$3.799 million.

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

A balanced forecast has also been calculated for the Available Funding Result, consistent with the original budget.

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 is inferior when compared to budget as COVID-19 continues to have a greater impact than originally anticipated. While a forecast operational surplus is predicted, it should be noted that surpluses are required to fund Council's significant investment in capital expenditure. The Financial Plan 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 funding streams such as user charges and statutory fees have been and continue to be significantly impacted by COVID-19. It is difficult to assess how long it will take for these income streams to recover from the ongoing impacts of COVID-19. These assumptions will affect the amount of funding expected to be available in future years of the Financial Plan to be used by Council to maintain critical community assets.

Council will continue to monitor the impact of the financial results in relation to Council's overall financial viability. The Financial Plan has been updated to reflect the 1.75 per cent rate cap for 2022-23 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 relates to all priorities within the Hobsons Bay 2030 Community Vision.

### Council Plan 2021-25

#### Objective 5: A High Performing Organisation

**Strategy 5.3: Deliver value for money – continuous improvement while safeguarding the long-term financial sustainability of Council**

## Policies and Related Council Documents

The financial report for the period ended 31 December 2021 is directly aligned to Council's Annual Budget, Financial Plan and Capital Works Program.

Council considers financial reports at the end of the September, December (Mid-Year Budget Review), March and June (year-end) financial periods. This report provides the second quarterly report considered as part of the 2021-22 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.



The Acting 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.

## Financial and Resource Implications

The operational budget surplus for 2021-22 of \$31.199 million has decreased to a forecast of \$30.785 million. The operational surplus does not include Council's significant investment in capital expenditure, forecast to be \$69.416 million in 2021-22.

**Income** is expected to increase by \$3.385 million compared to budget.

Rates and charges forecasts have been increased mainly due to an increase in the amount originally raised for rates, generally a result of the delay in raising rates and greater than expected property development (\$1.843 million). Capital grant forecasts have been increased as further external income is now expected to be received to fund the capital program (\$1.699 million), while operational grants are also expected to increase (\$1.471 million).

User fees (\$1.053 million), statutory fees and fines (\$385,000) and other income (\$310,000) forecasts have all been reduced compared to budget, mainly due the ongoing impacts of COVID-19. Income forecasts have been reduced in line with Council's COVID Community Support Package 5, which was introduced after the original budget was adopted. This includes fee waivers for food, health and footpath trading permits, while parking meter income and infringements and property rentals and hire are also expected to decline.

**Operational expenditure** is expected to increase by \$3.799 million compared to budget.

Materials and services forecasts have been increased (\$2.568 million). Some of the increase is funded from grants and contributions received this year and last, while there are a number of additional costs required as a result of COVID-19.

Employee costs forecasts have been increased (\$1.691 million). The most significant increase relates to enterprise agreement backpay offset against savings in 2020-21. There are also increases offset against materials and services and additional employee costs have been required as a result of COVID-19.

A balanced **Available Funding Result** has been 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 balanced forecast result is consistent with the original budget, a further \$1.44 million is expected to be required from the Infrastructure reserve, leaving less funding available in future years.

The **Summary Cash Flow Statement** indicates that Council's cash and investment balance was \$38.847 million as at 31 December 2021. The original budget of \$26.733 million for 30 June 2022 has been slightly reduced to \$26.412 million. The forecast reduction in Council's cash and investments during the year is estimated at \$18.655 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 142 per cent at 31 December 2021 and is expected to be 119 per cent by the end of 2021-22, an increase when compared to the original budget of 117 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** is a balanced financial result when compared to the original budget after forecast adjustments and carryovers are considered.

Capital Works Expenditure for the period ended 31 December 2021 was \$21.080 million compared to the year to date budget of \$34.129 million. The initial budgeted capital expenditure for the 2021-22 financial year of \$64.144 million has increased to a forecast of \$69.416 million. The increased forecast expenditure of \$5.272 million compared to the budget is attributable to:

- expenditure carryover adjustments from the prior year's program (\$3.964 million)
- the increase in funded capital expenditure (\$1.976 million)
- expenditure carried over to next year's program (\$668,000)

Capital Income for the period ended 31 December 2021 was \$4.564 million. The initial budgeted capital income for the 2021-22 financial year of \$17.184 million has been increased to a year-end forecast of \$19.003 million. The increased forecast income of \$1.819 million compared to budget is attributable to:

- an increase in budgeted income received to fund the capital program (\$1.976 million)
- income that was budgeted to be received in 2021-22 that was received in 2020-21 (\$157,000)

## Environmental, Social and Economic Impacts

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

## Consultation and Communication

Council's Audit and Risk Committee will receive and note the quarterly financial report for the period ended 31 December 2021 and the detailed report on the Capital Works Program at its meeting to be held on 23 February 2022. 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.

## **9.2.5 Second Quarter Report - Council Plan Initiatives Progress Update and Half Year Local Government Performance Reporting Framework Results**

<b>Directorate:</b>	Corporate Services
<b>Responsible Officer:</b>	Corporate Improvement, Planning and Reporting Officer
<b>Reviewer:</b>	Director Corporate Services
<b>Attachments:</b>	1. Quarter 2 Progress Report - Council Plan Initiatives and LGPRF Indicators 2021-22 [9.2.5.1 - 17 pages]

### **Purpose**

To provide Council with the second quarter update on the progress of the initiatives to support the achievement of the Council Plan 2021-25 and the half-year results of the mandatory Local Government Performance Reporting Framework (LGPRF) indicators.

### **Recommendation**

**That Council:**

- 1. Notes the progress made on the 2021-22 initiatives for the Council Plan 2021-25.**
- 2. Notes the half-year results for the Local Government Performance Reporting Framework indicators.**

### **Summary**

Each financial year, Council's performance is measured against the progress of initiatives and the indicators prescribed in the LGPRF. This half-year progress report provides updates on how Council is progressing on both these measures for the period 1 July to 30 December 2021.

For the 2021-22 financial year Council nominated 28 initiatives to support the delivery of Council Plan 2021-25, of which 10 are multi-year projects. To date Council has completed three initiatives, namely the Better Places city image and place making program of Paine Reserve, the implementation of the new Learning Management System and the COVID-19 Recovery Support program. One project, the Creative City – Creative Spaces initiative, has been discontinued and merged with another project of a broader scope that Council is currently undertaking.

Three initiatives are in the project planning stage prior to starting. They are the Footpath Renewal Program, the Community Learning and Service Centres Strategy and the Property Strategy implementation. The remaining 21 projects are progressing to plan.

The LGPRF half-year results indicate that Council is tracking to achieve similar or better results compared to the same period of the last financial year in 28 out of the 52 reportable indicators in this period and will need to improve on 24 to achieve similar results as the previous year.

## Background

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

The Council Plan 2021-25 was adopted by Council on 12 October 2021. It consists of five strategic objectives that are made up of 19 strategies, 59 priorities and 10 large multi-year initiatives which describe what Council will do for the period. Other initiatives that support the delivery of the Council Plan objectives are identified in the annual budget process. The reporting of the initiatives is a requirement under the Act. Council reports quarterly on the progress to ensure they are on track throughout the financial year.

The LGPRF is a mandatory system of reporting requiring all councils to report on their service performance in a consistent format as a part of their Annual Report and via Local Government Victoria's Know Your Council website (<https://knowyourcouncil.vic.gov.au>). The framework consists of several performance indicators that are comparable between councils. The half-year report is an internal reporting tool for Council to monitor and manage progress.

## Discussion

In 2021-22 Council nominated 28 initiatives to support the delivery of Council Plan 2021-25. Some are multi-year projects that will progress beyond the current financial year. Of the 28 initiatives, eight are categorised as major initiatives (priority projects).

In the second quarter of the financial year, Council has completed three initiatives, namely the Better Places city image and place making program of Paine Reserve, implementation of the new Learning Management System and the COVID-19 Recovery Support program. One project, the Creative City – Creative Spaces initiative, has been discontinued and merged with another project of a broader scope that Council is currently undertaking.

Three initiatives are currently in the project planning stage prior to starting: the Footpath Renewal Program, the Community Learning and Service Centres Strategy and the Property Strategy implementation. The remaining 21 projects are progressing on plan.

Of the 52 reportable LGPRF indicators in this reporting period, Council has similar or better results than the same period last year in 28 indicators.

The details of the progress of the initiatives and LGPRF indicator results can be found in the attachment.

## Other projects around the municipality

### Cherry Lake Ward

Walkers and cyclists using the Kororoit Creek Shared Trail can now enjoy a new viewing platform to admire the creek and wetlands. The viewing platform at GJ Hosken Reserve in Altona North has seating and picnic facilities and is constructed from recycled timber and recycled plastic.

Traffic flow in central Altona will soon be improved under a plan to upgrade five key intersections with roundabouts. The roundabouts will provide safer access to streets, new

pedestrian refuges and pram ramps. Three locations are on Blyth Street at the intersections with Seves Street, Mount Street and Bent Street and two are on Queen Street at the intersections with Sargood Street and McBain Street. The project will also include an upgrade to the existing pedestrian crossing on Queen Street at Altona Library. The works are funded by the Victorian Government and has commenced in November 2021 with community consultation.

The Altona Surf Life Saving Tower upgrade is anticipated to be completed in time for the summer season. The Exeloo has been removed to make way for the expansion to the first aid room and the new upstairs roof framing has been installed.

### **Strand Ward**

The Blenheim Road park project works have commenced. Located next to the Australian Islamic Centre and Altona Miniature Railway, the park will include picnic areas, toilets, a play area, landscaping and a meditation space with decking. It is expected that the construction will be completed by June 2022.

Outdoor puzzles are coming to Newport with a creative twist to the fencing at the Newport Bowls Club. The puzzle fencing is located between the children's playground and the Newport Lawn Bowls Club. It is expected to be completed by the end of the 2022.

Traffic improvements are coming to the Williamstown Esplanade between Thomson Street and Gifford Street just in time for summer! The safety treatments included replacing the existing nine sets of speed cushions to seven flat top speed humps and one raised platform crossing. The works have replaced aging infrastructure, helped keep traffic speeds low and improved pedestrian connectivity.

### **Wetlands Ward**

The Love Laverton Focus Group is being established to help drive the rollout of the Better Places Laverton Place Guide. The group will meet regularly and aims to channel local energy and community leadership to make the Laverton vision a reality.

Laverton will soon have a revamped play space and a range of activity options for the local community with the Frank Gibson Reserve upgrade nearing completion. The upgrade, as part of Better Places Laverton, through the Love Laverton Parks Program, includes new play equipment, meandering footpaths, park furniture, a basketball activity space and junior soccer goals. As part of the upgrade, the cricket pitch has also been resurfaced and parts of the park have been irrigated to ensure the successful growth of new garden beds and trees within the park.

Turn ban signs have been installed on Point Cook Road as part of a trial to minimise rat-running traffic on local roads in Seabrook. While Point Cook Road is managed by Department of Transport, it is hoped the turn ban signs will ease the congestion on the surrounding streets. Council will monitor their effectiveness with traffic surveys.

## **Strategic Alignment**

This report specifically addresses priorities from the following strategic documents:

### **Hobsons Bay 2030 Community Vision**

This report relates to all priorities within the Hobsons Bay 2030 Community Vision.

## **Council Plan 2021-25**

### **Objective 5: A High Performing Organisation**

#### **Strategy 5.4: Enhance transparency, accountability and good governance practice**

## **Policies and Related Council Documents**

The Council Plan 2021-25 was adopted at the Council Meeting held on 12 October 2021.

The Annual Budget for the financial year ending 30 June 2022, which included the initiatives for the year, was adopted at the Council Meeting on 29 June 2021.

Progress reports of the initiatives are submitted to Council on a quarterly basis.

## **Legal/Statutory Obligations and Risk**

The annual reporting of the progress of the major initiatives is required by section 98(3)(b) of the *Local Government Act 2020*.

## **Financial and Resource Implications**

The initiatives are funded through Council's annual budget.

## **Environmental, Social and Economic Impacts**

The Council Plan 2021-25 aims to strengthen the natural, built, social and economic environments within Hobsons Bay, as articulated within the key strategic objectives.

## **Consultation and Communication**

Council undertook extensive community engagement between January and September 2021 to hear what Council should focus on over the next four years as part of the development of the Council Plan 2021-25.

## **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.

## 9.2.6 Audit and Risk Committee Update

**Directorate:** Corporate Services

**Responsible Officer:** Audit and Risk Advisor

**Reviewer:** Director Corporate Services

**Attachments:**

1. Audit and Risk Committee Meeting Minutes - 24 November 2021 [9.2.6.1 - 7 pages]
2. Audit and Risk Committee Annual Self-Assessment Report 2021 [9.2.6.2 - 13 pages]
3. Audit and Risk Committee Charter - November 2021 [9.2.6.3 - 14 pages]

### Purpose

To seek Council's endorsement of the Audit and Risk Committee Charter November 2021.

To update Council regarding issues considered at the Audit and Risk Committee meeting held on 24 November 2021, including the results of the Annual Self-Assessment report.

### Recommendation

**That Council:**

1. **Notes the matters considered by the Audit and Risk Committee at the meeting held on 24 November 2021.**
2. **Receives and notes the Audit and Risk Committee Annual Self-Assessment report 2021.**
3. **Endorses the inclusion of regular benchmarking in relation to remuneration of independent members of the Audit and Risk Committee into the Committee Charter.**
4. **Adopts the revised Hobsons Bay City Council Audit and Risk Committee Charter – November 2021 and revokes the existing Audit and Risk Committee Charter dated August 2020.**

### Summary

This report provides an update of the Audit and Risk Committee meeting held on 24 November 2021 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.

Also included in this report is the Audit and Risk Committee Annual Self-Assessment report 2021, in accordance with the requirements of the *Local Government Act* 2020 (LG Act 2020). This is the second year that Council has undertaken a formal Audit and Risk Committee Self-Assessment.

The Audit and Risk Committee Charter was last reviewed and endorsed by Council in August 2020, in accordance with the requirements of the LG Act 2020.

## Background

The Hobsons Bay City Council Audit and Risk Committee is an independent Committee of Council. The Committee comprises three independent members and two Councillors. The Chairperson is an independent member who has the casting vote.

The 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.

In accordance with Section 54 of the LG Act 2020, an Audit and Risk Committee must undertake an annual assessment of its performance against the Charter, the results of which are to be provided to the Chief Executive Officer for tabling at the next Council meeting.

On the annual review of the Audit and Risk Committee Charter in November 2021, independent members of the Committee sought to include the requirement for regular benchmarking exercises in respect of independent members remuneration be recorded in the revised Charter.

## Discussion

The Audit and Risk Committee Charter is reviewed by the Committee on an annual basis in conjunction with the review of the Committee's Annual Work Plan.

Proposed amendments to the current Charter include clarity on the composition of Committee membership, a fuller description of indemnity insurance for members of the Committee and increased oversight in respect of progress on delivery of the annual internal audit plan.

The independent members of the Committee also sought to include the requirement for regular benchmarking exercises in respect of independent members' remuneration be included in the Charter.

This is the second year the Committee has undertaken an annual self-assessment, with respondents rating Committee performance at 88.4 per cent (compared to 80.9 per cent in 2020). Several continuous improvement opportunities were identified, a number of which have already been incorporated into practice.

The 24 November 2021 Audit and Risk Committee meeting addressed the following items:

- review and endorsement of the Annual Work Plan
- review and endorsement of the draft Audit and Risk Committee Charter November 2021
- the Chief Executive Officer's update
- outstanding audit recommendations
- annual self-assessment report
- Draft Procurement Policy 2021
- VAGO Final Management Letter
- risk management update, highlighting the risk executive summary, a general update on recent issues and an insurance report



- fraud control and compliance update
- quarterly financial report for the period ended 30 September 2021
- cash and investment balances as at 31 October 2021

## 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 2021-25

#### Objective 5: A High Performing Organisation

**Strategy 5.3: Deliver value for money – continuous improvement while safeguarding the long-term financial sustainability of Council**

**Strategy 5.4: Enhance transparency, accountability and good governance practice**

## Policies and Related Council Documents

The Audit and Risk Committee operates in accordance with the Hobsons Bay Audit and Risk Committee Charter 2020. Council last reviewed and adopted the Audit and Risk Committee Charter on 25 August 2020.

## Legal/Statutory Obligations and Risk

As an independent Committee of Council, appointed by Council pursuant to section 53 of the LG 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).

It is a requirement under section 54(4) of the LG Act 2020 that the Audit and Risk Committee undertake an annual assessment of its performance against the Charter, the results of which are to be provided to the Chief Executive Officer for tabling at the next Council meeting.

## Financial and Resource Implications

The work of the Audit and Risk Committee ensures strategic and independent oversight of Council's operations and risk management practices, and assurance against financial management and financial position.

Independent members are compensated for their participation on this committee as provided for in section 53(6) of the LG Act 2020. Provisions are contained within the Audit and Risk Committee Charter with respect to payment of fees to independent members of the Committee.

There are no unbudgeted financial or resource implications arising from this report.

## **Environmental, Social and Economic Impacts**

Not applicable.

## **Consultation and Communication**

The Audit and Risk Committee Annual Self-Assessment report 2021 was received and noted by Council's Audit and Risk Committee at its meeting held on 24 November 2021. The Committee endorsed the report to be presented to Council at the next available Council meeting.

Feedback was received from the Audit and Risk Committee in relation to the draft Audit and Risk Committee Charter 2021. At its meeting of 24 November 2021, the Committee recommended that Council endorse the inclusion of regular benchmarking in relation to remuneration of independent members of the Audit and Risk Committee into the Committee Charter and adopt the updated Audit and Risk Committee Charter November 2021.

## **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.

## 9.3 Sustainable Communities

### 9.3.1 Hobsons Bay Mobile Vendor Policy 2022

**Directorate:** Sustainable Communities

**Responsible Officer:** Communications Officer

**Reviewer:** Acting Director Sustainable Communities

**Attachments:** 1. Hobsons Bay Mobile Vendor Policy 2022 [9.3.1.1 - 12 pages]

#### Purpose

To provide an update on the Hobsons Bay Mobile Vendor Policy 2022 and seek Council adoption of the revised policy.

#### Recommendation

**That Council:**

- 1. Notes the updates made to the Hobsons Bay Mobile Vendor Policy 2022.**
- 2. Adopts the Hobsons Bay Mobile Vendor Policy 2022.**

#### Summary

With no formal policy or process in place to support the operation of mobile vendors on public land outside of six approved locations, Council's ability to consider requests for roadside trading is limited.

Council considered a Draft Mobile Vendor Policy at the 20 April 2021 Council Meeting. The policy provides a framework to support the operation of stationary and itinerant roadside trading. Community feedback on the draft policy was sought between April and June 2021. The community was generally supportive of a policy facilitating mobile vendors to operate in Hobsons Bay, with some changes to the draft policy put forward.

Following further analysis and discussions with key stakeholders, the policy has been revised based on community feedback and consideration of the existing regulatory framework. The updated policy will enable mobile vendors to operate in Hobsons Bay through an equitable and balanced approach.

#### Background

Mobile vending can involve trading in one place (stationary vending) or moving between locations without prearrangement (itinerant vending).

Council currently undertakes a tender process for Stationary Roadside Vendor permits across approved locations including the Altona boat ramp, Cherry Lake, Apex Park, Newport boat ramp, Kororoit Creek Road and the Timeball Tower in Williamstown. These sites were selected as they benefit from a high level of foot traffic while giving mobile vendors the

opportunity to operate with minimal competition from nearby businesses. Successful applicants are granted use of the specified site for two years, with a fee paid annually.

Vendors operating through the existing Stationary Roadside Vendor program currently pay an annual permit fee ranging from \$2,500 at the Altona boat ramp to \$8,000 at the Timeball Tower and have exclusive permission to operate at that site for the duration of the tender.

Mobile or itinerant roadside vendors who wish to operate on a temporary, seasonal or one-off basis on Council land are not currently supported. Without a policy or mobile trading guidelines in place, there is a lack of consistency in the information provided to businesses seeking to operate in Hobsons Bay and it has become increasingly difficult to monitor.

The low number of responses received for the 2018 tender and informal feedback received from mobile vendors indicated a need to review Council's approach to mobile vending to better align Council policy with community demand and vendor expectations.

During the COVID-19 pandemic there has been increasing activity and community support for itinerant vendors, some of whom continued to operate throughout Melbourne's lockdown. These vendors serviced neighbourhoods that are not close to retail precincts or "bricks and mortar" hospitality operators, providing a social connection and positive local addition for residents during this period.

## Discussion

Mobile trading, when managed appropriately, can contribute to a vibrant and diverse local economy by attracting visitors and providing residents in isolated areas with local access to goods and services. However, consideration must be given to any potential negative impacts on the community, particularly on existing business owners, landowners and residents.

Benchmarking of other councils has shown that the majority allow mobile or itinerant vendors in some form. There were a range of approaches including:

- operational procedures that facilitate implementation of existing local laws
- policies adopted by Council that strategically manage this form of trading
- full restriction on this type of activity occurring

Many surveyed councils charge a permit fee for mobile vendors, with fees ranging from \$40 to \$2,000 per day. Other controls used by the surveyed councils include:

- charging an application fee for the council to consider new trading locations
- issuing permits to operate on public land
- limiting the operating times for mobile vendors
- incorporating the process into a broader "commercial use of council property" policy
- charging prohibitive fees to deter operators
- considering permits only for mobile vendors operating as part of an event
- limiting how close to existing businesses vendors can operate
- supporting local mobile vendors only, with no businesses from outside the local government area permitted to operate

In the draft policy presented for community engagement, Council proposed the inclusion of the following control measures to support the management of mobile vendors:

- vendors not permitted to operate within 500m of a trading precinct, a permitted stationary roadside vendor, another itinerant vendor or a bricks and mortar business
- itinerant vendors not permitted to stay in the same location for longer than one hour
- one permit per location for stationary vendors, with no cap to the number of itinerant permits available each year
- \$12,000 yearly permit fee for itinerant vendors
- applicant businesses required to:
  - have an ABN registered in Hobsons Bay
  - be registered on Streatrader
  - have public liability insurance
  - provide a waste management plan
- vendors required to submit a Statement of Trade to Council at least one day prior to trade

## Engagement results

Council sought feedback on the Mobile Vendor Policy between 26 April and 6 June 2021 from business owners, mobile vendors and residents. The community was able to provide feedback via a survey on the Participate Hobsons Bay website. About 1,200 survey submissions were received, with the majority being submitted by residents. Many survey responses included reference to an existing mobile vendor by name in their feedback, indicating their support. In addition to the online results from the Participate survey, 96 handwritten surveys were received. Detailed letters were also received from the Newport Traders Association (NTA) and Altona Village Traders Association (AVTA), together representing 203 businesses. The Williamstown Chamber of Commerce (WCC) representing 181 businesses also submitted feedback as a single submission on Participate.

The trader association submissions have been summarised below:

- AVTA: identified a preference for a 500m exclusion zone unless the business offers a service that is not offered in that precinct and a minimum permit fee of \$12,000 per year
- NTA: requested the final policy be implemented on a short-term trial basis and more consultation before the policy is finalised
- WCC: identified a preference for clear guidance with detailed maps indicating where mobile vendor trade is and isn't allowed. Concerns regarding exclusion zones and operational requirements and impacts on parking and traffic were raised. A preference was given for a trial with a cap of 10 permits allocated during the first year after which stakeholders would be able to provide further feedback and the policy reassessed

Fee structure and exclusion zones were the aspects that attracted the majority of feedback during the engagement process. Based on the survey results, mobile vendors are in support of a 100m exclusion zone while the feedback from businesses and residents was split between:

- no exclusion zone
- 200m exclusion zone
- limiting mobile vendors in some capacity

Survey results regarding fee structure indicated that the majority of respondents did not support the fees that were originally proposed for itinerant vendors.

Further discussions were held with trader associations in December 2021 where their previous position was confirmed with a preference to favour fees that would attract engaged, high quality mobile vendors that will be complimentary to existing bricks and mortar businesses and preference for a 200m (minimum) exclusion zone.

### **Revised Policy**

Following further consideration, an updated Hobsons Bay Mobile Vendor Policy (Attachment 1) has been prepared in response to stakeholder and community feedback.

The updated policy will replace the existing Stationary Roadside Vendor Permit tender process, enabling mobile vendors to operate in Hobsons Bay through an equitable and balanced approach. Updates to the policy also further support local business and encourage longer term vendors with an interest in the community and contribution to the local economy. This overarching policy allows more flexibility in vendor locations, as well as monthly and annual permit types.

Vendors will be classified as either stationary (one site for the duration of their permit) or itinerant (roaming at least 200m away from other operators, businesses and the coastline).

Subject to permits, stationary vendors would be able to operate from one of the existing six approved locations (Altona boat ramp, Cherry Lake, Apex Park, Newport boat ramp, Kororoit Creek Road and the Timeball Tower in Williamstown) identified on the Mobile Vendor Areas of Trade Map, or from a new approved site. Approved locations, along with the ability to request new sites to be assessed as approved locations, provides varied opportunities for stationary vendors.

Itinerant vendors would be permitted to roam across the municipality but not within 200m of:

- an activity centre (as identified in the Activity Centres Strategy 2019-26)
- an existing bricks and mortar business
- an approved vendor location with permits issued to stationary vendors
- another permitted mobile vendor
- the coastline within the designated Safety Exclusion Zone

Itinerant vendors would be permitted to operate on areas as identified on the Mobile Vendor Areas of Trade Map.

Permit fees would apply to both stationary vendors and itinerant vendors. Table 1 below details the proposed permit fees, which have been revised based on feedback during consultation and reasonable assessment against costs that existing shopfront businesses would be expected to incur.

The policy preferences mobile vendor businesses located within Hobsons Bay. The revisions to the policy further preference businesses based in Hobsons Bay through a 35 per cent discount to local vendors.

Daily fees have also been removed to encourage longer term permits with the aim of:

- reducing permit turnover and administrative burden
- encouraging compliance
- attracting high quality and engaged mobile vendors

While the policy is an operational policy, any revisions to fees will be identified and managed through the determination of Council fees and charges as part of the annual budget process.

It is proposed that no more than 12 itinerant permits be issued at any given time, to minimise the impact of itinerant vendors on local businesses and local amenity. The number of permits may be reviewed after the first year of operation of the new policy.

	Stationary			Itinerant
	Tier 1 site	Tier 2 site	Tier 3 site	
<b>Application fee (new sites)</b>	\$75	\$75	\$75	N/A
<b>Monthly permit</b>	\$1,500	\$1,000	\$1,000	\$1,500
<b>35% discount for local vendors</b>	\$975	\$650	\$650	\$975
<b>Annual permit</b>	\$6,000	\$4,000	\$2,500	\$6,000
<b>35% discount for local vendors</b>	\$3,900	\$2,600	\$1,625	\$3,900
<b>Maximum permits available</b>	1 per site	1 per site	1 per site	12 in total

## 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 2021-25

#### Objective 3: Vibrant place and economy

**Strategy 3.1:** Support diversification and growth of our local economy in response to significant changes in land use and the ongoing impacts of the COVID-19 pandemic

**Strategy 3.2: Increase economic and tourism opportunities that capitalise on our cultural and creative strengths**

The development of a mobile vendor policy aligns with the objectives of the following Council strategies:

- Economic Development Strategy 2015-20
- Experience Hobsons Bay Tourism Strategy 2019-24
- Activity Centres Strategy 2019-26

**Policies and Related Council Documents**

The Hobsons Bay Mobile Vendor Policy 2022 will be enforced in accordance with the Footpath Trading Code of Practice and Hobsons Bay Community Local Law 2015.

Council first considered the Draft Hobsons Bay Mobile Vendor Policy on 20 April 2021. Following community engagement on the draft policy, Council again considered the policy on 14 September 2021.

**Legal/Statutory Obligations and Risk**

The policy has been confirmed as fair and equitable, and that risk is minimised via legal advice.

**Financial and Resource Implications**

The Hobsons Bay Mobile Vendor Policy 2022 has been developed within existing operational costs.

**Environmental, Social and Economic Impacts**

Applicants would need to demonstrate how they will minimise their environmental and social impacts during the permit application process.

**Consultation and Communication**

Council sought feedback on the Mobile Vendor Policy between 26 April and 6 June 2021 from business owners, mobile vendors and residents. Approximately 1,300 survey submissions were received: approximately 1,200 through Participate Hobsons Bay and the remainder as handwritten surveys. Submissions were also received from three trader associations as outlined in detail in the Engagement Results section of this report. The views of trader associations and key stakeholders were further sought in December 2021.

**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.



## 9.4 Infrastructure and City Services

### 9.4.1 Contract 2021.57 Altona Foreshore Shared Path Works and Seawall

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

#### Purpose

To seek Council approval for the awarding of Contract 2021.57 for works at the Altona foreshore including the shared user path and seawall.

#### Recommendation

**That Council awards Contract 2021.57 Altona Foreshore Shared Path Works and Seawall to Astern Group Pty Ltd at a fixed lump sum price of \$2,173,308 (two million, one hundred and seventy-three thousand, three hundred and eight dollars) including GST.**

#### Summary

The shared path and seawall works are proposed to be constructed along the Esplanade in Altona at the coastal interface between Webb Street and Sargood Street utilising funds in Council's annual capital works budget.

An open tender process has been carried out for the procurement of these works with three submissions received. Following the evaluation of these tenders, a report was presented to the Tender Board on 21 December 2021, recommending awarding the contract to Astern Group Pty Ltd.

#### Background

This site is located along the Esplanade between Webb Street and Sargood Street. The site is Crown Land managed by Council. The foreshore is utilised for active and passive recreation by the community.

At present the shared trail width does not accommodate the volume and mix of users. About 670 metres of the shared trail will be widened to 6 metres to deliver safe and sustainable passage for pedestrians and cyclists of all ages and abilities.

This section of the Altona seawall is currently located on the land side of the Coastal Trail and the Webb Street East drainage outfall pipe (which runs along the beach side of the shared trail) leaving them exposed to inundation, erosion and undermining. A new bluestone seawall will be constructed to protect these drainage assets from local coastal processes and hazards, sea level rise and wave and tide events.

The scope of works for this project includes:

- demolition of the seawall
- construction of a new raised seawall
- reconstruction of the shared path

## Discussion

A tender for the new seawall and shared path was formally advertised in *The Age* on 18 October 2021, with submissions closing on 4 November 2021. Three tender submissions were received by the tender deadline. Two of these submissions were deemed compliant; one was deemed non-conforming as it did not comply with Council's mandatory selection criteria.

The Tender Evaluation Panel met on 18 November 2021 to evaluate the tender submissions. Two tenderers were shortlisted for interview; these were held on 3 December 2021 and the tenderers were reassessed based on the outcomes of the interviews. Reference checks were undertaken for the highest scoring tender.

Based on the evaluation process and reference checks, the Tender Evaluation Panel recommended Astern Group Pty Ltd as the preferred tenderer. The submission provided best value for money, the company has extensive experience in similar projects and has demonstrated an ability to meet the timelines and quality outcomes specified within the contract.

## Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

### Hobsons Bay 2030 Community Vision

**Priority 5:** Activate sustainable practices

### Council Plan 2021-25

#### Objective 4: Visionary community infrastructure

**Strategy 4.1: Ensure the transport network is safe and efficient for all users with a focus on pedestrians and cyclists**

**Priority a)** Deliver improved cycling and walking infrastructure outcomes across the municipality along key strategic routes for improved safety and connectivity

**Priority e)** Optimise the balance between encouraging active transport and facilities to support car users

**Strategy 4.2: Ensure that our assets are properly maintained now and into the future at the most economical cost to the community and the environment**

**Priority c)** Improve customer satisfaction with quality of sealed local roads and footpaths across the network

## Policies and Related Council Documents

The awarding of Contract 2021.57 through a public tender process complies with Council's Procurement Policy.

## Legal/Statutory Obligations and Risk

The awarding of Contract 2021.57 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 works over the value of \$200,000 as fixed by an Order in Council.

## Financial and Resource Implications

The project is included in the 2021-22 and 2022-23 Capital Works Program with a total budget of \$2,000,000 (excluding GST). The recommended tender submission of \$1,975,734 (excluding GST) is within the current budget.

## 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:

- provision of environmentally sustainable design inclusions
- consideration of existing environmental conditions

## Consultation and Communication

The tender was publicly advertised in *The Age* on 18 October 2021. The Tender Evaluation Report for Contract 2021.57 was presented to Council's Tender Board on 21 December 2021. The Tender Board endorsed the Tender Evaluation Panel's recommendation to award the contract to Astern Group Pty Ltd, 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.

## 10 Delegate Reports

### Purpose

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

### Recommendation

**That Council receives and notes the recent Delegate Reports.**

### Western Melbourne Tourism Board

**Directorate:** Sustainable Communities

**Councillor Delegate:** Cr Pamela Sutton-Legaud

**Date of Meeting:** 26 November 2021

Cr Pamela Sutton-Legaud attended the Western Melbourne Tourism (WMT) Board Meeting.

Key items discussed included:

- an update on the Westside Crawls project regarding both the project's winning entry to the Mainstreet Australia awards (Category: Best COVID-19 response in a Main Street) and upcoming opportunities in 2022
- preliminary findings of the Resilient Enterprises and Sustainable Employment in Tourism (RESET) study led by Victoria University, which Hobsons Bay City Council has actively supported and participated in. The aims of the project include addressing skills and capability gaps and building visitor economy industry sustainability and resilience in Melbourne's West. The study results so far have highlighted the significant challenges around staffing shortages that have faced hospitality and tourism operators as they emerge from the 2021 lockdowns
- an update on the Supporting Business Recovery – Victorian Tourism Industry Council Mentoring Program, in which two Hobsons Bay based businesses took part
- a potential forthcoming Regional Accommodation Study by the Victorian Government including a strategic assessment of the supply and demand of accommodation for the region. WMT has offered to support the Victorian Government in the briefing of the project to leverage maximum value for all six WMT councils

## LeadWest Joint Delegated Committee

**Directorate:** Office of the Chief Executive

**Councillor Delegate:** Cr Matt Tyler

**Date of Meeting:** 8 December 2021

The December meeting of the LeadWest Joint Delegated Committee was hosted by Brimbank City Council and was held virtually via Zoom.

The following items were discussed:

### Greening the West

A presentation was provided by Greening the West on the advocacy work being conducted by the group.

An overview of the following projects was provided to inform the direction Greening the West is working towards.

- **\$5 million for 500,000 trees**  
A commitment by the Victorian Government where \$5 million will be allocated to Melbourne's west to improve urban greening and canopy shading to decrease heatwaves and rising temperatures across the region.
- **Upper Stony Creek Wetlands**  
Rejuvenating the retarding basin into a natural, revegetated wetland system adjoining Stony Creek with connected community spaces and a walking trail, providing liveability outcomes.
- **1 Million Trees**  
In 2015 more than one million trees were planted across parks, reserves, open spaces and private land, covering an area of 1,755 hectares across Melbourne's west.
- **Greening the Pipeline project**  
Transforming 27km of the decommissioned and heritage listed Main Outfall Sewer reserve into a linear park and bike track.

### Western Intermodal Freight Precinct update

An update was provided on the progress of the Western Intermodal Freight Precinct (WIFP). The following discussions were held:

- LeadWest is continuing to work with the WIFP alliance which comprises of Industry Representatives, Victoria University, West of Melbourne Economic Development Alliance (WoMEDA) and the Cities of Wyndham and Melton
- a meeting was recently held with the Minister for Freight and Ports, The Hon. Melissa Horne with another being arranged with the Shadow Minister for Infrastructure, Transport and Development, Katherine King
- Pacific National have agreed to provide secretariat support to manage and organise meetings.

**North and West Melbourne City Deal**

An update was provided to the Committee on the progress of the North and West Melbourne City Deal (NWMCD). The following was discussed:

- recent meetings with the Commonwealth Department of Infrastructure, Transport, Regional Development and Communities and the Victorian Department of Jobs, Precincts and Regions have proved positive
- Victorian Government are currently working on priority projects from the list of 66 projects within the City Deal proposal
- LeadWest, WoMEDA and Victoria University recently met with Labor MPs from the Western Region to look at how the City Deal can be progressed

**Progress against the Implementation Plan**

A progress report was provided against the Implementation Plan. The following was noted:

- significant progress has been made on the NWMCD
- LeadWest is represented on the Community Reference Group of the Sunshine Super Hub to support regional business precincts
- advocacy for rail projects has continued – Melbourne Airport Rail Link (MARL), Western Rail Plan and Suburban Rail Loop
- campaigning for specific financial allocations for local council continues through the advocacy work with the Sunshine Super Hub
- supporting rapid progress of the construction on the Melton Hospital
- the Hobsons Bay Wetlands and Biodiversity Centre has been included in the NWMCD
- continuing to work with Greening the West to increase tree canopy for the region
- the development of a Communications Strategy has been completed
- the delegation to Governments is currently being planned and is expected to commence early 2022

## Metropolitan Local Government Waste Forum

**Directorate:** Sustainable Communities

**Councillor Delegate:** Cr Matt Tyler

**Date of Meeting:** 9 December 2021

Cr Matt Tyler attended the Metropolitan Local Government Waste Forum meeting.

### Motions tabled and passed

- an extension to the tenure of the current Forum membership, Forum Chair, Forum Deputy Chair, Strategies and Policy Advocacy Group (SPAG) representatives and SPAG Chair to 30 June 2022, allowing the Forum to continue in its current form until the Metropolitan Waste and Resource Recovery Group (MWRRG) dissolves and Recycling Victoria (RV) is established on 1 July 2022
- establishment of a state-wide local government waste and resource recovery advisory group
- nomination of Forum Chair Cr Lina Messina as representative and Forum Deputy Chair Cr Michelle Kleinert as proxy

### Circular Economy (Waste Reduction and Recycling) Bill 2021

The Department of Environment, Land, Water and Planning (DELWP) representatives provided an update on the Circular Economy (Waste Reduction and Recycling) Bill 2021 that passed Parliament on 2 December 2021. The Bill provides a broad framework to transition Victoria to a circular economy and will be supported by subordinate regulations and standards.

The Bill establishes RV as a business unit within DELWP, dissolves the waste and resource recovery groups and the local government waste forums and incorporates those functions into RV. The bill outlines the functions and powers for RV including data collection, analysis and reporting; inquiries; mandatory service provision by councils; service standards (councils and industry); support for councils in procurement and contracting of waste and recycling services; mandatory business sorting of recyclable materials; and graduated and proportionate enforcement powers.

RV will provide procurement advice and support to councils, including education and model contracts, and support councils' obligation to deliver a four-waste stream service

### Other key items

Presentations on projects funded through the Recycling Victoria Councils Fund, including the mobile sharing shed and reusable nappy programs.

An update on MWRRGs including the south-east metropolitan advanced waste processing procurement which has now released the first request for tender documents; acknowledgment of the ongoing issue of recycling and organics contamination; and a circular economy training opportunity.

## **11 Notices of Motion**

### **11.1 Notice of Motion No. 1232 - Recognition of Community Service - Lorraine Bedella**

**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 Peter Hemphill has given notice of the following:

**That Council:**

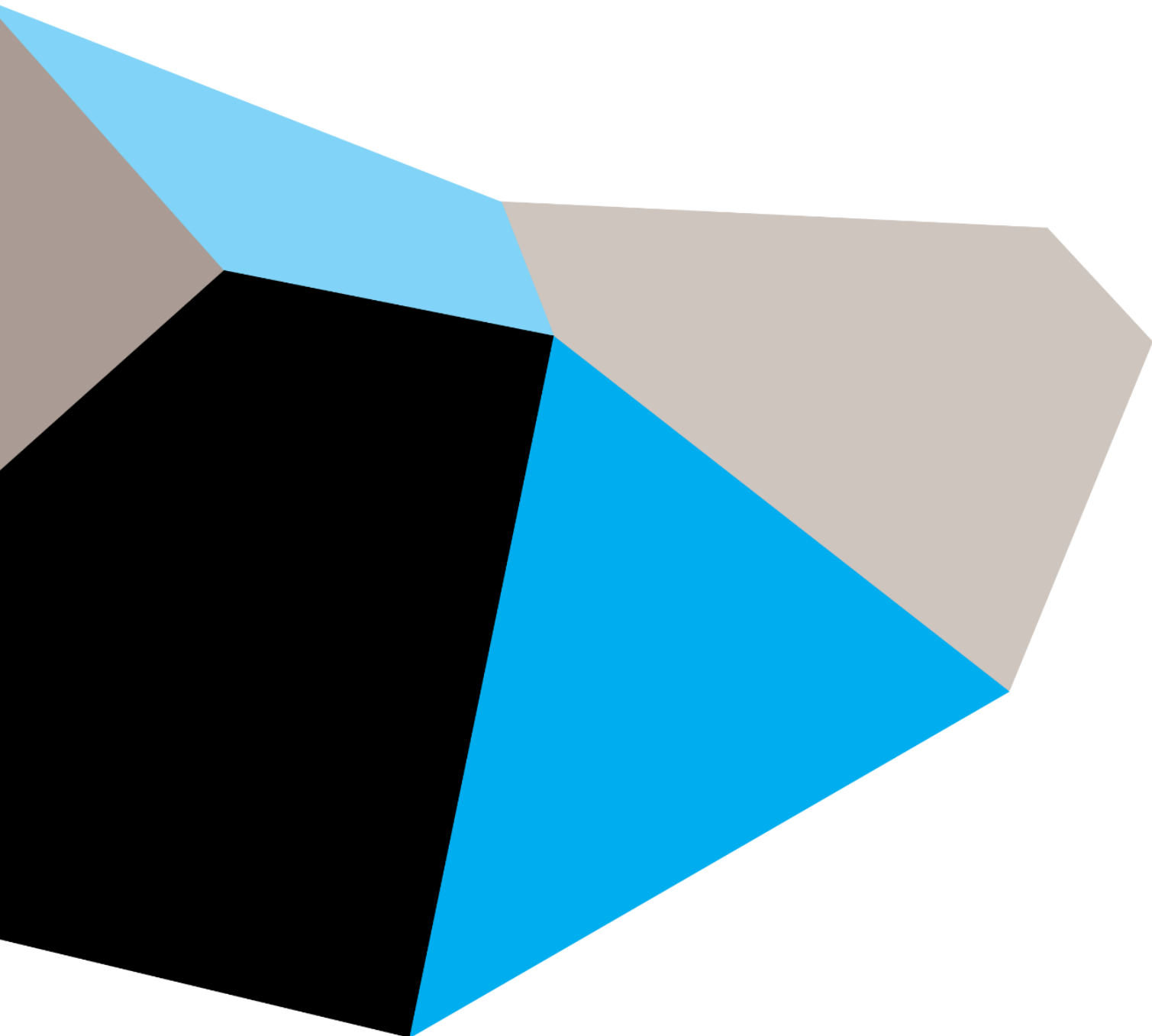
- 1. Acknowledges the many years of community service in Hobsons Bay of Lorraine Bedella, particularly the 30 years she spent as president of the Walker Close Community Centre in Altona North.**
- 2. Presents Mrs Bedella with a certificate of recognition for her community service at a future Council meeting.**

Lorraine Bedella moved to the municipality to live in Brooklyn in 1955. She immediately began volunteering her time at local sporting clubs and community groups, including the canteen of what is now Bayside College in Altona North. In January 1992 she joined the Walker Close Community Centre and became its president a month later, a position she has held until now. Mrs Bedella is retiring as president of the centre, ending a 30-year stint as its head.



**12 Urgent Business**

**13 Close of Meeting**



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**HOBSONS BAY CITY COUNCIL**

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