# Ordinary Council Meeting Agenda

Tuesday 14 May 2019 Commencing at 7:00pm

Council Chamber Hobsons Bay Civic Centre 115 Civic Parade, Altona



COUNCIL

#### THE COUNCIL'S MISSION

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

#### **OUR VALUES**

Respectful

Community driven and focused

Trusted and reliable

Efficient and responsible

Bold and innovative

Accountable and transparent

Recognised

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

#### Chairperson:

Cr Jonathon Marsden (Mayor) Strand Ward

#### **Councillors:**

Cr Angela Altair Strand Ward
Cr Peter Hemphill Strand Ward

Cr Tony Briffa Cherry Lake Ward
Cr Sandra Wilson Cherry Lake Ward
Cr Colleen Gates Wetlands Ward
Cr Michael Grech (Deputy Mayor) Wetlands Ward

Aaron van Egmond Chief Executive Officer Hobsons Bay City Council

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#### **AGENDA**

## 1 Council Welcome and Acknowledgement

The Chairperson will welcome members of the gallery and acknowledge the people of the Kulin Nation as the traditional owners of this land.

## 2 Apologies

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

#### 3 Disclosure of Interests

In accordance with sections 77A, 77B, 78 and 79 of the *Local Government Act* 1989 Councillors are required to disclose a "conflict of interest" in a decision if they would receive, or could be reasonably perceived as receiving a direct or indirect financial or non-financial benefit or detriment (other than as a voter, resident or ratepayer) from the decision.

In accordance with section 79B of the *Local Government Act* 1989 Councillors who consider that they have a personal interest that is in conflict with their public duty in relation to a matter may, if they do not have a conflict of interest as described above, apply to Council to be exempted from voting on the matter.

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

#### 4 Minutes Confirmation

## 4.1 Ordinary Council Meeting

Confirmation of the minutes of the Ordinary Council Meeting of the Hobsons Bay City Council held on 9 April 2019 (copy previously circulated).

## 5 Councillors' 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 of the Council meeting

#### 7 Petitions/Joint Letters

## 7.1 Petition/Joint Letter - Request for Pedestrian and Cycling Crossing at Millers Road/Kororoit Creek Road Intersection

**Directorate:** Corporate Services

## **Purpose**

To receive a petition, containing 94 signatories, from residents requesting Council to lobby the State Government and VicRoads to install a crossing for pedestrians and cyclists across all sides of the Millers Road/Kororoit Creek Road intersection.

#### Recommendation

#### **That Council:**

- 1. Receive and note the petition requesting Council to lobby the State Government and VicRoads to create a safe crossing or pedestrians and cyclists across all sides of the Millers Road/Kororoit Creek Road intersection.
- 2. Receive a report on this matter at a future Council Meeting.

## Summary

The petition was received on 26 April 2019.

The petition reads as follows:

"The following residents of the City of Hobsons Bay hereby respectfully petition the Hobsons Bay City Council to directly lobby the state government and VicRoads to create a safe crossing for pedestrians and cyclists across all sides of the Millers Road/Kororoit Creek Road intersection."

## 7.2 Petition - Request to Reconsider Demolition of the Cooraminta Children's Centre

**Directorate:** Infrastructure and City Services

Councillor Portfolio: Not applicable

## **Purpose**

To receive a petition, containing 634 signatories, requesting that Council reconsider the need to demolish the Cooraminta Children's Centre.

#### Recommendation

#### **That Council:**

- 1. Receive and note the petition requesting that Council reconsider the need to demolish the Cooraminta Children's Centre.
- 2. Receive a further report on this matter at a future Council Meeting.

## Summary

The on-line petition coordinated via change.org was received on 10 May 2019.

The petition requests Council to reconsider the need to demolish the Cooraminta Children's Centre, and states "Cooraminta is still a strong thriving service, a great support network to many many children and families in our community, so please read the current plans, leave comments and sign the petition to save a vital part of our community and children's early years education. Surely there is enough room on Comben Reserve for Cooraminta and the new Aquatic Centre."

.

#### 8 Business

#### 8.1 Office of the Chief Executive

## 8.1.1 Establishment of the new LeadWest Special Committee

**Directorate:** Office of the Chief Executive

Councillor Portfolio: Not applicable

**Appendices:** 1 Instrument and Terms of Reference 26 April 2019

#### **Purpose**

To provide the background about the proposed change in the governance arrangements for LeadWest and to recommend that Council establish a new Special Committee under section 86 of the *Local Government Act* 1989, known as "LeadWest Committee".

#### Recommendation

#### **That Council:**

- 1. Establishes a Special Committee called LeadWest Committee (Special Committee) pursuant to section 86 of the *Local Government Act* 1989, commencing operation from 1 July 2019.
- 2. By Instrument of Delegation pursuant to section 86 of the Act, delegates to the Special Committee, the powers, duties and functions relevant to the LeadWest governance arrangements, in accordance with the Instrument of Delegation and Schedule in Attachment 1, effective from 1 July 2019.
- 3. Authorises the affixation of Council's common seal to the Instrument of Delegation.
- 4. Determines that the Instrument of Delegation will:
  - 4.1 come into force on 1 July 2019; and
  - 4.2 remain in force until Council determines to vary or revoke it.
- 5. Adopts the Terms of Reference for the Special Committee as detailed at Attachment 2.
- 6. Appoints as voting members of the Special Committee:
  - one Councillor and their proxy from each of the Cities of Brimbank, Hobsons Bay, Maribyrnong, Melton, Moonee Valley and Wyndham, as nominated by each of those Councils from time to time, provided that a proxy will only be entitled to vote in the absence of the relevant nominated Councillor;
  - the Chief Executive Officer from each of the Cities of Brimbank, Hobsons Bay, Maribyrnong, Melton, Moonee Valley and Wyndham, and the proxy nominated by each Chief Executive Officer from time to time, provided

that a proxy will only be entitled to vote in the absence of the relevant Chief Executive Officer; and

• an Independent Chairperson.

#### 7. Appoints:

- Cr Angela Altair as the Councillor delegate and Cr Michael Grech as the proxy or the delegate and proxy as determined from time to time;
- Council's Chief Executive Officer and the proxy nominated by the Chief Executive Officer from time to time; and
- Mr Jim Williamson, as the inaugural Independent Chairperson,

to the Special Committee established by Council and by each of the Cities of Brimbank, Hobsons Bay, Maribyrnong, Melton and Moonee Valley.

- 8. Exempts all members of the Special Committee other than those nominated by Council as its representatives and the Independent Chairperson from having to submit a primary or an ordinary return.
- 9. Determines that the first Ordinary Meeting of the Special Committee will be held on the first scheduled meeting date of the Special Committee, held on or after 1 July 2019.
- 10. Requires all minutes be presented to Council on the progressive implementation of the Special Committee.

#### Summary

- Proposal to transition LeadWest from a company to a Special Committee
- to establish the LeadWest Committee under the Special Committee provisions all six Councils are required to adopt an identical Instrument of Delegation and Terms of Reference. This effectively enables the Committee to meet as one
- the current objective of LeadWest to remain the same under the new Special Committee arrangements and a new ten year strategic plan and a four year rolling implementation plan to be prepared
- appointments of the voting members to the Committee
- the officer recommendation in this report is designed to implement the necessary
  arrangements for the LeadWest Committee to be established. Each member Council
  must establish a Special Committee under section 86(3) of the Local Government Act
  1989 (the Act) which mirrors the delegations and terms of reference of the other
  members

## **Background**

LeadWest LTD (LeadWest) was established as a company in 2007 as a regional organisation for Melbourne's west. Since this time LeadWest has had a focus on advocacy

for the region and has been a nonpartisan and not-for-profit, membership-based organisation.

The LeadWest Constitution provides that its objective is to foster and undertake actions that will support sustainable growth and development of the region having regard to:

- legislative requirements;
- available resources;
- existing initiatives and programmes;
- economic, social and environmental values; and
- respecting individual difference between communities.

The members of LeadWest has included all six local governments in Melbourne's west (Brimbank, Hobsons Bay, Melton, Maribyrnong, Moonee Valley and Wyndham) companies and other organisations with substantial operations or interests that are based in Melbourne's west.

In late 2018 following consideration of the organisation's priorities the LeadWest Board decided to commence a strategic review process. This process reconfirmed the importance of the continued focus on the existing objective of LeadWest. It was agreed that there was a need for a new governance model that would better provide the required structure for the organisation to fully achieve its objective going forward in a more cost effective and sustainable way.

Following detailed consideration, it was agreed in principle to transition LeadWest from a company to a Council-auspiced section 86 special committee structure, along the lines of the Inner Melbourne Action Plan model used by the cities of Melbourne, Yarra, Port Phillip, Stonnington and Maribyrnong.

The necessary processes to deregister LeadWest as a company has commenced and is expected to be finalised by 30 June 2019. Following this deregistration, the new LeadWest Committee can commence. The new Committees can be established prior to the deregistration process being finalised.

Legislative requirements for Special Committees

Under section 86 of the Act a Council may establish a Special Committee with authority to exercise certain Council powers. The process of delegating a power, duty or function must include a Council formally approving an Instrument of Delegation. Without a formal Instrument of Delegation, a Special Committee may not exercise any Council powers.

The Instrument of Delegation defines what authorities are given to the Committee including setting limits on the amounts of any contracts or expenditure that the committee may approve.

A Council may delegate most matters to a Special Committee however, it is prohibited from delegating the following powers:

- declaring a rate or charge
- borrowing money

- entering into contracts for amounts exceeding the limit set in the Instrument of Delegation
- incurring expenditure beyond the limit set in the Instrument of Delegation
- any prescribed matter under the Act

In addition, the Council cannot allow a Special Committee to delegate any of its responsibilities to others.

The Instrument of Delegation must be reviewed within twelve months of a general election and regular reviews are also recommended for probity reasons.

A Special Committee may include Councillors, Council staff or any other people as members. The membership is a matter for Council to decide. No appointment process is specified in the Act for the appointment of members.

The Council may appoint a chairperson for the committee or if it does not the members must appoint a Chairperson. Conduct of meetings must comply with the Act including the meeting being open to the public. Minutes of the meetings must be kept in accordance with the requirements in the Act.

The restrictions on decision making by a Council during the election period before an election as required by the Act apply to Special Committees.

The Act requires any member of a Committee with delegated powers to comply with the conflict of interest rules. Special Committee members must complete primary and ordinary interest returns although a Council may exempt non-Council member from this requirement. To this end it is proposed that Council exempts all members of the special committee who are not Councillors and officers from Council, except for the Independent Chairperson, from being required to submit a primary return or an ordinary return under section 81(2A) of the Act. This provision will reduce duplication and meet the audit requirements.

#### Discussion

#### 4.1 LeadWest Committee

It is proposed that the purpose of the new LeadWest Committee will be to oversee the preparation and implementation of the LeadWest Committee's Strategic Plan and identified sub projects as adopted and agreed by member Councils. As such the new Special Committee arrangements will, amongst other things, be a confirmation of the importance of regional partnerships and a demonstration of the advantages that such arrangements can bring to make real and lasting positive change for the western region of Melbourne.

One of the first tasks of the Committee will be to lead the development of a new ten year Strategic Plan and a four year rolling implementation plan. The proposed key areas of focus for the Strategic Plan are jobs and skills; transport infrastructure and connectivity; health and wellbeing; and continuing environmental rehabilitation and sustainable development. It is envisaged that the Plan will continue to emphasise the importance of building and maintaining strong partnerships with other levels of Government, the private sector, other regional bodies and stakeholders.

4.2 Instrument of Delegation and Terms of Reference - LeadWest Committee

A draft Instrument of Delegation and Terms of Reference has been prepared to enable the establishment of the LeadWest Committee as at attachment 1 to this report.

The key items to note include:

- a feature of LeadWest since it was established in mid 2000s is the appointment of an Independent Chairperson. This is reflected in the decision to retain this position in the new section 86 Committee arrangements and by this position continuing to be a voting member. This role has several key purposes and is important in delivering the LeadWest agenda including:
  - chairing the LeadWest Committee Meetings
  - lead the preparation of the LeadWest Strategic Plan
  - assist to establish and foster relationships and partnerships with State and Federal Governments, statutory authorities, local businesses, not for profit sector, regional boards and committees and other stakeholders
  - assist the Committee to establish sound governance practices
  - provide leadership to the Committee

the Terms of Reference provide for the Independent Chairperson to be appointed for a term of three years on conditions, including reimbursement of expense or remuneration, as the Committee determines. It is proposed that the Chairperson has a maximum two term appointment. Mr Jim Williamson was appointed as the Chair of LeadWest in 2018 and it is recommended that his appointment as the inaugural Independent Chairperson of the Special Committee be made.

- it is proposed that each Council resolves to appoint a Councillor (and their proxy) and each CEO (and such proxy as nominated by the CEO) to the Committee as voting members. This will mean that there are thirteen voting members (including the Independent Chairperson) which will require a quorum of seven.
- it is proposed that stakeholders can, when needed, attend the Meetings of LeadWest Committee but will not be voting members.
- an Executive Officer will be appointed to undertake a Coordination/Project Management role and provide regular reports to the Committee.
- protocols will be established to support the operations of the Committee including Meeting Procedures and media protocols.

## **Strategic Alignment**

This report specifically addresses the following priorities of the Hobsons Bay 2030 Community Vision:

#### Priority 1: Visionary, vibrant, accountable urban planning

This report specifically addresses the following goals and objectives of the Council Plan 2017-21:

#### Goal 4: A Council of excellence

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

## **Policy and Previous Council Reports**

Not applicable.

## Legal/Statutory Obligations/Risk

The legal framework for the LeadWest Committee structure is pursuant to section 86 of the Act.

## **Financial and Resource Implications**

An aim of the transition to the Special Committee and adoption of a new Strategic Plan for LeadWest is to provide a cost effective funding model for each Council and more focused outcome driven approach which is aligned to agreed regional priorities.

It is estimated that approximately \$400,000 will be available to transfer, once all entitlements and funding commitments have been paid as part of the transition process, from the LeadWest company to the Special Committee. Funds will be allocated by the Committee from the carry forward budget for the development of the new Strategic Plan.

The ongoing budget for the LeadWest Committee will include two components. Firstly, to deliver the projects in the four year implementation plan, recommendations will made to member Councils for consideration in each Council's annual budgeting process. Secondly, the base contribution for the first year is proposed to be a fee of \$40,000, to apply equally to all Councils. This fee will be reviewed by the LeadWest Committee on an annual basis.

Brimbank City Council has agreed in principle to provide corporate support services to the LeadWest Committee. These services will include to employ and provide office accommodation to the Executive Officer on behalf of the Committee and to be the holder Committee's funds. It is proposed that Brimbank City Council will seek reimbursement (at an agreed amount) from the Committee to recognise overheads incurred in supporting the Committee structure.

## **Environmental/Social/Economic Impacts**

Not applicable.

### **Consultation and Communication**

The LeadWest Committee will continue to provide a mechanism for a regional approach to advocacy and the delivery of a ten-year Strategic Plan. The Strategic Plan will be underpinned by a rolling four-year implementation plan which will be delivered by teams from across the six Councils implementing specific projects. This Plan will be prepared following extensive consultation including a focus on engaging Councillors from the member Councils.

## Officer Declaration of Conflict of Interest

Section 80C of the *Local Government Act* 1989 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.

## 8.1.2 Chief Executive Officer - Report on Operations

**Directorate:** Office of the Chief Executive

Councillor Portfolio: Not applicable

**Appendices:** 1 Chief Executive Officer - Report on Operations - April 2019

2 AOC - Planning PAC 27 February 2019

3 AOC - Arts and Culture PAC 28 March 2019

4 AOC - OCM 9 April 20195 AOC - CBS 16 April 2019

## **Purpose**

To provide Council with a regular update from the Chief Executive Officer (CEO) on the recent initiatives, projects and performance undertaken.

#### Recommendation

#### **That Council:**

- 1. Receive and note the Chief Executive Officer's Report on Operations, including details of recent issues and initiatives undertaken by the organisation
- 2. In accordance with section 80A(2) of the *Local Government Act* 1989 incorporate into the minutes of this meeting the written Record of Assembly of Councillors held on 27 February 2019, 28 March 2019, 9 and 16 April 2019.

## **Summary**

The attached CEO's Report on Operations provides councillors and community a regular update from the Chief Executive Officer 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.

## 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 will highlight these activities, initiatives and projects and provide a high-level performance summary.

This report specifically addresses the following priorities of the Hobsons Bay 2030 Community Vision:

Priority 6: An accessible and connected community.

This report specifically addresses the following goals and objectives of the Council Plan 2017-21:

#### Goal 4: A Council of excellence

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

## Officer Declaration of Conflict of Interest

Section 80C of the *Local Government Act* 1989 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 Proposed Abandonment of Change of Name of the Newport Athletics Track

**Directorate:** Corporate Services

Councillor Portfolio: Active and Inclusive Communities - Cr Michael Grech and Cr Peter Hemphill

Appendices: 1 Location Map

## **Purpose**

To advise Council that the proposal for a change of name for the property known as Newport Athletics Track at 120 The Strand Newport, and being part of Lots 1, 2 and 3 on Title volume 10022 Folio 390 be abandoned due to the overwhelming summary of written submissions to Council objecting to the name change. To propose that Council seek alternative naming proposals for the Newport Athletics Track.

#### Recommendation

#### That Council:

- Considers the written submissions made in accordance with the Naming Rules for Places Victoria statutory requirements for Naming Roads, Features and Localities 2016, with respect to the proposed name change for the Newport Athletics Track.
- 2. Abandons the name change due to overwhelming public opposition to the proposal and writes to all submitters of Council's decision not to proceed.
- 3. Seek an alternative naming proposal for the Newport Athletics Track.

## Summary

Council resolved to commence community consultation for a proposed change of name of the Newport Athletics Track to the Peter Norman Athletics Track at the 11 December 2018 Ordinary Council meeting.

Council's Chief Executive Officer, was notified formerly by The Hon Wade Noonan MP at the time of public support and sentiment via his office to pursue a name change for the property known as Newport Athletics Track at 120 The Strand, Newport and being part of Lots 1, 2 and 3 on Title Volume 10022 Folio 390 and shown on the attached plan.

## **Background**

Council at its Ordinary Meeting on 11 December 2018 resolved to commence the consultative process to change the name of the Newport Athletics Track to the Peter Norman Athletics Track to recognise the contribution of Hobsons Bay resident and Olympian Peter Norman to athletics and human rights.

Peter Norman's legacy of Olympic success and civil rights history and perceived public support was a major factor for Council's decision to pursue a name change for the Newport

Athletics Track in his honour. Peter Norman also lived and worked in the Williamstown area and had a connection with the local area.

#### **Discussion**

Council's Chief Executive Officer was notified formerly by The Hon Wade Noonan MP at the time of public support and sentiment via his office to pursue a name change for the property known as Newport Athletics Track at 120 The Strand, Newport.

The increased awareness of Peter Norman's legacy of Olympic glory and civil rights history, that is recognised globally, changed societal perspectives through sport and was a driving factor for Council's recommendation for the proposed name change of the Newport Athletics Track to the Peter Norman Athletics Track.

The Geographical Place Names Act 1998 which came into effect 31 December 1998 gives Council and other naming authorities, the power to decide on names for places such as suburbs, streets and places which are then referred to the Registrar of Geographic Names. The Registrar will check for compliance with standardisation principles and consultation procedures, and register a new or altered place name in the official register.

Media content of the proposal appeared in the Maribyrnong and Hobsons Bay Star Weekly on Wednesday 14 February and members of the public were invited to provide feedback on the proposed new name by close of business, Wednesday 13 March 2019. In addition written notification in the form of a letter was sent to surrounding businesses, Aboriginal Elders, emergency groups, statutory authorities including Parks Victoria and Melbourne Water and other sporting users such schools and sporting groups were also addressed and represented.

In response to the public notice a total of 63 written submissions were received by Council with 16 submitters in support and 47 submitters objecting to the Proposal. The 63 written submissions were received within the statutory timeframe. The submitters have listed the following key reasons to objecting to the Proposal:

- Peter Norman's lack of involvement in the development of the Newport Athletics Track (32 cited)
- 2. Peter Norman's lack of involvement with local athletics clubs (Williamstown Athletics Club, Williamstown Athletic Club) (37 cited)
- 3. Peter Norman has been adequately honoured elsewhere with a statue erected at Lakeside Stadium in Albert Park in Melbourne. (7 cited)
- There are other more appropriate ways for Peter Norman to be honoured locally (7 cited);
  - renaming other local facilities with which Perter Norman had an association
  - Peter Norman's link with Williamstown Technical School where he taught
  - Williamstown Library
  - Williamstown Town Hall
  - Plaque for Peter Norman's contribution

- Renaming the track at Aberfeldie Park Moonee Ponds, in which Peter Norman competed
- 5. Previous proposals to rename the track in honour of local individuals and families have been declined on the basis of Council's policy (15 cited)
- 6. The current name should be retained (7 cited)
- 7. Other individuals more closely associated with the Newport Athletics Track and other athletics clubs are more deserving of such an honour (17 cited);
  - Graeme Morrish QC (7 cited)
  - The Jamieson family (6 cited) in support of; Jim Jamieson (4 cited), Mavis Jamieson (2 cited) David Jamieson (4 cited)
  - Les Perry (3 cited)
  - Allan Gittins (1 cited)

Officers note the following with respect to the key issues raised by the submitters as follows:

- 1. The objectors have advised that Peter Norman was a member of the East Melbourne Athletics Club which is understood to have merged with the Essendon Athletics Club.
- 2. The achievements of Peter Norman had largely gone unrecognised during his lifetime. Council considered that there was sufficient merit in the proposal to rename the Newport Athletics Track as the Peter Norman Athletics Track to put the proposal to public consultation. Added weight to the proposal was received in the form of support from then then Local Member for Parliament, Wade Noonan MP.
- 3. Peter Norman has been honoured with a statue at the Lakeside Stadium at Albert Park but has not been honoured in the municipality that he lived and worked.
- 4. Given Peter Normans's international success and the positive community sentiment received via Wade Noonan MP there was sufficient merit for Council to consider the renaming of the Newport Athletics track for Council to seek public feedback for the proposal.
- 5. "Council's Naming Policy 2011 sets out the need for the place name to be easy to pronounce, spell and write, and the name does not compromise public safety and operational safety for emergency services, or cause confusion for transport, communication, and mail services. In addition, the criteria stipulates that infrastructure names should be the same as their locality to promote local identity and avoid confusion and, subject to agreement from relevant indigenous communities, recognition and use of traditional indigenous names may be considered."
  - It is considered that Council's decision to pursue the proposed change of name to the Peter Norman Athletics Track met and was in keeping with the criteria of Council's Naming Policy.
- 6. The retention of the current name of the Newport Athletics Track is the default position if Council agrees with the proposal not to proceed with the renaming of the Newport Athletics Track to the Peter Norman Athletics Track.

7. The renaming proposal for the Newport Athletics Track has generated much debate as to who should be honoured with a number of local individuals put forward. Council's decision to proceed to consultation was based on Peter Normans Olympic success and to acknowledge his achievements in sport.

## **Strategic Alignment**

This report specifically addresses the following priorities of the Hobsons Bay 2030 Community Vision:

#### Goal 2: A great place

2.2 Celebrate and promote the diversity of our community

## **Policy and Previous Council Reports**

Council's Naming Policy of 2011 provides the guidelines for the naming of Places within the municipality of Hobsons Bay. The naming is consistent with the Victorian Guidelines for Geographic Names.

Council at its Ordinary Meeting on 11 December 2018 resolved to commence the consultative process to change the name of the Newport Athletics Track to the Peter Norman Athletics Track Legal/Statutory Obligations/Risk. A plan showing the location is shown in the appendix.

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

Council is a naming authority under *The Geographic Place Names Act* 1998. Council is required to be guided by the Victorian Guidelines for Geographic place names in the municipal district, with the exception of geographic places of state significance.

The legislative requirements are:

- public notice of the proposal inviting written submissions within six weeks, including notice in a newspaper circulating within the area
- provide opportunity for person who makes written submission to appear before Council or a Council committee to be heard on submissions
- public notice and consultation with Indigenous Groups, Emergency Response Services, Statutory Authorities, and Public Service Providers
- lodgement of proposal with the Registrar of the Office of Geographic Names (OGN)
- gazettal of proposal; once the name is approved by the Registrar for registration, a
  notice will be published in the Victoria Government Gazette notifying registration of
  the name. The gazette notice acts as an official notification for registering in
  VICNAMES.

The implications of this report have been assessed in accordance with the requirements of the Charter for Human Rights and Responsibilities.

## **Financial and Resource Implications**

The costs associated with the proposed name change will be funded from operational budgets including the signage that will carry the approved name.

## **Environmental/Social/Economic Impacts**

There are no environmental, social or economic impacts resulting from the proposal.

#### **Consultation and Communication**

Public notice of the proposal was published in the Maribyrnong and Hobsons Bay Star Weekly on Wednesday 14 February and members of the public were invited to provide feedback on the proposed new name by close of business, Wednesday 13 March 2019. The proposal was also published on Council's website.

In addition written notification in the form of a letter was sent to surrounding businesses, Aboriginal Elders, emergency groups, statutory authorities including Parks Victoria and Melbourne Water and other sporting users such schools and sporting groups were also addressed and represented.

Following publication of the public notice, a total of 63 written submissions were received by Council with 16 submitters in support and 47 submitters objecting to the Proposal. The 63 written submissions were received within the statutory timeframe.

In accordance with the *Geographical Names Act* 1998 which came into effect on 31 December 1998 Council will write to each submitter informing them of Council's decision.

#### Officer Declaration of Conflict of Interest

Section 80C of the *Local Government Act* 1989 requires members of Council staff and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

## 8.2.2 Quarterly Financial Report - March 2019

Directorate: Corporate Services

Councillor Portfolio: Not applicable

**Appendices:** 1 Quarterly Financial Report

2 Capital Works Program

## **Purpose**

To present Council with the financial results for the period ended 31 March 2019, and the revised 2018-19 annual forecast projections following completion of the March forecast review.

#### Recommendation

That Council note the financial report for the period ended 31 March 2019 and endorse the revised 2018-19 annual forecasts.

## Summary

The financial report for the period ended 31 March 2019 and a detailed report on the position of the Capital Works Program are attached as appendices.

The March forecast review has been undertaken in addition to the extensive midyear budget review process. The report will be received and noted by Council's Audit Committee at the meeting to be held on 12 June 2019.

The operational budget surplus for 2018-19 of \$17.011 million has increased to a \$27.305 million forecast.

The increased forecast surplus of \$10.294 million is largely a result of additional income (\$8.143 million) expected to be received throughout the year. The most significant relates to the receipt of additional capital grants (\$5.634 million) and monetary contributions (\$1.528 million). Operational expenditure is forecast to be under budget by \$2.151 million, including projected savings in employee costs (\$1.72 million) and depreciation - non-cash (\$478,000).

The forecast result of the Capital Works Program compared to budget is a deficit of \$243,000 after forecast adjustments and carryovers are taken into account. The deficit has been maintained to a reasonable level despite it including the unbudgeted purchase of a property. (\$644,000).

Despite the increased operational forecast surplus, a balanced financial (rate determination) result continues to be calculated. It is pleasing that this balanced result has been achieved despite \$2.874 million less funding required (compared to the original budget) from the infrastructure reserve for capital works.

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

## **Background**

The overall financial results show improvements when compared to budget. Council's Long Term Financial Plan (LTFP) has been updated and indicates that Council remains in a reasonable financial position and is financially sustainable in the short term.

Whilst the forecasts in 2018-19 predict a strong operational surplus, it should be noted that surpluses are expected to fluctuate in future years of the LTFP, with a declining trend. Despite that, the LTFP predictions are slightly better than when the original budget was adopted by Council.

When compared to previous financial plans, current and projected income has been dramatically reduced as a result of rate capping. There is also limited movement predicted in relation to income funding streams such as contributions, operating grants, user charges and fees. Council needs to address these issues, which in turn impacts Council's ability to maintain critical community assets.

Council will continue to monitor the impact of the financial results in relation to Council's overall financial viability. Current long term financial planning includes future forecasts of rating levels increasing in line with the 2.5 per cent cap that will be applied in 2019-20.

## Strategic Alignment

The Quarterly Financial Report specifically addresses the following goals and objectives of the Council Plan 2017-21:

#### Goal 4: A Council of excellence

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

The interim financial report is also directly aligned to the Council's annual budget, LTFP, strategic resource plan and capital works program.

## **Policy and Previous Council Reports**

Council considers quarterly financial reports at the end of the September, December (midyear budget review), March and June (year-end) financial periods. The quarterly financial report for March 2019 is the third report considered as part of the 2018-19 financial year.

## Legal/Statutory Obligations/Risk

It is good financial practice and a requirement of the *Local Government Act* 1989 (the Act) that Council is presented with regular reports on its financial performance and position during the year.

Section 138 of the Act requires that a set of financial statements be presented to an open Council meeting on a quarterly basis.

## **Financial and Resource Implications**

The operational budget surplus for 2018-19 of \$17.011 million has increased to a forecast surplus of \$27.305 million.

The increased forecast surplus of \$10.294 million is largely a result of additional income (\$8.143 million) expected to be received throughout the year. The most significant relates to

the receipt of additional capital grants that will be used to fund further capital works (\$5.634 million) and monetary contributions (\$1.528 million).

Operational expenditure is forecast to be under budget by \$2.151 million, including projected savings in employee costs (\$1.72 million) and depreciation - non-cash (\$478,000).

Balanced financial results are reflected in the rate determination statement, which is calculated by adding non-operational items such as capital expenditure, loan principal repayments and reserve transfers to the operational result and removing non-cash items such as depreciation. A balanced financial result is forecast to be achieved despite \$2.874 million less funding (compared to the budget) required from the infrastructure reserve to fund capital works.

The summary cash flow statement indicates that Council's cash and investment balance was \$89.779 million as at 31 March 2019. The original budget of \$63.394 million for 30 June 2019 has been increased to \$79.192 million due to the revised forecast. The increased forecast level of cash at year end when compared to the budget (\$15.798 million) is generally a result of:

- capital works to be carried over to next year's program (\$9.239 million)
- income brought forward from the 2019-20 budget (\$4.621 million)

It is important to note that Council's cash reserves are expected to decline significantly over the next few years as a result of Council allocating its infrastructure, recreation, open space and waste reserves towards the capital works program, with a focus on asset renewal.

The working capital ratio (current assets/current liabilities) indicates the amount that Council's short term assets exceed its short term obligations and thus Council's ability to fund its short term operations. This ratio was 336 per cent at 31 March 2019 and is expected to be 293 per cent by the end of 2018-19 compared to the original budget of 217 per cent. The increased ratio is in-line with the increased (actual and predicted) cash reserves. A current ratio over 100 per cent generally indicates a manageable short term financial position. This ratio is also expected to decline significantly in-line with the anticipate decline in cash and investments.

#### **Capital Works Result**

The forecast result of the Capital Works Program compared to budget is a deficit of \$243,000 after forecast adjustments and carryovers are taken into account. The deficit has been maintained to a reasonable level despite it including the unbudgeted purchase of a property (\$644,000).

Capital works expenditure for the period ended 31 March 2019 was \$21.222 million compared to the year to date budget of \$20.955 million. The initial budgeted capital expenditure for 2018-19 of \$44.091 million has been decreased to a forecast of \$39.060 million, mainly due to capital expenditure that will be delayed until the next financial year.

Capital income for the period ended 31 March 2019 was \$6.845 million. The initial budgeted capital income for the 2018-19 financial year of \$1.94 million has increased to a year-end forecast of \$8.04 million, mainly due to income bought forward from the 2019-20 budget (\$4.621 million) and additional unbudgeted income received to fund the capital program (\$1.031 million).

#### **Consultation and Communication**

Council's Audit Committee, at the meeting to be held on 12 June 2019, will receive and note the financial report for the period ended 31 March 2019 and the revised 2018-19 annual budget projections.

## Officer Declaration of Conflict of Interest

Section 80C of the *Local Government Act* 1989 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.

## 8.2.3 Council Plan Progress Report Quarter 3

**Directorate:** Corporate Services **Councillor Portfolio:** Not applicable

**Appendices:** 1 Council Plan Progress Report Quarter 3 2018-19

## **Purpose**

To provide Council with an update on the progress of the Council Plan 2017-21 initiatives and major initiatives (major projects or significant service improvements) included in the budget.

#### Recommendation

That Council notes the progress made on the initiatives and major initiatives of the Council Plan 2017-21 during the third quarter of 2018-19.

## Summary

Quarterly reporting on the progress of the Council Plan 2017-21 initiatives and major initiatives assists Council to ensure progress is on track throughout the financial year. In 2018-19, 11 major initiatives and 26 initiatives were committed to. Overall, at the end of the third quarter 2018-19, 19 per cent (5) of all initiatives were completed, while 42 per cent (11) of all initiatives and 82 per cent (9) of all major initiatives were progressing on schedule to be completed by 30 June 2019.

## **Background**

The Council Plan is developed every four years and reviewed annually in accordance with the legislative requirements of the *Local Government Act* 1989. It is based on a planning framework that aligns the Hobsons Bay 2030 community vision to the planning, development, resource allocation and service provision undertaken by Council for the Hobsons Bay community.

The Council Plan is comprised of four goal areas which include the strategic objectives which describe what Council will do for the period 2017-21. The delivery of each objective is supported by initiatives and major initiatives (major projects, or significant service improvements) identified through the annual budget.

#### **Discussion**

In 2018-19 11 major initiatives and 26 initiatives were committed to in Council's budget. Overall, at the end of the third quarter 2018-19, 42 per cent (11) of all initiatives were progressing on schedule.

Two initiatives were completed this quarter, bringing the total number of completed initiatives in 2018-19 to date to five. The initiatives completed this quarter include finalisation of the design of the Altona Sports Centre Expansion and the review and development of the Advocacy Strategy.

Of the 11 major initiatives, 82 per cent (9) were progressing on schedule, 9 per cent (1) were behind schedule and another 9 per cent (1) were deferred.

## Strategic Alignment

This report specifically addresses the following priorities of the Hobsons Bay 2030 Community Vision:

#### Priority 1: Visionary, vibrant, accountable urban planning

This report specifically addresses the following goals and objectives of the Council Plan 2017-21:

#### Goal 4: A Council of excellence

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

## **Policy and Previous Council Reports**

The Council Plan 2017-21 was adopted at the Ordinary Meeting of Council on 27 June 2017. At the Ordinary Meeting of Council on 26 June 2018, Council adopted its annual budget for the financial year ending 30 June 2019, which included the Council Plan 2017-21 major initiatives and initiatives.

## Legal/Statutory Obligations/Risk

In line with the prescribed Governance and Management checklist as set out in the Local Government (Planning and Reporting) Regulations 2014, Council will consider reports which review the performance of the Council Plan on a quarterly basis.

Council has also developed an internal compliance with legislation checklist to assist managers to ensure that breaches of the various legislation do not occur.

## Financial and Resource Implications

The major initiatives and initiatives committed to are funded through the annual budget.

## **Environmental/Social/Economic Impacts**

The Council Plan 2017-21 consists of four goal areas which aim to address the environmental, social and economic issues affecting the municipality.

#### **Consultation and Communication**

The Community Vision 2030 and the Council Plan 2017-21 were developed through community, stakeholder and Councillor consultation. The major initiatives and initiatives are derived from service planning exercises undertaken by managers and coordinators.

This report will be placed on the Council website to inform the community on the implementation of the Council Plan 2017-21, and overall results will be reported in the Hobsons Bay City Council Annual Report at the end of the financial year.

#### Officer Declaration of Conflict of Interest

Section 80C of the *Local Government Act* 1989 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.

#### 8.2.4 Discontinuance of Road adjoining 45 Epsom Street, Laverton

Directorate: Corporate Services
Councillor Portfolio: Not applicable

**Appendices:** 1 Gazettal Plan

2 Plan of Relocation

## **Purpose**

To approve the discontinuance of the Road adjoining 45 Epsom Street, Laverton.

#### Recommendation

#### **That Council:**

- Notes that, in accordance with sections 82A, 207A and 223, and clause 3 of Schedule 10 of the Local Government Act 1989 (the Act), and the Council resolution dated 19 February 2019, a notice of intention to discontinue the Road adjoining 45 Epsom Street, Laverton (the Road) was published on 6 March 2019.
- 2. Notes that no submission was received in response to the notice of intention to discontinue the Road.
- 3. Having followed all of the required statutory procedures pursuant to the Act and being of the opinion that the Road is no longer reasonably required for public use, resolves to discontinue the Road.
- 4. Directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the Victoria Government Gazette.
- 5. Directs that, once discontinued, the Road be retained by Council.
- 6. Authorise the Chief Executive Officer (or such other Council officer that the Chief Executive Officer appoints for the purpose of giving effect to this resolution) to sign any documents and undertake all other necessary tasks to discontinue the Road, transfer the discontinued Road to Council and consolidate the title to the discontinued Road with any other adjoining land owned by Council.

#### Summary

In a report dated 19 February 2019 Council resolved to commence the statutory process to discontinue the Road adjoining Council's property at 45 Epsom Street, Laverton as shown in the plan at appendix 1.

The public notice was published on 6 March 2019 and closed on 5 April 2019. No submissions were received.

It is proposed to discontinue the Road and vest the discontinued Road in Council pursuant to Section 207B of the Act. The discontinued Road will be amalgamated with the adjoining land which is to be used by Council for affordable housing.

## Background

Council purchased the adjoining property at 45 Epsom Street, Laverton on 31 August 2018. Council has also purchased the former school site at 7-43 Epsom Street, Laverton on 29 September 2014.

The subject Road is part fenced into the properties at 7-43 and 45 Epsom Street and part forms the walkway bounded by the sound-wall bounding the Princes Freeway as shown on the attached plan at Appendix 2.

The subject Road was part of the land acquired by the former County Roads Board (now VicRoads) however the acquisition was unable to be finalised with the solicitors acting on behalf of the estate of the registered proprietor.

The land was declared a Municipal Road in a Government Gazette No 53, 29 June 1977. Council is the coordinating road authority under the *Road Management Act* 2004 (RMA).

#### **Discussion**

The subject Road is partly enclosed within the properties at 7 - 43 and 45 Epsom Street and the balance forms the concrete footpath from Epsom Street to Fitzroy Street. The footpath provides access to the overbridge crossing the Princes Freeway.

The property at 45 Epsom Street, Laverton was purchased to be added to the former school site previously purchased by Council. It is proposed to develop the site as a community park and make provision for affordable housing. These proposals are being considered by Council. The proposed community park will provide improved linkage to the overbridge.

Council has budgeted \$1.085 M in the 2018-19 Capital Works Programme for the design and delivery of the new community park.

It is proposed that the discontinuance of the Road adjoining 45 Epsom Street will provide additional Council freehold land for the area of land to be devoted to affordable housing.

## **Strategic Alignment**

This report specifically addresses the following goals and objectives of the Council Plan 2017-21:

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

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

## **Policy and Previous Council Reports**

This report follows the report to Council of 19 February 2019 where it was resolved that Council would publish a public notice advising of the proposal to discontinue the Road adjoining 45 Epsom Street, Laverton.

The public notice was published on 6 March 2019 and closed on 5 April 2019. No submissions were received.

## Legal/Statutory Obligations/Risk

The statutory process to discontinue the Road were undertaken in accordance with the requirements of the Act.

The implications of this report have been assessed in accordance with the requirements of the Charter for Human Rights and Responsibilities 2006.

## **Financial and Resource Implications**

It is proposed that the discontinued Road will be retained as Council freehold land and amalgamated with the adjoining title. The discontinued Road will form part of the land set aside for affordable housing. No income will be derived from this transaction. The costs of the discontinuance are being borne from Council budgets.

## **Environmental/Social/Economic Impacts**

There are no environmental, social or economic impacts resulting from the proposal

#### Consultation and Communication

Council has publically notified the proposal to discontinue the Road by publishing a public notice under section 223 of the Act. The public notice was published in the Maribyrnong and Hobsons Bay Star Weekly newspaper on 6 March 2019.

The public notice was also published on Council's website.

## Officer Declaration of Conflict of Interest

Section 80C of the *Local Government Act* 1989 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.

#### 8.3 Sustainable Communities

#### 8.3.1 Amendment C113 - Anomalies Amendment

**Directorate:** Sustainable Communities

**Councillor Portfolio:** Planning - Cr Tony Briffa and Cr Michael Grech **Appendices:** 1 Amendment C113 - Exhibited Documents

2 Amendment C113 Authorisation Letter

## **Purpose**

To update Council on the exhibition of Amendment C113 and to recommend its adoption and submission to the Minister for Planning for approval.

#### Recommendation

#### That Council:

- 1. Pursuant to section 29 of the *Planning and Environment Act* 1987 adopt Amendment C113 to the Hobsons Bay Planning Scheme in accordance with the appended documents.
- 2. Request the Minister for Planning to approve Amendment C113 in accordance with section 31 of the *Planning and Environment Act* 1987.
- 3. Note our current approach to managing Anomalies Amendments, and that as part of process Council's process improvement program, specific consideration will be given to streamlining Council's current process.

## **Summary**

Planning Scheme Amendment C113 seeks to correct a number of zoning, overlay and text anomalies in the Hobsons Bay Planning Scheme. The amendment was exhibited for public and stakeholder comment from 17 January 2019 until 1 March 2019. No submissions were received. It is recommended that Council adopt the Amendment without changes and refer it to the Minister for Planning for approval.

## **Background**

Amendment C113 was prepared to correct anomalies that have become evident during the administration of the scheme. Without their removal, the scheme will provide unclear direction that may lead to poor planning outcomes.

The Amendment proposes to correct 36 anomalies affecting land throughout the municipality. The vast majority of changes sought are mapping anomalies which rezone Council land to Public Park and Recreation Zone (PPRZ) from different zones (typically General Residential Zone – GRZ1 and GRZ2) to reflect the underlying use of the land. This will provide a true indication of open space throughout the municipality. It will also assist Council's implementation of the Hobsons Bay Open Space Strategy, which identifies the rezoning of these sites to PPRZ in order to accurately reflect Council's contribution to open space within the municipal area.

At the Ordinary Council Meeting on 12 June 2018 Council resolved to seek authorisation to prepare the Amendment.

#### **Discussion**

On 29 October 2018 the Minister for Planning authorised the preparation and exhibition of Amendment C113 subject to conditions (see appendix 2 for the letter of authorisation). These conditions relate to the:

- revision of two Planning Scheme Maps to accurately reflect the rezoning of land at 14 Caspian Terrace Reserve, Williamstown
- revision of the Explanatory Report to include additional information relating to potentially contaminated land and correction of street addresses of McCormack Park East Reserve and Beverley Anton Reserve
- revision of all ordinance to be consistent with the Ministerial Direction on The Form and Content of Planning Schemes and the latest version in the Hobsons Bay Planning Scheme

Changes to the proposed Amendment were made in accordance to these conditions. It was also noted that one of the proposed corrections was already made as part of recently approved Amendment C109 – Rezoning of 290-298 Millers Road, Altona North. This anomaly was therefore removed from Amendment C113.

The Amendment was exhibited for six weeks from 17 January until 1 March 2019. Notices were placed in the Government Gazette and the Star Weekly; affected land owners were directly notified; and amendment documents were made available at Council offices and Hobsons Bay local libraries.

Given that no submissions were received during the exhibition period it is recommended that Amendment C113 be adopted without changes and submitted to the Minister for Planning for approval. The exhibited amendment documents are at appendix 1.

Amendments correcting anomalies in the Hobsons Bay Planning Scheme are administrative in nature and do not require any strategic justification. As a result these types of amendments receive very little community interest, as demonstrated by no submissions received for Amendment C113. There is an opportunity to explore the delegation powers for these types of amendments in the context of achieving efficiencies. This may be one of a number of streamlining opportunities that is brought to Council for consideration at a later date.

## Strategic alignment

This report specifically addresses the following priorities of the Hobsons Bay 2030 Community Vision:

#### Priority 1: Visionary, vibrant, accountable urban planning.

This report specifically addresses the following goals and objectives of the Council Plan 2017-21:

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

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

## **Policy and Previous Council Reports**

At the Ordinary Council Meeting on 12 June 2018 Council resolved to seek authorisation to prepare the Amendment. This Amendment will ensure the ongoing accuracy of the Hobsons Bay Planning Scheme.

## Legal/Statutory Obligations/Risk

Amendment C113 has been, and will continue to be, processed in accordance with the requirements of the *Planning and Environment Act* 1987.

## **Financial and Resource Implications**

The amendment process was funded through the existing operational budget. There are sufficient funds in the operational budget to progress Amendment C113 to approval stage.

## **Environmental/Social/Economic Impacts**

The environmental impacts of the amendment will be positive by changing the zone of land set aside for recreation purposes to PPRZ.

The social and economic impacts will be positive by clarifying and correcting policy within the scheme.

#### **Consultation and Communication**

The formal exhibition process was conducted in accordance with the requirements of section 19 of the *Planning and Environment Act* 1987. The amendment was exhibited for public and stakeholder comment from 17 January 2019 until 1 March 2019. Notices were placed in the Government Gazette and Star Weekly. Land owners were notified directly and amendment documents were made available at Council offices and libraries.

## Officer Declaration of Conflict of Interest

Section 80C of the *Local Government Act* 1989 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.

## 8.3.2 Response to Petition - Request to Rebuild and Return 16 Oxford Street, Newport to Victorian Arabic Social Services

**Directorate:** Sustainable Communities

Councillor Portfolio: Social Wellbeing and Community Services - Cr Tony Briffa and Cr Colleen

Gates

Appendices: Nil

## **Purpose**

To provide information to Council and respond to the petition received from Victorian Arabic Social Services (VASS), seeking to rebuild a community centre at 16 Oxford Street, Newport, and return the centre to VASS.

#### Recommendation

#### **That Council:**

- 1. Acknowledge the good work that Victorian Arabic Social Services undertake with and for the local and regional Arabic community.
- 2. Confirm Victorian Arabic Social Services continuing operation from Newport Hub and their welcome presence within our municipality.
- 3. Confirm that Council's policy direction deems 16 Oxford Street as unsuitable for the construction of a standalone community centre.
- 4. Write to VASS advising of Council's policy direction, and noting our support for VASS to continue to use existing community infrastructure within the municipality.

### Summary

Council received a petition containing 419 signatures from VASS on 20 November 2018, and acknowledged receipt on 21 November 2018. The petition was tabled at the Ordinary Council Meeting held on 11 December 2018.

The petition reads as follows:

"I, the undersigned, support the Victorian Arabic Social Services (VASS) campaign for the Hobsons Bay City Council to rebuild the community centre at 16 Oxford Street, Newport so VASS can resume delivering its culturally safe and inclusive social services to people, groups and organisations in the City of Hobsons Bay.

The community centre is required for the Arabic speaking communities and the broader community of the Hobsons Bay area. This will enhance the social, cultural, health, wellbeing and education activities and events promoted by VASS and will contribute to the economic and personal growth of the Hobsons Bay community.

Social service activities that were conducted by VASS at 16 Oxford Street Newport for over 20 years were highly successful and had strong support of the people, community

leaders, businesses, organisations, and other groups that VASS collaborated with in the Hobsons Bay community.

The Arabic community also has a strong spiritual connection to the 16 Oxford Street Newport site and wants to return to delivering its high quality social welfare and cultural activities as a purpose-built centre at the site that caters for the socially inclusive and health needs of the whole community.

The dominant language spoken at home, other than English, in Hobsons Bay is Arabic, with 3.4 per cent of the population, or 3,044 people speaking the language at home.

VASS has a state-wide reputation as a social service provider in Victoria and its services are now increasingly being called on by the multicultural community. I urge the Hobsons Bay City Council to rebuild the community centre at 16 Oxford Street Newport."

## Background

#### **Community Petition**

The petition was received and noted at the Ordinary Council Meeting held on 11 December 2018. Council requested a report be prepared by officers regarding the matter.

The community facility at 16 Oxford Street was originally built to house a community managed kindergarten.

- After the kindergarten closed it was occupied by various community playgroups.
- VASS was granted a licence (circa April 2008) to use the space for programming, activities and education opportunities. VASS facilitated a range of programs from 16 Oxford St over a number of years.
- The final three year licence expired in September 2016. VASS continued to deliver programs from the facility, in over hold, until the facility was deemed unfit for occupation.
- The decision to formally close the facility to prepare for demolition was made at an Ordinary Council Meeting on 13 March 2018.
- VASS programs were assisted to relocate into other Council facilities to continue operation. The building was subsequently demolished.

#### **Council consideration of request**

The petition seeks Council's consideration to explore rebuilding a community centre at 16 Oxford Street, and allocate the asset to VASS. Council requested a report be prepared outlining the matter. This is detailed below.

#### Construction of a standalone community centre in Newport

Council's Facility Planning Principles 2008 and Asset Management Plan 2017 identified Council policy priorities in the planning and resourcing of community infrastructure. In these documents, Council:

declares that an integrated formal approach to the management of assets is essential

- commits to make asset investment decisions based on a long term, integrated process informed by strategic plans, asset and service strategies, service plans and asset management plans, where assets will be utilised to their fullest potential to maximise usage and economic performance
- commits to shifting its facility planning to be consistent with Federal and State policy, moving away from delivering services to the community in standalone, single purpose centres towards multipurpose facilities which deliver a range of services
- prioritises the building of community hubs within neighbourhoods of high need or within established activity centres

The proposed construction of a standalone community facility, in a residential area, away from the established Newport activity centre is not consistent with Council policy direction.

### Community need

According to a recent report, Newport West is well-supplied with community infrastructure. The Newport West Community Infrastructure Assessment (CIA) report, commissioned in 2018, investigated community infrastructure needs within Newport West as part of consideration into redeveloping the Woods Street Kindergarten for other community use.

An extract from the Newport West CIA report is provided below.

Current Provision of Community Services and Infrastructure	According to industry benchmarks Newport West is currently oversupplied with community services and infrastructure including:  - four Hobsons Bay City Council owned services and facilities  - fourteen Non-Council services and facilities
Capacity of existing facility to respond to future demand	The existing community services and facilities in the Newport West area have the capacity to respond to the forecast community needs up to 2036

#### Services

VASS is a not-for-profit organisation based in Broadmeadows, with regional presence in Epping, Dandenong and Newport. VASS delivers Programmed Activity Groups (PAG) programs, occasional education programs, social support groups and advocacy on behalf of and with the Arabic community through a range of funded and fee-for-service mechanisms.

The local Arabic community also uses the facilities as places for community to drop in, spaces to connect and to share information. The facilities are also used as places to cook and prepare for festivals and large gatherings.

VASS programming is consistent with 2030 Community Vision and the Council Plan 2017-21 priorities, most notably:

- visionary, vibrant, accountable urban planning
- community wellbeing and inter-connection

Given the alignment and need set out above, VASS and associated community groups should be encouraged to access and deliver programs from community facilities within Hobsons Bay. Increasing VASS presence and visibility within the Newport Hub is a welcomed addition to the fabric of programming within the Hub.

#### **Discussion**

Council's community infrastructure policy direction prioritises multi-use facilities in major activity centres. These centres are able to be flexible, fully activated throughout the year, and accessed by multiple groups for multiple purposes.

Independent recent research regarding the repurposing of other council owned infrastructure found that a new Council-funded community centre is not required nor a priority for Newport. It is well serviced by existing infrastructure. There are no plans for new construction of such a facility in Newport in the 5 year Capital Works Program.

The future use of 16 Oxford Street will be determined at a future date, based on achieving the best possible public value for the Hobsons Bay community into the future.

VASS are currently utilising the Newport Hub, to deliver all the programs they previously delivered at 16 Oxford Street. Council is supportive of VASS growing their presence in Newport, and at Newport Hub in particular where Council officers are supporting their transition. Depending on their evolving infrastructure and service delivery needs, VASS may also choose to explore other options, including libraries, neighbourhood houses, sporting pavilions and other nearby public facilities. They may also wish to explore private options through purchasing lands or buildings, leasing shopfronts or through private agreements in other community infrastructure, such as those owned by religious groups or community agencies.

Based on the above, it is proposed that Council formally respond to the VASS petition with a letter that advises of Council's policy direction, and notes our continued support for VASS to use existing community infrastructure within the municipality.

### **Strategic Alignment**

This report specifically addresses the following priorities of the Hobsons Bay 2030 Community Vision:

- community wellbeing and inter-connection
- proactive enrichment, expansion and conservation of the natural and urban environment

This report specifically addresses the following goals and objectives of the Council Plan 2017-21:

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

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

### **Policy and Previous Council Reports**

This report is supported by Council's Facility Planning Principles (2008 and Asset Management Plan 2017. Council is also drafting a Property Strategy and a Community Services and Infrastructure Plan (CSIP).

# Legal/Statutory Obligations/Risk

No legislative obligations to provide this infrastructure, only to respond to the petition.

### **Financial and Resource Implications**

The construction of a standalone community centre at 16 Oxford Street as requested by VASS petition would have substantial ramifications for Council's budget, including capital and ongoing operational costs (administration, activation and life cycle maintenance).

### **Environmental/Social/Economic Impacts**

Multi-use community infrastructure in major activity centres supports a range of Council priorities, including:

- Economic participation and flow on to local traders, through economic participation by users of the facility.
- Economic for Council if a standalone facility were provided, it may raise expectations
  for other community groups to demand standalone assets. There is much greater value
  delivered from shared facilities which are more fully utilised by many groups over an
  extended period, than by multiple single-use facilities which each incur operating and
  maintenance costs (in addition to the cost of capital).
- Social safety of participants, lighting, access to public transport. Social participation
  integrating community into activity centres furthers intercultural and intergenerational
  community benefits compared with standalone centres that can reinforce difference,
  separation of identity and escalation of misconceptions and fears.
- Environmental investment in energy efficient and environmentally sustainable infrastructure and retrofitting delivers a greater return on investment when the facility is fully utilised. Efficient and effective shared facilities may free up land within the asset portfolio for other uses (including environmental uses).

### **Consultation and Communication**

There has been ongoing consultation and engagement with VASS through the transition to the Newport Hub. There is also an opportunity for VASS to contribute further suggestions to Council through the CSIP exhibition period.

#### Officer Declaration of Conflict of Interest

Section 80C of the *Local Government Act* 1989 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.

# 8.3.3 Newport Structure Plan Adoption

**Directorate:** Sustainable Communities

Councillor Portfolio: Planning - Cr Tony Briffa and Cr Michael GrechAppendices: 1 Newport Structure Plan Flowchart Process

2 Newport Structure Plan

### **Purpose**

To provide an update on the progress of the draft Newport Structure Plan.

#### Recommendation

#### **That Council:**

- 1. Note the progress of the draft Newport Structure Plan.
- 2. Defer consideration of adoption of the Newport Structure Plan until July 2019.
- 3. Note that work on a heritage gap study has commenced.
- 4. Write to all submitters and advise them of Council's decision.

### Summary

At the Ordinary Council Meeting (OCM) on 12 March 2019 Council resolved to defer the consideration of the Newport Structure Plan to the OCM on 14 May 2019 and to commence a Heritage Gap Study for the structure plan area to identify any individual places and precincts that may be of heritage significance. Work on the Heritage Gap Study has commenced with procurement almost finalised. This work is likely to take three to six months and will be finalised prior to Council commencing an amendment to the Hobsons Bay Planning Scheme to implement the structure plan. Since the OCM on 12 March 2019, officers have had a further meeting with residents to work through some remaining concerns from community submissions, and are proposing additional changes to the Structure Plan.

At the OCM on 10 July 2018, Council resolved to exhibit the draft Newport Structure Plan (Structure Plan). The exhibition period ran over seven weeks during July and August 2018. Council received 42 submissions from community members, authorities and stakeholders. The submissions outlined the need to strengthen recommendations to advocate for improved public transport, affordable housing, provide clear direction on development heights and other mapping changes.

### Background

The Newport Local Structure Plan was prepared in 1999, based on the development pressures in Newport and surrounding areas Council instigated a review. Although the overarching strategic directions remain the same, policy changes at the state and local level have occurred and needed to be included in a revised Newport Structure Plan (the Plan).

Substantial background research and work was undertaken to address the gaps in the Plan including economic and market feasibility, access and mobility, urban design guidelines, heritage, social impacts and consultation with community, stakeholders and authorities.

In 2015, a review of the Plan was delayed as clarity was sought from the Victorian Government about how new development abutting pipelines and Major Hazard Facilities (MHF) should be considered within the structure plan. In response to advocacy campaigns, an MHF Advisory Committee was established in early 2015. Following targeted consultation, a discussion paper attracting submissions and a hearing, a report was released on 17 March 2017 with the Government response released in January 2018. The report suggested that a new overlay should be applied around MHFs restricting development and that further research is required into land use planning around pipelines. This is particularly critical for Newport and the development of the structure plan, as several planning decisions for higher density housing or sensitive uses have been overturned by the Victorian Civil and Administrative Tribunal (VCAT) because of their proximity to MHFs. Other parts of Newport within proximity to pipelines have restrictions associated with building near or over pipelines. New planning tools have been partially implemented with a new State policy and Ministerial Direction requiring all amendments and permit applications within proximity to MHFs to be forwarded to WorkSafe. More specific changes are expected to be implemented by the Victorian Government soon.

### **Discussion**

The Plan sets out strategic directions based on a vision and five key themes: identity; land use and activity; built form and heritage; public realm and open space; and access and movement. These themes are derived from the vision, which was informed by community engagement in 2014, and provide direction for objectives, strategies and actions to ensure the implementation of the Structure Plan, through the planning policy framework and public works, achieve community aspirations.

Key directions in the Plan include:

- create defined gateways and entries into the activity centre
- retain and draw on local heritage for new built form, adaptive re-use and redevelopment
- encourage economic activity and strengthen Newport's role as a vibrant activity centre, with an emphasis on culture, food, retail and convenient living
- support development at key sites for future mixed use development, subject to detailed feasibility and planning
- provide policy direction on zoning, building heights, design responses (such as setbacks) and activation across the activity centre
- strengthen the role of Paine Reserve as the "green heart" of Newport and recommend improvements to public realm within the centre
- support and encourage sustainable modes of travel within and around the centre
- improve linkages between the train station and bus terminal and key surrounding facilities or open spaces

The Draft Newport Structure Plan was placed on public exhibition between July and August 2018. The key issues raised by submitters are outlined below:

- bringing the timing of an action to undertake a heritage study forward
- increase in heights and density

- overshadowing, setback and other amenity issues
- lack of car parking in the activity centre
- concerns were raised regarding the redevelopment of the at-grade car park at the rear of Paine Reserve
- the future of the bowling club, RSL and scout hall
- concerns about pedestrian and cyclist safety, with a strong focus on improving access to public transport
- lack of green spaces and trees in Newport. Some members of the community were concerned about house prices in Newport
- drainage capacity
- development around pipelines
- concerns around the implementation of the Structure Plan following adoption.

Since the OCM on 12 March 2019, work on the Heritage Gap Study has commenced, with procurement almost finalised. This action will be completed prior to progressing the formal planning scheme amendment to implement the Newport Structure Plan into the planning scheme. It is noted that should the Heritage Gap Study identify further sites for heritage protection, it may not necessarily lead to any change to the application of the Neighbourhood Residential Zone.

Following the OCM of 12 March 2019 officers met with residents to further understand their concerns in relation to the car park to the south of Paine Reserve. In response, officers are working through further changes to the Structure Plan to make it clear that the redevelopment of the carpark will be subject to a detailed feasibility study considering potential retail/ commercial development and a green link between Paine Reserve and Bryan Martyn Oval. The precise wording and detail of the changes in the Structure Plan are yet to be finalised

At the 12 March 2019 OCM, Council also received a petition requesting a review and rezoning of properties in Newport. Council officers are in the process of responding to the concerns raised in the petition, which relates to the New Residential Zones for the municipality. The lead petitioner will be informed of the date the petition will be considered by Council.

# Strategic Alignment

This report specifically addresses the following priorities of the Hobsons Bay 2030 Community Vision:

### Priority 1: Visionary, vibrant, accountable urban planning

This report specifically addresses the following goals and objectives of the Council Plan 2017-21:

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

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

### **Policy and Previous Council Reports**

Council was updated on community consultation findings at the Ordinary Council Meeting on 16 December 2014.

Council considered the Plan at the Ordinary Council Meeting on 10 July 2018 and resolved to undertake community consultation.

At the Ordinary Council Meeting on 13 November 2018, Council acknowledged all submissions and sought a further report to consider next steps.

At the Ordinary Council Meeting on 11 December 2018, Council considered all submissions received and recommended changes to the Draft Newport Structure Plan.

At the Ordinary Council Meeting on 12 March 2019, Council resolved to defer consideration of the Newport Structure Plan to the 14 May Ordinary Council Meeting.

The Plan aligns with state policy direction set out in Plan Melbourne, Victorian Urban Design Guidelines, Better Apartment Design Standards, new residential zones and Victoria's 30-year Infrastructure Strategy.

At a local level, the Plan aligns with the draft Housing Strategy, draft Neighbourhood Character Study and draft Activity Centres Strategy. Recommendations of the Industrial Land Management Strategy 2008 and Guidelines for Infill Development in Heritage Areas 2006 have also been considered in the preparation of the Plan.

# Legal/Statutory Obligations/Risk

The Structure Plan was prepared in accordance with the *Planning and Environment Act* 1987 and was guided by the Department of Environment, Land, Water and Planning Practice Note 58: Structure Planning for Activity Centres and Practice Note 60: Height and Setback Controls for Activity Centres. The practice notes set out reasons for structure planning in activity centres, the policy context, and possible inputs and outputs of the process.

# Financial and Resource Implications

The preparation and exhibition of the Structure Plan was funded within the existing operational budget. The delivery of the Plan will require funding through the Strategic Planning operational budget and the Capital Works budget. The Structure Plan identifies immediate (0-2 years), short term (2-5 years), medium term (5-10 years) and long term (10-15 years) actions for Newport including public works and planning scheme measures. The total cost for implementing the short term actions over the next five years is approximately \$4.87 million. This cost will be covered partly by capital works budget and development contributions from larger development sites. Where opportunities for grant income become available applications will be made to offset the costs.

# **Environmental/Social/Economic Impacts**

The Structure Plan has taken into account a range of environmental, social and economic issues. It aims to encourage environmental principles and environmentally sustainable design in future development as well as promote sustainable travel choices.

It sets out recommendations for housing, business mix, economic and retail requirements for Newport to ensure a viable and economically sustainable future.

#### **Consultation and Communication**

Consultation was undertaken throughout the preparation process including at the outset in 2014 and during the Draft Newport Structure Plan review in 2018. Consultation included a range of measures to engage, inform and seek feedback from the community, stakeholders and relevant authorities. On several occasions, Council officers met with submitters to clarify issues raised including two meetings after the consultation period in November and December 2018. Council officers wrote to all submitters informing them of when submissions were considered by Council and will do so again informing them of the outcome of this meeting. Following on from the OCM 12 March 2019 officers met with residents on 10 April 2019 to further discuss concerns in relation to the structure plan.

Following Council adoption of the Structure Plan, the preparation and formal exhibition, including community consultation, of a planning scheme amendment will occur within the requirements of the *Planning and Environment Act* 1987. The amendment will implement the land use planning actions within the final Structure Plan. The Structure Plan process can be found at appendix 1.

#### Officer Declaration of Conflict of Interest

Section 80C of the *Local Government Act* 1989 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.

### 8.3.4 Experience Hobsons Bay Tourism Strategy

**Directorate:** Sustainable Communities

Councillor Portfolio: Arts, Culture and Tourism - Cr Angela Altair and Cr Colleen Gates

**Appendices:** 1 Experience Hobsons Bay Tourism Strategy 2019-24

2 Experience Hobsons Bay Tourism Strategy 2019-24 Action Plan 2019-20

Year One

### **Purpose**

To summarise feedback from the Draft Experience Hobsons Bay Tourism Strategy 2019-24 public exhibition period and recommend that Council note the submissions received and endorse the final strategy and associated actions.

#### Recommendation

#### That Council:

- 1. Note the submissions received to the Draft Experience Hobsons Bay Tourism Strategy 2019-24 and first year Action Plan and proposed response.
- 2. Endorse the Experience Hobsons Bay Tourism Strategy 2019-24 and first year Action Plan, giving consideration to changes made in response to feedback.
- 3. Write to the submitters, thanking them for their feedback.

# Summary

The Experience Hobsons Bay Tourism Strategy (the Strategy) outlines the key themes and objectives that will guide Council's work in supporting the sustainable growth of the local visitor economy. The Strategy follows four themes, Recognising the Visitor Economy; Rich Experiences; City Image and Presentation; Leadership and is supported by an annual action plan.

Following Council's review, the Strategy was placed on public exhibition for six weeks from 22 February to 5 April 2019. Submissions received have been either incorporated into the Strategy or noted for inclusion in action plans, and in some cases will be referred to other Council work as well. The Strategy is now ready for Council endorsement.

# **Background**

Council endorsed the preparation of an updated Hobsons Bay Tourism Strategy, following on from the Hobsons Bay Sustainable Tourism Strategy 2006 and as an action of the Hobsons Bay Economic Development Strategy 2015-20.

Tourism is important to Hobsons Bay, as a local economic driver, and through its contribution towards improving the vibrancy, liveability and prosperity of the city by supporting local services, building pride in the city and preserving and improving amenity and local character.

The Strategy was developed in consultation with local tourism and business operators, and following Council's endorsement was placed on public exhibition for six weeks from 22 February to 5 April 2019.

Council received 10 submissions. Of the ten who submitted through Council's Participate portal, nine rated that they were excited or satisfied with the Strategy. Additional feedback was sought from members of the Arts, Culture and Tourism Portfolio Advisory Committee (PAC) prior to the tourism strategy being released for public consultation. This feedback has also been considered and included. All submissions included information and suggestions that will be of value to a healthy visitor economy.

### **Discussion**

#### Strategy exhibition and submissions

Opportunities to provide feedback to the Experience Hobsons Bay Tourism Strategy were promoted across Council's communication channels, at key venues and facilities and at relevant Council events. Links to the Strategy on the Hobsons Bay Participate portal were promoted, shared publicly on social media, included in Hobsons Bay Business Works enewsletter. The Strategy was emailed directly to operators who had contributed to its development and promoted at the Hobsons Bay Business Breakfast. A media release led to a feature article in The Star Weekly including a photograph featuring Melbourne's Seaplanes.

A total of 11 submissions were received including from businesses and residents with feedback also sought and received from the Hobsons Bay Arts, Culture and Tourism Portfolio Advisory Committee. The feedback received from the submissions was positive and included relevant suggestions for how Council can further improve the visitor experience in Hobsons Bay.

Some submissions reinforced the value of experiences and assets, including arts and culture in cultural tourism related to Altona, and the boating and maritime industry led by the sailing and boating clubs along the Williamstown waterfront. Several raised the importance of high standards of city image and presentation, from beachfront cleansing to wayfinding. Advocacy for increased public transport, ways to link attractions, and the importance of bringing operators together to coordinate resources and actions were also noted.

A number of recommendations including ways to further develop and market itineraries and destinations, digital storytelling, visitor materials will be supported in the Strategy action plans. Limitations of data capture, outside of macro state trends, anecdotal evidence from operators and visitors through the Hobsons Bay Visitor Information Centre, was raised as an issue, and being able to better analyse the impact of events and activities is planned to be addressed in the first year. Recommended additions to the attractions list and map have been incorporated into the Strategy.

# Strategic Alignment

This report specifically addresses the following priorities of the Hobsons Bay 2030 Community Vision:

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

This report specifically addresses the following goals and objectives of the Council Plan 2017-21:

#### Goal 2: A great place

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

The development of the Strategy is an action of the Hobsons Bay Economic Development Strategy 2015-20. This Strategy aligns with other Council policies and plans including,

Creative City Arts and Culture Plan 2018-22, Events and Festivals Plan 2016-21, Open Space Strategy 2018-28 and the Integrated Transport Strategy 2017-20.

### **Policy and Previous Council Reports**

The draft Experience Hobsons Bay Tourism Strategy was considered by Council at the Briefing Session on 30 October 2018. Feedback received from Councillors was then included in the draft Experience Hobsons Bay Tourism Strategy 2019-24, which was endorsed to be placed on public exhibition at the Ordinary Council Meeting on 19 February 2019.

### Legal/Statutory Obligations/Risk

There are no legal or statutory obligations or risks associated with the development of a new tourism strategy.

### **Financial and Resource Implications**

To minimise the financial impact, setting achievable goals, delivering innovative programs and establishing partnerships with local and regional partners is a key consideration. Most of the work will be planned and implemented within the scope or reallocation of existing and relevant budgets and resources. Where the Strategy supports actions for Council's consideration that may require additional funding in future years including capital or infrastructure investment, these will be identified and referred to future budget plans.

### **Environmental/Social/Economic Impacts**

The Strategy will assist in identifying opportunities for sustainable, local economic and socio-economic development, supported by the four themes of Recognising the Visitor Economy, Rich Experiences, City Image and Presentation and Leadership. It will provide an additional framework for advocacy for the city and its visitor economy, and help ensure that the economic potential of Hobsons Bay is realised through the development of its tourism sector.

#### **Consultation and Communication**

A comprehensive engagement plan was undertaken in the development of the Strategy, to capture input across the sector, including local tourism industry forums with 42 people participating, representing 36 organisations; a session with Hobsons Bay Visitor Information Centre volunteers with 40 people in attendance, and an internal forum with 24 people in attendance representing seven departments of Council. This consultation influenced the direction of the Strategy. The draft Strategy was sent to all participants and to local tourism operators. The Strategy was placed on public exhibition from 22 February to 5 April 2019, during which time it was actively promoted across several communication channels and facilities.

#### Officer Declaration of Conflict of Interest

Section 80C of the *Local Government Act* 1989 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.

### 8.4 Infrastructure and City Services

# 8.4.1 Contract No. 2015.132 Extension of Contract for Active Tree Services (ATS)

**Directorate:** Infrastructure and City Services

Councillor Portfolio: Environmental Sustainability - Cr Jonathon Marsden and Cr Sandra Wilson

Appendices: Nil

### **Purpose**

To outline the options available to Council to continue to provide tree maintenance services across the municipality. In particular to recommend that a 12 month extension be provided to Councils current tree maintenance contractor Active Tree Services (ATS).

#### Recommendation

That Council approve the 12 month contract extension to Active Tree Services under Contract No. 2015.132 for Street Tree Maintenance for a lump sum fee of \$586,000 (GST exclusive) and a provisional reactive maintenance allocation of \$400,000 (GST exclusive).

### Summary

Hobsons Bay has over 40,000 street trees across the municipality requiring specialist arboriculture and risk management works. Our community feels strongly about trees and expects our street trees to be maintained at a high standard whilst managing the risks associated with mature trees in the urban environment.

One of the key services provided in this contract includes implementing the cyclic street tree maintenance program which includes the following services:

- ensuring trees are compliant to Energy Safe Victoria Regulations regarding vegetation clearance around powerlines
- proactive inspections of all street trees on a neighbourhood by neighbourhood basis covering all areas of Hobsons Bay every two years for condition and defects. This information is captured by our contractor and updated in Council's asset management system
- deliver pruning maintenance specifications which include footpath clearance (2.5 metres), road clearance (5 metres) and removal of dead and diseased wood in trees

Our reactive tree service is mainly used for customer service requests made by the community in regard to further tree pruning that is not covered in the cyclic program such as property clearance and canopy reduction pruning. Our reactive tree service is also used to cover cost for removal of trees that have been identified as dead, dying, diseased or high risk and for emergency call out works.

Active Tree Services (ATS) is currently at the end of its initial three and a half year contract. The contract has two x one year contract extension options that are exercisable at Council's discretion.

To ensure the continued management of the street trees across the municipality over the next twelve months it is recommended to award the first available contract extension option of twelve months from 1 July 2019 to Active Tree Services to ensure Council meets our legislated tree maintenance obligations, reduce the risks associated with trees as well as expectations of the community.

### Background

On 18 November 2015 Council awarded a three year and a half year contract to Active Tree Services based on a fixed lump sum price for cyclic of \$ 1,768,456.03(GST exclusive) plus an estimated reactive lump sum of \$1,338,591.45. The initial three years and six month contract began on 1 January 2016 with the option of two x one year contract extension options available.

During the tender process Active Trees Services overall price submission was \$700,000 less than the next competitor. They also scored very well in all other aspects of the tender evaluation at the time.

The street tree maintenance service is governed by legislation, specifically clearance of powerlines, footpaths and roads. Throughout the contract term Active Tree Services have demonstrated their experience, capability and capacity to provide this essential service.

### **Discussion**

Active Tree Services are the incumbent contractor, the three and a half year contract term expires on 30 June 2019. There is a contract provision for two x one year contract extensions that are exercisable entirely at the discretion of Council. The first of the two available 12 month extensions would take the contract through to 30 June 2020.

In the period from January 2018 to January 2019, Council tree officers assigned approximately 1,000 arboriculture reactive tasks to ATS. Of these tasks 50 per cent were customer service requests and the remaining 50 per cent were a result of proactive inspections. During this period ATS consistently delivering over 88 per cent completion within allocated timeframes.

Any issues relating to performance of this contract have been discussed and resolved in a professional matter with minimal service disruption.

# **Strategic Alignment**

This report specifically addresses the following priorities of the Hobsons Bay 2030 Community Vision:

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

This report specifically addresses the following goals and objectives of the Council Plan 2017-21:

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

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

This report specifically addresses the Council's obligation to implement the **Hobsons Bay City Council Electric Line Clearance Management Plan 2019-2020** in line with the Electricity Safety (Electric Line Clearance) Regulations 2015.

This report specifically addresses the following objectives of the Hobsons Bay City Council Street Tree Policy:

### Council Street Tree Policy Adopted 2010

Maintenance: All street trees will be inspected and maintenance requirements determined on a maximum of a two year cycle. Additional monitoring and maintenance cycles dependent upon tree condition data will be carried out.

Removal: Street trees will only be removed in accordance with the Street Tree Asset Management Plan, if the tree is dead or dying or hazardous, or if the tree is likely to be seriously damaged or likely to become hazardous as a result of other approved infrastructure works.

### **Policy and Previous Council Reports**

A Council Report was previously provided to recommend the awarding of the initial contract term to ATS in November 2015.

# Legal/Statutory Obligations/Risk

Council has an obligation to implement the Hobsons Bay City Council Electric Line Clearance Management Plan 2019-2020 in line with the Electricity Safety (Electric Line Clearance) Regulations 2015.

Council is required to maintain trees in a safe and appropriate manner, failure to appropriately maintain these trees could cause significant a risk to life and property.

# **Financial and Resource Implications**

The extension price for the service is a lump sum payment of \$586,000 (GST exclusive) for cyclic street tree maintenance services and an estimated sum \$400,000 (GST exclusive) for reactive works based on the contractor's schedule of rates.

# **Environmental/Social/Economic Impacts**

The street tree asset is the most significant green infrastructure in the city mitigating climate change, reducing heat island effect through the provision of shade, improved air quality and reduced storm water runoff, habitat and mitigating of the urban heat island effect. This service ensures these assets as sustainable and managed at an acceptable level of risk.

Various research has shown that the presence of well-maintained trees in a community increases the value of the homes in that community as well as promoting greater physical activity, and reduces stress, while improving the quality of life in a municipality.

Maintaining our street trees in a safe and appropriate manner is clearly a high priority for Council. Failure to appropriately maintain these trees could cause significant a risk to life and property.

### **Consultation and Communication**

There is no change to the service proposed for the next twelve months.

### Officer Declaration of Conflict of Interest

Section 80C of the *Local Government Act* 1989 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.

### 8.4.2 West Gate Tunnel Update Report

**Directorate:** Infrastructure and City Services

Councillor Portfolio: Integrated Transport - Cr Jonathon Marsden and Cr Sandra Wilson

Appendices: Nil

### **Purpose**

To provide Council with a current status report on the West Gate Tunnel Project (the Project) and associated initiatives and advocacy activities.

### Recommendation

#### **That Council:**

- 1. Note the current status of the West Gate Tunnel Project.
- 2. Approve the Chief Executive Officer to negotiate the final settlement of claims for compensation (inclusive of valuation and legal fees) with the West Gate Tunnel Authority for property acquired from the Council for the Project.

### Summary

The purpose of this report is to provide Council with an update on the current status of the Project across a range of aspects in accordance with the governance and decision making framework including property impacts and transactions. The status of Council's committed advocacy activities that specifically relate to the Project, the Sports and Open Space Enhancement Package and the Hobsons Bay Transport Study are also included within this report.

Construction works are well advanced on the Project. The CPB Contractors and John Holland Joint Venture (JV) and West Gate Tunnel Authority (WGTA) continue to seek Council input to specific project design, community outcomes and approval to access Council land and infrastructure.

### **Background**

Council has received a number of reports on the development and planning process associated with the Project and as it progresses through the construction phase regular status reports continue to be provided to Council. This report provides an update on current Project activities, items submitted by the WGTA/JV for Council approval, Council advocacy activities, governance arrangements including communications and engagement and capital works to be undertaken by Council as a result of the Project.

#### **Discussion**

The following outlines current Project related activities.

#### **Construction Activity**

Current construction activity being undertaken by the JV in the western section is focused in the areas highlighted on Figure 1 and as outlined below:

- Works to widen the West Gate Freeway (WGF) between Chambers Road and Grieve Parade and new noise walls
- 66KV powerline relocations along southern edge of freeway now working in Paringa Road
- 66KV power line relocation works north of the freeway for the Kororoit Creek bridge widening works
- Construction of retaining walls, bridge structural works including excavations and piling at various locations
- Buchanan Road and nearby Reserve, Brooklyn replacing 220kV tower with a monopole
- West Gate Freeway (outbound) between Williamstown Road and The Avenue installation of noise walls
- Williamstown Road bridge structure widening and traffic lane switchs, adjusting the alignment of the freeway to allow preparation for the inbound tunnel entry
- Assembly of the Tunnel Boring Machines (TBMs) for commencement in June.

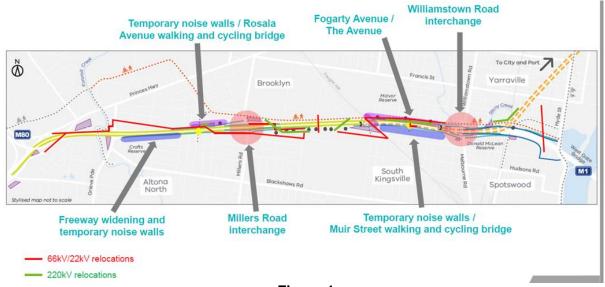


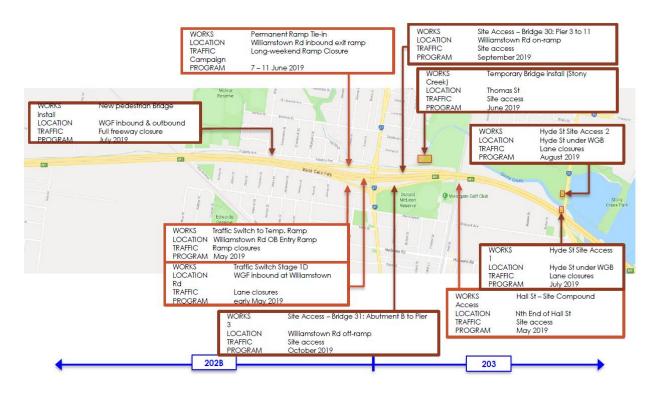
Figure 1

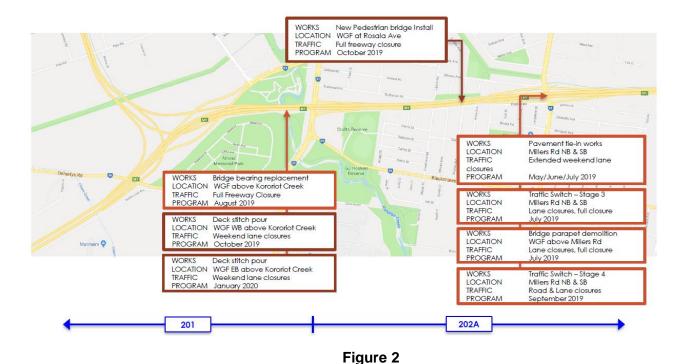
Further details are available at: http://westgatetunnelproject.vic.gov.au/constructionupdates/

### **Construction Traffic Impacts**

Some night time and freeway ramp closures have been programmed for May and June 2019 with detailed Traffic Management and Communications Plans to be implemented in the lead up to the closures. Figure 2 below highlights the current and upcoming traffic impacts and work locations between Hyde Street and the M80.

For the latest updates and detour route information refer to: www.westgatetunnelproject.vic.gov.au/traveldisruptions





### **Land Acquisition**

WGTA is acquiring small sections of Council land along the project corridor to facilitate the freeway widening:

 Primula Avenue, Brooklyn - small area of road reserve (40 sqm) to be discontinued for noise wall establishment

- Part of Lynch Road Reserve for power poles and service requirements
- WLJ Crofts Reserve, Altona North (minimal area on the north boundary for the purposes
  of noise wall establishment) valuation review completed and WGTA has agreed to
  Council's full claim as compensation (inclusive of valuation and legal fees to date) for the
  property divested from the Council by way of Order published in the Government Gazette
  on 20 March 2018.

Other small parcels acquired for the Project will be assessed for compensation by WGTA as Council valuations are completed. To expedite the settlement process it is proposed that that CEO be delegated approval to finalise the Council property settlement claims.

#### **Council Advocacy**

Throughout the design and now construction stages, officers have where possible negotiated outcomes and improvements consistent with the adopted Council position to optimise beneficial community outcomes. An example is the JV now agreeing, subject to the WGTA approval, to construct the 220m section of the Kororoit Creek Trail (between the recently completed Stage 2 section constructed by Council and the start of the Stage 1 Project section at Grieve Parade).

A Memorandum of Understanding has been established between Council and the Authority to reflect the organisational roles and responsibilities and to support the ongoing resources from the State Government to support Officers in project delivery for the term of the Project.

### **Sports and Open Space Enhancement Package**

This Package was endorsed at the 13 February 2018 Ordinary Council Meeting and is supported by the state government through a \$5M contribution and \$2.86M Council contribution. The status of the Enhancement Package is as follows:

Item	Status
Duane Reserve, Brooklyn - improvements and lighting upgrade	Submissions recently received through the community consultation process are currently being reviewed and collated. Concept plans will be available for community comment in May.
Brooklyn Reserve improvements	
Rowan Avenue Reserve, Brooklyn improvements	Target completion date of works December 2019.
WLJ Crofts Reserve, Altona North Master Plan and Works	Architect, Clarke Hopkins Clarke has prepared a concept Improvement Plan for both Crofts and Donald McLean Reserves together with concept pavilion designs following consultation with tenant clubs. Community consultation will occur in May with drop-in sessions proposed on 6 and 8 May 2019.  Target completion date of works December 2020.
Donald McLean Reserve, Spotswood Master Plan Review and Works	Refer above.

Target completion date of works June 2020.

The Plans will include all infrastructure elements within these Reserves and provide detailed designs for the respective pavilions. The WGTA are engaged in this planning process to ensure impacts as a result of the West Gate Tunnel Project are factored into the designs and consideration given to construction timelines.

### **Hobsons Bay Transport Planning Study**

Council has commenced, with Transport for Victoria (TfV) the development of an Integrated Transport Plan for Hobsons Bay to be funded by state government. A technical scope for the development of this Plan, a Communications and Engagement Plan and the governance details have now been finalised by the Project Steering Committee. The project consultant has now been appointed.

The Study, to be completed by early-mid 2020, will consist of three key deliverables:

- 1. An evidence based transport study to be used as a working document
- 2. An implementation plan with mutually agreed interventions to be identified by the study, and projects to proceed for endorsement by government
- 3. An advocacy document for HBCC which will include items that may not align with current state government policy.

#### Transport Corridor Study (Williamstown Road and Millers Road)

The Transport Corridor Study is led by VicRoads to identify and address key transport issues and impacts in the Williamstown Road and Millers Road corridors resulting from the West Gate Tunnel project, particularly the proposed increase in truck traffic.

A Working Group has been established and has met four times. Membership includes Hobsons Bay City Council, Maribyrnong City Council, Don't Destroy Millers Road, Brooklyn Residents Action Group, Friends of Lower Kororoit Creek, Maribyrnong Truck Action Group, Save Williamstown, Williamstown Crossing Group, Victorian Transport Association, Bicycle Network Victoria and Hobsons Bay Bicycle Users Group.

The last meeting was held on 27 March 2019 with a discussion on the 16 shortlisted options from the 58 identified actions by the Group. Public consultation on the selected options is to occur in the near future.

Further information on the Study can be found at:

https://www.vicroads.vic.gov.au/newsmedia/2018/changing-traffic-movement-through-melbournes-growing-innerwest

Email: mnw.communications@roads.vic.gov.au

#### **Community Liaison Group**

The next CLG meeting will be held on 17 April 2019 with the agenda including an update on construction activities and various aspects of the total project. A site meeting was undertaken at the Muir Street pedestrian overpass location on 9 April.

Further information on the CLG can be found at: <a href="http://westgatetunnelproject.vic.gov.au/clg/">http://westgatetunnelproject.vic.gov.au/clg/</a>

#### Traffic Management Liaison Group (TMLG)

The TMLG last met on 3 April 2019 and continues to convene monthly to discuss various traffic management aspects of the project including:

- Communications / Complaints
- Network Disruptions
- Signal Impacts
- Detour impacts
- Coordination with other planned works
- Events
- Any other relevant information

Upcoming traffic impacts are included in Figure 2 and link provided above.

### **Community Involvement and Participation Plan**

A Community Involvement and Participation Plan (CIPP) is being developed by WGTA which includes a state funded grants and partnership program to fund community led social legacy outcomes and initiatives, e.g. capital projects, community programs and events. The governance structure, available funding and proposed implementation plan is being finalised. The CIPP, expected to be announced in the near future, is proposed to operate over the life of the Project.

WGTA has pledged funding to support the Council resource requirements to administer the CIPP. A funding agreement will be established to define these arrangements.

### **Inner West Air Quality Community Reference Group**

This Group provides community members the opportunity to provide community insight and input to future improvements for air quality in the inner west. The Group has an initial term of 12 months (to the end of 2019), with a mid-term review to determine its future.

The fourth meeting, to be held on Monday 29 April will focus on the regulation of industry in the inner west of Melbourne with a presentation from the CEO of the Environment Protection Authority, Dr Cathy Wilkinson.

Further information on the Group can be found at:

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

Air qualtiy monitoring for the project has been established at six locations to develop a baseline of data from current local conditions. This baseline will be usd to measure any changes once the project tunnel opens in 2022. Monitoring will continue for up to 5 years following opening. Refer to the following link:

http://westgatetunnelproject.vic.gov.au/\_\_data/assets/pdf\_file/0007/349423/West-Gate-Tunnel-Project-Ambient-Air-Quality-Monitoring-Report-November-2018.pdf

# **Strategic Alignment**

This report specifically addresses the following priorities of the Hobsons Bay 2030 Community Vision:

Priority 2: Community wellbeing and inter-connection

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

Priority 6: An accessible and connected community

This report specifically addresses the following goals and objectives of the Council Plan 2017-21:

Goal 1: An inclusive and healthy community

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

Goal 2: A great place

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

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

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

Goal 4: A Council of excellence

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

# **Policy and Previous Council Reports**

On 26 August 2016 Council adopted the updated Hobsons Bay Position and Recommendations for the Western Distributor Project. The adopted position included Hobsons Bay Project Requirements, Principles, Objectives and Performance Measures for the Western Distributor Project.

The Principles are:

- 1. An efficient, integrated and sustainable transport network outcome
- 2. Positive liveability, amenity and community wellbeing outcomes
- 3. An environmentally responsible project
- 4. A genuine commitment to consult with the community
- 5. A value for money outcome
- 6. Planning for future growth

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

# Legal/Statutory Obligations/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 Ordinary Meeting of Council 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.

Council approval is not required for works within the Project Area as defined under the *Major Transport Projects Facilitation Act* 2009. Under the Planning Scheme Amendment, the construction and operation of the project must be generally in accordance with the plans and in accordance with the Environmental Performance Requirements (EPRs). The Project Co (Transurban) must work within the Project Scope and Requirements and also the Construction Licence entered into with the State Government. For works on Council land outside the Project Area, the contractors CPBJH Joint Venture must negotiate directly with Council to gain approval for its use and comply with conditions that Council may impose.

The Independent Reviewer and Environmental Auditor (IREA) has publically released audit findings from the first six months of construction of the Westgate Tunnel Project (March to August 2018). The IREA has been jointly appointed by West Gate Tunnel Authority and Transurban to provide independent oversight of design engineering, construction, program and environmental performance of the Project. The IREA is required to provide a six monthly "audit report" to the Minister for Planning which must be made available to the public.

### **Financial and Resource Implications**

Significant officer time has been committed in responding to the Project requests for advice, information and comment. Design packages are still being reviewed and frequent requests are being received now that construction is underway.

A Memorandum of Understanding has been established between Council and the West Gate Tunnel Authority to reflect the organisational roles and responsibilities and to support the ongoing resources from the State Government to support Officers in project delivery for the term of the Project.

# **Environmental/Social/Economic Impacts**

The environmental, social and economic impacts of the project to the Hobsons Bay community have been described in detail through the EES and will be monitored and mitigated through the implementation of the Environmental Performance Requirements (EPRs) for the Project. Local procurement, jobs and business development will be a key objective for the further design and delivery of the works.

### **Consultation and Communication**

The West Gate Tunnel Project includes a detailed consultation and communication process. A Project EPR requires the development of a Communications and Community Engagement Plan which links closely with the proposed EPR's requiring a Traffic Monitoring and Management Plan, Business Involvement Plan and Community Involvement and Participation Plan.

Notifications to directly impacted areas prior to works commencing have been ongoing. Council has been assisting in sharing information on planned traffic disruptions through its website and social media. Recent communications have been undertaken in relation to impacts resulting from the current underground power works and with the Brooklyn community, Donald McLean and WLJ Crofts Reserves Sports Clubs in conjunction with the improvement plan development.

### Officer Declaration of Conflict of Interest

Section 80C of the *Local Government Act* 1989 requires members of Council staff and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

# 9 Delegates Report

**Directorate:** Corporate Services

### **Purpose**

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

#### Recommendation

That Council receive and note the recent Delegates Report.

Delegates Report - Metropolitan Transport Forum Councillor Delegate: Cr Jonathon Marsden

### Report

### Date of Meeting: 3 April 2019

Daniel Bowen from the Public Transport Users Association (PTUA) made a presentation on public transport in Melbourne and provided his views on the future priorities for train and bus networks.

Daniel identified Melbourne Metro 2 (MM2) as PTUA's second most important train project after the Metro Tunnel due to its benefits for increasing network capacity. Daniel highlighted the need for MM2 to immediately follow the Metro Tunnel to maximise the expertise developed and equipment available.

Daniel spoke of the need for less visible projects such as: bus and tram priority; grade separations; high-capacity metro trains; upgraded signalling; and accessible trams. Daniel highlighted the importance of public transport services being frequent and reliable and not focus only on infrastructure. Daniel argued that it is now feasible for the government to increase and maintain service levels for longer periods during the day and evening and that this is required due to the growth in population. It was noted that Melbourne's' bus network is performing poorly compared to similar cities, such as Sydney, and that entire bus network requires fixing.

#### Advocacy

The MTF Executive outlined their approach to strategic public transport advocacy in the lead up to the Federal Budget. This includes meetings with state politicians and a submission to the State budget. The submission will highlight:

- bus rapid transit systems as the next logical step for Melbourne based on equity, efficiency, the economy, jobs, response times, innovation, integration, network performance and the need for alternative mass transit models
- a potential approach to transitioning higher functioning bus routes into the broader network, maximising integration with trains, real-time information, bus priority lanes and working with Councils to develop patronage

### 10 Notices of Motion

# 10.1 Notice of Motion No. 1210 – Williamstown Ferry Operator

Cr Peter Hemphill has given notice of the following:

#### Recommendation

"That Council:

- 1. Notes Williamstown ferry operator Williamstown Bay and River Cruises' work in pioneering the tourist ferry services to Williamstown since 1984.
- 2. Given its support of disability access to services, notes that Williamstown Bay and River Cruises is the only ferry operator with a wheelchair-accessible boat on the Yarra River.
- 3. Notes that Williamstown Bay and River Cruises has run a service to Williamstown for decades, supporting tourism in Hobsons Bay.
- 4. Supports fair competition between ferry services to Hobsons Bay.
- 5. Supports Williamstown Bay and River Cruises in its request for a review of Parks Victoria's decision on the permanent berthing at Southgate."

### 10.2 Notice of Motion No. 1211 - Condolence Ms Margaret Kidd

Cr Sandra Wilson has given notice of the following:

#### Recommendation

"That Council extends condolences to the family of Margaret Kidd on her recent passing and offers its appreciation for the significant contribution that Margaret made to the Altona and Hobsons Bay community over her lifetime, including her membership of the former Hobsons Bay Women's Advisory Committee and as a long time community representative on the Altona Complex Neighbourhood Consultative Group."

# 11 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 Ordinary Council meeting for a public response if so requested by the questioner.

# 12 Urgent and Other Business

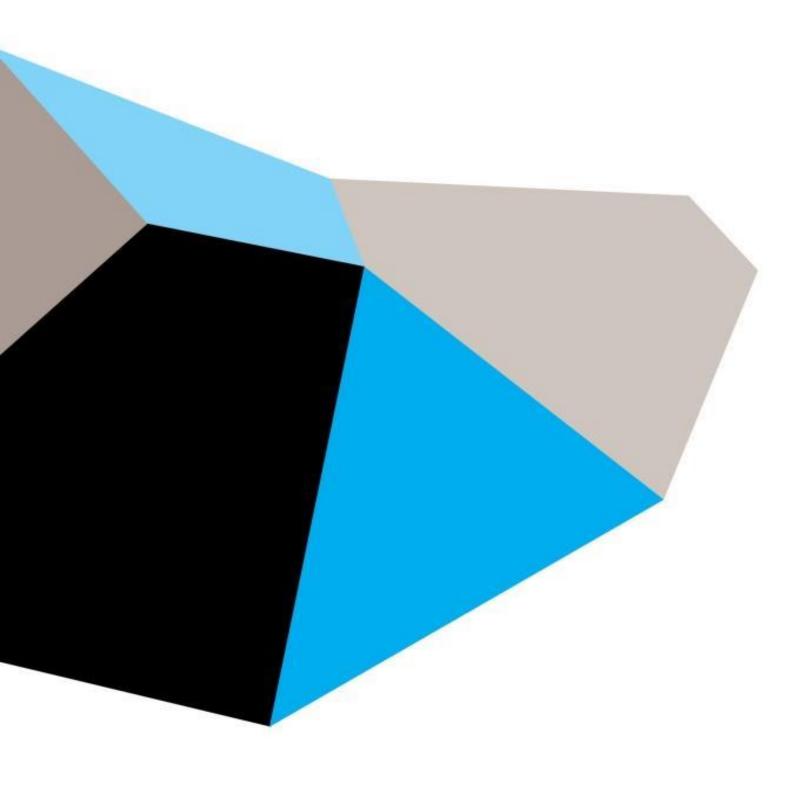
### 13 In Camera Business

#### Recommendation

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 89(2) of the *Local Government Act* 1989:

# 13.1 Review of Confidential Status of In-Camera Council Reports

This report is considered confidential under s89(2)(a), (b), (c), (d), (e) and (h) of the *Local Government Act* 1989 as it relates to personnel matters, the personal hardship of any ratepayer or resident, industrial matters, contractual matters, proposed developments and any matter which Council considers prejudicial to Council or any person.



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