



Council Meeting Agenda

Tuesday 14 March 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 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 7 February 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.

8 Business

8.1 Office of the Chief Executive

8.1.1 Chief Executive Officer's Report on Operations

Directorate:	Office of the Chief Executive
Responsible Officer:	Executive Assistant to the Chief Executive Officer
Reviewer:	Chief Executive Officer
Attachments:	1. CEO Report on Operations [8.1.1.1 - 48 pages]

Purpose

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

Recommendation

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

Summary

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

Discussion

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

In accordance with rule 10.7.1 of the Hobsons Bay Governance Rules, Council maintains records of meetings attended by Councillors in the CEO's Report on Operations to ensure transparency and equity of information. A summary of meetings for the period between 1 February 2023 and 28 February 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 Acknowledgement of 2023 Australia Day Honours List Recipients

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

Purpose

To formally acknowledge the achievements of two Hobsons Bay residents, Ivo Havard OAM and Anne Hooker OAM, on being recognised in the Australia Day 2022 Honours List.

Recommendation

That Council acknowledges the exceptional contribution of Ivo Havard OAM and Anne Hooker OAM, and congratulates them on being recognised in the Australia Day 2023 Honours List.

Summary

At the Council Meeting held on 7 February 2023, Council acknowledged the achievements of Ivo Havard OAM and Anne Hooker OAM, who had received recognition in the Australia Day 2023 Honours List. Council also resolved to invite the award recipients to attend a future Council Meeting in accordance with the Council Recognition of Australian Honours and Awards Recipients Procedure. Both recipients have accepted Council's invitation.

The Australia Day Honours List recognises the outstanding service and contributions of Australian citizens nationwide each year and comprises a number of honours and awards. The Hobsons Bay recipients for 2023 received honours within the General Division of the Order of Australia, which recognises Australians who have demonstrated outstanding service or exceptional achievement. Both were awarded the Medal of the Order of Australia for service worthy of particular recognition in their respective fields.

Ivo Havard OAM of Seabrook was honoured for his service to cricket and football, and Anne Hooker OAM of Brooklyn for her service to the community, particularly to youth.

8.3 Sustainable Communities

8.3.1 Amendment C133 - Newport Structure Plan and Heritage Gap Study Adoption

Directorate:	Sustainable Communities
Responsible Officer:	Coordinator Social and Strategic Planning
Reviewer:	Director Sustainable Communities
Attachments:	<ol style="list-style-type: none">1. Panel Report [8.3.1.1 - 61 pages]2. Authorisation to prepare the amendment [8.3.1.2 - 3 pages]3. CEO delegate report [8.3.1.3 - 12 pages]4. Officer response to Panel's recommendations [8.3.1.4 - 2 pages]5. Amendment C133 documents [8.3.1.5 - 121 pages]6. Inner Newport Heritage Gap Study [8.3.1.6 - 77 pages]7. Councillor Briefing Presentation - Amendment C133 Adoption [8.3.1.7 - 7 pages]

Purpose

To provide an update on Amendment C133 (Newport Structure Plan and Inner Newport Heritage Gap Study) and to recommend adoption of the Amendment and submission to the Minister for Planning for approval.

Recommendation

That Council:

1. **Considers the Amendment C133 Panel report (Attachment 1) in accordance with section 27(1) of the *Planning and Environment Act 1987*.**
2. **Adopts Amendment C133 in accordance with the recommended officer response to the panel recommendations as outlined in Attachment 4, in accordance 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 C133 of Council's decision.**

Summary

Amendment C133 seeks to make changes to local policy, zones and overlays in the Hobsons Bay Planning Scheme (HBPS) to implement the recommendations of the Newport Structure Plan (NSP) and Inner Newport Heritage Gap Study.

The Amendment delivers a net community benefit consistent with Section 4 of the *Planning and Environment Act 1987* and has been supported by an independent planning panel. The Amendment will protect sites of local heritage significance and apply appropriate residential zones and development controls to ensure the sustainable growth of Newport.

It is recommended that the Amendment be adopted with changes, made in response to feedback from the exhibition and planning panel process.

Background

The NSP sets a long-term strategic direction for land use and development in the Newport activity centre to inform planning decisions and capital works projects.

The NSP was first placed on community consultation in 2018 and feedback informed an updated draft in 2019. In 2019 Council resolved to defer the adoption of the NSP until a heritage gap study was undertaken. Later in the same year the Victorian Government introduced guidance on how to apply new residential zones. This guidance reaffirmed that a site of heritage significance should not be zoned for significant residential growth. The inner Newport area was therefore excluded from the municipality-wide Amendment C131, which proposed to bring in new residential zones, until a heritage gap study was completed.

The heritage gap study was completed in 2020 and peer reviewed in 2021. The NSP was updated to respond to the heritage gap study findings and Amendment C133 was prepared to implement the heritage gap study and the NSP into the HBPS.

The Amendment introduces:

- four Design and Development Overlay schedules which include various mandatory built form controls
- new zones into the wider Newport area previously removed from Amendment C131
- new heritage overlays and an Environmental Audit Overlay to properties identified by the EPA as potentially contaminated (refer to the Attachment 5 for the full Amendment documents)

At the Council Meeting on 8 March 2022 Council resolved to adopt the NSP and Inner Newport Heritage Gap Study and seek authorisation from the Minister for Planning to exhibit Amendment C133. The discussion section below outlines the process that the Amendment has followed since March 2022, including authorisation of the Amendment, public exhibition and review by an independent planning panel.

Discussion

Changes to Amendment C133 to respond to authorisation conditions

On 6 April 2022, under delegation of the Minister for Planning, the Department of Environment, Land, Water and Planning (DELWP) granted authorisation to exhibit the Amendment subject to conditions and changes (refer Attachment 2). The conditions and changes required by DELWP, and the Council officer response, are summarised in Table 1.

Table 1: Summary of authorisation conditions and Council officer response

Summary of authorisation condition	Officer response
Policy Content – Clause 11.03-1L Activity Centres	
<i>Clause 11.03-1L Activity Centres</i> must be reviewed by the council and where appropriate, revised, removed or relocated consistent with Amendment VC148 – Planning Advisory Note 71.	Council officers revised the proposed content in Clause 11.03-1L Activity Centres consistent with Amendment VC148 – Planning Advisory Note 71.
Policy Content – Design & Development Overlay (DDO)	
Revise design or built form controls relating to “gateway sites” and the identification of gateway sites on maps in the Schedules (DDO).	Council officers removed the gateway sites from the Schedules to the Design and Development Overlay (DDO) maps.
The “Application Requirements” and “Decision Guidelines” must be revised to remove references to Environmentally Sustainable Design (ESD) measures (to reflect that ESD-related matters are provided for within the Planning Policy Framework).	Council officers removed the references to Environmentally Sustainable Design (ESD) measures from the proposed Application Requirements and Decision Guidelines.
Further justification for the proposed “Application Requirements” and “Decision Guidelines” relating to (i) waste collection, removal and delivery areas and (ii) acoustic mitigation in DDO7, DDO12 and DDO18 must be submitted to DELWP for review and DELWP approval.	Council officers removed the references to “waste collection, removal and delivery areas” requirement within Application Requirements and Decision Guidelines from DDOs 12 and 18. Council officers came to an agreement with DELWP to retain the requirement in DDO7 and to retain acoustic mitigation requirements in DDOs 7, 12 and 18.
The extent of the proposed DDO19 – Arts and Recreation Precinct must be revised to remove land zoned Transport Road Zone (TRZ1) and Public Park and Recreation Zone (PPRZ).	Council officers removed DDO19 in accordance with the authorisation condition requirements and the requirement to remove TRZ1 and PPRZ land.
Heritage Overlay (HO)	
The Schedule to Clause 43.01 Heritage Overlay (HO) must be amended to include reference to the title of the incorporated Statements of Significance in accordance with the guidance outlined in Planning Practice Note 1.	Council officers amended the Schedule to Clause 43.01 to include reference to the title of the incorporated Statements of Significance.

Summary of authorisation condition	Officer response
The Statement of Significance for HO322 – Mason Street Ecclesiastical and Residential Heritage Precinct must remove the inclusion of the Christ Church complex at 59-61 Mason Street and the “St Arnaud” building at 65 Mason Street so that it is clear HO322 only applies to places unaffected by existing HOs.	Council officers amended the Statement of Significance for HO322 and the Inner Newport Heritage Gap Study was updated by the heritage consultants in accordance with the authorisation condition requirements (refer to the heritage gap study at Attachment 6).
Explanatory report	
The Explanatory Report must be updated in a manner generally in accordance with the version attached and to include any changes required because of the conditions above.	Council officers updated the explanatory report in accordance with the authorisation condition requirements.

In addition to the above conditions DELWP raised an issue in relation to whether the DDO7 would restrict development outcomes in the Residential Growth Zone (RGZ). On 9 May 2022, Council officers responded to DELWP in writing stating:

...the proposed DDO7, Area D Heritage interface requirements do not restrict building height in the RGZ3. Council proposes to set a mandatory 4 storey maximum building height (13.5m) through the RGZ schedule. The requirements of Clauses 54 and 55 continue to apply. Council’s objective is that Area D Heritage interface requirements be considered in the RGZ design response, in parallel with Clause 54 and 55...Further, Council notes the principle of addressing abutting sensitive / heritage areas is already established in local policy introduced in C131hbay, noting:

- *Clause 11.03-1L Activity Centres - Design and amenity strategies Support an incremental decrease in the size and scale of development within activity centres so that it responds to the size and scale of existing development at residential interfaces.*
- *Clause 15.01-1L-01 – Design in Substantial Change Areas*

Following the above correspondence, the matter was resolved and no further changes were required.

Public exhibition

The Amendment was publicly exhibited for six weeks from 30 June 2022 to 12 August 2022 in accordance with section 19 of the Planning and Environment Act and included:

- notice published in the *Maribyrnong and Hobsons Bay Star Weekly* on 29 June 2022
- notice published in the Victoria Government Gazette on 30 June 2022
- direct notification (letter and factsheet) to 7,170 owners and occupiers of land within and surrounding the Amendment area
- letters (via email) to 33 authorities, agencies and prescribed ministers
- information provided online via Participate Hobsons Bay, Council’s community engagement platform and DELWP’s website (now hosted on the Department of Transport and Planning website)

- information sessions were held in person at the Newport Community Hub on:
 - Wednesday 6 July 2022, 5pm - 7pm
 - Saturday 16 July 2022, 11am - 2pm
 - Wednesday 27 July 2022, 12.30pm - 3.30pm

A total of 37 submissions were received from residents, public agencies and service authorities. The key matters raised by submitters can be summarised as follows:

- proposed building height controls, zoning and schedules
- heritage protection
- amenity
- traffic, access and car parking
- infrastructure
- risk

Council officers recommended changes to the Amendment in response to submissions. Changes mainly related to the application of HO23.

All 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.

Planning Panel recommendations

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 and submitted to the Minister for approval.

A four day hearing was held in December 2022. The panel report was issued in January 2023 with recommendations to Council on how to proceed with the Amendment.

The panel report (Attachment 1) recommended that the Amendment proceed subject to addressing more specific issues, finding that it was strategically justified and well founded. Table 2 summarises the key issues discussed at the panel hearing and the conclusion of the panel as per their report.

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

Summary of key issues considered by Panel	Panel conclusions
Proposed building height controls, zoning and schedules	
Insufficient policy and strategic work to support DDO height controls of 4 and 5 storeys for Commercial 1 Zone	The panel supported the proposed heights in the NSP. Further, they acknowledged that the proposed policy and strategic work is broadly consistent with the role of Newport as a large neighbourhood activity centre

Summary of key issues considered by Panel	Panel conclusions
Introduce more shops in Newport Activity Centre	The panel does not comment on number of shops provided in Newport. The Amendment proposes additional commercial areas in Newport through the application of C1Z and MUZ
The proposed application of the GRZ that would allow for building heights of up to three storeys and the impact on neighbourhood character	The panel concluded that the proposed rezoning to GRZ3 along Salisbury Street and Woods Street is appropriate
The proposed rezoning of part of Walker Street to RGZ that would allow building heights of up to four storeys and impact on neighbourhood character, and suggestion that notification requirements were not met for this street	The panel concluded that the proposed rezoning to RGZ is consistent with activity centre and housing policy, but that this land should be removed from DDO7 The notification of the Amendment was appropriate, and requirements were met
The proposed rezoning of 481 Melbourne Road from GRZ to NRZ and application of schedule 5 to Neighbourhood Residential Zone	The panel concluded the proposed rezoning of 481 Melbourne Road, Newport to NRZ5 is appropriate due to heritage controls and the site's designation as a minimal change area
Insufficient justification for mandatory height controls in DDO12	The panel concluded that the use of mandatory built form controls in DDO12 is justified in this instance
Insufficient consideration of the interfaces and transition between different heights and zones	The panel concluded that the provisions allow for an appropriate transition and interface between buildings and building heights
Heritage protection	
Remove the HO from 34-56 and 33-41 Oxford Street and 50-54 and 91 William Street	The panel concluded that the exhibited HO23 was justified subject to removal of 33, 34, 35, 36 and 38 Oxford Street, Newport
Apply the HO to 58, 60 and 62 William Street and 57, 59 and 61 Oxford Street	The panel concluded that the exhibited application of HO23 to William Street except for 54 William Street is justified

Summary of key issues considered by Panel	Panel conclusions
Amenity	
Overshadowing, overlooking and privacy	<p>The panel was satisfied that the analysis in the Structure Plan was adequate and the proposed and existing provisions will enable built form and amenity issues to be adequately addressed. The panel recommended one change to DDO12 in accordance with Council's urban design expert to include under "residential interfaces":</p> <p><i>New buildings must meet the requirements of Clause 55.04-5 – Standard B21 for overshadowing of existing private open space.</i></p>
EPA advice that all DDOs should include an additional application requirement to address noise mitigation and vibration issues, not just DDO6 as proposed by the amendment	The panel concluded that only DDO6 and DDO12 should include additional application requirements to address noise and vibration issues due to their proximity to the railway line. All other DDOs did not need to include this additional application requirement
Traffic, access and car parking	
Introduce new bus routes from Newport to Spotswood Station (along Blackshaws Road and Melbourne Road) and from Millers Junction to Newport Station to Spotswood Station and then to Yarraville	The panel concluded that the Amendment would provide a better framework for managing and addressing traffic, parking and movement issues and that agencies other than Council are responsible for managing the arterial road network and public transport system, and as such these are largely outside the scope of the Amendment.
Requirement for the signalised intersection on Douglas Parade and Simcock Avenue	
Relocate existing pedestrian crossing on Melbourne Road to Ross Street	
Improved pedestrian accessibility	
Cumulative traffic impacts / impacts on parking	
Traffic calming both supported and not supported	

Summary of key issues considered by Panel	Panel conclusions
Infrastructure	
Inadequate drainage	The panel concluded the Amendment will not exacerbate drainage issues and that the appropriate mechanisms are in place to manage drainage impacts at a local level.
Risk	
The Amendment does not address safety and risk issues associated with the Major Hazard Facilities (MHFs) and pipelines	<p>The panel concluded that the Amendment will not increase risks associated with the Newport Terminal MHF and pipelines and that the Amendment should proceed subject to the inclusion of a new objective in DDO6 based on the mapped Outer Planning Advisory Area (OPAA), not the revised guidance and “safety areas” recommended on the WorkSafe Victoria website.</p> <p>The panel recognised that the OPAA is applied on a case-by-case basis and that without detailed and technical analysis the Structure Plan OPAA area is appropriate until further work is undertaken as part of the application of a Buffer Area Overlay (BAO).</p>

Key panel recommendations are summarised in Table 3 with more detail provided at Attachment 4 to the Council report.

Table 3: Summary of Planning Panel recommendations and officer response

Panel recommendation	Council officer response
<p>In DDO12, add the following “design or built form element” and “requirement” to Table 1:</p> <p>Residential Interface New buildings must meet the requirements of Clause 55.04-5 – Standard B21 for overshadowing of existing private open space.</p>	<p>Agree.</p> <p>Council’s urban design expert recommended this change, and it is supported by Council officers. This recommendation will ensure that any potential overshadowing of existing private open space will be appropriately managed.</p>

Panel recommendation	Council officer response
<p>In DDO7, remove Area D from Map 1, delete Table 4 and make any other consequential changes that are necessary.</p>	<p>Agree.</p> <p>The proposed DDO7 has been updated to remove the RGZ from the DDO7. Council officers propose to include a new design objective in the RGZ3 schedule to ensure new development responds to the building setbacks of surrounding heritage places, as follows:</p> <p><i>“To ensure development responds to the built form setbacks of surrounding heritage places.”</i></p>
<p>In planning scheme maps DDO10 and DDO11, remove DDO7 from the area to be zoned RGZ3.</p>	<p>Agree.</p> <p>As above, officers accept the panel’s recommendation and associated mapping has been amended to reflect this change.</p>
<p>In DDO6, Clause 1.0 (Design objective) replace the fifth Design objective with:</p> <p><i>To ensure development is designed to mitigate noise impacts from the railway corridor, is set back from pipeline infrastructure and responds to any constraints associated with the Newport Terminal Major Hazard Facility.</i></p>	<p>Agree.</p> <p>The revised design objective will help to ensure that future development considers constraints associated with noise, pipelines and the Newport Terminal Major Hazard Facility.</p>
<p>In DDO6, Clause 6.0 (Decision guidelines) include the following:</p> <p><i>Whether the proposal adequately responds to any constraints associated with the Newport Terminal Major Hazard Facility.</i></p>	<p>Agree.</p> <p>The proposed decision guideline identifies that the Newport Terminal Major Hazard Facility will need to be considered as part of the planning permit process.</p>
<p>In DDO12, Clause 5.0 (Application requirements) include the following:</p> <p><i>A report that considers noise and vibration impacts associated with the rail corridor and whether any attenuation works are required and recommended.</i></p>	<p>Agree.</p> <p>Although this precinct does not have an immediate abuttal with the railway line (separated by Hall Street), noise attenuation may be required to protect future occupiers.</p>
<p>Remove 33, 34, 35, 36 and 38 Oxford Street, Newport from the exhibited HO23, apply the Neighbourhood Residential Zone Schedule 5 and make any other consequential changes that are necessary.</p>	<p>Agree.</p> <p>Council’s heritage expert supported the removal of these properties during the panel hearing, with the exception of 35 Oxford Street. Given that 35 Oxford Street is located at the edge of the sub-precinct, removal of this property is not likely to lessen the integrity of this precinct overall and the panel’s advice is accepted in this instance.</p>

Panel recommendation	Council officer response
Remove 54 William Street, Newport from the exhibited HO23, apply the Neighbourhood Residential Zone Schedule 5 and make any other consequential changes that are necessary.	Agree. Council's heritage expert supported the removal of this property during the panel hearing.

Amendment adoption and next steps

Overall, the Amendment is considered to deliver a net community benefit consistent with section 4 of the Planning and Environment Act. The Amendment will implement key strategic work adopted by Council including the NSP and Inner Newport Heritage Gap Study and complete the roll out of new residential zones across Hobsons Bay. The Amendment will protect sites of local heritage significance and apply appropriate residential zones and development controls to ensure the sustainable growth of Newport.

The Amendment has been supported by an independent planning panel, who stated in their report that *“the Amendment is the culmination of significant work by Council and builds on the comprehensive suite of projects that have been completed in recent years. The panel commends Council for this and is satisfied the Amendment will provide a more contemporary and considered planning framework to manage future land use and development in Newport.”*

In relation to safety and risk associated with the Newport Terminal Major Hazard Facility (MHF) and pipelines, the panel is satisfied that the Amendment should proceed subject to the inclusion of some minor wording in DDO6. The panel acknowledged the need to progress the application of the Buffer Area Overlay and to undertake further technical work in order to confirm the areas that might be impacted by the Newport Terminal MHF. Council continues to advocate to the Victorian Government to implement a BAO to ensure a transparent and evidence-based approach to land use planning near MHFs.

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

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.

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 report proposes to update the Hobsons Bay Planning Scheme with new policy that reflects the key strategic directions for Newport to provide for the orderly use and development of the Newport consistent with the objectives of the Community Vision.

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 NSP aims to create a vibrant place by ensuring that future urban development improves the liveability of Newport. Implementation of the NSP and Inner Newport Heritage Gap Study will give added heritage protection to sites identified and will introduce new residential zones to manage growth.

Policies and Related Council Documents

The NSP aligns with the Housing Strategy 2019, Activity Centres Strategy 2019, and Neighbourhood Character Study 2019. Recommendations of the Northern Local Area Movement Plan and Urban Forest Strategy 2020 have also been considered.

Previous Council reports that relate to the NSP:

- 16 December 2014 – Council was updated on community consultation findings to set a vision and identify key themes for the NSP
- 10 July 2018 – Council considered the NSP and resolved to undertake informal community consultation
- 13 November 2018 – Council acknowledged all submissions and sought a further report to consider next steps
- 11 December 2018 – Council considered all submissions received and recommended changes to the NSP
- 12 March 2019 – Updated NSP presented to Council following community engagement. Council resolved to defer NSP to the 14 May 2019 Council Meeting
- 14 May 2019 – Council resolved to defer NSP to the 9 July Council Meeting
- 9 July 2019 – Council resolved to defer adoption of the NSP pending the results of the Inner Newport Heritage Gap Study
- 14 September 2021 – Council resolved to adopt Amendment C131 that introduced new residential zones and a new planning policy framework for Hobsons Bay. The Inner Newport Heritage Study area was excluded from Amendment C131 due to the ongoing work on the heritage gap study and NSP
- 8 March 2022 – Council resolved to adopt of the NSP and the heritage gap study and to seek authorisation from the Minister for Planning to exhibit Amendment C133

Legal/Statutory Obligations and Risk

Amendment C133 has been processed in accordance with the requirements of the *Planning and Environment Act 1987*.

Financial and Resource Implications

The adoption of the recommendations will not result in any additional financial or resource implications.

Environmental, Social and Economic Impacts

A planning scheme amendment to implement the findings of the NSP and heritage work is expected to have positive environmental, social, and economic effects by:

- reducing unnecessary costs to applicants and Council by introducing new land use planning policy within Newport activity centre
- ensuring new development occurs in an orderly manner in Newport
- protecting locally significant heritages sites from demolition and inappropriate development

Consultation and Communication

Public exhibition of Amendment C133 occurred from 30 June 2022 to 12 August 2022 in accordance with section 19 of the Planning and Environment Act.

The Council received 37 submissions of which three offered no objection and 34 objected to or requested changes to the Amendment. Some submitters presented at an independent Planning Panel Hearing which occurred via video conference on 2, 5, 7 and 8 December 2022. All submissions were considered in the panel's final report dated 5 January 2022.

All submitters will be notified of the outcome of the Council Meeting 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.

8.3.2 Hobsons Bay Mobile Vendor Policy 2023

Directorate:	Sustainable Communities
Responsible Officer:	Manager Strategy, Economy and Sustainability
Reviewer:	Director Sustainable Communities
Attachments:	1. Hobsons Bay Mobile Vendor Policy 2023 - Updated Policy [8.3.2.1 - 14 pages]

Purpose

To provide an update on the implementation of the Hobsons Bay Mobile Vendor Policy 2022 and recommend minor revisions to the policy.

Recommendation

That Council:

- 1. Notes the update on the implementation of the Hobsons Bay Mobile Vendor Policy 2022 as detailed in this report.**
- 2. Adopts the Hobsons Bay Mobile Vendor Policy 2023 and revokes the version of the policy endorsed by Council on 8 February 2022.**

Summary

Council adopted the Hobsons Bay Mobile Vendor Policy 2022, Council's first formal policy to support the operation of mobile vendors on public land outside of six approved locations, on 8 February 2022. The policy enables itinerant and stationary mobile vendors across Hobsons Bay. A trial of the policy commenced in July 2022. Following analysis of policy implementation alongside feedback from key stakeholders, minor updates are recommended to the policy (refer to Attachment 1 for a copy of the updated policy).

Background

Prior to establishing the Mobile Vendor Policy, Council undertook a tender process for Stationary Roadside Vendor permits for six approved locations within the municipality. Council did not have a policy framework to consider the operation of mobile vendors on public land outside of approved locations.

Throughout the COVID-19 pandemic there was an increase in activity from itinerant vendors who continued to operate during the lockdown period. These vendors serviced neighbourhoods that are not close to retail precincts or "bricks and mortar" hospitality operators, providing opportunities for social connection and a positive local addition for residents during this period.

Informal feedback received from mobile vendors indicated a need to review Council's approach to mobile vending to better align Council's policy position with community demand and vendor expectations, through a balanced and equitable approach. A formal policy was adopted by Council in February 2022 to help facilitate and manage mobile vendors in Hobsons Bay. In February 2022 it was also resolved to bring a further report back to Council

by March 2023 analysing feedback, noting the effectiveness of the initial months of implementation, and any recommendations for improvement.

Implementation of the policy was timed to align with the previous stationary site tender process, with the annual permit period running from 1 August to 31 July.

Discussion

The Hobsons Bay Mobile Vendor Policy enables both itinerant and stationary mobile vendors to operate across Hobsons Bay. The policy allows for a maximum of 16 stationary site permits to be issued (six previously existing sites and ten new) and 12 itinerant permits to be issued. Pricing of approved location sites for stationary vending is tiered, with a pricing structure that includes lower prices for local vendors. Applicants are able to apply for new locations to be assessed for approval.

To date, six stationary mobile vendor permits and one itinerant mobile vendor permit have been issued. Of the six stationary permits, four are on previously approved stationary sites and two are new sites.

Feedback on the implementation of the mobile vendor policy has been sought from key stakeholders and has informed consideration of opportunities to improve and streamline the policy.

Engagement feedback

Feedback on how the policy was working and opportunities to improve was sought from people who had enquired about mobile vendor permits, current mobile vendor permit holders, and trader associations.

The majority of feedback was positive, with a few individual suggestions for possible improvements. Most vendors indicated they do not operate each day, with the average time being three days per week or for a few hours each day. The majority of feedback also indicated support for fees, noting a reduced amount for many vendors that had previously held roadside tender permits. The feedback also indicated strong support for the lower fees for locals.

Most vendors considered the process simple and straightforward, and valued having a key point of contact to assist with their queries. Some feedback indicated concern regarding a single year permit, suggesting multiple years would provide more certainty and allow vendors to invest in their vans and equipment. The most common type of enquiry was requests to operate within exclusion zones such as on the beach.

There was some feedback querying the multiple tiers and identifying a need for simplification. The time limit of one hour for itinerant vendors was also queried, suggesting this was only suitable for quick-sell items. Trader groups did not have much feedback given the limited take-up of permits.

Some feedback indicated concern regarding other vendors being able to operate only 100m away (seeking greater distances) while others sought opportunities to operate alongside another vendor.

Opportunities for Improvement

Following analysis of the implementation of the policy to date alongside the feedback received, the following opportunities for improvement have been identified:

- simplify the tier structure for stationary sites
- pro-rata the annual fees for nine months
- offer multi-year permits
- increase time for itinerant traders
- increase the sustainability focus of the policy and develop guidelines for vendors

Simplified tier structure for stationary sites

To ensure clarity and simplicity it is recommended to revise the tiered structure for stationary permits from three tiers to two:

- Tier 1 – high traffic and tourist areas
- Tier 2 – all other sites

The fee structure would also be revised to reflect the tiers as per Table 1, with Tier 3 removed from the fee structure.

Table 1: Revised tier and fee structure

	Stationary		Itinerant
	Tier 1 site High traffic and tourist areas	Tier 2 site All other sites	—
Application fee for new sites	\$75	\$75	N/A
Monthly permit	\$960	\$640	\$960
35% discount for local vendors	\$625	\$415	\$625
Annual permit	\$3,850	\$2,560	\$3,850
35% discount for local vendors	\$2,500	\$1,660	\$2,500

Pro-rata the annual fees for nine months

It is recommended to pro-rata annual fees to ensure vendors only pay for the time they are operating. Permit fees would be charged annually starting from August. Pro rata fees will apply for permits issued between September and April. A minimum fee of \$960 for Tier 1 and \$640 for Tier 2 would apply for annual permits issued from May to July.

Offer multi-year permits

It is recommended to offer a multi-year permit option. This acknowledges the high cost for vendors to set up vans, with the multi-year option providing more certainty. Vendors would be able to apply for a multi-year permit of up to three years which would guarantee the approved location for that duration.

Conditions of the multi-year permit would include:

- operational commitment during the three years
- renewal fees paid annually
- insurances and registrations updated upon expiry

Increase time for itinerant vendors

The current policy allows itinerant vendors to remain in the one location for a maximum of one hour excluding set up time. This is recommended to be increased to two hours of trading time.

Sustainability

The revised policy has also been updated with minor wording changes to strengthen the sustainability focus. Fact sheets have been prepared to assist traders to operate sustainably.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

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

Council Plan 2021-25

Objective 3: Vibrant place and economy

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

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

Policies and Related Council Documents

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

- Economic Development Strategy 2015-20
- Experience Hobsons Bay Tourism Strategy 2019-24
- Activity Centres Strategy 2019-26
- Response to Climate Change Action Plan (RCCAP)

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

Legal/Statutory Obligations and Risk

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

Financial and Resource Implications

The Hobsons Bay Mobile Vendor Policy 2023 will be implemented within existing operational costs.

Environmental, Social and Economic Impacts

As part of the permit application process applicants are asked to demonstrate how they will minimise their environmental and social impacts. A fact sheet has been developed to assist vendors to undertake sustainable practices.

Consultation and Communication

Council sought feedback on the Hobsons Bay Mobile Vendor Policy 2022 from all mobile vendor holders, people who had enquired about mobile vendor permits, and traders associations during the initial implementation of the policy. The results of this engagement and recommendations in response to specific suggestions for improvement are outlined in detail in the Discussion section of this report

Declaration of Conflict of Interest

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

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

8.4 Infrastructure and City Services

8.4.1 Naming Rights Proposal for Williamstown Cricket Ground

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

Purpose

To consider a request from the Williamstown Football Club for Council's permission to enter into an agreement for naming rights over the oval at the Williamstown Cricket Ground.

Recommendation

That Council:

- 1. Approves the application from the Williamstown Football Club for the naming of the oval at the Williamstown Cricket Ground "DSV Stadium" for the 2023 and 2024 football seasons.**
- 2. Provides written consent to the Williamstown Football Club for this approval.**

Summary

The Williamstown Football Club (WFC) has submitted a request to Council for permission to enter into an agreement with DSV Global Transport and Logistics for naming rights over the oval at the Williamstown Cricket Ground (WCG) for the 2023 and 2024 football seasons.

The proposal is for the WFC to refer to the oval within the WCG as "DSV Stadium". The agreement is consistent with the WFC's permitted use of the WCG and previous arrangements in place for the naming of the oval.

This report recommends that Council provide written consent to the WFC to enter into an agreement for the naming of the oval at the WCG for the 2023 and 2024 football seasons.

Background

From 2003 to 2018, the oval at the WCG was referred to as Burbank Oval in all WFC, association and league promotions and marketing such as newspaper advertisements, references during television and radio coverage, VFL Records, fixtures and websites and club letterhead and other publications.

From 2019 to 2021 the oval was referred to as Downer Oval in the same publications where Burbank Oval was previously mentioned. Downer is not continuing as a naming rights partner for the 2023 and 2024 football season.

It is acknowledged that this agreement only relates to the winter playing season. Throughout the summer season, the venue is referred to as the Williamstown Cricket Ground by the summer tenant, Williamstown Cricket Club.

Separately, Council has had ongoing discussions with WFC in relation to their formal occupancy agreement for the WCG. These discussions will continue to ensure their prompt resolution is achieved.

Discussion

The WFC has submitted a request to Council for permission to enter into an agreement with DSV Global Transport and Logistics for naming rights over the oval at the WCG for the 2023 and 2024 football seasons. The proposal is for the WFC, league and association to refer to the oval within the WCG as “DSV Stadium”. A copy of the naming rights agreement has been submitted to Council and reviewed as part of the approval process.

The agreement is consistent with the naming rights arrangements that have been in place for the oval at the WCG since 2003. Any signage associated with the sponsorship agreement will require Council approval.

The term of the naming rights agreement is for the 2023 and 2024 football seasons, which is consistent with the WFC’s permitted use of the oval.

The proposed name “DSV Stadium” is considered appropriate. DSV Global Transport and Logistics is a global company which provides and manages supply chain solutions for thousands of companies every day.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 2: Community wellbeing and inter-connection

Council Plan 2021-25

Objective 1: Healthy, equitable and thriving communities

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

Policies and Related Council Documents

At the June 2003 Council Meeting, Council supported the recommendation permitting WFC to enter into a naming rights agreement with Burbank Homes to name the oval at the WCG “Burbank Oval”. In March 2019, Council then supported Downer Group being the naming rights sponsor of the oval at WCG from 2019 to 2021.

Clubs are not permitted to alter venue names or install signage pertaining to the naming of sportsgrounds without formal written permission from Council. Council’s Naming Policy (2011) requires that all naming requests be referred to Council for consideration.

Legal/Statutory Obligations and Risk

The official name of the reserve is the “Williamstown Cricket Ground” and this will not change. The proposal is for the club to refer to the oval within the reserve as “DSV Stadium” during the football season only. If the reserve name were to be officially changed, the Geographic Place Names Act and guidelines would need to be followed.

Financial and Resource Implications

There are no financial implications to Council associated with this report.

Environmental, Social and Economic Impacts

The WCG is Council's premier sporting reserve with the WFC playing state level (VFL and VFLW) football. Similar sponsorship arrangements are in place at other VFL venues including the Port Melbourne Cricket Ground (Port Phillip Council) where the venue is referred to as ETC Stadium, Chirnside Park (Wyndham Council) referred to as Avalon Airport Oval, Coburg City Oval (Moreland Council) referred to as Piranha Park and Frankston Park (Frankston Council) referred to as Kinetic Stadium.

Consultation and Communication

A letter detailing Council's decision and the conditions under which approval is to be granted will be forwarded to the WFC. The WFC has communicated the name change to the Williamstown Cricket Club as co-tenant at the WCG.

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 Contract 2022.32 Bruce Comben Reserve Project Stage 2 Lead Consultant

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

Purpose

To award Contract 2022.32 for the Western Aquatic and Early Years Centre and Bruce Comben Reserve Upgrades – Design Consultancy Services to Peddle Thorp Architects.

Recommendation

That Council awards Contract 2022.32 for the Western Aquatic and Early Years Centre and Bruce Comben Reserve Upgrades – Design Consultancy to Peddle Thorp Architects at a fixed lump sum price of \$1,952,918 (one million, nine hundred and fifty-two thousand, nine hundred and eighteen dollars) including GST.

Summary

The request for tenders was advertised for this contract on 24 November 2022 and closed on 20 January 2023, with four consultant suppliers submitting a response.

The four consultants were Peddle Thorp Architects, ARM Architecture & Williams Ross Architects, Group GSA and N2SH Design Studio & Conrad Gargett. All four tender submissions had a tender price below the consultancy budget, and after the initial tender evaluation, all four tenderers were invited for tender interviews.

Peddle Thorp Architects has designed numerous aquatic projects and demonstrated a deep understanding of the project requirements and site constraints. The Tender Panel is satisfied that Peddle Thorp Architects can work closely with Council and stakeholders to resolve all the project challenges (see Discussion).

Background

In 2019, Council adopted the Hobsons Bay Aquatic Strategy 2019-30, which outlines the provision of aquatic facilities to best cater for the community. Council adopted the Bruce Comben Reserve Master Plan in 2020.

The purpose of this tender is to appoint a Lead Consultant to lead a team that will complete design development drawings and a construction documentation package on behalf of Council. This package of information will be utilised in submissions for funding applications with both Victorian and Australian governments. It will also be used to enable Council to go out to tender for the Design and Construction of the Western Aquatic and Early Years Centre and Bruce Comben Reserve Upgrades (Stage 2) as per the adopted Master Plan.

Discussion

This Request for Tender (RFT) was published as an open tender on eProcure as per Section 3.3 (Procurement Thresholds) of Hobsons Bay Procurement Policy 2021.

The outcome of this RFT is to appoint a Lead Consultant to complete the schematic design and prepare the design development drawings for Stage 2 of the Bruce Comben Reserve Master Plan. This will include an aquatic facility and early years centre, sports ovals and adjacent car parks and access roads within the reserve.

The initial evaluation was carried out by the Evaluation Panel and scored in accordance with the RFT evaluation criteria. All four tender submissions had a tender price below the consultancy budget and were invited to tender interviews.

The Evaluation Panel reviewed the outcomes from the meetings and re-evaluated their scores to align with their findings using the Tenderers submission, response to clarifications and questions, and tender interviews with presentations.

The final rankings placed Peddle Thorp Architects as the preferred Tenderer.

It should be noted that Peddle Thorp was originally engaged by the Council-appointed consultants who drafted the master plan to complete the current concept plan.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

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

Priority 5: Activate sustainable practices

Council Plan 2021-25

Objective 3: Vibrant place and economy

Strategy 3.3: Continued commitment to the delivery of the Better Places program

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

At the Council Meeting held on Tuesday 9 July 2019, Council adopted the Hobsons Bay Aquatic Strategy 2019-30, which outlines the provision of aquatic facilities to best cater for the community.

Council then adopted the Bruce Comben Reserve Master Plan at the Council Meeting held on Tuesday 8 September 2020.

Legal/Statutory Obligations and Risk

This RFT was published as an open tender on eProcure as per Section 3.3 (Procurement Thresholds) of the Hobsons Bay Procurement Policy 2021.

Financial and Resource Implications

The budget for this project is allocated in the draft 5 Years Capital Works Program – as per the Draft FY2023-24 Capital Works Program, the following allocations are in the proposed draft budget:

- FY2023-24 – \$1,100,000
- FY2024-25 – \$920,000

Environmental, Social and Economic Impacts

The proposed Western Aquatic and Early Years Centre and Bruce Comben Reserve Upgrades are aligned with the Aquatic Strategy, which will provide high quality and accessible aquatic facilities that encourage a healthy active and connected community in the following ways:

- Western Aquatic and Early Years Centre provides for the community of Hobsons Bay in the west of the municipality
- an aquatic facility that will be accessible, affordable and inclusive to all ages, abilities and cultures and will support more residents to become more active participants
- community development that contributes to the development of social capital, helping to create links in a community
- a well-planned, well-maintained and well-managed facility

The environmental impact of new Western Aquatic and Early Years Centre has been reviewed and by working closely with the Environment and Sustainability Team, a guideline has been developed to meet high standards of ESD initiatives in the design. The preferred consultant Peddle Thorp demonstrated a good understanding of the ESD vision for this project.

Consultation and Communication

The preliminary concept plan for the Western Aquatic and Early Years Centre at Bruce Comben Reserve was developed and placed on public exhibition between 15 August and 23 September 2022.

Council received some valuable feedback from the community and stakeholders which has been incorporated into the final concept plans.

The Western Aquatic and Early Years Centre “What we heard” report was prepared following community consultation and is available on the Hobsons Bay City Council Participate Page.

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.

8.4.3 Contract 2022.53 Bruce Comben Reserve Project Stage 1 Landscaping

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

Purpose

To award the Landscaping Contract 2022.53 for Bruce Comben Reserve – Southern Open Space.

Recommendation

That Council awards Contract 2022.53 for Bruce Comben Reserve – Southern Open Space landscaping to JMac Constructions Pty Ltd at a fixed lump sum price of \$4,793,639 (four million, seven hundred and ninety-three thousand, six hundred and thirty-nine dollars) including GST.

Summary

At the Council Meeting held on 8 September 2020, Council adopted the Bruce Comben Reserve Master Plan. The Southern Open Space Project includes both the open space area towards the southern end of the reserve and the adjacent carpark as Stage 1 of the master plan.

An open tender process was completed via eProcure to engage a Principal Contractor to undertake the landscaping and construction of the facilities within Stage 1.

The works being delivered as part of this contract will create a new facility and social recreation space for the Altona Meadows and Seabrook community. The project includes a new network of paths, a new and exciting playground, new picnic facilities, (including shade shelters, BBQs, and toilet facility), new multi use courts, a fully fenced dog off lead zone and a new car park area.

To reduce the cost associated with the tender, a reduced car park will be delivered with these works. The delivery of the extended car park that is consistent with the Bruce Comben Reserve Master Plan will be delivered with future works associated with the delivery of the Western Aquatic and Early Years Centre.

Following tender negotiations, interviews, pricing analysis and taking into consideration the risks, the Tender Panel was confident that JMac Constructions can undertake the works and minimise the risks to the project. JMac is a registered commercial builder with the Victorian Building Authority and will be responsible for the engagement, management and coordination of all necessary sub-contractors.

Background

Bruce Comben Reserve is located off Central Avenue, Altona Meadows and caters for a population catchment of approximately 70,000 to 80,000 people living within 5km of the facility.

In 2020 Council adopted the Bruce Comben Reserve Master Plan to guide future upgrades onsite that will create a place for the community to gather for sport, play and health and wellbeing. To achieve the outcomes of the master plan, Council adopted a multistage, multi-phase program. The upgrade of the southern open space area is the first stage of works being delivered onsite.

The open space upgrades being delivered as part of this contract have been designed in consultation with the local community. Consultation on a preliminary concept plan occurred throughout May and June in 2022 and final concepts were on display as part of the Out and About Festival that occurred onsite at Bruce Comben Reserve on 17 September 2022.



Figure 1: Renders showing the final concepts for Southern Open Space landscaping at Bruce Comben Reserve

The aim of this project is to create a vibrant open space catering to the varied needs of the local community and visitors to the reserve, which will include a playground, walking and cycling network, a dog off-lead zone, barbecue and shelter, public toilets, extensive tree planting and park furniture.

The construction is scheduled to commence in early April 2023 and planned to be completed by the end of 2023. Council has allocated a budget of \$4.85 million (excluding GST) for this project.

Discussion

The purpose of the Request for Tender (RFT) is to engage a Principal Contractor to undertake the landscaping and construction of the facilities within Stage 1 of the master plan.

The RFT was open for 60 days and closed on 30 January 2023. The extended timeframe was to accommodate the end of year period and a further 14-day extension on the request of tenderers having difficulty securing quotes from sub-contractors and suppliers.

This upgrade will be delivered onsite provides facilities for people of all ages and abilities, while retaining and strengthening the significant natural environmental values of the Skeleton Creek. The southern parklands include a network of paths that connect to the creek shared trail and through to the sports precinct within the reserve, to the new social family and recreation spaces being created as part of these works.

In addition to the social, family and recreation areas being upgraded, the area will be extensively planted with native and indigenous plants to provide shade, habitat value and beautification to the whole area. The design of these plantings has been sympathetic to the existing natural values of the adjacent Skeleton Creek corridor. All these works combined will deliver a significant district parkland for use by the broader Seabrook and Altona Meadows community.

The process to evaluate the tenderers' raised questions around the carpark option which significant difference between the two tenderers' pricing. To reduce the cost associated with the carpark, the project team reviewed the need for the scale of the car park at this time.

The carpark being delivered will provide adequate parking spaces to accommodate users of the new play space, and service as an additional parking area for sporting groups using the sports pavilion. The carpark will be constructed with services in place to allow for a future extension to be delivered in association with the Western Aquatic and Early Years Centre.

Through the tender and interview process, additional risks have been identified which have been costed and included within the recommended project allocation.

After reviewing the outcomes of the tender interviews, the Tender Panel feel confident JMac Constructions can undertake the works and minimise the risks to the Project.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

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

Priority 5: Activate sustainable practices

Council Plan 2021-25

Objective 2: Environment

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

Objective 3: Vibrant place and economy

Strategy 3.3: Continued commitment to the delivery of the Better Places program

Priority a) Deliver neighbourhood scale placemaking with projects identified within each of the Better Places Place Guides

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 Bruce Comben Master Plan was endorsed at the 8 September 2020 Council Meeting. The Southern Open Space Project is Stage 1 of the master plan.

The Hobsons Bay Play Space Strategy 2023-33 was endorsed at the 7 February 2023 Council Meeting.

Legal/Statutory Obligations and Risk

The environmental site investigation has reported there is soil contamination on site, which will be managed as per the Environment Protection Authority Victoria guidelines.

This RFT was published as an open tender on eProcure as per Section 3.3 (Procurement Thresholds) of Hobsons Bay Procurement Policy 2021.

Financial and Resource Implications

Construction is scheduled to commence in April 2023, with completion planned for the end of 2023. Council has allocated a budget of \$4.85 million (excluding GST) for this project.

To support the completion of works onsite, Council has been successful with its application to the Department of Families, Fairness and Housing's Changing Places Funding Program for \$180,000 to deliver an accessible Changing Places public toilet. The Department of Families, Fairness and Housing was formerly known as the Department of Health and Human Services.

Environmental, Social and Economic Impacts

The Southern Open Space Project is classified as a “regional” play space. All environmental, social, and economic impacts of the development and management this play space have been considered in line with the of the Hobsons Bay Play Space Strategy 2023-33.

Consultation and Communication

Public consultation was carried out from May 2022 to June 2022.

The design team has considered all feedback received from the public at both the live event in May 2022 and the Participate page.

A full tender set of architectural, services and engineering drawings incorporated the feedback provided through the project consultation phase.

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.

8.4.4 Contract 2022.50 Kim Reserve Pavilion Redevelopment

Directorate:	Infrastructure and City Services
Responsible Officer:	Manager Capital Works
Reviewer:	Director Infrastructure and City Services
Attachments:	1. Kim Reserve Pavilion Design [8.4.4.1 - 2 pages]

Purpose

To seek Council endorsement for the awarding of Contract 2022.50 for HC Kim Reserve Pavilion Redevelopment.

Recommendation

That Council awards Contract 2022.50 for the HC Kim Reserve Pavilion Redevelopment to Loaram Construction at a fixed lump sum price of \$5,006,584 (five million, six thousand, five hundred and eighty-four dollars) including GST.

Summary

Contract 2022.50 is for the demolition and rebuild of the HC Kim Reserve Pavilion located on Millers Road in Seaholme. A public tender process opened on 2 December 2022 and closed on 31 January 2023. This report outlines the tender review process and recommends the contract be awarded to Loaram Construction, in line with the recommendation of Tender Board.

The project consists of the demolition of the existing pavilion and the construction of a new pavilion. The new pavilion will include six change rooms with amenities, two umpire facilities, a first aid room, storage, social space, a kitchen, public amenities, connection pathways and a second crossover for exiting vehicles allowing a better flow of traffic from the site to Millers Road.

The works to the pavilion will be carried out in conjunction with a separate Sports Field Redevelopment project.

Background

The redevelopment of Kim Reserve and pavilion will meet the growing needs of a growing active soccer community within Hobsons Bay. It will also provide facilities and support for the wider community,

Kim Reserve has been home to the Altona City Soccer Club since 1965, with the club's membership and activities increasing rapidly in recent years. The Club participates in Men's State League 1 and Women's State League 2 within Football Victoria competitions. It provides opportunities for all ages to participate, commencing from Newroos aged 4-7, junior programs, through to Under 20s, seniors and Masters. The club has a strong women's program, reinforcing the need for facilities which are unisex and accessible for all. There are 450 participants registered with the club, including 124 women (27 per cent), which is well above the state average for female participation. Various community programs are hosted

on site by the Altona City Soccer Club, including “Soccer Mums”, “Walking Soccer” and an All-Abilities program.

In the 2019-20 financial year, \$20,000 was allocated as part of Council’s “Pitch Your Idea” program on behalf of the Altona City Soccer Club. This funding allocation was to commence design work to redevelop/upgrade the facility to include female-friendly facilities, increased storage and upgraded umpire facilities. Initial design work was undertaken and in 2021 a further \$50,000 was allocated to complete that work.

During the final design stages, two options were developed: one being an upgrade to the original pavilion and the other being a complete rebuild. As the upgrade option would not achieve all design outcomes, the decision was made to proceed with the rebuild and undertake this work as a Design and Construct contract.



Figure 1: Concept design for the rebuilt HC Kim Reserve Pavilion

In 2022 Council applied for and was successful in receiving \$500,000 through the Victorian Government’s World Game Facilities Fund, towards the redevelopment of Kim Reserve.

Through the project it was identified that the pavilion has reached the end of its useful life and is no longer meeting the needs of the growing Club. The existing facilities do not meet modern day facility standards for sport and recreation usage. To cater for this the new pavilion will include six change rooms to service the three sports fields, each with access to cubicle toilets and showers, unisex referee change rooms, a multipurpose social space, canteen, storage and undercover viewing area. A smart design will ensure flexibility within the change room spaces, to be larger or smaller depending on the activities on any given day.

The new pavilion will have a multipurpose space which will support Council’s objective to activate sporting facilities, for use by community groups outside sporting activity times. The Club is very supportive of this initiative and Council will work through an expression of interest process to canvas suitable groups to use the facilities.

The redevelopment of the pavilion is supported by the HC Kim Reserve Master Plan, endorsed in 2012 and Council’s Sports Facility Needs Analysis, endorsed in 2018. Further to significant engagement completed during the development of the Master Plan, officers completed additional engagement in 2022 to seek feedback from the local community as to

how they utilise the site and how the planned improvements can be beneficial going forward. The feedback received was positive and was also supported by Football Victoria as the governing body for the sport on site.

Discussion

A public tender process was conducted between 2 December 2022 and closed on 31 January 2023. At the close of submission, two tenders were received.

The submission received from one of the tenderers was non-conforming and did not meet the minimum mandatory criteria. An opportunity was given to re-submit, but the resubmission still did not include all the required information.

The Tender Evaluation Panel met on 31 January 2023 to review and shortlist the tender submission based on the pre-defined evaluation criteria. The panel determined that both submissions would be evaluated despite one being non-conforming. This decision was made because there were only two submissions, to ensure Council was getting value for money. One tender was selected for an interview with Council. The non-conforming tenderer is not the preferred bidder.

The tender interview took place on 9 February 2023 with the selected tenderer presenting a submission and responding to questions from the tender panel. Specifically, the panel sought to confirm the tenderer's experience in similar projects, value management, capacity to deliver the project and environmental sustainability outcomes. Council also requested the selected tenderer submit its best and final pricing offer to Council following the interview.

Following the evaluation, a report was presented to the Tender Board on 16 February 2023 recommending the contract be awarded to Loaram Construction. Loaram Construction provided a high-quality tender response, has a clear understanding of the objectives of the project through its significant past experience and has resources to complete the project.

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 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

Priority b) Increase value for money when delivering projects within the capital works program

Policies and Related Council Documents

- Sports Facility Needs Analysis – the HC Kim Reserve Pavilion Redevelopment is noted as a gap within facility provision for gender-inclusive amenities
- HC Kim Reserve Master Plan – developed in 2014, the plan includes a new pavilion

Legal/Statutory Obligations and Risk

The awarding of Contract 2022.50 Kim Reserve Pavilion Redevelopment through a public tender process complies with section 108 of the *Local Government Act 2020*.

Financial and Resource Implications

The HC Kim Reserve Pavilion Redevelopment is included in the 2022-23 and 2023-24 Capital Works Program. This project has project budget of \$4,700,000 (excluding GST). The recommended tender submission of \$4,551,440 (excluding GST) can be facilitated within the allocated budget.

Environmental, Social and Economic Impacts

Environmental, social and economic impacts have been taken into consideration throughout the development of the proposed scope of works and the tender evaluation process. The following environmentally sustainable design elements are planned to be incorporated in the project: solar panels, 5-star WELS rated products, double glazed windows and an ESD consultant to increase sustainable outcomes throughout the remaining design process.

Consultation and Communication

Council undertook community consultation for this site in 2021, which included distributing the previously endorsed master plan and seeking community feedback on the use and needs for the site from 750 residents as well as via social media platforms. Council has continually consulted with the Altona City Soccer Club during the design process and will continue to do so.

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.

8.4.5 West Gate Tunnel Project Update

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

Purpose

To provide a quarterly status report on the West Gate Tunnel Project (the Project) and associated initiatives, projects and advocacy activities.

Recommendation

That Council receives and notes this update on the current status of the West Gate Tunnel Project and Council's advocacy on aspects of the Project.

Summary

This report includes progress updates on the project works, traffic impacts and strategic advocacy items, Sports and Open Space Enhancement Package and a detailed progress report on the West Gate Neighbourhood Fund.

Background

The Project is delivered through a partnership between the Victorian Government and Transurban (Project Co), managed by the West Gate Tunnel Project – Major Transport Infrastructure Authority (WGTP MTIA), and built by construction contractors CPB Contractors and John Holland as a joint venture (the JV).

Construction on the Project has been underway since March 2018 and is due for completion in 2025. Recent construction activities in the western section have been focused on completing the rebuilding and widening of the West Gate Freeway and associated infrastructure, including noise walls, bridges, ramps and the tunnel portals.

Reports providing updates on various aspects of the Project have been tabled through Council Meetings since early 2018. The most recent previous report was presented at the 13 December 2022 meeting. Previous reports can be accessed via the Council website at: <https://www.hobsonsbay.vic.gov.au/Council/Council-Meetings/Minutes-and-Agendas>

Discussion

Community Feedback and Advocacy

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

Paringa Road was reopened at the Millers Road intersection as part of recent construction works at the interchange and footpaths in Millers Road under the freeway are now open.

Reinstatement works along the southern verge of the freeway between Grieve Parade and Melbourne Road are progressing well with the project construction fencing being replaced with permanent landscaping and fencing where required. Replacement fascia panels will be installed on the two pedestrian overpasses in coming weeks.

Community Liaison Group

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

Kim Jordan is the new Independent Chair of the CLG, replacing Jim Williamson who has decided to move on from the role after chairing around 75 meetings since April 2016. Kim has extensive experience with a range of major infrastructure projects and has led various community engagement forums.

The last meeting of the CLG was held on 9 February 2023 with discussion on the construction progress and traffic disruptions in the west zone, shared use paths, the West Gate Neighbourhood Fund and upcoming works across the project. A key issue raised by members was traffic congestion and delays.

CLG meeting documents can be obtained at:

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

Sports and Open Space Enhancement and Access Package

As part of the Project, the Victorian Government agreed to partner with Council to fund the delivery of capital improvements up to the value of \$5 million on Donald McLean Reserve in Spotswood, WLJ Crofts Reserve in Altona North and Brooklyn Reserve, DN Duane Reserve and Rowan Avenue Reserve in Brooklyn. In addition, a contribution was made towards funding the W&M Couch Pavilion at Donald McLean Reserve.

West Gate Neighbourhood Fund

The West Gate Neighbourhood Fund is a \$10 million community grants program established by WGTP MTIA to support communities in Melbourne's inner west. This consists of four rounds of funding (two partnerships and two community grants rounds).

The fund was offered in two components – partnerships and grants. This enabled not-for-profit groups to access support for projects that bring people together, build community capacity or improve facilities and infrastructure. A range of activities were eligible for funding, such as contributing to safe and liveable environments, arts and culture, emphasising learning or enabling greater participation of community members.

Council entered into a Funding Administration Agreement with WGTP MTIA to facilitate the distribution of funding to the recipients. This has changed for Round 2 with WGTP MTIA responsible for managing the distribution of funding, monitoring and recipient reporting.

The first partnership round allocated over \$3 million to organisations in Hobsons Bay with additional funding from Council and other stakeholders. Several projects and events have been successfully completed and others yet to commence or are close to being completed.

Successful applications for Round 2 Community Grants have now been announced, with \$499,765 in total granted to 22 recipients. Among these, the 12 successful applicants located within Hobsons Bay were granted \$314,072 in total. To date, applicants from Hobsons Bay have been awarded total funding of \$3,751,476. A summary of the funding awarded for round 1 projects with a brief description of some completed projects is provided below.

Table 1: First partnership round

Applicant	Project Title	Awarded Amount	Status
Hobsons Bay City Council	Greening Brooklyn Reserve upgrade	\$ 500,000	In Progress
Friends of Lower Kororoit Creek	GJ Hosken Reserve Park Upgrade	\$ 346,000	Completed
South Kingsville Community Centre	Refurb South Kingsville Community Centre	\$ 485,000	Completed
Deakin University	Public Art in Melbourne's West	\$ 217,625	In Progress
Network West	Training Community Leaders	\$ 177,250	Completed
Westgate Health Co-Operative Ltd	Community Engagement & Wellbeing Program	\$ 100,000	Completed
YMCA Victoria	Hobsons Bay Skate Park Activation	\$ 100,868	Completed
Spotswood Kingsville RSL	Transforming a sustainable & vibrant hub	\$ 745,350	Not started
Williamstown and Newport Anglers Club	Refurb of Williamstown Beach Jetty Facilities	\$ 500,000	Not started
Total		\$ 3,172,093	

Table 2: First round grants

Applicant	Project Title	Awarded Amount	Status
Altona City Rotary Club Inc.	Wynspeak Website & Hobsons Bay event	\$ 2,300	Completed
Williamstown Community and Education Centre Inc	Building Community Connections through various workshops at the centre	\$ 10,000	Completed
Diesel Electric Rail Motor Assoc of Victoria "Dermvap"	Getting Railmotor 58RM Back On Track	\$ 5,200	Completed
Altona Lacrosse Club	Altona Box Lacrosse Tournament and Festival	\$ 3,071	Completed

Applicant	Project Title	Awarded Amount	Status
Laverton Bowling Club	An inclusive and accessible Community Garden	\$ 10,000	In Progress
Brooklyn Tennis Club Inc	New tennis court, net posts and nets	\$ 4,000	Completed
Better West Inc	Spotswood Festival	\$ 20,000	Completed
Slow Food Melbourne Inc	Urban Harvest Westside	\$ 20,000	In Progress
The Substation Contemporary Art	Outer Space event 2022	\$ 20,000	Completed
Seven-O-Seven Operations Inc.	Hobsons Bay Heritage Rail Day – Free rides to City	\$ 16,000	Completed
Pacific Connections	Faamaopoopo mai community event	\$ 10,000	Completed
Spotswood Sports Club (Cricket, Football & Netball)	Spotswood Community Outdoor Screen / Scoreboard	\$ 65,000	Completed
Italian Social Club Altona	Bocce Court Upgrade	\$ 60,000	In Progress
*Friends of Community Tributaries	Brooklyn Hall Food Forest (renamed Connections to Walker Close through a series of workshops)	\$ 9,740	In Progress
The Patch in the Park	Brooklyn Community Garden	\$ 10,000	Not started (pending further govt funding)
Total		\$265,311	

*This project was initially funded for Brooklyn but was moved to Walker Close, Altona North due to the Brooklyn community centre being inaccessible during its upgrade.

Altona Box Lacrosse Club Junior Tournament

Leveraging off the new lacrosse facility at PL Lynch Reserve, Altona North, the club implemented a junior lacrosse six-week event competition with 85 participants finishing in mid-December 2022.

The club matched the \$3,071 grant it received from West Gate Neighbourhood Fund and was selected to host the Australian National Box Lacrosse Championships in 2023. There will be a women's team in 2023 and more volunteers have joined to assist the club.

The Substation's lightshow – Outer Space event 2022

The Substation received a grant from the West Gate Neighbourhood Fund for a public art exhibition and light installation project held on 26 November 2022. The project aimed to engage audiences in a poetic consideration of the spaces, structures and systems that shape our lives. It was a powerful expression of community coming together to create the work and then beam it out into the universe. Further information can be found at:

<https://thesubstation.org.au/program/open-station>



Figure 1: Substation lightshow - 30 individual beams of light pulsed into the night sky

Heritage Steam Train Day

26 November 2022 was Hobsons Bay Heritage Rail Day. Volunteer enthusiasts from Newport's Heritage train 707 club provided free train rides to 1,600 people to the City and back from Laverton. The event booked out in three days and provided an opportunity to bring the local community together.



Figure 2: Patrons waiting to board the 707 Heritage train at Flinders Street Station

South Kingsville Community Centre

South Kingsville residents are enjoying their new-look Community Centre after a major transformation was completed. The West Gate Neighbourhood Fund contributed \$485,000, which was matched by Council. Works included a new external entry, upgrades to the hall, lobby, conference room and childcare facilities. There was an open day held on 26 October 2022. The upgrades have made a dramatic difference, providing more comfort, room and enjoyment resulting in an increase in bookings at the centre.



Figure 3: South Kingsville Community Centre, before and after renovation

Spotswood Cricket Club, Spotswood Football and Netball Club

Spotswood Sports Club received \$65,000 for a 4m x 3m electronic screen. This will display cricket and football game-day scores, but more importantly creates a gathering point for community engagement activities such as outdoor movie nights, visual arts displays and major sporting events such as the AFL Grand Final, AFLW games and Big Bash Cricket.



Figure 4: Spotswood Sports Club – old manual scoreboard vs new electronic screen

Hobsons Bay Skate Park Activation

The YMCA was awarded \$100,000 to help activate skate parks across Hobsons Bay. They delivered 100 sessions across Newport, Laverton and Altona Meadows and delivered programs in 11 schools with 3,102 participants (43% female). All skateboards, safety equipment and training instructors were provided. The aim was to encourage and promote safe skateboarding, scooter, and BMX riding as emission-free forms of transport.

Part of the grant included the YMCA training eight young people as “champions” to continue advocating for others to skate safely, with two being employed by the YMCA.



Figure 5: YMCA skateboarding sessions – 3 to 7-year-old group

The final Partnership Funding Round will open for applications by mid-2023. This provides funding for larger projects over \$100,000 that:

- deliver lasting benefits for the community
- enable projects such as community infrastructure, capital equipment and programs that improve community connection

More details can be found at: <https://bigbuild.vic.gov.au/projects/west-gate-tunnel-project/community/west-gate-neighbourhood-fund/grants>

Project Works Update

Major works by the JV on widening the West Gate Freeway from 8 lanes to 12 and strengthening bridges in Altona North, Brooklyn, South Kingsville and Spotswood continued throughout December 2022 and January and February 2023. Works continue at the inbound and outbound tunnel portals, the Williamstown Road and M80/Western Ring Road freeway interchange areas, the Hyde Street ramps and the various paths and landscaping.

The West Gate Tunnel Project is due to carry out major construction activities on or next to the West Gate Freeway between Newport Rail Line and Hyde Street, as well as freeway ramp closures at Williamstown Road to mid-2023. Throughout January and February 2023, the Williamstown Road westbound entry ramp was closed and one lane on the West Gate Freeway westbound closed at the Williamstown Road interchange. From Thursday 12 January until mid-March 2023, Hyde Street is reduced to one lane at Simcock Avenue, and temporary traffic lights installed to let traffic through while the existing intersection and new signals are built. Refer to Figure 6. Several overnight closures are expected on Hyde Street during these works. This work, combined with the Footscray Road closures and other construction activity in the area will result in ongoing traffic disruptions and congestion at times over coming months.



Figure 6: Hyde Street shuttle traffic flow and ramp construction

On 13 February 2023 the Geelong and Ballarat exits switched to their new configuration to allow crews to access new worksites. Traffic bound for Ballarat should be in the two right lanes and traffic bound for Geelong in the two left lanes as shown in Figure 7. This is a permanent change and has been conveyed in a significant awareness campaign prior to the switch.

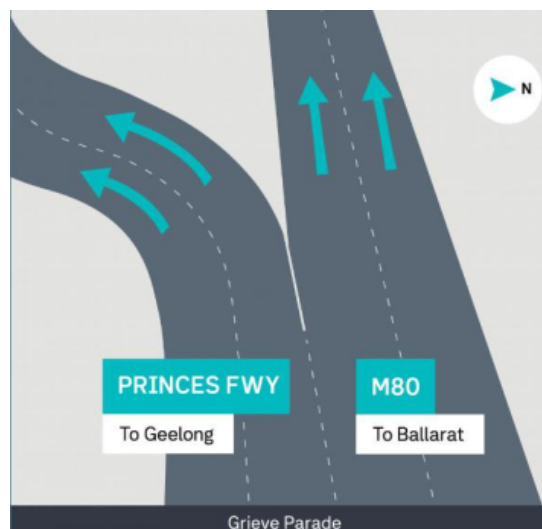


Figure 7: New outbound traffic switch at M80 interchange

Tunnel works for the twin tunnels between the Maribyrnong River and the West Gate Freeway are underway, and over 80 per cent of the tunnel length has been excavated so far. In mid-February, Tunnel Boring Machine (TBM) No.2 Vida broke through at the southern portal near Williamstown Road after tunnelling 2.8km over 11 months. The 90-metre long TBM is now in the retrieval pit, where it will be dismantled and trucked to storage facilities over the next 13 weeks. The 500t gantry crane at Williamstown Road will be moving on rails lifting the parts out of the pit and onto trucks.



Figure 8: Headwall at southern inbound portal and concrete cradle in the 30m deep retrieval pit

The breakthrough marks a significant milestone for the project, with TBM No.1 Bella also scheduled to complete its four kilometre journey from just west of the Maribyrnong River to just east of Millers Road in the coming months. Crews will now continue work of building road deck and installing electrical, lighting and safety systems to prepare the tunnel for completion in 2025.

Up-to-date information on planned road closures and detours can be found at the Victoria's Big Build website: <https://bigbuild.vic.gov.au/disruptions>

Tree Planting and Trail Upgrades

Construction is nearing completion on the new section of the Kororoit Creek Trail between Geelong Road and GJ Hosken Reserve with landscaping.

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

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

Priority 6: An accessible and connected community

Council Plan 2021-25

Objective 4: Visionary community infrastructure

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

Policies and Related Council Documents

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

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

Legal/Statutory Obligations and Risk

Legal and statutory obligations and risks have been identified throughout Council's review and input to the Project. These obligations and opportunities will continue to be monitored and assessed. A report and formal submission on the preferred design and EES was adopted by Council at the Council Meeting on 27 June 2017. This report considered legal, risk and statutory obligations for the Project. A statutory process for the acquisition of Council land has commenced.

The Independent Reviewer and Environmental Auditor's (IREA's) ninth six-monthly audit report for the period March 2022 to August 2022 has been released and is available on the Project website at: <https://bigbuild.vic.gov.au/library/west-gate-tunnel-project/planning-documents>

Financial and Resource Implications

A Memorandum of Understanding has been established between Council and WGTP MTIA to provide for Council staff to assist in the management and delivery of the Project and the West Gate Neighbourhood Fund.

Updated design packages are still being reviewed and requests received by Council to consider and respond to construction work issues and minor design changes. Handover meetings for Council assets and land are being undertaken where Project works are completed.

Environmental, Social and Economic Impacts

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

The IREA has been appointed to provide independent oversight of design engineering, construction, program and environmental performance of the Project. The IREA undertakes audits and surveillance of Project activities to assess whether conformance with Project requirements are being achieved.

Air quality monitoring for the Project has been established at six Ambient Air Quality Monitoring Stations to develop a baseline of data from current local conditions. This baseline will be used to measure any changes when the tunnel opens. Monitoring will continue for up to five years after opening.

The latest Project air quality monitoring report for September 2022 reported no exceedances of the air quality objective at the six stations for the reporting period. The report is available at: <https://westgatetunnelproject.vic.gov.au/about/keytopics/tunnel-ventilation-and-air-quality>

Consultation and Communication

Throughout the design and construction stages, Council has advocated for outcomes and improvements wherever possible that are consistent with its adopted position to optimise beneficial community outcomes. Council has assisted in sharing information on planned traffic disruptions through its website and social media. Council officers continue to assist the community where possible in responding to or referring requests and issues relating to the Project. Construction issues and impacts arising from the JV works such as noise, vibration and dust are being closely monitored by WGTP MTIA and IREA to detect and respond if permitted levels are exceeded.

Notifications are issued to directly impacted areas prior to works commencing. Recent notifications to affected Hobsons Bay residents related to the Melbourne Road interchange and Hyde Street ramps construction program, Simcock Avenue works, and the freeway southern verge works.

The Project emailed households along the freeway alignment that were likely to be impacted by night-time works as an additional reminder of the summer road works. The project engaged with and offered additional communications support to impacted businesses adjacent to Williamstown Road / Simcock Avenue including Toll, Visy, Grazeland, Spotswood Hotel, Scienceworks and SleepBus.

Latest notifications can be found at:

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

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 Delegated Planning Committee Update

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

Purpose

To provide a regular update to Council on the outcomes of the Delegated Planning Committee (DPC) for Quarter 2 (Q2) of 2022-23.

Recommendation

That Council:

1. **Notes that there were no Delegated Planning Committee meetings for Quarter 2 of 2022-23.**
2. **Notes the outcomes of the Victorian Civil and Administrative Tribunal (VCAT) for the determinations made by the Delegated Planning Committee in 2021-22 and Quarter 1 of 2022-23.**

Summary

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

No meetings of the DPC were held in Q2 of 2022-23.

Of the nine DPC determinations made in 2021-22 and Q1 of 2022-23, eight were challenged at the Victorian Civil and Administrative Tribunal (VCAT). VCAT agreed with five of the eight DPC determinations.

Background

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

The DPC considers and determines planning permit applications where either:

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

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

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

Discussion

DPC meetings

No meetings of the DPC were held in Q2 of 2022-23.

DPC meetings are held virtually via Zoom only. Members of the public, including applicants and objectors, are invited to attend and participate in these meetings. All agendas and minutes can be viewed on Council's website at:

<https://www.hobsonsbay.vic.gov.au/Services/Planning-Building/Town-Planning-Services-and-Delegated-Planning-Committee/Delegated-Planning-Committee>

VCAT outcomes

Of the nine DPC determinations made in 2021-22 and Q1 of 2022-23, eight were challenged at the Victorian Civil and Administrative Tribunal (VCAT). VCAT agreed with five of the eight DPC determinations.

The table below outlines the applications considered at each DPC meeting including the decisions made by the DPC and subsequently by VCAT on review.

Meeting Date	Application	Address	Proposal	Officer Rec.	DPC Decision	VCAT Outcome
22 June 2021	PA1841550	37-45 Ajax Road, Altona	<ul style="list-style-type: none"> subdivision of the land into two lots buildings and works associated with stormwater management and site remediation removal of native vegetation 	Approve	Refuse	Refuse
24 Aug. 2021	PA210026	31 Tatman Drive, Altona Meadows	<ul style="list-style-type: none"> construction of four double storey dwellings 	Approve	Refuse	Approve
10 Nov. 2021	PA1944089-1	30 Craig Street, Spotswood	<ul style="list-style-type: none"> amendment of operating hours from 7am-5pm Monday-Friday to 6am-6pm Monday-Saturday use of a vacant building and surrounds for additional storage purposes 	Approve	Approve	N/A

Meeting Date	Application	Address	Proposal	Officer Rec.	DPC Decision	VCAT Outcome
10 Nov. 2021	PA2048400	571-589 Melbourne Road, Spotswood	<ul style="list-style-type: none"> • use and development of the land for the construction of a staged mixed use development including dwellings, shops, supermarket, food and drink premises (including café and bar), restricted recreation facility (gym), residential hotel, childcare centre, office and medical centre, and associated buildings and works • use of part of the land for the sale and consumption of liquor • vegetation removal • partial demolition of and alterations to the existing heritage building • reduction in the bicycle parking requirement • creation and alteration of access to a road in a Road Zone, Category 1 	Refuse	Refuse	Approve
30 Nov. 2021	PA210113	9 Fenfield Street, Altona	<ul style="list-style-type: none"> • construction of two or more dwellings on a lot under clause 32.08-6 (two dwellings) in accordance with the endorsed plans 	Approve	Refuse	Refuse
30 Nov. 2021	PA2048405	1/239 Esplanade, Altona	<ul style="list-style-type: none"> • construction of one dwelling on a lot under clause 32.08-5 (General Residential Zone) • construction of building and carrying out of works under clause 43.02-2 (Design and Development Overlay) • reduction of the statutory car parking provisions of Clause 52.06-5 (waiver of second car space) in accordance with the endorsed plans 	Approve	Refuse	Refuse
29 Mar. 2022	PA210026	31 Tatman Drive, Altona Meadows	<ul style="list-style-type: none"> • construction of four double storey dwellings (VCAT Amended Plans) 	Refuse	Refuse	Approve
21 June 2022	PA210113	9 Fenfield Street, Altona	<ul style="list-style-type: none"> • demolition of the existing dwelling • construction of two dwellings 	Refuse	Refuse	Refuse
26 July 2022	PA2048405	1/239 Esplanade, Altona	<ul style="list-style-type: none"> • construction of one dwelling on common property • construction of a building or to construct or carry out works 	Refuse	Refuse	Refuse

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 DPC provides accountable urban planning by ensuring that planning permit applications with significant community and special interest are heard and decided by Council. This allows members of the community to present their views to Council.

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 b) Significantly uplift processing times and customer service in statutory planning functions while maintaining consistent, strategic and efficient standards

The DPC and related functions are an additional layer of customer service in the statutory planning area. The DPC ensures consistent decision making on planning permit applications of significant community or special interest.

Policies and Related Council Documents

The DPC is required to make decisions in accordance with the Hobsons Bay Planning Scheme and its policies in relation to planning permit applications.

Legal/Statutory Obligations and Risk

Determining planning permit applications is a statutory obligation on Council under the *Planning and Environment Act 1987*. The DPC is required to decide on planning permit applications that have not been delegated to officers to decide.

Financial and Resource Implications

The DPC is a committee delegated to consider planning permit applications. Operational costs associated with the DPC are accommodated through the approved annual budget.

Environmental, Social and Economic Impacts

Environmental, social and economic impacts (if applicable) of each planning permit decision are considered at the time of making the decision.

Consultation and Communication

This report provides information on the outcomes of the DPC meeting to Council. Public consultation occurs on each planning permit application as required by the Hobsons Bay Planning Scheme and the *Planning and Environment Act 1987*.

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.

RoadSafe Westgate Community Road Safety Council

Directorate: Infrastructure and City Services

Councillor Delegate: Cr Antoinette Briffa

Date of Meeting: 21 December 2022

This report provides an update on the regular monthly meeting at the RoadSafe Westgate community road safety group.

Background

The RoadSafe Westgate Community Road Safety Council comprises representatives from Hobsons Bay, Wyndham, Melton and Maribyrnong councils, as well as representatives from Victoria Police, the Department of Transport and Planning, and local residents in the west. The group's aim is to improve road safety in Melbourne's west with a focus on driver education.

The meeting is an opportunity for local councils and the police to share knowledge on road safety, as well as stay informed on road safety training and mobile billboard programs undertaken by RoadSafe Westgate and pass this information on to the Hobsons Bay community.

RoadSafe Westgate update

RoadSafe Westgate provided updates on the mobile billboard program which focused on reducing hoon behaviour over the month of December 2022. This would change to a focus on speed and speeding over January 2023.

Social and print media updates were provided, with the messages in December supporting Victoria Police's Operation Roadwise, which targeted road safety over the holiday period.

Updates were provided for the road safety training programs, including the Fit2Drive program which targets high school students, including both Mount St Joseph Girls' College and Bayside P-12 College in Hobsons Bay. However, due to the impact of COVID-19, no RACV Years Ahead or Senior Driver Expos sessions were planned for the 2022-23 financial year.

Council updates

Officers from Hobsons Bay City Council, Maribyrnong City Council, Melton City Council and Wyndham City Council provided an update on road safety projects, local area traffic management projects and progress on grant projects.

Highlights from the updates include:

- Existing grant programs including the Black Spot road safety grants in each municipality. For Hobsons Bay, the Williamstown North industrial precinct is an area where this grant applies for the implementation of traffic calming to address a history of road crashes resulting in injuries.
- Preparation for the resumption of local schools in 2023 and the need to focus on road safety around these high-risk locations.
- Knowledge sharing on new road safety funding opportunities, including the Safe System Pedestrian Infrastructure Program, which is a new Victorian Government funding opportunity that focuses on improvements to reduce risks to pedestrians.

Police updates

A police representative from the Westgate Highway Patrol provided updates on their operations over November 2022, including number of collisions reported over the four municipalities. Sadly, this included one fatality recorded on a local road in Hobsons Bay.

Updates were also provided on Operation Roadwise, which was planned for January.

10 Notices of Motion

10.1 Notice of Motion No. 1244 - Newport Railway Workshops

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

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

Cr Peter Hemphill has given notice of the following:

That Council seeks an urgent face-to-face meeting with VicTrack, the Department of Transport and Heritage Victoria to:

- 1. Seek an explanation as to why heritage overhead power lines were cut down at the Newport Railway Workshops, which are subject to a heritage overlay.**
- 2. Seek their commitment to heritage at the Newport Railway Workshops.**

VicTrack or the Department of Transport (DoT) cut down the overhead lines in December 2022. There appears not to have been any consultation with Council or heritage rail groups. It is the latest in creeping degradation of heritage at the site. VicTrack and the DoT wanted to demolish the heritage Garden Station on the site, believed to be one of only two in the world for use by workers at a railway manufacturing site. VicTrack or the DoT also recently fenced off heritage buildings at the site for safety reasons but it is not clear as to what they intend to do to preserve them.

11 Urgent Business

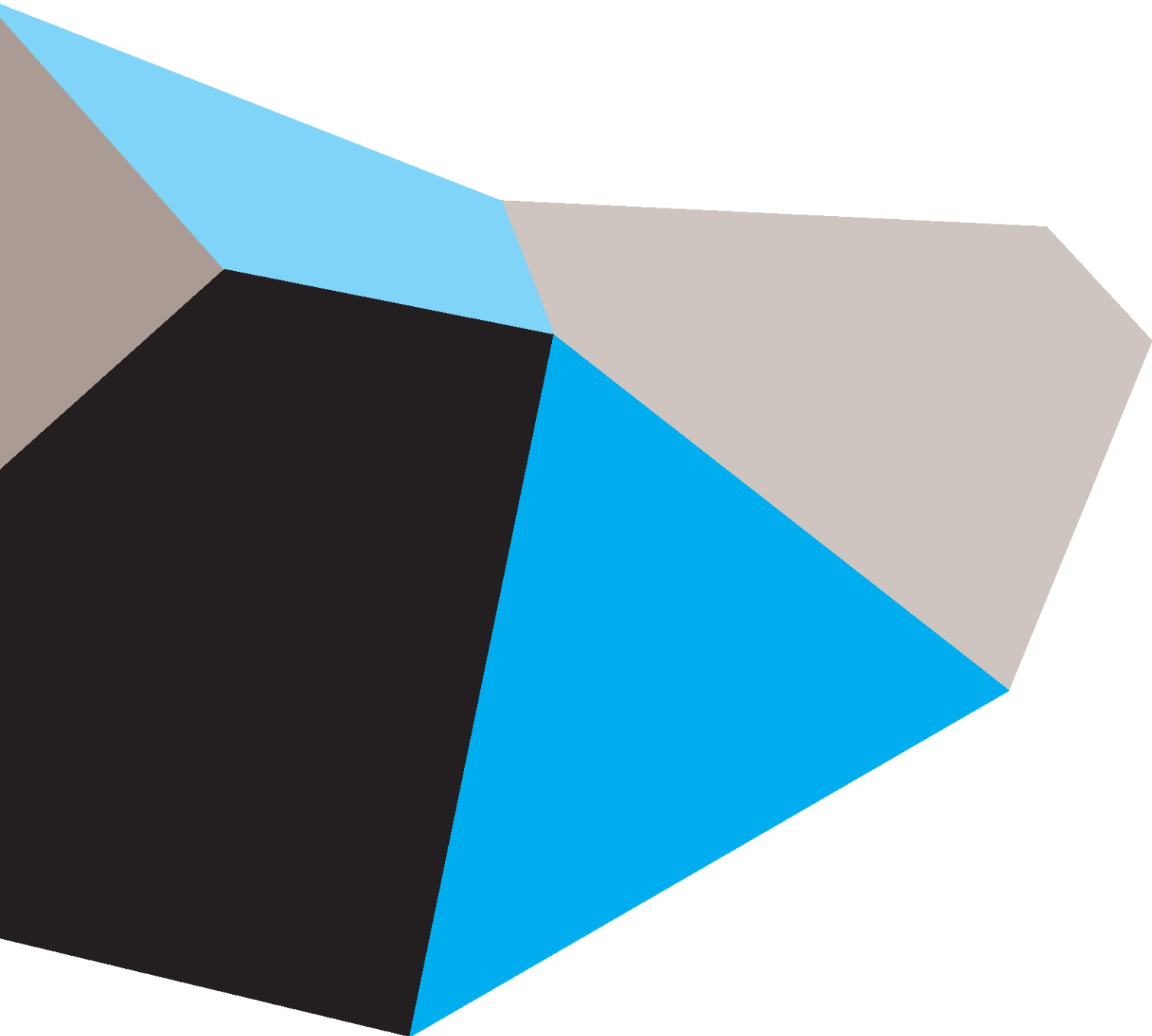
12 Supplementary Public Question Time

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 Close of Meeting



HOBSONS BAY CITY COUNCIL

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