

# Agenda Paper

for an

## Ordinary Meeting of Council

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

on

**Tuesday, 16 March 2010**

**at 7:00 PM**

**Mayor:** Cr Clifford Hayes

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

**Chairman 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 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 16 February 2010.

## **6. Public Question Time**

## **7. Petitions to Council**

## **8. Minutes of Advisory Committees**

## **9. Reports by Special Committees**

**10. Reports by the organisation**

10.1	Vegetation Controls in Residential Areas	6
10.2	Major Activity Centre Controls	13
10.3	Sandringham Foreshore Coastal Management Plan	18
10.4	Proposed Planning Scheme Amendment to Rezone Sandringham Hospital	21
10.5	Local Planning Policy – Water Sensitive Urban Design (Stormwater Management) – Extension of sunset clause	25
10.6	Community Grants Policy	28
10.7	Bayside Tourism Strategic Action Plan 2009 – 2013	37
10.8	Brighton Bowling Club	39
10.9	Bayside Tourism Network Membership	41
10.10	Youth Documentary Project 2010 – Councillor representative	44
10.11	Petition – Ricketts Point Marine Sanctuary – Infrastructure Improvements	47
10.12	Petition for pedestrian crossing at Charman Road Beaumaris	51
10.13	Hampton Teahouse	53
10.14	Municipal Health & Wellbeing Plan 2009 – 2013	57
10.15	Long Term Financial Strategy	62
10.16	Licence to Citywide Service Solutions at 144 Talinga Road Cheltenham	66
10.17	Council Plan Activities Quarterly Performance Report October – December 2009	70
10.18	VCAT Decisions	72
10.19	Financial Report for seven (7) months to 31 January 2010	76
10.20	Council Action Pending	89

## 1. Purpose of the Report

To advise Council on the current planning provisions protecting vegetation in residential areas, and consider any opportunities to enhance or strengthen these.

## 2. Background

Council on 27 October 2009 considered a report on residential open space. This had been prepared in response to a November 2008 resolution endorsing a sliding scale approach to open space requirements for residential development based on the proposed number of bedrooms. Council resolved to prepare a planning scheme amendment to give effect to the recommendations of the 'Open Space for Residential Developments' (September 2009) report. This is underway.

In addition, Council in response to matters raised by speakers at the meeting, resolved to *'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'*.

## 3. Discussion

The Bayside Planning Scheme contains a number of provisions that aim to encourage vegetation retention and planting. The table at Attachment 1 provides a listing of each control, the areas and/or types of properties within Bayside it affects and the nature of the provision.

As outlined in Attachment 1, there is currently a wide range of provisions within the Bayside Planning Scheme that require new residential development to provide space for the planting of vegetation and to protect the neighbourhood character of Bayside. Existing provisions require substantial front setbacks, regulate site coverage and hard surfacing and allow Council substantial control over the design of new dwellings to ensure space is available for vegetation retention and new vegetation planting. It must however be recognised that single dwellings on lots over 500sqm are not subject to planning controls, and that this represents a significant proportion of residential development in Bayside.

The existing Neighbourhood Character Policy in particular recognises the important role landscape setting plays in the character of Bayside and provides design guidance to ensure that development and, where relevant, works respond to the neighbourhood character of residential areas.

In implementing these policies, planning officers require an applicant to provide a landscape plan that identifies areas capable of supporting replanting, including canopy spreading trees and indicating where any trees will be removed and how/where they will be replaced. This landscape plan must illustrate how the development responds to the policies in the planning scheme, including neighbourhood character. The requirements of the landscape plan are then enforced through permit conditions.

Data analysis conducted in 2007 identified land use/land cover across Bayside, including, among other things, tree canopy cover. The data identified that tree canopy makes up 22.3% of Bayside's land area. This data assists in benchmarking for the Council Plan (2009-2013) Strategy 4.1.2 *'We will increase the extent of tree canopy of the municipality including the planting more trees on public land'* and its associated indicator to monitor tree canopy for private and public land.

As this data has only been collected once, it is not possible to determine if tree canopy cover has increased or decreased over time, the rate of change and as a result, if the current controls have

been effective. The collection of this data on a frequent basis would assist in making such a determination and would be subject to budget allocation.

Council has undertaken a Neighbourhood Character Review, Stages 1 and 2 for the municipality. Stage 1 successfully introduced a Local Policy (Clause 22.01 – Neighbourhood Character Policy) including preferred future character statements for 27 precincts covering the residential areas of Bayside. These statements and their supporting objectives and design response guidance are used in the assessment of planning permit applications to assist in responding to the distinctive landscape elements and their contribution to neighbourhood character.

Stage 2 identified ten specific precincts of high significance, with the application of overlays being pursued through amendment C80. Council resolved not to seek the application of a specific control for the remaining 22 precincts, identified as being of moderate significance. Further application of the Neighbourhood Character Overlay would be difficult, particularly for extensive residential areas unless they were identified as being significant, which was not a recommendation of the Stage 2 Neighbourhood Character Review.

The Beaumaris Conservation Society have previously provided Council with extracts of the neighbourhood character provisions of the Surf Coast Planning Scheme to support their past submissions to Council on this matter.

The provisions relate to specific localised character precincts in Lorne, Aireys Inlet, Moggs Creek and Fairhaven, where the predominant character is of large allotments, extended setbacks, development concealed from the road and small building footprints.

These provisions are not necessarily appropriate for Bayside, given its context. Bayside is a fully developed middle ring suburb of Melbourne, subject to the Metropolitan Strategy (Melbourne 2030 and Melbourne @ 5 Million). It should be noted that single dwellings on land greater than 500sqm are generally exempt from planning approval. With the majority of development in Bayside not subject to planning controls, State Government policy past and present has consistently resisted placing planning controls on single dwelling development.

It is also important to note that the provision of tree planting areas or envelopes has generally been applied in areas outside the metropolitan area. They have only been applied in Melbourne over specific neighbourhoods dominated by “bush type” landscapes where the houses have a small building footprint on large, densely planted lots. The southern parts of Bayside that display streetscapes worthy of greater protection already have a Vegetation Protection Overlay over all residential properties and are covered by a neighbourhood character policy which reflects the vegetated neighbourhood character of these areas. Introducing a uniform standard or control in an area with such a diversity of lot sizes and configurations, would be difficult to justify and may ignore constraints to development in specific cases.

Work has already been undertaken at Council’s request to increase the area of private open space required based on bedroom numbers as part of multi dwelling proposals. An amendment has been prepared and is about to be submitted to the Minister for Planning for authorisation to exhibit.

Council could consider introducing new provisions to require residential development to set aside specific areas on properties for tree planting. A control, such as a Significant Landscape Overlay would have the effect of mandating specific areas for the planting of canopy spreading trees, above and beyond the current process of endorsing a landscape plan for a development proposal. The introduction of tree planting areas on residential land would introduce additional controls that would not necessarily achieve the long term maintenance and protection of vegetation in the manner provided for by the Vegetation Protection Overlay (VPO) that already covers the southern part of the city. In addition, depending on what thresholds were to be adopted, it is expected that the majority of development proposals would already comply with the standard, throwing into question the need for additional controls.

Should Council wish to consider introduction of additional controls, it is suggested that they be based on a percentage of site area, rather than a specified area as used in Surf Coast. This is

because of the wide disparity of lots sizes in Bayside. No detailed research has been undertaken at this stage. The 100sqm of the Surf Coast controls represents between 13%-16.5% of the area of average Bayside lots. Such lots generally attract applications for dual occupancy or three units, which under current controls must provide a minimum of 80-120sqm of open space. Not all of that space is available for planting, as it may incorporate paving, decking, barbecues, etc. Most developments provide in excess of the minimum 40sqm open space per dwelling, and Council's amendment C96 would increase that amount based on the number of bedrooms. It also requires that the minimum dimension of open space be increased from 3m to 4m to facilitate planting of canopy trees.

An alternative to requiring a minimum site area, would be to specify a percentage of the front setback which must be available for vegetation. There is a trend toward paving in front setbacks for driveways, pedestrian access paths and paving as part of the landscape treatment. Requiring 50% of the front setback to be pervious and planted would offset the trend to this increased paving.

Given that there is already an extensive range of existing planning provisions in place to retain and ensure vegetation planting, it is not considered that there is a material benefit in the introduction of further controls on residential areas to specify a minimum area of each site to be set aside for the planting of vegetation including canopy spreading trees. The substantive difference that would be achieved by such controls is considered to be outweighed by the investment in time and resources required to prepare and apply controls.

If Council were to pursue the investigation of introducing such controls, further strategic work would need to be undertaken to identify the appropriate locations for the application of controls and the nature and format of such controls. In addition, it is expected that Council would need to demonstrate how additional housing opportunities could be achieved, in line with Victorian Government policy, if such controls were introduced. Funding for this strategic work is not provided for in current budget allocations but initial estimates indicate that it could cost around \$30,000 in addition to amendment preparation and processing costs.

Even with the strategic work and development of sufficient justification, it is anticipated that Council may meet with some difficulty in seeking authorisation for an amendment from the Minister on the basis that the additional controls are considered unreasonably onerous in terms of the extent of net community benefit that might be derived from them.

Options available to Council in this matter include the following:

### **Option 1 – Apply Existing Controls**

Retain and use the existing provisions in the Bayside Planning Scheme to achieve development that respects the neighbourhood character in Bayside. There is currently a wide range of provisions within the Bayside Planning Scheme that support the retention/replanting of vegetation within residential developments. The existing Neighbourhood Character Policy in particular recognises the important role landscape setting plays in the character of Bayside and provides design guidance to ensure that development and, where relevant, works respond to the neighbourhood character of residential areas. These controls will be strengthened under C96 which will require an increase in open space related to number of bedrooms, and that it have a minimum dimension of 4m rather than 3m.

### **Option 2 – Introduce Further Controls**

Initiate an amendment to the Bayside Planning Scheme to introduce new provisions that require residential development to set aside specific areas on properties for tree planting. If council were minded to choose this option, additional work would need to be undertaken to determine if sufficient strategic justification exists for such controls, and what the specific standards should be.

Option 1 is the recommended approach given the extent of current controls available within the Bayside Planning Scheme and Local Law No. 2 in support of vegetation and private open space.

## **4. Implications**

### **4.1. Policy**

#### **State Planning Policy**

State planning policy is focused on infilling Melbourne's metropolitan area. Citywide controls that regulate the planting and protection of vegetation in metropolitan areas, over and above what is already mandated, could be considered contrary to this policy by state authorities.

#### **Municipal Strategic Statement (MSS)**

The MSS includes the following overarching goals:

Sustainability:

- To protect and enhance the quality and local character of the natural and built environment by supporting ecologically sustainable development and management of land.

Liveability:

- To continually enhance the quality of the physical living environment in Bayside through maintenance, retention and improvement of valued features.

#### **Council Plan 2009-2013**

Commitment 3: Managing our Built Environment

Strategy Objective 3.1.1: Built environment controls will encompass environmental sustainability, site responsive design and community needs

Commitment 4: Natural environment, open space and biodiversity

Strategy Objective 4.1.1: We will conserve Bayside's natural environment

Strategy Objective 4.1.2: We will increase the extent of tree canopy of the municipality including the planting of more trees on public land.

### **4.2. Legal/Statutory requirements**

Any change to include additional controls would require a planning scheme amendment process to be pursued in accordance with the Planning and Environment Act 1987.

### **4.3. Financial and resource implications**

Undertaking the preparation of a strategic justification to support additional controls is not provided for in the current budget. Such a study is estimated to require \$30,000 in addition to amendment preparation and processing costs. A "new initiative" bid is being presented for inclusion of \$36,000 in the 2010/2011 budget to fund mapping of tree canopy cover to measure any change since the baseline analysis of 2007.

### **4.4. Environmental impacts**

Any additional controls would increase the availability of land for vegetation planting.

### **4.5. Social impacts**

Requiring additional controls may improve amenity values for residential property owners.

## **5. Consultation and engagement**

Any change to the Bayside Planning Scheme would need to go through a planning scheme amendment process, including exhibition and consideration of submissions.

## **6. Summary**

This report on vegetation controls in residential areas responds to Council's request for a report to be presented on the subject. It outlines the nature and extent of current controls with respect to vegetation and residential private open space. It is considered that the existing suite of controls is adequate to achieve Council's objectives and that additional controls are considered unreasonably onerous in terms of the extent of net community benefit that might be derived from them.

## **Recommendation**

That Council note this report on vegetation controls in residential areas and resolves that no further planning controls are necessary to protect the neighbourhood character of Bayside's residential areas and no further action be taken on this matter at this time.

**Attachment 1: Bayside Planning Scheme Vegetation retention & planting related provisions**

<b>Control</b>	<b>Properties Affected</b>	<b>Geographical Areas Covered</b>	<b>PROVISION</b>
Vegetation Protection Overlay (VPO)	All within VPO	Along all coastal and foreshore areas ( <i>excluding areas covered by an ESO</i> ) and in residential areas of Black Rock, Cheltenham and Beaumaris.	A permit is required to remove native vegetation. Exemptions include removals; i) required by public authorities; ii) for land surveying purposes; and iii) for weed control.
Environmental Significance Overlay (ESO)	All within ESO	In areas of identified significant geomorphology.	A permit is required to remove vegetation. Exemptions include removals; i) required by public authorities; ii) for land surveying purposes; and iii) for weed control.
Neighbourhood Character Policy	Dwellings on lots less than 500 square metres in area.  Multi dwellings on a lot.  Residential building on a lot.	City Wide in residential areas.	Requires a design response for Council consideration that includes either retention of vegetation, space to accommodate significant vegetation or a landscaping plan.  Consideration of the design by Council officers is based on whether it achieves the preferred neighbourhood character that ranges from dwellings that sit within established exotic gardens to those dominated by canopy tree and bush settings with generous boundary setbacks.
Clause 54	Single dwellings on lots less than 500 square metres in area.  Residential building on a lot.	City Wide in residential areas.	Front setback equivalent to the largest front setback of an adjoining block up to a maximum of 9m.  Maximum 50% site cover.  At least 20% of site covered by impervious surfaces.  Provide for the retention or planting of trees where these are part of the neighbourhood character and provide for replacement of any trees removed within 12 months of the application being made.  The design response must be appropriate to the neighbourhood and the site.  Consideration must be given to the neighbourhood character policy.  Provision of 80 square metres open space or 20% of the site area, whichever is less, but not less than 40 square metres. At least 25 square metres with a minimum dimension 3m shall be located at the side or rear with convenient access from a living room.
Clause 55	Multi dwellings on	City Wide in residential areas.	Front setback equivalent to the largest front setback of an adjoining block up to a maximum of 9m.

	a lot.		<p>Maximum 50% site cover.</p> <p>At least 20% of site covered by impervious surfaces.</p> <p>Provide for the retention or planting of trees where these are part of the neighbourhood character and provide for replacement of any trees removed within 12 months of the application being made.</p> <p>The design response must be appropriate to the neighbourhood and the site.</p> <p>Consideration must be given to the neighbourhood character policy.</p> <p>Provision of 40 square metres open space per dwelling. At least 25 square metres with a minimum width of 3m located at the side or rear with access from a living room.</p>
Heritage Overlay (HO)	Properties subject to HO related to trees	City Wide	Permit required to prune or remove any tree specifically identified in a Heritage Overlay Schedule.
Clause 36 of the Council's Local Law No 2	All public and private land.	City wide	<p>A person must not, except in accordance with a permit:</p> <ul style="list-style-type: none"> <li>A. Destroy, damage or remove or allow to be destroyed, damaged or removed on any private property; or</li> <li>B. Cut, trim or prune or allow to be cut, trimmed or pruned on any Private Property:             <ul style="list-style-type: none"> <li>i. an identified Significant tree; or</li> <li>ii. any tree with single trunk circumference or combined trunk circumference greater than one hundred and fifty five (155) centimetres measured at one (1) metre above ground level.</li> </ul> </li> </ul>

## 1. Purpose of the Report

To consider proposed Amendment C91 to give effect to the Structure Plans for Bayside's four Major Activity Centres (Church Street Centre, Bay Street Centre, Sandringham Village and Hampton Street Centre).

## 2. Background

The Bay Street, Church Street, Hampton and Sandringham Centres were identified in the State Government's Melbourne 2030 Strategy as being Major Activity Centres. These centres are the focus for services, employment, housing and public transport and will be where the majority of new development occurs in the future.

To ensure development of these centres is managed properly and responds to the individual characteristics of each centre, Structure Plans for each of these centres were prepared by Council in consultation with the local community. Each Structure Plan contains the vision, objectives and strategic direction for the particular centre. They are available to view at [www.bayside.vic.gov.au/building\\_urban\\_strategy\\_projects.htm](http://www.bayside.vic.gov.au/building_urban_strategy_projects.htm).

At the Ordinary Meeting of 28 November 2006, Council adopted the Structure Plans for Major Activity Centres. In adopting the Structure Plans, Council directed that a planning scheme amendment be prepared to give them effect.

On the 24 June 2008, the Minister for Planning authorised an amendment (C58) to the Bayside Planning Scheme to introduce planning controls for the four major activity centres subject to a number of changes, the most significant of which was the removal of height controls on residential zoned land within the Major Activity Centres. The Minister and Council were unable to reach agreement on the proposed controls and the authorisation to prepare the amendment lapsed on the 24 June 2009. Interim height controls for the Major Activity Centres (DDO6) also lapsed on the 30 June 2009. Currently there are no height controls in place for the four Major Activity Centres.

In an attempt to resolve the situation, a meeting with the Minister for Planning took place on 8 October 2009. At this meeting the Minister indicated a preparedness to authorise the preparation on an amendment providing for three storey height controls in residential areas. This was subject to the inclusion of a number of controls to encourage intensification which had been proposed by Council. The Minister also indicated support for the new amendment to use the recently introduced Activity Centre Zone (ACZ) Provisions to assist in providing clear direction in the controls and particular circumstances of each Centre.

On 27 October 2009, Council resolved to:

- *note the outcomes of the meeting with the Minister for Planning held 8 October 2009;*
- *commit to the preparation of a new amendment to replace the lapsed amendment C58, incorporating all the provisions of lapsed amendment C58 as authorised by the Minister for Planning in June 2008, but that the height control for currently residential zoned land in the Major Activity Centres be three storeys maximum and that the following provisions be included to encourage densification on residential zoned land –*
  - *Prohibiting single dwelling redevelopment of sites – but exempting heritage sites*
  - *Encouraging site consolidation*
  - *Permitting increased site coverage*
  - *Reducing standards for building setbacks*
  - *Reducing parking standards*
  - *Placing parking below ground level*

- *Encourage upper most level to be recessed or in attic style modelled on current DDO1 Attic Provisions;*
- *consider a further report on completion of drafting of the replacement amendment for formal resolution and adoption; and*
- *seek introduction of interim controls in accordance with part 2 above, whilst the new amendment is prepared and completes statutory procedures.*

### 3. Discussion

Drafting of the new amendment is complete. It utilises the new Activity Centre Zone (ACZ), which is now the preferred tool to guide and facilitate the use and development of land in activity centres. The ACZ implements the strategic directions for an activity centre (as identified through structure plans) and dispenses with the usual approach of applying multiple zones and overlays at a centre to achieve desired outcomes. It must be supported by an associated schedule to the zone, which is tailored to the individual needs of the relevant activity centre.

The schedules to the ACZ for Bayside's 4 Major Activity Centres are attached (Attachment 1). They have been based on Council's adopted position in relation to Amendment C58 and DDO6 which had previously governed the approach to development in the Major Activity Centres.

#### Points to Note:

- Table of Uses
  - This is based on the existing Table of Uses in the Residential 1 Zone (R1Z), Business 1 Zone (B1Z), Business 2 Zone (B2Z), Business 5 Zone (B5Z) and the Mixed Use Zone (MUZ). It has however been modified to better reflect the land use objectives in the activity centres as expressed in the structure plans.
  - In the residential precinct a permit will be required to build a single dwelling. This was considered the best way to encourage increased densities. Prohibition of single dwellings was considered too restrictive and could have the unintended consequence of encouraging families (who often inhabit single dwellings) to move out of activity centres
- Built Form
  - 3 storey (11m) **maximum** height in the residential precincts. In the adopted structure plans, 3 stories was equivalent to 10.5m. In these schedules, 3 stories is equivalent to 11m height. This is consistent with the Beaumaris Concourse 3 storey height limit already in the Bayside Planning Scheme and that proposed by the Black Rock Structure Plan. This reflects the agreement reached with the Minister on residential height.
  - Up to 4 storey **preferred** height in commercial precinct (some commercial sub-precincts with 3 storey preferred height), except for the Sandringham Hotel precinct and Hampton Street Precinct 1A (carpark redevelopment site) which have a 5 storey preferred height. This is unchanged from C58 and the Minister's authorisation.
  - Increased site coverage (60%) has been allowed in line with existing provisions (Clause 54-Standard A5 and Clause 55-Standard B8) as per C58.
  - Building setbacks have been reduced, except where a site abuts the boundary of a property containing a dwelling and located in the residential precinct or a residential zone, or where the site abuts a Heritage Overlay. This is as per C58.
  - In the residential precinct setbacks, the 3<sup>rd</sup> storey level is to be setback 4m behind the front wall of the level immediately below, or be an attic (modelled on existing DD01 attic provisions). In areas where DD01 controls used to apply, the

3<sup>rd</sup> storey **must** be an attic. This reflects the agreement reached with the Minister.

- Notice and Review Requirements: no notice is required unless:
  - The proposal is in the residential precinct
  - The proposal exceeds the preferred maximum height
  - The proposal is on land adjacent to a Residential Zone, i.e., on the periphery of the activity centre zone
  - It is a 'permit required' use
- Boundaries
  - The Activity Centre boundaries have been taken from the adopted Structure Plans for each centre.
  - At an officer meeting with the Department of Planning & Community Development (DPCD) staff on the 10 February 2010, DPCD staff verbally advised that Bayside should consider amending the Activity Centre boundaries to include key public land uses that have, or are intended to have, a strong functional relationship with the activity centre. Bayside officers were concerned by this request, and have not amended the boundaries for the following reasons:
    - The Activity Centre Zone Practice Note states on pg 2 that the activity centre boundary should match the adopted structure plan. If the boundaries were amended, this clearly will not be the case. Whilst DPCD have informally advised that Council should consider reviewing the boundaries, no formal request has been received.
    - The boundaries in the adopted structure plans are based on a set of criteria which have been applied consistently across all 4 activity centres. This criteria provides the strategic justification for the current boundaries.

The criteria for the existing boundary definition (as set out in the structure plan background reports) is: walking distance (400m) to railway station, large sites, north south orientated allotments, existing medium density development, allotments with 2 street frontages, heritage overlay areas and properties, neighbourhood character. The rigour of this approach and the use of standard criteria provides Council with a defensible position at any subsequent panel hearing.

Criteria for defining an activity centre boundary have now been specified in the ACZ Practice Note (published September 2009). These criteria were not however available at the time of completing the Activity Centre Structure Plans in 2006. Nevertheless, the criteria for defining a boundary in the ACZ Practice Note are similar to the criteria Council used. The main differences are:

1. Walkability is defined as within 400-800 m from the core of the centre (400m was used in the Structure Plan)
  2. The boundary is to include areas that have a strong functional relationship to the centre (including public land/institutional uses and open spaces).
- If Council were to amend the boundary, further work to determine which areas should be included (based on the new criteria) would be required and community consultation undertaken, especially with the affected property owners. In Church Street, this would include Brighton Grammar, Cabrini

Hospital, Rylands Retirement Village, Marine Hotel and a number of residential properties in New Street. DPCD have also suggested the Civic Precinct in Boxshall Street should also be included. This is an approach that was undertaken for the Doncaster Hill Activity Centre. However, given that there are currently no height controls in the four major activity centres, it is considered pertinent to progress the amendment with the existing boundaries. If authorisation is denied based on the boundary issue, Council could request the Minister to introduce interim controls, whilst consultation and further strategic work on the boundary is undertaken.

- Extent of DDO1 in the Major Activity Centres.
  - DD01 (Foreshore Height Controls) does not apply within the Hampton Street and Sandringham Major Activity Centres. Following the expiry of DDO6 there are no current height controls over land primarily within DDO1 until the Major Activity Centre plans are gazetted. The Minister's authorisation for C58 included a direction to reduce the extent of DD01 within these activity centres. Whilst the reduction in Hampton Street (to apply DD01 only to properties to the west of Orlando Street, Hampton) is considered justifiable, and has been translated into the Schedule to the Activity Centre Zone, the reduction in Sandringham (to apply DDO1 to cover the heritage listed properties in the north west of the Major Activity Centre and reduce the extent surrounding Sims Street by 50%) is not. Along Sims Street there is no justifiable line at which to remove the DD01 controls, it would be an arbitrary drawing of a line halfway down the street. In addition, applying DD01 only to the heritage listed properties in the north west of the MAC results in a number of properties fronting the foreshore not being covered, which defeats the purpose of DD01.
  - If it becomes necessary to reduce DD01 to achieve authorisation to proceed with the amendment, it is suggested that Council consider reducing the extent of DD01 in Sandringham to cover the first 2-3 blocks back from Beach Road in the vicinity of the road closure at the western end of Sims Street. This would be consistent with the extent of DD01 in Hampton Street. There would be an inconsistency with how far back DD01 applies within and outside the activity centres, however, the scaling back of DD01 in the activity centres can be justified on the basis that these areas are activity centres and are expected to experience more change than the other areas. In the case of Sims Street, the multi-storey Beach Bay apartment building does abut it.

## **4. Implications**

### **4.1. Policy**

The proposed amendment is consistent with the four Major Activity Centre Structure Plans previously adopted by Council and is consistent with the following commitments from the Council Plan 2009- 2013:

Commitment 3: Managing our built environment, Strategy 3.1.3 Our villages and activity centres will provide an attractive focus for their local communities.

Commitment 5: Community engagement and having real conversations, Strategy 5.1.1 We will provide a range of opportunities for the community to actively engage in Council's decision making activities.

### **4.2. Legal/Statutory requirements**

Any planning scheme amendment must be undertaken in accordance with the Planning & Environment Act 1987.

#### **4.3. Financial and resource implications**

Costs associated with preparation of a new amendment are provided for within the 2009-2010 budget. Costs associated with exhibition, panel hearing and adoption are also provided for in the 2009-2010 budget and given delays experienced to date provision will be included in the 2010-2011 budget.

#### **4.4. Environmental impacts**

Not applicable

#### **4.5. Social impacts**

Not applicable

### **5. Consultation and engagement**

Extensive consultation has taken place during the Structure Plan Process. Additional consultation will take place as part of the formal exhibition period of the planning scheme amendment. As part of this formal exhibition, all owners and occupiers within the major activity centre boundary will be notified as will people who made a previous representation on the Structure Plans. In addition there will be information made available through local media and on Council's website.

### **6. Summary**

Structure Plans for Bayside's four Major Activity Centres (Church Street Centre, Bay Street Centre, Sandringham Village and Hampton Street Centre) were adopted by Council in 2006 with the intention that a planning scheme amendment be prepared to give effect to them. The Minister for Planning and Council were unable to reach agreement on the proposed controls and so no amendment has occurred. Currently there are no height controls in place for the four Major Activity Centres. The new amendment proposed in this report will rectify this situation and give effect to the structure plans. It is appropriate to request that the Minister introduce interim controls to guide development, whilst the substantive amendment completes statutory procedures.

### **Recommendation**

That Council:

1. Adopts Amendment C91 to the Bayside Planning Scheme in the form attached to this report;
2. Seeks authorisation from the Minister for Planning under Section 8A(3) of the Planning and Environment Act 1987 to prepare an amendment (C91) to the Bayside Planning Scheme in respect to Bayside's four Major Activity Centres (Church Street Centre, Bay Street Centre, Sandringham Village and Hampton Street Centre) to introduce the Activity Centre Zone and accompanying schedules and amend the Local Planning Policy Framework of the Bayside Planning Scheme;
3. Requests the Minister for Planning under Section 20(4) of the Planning and Environment Act 1987 to introduce interim height controls through a schedule to the Design and Development Overlay which mirrors the heights in the schedules to the Activity Centre Zone, for the four Major Activity Centres; and
4. Authorises the Director City Strategy to make any minor editorial changes to the schedules to the Activity Centre Zone and any required changes to the Local Planning Policy Framework as a result of the introduction of the Schedules.

## 1. Purpose of the Report

To consider proposed changes to the Sandringham Foreshore Coastal Management Plan (SFCMP).

## 2. Background

Council considered the Sandringham Foreshore Coastal Management Plan (SFCMP) on 15 December 2009. At that meeting Council resolved as follows:

*“That Council:*

- 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.”*

Staff have subsequently met with Parks Victoria and the Department of Sustainability and Environment (DSE).

## 3. Discussion

In response to the concerns regarding cost shifting, the Minister for Environment and Climate Change has now confirmed the following in writing:

*“Action MA42 in the draft plan is the formation of an implementation committee comprised of Parks Victoria and the Council, to determine priority actions and to discuss how these actions may be funded using the various resources available to Parks Victoria and the Council, including grants. Any agreed implementation plans would then be subject to normal Council and Parks Victoria budgetary processes. There are no cost shifting implications.”*

In response to the request that the Draft Business Plan be revised to ensure there is no cost shifting, the Minister proposes that the following wording be added to the draft business plan section:

*“This appendix has been prepared as an indicative budget for the Sandringham Foreshore Precinct, based on this plan and current revenues and expenditures. The responsibility for preparation of actual budget recommendations rests with the implementation committee, who will make recommendations for expenditure in line with the plan for final decision by the delegated land managers, Bayside City Council and Parks Victoria.”*

The Minister advises that Parks Victoria has agreed to this amendment.

During the discussions Parks Victoria noted that under the provision of the Crown Lands Act that revenues obtained from the use of Crown Land must be expended on those Crown Lands. In the case of Sandringham, this means that parking fees collected from the Sandringham Foreshore Car Park must be expended on Foreshore Crown Land. Parks Victoria advised that it was satisfied that the level of Council expenditure within the foreshore Crown Lands is equivalent to or exceeds that of revenue collected, and that Council thus fulfils its obligations in this regard. It is not required by the Crown Lands Act that parking revenue from the Sandringham Foreshore car park must be expended only at Sandringham.

It is considered that the Minister's letter has satisfactorily responded to any concern regarding the levels of expenditure for projects proposed in the business plan. It was acknowledged that notwithstanding the business plan, that the level of expenditure in any given year on the Sandringham Foreshore would be determined by the annual budget processes and allocations made by both Parks Victoria and Council.

On the issue of dredging, the Minister has advised that the proposed dredging and removing of silt sand from Sandringham harbour is to be undertaken in accordance with EPA Best Practice Environmental Guidelines for Dredging 2001 which state that the spoil must be reused as a resource as a first option before other disposal methods are considered. That dredged sand will therefore be considered for beach renourishment as part of the normal planning process for dredging operations.

## **4. Implications**

### **4.1. Policy**

Preparation of the SHCMP was an action in the 2008-2012 Council Plan. Council in December 2009 indicated "*in-principle*" support of the final draft, subject to clarification of some matters.

### **4.2. Legal/Statutory requirements**

Coastal Management Plans are defined under the Coastal Management Act 1995. In managing coastal Crown Land, all reasonable steps must be taken to give effect to an approved management plan applying to the land.

### **4.3. Financial and resource implications**

It is considered that Council's concerns regarding possible cost shifting have been satisfactorily addressed by Parks Victoria, and in particular, the proposed additional wording to be included in the business plan section of the SHCMP.

### **4.4. Environmental impacts**

The SFCMP will contribute to maintaining the environmental values of the area.

### **4.5. Social impacts**

The SFCMP addresses issues raised in various consultations in previous years.

## **5. Consultation and engagement**

Under the Coastal Management Act 1995 the Minister must cause notice of an approved management plan to be published in the Government Gazette.

## **6. Summary**

Council in December 2009 provided "*in-principle*" support for the draft SFCMP subject to clarification of some matters. These were subsequently discussed with DSE and Parks Victoria and it is considered that the Minister's response has satisfactorily addressed these matters.

Council should now proceed to record its support for the SFCMP.

## **Recommendation**

That Council:

1. Note the advice from the Minister for Climate Change and Environment in response to matters raised in Council's resolution of 15 December 2009; and
2. Inform the Department of Sustainability and Environment of its support for the final draft of the Sandringham Foreshore Coastal Management Plan 2008, subject to inclusion of a paragraph in the Business Plan section of the plan with wording as follows:

*“This appendix has been prepared as an indicative budget for the Sandringham Foreshore Precinct, based on this plan and current revenues and expenditures. The responsibility for preparation of actual budget recommendations rests with the implementation committee, who will make recommendations for expenditure in line with the plan for final decision by the delegated land managers, Bayside City Council and Parks Victoria.”*

---

**10.4 Proposed Planning Scheme Amendment to Rezone Sandringham Hospital - 193 Bluff Road, Sandringham**

---

City Strategy – Urban Strategy  
File No: COR/1625-02

## 1. Purpose of the Report

To consider the request from Davis Langdon Pty Ltd on behalf of Alfred Health for rezoning of the Sandringham Hospital site from Residential 1 Zone (R1Z) to Public Use Zone 3 – Health and Community (PUZ3).

## 2. Background

The proposal is for the rezoning of the land known as 193 Bluff Road, Sandringham (Sandringham Hospital).

The subject site is currently within the Residential 1 Zone (R1Z) and Schedule 2 to the Design and Development Overlay – Building Height Control (DDO2). Sandringham Hospital is located on Crown Land designated for hospital purposes. Alfred Health has been appointed as the Committee of Management for the land.

The land to the south, east and west of the subject site is predominantly R1Z, with land to the south also including Business 1 Zone (B1Z), and land to the east including Mixed Use (MUZ) and Public Park and Recreation Zone (PPRZ). A Council Reserve is located to the north and west of the subject site and is zoned Public Use Zone 6 – Local Government (PUZ6). This land is occupied in part by the Bayside City Council Corporate Centre (See Attachment 1).

## 3. Discussion

Based on the current land use as a hospital, it is proposed to rezone the land from the existing R1Z to PUZ3 in accordance with Section 20(4) of the Planning and Environment Act 1987 (the Act). Section 20(4) of the Act allows for a fast track procedure to enable the Minister to amend the planning scheme with exemption from notice requirements. In accordance with the advisory note “*Protocol for Fast Tracking Amendments (March 2007)*”, rezoning land in public ownership to a Public Use Zone can be considered by the Minister under Section 20(4) of the Act, at the request of the Responsible Authority.

The purpose of the R1Z is:

- *To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.*
- *To encourage residential development that respects the neighbourhood character.*
- *In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.*

Pursuant to the requirements of the Residential 1 Zone (R1Z), the use and development of the land for a hospital would be subject to planning approval.

The purpose of the PUZ3 is:

- *To encourage public land use for public utility and community services and facilities.*
- *To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

Pursuant to the Public Use Zone, “...a permit is not required to use land or to construct a building or construct or carry out works on land (for health and community purposes)”.

The rezoning will remove unnecessary planning permit triggers and allow future buildings and works for health and community purposes to be implemented more effectively and efficiently.

The following planning controls will continue to apply:

- If a proposed use, or buildings and works are not deemed to be consistent with a health and community purpose, a planning permit will be required.
- Existing car parking requirements set out in Clause 52.06 (Car Parking) of the Bayside Planning Scheme still apply. This requires that a hospital provide 1.3 car spaces to each bed available for use by patients, and states:

*“Where the floor area occupied by an existing use is increased, the parking requirement only applies to the floor area of any extension of the use or site area provided the existing number of car spaces is not reduced.”*

If parking at the specified rate is not provided, a planning permit will be required.

- The current DDO2 will be retained over the site. Thus, a planning permit will be required for any proposal exceeding two storeys in height. This will continue to ensure that Council can provide guidance and input into any buildings and works exceeding two storeys in height.

Council has previously expressed a desire to be involved in any proposed redevelopment of the site to ensure built form, traffic and car parking is adequately addressed. To ensure this occurs, it is suggested that the rezoning be conditional on a Memorandum of Understanding (MOU) being prepared and signed between Bayside City Council and Alfred Health requiring that a masterplan for the site will be developed by Alfred Health in consultation with Council in order to guide and facilitate the strategic development of the Sandringham Hospital. This also provides Council with a clearer understanding of Alfred Health’s longer term plans for the site.

Statutory mechanisms such as the Development Plan Overlay (DPO) and the Incorporated Plan Overlay (IPO) have been considered as an alternative mechanism for ensuring Council continue to have a say in the future redevelopment of the hospital. However, these tools would only be effective if the site was not rezoned to PUZ3. Without the trigger for a planning permit within the zone, these overlays cannot take statutory effect.

As the rezoning of the site is considered appropriate, it is considered the most effective method of ensuring Council is involved in any substantial redevelopment of the hospital is through a MOU.

## **4. Implications**

### **4.1. Policy**

Not applicable to this report.

### **4.2. Legal/Statutory requirements**

The Planning and Environment Act sets out the procedures for rezoning of land.

### **4.3. Financial and resource implications**

No additional resources will be required to implement actions outlined in this report.

### **4.4. Environmental impacts**

Not applicable to this report.

### **4.5. Social impacts**

The rezoning will allow future buildings and works for health and community purposes to be implemented more effectively and efficiently resulting in a net community benefit.

## **5. Consultation and engagement**

In the case of rezoning land in public ownership to a Public Use Zone an amendment can be considered by the Minister for Planning under Section 20(4) of the Planning and Environment Act. This allows for a fast track procedure to enable the Minister to amend the Planning Scheme with exemption from notice requirements.

## **6. Summary**

The rezoning will remove unnecessary planning permit triggers and allow future buildings and works for health and community purposes to be implemented more effectively and efficiently.

Council will still have a considerable say in the development of the site as planning controls will continue to apply if a proposed use, or buildings and works are not deemed to be consistent with a health and community purpose. Current car parking requirements and building height controls will continue to apply to the site.

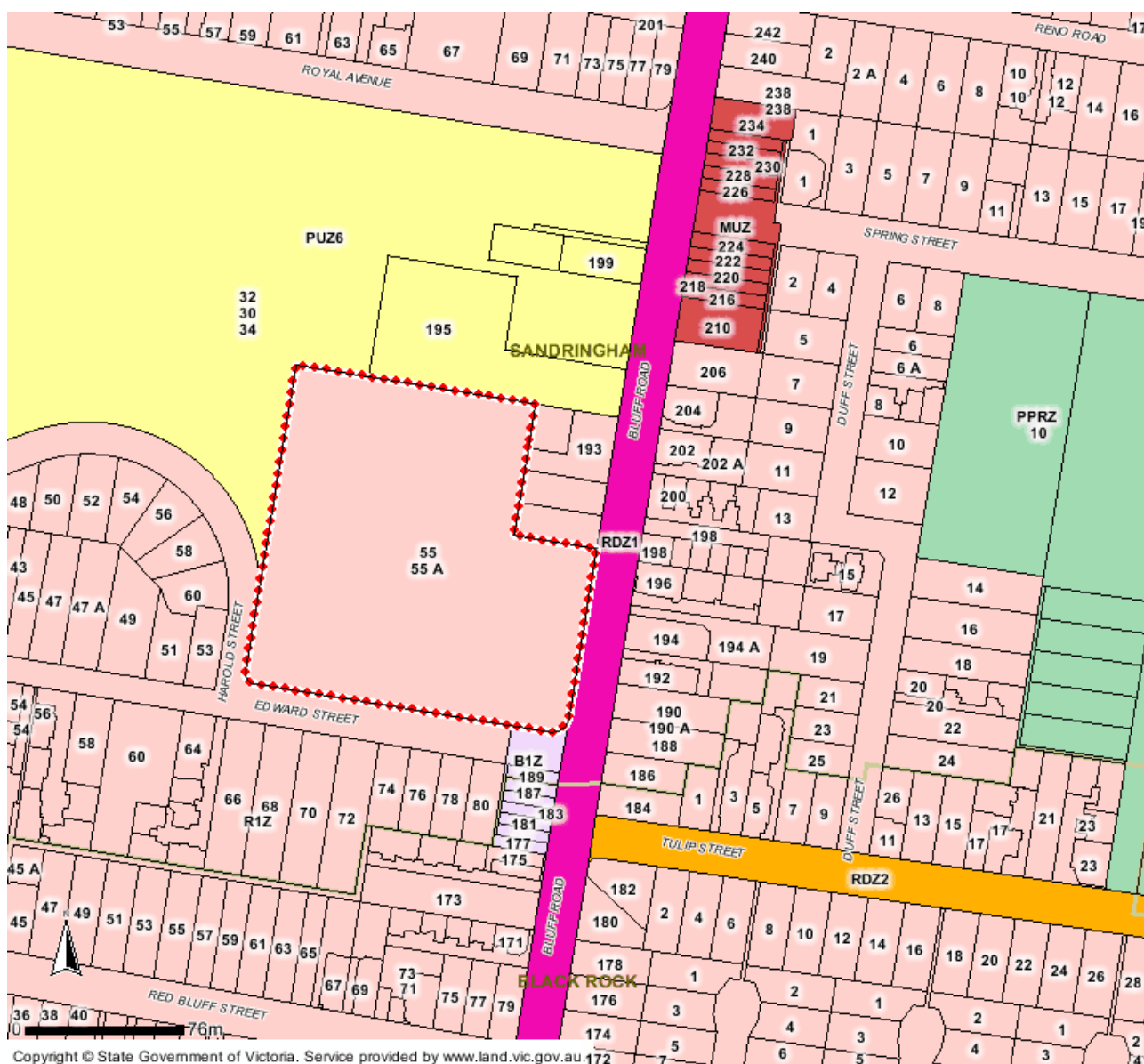
The rezoning of the site is appropriate as it is considered and the most effective method of ensuring Council is involved in any substantial redevelopment of the hospital is through a MOU.

## **Recommendation**

That Council:

1. Supports the rezoning of the Sandringham Hospital at 193 Bluff Road, Sandringham from Residential 1 Zone (R1Z) to Public Use Zone 3 – Health and Community (PUZ3), subject to the signing of a Memorandum of Understanding (MOU) between Council and Alfred Health to require an agreed masterplan to be developed for the site by Alfred Health prior to rezoning; and
2. Requests a Ministerial Amendment for the rezoning on behalf of Alfred Health, in accordance with Section 20(4) of the Planning and Environment Act 1987, advising the Minister for Planning that this is subject to a Memorandum of Understanding being entered into between Council and Alfred Health.

**ATTACHMENT 1.**



## 1. Purpose of the Report

The purpose of this report is to advise Council that the Local Planning Policy - Clause 22.10 - Water Sensitive Urban Design (Stormwater Management) in the Bayside Planning Scheme will expire shortly and to seek direction about extending the policy.

## 2. Background

Clause 22.10 - Water Sensitive Urban Design (Stormwater Management) was introduced into the planning scheme through Amendment C44. That amendment gave statutory effect to the recommendations of the Clean Stormwater Report prepared by the Association of Bayside Municipalities. This amendment took close to 5 years to be approved and was incorporated into the Bayside Planning Scheme in June 2009. Council invested significant time and resources into having Amendment C44 approved.

In approving Amendment C44, the Minister for Planning included a sunset clause (Clause 22.10-6) stating the policy would expire on 31 May 2010. Whilst no formal explanation was given as to why a sunset clause was introduced, verbal advice from Departmental officers indicated that the State government is investigating formalising similar controls through either a Statewide planning scheme amendment or under the Building Control Act. This has not eventuated to date.

Council has been implementing this policy since its approval in June 2009. The policy requires that any application for accommodation, construction of a building used for commercial, industrial or mixed use purposes, or a subdivision in a business zone will need to treat stormwater runoff to remove suspended solids, total phosphorous and total nitrogen in accordance with the *Urban Stormwater Best Practice Environmental Management Guidelines*.

Since approval, this policy has been applied to all applications for residential development and designated commercial development in Bayside. There have been no appeals challenging any permit conditions relating to the incorporation of water sensitive urban design into developments, therefore indicating widespread acceptance of the policy.

This policy has direct relevance to and supports other environmental initiatives being implemented by Council relating to water sensitive urban design, such as SDAPP (Sustainable Design Assessment in the Planning Process). Council policy requires SDAPP to be implemented on a voluntary basis from October 2009. Clause 22.10 provides a greater level of control than SDAPP, as water sensitive urban design is a mandatory requirement for all 'triggered' developments, rather than voluntary.

Council has been widely recognised for this ground breaking policy, being awarded the Stormwater Victoria Award for '*Best Policy and Regulation Development*' in 2009; and a National Stormwater Excellence Merit Award for '*Management and Initiatives*' in 2009.

## 3. Discussion

Clause 22.10 is due to expire on 31 May 2010. Council can either seek to extend this local planning policy or allow the policy to expire.

In the absence of a co-ordinated statewide approach this policy is still relevant, as there is a continued need to improve the quality of stormwater entering into the Bay. It is being successfully implemented by Council and is widely accepted by local applicants and the development community.

In the absence of a statewide approach to water sensitive urban design, it is considered that a 12 month sunset clause is onerous on both Council and the development community. Firstly, it requires Council to continually seek extensions to the policy until a statewide approach is formalised, but more importantly creates uncertainty in the Bayside community about the future of this policy and Council's continued commitment to water sensitive urban design. Whilst it would be desirable to abolish the sunset clause altogether, should the Minister not be prepared to do this, it is considered that a period greater than 12 months should be requested.

Should Council not apply for an extension of the sunset Clause, this policy will automatically expire. The result of this would mean that Council can no longer require applicants to incorporate water sensitive urban design into specific development and this will not be considered as part of planning permit applications.

Should the policy expire, there is no guarantee that the Minister would approve a new amendment for its re-introduction at a later date.

## **4. Implications**

### **4.1. Policy**

As this is an existing planning policy within the Planning Scheme, its extension is entirely consistent with the policy directions in the scheme. Continued application of the policy is also consistent with Council's directions towards environmental sustainability as outlined in the Council Plan - Commitment 3: *Managing our built environment* and Commitment 4: *Natural environment, open space and biodiversity*.

### **4.2. Legal/Statutory requirements**

The planning scheme will need to be amended to extend Clause (22.10-6). As this clause was included in the scheme by the Minister for Planning, it would be appropriate to request the Minister to amend the scheme using his powers under Section 20(4) of the Planning and Environment Act 1987.

### **4.3. Financial and resource implications**

Council has already invested significant time and resources into having Amendment C44 approved. Given the short life of the policy, should it be allowed to expire, this would not represent best value for money from Council's investment in developing and implementing the policy.

As this policy is already being implemented, extension of the policy will have no additional resource or financial considerations.

### **4.4. Environmental impacts**

The local planning policy has significant environmental benefits in ensuring that specific developments are undertaken in an environmentally sensitive manner in relation to stormwater management. The net effect is an improvement in the quality of stormwater entering Port Phillip Bay.

### **4.5. Social impacts**

There would be a number of potential negative social impacts if this policy were allowed to expire. Firstly, it would send the message that environmental issues are no longer important to Bayside City Council. Secondly, it would lead to an inconsistent approach in dealing with planning applications and therefore confusion in the development community. Finally, there would be a potential disparity between people who applied for a permit and incorporated water sensitive urban design into their applications within the life of the policy, and those who would no longer be required to.

## **5. Consultation and engagement**

A full consultation process was undertaken in relation to amendment C44 and no objections were received. Council has received no adverse comments from applicants or developers since the introduction of Clause 22.10 and many have in addition voluntarily agreed to apply SDAPP principles to their proposals. It is considered that no additional consultation is required.

## **6. Summary**

Council's Local Planning Policy – Clause 22.10 - Water Sensitive Urban Design (Stormwater Management) is due to expire on 31 May 2010. This policy has been highly successful, both in its implementation and the recognition it has received as a leading stormwater policy initiative at both a State and National level. At this time, the State Government has not introduced a statewide alternative through either the planning or building systems, and therefore this policy is still relevant. Should Council wish to extend this policy, it is necessary to write to the Minister for Planning seeking an extension. In requesting an extension, Council should consider requesting either abolition of the sunset clause or an extension to life of the sunset clause for longer than 12 months. Should Council consider that extension of the policy is not warranted then it need take no further action and the policy will expire automatically.

## **Recommendation**

That Council write to the Minister for Planning requesting an amendment to the Bayside Planning Scheme under Section 20(4) of the Planning and Environment Act 1987, to delete clause 22.10-6 (Expiry); or if that is not acceptable, extend the sunset Clause for a three year period pending the introduction of any other similar controls at a Statewide level in either the planning or building systems.

## 1. Purpose of the Report

This report outlines the outcomes of community consultation on the draft Community Grants Policy and presents the policy for adoption (Attachment 1). As a consequence of the revised policy, new arrangements for the Community Centre and Information and Support Centre funding stream are proposed to commence in 2010/11, subject to budget consideration.

## 2. Background

Following a review of Council's community grants policies and programs, a new draft policy was developed to replace four existing policies. Council resolved in December 2009 to:

- Endorse the draft Community Grants Policy for the purposes of stakeholder discussions and community consultation
- Receive a further report in early 2010 for consideration and adoption of the Community Grants Policy

All current recipients of major grant funding were provided with a copy of the review report and draft policy. Meetings were scheduled with each of them to discuss the policy and funding implications. The draft policy was made available on the Council website, and through the corporate centre and libraries. Letters were sent to all community groups on Council's grants database, including groups who had previously applied for annual grants, inviting comments on the policy.

## 3. Discussion

### 3.1 Policy framework

The proposed grants policy clarifies the purpose and objectives of Council's community grants schemes, and brings together four existing policies into a single policy framework. The framework is based on the principle that Council, through its grants program, will give to community groups and invest in community capacity but will not purchase services. Within this policy framework, there are three proposed funding streams:

- A. Annual Community Grants
- B. Community Centre and Information and Support Centre Grants
- C. Contingency Grants

### 3.2 Annual Community Grants

The draft policy does not propose significant changes to current arrangements for Annual Community Grants. A number of groups have contacted Council to update their contact details and requested application information for 2010/11 annual grants. No comments have been received about the draft policy in relation to these grants.

### 3.3 Community Centre and Information & Support Centre Grants (previously major grants)

Family Life and Bentleigh Bayside Community Health Service currently receive major grants to deliver specified services, for which grant funding will not be available under the revised policy. These organisations did not express significant concern about the policy change.

Consultation meetings held with community centres and information and support services that currently receive major grant funding, (Sandybeach Community Centre, Hampton Community Centre, Castlefield Community Centre, Brighton Recreational Centre and Bayside Community

Information and Support Service (BayCISS)), highlighted the value they place on their continued relationship with Council. Grant recipients identified the importance of current levels of Council funding, and the administrative simplicity of the block funding agreements in providing a secure base of operational funding to support facility management, administration and program development. They expressed concern about a suggested change to replace current block grants with a two-tier system involving a fixed base level of funding with an additional variable application-based component. The suggested change was perceived as adding complexity and uncertainty and potentially reducing funds, with consequences for the capacity for centres to plan effectively and to develop and deliver programs for the community.

In recognition of the valuable contribution that these centres make to community cohesion and quality of life of Bayside residents, as identified through the grants review in 2009, and having regard to administrative simplicity, it is now proposed that Council invest in the management and operation of each centre through block grants at current levels, increased by indexation annually. Funding agreements are proposed to be for four years, with annual reporting and a review at two years.

Hihett Neighbourhood Community House does not currently receive major grant funding but has requested such. The Hihett House does not manage the range or depth of programs, or a physical site in the same way as the other centres. Further, it has experienced some challenges in meeting the governance and management requirements. It is proposed that subject to meeting all eligibility criteria for this funding stream, including implementing satisfactory governance arrangements and management of the centre, funding for Hihett Neighbourhood Community House be provided on the same basis as for other community centres, initially for one year only.

Possible future community centre provision in Beaumaris was also discussed during the consultation period. Further work is needed to identify issues and needs and it is proposed that this is investigated through a consultative process in 2010/11.

### **3.5 Contingency Grants**

The policy proposes a new contingency grant fund that would incorporate the current Mayor's Community Chest but also provide a flexible contingency fund from which funding requests could be considered throughout the year. No comments have been received about this during the consultation period.

### **3.6 Policy format**

Minor changes and reordering of the draft policy have been undertaken to comply with the new Bayside City Council Policy Framework.

### **3.7 Further issues**

The grants review and revised policy did not address issues related to indirect council support for community organisations through use of Council buildings and facilities, and Council officer support for, and promotion of, activities. This would require a significantly broader review of Council's provision of facilities and other support for community organisations. It is proposed that these issues be addressed through further examination in 2010/11 of the linkages between the community grants program, Council's Leasing Policy, other occupancy agreements, and other indirect support mechanisms.

## **4. Implications**

### **4.1. Policy**

The proposed policy will support achievement of the 2009-2013 Council Plan commitment: Lifestage wellbeing of our people – equitable access to services and facilities, and strategy 1.1.1 of the Council Plan: we will develop and maintain strong relationships in planning and delivering services and facilities for the health and wellbeing of the community including volunteerism. The single Community Grants Policy, when adopted, would replace the following:

- Community Grants Policy 2007
- Mayor's Community Chest Policy 2006
- Emerging Needs Funding Policy 2007
- Community Centres and Information Service Funding Policy 2007.

#### **4.2. Legal/Statutory requirements**

The human rights implications of the draft policy have been considered and it has been found to comply with the Charter of Human Rights and Responsibilities Act 2006 (Vic).

The policy also ensures compliance with procurement and contract management requirements.

#### **4.3. Financial and resource implications**

Implementation of the revised policy requires reallocation of resources currently included in the Community Grants Budget in 2009/2010, particularly redistribution of \$123,190 currently paid in grants to Family Life and Bentleigh Bayside Community Health Service to other parts of the grants program. (This in principle decision is subject to consideration in the 2010/11 budget process.)

#### **4.4. Environmental impacts**

Grants under this policy may be available for community group initiatives that support environmental sustainability, and applications for these purposes will be encouraged.

#### **4.5. Social impacts**

The intent of the policy is to assist community groups in providing accessible activities and services that strengthen community capacity, increase the overall quality of life of people in the community, foster community cohesion and meet community needs.

### **5. Consultation and engagement**

Consultation has been conducted with the community and with stakeholders. All stakeholders will be informed of the new policy when adopted, with guidelines for each of the funding schemes distributed to relevant community groups.

### **6. Summary**

The proposed Community Grants Policy details Council's intentions in making grants to community organisations. It identifies three streams of grants, through which Council will give financial support to organisations and invest in community capacity to provide accessible activities and services that increase the overall quality of life of people in Bayside. Community consultation has resulted in some fine-tuning of the draft policy considered in December 2009 and has identified a revised framework for grants to community centres and information and support services.

### **Recommendation**

That Council:

1. Adopt the Bayside Community Grants Policy 16 March 2010, as attached;
2. Continue funding the four currently funded community centres: Sandybeach Community Centre, Hampton Community Centre, Castlefield Community Centre, Brighton Recreational Centre at 2009/10 levels subject to annual indexing, with funding to be an investment in the management and operation of each centre. Funding agreements to be for four years, with annual reporting requirements and a major review at two years;

3. Continue to provide operational funding to Bayside Community Information and Support Service BayCISS at 2009/10 levels, indexed annually, recognising that BayCISS operates from several sites. That this funding be subject to a cooperative review of current building use and service provision;
4. Discontinue grants to Bentleigh Bayside Community Health Service and Family Life after 30 June 2010. Redirect the grants, to be applied to investment in provision of community centres (or access to current centres) for all residents across the municipality, and to the new Contingency Grants;
5. Provide funding to Highett Neighbourhood Community House on the same basis as other community centres, initially for one year only, subject to meeting all eligibility criteria contained in the policy, including implementation of satisfactory governance and management arrangements for the centre (from funds identified in part 4 above). If these criteria are met in the first year, establish a further three-year agreement, consistent with the timing and indexing factor for all centres;
6. Investigate issues and needs regarding the future provision and management of a community centre in Beaumaris, and undertake a consultative project in 2010/11 from funds identified in part 4 above;
7. Determine parts 2 to 6 above in principle, subject to 2010/11 budget consideration;
8. Continue to investigate the level of indirect support provided to community organisations with a view to making any consequential adjustments to funding in future budgets; and
9. Advise all relevant parties accordingly.

**Attachment 1**
**Council Policy**

<b>Council policy title</b>	<b>Community Grants Policy</b>
<b>Council policy ref no:</b>	<b>C/POL/CMS/001</b>
<b>Council policy owner</b>	<b>Director Community Services</b>
<b>Adopted by:</b>	<b>Council</b>
<b>Date adopted:</b>	<b>16 March 2010</b>
<b>Scheduled review:</b>	<b>March 2014</b>

**1. Policy intent**

The policy provides a robust and transparent framework for the community grants program through which Council provides direct financial assistance:

- to community groups to assist them in providing accessible activities and services that strengthen community capacity, increase the overall quality of life of people in the community, foster community cohesion and meet community needs; and
- to individuals to provide support in times of crisis and to take up opportunities.

**2. Purpose / Objective**

The policy supports achievement of the purpose outlined in the Council Plan “to work with our community to make Bayside a better place”.

The objectives of the community grants program are:

- To assist community organisations to establish, extend and improve programs and services that address local needs, and are not provided by any tier of government or the private sector
- To encourage voluntary activity, community participation and the contribution of local groups and organisations to community life
- To promote community development and build social capital
- To encourage innovative approaches to emerging issues and needs
- To invest in community capacity to operate multi-purpose community centres that are accessible to residents throughout Bayside
- To assist groups and individuals in taking up opportunities that will return benefits to the Bayside community
- To respond to community and individual needs in times of crisis.

The human rights implications of this policy have been properly considered and the policy has been found to comply with *Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

### **3. Scope**

The policy applies to direct financial assistance provided by Council to support community initiatives, to invest in organisational capacity of community groups, and to support individuals in certain circumstances.

The policy does not apply to indirect support such as provision of buildings, land or facilities, in-kind support, or assistance from council staff.

The policy does not apply to payments to organisations for delivery of specified services on behalf of council, which are subject to the Procurement Policy.

The policy does not apply to sponsorship by Council of festivals and events.

### **4. Roles and responsibilities**

Council will be responsible for approving grants except for grants approved by the Director Community Services, in accordance with guidelines, under stream C.

The Director Community Services will approve guidelines for grants assessment and administration.

The Coordinator Community Partnerships will administer the grants program and provide advice on the policy.

In implementing this policy, Councillors and Council staff must comply with the Governance Code - Councillors Code of Conduct 2009 and the Local Government Act 1989 Section 80B (where applicable).

Councillors and Council Staff must not participate in any action or matter associated with the arrangement of a grant (i.e. evaluation, recommendation, or approval), where that person or any member of their immediate family has a significant interest, or holds a position of influence or power in an organisation that is a grant applicant. The onus is on the Councillor and the member of Council staff involved being alert to and promptly declaring an actual or potential conflict of interest to Council.

### **5. Monitoring evaluation and review**

Grants will be subject to acquittal and reporting on outputs and outcomes by grant recipients, except for confidential hardship payments.

Details of grants will be available for inspection as required by the Local Government (General) Regulations (2004)

Annual reports will be provided to Council that summarise the outcomes of the grants program and evaluate the success of each funding stream in achieving the program objectives.

This policy will be reviewed in 2013/14.

### **6. Policy statement**

Council will provide financial support to community groups that undertake activities and services that benefit the community and to individuals in particular circumstances in line with the objectives of this policy.

Three main streams of funding will be provided:

- A. Annual Community Project Grants
- B. Community Centre and Information and Support Centre Investment Grants
- C. Contingency Grants

Total amounts allocated to each funding stream will be determined annually in the Council budget.

Guidelines for assessment and administration of the funding streams will be made available to applicants.

All grant amounts payable under this policy are exclusive of goods and services tax (GST). Where the Australian Taxation Office regards a grant payment as subject to the GST, and the grant is made to an organisation that is registered or required to be registered for GST, 10% GST will be added to the grant payment.

#### A. Annual Community Grants

Annual Community Grants are made to support initiatives proposed by community groups, which strengthen and enrich community life through providing an improved range of leisure, cultural, community development, environmental, health, education, sporting and welfare programs and activities.

Grants of up to maximum amount (\$5,000 in 2009) will be made following an open application process, subject to guidelines and assessment criteria that are reviewed annually and publicised widely.

Grants under this stream are made to organisations not to individuals. An applicant must be a not-for-profit incorporated organisation, or be auspiced by an organisation that is incorporated and able to manage the grant on behalf of the applicant.

Applicants must have a membership that is wholly or significantly made up of people who are Bayside residents or ratepayers, and/or the grant proposal must be for a program, project or event that significantly benefits the Bayside community.

Applicants will be required to set out details of the proposal and how it benefits Bayside residents and meets the requirements of this policy and the criteria outlined in the guidelines. Applications will be called for in March each year for payment in the following financial year. Funded projects must be carried out in the financial year in which payment is made.

Applications will be evaluated against the criteria contained in the guidelines and rated by Council officers on:

- Evidence of need
- Fit with Council's policies and priorities, particularly the Municipal Public Health and Wellbeing Plan
- Community involvement and inclusion
- Equity and access for the community
- Environmental sustainability
- Overall expected benefits

Council will determine the distribution of annual grants from the budgeted allocation following the assessment by Council officers.

Grants under this stream will not be made for:

- ongoing core operational costs such as salaries, facility maintenance, rent and utilities

- initiatives that receive significant funding from another funding agency or are the responsibility of State or Federal government
- fundraising for or by philanthropic foundations or charities
- organisations which have an outstanding debt to Council or have not satisfactorily acquitted a previous grant.

Successful applicants will be required to report to Council on expenditure of the grant. Details of funded programs will be published on Council's web site and in the annual report.

### B. Community Centre and Information & Support Centre Grants

Community Centres and Information & Support Centre Grants are an investment in multi-purpose community centres that are accessible to all Bayside residents, meet the needs of the local community, and provide programs and activities that foster community cohesion and increase the quality of life.

These grants will be generally be offered for a four-year term, subject to review after two years and agreed outcome reporting and evaluation, except that a shorter period of funding may be offered in some circumstances.

In order to attract funding under this grant stream, an organisation must be an incorporated, not-for-profit community organisation and must:

- Manage and operate a community centre in an agreed location providing diverse services that may include leisure, education, cultural, recreational and social support programs, or information and support services, that meet identified needs of Bayside residents
- Develop new programs and services to meet emerging community needs
- Attract additional funding from other sources, such as other levels of government and user fees, to ensure that the Council contribution is not the majority of its annual income
- Maintain effective governance, management and accounting frameworks, with reports provided to Council on finances and activities annually and on request
- Enter into a funding agreement with Council and meet the obligations contained in the agreement.

### C. Contingency Grants

This funding stream provides flexibility to make donations at any time to build individual and community capacity, to provide opportunities for outstanding individuals and to respond to hardship and crisis. Purposes that may be funded under this stream include:

- Small grants of up to \$500, or as determined in the budget, for an individual or a team who are Bayside residents, to represent their state nationally, or their country internationally, in significant sporting, cultural or civic events or youth leadership development opportunities. Priority will be given to young people (under 18), and older people (over 65) and people on low incomes.
- Individuals or families in financial crisis may receive assistance for purposes not covered by other state or federal government grant or subsidy programs

- Donations to fundraising appeals by local groups and for major national or international issues such as natural disasters
- Small grants for Bayside events and festivals run by and for the benefit of not-for-profit groups
- New program or service initiatives requiring seed funding to establish their viability and attract alternate funding sources
- Activities that do not fit current guidelines for stream A or B but are consistent with the objectives of this policy

Application forms and guidelines on eligibility will be publicised on Council's web site.

Council officers will assess applications and proposals under this stream for recommendation to the Director Community Services.

#### **7. Related documents**

Guidelines relating to each grant stream will be developed following adoption of this policy and will be made available to community members

#### **8. Definitions and abbreviations**

<b>Term</b>	<b>Meaning</b>
GST	Goods and Services Tax

Please note: This policy is current as at the date of approval. Refer to Council's website ([www.bayside.vic.gov.au](http://www.bayside.vic.gov.au)) to ensure this is the latest version

## 1. Purpose of the Report

To consider adoption of the draft “*Bayside Tourism Strategic Action Plan 2009 – 2013*” following a period of consultation and public exhibition.

## 2. Background

Council resolved at its meeting of 24 November 2009 to:

1. *endorse the Bayside Tourism Strategic Action Plan 2009 – 2013 for the purpose of consultation;*
2. *receive a further report in March 2010 to consider any community responses to the Action Plan, and*
3. *thank the Bayside Tourism Network for their contribution.*

Following the exhibition period only minor typographical amendments were suggested to the document.

## 3. Discussion

The objective of the Action Plan is, “*to increase visitor numbers and yield to generate local employment and business opportunities, while enhancing visitor and community experience.*”

The BTSAP 2009-2013 was extensively advertised, distributed and made available through:

- Council’s website under the “Have Your Say” Section and to all Bayside libraries
- Adjoining Councils of Kingston, Port Phillip and Glen Eira
- Presidents of all Bayside traders associations
- Tourism industry peak bodies
- Past and present members of the Bayside Tourism Network
- Local tourism operators

Six written submissions were received. Five were endorsements and one suggested minor editorial changes of a typographical nature.

The endorsements were from one local resident, two tourism operators, Port Phillip City Council’s Tourism Coordinator and Tourism Victoria. A current Network member made the suggested changes. These will be incorporated in the final version of the document.

Tourism Victoria endorsed the Plan commenting on its alignment with State Government policy.

## 4. Implications

### 4.1. Policy

The Plan has been internally reviewed to ensure alignment with other relevant Council policies and strategies. It is consistent with the Municipal Strategic Statement and is currently informing the draft Economic Development Strategy.

### 4.2. Legal/Statutory requirements

Not Applicable

#### **4.3. Financial and resource implications**

Given the Council resources available to be applied to the promotion of tourism, the Plan is reflective of realistic and achievable outcomes in line with provisions in the current budget. The Plan has also identified partners; in particular the significant volunteer capacity available through the Network and others to assist in attaining the objectives of the plan.

#### **4.4. Environmental impacts**

The tourism approach promoted by the strategy is largely passive and non-intrusive, with actions that minimise any detrimental impact to the local environment.

#### **4.5. Social impacts**

The overall thrust of the Plan is to promote tourism in a manner that complements and develops local community amenity and culture.

### **5. Consultation and engagement**

The Plan was extensively advertised, distributed and made available through all Council communication outlets.

### **6. Summary**

The Plan has been completed with significant input from the BTN and sets out a clear direction for tourism development to 2013. No adverse comments were received following its release for comment.

### **Recommendation**

That Council:

1. adopt the Bayside Tourism Strategic Action Plan 2009-2013; and
2. advise accordingly all persons and organisations contacted during consultation, or who made submissions.

## 1. Purpose of the Report

To report to Council the outcomes of negotiations with Brighton Bowling and Sporting Clubs (BBSC) regarding community access to the club for non-members.

## 2. Background

In August 2009 Council considered a request from BBSC for a loan guarantee. Council resolved to approve a guarantee of \$200,000 subject to a number of conditions, including that 'A revised lease is developed guaranteeing community access to the facility for non-members, such terms and conditions to be negotiated with the club and subject to a Council report.'

Prior to the meeting, Councillors had been provided with a detailed memorandum from the CEO together with a letter from BBSC outlining the club's desire for broader community use and their willingness to amend their lease to reflect this access. At the time BBSC indicated that this was conditional on Council providing a \$300,000 loan guarantee however BBSC later indicated they would accept \$200,000.

## 3. Discussion

### Club

BBSC is an incorporated association which administers the club and its facilities. Under its rules of incorporation it can have affiliated/associated groups. These currently include the men's bowling and the women's bowling clubs, both of which are affiliated with, and all of their members registered with, Bowls Victoria for competition purposes. Both bowls clubs are unincorporated but are part of BBSC, as are an indoor bowls group and the Bayside Community Sports Club (BCSC).

The BBSC offers a non-voting \$15 social membership of BCSC for people wishing to access BBSC's facilities. BBSC is proposing that this be the 'community member' option to meet Council's community access requirements more fully.

### Liquor Licence

Because the BBSC has a 'Full Club' liquor licence, people who are not members of the club or a member's guest, i.e. 'signed in', cannot access its licensed areas, which includes all areas except the carpark.

Under the Liquor Control Act provisions, all visitors to Full or Restricted Licensed Clubs must be a member. The latter is usually done by a visitor signing in on arrival. If not accompanied by a member a member 'on duty' signs them in as a guest. Guests do not pay a fee to enter, and are entitled once signed in, to use services to which guests have access. The liquor licence provides an approval for under aged persons to be present in connection with sporting activities only, including presentation functions.

### Access

Others can access the main playing and social facilities without needing to be a member. BBSC has indicated in writing that guests (non-members) will be able to visit generally whenever the club is open. They will however need to sign in as guests and if underage be accompanied and supervised by an adult.

BBSC has a manager of the indoor bowling greens whose role is to actively program and market the club's bowling facilities to schools and the broader community. BBSC has 100 sets of hire bowls and qualified coaches and has been working with Bowls Victoria's development team to promote the game to people of all ages and abilities. Success with these bowling programming

and marketing initiatives is an integral element of BBSC's business plan, as is broad access to its social facilities.

### **Lease provisions**

BBSC's lease with Council requires BBSC to seek prior written consent of Council to vary (including adding or removing) any of its Rules of Incorporation. The current rules provide for social membership. Council could ensure that this remains a financially accessible option by negotiating a lease amendment limiting any social member fee increase to CPI - it is currently \$15.

Also, Council would need to ensure that the BBSC retains similar physical access rights to facilities and services for social members. Lease amendments may not be necessary if a simpler, legally binding option can be agreed. If the club was to insist on access for members only to all facilities, and reduced access to facilities for members' guests, this would not appear to satisfy the intent of Council's resolution.

Guests can use most facilities at the club. Entry is free and guests pay for services used. The club also provides an affordable social membership option through its Bayside Community Sports Club (BCSC) associated group, which provides access to all facilities. This appears to strike a satisfactory and workable solution to Council's concerns and strengthen community access to the facility. Requiring BBSC to meet more specific community access requirements (such as certain days, times, prices, areas) to facilities for the broader community would not be proportional to the benefit, nor be in accord with the requirements of Council's Leasing Policy, 2008.

## **4. Implications**

### **4.1. Policy**

Council's Leasing Policy 2008 was developed after the BBSC lease was finalised. Under the policy BBSC would have been classified as a Group Three tenant – Other clubs and Organisations. This includes recreational or community groups that service the community and are readily available to Bayside residents. These tenants include member based fee – paying clubs and organisations that have the capacity to generate revenue from use of the facility but do not operate to make a commercial profit.

The Leasing Policy and the standard lease conditions for this classification require that 'casual use' be available but do not specify any other access/usage conditions.

### **4.2. Financial and resource implications**

There would be minimal financial costs for a minor variation to the lease. There would be minimal resource costs in negotiating a simpler legally binding agreement.

Should Council resolve to apply conditions which may impact on the business viability of BBSC, there would be potential risk exposure to Council.

## **Recommendation**

That Council:

1. accept the Brighton Bowling Sporting Club's proposal that its new guest/visitor option and social membership provides satisfactory community access to the club's leased facility at Dendy Park for the purposes of meeting Council's request; and
2. authorise the Chief Executive Officer to negotiate a Deed of Agreement or similar document which maintains an affordable social membership option to all members' facilities.

## **1. Purpose of the Report**

To seek Council endorsement of the proposed new membership for the Bayside Tourism Network.

## **2. Background**

The Network was established in early 2000 as an advisory group to assist Council on matters in relation to tourism and with the implementation of the Bayside Tourism Strategy 2001-2006.

Over the years the group has made a significant volunteer commitment and has assisted Council with:

- Representation at tourism workshops and exchanges
- Hosted numerous Melbourne Ambassador visits
- Initiated and championed the Bright 'n' Sandy Food and Wine Festival
- Events, by undertaking various tasks ranging from distributing tourism information to compiling surveys
- Extensively audited Council's walks and trails
- Workshopped and informed Council's Tourism Strategic Action Plan 2009 – 2011

## **3. Discussion**

Under the current broad terms of reference (as previously circulated) the group consists of up to 12 members plus the Chair who is a Councillor. The current membership is:

1. Cr. Felicity Frederico
2. Penny Irons
3. Jason Douglas
4. Maureen Griffiths
5. Yin Cao
6. Stephen Le Page
7. Judy Page
8. Michelle Waddington

With the retiring of several members, five positions are now available. An expression of interest was advertised in the Bayside Leader and Melbourne Weekly Bayside newspapers. This was successful with ten applications being received. The applications have been reviewed using the following criteria:

- Basis for interest in becoming a member of the tourism Network
- Experience and contribution able to be brought to the Network
- Views on the role of the Tourism Network in developing the local tourism industry
- Expectations of the Tourism Network in working with Council

The following candidates are recommended for membership based on them meeting and/or exceeding the selection criteria for industry knowledge, qualifications and experience:

- Kel Costello
- Corey Gorander
- Craig James
- Leonie Lockstone
- Elizabeth McCormack

The unsuccessful candidates will be notified and thanked for their applications.

## **4. Implications**

### **4.1. Policy**

Councillors were advised in November 2009 that a progressive review of each of Council's advisory committees would be undertaken over 2010. The Tourism Network has been scheduled for review in the latter half of 2010.

To date the Network has proven successful with both a significant volunteer capacity and considerable tourism industry knowledge being freely made available to Council. It will also play an important role in assisting Council in delivering the Tourism Strategic Action Plan 2009 –2013.

### **4.2. Legal/Statutory requirements**

Not applicable

### **4.3. Financial and resource implications**

The support of the Network is provided for within existing operating budgets and staff work plans.

### **4.4. Environmental impacts**

Not applicable

### **4.5. Social impacts**

The past and present membership of the Network has been an excellent model in developing community connectedness. It has also resulted in a significant volunteer contribution to the local community.

## **5. Consultation and engagement**

The expression of interest for membership of the Network was extensively advertised to local tourism operators and in the Bayside Leader Newspaper.

The Network continues to play an important ongoing role in informing Council of developments in the tourism industry. Importantly they also have ensured that Council's action and strategies are relevant and appropriate to the needs of the industry locally.

## **6. Summary**

A full membership will help ensure the ongoing vibrancy of the Network.

## Recommendation

That Council:

1. Appoint to the Network for a two-year term the following new members:
  - Kel Costello
  - Corey Gorander
  - Craig James
  - Leonie Lockstone
  - Elizabeth McCormack
2. Write to the candidates not selected for membership to thank them for their nominations.

## 1. Purpose of the Report

For Council consideration and adoption of judging criteria for films of the Youth Documentary Project (YDP) and to appoint a Councillor to the judging panel.

## 2. Background

The Youth Documentary Project (YDP) was established in 2005 to engage directly with students. The main objective was to facilitate the telling of local stories by local voices through the medium of film. The YDP is now well established, receiving external funding and having gained international recognition, with films to be screened at international festivals in 2010 and 2011.

Films are created predominately with Year 9 students, as this is when media is introduced into secondary schools. It provides an opportunity to consider media, and Information and Communication Technology (ICT) as a career option. The program has a demonstrable impact on student morale and self esteem, especially for students who have had minimal success in other aspects of the curriculum.

The project provides each school with the services of an experienced filmmaker, to act as a facilitator throughout the entire process. All films produced are the responsibility of the participating schools and require clearance from the school administration, before screening at the Festival can occur. Handbooks are provided for students and teachers to guide them through the process.

### Film Content

Students in discussion with their teacher select film subject matter and the following guidelines and criteria are provided to assist in this selection:

### Judging Criteria

All films must run for five minutes or less to be eligible for screening and judging.

1. Approach and investigation of the documentary form
2. Subject matter
3. Effort and commitment to the process
4. Intention and scope of the project  
*What were they trying to achieve?*
5. Technical competency – camera
6. Technical competency – editing

### Screening Criteria

The Bayside Film Festival applies for a 15+ rating each year to be applied to all films. To be accepted for screening, films should refrain from using visuals/dialogue containing content that can be perceived as offensive, and from presenting depictions of characters or persons in a vilifying and/or discriminatory nature. Demonstrated awareness of cultural sensitivity issues is also a strong theme. Special attention is given throughout the selection process to ensure that no film screened is in breach of the governing principles of film screening as outlined by the Office of Film and Literature Classification Board (Classification Board).

## 3. Discussion

Film Content and Judging Criteria

Currently Council's role is the sponsorship and organisation of the program. The facilitator and the schools, using the guidelines as set out above, undertake the film subject selection and provide censorship guidance. The advantage of this is the use of established criteria and recognised standards as expressed in the Classification Board guidelines. The disadvantage is the potential for others to perceive the content of films as being endorsed by Council, even if subject matter is outside Council policy or intentions.

Therefore, Council may wish to establish additional specifications to be applied in the selection of film subject matter or the judging of films. For example, Council may choose to establish criteria that exclude specific subject matter that contravenes Council Policy.

The advantages of specific criteria are the capacity for Council to specifically discourage depiction of illegal activity or anything that contravened Council policy. The disadvantages are that it would be necessary to be quite prescriptive, and the selection criteria for 2010/11 have already been distributed, so the only opportunity to apply such criteria would be at the time of judging. Participants would not be aware of the requirement at the commencement of their filming, and there could be a perceived lack of transparency in the process. There is also the potential to stifle creativity in the filmmakers approach. For example, a filmmaker may show an activity in order to draw attention to its negative consequences, or to show a context, without condoning the activity as such.

Any criteria established by Council would also need to adhere to the classification guidelines of the Classification Board, and an established process would need to be developed for judging the films, which is fair, impartial and clear to all participants.

#### Involvement of a Councillor in the Annual Judging Committee of Student Films

In past years a Councillor has been a representative on the Judging Panel, but due to the time commitment required and the inclusion of film professionals there was no representative in 2009. In 2009 the panel consisted of members of the Australian Film Critics Association (AFCA), previous winners, the Artistic Director and a council officer. In 2010 it is intended to have a similar panel of judges comprising members of ACFA and past winners, and to invite a councillor to participate.

The judging for the Bayside Film Festival will occur over four days (two weekends) in May and June and require a time commitment of up to 6-8 hours each day.

It is estimated that the following number of films will require judging:

- Youth documentaries: 90 – 100 films. In 2009, 70 films were created and 12 received Awards.
- Digital Stories: 20 films - two will receive Awards. In 2009, 10 digital stories were created
- Jump Cut: 50 films. In 2009, 50 films were submitted and 4 received Awards.

## **4. Implications**

### **4.1. Policy**

The Council Plan 2009-2013 Commitment 1 Lifestage Wellbeing of Our People, and Commitment 5 Community Engagement and Having Real Conversations are the relevant Council Strategy references for this matter.

### **4.2. Legal/Statutory requirements**

Not applicable to this report

### **4.3. Financial and resource implications**

Provision for the project is included in Council's annual budget.

#### **4.4. Environmental impacts**

Not applicable to this report.

#### **4.5. Social impacts**

The Youth Documentary Project has positive effects on young people and the community by providing opportunities for youth to express their opinions and ideas through the medium of film.

### **5. Consultation and engagement**

No formal community engagement has been conducted on this issue. However, the Department of Education and the Cultural Advisory Committee have had input into the program.

### **6. Summary**

There are two options in relation to establishing judging criteria. One is to maintain the current system that follows Office of Film and Literature Classification Board guidelines; the second is to develop additional criteria for Bayside City Council. The latter has potential implications in regard to creativity, transparency of the process, impartiality and fairness.

A councillor may be appointed to the judging panel and would be required over two weekends to select from around 170 films in four categories.

### **Recommendation**

That Council, for the Youth Documentary Project:

1. Adopt the judging criteria of:
  - a) Approach and investigation of the documentary form
  - b) Subject matter
  - c) Effort and commitment to the process
  - d) Intention and scope of the project  
*What were they trying to achieve?*
  - e) Technical competency – camera
  - f) Technical competency – editing;
2. Adopt the Office of Film and Literature Classification Board criteria as the selection criteria for selection of subject matter for films; and
3. Appoint a councillor to the judging panel.

10.11 **Petition - Ricketts Point Marine Sanctuary - Infrastructure Improvements**Infrastructure Services/Properties  
File No: COR/1475-02**1. Purpose of the Report**

The purpose of this report is for Council to consider the issues raised in a petition received from residents requesting that Council consider improvements to infrastructure at Ricketts Point Marine Sanctuary.

**2. Background**

On 25 August 2009, Council received a petition requesting that Council consider proposals for improvements to the Ricketts Point Marine Sanctuary infrastructure.

At the Ordinary Meeting of Council on 22 September 2009 it was resolved that the petition be received and a report be submitted to the General Committee on this matter.

Ricketts Point Marine Sanctuary is a part of a system of 13 Marine National Parks and 11 Marine Sanctuaries created in November 2002 by the Victorian Government. The Sanctuary (115ha) extends from the high water mark to approximately 500m offshore and has a shoreline boundary 2.9km long. Parks Victoria is the Committee of Management for Ricketts Point Marine Sanctuary below the high watermark under the *National Parks Act 1975*. Council is the Committee of Management for the Crown land above the high watermark under the authority of the Department of Sustainability and Environment (DSE). Ricketts Point Marine Sanctuary is zoned Public Park and Recreation (PPRZ) with a Design and Development Overlay (DD01) and a Vegetation Protection Overlay (VPO1).

In 2003 Marine Care Ricketts Point Incorporated (MCRP) was established as a volunteer group to foster protection of Ricketts Point Marine Sanctuary. MCRP is incorporated with a committee and membership, which delivers marine education and research programs. MCRP and the Beaumaris Life Saving Club, through the Australian Government Envirofund grant, established the Ricketts Point Marine Education Centre at the Beaumaris Life Saving Club in 2009.

Supporting documentation to the petition, 'Future Structural Ideas for the Ricketts Point Marine Sanctuary and Surrounds – a working document January 2008' developed by MCRP, outlines suggested infrastructure improvements to Ricketts Point Marine Sanctuary. The key suggestions for improvements are:

- archway signs and signs for a plant interpretative trail
- marine boardwalk and platform
- open-air amphitheatre/outdoor education area
- underwater marine viewing facility
- bus turn around loop
- redevelopment of the Beaumaris Surf Life Saving Club.

The Black Rock-Beaumaris Foreshore Masterplan 1999 includes management plan recommendations for the Ricketts Point Marine Sanctuary precinct. There are a total of three actions outstanding in the Masterplan for the Ricketts Point Marine Sanctuary at an estimated cost of \$180,000. The outstanding actions are consistent with some of the infrastructure improvements proposed in the petition such as restricting access to intertidal reef platforms and toilet facility improvements (southern toilet next to the Beaumaris Life Saving Club).

### 3. Discussion

The intent of the petition to protect the marine environment and enhance education opportunities at Ricketts Point Marine Sanctuary. The petition is consistent with the principles of the Black Rock-Beaumaris Foreshore Masterplan 1999 and the Parks Victoria Ricketts Point Marine Sanctuary Management Plan 2005 (a management plan for the Sanctuary below the high watermark).

In order to address the issues raised in the petition and within Council's responsibility and to reassess outstanding actions from the Masterplan, it is proposed that Council develop a Ricketts Point Management Plan with the community for the land above the high watermark at Ricketts Point Marine Sanctuary of which Council is the Committee of Management.

Specific infrastructure improvements outlined in the petition, where Council is the Committee of Management, would be considered in the proposed Ricketts Point Management Plan such as the suggested improvement to signage and car parking, and designated area for outdoor education. Management of land and waters below the mean high watermark would not be considered in the proposed Ricketts Point Management Plan as they are under the authority of DSE and Parks Victoria as the Committee of Management. Therefore, initiatives from the petition that fall below the mean high watermark such as the marine boardwalk and underwater marine viewing facility would be the responsibility of Parks Victoria. However, building of infrastructure within the marine sanctuary is not consistent with the Ricketts Point Marine Sanctuary Management Plan 2005 and would therefore not likely be supported by DSE. Were they to proceed, it is essential that Council is involved to ensure that any land based implications, such as increased parking demand, are properly considered and addressed.

The petition also proposes to redevelop the Beaumaris Life Saving Club. Under the conditions of the Beaumaris Life Saving Club property lease, any works to the Beaumaris Surf Life Saving Club is the responsibility of the Club as owner of the building. Any redevelopment of the building would be the responsibility of the Club and subject to consent from Council and DSE.

A capital bid application has been submitted in the 2010/2011 Capital Works Program with a budget of \$25,000 to develop a Ricketts Point Management Plan. The proposed Management Plan will have a long-term vision for the precinct that includes the sustainable provision of services and protection of the coastal environment. In collaboration with DSE and Parks Victoria, the Management Plan would consider the impact of climate change including rising sea levels and storm surges. Council would engage with the community in developing the Plan (for improvements above the high watermark), review any outstanding actions from the Beaumaris-Black Rock Masterplan 1999 and address the issues raised in the petition that relate to Council's responsibilities.

### 4. Implications

#### 4.1 Legal/Statutory Requirements

Written consent is required from the Department of Sustainability and Environment under the *Coastal Management Act 1995* for any development of coastal Crown land.

Written consent is also required from the Committee of Management, Parks Victoria, for any works conducted in the Ricketts Point Marine Sanctuary below the high watermark under the *National Parks Act 1975*.

## 4.2 Policy

The Council Plan 2009-2013, Commitment 4, Natural Environment, Open Space and Biodiversity is the relevant Council Strategy for this matter. The proposed management plan would assist Council's ability to conserve and enhance the natural environment at Ricketts Point Marine Sanctuary. Improved amenity, such as better access and car parking, and education opportunities through appropriate signage, would also be consistent with Council Plan objectives.

## 4.3 Financial and Resource Implications

A capital bid application has been submitted for the 2010/2011 Capital Works Program for the development of the Ricketts Point Management Plan. The estimated cost for development of the plan is \$25,000.

Resources for projects at Ricketts Point Marine Sanctuary have been sought in the 2010/2011 capital works program and include: foreshore car park design (\$20,000), the continuation of dune protection fencing and revegetation (\$50,000) and accessible change room and toilet (northern toilet \$80,000). It is proposed that these projects would coincide with the proposed Management Plan. Further resources to implement the proposed Management Plan would be sought in future capital works programs.

## 4.4 Environmental Impacts

The impact of climate change and rising sea levels and storm surges would be considered in any long-term planning proposed at Ricketts Point Sanctuary due to its vulnerability to inundation.

## 4.5 Social Impacts

Ricketts Point Marine Sanctuary provides opportunities for visitors to enjoy and appreciate the natural values of the coastal and marine environment. It is an important site for schools and education organisations to teach students about the natural environment and its conservation. Improvements that will further enhance accessibility, education opportunities and amenity at Ricketts Point Marine Sanctuary would greatly benefit the community.

## 5. Consulting and Engagement

The proposed Ricketts Point Management Plan will be an important strategic tool for the management of Ricketts Point Marine Sanctuary (above the high watermark). Community engagement will play an integral role in the development of the Ricketts Point Management Plan and involve key interest groups for the precinct. Community Engagement on the Plan will also create effective partnerships that could help to achieve positive community outcomes.

## 6. Summary

It is proposed that Council develop a Ricketts Point Management Plan with the community for the land above the mean high watermark of which Council is the Committee of Management. The Management Plan would engage the community in developing a detailed design of the precinct (above the high watermark), reviewing any outstanding actions of the Beaumaris-Black Rock Masterplan 1999 and addressing some of the issues raised in the petition. The proposed Management Plan would have a long-term vision for Ricketts Point Marine Sanctuary that includes the sustainable provision of services and protection of the coastal environment.

The proposed Management Plan would take into consideration the management objectives of the Black Rock-Beaumaris Foreshore Masterplan 1999 and the Coastal Trails Signage Strategy 2007, the Parks Victoria Ricketts Point Marine Sanctuary Management Plan 2005 and the Victorian

Coastal Council Victorian Coastal Strategy 2008. The Management Plan will align with the principles of Councils proposed Open Space Strategy and Coastal Strategy. A capital bid application has been submitted in the 2010/2011 Capital Works Program with a budget of \$25,000 in the first year to develop a Ricketts Point Management Plan.

### **Recommendation**

That Council:

1. Notes the issues raised in the petition suggesting improvements to infrastructure at the Ricketts Point Marine Sanctuary;
2. Considers provision to develop a Ricketts Point Management Plan with community involvement as part of the 2010/2011 budget process; and
3. Advises the petition organiser or first named signatory to the petition of the above.

## 1. Purpose of the Report

This report considers a petition requesting a pedestrian crossing on Charman Road Beaumaris.

## 2. Background

At its meeting on 28 July 2009, Council received a petition with 93 signatures (51 signatures from Bayside) addressed to Bayside and Kingston City Councils requesting a pedestrian crossing on Charman Road Beaumaris.

The petition read:

*'We, the undersigned request as a matter of urgency, that Bayside City Council and Kingston City Council install a pedestrian crossing on Charman Road. Please treat this matter with urgency as our children are at risk.'*

Council resolved that the petition be received and a report be submitted to the General Committee on this matter.

## 3. Discussion

Charman Road is classified as a Secondary Arterial Road on Council's Road Hierarchy. The boundary between the Bayside and Kingston Council municipalities is along the centre line of Charman Road. The relevant Council controls the section of Charman Road within its boundary according to the Road Management Act.

The request is for a new pedestrian crossing to safely cross Charman Road in the vicinity of Gordon Street Beaumaris. The petition originated from two families in Finders Street Mentone and Latrobe Street, Mentone (both within Kingston) who have children enrolled at schools in Bayside.

Following receipt of the petition, it was agreed in discussion with Kingston Council Officers that Kingston Council would undertake the lead investigation on this matter and consult with the primary petitioner on the outcome of the investigation. Bayside City Council officers advised the primary petitioner of this arrangement at the time.

Kingston Council has undertaken the necessary usage survey in Charman Road between Alfred Street and Weatherall Road during the afternoon school peak hour. This survey revealed that the busiest section where pedestrians crossed Charman Road was the section between Alfred Street and Towers Street, where 9 adults and 3 children crossed during the peak hour.

Accordingly, Kingston advised Bayside that the VicRoads warrants of 50 school children per hour for a signalised pedestrian crossing are not met.

Pedestrian signals may also be provided where two or more pedestrian crashes have occurred in the last three years. A review of crash history has shown that there have been no pedestrian crashes within this section of Charman Road within the last three years.

Kingston Council is therefore currently investigating other possible pedestrian improvement works such as pedestrian refuges along this section of Charman Road.

## **4. Implications**

### **4.1. Policy**

In accordance with the Road Management Act, Council has a Road Management Plan which is effectively Council's policy for the management of local roads. Safety is a primary objective for Council in its role as the responsible Road Authority.

### **4.2. Legal/Statutory requirements**

Under the Road Management Act, a Road Authority has the general function to manage traffic on roads in a manner that enhances the safe and efficient operation of roads.

### **4.3. Financial and resource implications**

The cost of installing a signalised pedestrian crossing is approximately \$150,000.

Based on advice from Kingston City Council that the VicRoads warrants of 50 school children per hour for a signalised pedestrian crossing are not met at this location, should Bayside and Kingston Council apply to VicRoads for installation of a signalised pedestrian crossing, it is unlikely that this application would be supported.

It is also unlikely that Kingston City Council would agree to the need to install a signalised pedestrian crossing, or to share associated costs with Bayside City Council.

#### **4.3.1. Environmental impacts**

Not applicable to this report

### **4.4. Social impacts**

Residents within the local area would benefit from any improvements to pedestrian facilities.

## **5. Consultation and engagement**

Kingston and Bayside Council will consult with residents in relation to the installation of any improvement works such as a pedestrian refuge that is proposed as a result of the Kingston investigation currently underway.

## **6. Summary**

The warrants for a signalised pedestrian crossing on Charman Road are not met, however, supported by Bayside City Council officers, Kingston Council is undertaking investigation into any other possible improvement works that could be undertaken within this section of Charman Road.

## **Recommendation**

That Council:

1. Not support the proposed signalised pedestrian crossing on Charman Road near Gordon Street, Beaumaris, as studies show that VicRoads warrants are not met;
2. Investigate alternative pedestrian safety options in conjunction with Kingston City Council; and
3. Advise the lead petitioner accordingly.

## 1. Purpose of the Report

To report on the history of proposals for a Hampton Teahouse.

## 2. Background

This report responds to a resolution of Council on 15 December 2009 when considering the Sandringham Foreshore Coastal Management Plan.

*“(That Council)... .4. receive a further report on..... (the) possibility of investigating the options of a Hampton Teahouse.”*

The inclusion of reference to the Hampton Teahouse followed presentation by two teahouse supporters when addressing the Council Meeting.

### 1991 Petition

Sandringham City Council in 1991 received a petition signed by some 4,000 persons supporting the establishment of a teahouse on the foreshore at Hampton. The request was considered by the Council but no substantive action occurred prior to Council amalgamations in 1994.

### Coastal Strategy 1997

The desire for a Hampton Teahouse was taken into account when preparing the Bayside Coastal Strategy in 1996. The opportunities identified in that strategy for the Picnic Point and Sandringham Harbour Precinct included *“review opportunities for a commercial development incorporating interpretive facilities”*. The strategy was adopted by Council in April 1997.

### Sandringham Foreshore Masterplan 1998

In June 1998 Council adopted the Sandringham Foreshore Masterplan and Management Plan. With respect to the teahouse, it noted *“further investigate site stability, market potential, financial viability and siting and design guidelines for a teahouse overlooking the Sandringham Harbour. (Note that this site demands an outstanding design concept).”*

### Tender Process 1999

In preparing the 1999/2000 budget, Council considered the potential for commercial opportunities on the foreshore. The adopted budget made provision for an expression of interest process for the establishment of a restaurant at Middle Brighton Baths and a teahouse at Hampton.

In August 1999 a report was presented to the General Committee on the proposed process for pursuing an expression of interest process. A brief for the expressions of interest (EOI) was approved and the EOI process commenced in October. EOI submissions closed in November with seven submissions having been received. Four submitters were shortlisted and invited to tender, with tenders closing 29 November. Council at its meeting of 13 December 1999 resolved to appoint The Carter Group as preferred tenderer for Hampton Teahouse.

The proposed Hampton Teahouse site was on the cliff top north of Trevor Barker oval and west of the car park (refer attachment 1). The specific locality had been a landfill in the 1950s. The EOI documents identified a lease area within which a building of up to 250 square metres gross floor area would be considered. The total lease area was 500 square metres. The Carter Group submission was for a building seating 80 persons internally and 40 persons outside. The draft lease specified minimum and maximum opening hours for both summer and winter, and required that the tender be based on returns both with and without a liquor licence. The lessee to bear all costs with construction of the teahouse, landscaping of its surrounds, and contribution toward upgrade of the adjacent car park. A lease period of 21 years was proposed. The lease was also

subject to the successful tenderer obtaining all necessary consents and approvals, including planning permits and Coastal Management Act consents to enable the project to proceed.

Council in early 2000 gave notice of its intention enter into a lease with The Carter Group. The Department of Natural Resources and Environment (DNRE) as relevant department responsible for Crown Land and the Coastal Management Act was also notified. In response, the Minister for Environment and Conservation in May 2000 advised Council that it had no authority to grant a lease until such time as all statutory requirements and approvals had been obtained. Concurrently, The Carter Group had also approached DNRE staff to discuss documentation for the necessary applications.

DNRE in August 2000, having reviewed draft plans, advised that it was most unlikely that the proposal would be approved and that there was an element of risk were The Carter Group to continue in making a formal application.

Following a series of meetings with senior DNRE staff and The Carter Group, The Carter Group in December 2000 formally advised Council that it would not seek to proceed with the Hampton Teahouse proposal.

Council at the time did not take any further action.

### **Further Actions 2004-2010**

Subsequently, in 2004 Parks Victoria commenced preparation of a management plan for the Sandringham Foreshore. In considering issues and opportunities, Council requested that staff review the potential for establishing a teahouse, by utilising existing buildings. A feasibility study was undertaken which identified the Anglers Club building as being a suitable candidate. The Anglers Club at that time were approaching Council regarding a major upgrade of their facility. The suggestion at the time was that a first floor be erected to the existing Anglers Club building to be used as a restaurant/teahouse accessed by a small footbridge from the clifftop path immediately to the rear. It was considered that this would overcome DNRE objections to new structures on the foreshore, enable significant upgrade of the existing Anglers Club building, and provide the Anglers Club with improved clubroom facilities, in addition to meeting public requests for a teahouse.

Having reported the results of the preliminary investigation, no further action was taken, and the Anglers Club did not pursue their desire for clubroom upgrade.

At the time of upgrading their facilities, the Sandringham Football Club proposed improvements to the clubrooms at the north-western end of Trevor Barker Oval. Whilst consideration was given to creating a restaurant/café by expanding the existing first floor dining area, that proposal did not proceed.

From time to time since the original petition of 1991, representatives of the original petition organising committee have approached Council seeking to resurrect the proposal for a tearoom on the foreshore at Hampton. It is difficult to gauge what current community opinion would be. Whilst there is obviously still a degree of support in some quarters, as evidenced by the speakers at Council last December, there has also been formal opposition. This was particularly manifested in a letter from the Port Phillip Conservation Council to the Minister for Conservation and Environment in early 2000, after Council had completed the EOI and tender process, opposing the proposed teahouse.

Since Council initiated the teahouse tender process in 1999 circumstances have altered. Previously there had been a significant gap between the North Road café and Ricketts Point Teahouse. Middle Brighton Baths Restaurant and Café has now opened. The Sandringham Yacht Club has completed its new facilities, including restaurant and café, and they have established a kiosk adjacent to the breakwater, which is to be upgraded.

### 3. Discussion

This report has been prepared in response to Council's request for briefing on the context and background to a request for a teahouse at Hampton. As outlined above, Council has considered the Hampton Teahouse on a number of occasions. There is no evidence at this time to make a compelling case for further consideration. The options available for Council are:

i) Do nothing

ii) Investigate feasibility

Undertake research to determine the extent of market demand for a teahouse at Hampton, define the scope and nature of the proposed facility, identify a potential location and capital costs.

iii) Commence EOI process

Commence an EOI process with tenderers to identify location and financing/lease structure. Whilst enabling a market driven response, it is essential that Council define certain parameters to guide tenderers. These might include:

- to be within an existing building footprint
- extent of parking provision required
- hours of operation
- number of seats
- licensed or not.

Council's experience with past tenders for foreshore facilities is that it is essential to tightly define its criteria in order to manage expectations, reassure the community on what is proposed, and facilitate tender evaluation on an "apples with apples" basis.

If pursuing options ii) or iii) it would be highly desirable for discussion to occur with DSE to obtain their in-principle support as their consent will ultimately be required for any proposal to proceed.

To comply with requirements for no new structures on the foreshore will limit options. Only two buildings would appear to be suitable for consideration. The Anglers Club building which has already been investigated, or the scouts/guides building. Alternatively, Council could seek to work with current lessees of the boat sheds.

### 4. Implications

#### 4.1. Policy

Any future proposals would need to conform to the draft Sandringham Foreshore Management Plan. In particular, that there are to be no new structures on the foreshore. Recent discussions with DSE have indicated that in their view the newly completed facilities at Sandringham Yacht Club, and the proposed improvement of kiosk facilities at the Yacht Club, have made the need for an additional tearoom on the foreshore redundant.

#### 4.2. Legal/Statutory requirements

Consent of the Department of Sustainability and Environment is required for any lease on Crown Land. In addition, planning permits are required for any works on the foreshore and DSE is a referral authority. Consent under the Coastal Management Act is also required.

#### 4.3. Financial and resource implications

Any desire to further pursue a teahouse at Hampton would require budget provision for investigation and feasibility analysis, and also the undertaking of an EOI/tender process. There is

no provision in the current budget for this, and it is not intended to list a “*new initiative*” for this purpose in the draft 2010/11 budget. In pursuing the Middle Brighton Baths restaurant and Hampton Teahouse Council expended some \$50,000-\$60,000 on real estate and marketing advice, legal input, and conducting the EOI/tender process.

#### **4.4. Environmental impacts**

The requirement to use existing structures will limit impact on the environment. Any proposal involving rebuilding or upper level additions will need to respect the sensitive foreshore location, and in particular views.

#### **4.5. Social impacts**

There has been interest over the past 20 years within the community for a Hampton Teahouse to be established.

### **5. Consultation and engagement**

There has been no consultation or engagement with the community in the preparation of this report. Were Council desirous of further considering a teahouse this should be undertaken prior to any final decisions being taken.

### **6. Summary**

Council has in the past considered and pursued establishment of a teahouse on the foreshore at Hampton. DSE consent is required for any lease on the foreshore and their requirement is that there are to be no new buildings on the foreshore. Circumstance have altered since the last detailed market feasibility was undertaken in 1999/2000. Should Council wish to again consider a teahouse option it is essential that this is negotiated at an early stage with DSE to ensure that necessary consents will not be withheld, and that further investigation and feasibility analysis is undertaken to establish the parameters for any EOI/tender process. Council needs to determine whether it wishes to take the matter further. If so, only the Anglers Club or scouts/guides building would appear to be suitable candidates.

### **Recommendation**

That Council:

1. Note this report on proposal for a Hampton Teahouse and that no further action be taken; and
2. Inform the persons who addressed the Council Meeting of 15 December 2009 on this matter accordingly.

## **1. Purpose of the Report**

This report presents the Bayside Health and Wellbeing Plan 2009-2013 (Attachment 1) for adoption following a period of community consultation.

## **2. Background**

Council resolved at its meeting of November 2009 to:

- Endorse the draft Bayside Health and Wellbeing Plan for the purpose of consultation and for submission to the Department of Health and
- To receive a further report in March 2010 for consideration and final adoption, following analysis of community responses to the draft plan.

The consultation period closed on 1 March 2010.

## **3. Discussion**

The Health and Wellbeing Plan has been developed over a 12 month period and the final part of the development sought overall community and stakeholder commitment on the priorities and strategies as well as suggestions for yearly action planning.

The draft plan was available for public comment during the month of February. A four-page summary of the plan was sent to over 200 environmental, community and economic groups as well as schools, service providers and other key stakeholders involved in the process. Full copies of the draft plan were available at Bayside's libraries and Corporate Centre and were sent to members of the Kingston Bayside Primary Care Partnership (for distribution through its network), Council's Alcohol and Other Drugs Working Group and to external and internal participants involved in the development of the draft plan.

Twelve community responses were received. The Department of Health provided an additional response, whilst eight internal staff also provided comment. General feedback has been extremely positive. Most responses received were suggestions for future action plan initiatives over the life of the plan or referred to minor points of clarification in the wording of the draft.

Comments received (Attachment 2) have been considered and incorporated into the Plan, noted for inclusion in annual action planning or referred to other departments for inclusion in other strategies or plans. Minor additional wording changes and formatting amendments were made to add clarity and consistency to the document.

## **4. Implications**

### **4.1. Policy**

The Health and Wellbeing Plan 2009-2013 will be instrumental to achieving the objectives of the Council Plan 2009-2013 under Commitment One: 'Lifestage wellbeing of our people'. Endorsement and operation of the plan is an indicator for successful implementation of strategy 1.1.1: 'We will develop and maintain strong relationships in planning and delivering services and facilities for the health and wellbeing of the community including volunteerism'.

#### **4.2. Legal/Statutory requirements**

All councils have a legislative requirement under Section 29B of the *Health Act 1958* and Section 263 of the *Public Health and Wellbeing Act 2008* to develop a Health and Wellbeing Plan. Once adopted this Plan will be provided to the Department of Health to fulfill the legislative requirement.

The human rights implications of the draft Health and Wellbeing Plan have been considered and it has been found to comply with the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

#### **4.3. Financial and resource implications**

Funding for the development of the Health and Wellbeing Plan was included in Council's 2009/10 Budget. Actions that arise from the Health and Wellbeing Plan will be subject to future budgets and/or incorporated into ongoing operations.

#### **4.4. Environmental impacts**

The plan includes as one of its goals: 'a resilient community that can adapt and respond to climate change and that can increasingly undertake sustainable practices.' The plan provides a framework within which to assist the community to respond to aspects of climate change that affect their wellbeing and to reduce energy and resource consumption.

#### **4.5. Social impacts**

The Health and Wellbeing Plan has been developed using a social model of health, recognising the needs of the whole Bayside population. The plan provides direction for Council to work in partnership with a range of community groups and service providers to undertake activities and programs that promote the health and wellbeing of all members of our community.

### **5. Consultation and engagement**

The consultation and engagement process for the Bayside Health and Wellbeing Plan has been extensive. The response to the draft plan has shown that the priorities and strategies developed are in accordance with community expectations. It is envisaged that after final adoption a formal launch will occur. The development of annual action plans will also involve significant consultation and engagement and build on the responses received during this process.

### **6. Summary**

The Health and Wellbeing Plan is a four-year strategic plan containing broad goals and strategies to enhance health and wellbeing in our community. The Plan will provide direction for development, through annual action plans, of future public health initiatives, projects and programs by Council and other relevant organisations in the community. The final adoption of the Health and Wellbeing Plan will fulfill Council's legislative requirements to the Department of Health.

### **Recommendation**

That Council:

1. Adopt the Bayside Health and Wellbeing Plan 2009-2013; and
2. Note that annual action plans will be developed to implement the broad goals and strategies of the Bayside Health and Wellbeing Plan 2009-2013.

## ATTACHMENT 2

### Bayside Health and Wellbeing Plan community consultation feedback

Thirteen responses were received from a mix of individuals, community groups, support agencies, a resident action group and the Department of Health. A further eight comments were received from internal staff. The responses ranged from general support to ideas for future action planning.

No.	Submitted by	Community feedback received	Response
1	Individual	Provision of public recycling bins	Noted for action planning and discussion with relevant Council Dept.
2	Bayside Tourism Network	Consideration of the City of Brisbane's 'Scores on Doors' system, which is a rating based food hygiene and safety system.	Noted for action planning and discussion with relevant Council Dept.
3	Anonymous	Suggestions for action plan initiatives include: <ul style="list-style-type: none"> <li>- Connecting young people with older persons in the community</li> <li>- Incentives for sustainable practices</li> <li>- Active transport programs</li> <li>- Review the frequency and connectivity of public transport systems</li> <li>- Playground design</li> <li>- Provision of toilet facilities and signage</li> <li>- Installation of signage that identifies distances to shops etc.</li> <li>- Beach cleanliness</li> <li>- Driver and pedestrian safety campaigns</li> </ul>	Discussion with relevant Council Departments and consideration for action planning
4	St Kilda Legal Services	Proposed partnerships with St Kilda Legal Services (SKLS) around family violence	Noted for action planning. Meeting held with Council's Family Services and SKLS
5	Inner South Community Health Service	Ensure that initiatives work in partnership and focus on low-income people with disabilities, those who are socially isolated and have little family or community supports to access and participate in community activities.	Noted for action planning and potential partnership. These groups have been identified as priority groups
6	IMPACT	Good, but need greater emphasis on the mental health	Noted for action

	Support Services	and 'real' inclusion	planning and potential partnership. Mental health is dealt with under Priority 1.
7	Brighton Senior Citizens Club	Supported Priority Area 1 - Socially connected and inclusive communities	Noted support and potential partnership
8	Black Rock Association for Responsible Development (BARD)	Need to ensure adequate open space provision. Concerns noted in the Black Rock area.	Will consider in action planning and will refer to City Strategy to note for Open Space Strategy development
9	Brighton Red Cross	Supported Priority Areas 1 - Socially connected and inclusive communities and 4 - Protection of public and environmental health	Noted support and potential partnership
10	Beaumaris-Black Rock Community forum, Pilot Boat 3193 Steering Group	Supported the priority areas and noted the link between selected strategies and work the steering group is doing within the communities of postcode 3193.	Noted for action planning and potential partnership
11	Department of Health	Feedback has been extremely positive. It has been described as a 'well written and easy to read plan with good evidence and reference to partnerships'. Minor word and clarification changes were suggested. The main suggestion made was regarding the goals for Priority 4 -Protection of public and environmental health and 5 - Safe environments for all. It was felt that they were stylistically different to the other three and that perhaps they could be reworded to ensure consistency.	Amendments made. Will address the rewording of the goals based on feedback received.
12	Bayside Climate Change Action Group	Suggested changing 'encourage' to 'vigorously promote' in strategies 2 and 4 of Priority 2 – Sustainability and climate change adaptation.  Provided suggestions for initiatives under each strategy in Priority 2 and for strategies 3 and 4 in Priority 3 – Being active eating well.  Suggest the insertion of text that strengthens the argument for why climate change is important and relevant to Council and its community.	Existing wording retained  Noted for action planning and discussion with relevant Council Dept.  Review of text undertaken and changes made relevant section
13	Individual	Well researched and written document. Suggestions include:	

		<ul style="list-style-type: none"> <li>- Need to have full and open consultation when developing action plans</li> <li>- Questioned why the middle/late middle-aged people are not a priority group. This group should be a target for preventative action to prevent future poor health outcomes.</li>   <li>- Needs to be more emphasis on the importance of open spaces and unstructured recreation to the contribution to health and wellbeing in the final plan.</li>   <li>- Climate change should be given greater priority (made number 1, language strengthened) in the document. Mitigation should also be equally recognised with adaptation.</li> </ul>	<p>Noted. This will occur</p> <p>Review of text undertaken and comment included to note prevention programs should recognise the middle years.</p> <p>Review of text to increase emphasis on open space and unstructured recreation. Will also refer comments to City Strategy to note for Open Space Strategy development</p> <p>Comments noted. Mitigation is given less emphasis as adaptation more relevant to 'local' health and wellbeing focus of this plan. Mitigation is dealt with in other Council policies and strategies such as the Bayside Environmental Sustainability Framework.</p>
<p>14-21</p>	<p>Internal staff</p>	<p>The Plan was well received and supported by Council staff. Minor wording changes were made to aid clarification of content.</p> <p>The definition of social exclusion was expanded to capture disadvantage and access to economic resources, housing and education reflecting the feedback received.</p> <p>Reference made to include information on problem gambling under Priority 5 – Safe environments for all.</p>	<p>Amendments made and other comments noted for inclusion in plan and action planning.</p>

## 1. Purpose of the Report

To provide Council with a revised Long Term Financial Strategy. The Strategy will assist a review of the Council Plan and the development of annual service plans and the 2010/2011 budget within a 10 year financial planning framework.

## 2. Background

The Long Term Financial Strategy encompasses a range of key financial data and ratios required to be taken into consideration when allocating financial resources for annual budgets, as well as in forward budgets and the Long Term Financial Plan.

The financial statements with the forward financial projections demonstrate Council's commitment to financial sustainability.

Each financial strategy discussed has an influence on both the annual and longer term financial statements. The budgets set on this basis inform all stakeholders and other interested parties of the annual and longer term business intent of Council.

## 3. Discussion

It is recommended that the Long Term Financial Strategy be adopted by Council and reviewed on an annual basis. The proposed strategies contained in Attachment 1 include:

1. That Bayside City Council target to achieve a consistent and gradually strengthening underlying surplus results in the income statement in order to ensure the ongoing delivery of services and capital works programs.
2. That Council consider the most appropriate rating strategy to provide adequate funds to:
  - a. achieve a gradually strengthening underlying surplus in the income statement.
  - b. achieve a sustainable cash flow; and
  - c. fund capital renewal projects.
3. That the working capital ratio of Bayside City Council in the Long Term Financial Plan be targeted to show a strengthening trend of at least, a 1.5 ratio in the later years of the Plan.
4. That Council invests in high security, low risk financial products (mainly term deposits and bank bills) to safeguard Council's financial position.
5. That the budgeted cash position be sufficient to fund daily cash requirements as well as provide opportunities for funding of new acquisitions and short term contingencies.
6. That wherever possible any material favourable budget variations realised in a given financial year be specifically quarantined and allocated to an infrastructure reserve.

The reserve is to be used to fund either replacement infrastructure or held as a contingency to finance projects deemed as 'unavoidable' or to be allocated against the repayment of interest only loans that are due to be refinanced.

7. Any new loan borrowings are to be used to fund intergenerational capital investments where the community benefits are long term.
8. That capital expenditure on asset renewal projects be given priority over capital expenditure on new assets (upgrades and extensions).
9. That Council complete asset management plans for all classes of Council assets with a focus on ensuring the assets are fit for purpose and provide the desired level of service to the community.
10. That Council continues to consult with the community to determine how desired service levels will be reached including a combination of improved revenue raising, rationalization and review of existing service levels.
11. Any new capital works (capital extension) proposals must include a lifecycle cost evaluation exercise that identifies and costs the asset construction, maintenance, operating and depreciation costs ie. Whole of lifecycle costs.
12. That Council, as part of the statutory process for the Council Plan/Strategic Resource Plan/Budget consultation, places the Long Term Financial Plan on exhibition for community comment.

## **4. Implications**

### **4.1. Policy**

Financial strategies and the resultant annual and long term financial plans are essential due to the fact that the Council has limited resources to match unlimited demands. A financial strategy enables both annual budgets and long term financial plans to deliver on longer term Council Plan objectives in a financially sustainable manner.

Once the strategies have been considered and adopted, both the annual budget and the long term financial plan can be developed within the parameters of the financial strategies.

### **4.2. Legal/Statutory Requirements**

Council has a legislative requirement to comply with the principles of sound financial management as detailed in section 136 of the Local Government Act 1989, these are:

- Prudently manage financial risks relating to debt, assets and liabilities.
- Provide reasonable stability in the level of rate burden.
- Consider the financial effects of Council decisions on future generations.
- Provide full, accurate and timely disclosure of financial information.

### **4.3. Financial and Resource Implications**

As with any organisation councils can experience sustainability challenges if they do not have robust financial planning, management, and governance. This should include a strong 10 year plan, consistent annual budgets and detailed quarterly financial position reviews.

Continuing with and building upon our existing strategic planning and management process will help ensure long term business viability, having sufficient financial resources for both service provision and for infrastructure asset management.

### **4.4. Environmental impacts**

Not applicable to this report.

### **4.5. Social impacts**

Not applicable to this report.

## **5. Consulting and Engagement**

The Long Term Financial Plan, Council Plan and Annual Budget following adoption in principle by Council will be placed on public exhibition in accordance with section 223 of the Local Government Act.

## **6. Summary**

Financial strategies and the resultant annual and long term financial plans are essential due to the fact that Council has limited resources to match unlimited demands. A financial strategy enables both annual budgets and long term financial plans to both deliver on longer term Council Plan objectives in a financially sustainable manner.

Once the strategies have been considered and adopted, both the annual budget and the long term financial plan can be developed within the parameters of the financial strategies.

## **Recommendation**

That Council adopts the Long Term Financial Strategy 2010/11 – 2020/21 paper attached that includes the following financial elements:

1. That Bayside City Council target to achieve a consistent and gradually strengthening underlying surplus results in the income statement in order to ensure the ongoing delivery of services and capital works programs.
2. That Council consider the most appropriate rating strategy to provide adequate funds to:
  - a. achieve a gradually strengthening underlying surplus in the income statement.
  - b. achieve a sustainable cash flow; and
  - c. fund capital renewal projects.

3. That the working capital ratio of Bayside City Council in the Long Term Financial Plan be targeted to show a strengthening trend of at least, a 1.5 ratio in the later years of the Plan.
4. That Council invests in high security, low risk financial products (mainly term deposits and bank bills) to safeguard Council's financial position.
5. That the budgeted cash position be sufficient to fund daily cash requirements as well as provide opportunities for funding of new acquisitions and short term contingencies.
6. That wherever possible any material favourable budget variations realised in a given financial year be specifically quarantined and allocated to an infrastructure reserve. The reserve is to be used to fund either replacement infrastructure or held as a contingency to finance projects deemed as 'unavoidable' or to be allocated against the repayment of interest only loans that are due to be refinanced.
7. Any new loan borrowings are to be used to fund intergenerational capital investments where the community benefits are long term.
8. That capital expenditure on asset renewal projects be given priority over capital expenditure on new assets (upgrades and extensions).
9. That Council complete asset management plans for all classes of Council assets with a focus on ensuring the assets are fit for purpose and provide the desired level of service to the community.
10. That Council continues to consult with the community to determine how desired service levels will be reached including a combination of improved revenue raising, rationalization and review of existing service levels.
11. Any new capital works (capital extension) proposals must include a lifecycle cost evaluation exercise that identifies and costs the asset construction, maintenance, operating and depreciation costs ie. Whole of lifecycle costs.
12. That Council, as part of the statutory process for the Council Plan/Strategic Resource Plan/Budget consultation, places the Long Term Financial Plan on exhibition for community comment.

## **1. Purpose of the Report**

For Council to consider granting a property licence to Citywide Service Solutions P/L (Citywide) to occupy part of Council's depot at 144 Talinga Rd Cheltenham (Premises).

## **2. Background**

Citywide was the successful tenderer to provide Infrastructure Maintenance Services to Council. The tender specifications included an offer to the successful service provider to lease land at Council's depot to use as a base to conduct the services. The terms and conditions proposed are a licence fee of \$55,000.00 p.a. (plus GST) with annual 4% increases for a 7-year term plus 3 options of 1-year extensions at Council's discretion in accordance with the contract. Citywide is currently occupying the land and intends to continue occupation, as allowed in the contract. Council has delegated authority to the Director of Infrastructure Services for leasing/licensing matters, but any occupancy attracting rental or licence income in excess of \$50,000 p.a. (including GST) requires Council approval.

## **3. Discussion**

The premises include office space, shared staff amenities, undercover lockable storage and parking spaces and yard bins. Attachment A identifies the areas (hatched) to be licenced and represent approximately 1600 m<sup>2</sup>.

The offer to occupy the premises was included in the tender documentation and was accepted by the successful tenderer, Citywide. It is intended that Council now enter into a licence agreement to formalise the arrangement.

A licence format is used rather than a lease as the depot facilities are shared with other users

## **4. Implications**

### **4.1. Policy**

Council's Leasing Policy proposes that an expression of interest campaign be carried out for the occupation of commercial premises, however this requirement is not mandatory. In this situation, the occupation is an adjunct to the tender for the service provision. By occupying a depot in Cheltenham Citywide is better able to provide a responsive service, which benefits a wide range of community services.

### **4.2. Legal/Statutory requirements**

In accordance with Section 190 of the Local Government Act 1989 (LGA) Council is required to give public notice of the intention to lease the premises and hear submission in accordance with section 223 LGA if the annual income exceeds \$50,000 p.a. (including GST)

### **4.3. Financial and resource implications**

The income has been included in Council's forward projections.

### **4.4. Environmental impacts**

Not applicable to this report.

### **4.5. Social impacts**

Not applicable to this report.

## 5. Consultation and engagement

The tender process for the contracted services included the possible occupation of the premises to support the provision of the services. Consultation will be carried out in accordance with section 223 of the LGA.

## 6. Summary

Citywide was the successful tenderer for the provision of infrastructure maintenance services and a contract has been signed between the parties. The tender documentation included an offer to occupy the premises on established terms and conditions. Citywide will continue to occupy the premises to deliver the services from the premises. The recommendation is in accordance with the Infrastructure Maintenance Services tender.

## Recommendation

That Council:

1. Commences statutory procedures to enter a licence to occupy part of Council's depot at 144 Talinga Rd Cheltenham with Citywide Service Solutions P/L for a term of seven (7) years plus three (3) one-year terms (exercisable at Council's sole discretion), each subject to the service contract being renewed at the end of the seven (7) year term, at a commencement licence fee of \$55,000 per annum (plus GST) and four (4) per cent per annum rent increases;
2. Establishes a Special Committee of Council in accordance with section 223 of the *Local Government Act 1989* consisting of three councillors to consider any submissions received pursuant to section 223 of the *Local Government Act 1989* at a meeting to be held at 6.30pm on Monday 10 May 2010 in the Council Offices, Boxshall Street, Brighton in relation to the proposed licence to Citywide Service Solutions P/L; and
3. Authorise signing and sealing of a licence with Citywide Service Solutions P/L in the event that no submissions are received.





## **1. Purpose of the Report**

This report is to inform Council of the Council Plan Activities Quarterly Performance Report, October to December 2009 (Attachment).

## **2. Background**

Ensuring the ongoing enhancement of good governance across Council is integral to Bayside's new Council planning framework. The development of the Council Plan 2009-2013 as Council's key strategic document has been a major step in this direction. The Council Plan establishes the commitments, strategic objectives, strategies and indicators with allocated resources to achieve those objectives. The Local Government Act 1989 section 125 requires that the Council Plan covers the four-year Council term.

The Council Plan 2009-2013 includes six commitments. One of these issues is Stewardship, Governance and Leadership. Through this commitment, Council will provide open, transparent and accountable governance with the highest standards of integrity (Strategic Objective 6.2)

## **3. Discussion**

A key activity included in the Annual Action Plan 2009-2010, is to develop quarterly performance reporting to Council via Interplan, Council's performance reporting software program.

Council's performance reporting contains key Council strategic planning documents. It allows staff to enter progress updates against all key activities in the Annual Action Plan 2009-2013, as required. A quarterly report will be provided to Council. The Council Plan Activities Quarterly Performance Report for October to December 2009, is the second of these reports on Council Plan Activities.

## **4. Implications**

### **4.1. Policy**

Quarterly reporting allows Council to effectively report on, and regularly review its performance, in order to fulfil its obligations in the Council Plan 2009-2013.

### **4.2. Legal/Statutory requirements**

The quarterly reports for 2009-2010 will contribute to the information required under Section 131 of the *Local Government Act 1989*, relating to preparing an Annual Report.

### **4.3. Financial and resource implications**

There are no resource and financial implications applicable to this report.

### **4.4. Environmental impacts**

There are no significant environmental impacts arising from this matter.

### **4.5. Social impacts**

The Council Plan Activities Quarterly Performance Report October-December 2009, assists Council to review activities, which may impact on the social development or community wellbeing of the Bayside community.

## **5. Consultation and engagement**

Councillors, senior management and staff have contributed to the Council Plan Activities Quarterly Performance Report for October to December 2009.

## **6. Summary**

The Council Plan Activities Quarterly Performance Report for October-December 2009, contributes to the ongoing good governance of Council by providing a progress update against all key activities in the Annual Action Plan 2009-2010.

## **Recommendation**

That Council accepts the Council Plan Activities Quarterly Performance Report for October to December 2009.

## 1. Purpose of the Report

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

## 2. Discussion

Summary details for the five decisions handed down since the last Council Meeting are attached. Council's decision was upheld in two matters (with 1 involving varied conditions), overturned in one and two appeals were withdrawn.

In addition, one Section 87A amended permit / plans appeal was granted and one was refused.

### Appeals determined by VCAT 2009 - 2010

Report Date	Upheld	Overtured	Other e.g. By consent or varied	Withdrawn	Total	VCAT Upheld Delegate	
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		
March	1	1	1	2	5		1

## Recommendation

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

**VCAT DECISIONS – March 2010**

<b>Subject Site:</b>	113 Cole Street Brighton
<b>Application No.</b>	2007/74
<b>VCAT Reference No.</b>	P3160/2009
<b>Applicant:</b>	Michael Natilli
<b>Respondent:</b>	Sally Bronwyn Kay & Donald
<b>Interested person</b>	Minister for Planning
<b>Before:</b>	Dalia Cook
<b>Date of hearing:</b>	29 January 2010
<b>Date of order:</b>	2 February 2010
<b>Proposed:</b>	Construction of a cabana/studio and construction of a swimming pool in a Heritage Overlay
<b>Officer recommendation:</b>	Notice of Decision to Grant a Permit
<b>Council determination:</b>	Notice of Decision to Grant a Permit
<b>Review type:</b>	Application for cancellation of permit
<b>Plans substituted prior to hearing?</b>	No
<b>VCAT decision</b>	Application for review refused

<b>Subject Site:</b>	37 Sussex Street, Brighton	
<b>Application No.</b>	2009/30/1	
<b>VCAT Reference No.</b>	P3429/2009	P2967/2009
<b>Applicant:</b>	Elizabeth Lyons	Dara & Jennifer O'Sullivan
<b>Before:</b>	E Bensch	
<b>Date of hearing:</b>	1 February 2010	
<b>Date of order:</b>	3 February 2010	
<b>Proposed:</b>	Construction of two (2) double storey dwellings (side by side) with basement car parking in a Design and Development Overlay 1	
<b>Officer recommendation:</b>	Notice of Decision to Grant a Permit	
<b>Council determination:</b>	Notice of Decision to Grant a Permit	
<b>Review type:</b>	Conditions	Notice of Decision to Grant a Permit
<b>Plans substituted prior to hearing?</b>	No	
<b>VCAT decision</b>	Varied permit to issue	

<b>Subject Site:</b>	335 South Road, East Brighton
<b>Application No.</b>	2008/633
<b>VCAT Reference No.</b>	P2260/2009
<b>Applicant:</b>	Adshel
<b>Respondent:</b>	Barry Demos
<b>Before:</b>	Senior Member Baird
<b>Date of hearing:</b>	1 February 2010
<b>Date of order:</b>	8 February 2010
<b>Proposed:</b>	Double sided illuminated promotional sign
<b>Officer recommendation:</b>	Refusal
<b>Council determination:</b>	Refusal
<b>Review type:</b>	Refusal
<b>Plans substituted prior to hearing?</b>	No
<b>VCAT decision</b>	Permit to issue <ul style="list-style-type: none"> <li>• Conditions not imposed to address the issues raised by Council</li> </ul>

<b>Subject Site:</b>	27 and 29-39 Grosvenor Street Brighton
<b>Application No.</b>	2009/126
<b>VCAT Reference No.</b>	P2258/2009
<b>Applicant:</b>	Brighton Grammar School
<b>Before:</b>	Helen Gibson
<b>Date of hearing:</b>	5 February 2010
<b>Date of order:</b>	10 February 2010
<b>Proposed:</b>	Partial demolition and buildings and works to a building in a Heritage Overlay and Use as an Educational Facility (Early Learning Centre) in a Residential 1 Zone with Business Identification Signage and Buildings and Works to the existing adjoining school car park
<b>Officer recommendation:</b>	Notice of decision to grant a permit
<b>Council determination:</b>	Notice of decision to grant a permit
<b>Review type:</b>	Conditions
<b>Plans substituted prior to hearing?</b>	No
<b>VCAT decision</b>	Appeal withdrawn

<b>Subject Site:</b>	10 Point Avenue, Beaumaris
<b>Application No.</b>	2008/835/1
<b>VCAT Reference No.</b>	P2586/2009
<b>Applicant:</b>	Renlon Pty Ltd
<b>Before:</b>	Bill Sibonis
<b>Date of hearing:</b>	No hearing
<b>Date of order:</b>	18 January 2010
<b>Proposed:</b>	Variation of Restrictive Covenant (A842488 on Certificate of Title Volume 08265 Folio 304)
<b>Officer recommendation:</b>	Refusal
<b>Council determination:</b>	Refusal
<b>Review type:</b>	Refusal
<b>Plans substituted prior to hearing?</b>	No
<b>VCAT decision</b>	Appeal withdrawn

## 1. Purpose of the Report

To report to Council the financial results for seven months to 31 January 2010 of the 2009/10 financial year.

## 2. Background

The following financial reports are designed to provide a summary and analysis of Council's financial performance for the seven months to January 2010. 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 reports include:

- Summary of Financial results
- Operating Budget
- Capital Budget
- Cash Position
- Victorian Auditor General Office Indicators
- Operating Budget by Division
- 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

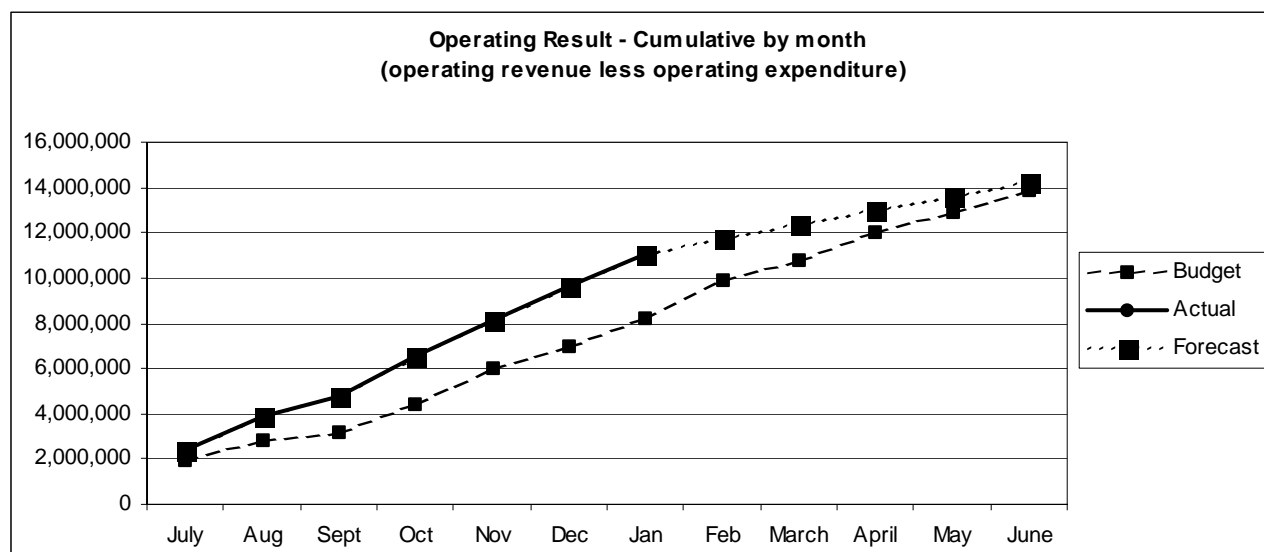
This report provides the status of Council's cash movements and cash position at the completion of the current month as well as the year end forecast.

### 3. Discussion

#### Summary of financial results

	Year To Date (YTD)			Full Year		
<b>Operating Budget</b>	<b>YTD Budget \$000's</b>	<b>YTD Actual \$000's</b>	<b>Budget Actual Variance fav./(unfav) \$000's</b>	<b>Budget 2009/10 \$000's</b>	<b>Current Forecast \$000's</b>	<b>Budget Forecast Variance \$000's</b>
Operating Revenue	46,824.6	48,150.5	1,325.9	81,506.0	82,405.0	899.0
Operating Expenses	38,564.9	37,063.3	1,501.6	67,658.2	68,169.2	(511.0)
<b>Net Operating Result</b>	<b>8,259.7</b>	<b>11,087.2</b>	<b>2,827.5</b>	<b>13,847.8</b>	<b>14,235.8</b>	<b>388.0</b>
<b>Cash Position</b>	<b>11,000</b>	<b>8,613</b>	<b>(2,387)</b>	<b>12,480</b>	<b>12,999</b>	<b>519</b>
	<b>Adjusted YTD Budget \$000's</b>	<b>YTD Actual \$000's</b>	<b>Budget Actual Variance fav./(unfav) \$000's</b>	<b>Adjusted Budget 2009/10 \$000's</b>	<b>Current Forecast \$000's</b>	<b>Budget Forecast Variance \$000's</b>
Capital Expenses	12,768.1	11,273.0	1,495.1	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)
<b>Net Capital</b>	<b>12,384.0</b>	<b>10,972.6</b>	<b>1,411.3</b>	<b>20,266.8</b>	<b>21,534.2</b>	<b>(1,267.4)</b>

## Operating Budget



### Operating Revenue

- The year to date favourable variance of \$1,325,900 is mainly due to higher than expected income for fees relating to additional income from resort and recreation levy \$640,690, supplementary valuation rate income \$60,000, the sale of discontinuances \$66,000, earlier than expected subsidy for beach cleaning \$170,000 and rental mobile phone facilities \$93,600. This is partly offset by lower than expected parking fee income \$220,000. The year end forecast of \$899,000 is mainly due to additional income from resort and recreation levy and supplementary valuation rate income. This is partly offset by grant commission funding received in 2008/09 to fund activity in 2009/10.

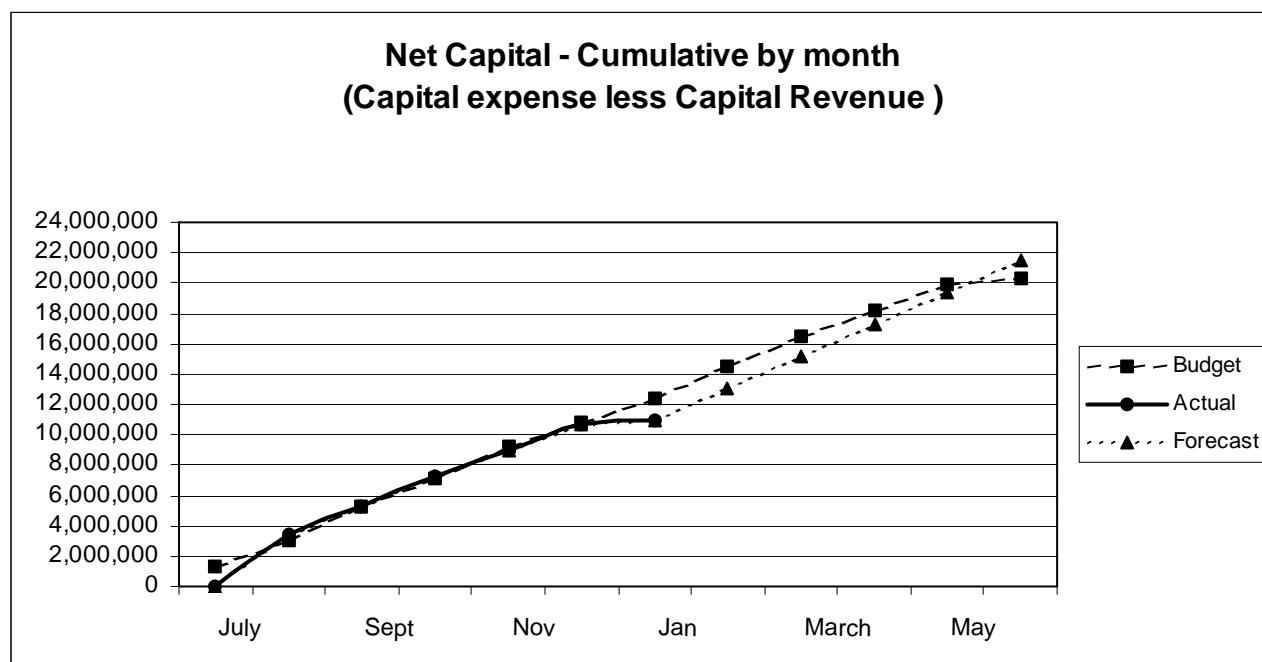
### Operating Expenses

- The year to date favourable variance of \$1,501,600 comprises lower than expected expenditure for employee costs and later than expected payments for contractors and materials and services. The materials and services mainly relate to utility costs \$221,000 and consultants \$199,585. 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

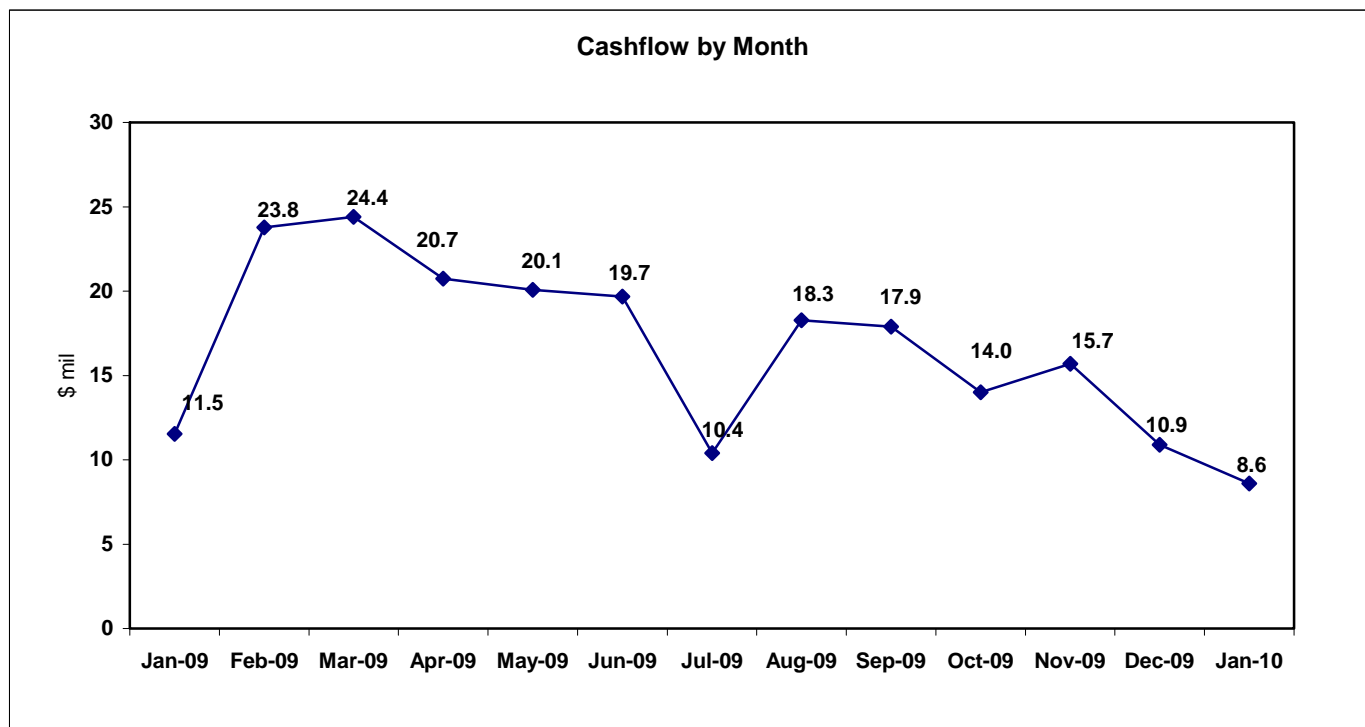
- The year end forecast is estimated to be a \$388,200 savings to budget. The effective year end savings is an amount of \$934,400 (\$388,200 plus \$546,200) as a further \$546,200 Victoria Grants Commission income was received at the end of the prior year for allocation to the current budget year.

## 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 \$1,411,300 which mainly comprises of \$1,415,300 council buildings, \$315,800 information systems, \$211,900 drainage infrastructure and \$200,100 parks and sportsground this is offset by \$781,500 road infrastructure.
- 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.

## Cash Position



The January cash position of \$8.6 million (a decrease of \$2.3 million from December) is indicative of prior year trends

## Victoria Auditor General Office (VAGO) Indicators

Indicator	VAGO Target	Year end forecast In line with LTFP
Liquidity (Current assets / Current liabilities)	> 1.0	1.0
Self-financing (New operating cash flow / Underlying revenue)	> 20.0	20.87
Investment Gap (Capital spend : Depreciation)	> 1.0	1.96
Indebtedness (Non-current liabilities/Own source revenue)	<40%	22.19%
Underlying result (Net surplus/Revenue)	> 0	4.74%

- **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

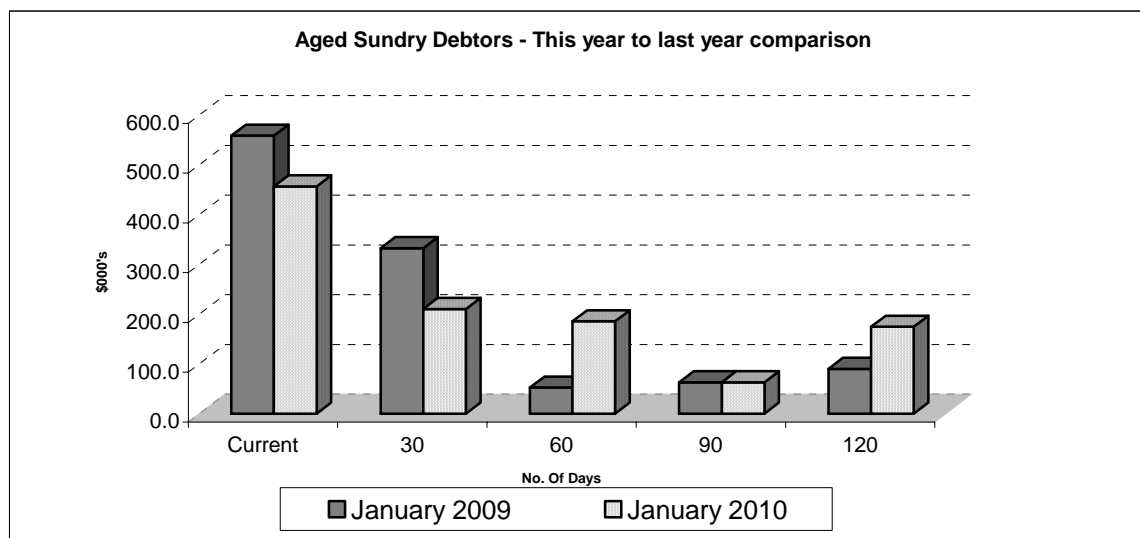
**Operating Budget by Division**

<b>Division Results</b>	<b>YTD Budget</b>	<b>YTD Actual</b>	<b>Budget Actual Variance fav./(unfav)</b>	<b>Budget 2009/10</b>	<b>Current Forecast</b>	<b>Budget Forecast Variance</b>
	<b>\$000's</b>	<b>\$000's</b>	<b>\$000's</b>	<b>\$000's</b>	<b>\$000's</b>	<b>\$000's</b>
Community Services	5,351.5	4,842.8	508.7	9,395.6	9,367.9	27.7
City Strategy	9,506.5	7,753.7	1,752.8	16,569.6	15,902.2	667.4
Infrastructure Services	3,806.4	3,692.6	113.8	7,125.7	7,118.1	7.6
Executive	1,281.0	1,089.5	191.5	2,178.4	2,271.4	(93.0)
Corporate Services	5,641.9	5,449.4	192.5	8,692.1	8,973.8	(281.7)
Rates	33,847.0	33,915.2	68.2	57,809.2	57,869.2	60.0
<b>Operating result</b>	<b>8,259.7</b>	<b>11,087.2</b>	<b>2,827.5</b>	<b>13,847.8</b>	<b>14,235.8</b>	<b>388.0</b>

<b>Division</b>	<b>Reason for variance</b>
Community Services	<ul style="list-style-type: none"> <li>Additional Maternal &amp; Child Health subsidy, Library and National Respite for Carers grant received which is offset by expenditure.</li> <li>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.</li> <li>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.</li> </ul>
City Strategy	<ul style="list-style-type: none"> <li>Salary savings due to vacant staff positions as well as delays in relation to some planning scheme amendments awaiting ministerial authorisation. Later than expected commencement of consultants and the purchase of recycling bins. In addition utility costs are later than expected.</li> <li>Additional income from resort and recreation levy fees \$640,690</li> <li>Earlier than expected subsidy received for beach cleaning.</li> <li>Higher than expected building fee income \$65,900.</li> <li>Favourable forecast variance mainly relating to additional income for resort and recreation levy which is partly offset</li> </ul>

	<p>by grant funding for the Housing Growth Strategy received for 2008/09 to fund activity in 2009/10. In addition the increase of \$250,000 for utilities-water as approved by council.</p>
Infrastructure Services	<ul style="list-style-type: none"> <li>• Lower than expected parking fee income</li> <li>• Later than expected payment for utilities and consultants.</li> <li>• The favourable forecast variance mainly relates to grant funding for local roads received in 2008/09 to fund activity in 2009/10.</li> </ul>
Executive	<ul style="list-style-type: none"> <li>• Later than expected payment for consultants and printing.</li> </ul>
Corporate Services	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>

## Sundry Debtors Report



	Current	30 days	60 days	90 days	120 days
<b>January 2010</b>	456.5	210.4	185.6	63.1	174.6
<b>January 2009</b>	558.5	332.5	52.5	63.0	90.0

January 2010 outstanding debts (60,90,120 days) compare unfavourably to the prior year January 2009 comparative. The increase in outstanding debts is mainly due to unpaid sporting rentals and unpaid invoices for sale of laneways at rear of properties - this money is with our solicitors and has been paid in February".

## Additional Expenditure

The forecast year-end position includes the following additional expenditure items.

### Operating Budget

The operating budget year end forecast includes the following additional expenditure that is in excess of the budget allocation:

- Information Systems. A further \$138,000 is required for software maintenance costs (\$85,000) and additional costs for completion of the IT strategy (\$53,000)
- Sportsgrounds. A further \$250,000 is included for the provision of non potable water and sodding (turf replacement) at sportsgrounds

### Capital Budget

The capital budget includes the following major budget variances:

- Merindah Park. A further \$640,000 is required, mainly for the purposes of removal, treatment and relocation of contaminated soil.
- Corporate Centre. An additional \$585,700 is allocated for the roof replacement, associated architectural costs and IT hardware and cabling.

The above mentioned items, totaling \$1,613,700 are included to the year end forecast and can be funded within the current financial year.

## **4.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:

1. Note the financial report for the seven month period ended 31 January 2010; and
2. Endorse the additional operating and capital expenditure items totalling \$1,613,700 that are included to the year end forecast result and that these are to be funded from the current year budget and cash reserves.

**Income Statement January 2010**

	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
<b>OPERATING REVENUE</b>						
Rates income	33,847.0	33,915.2	68.2	57,809.2	57,869.2	60.0
Operating grants and contributions	4,480.3	4,734.5	254.2	8,416.5	8,030.1	(386.4)
Fees and charges	5,222.2	6,106.4	884.2	9,176.2	10,214.3	1,038.1
Rental	1,859.2	2,076.5	217.3	3,202.3	3,261.0	58.7
Fines	949.7	781.6	(168.1)	1,603.2	1,623.2	20.1
Interest	322.9	375.0	52.1	928.0	1,036.5	108.5
<b>Total services revenue</b>	<b>46,681.3</b>	<b>47,989.2</b>	<b>1,307.9</b>	<b>81,135.4</b>	<b>82,034.4</b>	<b>899.0</b>
Priority projects	143.3	161.3	18.0	370.6	370.6	0.0
<b>Total operating revenue</b>	<b>46,824.6</b>	<b>48,150.5</b>	<b>1,325.9</b>	<b>81,506.0</b>	<b>82,405.0</b>	<b>899.0</b>
<b>OPERATING EXPENSES</b>						
Employee costs	15,781.7	15,551.6	230.1	27,837.8	27,881.6	(43.8)
Materials and services	9,503.7	8,957.8	545.9	16,488.8	16,979.7	(490.9)
External contracts	11,867.6	11,690.7	176.9	20,862.0	20,872.3	(10.3)
Borrowing costs	631.4	641.6	(10.2)	1,075.6	1,093.0	(17.4)
<b>Total services expense</b>	<b>37,784.4</b>	<b>36,841.7</b>	<b>942.7</b>	<b>66,264.3</b>	<b>66,826.6</b>	<b>(562.3)</b>
Priority projects	780.5	221.6	558.9	1,393.9	1,342.6	51.3
<b>Total operating expenses</b>	<b>38,564.9</b>	<b>37,063.3</b>	<b>1,501.6</b>	<b>67,658.2</b>	<b>68,169.2</b>	<b>(511.0)</b>
<b>Operating result</b>	<b>8,259.7</b>	<b>11,087.2</b>	<b>2,827.5</b>	<b>13,847.8</b>	<b>14,235.8</b>	<b>388.0</b>
Less depreciation	6,980.9	6,983.7	(2.8)	11,972.1	11,972.1	0.0
<b>Operating result after depreciation</b>	<b>1,278.8</b>	<b>4,103.5</b>	<b>2,824.7</b>	<b>1,875.7</b>	<b>2,263.7</b>	<b>388.0</b>
Capital grants and contributions	333.9	300.4	(33.5)	1,343.9	1,690.3	346.4
<b>Surplus</b>	<b>1,612.7</b>	<b>4,403.9</b>	<b>2,791.2</b>	<b>3,219.6</b>	<b>3,954.0</b>	<b>734.4</b>

**Capital Projects January 2010**

	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
<b>Expense</b>								
Council Buildings	6,551.5	8,037.2	6,727.4	1,309.8	9,630.5	11,433.9	12,060.7	(626.8)
Foreshore and conservation	674.0	389.0	315.5	73.5	890.0	897.7	842.7	55.0
Information systems	327.0	327.0	11.2	315.8	387.0	387.0	397.0	(10.0)
Drainage Infrastructure	168.0	383.1	171.2	211.9	1,085.0	1,333.4	1,333.4	0.0
Roads infrastructure	1,776.1	1,745.2	2,435.2	(690.0)	4,458.9	4,521.8	4,543.8	(22.0)
Library assets	245.0	245.0	268.8	(23.8)	420.0	420.0	420.0	0.0
Parks and sportsground	1,027.9	1,641.6	1,343.7	297.9	2,234.1	3,031.3	3,626.9	(595.6)
<b>Total expense</b>	<b>10,769.5</b>	<b>12,768.1</b>	<b>11,273.0</b>	<b>1,495.1</b>	<b>19,105.5</b>	<b>22,025.1</b>	<b>23,224.5</b>	<b>(1,199.4)</b>
<b>Revenue</b>								
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)
<b>Total revenue (ext. contrib.)</b>	<b>333.9</b>	<b>384.1</b>	<b>300.4</b>	<b>(83.7)</b>	<b>1,343.9</b>	<b>1,758.3</b>	<b>1,690.3</b>	<b>(68.0)</b>
<b>Net Capital</b>	<b>10,435.6</b>	<b>12,384.0</b>	<b>10,972.6</b>	<b>1,411.3</b>	<b>17,761.6</b>	<b>20,266.8</b>	<b>21,534.2</b>	<b>(1,267.4)</b>

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

**Balance Sheet 31 January 2010**

	12 mths Actual 30/06/2009 \$' 000	6 mths Actual 31/12/2009 \$' 000	7 mths Actual 31/1/2010 \$' 000	12 mths Forecast 30/06/2010 \$' 000
<b>Current assets</b>				
Cash and cash equivalents	19,682	10,951	8,613	12,999
Trade and other receivables	3,235	34,877	32,653	2,705
Inventories	48	48	48	51
Other assets	464	70	77	609
<b>Total current assets</b>	<b>23,429</b>	<b>45,946</b>	<b>41,391</b>	<b>16,364</b>
<b>Non-current assets</b>				
Trade and other receivables	120	120	120	99
Property, plant and equipment, infrastructure,	1,668,601	1,673,573	1,672,890	1,679,303
Other assets				200
<b>Total non-current assets</b>	<b>1,668,721</b>	<b>1,673,693</b>	<b>1,673,010</b>	<b>1,679,602</b>
<b>Total assets</b>	<b>1,692,150</b>	<b>1,719,639</b>	<b>1,714,401</b>	<b>1,695,966</b>
<b>Current liabilities</b>				
Trade and other payables	6,688	3,436	2,569	6,209
Interest bearing loans and borrowings	2,000	-	-	2,000
Provisions	4,874	4,747	4,634	5,191
Trust funds and deposits	2,341	2,676	2,773	2,458
Income in advance	209	28,755	23,962	-
<b>Total current liabilities</b>	<b>16,112</b>	<b>39,614</b>	<b>33,938</b>	<b>15,858</b>
<b>Non-current liabilities</b>				
Interest bearing loans and borrowings	15,500	15,500	15,500	15,500
Provisions	842	842	842	985
<b>Total non-current liabilities</b>	<b>16,342</b>	<b>16,342</b>	<b>16,342</b>	<b>16,485</b>
<b>Total liabilities</b>	<b>32,454</b>	<b>55,956</b>	<b>50,280</b>	<b>32,343</b>
<b>Net assets</b>	<b>1,659,696</b>	<b>1,663,683</b>	<b>1,664,121</b>	<b>1,663,623</b>
<b>Equity</b>				
Accumulated surplus	321,979	325,966	326,404	325,906
Reserves	1,337,717	1,337,717	1,337,717	1,337,717
<b>Total equity</b>	<b>1,659,696</b>	<b>1,663,683</b>	<b>1,664,121</b>	<b>1,663,623</b>

**Cashflow Statement – period ended 31 January 2010**

	12 mths Actual 30/06/2009 \$' 000 Inflows (Outflows)	7 mths Actual 31/1/2010 \$' 000 Inflows (Outflows)	12 mths Forecast 30/06/2010 \$' 000 Inflows (Outflows)
<b>Cash flows from operating activities</b>			
<b>Receipts</b>			
Receipts from ratepayers	53,828	28,740	57,986
Interest received	1,399	415	1,061
User charges (inclusive of GST)	15,288	8,561	16,269
Grants & contributions received (inclusive of GST)	10,456	5,848	10,769
Net GST refund	3,729	2,601	4,187
<b>Payments</b>			
Payments to employees	(25,343)	(16,020)	(27,710)
Payments to suppliers (inclusive of GST)	(40,716)	(27,824)	(45,428)
<b>Net cash provided by operating activities</b>	<b>18,641</b>	<b>2,321</b>	<b>17,134</b>
<b>Cash flows from investing activities</b>			
Payments for property, plant & equipment, infrastructure	(16,480)	(11,272)	(22,639)
Acquisition of investments			(200)
<b>Net cash used in investing activities</b>	<b>(16,480)</b>	<b>(11,272)</b>	<b>(22,839)</b>
<b>Cash flows from financing activities</b>			
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	432	117
<b>Net cash used in financing activities</b>	<b>(831)</b>	<b>(2,118)</b>	<b>(978)</b>
<b>Net increase (decrease) in cash and cash equivalents</b>	<b>1,330</b>	<b>(11,069)</b>	<b>(6,683)</b>
<b>Cash and cash equivalents at the beginning of the period</b>	<b>18,352</b>	<b>19,682</b>	<b>19,682</b>
<b>Cash and cash equivalents at the end of the period</b>	<b>19,682</b>	<b>8,613</b>	<b>12,999</b>
<b>Unrestricted</b>	14,808	3,739	7,989
<b>Restricted - Long Service Leave &amp; Reserve funds</b>	4,874	4,874	5,010
	<b>19,682</b>	<b>8,613</b>	<b>12,999</b>
<b>Cash and cash equivalents (including investments) consists of:</b>			
<b>Retail banks</b>	8,529	2,000	
<b>Community banks</b>	5,000	2,000	
<b>Statutory - long service leave</b>	3,175	3,175	
<b>Cash on hand and at bank</b>	2,978	1,438	
<b>Total cash and cash equivalents</b>	<b>19,682</b>	<b>8,613</b>	
<b>Total interest bearing loans and borrowings</b>	<b>17,500</b>	<b>15,500</b>	<b>17,500</b>

## **1. Purpose of the Report**

This report presents to Council a schedule of actions pending for the period September 2005 to February 2010.

## **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 February 2010.

**PART A – REPORTS AWAITING INTERNAL ACTION**

DATE OF MEETING		COUNCIL RESOLUTION	RESPONSIBLE OFFICER	COMMENTS/STATUS
19.09.05	200GC	<b>Open space contribution</b> 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	<b><u>NOM 141 – Mandatory 2 Storey Height Controls for land identified in Design and Development Overlay 2</u></b> 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><b><u>Notice of Motion 166 – Kindergarten Services</u></b></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><b><u>Draft Elsternwick Park Sustainable Water Management Strategy</u></b></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><b><u>Notice of motion 171 – Stormwater diversion and harvesting at the Brighton Golf Course</u></b></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"> <li>1. opportunities which may be made of an agreed Water Management Plan between the Leasee and Council and</li> <li>2. Feasibility of stormwater diversion from local streets not currently connected to the existing course dam.</li> <li>3. Costs and potential of dam expansion at the site.</li> <li>4. Funding opportunities to fund any feasible works.</li> </ol>	DInf	A report will be submitted to Council in May 2010.

24.3.09	Gen 4.8	<b><u>Development Contributions Plan</u></b> 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.
22.9.09	Gen 4.7	<b><u>Community Engagement Framework – Presentation for Adoption.</u></b> That Council: <ol style="list-style-type: none"> <li>1. endorse the community engagement framework and the progressive implementation of the framework; and</li> <li>2. after 12 months and following further community consultation, receives a report on the framework reviewing its content and its implementation</li> </ol>	MC&E	Report to Council in December 2010 following further community consultation.
24.11.09	Gen 4.3	<b><u>Eco Living Report</u></b> 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.	DCity	Report to be submitted to Council in March 2010
24.11.09	Gen 4.4.	<b><u>Proposed Committee / Council Meeting cycle</u></b> That Council undertake a further review of the meeting cycle in May 2010.	DCorp	Report to be submitted to Council in May 2010
24.11.09	NOM 10.2	<b><u>N.O.M. 184 – Salvaging a HMVS Cerberus cannon</u></b> 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.	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	10.11	<p><b><u>Ecologically Sustainable Development Principles in council Buildings</u></b></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. adopt as policy a commitment to requiring all buildings on Council owned or controlled land to meet Ecologically Sustainable Development principles;</li> <li>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;</li> <li>3. receive a report on the recommendations of the Sustainable Buildings Management Program when completed; and</li> <li>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.</li> </ol>	DCity	Report to be considered in May 2010.
----------	-------	--	-------	--------------------------------------

15.12.09	10.13	<p><b><u>Bayside Library Service – Hampton Branch Opening Hours</u></b></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>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</li> <li>2. advise the submitter of the petition accordingly.</li> <li>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.</li> </ol>	DCom	A report proceed to Council in April
15.12.09	10.16	<p><b><u>Application for the proposed use of public land for skydiving</u></b></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>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;</li> <li>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</li> <li>3. advise the company 'Skydive the Beach' of Council's decision at this time.</li> </ol>	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. Notices of Motion**

There were no Notices of Motion submitted for this meeting.

# Ordinary Meeting of Council 16 March 2010

## Confidential Business

*That pursuant to Section 89(2) of the Local Government Act 1989, the Council resolves that so much of this meeting be closed to members of the public, as it involves Council 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

<b>14.1</b>	<b>Management of Sandringham Golf Course</b> <i>(LGA 1989 Section 89(2)(d) Contractual matter)</i>	<b>95</b>
<b>14.2</b>	<b>Procurement Australia Contract – Supply of Fuels at Retail Outlets</b> <i>(LGA 1989 Section 89(2)(d) Contractual matter)</i>	<b>101</b>
<b>14.3</b>	<b>Contract No 0910103X – Traffic Signals installation and associated works in Bluff and Balcombe Road, Black Rock</b> <i>(LGA 1989 Section 89(2)(d) Contractual matter)</i>	<b>103</b>
<b>14.4</b>	<b>Contract 0910102X – Hampton Main Drain Stage 4</b> <i>(LGA 1989 Section 89(2)(d) Contractual matter)</i>	<b>107</b>
<b>14.5</b>	<b>South Road / Barr Street Redevelopment</b> <i>(LGA 1989 Section 89(2)(e) Proposed developments)</i>	<b>111</b>

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

  
Adrian Robb  
**Chief Executive Officer**