

Agenda Paper

for an

Ordinary Meeting of Council

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

on

**Tuesday, 29 March 2011
at 7.00pm**

Mayor: Cr Alex del Porto

Councillors: Cr Louise Cooper-Shaw
Cr Felicity Frederico
Cr Clifford Hayes
Cr James Long, BM JP
Cr Michael Norris
Cr Simon Russell, JP



Members of the Gallery

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

Section 91 The Chair's Duties and Discretions

In addition to 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 who approaches the Council or Committee table during the meeting, unless invited by the Chair to do so; and
- (e) must call to order any person who is disruptive or unruly during any meeting.

An Authorised Officer must, if directed to do so by the Chairman, remove 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 Confirmation 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 2011

Tuesday 3 May 2011
Tuesday 24 May 2011
Tuesday 14 June 2011
Tuesday 12 July 2011
Tuesday 2 August 2011
Tuesday 23 August 2011
Tuesday 13 September 2011
Tuesday 11 October 2011
Tuesday 8 November 2011
Tuesday 29 November 2011
Wednesday 14 December 2011

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 8 March 2011.

6. Public Question Time

7. Petitions to Council

There were no petitions submitted to the meeting.

8. Minutes of Advisory Committees

8.1 Assembly of Councillors Records

8.1 Assembly of Councillors RecordCorporate Services - Governance
File No: COR/1234**1. Purpose of the Report**

To formally report to Council on the Assembly of Councillors records in accordance with the Local Government Act 1989.

2. Background

On 24 September 2010, the Local Government and Planning Legislation Amendment Act 2010 was proclaimed.

As a result of that legislation the definition of an 'Assembly of Councillors' was amended together with the requirements for an assembly of Councillors.

The definition of an 'Assembly of Councillors' was amended to:

- a) include a meeting of an Advisory Committee of the Council, if at least 1 Councillor is present; and
- b) apply to a scheduled / planned meeting comprising half of the Councillors and at least 1 officer.

A requirement was also included to require the written record of an assembly of Councillors to be reported to the next practical Ordinary Meeting of the Council, and recorded in the minutes of that meeting.

Guidance material has been provided by the Department of Planning and Community Development which provides that a record of an assembly of Councillors should be a simple document that records the following:

- Date, time and location of the assembly
- Attendees: The names of all Councillors and staff;
- Items discussed at the assembly
- Any disclosures of interest by a Councillor attending the assembly and whether that Councillor left the assembly prior to the discussion on the matter.

3. Discussion

Since the introduction of the new requirements for an Assembly of Councillors, the following assemblies have taken place and a copy of the record for each is attached:

Date	Name
7/03/2011	Expert Panel – Putting Planning in a Metropolitan Context
15/03/2011	CEO and Councillor only briefing
15/03/2011	Councillor Briefing Session

4. Implications

4.1. Policy

There are no policy implications associated with this report.

4.2. Legal/Statutory requirements

This report is presented in accordance with the requirements of the Local Government Act 1989.

4.3. Financial and resource implications

There are no financial or resource implications associated with this report.

4.4. Environmental impacts

There are no environmental impacts associated with this report.

4.5. Social impacts

There are no social impacts associated with this report.

Recommendation

That Council notes the Assembly of Councillor records submitted as required by the Local Government Act.



Record of Assembly of Councillors

Record in accordance with section 80A(1) of the *Local Government Act 1989*

Name of meeting: **Expert Panel – Putting Planning in a Metropolitan Context**

Date of meeting: **7 March 2011**

Time of Meeting: **6:45pm – 9pm**

Attendees

Councillors: Cr del Porto, Cr Cooper-Shaw, Cr Frederico, Cr Norris, Cr Long, Cr Hayes

Staff: Chief Executive Officer, Director City Strategy, Director Community Services, Manager Urban Strategy, Urban Strategy Coordinator, Policy & Planning Coordinator, Strategic Planners x 3

Matters discussed

1. Presentations from Guest Speakers

Conflict of Interest Disclosures

Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
N/A	N/A	Yes / No
		Yes / No
		Yes / No

[Note: Details of matters discussed at the meeting that have been designated confidential under section 77 of the Local Government Act 1989 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting]



Record of Assembly of Councillors

Record in accordance with section 80A(1) of the *Local Government Act 1989*

Name of meeting: CEO and Councillor only briefing

Date of meeting: Tuesday 15 March 2011

Time of Meeting 5.35pm

Attendees

Councillors: Mayor, Cr Alex del Porto
 Cr Louise Cooper-Shaw
 Cr Felicity Frederico
 Cr Clifford Hayes
 Cr James Long
 Cr Michael Norris
 Cr Simon Russell

Staff: Adrian Robb, Chief Executive Officer

Matters discussed

1. Matters raised by Councillors
2. Beach Road corridor strategy reference group
3. Vision Super Councillor Briefing – 5 April 2011
4. Merindah Park briefing – 7 April 2011.
5. Conflict of Interest – Draft Councillor Guide

Conflict of Interest Disclosures Nil

Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
N/A	N/A	Yes / No

[Note: Details of matters discussed at the meeting that have been designated confidential under section 77 of the Local Government Act 1989 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting]



Record of Assembly of Councillors

Record in accordance with section 80A(1) of the *Local Government Act 1989*

Name of meeting: Councillor Briefing
Date of meeting: Tuesday 15 March 2011
Time of Meeting 6.30pm

Attendees

Councillors: Mayor, Cr Alex del Porto
 Cr Felicity Frederico
 Cr Clifford Hayes
 Cr James Long
 Cr Michael Norris
 Cr Louise Cooper-Shaw
 Cr Simon Russell

Staff: Adrian Robb, Chief Executive Officer
 Shiran Wickramasinghe, Director City Strategy
 Sharon Pearsons, Director Corporate Services
 Guy Wilson-Browne, Director Infrastructure Services
 Heather Johnson, Director Community Services
 Terry Callant, Manager Governance and Corporate Planning
 Matt Kelleher, Manager Urban Strategy
 Lili James, Manager Family Services

Matters discussed

1. Mayor's update
2. Chief Executive Officer's update
3. Councillor Briefing Planner
4. Highett Neighbourhood Character Review
5. Children Services Review
6. Underground car park at the corner of Bay and Beach Roads, Sandringham
7. Planning Delegation
8. State Government Policy and the implications for Bayside

Conflict of Interest Disclosures Nil

Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
N/A	N/A	Yes / No

[Note: Details of matters discussed at the meeting that have been designated confidential under section 77 of the Local Government Act 1989 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting]

9. Reports by Special Committees

There were no reports by Special Committees submitted to the meeting.

10. Reports by the organisation

10.1	Proposal to wind up the Black Rock House Committee of Management.....	12
10.2	Highett Neighbourhood Character Review.....	15
10.3	Delivered Meals Service	19
10.4	Constitutional Recognition of Local Government	22
10.5	Municipal Association of Victoria – State Council Meeting – call for motions	25
10.6	Australian Local Government Association – 2011 National General Assembly of Local Government	27
10.7	Financial Report for the Eight (8) Months to 28 February 2011	29
10.8	VCAT Decisions	40
10.9	Council Action Awaiting Report.....	43

10.1 Proposal to wind up the Black Rock House Committee of Management

Community Services - Libraries & Culture

File No: FOL/11/370

1. Purpose of the Report

To propose to Council the voluntary wind up of the Black Rock House Committee of Management (BRH CoM).

2. Background

BRH CoM was established in 2006 as a result of a recommendation in the Black Rock House Future Options Report 2005.

The aim of the Committee was to formalise communication between the Friends of Black Rock House, the general community and Bayside City Council (Council). It was intended to provide advice and feedback to Council on matters concerning the strategic planning, development, marketing and use of Black Rock House.

The committee has met quarterly since 2006 and has been instrumental in consolidating the vision for the house, helping identify management requirements and enhancing Council's capacity to provide a facility to the community that contributes to the cultural life, values and enjoyment of the Bayside community.

3. Discussion

The notion of discontinuing the BRH CoM became apparent to all members in mid 2010. There was an ever shrinking meeting agenda and Black Rock House was, after many years, in a positive position, with the Friends of Black Rock House reinvigorated and a new, expanded events program. Additionally, Council has been able to diversify and extend the use of the facility by introducing a culturally compatible licensee to use the servant quarters one night a week, with BRH CoM and Friends of BRH support.

All these efforts have resulted in a 400% improvement in visitor numbers, taking the facility from an average of 600 visitors to over 3000 people per annum.

Due to the licence agreements and the program of activities, Council Officers together with the Committee concluded that, in terms of life cycle development, Black Rock House has moved out of a period of major uncertainty into a period of maintenance and consolidation.

A review of the objectives of the committee, as defined in the terms of reference, was conducted to assess the future need.

The objectives of the BRH Committee of Management are:

Objective	Completed Y/N	Ongoing Y/N	Need for BRH CoM involvement Y/N
To assist and advise Council on implementation of the Council adopted BRH: Future Use Options Report;	Y		N - completed
To advise Council on the priorities for development of the facility and provide a source of review, analysis and advice on strategic planning;		Y	N – not on a quarterly basis. Licensees can be consulted in ongoing basis.
To raise issues or make suggestions about general management of BRH;		Y	N – recommendations can be made directly from the licensees and Officers
To advise and provide direction on issues of heritage conservation and collection interpretation;		Y	N - specialist consultant advice is required
To identify opportunities for cultural programming for BRH that may include relevant education, volunteer training, cultural tourism and events;		Y	N – this is an Officer level duty, in consultation with licensees
To promote and monitor equitable community access to BRH;		Y	N – this is a Council / Officer level duty
To work with council to promote and advance the profile of BRH;		Y	N – this can be managed through Officers and the licensees
To encourage and promote effective communication between Friends of BRH, community individuals and Council;		Y	N
To formalise communication between Council and the Friends of Black Rock House (through Friends Group representation on the Committee and the formal reporting process of the Committee to Council).		Y	N – this function has been incorporated into the licence agreements

As a result of the above analysis and upon discussion, the consensus was reached that the Committee had achieved its major objective, the implementation of the Future Use Options Report. It is considered that the CoM is no longer required and that the Friends Group and Council can now continue to protect the House and deliver to the community the benefits of this historic building.

The licence agreements ensure continuing liaison with the licensees through regular scheduled meetings.

4. Implications

4.1. Policy

There are no policy implications associated with the winding up of BRH CoM.

4.2. Legal/Statutory requirements

There are no legal or statutory requirements associated with the winding up of BRH CoM.

4.3. Financial and resource implications

There are no financial or resource implications associated with the winding up of BRH CoM other than a minor saving of staff time.

4.4. Environmental impacts

There are no environmental requirements associated with the winding up of BRH CoM.

4.5. Social impacts

The social impacts of winding up the committee have been actively managed, with all members acknowledged for their contribution and commitment. Officers, with the support of the President of the Friends of Black Rock House have suggested that members of the committee could take up active roles with the Friends of Black Rock House.

5. Consultation and engagement

The recommendation to wind-up the committee has come from within the group and from Officers associated with the management of the committee. Consultation has been thorough with all members of the committee participating in the discussion. All members agreed that the BRH CoM had fulfilled its intended purposes and had satisfied the objectives identified in the terms of reference.

6. Summary

Over the last 4 years BRH CoM has worked to support the House and assist Council in determining how best to utilise the facility. This has been achieved, with the house attracting more visitors, the Friends group actively engaged in activities and promotion of the house, and Council now achieving a much higher community benefit from this asset.

In recognition of the success of the committee and with a respect for committee member's time, it is proposed to Council that the BRH CoM be wound up.

Recommendation

That Council:

1. discontinues the Black Rock House Committee of Management, with liaison meetings between the licensees and Council officers to continue on a regular basis; and
2. thanks the members of the committee for their hard work and congratulates the committee on the positive development of Black Rock House.

1. Purpose of the Report

To present for Council adoption the *Highett Neighbourhood Character Review March 2011* report following a period of community consultation and to seek authorisation from the Minister for Planning to exhibit an amendment to the Bayside Planning Scheme to apply neighbourhood character controls over two separate areas in Highett.

2. Background

Council at the 22 September 2009 Ordinary Meeting resolved to undertake a strategic assessment for the most appropriate character precinct for two separate areas in Highett: Properties bounded by Tibrockney Street, Sterling Avenue and Beaumaris Parade and properties along Noyes Street and Sydenham Street. These two areas are not currently covered by the Bayside Planning Scheme Neighbourhood Character Policy at Clause 22.07 as they were not zoned residential at the time that clause was introduced into the planning scheme. They were subsequently rezoned from Industrial to Residential 1 as part of Amendment C39. The need to update Clause 22.07 so that it would apply to the above areas was highlighted when Council considered Planning Application 2009/0099/1 at Beaumaris Parade and Tibrockney Street, Highett.

The location of the two areas is shown on page 1 of Attachment 1 – *Highett Neighbourhood Character Review March 2011* report.

VCAT Decision

VCAT supported Council's decision to refuse Planning Application 2009/0099/1 at Beaumaris Parade and Tibrockney Street, Highett. The VCAT decision took into account a site context beyond the former industrial pocket and considered surrounding residential land because the former industrial area is not included in Clause 22.07.

In the VCAT decision the member advised *'the reason I have refused this application is because of the intensity of built form, not the concept of constructing apartment style dwellings in the site'*.

The VCAT member concluded:

'While I accept that the review site has the potential to accommodate a considerable number of different, apartment style building(s), I am not satisfied that this particular proposal has achieved an acceptable response to its site context. I consider that too much attention has been paid to the industrial context (both on the review site and on the sites to the south) and not enough attention to the more suburban residential interfaces to the west, north and east.

'While reuse of the southern boundary walls is an acceptable option, I consider that any revised proposal needs to reduce the intensity of built form by providing greater street setbacks and more landscaping along those boundaries. While this may not achieve full compliance with the site coverage and permeability standards, it will provide a development that more closely matches the ResCode requirements and related objectives. Other aspects of the development such as car parking also need reconsideration.'

Community Response

At the 31 August 2010 Ordinary Council meeting, Council resolved to invite feedback on the *Highett Neighbourhood Character Review Draft August 2010* report. Affected property owners and other interested parties (including those involved in the original planning permit process acting as a catalyst to this review) were afforded one month to respond to the report. The period for lodging comment closed on 12 November 2010.

3. Discussion

Twenty one submissions were received, all opposing the proposed controls. The major themes of submissions were:

- There is no basis for allowing higher density in Precinct G3. This will result in reduced amenity for the surrounding area.
- The area is enveloped by G1 and should be included in this precinct.
- The existing industrial buildings are of no significance and Council should not be encouraging their retention. The buildings are 'outdated', 'derelict monstrosities' with 'ugly warehouse walls'.
- The guidelines and Neighbourhood Character Overlay (NCO) undermine the VCAT decision for permit application 2009/0099/1 and have the potential to undo the efforts of Council and residents in opposing this development.
- Buildings currently have zero or minimal setbacks which constrain opportunities for landscaping.
- Many buildings contain asbestos and should be carefully demolished to protect residents in the surrounding area.
- The proposed NCO for Precinct G3 will be applied to other parts of the municipality, allowing more high density areas.
- The NCO provisions are ambiguous – terms such as 'substantial vegetation' or 'per typical frontage' are not clear.

The consultant's responses to these major themes are included in Attachment 2 along with a response to each submission in Attachment 3.

The *Hihett Neighbourhood Character Review Draft August 2010* report has been revised in response to some of the issues raised by submissions. A number of editorial changes, including corrections to factual matters were required. The strategic recommendations however, remain in place with the consultants recommending a new Precinct G3 and a new Neighbourhood Character Overlay to be applied over the two areas.

Given the strong opposition to the retention of the existing buildings, and the desire for the application of the surrounding Precinct G1 instead of the proposed Precinct G3, a legal opinion has been sought.

The advice states that Council cannot compel demolition or partial demolition of the existing industrial buildings and factories on the subject sites via the Neighbourhood Character Overlay or under any other provision in the Planning Scheme. The areas are in effect in transition, from industrial use to residential use as a result of Planning Scheme Amendment C39, Part 1. The proposed new Precinct G3 and Neighbourhood Character Overlay were prepared to facilitate this transition.

The legal advice does suggest however, that Council can implement neighbourhood character policies which seek to encourage a preference for the removal (or partial removal) of existing buildings to have proper regard to surrounding neighbourhood character. The advice stresses that this policy would not operate as a control and by no means guarantees that a proponent will respond to the policy in any particular case. Inclusion of such policy however, will provide direction for the preferred future character of these two areas to provide incentives for, and facilitate the transition from, their industrial past to a residential form which is responsive to the current residential zoning.

Given the above position, planning scheme documents have been drafted accordingly.

4. Implications

4.1. Policy

In clause 22.07 of the Bayside Planning Scheme it is clear the Neighbourhood Character Policy is meant to apply to all residential land in the city and accordingly the policy needs to be updated. The provision of an Overlay will provide stronger controls than the policy position alone in Clause 22.07.

In addition to introducing a new Precinct G3 in Clause 22.07 – Neighbourhood Character Policy, a new Neighbourhood Character Overlay (NCO) is proposed to apply to the two areas to set out siting, height and built form guidelines in more detail. A NCO is required to enable variation to Clauses 54 and 55 (ResCode standards) and the Residential 1 Zone Schedule requirements in the Bayside Planning Scheme to reflect the specific requirements for these two areas.

The Neighbourhood Character Policy can only be used as an assessment tool where a planning permit is required, such as a multi-unit development or where variation to siting controls under the Building Regulations is required. In other instances, the Policy cannot be applied because there is no permit trigger. Applying the NCO will provide stronger controls than the policy position alone in Clause 22.07 and will trigger the need for a permit in most instances.

The Overlay will include objectives which aim to encourage a preference for the removal (or partial removal) of existing buildings to have proper regard to neighbourhood character and will assist in the transition of the built form of the two areas from industrial to residential. The Overlay cannot compel the removal of the existing buildings.

4.2. Legal/Statutory requirements

There is no legal requirement to update Clause 22.07 of the Bayside Planning Scheme. However, Council's position in relation to neighbourhood character considerations and objectives will be clearer and will be required to be taken into consideration when determining an application for planning permit. This includes a matter that is considered by VCAT.

4.3. Financial and resource implications

Further financial resources will be required in the 2011/12 budget to progress a planning scheme amendment.

4.4. Environmental impacts

It is not expected that the proposed planning scheme amendment will cause any negative environmental or amenity issues. The introduction of neighbourhood character controls will improve the way in which the two areas integrate with the surrounding neighbourhood character.

4.5. Social impacts

The proposed amendment is expected to have positive social effects for the Bayside community by providing greater certainty and direction for future housing in the local Highett area.

5. Consultation and engagement

Affected property owners and other interested parties (including those involved in the original planning permit process acting as a catalyst to this review) were provided one month to respond to the Highett review report. All submitters will be provided a further opportunity to respond to the statutory exhibition of an amendment to the Bayside Planning Scheme in accordance with statutory processes included in the *Planning and Environment Act 1987*.

6. Summary

Two areas in Highett do not currently have the same Bayside Planning Scheme neighbourhood character considerations as all other residential zoned land in the city. These areas have been strategically assessed and community views sought on planning scheme controls. It is now appropriate for Council to decide whether to request authorisation from the Minister for Planning to exhibit an amendment to the Bayside Planning Scheme.

Recommendation

That Council:

1. Receives this report and the consideration of community response to the *Highett Neighbourhood Character Review Draft August 2010* report (contained in Attachments 2 and 3 of this report);
2. Adopts the final version (Attachment 1 to this report) of the *Highett Neighbourhood Character Review March 2011* report;
3. Authorises the Director City Strategy to make any necessary minor editorial changes to the *Highett Neighbourhood Character Review March 2011* report and planning scheme amendment documentation;
4. Seeks authorisation from the Minister for Planning to prepare a planning scheme amendment under section 8A(3) of the Planning and Environment Act 1987 to:
 - amend Bayside Planning Scheme Clause 22.07 to:
 - include in a new Precinct G3 two new residential areas in Highett being properties bounded by Tibrockney Street, Sterling Avenue and Beaumaris Parade and properties along Noyes Street and Sydenham Street; and
 - include 5-7 Sydenham Street in Precinct G1.
 - apply the Neighbourhood Character Overlay and corresponding schedule to the two areas proposed to be included in Precinct G3; and.
5. Notifies all submitters of the outcomes of this report and processes to be subsequently followed.

1. Purpose of the Report

To provide a status report on the transition of the Delivered Meals Service operations from a contractor to direct Council delivery.

2. Background

Council delivers nutritious meals to frail older residents and residents with disabilities who are living at home and unable to cater for their daily dietary requirements. Council receives an annual grant of \$112,000 through the Home and Community Care (HACC) program to assist with delivery of this service.

The service for the production and delivery of meals was externally contracted between 1994 and December 2010. Paid drivers employed by the contractor delivered meals to residents' homes.

An extensive feasibility study into the future direction of the Delivered Meals Service was undertaken in 2009. The study determined that Council was in a unique situation in that it had a contractor for both the production and the delivery of meals. Most other councils purchase meals through a contractor or prepare their own meals through a council run kitchen, however nearly all manage the delivery of meals through a volunteer or paid work force, coordinated by Council.

The model of externally contracted production and delivery increased Council's level of risk as it restricted the number of potential tenderers, which limited the opportunity for Council to obtain a competitive price and at worst left Council exposed to receiving no tender bids.

As a result, Council resolved to join 19 other Councils to become a shareholder in one of the largest not-for-profit meal provider services in Australia, Community Chef, and to return the day-to-day operational management of the meals service to Council.

Council on 4 May 2010 resolved to:

1. *Approve the retrofit of the vacant house on the Brighton Golf Links at 232 Dendy Street Brighton as a meals distribution centre at a budgeted cost of \$275,000; and*
2. *Approve the establishment of a staffing model as outlined in the report to recruit and oversee the delivery of meals by a volunteer workforce.*

3. Discussion

The Meals Distribution Centre

The retrofit of the meals distribution centre commenced in July 2010 and was completed on time and on budget in November 2010. The building includes a large cool room to receive and store meals, a packing area, an office and a volunteer's room. The meals distribution centre was officially opened by the Mayor on 24 November 2010 and delivery of meals from the centre commenced on 1 December 2010.

Because of the location of the Meals Distribution Centre the delivery of meals overnight by Community Chef does not disturb local residents.

Volunteer deliverers

Recruitment of volunteer delivery staff commenced in mid September 2010. The community response for volunteers has been extremely positive. One hundred and twenty three volunteers have been recruited to date.

A small number of paid drivers are currently backfilling gaps in delivery rosters. The service is on target to cease using paid drivers by the end of March 2011. A further campaign to recruit additional volunteers will commence in early April, as it is expected that a number of volunteers may travel to warmer climates during winter.

Prior to delivering meals, volunteers are interviewed, police checked and attend an induction session that covers topics such as safe food handling, occupational health and safety responsibilities and procedures aimed at protecting the health and wellbeing of clients.

Volunteer recognition

The volunteers are recognised for the important contribution they make to the community. Recognition occurs or is planned to occur in the following ways:

- Reimbursement of a kilometre allowance to cover out of pocket travel expenses.
- Recognition functions and activities throughout the year.
- Provision of daily light refreshments.
- Delivery of meals by the Mayor, available Councillors and the Executive Group with a volunteer during National Volunteer's Week.

Meals

Council delivers approximately 60,000 meals to more than 500 residents each year. Meal recipients are provided with a choice of six main meals daily. Meals consist of soup, main and dessert. In addition, Community Chef caters for special dietary requirements such as diabetic meals.

Meals are provided in microwavable packaging that allows for quick and easy heating. Each meal component including soup, meat, vegetables and dessert is separately packaged.

Meal recipient feedback

A survey to gauge client satisfaction with the meals from Community Chef was conducted in February 2011. Eighty three percent of respondents advise that the meals are good to excellent. Respondents have provided a great deal of positive feedback about the volunteers. They have also provided a range of positive comments and constructive improvement opportunities about the taste and menu choice that are forwarded to Community Chef for their consideration and action.

The achievement of 83 percent satisfaction rating is considered positive, given clients have encountered significant change in moving from a cook chill method of meals to pasteurised meals, as well as needing to develop new relationships with delivery drivers.

4. Implications

4.1. Policy

The Council Plan Strategic Commitment 1 Lifestyle wellbeing of our people includes the need to provide equitable access to services and facilities and to improving quality of life by being responsive to need.

4.2. Legal/Statutory requirements

The Delivered Meals Service complies with the Food Amendment (Regulation Reform) Act 2009 and has a Food Safety Plan.

Staff and volunteers comply with all relevant industrial relations legislation and the Occupational Health and Safety Act 2004.

4.3. Financial and resource implications

The decision to transition to Community Chef for the production of meals combined with a volunteer model of meal delivery was based on a number of factors including financial savings to Council. The savings were estimated to be in excess of \$1M over a 10 year period.

Expenditure in the adopted 2010/11 budget compared to proposed expenditure in the draft 2011/12 budget records an annual saving of \$126,800 or \$1.268M if these savings are maintained over a 10 year period.

The contract with Community Chef allows for the cost of meals to be adjusted after each six month period by CPI. It is not expected that this will have an impact on savings, as the previous contractual arrangements allowed the contractor to increase meal prices by using a formula that was higher than CPI.

4.4. Environmental impacts

The design and retrofit of the meals distribution centre was completed using environmentally sustainable principles. The design:

- Retained the footprint of the original building.
- Configured the layout with almost no impact on the structure and location of the existing windows and doors.
- Maximised the use of natural light and ventilation.
- Included water saving tanks, toilets and taps.
- Utilised energy saving lights and appliances.
- Maximised the use of sustainable building products.

The meals are also delivered in recyclable containers.

4.5. Social impacts

The delivery of meals to vulnerable residents who are unable to cater for their personal dietary needs is a critical service that supports them to remain at home in the community.

The positive response by the community for volunteers has demonstrated the capacity of the Bayside community, increasing social networking and strengthening community connectedness.

5. Consultation and engagement

Considerable consultation and engagement has occurred with volunteers and clients in the development of this service. Additional time has been spent by volunteers to demonstrate the new meal packaging and heating requirements, and to ensure that clients are comfortable with the new processes. The satisfaction rate reflects the positive outcome of this time and commitment.

6. Summary

The establishment of a Meals Distribution Centre in the unused caretaker's house on the Brighton Golf Links was completed on time and within budget in November 2010.

Council commenced purchasing meals from Community Chef and delivering meals with volunteer drivers in December 2010. The engagement of more than 120 volunteers in a short timeframe has exceeded expectations.

Feedback from meal recipients indicates 83 percent of clients rate their level of satisfaction as good to excellent.

The service is on target to achieve savings in excess of \$1.2M over the next 10 years, compared to estimated expenditure over the same period with the former contractor.

Recommendation

That Council notes this report.

10.4 Constitutional Recognition of Local GovernmentCorporate Services - Governance
File No: COR 1234

1. Purpose of the Report

The purpose of this report is for Council to declare its support for the Australian Local Government Association's (ALGA) campaign for Local Government to be included in the Australian Constitution.

2. Background

At a Special National General Assembly of Local Government Constitutional Summit held between 8 and 11 December 2008, more than 500 delegates representing Local Governments from all around Australia supported the following resolution:

To ensure the quality of planning and delivery of services and infrastructure provided to all Australians, and the ongoing sustainability of local government, and constitutional amendment put to the people in a referendum by the Australian Parliament (which could include the insertion of a preamble, an amendment to the current provisions or the insertion of a new Chapter) should reflect the following principles:

The Australian people should be represented in the community by democratically elected and accountable local government representatives;

- *The power of the Commonwealth to provide direct funding to local government should be explicitly recognised; and*
- *If a new preamble is proposed, it should ensure that local government is recognised as one of the components making up the modern Australian Federation.*

Since this resolution was passed, the ALGA and many Councils and other people interested in Local Government and Australia's Constitutional arrangements, have been working to progress a change to the Constitution so that it includes Local Government.

Following these efforts and immediately after the 2010 Federal Election, Prime Minister Julia Gillard committed to holding a dual referendum on the inclusion of Local Government and the recognition of Indigenous Australians. The referendum will most likely be held in conjunction with the 2013 Federal Election. According to ALGA, the challenge for Local Government is now threefold: to ensure the referendum is held; to ensure that the type of recognition sought meets the sector's requirements; and to make sure a positive result is achieved.

In seeking to reconfigure our federation, first and foremost we need to strengthen Local Government. In doing so we need to empower Local Governments to work together more effectively at both state and national levels. Today, Local Government has become much more transparent, accountable and capable as a sector and there has been an increase in collaboration and partnerships with both State and Federal Governments.

It is important to mention that the ALGA has representation on a number of ministerial councils and advisory committees (including the President being a full member of the Council of Australian Governments (COAG) alongside the Prime Minister and state and territory leaders). Local Government is at the table even though it is not constitutionally recognised. To achieve improved government arrangements between the three levels of government it makes sense that Local Government should be included in the Constitution. This will further enable the coordination of financial transfers between the levels of government.

3. Discussion

ALGA has devoted considerable resources over the past three years to developing the case for constitutional reform. The need for this change was highlighted in stark terms in 2009 by the decision of the High Court in *Pape vs Federal Commissioner Taxation*. In that case the High Court set out the limitations of the Australia government's power and in doing so clearly indicated that the Australian government does not have the power to fund local government directly. This is significant because for many years this is exactly what the Federal Government has been doing through funding provided directly to Council such as the roads for Recovery Program and the Community Infrastructure Program.

It is in the best interest of local communities that Federal Governments, whatever their political persuasion, have the unambiguous legal capacity to fund councils directly to achieve national objectives. The ALGA have suggested that a simple change to the Constitution (most likely Section 96) which would allow direct funding to continue. The form of financial recognition of Local Government proposed by the ALGA will not impact on the relationship between Councils and State Governments and has been endorsed by all state and territory local government associations.

The ALGA has indicated it is now important that this position also be endorsed by all individual Local Governments to demonstrate to both Federal and State Governments, oppositions and political parties that the position has widespread support within the Local Government sector.

It is the ALGA's intention that a Constitutional Declaration for Councils will be submitted for signature by local government representatives at the conclusion of the 2011 National General Assembly of Local Government on 22 June 2011. It is the intention of the ALGA that all Councils will be in a position to sign the Declaration supporting this change at that time.

4. Implications

4.1. Policy

There are no Council policies associated with this matter.

4.2. Legal/Statutory requirements

As a result of the recent High Court decision *Pape vs Federal Commissioner Taxation* it is considered prudent that financial recognition to local government be made in the Constitution.

4.3. Financial and resource implications

There is no cost to Council associated with supporting the ALGA's campaign.

4.4. Environmental impacts

There are no environmental impacts associated with this report.

4.5. Social impacts

There are no social impacts associated with this report.

5. Consultation and engagement

It is proposed that a great deal of discussion will take place at the National General Assembly of Local Government concerning this matter.

6. Summary

It is proposed that Council supports the ALGA's campaign on Constitutional Recognition to allow direct funding of local government bodies by the Commonwealth Government and also to include local government in any new preamble to the Constitution.

Recommendation

That Council:

1. resolves to declare its support for financial recognition of Local Government in the Australian Constitution so that the Federal Government has the power to fund Local Governments directly and also for inclusion of Local Government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition; and
2. writes to the local Federal Member of Parliament and also to the Prime Minister, Leader of the Opposition, Minister for Local Government, Shadow Minister for Local Government and the state government Minister for Local Government and Shadow Minister for Local Government and the President of the Australian Local Government Association, to inform them of Council's resolution.

1. Purpose of the Report

To advise Council of the State Council Meeting of the Municipal Association of Victoria (MAV) and to seek adoption of the proposed motions to be put forward to the State Council Meeting.

2. Background

The MAV will be convening its Annual State Council Meeting on Thursday 26 May 2011. The State Council is the body consisting of all the representatives of Victorian local governments which are financial members of the MAV, and the role of the State Council is to set high-level strategic direction for the MAV.

The State Council enables member Councils to put forward various motions for consideration by its members, and therefore enabling the MAV to make representation to various bodies on behalf of the local government sector.

Only Council's appointed representative is able to vote on behalf of Bayside at the State Council. Council's MAV representative is Cr James Long.

3. Discussion

It is suggested Council put forward a number of motions for the MAV to advocate on behalf of the sector.

1. Environmental Sustainable Design for State Government Buildings

That the MAV urges the newly elected State Government to demonstrate leadership in Environmental Sustainable Design (ESD) requiring consistent high ESD standards for all State government funded and constructed building projects.

2. Street Lighting

That the MAV requests the State Government to allocate additional funds to replace street lights with more energy efficient lights and urges the State Government to accelerate this important cost effective program.

3. Resource Recovery

That the MAV urges the State Government to urgently investigate alternatives for resource recovery and processing waste in light of recent difficulties encountered for the disposal of green waste to landfill.

4. Implications

4.1. Policy

There are no Bayside policy implications associated with this report.

4.2. Legal/Statutory requirements

There are no legal or statutory requirements applicable to this report.

4.3. Financial and resource implications

There are no financial or resource requirements applicable to this report.

4.4. Environmental impacts

The proposed resource recovery motion has a significant impact upon our community and the environment in general. Households currently sort their waste to provide uncontaminated green waste but the waste is currently being disposed in landfill, or is used for quarry rehabilitation.

The Street lighting replacement program also provides an opportunity to provide more energy efficient street lighting which reduces greenhouse emissions and Council's footprint.

4.5. Social impacts

There are no social impacts associated with this report.

5. Consultation and engagement

When the proposed motions have been tabled by the MAV, Councillors will be provided with a copy of all the proposed motions and some commentary prior to the State Council Meeting. This will provide the MAV representative with some assistance in the matters to be considered at the State Council meeting.

It is also intended that following the State Council meeting a report will be provided to Council on the outcome of Bayside's proposed motions/s.

6. Summary

It is recommended that Council endorse the notice/s of motions to the MAV for consideration at the State Council meeting to be held on Thursday 26 May 2010.

Recommendation

That Council submit the following notice/s of motions to the Municipal Association of Victoria for consideration at the State Council meeting to be held on Thursday 26 May 2011:

1. Environmental Sustainable Design for State Government Buildings

That the MAV urges the newly elected State Government to demonstrate leadership in Environmental Sustainable Design (ESD) requiring high ESD standards for State government funded and constructed building projects.

2. Street Lighting

That the MAV requests the State Government to allocate additional funds to replace street lights with more energy efficient lights and urges the State Government to accelerate this important cost effective program.

3. Resource Recovery

That the MAV urges the State Government to urgently investigate alternatives for resource recovery and processing waste in light of recent difficulties encountered for the disposal of green waste to landfill.

10.6 Australian Local Government Association - 2011 National General Assembly of Local Government

Corporate Services - Governance
File No: COR1234

1. Purpose of the Report

To advise Council of the Australia Local Government Association – 2011 National General Assembly of Local Government and to recommend that Council be represented at the Assembly.

2. Background

The Australian Local Government Association (ALGA) will once again be conducting its Annual General Assembly at the National Convention Centre in Canberra from 19-22 June 2011.

The Assembly is the major event on the annual local government events calendar and typically attracts representatives of more than 177 Councils including Mayors, Councillors and senior officers from across Australia.

The Australian Government is increasingly looking to local governments to play a role as partners in tackling the major issues facing the nation and the Assembly is the opportunity to make sure that local government views are represented.

This year the Assembly has identified three themes for which motions can be submitted. These themes are aimed at stimulating delegates to develop new ways of doing business, to better meet the needs of local communities. The theme for the motions relate to:

- Place – recognises that people live and work in specific locations and local communities. These places and communities differ geographically, culturally, economically and socially. A new approach is required to ensure that government programs are planned, coordinated and delivered to be more responsive to local needs.
- Position – refers to the need for local governments to be seen and treated as integral to the Australian federal system.
- Partnership – recognises that government service provision, including regulation is a shared responsibility.

The ALGA is calling for notices of motions from local governments and all notices of motions must be submitted to the ALGA by Friday 22 April 2011.

It should be noted that the previous Mayor Cr Clifford Hayes and Crs Frederico, Long and Cooper-Shaw attended the Assembly last year and put forward two notice of motions on behalf of Bayside City Council relating to Early Years Reform and Population Target, which were accepted and successfully carried by the Assembly.

3. Discussion

It is not intended to put forward a motion at the Assembly this year, given the main issues were put forward at the 2010 National Assembly.

However it is appropriate that the Mayor attend the Assembly to be involved in the national local government sector forum to hear and participate in the General Assembly. The Mayor Cr del Porto has expressed a desire to attend. The cost of the registration at the National Assembly is \$880 and approximate cost for accommodation is in the range of \$1,200.00 for a total of four nights, plus airfare at approximately \$380.00 return. The Mayoral attended will be in accordance with Council's Training and Development for Councillors and Attendance at Conference Policy.

4. Implications

4.1. Policy

The attendance of a Councillor at the National Assembly is in accordance with Council's policy.

4.2. Legal/Statutory requirements

There are no legal or statutory requirements applicable to this report.

4.3. Financial and resource implications

The cost associated with the attendance and travel of the Mayor at the National Assembly is provided within the current 2010/2011 budget.

4.4. Environmental impacts

There are no environmental impacts applicable to this report.

4.5. Social impacts

There are no social impacts applicable to this report.

5. Consultation and engagement

It is proposed that following the ALGA National Assembly the Mayor would make a report to Council on the outcomes from the National Assembly.

6. Summary

It is recommended that Council approves the attendance of the Mayor Cr del Porto at the ALGA National Assembly.

Recommendation

That Council approves the attendance of the Mayor Cr del Porto at the ALGA National Assembly to be held in Canberra from 19-22 June 2011.

1. Purpose of the Report

To present Council's financial results for the eight months to 28 February 2011.

2. Background

The following financial reports provide a summary and analysis of Council's financial performance for the eight months to February 2011. The reports are designed to ensure consistency with the 2010/11 Adopted Budget, compliance with statutory requirements and to measure Council's overall financial performance.

The reports include:

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

The report also includes the following detailed financial schedules:

- Income Statement (Attachment 1)

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

- Capital Projects (Attachment 2)

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

- Balance Sheet (Attachment 3)

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

- Cash Flow Statement (Attachment 4)

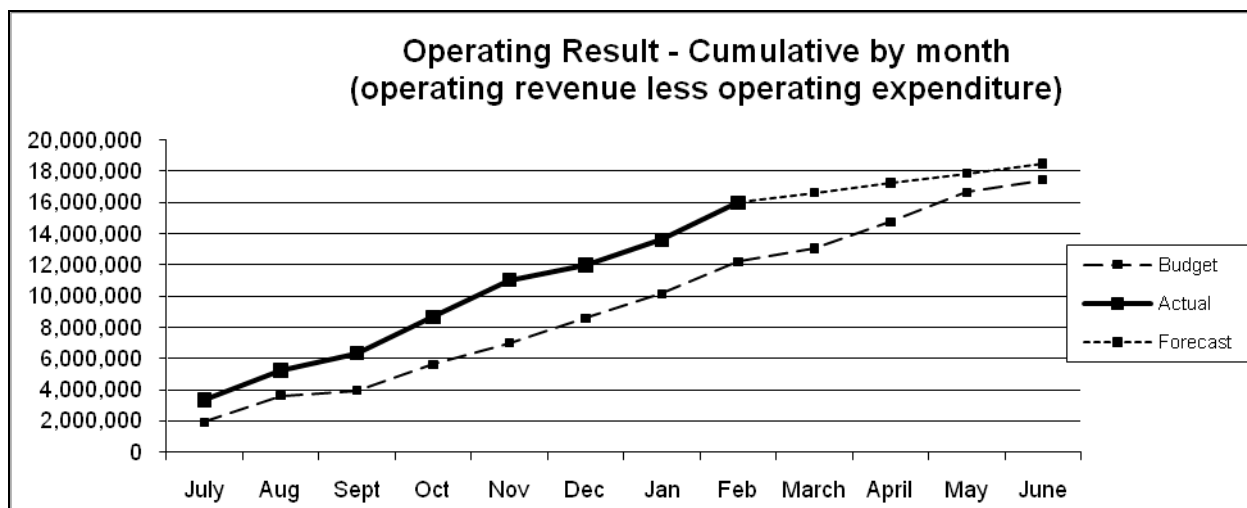
This report provides the status of Council's cash movements and cash position at the completion of the current month as well as the year end forecast.

3. Discussion

Summary of financial results

Operating Budget	YTD Budget \$000's	YTD Actual \$000's	YTD Budget Actual Variance fav.(unfav) \$000's	Adopted Budget 2010/11 \$000's	Current Forecast \$000's	Budget Forecast Variance \$000's
Operating Revenue	58,049	60,628	2,579	87,402	89,858	2,456
Operating Expenses	45,437	44,623	814	69,943	71,360	(1,417)
Net Operating Result	12,612	16,005	3,393	17,459	18,498	1,039
Cash Position	22,000	30,423	8,423	16,615	18,246	1,631
	YTD Adjusted Budget \$000's	YTD Actual \$000's	YTD Budget Actual Variance fav.(unfav) \$000's	Adjusted Budget 2010/11 \$000's	Current Forecast \$000's	Budget Forecast Variance \$000's
Capital Expenses	9,032	6,668	2,364	18,948	18,971	(23)
Capital Revenue	642	430	(212)	1,368	1,515	147
Net Capital	8,390	6,238	2,152	17,580	17,456	(124)

Operating Result



Operating Revenue

The favourable variance of \$2.579M is primarily due to the following increased income:

- Interest on investment income \$ 302,300
- Parking fines \$ 222,000
- Animal Management fines \$ 99,000
- Resort & Recreation Levy \$ 881,000
- Aged & Disability grants \$ 91,700
- Youth Services grant \$ 46,100
- Supplementary valuation rate income \$ 259,530

This is partly off-set by the following decreased income:

- Parking Ticket machines \$ 127,000

Operating Expenditure

The favourable variance of \$814M comprises lower than expected expenditure on the following:

- Materials and services \$ 694,200
- External Contracts \$ 260,900

The Materials and Services year to date under expenditure is attributed to a number of program areas that have minor variances. These have been analysed as part of the February budget forecast review and it is anticipated this area will be overexpended mainly due to recruitment, building maintenance, legal fees in the aged and disability services area which is partly offset by grant funding.

External contracts are under budget year to date mainly in the area of open space due to inclement weather conditions. The forecast is to be overexpended mainly in the area of footpath maintenance and traffic management. Corresponding non-salary budget expenditure will be reduced accordingly.

Net Operating Result

The year to date operating favourable variance of \$3.393M is a combination of the net operating revenue and expenditure as follows:

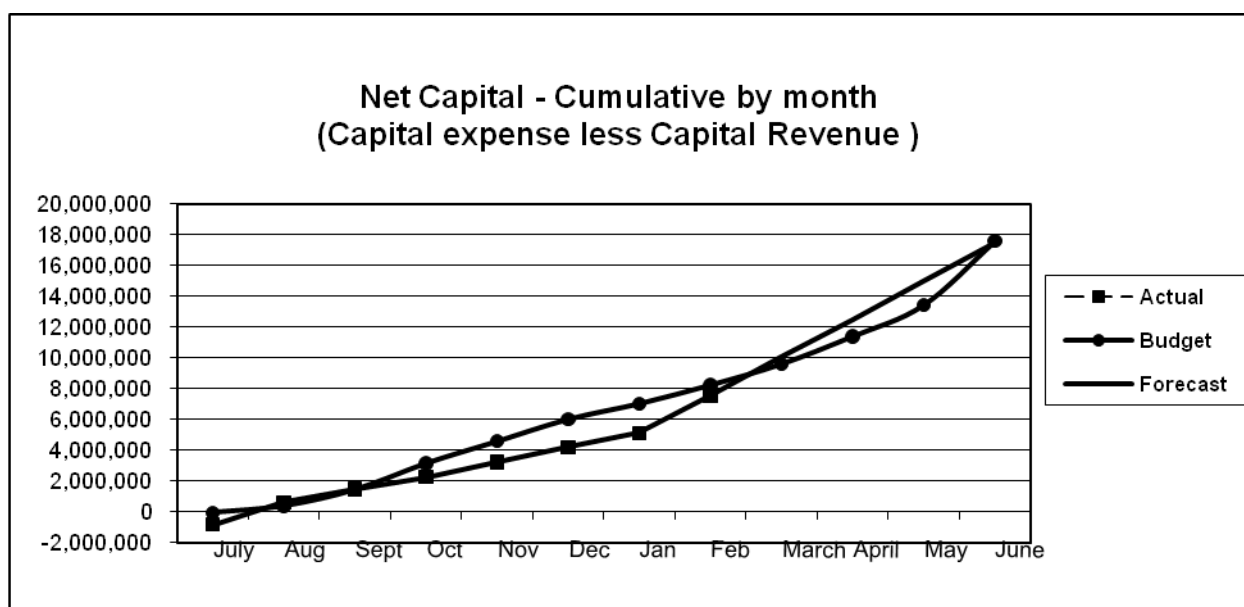
• Favourable Operating Revenue	\$ 2.579M
• Favourable Operating Expenditure	\$ 814M
• Net Operating Result	\$ 3.393M

The year end forecast operating favourable variance of \$3.039M is a combination of the net operating revenue and expenditure as follows:

• Favourable Operating Revenue	\$ 2.456M
• UnFavourable Operating Expenditure	\$ (1.417M)
• Net Operating Result	\$ 1.039 M

Note: Victoria Grants Commission income of \$581,363 was received at the end of the prior year for allocation to the current budget year. If this income had been received in July this year the favourable operating result would have been \$1,620,363.

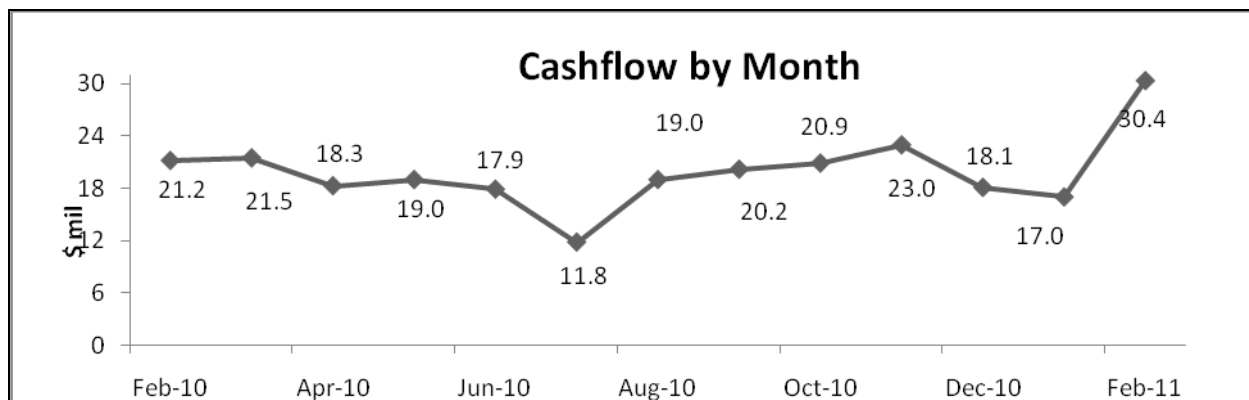
Capital Result



The 2010/11 adjusted budget includes a further \$2.397M in addition to the 2010/11 adopted budget that reflects the net amount of additional project works not completed by 30 June 2010 and carried forward into the 2010/11 year.

The capital projects reflect a net favourable budget variance of \$2,152K which comprise mainly of \$705K council buildings, \$1M road infrastructure, \$370K parks and sportsgrounds and \$69K drainage infrastructure over expenditure. This position will be monitored and managed.

Cash Position



The February cash position of \$30.0 million (an increase of \$13M from January) is reflective of prior year trends. The increase in cash on hand reflects the payments made prior to the 15 February rates payment deadline.

Victoria Auditor General Office (VAGO) Indicators

Indicator	VAGO Target (to maintain low risk)	Year end forecast
Liquidity (Current assets / Current liabilities)	> 1.0	1.41%
Self-financing (Net operating cash flow / Underlying revenue)	> 20.0	23.59%
Capital Replacement (Total Capital spend : Depreciation)	> 1.5	1.65
Indebtedness (Non-current liabilities/Own source revenue)	< 40.0%	20.35%
Underlying result (Net surplus/Revenue)	> 0	9.18
Renewal gap (Renewal capital spend:Depreciation)	> 1.0	1.0

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.

Capital Replacement - to ensure sufficient spending on capital renewal and new capital works.

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.

Renewal gap – to ensure sufficient spending on existing capital assets.

Operating Budget by Division

Division Results	YTD Budget 2010/11 \$000's	YTD Actual 2010/11 \$000's	YTD Budget Actual Variance fav./(unfav.) \$000's	Adopted Budget 2010/11 \$000's	Current Forecast \$000's	Budget Forecast Variance \$000's
Community Services	6,100	5,684	416	9,551	9,275	276
City Strategy	10,678	9,037	1,641	16,524	15,322	1,202
Infrastructure Services	6,193	5,744	449	9,496	10,052	(556)
Executive	2,154	2,110	44	3,288	3,419	(131)
Corporate Services	3,498	2,914	584	5,454	5,462	(8)
Rates	(41,235)	(41,494)	259	(61,773)	(62,028)	255
Operating result	12,612	16,005	3,393	17,459	18,498	1,039

Division	Reason for variance
Community Services	<ul style="list-style-type: none"> The favourable YTD variance relates to salary savings in the areas of children services. This is offset by earlier than expected payment of grants. Additional grants have been received for several programs, which will be offset by expenditure during the year.
City Strategy	<ul style="list-style-type: none"> The favourable YTD variance is attributed to the delay in contract works and beach cleaning due to the inclement weather conditions. Additional income for tree removal, planning fees and resort and recreation levy. In addition earlier than expected receipt of income for beach cleaning subsidy. This is partly offset by legal appeal costs relating to planning applications. The favourable forecast variance primarily relates to the projected increase in resort and recreation levy fees and lower external contractor costs.
Infrastructure Services	<ul style="list-style-type: none"> The favourable YTD variance is mainly due to higher than expected income from animal and parking fees. This is partly offset by an increase in general maintenance expenditure and costs for footpath maintenance. The unfavourable forecast variance primarily relates to footpath maintenance.
Executive	<ul style="list-style-type: none"> Lower than expected costs associated the delay in printing of major publications and training. The unfavourable forecast variance relates to staff recruitment expenditure.
Corporate Services	<ul style="list-style-type: none"> The favourable YTD variance is primarily due to additional investment interest, savings in bank charges, legal costs and insurances costs. The unfavourable forecast variance primarily relates to Victorian Grants Commission funding received in 2009/2010 and employee costs. This is partly offset by additional investment interest and savings in the insurance premium.

4. Implications

4.1 Policy

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.

4.2 Legal/Statutory 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.

4.3 Financial and resource implications

The forecast for the full year presents a favourable net operating result variance of \$1,039K.

4.4 Environmental impacts

There are no environmental impacts associated with this report.

4.5 Social impacts

There are no social impacts associated with this report.

5. Consultation and engagement

There is no consultation or engagement required with this report.

6. Summary

This report presents the financial result to 28 February 2011 and the forecast to 30 June 2011. It incorporates the results of the eight month forecast review, covering both operating and capital areas.

Recommendation

That Council notes the financial report for the eight month period ended 28 February 2011.

Income Statement February 2011
Attachment 1

favourable / (unfavourable)

	YTD Budget 2010/11 \$000's	YTD Actual 2010/11 \$000's	Budget Actual Variance fav./(unfav) \$000's	Adopted Budget 2010/2011 \$000's	Current Forecast \$000's	Budget Forecast Variance \$000's
OPERATING REVENUE						
Rates income	41,235	41,494	259	61,773	62,028	255
Operating grants and contributions	5,652	6,089	437	8,625	8,583	(42)
Fees & charges	6,235	6,365	130	9,967	10,028	61
Resort & recreation levy	700	1,581	881	700	1,900	1,200
Rental	2,272	2,321	49	3,314	3,341	27
Fines	1,248	1,696	448	1,890	2,460	570
Interest	707	1,082	375	1,111	1,511	400
Total services revenue	58,049	60,628	2,579	87,380	89,851	2,471
New Initiatives	0.0	0.0	0.0	22.0	7	15
Total operating revenue	58,049	60,628	2,579	87,402	89,858	2,456
OPERATING EXPENSES						
Employee costs	18,970	19,134	(164)	29,645	29,899	(254)
Materials and services	10,800	10,533	265	16,501	17,475	(974)
External contracts	14,054	13,834	220	21,297	21,641	(344)
Borrowing costs	813	811	2	1,183	1,179	4
Total services expense	44,637	44,312	325	68,626	70,194	(1,568)
New Initiatives	800	311	489	1,317	1,166	151
Total operating expenses	45,437	44,623	813	69,943	71,360	(1,417)
Operating result	12,612	16,005	3,393	17,459	18,498	1,039
Less Depreciation	7,669	7,672	(3)	11,509	11,074	435
Operating result after depreciation	4,943	8,333	3,389	5,950	7,424	1,474
Capital grants & contributions	642	430	(212)	1,368	1,515	147
Surplus/(Deficit)	5,585	8,763	3,177	7,318	8,939	1,621

Attachment 2
Capital Projects February 2011

favourable / (unfavourable)

	Adopted YTD Budget \$000's	Adjusted YTD Budget \$000's	YTD Actual \$000's	Adjusted Budget Actual Variance fav./ (unfav) \$000's	Adopted Budget 2010/2011 \$000's	Adjusted Budget 2010/2011 \$000's	Current Forecast \$000's	Adjusted Budget Forecast Variance \$000's
Expense								
Council Buildings	2,094	3,030	2,102	928	4,135	5,372	5,269	103
Foreshore and conservation	336	336	282	54	1,154	1,372	1,413	(41)
Information systems	238	238	198	40	583	657	720	(63)
Drainage infrastructure	259	280	349	(69)	1,835	2,045	2,298	(253)
Road infrastructure	3,309	3,308	2,365	943	5,475	5,485	5,576	(91)
Library systems	293	293	278	15	440	440	440	0
Parks and sportsground	1,408	1,547	1,094	453	2,929	3,577	3,255	322
Total expense	7,937	9,032	6,668	2,364	16,551	18,948	18,971	(23)
Revenue								
Council buildings	225	225	3	(222)	225	225	228	3
Foreshore and conservation	0	0	36	36	40	40	40	0
Roads infrastructure	232	232	289	57	483	483	524	41
Parks and sportsground	185	185	102	(83)	620	620	723	103
Total Revenue (Ext. Contrib.)	642	642	430	(212)	1,368	1,368	1,515	147
Council Buildings	1,869	2,805	2,100	705	3,910	5,147	5,041	106
Foreshore infrastructure	336	336	246	90	1,114	1,332	1,372	(40)
Information systems	238	238	198	40	583	657	720	(63)
Drainage infrastructure	259	280	349	(69)	1,835	2,045	2,298	(253)
Road infrastructure	3,077	3,076	2,076	1,000	4,992	5,002	5,052	(50)
Library systems	293	293	278	15	440	440	440	0
Parks & sportsgrounds	1,223	1,362	992	370	2,308	2,957	2,532	425
Net Capital	7,295	8,390	6,238	2,152	15,183	17,580	17,456	124

Adjusted Budget – Adopted Budget plus 2009/10 capital projects carried forward to the 2010/11 year

Attachment 3
Balance Sheet – period ended 28 February 2011

	12 mths Actual 30/06/2010 \$' 000	8 mths Actual 28/2/2011 \$' 000	12 mths Forecast 13/6/2011 \$' 000
Current assets			
Cash and cash equivalents	17,920	30,423	18,246
Trade and other receivables	3,887	16,855	2,962
Inventories	56	56	53
Other assets	599	113	432
Total current assets	22,462	47,447	21,693
Non-current assets			
Trade and other receivables	150	150	122
Property, plant and equipment, infrastructure,	1,768,246	1,767,241	1,776,092
Other assets	200	200	200
Total non-current assets	1,768,596	1,767,591	1,776,414
Total assets	1,791,058	1,815,038	1,798,107
Current liabilities			
Trade and other payables	7,641	3,982	6,328
Interest bearing loans and borrowings	2,000	0	1,500
Provisions	4,946	4,639	5,284
Trust funds and deposits	2,428	3,168	2,549
Income in advance	90	20,533	-
Total current liabilities	17,105	32,322	15,661
Non-current liabilities			
Interest bearing loans and borrowings	15,500	15,500	15,500
Provisions	769	769	921
Total non-current liabilities	16,269	16,269	16,421
Total liabilities	33,374	48,591	32,082
Net assets	1,757,684	1,766,447	1,766,025
Equity			
Accumulated surplus	328,110	336,873	335,800
Reserves	1,429,574	1,429,574	1,430,225
Total equity	1,757,684	1,766,447	1,766,025

Attachment 4
Cashflow – period ended 28 February 2011

	12 mths Actual 30/06/2010 \$'000 Inflows (Outflows)	8 mths Actual 28/2/2011 \$'000 Inflows (Outflows)	12 mths Forecast 30/06/2011 \$'000 Inflows (Outflows)
Cash flows from operating activities			
Receipts			
Receipts from ratepayers	57,758	48,981	62,190
Interest received	1,127	1,077	1,359
User charges (inclusive of GST)	16,157	12,047	18,830
Grants & contributions received (inclusive of GST)	11,253	7,247	10,815
Net GST refund	4,376	2,465	3,813
Payments			
Payments to employees	(27,434)	(19,910)	(29,746)
Payments to suppliers (inclusive of GST)	(44,710)	(30,843)	(46,220)
Net cash provided by operating activities	18,527	21,064	21,041
Cash flows from investing activities			
Payments for property, plant & equipment, infrastructure	(19,075)	(6,667)	(19,155)
Payment for disposal of fixed assets	(17)	-	-
Acquisition of investments	(200)	-	-
Net cash used in investing activities	(19,292)	(6,667)	(19,155)
Cash flows from financing activities			
Finance costs	(1,084)	(634)	(1,181)
Proceeds from interest bearing loans and borrowings	2,000	-	1,500
Repayment of interest bearing loans and borrowings	(2,000)	(2,000)	(2,000)
Proceeds from trust funds and deposits	87	740	121
Net cash used in financing activities	(997)	(1,894)	(1,560)
Net increase (decrease) in cash and cash equivalents	(1,762)	12,503	326
Cash and cash equivalents at the beginning of the period	19,682	17,920	17,920
Cash and cash equivalents at the end of the period	17,920	30,423	18,246
Unrestricted	11,806	24,309	11,320
Restricted-Long Service Leave & Reserve funds	6,114	6,114	6,926
	17,920	30,423	18,246
Cash and cash equivalents (including investments) consists of:			
Retail banks	8,000	15,000	
Community banks	5,000	7,000	
Statutory - long service leave	3,477	3,477	
Cash on hand and at bank	1,443	4,946	
Total cash and cash equivalents	17,920	30,423	
Total interest bearing loans and borrowings	17,500	15,500	17,000

1. Purpose of the Report

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

2. Background

Summary details for the four decisions handed down since the last Council Meeting are attached. Council's decision was upheld in one matter, overturned in one, and two matters were varied.

Appeals determined by VCAT 2010 – 2011

Month	Year	Upheld	Overturned	Other e.g. By consent or varied	Withdrawn	Total	VCAT Upheld Delegate/ Overturned Council
April	2010	3	2	4	0	9	0
May	2010	0	2	3	0	5	2
May2	2010	0	2	1	0	3	1
June	2010	2	4	1	0	7	2
July	2010	0	4	3	0	7	0
August	2010	0	2	0	2	4	0
August2	2010	2	2	0	1	5	0
September	2010	1	0	1	0	2	0
October	2010	1	3	2	0	6	2
November	2010	1	1	0	1	3	1
December	2010	1	4	6	0	11	1
February	2011	2	3	3	0	8	2
March	2011	1	1	2	0	4	0

Recommendation

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

Subject Site:	220-228 Bay Road, Sandringham
Application No.	2010/232/1
VCAT Reference No.	P2392/2010
Applicant:	228 Bay Road Pty Ltd
Respondent:	Carola Glatz and others (see VCAT order)
Before:	Anthony Liston, Senior Member Gregary Chase, Member
Date of hearing:	24, 25, 26 & 29 November 2010
Date of order:	20 December 2010
Proposed:	Construction of buildings and associated works, the use of the land for accommodation (serviced apartments), medical centre, shop, food and drink premises (cafe), and office, a reduction in required car parking, bicycle and loading facilities and the removal of native vegetation
Officer recommendation:	Not Support
Council determination:	Not Support
Review type:	Failure to Grant
Plans substituted prior to hearing?	Yes – Substitute plans did not address all the issues raised by Council
VCAT decision	Permit to issue - Conditions not imposed to address the issues raised by Council

Subject Site:	21 Parkview Crescent, Hampton East.
Application No.	2010/15
VCAT Reference No.	P2203/2010
Applicant:	Ian Wilson
Respondent:	Tina & Richard De Mont
Before:	Member Fong
Date of hearing:	15 February 2011
Date of order:	1 March 2011
Proposed:	Alterations and Additions (including a first floor) to an existing dwelling on a lot less than 500 square metres
Officer recommendation:	Notice of Decision to Grant a Permit
Council determination:	N/A
Review type:	Notice of Decision to Grant a Planning Permit
Plans substituted prior to hearing?	No
VCAT decision	Permit to issue - VCAT upheld Council's decision

Subject Site:	325 Beach Road, Black Rock.
Application No.	2010/93
VCAT Reference No.	P3456/2010
Applicant:	Douglas Mc Kinall
Respondent:	Vic Roads
Before:	Member Code
Date of hearing:	9 March 2011
Date of order:	9 March 2011
Proposed:	Four dwellings in a three (3) storey building plus basement.
Officer recommendation:	Notice of Decision to Grant a Permit
Council determination:	Notice of Decision to Grant a Permit
Review type:	Conditions
Plans substituted prior to hearing?	Yes Applicant submitted Revised Plans showing access to the basement which were to Vic Roads' satisfaction
VCAT decision	Varied permit to issue to reflect the changes to conditions agreed upon by all parties.

Subject Site:	64 Red Bluff Street, Black Rock.
Application No.	2010/170
VCAT Reference No.	P2879/2010 & P3196/2010
Applicant:	Hill Sustainable Designs Pty Ltd
Respondent:	Giuseppe Stranieri & L and J Kokoras
Before:	Member G Rundell
Date of hearing:	3 March 2011
Date of order:	15 March 2011
Proposed:	Construction of two (2) double storey dwellings and the removal of vegetation in a <i>Vegetation Protection Overlay Schedule 3</i> .
Officer recommendation:	Notice of Decision to Grant a Permit
Council determination:	Notice of Decision to Grant a Permit
Review type:	Appeal by the Applicant against Conditions. And Appeal by the Objectors against Council's Notice of Decision.
Plans substituted prior to hearing?	No
VCAT decision	Varied permit to issue

1. Purpose of the Report

This report presents to Council a schedule of actions pending for the period to March 2011.

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 Awaiting Report for the period to March 2011.

10.9 **Council Action Awaiting Report**

Corporate Services - Governance

File No: FOL 1234

DATE OF MEETING		COUNCIL RESOLUTION	RESPONSIBLE OFFICER	COMMENTS/STATUS
19.09.05	200GC	Open space contribution 1. That the report on open space contributions at time of subdivision of land be received. 2. That a planning scheme amendment be drafted to give effect to Option 3 – Introduction of Sliding Scale and Additional Criteria into the Schedule to Clause 52.01 of the Bayside Planning Scheme. 3. That a further report be presented to Council when the amendment has been drafted.	DCity	Presented to Councillor Briefing in April 2006 To be considered in conjunction with the Open Space Review. A draft position on Open Space Contributions has been included in the Draft Open space Strategy which is currently being exhibited.
24.10.06	10.1	<u>NOM 141 – Mandatory 2 Storey Height Controls for land identified in Design and Development Overlay 2</u> Noting that in Bayside the creation of nett new dwellings over the past 10 years has well exceeded the rate required to achieve the Melbourne 2030 estimated opportunities set out in the Southern Region Housing Statement, which Council has endorsed, of accommodating 6100 nett new dwellings in Bayside by 2030, and that Council in accordance with previous decisions is pursuing a mandatory 2 storey height limit for Residential 1 zoned land within the four Major Activity Centres in Bayside, that a report be presented to Council for the introduction of an amendment to the Bayside Planning Scheme to impose a mandatory 2 storey height control for land identified in Design and Development Overlay 2 (DDO2) to replace the current 2 storey permit threshold under that DDO.	DCity	Councillors briefed in December 2006. To be reported in conjunction with the Housing Strategy. Subsequently, it has been necessary to approach development of the Housing Strategy in the context of the State Government's Melbourne @ 5 million report. Bayside has participated as a pilot in a Department of planning and community development study evaluation models for establishing Housing Growth Requirements. Council is currently undertaking its own modelling in completing a draft Housing Strategy.

DATE OF MEETING		COUNCIL RESOLUTION	RESPONSIBLE OFFICER	COMMENTS/STATUS
29.7.08	10.2	<p><u>Notice of Motion 166 – Kindergarten Services</u></p> <p>That a report be presented to the General Committee on Council's role in the provision of kindergarten services, including suggested measures for ensuring the sustainable supply of sufficient kindergarten premises to meet demand in Bayside.</p>	DCom	Councillors have been briefed on 9 June and 20 July , and report was submitted to Council on 31 August 2010 regarding Children's Services planning. A report summarising reviews to date and ongoing approach to kindergarten services will be submitted in February 2011.
24.3.09	Gen 4.8	<p><u>Development Contributions Plan</u></p> <p>That Council be presented with a report following the completion of exhibition of the planning scheme amendment.</p>	DCity	Upon completion of exhibition a report will be submitted to Council. Conditional authorisation was received on 14 January 2011. It is proposed to submit a report to Council in May 2011.
22.9.09	Gen 4.7	<p><u>Community Engagement Framework – Presentation for Adoption.</u></p> <p>That Council:</p> <ol style="list-style-type: none"> 1. endorse the community engagement framework and the progressive implementation of the framework; and 2. after 12 months and following further community consultation, receives a report on the framework reviewing its content and its implementation 	MC&E	Report to Council is now expected in March 2011.

28.9.10	10.3	<p><u>Bay Road Sandringham – Petition for signals at school crossing</u></p> <p>That Council be provided with a further report following the conclusion of the trial of the kerb outstand works.</p>	DInf	Report to be submitted to Council in October 2011.
26.10.10	10.9	<p><u>Ecological Burn and Post-Burn Bushland Management Policy</u></p> <p>That Council receives a further report on April 2011 on the policy following the consultation period.</p>	DCityS	Report to be submitted to Council in April 2011.
13.12.10	10.8	<p><u>Bayside 2020 Community Plan</u></p> <p>That council approves the draft Bayside 2020 Community Plan for the purposes of public exhibition for a period of two months with a view to receiving a finalised document incorporating an Implementation Framework, to be presented to Council in the New Year.</p>	EMC&CS	Report to be submitted to Council in March 2011.
13.12.10	10.9	<p><u>Bayside Planning Scheme Review</u></p> <p>That Council receives a further report once the feedback from the community engagement has been completed.</p>	DCityS	Report to be submitted to Council in July / August 2011
13.12.10	10.11	<p><u>Vegetation Controls in Residential Areas</u></p> <p>That Council:</p> <p>Receives a further report presenting the recommendations from the review once completed with a view to releasing the report for community consultation for a period of one month prior to making a formal determination on the matter:</p> <p>Receives a further report outlining the proposed project brief scope for developing 'Bayside-wide Vegetation Retention Controls' at the March 2011 Ordinary Meeting.</p>	DCityS	<p>Expression of interest for the appointment of a consultant has commenced.</p> <p>Report will be submitted to Council depending on the appointment and delivery of work as proposed in part 1 above,</p>

8.2.2011	10.3	<p><u>Request for 50 km/h electronic speed signs – Cochrane Street Brighton</u></p> <p>That Council:</p> <p>2 evaluates overall support from all residents of Cochrane Street for the removal of the speed cushions by conducting a survey of all relevant properties from Bay Street to Nepean Highway;</p> <p>3. receives a further report on the outcomes of the survey.</p>	DInFS	Report to be submitted to Council following the results of the survey.
8.2.2011	10.4	<p><u>Petition – Warleigh Grove – Proposed North Brighton Park</u></p> <p>That Council officers investigate and report on the relative deficiencies of open space by suburb within Bayside.</p>	DCityS	To be considered in conjunction with the Open Space Strategy to be considered by Council on 8 March 2011.
8.2.2011	1.21	<p><u>Urgent business – Roof Decks in the DDO Schedule 2</u></p> <p>That a report be provided to Council to consider the merits of seeking authorisation from the Minister for Planning to prepare an amendment to the Bayside Planning Scheme to vary the Design and Development Overlay, Schedule 2 (DDO2) by including a planning permit requirement for a roof deck, including design and siting requirements for a roof deck and include the definition of a roof deck, similar to the requirements that currently form part of the Design and Development Overlay, Schedule 1 (DDO1).</p>	DCityS	Report to be reported submitted to Council in May 2011.
8.3.2011	7.1	<p><u>Petition – Brickwood Street Brighton</u></p> <p>That the petition be received and a report be submitted to Council on this matter.</p>	DInF	Report to be submitted to Council in May 2011.
8.3.2011	7.2	<p><u>Petition – Concourse Shopping Centre</u></p> <p>That the petition be received and a report be submitted to Council.</p>	DInF	Report to be submitted to Council in May 2011.

8.3.2011	10.3	<p><u>Street and Park Tree Management Policy</u></p> <p>That Council receive a report on the revised Bayside Tree Strategy and Proposed Street and Park Tree Management Policy in July 2011.</p>	DCityS	Report to be submitted to Council in July 2011
8.3.2011	10.7	<p><u>Eco-Living Centre</u></p> <p>That Council investigates the provision of web-based, online communication tools for information and advice on ecologically sustainable living resources including information about Council program and initiatives and provide a further report on the outcomes of this investigation to the Council meeting in July 2011.</p>	DCityS	Report to be submitted to Council in July 2011.
8.3.2011	13.1	<p><u>NOM – 194 – Royal Avenue Tennis Facilities</u></p> <p>That Council receive a report n the May cycle on the Royal Avenue Tennis facilities in relation to the condition of the courts and facilities and the intentions of the current tenant, in the wider context of Council's Tennis facilities and strategies.</p>	DCom	Report to be submitted to Council in May 2011
8.3.2011	1.32	<p><u>NOM 195 – Reward increase for vegetation vandalism</u></p> <p>That Bayside City Council conduct a review of its Tree Vandalism Reward Policy (27 March 2007) to determine the effectiveness of the reward criteria and the levels of monetary reward and that a revised polci be presented to Council on 24 May 2011. The review to include due consideration of increasing the reward amounts for information that leads to conviction for vandalism of vegetation in Bayside in general and the Bayside foreshore in particular.</p>	DCityS	Report to be submitted to Council in May 2011.

11. Reports by Delegates

Reports by Delegates from the following organisations

1. Association of Bayside Municipalities – Cr Norris
2. MAV Strategic Environment Advisory Group – Cr Hayes
3. Metropolitan Transport Forum – Cr Russell
4. Municipal Association of Victoria – Cr Long
5. Victorian Local Governance Association – Cr Norris
6. Inner South Metropolitan Mayors' Forum – Cr del Porto
7. Metropolitan Waste Management Forum – Cr Long

12. Urgent Business

13. Notice of Motions

- 13.1 Notice of Motion No: 196 – Review of Railway Zone 1
- 13.2 Notice of Motion No: 197 – CSIRO Highett Site Grassy Woodland

13.1 **Notice of Motion 196 - Review of Railway Zone 1**

Corporate Services - Governance
File No: FOL1234

I hereby give notice that I intend to move at the Ordinary Meeting of Bayside City Council to be held on Tuesday 29 March 2011, the following motion:

‘That Council write to the Minister for Transport and to local State members of parliament reiterating previous requests from Council and the MAV for the State Government to review the railway zone 1 system in order to encourage greater usage and relieve pressure on zone one municipalities and their local road networks’.

Signed Cr Felicity Frederico

13.2 **Notice of Motion 197 - CSIRO Highett Site Grassy Woodland**

Corporate Services - Governance

File No: FOL 123

I hereby give notice that I intend to move at the Ordinary Meeting of Bayside City Council to be held on Tuesday 29 March 2011, the following motion:

'In view of the recognition of the Highett Grassy Woodland in the Bayside Planning Scheme, the findings in the draft Open Space Strategy, and the forthcoming disposal of the CSIRO Highett site, Council resolves to:

1. advocate urgently for the retention of substantial areas of the CSIRO Highett site to provide for the conservation – as naturally as possible – of the very significant vegetation community and passive recreation, together with appropriate access.
2. be prepared to accept such areas into the Council's ownership and management
3. pursue advocacy on this basis, to relevant State and Federal Ministers and Members of Parliament, including through deputations
4. receive a further report on this matter at the earliest opportunity, given the possibility of this matter advancing rapidly'.

Signed Cr Michael Norris

Ordinary Meeting of Council 29 March 2011

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

There were no items of confidential business submitted to the meeting.

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