



Council Meeting Agenda

Tuesday 10 October 2023
Commencing at 7.00 PM

Council Chamber
Hobsons Bay Civic Centre
115 Civic Parade, Altona

**HOBSONS
BAY CITY
COUNCIL**



OUR MISSION

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

OUR VALUES

Respectful

Community driven and focused

Trusted and reliable

Efficient and responsible

Bold and innovative

Accountable and transparent

Recognised

Council acknowledges the 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 Antoinette Briffa JP (Mayor)

Cherry Lake Ward

Councillors:

Cr Diana Grima (Deputy Mayor)

Wetlands Ward

Cr Daria Kellander

Cherry Lake Ward

Cr Peter Hemphill

Strand Ward

Cr Jonathon Marsden

Strand Ward

Cr Pamela Sutton-Legaud

Strand Ward

Cr Matt Tyler

Wetlands Ward

Aaron van Egmond
Chief Executive Officer
Hobsons Bay City Council

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1 Council Welcome and Acknowledgement

The Chairperson 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, present and emerging.

2 Apologies

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

3 Disclosure of Interest

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

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

4 Confirmation of Minutes

4.1 Confirmation of Minutes

Confirmation of the minutes of the Council Meeting of Hobsons Bay City Council held on 12 September 2023 (copy previously circulated).

5 Councillor Questions

6 Public Question Time

Public Question Time provides an opportunity for the public to ask questions related to items on the agenda of the Council Meeting or any other matter within Council's responsibility.

Questions must be put in writing and received by 12pm on the day before the Council Meeting. The submitted questions and Council's responses will be read out by the Chairperson during the meeting.

In accordance with rule 13.1.11 of the Hobsons Bay Governance Rules, the person who submitted the question must be present in the public gallery during Public Question Time for their question to be read out.

7 Petitions and Joint Letters

7.1 Petitions and Joint Letters Received

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

7.2 Responses to Petitions and Joint Letters

7.2.1 Response to Petition - Techno Park Drive

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

Purpose

To respond to a petition tabled on 11 July 2023 relating to illegal residential uses at Techno Park in Williamstown.

Recommendation

That Council:

1. **Acknowledges the community's concern for people living at Techno Park, demonstrated through support for the petition tabled at Council's July meeting, which asked that the Council have the eviction notice withdrawn immediately, and to work to support Techno Park residents to stay.**
2. **Notes that a planning response would not be supported by any Minister for Planning, as it would be in conflict with longstanding and detailed local and state planning policy which set the area aside for state-significant industrial uses.**
3. **Notes that Councillors are prohibited from involving themselves in enforcement matters that are underway.**
4. **Advises petitioners that Council cannot withdraw the 23 May 2023 letter, as Council is obligated to execute its responsibilities under the *Planning and Environment Act 1987*, and the site is not suitable for residential uses.**
5. **Commits to support residential occupants who do not currently have alternatives, to find safe and secure housing, and to assist owners occupants to access a wide range of services should they need them.**
6. **Supports the establishment of a Techno Park Housing Solutions group which brings together local service providers, key state government agencies, the State Member for Williamstown, Techno Park stakeholders, Council, and others as needed, to work to identify opportunities and develop alternative safe and secure housing solutions for people currently living in Techno Park.**
7. **Writes to the lead petitioner advising of this response and Council's commitment to support Techno Park occupants to find safe and secure housing.**

Summary

At the Council meeting on 11 July 2023, Council received a petition asking Council to withdraw a "Direction to Cease Residential Use" letter and work with people living at Techno Park to stay there. While it is not possible for Council to withdraw the notice to cease residential use, Council is committed to support people living illegally at Techno Park to move to safe and secure housing, and to access any other services they may need.

Council officers have investigated the requests made in the petition, and in response advise:

- Council cannot withdraw the letter. Council has a responsibility under the *Planning and Environment Act 1987* to ensure that lawful uses are in place. Councillors are prohibited from involving themselves in enforcement matters that are underway. Council also has a legal obligation to exercise its powers in the case of public safety. In Techno Park, the land has been zoned with industrial zoning for as long as the properties have had private ownership. It is surrounded by industry and petrochemical uses, which present a range of health and safety risks for residential uses.
- A planning outcome to allow people to remain onsite remains extremely unlikely to be successful. Local and state planning policy zone the area for state significant industrial uses. Techno Park is surrounded by industrial zoned land, within the Inner Safety area of a Major Hazard Facility (MHF). The key strategic planning documents (State and Council) and the site's context do not provide any support or justification for rezoning to allow residential uses to remain at the site.

Council's CEO wrote to all property owners and occupiers on 20 July 2023 advising that no further enforcement steps will be undertaken until Council hears from Techno Park owners and occupiers. The letter noted that people will be given time and no-one will be made homeless, offered people supports and services, and asked all recipients to make contact with Council to indicate how they would like to work with Council.

Since that time Council has sought to engage with as many Techno Park stakeholders and households as possible. In a number of instances officers have been told that occupants will not speak with Council because they have been told not to talk with Council because of litigation. Council is unaware of any litigation or of any formal legal representation and is seeking clarification from the secretary of the Techno Park Resident's Association about this.

Council has also worked extensively across local providers and engaging with state organisations to mobilise support options that will assist people at Techno Park to find safe and secure housing. A Techno Park Housing Solutions group, with participation from local organisations, Council, state agencies, and Techno Park representatives, will be established to further this work.

Background

At its meeting of 11 July 2023, Council formally received a petition stating the following:

We, the undersigned, petition the Hobsons Bay City Council to stop the mass eviction of residents from Techno Park Drive, Williamstown.

We are appalled by council's attempted eviction of the Techno park community from their homes. People have lived in Techno park for decades. Residents have built a life, made their homes, started families, and transformed Techno park into a green and safe space.

Council says the zone is industrial and people cannot live there. But the community exists because Council chose to accept residential use for decades. Council's decision to threaten people with eviction and legal action now, in a time of housing crisis, is heartless, bureaucratic, arbitrary, and wrong. It has caused tremendous harm to people and caused them to fear losing their homes.

We call on all Hobsons Bay Councillors to:

- Use their power to have the eviction notice withdrawn immediately*
- Commit to working in partnership with the residents of Techno Park to find a permanent solution that allows them to remain in their homes*

The petition was tabled containing 153 signatories from community members of Hobsons Bay and adjoining municipalities. Subsequently, it is understood and acknowledged that many more signatures have been collected.

History of uses at Techno Park

Techno Park is an industrial park in Williamstown. It was previously owned by the Commonwealth Government and used as a military staging area and then as a migrant hostel where new migrants would stay temporarily when they arrived, and while they sought ongoing accommodation elsewhere. In the 1980s, following a Senate Inquiry into the appropriate use of the site, the land was zoned industrial, building permits were issued for the properties to be converted to offices and commercial uses permitted within the zoning, and sold to the private market. The reason for this conversion was that petrochemical facilities had developed adjacent to the site since the 1950s, and the site and buildings were not deemed safe for residential use.

In other parts of the municipality, residential and petrochemical uses had developed alongside each other prior to the introduction of the Planning Scheme. As a result, even though no government would propose or introduce residential zoning alongside a Major Hazard Facility, both existing uses were recognised when the Planning Scheme was first introduced. In the case of Techno Park, there was no residential use at Techno Park at the time of the industrial zone being introduced – the properties were vacant and fitted out for commercial and industrial uses, and sold to new owners for commercial and industrial uses only. There are significant safety risks to living adjacent to a petrochemical storage facility, including the risk of catastrophic events, as well as a range of potential health risks associated with living in proximity to potential air and water quality impacts, odour, as well as potential soil contamination.

Since that time, there have been a number of reports to Council of illegal residential use at Techno Park over time. Each time Council has been made aware of illegal residential uses, or of real estate agents advertising properties for residential use, Council has undertaken enforcement in its role as the Responsible Authority. Council also understands that the Owners Corporation has written to owners and occupants on a number of occasions, warning that residential uses are illegal.

The most recent enforcement began with an odour complaint from residents to the EPA in 2022. The EPA reported the complaint to Mobil. In October 2022, Mobil contacted Council, alerting Council to suspected illegal uses on the site. Council undertook some investigation and confirmed that there appeared to be some residential use occurring. On 23 May 2023, Council wrote to all owners and occupants with a Directions letter. This letter explained that some residential use had been confirmed, and that Council was writing to all owners and occupants to instruct any owner and occupant currently using the land for accommodation to immediately cease the use of land for accommodation. The Directions letter recognised that

people might have different circumstances and that if people needed time up to six months could be granted. Owners and occupants were encouraged to contact Council.

Included with the Directions letter was a fact sheet, which provided background information to each owner and occupant, a summary on the history of the site, the current zoning of the land and use restrictions and the reasons why residential use must cease.

The decision to issue a Directions letter was carefully considered against the risks posed by the current illegal residential occupation of land zoned "Industrial 1" adjacent to a Major Hazard Facility (MHF), a licensed petrochemical storage plant operated by Mobil and of state significance.

Work undertaken since July

In June and July, Techno Park stakeholders advised Council that they believed up to 100 individuals were living at Techno Park, including some described as vulnerable people. Council wrote to all owners and occupiers on 20 July, advising that no further enforcement steps would be undertaken until Council heard from Techno Park owners and occupiers about how they would like to engage.

Since receiving the Techno Park petition, and writing to all owners and occupants in July, a range of work has been undertaken to prepare a pathway to resolve outcomes:

- Holding a number of discussions with the state government about planning options. These discussions have clearly confirmed that there is no planning pathway to allow residential uses to continue that will be supported.
- Engaging with a range of stakeholders to identify agencies and organisations that may be able to assist Techno Park residents, including for example:
 - Local, independent service providers who have confirmed that they are ready to assist with applications for alternative housing, and other housing supports they may be eligible for (e.g. rent assistance, bond or rent in advance).
 - A wide range of state government stakeholders, including working closely with the Member for Williamstown to identify agencies and services that may be able to assist Techno Park stakeholders.
 - Not for profit and private housing providers to explore potential housing opportunities that Techno Park occupants may be able to access.
- Seeking feedback from a number of owners and occupiers at Techno Park, who have described a range of circumstances and preferences.
- Seeking opportunities to introduce independent service providers to tenants and help them understand the range of services they may be eligible for. This is particularly focused on a block owned by a single landlord, where Council now believes the majority of Techno Park residents may be living.
- Seeking to clarify legal representation at Techno Park, to ensure Council is contacting people according to their instructions.
- Alerting key State Government agencies to residential uses at Techno Park, including potential breaches of tenants' rights and safety, misleading advertising by real estate agents, and to ensure that safety and emergency measures are in place.
- Preparing to launch a Techno Park Housing Solutions Group, comprising a range of local stakeholders, Council, and state government stakeholders. The group will also seek representation from the Techno Park community.

Discussion

Council has heard very clearly the feedback of many owners and occupants from Techno Park since its letter of May 2023. It is clear to Council that there are more people living at Techno Park than Council had anticipated, and Council understands that many people do not want to leave. It is clear that individual circumstances at Techno Park vary significantly. Some voices have been very active in the media and community, while many may not have been heard. There is no doubt that the situation at Techno Park is complex and tailored solutions will be needed for households in different circumstances.

Council's role in planning enforcement

Council's role as Responsible Authority under section 14 of the *Planning and Environment Act 1987* (the P&E Act) are:

- to efficiently administer and enforce the Planning Scheme
- to implement the objectives of the Planning Scheme
- to comply with this Act and the Planning Scheme

Techno Park is zoned Industrial 1, which is an industrial zoning within the Planning Scheme. It falls within an area that the State Government has identified as being state significant industrial land – land which the State Government sees playing a critical role in the State's economy. It is immediately adjacent to a Major Hazard Facility (MHF), which falls within a Special Use Zone 2.

To allow illegal uses to continue within the Industrial 1 Zone in Techno Park would mean that Council is failing in its duties as a Responsible Authority under the P&E Act and would not be implementing or complying with the Hobsons Bay Planning Scheme. The enforcement action at Techno Park is an operational responsibility of Council officers under the P&E Act. It is not the subject of any Council decision.

Techno Park cannot be rezoned to make residential uses lawful

Any change to zoning or overlays goes through a heavily scrutinised process to justify the change. The P&E Act requires strategic justification for any rezoning, which includes detailed planning policy documents and strategic planning outlines that demonstrate a strategic planning case for the change. In the case of Techno Park, both Council and State planning documents over many years indicate that it is in an industrial zone, with no strategic planning case that would support any change.

In considering any rezoning, the planning system requires transition between competing or adjoining zones – so that there are areas between the extremes which act as a buffer to protect amenity and business operations. Techno Park is located between industrial zones and not on an “edge” where it could be viewed as a buffer. It is zoned Industrial 1, and the immediately adjacent petrochemical site has an even more restrictive (Special Use Zone 2) overlay.

Council's 2008 Industrial Land Management Strategy identifies Techno Park as a vital secondary industrial area or small to medium scale industry. It does not envisage any transition to residential, like some other precincts in the strategy. Council's 2022 Statement of Opportunity for Reimagining our Industrial Areas identifies that Williamstown North presents an opportunity for new and emerging industries to establish.

Techno Park falls within an area that the State Government has identified as being state significant industrial land – land which the State Government sees playing a critical role in the State’s economy. It is located immediately adjacent to a Major Hazard Facility (MHF), which falls within a Special Use Zone 2.

As a result, Council cannot identify any strategy or policy at state or local level which would support Techno Park being rezoned to allow residential land uses. Planning Scheme Amendments are complex and lengthy processes; however ultimately, any change to the Planning Scheme requires a decision of the Minister for Planning. The Minister generally appoints a Planning Panel which considers the proposed amendment and all the supporting strategic justification before making recommendations to the Minister. The Minister will not approve a change that is not supported by a strong strategic justification and recommended by a Planning Panel.

What Council has heard from Techno Park stakeholders

Council has heard from owners or occupants from around two thirds of properties at Techno Park. Of these, around one third is in commercial or other lawful use, and around one third is understood to be in residential use. Council is working to clarify the uses in place in the remaining properties.

At this stage, the majority of residential users are believed to be tenants, and the majority of tenants are living in one block which is owned by a single landlord. There are also a number of owner occupants who have confirmed residential use. Some people living at Techno Park have indicated that they would like to stay, while others have said they are keen to leave and would like to access services that can help them.

Working in partnership with Techno Park owners and occupants

The petition asks Council to work in partnership with Techno Park residents to help them remain living at Techno Park. While staying onsite permanently is not possible, Council is committed to working with Techno Park owners and occupants to help them find safe and secure housing solutions. Council is working with a range of stakeholders to establish a Techno Park Housing Solutions Group, and has worked closely with the Member for Williamstown to develop this concept. The group will bring together local service providers, Council, state government experts, Techno Park stakeholders and other stakeholders as needed to:

- Identify opportunities for safe and secure alternative housing solutions for residents of Techno Park – engaging across the housing sector and a wide range of stakeholders.
- Identify and develop initiatives that support vulnerable residents within Techno Park.
- Focus on action and solutions for both immediate and long-term solutions.

It is hoped that this group will help to generate more options and services for Techno Park occupants.

Council will write to all owners and occupants again shortly to confirm the way forward. Residential uses must cease at Techno Park, but Council is committed to engaging with individual households (and/or their legal representatives where they have been appointed) to understand their circumstances, and offer assistance and access to services where that is requested.

- All residential users will be invited to develop an agreed transition plan with a tailored timeframe for each household to secure safe and secure housing. The plan will be linked to key proactive actions households are taking to seek alternatives.
- Residential households who do not develop an agreed transition plan will need to move from Techno Park by May 2024, almost twelve months from Council's correspondence with them. Council is also ready to assist these households to access services, and also to consider cases where there may be significant hardship.
- Where landlords have residential tenancies in place, they are not expected to evict tenants who have developed a plan with Council. Once residential tenants vacate a property, landlords must ensure that the property is tenanted with commercial or other lawful uses.
- Where Council has not yet heard from owners or occupants, further correspondence will seek that those owners and occupants urgently make contact with Council to confirm the uses at the property, and to offer people services and individual plans where appropriate.

This approach will ensure that the resolution of unlawful residential uses at Techno Park will be tailored to individual circumstances that will support people to find alternatives.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 1: Visionary, vibrant, accountable urban planning

Council Plan 2021-25

Objective 3: Vibrant place and economy

Strategy 3.5: Ensure land use and development supports high amenity, sustainability, exemplary design and responds to neighbourhood context

Policies and Related Council Documents

The consideration of this matter has had regard to the relevant policies and Council documents as noted in the report.

Legal/Statutory Obligations and Risk

The consideration of the matter being reported has had regard to Council's role as the Responsible Authority under the *Planning and Environment Act 1987* and Hobsons Bay Planning Scheme. A range of other relevant legislation has also been considered, including the *Local Government Act 2020*.

Financial and Resource Implications

The financial or resource implications associated with the actions outlined in the report can be absorbed within existing budget constraints.

Environmental, Social and Economic Impacts

Council is committed to working with Techno Park owners and occupants to help them find safe and secure housing solutions. Working with a range of stakeholders to establish a Techno Park Housing Solutions Group, it is hopeful that this group will help to generate more options and services for Techno Park occupants.

Consultation and Communication

Council wrote to all owners and occupants in July 2023 seeking they contact Council on this matter. Council has heard from around two thirds of properties in the Techno Park complex. Council will continue to maintain open communication with all owners and occupants in the Techno Park complex. The establishment of a Techno Park Housing Solutions Group will also ensure all parties are involved in steps moving forward.

Council has also consulted with a number of government agencies, not for profit providers and private operators, in relation to Techno Park.

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.

7.2.2 Response to Petition - Williamstown Beach Redevelopment

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

Purpose

To respond to the petition requesting that Council upgrade the public facilities in the Williamstown Foreshore precinct.

Recommendation

That Council:

- 1. Refers the petition proposal to the formal public exhibition period on concept plans for the Williamstown Swimming and Life Saving Club upgrade and the Williamstown Foreshore Open Space upgrades, to seek community feedback in context of the overall development.**
- 2. Writes to the lead petitioner advising them of the outcome.**

Summary

At the Council Meeting on 20 June 2023 a petition was received with 505 signatures, requesting upgrades to the public amenities at the Williamstown foreshore precinct. Of the signatures, 66 identified as Hobsons Bay residents.

Council officers met with the lead petitioner to better understand the issues on the Williamstown foreshore and the details of the requests for future development. The beach is used all year round by open water swimmers who require access to public amenities. Melbourne Open Water Swimming Club access the beach on a weekly basis.

Council has commenced planning and design on two separate projects impacting the Williamstown foreshore precinct, including an upgrade of the Williamstown Swimming and Life Saving Club and the Williamstown foreshore open space concept plan. These designs are scheduled to be placed on public exhibition from 14 October 2023 to 10 December 2023 where open water swimmers and the general community can submit their detailed feedback. All feedback will be reviewed and considered with the further refinement of these plans.

Background

The Melbourne Open Water Swimming Club (MOWSC) is affiliated with Masters Swimming Victoria. The club has approximately 200 members and is dedicated to supporting safer open water swimming. The club meets on Saturday mornings to conduct its activities, which includes a 700m square course that is set up in the shallow waters of the beach.

The petition is requesting:

- Upgraded showers, toilets, change rooms and public facilities for swimmers that are well away from the outdoor dining area of The kiosk and preferably closer to the beach.
- Meeting places / gathering spaces with shelter, shade and wind breaks for the public at the western end of Williamstown Beach.

Public amenities were constructed on the northern (Esplanade) side of the Williamstown Swimming and Life Saving Club in 2013. This facility incorporates toilets and showers and is suitable for people with accessibility requirements. In early 2021, additional public toilet facilities were constructed at the southern end of Fearon Reserve, across the road from the eastern end of Williamstown Beach.

Discussion

According to discussions with the lead petitioner from the MOWSC, the popularity of open water swimming is increasing, leading to greater participation during key activity times. The MOWSC does not currently have access to facilities of the Williamstown Swimming and Life Saving Club (WSLSC), although it has previously had access to storage on site. Greater communication and collaboration is required between the two groups, for the betterment of participation and healthy outcomes.

The WSLSC facilities are coming to the end of their useful life and the redevelopment of the WSLSC building, including the upgrade of public amenities, is currently in the planning and design phase. Council is partnering with the Victorian State Government to deliver upgrades which meet the needs of Life Saving Victoria, Club members and the wider community.

Consultation on concept plans for the WSLSC redevelopment is scheduled to occur for eight weeks from 14 October 2023 to 10 December 2023. Throughout this period, consultation will also be occurring on concept plans for open space areas throughout the Williamstown Foreshore Precinct. This public exhibition period will provide the community with an opportunity to provide their feedback on the designs which will help shape future works within the precinct.

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 3: Vibrant place and economy

Strategy 3.4: Increase participation in recreation activities across the community

Priority a) Increase utilisation of sporting and recreation facilities by non-sporting groups

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

Policies and Related Council Documents

The development of concept plans for the Williamstown Swimming and Life Saving Club, and concept plans for open space areas throughout the Williamstown Foreshore precinct have been guided by:

- Sports Facility Needs Analysis
- Hobsons Bay Open Space Strategy
- Hobsons Bay Coastal and Marine Management Plan
- Hobsons Bay Aquatic Strategy
- Hobsons Bay Playspace Strategy
- Hobsons Bay Public Toilet Strategy

Legal/Statutory Obligations and Risk

Council has an executed funding agreement with the Department of Justice and Community Safety, to deliver milestones relating to the upgrade of the WSLSC building.

Financial and Resource Implications

Funding for the delivery of the WSLSC Redevelopment is in partnership with the Victorian State Government, Council and the Williamstown Swimming and Life Saving Club. The Victorian Government committed \$11.349 million towards this project in 2021, Council has committed \$3 million, and the club has committed \$180,000.

Environmental, Social and Economic Impacts

Preliminary environmental, social, and economic impacts have been assessed to inform concept designs for all three projects. Further assessments will be completed as part of the detailed design process.

Consultation and Communication

A public exhibition period of eight weeks will be held from 14 October to 10 December 2023 to engage the community on the below concept plans:

- Williamstown Swimming and Life Saving Club redevelopment
- Williamstown Foreshore Open Space upgrades

While not specific to the contents of this petition, the Draft Rifle Range Planting Plan will also be on public exhibition for comment during this period.

The consultation period will include:

- a common page on the Participate Hobsons Bay website with links to the three separate projects in the precinct
- signage throughout the precinct
- a letterbox drop to residents who live close to the Williamstown Foreshore

- door knocking residents directly adjacent to the foreshore
- two face to face drop-in session, one onsite at the lifesaving club, and the other at Robertson Reserve as part of the November Farmers Market event

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.

7.2.3 Response to Joint Letter - Request to seal Ryan Lane, Altona

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

Purpose

To respond to the petition requesting that Council seal the full length of Ryan Lane, Altona and rectify drainage issues.

Recommendation

That Council:

- 1. Notes that works to design and seal Ryan Lane, Altona, will progress in line with the Unsealed Laneway Upgrade Program and the Five Year Capital Works Program.**
- 2. Writes to the lead petitioner advising of the outcome.**

Summary

At the Council Meeting on 8 August 2023 Council received a joint letter requesting that works be brought forward to seal Ryan Lane and improve the existing on-site drainage issues. Ryan Lane upgrade is currently scheduled for 2026-27 financial year.

Council currently has approximately 14 kilometres of unsealed laneway, which is managed and maintained to facilitate vehicle and pedestrian access. Ryan Lane, like most lanes in Hobsons Bay, is subject to continual requests for upgrade works. In response to these requests from across the municipality, Council developed its Unsealed Laneway Program in 2021.

Background

Ryan Lane is located in Altona and serves as a link between Railway Street to the north and Romawi Street to the east. The laneway has no formal drainage system and it is intended that water will flow out onto the adjoining streets.

The primary purpose of Ryan Lane is to provide rear access to properties along Upton Street, Railway Street and Romawi Street. However, there is a property located at 15 Ryan Lane which has its primary access from this laneway. Additionally, there is a childcare centre located at 24 Upton Street with a rear carpark that connects to Ryan Lane, so the lane is used to access this rear parking area



Figure 1: Map of Ryan Lane, Altona

Ryan Lane is approximately 110 metres in length and is primarily made up of gravel, but the final 23 metres of the lane near Railway Street is paved with concrete. This concrete portion appears to have been constructed during the development of the property at 15 Ryan Lane. Unfortunately, this concrete section has been poorly constructed with no allowance for proper drainage.

15 Ryan Lane was developed as part of a two-lot subdivision of no 30 (Lot 86) Upton Street. This subdivision took place around 1990.

Unsealed Laneway Upgrade Program

Council has implemented an Unsealed Laneway Upgrade Program in 2020-21 to improve existing laneways across the municipality. All laneways have been inspected and categorised into difference priority groups. These categorisations are based on factors such as the condition of the laneway, its importance for access, and other relevant considerations.

Some laneways are categorised as priority 1. The delivery of priority 1 laneways was delayed due to the onset of the COVID pandemic. This delay is not uncommon, as many infrastructure projects faced disruptions and delays during the pandemic due to various challenges including funds allocated to priority projects within the municipality.

A number of factors were identified and considered through the development of the program. Some of these factors include:

- identifying existing laneways within the municipality
- site inspection to confirm upgrade requirement
- prioritisation of laneways for construction
- allocation of cost estimate for each project.

The laneways within Hobsons Bay were categorised into different priority groups for the Unsealed Laneway Program based on various factors. These factors include:

- history of customer requests relating to drainage or access issues
- previous resolution of Council recommending consideration in future capital works programs

- amount of developer contributions that have been received for future upgrade.
- number of properties that access the laneway for pedestrian or vehicle movement.

Ryan Lane is identified as a Priority 2 laneway under the Unsealed Laneway Program due to a number of factors.

Some of these factors include the history of customer requests relating to drainage or access issues on the laneway, previous resolution of Council, amount of developer contributions and the number of properties that access the laneway for purposes of pedestrian or vehicle movement.

Laneways in the Priority 1 category of the Unsealed Laneway Upgrade Program are prioritised based on Council resolution, developer contributions and customer requests.

Priority 1 Laneways and status: (Total Cost \$1,850,000)

- Cunningham Lane, Newport – **Complete**
- Byrne Lane, Seaholme – **Complete**
- Joiner Lane, Seaholme – **Complete**
- Rear of John Street Williamstown – **Complete**
- Coogee Lane, Williamstown – **Construction commenced**
- South of 151 Aitken Street and rear of 153 Aitken Street, Williamstown – **Contractor appointed**
- Dolman Lane, Newport – **Design complete**
- Laneway east of Durkin Street, Newport – **Design to be completed December 2023**
- Right of way, east of Douch Street, Williamstown – **Deferred** due to high levels of Category A contamination

Laneways in the Priority 2 category of the Unsealed Laneway Upgrade Program are identified based on specific criteria, including customer requests and developer contributions.

Priority 2 projects include: (Total Cost \$2,260,000)

- Laneway south of 2 Curlew Avenue, Altona
- Ryan Lane, Altona
- Laneway between 22 and 24 Mason Street, Newport
- Laneway east of 2 Ferguson Street Williamstown
- Right of Way, west of 171 Nelson Place, Williamstown
- Right of Way, east of 88 Aitken Street (Council Lane), Williamstown
- Valletta Lane, from 48 Blyth Street to Weaver Reserve

Road Management Plan

Council manages its laneways and maintenance in line with the adopted road management plan. Maintenance on unmade laneways is carried out on a reactive basis and includes backfilling potholes and using cement treated crushed rock where required. Ryan Lane was inspected in November 2022 and will be proactively inspected again in November 2023, in

line with adopted inspection frequency schedule. Council also carries out reactive inspections at the request of the community. Ryan Lane was inspected at the time that it was contacted by residents and some remedial works were undertaken at that time.

Discussion

Council has been contacted on several occasions from residents who have access to Ryan Lane, primarily residents from 15 Ryan Lane, in relation to drainage issues.

These requests have been logged and responded to in line with Council's customer service policy. On each occasion, it has been outlined to the residents that Ryan Lane is listed as a Priority 2. It has also been explained to the residents that Priority 1 laneways were delayed due to the impacts of COVID and contractor availability. Once Priority 1 laneways are complete, Priority 2 laneways will commence. Currently, Ryan Lane is programmed for construction in 2026-27.

Some items that have been raised in the joint letter refer to the surface condition and access. Ryan Lane's surface is currently a mix of gravel and some concrete sections. Gravel surfaces provide an all-weather accessible surface to properties and is consistent with most laneways across Hobsons Bay as well as Victoria. Ryan Lane is inspected and managed in line with the adopted Road Management Plan.

Ryan Lane does not have a formal drainage system and relies on overland flow for water to discharge to the adjoining streets. This is consistent with the majority of laneways.

The concrete slab that has been constructed at Ryan Lane is currently restricting overland flows to the north and resulting in a build-up of water. Once water reaches a height it will flow over the concrete to Railway Street. Council has recently filled in some of the depressions with gravel which will reduce the depth of local water stored adjacent to 15 Ryan Lane prior to water discharging to the north. Roads and laneways are designed to retain water in rain events until such time that it can discharge naturally.

Council is completing the design and construction of Priority 1 laneways. Once these are completed it will commence the design for Priority 2 laneways. This will include an assessment of the management of stormwater along Ryan Lane. This is likely to formalise and continue utilising overland flows to enable water to discharge to Railway Street and Romawi Street.

Council is not providing lighting to laneways as part of the Unsealed Laneway Upgrade Program.

The design for Priority 2 laneways, including Ryan Lane, is anticipated to commence by April 2024. Construction for Ryan Lane is budgeted for 2026-27. This is consistent with the Unsealed Laneway Upgrade 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

Other Council Strategies

- Unsealed Laneway Upgrade Program
- Five Year Capital Works Program

Policies and Related Council Documents

The joint letter was received by Council at the 8 August 2023 Council Meeting. There have been no previous reports presented to Council in response to this joint letter.

Legal/Statutory Obligations and Risk

There are no legal or statutory risks with the proposal to abandon the works.

Financial and Resource Implications

The proposed works to seal Ryan Lane are forecast to be delivered in financial year 2026-27 as part of the Five Year Capital Works Program. The total estimated budget required for Ryan Lane to seal is \$300,000.

The total estimated budget spend for Priority 1 laneways is \$1,850,000. This work is substantially complete. The total estimated budget spend for Priority 2 laneways is \$2,260,000 spread across three financial years.

Environmental, Social and Economic Impacts

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

Consultation and Communication

There has been ongoing discussion with the lead petitioner and residents in relation to this matter.

Declaration of Conflict of Interest

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

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

8 Business

8.1 Office of the Chief Executive

8.1.1 Chief Executive Officer's Report on Operations – September 2023

Directorate:	Office of the Chief Executive
Responsible Officer:	Executive Assistant to the Chief Executive Officer
Reviewer:	Chief Executive Officer
Attachments:	Nil

Purpose

To present the Chief Executive Officer's (CEO's) Report on Operations for September 2023.

Recommendation

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

Summary

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

Discussion

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

In accordance with rule 10.7.1 of the Hobsons Bay Governance Rules, Council maintains records of meetings attended by Councillors in the CEO's Report on Operations to ensure transparency and equity of information. A summary of meetings for the period between 1 September 2023 and 30 September 2023 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.

8.2 Corporate Services

8.2.1 Annual Report 2022-23

Directorate:	Corporate Services
Responsible Officer:	Manager Corporate Integrity and Legal Counsel
Reviewer:	Director Corporate Services
Attachments:	<ol style="list-style-type: none">1. Hobsons Bay City Council - Report of Operations 2022-23 [8.2.1.1 - 116 pages]2. Hobsons Bay City Council - Annual Financial Report and Performance Statement 2022-23 [8.2.1.2 - 68 pages]

Purpose

To note the Hobsons Bay 2022-23 Annual Report.

Recommendation

That Council notes the Hobsons Bay City Council 2022-23 Annual Report in accordance with the legislative requirements of the *Local Government Act 2020* and the Local Government (Planning and Reporting) Regulations 2020.

Summary

Under sections 18(1)(d) and 100(1) of the *Local Government Act 2020*, the Mayor must report at least once each year on the implementation of the Council Plan by presenting the annual report at a Council Meeting open to the public.

The Annual Report, consisting of the Report of Operations, the Annual Financial Report and the Performance Statement is a legislative requirement providing details of Council's operational and financial performance for the 2022-23 financial year.

The Report of Operations includes information on the progress of the 21 Major Initiatives which Council committed to in the 2022-23 budget and Council's performance in the Local Government Performance Reporting Framework (LGPRF) Indicators. The report represents results achieved in relation to the 18 indicators under the five objectives in the Council Plan and the progress of projects in delivering 19 strategies and 59 priorities.

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

14 initiatives were carried over from the previous financial year, with seven new initiatives included in the 2022-23 budget. Two of the planned initiatives have been completed. A number of initiatives will be delivered through a phased approach over the four-year plan; there are 15 currently progressing, which have been carried over into the next financial year.

The 2022-23 results from the LGPRF Performance Indicators showed that Council has improved in 19 of 37 performance measures compared to the previous year.

Background

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

The Annual Report is a statutory obligation that informs the community about Council's activities, achievements, challenges and financial performance over the year and reports on the delivery of the commitments made in Council Plan 2021-25 and the Annual Budget 2022-23.

Council's performance for the 2022-23 year has been reported against each of the strategic objectives of the Council Plan 2021-25:

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

Performance has been measured as follows:

- 1. Progress in relation to the initiatives identified in the 2022-23 budget**
Major Initiatives are programs or projects that Council undertakes to support the delivery of the Council Plan.
- 2. Results achieved in relation to the indicators in the Council Plan**
Under each strategic objective in the Council Plan, several indicators have been nominated, as required under the *Local Government Act 2020*, to provide indications of achievement of the objectives. The results are calculated from various data sources, such as the Annual Community Survey results and Council's operational data.
- 3. Results against the LGPRF Performance Indicators**
The Local Government Performance Reporting Framework is a mandatory system of performance reporting for all Victorian councils. It ensures that councils are measuring and reporting on their performance in a consistent way to promote transparency and accountability in the local government sector.
- 4. Progress in relation to the projects in delivering each objective, strategy and priority**
In addition to delivering the ongoing core services, Council also delivers projects and actions to improve the services and create more value for the community. The projects are delivered in line with the Council Plan's objectives, strategies and priorities.

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

Discussion

Council initiatives

Council completed two initiatives committed to in the 2022-23 budget. These initiatives included:

- HD Graham Reserve, Altona Meadows Sport Facility Development
- Brooklyn Community Hall Redevelopment

The remaining initiatives which are multi-year projects have progressed to various degrees and have been carried over into the next financial year.

LGPRF results

The 2022-23 results of the LGPRF Performance Indicators reported improvements in 19 of the 37 measures of service performance compared to the previous year. The highest improvements were:

- animals reclaimed
- Council planning decisions upheld at VCAT (AUDITED)
- critical and major non-compliance outcome notification (AUDITED)
- physical library collection usage

Six measures remained consistent (within 2 per cent of the previous year) including:

- cost of animal management service per population
- animal management prosecutions (AUDITED)
- cost of food safety service
- infant enrolments in the MCH service
- participation in the MCH service (AUDITED)
- cost of sealed local road reconstruction

Reductions of performance were observed in 12 of the measures, particularly:

- time taken to action animal management requests
- sealed local road requests
- time taken to action food complaints

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

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

Related policies and documents include:

- Annual Budget 2022-23
- Council Plan 2021-25

Quarterly reports on the Council Plan initiatives were presented at the Council Meetings held on 15 November 2022 and 9 May 2023.

The half year progress report on the Council Plan initiatives and the LGPRF was presented at the Council Meeting held on 7 February 2023.

Legal/Statutory Obligations and Risk

The 2022-23 Annual Report was prepared to meet the operational and financial reporting requirements of sections 98 to 100 of the *Local Government Act 2020* and Part 4 of the Local Government (Planning and Reporting) Regulations 2020.

This is the second Annual Report under the Council Plan 2021-25 and it is also the second to be prepared in accordance with section 98 of the *Local Government Act 2020* and the Local Government (Planning and Reporting) Regulations 2020.

Financial and Resource Implications

Production of the Annual Report is funded from Council's operating budget. The number of printed copies is limited to reduce the impact on resources and the environment. The Annual Report is available on Council's website and this continues to be the most popular way the report is viewed.

Environmental, Social and Economic Impacts

The Annual Report provides information on Council's performance for the 2022-23 year against the strategic indicators, objectives, strategies and priorities of the Council Plan 2021-25. The Council Plan is developed every four years and is based on the integrated strategic planning and reporting framework that aligns the Hobsons Bay 2030 Community Vision to the planning, development, resource allocation and service provision that Council undertakes for the Hobsons Bay community.

Consultation and Communication

The Annual Report will be considered at the Council Meeting to be held on 10 October 2023 in accordance with section 100 of the *Local Government Act 2020*. Copies will also be available for inspection at the Hobsons Bay Civic Centre and at all Hobsons Bay Libraries.

Declaration of Conflict of Interest

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

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

8.2.2 Instruments of Delegation to the Chief Executive Officer and Members of Staff

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

Purpose

To remove the end date of the S5 and S6 Instruments of Delegation (13 October 2023) and replace with “remains in force until Council resolves to vary or revoke it”.

Recommendation

That Council:

- 1. Amends clause 6 of the S5 Instrument of Delegation to “remains in force until Council resolves to vary or revoke it”.**
- 2. Amends clause 3.2.2 of the S6 Instrument of Delegation to “remains in force until Council resolves to vary or revoke it”.**

Summary

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

The current S5 Instrument of Delegation (Council to CEO) and S6 Instrument of Delegation (Council to nominated staff) remain in force until 13 October 2023.

Background

The S5 Instrument of Delegation to the CEO recognises that certain functions and duties are conferred on the CEO under s11 of the *Local Government Act 2020*. These are specified in the S5 Instrument along with any conditions and limitations.

The S5 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.

Where legislation does not expressly provide for sub-delegation, Council delegates directly to officers through the S6 Instrument of Delegation – Members of Staff.

Both the S5 and S6 expire on 13 October 2023.

Discussion

The Council resolution on 11 October 2022 specified that the current S5 and S6 Instruments of Delegation would remain in force until 13 October 2023.

Council is currently in the process of reviewing and consulting internally on all Instruments of Delegation. Until such time as the review is completed, the current S5 and S6 Instruments will remain unchanged and continue to apply.

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 S5 and S6 Instruments of Delegation were endorsed by Council on 11 October 2022.

Legal/Statutory Obligations and Risk

Section 11(1) of the *Local Government 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 *Local Government Act 2020* or any other Act.

Financial and Resource Implications

There are no financial or resource implications.

Environmental, Social and Economic Impacts

There are no environmental, social or economic impacts.

Consultation and Communication

There are no consultation or communication impacts.

Declaration of Conflict of Interest

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

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

8.3 Sustainable Communities

8.3.1 Draft Economic Development Strategy 2023-28

Directorate:	Sustainable Communities
Responsible Officer:	Manager Strategy Economy and Sustainability
Reviewer:	Director Sustainable Communities
Attachments:	1. Draft Economic Development Strategy [8.3.1.1 - 28 pages]

Purpose

To provide an update on the development of a new Economic Development Strategy and endorse the draft strategy for public consultation.

Recommendation

That Council:

1. **Endorses the Draft Economic Development Strategy 2023-28 for public consultation from 11 October to 10 November 2023.**
2. **Notes that following public consultation, an updated Economic Development Strategy will be brought to Council for consideration and adoption.**

Summary

The Hobsons Bay Economic Development Strategy 2023-28 will guide Council's work to support the growth of the local economy over the coming years. Preliminary business and community engagement has been undertaken to inform development of the draft strategy alongside analysis on key industries and economic change.

The draft strategy identifies the key advantages, challenges and opportunities for Hobsons Bay and is built around three key pillars being:

- **Grow** – to build strong and resilient precincts by supporting local networks and local community enterprise
- **Elevate** – to enhance and promote our valued natural, built and cultural assets across the city and to leverage the strategic advantages they present to the Hobsons Bay economy
- **Transform** – to support green businesses and the broader economy to transition to a new green future, that includes circular economy and zero carbon industries

Implementation of the strategy over the next five years will be guided by an annual action plan.

Background

The Hobsons Bay Economic Development Strategy 2023-28 will guide Council's work to support the growth of the local economy over the coming years. The strategy has been developed in a post-COVID context and builds on the significant advantages of Hobsons Bay to drive the development of a strong and resilient local economy.

To support development of the draft strategy, preliminary business and community engagement has been undertaken alongside analysis on key industries and economic change. The draft strategy identifies the key advantages, challenges and opportunities for Hobsons Bay and is built around three key pillars that provide the framework for how Council will drive economic development in the coming years.

Discussion

The Hobsons Bay Economic Development Strategy 2023-28 will guide Council's work to support the growth of the local economy over the coming years. A draft vision statement has been developed that is closely aligned with the Hobsons Bay 2030 Community Vision and the objectives of the Council Plan 2021-25. It has been informed through preliminary engagement, research and review.

The draft economic development vision for Hobsons Bay is that *"By 2030 Hobsons Bay will have a network of resilient business precincts that leverage and enhance the valued natural, built and cultural assets of the city in particular our desirable location by the Bay. Hobsons Bay will support existing and emerging industries and be the preferred location in Melbourne's West for businesses investing in the circular economy, renewables and zero carbon that are committed to making the city an attractive, green and enjoyable place to work, live and visit."*

Hobsons Bay has a range of advantages and opportunities to strengthen the local economy. There are also some challenges that will need to be balanced. A summary is provided below.

Advantages

- Hobsons Bay has a range of advantages and opportunities to strengthen the local economy including:
- strategic location close to Melbourne's CBD, Port of Melbourne, major road networks (Princes Freeway, WestGate Freeway, Western Ring Road) and rail freight lines
- access to commuter rail with stations at Newport, Altona, Seaholme, Spotswood, Williamstown and Laverton
- significant natural assets, open space (approx. 24 percent) including Newport Lakes, Cherry Lake, Williamstown Botanic Garden, and 20km of coastline and beaches
- state significant industrial precincts in Brooklyn, Spotswood, Williamstown North, Altona and Altona North and the Williamstown Marine Precinct that form part of the Western State Significant Industrial Precinct (SSIP)
- leading state tourism operators such as Scienceworks, Grazeland, Seaworks Maritime Museum and the Substation.
- network of activity centres including four Major Activity Centres (Altona beach, Williamstown, Altona North and Altona Meadows) support residential growth, vibrant precincts and tourism

- established specialised industries (advanced manufacturing and petrochemical)
- businesses with potential to be an anchor industry (Toyota hydrogen facility)
- Hobsons Bay Wetlands Centre to be an ecological hotspot in Melbourne's west
- skilled local workforce
- proximity to Port Philip Bay and Yarra River flowing into the Bay

Challenges

There are also a number of challenges that will need to be addressed including the need for future growth to balance changes within the manufacturing and industrial sectors, increased residential growth and preserving the local environment. Challenges include:

- balancing biodiversity protection with industrial growth objectives
- local impacts of major regional infrastructure
- industrial pollution
- planning around Major Hazard Facilities
- interface between residential and industrial areas
- supporting residents in reskilling with decline in some key industry sectors (e.g. petroleum refinement and manufacturing)
- climate change and sea level rise

Opportunities

Hobsons Bay already has significant key assets, businesses and skills that will support in strengthening the local economy including:

- investment in environmental tourism such as the Hobsons Bay Wetlands centre
- access to new energy infrastructure such as the Toyota Hydrogen Centre in Altona North
- precinct revitalisation and investment via the Better Places program
- increasing population-serving economy and enhance residential growth around activity centres
- Enhanced cycle (both commuter and recreational) connectivity across Hobsons Bay and to Melbourne CBD
- changing workforce and more skilled workers
- increasing investment in and utilisation of coastline and waterway assets
- supporting the transition to advanced manufacturing
- industrial areas with the potential to support new and emerging industries (advanced manufacturing, new energy, digital industries, circular economy)

Three key pillars will guide Council's actions and activities to grow the local economy over the next five years:

- **Grow** – to build strong and resilient precincts by supporting local networks and local community enterprise
- **Elevate** – to enhance and promote our valued natural, built and cultural assets across the city, to leverage the strategic advantages they present to the Hobsons Bay economy
- **Transform** – to support green businesses and the broader economy to transition to a new green future, that includes circular economy and zero carbon industries

Pillar 1: Grow

Hobsons Bay is home to many vibrant and diverse business precincts ranging from major activity centres to micro centres which are at the heart of local communities providing hospitality, retail services and a place for social interaction. These precincts exist alongside industrial precincts of both local and state significance and provide much of the city's jobs and economic growth. Hobsons Bay will continue to be a place where vibrant precincts and highly liveable neighbourhoods reside together.

The objectives under this pillar aim to invest, promote and strengthen businesses and business precincts so they can adapt to changes within the community, digital and technological advancements and environmental conditions. The objectives include:

- increase utilisation and activation of precincts and decrease vacancy rates
- improve the use of local supply chains
- increase environmentally sustainable practices within business precincts
- increase active involvement of businesses in the economic direction of their precincts and strengthen the "business voice" in Council

Pillar 2: Elevate

Hobsons Bay has a rich and valuable natural environment with 24 per cent of the municipality being open space. The city has over 20 kilometres of coastline with significant coastal wetlands, borders the Yarra River which flows into Port Phillip Bay, five creek systems, remnant native grasslands and important flora and fauna habitats. This natural environment sits alongside significant cultural assets such as Scienceworks, Williamstown Botanic Gardens, The Substation, Newport Railway Museum, HMAS Castlemaine and Seaworks Maritime Museum. Hobsons Bay is situated next to Port Phillip Bay which is a vital economic, environmental and social asset.

The objectives under this pillar aim to promote Hobsons Bay as the ideal place to work, live, visit and invest, focusing and building on valuable natural, built, and cultural assets across the municipality. The objectives include:

- increase investment, protection and utilisation of the open space, waterways, coastline, flora and fauna, built and cultural assets of Hobsons Bay
- strengthen transport connections, in particular active and passive transport, across the west and into Melbourne CBD
- increase visitation across Hobsons Bay

Pillar 3: Transform

Hobsons Bay has a diverse mix of state, regional and locally significant industrial precincts alongside significant open space, coastline, and natural assets. The proximity to Melbourne's CBD, the Port of Melbourne, and major road and rail assets make it an enviable location to live, work and invest.

Building on these strengths the strategy aims to support Hobsons Bay's transition to a sustainable, circular, and green economy. The important role of the city's industrial past and the ongoing value of this sector for the future of the municipality is recognised.

The industrial sector is undergoing significant change alongside a move towards a more service and skills-based economy, supported by a highly skilled resident workforce which all provide an opportunity to transition to a greener future.

Council recognises the need to address the impacts of climate change and is committed to creating a new shared vision for a circular and greener economy, building skills and knowledge, and partnerships to implement this vision. The objectives under this pillar include:

- support businesses across Hobsons Bay to decrease carbon emissions
- support businesses to develop circular economy practices and strategies
- increase business and State and Federal Government investment in the Hobsons Bay's green economy

Next Steps

It is proposed to seek community feedback on the draft Economic Development Strategy. Analysis of the feedback will be used to prepare an updated final strategy. Implementation of the strategy will require a cross-Council approach alongside partnerships between government, businesses and community. The strategy will be implemented over the next five years guided by an annual action plan.

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

Priority a) New investment and job creation opportunities flow from a major update to the Hobsons Bay Industrial Land Management Strategy

Priority b) Support existing and emerging local businesses through activation, promoting buying local and local business-to-business activity

Priority c) Encourage local start-ups to use collaboration spaces and public facilities in Council buildings and service centres

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

Priority a) Implement the Experience Hobsons Bay Tourism Strategy 2019-24

Priority b) Increase participation in Council's year-round events and festivals calendar

Priority c) Increase opportunities for people to experience the arts in diverse and accessible ways in the Hobsons Bay Creative City

Other Council Strategies

Developing strong and resilient business precincts has implications for businesses affected by the Industrial Land Management Strategy 2023 (in development), Reimagining our Industrial Areas 2021, the Mobile Vendor Policy 2023, Procurement Policy 2021, Gender Equality Action Plan 2021-25, Procurement Policy 2021, Events and Festivals Plan 2016-2021, Better Places Guides and Activity Centres Strategy 2019-36.

Recognising and promoting the natural, built, and cultural assets across the city is in line with Experience Hobsons Bay Tourism Strategy 2019-24, Biodiversity Strategy 2017-22, Open Space Strategy 2018-28 and Creative City Arts and Culture Plan 2030 (in development).

Supporting the transition to a sustainable green economy is in line with Industrial Land Management Strategy 2023 (in development), Reimagining our Industrial Areas 2021 and Response to Climate Change Action Plan 2030.

Policies and Related Council Documents

- Activity Centres Strategy 2019-36
- Better Places Guides
- Biodiversity Strategy 2017-22
- Community Engagement Policy 2023 (in development)
- Council Plan 2021-25
- Creative City Arts and Culture Plan 2030 (in development)
- Events and Festivals Plan 2016-2021
- Experience Hobsons Bay Tourism Strategy 2019-24
- Gender Equality Action Plan 2021-25
- Hobsons Bay 2030
- Industrial Land Management Strategy 2023 (in development)
- Mobile Vendor Policy 2023
- Open Space Strategy 2018-28
- Procurement Policy 2021
- Reimagining our Industrial Areas 2021
- Response to Climate Change Action Plan 2030

Legal/Statutory Obligations and Risk

The Economic Development Strategy 2023-28 has been developed with consideration of Council's legal and statutory obligations, in particular the *Disability Discrimination Act 1992* and *Gender Equality Act 2020* and Planning Scheme.

Financial and Resource Implications

Implementation of the strategy will be undertaken within Council's operational budget.

Environmental, Social and Economic Impacts

The Economic Development Strategy 2023-28 has a strong focus on environmental, social and economic impacts including:

- equitable business support and development
- preserving and enhancing natural ecosystems
- promote local environment, cultural assets and tourism
- support further development of active transport
- support the transition of industries towards sustainable green economy

Consultation and Communication

Preliminary consultation was carried out between November 2022 and February 2023 to inform preparation of the draft strategy.

Public consultation is proposed to take place between 11 October 2023 and 10 November 2023.

Declaration of Conflict of Interest

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

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

8.3.2 Contract 2023.09 Waste and Recycling Audits

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

Purpose

To seek Council endorsement for the awarding of Contract 2023.09 to EC Sustainable Pty Ltd, for annual independent contamination audits across the four waste streams of Council's kerbside waste and recycling service.

Recommendation

That Council:

- 1. Awards Contract 2023.09 for Waste and Recycling audits to EC Sustainable Pty Ltd for an initial contract period of three years at a value of \$901,230 (nine hundred and one thousand, two hundred and thirty dollars) including GST, with two one-year options to extend.**
- 2. Delegates to the Chief Executive Officer the ability to negotiate and approve extensions in the prior year within contracted conditions, which if exercised would bring total contract expenditure to \$1,502,050 (one million, five hundred and two thousand and fifty dollars) including GST, should both one-year extensions be appropriate at the time.**
- 3. Delegates to the Chief Executive Officer the ability to vary the contract within the requirements of the Procurement Policy should operational needs require.**

Summary

Contract 2023.09 is for the delivery of an initial three-year program of waste and recycling independent audits of the four streams of kerbside collection with two one-year options to extend.

This report outlines the tender review process and recommends the contract be awarded to EC Sustainable Pty Ltd in line with the recommendation of the Tender Board.

Background

Council undertakes independent audits of the four waste streams (comingled recycling, glass, FOGO, garbage) on a regular basis to measure contamination and to determine the composition of each stream.

These audits support:

- monitoring and reporting of progress towards contamination targets
- developing and delivering education campaigns
- refining service delivery targets
- confirming pricing with processing contractors

The audits have been scheduled throughout the calendar year to ensure that results are comparable year on year.

All audits will be undertaken in accordance with Sustainability Victoria's Guidelines for Auditing Kerbside Waste in Victoria (2009).

Discussion

A public tender process was conducted between 26 April 2023 and 24 May 2023. At the close of submissions, two tenders were received.

The submission received from one of the tenderers was non-conforming and did not meet the minimum mandatory criteria. The tenderer was unable to deliver the full scope of the contract requirements.

The evaluation panel met on 30 May 2023 to review the received bids. The panel members focused discussion on the costs and audit methodology provided by the conforming tenderer.

The conforming tenderer provided a schedule of rates that was consistent with the requirements of the specification. Panel members confirmed the tenderer had adequate resources, experienced staff and safety processes in-place to undertake the auditing.

Panel members confirmed that no interviews would be required as part of this evaluation, but did seek several clarifications to ensure the tenderer would be able to deliver the contract. This included details about methodology and Container Deposit Scheme considerations.

The panel met again on 23 June 2023 to confirm that responses provided were aligned with the original specification requirements. The panel members discussed and confirmed that the audit methodology and sampling requirements are compliant with the tender specifications.

During July 2023, Council became aware that material disposal arrangements within one of the processing facilities would not be suitable for use as an auditing site. The methodology of the conforming tenderer needed to be revaluated to ensure that Council could get the required auditing outcome within the tendered price. The evaluation of the tender confirmed that the tenderer was still able to deliver the required services.

A report was presented to the Tender Board on 31 August 2023 recommending the contract be awarded to EC Sustainable Pty Ltd.

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 2: Environment

Strategy 2.1: Increase resource recovery and reducing landfill across Council's waste services and improve the customer experience of waste services

Policies and Related Council Documents

Collection and analysis of audit data from the kerbside collection services supports the delivery and evaluation of the Waste and Litter Strategy 2025 and the Waste Service Charge and Reserve Policy (2022).

Legal/Statutory Obligations and Risk

The awarding of Contract 2023.09 for Waste and Recycling Audits to EC Sustainable Pty Ltd through a public tender process complies with section 108 of the *Local Government Act 2020*.

Financial and Resource Implications

Waste and recycling audits are included in the 2023-24 financial year operational budget and are proposed in the long-term financial plan for the delivery of waste and recycling services.

Environmental, Social and Economic Impacts

The delivery of Contract 2023.09 for Waste and Recycling Audits supports Council to achieve its environmental goals relating to reduction of waste to landfill.

Consultation and Communication

The tender was publicly advertised on 26 April 2023. The tender Evaluation Report for Contract 2023.09 was presented to Council's Tender Board on 31 August 2023. The Tender Board endorsed the tender evaluation panel's recommendation to award the contract to EC Sustainable Pty Ltd.

The delivery of Contract 2023.09 for Waste and Recycling Audits supports Council to effectively communicate and educate the community about using the four-bin system.

Declaration of Conflict of Interest

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

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

8.3.3 Adoption of Spotswood Heritage Amendment C137

Directorate:	Sustainable Communities
Responsible Officer:	Team Leader Strategic Planning
Reviewer:	Director Sustainable Communities
Attachments:	<ol style="list-style-type: none">1. Spotswood Activity Centre Structure Plan Heritage Review September 2023 [8.3.3.1 - 197 pages]2. C137 Authorisation letter to PA with condition [8.3.3.2 - 2 pages]3. C137 Delegate Report and Memos to CEO to refer submissions [8.3.3.3 - 43 pages]4. C137 Panel Report [8.3.3.4 - 73 pages]5. C137 Updated Amendment Documentation for Adoption [8.3.3.5 - 116 pages]

Purpose

To provide an update on Amendment C137 (Spotswood Heritage Amendment) and to recommend adoption of the Amendment and submission to the Minister for Planning for approval.

Recommendation

That Council:

1. **Considers the Amendment C137 Panel report (Attachment 4) in accordance with section 27(1) of the *Planning and Environment Act 1987*.**
2. **Adopts Amendment C137 (Attachment 5) and the revised Spotswood Structure Plan Heritage Review 2023 (Attachment 1) in accordance with the recommended officer response to the panel recommendations as outlined in Table 3, in line with section 29 of the *Planning and Environment Act 1987*.**
3. **Submits the Amendment documentation (Attachment 5) together with prescribed information to the Minister for Planning for approval.**
4. **Notifies all submitters to Amendment C137 of Council's decision.**

Summary

Amendment C137 seeks to make changes to Heritage Overlays (HOs) in the Hobsons Bay Planning Scheme (HBPS) to implement the recommendations of the Spotswood Activity Centre Structure Plan Heritage Review.

Amendment C137 (the Amendment) will appropriately protect sites of local heritage significance in Spotswood consistent with the objectives of the *Planning and Environment Act 1987* (the P&E Act) and has been supported by an independent planning panel.

It is recommended that the Amendment be adopted with changes in response to submissions and as a result of the planning panel process.

Background

Spotswood Activity Centre Structure Plan Heritage Review

The Spotswood Activity Centre Structure Plan Heritage Review (the Spotswood Heritage Review) was prepared in March 2022 to identify sites of local heritage significance that should be protected within a HO (Refer Attachment 1).

The Spotswood Heritage Review assessed the heritage significance of places in accordance with the requirements of the Victorian Government's Planning Practice Note No.1 (PPN1) *Applying the Heritage Overlay*.

The first stage of the review involved an assessment of existing HO30 (Spotswood Residential Heritage Precinct) and adjacent residential and commercial areas to determine whether any updates were required to existing heritage controls or overlay boundaries. The second stage of the review was undertaken to address potential gaps in the protection of built heritage fabric in the wider Spotswood Structure Plan Area.

As part of the review each heritage place was assessed to determine whether it was contributory or non-contributory. Contributory heritage places are places that contribute to the heritage significance of a precinct. Non-contributory places have no identifiable heritage significance, but their redevelopment may impact on the significance of the heritage precinct or adjacent contributory heritage places and so they are included in the overlay.

Consultation on the Draft Spotswood Structure Plan

The findings of the Spotswood Heritage Review informed the Draft Spotswood Activity Centre Structure Plan (2022). Community consultation on the Draft Structure Plan was undertaken between 21 April and 2 June 2022. The Draft Structure Plan included detail on proposed HOs and draft heritage citations. Council received four submissions during this consultation process that related to the proposed HOs. The submissions raised some concerns with the potential for new or expanded heritage controls to restrict demolition or alterations and additions to properties. The properties identified in the submissions were reviewed and found to still warrant inclusion in the HO, noting further consultation was to be undertaken on the heritage recommendations.

Following consultation on the Draft Structure Plan, Amendment C137 was prepared to implement the findings of the Heritage Review into the HBPS. The Draft Structure Plan is currently on hold while Council considers advice from WorkSafe Victoria on land use planning near Major Hazard Facilities.

Amendment C137

Amendment C137 proposes to make changes to heritage controls within the Hobsons Bay Planning Scheme to give statutory effect to the recommendations of the Spotswood Heritage Review. At the Council Meeting on 13 December 2022 Council resolved to seek authorisation from the Minister for Planning to exhibit Amendment C137.

This Amendment proposed to:

- update the existing HO30 Spotswood Residential Heritage Precinct by including 120 additional properties (HO30 is significant in demonstrating the key phases of development during the late Victorian, Federation and Interwar periods, that were related to the development of industries and railway-related infrastructure in Spotswood)

- update the existing HO46 AGM Factory Complex (former), now referred to as Melbourne Glass Bottle Works, and remove HO153 Hugh Lennon Agricultural Implement Works to accurately reflect the extent of historic built fabric at the site (HO46 is of historical significance as a long-standing, continuously operating industrial complex)
- apply six new HOs:
 - **HO323 War Service Homes Commission Precinct** demonstrates the efforts of the War Service Homes Commissions to facilitate low-cost residential development
 - **HO324 Alloa Park Estate Precinct** illustrates the attraction of Spotswood as a residential area in the Interwar period, when private and public investment was directed towards the suburb
 - **HO325 Australian Glass Manufacturers Housing Heritage Precinct** demonstrates purpose-built workers housing that was erected when the Australia Glass Manufacturing company was undergoing rapid expansion
 - **HO326 Spotswood State School**, historically significant as the first purpose-built school in Spotswood
 - **HO327 Shops at Hudsons Road**, one of the earliest shops in Spotswood that represents the first phase of development associated with the establishment of industries and the opening of the railway station during the late 19th century
 - **HO328 Baco Food Products Factory** illustrates the desirability of the Spotswood area for various types of industry in the post-WWII period
- apply ordinance changes:
 - update the Schedule to Clause 43.01 Heritage Overlay to reflect the proposed HO changes identified above and to include reference to the existing incorporated heritage guidelines in Clause 72.04
 - amend planning overlay maps 4HO and 5HO to reflect new and revised heritage overlays identified above
 - amend Schedule to Clause 72.04 (Incorporated Documents) to include Statements of Significance for new and revised heritage overlays
 - amend Schedule to Clause 72.08 (Background Documents) to include reference to “Spotswood Activity Centre Structure Plan Heritage Review”

The discussion section below outlines the process that the Amendment has followed since December 2022, including authorisation of the Amendment, public exhibition and review by an independent planning panel.

Discussion

Changes to Amendment C137 to respond to authorisation conditions

Following the Council Meeting of 13 December 2022, Council officers submitted Amendment C137 to the Department of Transport and Planning (DTP) for authorisation. DTP granted authorisation to exhibit the Amendment on 9 January 2023 subject to fixing an error that meant the deletion of HO153 was not initially included in the draft HO map and schedule (Refer authorisation letter at Attachment 2).

The required changes were addressed and Amendment C137 documentation was submitted on 6 February 2023 to DTP enabling the Amendment to proceed to public exhibition.

Public exhibition

The Amendment was publicly exhibited for six weeks from 23 February 2023 to 6 April 2023 in accordance with section 19 of the P&E Act. This exhibition included:

- notice published in the *Maribyrnong and Hobsons Bay Star Weekly* on 22 February 2023
- notice published in the Government Gazette on 23 February 2023
- direct notification (letter and factsheet) sent to over 1,360 owners and occupiers within the draft Spotswood Activity Centre Structure Plan area
- direct notification (letter) to eight prescribed Ministers
- letters (via email) to 37 Authorities and Agencies and 27 submitters and subscribers to the draft Spotswood Activity Centre Structure Plan
- information provided online via Participate Hobsons Bay, Council's community engagement platform and DTP's website
- in-person information sessions held on:
 - Saturday 4 March 2023, 10am–11am on Hudsons Road near Spotswood IGA
 - Monday 6 March 2023, 11am–12pm at Spotswood Community House

A total of 38 submissions (including three late submissions) were received. The key themes raised by submitters can be summarised as follows (discussed in detail at Table 1 and 2):

- common issues raised:
 - lack of justification to apply the proposed new and revised HOs
 - impact of HO on property values and economic impacts
 - poor building condition as a reason not to apply the HO
 - restrictions on development opportunity and the ability to maintain, renovate and improve heritage dwellings or to develop the site
 - whether non-contributory properties should be included in the HO
- specific requests to remove the HO from certain properties
- specific requests to change the grading from contributory to non-contributory for certain properties due to alternations or extensions to the building
- requests to apply a HO to properties with potential heritage significance
- requests to allow for more permit exemptions under the HO via an Incorporated Plan or similar mechanism

Council officers recommended changes to the Amendment in response to submissions. All unresolved submissions were referred by the Chief Executive Officer (CEO) under delegation to an independent planning panel for consideration. Refer to Attachment 3 for the CEO delegates report that includes the initial Council officer response to submissions.

Planning Panel Recommendations and Officer Response

A planning panel was appointed by the Minister for Planning to hear submissions on the Amendment. It is the role of the panel to consider submissions and make recommendations to Council that must be considered before an amendment is adopted.

A one-day hearing was held on 24 July 2023. The panel report was issued on 21 August 2023 with recommendations to Council on how to proceed with the Amendment.

The panel report (Attachment 4) found that the Amendment was well founded and strategically justified. The Panel notes “the approach taken in the Heritage Review is sound, based on appropriate methodology and research and provides a solid base for strategically justifying the amendment”. The report recommended the Amendment proceed subject to addressing specific issues.

The key issues raised in the submissions, the panel’s recommendations and the officer response to the panel’s recommendations are all summarised below.

Common issues considered and Panel conclusions

Table 1: Summary of the common issues raised in submissions and conclusions of Panel

Summary of common issues	Panel conclusions
<p>Whether the condition of the building is relevant when assessing heritage significance.</p> <p>(Refer Section 3.1 of Panel Report at Attachment 4)</p>	<p>The Panel concluded that the condition of a building is not relevant to whether a HO should be applied. Building condition is not a recognised criteria under Planning Practice Note 1 - Applying the Heritage Overlay (PPN1). Building condition may be considered at the planning permit stage when there is more information on a proposal and it can be assessed against other relevant objectives of the planning scheme.</p>
<p>Whether impacts on development opportunity, building alterations and maintenance are relevant when assessing heritage significance</p> <p>(Refer Section 3.2 of Panel Report)</p>	<p>The Panel concluded that development opportunity, building alterations and maintenance are not relevant when assessing whether to apply a HO.</p> <p>The panel discussed that it was appropriate to assess development and works in the planning permit application process as definite plans and development intentions would be available at this stage and could be assessed against other objectives of the scheme.</p> <p>The panel also noted that a HO did not prohibit development and works, but instead required the significance of affected properties to be considered when assessing permit applications.</p>

<p>Whether property value and financial implications are relevant when assessing heritage significance or applying a HO (Refer Section 3.3 of Panel Report)</p>	<p>The Panel concluded that the “Planning and Environment Act 1987 requires a planning authority to consider the economic effects of an amendment on the broader community. That is, the cumulative impact of private economic impacts across the community. There was no evidence the Amendment would have such an impact.”</p> <p>The panel went on to say that while there might be some financial impacts on individuals associated with applying for a planning permit application, there was no evidence presented to the panel that this would unreasonably impact the broader community.</p>
<p>Whether a non-contributory property should be included in a HO (Refer Section 3.4 of Panel Report)</p>	<p>The Panel concluded that adding non-contributory buildings to heritage precincts was common practice to “ensure any future development on those sites does not impact the significance of the precinct”. The Panel noted that non-contributory properties might be excluded where they were located “at the precinct boundary and future development on that land is unlikely to impact surrounding heritage and precinct significance”.</p> <p>The panel found overall the Amendment was strategically justified and proposed only minor changes to the number of non-contributory properties included in the proposed HOs (refer Table 3 for Panel recommendations).</p>

Key specific issues considered by Panel

Table 2: Summary of key specific issues discussed at the hearing and conclusions of Panel

Summary of key specific issues considered by Panel	Panel conclusions
HO30	
<p>Remove 1 Robert Street, 2 and 10-14 Reed Street</p>	<p>The panel concluded that it was appropriate and justified to remove 1 Robert Street, 2 and 10-14 Reed Street from HO30 as:</p> <ul style="list-style-type: none"> • 1 Robert Street and 2 Reed Street were demolished after the heritage review was completed and therefore were recommended to be removed. • 12 Reed Street was demolished after the heritage review was completed. The surrounding properties at 10 and 14 Reed Street were categorised as non-contributory. They form a cluster of non-contributory properties which differs from a single non-contributory property sitting on its own within other contributory properties. Therefore, 10-14 Reed Street were recommended to be removed from HO30.

Whether 13, 16, 17 and 21 Forrest Street have been appropriately included in HO30	<p>The panel concluded that:</p> <ul style="list-style-type: none"> • 21 Forrest Street was part of a consistent group of intact, early Federation period houses on Forrest Street and therefore had been appropriately included in HO30. • 16 and 17 Forrest Street had been appropriately categorised as non-contributory and included in HO30 as they adjoined other contributory properties on Forrest Street. • 13 Forrest Street should be recategorised from contributory to non-contributory to recognise that the original house has been demolished.
Whether 42 Craig Street has been appropriately included in HO30	<p>The panel concluded that 42 Craig Street had been appropriately included in HO30 as it was constructed during the period of significance and its front façade was intact and remained identifiable as an example of its type and period.</p>
Whether 22 George Street should remain in HO30	<p>The panel concluded that 22 George Street should remain in HO30 as it was constructed during the period of significance and intact enough to contribute to the significance of the precinct</p>
Whether 626 and 628 Melbourne Road have been appropriately included in HO30	<p>The Panel noted that overall Council has taken the correct approach to determining which properties to be added to HO30, however recommended the removal of 626 and 628 Melbourne Road due to their isolated location that meant they “do not easily appear to be part of the Precinct”.</p>
Whether 41, 61 and 65 Hope Street have been appropriately included in HO30	<p>The panel concluded that 61 and 65 Hope Street had been appropriately included as contributory and 41 Hope Street appropriately categorised as non-contributory in the precinct as:</p> <ul style="list-style-type: none"> • 61 and 65 Hope Street were intact enough to contribute to the significance of the precinct • 41 Hope Street sits within a group of contributory properties within Hope Street
Whether 3 Robb Street has been appropriately categorised as contributory	<p>The panel concluded that 3 Robb Street had been appropriately categorised as contributory as it remained a relatively intact Victoria survival home and although altered, was largely identifiable as an example of its type and period.</p>
Whether 118, 120, 122 and 126 Hudsons Road have been appropriately excluded from HO30	<p>The panel concluded that 118, 120, 122 and 126 Hudsons Road all dated to the Postwar period and as such were outside of the period of significance for HO30.</p>

<p>Whether 41 Hudsons Road has been appropriately included in HO30 and whether the Amendment gives enough consideration to the existing planning permit that allows for a new dwelling to the rear.</p>	<p>The panel concluded that 41 Hudsons Road had been appropriately included as the permitted new dwelling to the rear would not reduce the heritage value of the property. The Panel noted that an incorporated document with permit exemptions did not form part of the proposed Amendment and therefore couldn't be considered.</p>
HO46	
<p>Whether appropriate and justified to apply HO46 to the ACI Fibre Packaging Plant at 1 Hudsons Road</p>	<p>The panel concluded that it was not appropriate to apply HO46 to the ACI Fibre Packaging Plant as it was not part of the exhibited Amendment and owners and tenants were not provided with an opportunity to review and submit to the Amendment.</p>
<p>Whether it is appropriate to apply HO46 at 8 Simcock Avenue to accurately reflect the extent of existing heritage fabric</p>	<p>The panel concluded that it was appropriate and justified to apply HO46 to 8 Simcock Avenue to accurately reflect the extent of heritage fabric and agreed with the changes recommended by Council's heritage expert.</p>
<p>Whether it is appropriate and justified to apply HO46 to:</p> <ul style="list-style-type: none"> • the western bay of the former Moulded Plastics Factory • metal clad extent of the Gabled Workshop • western end of the Former Glassmaking Plant • Office Building and Street Wall 	<p>The panel concluded that the western bay of the Former Moulded Plastics Factory should be removed from HO46 as it had limited visibility and did not contribute to the heritage significance of the eastern bay of the building.</p> <p>The panel concluded that it was appropriate and justified to apply HO46 to the Gabled Workshop but exclude the metal clad extent, the western end of the Former Glassmaking Plant and the Office Building and Street Wall as:</p> <ol style="list-style-type: none"> a. the Gabled Workshop was intact and demonstrated the typology of Interwar industrial built fabric. The metal clad was a later addition and Council's heritage expert submitted that it was intended to be in HO46 b. the western end of the Former Glassmaking Plant was an important part of the continuous wall of factory façade a. the Office Building and Street Wall were important examples of Postwar commercial buildings and represented a key phase of development at the factory complex
<p>Whether the Statement of Significance should be updated to clarify confusion on the aspects of the heritage place that relate to Criteria B (rarity) and D (representative)</p>	<p>The panel recommended the Statement of Significance should be updated consistent with the panel's preferred version (included in Appendix D of the panel report)</p>

HO323	
Whether 153, 154, 155, 156 and 160 Hudsons Road have been appropriately included in HO323	<p>The panel concluded that 153, 154, 155 and 160 Hudsons Road had been appropriately categorised and included in HO323 as they displayed key contributory elements (such as gabled or hipped roofs, chimneys verandah or porch etc.)</p> <p>The panel concluded that 156 Hudsons Road should be recategorised from contributory to non-contributory as it did not have sufficient key contributory elements remaining.</p>
Whether 609 and 631 Melbourne Road have been appropriately included	The panel concluded that 609 and 631 Melbourne Road had been appropriately categorised and included in HO323 as they displayed typical contributory elements.
HO324	
Whether 158, 168A and 168B Hall Street have been appropriately included in HO324	The panel concluded that 158, 168A and 168B Hall Street had been appropriately included and categorised in HO324 as they displayed typical contributory elements.
HO325	
Whether the precinct meets the threshold of local heritage significance to justify the Heritage Overlay	The panel concluded that HO325 met the threshold of local heritage significance to justify the HO as there were sufficient examples remaining to form a cohesive heritage precinct
Whether 1, 5, 7, 9 and 21 Bernard Street have been appropriately included in HO325	<p>The panel concluded that 1 and 9 Bernard Street had been appropriately categorised as non-contributory and included in HO325. It was noted that non-contributory properties should generally remain in the precinct to ensure future development on the land responds sensitively to the heritage fabric on neighbouring contributory properties.</p> <p>The panel concluded that 5, 7 and 21 Bernard Street had been appropriately categorised and included in HO325 as they displayed typical contributory elements to the precinct (such as gabled roofs clad in tiles, brick chimneys, weatherboard cladding, double hung sash windows, entry porches etc.)</p>
Whether 36 Craig Street has been appropriately included in HO325	The panel concluded that 36 Craig Street had been appropriately categorised as non-contributory and included in HO325 for reasons set out above regarding 1 and 9 Bernard Street
Whether 18 Robb Street has been appropriately included in HO325	The panel concluded that 18 Robb Street had been appropriately categorised as contributory and included in HO325 as it was relatively intact and displayed contributory elements

Whether 24 Robb Street has been incorrectly referenced as contributory property in the Statement of Significance	<p>The panel concluded that 24 Robb Street should be removed from the list of contributory properties in the Statement of Significance.</p> <p>The property is categorised as non-contributory in the Heritage Review and was incorrectly included in the list of contributory properties in the exhibited Statement of Significance</p>
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Council officer response to Planning Panel recommendations

Table 3: Summary of key Planning Panel recommendations and officer response

Panel recommendation	Council officer response
<ol style="list-style-type: none"> 1. Remove the following sites from the Spotswood Residential Heritage Precinct (HO30): <ol style="list-style-type: none"> a) 2, 10, 12 and 14 Reed Street, Spotswood b) 1 Robert Street, Spotswood c) 626 and 628 Melbourne Road, Spotswood 2. Amend the Statement of Significance for the Spotswood Residential Heritage Precinct (HO30) to remove the following sites from the list of contributory properties: <ol style="list-style-type: none"> a) 12 Reed Street, Spotswood b) 1 Robert Street, Spotswood c) 13 Forrest Street, Spotswood d) 626 and 628 Melbourne Road, Spotswood 	<p>Agree.</p> <p>Officers accept recommendations as:</p> <ol style="list-style-type: none"> a) 2 and 12 Reed Street were demolished after the review had been completed and should be removed from HO30. Surrounding properties at 10 and 14 Reed Street should be made non-contributory. These changes were recommended by Council's heritage expert b) 1 Robert Street was demolished after the review was completed and is therefore recommended by Council's heritage expert for removal from HO30 c) 626 and 628 Melbourne Road were considered to be isolated from the precinct by the Panel. Officers accept these two properties could be removed without undermining the HO. <p>The associated mapping, Heritage Review and Statement of Significance have been updated to reflect these changes</p>
(table continues on next page)	

<p>3. Amend the AGM Factory Complex (Former) Precinct Heritage Overlay (HO46) to:</p> <ol style="list-style-type: none"> a) remove the additional strip proposed to be added to 8 Simcock Avenue, Spotswood b) reduce the extent proposed to be deleted from 8 Simcock Avenue, Spotswood to reflect the correct extent of heritage fabric c) remove the western bay of the former Moulded Plastics Factory d) remove the metal clad extension of the Gabled Workshop 	<p>Agree.</p> <p>Officers accept recommendation as initially proposed by Council's heritage expert in response to submissions. The associated mapping has been updated to reflect these changes.</p>
<p>4. Amend the Statement of Significance for AGM Factory Complex (Former) Precinct (HO46) to:</p> <ol style="list-style-type: none"> a) remove the ACI Fibre Packaging Plant from the list of Contributory Elements b) remove part of 1 Hudsons Road from the list of contributory properties c) identify that the following built form components are not contributory elements: <ul style="list-style-type: none"> • the western bay of the former Moulded Plastics Factory • the metal clad extension of the Gabled Workshop. d) update the "Why is it significant" section of the Statement of Significance for the AGM Factory Complex (Former) (HO46) so that it is consistent with the Panel's preferred version 	<p>Agree.</p> <p>Officers accept recommendations as they align with those proposed by Council's heritage expert. The associated Statement of Significance has been amended to reflect these changes.</p> <p>Note that there is a minor grammatical error in the panel's preferred version of Statement of Significance (included as Appendix D in the panel report). The revised Statement of Significance for HO46 included in this report has rectified this error.</p>
<p>5. Amend the Statement of Significance for the War Service Homes Commission Precinct Heritage Overlay (HO323) to remove 156 Hudsons Road, Spotswood from the list of contributory properties.</p>	<p>Agree.</p> <p>Officers accept the recommendation that there are insufficient heritage contributory elements for 156 Hudsons Road to be categorised as contributory and on the basis that 156 would remain non-contributory to the HO. The Heritage Review and Statement of Significance has been amended to reflect this change to non-contributory.</p>

<p>6. Amend the Statement of Significance for the Australian Glass Manufacturers Housing Precinct Heritage Overlay (HO325) to remove 24 Robb Street, Spotswood from the list of contributory properties</p>	<p>Agree.</p> <p>Officers accept the panel's recommendation 24 Robb Street is non-contributory. Its inclusion as contributory was an error.</p> <p>The associated Statement of Significance has been amended to reflect this change.</p>
<p>Informally recommend Council to revise the heritage citations in the Spotswood Activity Centre Structure Plan Heritage Review to reflect changes recommended by the panel</p>	<p>Agree.</p> <p>Officer accepts the panel's recommendation to revise the heritage citations to reflect the changes recommended by the panel for the relevant heritage precincts.</p> <p>The associated heritage citations and the Heritage Review have been updated to reflect the panel's recommended changes (report at Attachment 1 dated 2023).</p>

Amendment adoption and next steps

Overall, the Amendment is considered to deliver a net community benefit and appropriately protect sites of local heritage significance in Spotswood consistent with the objectives of section 4(1)(d) of the P&E Act: "to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value".

The application of HOs is proposed to ensure heritage in Spotswood is properly recognised, documented and managed. The application of HOs aligns with the adopted Better Places Spotswood and South Kingsville Place Guide (October 2021), that seeks "the identification of buildings and character elements to be protected through the Spotswood Activity Centre Structure Plan and heritage review".

The Amendment has been supported by the independent planning panel, who stated in their report that "the Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework, is consistent with the relevant Ministerial Directions and Practice Notes and is well founded and strategically justified."

Council officers have agreed to the Amendment changes recommended by the panel and have included these in Amendment documents at Attachment 5 and the updated Spotswood Heritage Review at Attachment 1.

If the Amendment is adopted by Council, it will then be sent to the Minister for Planning for approval and will come into effect when a notice is published in the Victorian Government Gazette. All submitters to the Amendment will also be notified of Council's decision in this matter.

Interim Heritage Overlay – Amendment C138

Council resolved on 13 December 2022 to request that the Minister for Planning apply an interim Heritage Overlay to protect sites identified in the Spotswood Heritage Review from demolition during the C137 amendment process. The request for an interim heritage overlay was submitted to the Minister on 22 December 2022 (known as Amendment C138).

The Minister is still reviewing Amendment C138 and the Department of Transport and Planning has not provided a timeframe for when this request for an interim HO will be decided. An interim HO would still be required to protect heritage properties from demolition up until the time the Amendment is approved by the Minister.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 1: Visionary, vibrant, accountable urban planning

The Amendment proposes to update the Hobsons Bay Planning Scheme with new or revised heritage overlays to ensure heritage buildings in Spotswood are appropriately protected.

Council Plan 2021-25

Objective 3: Vibrant place and economy

Strategy 3.5: Ensure land use and development supports high amenity, sustainability, exemplary design and responds to neighbourhood context

Priority a) Deliver major updates to the Planning Scheme which support the achievement of this strategic objective – including New Zones and key Precinct Structure Plans

The Amendment will conserve heritage places within the Spotswood area and ensure new development responds positively to surrounding heritage buildings in accordance with the vision for Spotswood set out in the adopted Better Places Spotswood South Kingsville Place Guide 2021.

Policies and Related Council Documents

The following reports, policies, guidelines and plans are relevant to this Amendment:

- the Better Places Spotswood and South Kingsville Place Guide October 2021 informs the vision, key themes and projects in the Spotswood Draft Structure Plan and highlights the importance of historic buildings and places to community and sense of place
- the Draft Spotswood Activity Centre Structure Plan March 2022 outlines the proposed heritage overlay changes recommended in the Spotswood Heritage Review prepared by RBA heritage consultants

The following Council reports are relevant to this Amendment:

- the Council report dated 13 December 2023 seeks the endorsement of the Spotswood Heritage Review and a resolution to seek authorisation from the Minister for Planning to exhibit the draft C137 amendment documentation and to prepare an amendment to introduce an interim heritage overlay

Legal/Statutory Obligations and Risk

The Amendment documentation was prepared in accordance with the objectives and requirements of the P&E Act. The Amendment implements the objectives for planning in Victoria as outlined in section 4(1)(d) of the Act “to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value”.

The Amendment documentation has been guided by Planning Practice Note 1: Applying a Heritage Overlay. The practice note sets out the criteria from which to assess buildings of heritage significance and how heritage overlays and associated controls should be applied in the planning scheme.

Financial and Resource Implications

The Amendment is not expected to result in any additional financial or resource implications for Council.

Environmental, Social and Economic Impacts

The Amendment seeks to implement the findings of the Spotswood Heritage Review and will have positive environmental, social, and economic effects by:

- reducing energy usage and waste disposal associated with demolition and new construction through the conservation of heritage buildings
- recognising and conserving the social and cultural importance of heritage buildings to the local community
- conserving and strengthening the attractiveness and identify of the area that can encourage tourism and increasing certainty in planning decision making

The Amendment is not expected to have any significant economic impacts across the broader community. There may be financial costs on individuals associated with applying for a planning permit application when the HOs are introduced. However, this is not expected to unreasonably impact the broader community.

Consultation and Communication

Community consultation on the Draft Spotswood Structure Plan was undertaken between 21 April and 2 June 2022. The draft structure plan included detail on the proposed HOs and draft heritage citations. Feedback received during this consultation process did not result in any changes to the proposed HOs.

Public exhibition for the Spotswood Heritage Amendment C137 occurred between 23 February and 6 April 2023 for a period of six weeks. 38 submissions were received, which were reviewed and considered by Council’s delegate, and the relevant submissions were referred to an independent planning panel for consideration.

The planning panel was held on 24 July 2023 to hear relevant submissions to the Amendment. Six submitters opted to be heard and presented their submissions to the panel. All submitters will be notified of the outcome of the Amendment and if approved by the Minister for Planning, a notice will be published in the Victoria Government Gazette.

Declaration of Conflict of Interest

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

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

8.4 Infrastructure and City Services

8.4.1 Level Crossing Removal Community Interest Groups

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

Purpose

To seek endorsement for the Level Crossing Removal Community Interest Groups (CIGs) for the forthcoming removal of the level crossings at Champion Road and Maddox Road, Newport and Hudsons Road, Spotswood.

Recommendation

That Council:

- 1. Notes the nominees submitted as part of the recent expression of interest process for the Community Interest Groups (CIGs) and supports the appointment of the 15 nominees to the Newport CIG and the 15 nominees to the Spotswood CIG.**
- 2. Thanks all nominees for their interest in the process.**

Summary

At its meeting on 11 July 2023, Council endorsed the establishment of Level Crossing Removal Community Interest Groups for the forthcoming removal of the level crossings at Champion Road and Maddox Road, Newport and Hudsons Road, Spotswood. These groups will provide an opportunity for members to share valuable community insights, inform Council's final position on the projects and help to keep the community informed of any key project developments.

The purpose of this report is to inform Council of the outcomes from the Expressions of Interest (EOI) process, to recommend the members to form these CIGs and to provide Council with further details on the resource requirements to support this initiative. It is proposed that all nominees will be contacted, advised of the outcome and thanked. It is proposed that the groups would meet over the coming months to establish their meeting schedule and program.

Background

The Victorian Government has recently announced the removal of level crossings on the Werribee line before 2030, including Hudsons Road (Spotswood), Maddox Road (Newport) and the closure of Champion Road (Newport).

Following Council's endorsement of the establishment of CIGs, a an EOI process was conducted via Participate resulting in 30 nominations received for the Newport CIG and 21 for the Spotswood CIG.

Discussion

An evaluation of nominees has been completed by officers and assessed under the following preferred criteria:

- living or working near the sites
- the level of interest and connection to the sites and local communities
- experience and knowledge to bring to the groups
- a focus on gathering a diverse representation of the community
- one representative per household/business

It is recommended that the following 15 nominees for the Newport CIG are accepted:

- Deanna Trento
- Matt Leaver
- Brendan Dowling
- Bronwyn Pyke
- Lisa Stevens
- Ilona Herreiner
- Megan Pearce
- Emma Harris
- Julia Ius
- Kerry Innes
- Jenny Read
- Liam Ingram
- Lynne Joseph
- Gill Gannon
- Darany Maokhamphiou

It is recommended that the following 15 nominees for the Spotswood CIG are accepted:

- Caitlin Redmond
- Rosa McKenna
- Ivor Lawrance
- Rex Allum
- Paul Tyndale-Biscoe
- Jane White
- Robert Taylor

- Alexandra Georgalas
- Sharna Goulding
- Madeline Gulizia
- Cameron Tait
- Virginia Wilkinson
- Gwyn Moore
- Stephanie Angelevska
- Grace Guinto

Following Council endorsement of this report and recommendations, the nominees will be notified, and each group would meet to confirm future meeting arrangements and finalise the Terms of Reference. It is proposed that the respective groups will be chaired by a Councillor.

The key objectives for the groups are to:

- revisit Council's Level Crossing Removal Principles and how these apply to the crossing sites
- establish a detailed understanding of the precinct context, issues, and opportunities for the crossing and immediate area
- establish a detailed understanding of the LXRП objectives and deliverables for the crossing
- formulate input for Council consideration specific to the level crossing removal site
- become community contacts and advocates for the best community outcomes for the crossing removal site and help to inform Council's final position on the projects.

It is proposed that the CIGs would meet on about six occasions during the planning and design phase of the projects, leading into the establishment of the LXRП Stakeholder Liaison Groups.

A part-time limited term position is required to support both the CIGs and manage the administration of the groups. Council will seek to recover the costs of resourcing the CIGs from LXRП.

The specific objectives for this role are to:

- directly report to Strategic Project Specialist to support the Level Crossing Removals Community Interest Groups
- contribute to the plan/program for the CIGs leading into the LXRП community engagement process
- investigate and source relevant information, resources, input, and guest speakers as determined by the CIGs
- liaise with LXRП to maintain communication on the progress/activities of the CIGs
- be the day-to-day contact for all the community members
- manage coordination of the CIGs– meetings, guest speakers, minutes, website resource page for the group etc.

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 1: Healthy, equitable and thriving communities

Priority b) Boost the profile and awareness of opportunities for people to participate and contribute to community life

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

Policies and Related Council Documents

The March 2016 Hobsons Bay Grade Separation Principles and Guidelines have been integral in informing Council's response to the previous three crossing removals and development of the Aviation Road and Ferguson Street Precinct Plans. It is proposed that the CIGs will review this document to ensure its applicable to the Spotswood and Newport crossing projects.

Legal/Statutory Obligations and Risk

Legal and statutory implications and risks associated with the establishment of the CIGs and the project sites will be further considered as the projects progress.

Council has a vested interest in the LXRP's design, specifically in relation to community amenity, the local transport network, assets owned and managed by Council, shared use paths, drainage, open space including significant trees and landscaping. Establishment of effective CIGs will reduce the risk of Council and LXRP not understanding or capturing community input on the proposal and ensure better outcomes for the community.

Financial and Resource Implications

It is proposed that a limited term position will be required to support both the establishment and operations of the CIGs. Specifically, a part time position up to two days per week would likely be required to investigate and source relevant information as determined by the CIGs, liaise with the respective authorities (such as LXRP and Department of Transport and Planning) and administer the logistic requirements of the CIGs. Council resources required to support the CIGs are expected to cost approximately \$40,000. Council will pursue a funding agreement with LXRP to recover Council costs expended on the new projects, including resourcing the CIGs.

Environmental, Social and Economic Impacts

Environmental, social and economic issues and opportunities will be considered as a part of the CIGs' discussions. The Hobsons Bay Grade Separation Principles and Guidelines acknowledge the environmental, social and economic values and opportunities of the level crossing removal sites. Similarly, the proposed development of precinct plans will respect the environmental features of the area, specifically the accessible open space, pathways and established trees. Environmental Construction Management Plans will be required to minimise impacts such as noise, dust, heavy traffic and loss of sensitive vegetation at each project site.

Consultation and Communication

Council's Community Engagement Framework has been observed for the purposes of establishing these CIGs. The call for nominations was promoted through social media and various community networks.

LXRP has advised that they are in the initial stages of site investigation and project design, with detailed design, engineering assessments and community engagement to be undertaken on the new projects in the future. Council officers will assess each of the announced projects in Hobsons Bay when details are available and will prepare a detailed report for Council's consideration.

LXRP has a framework for community engagement that is applied to each of the level crossing removals, however each site is considered separately and where required modifications to this framework are adapted to address specific community needs or aspirations. The previous LXRP community engagement included the establishment of Stakeholder Liaison Groups (SLGs) which were established for the delivery phase to ensure effective communication is established with interested and effected residents, businesses, interest and industry groups. The SLGs also provide a local perspective on project issues, particularly in relation to minimising impact on local communities. It is expected that a member or members of the CIGs may transition into future LXRP SLGs, noting that LXRP will conduct a separate nomination process.

Declaration of Conflict of Interest

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

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

8.4.2 Draft Williamstown Beach Precinct Plans for Public Exhibition

Directorate:	Infrastructure and City Services
Responsible Officer:	Manager Active Communities and Assets
Reviewer:	Director Infrastructure and City Services
Attachments:	<ol style="list-style-type: none">1. Preliminary Draft WSLSC Redevelopment Concept Plan [8.4.2.1 - 5 pages]2. Preliminary Draft WSLSC Redevelopment Landscape Plan [8.4.2.2 - 7 pages]3. Preliminary Draft Williamstown Foreshore Open Space Concept Plans [8.4.2.3 - 17 pages]4. Preliminary Draft Rifle Range Planning Plan concept – Draft Concept Package 230920 [8.4.2.4 - 8 pages]5. Preliminary Draft Rifle Range Planning Plans perspectives [8.4.2.5 - 4 pages]

Purpose

To seek approval to place on public exhibition concept plans for the Williamstown Swimming and Life Saving Club redevelopment, Williamstown foreshore open space upgrades and the Rifle Range Planting Plan.

Recommendation

That Council:

1. **Approves concept plans for the Williamstown Swimming and Life Saving Club, Williamstown foreshore open space upgrades and the Rifle Range Planting Plan to be placed on public exhibition for eight weeks from 14 October 2023 to 10 December 2023.**
2. **Receives a future report with updated designs for approval.**

Summary

The report summarises concept plans for three projects in the Williamstown Foreshore Precinct that are being presented for approval to place on public exhibition for community feedback and input. The three projects are the Williamstown Swimming and Life Saving Club redevelopment, the Williamstown foreshore open space upgrades, and the Rifle Range Planting Plan.

The public exhibition period has been planned to occur for eight weeks over the summer period to maximise the exposure of these plans to local residents, beach users and visitors to the precinct. The community will be encouraged to provide their feedback via Participate Hobsons Bay and will also have the opportunity to discuss the projects in more detail at face-to-face drop-in sessions.

The projects being consulted on will improve the amenity of the foreshore precinct for many years to come. It will also improve the facilities of the Williamstown Swimming and Life Saving Club to fulfil the function of the club now and into the future. Council will actively work with the club throughout the design and constructions process, whilst continuing to work with them to explore opportunities that will help grow their membership base.

Following the completion of the public exhibition period, a report back to Council will be provide summarising the feedback and providing updated designs.

Background

As part of Council's ongoing foreshore planning, it is proposed that consultation with the community on three key projects will occur concurrently from 14 October 2023 to 10 December 2023. These projects are:

- Williamstown Swimming and Life Saving Club concept plan
- Williamstown Foreshore Open Space concept plans
- Draft Rifle Range Planting Plan

The plans provide a strong focus and direction on climate change adaptation measures including increased greening and shade, the responsible use of water and the protection of the Williamstown swimming beach, promenade and foreshore area from predicted coastal erosion processes and rising sea levels.

The Williamstown Swimming and Life Saving Club project received a Victorian Government grant for \$11.349 million in 2021 to upgrade the ageing facilities onsite. Council is contributing \$3 million as part of this project and is managing its design and construction consistent with a funding agreement it has with the Victorian State Government (Department of Justice and Community Safety). The concept plan includes a preservation and renewal of the existing lifesaving club facility, with new storage, patrol, amenities and meeting spaces to cater for the club's current and future needs. A new café and public toilet area is also included on the concept plans.

The Williamstown foreshore open space concept plans have been developed for the below reserves within the precinct:

- Gloucester Reserve
- Williamstown Beach Promenade
- Sadler Reserve
- Hatt Reserve
- Cyril Curtain Reserve

The concept plans have a focus on improving the amenity of these spaces within the precinct. Opportunities for the inclusion of shade have also been included with trees planting throughout the precinct and shelters included within the Williamstown Beach area.

The Rifle Range has a long history of being a challenging area to service, maintain and revegetate. It is proposed to plant trees along the shared trail that traverses through the reserve, in line with the Urban Forest Strategy and Canopy Delivery Plan. Further revegetation works are proposed to protect and enhance the habitat values of this significant conservation reserve.

Discussion

Although the three projects are located in close proximity to each other, they each have their own consultation and engagement focus and needs. These are summarised below:

Williamstown Swimming and Life Saving Club

- showcase and obtain feedback on the Williamstown Swimming and Life Saving Club concept plans
- inform the community of the amenities and proposed café works, the removal of the swimming pool, the creation of new public open space area in front of the facility, and inform them on the minor impacts to the carpark

Williamstown foreshore open space upgrades

- develop a shared community vision for the conservation and improvement of the open space and foreshore precinct
- provide an understanding to the community regarding the impacts of climate change and the adaptive measures Council must take on behalf of the community to conserve and strengthen the future resilience of the public spaces and foreshore
- assist Council with the prioritisation of the improvement works to the public spaces and future capital works programming

Rifle Range Planting Plan

- provide information, educate, listen to and resolve concerns about tree planting and revegetation works in the reserve, whilst collecting feedback for design refinements
- provide an understanding to the community regarding the habitat and environmental values of the site
- provide an understanding to the community regarding the impacts of climate change and the reasons tree planting is important for climate change mitigation and adaptation

Following the completion of the public exhibition period, all feedback will be review and designs will be update prior to them being presented to Council for approval.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 1: Visionary, vibrant, accountable urban planning

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

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 a) Foreshore and riverine assets are upgraded to meet predicted impacts of climate change, maintain existing recreational uses while improving conservation values

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

Priority b) Deliver improved amenity outcomes across Council's open space and parks for increased usage at these facilities

Objective 3: Vibrant place and economy

Strategy 3.4: Increase participation in recreation activities across the community

Priority a) Increase utilisation of sporting and recreation facilities by non-sporting groups

Priority b) Provide opportunities for sports club volunteers to upskill, by way of club development practices

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

Policies and Related Council Documents

The concept plans outlined within this report have been informed by:

- Open Space Strategy
- Public Toilet Strategy
- Playspace Strategy
- Coastal and Marine Management Plan
- Sports Facility Needs Analysis
- Urban Forest Strategy
- Canopy Delivery Plan
- Biodiversity Strategy

Legal/Statutory Obligations and Risk

Council has met its statutory obligations at the time of the report through consultation with the Department of Energy, Environment and Climate Action, specifically in relation to the Marine and Coastal Act. Further approvals will be required from DEECA once detailed technical drawings have been developed. Preliminary advice from DEECA has been incorporated into the plans.

Council's statutory planning department have been consulted in the development of the concept plans. They have reviewed the plans and provided preliminary advice which has been incorporated into the plans. Furthermore, consultation has occurred with Council's statutory heritage architect/consultant. Their advice has been incorporated into the plans.

As the plans are at concept plan level, this fulfils Council's statutory obligations at this stage. Further approvals will be required in the future in the next stages of the works.

Financial and Resource Implications

The report includes three main parts. Funding for each part is as summarised below:

Williamstown Swimming and Life Saving Club

Funding for the delivery of this project is in partnership with the Victorian State Government, Council and the Williamstown Swimming and Life Saving Club. The Victorian Government committed \$11.349 million towards this project in 2021, Council has committed \$3 million, and the club has committed \$180,000.

Williamstown Beach Precinct Plan

The plan is funded only to concept plan phase to enable community consultation. Feedback from the community will help inform a priority order for implementation and concept plan updates to inform future costings that will be considered in Council's draft 10-year capital works program.

Riffle Range Planting Plan

The project is fully funded through the Urban Forest Strategy funding allocation. Implementation, including planting all the semi-advanced trees is scheduled to occur in the 2024 planting season. The habitat enhancement planting will be funded through existing operational budgets and in partnership with the Friends of Williamstown Wetlands.

Environmental, Social and Economic Impacts

The public exhibition period will provide opportunities to engage with the community on how to provide an improved environment in the Williamstown Foreshore Precinct and the Riffle Range through improved parks, tree planting and public spaces. The projects will improve biodiversity and habitat connectivity through the precinct as well as assist in the adaptation to climate change. The concept plans address the predicted sea level rises through a review of the seawall along the Williamstown foreshore.

Consultation and Communication

The development of concept designs has included consultation with relevant internal stakeholders at Council. Detailed consultation on the Williamstown Swimming and Life Saving Club concept plan has occurred with club representatives, DEECA, the Department of Justice and Community Safety and Life Saving Victoria.

This consultation has occurred prior to community consultation to resolve the plan of the emergency service and lifesaving functions of the club. Areas in which the community can access that do not affect the lifesaving functions of the club are included in this report for public consultation and feedback. The club, the Department of Justice and Community Safety and Life Saving Victoria support these plans proceeding to community consultation.

The public exhibition period will run for eight weeks from 14 October 2023 to 10 December 2023. During the consultation period, the community will be encouraged to provide their feedback online via Participate Hobsons Bay. Letterbox drops to nearby properties along the foreshore precinct will occur, signs will be installed throughout the precinct encouraging the community to provide their feedback, and there will be three opportunities for the community to attend face to face drop-in sessions.

Three drop-in sessions will be held:

- Saturday 21 October, 10am to Noon at Williamstown Swimming and Life Saving Club
- Sunday 12 November, 9am to 2pm at Roberson Reserve Farmers Market
- Sunday 12 November, 9am to 11am at Williamstown Swimming and Life Saving Club

Council will also be actively promoting opportunities to provide feedback or attend drop-in sessions through its social media channels, and via the networks of clubs and community groups located throughout the precinct.

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 Committee and Delegate Reports

9.1 Committee Reports

9.1.1 Audit and Risk Committee Update - August 2023 Minutes, Biannual Report and Appointment of the Chair

Directorate:	Corporate Services
Responsible Officer:	Manager Corporate Integrity and Legal Counsel
Reviewer:	Director Corporate Services
Attachments:	<ol style="list-style-type: none">20230830 Audit and Risk Committee Meeting Minutes [9.1.1.1 - 10 pages]Audit and Risk Committee Bi-annual Report (February to July 2023) [9.1.1.2 - 9 pages]

Purpose

To update Council regarding issues considered at the Audit and Risk Committee meeting held on 30 August 2023 and to seek endorsement of the appointment of the Chair. A copy of the Audit and Risk Committee Biannual Report (February to July 2023) is also provided.

Recommendation

That Council:

- Notes the matters considered by the Audit and Risk Committee at the meeting held on 30 August 2023.
- Receives and notes the Audit and Risk Committee Biannual Report (February to July 2023).
- Endorses the Committee's selection of Mr John Watson as the ARC Chair for the next twelve months.

Summary

This report provides an update of the Audit and Risk Committee meeting held on 30 August 2023 to ensure that Council is informed of the activities of the Audit and Risk Committee. The Audit and Risk Committee Biannual Report for February to July 2023 is also provided in accordance with the requirements of the *Local Government Act 2020*.

Background

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

management, control frameworks, external accountability, legislative compliance and internal and external audits.

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

Discussion

The 30 August 2023 meeting addressed the following items:

- election of the new Audit and Risk Committee Chair, Mr John Watson
- VAGO Interim Management Letter for the year ended 30 June 2023
- draft Annual Financial Report for the year ended 30 June 2023
- VAGO Closing Report and recommendation to Council
- Chief Executive Officer's update
- statutory compliance update
- outstanding audit recommendations
- Audit and Risk Committee bi-annual report (February to July 2023)
- Governance and management checklist
- internal audit program, including endorsement of proposed scopes
- risk and insurance report
- occupational health and safety report
- quarterly financial report for the period ended 30 June 2023
- cash and investment balances as at 30 June 2023
- Capital Works quarterly report for the period ended 30 June 2023

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

Policies and Related Council Documents

The Audit and Risk Committee operates in accordance with the Hobsons Bay Audit and Risk Committee Charter 2022.

Legal/Statutory Obligations and Risk

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

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

It is a requirement under section 54(5) of the *Local Government Act 2020* that the Audit and Risk Committee prepare a biannual audit and risk report which is 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 *Local Government 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

There are no specific environmental, social or economic impacts arising from this report.

Consultation and Communication

The minutes from the Audit and Risk Committee meeting held on 30 August 2023 have been reviewed and endorsed, out of session, by the Independent Members who attended the meeting. The meeting minutes will be formally confirmed at the next Audit and Risk Committee meeting on 22 November 2023.

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 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.

Metropolitan Transport Forum

Directorate: Infrastructure and City Services

Councillor Delegate: Cr Jonathon Marsden

Date of Meeting: 6 September 2023

Attachments: Nil

The Metropolitan Transport Forum (MTF) is a monthly gathering that allows councils to collaborate and discuss ways to improve the transport system by sharing knowledge and focusing on integrated transport. The forum is attended by 26 councils in Melbourne, as well as individuals from other transport-related organisations and advocacy groups such as the Department of Transport and Planning, the Public Transport Users Association, and Victoria Walks.

Presentation

John Burke provided a comprehensive presentation on the principles of radically reimagining the public realm of cities. His aim was to create five-star experiences in the public realm with all urban spaces to be designed to a high quality. John emphasised that clear communication on changes to the network is important with reclaimed road space being changed for the better – with public health outcomes as a result.

Council Updates

Each month a select number of councils provide an update to the forum. This month Kingston City Council and Hume City Council provided an update. Updates from Manningham City Council were postponed to the November meeting.

Alex Reid (Kingston City Council) advised that Level Crossing Removal Project (LXRP) works continue to generate a large workload within Kingston. Other major projects include the Suburban Rail Loop and stage 2 of the walking and cycling consultation. The timeline is for the strategy to be adopted within the next two months. Cr Staikos added that the Urban Design Framework consultation had been very successful and had attracted much more feedback than the LXRP process. He considered that the rail over road solution has been a successful outcome where it has been used. Cr Staikos also commented on the development of LXRP fatigue.

Cr Jodi Jackson (Hume City Council) advised that after seven years of advocacy, Hume has had some success with Department of Transport and Planning (DTP) concerning the cleaning and maintenance of (DTP) gutters. She will share Hume's correspondence on the topic. In addition, Hume is developing a new transport strategy and has endorsed its electric vehicle plan, and major creek trails are being extended adding 15 km of shared paths for pedestrians and bikes.

Western Melbourne Tourism Meeting

Directorate: Sustainable Communities
Councillor Delegate: Cr Pamela Sutton-Legaud
Date of Meeting: 15 September 2023
Attachments: Nil

The Western Melbourne Tourism (WMT) Board General Meeting was held on Friday, 15 September 2023.

Key agenda items included:

- Newport Railway Workshop's potential UNESCO listing
- Eat, Drink, Westside 2024
- Local Council Tourism Forum led by Melbourne City not continuing
- Melbourne Airport Rail / Sunshine Masterplan is still on hold
- still awaiting the outcome on the joint Visitor Servicing Fund Grant application
- Brimbank City Council project updates

10 Notices of Motion

No notices of motion were received.

11 Urgent Business

12 Supplementary Public Question Time

Supplementary Public Question Time provides an opportunity for the public to ask questions directly related to items on the agenda that have arisen during the evening's proceedings.

Where it is not possible to provide a response during the meeting, a written response to the question will be provided promptly.

Written public questions received during the Council Meeting that are not related to items on the agenda will be taken on notice and responded to in writing by the appropriate Council officer, or referred to the next Council Meeting for a public response if so requested by the questioner.

13 In Camera Business

Recommendation

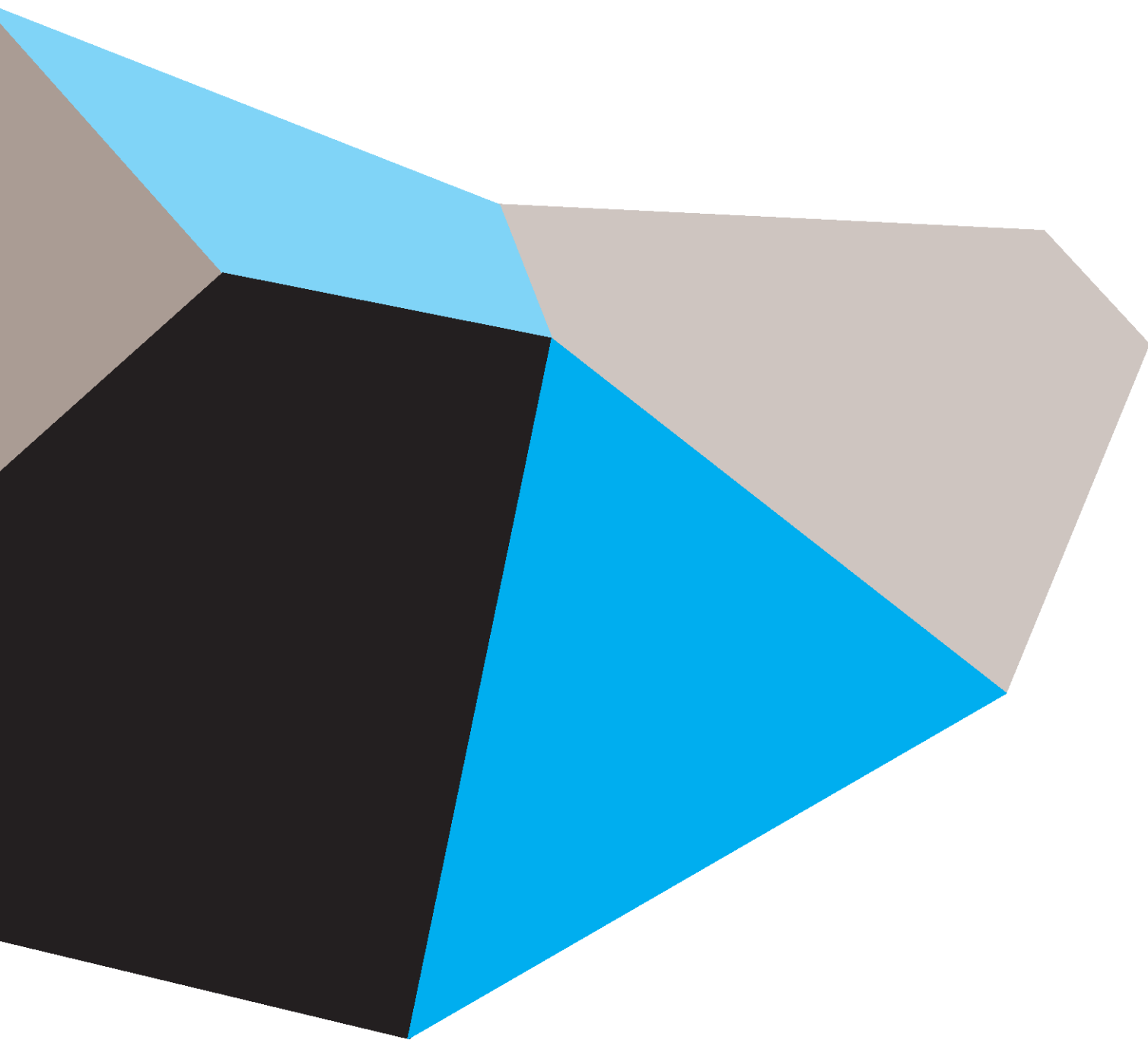
That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with section 66(2)(a) of the *Local Government Act 2020* as it relates to private commercial information:

13.1 Kerbside Collection Contract Variation (Contract 2021.35)

14 Close of Meeting

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BAY CITY
COUNCIL





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