

Agenda Paper

for an

Ordinary Meeting of Council

to be held on the Council Chambers, Civic Centre,
Boxshall Street Brighton

on

Tuesday, 16 February 2010

at 7:00 PM

Mayor: Cr Clifford Hayes

Councillors: Cr Louise Cooper-Shaw
Cr Alex del Porto
Cr Felicity Frederico
Cr James Long, BM JP
Cr Michael Norris
Cr Simon Russell, JP



Members of the Gallery

Your attention is drawn to Section 91 of Council's Governance Local Law No 1.

Section 91 The Chair's Duties and Discretions

In addition to the duties and discretions provided in this Local Law, *the Chair* -

- (a) must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of *Council* staff, or member of the community;
- (b) may demand retraction of any inappropriate statement or unsubstantiated allegation;
- (c) must ensure silence is preserved in the public gallery during any meeting;
- (d) must call to order any member of the public gallery who approaches the Council or Committee table during the meeting, unless invited by the *Chair* to do so; and
- (e) may call to order any person who is disruptive or unruly during any meeting.

An Authorised Officer must, if directed to do so by the Chairperson, remove from a meeting any Councillor or other person who has committed such an offence.

In the absence of an Authorised Officer the Chairperson may cause to be removed from a meeting any Councillor or other person who has committed such an offence.

Your cooperation is appreciated

Chairperson of Council

Order of Business

1. Prayer
2. Acknowledgement of Original Inhabitants
3. Apologies
4. Disclosure of any Conflict of Interest of any Councillor
5. Adoption and Conformation of the minutes of previous meeting
6. Public Question Time
7. Petitions to Council
8. Minutes of Advisory Committees
9. Reports by Special Committees
10. Reports by the organisation
11. Reports by Delegates
12. Urgent Business
13. Notice of Motions
14. Confidential Business

Schedule of Meetings for 2010

Tuesday 16 March 2010
Tuesday 13 April 2010
Tuesday 4 May 2010
Tuesday 25 May 2010
Tuesday 22 June 2010

1. Prayer

O God
Bless this City, Bayside,
Give us courage, strength and wisdom,
So that our deliberations,
May be for the good of all,
Amen

2. Acknowledgement of Original Inhabitants

We acknowledge that the original inhabitants of this land that we call Bayside were the Boonwerung people of the Kulin nation.

They loved this land, they cared for it and considered themselves to be part of it.

We acknowledge that we have a responsibility to nurture the land, and sustain it for future generations.

3. Apologies

4. Disclosure of any Conflict of Interest of any Councillor

5. Adoption and Confirmation of the minutes of previous meeting

- 5.1. Confirmation of the Minutes of the Ordinary meeting of Bayside City Council held on 15 December 2009

6. Public Question Time

7. Petitions to Council

There were no petitions submitted to the Council for consideration.

8. Minutes of Advisory Committees

There were no minutes of Advisory committees submitted to Council for consideration.

9. Reports by Special Committees

There were no reports by Special Committees submitted to Council for consideration.

10. Reports by the organisation

10.1	Proposed honorary naming of the Baseball Diamond, Tjilatjirrin Reserve, Sandringham	6.
10.2	Route 33: Beach Road Weekend 'No Stopping' restrictions	9.
10.3	Tree Removal Application - 30 Durrant Street Brighton	15.
10.4	Tree removal Application - 29 Tennyson Street Brighton	20.
10.5	Tree Removal Application - 4 Frances Street, Highett	25.
10.6	Update on Fairway Hostel Request for Council Land	28.
10.7	HACC Garden maintenance service	34.
10.8	Wilson Recreation Reserve - partnership opportunity with Brighton Grammar School	41.
10.9	Beach Cleaning and Seaweed Removal	46.
10.10	Modernising Victoria's Planning Act: Planning and Environment Amendment (General) Bill 2009	51.
10.11	Planning Delegation	58.
10.12	VCAT Decisions	63.
10.13	Financial Report for five (5) months to 30 November 2009	69.
10.14	Council Action Pending	82.

10.1 Proposed honorary naming of the Baseball Diamond, Tjilatjirrin Reserve, Sandringham

Infrastructure - Properties
File No: COR/173

1. Purpose of the Report

To respond to an application from Sandringham Baseball Club to name the baseball diamond at Tjilatjirrin Reserve in honour of a living person, Mr Jack Guiliano.

2. Background

Council is the local naming authority and adheres to the guidelines provided by Geographic Place Names Victoria, which state in that in considering Commemorative Names, naming authorities should not name places after living persons.

Council Policy No 9 – Naming of Streets and Reserves (April 2006) states the use of personal names, names of institutions or organisations, and names of registered commercial enterprises should preferably only be applied posthumously, or on the basis of a tested historical record of achievement. Names of living persons or enterprises are by their nature, subject to change and perception. This can change community judgement and acceptance. For this reason they are generally not used for naming roads or reserves. Alternative means of recognition should be adopted.

Sandringham Baseball Club has submitted a formal request to name the baseball diamond the Jack Guiliano Field and in their submission outlined Mr Guiliano's lifetime contribution to baseball, at the club, to Bayside and at State and National levels. The request is to name the baseball diamond only, not the reserve.

In the past eight years, Council has only approved one application for naming after a living person, namely the Jack Barker Oval in the Cheltenham Recreational Reserve. Council initially refused the request on the basis of Council Policy No 9, however at the time Mr Barker was terminally ill and there was significant media and community support to name the oval in his honour before he was deceased.

3. Discussion

Mr Guiliano has played baseball competitively since 1930. He held the position of club president and provided coaching at Sandringham Baseball Club between 1954 and 1993. He has been active in the sport at both State and National level, and has been involved with Victorian Baseball Association since 1965, during which he facilitated 6 international tours and also introduced to Australia the age group structures.

In 1981 Mr Guiliano was awarded the Australian Sports Medal for his services to the sport. He was also bestowed with Life Membership to Baseball Victoria in 1984.

The Sandringham Baseball Club submission is supported in writing by Ms Nicole Livingstone (OAM, Triple Olympian) and Mr Peter Dihm (Baseball Victoria President 1898 – 2009, Life Member).

Mr Guiliano is 91 years old and in poor health. The club president has requested the naming to honour Mr Guiliano while he is able to appreciate the gesture. It is proposed that the naming plate be placed on the backstop cage of the main diamond.

Council's Policy No 9 relates to the naming of places, however, the naming is requested for the baseball diamond only. Should Council support the proposal, the Baseball Club would need to be made aware that approval of the naming of the baseball diamond in no way guarantees the club rights in perpetuity to use of the ground.

4. Implications

4.1. Policy

Council Policy No 9 – Naming of Streets and Reserves (April 2006) states the use of personal names, names of institutions or organisations, and names of registered commercial enterprises should preferably only be applied posthumously, or on the basis of a tested historical record of achievement. In this instance the naming of a baseball diamond is not covered by any Council policy.

4.2. Legal/Statutory requirements

There are no legal or statutory requirements applicable.

4.3. Financial and resource implications

Not applicable to this report.

4.4. Environmental impacts

Not applicable to this report.

4.5. Social impacts

This naming of the baseball diamond will have positive benefits for the community in that a resident of Bayside who has had significant impact on the sport in the Bayside community will be recognised.

5. Consultation and engagement

There has not been any community consultation with respect to this proposal.

6. Summary

The application from Sandringham Baseball Club to name the baseball diamond at Tjilatjirrin Reserve in honour of a living person, Mr Jack Guiliano, although not within Council Policy, can be considered given the naming is requested on the baseball diamond only, and also to be considered on the basis of a historical record of achievement

Recommendation

That Council:

1. approve the Sandringham Baseball Club's application to name the baseball diamond at Tjilatjirrin Reserve the Jack Guiliano Field, based on a record of achievement.
2. advises Sandringham Baseball Club that approval of the naming of the baseball diamond in no way guarantees the club rights in perpetuity to use of the ground.

Tjilatjirrin Reserve, Sandringham



Baseball Diamond

10.2 *Route 33: Beach Road Weekend 'No Stopping' restrictions*

Infrastructure - Engineering
File No: COR/1703

1. Purpose of the Report

To report on the latest developments in relation to the proposed 6am to 10am weekend “No Stopping” restrictions along Route 33 - St Kilda Street, the Esplanade and Beach Road and to propose a Council response.

2. Background

Consideration of improving riding conditions for cyclists on Beach Road was originally raised in the *Bayside Bicycle Strategy 2003*. The Strategy outline stated as follows:

“The strategy seeks to make this route more training cycle friendly while also recognising the need to facilitate pedestrian and cycle access across Beach Road to the Bay Trail. Successful management of this route can potentially add to the reputation of Bayside as the capital of cycling and the place where cycling is taken seriously for all types of riders.”

The Strategy recommended that Bayside City Council initiate a cycling reference group to facilitate improvements to Beach Road and address other potential cycling issues. The Strategy suggested that the reference group should consider amongst other things closing one lane to vehicular traffic on weekend mornings for a designated number of hours to benefit training cyclists.

In response to this Bayside City Council initiated a Regional Cycling Reference Group. The group consisted of representatives from the Councils of Bayside, Port Phillip and Kingston, VicRoads, Victoria Police, Bicycle Victoria, Sandringham Hospital and individual cyclists.

The Regional Reference Group identified that improving riding conditions for cyclist along Beach Road can best be achieved by the installation of “No Stopping” zones along Route 33 for specific times over the weekend.

Following the recommendation by the Regional Reference Group, a Technical Reference Group was established to consider the feasibility of the installation of “No Stopping” restrictions along Route 33 between 6am and 10pm on weekends. The Technical Reference Group determined that it would be feasible but that some physical works would need to be undertaken prior to the installation of the restrictions.

In May 2006 Council was advised of the recommendations of the Regional Cycling Reference Group and Council resolved:

“That Council support consultation with the community regarding the introduction of weekend no stopping bans along the whole length of Beach Road from 6am to 10am on Saturdays and Sundays in accordance with the “Route 33(Elwood to Mordialloc) – Proposed Weekend No Stopping Bans report.”

Upon the completion of the public consultation Council considered this proposal at a Special Council Meeting on 1 October 2007 and resolved not to proceed with restrictions at that time.

The Mayors and the Chief Executive Officers of Bayside and Kingston met with the Minister for Roads and Ports, Tim Pallas MP in December 2008, at his request to discuss the proposal for 6am - 10am weekend “No Stopping” zones along Beach Road.

Following this meeting, the Minister advised in 2009 that a number of surveys would be undertaken by VicRoads to better determine the view of the key stakeholders.

On 28 April 2009 a report was presented to Council in relation to this and Council resolved: 'That a further report be presented to Council following the release of the VicRoads study into the feasibility of weekend "No Stopping" restrictions along Route 33 Beach Road.'

VicRoads completed this survey work, which included analysis of aerial photographs taken along Beach Road on 22 March 2009, along with a survey of local household and businesses.

The photos taken at approximately 9am on Saturday 16 January 2010 show a total of 154 vehicles parked along Beach Road within Bayside with 101 on the east (land) side and 53 on the west (bay) side. This is an occupation of approximately 7 per cent of available parking spaces along Beach Road. If the proposed parking restrictions are introduced, these vehicles will have to be accommodated in side streets or in the foreshore carparks.

The survey of households and businesses was undertaken by market research consultants and involved a mail survey of all properties along Route 33 within Bayside and Kingston, and an interview survey of every second residence and all businesses open at the time of the survey. The aim of the survey was to determine the extent of community support for, or opposition to, weekend parking restrictions and to identify any incidental issues that may require attention during the implementation phase, or perhaps modification of the hours of operation to fit in with other community requirements.

The Mayors and the CEOs of Bayside and Kingston met with the Minister for Roads and Ports, Tim Pallas MP on 7 January 2010, again at his request to discuss weekend "No Stopping" restrictions along Beach Road.

At the meeting, the Minister advised of his inclination to support the proposal. A copy of the findings was given to each of the Councils by the VicRoads representative entitled: 'Beach Road – "No Stopping Bans" Survey - Summary Report'. It is understood that each Council can consider the report, however it is not a public document.

The key findings in regard to the 'No Stopping' proposition for Bayside and Kingston combined are that:

- Mail survey respondents - 39% supported, 54% did not support and 6% neither;
- Interview survey respondents - 43% supported, 42% did not support and 15% neither.

It is noted that in an earlier survey conducted by Bayside Council late in 2006, 58% of respondents supported the proposal.

Bayside and Kingston Mayors and Chief Executive Officers spoke to their respective views on the matter and sought clarification of the Minister's intentions. Bayside provided the Minister with a letter which outlined an indication of some of the matters Council would propose to be considered by any party making a decision on the Beach Road "No Stopping" proposal. These issues are summarised as follows:

- The number of accidents that would be prevented by the no-stopping restrictions as proposed;
- The impact upon casual beach users;
- The impact upon organised foreshore and water user groups (life saving and swimming clubs, yacht clubs, etc) along the route;
- The impact upon major recreational sporting and tourism events including:
 - International, national and state yachting championship events

- Swimming events
- Fundraising events
- Proposed Hampton Rotary Farmers' Market;
- The impact upon businesses and traders;
- The relative safety of current no-stopping areas versus road parking areas as recommended by Monash University Accident Research Centre (MURAC) in a recent study;
- The impact of safety on other vulnerable road users; and
- The relative consideration given to all factors and the weighting to views and preferences of stakeholders versus statistics and data.

The Minister indicated he would not be inclined to use powers to establish Clearways. The Minister's powers do not include declaration of "No Stopping" zones.

In response to the letter from Bayside, which was provided to the Minister at the meeting on 7 January 2010, a letter (see Attachment1) dated 28 January 2010 was received from the Minister. In the letter the Minister indicated that he looked forward to working closely with the Cities of Bayside and Kingston to deliver improved safety for cyclists in this area.

Kingston Council has now considered a report entitled 'Beach Road Weekend No Stopping Restrictions', at its Ordinary Council Meeting on 8 February 2010, and resolved:

"(i) That VicRoads be advised that Council supports the introduction of a 12 month trial of No Stopping restrictions on Saturday and Sunday between 6am and 10am on the following sections of Beach Road:

- the inland side of Beach Road between Mundy Street, Mentone and Nepean Highway, Mordialloc,
- on the coast side of Beach Road between Rennison Street and Nepean Highway, on the basis that the cost for the implementation of the signage be shared by VicRoads.

(ii) That Council in conjunction with VicRoads conduct a review on the effectiveness of these restrictions at end of this trial period."

3. Discussion

Council is obliged to consider the overall community interests with regard to Beach Road, given the varied functions it fulfils not only for the local community but the full range of neighbourhood needs, including residential amenity, road-based transport, foreshore and beach and bay users.

Based on available evidence it is considered that introducing weekend "No Stopping" restrictions along Route 33 would primarily seek to address the safety issues for cyclists associated with parked vehicles. VicRoads advises that this equates to about a fifth (8 out of 36 in the last five years) of the cycling accidents during the proposed time period along Route 33 within Bayside and Kingston. It must be stressed there are many other safety and amenity issues along the route that need to be addressed.

The current vehicle parking along the route would be expected to have the following impacts on current road conditions:

- It would normally be expected that cyclists should slow down when approaching a parked vehicle;
- Cyclists needing to move into the right lane to pass parked vehicles;
- Risk of cyclists colliding with a parked vehicle;
- Risk of cyclists running into a vehicle door being opened; and
- A reduction in the distance for pedestrian travel across the road and exposure to road traffic.

It is noted that very recent photographic evidence shows the continuing existence of illegal 'bunch' riding behaviour, which contravenes the two abreast rule. This report makes no attempt to quantify the extent of that behaviour.

During the last five years there has been one pedestrian fatality along Route 33 involving a cyclist. The proposed weekend "No Stopping" restrictions would eliminate some road-based obstacles to cyclists and could increase the popularity of this route with cyclists. It is possible this may also lead to higher speeds travelled by cyclists, which could in turn lead to more pedestrian fatalities. It is therefore appropriate that physical treatments to prevent an increase in pedestrian injuries caused by cyclists need to be considered in conjunction with the proposed weekend "No Stopping" restrictions.

During the recent discussions between VicRoads and Bayside, it was suggested that a Corridor Strategy be developed for Route 33.

This Corridor Strategy could include the analysis of all activity nodes along the route (e.g. shopping precincts), including safety treatments such as improved foreshore car park access and improved pedestrian access.

These safety treatments could include but are not limited to:

- Improving access to foreshore car parks;
- Additional pedestrian operated traffic signals;
- Pedestrian refuges;
- Indented parking;
- On road and off road cycling facilities; and
- Completion of the Bay Trail Shared Path South link (between Comer Road and Charman Road) including investigation into the best use of the existing road space to achieve the desired outcome.

The introduction of weekend "No Stopping" restrictions could be considered between these node points as a further improvement of safety in general.

It is therefore suggested that a Corridor Strategy be considered in order for the cost associated with the improvements to be quantified. Beach Road is an Arterial Road for which VicRoads is the responsible authority. It is therefore considered that traffic management along Route 33 is the responsibility of Vic Roads including the cost associated with any studies or implementation safety treatments.

4. Implications

4.1. Policy

The *Bayside Bicycle Strategy* 2003 identified an action to improve conditions and usage of Beach Road for cyclists. The Strategy recommended a dedicated lane for cyclists, not a shared lane with cars. A reference group was established to consider this and subsequently recommended the introduction of weekend 'No Stopping' restrictions along Route 33.

4.2. Legal/Statutory requirements

In accordance with the *Road Management Act* 2004, VicRoads is the responsible Road Authority for Beach Road however Council is responsible for the parking restrictions (excluding Clearways).

4.3. Financial and resource implications

There are no financial implications at this stage, however should the weekend no stopping restrictions proceed, the estimated cost of the signage is \$60,000 plus any other improvement works deemed necessary as discussed above. In this instance it is proposed that VicRoads be requested to meet all costs.

4.4. Environmental impacts

Not applicable to this report.

4.5. Social impacts

Beach Road provides access to a valuable community asset of local, regional and state significance, and proposed changes to parking will affect a significant number of user groups. The development of a Corridor Strategy would better identify safety improvements for all users of Beach Road and ensure no decision to the advantage of one user group results in unwarranted detriment to others.

5. Consultation and engagement

Further consultation should be undertaken as part of the development of a Corridor Strategy.

6. Summary

Beach Road is a very popular route with access points for the foreshore, which is Bayside's primary recreational and tourist asset. It is shared by motorists, cyclists, pedestrians and adjacent land users for parking, and vehicle and pedestrian travel. There are a number of safety and amenity issues along Beach Road and the implementation of weekend "No Stopping" restrictions alone will not address these issues. It is considered that the development of a Corridor Strategy for the total length of Route 33 in Bayside and Kingston, which may include weekend "No Stopping" bans, may address these issues. It is therefore proposed that a Corridor Strategy be developed in conjunction with VicRoads and Kingston City Council and that a further report be presented to Council once a draft Strategy has been developed.

Recommendation

That Council:

1. In consideration of:

- Bayside Bicycle Strategy 2003;
- recommendations of the Regional Cycling Reference Group;
- results of the community survey conducted of Bayside residents adjacent to Beach Road in 2006;
- recommendations of the Monash University Accident Research Centre research report: *Cycling bunch riding: A review of literature*, January 2009;
- analysis of the two parking surveys through aerial photography conducted by VicRoads on 22 March 2009 and 16 January 2010;
- results of the community survey conducted by VicRoads of residents and businesses adjacent to Beach Road in 2009; and
- Kingston City Council's resolution of 8 February 2010 in relation to this matter;

forms the view that the introduction of the "No Stopping" provisions on Beach Road in isolation will not satisfactorily resolve safety consideration for cyclist and other road users.

2. Supports the development of a Corridor Strategy, in conjunction with VicRoads, which could include the analysis of all activity nodes along the route (e.g. shopping precincts) including safety treatments such as improved foreshore car park access and improved pedestrian access. These matters could include but are not be limited to:

- Improving access to foreshore car parks;
- Additional pedestrian operated traffic signals;
- Pedestrian refuges;
- Indented parking;
- On road and off road cycling facilities; and
- Completion of the Bay Trail Shared Path South link (between Comer Road and Charman Road) including investigation into the best use of the existing road space to achieve the desired outcome.
- Strategies to improve cyclist behaviour as identified and recommended in the Monash University Accident Research Centre report 'Cycling bunch riding: A review of literature,' January 2009; and

3. Write to the Minister of Roads and Ports indicating that it supports the concept of the introduction of weekend "No Stopping" restrictions on a trial basis, subject to:

- a. The completion of a Beach Road Usage Corridor Strategy involving relevant public bodies and including consultation with key stakeholders; and
- b. Subject to the State Government committing to contribute funding toward the cost of the installation of safety treatments identified in the development of the Corridor Strategy.

10.3 Tree Removal Application - 30 Durrant Street BrightonInfrastructure Services – Local Laws & Investigations
File No: COR/4266

1. Purpose of the Report

This report is in response to an appeal against a decision by the delegated officer to not allow the removal of two trees *Eucalyptus nicholii* (Narrow-leaved Black Peppermint) at 30 Durrant Street Brighton.

2. Background

Clause 19 of Local Law No. 2 – Environment provides that any person who is aggrieved by any matter under this Local Law may make a written submission for consideration by Council.

The original application to remove the trees was received 15 September 2009.

The application was refused for the reasons that the trees contributed to the streetscape, were in good health, good structure and were not considered to pose any significant level of risk. The applicant was notified of this decision 25 September 2009.

The applicant's request for review was received 12 October 2009.

On completion of review the original decision was confirmed. The applicant was notified of this decision 4 December 2009.

A written submission for consideration by the Council was received 12 December 2009.

3. Discussion

Application

The application was assessed in line with the "*Management of Tree Protection on Private Property Policy 2008*" statement of intent. The key themes of the statement are:

- Bayside City Council is committed to protecting, promoting and improving its highly valued tree canopy.
- Council encourages the retention of tree canopy within the municipality.
- The existing vegetation is one of the primary features of Bayside, contributing to the amenity of the residential environment and established land values.
- Council acts to preserve and maintain trees where practicable within the municipality, whether on Council land or on private property. Tree protection controls apply to the whole of the tree including its root system.

The original application submitted by the owner of the tree stated previous footpath damage, lifting of paving inside the property, safety concerns relating to increased extreme weather patterns and the aesthetics of the tree not being in keeping with the proposed Heritage Overlay.

Both trees are located in the front setback and provide a significant contribution to the streetscape and landscape. For the purpose of the report they will be identified as Tree 1 and Tree 2. An aerial photograph is included in Attachment 1.

Tree 1 is located ~0.3m from the north boundary and ~1.2m from the west boundary. It was assessed as mature in age, in good health, structure and condition and causing a low risk to the immediate environment. Movement to the concrete verandah has not been shown to be attributable to Tree 1 or Tree 2.

Tree 2 is located ~0.2m from the north boundary and ~0.5 from the east boundary. It was assessed as mature in age, in good health, structure and condition and causing a low risk to the immediate environment. The inspection noted: basal flare and minor contact on fence.

The surface area of footpath adjacent Trees 1 and 2 has minor undulations and deformities. The path is below the threshold for reaction rectification works under Council's Road Management Plan intervention levels.

The recommendation was to retain both trees. The application was refused on both counts.

Review

The applicant requested a review of the original decision and in response to this request Council's Senior Investigations Arborist inspected the site.

The applicant and immediate adjacent neighbouring property owners were contacted. A Quantified Tree Risk Assessment (QTRA) was completed which confirmed that the trees did not pose any significant level of risk.

The applicant was consulted in relation to Council's Tree Protection on Private Property Guidelines 2008. Conditional to Tree 1 being retained and a suitable replacement tree being planted on the property, removal of Tree 2 was considered. The applicant declined the consideration.

A review of all submitted information and further investigations by Council Officers did not substantiate a reason to overturn the original decision.

Application for review by Council

A written submission for Consideration by Council was received 14 December 2009.

No additional information was submitted at this time.

Council's Delegated Officer inspected the trees and reaffirmed the decision to deny the application.

4. Implications

4.1. Policy

The recommendation is consistent with Council's "*Management of Tree Protection on Private Property Policy 2008*".

The objectives of that policy is:

- To provide guidance on the application of the provisions of *Local Law No. 2 – Environment* that relate to tree protection.
- To provide for the assessment of applications to consider an appropriate balance between the sometimes competing considerations relating to:
 - extension to or replacement of single family dwellings, damage to structures or
 - unacceptable risk of harm to occupants; and the retention and replacement of the tree canopy.
- To promote the retention and replacement of tree canopy in order to enhance local amenity and urban character.
- To encourage all tree pruning works to comply with the appropriate Australian Standard.

4.2. Legal/Statutory requirements

This matter has been considered in accordance with the provisions of *Bayside Local Law No. 2 – Environment*.

4.3. Financial and resource implications

There are no financial or resource implications.

4.4. Environmental impacts

There would be a reduction to the environmental amenity of the area if the trees were removed.

4.5. Social impacts

Bayside Council Plan 2009 – 2013 Commitment 4 – Natural Environment Strategic Objective 4.1 states:

We will improve the quality of our natural environment and open spaces and meet the challenge of climate change. This will be achieved through the following Strategies:

- *4.1.1 We will conserve Bayside's natural environment.*
- *4.1.2 We will increase the extent of the tree canopy of the municipality including the planting of more trees on public land.*

The decision is in accordance Bayside Council Plan 2009 – 2013 Commitment 4 – Natural Environment Strategic Objective.

5. Consultation and engagement

There has been no consultation with the broader community regarding this matter.

6. Summary

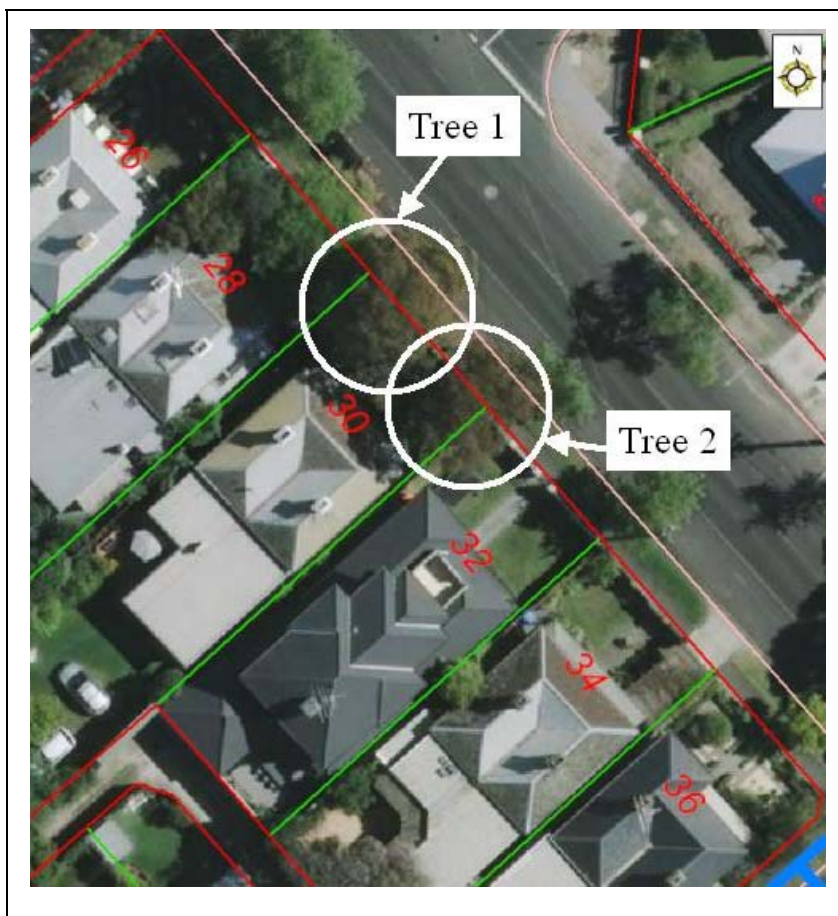
Retention of the trees is consistent with Council's goals, commitments, strategies and policies.

The trees will continue to provide a mature canopy cover to the site and amenity to the area should they be retained.

Recommendation

That Council endorse the decision by the delegated officer to not allow two *Eucalyptus nicholii* (Narrow-leaved Black Peppermint) to be removed from 30 Durrant Street Brighton.

Attachment 1



Attachment 2



Tree 2, east tree

Tree 1, west tree.

10.4 **Tree removal Application - 29 Tennyson Street Brighton**Infrastructure Services – Local Laws & Investigations
File No: COR/47

1. Purpose of the Report

This report is in response to an application to remove a tree listed on Council's Register of Significant Trees.

2. Background

An *Ulmus glabra* 'Pendula' (Weeping Elm) located at 29 Tennyson Street Brighton is listed on Council's Register of Significant Trees. See Attachment 1, Figure 1.

The tree is located ~12m from the south boundary and ~10 from the east boundary. This location is central to the property. See Attachment 1, Figure 2.

In accordance with Bayside's Register of Significant Trees Management Policy May – 2000, Council must consider a request for removal.

3. Discussion

The applicant proposes to develop the property by constructing a single-family dwelling that will be utilised as the family home. The development proposal is for a centrally located dwelling with a basement car park. The tree is currently located in what would be the middle of the proposed dwelling.

If the tree is retained the construction of the single-family dwelling cannot occur as planned.

The tree is ~7m in height high and ~6m in canopy width. The tree is currently located in a central courtyard, with the current existing building and vegetation on site screening the majority of the tree from a streetscape vantage.

Removal of the tree from the significant register is required for the applicant to construct his family home. The tree does have a low amenity streetscape value because it is not easily visible from the street and may not meet the current significant criteria if reassessed today. In addition, the tree does not meet the minimum trunk circumference under Council's local law.

4. Implications

4.1. Policy

The recommendation is consistent with Council's "*Management of Tree Protection on Private Property Policy 2008*".

Clause 36 (1) (i) of *Bayside Local Law No. 2 – Environment* requires a permit to remove an identified significant tree. Clause 36 (3) requires any assessment for the removal of a significant tree to have regard to guidelines adopted by Council.

Council's "*Management of Tree Protection on Private Property Policy 2008*" provides for the assessment of applications to consider an appropriate balance between the sometimes competing considerations relating to the extension to or replacement of single family dwellings.

The delegated officer believes that the appropriate balance has been achieved because the tree has been identified as having a low streetscape value and the applicant wishes to build his new family home. Retention of the tree would not allow this to occur. Suitable replacement canopy will be planted.

The objectives of that policy is:

- To provide guidance on the application of the provisions of *Local Law No. 2 – Environment* that relate to tree protection.

- To provide for the assessment of applications to consider an appropriate balance between the sometimes competing considerations relating to:
 - extension to or replacement of single family dwellings, damage to structures or
 - unacceptable risk of harm to occupants; and the retention and replacement of the tree canopy.
- To promote the retention and replacement of tree canopy in order to enhance local amenity and urban character.
- To encourage all tree pruning works to comply with the appropriate Australian Standard.

4.2. Legal/Statutory requirements

This matter has been considered in accordance with the provisions of *Bayside Local Law No. 2 – Environment*.

4.3. Financial and resource implications

There are no financial or resource implications.

4.4. Environmental impacts

There would be minimal reduction to the environmental amenity of the area if the tree were removed.

Council's arborist has assessed the tree as having a low amenity streetscape value, because it is not easily visible from the street, and may not meet the current criteria to be registered as significant. In addition, the tree does not meet the minimum trunk circumference to be protected under Council's local law.

An independent arborist report stated: *"the tree is not of outstanding aesthetic significance", "although this tree is impressive is not considered to be an outstanding example of the species" and further states: "It should be noted that no cultural or historical significance of the tree was identified using the significant tree register criteria."*

4.5. Social impacts

Bayside Council Plan 2009 – 2013 Commitment 4 – Natural Environment Strategic Objective 4.1 states:

We will improve the quality of our natural environment and open spaces and meet the challenge of climate change. This will be achieved through the following Strategies:

- *4.1.1 We will conserve Bayside's natural environment.*
- *4.1.2 We will increase the extent of the tree canopy of the municipality including the planting of more trees on public land.*

The decision is in accordance Bayside Council Plan 2009 – 2013 Commitment 4 – Natural Environment Strategic Objective.

5. Consultation and engagement

There has been extensive consultation with the owner of the property in relation to alternative options for development and transplanting the subject tree, however this option was deemed to be cost prohibitive.

6. Summary

Removal of the tree is consistent with Council's goals, commitments, strategies and policies.

Council's arborist has identified the tree as having a low amenity streetscape value because it is not easily visible from the street and does not meet the current significant criteria if reassessed today. In addition, the tree does not meet the minimum trunk circumference under Council's local

law. The independent arborist report has stated: *“the tree is not of outstanding aesthetic significance”, “although this tree is impressive is not considered to be an outstanding example of the species” and further states: “It should be noted that no cultural or historical significance of the tree was identified using the significant tree register criteria.”*

The proposed development consists of a dwelling that utilises the central portion of the property for a single family home and a basement car park. This precludes retention of the tree.

Replacement planting provisions post construction have maximised planting opportunities on site. A detailed landscape plan has been submitted by the applicant with a suitable replacement tree canopy list. See Attachment 2.

The applicant’s development is subject to Schedule to the Residential 1 Zone and Design and Development Overlay – Schedule 1 Planning Overlay.

Recommendation

That Council:

1. approve removal of the *Ulmus glabra* ‘Pendula’ (Weeping Elm), listed on Council’s Register of Significant Trees, located at 29 Tennyson Street Brighton,
2. notify the applicant and surrounding residents in writing of Council’s decision.

Attachment 1

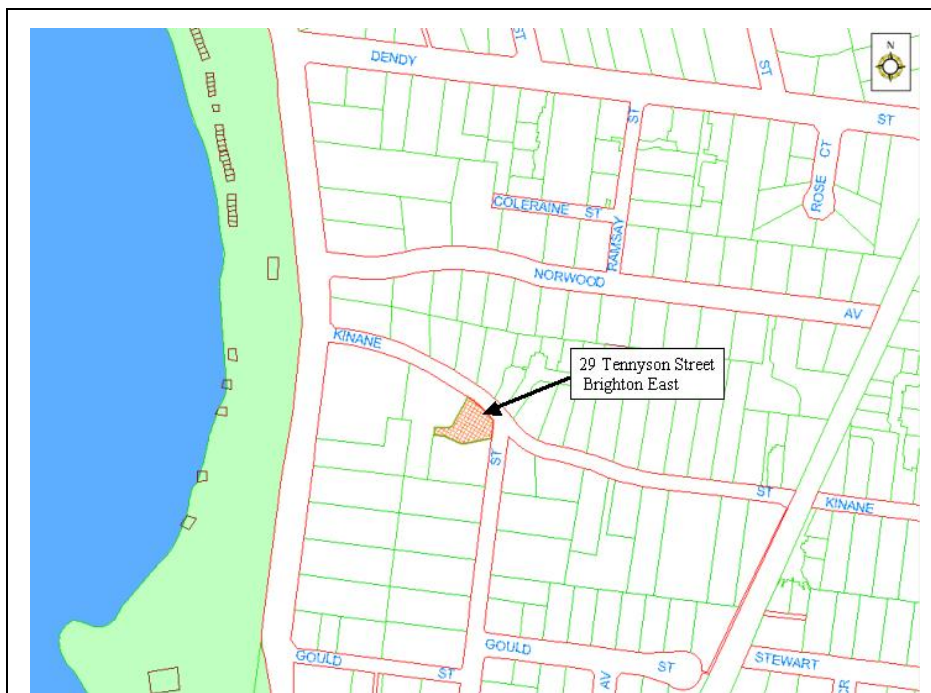


Figure 1: Aerial map, 29 Tennyson Street Brighton



Figure 2: Aerial photograph of *Ulmus glabra* 'Pendula'.

Attachment 2

PLANTING SUGGESTIONS

CODE	BOTANICAL NAME	REMARKS
A	<i>Thuja occidentalis</i> Smaragd	Medium hedge maintained size 2.5m high x 0.5m wide – 0.5m centres
B	<i>Juniperus viminalis</i> Spartans	Columnar shaped
C	<i>Juniperus viminalis</i> Spartans topiary	Topiary spiral
D	<i>Buxus sempervirens</i>	Topiary pyramid
E	<i>Magnolia grandiflora</i> Little Gem	Espalier on stainless steel wiring
F	<i>Acmena smithii</i>	Topiary cone
G	<i>Pyrus Cleveland Select</i>	Advanced tree 3.5m high x 1.5m wide
H	<i>Acmena Allens Magic</i>	Low hedge – 0.3m centres
I	<i>Cycas revolute</i>	Urn planted
J	<i>Buxus sempervirens</i>	Topiary rectangle
K	<i>Buxus sempervirens</i>	Small hedge 5.5 per linear metre
L	<i>Prunus lucitanica</i>	Medium hedge – 0.6m centres
M	<i>Carpinus betulus</i> Fastigiata	Advanced tree 3.5m high x 1.1m wide
N	<i>Magnolia grandiflora</i> Little Gem	Pleached – 1.2m centres
O	<i>Ophiopogon nana</i>	Dwarf mondo grass
P	<i>Thuja plicata</i> Fastigiata	Tall hedge - 1.0m centres

10.5 Tree Removal Application - 4 Frances Street, HighettInfrastructure Services – Local Laws and Investigations
File No: COR/4266

1. Purpose of the Report

This report is in response to an application to remove a tree that is subject to a Council resolution not to allow the removal of *Corymbia citriodora* (Lemon-scented Gum) at 4 Frances Street Highett.

2. Background

The applicant appealed to Council against the delegated officer's decision to refuse to grant a permit to remove the tree. Council considered this item at its General Committee on 21 October 2008 and at the Ordinary Meeting on 28 October 2008 Council resolved:

"That, having reviewed the decision by the delegated officer and submissions by the owner that Council endorses the decision of the delegated officer to not allow one Corymbia citriodora (Lemon Scented Gum) to be removed at 4 Frances Street, Highett for the reason that it contributes strongly to the visual amenity of the area and can be managed by undertaking standard pruning practices that are currently accepted by the arboricultural industry."

A delegated officer does not have authority to issue a permit in contradiction to a Council resolution.

3. Discussion

Council's Senior Investigations Arborist has inspected the tree.

Based on visual observations of the current site conditions and previous knowledge of the site it is believed that the tree has died as a result of being contaminated by a soil borne root rot fungus *Armillaria leutobubalina*.

Armillaria leutobubalina is common in the Bayside municipality and is believed to have caused the death of other trees on the subject site and on public and private land in the immediate environs.

Council's delegated officer has reviewed the file and recommends removal of the tree.

4. Implications

4.1. Policy

The recommendation is consistent with Council's *"Management of Tree Protection on Private Property Policy 2008"*, Part 3: Policy Objectives.

4.2. Legal/Statutory requirements

This matter has been considered in accordance with the provisions of *Bayside Local Law No. 2 – Environment*.

4.3. Financial and resource implications

There are no financial or resource implications.

4.4. Environmental impacts

There would be minimal reduction or detriment to the environmental amenity of the area if the tree were removed.

4.5. Social impacts

Bayside Council Plan 2009 – 2013 Commitment 4 – Natural Environment Strategic Objective 4.1 states:

We will improve the quality of our natural environment and open spaces and meet the challenge of climate change. This will be achieved through the following Strategies:

- 4.1.1 *We will conserve Bayside's natural environment.*
- 4.1.2 *We will increase the extent of the tree canopy of the municipality including the planting of more trees on public land.*

The decision is in accordance Bayside Council Plan 2009 – 2013 Commitment 4 – Natural Environment Strategic Objective.

5. Consultation and engagement

There has been no consultation with the broader community regarding this matter.

6. Summary

The tree is dead and is not suitable for retention. The tree should be removed and a suitable tree be planted as replacement.

Removal of the tree and undertaking of replacement planting is consistent with Council's goals, commitments, strategies and policies as outlined in the "*Management of Tree Protection on Private Property Policy 2008*", which state that Council's role is:

- To provide guidance on the application of the provisions of *Local Law No. 2 – Environment* that relate to tree protection.
- To provide for the assessment of applications to consider an appropriate balance between the sometimes competing considerations relating to:
 - Extension to or replacement of single family dwellings, damage to structures or
 - Unacceptable risk of harm to occupants; and the retention and replacement of the tree canopy.
- To promote the retention and replacement of tree canopy in order to enhance local amenity and urban character.

Recommendation

That Council allow removal of a *Corymbia citriodora* (Lemon-scented Gum) at 4 Frances Street Highett and that a Local Law permit be issued to remove the tree, on the condition that a replacement tree is planted on the subject site in consultation with a Council Arborist.

Attachment 1



Figure 1: Dead *Corymbia citriodora* at 4 Frances Street Highett.

1. Purpose of the Report

This report presents options for Council's response to a further request by the Sandringham Aged Care Association (Fairway) to be granted land to extend into an area currently occupied by Council's Car Park and to build an underground car park to replace lost Council car parking spaces.

2. Background

Council awarded Fairway a planning permit on 16 October 2007 to build additional rooms by adding a second storey to the southern building of the site. In 2008/09 the Commonwealth Government awarded Fairway additional licenses to build 30 high care beds, in accordance with the planning permit.

In 2008, Fairway approached Council to expand their site by acquiring Council land for a nominal sum. The proposal stated that construction according to the current permit would require some disruption of current residents and that Fairway would prefer to expand their facility at ground level, rather than disrupt clients in order to build the second storey. The proposed area of land is currently utilised as car parking for the Council offices. Access to the area is via Royal Avenue, which is the only entrance to parking at the corporate centre site.

On 25 November 2008 Council resolved:

4.1 PROPOSED SALE OF LAND TO SANDRINGHAM AGED CARE ASSOCIATION

1. *That Council not agree to the Sandringham Aged Care Association's request to acquire a further portion of Council owned land adjoining their existing premises at 195 Bluff Road; and*
2. *That Council seek discussions with the Association to enable Council to better understand the Association's needs and explore any further opportunities by which these might be addressed.*

A subsequent meeting was held with Council representatives and Fairway personnel on 10 October 2009 and a number of matters examined in relation to the proposal.

3. Discussion

Issues affecting potential development scenarios for Fairway have been examined and are analysed below:

3.1 Land Ownership (Attachment One)

By Deed of Settlement dated 10 October 1994, the former City of Sandringham granted land in Bluff Road to the Sandringham Aged Care Association under the terms of a trust for the purposes of Stage 1 of Fairway Hostel. If the current use is discontinued, and the land is no longer used for charitable purposes, or the trust winds up, the land reverts to Council.

The Association carried out Stage 2 of the development of the site in 2004, with construction of a double storey building. At that time, the Association acknowledged that any future expansion within the site would involve replacing the original single story building with a double storey building.

The Council owned land is in a Public Use Zone - local government.

Council has reviewed the land ownership of all properties in the precinct bounded by Bluff Road, Royal Avenue and Edward, Harrold and Jennings Streets. None of these offer any short or medium term options for alternative development by Fairway. There may be an opportunity to enter into a cooperative service planning approach with Alfred Health, which operates the Sandringham Hospital, to consider longer term planning options.

3.2 Traffic Management implications for future development

There are no impediments to increasing access to Fairway from their current entry at Bluff Road, a VicRoads 'major road'. Access via the Family Life entrance from Bluff Road has a number of impediments, including pedestrian access to the Council Offices.

Access from Royal Avenue via the corporate centre car park would not have traffic management impediments. However, a joint access driveway may create conflict and lead to encroachment on Council parking by Fairway visitors.

3.3 Underground Car Park

The construction of basement parking under the proposed development would require additional land for ramping and access. In addition, the construction would require removal of vegetation/loss of green space.

3.4 Benefit To Council

The requested allocation of land proposes an offer to provide Council with replacement, underground car spaces. These are not additional spaces, thus returning no enhanced benefit to Council. During construction there would be a loss of car parking, potential disruption of entry to the corporate centre and a need to provide substitute car parks to meet Council's obligations.

3.5 Community Benefit

Fairway's proposal is that the provision of additional Council land will result in a community benefit. The benefit of the 30 beds for which the organisation currently has a permit, can be built without additional land and there is no certainty of additional bed licences in the future.

The proposal states that construction according to the current permit would require some disruption of current residents. Fairway has acknowledged that they have a transition plan and could address these issues to minimise disruption to their residents. It is acknowledged however, and is of concern to Fairway management, that some disruption will occur.

While it is acknowledged that there is a general need for additional high care needs beds for the aging population, the evidence that these are needed in Bayside is not confirmed. A review of available population data shows that for the current population, Bayside has a higher provision than required. While this may simply mean that such places are not occupied by Bayside residents, the allocation of bed licences by the Commonwealth Government relies on this population data, and it does not support the need for additional licenses in the short to medium term (see Attachment Two).

Therefore, the need to expand the current site to enable further additional beds to be sought in the next five years could not assured of attracting additional bed license allocations. Planning for longer-term expansion could commence in the near future, so that by the time expansion is needed, all potential options have been explored and the best possible option supported.

4. Implications

4.1. Policy

Council has no policies directly relevant to this matter. The proposal does, however, have implications for policies in relation to planning and the approved use of land; management of assets; provision of an appropriate range of service options for Bayside residents, and long term financial planning.

4.2. Legal/Statutory requirements

If Council were to consider a sale of the land to Fairway, the statutory processes under section 189 LGA would need to be applied.

4.3. Financial and resource implications

Confirming the resolution of 25-11-08 requires no allocation of resources.

Council could consider allocation of resources to conduct long term planning for the precinct as a matter of wider precinct benefit and interest, in the 2010/2011 budget cycle.

Any further exploration of the Fairway request would require allocation of funds to assess the impact of the project on Council land, legal expenses and consultative processes with the community.

Any solution which requires access over Council land also requires an assessment of the opportunity cost of the impact and the encumbrance on Council's title.

4.4. Environmental impacts

The construction of basement parking under the proposed development would require additional land for ramping and access to the car park. This is likely to require removal of vegetation and loss of green space in the area.

4.5. Social impacts

Fairway's proposal is that the provision of additional Council land will result in a community benefit. The benefit of the 30 beds for which the organisation currently has a permit, can be built without additional land and there is no certainty of additional bed licences in the future.

5. Consultation and engagement

To date consultation has been undertaken with Fairway personnel and adjoining land owners and lease holders. If Council decided to proceed with the request, consultation would need to be undertaken with the local community

6. Summary

Fairway has approached Council to seek an allocation of Council land in order to enable it to expand its current facility to incorporate 30 new beds at ground level. The stated reasons are to reduce disruption to current clients, which would be required to meet the terms of the current planning permit, by constructing a second storey on the current building. Further, this would keep open a future option of building a second storey at a later time, if further bed licenses became available.

An assessment by Council officers has not identified sufficient community benefit to justify the encumbrance on Council land that the proposal would require, nor alternative options for expansion on to neighbouring land in the short to medium term. An option to review long term planning for the precinct bounded by Bluff Road, Royal Avenue and Edward, Harrold and Jennings Streets will be pursued with relevant stakeholders.

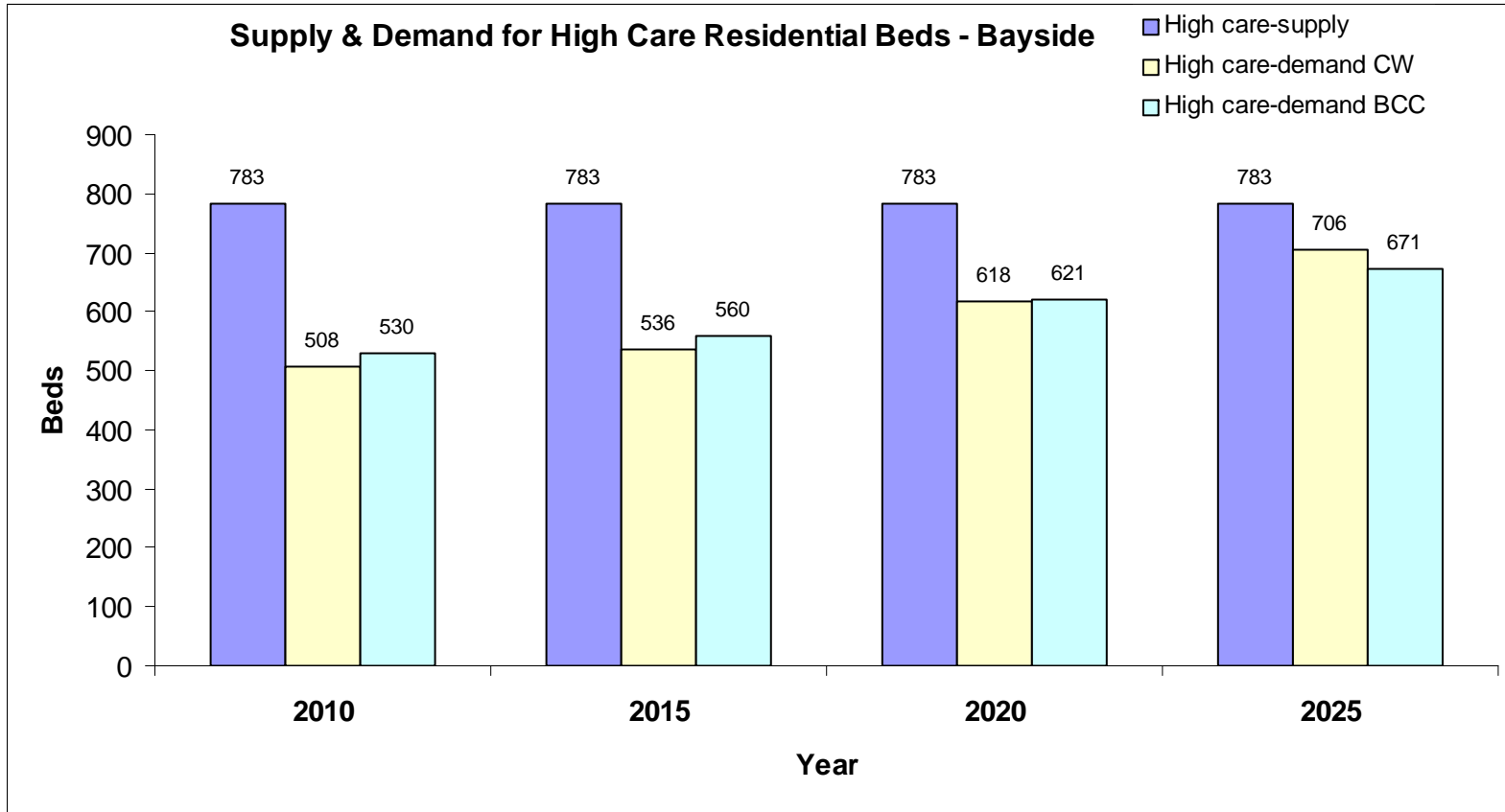
Recommendation

That Council

1. confirm the resolution of 25 November 2008;
2. not agree to the Sandringham Aged Care Association's request to acquire a further portion of Council owned land adjoining the existing premises at 195 Bluff Road.

Attachment 1: Land Titles in Area Surrounding Fairway

Parcel no	Owner	Address	Restrictions	Comments	Usage
1	Bayside City Council	76 Royal Ave	No restrictions, however if a sale was considered I would be important to research basis of initial acquisition in 1965. Also Council would need to carry out statutory processes under section 189 LGA		Council offices and park
2	Bayside City Council	197 Bluff Rd	Land leased to Southern Family Life. Melbourne water sewer easement	Lease expires 9.11.24, with access requirements through car park to Council offices from Bluff Rd	Counselling and other support services
3	Ms E M Wagner and Mr PJ Watson	199 Bluff Rd	Carriageway easement along the northern boundary in favour of Council	Privately owned, sold by Council in 1996	Private dwelling
4	Sandringham Aged Care Association	195 Bluff Rd	Land transferred to Trust in 1994 for use as aged care. If use discontinues or no longer charitable purposes or trust winds up land reverts to Council. Deed provides details of all reasons for wind up.	Subject land	Fairways Hostel
5	Crown land	193 Bluff Rd	Land reserved for Hospital purposes in 1953		Hospital car park
6	Bayside Health	193 Bluff Rd	No restrictions		Hospital

Attachment 2: Data Regarding Demand for High Care Beds


CW* indicates 70+ population calculated by Department of Health and Ageing.

BCC** indicates 70+ population calculated by Council's consultants.

In analyzing the above table, the following considerations relate to the data:

- Any supply and demand data relies on a geographic catchment, which assumes people do not move in/out of those catchments. In this case if the number of 'eligible' older people currently living in Bayside is estimated, it is assumed that they will not be living in aged care facilities located outside Bayside and conversely, that residents from other LGAs are not living in Bayside aged care facilities.
- The Commonwealth's planning ratio for demand (in particular the number of places per 70+ target group) is only current up to the year 2011 and presumably will be revised for future years.
- It has been proposed by the *National Health and Hospitals Reform Commission* that the planning ratio should be amended to measure only the target group of 85+ year olds, that is, the frail aged.
- Future allocations for Bayside have not been published, however Southern Region is expected to attract more places in the next 2 years.
- There is no confirmation available of the planning formulas used by the Commonwealth, so the assumption used here is that they are using the Department of Health and Ageing (DoHA) population projections published on their own website.
- Council's own population projections are different to those used by DoHA.
- Supply has been assumed to remain constant, but it is more likely that there will be growth through private capital investment and subsequent Commonwealth operational funding.

In summary, the graph shows Bayside is currently "over-supplied" for high care beds and will continue to be so in future years given the data limitations discussed above.

10.7 **HACC Garden Maintenance Service**Community Services – Aged and Disability Services
File No: COR/1493

1. Purpose of the Report

This report proposes options for the extension of a safety related garden maintenance service to residents who are eligible to receive assistance through the Home and Community Care (HACC) program and who are assessed as frail and vulnerable under those guidelines.

2. Background

Between September 2006 and mid 2009, Council officers trialled the provision of a full, cost recovery model of garden maintenance services to HACC (Health and Community Care) eligible clients. Due to a number of impediments, the trial was not successful. In short, contractors were either not able to meet the requirements of providing a service to vulnerable clients, or were not able to do so with an acceptable financial return. At present, there are no clients receiving the service.

Previous Council Resolutions:

In September 2006, Council Officers conducted a review of potential alternative revenue sources and streams following a request by Councillors. The objectives of the review were to:

- Identify potential alternative revenue sources for Council to supplement existing sources of revenue from rates and fees and charges;
- Undertake a preliminary assessment and quantification of the potential alternative revenue streams identified, including an assessment of the costs and benefits associated with each option; and
- Recommend to Council which options should proceed to the next stage for more detailed review/analysis and resource allocation.

Six opportunities across Council were identified for further analysis. One of the opportunities included a recommendation to undertake a detailed feasibility study regarding the development and implementation of a full cost garden maintenance service.

Council on 18 September 2007 resolved:

1. *That the proposed gardening service be adopted by Council for a trial period of 12 months.*
2. *That the development and signing of a twelve month service agreement between Council and a contractor with an all inclusive hourly rate of \$36.25 commence as soon as possible.*
3. *That the gardening service be implemented from October 2007.*
4. *That an evaluation of the service be conducted in twelve months and a report submitted to Council.*

3. Discussion

Outcome of Trial

The trial included the provision of lawn mowing, weeding, mulching, pruning and other general garden tasks. The service was established on a cost neutral basis to Council (clients were charged \$40 per hour).

The program was targeted at frail older people and people with a disability who were assessed as eligible for HACC services. During the trial 85 clients accessed the service, despite a limited promotional campaign. Promotion of the service was halted once issues with the initial contractor became apparent.

Council ceased accepting new clients in early 2009, and the service stopped in mid 2009 after all existing clients had made alternative arrangements through engaging a private contractor or by having their family assist. A number of clients indicated their eagerness to continue with a Council service if a suitable and reliable gardener could be found.

Due to a range of contractual issues, a total of three separate contractors were engaged during the trial. Two had their agreements terminated and one did not wish to continue. The issues included:

1. Quality of work
2. Consistency and reliability of gardeners
3. Provision of appropriate equipment
4. Issues with administration and record keeping systems

One of the three contractors received consistently favourable feedback, however he advised after six weeks that he did not wish to continue as he could make considerably more money working on his own.

Overall, during the trial 34 per cent of clients ceased the service due to dissatisfaction with the quality of the work and 26 per cent ceased due to the cost of the service. The remaining clients did not provide clear reasons for ceasing the service.

Officer assessment of the trial also concluded that the usual work practice of commercial gardeners was not aligned with a Council service to vulnerable clients. The latter require certainty regarding who will attend to provide the service, the time, and the identity of the provider. The private gardening contractors tend to order their work around the demands of the work required, rather than the time a client expects a visit. Further, Council requires that any service providers to this client group monitor the health or wellbeing of their clientele, or advise Council if a client does not answer the door. The contracted providers did not meet these requirements in the trial.

Options for Future Service

Three options have been considered and are summarised below. Refer Attachment One for risk /benefit analysis of each option.

Option 1 - Maintain status quo

Council currently provides a range of household maintenance tasks through the HACC funded Home Maintenance program. Work is related to the safety of the home environment and includes tasks such as installation of smoke detectors and replacement of their batteries, installation of safety rails and small ramps, clearing guttering and provision of a restricted amount of gardening assistance. Gardening assistance is limited to pruning bushes or branches that protrude across paths in residents' homes in order to minimise their risk of falls. There is no capacity within current resources to expand the scope of the program.

This option provides no regular gardening service, and only a very limited service.

Option 2 – Employ a Council gardener or utilise Council's parks contractor

Provide an expanded safety related gardening service through Council. Council's assessment officers identify the physical, social and cognitive needs of prospective clients. Following the assessment, clients are categorised into one of five categories. Category one, two and three clients are the most vulnerable and can be isolated due to limited or no social contact with others. An expanded gardening service would allow Council to increase the range of safety related gardening tasks to clients assessed as category one, two or three. Clients would be charged a fee for the service at the HACC subsidised rate.

This would provide an additional service for clients who cannot afford a private service, or whose vulnerability prevents them from managing their gardens.

Option 3 – Seek a preferred contractor/s through a public tender process

Seek a preferred contractor or panel of contractors through a public tender process. Council's assessment officers would undertake the same client assessment process as in option two and once eligibility was determined, the client's details (with their consent) would be provided to the contractor/s to follow up the required work. Council would need to allocate resources to establish a contract monitoring function with this option. The contractor/s would undertake all other administrative responsibilities including booking days and times with clients. Council would charge clients a fee for the service at the HACC subsidised rate (and cover the balance of costs through identified funds).

The trial of the service indicates that reliable provision of contractors for this service at an affordable rate for clients is unlikely to be achievable.

4. Implications

4.1. Policy

The HACC program is a commonwealth and state funded program that is administered through the Victorian Department of Health (DoH). Council receives funding from the DoH to provide a range of basic services to assist older people to remain at home in their community for as long as they are able. Gardening tasks such as lawn mowing are routinely only provided by local governments in bushfire prone areas. Metropolitan councils generally limit the provision of gardening to safety related tasks.

HACC growth funds have been received each year since 2006, however Council does not receive sufficient funding from the DoH to provide a comprehensive gardening service.

Council officers continue to advocate to all levels of government for sufficient funds to meet the increasing service needs of Bayside's older residents. This is aligned with Strategies 1.1.2 and 2.1.1 from the Council Plan which state:

We will provide accessible and high quality services meeting the established needs of people in their local community.

We will lobby Federal and State governments for extra resources and changes to legislation that will benefit our community and organisation.

HACC funded services are not subject to the National Competition Policy.

4.2. Legal/Statutory requirements

Not applicable to this report

4.3. Financial and resource implications

Council receives annual funding of \$83,485 from the DoH and will contribute \$82,330 from its rates base to the Home Maintenance program in 2009/2010.

Council secured additional respite funding of \$106,000 per annum from the Commonwealth Department of Health and Ageing in 2009.

The DoH has provided approval to reallocate \$25,000 of their respite funds to the Home Maintenance program, which would provide resources to fund options two or three.

This would reduce Council's respite hours provided through state funds by 16 per week, however Council would be able to continue to meet all respite requests through the additional commonwealth funding.

Option one would not include an expanded gardening service.

Option two would provide an annual increase of 348 hours through a Council employee or 500 hours through Council's Parks Contractor. Reduced hours would be available through a Council employee due to the need to hire a vehicle and trailer and purchase tools.

Option three would provide 280 hours annually. The available hours in this option are reduced due to costs associated with tendering and contract monitoring.

There would be no additional net cost to Council with any option.

4.4. Environmental impacts

Not applicable to this report

4.5. Social impacts

A gardening service provided by Council provides a safe alternative for vulnerable residents who prefer to utilise Council services. An expanded safety related gardening service would enhance the capacity of older residents to remain independent at home. Older residents routinely request services that are provided through Council as they identify Council as trustworthy, being accountable and an organisation where they can safely lodge a complaint if they are dissatisfied. Safety is often highlighted as an important issue for older people and the provision of Council services assists in increasing the confidence of older people to seek assistance.

5. Consultation and engagement

Three hundred and fifty surveys were distributed to Council's HACC clients during the feasibility study in 2007 and one hundred and sixty were returned. Of the surveys returned 29.4 percent indicated they would use a Council lawn mowing service, 36.9 percent stated they would use a weeding service and 39.4 percent advised they would use a garden cleanup and rubbish removal service.

These results were supported through other consultation mechanisms undertaken by Council with stakeholders including the Age Friendly Strategy, feedback from Bayside Older Adults Advisory Group members and comments provided in annual operational surveys.

Throughout the trial period between 2007 and 2009 regular feedback and consultation was received from clients and potential clients of the service.

6. Summary

An expanded safety related garden maintenance service would enhance the capacity of older residents to remain at home in the community. A trial utilising a number of contractors over a lengthy trial period found that the use of contractors was not effective in the provision of such a service. The trial did, however, demonstrate a high demand for this type of service, if it were operated with Council direction and clear service outcomes.

An expanded service could be implemented through existing resources at no additional cost to Council, through either an employee model, or by utilising Council's parks contractor.

A gardening service provided by Council staff would provide continuity and reliability to vulnerable older people through provision of a consistent, dependable and ongoing service.

Recommendation

That Council

1. Approve an increase in the provision of safety related gardening assistance to residents who are assessed as HACCC eligible commencing 1 July 2010, to be funded through a Victorian Department of Health grant.
2. Approve the provision of the service to be undertaken either through an employee based model, or through negotiation with Council's contracted parks contractor.

Attachment One: Risk / Benefit Analysis

	Benefit	Disadvantage/risk
Option One Status quo	<ul style="list-style-type: none"> - Current service levels would be maintained. - No additional cost to Council. 	<ul style="list-style-type: none"> - Financially disadvantaged may not be able to afford commercial gardeners. - Frail clients may undertake physical tasks that pose a risk to their health. - Overgrown gardens can be a safety issue, as they are an indicator of a person not managing at home.
Option Two Council employed gardener or Council's parks contractor	<ul style="list-style-type: none"> - Provides an expanded safety related gardening service for vulnerable residents. - No additional cost to Council. - Continuity of gardener. - Reliability of service. - Ability to multi-skill existing Home Maintenance officers to backfill permanent gardener when on leave. - Employed gardener inducted and aligned with Council's values. - Fully conversant with Council procedures. - \$25,000 available from 1 July 2010 to be allocated to the service. 	<ul style="list-style-type: none"> - Demand may exceed available resources. - Residents may be upset if their expectations about receiving a service are not met. - Increased Workcover claim risk due to physically demanding work. - A contractor model may experience similar issues to the trial.
Option Three Public tender for contractor/s	<ul style="list-style-type: none"> - Contractor responsible for purchase and maintenance of equipment. - Meets an expanded safety need for vulnerable residents. - \$25,000 available from 1 July 2010 to be allocated to the service 	<ul style="list-style-type: none"> - Difficult to quantify service levels in tender documentation. - Residents may reject using a private contractor. - Resources required for tendering and contract monitoring. - Continuity and reliability of gardeners reduced. - May not be familiar working with vulnerable older people. - Trial has demonstrated a contracted service is difficult to provide (availability, cost, timing, service standards).

Cost implications
Option 1

No implications. Service remains in its current format.

Option 2 – Council employee

	Income – grant and fees	Expenditure
Totals	\$28,580	\$28,580

This option allows for the provision of 348 hours of gardening per year.

Option 2 – Council's parks contractor (to be confirmed through negotiation)

	Income – grant and fees	Expenditure
Totals	\$30,000	\$30,000

This option allows for the provision of 500 hours of gardening per year.

Public tender for preferred contractor/s

	Income – grant and fees	Expenditure
Totals	\$27,800	\$27,800

This option allows for the provision of 280 hours of gardening per year.

10.8 Wilson Recreation Reserve - Partnership Opportunity with Brighton Grammar SchoolInfrastructure Services
File No: COR/1313

1. Purpose of the Report

To present a request from Brighton Grammar School to consider a sustainable water project in partnership with Council regarding the Wilson Recreation Reserve.

2. Background

Council has received a proposal from Brighton Grammar School to consider a form of partnership with respect to the maintenance and ground allocation of the Wilson Recreation Reserve, Brighton. Following a meeting with Council officers on 22 October 2009 regarding the condition of the Reserve, the School wrote to Council's Chief Executive Officer on 29 November 2009 to formally request a partnership to provide improved outcomes at the Reserve for all stakeholders. The School's letter included the following key points;

- The School acknowledges that the Reserve is used for public open space as well as sport at a local club level for cricket and by the School for rugby and other recreation.
- Proposal for Council to consider the joint funding of a feasibility study to identify the best solution for storm water capture from the Brighton Recreation Centre.
- Assuming the success of the feasibility study the School would consider joint development of water infrastructure to provide a sustainable water supply.
- The School would consider increasing its maintenance responsibilities.
- The School would require some form of security of tenure for use.

3. Discussion

School proposal

Acknowledging the communal usage of the Reserve, Brighton Grammar School advise that they are prepared to discuss with Council the joint funding of a feasibility study to identify the best solution for storm water capture and joint development of water infrastructure, as well as increasing its responsibilities for ongoing maintenance of the Reserve. The School further stated that it would require some form of tenure for use as a recompense for these considerations. Furthermore, the School advised that it has opened up its new synthetic ovals for community club use, which will reduce the burden on Council sports grounds. The clubs pay the School for this use.

Further discussions with the School took place on 19 January 2010, in which the School outlined a proposal that Council contribute \$10,000 towards a stormwater harvesting feasibility study to capture stormwater from the roof of the Brighton Recreational Centre located next to the Reserve and other surrounding areas. The estimated total cost of the study is \$20,000, with the balance to be funded by the school. The study would provide cost estimates of the infrastructure needed to supply and irrigate the Wilson Recreation Reserve with storm water.

At this stage the School are seeking an in-principle agreement to their proposal to fund all necessary infrastructure and be responsible for ongoing maintenance in accordance with the standards required for Associated Public Schools (APS) sport. This arrangement would be formalised in a maintenance agreement that would also guarantee the School's required use for rugby, i.e. training two nights per week (Tuesday and Thursday) and games on Saturday morning during the rugby season from May to September. This is based on the current use that the School have had for many years.

Current usage of the Reserve

The Wilson Recreation Reserve is used for public open space as well as for sport at a local club level for cricket and by Brighton Grammar School for rugby and other recreation. Council classifies the Reserve as a 'B' class sports ground, which means it has a 'good quality playing field generally characterised by a fenced oval, automatic watering system and good quality grassed surface'. The lack of further supporting infrastructure (change / social rooms, night lighting, toilets or car parking) does not allow the ground to be allocated to a club as its primary training or competition venue. Currently the Reserve is used primarily as an overflow sports ground for matches during the summer season, and bookings are made via Council's seasonal allocation process, where clubs request certain sports grounds to meet the playing and training needs of their members.

Brighton Grammar School use the sports ground during the winter terms (Terms 2 and 3) for Rugby, and install their own infrastructure (e.g. goal posts) to support rugby. During the 2009 winter season, Council received no requests from other schools or sporting groups for use of the Reserve.

The School's booking for 2009 was 3.30 to 5.15 pm from Monday to Friday and Saturday from 9 am to 1 pm during winter school Terms 2 and 3. The School is seeking to gain security of tenure for a number of years based on their 2009 usage.

Under Council's Sports Facility Policy 2006, Brighton Grammar School is charged the same rate as other schools (public and private) for use of the Wilson Recreation Reserve. Fees to schools are based on a per term per sports ground fee, which in 2008/2009 was \$55 for a primary school usage and \$95 for secondary school usage. In 2009/2010 the fees were raised to \$60 for a primary school usage and \$100 for secondary school usage (per term, per sports ground). Fees charged to Brighton Grammar School for 2009 winter usage totaled \$195 (\$95 Terms 2 and \$100 for Term 3).

The School does not currently use the Reserve during summer i.e. Terms 1 and 4. For the 2009/2010 summer season, the Reserve is allocated to the Brighton Cricket Club for junior games on Fridays evenings and Saturdays mornings, while the Hampton Central Cricket Club holds senior games there on Saturday afternoons.

The surface of the Reserve is covered by Kikuyu grass. Due to heavy sports such as school rugby played there in the winter months, by the end of winter the surface condition is poor. During the summer months, with lower usage and 'non-destructive' sports activities such as cricket, the grass recovers naturally. Council contractors water the grass as needed during the late summer, via the Reserve's automatic irrigation system connected to the potable water main system.

Under the current Open Space and Tree Contract, annual maintenance cost for Wilson Recreation reserve is \$4,235, and the cost of watering the Reserve for 2009 was approximately \$3,000 hence the total annual maintenance cost is \$7,235.

Options for consideration

Whilst the proposal from the School is consistent with Council's aims to promote water sustainability, the formalising of the School's usage of a community sports ground would create a precedent that is inconsistent with Council's open space objectives to provide equity and access for the community to participate in informal and organised sport activities. An advantage of the School's proposal is that the ground would be maintained to a better standard than its current condition. However, in the opinion of Officers the condition of the ground would revert to an acceptable standard of playing surface if school rugby was not played.

In response to the proposal from Brighton Grammar School, Council's options could be to:

- Reduce the School's future use of the Reserve, as it is no longer able to sustain the intensity of use resulting from rugby. This would also allow for greater opportunities for passive community use;
- Continue with the current usage arrangements where bookings are made on a year-to-year seasonal basis in accordance with Council's Sports Facility Policy; or
- Agree to enter into a partnership whereby Brighton Grammar School would have a longer-term lease for usage based on their current needs for rugby and on the basis that the School fund storm water infrastructure and be responsible for ongoing maintenance to the APS sport ground standards.

4. Implications

4.1. Policy

Council's Open Space Strategy is currently being reviewed and the consultation processes in this review could provide an opportunity for Council to test the community's support for this type of proposal.

4.2. Legal/Statutory requirements

The School has proposed that should their proposal be implemented, that an agreement be entered into to clarify implementation and maintenance responsibilities and guarantee the School use of the Reserve.

4.3. Financial and resource implications

If Council were to agree to the School's proposal in principle, it would be required to fund \$10,000 towards the feasibility study. If the School were responsible for ongoing maintenance there would be a saving to Council in the order of \$7,325 p.a.

4.4. Environmental impacts

Stormwater capture for watering sports grounds is in keeping with Council's sustainable water strategies and environmental objectives.

4.5. Social impacts

Council's sporting facilities provide a valuable recreational service to the general community and a wide range of community groups. However at this point in time Council does not have any information about demand and use of the Reserve for passive community recreation.

5. Consultation and engagement

There has been no community engagement with respect to this matter.

6. Summary

Given the annual maintenance cost of the Wilson Recreation Reserve of \$7,235 the School currently pays a subsidised rate of \$100 per term for use of the Reserve. This is same rate charged to government schools. This rate is also comparable to the fees charged to non for profit community groups. The fees charged are nominal and therefore the level of subsidy is close to 100%.

Whilst the proposal from the School is consistent with Council's aims to promote water sustainability, the formalising of the School's usage of a community sports ground would create a precedent that is inconsistent with Council's open space objectives to provide equity and access for the community to participate in informal and organised sport activities.

The Open Space strategy is currently under review and about to commence a process of intensive community engagement. Any decision regarding the School proposal and any changes in use should be postponed until that policy is finalised, providing Council with principles for decision making in relation to matters such as these.

Recommendation

That Council:

1. Not support the proposal from Brighton Grammar School at this point in time;
2. Consider the outcomes of the Open Space Strategy and a review of sportsgrounds allocations before considering any changes to the existing usage arrangements for Wilson Recreation Reserve.

Wilson Recreation Reserve



Brighton Recreational Centre

1. Purpose of the Report

To provide Council with a proposition to review the levels of service in the Amenities, Bins and Beach Cleaning Contract to include the removal of large accumulations of seaweed from beaches at two priority sites and to recommend criteria for the removal of large accumulations of seaweed.

2. Background

This proposal is being considered in response to dissatisfaction recently expressed in regard to seaweed build up at two priority sites: namely Sandringham Harbour Beach, and between the Brighton Sea Baths and Sandown Street, Brighton.

Council follows the *Victorian Best Practice - Beach Cleaning Guidelines* (Department of Infrastructure 2001), which states that all seaweed below high tide is left on the beach unless it is highly contaminated or excessive quantities result in a severe beach odour or restrict access.

Inspections are carried out by Council Officers on a regular basis to determine the level of contamination within large accumulations of seaweed. If it is found that seaweed is posing a health concern then the Council Environmental Health Officers will be alerted and seaweed will be removed.

Under Council's Amenities, Bins and Beach Cleaning Contract (Contract Number 080908) priority sites are mechanically cleaned (mechanical cleaning includes raking and sieving sanded area) once per week in the summer period (November to March) and once every three weeks in the winter period (April to October). Manual cleaning (collection and disposal of litter from sanded area) is carried out daily in the summer period (November to March) and three times per week in the winter period (April to October). This Contract was awarded on 8 September 2008 for a 10 year period.

Under the *Coastal Management Act 1995* Council acts as a committee of management for Coastal Crown land. Coastal Crown land is defined as Crown land within 200 metres of high water mark. Anything below this is the responsibility of the Department of Sustainability and Environment (DSE).

With regard to the practices of neighbouring councils, Kingston City Council does not follow the *Victorian Best Practice – Beach Cleaning Guidelines* when removing seaweed. Currently Kingston uses the same service provider for beach cleaning as Bayside City Council and under this contract a mechanical cleaner is used to clean all beaches. Kingston has one priority site where high seaweed accumulations form, which is located between the Mentone Life Saving Club and Charman Road in Beaumaris. At this one priority location, within their beach cleaning contract, Kingston remove bulk seaweed on a weekly basis which constitutes an estimated 10 to 40 tonnes per week. All seaweed collected from Kingston is taken to landfill and is not recycled. This site in Kingston is very accessible, which makes for relatively easy removal of seaweed.

Port Phillip Council uses a mechanical cleaner once a day in the summer period to clean priority beaches, which includes St Kilda Beach and Elwood Beach, all other beaches are cleaned once a week. In the winter period all beaches are cleaned once a week. All seaweed is removed from Port Phillip beaches and stock piled in a fenced off restricted area in large storage containers which are not removed from site until full.

It is worth noting that both Kingston City Council and Port Phillip Council do not have the same restrictions with access onto beaches as Bayside City Council.

3. Discussion

3.1. Amenities, Bins and Beach Cleaning Contract

Currently the collection and disposal of bulk seaweed does not form part of the lump sum works for the contract, and is removed only when requested by Council Officers following weekly inspections. The removal is charged as per the schedule of rates under the New Age Cleaning Amenities, Bins and Beach Cleaning Contract.

Under this Contract schedule of rates, the collection and disposal of bulk seaweed costs \$170 per tonne (0 - 30 tonnes) and \$160 per tonne (over 30 tonnes).

Council has removed bulk seaweed on three occasions in the last 24 months at a total cost of \$22,036.80 for 137.48 tonne, i.e. at an average of about \$7,400 per removal. Only 30 tonnes of this seaweed was recycled and the rest was taken to landfill which was an added cost to Council.

The contract nominates an estimated workload indicator of 150 tonne of bulk seaweed, which has been removed annually from the foreshore.

Council is currently recycling all bulk uncontaminated seaweed removed under the New Age Cleaning Amenities, Bins and Beach Cleaning contract.

3.2. Department of Sustainability and Environment (DSE) Beach cleaning subsidy program

The Department of Sustainability and Environment (DSE) provides Council with a beach cleaning financial subsidy. This provides financial support to Councils responsible for the management of beach cleaning. This program operates as a subsidy with the funds allocated proportionally on an actual expenditure basis. Council has received \$170,242.97 (excl GST) for 2008/09. If council requested further beach cleaning or seaweed removal, DSE would fund some of the costs for additional works. However funding is allocated proportionally on an actual expenditure basis. Therefore funding is not 100 per cent of the current contract costs; it is only a proportion of the costs for beach cleaning only. This means that Council would need to cover the majority of the costs for additional works. Also funding under the beach cleaning subsidy program is not guaranteed and can vary from year to year.

The cost for beach cleaning in the contract for 2008/09 was \$581,560 per annum which includes \$170,243 contribution from DSE. Funding from DSE is only given to Council for the summer period (October to April), therefore Council received 44 per cent for the summer period for the last financial year.

DSE has reiterated that Council acts as a committee of management for coastal Crown land and is therefore responsible for land within 200 metres of high water mark. The Department of Sustainability and Environment is happy to support Council's adopted practices when dealing with the removal of seaweed.

3.3. Natural coastal environment

Under the Victorian Best Practice – Beach Cleaning Guidelines seaweed is considered an important part of the ecosystem. It provides habitat for a range of organisms and plays an important role at the bottom of the food chain, may assist in protecting beaches (sand particularly) from wind and tidal erosion, and it is a source of nutrients for water and sand-dwelling organisms.

The long-term removal of bulk seaweed may potentially have adverse implications on the natural coastal environment.

3.4. Seaweed Recycling Feasibility Study

Regular visual inspections by Council officers reveal that seaweed is replenished within a week. Evidence of this was highlighted in the Seaweed Recycling Feasibility Study.

From November 2007 to April 2008 Council conducted a Seaweed Recycling Feasibility study between the Brighton Sea Baths and Sandown Street, Brighton. The study revealed, "that the removal and reprocessing of the seaweed is both economically and environmentally viable, though

not necessarily worthwhile.” This study revealed that periodic removal does not appear to provide long term reduction in the quantity of seaweed at the study sites beaches” (SRFS, 2008, pg. 20).

The study also revealed that the “accumulation of seaweed over time did not reveal any significant pattern and after cleaning and removal in February and April 2008 the pre – existing cover and depth was restored within seven days” (SRFS, 2008, Pg. 20).

Council is currently recycling all bulk uncontaminated seaweed removed under the New Age Cleaning ‘Amenities, Bins and Beach cleaning’ contract.

All uncontaminated bulk seaweed removed from the beach is recycled at the Green Organics Transfer Station (Transpacific) in Mount Waverley, and is recycled through Transpacific Compost Operations. Council follows guidelines when transporting seaweed to the green waste facility, which includes notification at least 24 hours prior to start of deliveries, no excessive levels of contamination (more than 2%), no offensive odour from incoming loads, and only 20 – 25 tonnes per day of seaweed will be accepted. If the seaweed is unacceptable then it will be disposed of at Transpacific putrescible waste unit and charged to Council.

3.5. Access onto Bayside City Council Beaches

Limited access to priority sites must be considered before the removal of seaweed is requested. The Contractor will need to determine accessibility of site and implement the appropriate safety precautions.

If Council continues to maintain the current service levels that reflect the Victorian Best Practice – Best Cleaning Guidelines to remove bulk seaweed from priority sites there will no additional cost implications.

Within the current Contract Schedule of Rates for the collection and disposal of bulk seaweed costs \$170 per tonne (0 - 30 tonnes) and \$160 per tonne (over 30 tonnes). Over the last two years, cleaning at priority sites has been measured at an average of 60 tonne of seaweed per removal.

It is suggested that bulk seaweed be removed under the following criteria:

- to provide improved community amenity, particularly for major events;
- when it is highly contaminated;
- when it results in a severe beach odour; and /or
- when it restricts access in and out of the water.

Based on these costs and measures, an estimate of ten events for priority cleaning per year would cost \$96,000 in total.

Increasing the current service levels will include the removal of wrack seaweed from high profile areas on a regular basis during summer and winter periods.

Additional costs for cleaning one priority site on a regular basis during the summer period, at a predicted 60 tonnes per removal, would be at an estimated cost of \$9,600 per removal. To do this on a regular basis over summer, for example, once a fortnight over a five-month period (ten cleans), would cost an additional \$96,000. During the seven-month winter period, removal once a month at a predicted 60 tonnes per removal, would give a total additional cost of \$67,200.

Tonnage of seaweed from any site varies daily and all options above are an estimate, therefore additional costs will need to be added if necessary.

4. Implications

4.1. Policy

No Council policy exists regarding the removal of bulk seaweed. Council follows the *Victorian Best Practice - Beach Cleaning Guidelines* (Department of Infrastructure 2001), when cleaning the foreshore.

4.2. Legal/Statutory requirements

Under the *Coastal Management Act 1995*, Council acts as a committee of management for coastal Crown land. Council manages any cleaning and maintenance above the high water mark.

Under the Environment Protection Act 1970 seaweed must be dried before transport off site and disposal. Seaweed must be placed into piles to be dried for 24 hours before removal. Hence, it is illegal to remove wet seaweed, in the water or on the sand, under any circumstances.

4.3. Financial and resource implications

Council currently has a budget based on the New Age Cleaning Amenities, Bins and Beach Cleaning contract of \$581,560 per annum for beach cleaning, which is partly funded by a grant of \$170,243 from the Department of Sustainability and Environment. The cost of removing bulk seaweed is estimated at about \$7,000 per removal (approximately 40 tonnes). To implement Options 2 or 3 would be an additional cost, which would need to be approved by Council in the next yearly budget for beach cleaning.

4.4. Environmental impacts

Environmental impacts and implications have been mentioned above. Council is currently recycling all bulk uncontaminated seaweed removed under the New Age Cleaning 'Amenities, Bins and Beach cleaning' contract. Mechanically removing seaweed from Bayside Beaches and transporting it to either the green waste site for recycling or to landfill will increase Bayside carbon emissions. Increased use of mechanical beach cleaner will increase carbon emissions and increased removal of seaweed will impact on habitat loss for a range of micro and macro organisms.

4.5. Social impacts

The Beach Cleaning Contract and seaweed removal results in significantly improved amenity and access to Bayside's popular beaches.

5. Consultation and engagement

The community will be able to comment on Council service levels and the financial implications to beach cleaning as part of the budget process.

6. Summary

This proposal is being considered in response to recent community dissatisfaction with the accumulation of seaweed at two priority sites, namely Sandringham Harbour Beach and between the Brighton Sea Baths and Sandown Street, Brighton. Council does not have an adopted policy with regard to bulk seaweed removal.

Recommendation

That Council:

1. consider the proposal as part of the 2010/2011 budget process to increase the beach cleaning service levels in the current Amenities, Bins and Beach Cleaning Contract (Contract Number 080908) to include approximately 10 wrack seaweed removals per annum (\$70,000 per annum), to coincide with major events; and
2. endorse the following criteria, to be exercised by the Contract Manager or Director Infrastructure Services, for the removal of seaweed:
 - o to provide improved community amenity, particularly for major events;
 - o when it is highly contaminated;
 - o when it results in a severe beach odour; and /or
 - o when it restricts access in and out of the water.

10.10 Modernising Victoria's Planning Act: Planning and Environment Amendment (General) Bill 2009City Strategy – Urban Strategy
File No: COR1265-02

1. Purpose of the Report

To consider “Modernising Victoria’s Planning Act: Planning and Environment Amendment (General) Bill 2009”, and the accompanying Commentary on the draft Bill recently released by the Minister for Planning.

2. Background

The Planning and Environment Act is being reviewed to modernise the Act and enhance the operation of Victoria's planning system. The purpose of the review is to simplify the current laws, eliminate duplication, remove redundant provisions, modernise the language and strengthen certainty and timeliness in the planning process.

In March 2009, the Department of Planning & Community Development (DPCD) released “Modernising Victoria’s Planning Act: A discussion paper on opportunities to improve the Planning and Environment Act 1987” which set out a range of options for reform. Council made submissions at the time in relation to that discussion paper.

Subsequently, the draft “Modernising Victoria’s Planning Act: Planning and Environment Amendment (General) Bill 2009” has been released for comment. This sets out the proposed amendments to the Planning and Environment Act 1987. The draft Bill proposes the following key reforms.

- Updating the objectives of planning in Victoria
- Improving the operation of the amendment process
- Improving the operation of the permit process
- A new process for projects declared as State significant development
- Making a range of miscellaneous changes to improve the operation of the Act

(See Attachment 1 for a summary of the proposed amendments)

3. Discussion

A number of issues were raised in Council’s submission to the initial discussion paper that have not been adequately addressed within the draft Bill. These include the need for:

- Explicit recognition within the Act of local governments role in the planning process and identification of the partnership arrangement between state and local government
- The introduction of statutory time frames for the planning scheme amendment process, including the authorisation of an amendment

In addition, issues have now arisen within the detail of some proposed changes outlined in the draft Bill that Council originally supported in principle in the initial discussion paper. These concerns are addressed within Council’s response to “Modernising Victoria’s Planning Act: Planning and Environment Amendment (General) Bill 2009” (Attachment 2). Of particular concern is the proposed reduction in council’s overall decision-making powers. In addition, there has been a lack of reason and justification for a number of issues that have not proceeded and lack of consideration for a number of matters raised in Council’s previous submissions.

The update of the Planning and Environment Act is welcomed. However, as identified throughout Council’s draft submission, Council does not support all proposed changes in the “Planning and Environment Amendment (General) Bill 2009”.

4. Implications

4.1. Policy

Council Plan 2009-2013

Commitment 2: Advocacy for and with our community

Strategy Objective 2.1: We will be an effective advocate on behalf of, and with, the Bayside community

4.2. Legal/Statutory requirements

Not applicable to this report

4.3. Financial and resource implications

Not applicable to this report.

4.4. Environmental impacts

Not applicable to this report.

4.5. Social impacts

Not applicable to this report.

5. Consultation and engagement

The draft Bill gives stakeholders the opportunity to consider and comment on the detail of the proposed changes to the Act before the introduction of the Bill into Parliament.

The Municipal Association of Victoria (MAV) has released its draft comments for Council's consideration. Preparation of Council's submission has been informed by the MAV work and generally supports the commentary being made by the MAV.

6. Summary

Council has prepared a response to "Modernising Victoria's Planning Act: Planning and Environment Amendment (General) Bill 2009" recently released by the Minister for Planning. It is critical that council makes a submission on the draft Bill to ensure its views are taken into account. In order to meet the 12 February 2010 deadline officers have submitted the comments in attachment 2 to DPCD. A draft of the submission had been forwarded for Councillors' comment prior to its being submitted.

Recommendation

That Council's response to "Modernising Victoria's Planning Act: Planning and Environment Amendment (General) Bill 2009" (Attachment 2) be endorsed.

ATTACHMENT 1.**Summary of Proposed Changes to the Act**

The key changes to the Act, as identified by DPCD in the 'Commentary on the draft Bill', are summarised below. Full details are available on the DPCD website at www.dpcd.vic.gov.au/planning.

1. THE OBJECTIVES OF PLANNING IN VICTORIAThe current Act

The objectives support and guide both the content of the Victorian planning framework and decisions relating to land use and development in Victoria.

The draft Bill

The objectives of planning in Victoria are to be updated to recognise the importance to planning of:

- Equal consideration of social, economic and environmental factors in decision-making
- A healthy environment
- Population and demographic change
- High quality and sustainable design
- The need to integrate planning for land use, transport and infrastructure.

(See Chapter 1 of the 'Commentary on the draft Bill' (December 2009) for more details)

2. THE PLANNING SCHEME AMENDMENT PROCESSThe current Act

Currently there is one process for amendments to planning schemes and the Minister can exempt various steps in certain circumstances.

The draft Bill

Separate 'streamlined' and 'standard' planning scheme amendment processes are proposed for the assessment of amendments.

Changes include:

- The Minister for Planning will be able to authorise a person to prepare an amendment and carry out certain procedural steps in the standard amendment process.
- The Secretary of the Department will certify the quality of amendments before exhibition.
- The date for a directions hearing will be set at the time of exhibition.
- An amendment can only be approved or refused by the Minister on recommendation from the planning authority.

(See Chapter 2 of the 'Commentary on the draft Bill' (December 2009) for more details)

3. THE PLANNING PERMIT PROCESSThe current Act

The Act currently applies one process to all planning permit applications regardless of the scale, complexity and significance of a proposal.

The draft Bill

Two separate processes are proposed for the assessment of permit applications to more closely match the assessment and approval process with the potential impact of the proposal. The two processes are:

- Code assess – This process will apply to straightforward, low risk, low impact applications that can be quickly assessed against specified performance standards or assessment criteria set out in a planning scheme. Decisions must be made by the Chief Executive Officer of the Council, or their delegate.

- Merit assess – This is the current planning permit process, with some alterations. Decisions are made by the responsible authority, which may be either the Council or their delegate.

(See Chapter 3 of the 'Commentary on the draft Bill' (December 2009) for more details)

4. STATE SIGNIFICANT DEVELOPMENT

The current Act

There is currently no clear mechanism or criteria to identify and consider State significant development. This can result in proposals being 'called in' by the Minister part way through assessment.

The draft Bill

A new process for the approval of State significant developments will be introduced. This aims to ensure the process of assessing and determining these proposals is clear and transparent.

(See Chapter 4 of the 'Commentary on the draft Bill' (December 2009) for more details)

5. OTHER MODERNISATION INITIATIVES

The draft Bill

The draft Bill proposes:

1. Changes to the operation of section 173 agreements, including the ending and amending of agreements.
2. Enabling a comprehensive monitoring and reporting requirement for all key decision makers in the planning system.
3. Facilitating e-Planning initiatives by enabling fees for application and amendment processes to contain a component to provide for the upkeep of electronic operating systems.

(See Chapter 5 of the 'Commentary on the draft Bill' (December 2009) for more details)

ATTACHMENT 2.**Draft Outline Of Response to 'Modernising Victoria's Planning Act: Planning & environment (general) Bill 2009'****1. Introduction**

Bayside City Council welcomes the opportunity to comment on "Modernising Victoria's Planning Act: Planning and Environment Amendment (General) Bill 2009". The planning system and processes have become increasingly complex and complicated as various changes and initiatives have been incorporated into the legislation. The attempt to simplify and streamline this legislative framework is highly supported. However, many of the proposed changes diminish the decision-making authority of local government. Council does not support these changes. The structure of the submission focuses on the five areas of key reform within the draft Bill.

2. The objectives of planning in Victoria

The inclusion of new references to a healthy environment, population and demographic change, transport and infrastructure, and recognition of the importance of high quality and sustainable design is supported by Council. However it is noted that the current objectives are sufficiently broad to enable these aspects to be covered. One danger in continuing to identify specific matters is that a change to the Act will be required each time a new issue arises. The explicit recognition that environmental, social and economic considerations need to be balanced in the decision-making process is supported.

3. The amendment process*'Streamlined' amendment process*

Council supports the concept of a streamlined amendment process. However, further development and explanation of procedures is required so the intent and circumstance for use of this mechanism is clear and transparent. As stated in Council's previous submission to the discussion paper, it is suggested that time frames for the planning scheme amendment process should be specified for the Minister for Planning. Whilst scheme amendments by their very nature may raise substantial issues of planning policy, this does not justify open-ended time frames.

'Authorised' person to undertake procedural steps

Council does not support the introduction of an 'authorised person' to undertake procedural steps in the amendment process and insists that a Planning Authority remains the only one with authority to prepare an amendment. The introduction of an 'authorised person' greatly diminishes council's powers and role in not only the amendment process but also municipal planning in general. As an alternative it is suggested that a 'right of appeal' approach be taken. If the person proposing the amendment does not agree with council, or council fails to make a decision within a specified time frame, the proposed amendment may go to Panel. If Panel agrees with the proponent, council would have to prepare the amendment, or the Panel could authorise an authorised person to prepare the amendment.

Authorisation

The requirement for an amendment to be authorised by the Minister has been retained. Council supported the principle behind authorisation at the time of introduction. In practice however difficulties have arisen.

The first issue relates to Ministerial decision-making time frames. Even simple, straightforward procedural amendments take approximately 4 weeks to authorise. More complex amendments can take months or even years. Council believes the Minister should be subject to a statutory time frame in which to make a decision in regard to the authorisation of an amendment. This effectively enables the authorisation process to achieve what it was initially intended to achieve rather than placing amendments 'in-limbo' pending the Minister's decision.

The second issue arises where the Minister in effect has a veto power to refuse exhibition (and hence any capacity for public involvement) without any mechanism for review of his decision. Council believes some review mechanism should be available should the responsible authority not accept the Minister's direction.

Certification

Council embraces the logical decision to relocate the certification of an amendment to the beginning of the planning scheme amendment process. However, where the Planning Authority has received the Minister's authorisation to prepare an amendment little benefit is seen in the requirement that the authorised amendment must then be submitted to the Secretary of DPCD for certification. Authorisation and certification could be achieved in one single step. However, the same benefits may also be achieved more time efficiently by the development of templates and other quality control mechanisms.

Directions Panel

Council sees difficulty in setting a date for the directions hearing when an amendment is placed on exhibition. The timescales for amendments are highly dependant on how many, and what type, of submissions are received. Dealing with a large number of submissions, or submissions raising many issues or complex proposals requires time for assessment and for a response to be prepared. It is suggested that a Panel hearing be scheduled once submissions have been received and analysed by the Responsible Authority. It is council's view that a directions hearing should be conducted by the same person who is conducting the panel, otherwise issues may arise around double handling of material and information.

Removal of Planning Authorities ability to approve an amendment

Council does not support the removal of the Planning Authorities ability to approve an amendment. The justification for the removal of this power is that amendments and amendment documentation submitted to the Minister for certification frequently needs to be changed before they can be certified and approved. If certification of an amendment is completed at the beginning of the planning scheme amendment process, as is proposed in the review of the Act, this should no longer be a problem.

Modification of planning authority ability to 'recommend' to the Minister rather than approve, adopt or abandon

Council supports the view that a Planning Authority should be more accountable when it makes a decision to abandon an amendment after having received a panel report. However, rather than removing council's power to approve, adopt or abandon an amendment, it should be a requirement that the Planning Authority must justify why the amendment is being abandoned, with the parties involved being given 21 days to appeal that decision.

Submissions to include reasons

Council supports the proposal to require a person making a submission to state the reasons for the submission. However, this only goes part of the way to addressing concerns about irrelevant submissions. Council believes there should be scope to allow council to disregard irrelevant or vexatious submissions similar to the provisions relating to consideration of objections to planning permit applications.

4. The permit process

Code assess

Whilst having some attractions, the devil is in the detail. Council has a number of concerns regarding the proposed code assess procedure. These include.

- Determining which applications fall into this category
- No advertising or rights of review (appeal rights)
- Review by applicant only. This limits submissions by neighbours and other affected parties
- Unrealistic time frame of 14 days to process. Determining which applications fall into this category will require site visits etc.
- No community or councillor input or involvement in the decision making process
- Lack of clarity over who determines preset criteria. Will Council and the community be involved?
- Use of purely prescriptive standards in the Assessment Criteria. This is not responsive to local policies or objectives.

Council is not in a position to comment further until full details are available. It is also of concern that whilst initially introduced for 'acceptable' situations, that this principle could, once provided for in the Act, be used more extensively without proper discussion.

Merit assess

Council has no serious concerns with the merit assess process. This is how Council currently assesses applications.

5. State significant major development

Council supports the proposed State Significant Development process in principal however, further justification is required. Council strongly identifies the need for the Act to define what constitutes a State significant major development or "major" issue of policy in the context of a Ministerial call-in. In addition any call-in should be proactive and exercised at the time a proposal is lodged, rather than being reactive at any time during its consideration as occurs at present. A limited provision only should be retained for reactive call-in should a major issue of policy be identified during the course of consideration of the proposal.

6. Other modernisation initiatives

Referral Authorities

Council supports the proposed changes to the role and responsibility of Referral Authorities, many of which are long overdue. It is once again suggested that further development of processes and templates be developed to ensure implementation of these initiatives is consistent.

Section 173 Agreements

Council welcomes changes to the operation of Section 173 agreements and has no serious concerns with the proposed improvements.

7. Conclusion

Council welcomes an update of the Planning and Environment Act. However, as identified throughout the above submission, Council cannot support all proposed changes in the "Planning and Environment Amendment (General) Bill 2009". The proposed reduction in council's decision-making powers is particularly concerning. In addition, council is concerned with the lack of reason and justification for a number of issues being removed from the agenda and lack of consideration for council's previous submissions.

1. Purpose of the Report

To respond to a Council resolution calling for a report on current and potential changes to delegations to the Planning Committee.

2. Background

Council at its meeting of 24 November 2009 in response to a Notice of Motion resolved:

“That Council receive a report at a February meeting of Council on the current and potential changes to delegations to the Planning Committee with particular emphasis on the objection trigger for planning applications to be considered by the Planning Committee”.

Councillors were briefed on planning delegations as part of the Councillor induction program. In February 2009 Council called for a report on reviewing delegations with the intent of removing staff delegation for secondary consents to amend permit conditions or plans. In May 2009 Council resolved to amend delegations to require secondary consents to be reported to the Planning Committee where a permit was issued at the direction of VCAT or the consent was being sought retrospectively.

Operation of the Planning Committee was discussed by Council in the context of considering alternative committee structures and meeting cycles. Delegations to committee and staff were again considered at the October Councillor weekend workshop.

Currently the Planning Committee has full delegation on all statutory planning matters. The delegation to staff requires that the following matters must be reported to Council for determination:

- All applications to which any objection has been received and where staff recommend approval. Staff received delegation to refuse applications with objections in July 2008.
- All applications for secondary consents where a permit was issued at the direction of VCAT or consent is sought retrospectively.
- Any application which is “called-in” by a Councillor.

Councillors are informed via the weekly Councillors Bulletin of:

- All applications received in the preceding week.
- All proposed approvals or refusals subject to any Councillor call-in by the following Monday.
- All actions taken on matters not subject to call-in protocols.

Approximately 75% of permit applications are determined by staff under delegation. This rose to 80% in 2008-09, primarily as a result of increased success in negotiating withdrawal of objections following consultation with applicant and objectors; and also staff exercising the power granted to refuse applications.

The May 2009 decision on secondary consents has resulted in an average of 4 additional reports each Planning Committee agenda. This will increase to an average of 6 following introduction of the new three week meeting cycle which reduces the total number of Planning Committee meetings.

Attachment 1 provides a tabulation in terms of number of objections in relation to items reported to the Planning Committee in 2009. If the staff delegation threshold trigger were raised to two or more objections, this would reduce items by 52 or 35%, and if raised to three or more objections, would reduce items by 90 or 60%.

A review of statutory planning processes in 2009 found that there is a significant difference in processing time between applications dealt with under officer delegation, and those referred to Planning Committee. This equates to 55 lapsed days (49 statutory days).

This difference has real costs attached to it and translates to an estimated additional financing cost per application of \$7,340. This is the financial cost to the applicant without taking into account further administrative, legal and resource costs for the applicant, Council or objectors.

If the objection criteria for referral to Council were amended from one to say five objections, there would be a consequent reduction in referral of applications to Planning Committee. This would not only provide a financial saving of \$7,340 per application not referred (a total of \$0.961m), but additionally a reduction in average processing time of 8.1 days across all applications.

Refer attachment 2 for a summary of data from the statutory planning process review which outlines the impacts of different objection triggers.

Council has thirty days in which to determine a secondary consent. Reporting to Council adds a minimum fourteen days and up to twenty eight days if a secondary consent application just misses a Council meeting. Most changes sought are minor. A short statutory time frame for their consideration means that consideration and reporting on any secondary consent application takes precedence over other work in order to avoid Council acting out of time.

3. Discussion

Options for any variation to delegation include:

1. Delegate back to staff all responsibility for secondary consents, or alternatively delegate to staff subject to weekly call-in protocols
2. Vary the threshold trigger for the number of objections requiring a report to be presented to Planning Committee.

There is a clear elapsed time implication in requiring applications to be reported to Council which translates into real and quantifiable costs. Whilst staff are currently working on reducing time taken to process applications, there will always be a greater time required for those reported to Council. In addition to any time delay, there are real additional costs, especially for applicants. Council must decide whether its requirements for reporting to Council are reasonable in terms of the implications arising from that requirement.

It is proposed that Council critically review the current objection threshold trigger. Adopting a trigger of more than one objection (i.e., two or more objections) would result in a minimum one third reduction in applications reported to the Planning Committee. Whatever trigger level is adopted, it is proposed that the existing Councillor call-in protocols remain. That is, Councillors would be notified weekly via the Councillor Bulletin of all proposed officer delegated decisions, and be able to call-in any matter for report to Council. Only if there are no call-ins would the officers proceed to exercise delegation. Similarly, staff as at present would continue to report major applications or those raising significant policy items to Council, regardless of any delegation threshold trigger. It is also proposed that multiple objections from persons residing at one address be treated as a single objection for the purposes of the delegation instrument.

4. Implications

4.1. Policy

Council policy on planning delegations is reflected in the Instrument of Delegation to staff.

4.2. Legal/Statutory requirements

Any decision to vary delegation will require Council to establish a variation to the Instrument of Delegation for the relevant staff.

4.3. Financial and resource implications

Implications in financial terms have been outlined above. A significant reduction in time is achieved where matters are decided under officer delegation rather than report to Planning Committee. Any reduction in time would be beneficial in speeding the turnover of files with an officer, facilitating more effective deployment of officer time.

4.4. Environmental impacts

Not applicable to this report.

4.5. Social impacts

Not applicable to this report.

5. Consultation and engagement

Not applicable to this report.

6. Summary

It is opportune to review planning delegations, particularly in the context of the recent changes from fortnightly to three weekly meetings of the Planning Committee. Lifting the threshold number of objections which requires a report to the Planning Committee will reduce processing times with consequent cost savings to those involved. The report attachments provide data to assist in deciding what new threshold is most appropriate. It would be appropriate to review operation of the amended delegation after twelve months.

Recommendation

That Council:

1. vary the Instrument of Delegation with respect to the Planning and Environment Act 1987 to extend delegation to the Chief Executive, Director City Strategy and Manager Statutory Planning to make decisions on planning permit applications to which one only objection has been received, subject to there being no Councillor call-in following notification of the delegate's intention, noting that multiple objections from persons residing at one address shall be considered a single objection for the purpose of the delegation instrument.
2. receive a further report after twelve months operation of the amended delegation.

Attachment 1
Applications by Number of Objections 2009

Number of objections received	Number of occurrences	%	Cumulative %
1	52	35.1	35.1
2	38	25.7	60.8
3	17	11.5	72.3
4	8	5.4	77.7
5	9	6.1	83.8
6	2	1.4	85.2
7	1	0.7	85.9
8	6	4.1	90.0
9	1	0.7	90.7
10	1	0.7	91.4
11+	13	8.8	100
	148	100.0	

Difference between Council and officer decisions

Officer delegations (77%): 109 elapsed days (92 statutory days)

Council decisions (23%): 164 elapsed days (135 statutory days)

Difference: 55 elapsed days (47 statutory days)

Adopting a cost approach with weighted average cost of capital (WACC) of 10%, the difference in financing cost is \$7,340 per application. These are financing costs incurred by the applicant and do not take into account further administrative, legal or resource costs.

(\$484,166 is the average value of a Bayside planning application) Source: DPCP planning permit activity report 2007-08.

The table below shows additional overall saving in financing cost and reduction in average processing times able to be realised with variations in the number of objections triggering the requirement of a report to Council, e.g., changing the trigger to five objections creates a saving in financing cost of \$961,599 and reduces processing time by 8.1 days across the applications.

No. of Objections	1	2	3	4	5	6	7	8	9
Days Improvement	-	3.1	5.1	6.7	8.1	8.6	9.3	9.4	9.6
No. of Referrals	179	129	96	70	58	48	39	28	26
Total community saving	-	\$367,023	\$609,258	\$800,109	\$961,599	\$1,027,663	\$1,108,408	\$1,123,089	\$1,137,770

1. Purpose of the Report

To inform Council of VCAT determinations received in the past month.

2. Discussion

Summary details for the thirteen decisions handed down since the last Council Meeting are attached. Council's decision was upheld in four (with 3 involving varied conditions) and overturned in eight matters.

In addition, one Section 87A appeal for amended plans was granted.

Appeals determined by VCAT 2009 - 2010

Report Date	Upheld	Overturned	Other e.g. By consent or varied	Withdrawn	Total
February	3	3	2	0	8
March	1	8	0	1	10
April	3	2	2	1	8
May	3	4	3	2	12
June	1	1	4	2	8
July	1	6	4	0	11
August	1	5	3	1 (dismissed)	10
September	1	2	3	1	7
October	1	6	3	2	12
November	2	5	5	1	13
December	5	5	1	0	11
February	4	8	1	0	13

Recommendation

That the report on VCAT decisions on planning applications handed down since the last Council Meeting be received and noted.

VCAT DECISIONS – February 2010

Subject Site:	1 Cummins Road, Brighton East
Application No.	2009/81/1
VCAT Reference No.	P2276/2009
Applicant:	Peter Brown Architects Pty Ltd
Respondent:	Michael Douglas and James Anasta
Before:	Christina Fong
Date of hearing:	16 December 2009
Date of order:	24 December 2009
Proposed:	Construction of two (2) double storey dwellings
Officer recommendation:	Notice of Decision to Grant a Permit
Council determination:	Refusal
Review type:	Refusal
Plans substituted prior to hearing?	No
VCAT decision	Permit to issue - conditions not imposed to address the issues raised by Council

Subject Site:	16-17 Beach Road, Beaumaris
Application No.	2009/40
VCAT Reference No.	P1609/2009
Applicant:	HMDB Construction Pty Ltd
Before:	Senior Member Liston
Date of hearing:	1 & 2 October 2009
Date of order:	4 January 2010
Proposed:	Construction of three level building for eight dwellings over a basement carpark
Officer recommendation:	Not Support
Council determination:	Not Support
Review type:	Refusal
Plans substituted prior to hearing?	No
VCAT decision	Permit to issue - conditions imposed to address the issues raised by Council

Subject Site:	269-273 Hampton Street Hampton
Application No.	2008/691/1
VCAT Reference No.	P1369/2009
Applicant:	JCT
Objectors:	Barbara Turner and others
Before:	Peter O'Leary
Date of hearing:	23 September 2009
Date of order:	6 October 2009
Proposed:	Subdivision and development of the land for a mixed use building comprising of four (4) shops at ground level and three (3) levels of residential apartments above with basement car parking
Officer recommendation:	Notice of decision to grant a permit
Council determination:	Refusal
Review type:	Refusal
Plans substituted prior to hearing?	No
VCAT decision	Permit to issue - Conditions not imposed to address the issues raised by Council

Subject Site:	655-657 Nepean Highway, Brighton East
Application No.	2008/785/1
VCAT Reference No.	P1448/2009
Applicant:	Mr L Komm
Respondent:	Mr L Jeanne, Mr S Healy And Ms L Kitson, Mr R Mcqueen, Mr H Lewis And Ms D Williams
Referral Authority:	VicRoads
Before:	Rachel Naylor
Date of hearing:	24 September 2009
Date of order:	9 December 2009
Proposed:	Development of the site for construction of a four (4) storey building to be used as a showroom and dwellings with basement car parking
Officer recommendation:	Notice of Decision to Grant a Permit
Council determination:	Refusal
Review type:	Refusal
Plans substituted prior to hearing?	No
VCAT decision	No permit to issue

Subject Site:	15 Beach Road, Hampton
Application No.	2005/875
VCAT Reference No.	P3089/2009
Applicant:	Abacus Funds Management aft The Retirement Living Trust
Before:	Jeanette G Rickards
Date of hearing:	No Hearing
Date of order:	6 January 2010
Proposed:	Minor alterations to the built form of the attic level of the development to increase the outdoor terraces for Apartment 58 and Apartment 70 by reducing the approved storage areas.
Officer recommendation:	Support
Council determination:	Support
Review type:	Section 87 – Amendment of VCAT permit
Plans substituted prior to hearing?	No
VCAT decision	Amended plans to be endorsed.

Subject Site:	11 Cadby Street, Brighton
Application No.	2008/0743
VCAT Reference No.	P2251/2009
Applicant:	JMK Design And Construction Pty Ltd
Respondent:	Kincon Superannuation Fund
Before:	Elizabeth Bensch
Date of hearing:	8 December 2009
Date of order:	10 December 2009
Proposed:	Construction Of A Double Storey Dwelling On A Lot Less Than 500 Square Metres
Officer recommendation:	Notice Of Decision To Grant A Permit
Council determination:	Notice Of Decision To Grant A Permit
Review type:	Conditions
Plans substituted prior to hearing?	No
VCAT decision	Varied Permit To Issue

Subject Site:	21 Bolton Street Beaumaris
Application No.	2009/19
VCAT Reference No.	P2432/2009
Applicant:	Patrick Miceli Architecture and Interiors
Respondent:	Mr J Lincoln
Before:	S R Cimino
Date of hearing:	27 November 2009
Date of order:	16 December 2009
Proposed:	Construction of a roof canopy over a front terrace (3rd storey) in a Design and Development Overlay 2
Officer recommendation:	Notice of Decision to Grant a Permit
Council determination:	Refusal
Review type:	Refusal
Plans substituted prior to hearing?	No
VCAT decision	Permit to issue - conditions not imposed to address the issues raised by Council

Subject Site:	2 Loller Street, Brighton
Application No.	2008/511/1
VCAT Reference No.	P1473/2009
Applicant:	Donna Robertson
Before:	Michael Read
Date of hearing:	17 th December 2009
Date of order:	17 th December 2009
Proposed:	Additions and alterations to an existing dwelling (including a first floor) in a Design & Development Overlay Schedule 6, a Special Building Overlay and on a lot less than 500 square metres
Officer recommendation:	Notice of Decision to Grant a Permit
Council determination:	Notice of Decision to Grant a Permit
Review type:	Conditions
Plans substituted prior to hearing?	Yes – Substitute plans addressed the issues raised by Council
VCAT decision	Varied permit to issue

Subject Site:	9-13 Bay Road, Sandringham
Application No.	2008/541/1
VCAT Reference No.	P1514/2009
Applicant:	Narcola Industries Pty Ltd
Other Interested Party	Mr P Morabito
Before:	Rachel Naylor
Date of hearing:	30 September 2009
Date of order:	17 December 2009
Proposed:	Construction of a three (3) storey building comprising apartments and roof decks
Officer recommendation:	Notice of Decision to Grant a Permit
Council determination:	Refusal
Review type:	Refusal
Plans substituted prior to hearing?	No
VCAT decision	Permit to issue - conditions imposed to address the issues raised by Council

Subject Site:	219B South Road, Brighton
Application No.	2009/149/1
VCAT Reference No.	P2263/2009
Applicant:	ID Design
Before:	J A Bennett
Date of hearing:	21 January 2010
Date of order:	22 January 2010
Proposed:	Alterations and additions (first floor balcony) to an existing dwelling on a lot less than 500 square meters
Officer recommendation:	Permit granted
Council determination:	N/A
Review type:	Conditions
Plans substituted prior to hearing?	No
VCAT decision	Varied permit to issue

Subject Site:	767 Hampton Street, Brighton
Application No.	2008/820/1
VCAT Reference No.	P1798/2009
Applicant:	Phillip Crouch Architects
Respondent:	Barclay David Nettlefold & Ors
Referral Authority:	Melbourne Water
Before:	Tonia Komesaroff
Date of hearing:	21 October 2009
Date of order:	21 December 2009
Proposed:	Alterations and additions to existing shop and shoptop dwelling and the development and use of a three-storey residential building in a Business 1 Zone, in a Design & Development Overlay Schedule 2 and a Special Building Overlay and a reduction of car parking
Officer recommendation:	Notice of Decision to Grant a Permit
Council determination:	Refusal
Review type:	Refusal
Plans substituted prior to hearing?	Yes – Substitute plans did not address the issues raised by Council
VCAT decision	Permit to issue - conditions not imposed to address the issues raised by Council

Subject Site:	113 Martin Street, Brighton
Application No.	2009/92/1
VCAT Reference No.	P1771/2009
Applicant:	Marcus O'Reilly
Respondent:	Sonia Minzenmay
Before:	Bill Sibonis
Date of hearing:	4 November 2009
Date of order:	21 December 2009
Proposed:	Construction of a double storey dwelling on a lot less than 500 square metres, use as a Medical Centre in a Residential 1 Zone and a reduction of car parking
Officer recommendation:	Refusal
Council determination:	N/A
Review type:	Refusal
Plans substituted prior to hearing?	Proposal varied by applicant at hearing
VCAT decision	Permit to issue - conditions imposed to address the issues raised by Council

Subject Site:	68-82 Graham Road, Highett
Application No.	2008/831/1
VCAT Reference No.	P1273/2009
Applicant:	Domvs Design
Respondent:	Fabcot Pty Ltd, Woolworths Limited and others
Before:	Peter O'Leary and Ann Keddie
Date of hearing:	14 December 2009
Date of order:	21 January 2010
Proposed:	Construction of a six (6) storey building with a basement car parking and use of the site for shops and apartments and a wavier of car parking requirements
Officer recommendation:	Not support
Council determination:	Not support
Review type:	Failure to grant
Plans substituted prior to hearing?	Yes – Substitute plans did not address the issues raised by Council
VCAT decision	Permit to issue - some conditions imposed to address the issues raised by Council

1. Purpose of the Report

To report to Council the financial results for six months to 31 December 2009 of the 2009/10 financial year.

The following financial reports are designed to provide a summary and analysis of Council's financial performance for the six months to December 2009. The reports are designed to ensure consistency with the 2009/10 Adopted Budget, compliance with statutory requirements as well as measure Council's overall financial performance.

The Executive Summary reports include:

1. Summary of Financial results
2. Operating Budget
3. Capital Budget
4. Cash Position
5. Victorian Auditor General Office Indicators
6. Operating Budget by Division
7. Sundry Debtors Report

The report also includes the following detailed financial schedules:

- Income Statement

This report indicates the major line items for operating revenue less operating expenses to arrive at the net operating result.

- Capital Projects

This report comprises the capital budget by program area – capital expenses less capital revenue to arrive at net capital.

- Balance Sheet

The balance sheet reports the assets and liabilities to show the net worth of Council.

- Cash Flow Statement

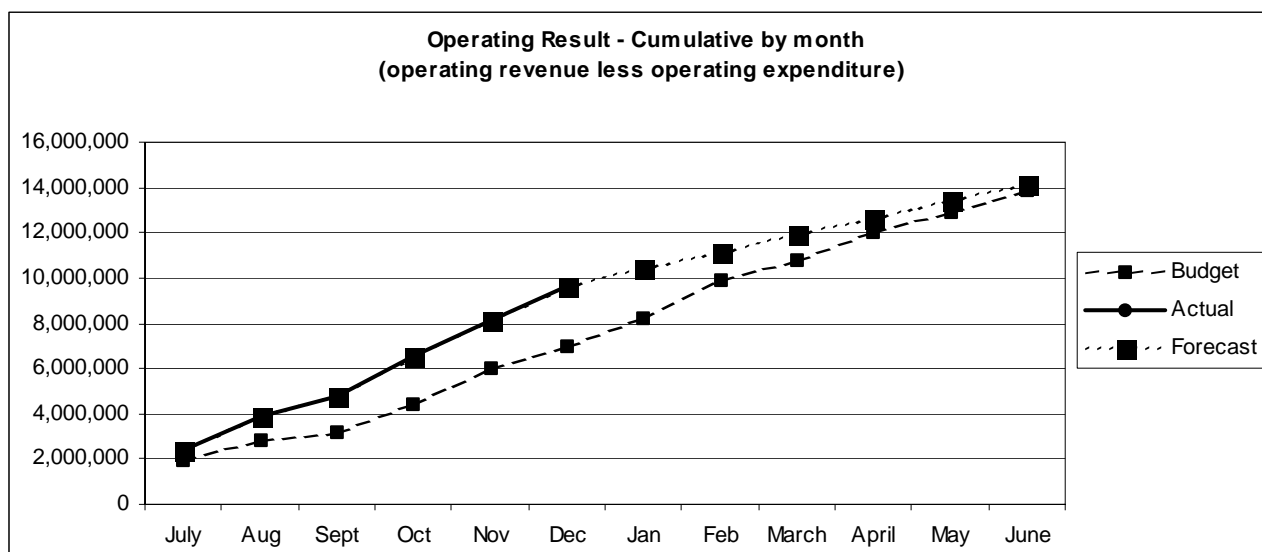
This report provides the status of Council's cash movements and cash position at the completion of the current month as well as the year end forecast.

2. Executive Summary

2.1 Summary of financial results

	Year To Date (YTD)			Full Year		
	YTD Budget \$000's	YTD Actual \$000's	Budget Actual Variance fav./(unfav) \$000's	Budget 2009/10 \$000's	Current Forecast \$000's	Budget Forecast Variance \$000's
Operating Budget						
Operating Revenue	40,024.4	41,565.2	1,540.8	81,506.0	82,345.0	839.0
Operating Expenses	33,030.8	31,893.4	1,137.4	67,658.2	68,169.2	(511.0)
Net Operating Result	6,993.6	9,671.8	2,678.2	13,847.8	14,175.8	328.0
Cash Position	13,000	10,951	2,049	12,480	12,413	67.0
	Adjusted YTD Budget \$000's	YTD Actual \$000's	Budget Actual Variance fav./(unfav) \$000's	Adjusted Budget 2009/10 \$000's	Current Forecast \$000's	Budget Forecast Variance \$000's
Capital Expenses	11,246.4	10,957.7	288.7	22,025.1	23,224.5	(1,199.4)
Capital Revenue	384.1	300.4	(83.7)	1,758.3	1,690.3	(68.0)
Net Capital	10,862.3	10,657.3	205.0	20,266.8	21,534.2	(1,267.4)

2.2 Operating Budget



Operating Revenue

- The year to date favourable variance of \$1,540,800 is mainly due to higher than expected income for fees relating to additional income from resort and recreation levy \$699,000 and the sale of discontinuances \$66,000, which is offset by earlier than expected subsidy for beach cleaning \$170,000 and mobile phone facilities \$43,000. The year end forecast of \$839,000 is mainly due to additional income from resort and recreation levy. This is partly offset by grant commission funding received in 2008/09 to fund activity in 2009/10.

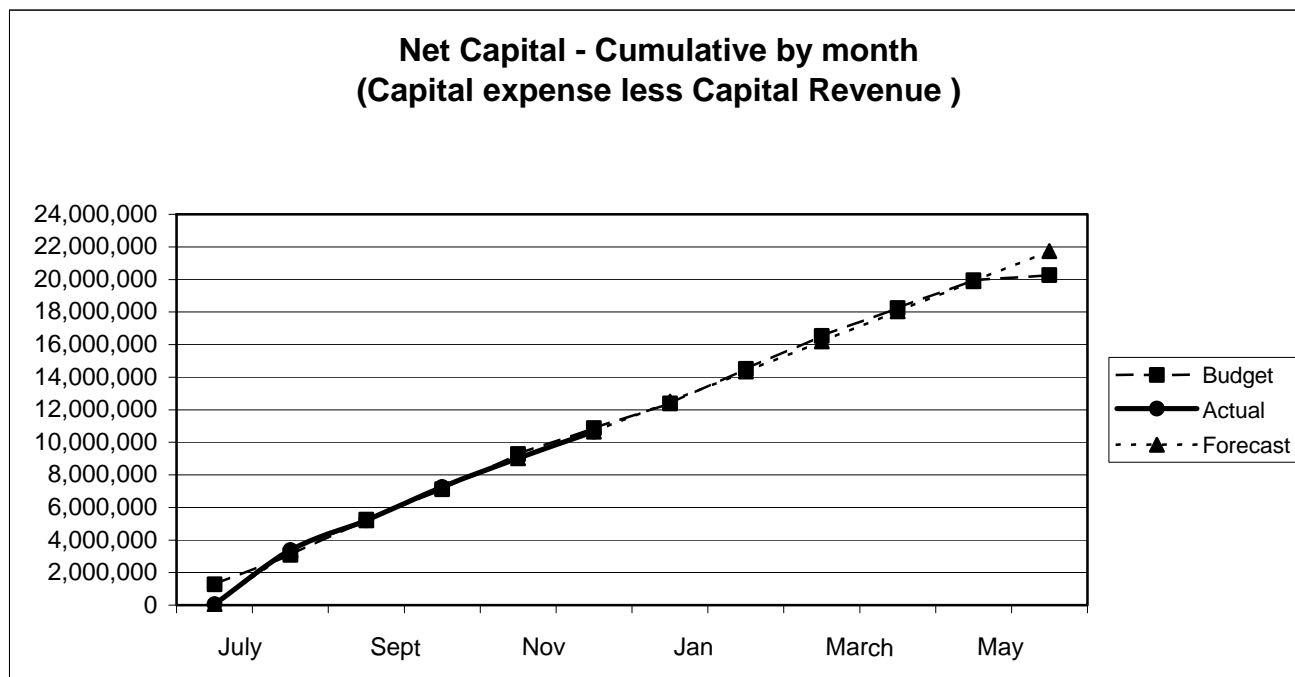
Operating Expenses

- The year to date favourable variance of \$1,137,400 comprises lower than expected expenditure for employee costs and later than expected payments for materials and services. The materials and services mainly relates to utility costs \$207,000, consultants \$167,000 and training \$76,000 as well as external contracts \$102,000. The year end unfavourable forecast variance of \$511,000 is mainly due to materials and services relating to the increase of utilities-water of \$250,000 as previously approved by council.

Net Operating Result

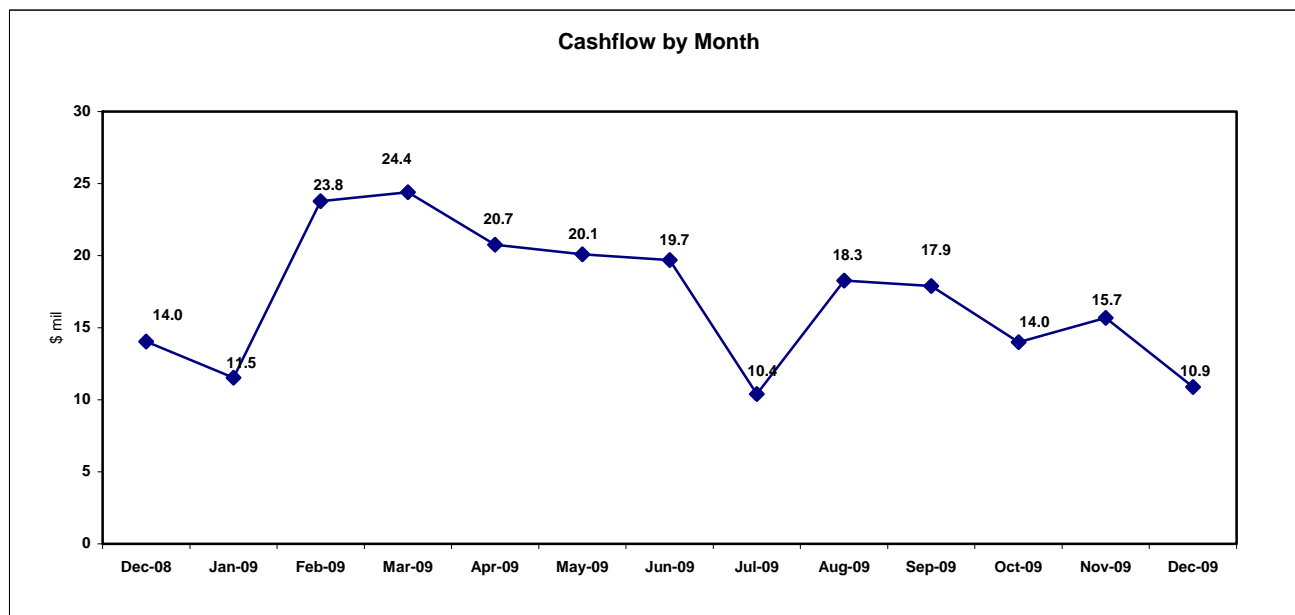
- The year end forecast is estimated to be a \$328,200 savings to budget. The effective year end savings is an amount of \$874,400 (\$328,200 plus \$546,200) as a further \$546,200 Victoria Grants Commission income was received at the end of the prior year for allocation to the current budget year.

2.3 Capital Budget



- The 2009/10 adjusted budget includes a further \$2,505,181 from the adopted budget that reflects the net amount of additional project works not completed by 30 June 2009, and carried forward from the prior year.
- The Capital project program reflects a net year to date favourable budget variance of \$205,000 which mainly comprises of \$369,700 council buildings, \$230,800 information systems, \$218,300 drainage infrastructure, this is offset by \$432,800 road infrastructure and \$173,300 parks and sportsground.
- The forecast year end position reflects an additional \$1,267,400 expenditure over the adjusted budget. This variance mainly comprises:
 - \$640,000 for Merindah Park mainly to remove, treat and relocate contaminated soil.
 - \$585,700 for Corporate Centre costs mainly relating to the roof replacement, associated architectural costs and IT hardware and cabling.

2.4 Cash Position



The December cash position of \$10.9 million (a decrease of \$4.7 million from November) reflects an increase in payments to suppliers, indicative of prior year trends, as well as higher capital expenditure particularly in relation to the Corporate Centre accommodation project. The cashflow statement now includes a line item "Acquisition of Investments" being the \$200,000 equity investment in the Regional Kitchen delivered meals program.

2.5 Victoria Auditor General Office (VAGO) Indicators

Indicator	VAGO Target	Year end forecast In line with LTFP
Liquidity (Current assets / Current liabilities)	> 1.0	0.99
Self-financing (New operating cash flow / Underlying revenue)	> 20.0	20.81
Investment Gap (Capital spend : Depreciation)	> 1.0	1.96
Indebtedness (Non-current liabilities/Own source revenue)	<40%	22.21%
Underlying result (Net surplus/Revenue)	> 0	4.67%

- **Liquidity** - the ability to pay liabilities within the next 12 months.
- **Self Financing** - the ability to replace assets using cash generated from day to day operations.
- **Investment Gap** – to ensure sufficient spending on capital renewal.
- **Indebtedness** – the ability to repay debt from own source revenue being revenue not tied to specific projects.
- **Underlying result** – sufficient operating income to cover operating expenses

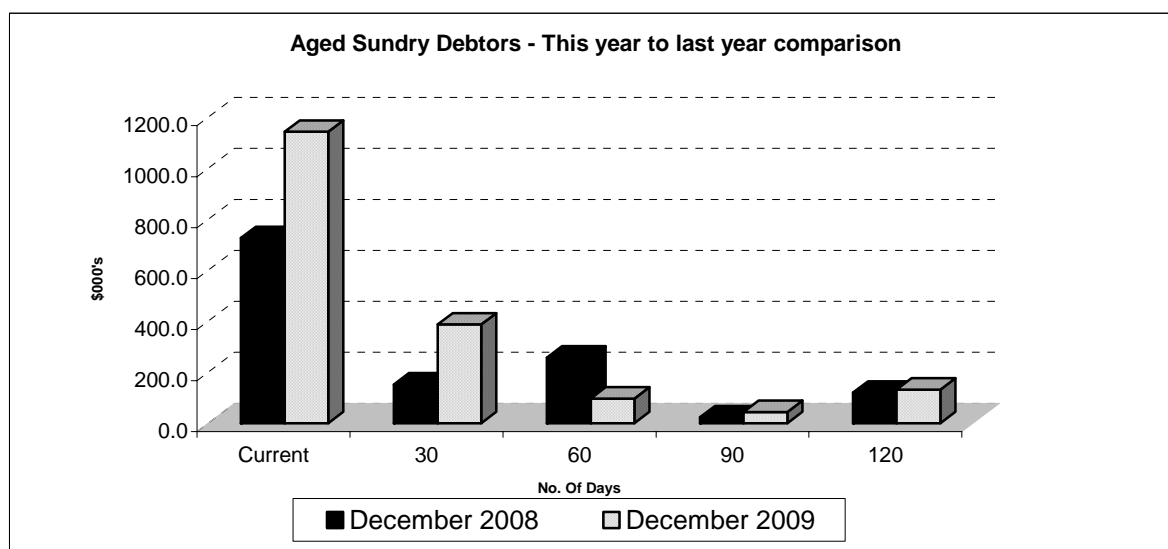
2.6 Operating Budget by Division

Division Results	YTD B and building fees \$53,300ud get	YTD Actual	Budget Actual Variance fav./.(unfav)	Budget 2009/10	Current Forecast	Budget Forecast Variance
	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's
Community Services	4,609.8	4,047.3	562.5	9,831.4	9,690.8	140.6
Sustainability	1,551.5	378.6	1,172.9	3,261.1	2,579.7	681.4
Infrastructure Services	9,980.0	9,188.1	791.9	20,268.7	20,398.3	(129.6)
Executive	1,054.5	962.0	92.5	2,178.4	2,271.4	(93.0)
Corporate Services	4,845.1	4,784.9	60.2	8,421.8	8,693.2	(271.4)
Rates	29,034.6	29,032.8	(1.8)	57,809.2	57,809.2	0.0
Operating result	6,993.7	9,671.9	2,678.2	13,847.8	14,175.8	328.0

Division	Reason for variance
Community Services	<ul style="list-style-type: none"> Additional Maternal & Child Health subsidy, Library and National Respite for Carers grant received which is offset by expenditure. Salary savings due to the difficulty in recruiting staff in the area of Aged and Disability, however a portion of the salary savings have been offset by additional relief staff expenditure. Despite recruitment difficulties service levels were maintained through the appointment of relief staff or prioritisation of duties. The numbers of relief staff are reducing each month due to recruitment of new home and personal carers. The favourable forecast variance mainly relates to grant funding for National Respite For Carers. These funds will be received in 2009/10, following success of a submission in 2008/09. The funds are being received after the budget was set, so have been included in the 2009/10 forecast.
Sustainability	<ul style="list-style-type: none"> Additional income from resort and recreation levy fees \$699,000 and building fees \$56,800. Salary savings due to vacant staff positions \$99,000 as well as delays in relation to some planning scheme amendments awaiting ministerial authorisation. Favourable forecast variance mainly relating to additional income for resort and recreation levy which is partly offset by grant funding for the Housing Growth Strategy received for 2008/09 to fund activity in 2009/10.

Division	Reason for variance
Infrastructure Services	<ul style="list-style-type: none"> • Earlier than expected subsidy received for beach cleaning. • Later than expected commencement of consultants and the purchase of recycling bins. In addition utility costs are later than expected. • The unfavourable forecast variance mainly relates to grant funding for local roads received in 2008/09 to fund activity in 2009/10 and the increase of \$250,000 for utilities-water as approved by council. This is partly offset by additional income from rental, fees and charges.
Executive	<ul style="list-style-type: none"> • Salary savings due to vacant staff positions \$27,500 and later than expected payment for consultants and publications.
Corporate Services	<ul style="list-style-type: none"> • Savings due to the reduction in insurance premiums and later than expected commencement of training. This is offset by an increase in the metropolitan fire brigade levy and software maintenance. • The unfavourable forecast variance mainly relates to Victorian Grants Commission funding received in 2008/09 as well as software maintenance and contract payments relating to information systems. This forecast variance is partly offset by lower expenditure for insurance premiums.

2.7 Sundry Debtors Report



	Current	30 days	60 days	90 days	120 days
December 2009	1,142.7	386.9	96.4	43.8	131.7
December 2008	726.4	151.6	257.1	23.1	119.9

While the total debtors raised for December 2009 is higher than the 2008 prior year comparative, the amount of December 2009 outstanding debts (60,90,120 days) compare favourably to the prior 2008 year. The decrease in outstanding debts are mainly due to the repayment of overdue 2008 Revaluation costs by State Revenue office.

3.Implications

Council Plan

The monthly financial report is identified within Commitment 6 in the Council Plan 2009-2013 – 6.1.2 relating to the completion of the long term financial strategy.

Legal/Legislative Requirements

Section 138 of the *Local Government Act 1989* prescribes that, at least every three months, a financial report of revenue and expenditure be presented to Council.

Recommendation

That Council note the financial report for the six month period ended 31 December 2009.

Income Statement December 2009

	YTD Budget	YTD Actual 2009/10	Budget Actual Variance fav./ (unfav)	Budget 2009/10	Current Forecast	Budget Forecast Variance
	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's
OPERATING REVENUE						
Rates income	29,034.6	29,032.8	(1.8)	57,809.2	57,809.2	0.0
Operating grants and contributions	3,839.7	4,103.4	263.7	8,416.5	8,030.1	(386.4)
Fees and charges	4,377.2	5,498.7	1,121.5	9,176.2	10,214.3	1,038.1
Rental	1,616.0	1,800.5	184.5	3,202.3	3,261.0	58.7
Fines	775.3	703.5	(71.8)	1,603.2	1,623.2	20.1
Interest	281.6	333.5	51.9	928.0	1,036.5	108.5
Total services revenue	39,924.4	41,472.4	1,548.0	81,135.4	81,974.4	839.0
Priority projects	100.0	92.8	(7.2)	370.6	370.6	0.0
Total operating revenue	40,024.4	41,565.2	1,540.8	81,506.0	82,345.0	839.0
OPERATING EXPENSES						
Employee costs	13,633.9	13,404.7	229.2	27,837.8	27,881.6	(43.8)
Materials and services	8,002.2	7,633.1	369.1	16,488.8	16,979.7	(490.9)
External contracts	10,200.1	10,127.9	72.2	20,862.0	20,872.3	(10.3)
Borrowing costs	541.9	550.7	(8.8)	1,075.6	1,093.0	(17.4)
Total services expense	32,378.1	31,716.4	661.7	66,264.3	66,826.6	(562.3)
Priority projects	652.7	176.9	475.8	1,393.9	1,342.6	51.3
Total operating expenses	33,030.8	31,893.4	1,137.4	67,658.2	68,169.2	(511.0)
Operating result	6,993.6	9,671.8	2,678.2	13,847.8	14,175.8	328.0
Less depreciation	5,983.7	5,986.1	(2.4)	11,972.1	11,972.1	0.0
Operating result after depreciation	1,009.9	3,685.7	2,675.8	1,875.7	2,203.7	328.0
Capital grants and contributions	333.9	300.4	(33.5)	1,343.9	1,690.3	346.4
Surplus	1,343.8	3,986.1	2,642.3	3,219.6	3,894.0	674.4

Capital Projects December 2009

	Adopted YTD Budget \$000's	Adjusted YTD Budget \$000's	YTD Actual \$000's	Adjusted Budget Actual Variance fav./(unfav) \$000's	Adopted Budget 2009/10 \$000's	Adjusted Budget 2009/10 \$000's	Current Forecast \$000's	Adjusted Budget Forecast Variance \$000's
Expense								
Council Buildings	5,698.5	6,932.5	6,668.3	264.2	9,630.5	11,433.9	12,060.7	(626.8)
Foreshore and conservation	646.0	356.0	313.0	43.0	890.0	897.7	842.7	55.0
Information systems	317.0	242.0	11.2	230.8	387.0	387.0	397.0	(10.0)
Drainage Infrastructure	168.0	383.1	164.8	218.3	1,085.0	1,333.4	1,333.4	0.0
Roads infrastructure	1,642.1	1,606.2	1,947.5	(341.3)	4,458.9	4,521.8	4,543.8	(22.0)
Library assets	210.0	210.0	260.7	(50.7)	420.0	420.0	420.0	0.0
Parks and sportsground	867.9	1,516.6	1,592.2	(75.6)	2,234.1	3,031.3	3,626.9	(595.6)
Total expense	9,549.5	11,246.4	10,957.7	288.7	19,105.5	22,025.1	23,224.5	(1,199.4)
Revenue								
Council Buildings	48.0	92.5	198.0	105.5	668.0	1,002.5	972.5	(30.0)
Road infrastructure	193.9	193.9	102.4	(91.5)	293.9	293.9	315.9	22.0
Parks and sportsgrounds	92.0	97.7	0.0	(97.7)	382.0	461.9	401.9	(60.0)
Total revenue (ext. contrib.)	333.9	384.1	300.4	(83.7)	1,343.9	1,758.3	1,690.3	(68.0)
Council Buildings	5,650.5	6,840.0	6,470.3	369.7	8,962.5	10,431.4	11,088.2	(656.8)
Foreshore and conservation	646.0	356.0	313.0	43.0	890.0	897.7	842.7	55.0
Information systems	317.0	242.0	11.2	230.8	387.0	387.0	397.0	(10.0)
Drainage infrastructure	168.0	383.1	164.8	218.3	1,085.0	1,333.4	1,333.4	0.0
Roads infrastructure	1,448.2	1,412.3	1,845.1	(432.8)	4,165.0	4,227.9	4,227.9	0.0
Library assets	210.0	210.0	260.7	(50.7)	420.0	420.0	420.0	0.0
Parks and sportsground	775.9	1,418.9	1,592.2	(173.3)	1,852.1	2,569.4	3,225.0	(655.6)
Net Capital	9,215.6	10,862.3	10,657.3	205.0	17,761.6	20,266.8	21,534.2	(1,267.4)

Adjusted Budget – Adopted Budget plus 2008/09 capital projects carried forward to the 2009/10 year.

Balance Sheet 31 December 2009

	12 mths Actual 30/06/2009 \$' 000	5 mths Actual 30/11/2009 \$' 000	6 mths Actual 31/12/2009 \$' 000	12 mths Forecast 30/06/2010 \$' 000
Current assets				
Cash and cash equivalents	19,682	15,679	10,951	12,413
Trade and other receivables	3,235	36,485	34,877	2,705
Inventories	48	48	48	51
Other assets	464	77	70	609
Total current assets	23,429	52,289	45,946	15,778
Non-current assets				
Trade and other receivables	120	120	120	99
Property, plant and equipment, infrastructure,	1,668,601	1,672,785	1,673,573	1,679,889
Other assets				200
Total non-current assets	1,668,721	1,672,905	1,673,693	1,680,188
Total assets	1,692,150	1,725,194	1,719,639	1,695,966
Current liabilities				
Trade and other payables	6,688	4,557	3,436	6,209
Interest bearing loans and borrowings	2,000	-	-	2,000
Provisions	4,874	4,782	4,747	5,191
Trust funds and deposits	2,341	36,523	31,431	2,458
Income in advance	209	-	-	-
Total current liabilities	16,112	45,862	39,614	15,858
Non-current liabilities				
Interest bearing loans and borrowings	15,500	15,500	15,500	15,500
Provisions	842	842	842	985
Total non-current liabilities	16,342	16,342	16,342	16,485
Total liabilities	32,454	62,204	55,956	32,343
Net assets	1,659,696	1,662,990	1,663,683	1,663,623
Equity				
Accumulated surplus	321,979	325,273	325,966	325,906
Reserves	1,337,717	1,337,717	1,337,717	1,337,717
Total equity	1,659,696	1,662,990	1,663,683	1,663,623

Cashflow Statement – period ended 31 December 2009

	12 mths Actual 30/06/2009 \$' 000 Inflows (Outflows)	6 mths Actual 31/12/2009 \$' 000 Inflows (Outflows)	12 mths Forecast 30/06/2010 \$' 000 Inflows (Outflows)
Cash flows from operating activities			
Receipts			
Receipts from ratepayers	53,828	26,527	57,986
Interest received	1,399	371	1,061
User charges (inclusive of GST)	15,288	7,291	16,269
Grants & contributions received (inclusive of GST)	10,456	5,169	10,769
Net GST refund	3,729	2,403	4,241
Payments			
Payments to employees	(25,343)	(13,749)	(27,710)
Payments to suppliers (inclusive of GST)	(40,716)	(23,570)	(45,482)
Net cash provided by operating activities	18,641	4,442	17,134
Cash flows from investing activities			
Payments for property, plant & equipment, infrastructure	(16,480)	(10,758)	(23,225)
Acquisition of investments			(200)
Net cash used in investing activities	(16,480)	(10,758)	(22,425)
Cash flows from financing activities			
Finance costs	(1,082)	(550)	(1,095)
Proceeds from interest bearing loans and borrowings	2,000	-	2,000
Repayment of interest bearing loans and borrowings	(2,000)	(2,000)	(2,000)
Proceeds from trust funds and deposits	251	335	117
Net cash used in financing activities	(831)	(2,215)	(978)
Net increase(decrease) in cash and cash equivalents	1,330	(8,731)	(7,269)
Cash and cash equivalents at the beginning of the period	18,352	19,682	19,682
Cash and cash equivalents at the end of the period	19,682	10,951	12,413
Unrestricted	14,808	6,077	7,403
Restricted - Long Service Leave & Reserve funds	4,874	4,874	5,010
	19,682	10,951	12,413
Cash and cash equivalents (including investments) consists of:			
Retail banks	8,529	4,000	
Community banks	5,000	2,000	
Statutory - long service leave	3,175	3,175	
Cash on hand and at bank	2,978	1,776	
Total cash and cash equivalents	19,682	10,951	
Total interest bearing loans and borrowings	17,500	15,500	17,500

1. Purpose of the Report

This report presents to Council a schedule of actions pending for the period September 2005 to December 2009.

2. Background

The schedule of actions has been divided into two parts:

Part A – Reports awaiting internal action.

Part B – Reports awaiting External action / advice or further action pending.

Recommendation

That Council notes the Council Action Pending report for the period September 2005 to December 2009.

PART A – REPORTS AWAITING INTERNAL ACTION

DATE OF MEETING		COUNCIL RESOLUTION	RESPONSIBLE OFFICER	COMMENTS/STATUS
19.09.05	200GC	Open space contribution 1. That the report on open space contributions at time of subdivision of land be received. 2. That a planning scheme amendment be drafted to give effect to Option 3 – Introduction of Sliding Scale and Additional Criteria into the Schedule to Clause 52.01 of the Bayside Planning Scheme. 3. That a further report be presented to Council when the amendment has been drafted.	DCity	Reported to Councillor Briefing in April 2006 To be considered in conjunction with the Open Space Review.
24.10.06	10.1	<u>NOM 141 – Mandatory 2 Storey Height Controls for land identified in Design and Development Overlay 2</u> Noting that in Bayside the creation of nett new dwellings over the past 10 years has well exceeded the rate required to achieve the Melbourne 2030 estimated opportunities set out in the Southern Region Housing Statement, which Council has endorsed, of accommodating 6100 nett new dwellings in Bayside by 2030, and that Council in accordance with previous decisions is pursuing a mandatory 2 storey height limit for Residential 1 zoned land within the four Major Activity Centres in Bayside, that a report be presented to Council for the introduction of an amendment to the Bayside Planning Scheme to impose a mandatory 2 storey height control for land identified in Design and Development Overlay 2 (DDO2) to replace the current 2 storey permit threshold under that DDO.	DCity	Councillors briefed in December 2006 Report to Council in conjunction with the Housing Strategy.

DATE OF MEETING		COUNCIL RESOLUTION	RESPONSIBLE OFFICER	COMMENTS/STATUS
29.7.08	10.2	<p><u>Notice of Motion 166 – Kindergarten Services</u></p> <p>That a report be presented to the General Committee on Council's role in the provision of kindergarten services, including suggested measures for ensuring the sustainable supply of sufficient kindergarten premises to meet demand in Bayside.</p>	DCom	This matter is to be considered in conjunction with the Children Services Review and MEYP. Due to further State & Commonwealth policy changes, new report to be postponed to April 2010.
28.10.08	Gen 4.26	<p><u>Draft Elsternwick Park Sustainable Water Management Strategy</u></p> <p>That following these consultations a further report be presented to Council.</p>	DInf	Consultation currently being undertaken with external agencies. A report will be submitted to Council on 4 May 2010.
25.11.08	10.1	<p><u>Notice of motion 171 – Stormwater diversion and harvesting at the Brighton Golf Course</u></p> <p>Following the success of the stormwater diversion and harvesting at the Sandringham Golf Course, that officers investigate the feasibility of similar initiatives at the Brighton Golf Course and provide a report to Council early in 2009 in regard to:-</p> <ol style="list-style-type: none"> 1. opportunities which may be made of an agreed Water Management Plan between the Leasee and Council and 2. Feasibility of stormwater diversion from local streets not currently connected to the existing course dam. 3. Costs and potential of dam expansion at the site. 4. Funding opportunities to fund any feasible works. 	DInf	A report will be submitted to Council in May 2010.

24.3.09	Gen 4.8	<u>Development Contributions Plan</u> That Council be presented with a report following the completion of exhibition of the planning scheme amendment.	DCity	Upon completion of exhibition a report will be submitted to Council.
28.7.09	6.1	<u>Consideration of a petition by residents of Charman Road Beaumaris requesting a pedestrian crossing at Charman Road Beaumaris</u> That the petition be noted and a report be submitted to the General Committee on this matter.	DInf	Report to be submitted to Council in December 2009 following consultation with the City of Kingston. A report will be submitted to the Councillor Briefing Session in March 2010.
22.9.09	6.1	<u>Petition – Improvements to Ricketts Point Marine Sanctuary Infrastructure</u> That the petition be received and noted and a report be submitted to the General committee on this matter.	DInf	A report proceed to Council in March 2010.
22.9.09	Gen 4.7	<u>Community Engagement Framework – Presentation for Adoption.</u> That Council: <ol style="list-style-type: none"> 1. endorse the community engagement framework and the progressive implementation of the framework; and 2. after 12 months and following further community consultation, receives a report on the framework reviewing its content and its implementation 	MC&E	Report to Council in December 2010 following further community consultation.

27.10.99	Gen 4.8	<p><u>Residential Open space</u></p> <p>4. require a further report by March 2010 on evaluating the effectiveness of the current landscape and character provisions in the Planning Scheme and outlining the merits of the introduction of neighbourhood character controls for the residential areas currently subject to the provisions within the Bayside Planning Scheme to require a minimum area of each site to be set aside for planting of vegetation including canopy spreading trees.</p>	DCity	Report to be considered by Council in March 2010.
24.11.09	Gen 4.3	<p><u>Eco Living Report</u></p> <p>4. That council requires a further report to be presented responding to all issues related to establishing an eco living centre in Bayside, with such report to form the basis for detailed community engagement.</p>	DCity	Report to be submitted to Council in March 2010
24.11.09	Gen 4.4.	<p><u>Proposed Committee / Council Meeting cycle</u></p> <p>That Council undertake a further review of the meeting cycle in May 2010.</p>	DCorp	Report to be submitted to Council in May 2010
24.11.09	Gen 4.7	<p><u>Bayside Tourism Strategic Action Plan 2009-2013</u></p> <p>That Council receive a further report in March 2010 to consider any community responses to the Action Plan.</p>	DCity	Report to be submitted to Council in March 2010.
24.11.09	Gen 4.9	<p><u>Bayside Health and Wellbeing Plan 2009-2013</u></p> <p>That Council receive a further report in March 2010, following analysis of community responses to the draft plan, for consideration and adoption of the Bayside Health and Wellbeing Plan 2009-2013.</p>	DCom	Report to be submitted to Council in March 2010.

24.11.09	NOM 10.2	<p><u>N.O.M. 184 – Salvaging a HMVS Cerberus cannon</u></p> <p>That Council receive a report on the costs associated with the salvaging of one of the 4 alleged cannons located on the sea bed of HMVS Cerberus at Half Moon Bay, and the report to include all heritage considerations.</p>	DInf	A report will be submitted to the Councillor Briefing session on 2 March 2010 with a further report submitted to Council on 13 April 2010.
15.12.09	10.5	<p><u>Sandringham Foreshore Coastal Management Plan</u></p> <p>That Council:</p> <ol style="list-style-type: none"> 1. inform the Department of Sustainability and Environment of its 'in principle' support for the final draft of the Sandringham Foreshore Coastal Management Plan 2008 subject to there being no detrimental cost shifting implications. 2. inform DSE of community concerns of dredging and that the proposed dredging and removing of silt and sand from the Sandringham harbour is considered for the renourishment of the Sandringham beaches. 3. advise the Department of Sustainability and Environment of Council's requirement to revise the draft Business Plan to ensure that there is no cost shifting caused to Council by the enforced dedication of revenues to the Sandringham Foreshore. 4. receive a further report on the proposed Business Plan and the possibility of investigating the options of a Hampton Teahouse. 	DCity	A report proceed to Council in March.

15.12.09	10.7	<p><u>Community Grants Review and Policy</u></p> <p>That Council:</p> <ol style="list-style-type: none"> 1. endorse the draft Community Grants Policy for the purposes of stakeholder discussions and community consultation 2. receive a further report in early 2010 for consideration and adoption of the Community Grants Policy 	DComm	A report proceed to Council in March.
15.12.09	10.11	<p><u>Ecologically Sustainable Development Principles in council Buildings</u></p> <p>That Council:</p> <ol style="list-style-type: none"> 1. adopt as policy a commitment to requiring all buildings on Council owned or controlled land to meet Ecologically Sustainable Development principles; 2. authorise the preparation of a Sustainable Buildings Management Program including a review and assessment of an initial 100 Council buildings, subject to available funding being identified at the half yearly budget review; 3. receive a report on the recommendations of the Sustainable Buildings Management Program when completed; and 4. in the preparation of the 2010/11 budget give consideration to funding to enable the application and implementation of Ecologically Sustainable Development principles, including Sustainable Design Assessment of Planning Permits to Council buildings, and to complete the evaluation of remaining Council buildings. 	DCity	Report to be considered in May 2010.

15.12.09	10.13	<p><u>Bayside Library Service – Hampton Branch Opening Hours</u></p> <p>That Council:</p> <ol style="list-style-type: none"> 1. resolve that the opening hours of the Hampton Library remain unchanged, given the close proximity of larger library branches for the delivery of services; and 2. advise the submitter of the petition accordingly. 3. call for a report on creating a community hub at Hampton focussed on the Willis Street precinct including consolidating the Hampton Branch library into such a community hub, and that a preliminary scoping report be delivered to Council by the 13 April 2010 Council meeting. 	DCom	A report proceed to Council in April
15.12.09	10.16	<p><u>Application for the proposed use of public land for skydiving</u></p> <p>That Council:</p> <ol style="list-style-type: none"> 1. defer a decision on this matter until such time as the outcomes are available from the expressions of interest three month trial to be undertaken by Port Phillip City Council; 2. receive a further report following the expressions of interest with the report to include a detailed risk assessment which will detail clear criteria on which to make a decision on the request; and 3. advise the company 'Skydive the Beach' of Council's decision at this time. 	DInf	Awaiting feedback from Port Phillip City Council on the three month trial. Report scheduled for Councillor Briefing on 20 April 2010 and submitted to the Ordinary Meeting on 4 May 2010.

PART B. – REPORTS AWAITING EXTERNAL ACTION / ADVICE or FURTHER ACTION PENDING

Nil

11. Reports by Delegates

12. Urgent Business

13. Notice of Motions

There were no Notice of Motions submitted for this meeting.

Ordinary Meeting of Council 16 February 2010

Confidential Business

That pursuant to Section 89(2) of the Local Government Act 1989, the Committee resolves that so much of this meeting be closed to members of the public, as it involves Committee consideration of matters coming within some or all of the following categories listed in Section 89(2) of such Act.

- (a) *Personnel matters;*
- (b) *The personal hardship of any resident or ratepayers;*
- (c) *Industrial matters;*
- (d) *Contractual matters;*
- (e) *Proposed developments;*
- (f) *Legal advice;*
- (g) *Matters affecting the security of Council property;*
- (h) *Any other matter which the Council or Special Committee considers would prejudice the Council or any person;*
- (i) *A resolution to close the meeting to members of the public.*

AGENDA

- 14.1 Contract No 091084X – Reid Street Drainage Stage 1 Beaumaris**
(LGA 1989 Section 89(2)(d) Contractual matter)
- 14.2 Contract 091076X – Highett Road Reconstruction from Sargood Street to Wales Street**
(LGA 1989 Section 89(2)(d) Contractual matter)
- 14.3 Commercial Boatsheds – Jetty Road Sandringham**
(LGA 1989 Section 89(2)(d) Contractual matter)
- 14.4 Contract 091044 – Graphic Design and Printing Services**
(LGA 1989 Section 89(2)(d) Contractual matter)
- 14.5 Community Plan Tender**
(LGA 1989 Section 89(2)(d) Contractual matter)

As Chief Executive Officer, I hereby declare that the contents of this agenda relating to the closed meeting of the General Committee are deemed confidential and accordingly members of the Committee are reminded that the contents of the agenda are not to be disclosed to any other party.


Adrian Robb
Chief Executive Officer