Council Meeting

to be held remotely and live streamed via Council’s website

Tuesday 15 February 2022 at 6:30pm

Agenda
Chair: Cr Alex del Porto (Mayor)

Councillors: Cr Sonia Castelli  
Cr Hanna El Mouallem (Deputy Mayor)  
Cr Laurence Evans OAM  
Cr Clarke Martin  
Cr Jo Samuel-King MBBS  
Cr Fiona Stitfold

**Important Notice**

In response to the ongoing COVID-19 pandemic, **Council and Planning and Amenity Delegated Committee meetings will be held without members of the public present**; however, meetings will continue to be live-streamed via Council's website:

**Live-stream the meeting**

*This protocol is currently under review in line with government advice – with a view to welcoming the community back to the Council Chamber as soon as is practicable.*

**Alternative arrangements are in place** for members of the community to **be heard** in relation to eligible items listed on the agenda, or to **submit a public question**, via the following links:

**Requests to be heard (Provide a Written Statement)**

**Ask a question at a Council Meeting**

For further information, please speak with the Governance office on 9599 4444.
Order of Business

1. Prayer
2. Acknowledgement of Country
3. Apologies
4. Disclosure of Conflict of Interest of any Councillor
5. Adoption and Confirmation of the minutes of previous meeting
6. Public Question Time
7. Petitions to Council
   There were no petitions submitted to the meeting.
8. Minutes of Advisory Committees
   8.1 Records of meetings held under the auspices of Council............ 7
9. Reports by Special Committees
   There were no reports by special committees submitted to the meeting.
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11. Reports by Delegates

12. Urgent Business

13. Notices of Motion

There were no notices of motion submitted to the meeting.
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 Country**

   ♦ Bayside City Council proudly acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners and Custodians of this land, and we pay our respects to their Elders, past, present and emerging as well as any Aboriginal or Torres Strait Islander community members with us today.
   ♦ Council acknowledges the Bunurong’s continuing relationship to the land and waterways and respects that their connection and spiritual identity is maintained through ancient ceremonies, songlines, dance, art and living culture.
   ♦ Council pays tribute to the invaluable contributions of the Bunurong and other Aboriginal and Torres Strait Island Elders who have guided and continue to guide the work we do.

3. **Apologies**

4. **Disclosure of 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 21 December 2021.

6. **Public Question Time**

7. **Petitions to Council**

   There were no petitions submitted to the meeting.
8. Minutes of Advisory Committees

8.1 RECORDS OF MEETINGS HELD UNDER THE AUSPICES OF COUNCIL

Executive summary

Purpose and background
The purpose of this report is to formally report to Council on the records of meetings held under the auspices of Council in accordance with Section 131 of the *Local Government Act 2020* and Council’s Governance Rules.

Key issues
This report fulfils the requirements of reporting on the records of meetings held under the auspices of Council to the next practical Council meeting in accordance with the *Local Government Act 2020* and Council’s Governance Rules.

Recommendation
That Council notes the records of meeting/s held under the auspices of Council as required by the *Local Government Act 2020* and Council’s Governance Rules:

- 1 February 2022 Councillor Briefing.

Support Attachments
1. Record of meeting held under the auspices of Council - 1 February 2022 Councillor Briefing
### Meeting Information

<table>
<thead>
<tr>
<th>Meeting Name/Type</th>
<th>Councillor Briefing</th>
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<tr>
<td><strong>Meeting Date</strong></td>
<td>1 February 2022</td>
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<td><strong>Start Time</strong></td>
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**Matters discussed**

- Domestic Animal Management Plan (DAMP) - 2021 Community Research Findings
- Urban Forest Strategy
- Draft Post-War Modern Residential Heritage Study - Targeted Consultation
- Draft Bayside Parklet Policy
- Draft Footpath Trading Policy 2022-25
- Outcome from community engagement on defining character in Bayside's General Residential Zones
- Pre-tender commitment to Procurement of South East Metropolitan Advanced Waste Processing (SEMAWP)
- Project Update - Community Sporting Facilities at Sandringham College
- Draft Innovate Reconciliation Action Plan
- Response to Notice of Motion - 315 - Wildlife-friendly Gardens and Naturestrips
- Response to Notice of Motion - 317 - Noisy Miner Project - restoring the balance
- Proposed Amendment to Council Resolution regarding outcomes of Community Engagement - Wilson Recreation reserve - Brighton Grammar Proposal

### Attendees

**Councillors**

- Mayor, Cr Alex del Porto
- Cr Hanna El Mouallem (Deputy Mayor)
- Cr Laurence Evans OAM
- Cr Clarke Martin
- Cr Jo Samuel-King MBBS
- Cr Fiona Stitfold

**Staff**

- Mick Cummins – Chief Executive Officer
- Jill Colson – Director Corporate Services
- Bryce Craggs – Director Community and Customer Experience
- Matthew Cripps – Director City Planning and Amenity
- Adam McSwain – Director Environment, Recreation and Infrastructure
- Juliana Aya – Manager Urban Strategy
- Terry Callant – Manager Governance
- James Roscoe – Manager Climate, Waste and Integrated Transport
- Damien Van Trier – Manager Open Space, Recreation and Wellbeing
- Tom Vercoe – Strategic Planning Coordinator

**External Guests**

- Nil
## Apologies

| Councillors | Cr Sonia Castelli |

## Conflict of Interest disclosures

<table>
<thead>
<tr>
<th>Matter No</th>
<th>Councillor making disclosure</th>
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<tbody>
<tr>
<td>Item 4.4 – Draft Bayside Parklet Policy</td>
<td>Cr Hanna El Mouallem</td>
<td>Yes</td>
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<td>Item 4.5 – Draft Footpath Trading Policy 2022–25</td>
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9. Reports by Special Committees

There were no reports by special committees submitted to the meeting.
10. Reports by the Organisation

10.1 BAYSIDE URBAN FOREST STRATEGY 2022–40

Executive summary

Purpose and background

The purpose of this report is to present Council with the final changes made to the Bayside Urban Forest Strategy and present the document alongside its accompanying Background Report, and the results from the community consultation process for consideration.

Following public consultation on the draft, officers have been incorporating further amendments to the draft Strategy to ensure it holistically considers the importance of biodiversity, strengthens the role of community and clarifies the goals and targets in the Strategy.

Key issues

Officers have made amendments to the draft Strategy with a particular focus on the following areas, with a summary of key changes provided below.

- **Ecology and Habitat**
  Council officers have more broadly incorporated the importance of ecology and habitat connectivity as a key driver of the Urban Forest Strategy. This has been embedded throughout the document, the strategic direction, key challenges to respond to as well as objectives and actions of the Strategy.

- **Community sentiment and buy-in**
  Changes have been made in relation to the language used to recognise the important role our community has in ensuring the successes of the Strategy and that the actions of this Strategy are in benefit of our current and future residents.

- **Canopy and Understorey Cover Targets**
  A key concern with the target specified in the earlier draft Strategy was the focus on a target relating to canopy tree provision where it was seen to overlook the importance of ecology, habitat connectivity and biodiversity improvement opportunities. While an increase in trees will provide great benefits, the increase in other forms of vegetation cover is just as important to improve habitat connectivity and overall improved biodiversity functions throughout Bayside.

  As previously discussed, Council is not currently able to monitor increases or losses to vegetation cover (aside from trees) through its Urban Tree Monitoring Tool. The methodology utilised to capture tree canopy cover does not have the capacity to capture understorey vegetation. This information will need to be captured through the Urban Tree Monitoring Tool and will require expansion on its currently functionality to ensure vegetation cover below 3 metres in height can be monitored. Further analysis is required to determine the best way to record and measure this data, which is scheduled to commence from year 3 (2023–24) onwards to enable the research and analysis required to inform a meaningful target.
Implementation
A range of actions have been revisited to ensure that there are achievable, meaningful measures in place to realise the outcomes from the Strategy. Some of the priority actions to commence in Year 1 of the Strategy include:

- a planning scheme amendment to implement the Strategy into the Bayside Planning Scheme
- preparation of suburb based Urban Forest Precinct Plans, guiding the outcomes from the Urban Forest Strategy at a local level
- ensure the delivery of a minimum of 2,200 trees per annum
- investigate opportunities for new open space to create new pocket parks and green spaces
- completion of the Park Improvement and Habitat Linkage Plan
- increasing species diversity in the vegetation planted by Council
- review the Bayside Landscape Guidelines
- investigating the health of trees and the effectiveness of Tree Protection Zones.

There are a range of additional actions scheduled throughout the first four years of the Strategy, with the actions to be revisited in Year 4 (2024–25) following completion of the initial action plan.

Recommendation
That Council:

1. adopts the Bayside Urban Forest Strategy 2022–40 (Attachment 1)
2. considers the financial costs of implementing the Urban Forest Strategy as part of the 2022–23 budget process
3. writes to all participants to thank them for their contribution in assisting the preparation and completion of the Strategy.

Support Attachments
1. Final Urban Forest Strategy 2022 (separately enclosed)
2. Final Urban Forest Background Report 2022 (separately enclosed)
Considerations and implications of recommendation

Liveable community

Social
The Urban Forest Strategy will address a broad range of environmental issues resulting in a cooler, greener, and improved urban environment in which the community can participate and interact socially.

Natural Environment
The Urban Forest Strategy discusses the role of trees as part of a natural system and in the context of the emerging threat of climate change impacts. Biodiversity and habitat are important components of a healthy urban forest. Bayside has pockets of particularly rich vegetation character, which is highly valued and should continue to be preserved and enhanced.

Climate Emergency
The implementation of the Urban Forest Strategy is a key action identified in the Climate Emergency Action Plan 2020–25. The implementation of the Strategy is directly related to action in relation to Council’s declaration of a climate emergency and will instil the planning for a more resilient city, with the appropriate measures in place to prepare and adopt to the changing climate.

Built Environment
Housing Growth and construction activity on private property is continuing to impact the tree population on private property. The Urban Forest Strategy seeks to implement measures to reduce this impact and improve the retention of trees on private property.

Customer Service and Community Engagement
Key stakeholders and the broader community provided input into the Strategy and recommended actions during this engagement period. The engagement methods included:

- presentations to key stakeholders / interest groups
- Council officers’ availability to provide one-on-one meetings
- the project page on the Bayside Have Your Say website
- responding to correspondence received through email and Have Your Say website
- promotion on various social media channels and network.

There were 11 submissions received regarding the Draft Strategy as well as 524 survey responses. All but one submission outlined support for the Draft Strategy, with one considering the Strategy lacked detail; however, made several recommendations to assist. Feedback from the survey was mostly supportive and has been outlined in the attached Community Engagement Summary Report.
**Human Rights**

The implications of the report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

**Governance**

Officers involved in the preparation of this report have no conflict of interest.

**Legal**

There are no legal implications arising from consideration of this report.

**Finance**

There will be budget implications arising from implementing the actions outlined in the Urban Forest Strategy. Council’s financial contribution made annually to ensure the delivery of the strategy will be affected by how various aspects of the vegetation planting program are delivered. Public street tree planting, landscaping associated with capital projects, and support for planting on private property will impact on the specific costs, which will need to be considered as part of the annual budget process.

There are a range of other actions that are proposed to be funded through the Strategy, expected to be in the order of $250 to 500k per annum (though officers have only prepared a four-year action plan to date). This excludes the tree planting targets.

In order to increase tree planting to achieve 2,200 trees per annum, it is anticipated that $350,000 per annum will be required (minimum). Council will explore opportunities for other sources of funding to assist in further tree and vegetation planting initiatives throughout the four-year period to reduce Council’s financial contributions.

**Links to Council policy and strategy**

**Community Vision 2050**

The draft Urban Forest Strategy aligns with the *Community Vision 2050*, particularly Theme 1: Living Environment/Natural Environment. Within this Theme, Priority 1.2 is of relevance and aligns with the strategic objectives of the draft Urban Forest Strategy, which seeks to *‘Protect the coast, land and sea through measures such as increased tree planting, sensitive landscaping and enhanced pedestrian connections with nature, planning for the effects of extreme weather’*.

**Council Plan 2021–25**

The Council Plan 2021–25 has four key goals; Our Planet, Our People, Our Place, Our Promise. The climate emergency is a key discussion of Goal 1: Our Planet. The following strategic objectives align with this Urban Forest Strategy:

1.1 Lead and influence change to address the Climate Emergency and strive to reduce its impact on the health of our community, environment and the planet.

1.2 Protect and enhance our natural and coastal environments, biodiversity and unique ecosystems

1.3 Improve environmental sustainability through a circular economy approach to waste management, recycling and energy use.

A major initiative of Goal 1: Our Plant is to adopt and implement the Urban Forest Strategy.
Bayside Community Plan 2021
The Urban Forest Strategy aligns with the following domains of liveability and community aspirations relating to:

- **Open Space:** Bayside will be a better place when:
  - the right trees are planted in public spaces, so they don’t need to be removed because of property damage
  - the use of chemicals to control weeds is minimised
  - mature trees and garden landscapes are protected and enhanced

- **Environment:** Bayside will be a better place when:
  - indigenous planting is increased along the foreshore and public areas
  - new developments retain established trees and plant new trees
  - mature trees and garden landscapes are protected and enhanced.

**Climate Emergency Action Plan 2020–25**
A key action set through the Climate Emergency Action Plan is the implementation and delivery of the Urban Forest Strategy by 2025.

**Bayside Biodiversity Action Plan 2018–27**
The Biodiversity Action Plan provides specific actions to implement the strategic objectives of the Environmental Sustainability Framework 2016–25 and identifies a range of actions to maximise conservation and habitat diversity and connectivity as well as the increase of tree canopy cover to reduce heat island effects, provide shade and improve overall amenity.
10.2 DRAFT BAYSIDE PARKLET POLICY

City Planning and Amenity - Urban Strategy
File No: PSF/22/35 – Doc No: DOC/22/28970

Executive summary

Purpose and background
The purpose of this report is to present Council with the findings from the community consultation in relation to the Spacelet Program and endorse the Draft Parklet Policy for the purposes of community consultation and engagement.

Background
On 14 September 2020, the Victorian Premier formally announced the ‘Taking to the Footpaths: Getting Ready for Outdoor Dining’ campaign accompanied by the ‘Outdoor Eating and Entertainment Package’. The program was established in response to the COVID-19 pandemic and impact on the local economy through the extended lockdowns severely affecting the hospitality industry. Outdoor dining and footpath expansion opportunities were key outcomes of the Bayside Local Economy Recovery Plan which guided reactivation and recovery initiatives. The consideration of options to facilitate outdoor dining opportunities started in advance of the above Government announcements and by the start of summer 2020 Council had installed 15 Spacelets across the municipality, a marquee at the Beaumaris Concourse and an outdoor takeaway dining area at the Black Rock foreshore.

Given the temporary nature of the funding provided and the limited time available deliver the program in a timely and cost-effective manner, the Spacelets were constructed on site, using light materials that enable a quick assemble and removal process to minimise further impact on businesses.

The start of the warmer weather conditions provided opportunities to embrace the indoors out in the open air as we adapted to new ways of gathering and enjoying dining out under the new COVID normal and the Spacelets where generally embraced and well received by the community.

At the Ordinary Meeting of Council of 14 September 2021, Council considered Notice of Motion 313 and resolved to:

1. undertake an audit of the conditions of all of the Spacelets to ensure they are fit for purpose and all risk issues are addressed
2. continue the Spacelet program until 31 March 2022 to align with the marquee installation at the Beaumaris Concourse
3. enter into new agreements with the businesses that wish to continue with Spacelets outlining the terms of use and including the opportunity for creative shared use arrangement for all traders irrespective of location within the Activity Centre
4. undertake the review of the Spacelet program and report the findings to the February 2022 Council Meeting. The review is to:
   a. undertake comprehensive community wide consultation process to ascertain community and businesses attitudes to Spacelets in the activity centres
   b. seek an understanding of the usage and economic impacts of the Spacelets associated with the relevant businesses
c. understand the safety and compliance requirements for the ongoing delivery of the program

d. understanding of the community preference for the use of the parking spaces (Spacelet, parking or other purposes)

5. explore opportunities to introduce short term parking within Bayside’s Major Activity Centres to support “Click and Collect” and “Food Delivery Services” and their associated promotion to support all traders. This should also be considered as part of the Car Parking Strategy being undertaken in 2021–22

6. notify all business that the program is to be extended till March 2022

7. estimate the costs of the program extension being $60K be funded from the Victorian Government grant and from the Activity Centres Events and Celebrations budget

8. refer the review of the footpath trading guidelines to the February 2022 Council Meeting to align with the Spacelets review

9. alleviate parking pressures in Melrose Street, immediately removes the double Spacelets in front of 33 – 35 Melrose Street (bookstore) and reduces the size and relocates the spacelet from the front of 15 – 17 Melrose Street to the front of 19 Melrose Street.

All the actions outlined in the above resolution have been undertaken or are being progressed. The audit of the existing Spacelets has identified that they will need to be removed due to the nature of material used or undergo significant maintenance works, as have effectively come to the end of their ‘useful life’.

Extensive consultation has been undertaken to gauge community and local businesses views on Spacelets in Activity Centres and getting an understanding of implications if they were to become an ongoing feature on the street.

An analysis of the community consultation and Spacelet Program was also conducted by Council appointed consultants SALT, who considered the benefits and implications of the current Spacelets and formed recommendations for the long-term implementation program in Activity Centres resulting in the development of a Draft Parklet Policy.

Officers have referred to the temporary spaces created to facilitate outdoor dining opportunities as Spacelets. If Council, was to move to the provision of more permanent structures which changed the use of existing parking spaces it is recommended that the term is changed to ‘parklet/s’ to reflect industry standards.

The outcomes of the consultation and analysis of the program to inform the Draft Parklet Policy is provided in Attachment 4.

**Key issues**

The ongoing COVID-19 pandemic has highlighted the importance that extended outdoor trading plays in assisting hospitality businesses to remain viable. Enabling opportunities to operate in a safe environment support retention of employees and generation of income.

The requirements for social distancing and mask wearing have meant that patrons have preferred the “al fresco” to indoors. With current and potential future outbreaks, it is likely that the demand for outdoor dining will remain strong for the foreseeable future.
Community Consultation

The purpose of the engagement program was to gain an understanding of community views in relation to the Spacelet program and of the marquee at Beaumaris Concourse and support for its potential continuation.

The engagement took place between 18 November to 16 December 2021. A total of 841 submissions were received through the Have your Say Page and 136 intercept surveys completed.

The engagement process was open to all members of the Bayside community, including individuals or groups who live, work, play, study, visit, invest in or pass through the municipality.

The project stakeholders were defined as traders (trading from parklets), other surrounding businesses, broader community (visitors, parklet users and residents living in the immediate areas).

The face-to-face summary report which outlines the findings of the intercept report is provided in Attachment 1.

Some key findings are:

- 83.8% of participants believe the spacelets have a positive impact on the municipality
- 75.7% of participants want long term extension of the spacelets
- 19.8% of participants were worried about spacelets taking up parking spaces in the majority of activity centres
- 100% of residents believed the marquee had a positive impact on the Beaumaris Concourse, 97.2% want to see the marquee stay long term
- 80% of participating traders believed the marquee had a positive impact on the Beaumaris Concourse and support the marquee staying long term.

The findings from Residential and Business Community engagement results from Council’s Have Your Say page are provided in Attachment 2.

Some of the key findings are:

- 6.7% (57) responses from traders
  - 28% identified as retail
  - 21% identified as professional services
  - 12% identified as dining/hospitality
- 93.2% (784) responses from community
  - 86% of respondents were residents
- 92% of participants believe spacelets have a positive impact
- 87.3% of participants felt parklets improved vibrancy of the streetscape
- 56.5% of participants were not impacted by the loss of parking
- 73% of business felt more people had visited the shopping strips as a result of the parklets
- 100% of business that responded would like to see the marquee at Beaumaris Concourse continue in some form.

Overall, there appears to be strong support for the continuation of an ongoing program that continues to deliver the benefits of the Spacelets, resulting in support for a Parklet Program to be considered. A number of issues and implications where also raised. These are considered in the following sections of the report.

**Policy Formulation**

The preparation of the Draft Parklet Policy has considered community feedback and additional implications as discussed below:

**Loss of on-street parking spaces**

At the time of the installation of the spacelets, Council received a number of concerns from traders and local residents about the loss of car parking. The community consultation identified that it was most prevalent amongst traders; however, most of the respondents to the intercept survey (80.2%) and HYS (56.5%) did not see this as an overwhelming concern.

Despite the overwhelming support by the community for parklets, the biggest item of contention for Council will be the removal of on-street car parking.

**Contribution to the streetscape**

The community expressed strongly (87.3%) that they believed the spacelets added to the vibrancy of activity centres. It is important to note that the future viability and recovery of Bayside’s activity centres is reliant on them remaining attractive locations for businesses and visitors, to support community connectedness.

**Economic considerations**

Evidence suggests that parklets have a positive impact on businesses and contribute to the overall financial performance of the activity centres. Parklets attract more trips to activity centres and longer stays to enjoy outdoor dining. It is reasonable that this would flow onto increased spending at other businesses. These views appear to be shared by the community with 92% of respondents to the HYS survey believing the spacelets have a positive impact.

**Council owned and operated parklets**

The research by SALT suggests Council owning and installing parklets would be cost prohibitive. Ongoing upkeep, installation and storage costs will be significant for Council to include as part of the ongoing budget. Seasonal installation is particularly problematic.

**Beaumaris Marquee**

The Beaumaris Concourse marquee received an overwhelming endorsement from the local community and businesses for its continuation. At this stage the marquee is due to be removed by the end of March 2022, given the overall sentiment of the community it is recommended that this be extended till the 30 June 2022 pending the resolution of a permanent installation. The estimated cost for the extension including maintenance is $13k and will be covered within the existing economic development budget.

The overwhelmingly positive outcome of the consultation supports exploring the delivery of a permanent marquee in this location. It is intended to commence the preparation of design options for consultation with the community for delivery in mid-late 2022. An allocation of $100k
has been included in the capital budget for this purpose. Officer will continue to investigate opportunities to gain State Government Funding to support this deliverable and where possible reduce Council’s contribution.

Policy Development An independent evaluation of the Spacelet program was carried out by SALT. The evaluation report is provided in Attachment 3. Some of the key findings and recommendations are:

- The report supports the removal of car parking spaces as it creates opportunity for greater revenue for local businesses and hence overall viability of activity centres. With the long-term installation of parklets, residents would be encouraged to walk to activity centres, and they are more likely to spend more.

- SALT’s research suggests that when considering economic factors, the parklets:
  - have a positive impact on individual businesses
  - create additional employment
  - attract more trips to activity centres to enjoy outdoor dining
  - flow onto increased spending at other businesses in the activity centres.

- Feedback from Bayside residents and traders, as well as similar studies by nearby councils show a generally high level of community support for parklets.

- Installation of parklets on a permanent basis is being adopted by several councils, with various policies either implemented or awaiting implementation.

- The adoption of eligibility criteria is required to be tailored for parklet location to avoid the over-proliferation within each activity centre, while also considering whether there will be enough parklets to be equitably distributed. As such, it is recommendation that the development of a multi-step decision matrix is necessary to assist in determining a parklet application.

- Council will need to determine the parklet supply arrangements which will affect what responsibilities Council and business owners will have. The recommendation is that business be responsible for the ongoing care of each parklet.

- Recommendation that the option of a seasonal permit be considered, to cater to different business types and to ensure that parklets are not taking up parking spaces during periods when there would be little or reduced use.

- Due to strong community support, the additional vitality and economic stimulus that parklet spaces provide to retail precincts, further consultation for a new permanent parklet program is recommended.

Parklet types and costs

Research undertaken by SALT has highlighted a number of options and variations available for parklet design and installation. From their research, councils have taken different approaches with varying costing options. The Analysis Report outlines a number of options available to Council including:

- Parklets can be an all-year installation with the removal of parking spaces.

- Parklets can be provided on a seasonal basis, particularly over the summer months to encourage alfresco dining. This model also returns car parking to the street over the winter period.
- The Analysis Report considers the ownership of parklets of either Council or business. It concludes that given the prohibitive costs likely to be incurred by Council that it is a preferred option for businesses to purchase their own parklets and arrange storage accordingly.

- Subject to the adoption of the Draft Parklet Policy, suitable design guidelines will be developed to ensure that parklets meet minimum standards and are reflective of good design and that contribute to the overall streetscape.

- Models for shared use between business with differing trading hours will be considered.

- Parklets can be installed on long term basis in a variety of different forms and when not in use can either be left as open space for community, or they can be populated with fixed or portable seating.

- The current costs for Bayside spa celets are approximately $10,000+gst per installation based on a 6 month hire period with flat fee of $500 per parklet per month for fortnightly inspections and cleaning. Costings for parklets vary considerably depending on the type of materials and size. SALT’s research indicates price ranges of between $8k to $30k.

- At this point there is no additional funding commitments from the State Government.

- Extension of duration of a parklet would require maintenance at approx. $3,000 per repair maintenance carried out three times per year for a total cost of $9,000+gst

**Fees and Charges**

Of the participants that responded to the question of contribution towards construction of parklets, 34.5% would be prepared to contribute financially towards the setup, 27.6% would like a parklet however are not in a financial position to contribute and 17.2% were not prepared to contribute.

From April 2022 it will become necessary to reset the parklet program, including removal of all existing installations that are currently subject to a hire agreement. A fee structure will therefore need to be developed for all new installations given there will be no government funding available. As part of the consultation process on the Draft Parklet Policy, fee options will be tested with various businesses.

The extent and structure of fees to be considered may include application and inspection fee, footpath trading permit fee and seasonal usage fees.

It is already an accepted principle that businesses pay for the commercial use of public land. In line with a selection of other municipalities and recognising the value of public land SALT consultancy have suggested a pricing model as follows.

- 12-month permit: $1976 (4 tables) + 50% of the tables fee ($988) = $2,964 per year.

- 6-month fee: Half of the above = $1,482 per year.

Council may choose to pass on additional costs such as traffic management and road safety audits.

Recognising that the Covid pandemic is still ongoing and adversely impacting businesses, Council could elect to subsidise some of the cost (in effect providing a ‘discount’) and introduce a fee structure that progressively increases each financial year until the pandemic is over. This proposal could be tested as part of the community engagement of the Draft Parklet Policy.
It is noted there is no ticketed parking on Council-managed roads in Bayside, and hence there is no lost revenue to recover.

**Parklet Location and eligibility**

Eligibility criteria is recommended to apply in the consideration for a parklet location. It is recommended that the number of parklets be capped in each activity centre. This has regard to locational attributes, public transport availability, community sentiment, total availability of parking, and parking restrictions (e.g. Martin Street has comparatively more long-term on-street parking and hence a lower parking turnover). However, it is also recommended that Council be afforded the discretion to vary the number of parking spaces used per activity centre dependant on local community and business feedback.

Council will need to review the parklets on an ongoing basis, considering factors such as:

- the need for any changes to costs/fees which will be assessed annually as part of Council’s budget process
- potential underutilisation of parklets. Council can reserve the right to withdraw support for a parklet if it is found that it is underutilised
- the level of complaints received in relation to specific parklets and impacts on businesses.

Parklets should be considered as an ongoing program by Council into the post-COVID era.

**Draft Parklet Policy** The Draft Parklet Policy (Attachment 4) operationalises the parklet program. Some of the key considerations of the policy are:

- The temporary parklets originally installed by Council are to be removed.
- Applications and location eligibility will be assessed on a case-by-case basis and in some cases, a Road Safety Audit or consent from the Department of Transport may be required.
- To minimise impacts to on-street parking within each activity centre, a recommended maximum number of parklets within each area will need to be determined. However, the maximum number of parklets for each activity centre needs to be determined based on the number of publicly available on- and off-street parking spaces, locational factors, and community feedback through the initial temporary sparklet period. SALT has recommended that no more than 10% of current on street parking should be utilised for parklets. The potential distribution is detailed in the table below.

### Draft Parklet Policy Table

<table>
<thead>
<tr>
<th>Activity Centre</th>
<th>On-Street Parking Supply</th>
<th>No. Food Venues</th>
<th>10% of On-Street Parking Supply</th>
<th>Ratio to Food Venues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bay Street</td>
<td>115</td>
<td>24</td>
<td>12</td>
<td>0.50</td>
</tr>
<tr>
<td>Sandringham</td>
<td>188</td>
<td>25</td>
<td>19</td>
<td>0.76</td>
</tr>
<tr>
<td>Black Rock</td>
<td>55</td>
<td>19</td>
<td>6</td>
<td>0.32</td>
</tr>
<tr>
<td>Martin Street</td>
<td>151</td>
<td>14</td>
<td>15</td>
<td>1.07</td>
</tr>
<tr>
<td>Beaumaris Concourse</td>
<td>139</td>
<td>22</td>
<td>14</td>
<td>0.64</td>
</tr>
<tr>
<td>Hampton Street</td>
<td>249</td>
<td>55</td>
<td>25</td>
<td>0.45</td>
</tr>
<tr>
<td>Church Street</td>
<td>170</td>
<td>29</td>
<td>17</td>
<td>0.59</td>
</tr>
</tbody>
</table>

- Requests for parklets outside of activity centres will be considered on a case-by-case basis.
- The development of design guidelines with an adherence to accessibility requirements be developed subject to the adoption of the policy.
• Outlines the ranges of fees and charges that are likely to be associated with a parklet program.

All permits for parklets should be subject to annual review. Should Council decide to amend or revoke a permit, the Permit Holder will have the opportunity to provide a written submission as to whether the amendment/ cancellation should occur.

The Policy outlines clearly the responsibilities of the permit holder for the conduct of patrons, the appearance, upkeep and maintenance of the parklet.

In addition, the Draft Parklet Policy covers issues such as:
• change of ownership
• roles and responsibilities between Council and the business
• the strict requirements for adherence to the safety and for regular maintenance.

**Implications of continuing with the current Spacelet Program**

Should Council elect to continue with the program while the Draft Parklet Policy is consulted on and returned for consideration, the following implications are raised:

**Cost**
The ongoing hire and maintenance cost for each spacelet is $500 per month. This do not take into consideration major repairs, which would be an additional cost.

There is no further State Government funding available and no allocation in current Council budgets.

**Equity**
There are approximately 13,766 business in Bayside of which 472 businesses have footpath trading permits. 15 businesses have been directly supported and benefited from the spacelets. Up until today to the cost of each spacelet, including installation and maintenance has been $18k. This cost has been fully subsided.

**Lifespan of installation**
The structures are temporary installations and were a rapid response to an urgent crisis. The structures are not designed for long term use and could pose an increased risk to Council. The audit has determined that they have come to the end of its useful life.

**Minimal consultation**
The temporary nature of the program and immediate response required in a time of crisis resulted in a light touch consultation approach. The extension of the use of the car parking on a permanent basis has not been tested and implications of the ongoing change have not been considered.

**Proposed process for interim option of continuing with the current Spacelet Program:**

Given the constraints outlined in the report the following process to support the extension of the program for a period of five months, until the Parklet Policy is adopted and implemented, is proposed:

• Consult with businesses benefiting from a current spacelets to determine those wishing to retain them until the policy is adopted and parklet program rolled out.
• Businesses wishing to extend the use of spacelet over the 5-month interim period will be required to meet the Parklet Policy requirements.
• Business wishing to secure the interim extension will be required to pay for maintenance and hire of spacelet, $500 per month, plus any additional major repairs.
• An inspection and report of all spacelets will be required from the Council’s contractor to determine state of spacelet and any necessary repairs to ensure any risk and safety issues are identified.

• The relationship between Council’s contractor and Council to be maintained. Council will approve repairs deemed necessary by Council’s contractor. Works will be invoiced to Council and then forwarded to the business for payment.

• Removal of spacelets for those businesses not wishing to be part of the extension or in agreement with the proposed requirements will commence 31 March 2022.

• Support of neighbouring premises required to extend use of over the 5-month interim period.

**Recommendation**

That Council:

1. supports the extension of spacelets for a period of five months, where the current spacelet beneficiaries enter an agreement to maintain the temporary structures at their full cost or proceed with the removal of spacelets where no agreement is entered into commencing 31 March 2022

2. endorses the draft Parklet Policy for the purposes of community engagement

3. receives a report at the May 2022 Council Meeting with the outcomes of the community consultation and the revised Draft Parklet Policy for adoption.

**Support Attachments**

1. Bayside Spacelet Survey 2021
   - Face-to-Face Community Engagement Summary
2. Spacelet Program Review Engagement Report
3. Parklet Analysis Report
4. Draft Parklet Policy final
Considerations and implications of proposition

Liveable community

Social
As evidenced by the community consultation the existing spacelet appear to resonate well with the local community with a majority indicating they would like to see these on a permanent basis. With COVID-19 awareness the spacelets have supported local businesses by being able to offer to patrons socially distanced dining options.

Initial findings in the preparation of the Draft Policy indicate several benefits to local activity centres:

- an increase in foot traffic
- increased social activity which can contribute to sense of local safety
- increase time community spend in the Activity Centre with resultant increase in local expenditure
- fosters a greater sense of community
- improves and encourages walking to activity centres
- a feeling of safety with appropriate social distancing.

Natural Environment
Outdoor dining encourages the local community to enjoy the outdoors and generally a preferable ambience to big box retail centres.

Climate Emergency
Climate change may result in more extreme climatic conditions. This will inform the design of parklets and what is permissible to installed on them. Items such as heaters and umbrellas will require strong anchorage points. An important consideration is the need to have clear unobstructed drainage. Heavy downfalls can cause flooding and damage to businesses. The design of parklets will need to address this.

A preference of dining outdoors could reduce the need for indoor cooling and heating that contributes to greenhouse gases. It may also encourage people to walk, cycle or take public transport to their local activity centre.

Built Environment
Research in preparation of the draft policy provided several examples of parklet installations that complement the local area with colour, greenery, and vibrancy. Parklets can also contribute to the Built Environment by:

- contributing to more walkable neighbourhoods
- improving space pedestrians experience where footpaths are narrow or congested
- better use of off-street parking particularly behind the main street enabling the community to enjoy al fresco dining.
Customer Service and Community Engagement
Consistent with Council’s *Community and Stakeholder Engagement Policy (2017-2021)* a comprehensive community engagement has been undertaken including:

- 136 intercept surveys completed
- 841 submissions on Council’s website “Have Your Say” which held the survey
- 1364 trader email opens
- 4179 residential email opens
- Social Media reach 21,251, 13,000 Bayside community members – 9.5% engagement
- Insitu signage encouraging participation in providing feedback to Council
- Website news – 228 views

Human Rights
The implications of the report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Governance
Officers involved in the preparation of this report have no conflict of interest.

Legal
Several issues will need to be resolved once the Draft Policy is finalised. Ownership of the parklet and the occupancy rights will determine the nature of the permit issued by Council. It will need to also ensure appropriate indemnities to Council and ensure all requirements in relation to the *Disability Discrimination Act 1992*, (Cth) are complied with.

Finance
The Draft Policy outlines several options to available to finance the costs of parklets. Regardless parklets are costly and Council will need to consider it’s prevailing budgetary constraints and weigh up the best value for money option for community benefit. In determining the costs of parklets several factors will need to be considered:

- the level of fees and charges to be applied and the preparedness for business to deal with the additional cost burden
- design
- construction
- installation
- storage
- maintenance
- resourcing.

The consultation process may assist in determining how Council will proceed with seeking cost recovery of the above from businesses.

Links to Council policy and strategy
The Economic Development Strategy 2014 clearly specifies under Action 5.6.3 various initiative to promote outdoor dining. The Strategy identifies outdoor dining as a comparable
advantage for high street shopping centre over big box shopping malls such as Chadstone and Southland.

The Bayside Tourism Strategy 2013 under section 6.1 strategic goal encourages Council to promote quality outdoor dining in Activity centres.

Council Plan 2021–25 has four key goals: Our Planet, Our People, Our Place, Our Promise. The proposed multi deck car park supports Goal 2: Our People; and Goal 3: Our Place.

The following strategic objectives align with this project:

2.3.1 Improve the amenity, accessibility, and unique sense of place of local shopping strips and streetscapes.

2.3.2 Foster economic activity and local employment, within Bayside business district and major activity centres.

2.3.3 Support delivery of events that promote community connectedness and attract economic benefits.

3.4.1 Integrate our transport planning and traffic management, and employ smart solutions to address changing demand, transport trends and community needs.

Bayside Community Vision 2050 – Priority 10.2 reflects the importance the local community places on its activity centres. “Express the different flavours of Bayside’s specific villages such as how the villages of Brighton, Hampton, Sandringham, Black Rock, Beaumaris, Highett and Cheltenham and their smaller strip shopping business areas are different to each other and have their own signature style and amenities, as a way of attracting visitors to each, rather than a homogenous ‘Bayside’ area.”

High quality parklets can add to the distinctiveness of individual activity centres adding character and vibrancy.
Bayside Spacelet Survey 2021
Face-to-Face Community Engagement Summary
1 Background

This document summarises community feedback from face-to-face engagements on the temporary outdoor dining ‘spacelet’ program. A spacelet is an outdoor dining area created in one or more car parking spaces.

Council launched the spacelet program in 2020 to support hospitality businesses in navigating COVID density restrictions in their venues. Council received funding from the Victorian government to set up 15 spacelets around Bayside and one marquee on the Concourse Green in Beaumaris.

Council will be considering whether to introduce spacelets permanently or on a seasonal or event/activation basis. As part of this review, the Bayside community was invited to provide comments, suggestions, or criticism on the program through face-to-face surveys conducted in areas hosting the spacelets between 19 November – 2 December 2021.

The community engagement team advised that 60 survey responses was an appropriate target. However, the team managed to engage 136 participants.

2 Consultation process

2.1.1 Consultation methodology

The engagement process was open to all members of the Bayside community, including individuals or groups who live, work, play, study, visit, invest in or pass through the municipality.

Council prepared a survey (Appendix 1) consisting of six closed-ended questions collecting community feedback on the spacelets. Council produced a five-question survey for the Beaumaris Concourse marquee (Appendix 2). The team converted the survey into a Microsoft form and used iPads to collect data.

Team members undertook five visits from 19 November – 2 December 2021 to the areas hosting the spacelets. Team members visited Church Street, Martin Street, Hampton Street, Reserve road in Cheltenham and Sandringham Village. Each visit was two to three hours long and aimed to capture a variety of community members’ opinions. The team approached spacelet users, intercepted pedestrians and visited traders to complete the survey.

Team members visited areas during morning and afternoon periods. The survey at Beaumaris Concourse was the only survey conducted on a weekend. The team also directed community members to the Have Your Say platform on the council’s website to encourage further feedback.

2.1.2 Limitations

Some limitations encountered during this project included:

- Some areas had more spacelets than others, and this was reflected in the number of community members aware of the program. For example, Hampton...
Street has only one spacelet. Some residents weren’t familiar with the outdoor dining initiative and were unable to provide an opinion for the questions.

- The surveys occurred on weekdays between 10:00 to 17:00. This approach excluded night-time or weekend businesses or patrons. The Beaumaris Concourse was the only exception, with team members surveying on a Saturday morning.

- Following the easing of lockdown restrictions and upcoming Christmas preparations, some businesses were busy with trade and unable to engage with the team.

- The team attempted to evenly engage residents and traders. However, this was sometimes difficult to achieve. For example, no-one was using the Cheltenham spacelet when the team visited during a Thursday lunch time.

3 Participant profile

The team conducted face-to-face surveys across Bayside suburbs over two weeks. There were 136 survey submissions.

Table 1: Participant Demographics

<table>
<thead>
<tr>
<th>Demographic</th>
<th>Participants</th>
<th>Rates (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>71</td>
<td>52.2%</td>
</tr>
<tr>
<td>Business owners/traders</td>
<td>55</td>
<td>40.4%</td>
</tr>
<tr>
<td>Living outside Bayside</td>
<td>12</td>
<td>8.8%</td>
</tr>
<tr>
<td>Other identity</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Suburb</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beaumaris</td>
<td>43</td>
<td>31.6%</td>
</tr>
<tr>
<td>Brighton</td>
<td>38</td>
<td>27.9%</td>
</tr>
<tr>
<td>Cheltenham</td>
<td>11</td>
<td>8.1%</td>
</tr>
<tr>
<td>Hampton</td>
<td>12</td>
<td>8.8%</td>
</tr>
<tr>
<td>Sandringham</td>
<td>32</td>
<td>23.5%</td>
</tr>
</tbody>
</table>

(Note: Participants can fall under multiple identities, i.e. I’m a Bayside resident and I’m also a business owner)

4 General results

4.1.1 Results

The results reveal that 114 (83.8%) of participants believe that the spacelets have a positive impact on the municipality. Additionally, 103 (75.7%) of participants wanted
a long-term extension of the spacelets. However, 27 (19.8%) of participants were worried about the spacelets taking up parking spaces in the major activity centres.

Beaumaris is the only suburb with a marquee instead of spacelets. Therefore, the survey questions for Beaumaris were slightly different. To reflect these changes, the report analyses the results from Beaumaris separately from the other Bayside suburbs.

5 Beaumaris Concourse marquee survey results

5.1.1 Beaumaris Concourse marquee survey participants

There were 43 survey participants in Beaumaris, comprising 36 Bayside residents, five business owners/traders and two residents living outside Bayside. This was the only survey conducted on a weekend.

5.1.2 Finding 1: Most participants believed that the Beaumaris Concourse marquee had a positive impact on the shopping area

All 36 residents (100%) agreed that the marquee had a positive impact on the Beaumaris Concourse. Additionally, 4 (80%) of the participating traders held the same opinion. Only one trader was uncertain about the marquee’s impact on the Concourse.

Figure 1

<table>
<thead>
<tr>
<th>Question 1: Do you think the marquee on the Concourse Green has a positive impact on this shopping area?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participant Number</td>
</tr>
<tr>
<td>Traders</td>
</tr>
<tr>
<td>Not sure</td>
</tr>
<tr>
<td>Agree</td>
</tr>
</tbody>
</table>

Agree  Not sure
5.1.3 Finding 2: Most participants wanted a long-term extension of the marquee

The majority of residents (35, 97.2%) wanted the marquee to stay long-term. However, one resident expressed concern about the marquee’s impact on the green area in Beaumaris.

Most traders (4, 80%) supported the marquee staying long-term. Additionally, one trader was indifferent to the long-term extension of the marquee.

**Figure 2**

<table>
<thead>
<tr>
<th>Question 2: Would you like the marquee to stay long term?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participant Number</td>
</tr>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Not sure</td>
</tr>
<tr>
<td>Agree</td>
</tr>
</tbody>
</table>

The bar chart illustrates the responses:
- Blue bars represent residents in favor of the marquee staying long-term.
- Orange bars represent traders in favor of the marquee staying long-term.
- Gray bars represent those who are not sure.
- Red bars represent those against the marquee staying long-term.
5.1.4 Verbatim comments – Beaumaris marquee

<table>
<thead>
<tr>
<th>Topic</th>
<th>Community feedback on the Beaumaris Concourse marquee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleanliness</td>
<td>• Tidy up the marquee area more often</td>
</tr>
<tr>
<td>Space use suggestions</td>
<td>• Would like to see some sort of permanent shelter installed</td>
</tr>
<tr>
<td></td>
<td>• Never seen many people using the marquee. I want fewer tables and a smaller marquee</td>
</tr>
<tr>
<td>Environmental concerns</td>
<td>• Excellent idea but I don’t want the marquee taking up any more space. I want it kept the same size. I’m worried about climate change and the impact on the greenery in Beaumaris.</td>
</tr>
</tbody>
</table>

6 Spacelet survey results (Brighton, Cheltenham, Hampton and Sandringham)

6.1.1 Spacelet survey participants

There were 93 participants surveyed across 15 spacelet locations comprising 35 Bayside residents, 50 business traders and 10 participants residing outside of Bayside.

6.1.2 Finding 3: Participants believed that the spacelets had a positive impact on the shopping area

All Bayside residents (35, 100%) believed that the spacelets had positive impact on the activity centres. Over half (29, 58%) of traders held the same opinion. However, 13 (26%) disagreed, whilst 8 (16%) traders did not have an opinion on the spacelets’ impact.

Sandringham traders had the highest dissatisfaction rate with the spacelets, with only 2 (16.7%) seeing a positive impact from the outdoor dining initiative.

Brighton traders had the highest rate of satisfaction with the spacelets (21, 81%).
6.1.3 Finding 4: Traders were the most concerned about the spacelets taking up parking spaces

The results displayed that 29 (82.9%) residents were not concerned about the spacelets taking up parking spaces. However, six residents (three from Sandringham and three from Brighton) expressed concern about the loss of parking spaces.

In the survey, 21 (36.2%) traders were worried about the spacelets taking up parking spaces. These traders were mostly general retail or take away food businesses. This response was most prominent in Sandringham, where ten (83.3%) traders found that the spacelets created parking space issues. One Sandringham trader was strongly against the spacelets and stated that parking had become increasingly difficult after their introduction.

In Brighton and Cheltenham, approximately 30% of traders were concerned about parking spaces.

Only one Hampton trader was uncertain about the spacelet’s impact on parking with all the other Hampton traders stating that they were unconcerned about potential parking issues.

Figure 5:
6.1.4 Finding 5: The majority of participants wanted the spacelets to stay long-term

Most residents (28.80%) supported the long-term extension of the spacelets. A small group of residents (5.14.3%) were indifferent to the proposal. Over half of the surveyed traders (27.54%) supported the long-term extension of the spacelets, whilst 7 (14%) traders expressed no opinion on the topic.

Sandringham traders (2, 16.7%) had the lowest support rate for the spacelets' long-term extension. Two Sandringham traders stated that the spacelets should be a seasonal initiative. In Brighton and Hampton, around 80% of the participating traders supported the spacelets' extension. In Cheltenham, around half of the traders (3, 43%) were indifferent to the long-term extension, with two traders responding negatively to the proposal due to parking space pressures.
Figure 6:

<table>
<thead>
<tr>
<th>Would you like spacelets to stay long term?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brighton</td>
</tr>
<tr>
<td>Residents</td>
</tr>
<tr>
<td>Traders</td>
</tr>
<tr>
<td>Living outside Bayside</td>
</tr>
</tbody>
</table>

6.1.5 Verbatim comments – Outdoor dining spacelets

**Topic**

**Community feedback on the outdoor dining spacelets in Bayside**

**Parking space**

- Nowhere to park, the spacelets not being used, customers are finding it difficult to park
- Concerned about parking spaces, enjoy footpath trading
- It’s a good thing; the only concern is car park space
- Parking is taken up
### Parking issues
- Parking causes issues for store workers and customers.
- Parking is a concern.
- Spacelets is too long and take up too much parking spaces (Cheltenham).
- More parking available if they stay long term from council (Brighton).

### Seasonal use of spacelets
- Would like to be seasonal.
- Spacelets should only be used in summer.
- Would like to see spacelets as a seasonal initiative.
- Would like to see the spacelets used seasonally.

### Foreshore seating
- Would like to see tables and chairs on foreshore to return (Sandringham).

### Safety hazards
- Traffic hazard for disability group.

### Positive feedback
- I enjoy them. Great work!
- It's pretty a good thing to attract more people in Sandringham.
- Sandy is a perfect space for outdoor dining, and she wants that to be permanent if it's possible.
- Love them!
- Want more spacelets (in Hampton).
- Would like to see more footpath trading. Would like other traders to use the spacelets.
- More outdoor spaces are better.
- More outdoor spaces make the area look good. People enjoy being out on a sunny day.
7 Evaluation

7.1.1 Insights from the survey

The most prominent themes emerging from this survey include:

- Residents (83.8%) are overwhelmingly in support of the spacelet program.
- Nearly a third of the Sandringham traders (33%) surveyed did not support the spacelets. This was the highest rate observed across all suburbs.
- Both traders (18%) and residents (83.3%) in Sandringham showed concern about the lack of parking spaces created by the spacelets.
- Both traders (38%) and residents (35%) in Brighton showed concern about the lack of parking spaces created by the spacelets.
- Hampton residents expressed a need for more spacelets equivalent to other Bayside suburbs.
- Some participants preferred the seasonal use of the spacelets over a long-term extension.

Council implemented the marquee and the spacelet program at the peak of the pandemic as a rapid response to the changing health restrictions. Due to the nature of the pandemic, Council was unable to consult with the community. The purpose of this survey was to evaluate community opinion on extending the spacelet program.

The marquee

The Beaumaris Concourse marquee received an overwhelming endorsement from the local community and businesses for its continuation.

The spacelets in major activity centres

Given the volume of feedback and the emerging themes, there is an overwhelming community endorsement for the extension of the spacelet program.

There are limited concerns about the loss of car parking.

In general, participants were eager to be engaged, demonstrating the high level of interest in the program. The use of face-to-face surveying combined with recording data onto Microsoft forms through an iPad was effective. This method was non-intrusive and made the engagement process quick, efficient, and ultimately successful.
8 Evaluation

8.1.1 Appendix 1: Spacelet survey questions

1. Do you think outdoor dining spacelets have a positive impact on our shopping precincts?
   - Yes
   - No
   - Not sure

2. Are you concerned that the spacelets take up parking spaces?
   - Yes
   - No
   - Not sure

3. Would you like spacelets to stay long term?
   - Yes
   - No
   - Not sure

8.1.2 Appendix 2: Beaumaris Marquee survey questions

1. Do you think the marquee on the Concourse Green has a positive impact on this shopping area?
   - Yes
   - No
   - Not sure

2. Would you like the marquee to stay long term?
   - Yes
   - No
   - Not sure

3. Are you a:
   - Bayside resident
   - Concourse trader/business owner
   - live outside Bayside
   - other (please specify)
Review of Bayside City Council’s Parklet Program
Residential and business community engagement results
January 2021

7 January 2021

Bayside City Council
Corporate Centre
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www.bayside.vic.gov.au
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<td>Type of business</td>
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<td>Location of business</td>
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<td>Age</td>
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<td>13</td>
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<td>Level of support by businesses</td>
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</tr>
<tr>
<td>Level of support for the concourse</td>
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<td>Impact on business</td>
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<tr>
<td>Impact on carparking</td>
<td>15</td>
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<tr>
<td>Impact on revenue</td>
<td>16</td>
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<td>Future involvement in parklet program</td>
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<tr>
<td>Level of support by community</td>
<td>17</td>
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<tr>
<td>Appeal of outdoor dining</td>
<td>17</td>
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<tr>
<td>Impact on business</td>
<td>19</td>
</tr>
<tr>
<td>Impact on carparking</td>
<td>22</td>
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<tr>
<td>Introducing parklets permanently</td>
<td>23</td>
</tr>
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<td>Moving forward with the Parklet Program</td>
<td>24</td>
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<td>29</td>
</tr>
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<td>Evaluation of engagement program</td>
<td>29</td>
</tr>
<tr>
<td>Evaluation of engagement communication</td>
<td>29</td>
</tr>
</tbody>
</table>
1 Background

In September 2020, the Victorian Government announced its Outdoor Eating and Entertainment Package for local councils and businesses to make widespread outdoor dining safe and practical as the community and economy recovers from COVID-19.

Bayside City Council received $575,000 from the State Government to assist with the reactivation of the local economy through two components:

- **Part A $300,000 Immediate Outdoor Activation (Rapid Implementation Fund):** To immediately extend the life of existing outdoor eating and entertainment facilities, facilitate reactivation initiatives and provide new facilities for other businesses to also operate outdoors.
- **Part B $275K Semi-permanent and Permanent Outdoor Precinct Establishment:** To establish semi-permanent and permanent outdoor precincts that support a broad range of industries and will be of lasting benefit to local communities.

The outdoor dining and footpath trading expansion program was well received by traders and community, with the uptake and set up of 16 parklets (seating, shade) throughout Bayside, an outdoor dining marquee at Beaumaris and outdoor picnic tables at the foreshore in Black Rock. Table 1 shows the parklets across the municipality.

### Table 1. Parklet Locations

<table>
<thead>
<tr>
<th>Suburb</th>
<th>Parklet #</th>
<th>Location</th>
<th>Traders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brighton</td>
<td>1</td>
<td>20-22 Church Street</td>
<td>Omri Fish Tank</td>
</tr>
<tr>
<td>Brighton</td>
<td>2</td>
<td>299 - 305 Bay Street</td>
<td>Hecho en Mexico Too Many Chiefs</td>
</tr>
<tr>
<td>Brighton</td>
<td>3</td>
<td>286 Bay Street</td>
<td>Hotel Brighton</td>
</tr>
<tr>
<td>Brighton</td>
<td>4</td>
<td>350-360 Bay Street</td>
<td>Little Sister Brighton Rocksalt Café</td>
</tr>
<tr>
<td>Brighton</td>
<td>5</td>
<td>7 Spink Street</td>
<td>Sons of Mary</td>
</tr>
<tr>
<td>Brighton</td>
<td>6</td>
<td>212 Bay Street</td>
<td>The Deck Brighton</td>
</tr>
<tr>
<td>Brighton</td>
<td>7</td>
<td>118 Church Street</td>
<td>White Rabbit Brighton</td>
</tr>
<tr>
<td>Brighton</td>
<td>8</td>
<td>368 Bay Street</td>
<td>Zeppelin Kitchen</td>
</tr>
<tr>
<td>Brighton</td>
<td>9</td>
<td>106 Bay Street</td>
<td>Bossy Boots</td>
</tr>
<tr>
<td>Cheltenham</td>
<td>10</td>
<td>386 Reserve Road</td>
<td>Bad Shepherd Brewing Co.</td>
</tr>
<tr>
<td>Hampton</td>
<td>11</td>
<td>370 Hampton Street</td>
<td>The Paperboy Café</td>
</tr>
<tr>
<td>Sandringham</td>
<td>12</td>
<td>66 Station Street</td>
<td>Ammos Greek Tavern</td>
</tr>
</tbody>
</table>
Throughout the program several traders expressed the desire to see the 16 parklets continue, with some seeking to have the parklets on an ongoing permanent basis. Whilst considered highly successful, the parklets were constructed as temporary structures and were due to be removed in mid-May 2021. The assumption was that with restrictions continuing to be eased and outdoor dining less prominent during the cooler months, there would be an opportunity to return carparking spaces to the centres to support their transition towards a new COVID-19 normal.

Given their temporary nature, many require routine maintenance and upkeep. Likewise, the community in Beaumaris has been very complimentary of the outdoor dining space provided under the marquee in the Concourse Green with numerous requests from the local traders and community for its retention. A permanent structure was originally proposed under the Beaumaris Concourse Streetscape Masterplan, however, at the time the proposal was not wholly supported.

This report provides a summary of the community engagement conducted with Bayside traders, residents and shoppers regarding their views and experiences of the temporary outdoor dining parklets (table, chairs, shade) installed in the municipality. Results of this engagement program will be used by Council at the February 2022 Council Meeting to determine the feasibility of parklets as a short term, long term or permanent approach to street trading solutions.

To analyse open ended questions and submission, responses have been coded into broad themes to categorise community engagement feedback. When reading this report you will notice that numbers appear in brackets and italics (x) this is to show the number of people or responses related to the area of discussion.

## 2 Consultation process

### 2.1 Consultation purpose

The purpose of the engagement program was to understand:

- community and businesses attitudes towards parklets in the activity centres
- use and economic impacts of parklets
- safety and compliance requirements for the ongoing delivery of the program
- community preference for the use of the parking spaces (parklets, parking or other purposes).

The consultation program was open from 18 November to 16 December 2021.

### 2.2 Consultation methodology
The project stakeholders were defined as traders (trading from parklets), other surrounding businesses, broader community (visitors, parklet users and residents living in the immediate areas). To assist with decision-making, the engagement findings in Section 4 of this report have been organised by stakeholder type, residents, business owners/operators and visitors.

Table 2 lists the community engagement activities conducted by Bayside City Council.

**Table 2. Community Engagement Activities**

<table>
<thead>
<tr>
<th>Details</th>
<th>Activity</th>
</tr>
</thead>
</table>
| 18 November to 16 December 2021| **Trader/business survey**  
VIA *Have Your Say*, Council’s online engagement platform.  
16 traders and 41 surrounding businesses (without a parklet). |
| 57 respondents                  |                                                                          |
| 18 November to 16 December 2021| **Community survey**  
VIA *Have Your Say*, Council’s online engagement platform.  
612 participants had used a parklet, 149 participants had not used a parklet and 23 participants were unsure if they had/hadn’t used a parklet |
| 784 respondents                 |                                                                          |

The consultation program was promoted through a variety of channels. Traders were directly notified of the program through email, eNewsletter and letter. The project was promoted to the wider community through the Council’s social media channels, corporate website, eNewsletter and street signage at parklet locations. For traders the most effective channel was emailing traders with 54 click throughs to the survey; for the wider community social media was most effective with 430 click throughs to the *Have Your Say* project page. Refer to Section 5 to view the complete evaluation of the engagement communication.

### 3 Participant profile

Participation in this project was voluntary, as was the collection of personal demographics. Therefore this information is not known for every person that participated. The participant profile for each survey is presented separately below.

#### 3.1 Business Profile

Businesses connected to a parklet, along with those nearby a parklet or businesses in surrounding areas were encouraged to participate in this business specific survey. This survey was hosted on *Have Your Say* and was also completed by seven people without a business (resident, visitor). For the purpose of this section only the demographics of the 50 participants connected to a business are detailed.

**Connection to Parklet Program**

Of the 50 business participants that completed the survey, 16 had a parklet and 34 did not have a parklet. At minimum it appears that at least one business from each parklet participated. A total of 16 traders operate a business that have a parklet, while 41 do not have a parklet.

**Type of business**
Traders were asked to select a category that best describes the business that they operate in. Diagram 1 shows these results, where the most common types of business were Retail (16 responses) and Professional service (12 comments). Dining/Hospitality received 7 responses, while Beauty/Hairdressing and Takeaway food received 1 response each. ‘Other’ included businesses such as sports clubs and telecommunications, and had 3 responses in total.

**Diagram 1. Type of business**

<table>
<thead>
<tr>
<th>Type of Business</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail</td>
<td>16</td>
</tr>
<tr>
<td>Professional service</td>
<td>12</td>
</tr>
<tr>
<td>Dining/Hospitality</td>
<td>7</td>
</tr>
<tr>
<td>Beauty/Hairdressing</td>
<td>1</td>
</tr>
<tr>
<td>Takeaway food</td>
<td>1</td>
</tr>
<tr>
<td>Other</td>
<td>3</td>
</tr>
</tbody>
</table>

**Location of business**

Traders were also asked to indicate the location of their business. These locations are represented in the map below.

**Diagram 2. Location of business**
The size of each dot represents the number of responses per suburb. Brighton was the most populated suburb (19 responses), followed by Sandringham (13 responses) and Beaumaris (11 responses). Hampton (6 responses) and Brighton East (4 responses) both had a few participants, while Black Rock (2 responses) and Cheltenham (1 response) were the least populated suburbs in the survey. There were 0 responses for Hampton East, Highett, and Outside Bayside. Table 3 shows the representation.

Table 3. Representation of businesses to parklet

<table>
<thead>
<tr>
<th>Suburb</th>
<th>Number of traders (survey)</th>
<th>Number of parklets</th>
<th>Representation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beaumaris</td>
<td>11</td>
<td>2</td>
<td>overrepresented</td>
</tr>
<tr>
<td>Black Rock</td>
<td>2</td>
<td>0</td>
<td>overrepresented</td>
</tr>
<tr>
<td>Brighton</td>
<td>19</td>
<td>10</td>
<td>adequate</td>
</tr>
<tr>
<td>Brighton East</td>
<td>4</td>
<td>0</td>
<td>overrepresented</td>
</tr>
<tr>
<td>Cheltenham</td>
<td>1</td>
<td>1</td>
<td>adequate</td>
</tr>
<tr>
<td>Hampton</td>
<td>6</td>
<td>1</td>
<td>overrepresented</td>
</tr>
<tr>
<td>Sandringham</td>
<td>13</td>
<td>4</td>
<td>adequate</td>
</tr>
</tbody>
</table>

Over/under-representation decided by the number of traders/number of parklets. If > 5 - overrepresented, if < 0.5 - underrepresented.

Age

Traders were asked to specify their age in one of the various ranges offered, shown in Diagram 3.

Diagram 3. Age of traders

None of the traders who participated in the survey fell in the ‘Under 18’ or ‘85+’ age bracket. The most popular range was ‘50-59’ (15 responses), followed by ‘36-49’ (14 responses) and...
‘60-69’ (11 responses). Some of the less common ranges included ‘70-84’ (4 responses), ‘26-35’ (3 responses) and ‘19-25’ (2 responses). Two participants preferred not to disclose their age range.

**Gender**

Traders were asked to disclose their gender, with the option to provide an answer of ‘Non-binary’ or ‘Prefer to self-describe’. Results are shown in Diagram 4 below.

**Diagram 4. Gender of traders**

There were double the number of Male participants (36 responses) compared to Female participants (18 responses). One participant identified as Non-binary, while 0 preferred to self-describe. There were two participants who preferred not to answer.
3.2 Community Profile

Residents, visitors and parklet users were invited to provide feedback on their experience of the parklets within their community and/or across Bayside. This survey was hosted on Have Your Say and was open for completion by all. This survey attracted responses from 784 participants. Table 4 shows a comparison of participation against the 2016 Census data for the whole of Bayside. It is important to note that higher levels of participation in suburbs where there are more or larger parklets was expected. There were also higher levels of participation from people aged 40 – 69 in comparison to other age brackets. One reason for this might be the customer type that are dining more frequently across Bayside and using parklets. Other personal demographic information is detailed below.

Table 4. Comparison of Participation

<table>
<thead>
<tr>
<th>Demographic</th>
<th>Bayside 2016 Census</th>
<th>Participants (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>47.6%</td>
<td>36%</td>
</tr>
<tr>
<td>Female</td>
<td>52.4%</td>
<td>62%</td>
</tr>
<tr>
<td>Unknown</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Other identity</td>
<td>-</td>
<td>2%</td>
</tr>
<tr>
<td>Age</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15-24</td>
<td>11.5%</td>
<td>2%</td>
</tr>
<tr>
<td>25-39</td>
<td>13.6%</td>
<td>9%</td>
</tr>
<tr>
<td>40-49</td>
<td>16%</td>
<td>30%</td>
</tr>
<tr>
<td>50-59</td>
<td>14%</td>
<td>25%</td>
</tr>
<tr>
<td>60-69</td>
<td>11.5%</td>
<td>20%</td>
</tr>
<tr>
<td>70-84</td>
<td>9.9%</td>
<td>12%</td>
</tr>
<tr>
<td>85+</td>
<td>3.7%</td>
<td>1%</td>
</tr>
<tr>
<td>Undisclosed</td>
<td>-</td>
<td>1%</td>
</tr>
<tr>
<td>Suburb</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beaumaris</td>
<td>13.5%</td>
<td>18%</td>
</tr>
<tr>
<td>Black Rock</td>
<td>6.5%</td>
<td>7%</td>
</tr>
<tr>
<td>Brighton</td>
<td>24.1%</td>
<td>20%</td>
</tr>
<tr>
<td>Brighton East</td>
<td>15.9%</td>
<td>8%</td>
</tr>
</tbody>
</table>
Connection to Bayside

Participants were asked to describe their connection to the area of Bayside, shown below.

Diagram 5. Participant connection to Bayside

The majority of participants identified themselves as ‘Resident’ (725 responses), followed by ‘Visitor to the area’ (39 responses) and ‘Business owner/operator’ (11 responses). There were 7 other responses. Two participants preferred not to disclose their connection to Bayside.

Suburb and proximity to a parklet

Participants were asked to indicate their suburb of living. These locations are shown below in Diagram 6. The size of each dot represents the number of responses per suburb. The most common suburbs were Brighton (157 responses), Beaumaris (145 responses), Sandringham (143 responses) and Hampton (111 responses). Brighton East (66 responses), Black Rock (55 responses) and Highett (37 responses) were all responsible for a good number of participants, while Cheltenham (21 responses) and Hampton East (13 responses) had the least participation. 36 participants indicated that they live outside Bayside. The location pin shows where there is a parklet nearby.
Experience with parklets

Participants were asked about their experience previously with parklets, if they attended, which ones they had frequented and how often. Overall participants had good prior knowledge of parklets. Diagrams 7 to 9 provide an insight into the community dining profile and their tendencies.

Diagram 7. Community diner profile

- Have you ever dined outside in a Bayside spacelet before?
  - Yes - 612 (78%)

- Approximately how many times have you dined in spacelets?
  - 1-5 times - 266 (44%)

- Have you visited the marquee on Concourse Green, Beaumaris?
  - Yes - 255 (33%)

Diagram 6. Location of participants and proximity to a parklet
Diagram 8. Preferred aspects of outdoor dining in parklets

**What aspects of dining in outdoor spacelets or a marquee appeal to you?**

- Adds to the vibrancy/ambience of the area: 694
- Adds more tables to my favourite dining venue: 515
- Reduces risk of catching COVID-19: 512
- Improves my feeling of safety with more people out and about: 444
- No appeal at all: 43

Diagram 9. Most visited parklets

**Most Visited Spacelets**

- 7 Spik Street, Brighton: 209
- 36 Metrose Street, Sandringham: 206
- 370 Hampton Street, Hampton: 176
- 286 Bay Street, Brighton: 160
- 19-21 Metrose Street, Sandringham: 136
- 118 Church Street, Brighton: 123
- 366 Reserve Road, Cheltenham: 116
- 65 Station Street, Sandringham: 115
- 350-360 Bay Street, Brighton: 103
- 212 Bay Street, Brighton: 85
- 194 Bay Street, Brighton: 71
- 286 - 305 Bay Street, Brighton: 66
- 20-22 Church Street, Brighton: 59
- 288 Bay Street, Brighton: 55
- 5 Metrose Street, Sandringham: 46
4 Consultation findings

The following section summarises the key themes which arose in community feedback on parklet program review. Throughout the document, quotes have been used to demonstrate the sentiment expressed by participants. Where there was more than one mention of a topic or item, the number of mentions has been specified in brackets and italics.

Findings are organised by stakeholder type (business owner/operator, resident and visitor), and in particular level of support for the continuation of the parklet program.

Overall there was a high level of support for the continuation of the parklet program with the majority of business participants, residents and visitors wanting to see the program continue in some form. The most cited benefit of the parklet program was improving the vibrancy of the area, helping business during a time of need and provided a layer of protection against COVID-19, which many commented (and were right) is not going away. Introducing parklets permanently was supported by participants in Brighton, Brighton East and Sandringham; whereas there was desire to see the seasonal use of parklets and marquees in other areas.

4.1 Level of support by businesses

Findings by business participants are broken into: businesses with a parklet and businesses without a parklet.

Diagram 10. shows the willingness of non-parklet owners and parklet owners to make parklets permanent. As shown, parklet owners were very much in support of parklets, with 13 wanting to make them permanent and the remaining three wanting parklets to be implemented on a seasonal basis. On the other hand, non-parklet owners were more mixed with their opinions, with an equal number (15 responses each) wanting to remove parklets and keep them on a permanent basis. Eight more people wanted to keep parklets on a seasonal basis, while special events and temporary for COVID both received one response each.

Diagram 10. Level of business support for parklets
Diagram 11. Level of support for parklets by suburb

Diagram 11 above shows the support for parklets by suburb, where the support is measured on the extreme levels - i.e 'No' and 'Yes on a permanent basis' in response to “Would you like to see the parklet program introduced permanently?”. Most suburbs were more willing to keep the program on a permanent basis - except for Brighton North, where there were more responses of 'No' (4) than 'Yes on a permanent basis' (2). The suburbs where there were no responses of 'No' or 'Yes on a permanent basis' were excluded from the graph.

**Level of support for the concourse**

All of the 11 business participants from Beaumaris wanted to see the concourse marquee continued in some form. By far the majority (7) was for it to be there on a permanent basis, with the next best being during summer/spring (2) or during COVID-19 restrictions (2). Even though only two businesses had felt the business had a direct benefit.

**Impact on business**

Business participants were invited to consider the impacts, positive and negative the parklets have had on their business, community and within their activity centres. The majority of participants 30 (54%) felt the parklets had a positive impact. With only 14 (25%) participants feeling it had a negative impact. Despite this, even businesses that felt parklets had a negative impact on their business, felt that the parklets improved vibrancy of the streetscape with 75% of participants noting this (see Table 5). Likewise 73% of participants felt that more people had visited the shopping strips as a result of the parklets.

**Table 5. Impact on business**

<table>
<thead>
<tr>
<th></th>
<th>Adds to the vibrancy/ambience of the area</th>
<th>Makes the area more of a destination for the community</th>
<th>Improves safety with more people out and about</th>
<th>Reduces risk of catching COVID-19</th>
<th>Allows more diners to enjoy the area</th>
<th>Does not contribute</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Item 10.2 – Reports by the Organisation
Reasons cited for this positive impact

- “The parklets have allowed my business to remain viable with the density limits that restrict the total number of patrons we are allowed to serve at any one time.”
- “Attracts people, visitors and community.”
- “It is ridiculous getting rid of the parklets. The pandemic is not going to be over by March 31st!”
- “Very evident the amount of foot traffic in Melrose St has increased substantially which is beneficial to many other traders & this an economic benefit to the village which has mostly been concentrated in the centre only.”
- “Less impact on the environment with less car traffic and the benefits of green footprint.” “We constantly hear the patrons feel like they’re somewhere in the Mediterranean. More room to sit outdoors and include their pets.”
- “It allows us to run our business smoothly, because Covid customers still refuse to sit in close contact with other customers. Parklet provides us that option, it brings a positive vibe for the locals to dine in at our cafe.”
- “…made it a destination and all the concourse businesses benefited out of it.”

Reasons cited for negative impact

- “Loss of car parking.”
- “Detracts from the area.”
- “My A-Frame sign has been displaced by the cafe tables on the footpath.”
- “Parklets are never used during the day.”
- “Parklets are only used when the weather is fine and the wind is not blowing, which is not often.”
- “Not near our store.”
- “…noise, smoking, drinking out the front of my shop.”
- “A small retail strip cannot afford to turn away customers because of lack of access for its customers, most of whom rely on vehicle access. The centre is for all traders, not just food outlets!”
- “It brings something different to Bay St. It gives it some life and atmosphere which it has been lacking. Very minimal car spaces are lost as we have big car parks in the side street.”

Impact on carparking

A common concern of traders is the amount of carparking available. Council is aware of this balance and wanted to understand the real and perceived impact parklets may have had on carparking. Business participants were asked to consider the impact parklets had had on carparking. Only 8 participants had felt reduced carparking had a significant impact on their business (reduced trade), with 7 receiving customer complaints about the lack of parking availability. The majority of business participants had felt no impact. Table 6 presents these findings.
Table 6. Impact on carparking availability

<table>
<thead>
<tr>
<th>Impact</th>
<th>No impact</th>
<th>Some impact</th>
<th>Considerable impact</th>
<th>Not sure</th>
<th>Customer feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carparking</td>
<td>28</td>
<td>10</td>
<td>8</td>
<td>1</td>
<td>Increased customer complaints about carparking 7 mentions</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Increased customers arriving by active or public transport 2 mentions</td>
</tr>
</tbody>
</table>

**Impact on revenue**

Business participants were invited to consider the financial impacts of the parklet program. Including turnover, staffing and trade. These questions were further along in the survey and answering these questions was skipped by business participants. Out of the 55 responses the number of responses received for each question is shown in brackets (nX).

- Turnover (n16), 10 turnover had increased as a result of the parklet program, four were unsure, one had no impact and one preferred not to say.
- Turnover increase (n8), five had an increase between 0 and 25%; one each for 26 - 50%, 51-75% and 76 - 100%.
- Staffing (n16), 11 felt they would need to employ additional staff to service the parklets, two were unsure, two did not think this was needed.
- Staff increase (n7), four businesses would need one additional employee, one needed two additional staff and two would need an additional three staff.

**Future involvement in parklet program**

Business participants were invited to consider their future involvement in the parklet program if it was to continue and their willingness to contribute financially towards the set up and upkeep. These questions were further along in the survey and answering these questions was skipped by business participants. Out of the 55 responses the number of responses received for each question is shown in brackets (nX).

- Parklets outside of business (n24), if the parklet continues six would like one out the front of their businesses, while the majority (n13) would not, four needed to know more about it before committing.
- Contribution towards construction of parklet (n29), the majority of participants (n10) would be prepared to contribute financially towards the set up, eight would like a parklet however are not in a position to contribute, five were not prepared to contribute and six opted not to say. For 11 others this was not applicable as they did not have a food outlet or were a professional service provider “Our store is a fashion retail store so this does not apply to our trading situation”, “would not be used by us.”
- Contribution towards parklet on public land (n30), the majority of participants (n11) were not prepared to contribute to a parklet on public land; eight participants were, seven needed more information and seven provided additional information for most it was not applicable to however there were some comments about making the fee fair: “We don't disagree with the principal of contributing to the cost of building permanent parklets. Is it realistic to charge full price to 'new' access to road spaces when existing operators have been ‘gifted’ the same type of space via Council decisions of
the past to remove parking and widen footpaths? I.e Dendy Deli, Pantry Brighton etc?"

4.2 Level of support by community

Findings by community participant is broken into two categories:

- residential community
- visitors, live outside of Bayside.

Both stakeholders were asked about:

- what aspects of outdoor dining appealed to them
- if outdoor dining had an impact on business and why that was
- if outdoor dining had negatively impacted on carparking access
- if they would ultimately like parklets introduced more permanently.

Appeal of outdoor dining

Participants were asked which parts of outdoor dining appealed to them most. They were able to select from a pre populated list which included ‘no appeal’ as well as provide open ended response to ‘other’. Table 7 shows the responses to the prepopulated responses.

Table 7. Tally of responses

<table>
<thead>
<tr>
<th>Add to the vibrancy/am bience of the area</th>
<th>Improves my feeling of safety with more people out and about</th>
<th>Reduces risk of catching COVID-19</th>
<th>Adds more tables to my favourite dining venue</th>
<th>No appeal at all</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adds to the vibrancy/am bience of the area</td>
<td>694</td>
<td>444</td>
<td>512</td>
<td>515</td>
<td>43</td>
<td>48 comments</td>
</tr>
</tbody>
</table>

There were 48 responses to ‘other’, comments varied in length from a short sentence to longer paragraph. A coding frame was developed to categorise the response into key areas. Some comments have been tagged more than once, depending on the level of detail provided. Table 8 shows the themes and lists the type of topics covered by each theme and the count of comments for each theme.

Table 8. Themed appeal detail

<table>
<thead>
<tr>
<th>Topic</th>
<th>Community feedback</th>
</tr>
</thead>
</table>
| Vibrancy (19 mentions) | Atmosphere  
Cafe culture  
European vibe  
People outdoors (sounds, visual) |
| Welcoming (16 mentions) | Come along in groups  
Bringing pets |
<table>
<thead>
<tr>
<th>Flexibility to bring in food, or personalise food from different cafes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety</td>
</tr>
<tr>
<td>(12 mentions)</td>
</tr>
<tr>
<td>Reducing risk of catching COVID-19</td>
</tr>
<tr>
<td>Slowing down traffic and taking cars out of centres</td>
</tr>
<tr>
<td>Freeing up pathways as outdoor dining off paths</td>
</tr>
<tr>
<td>Comfort</td>
</tr>
<tr>
<td>(6 mentions)</td>
</tr>
<tr>
<td>Enjoying outdoor environments with shade</td>
</tr>
<tr>
<td>Comfortable tables and chairs</td>
</tr>
<tr>
<td>Supporting business</td>
</tr>
<tr>
<td>(3 mentions)</td>
</tr>
<tr>
<td>Knowing that it is having a positive impact on businesses</td>
</tr>
<tr>
<td>Feeling positive about Council</td>
</tr>
<tr>
<td>Negative (no appeal at all)</td>
</tr>
<tr>
<td>(3 mentions)</td>
</tr>
<tr>
<td>Increased crowds</td>
</tr>
<tr>
<td>Loss of carparking</td>
</tr>
<tr>
<td>Underutilisation</td>
</tr>
</tbody>
</table>

Community quotes

- "Provides much needed shade to comfortably sit outside safely to catch up with others nearby the shops."
- "Love the idea of converting car space into people space. I would love for our towns to be more people-friendly and less car-dominated. Even better if these outdoor dining areas incorporate urban greening, even if it's just pot plants."
- "Provides a safe environment for people to meet socially, be part of the community, connect with others which is so important for people's emotional and mental health."
- "Stops vehicles from parking next to where I'm dining - hence I'm breathing less vehicle emissions. Reduces vehicle related emissions and air pollution for all diners, so has positive mental as well as physical health benefits."
- "It opens up the pathways to make it safer to move and to keep good distance apart"
- "I love being part of a cafe culture that has outdoor seating as an option. I also really like that cars are not parking beside me where I sit in a parklet. With so much new development coming in Hampton, we need this."
- "Able to enjoy fresh air and less noise from cafes and just enjoy being outside. Good cover for all weathers."
- "It allows people to be outdoors and enjoy the fresh air. We believe this encourages people to support our local hospitality venues."
- "Place making engaging with broader community - social connection very much needed"
- "Relaxed, in the concourse people can bring food from different venues- gives kids an area to meet friends, the number of elderly gathering has been super- these people may otherwise have been isolated."
- "Brings people together, beautiful atmosphere, stronger sense of community engagement"
- "Parklets have some appeal when utilised in conjunction with appropriate dining venues, but zero appeal when used by a bar that is only open late afternoon/evening and the car spaces sit vacant and unable to be used for parking all day long."
Impact on business

Participants were invited to comment on the impact they believed parklets were having on businesses. They were invited to select from a pre-populated list, results are shown in table 9. The majority of participants felt the parklets were having a positive impact on trade for businesses. Responses are split by connection to Bayside to show that visitors had an overwhelmingly positive response to parklets, although most residents also held the same sentiment.

Table 9. Perceived impact on business

<table>
<thead>
<tr>
<th>Impact</th>
<th>Residents</th>
<th>Visitors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Negative</td>
<td>27</td>
<td>1</td>
</tr>
<tr>
<td>Somewhat negative</td>
<td>16</td>
<td>0</td>
</tr>
<tr>
<td>Neutral/no change</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>Somewhat positive</td>
<td>40</td>
<td>0</td>
</tr>
<tr>
<td>Positive</td>
<td>619</td>
<td>38</td>
</tr>
<tr>
<td>I'm not sure</td>
<td>6</td>
<td>0</td>
</tr>
</tbody>
</table>

Participants were then asked a follow up question, why do you think it has or will have this impact? There were 612 responses to this question, responses varied in length from a short sentence to longer paragraph. A coding frame was developed to categorise the response into key areas. Some comments have been tagged more than once, depending on the level of detail provided. Table 10 shows the themes and lists the type of topics covered by each theme and the count of comments for each theme.

Table 10. Reason for perceived impact

<table>
<thead>
<tr>
<th>Topic</th>
<th>Community feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vibrancy</td>
<td>Atmosphere&lt;br&gt;Cafe culture&lt;br&gt;European vibe&lt;br&gt;People outdoors (sounds, visual)</td>
</tr>
<tr>
<td>Welcoming</td>
<td>Come along in groups&lt;br&gt;Bringing pets&lt;br&gt;Flexibility to bring in food, or personalise food from different cafes</td>
</tr>
<tr>
<td>Supporting business</td>
<td>Knowing that it is having a positive impact on businesses&lt;br&gt;Feeling positive about Council</td>
</tr>
<tr>
<td>Safety</td>
<td>Reducing risk of catching COVID-19</td>
</tr>
</tbody>
</table>
(115 mentions) | Slowing down traffic and taking cars out of centres  
| Freeing up pathways as outdoor dining off paths  

Negative (no appeal at all)  
(68 mentions) | Increased crowds  
| Loss of carparking  
| Underutilisation  

Comfort  
(53 mentions) | Enjoying outdoor environments with shade  
| Comfortable tables and chairs  

Environmental improvement  
(25 mentions) | Reducing vehicle use in the centre  
| Taking cars out of the centre  
| Cooling streets by reducing asphalt  
| Cleaner air  

More detail about each of these areas is provided below.

Vibrancy
Many participants felt that the addition of parklets helped to increase the feel and atmosphere of the area, especially in streets with multiple parklets. This increase in atmosphere subsequently helped to create a higher sense of community feel, as reported by a large number of participants.

Community quotes
- “The outdoor dining creates a great street culture.”
- “Creating an ambiance means more people are likely to hang around and check out more local shops rather than just get their coffee and go.”
- “Adds some atmosphere to our local shopping strips and it is nice to see people out and about, making the most of what Bayside has to offer.”

Welcoming
Another sentiment shared amongst participants was that parklets are more welcoming for patrons as it allows more options when out with pets or larger groups, while also offering a large variety of selections to choose from.

Community quotes
- “People can grab take-away food and coffee etc. and meet in small or large groups out in the fresh air.”
- “You are not restricted to one food outlet when with a group… everyone gets what they like and can enjoy each other’s company.”
- “Creates community, brings the town to life, can dine with pets…”

Supporting businesses
A very common opinion expressed by participants was that parklets support local business and allow hospitality to excel in the area. Those against the idea of parklets may argue that the parklets detract from other industries, although the majority of participants felt that the positives heavily outweigh the negatives.
Community quotes

- “Small businesses really need to continue to operate in our area given pressures of larger retail centres. Promote our dining/cafe experience as unique.”
- “Helps businesses with limited dining space to offer socially distanced dining options.”
- “Help support the traders that have done it tough for the last two years.”

Safety

Many of those in favour of parklets mentioned how outdoor dining allowed patrons to be COVID-safe, and how these settings removed risks associated with indoor dining. Some of those opposed to parklets argued that it was less safe on pathways and in the parklets themselves due to the increased vehicle and foot traffic in the area.

Community quotes

- “It allows more safe space for diners…”
- “...increases sense of safety, reduces risk of infection with more space to dine outdoors, adds more space for people to enjoy.”
- “Dangerous”
- “I do not wish to eat and drink in close proximity to vehicles”

Negative (no appeal at all)

Many of the participants opposed to parklets had gripes with the perceived loss of car parking in the area, with others mentioning the loss of visual amenity in the streets and increased crowds.

Community quotes

- “Parklets are not being removed when the restaurants are closed. Often they only need to be there in the evenings and at night but currently take up parking spaces during the day while the restaurants are closed.”
- “Too many people, too little space on footpaths and a reduction in car space will encourage shoppers to shop in larger/non local precincts.”
- “They deter pedestrian shoppers and limit access to footpaths. Infringe on scarce parking spaces for other traders. Unattractive and look tatty.”
- “Taking more parking spaces is unfair to other traders and to ratepayers.”

Comfort

One of the perceived benefits of parklets is the addition of a level of comfort to outdoor dining with the inclusion of shade and spacious seated areas.

Community quotes

- “Good to have space around you.”
- “I love the outdoor spaces to sit. I feel like we need even more of them!”
- “Allows people to enjoy eating out while still not 100% comfortable being indoors eating with strangers.”

21
Environmental improvement

With the reduction of parking, less cars are used on roads containing parklets which may lead to more members of the community considering a different, more environmentally friendly form of transportation. This can also reduce the amount of fumes and ensure cleaner air in areas where there might be outdoor dining.

Community quotes

- “…Promotes being outside and active and less cars on the road.”
- “Improves air quality around local shops with less vehicle traffic.”
- “These spaces must stay. It not only keeps businesses operating safely but it encourages active transport use. For instance, we often cycle to Sons of Mary and feel more comfortable to be in the outside area in our cycle gear.”

Impact on carparking

Participants were asked to indicate how they felt about outdoor dining parklets occupying car spots, with the results shown in table 11. The majority of participants felt that parklets occupying carspaces did not cause an inconvenience. With only 7% (57) feeling significantly inconvenienced by parklets, without seeing the benefit of this program.

Table 11. Impact on carparking

<table>
<thead>
<tr>
<th>How do you feel about outdoor dining parklets occupying car spaces?</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>It does not inconvenience me at all</td>
<td>448</td>
</tr>
<tr>
<td>It can be inconvenient, but I support outdoor dining and value this over a reduction in parking spaces</td>
<td>177</td>
</tr>
<tr>
<td>It is a little inconvenient to me</td>
<td>72</td>
</tr>
<tr>
<td>It is very inconvenient to me</td>
<td>57</td>
</tr>
<tr>
<td>Initially, I did not support the occupation of parking spaces by parklets, but I became accustomed to the change</td>
<td>12</td>
</tr>
<tr>
<td>I’m not sure</td>
<td>11</td>
</tr>
</tbody>
</table>

The majority of community participants indicated that the parklets occupying car spaces does not inconvenience them at all (448 responses), while the second most popular response was that people value outdoor dining over the reduction in parking (177 responses). A smaller amount found the parklets and loss of parking a little inconvenient (72 responses), while less found it very inconvenient (57 responses). A few participants stated that they were now accustomed to the change (12 responses), and an additional 11 said that they were unsure how they felt. There were six other comments, with approximately half of the responses indicating that they felt that roads should be left for cars and they don’t want...
to dine in close proximity to them, while the other half felt that people need to get used to the changes.

**Introducing parklets permanently**

In Diagram 12 the level of support for parklets is shown by suburb. The size of the bubble corresponds to the number of participants from each suburb, while the colour of the bubble represents the average willingness of a participant from each suburb to make parklets permanent.

Yellow represents ‘Yes on a temporary basis during Summer/Spring only’, while green represents ‘Yes on a permanent basis (year round)’. None of the suburbs had an average below the seasonal level, showing that the feedback was extremely positive. On average, participants from Brighton, Black Rock and Beaumaris want to see parklets introduced on at least a seasonal basis. The average participants from Sandringham, Hampton, Hampton East, Cheltenham and Brighton East want to see parklets introduced on a permanent basis.

**Diagram 12. Support for parklets by suburb**

4.3 **Moving forward with the Parklet Program**

While the majority of participants were supportive of the parklet program continuing in some format. Many have offered feedback that can be used to strengthen the effectiveness of the project, reduce negative impacts and create a larger positive impact on the community. Summarised below is feedback collected from the community survey in response to *Do you have any other comments you would like Council to consider about parklets?*
There were 349 responses to this question (n349), all comments were open ended and varied in length from a short sentence to longer paragraph. A coding frame was developed to categorise the response into key action areas. Some comments have been tagged more than once, depending on the level of detail provided. Table 12 shows the themes and lists the type of topics covered by each theme and the count of comments for each theme.

Of these comments 136 offered their support for the parklets, reiterating the improvements seen as a result of their support of Council’s initiative. Another 19 comments felt that parklets also helped to further Council’s agenda around climate change, sustainability and reduced vehicle use. In this section we will focus on those comments coded *Future Considerations*.

### Table 12. Community Suggestions/Feedback

<table>
<thead>
<tr>
<th>Topic</th>
<th>Community feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expand program (101 mentions)</td>
<td>Increase the reach of parklets into other areas</td>
</tr>
<tr>
<td></td>
<td>Continue on with the program</td>
</tr>
<tr>
<td></td>
<td>Continue on specific parklets (including Concourse Marquee)</td>
</tr>
<tr>
<td></td>
<td>Continue permanently</td>
</tr>
<tr>
<td></td>
<td>Continue seasonally</td>
</tr>
<tr>
<td></td>
<td>Expand onto the foreshore temporarily</td>
</tr>
<tr>
<td>Businesses need more support (34 mentions)</td>
<td>Parklets increase the footprint traders can trade from</td>
</tr>
<tr>
<td></td>
<td>Traders needed to be supported to upgrade businesses to be</td>
</tr>
<tr>
<td></td>
<td>COVID safe</td>
</tr>
<tr>
<td></td>
<td>Council needs to better promote businesses to encourage trade</td>
</tr>
<tr>
<td><em>Future considerations</em></td>
<td>Improve look/feel/function (37 mentions)</td>
</tr>
<tr>
<td></td>
<td>Look for locations where carparking or access is not greatly affected (33 mentions)</td>
</tr>
<tr>
<td></td>
<td>Seasonal parklets (24 mentions)</td>
</tr>
<tr>
<td></td>
<td>Create a larger barrier between road/selection of location/traffic calming (21 mentions)</td>
</tr>
<tr>
<td></td>
<td>Provision of additional carparking/signage (18 mentions)</td>
</tr>
<tr>
<td></td>
<td>Charge businesses appropriately, consider allocation (15 mentions)</td>
</tr>
<tr>
<td></td>
<td>Provision of rubbish removal, cleaning (10 mentions)</td>
</tr>
<tr>
<td></td>
<td>Monitoring and engagement continual (5 mentions)</td>
</tr>
<tr>
<td></td>
<td>Who can use the parklet (3 mentions)</td>
</tr>
<tr>
<td>Negative impacts</td>
<td>Negative impact on vehicle movement and amenity (22 mentions)</td>
</tr>
<tr>
<td></td>
<td>Perceived negative use of public funds (5 mentions)</td>
</tr>
</tbody>
</table>

**Improve look/feel/function**

If the parklets are to continue some participants would like to see the look, feel and function of the parklets improve. Community suggestions included:
- Heating and protection from elements
- Comfortable furniture (anti picnic table sentiment, and picket fences)
- Planting and greenery
- Music and performances (where the size is large enough)
- Iconic feel matched to the suburb and location
- Play equipment.

Community quotes
- “These parklets can be improved to look more appealing by having floral/plant or decorations rather than concrete blocks and plastic fencing.”
- “… even in colder months … there can be heating and wind protection and deliver an ambiance that is good for Bayside areas and brings people to the area.”
- “Christmas decorations would be very appealing to get us all in the festive spirit.”

Parklet location selection (carparking and access)
For the introduction of future parklets, some participants felt that consideration to carparking availability and ease of pedestrian access should be central to Council’s decision. Community suggestions around this included:
- Set up parklets within carparks where Council knows there is higher availability of carparking or decreased use.
- Set up parklets further away from disabled carparking to ensure access.
- Set up parklets where footpaths are wider and there is reduced conflict between pedestrians and wait staff.
- Set up parklets in parks and outdoor areas, over carparks.

Community quotes
- “Only where parking is not compromised … I use disability parking spaces and they are often unavailable and I have to walk a significant (for me) distance from the car …”
- “Only consider parklets which do not eliminate parking.”
- “… restricted to areas that do not block the footpaths and thoroughfares. Restaurants like Bossyboots in Bay St Brighton and Mr & Mrs P in Bay St, Brighton, continually have tables and chairs spill out onto the footpaths as well as drinks trolleys against shop windows which block the footpath.”
- “Parklets are good if there is sufficient free parking behind the street. Mornington has done an amazing job with their walking street.”
- “Make areas for dining separate from footpaths to reduce current encroachment on footpaths and difficulty for pedestrian traffic.”

Seasonal parklets
Those in support of parklets and those opposed felt that adding parklets seasonally into Bayside’s dining mix might be a nice compromise. This would have the added benefit of reducing the conflict between those driving and those dining and making the most of Melbourne’s climate.

Community quotes
- “Given Melbourne’s climate, seasonal outdoor dining feels like a good compromise. It indicates the changing of the seasons and would most likely be used in Spring/Summer.”
“Whilst it makes sense to set up parklets for spring and summer when the weather is better, the chances are that covid numbers will increase again in winter and dining outside will either be a safer option or will increase capacity for venues if restrictions are re-introduced.”

“Given our weather there’s no point over winter but in warmer months it’s nice to have the outdoor dining…”

“I think they are fabulous - happy to see them year round or else removed for the winter months - I can see how some additional street parking might be helpful for quick access to the shops in the winter.”

Maybe reduced capacity in autumn/winter months instead of an all/nothing approach. These are great and we need more of them!”

Reducing risk from vehicle
Going forward some participants felt that Council needed to pay more attention to separating vehicles and people more to both increase the enjoyment of parklets and reduce risk. Community suggestions included:

- Consider installing larger barriers between parklets and the road.
- Locating parklets on minor roads rather than major roadways.
- Positioning parklets within open spaces rather than roads.
- Locating parklets away from bus stops or taxi stops to reduce emissions breathed by diners.

Community quotes

- “Accessibility that is free of trip hazards. Hard barriers to keep people safe so close to the road and fast moving vehicles. Speed limit reduction adjacent to parklets.”
- “I think it is a dangerous concept with traffic and cars so close to people. I would not like to sit so close to traffic and car fumes.”
- “Main concern is the risk of accidents involving vehicles colliding with the area, and exhaust from vehicles parked nearby especially those left running while the driver pops in to have their hair done, or it’s just too hot to turn off their air conditioning.”
- “Think it would be great if on certain days or even permanently certain streets (i.e. Hampton St, Sandringham etc) would be blocked completely for cars and become a pedestrian precinct. Of course this would require traffic management and larger parking houses around but would create beautiful centres.”

Supporting vehicle use
Parklets needed to be planned knowing the people are still going to drive to the centre. Some participants were also concerned that the future growth and development of the area was going to squeeze carparking spaces further. Community suggestions included:

- Better signage to existing carparking.
- Continue to lobby developers to include carparking in developments.
- Build a multistory carpark in transit areas.

Community quotes

- “The construction of multiple apartment buildings in Bayside and the proposed construction of many more on the former CSIRO site have added and will continue to
add many more residents. Notwithstanding this increase in population there have been no additional car parks added…”

● “... the parklet program, which I congratulate the Council for investigating, should be given large prominence, and alternative rear secure park spaces constructed for visitors to the centre.”

● “We are losing so many car spaces through developments being approved without sufficient parking. Would like to see parklets but lack of parking through Bayside is already a significant issue and this will make it even harder...”

● “I realise that car parking spaces can be at a premium at times, certainly with the huge increase in new accommodation, I hope that Bayside Council has also planned appropriate carparking?”

Charge businesses/allocate appropriately
Allocation of use and costs was raised by a few participants. Some participants were eager to see other traders and businesses using the parklets (takeaway food, homewares, art work); while others wanted to make sure that this was not be funded by Council (and therefore community).

Community quotes

● “…parklets should therefore be regarded as a temporary stop-gap measure AT BEST - and only whilst being funded by taxpayers generally through the State Government. Beyond that, council should have no ongoing role and the practice should be abandoned on, say, 1 May 2022 as business conditions will hopefully have returned to normality and the winter lull approaches.”

● “Only benefits cafes & restaurants & makes things harder for other retailers.”

● “...the impact of parklets must be considered in the light of their effect on other traders, not just those whose premises they immediately serve. A parklet outside a cafe may benefit that cafe but could result in a loss of trade for another business whose customers are unable to access the vicinity due to fewer parking spaces overall.”

Provision of rubbish removal, cleaning
Some noted that rubbish within and around parklets had increased, particularly in Beaumaris where more people were bringing in food from outside to enjoy in the marquee. Some also noted that tables were not being cleared or wiped down and could therefore increase the risk of COVID-19 and attraction of pests.

Community quotes

● “Rubbish is of concern. Often bins are full, so rubbish is left behind.”

● “More bins required - unfortunately some people don't act responsibly towards the space and the comfort of others.”

● “Would like to see the council clean the concourse tables. When Covid first started people were wandering around Bayside cleaning random things. Now the tables are dirty and never seem to be cleaned…”

● “Retail providers are poor at hygiene, too much pollution on streets anyway. Council needs to do many more health audits of cafes and bars.”

Monitoring and engagement continual
With any future program some wanted the project to be continually monitored to understand if the program was having an impact on the community or traders. Others wanted traders to be engaged during the parklet selection process.

**Community quotes**

- “Regarding parklets year round, I would say it should be at the discretion of the business owner, based on demand.”
- “…More targeted consultation is needed on whether the shelter is needed, what it would look like, where it would be built and how many people would it accommodate before a decision is made regarding the provision of a permanent shelter…”

**Who can use the parklet**

A few participants spoke about those that were, or weren’t allowed to use parklets. There were two comments that suggested unvaccinated patrons should be allowed to dine in outdoor parklets. Likewise there were comments related to if dogs should be allowed to enter outdoor parklets with their owners. Both for and against.
5 Project evaluation

5.1 Evaluation of engagement program

While providing feedback on the project some participants provided feedback on this engagement program. Some business participants felt that the questions within the business survey were leading, meaning that they were phrased to elicit a positive response rather than being neutral to elicit a range of feedback. No examples were provided just a sentiment expressed in the ‘Other’ comments.

In the Community Survey a few felt that the Beaumaris Marquee should have had its own survey as it is very different to the other parklets and there was not room to provide a detailed response. Example of feedback provided:

The Beaumaris Marquee is not close to a busy road. I do not like sitting at tables on busy roads because of the pollution and constant noise. Therefore, the Beaumaris Marquee is completely different from the parking space parklets. This is not a very helpful survey for providing feedback on the BEAUMARIS CONCOURSE MARQUEE. I do not like the look of the present marquee, it is tacky and has unsightly seating. During lockdown, people were not allowed to congregate or sit down but they did under the marquee. The marquee encouraged the people to break the COVID regulations. The 2016 Beaumaris Concourse Streetscape Draft Masterplan Report included a shelter, rocks and gravel pathways. After community consultation none of these features were included and the green space was left largely as it was before the report was written. The respondents to the masterplan did not want these changes. More targeted consultation is needed on whether the shelter is needed, what it would look like, where it would be built and how many people would it accommodate before a decision is made regarding the provision of a permanent shelter. COVID may have changed the opinion of the majority of the residents.

5.2 Evaluation of engagement communication

The communications approach used to promote this project was successful in notifying people about the project. The objectives of the approach were to:

- Raise awareness among the residential and business community of the project
- Encourage stakeholders to act (visit the website, complete the survey, promote it).

Table 13 evaluates the approach against these desired objectives.

Table 13. Impact of the engagement communication

<table>
<thead>
<tr>
<th>Impact Evaluation</th>
<th>Commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raise awareness among the residential and business community of the project.</td>
<td>Newsletter was sent to 8,797 subscribers</td>
</tr>
<tr>
<td></td>
<td>Trader email sent to 1629 traders (twice)</td>
</tr>
<tr>
<td></td>
<td>Social media posts reached 21,251 (paid, organic) with 13,000 Bayside community members</td>
</tr>
</tbody>
</table>
| Encourage stakeholders to act  
<table>
<thead>
<tr>
<th>(visit the website, complete the survey, promote it).</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Engagement with social media post</strong> was 9.5%, which is considered high good is 5%. <strong>Action taken from social media posts:</strong></td>
</tr>
<tr>
<td>● 430 link clicks</td>
</tr>
<tr>
<td>● 4 shares (user promotion)</td>
</tr>
<tr>
<td>● 120 action (reactions/comments)</td>
</tr>
<tr>
<td><strong>Action taken from newsletter</strong> was 1% for the residential newsletter which is considered low (3.99%) and 4% for traders which is considered average. <strong>Action taken from newsletter:</strong></td>
</tr>
<tr>
<td>● Trader email opens 644 (email 1) and 720 (email 2). Clicks 44 (email 1) and 57 (email 2).</td>
</tr>
<tr>
<td>● Residential email opens 4179 and clicks 44.</td>
</tr>
<tr>
<td><strong>Click throughs to the Have Your Say website across channels:</strong></td>
</tr>
<tr>
<td>● Emails to traders 62</td>
</tr>
<tr>
<td>● Onsite signage 56</td>
</tr>
<tr>
<td>● Facebook 38</td>
</tr>
<tr>
<td>● Email to residents 9.</td>
</tr>
</tbody>
</table>
PARKLET ANALYSIS REPORT
BAYSIDE CITY COUNCIL

RESEARCH ANALYSIS REPORT
PARKLET ANALYSIS REPORT  BAYSIDE CITY COUNCIL
Client: Bayside City Council
Report Reference: 21389TREP01D01
File Path: Y:\2021\21389T - Bayside Parklets Assessment\08 Reports\21389TREP01D01.docx
Monday, January 17, 2022

Document Control

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<td>21 Dec 2021</td>
<td>Jarrod Wicks</td>
<td>Associate Director</td>
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<td>D02</td>
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1 BACKGROUND
The State Government’s COVID Safe Outdoor Activation Fund has allowed Bayside City Council to install 15 parklets in place of on-street car parking spaces across the municipality. These parklets provide safer outdoor dining opportunities while COVID continues to impact the community.

The program has been successful and received positive feedback within the community, leading Council to consider implementing the parklets as an ongoing program.

This report aims to analyse the benefits and implications of parklets and form recommendations for their long-term implementation within the community.

2 BAYSIDE PARKLETS FEEDBACK
Council has undertaken community consultation to gauge the feedback and opinions of local residents and traders regarding the parklets. A large number of responses were received, indicating a high level of engagement and endorsement in the parklet program.

2.1 FACE-TO-FACE COMMUNITY CONSULTATION
Face-to-face community surveys were conducted across areas hosting parklets within the Bayside municipality including Beaumaris, Brighton, Cheltenham, Hampton and Sandringham. A total of 136 surveys were received from residents, business owners and those living outside of Bayside.

The results reveal that 83.8% of participants believe that the parklets have a positive impact on the activity centres, including 100% of Bayside resident participants holding this opinion. Of the traders interviewed those in Brighton had the highest rate of satisfaction with the parklets, with 81% of traders agreeing that the parklets have a positive impact on shopping precincts.

Figure 1 Feedback regarding positive impact of parklets
It was found that traders were most concerned about the spacelets taking up parking spaces, with 36.2% of surveyed traders worried about the loss of parking spaces. This concern was greatest in Sandringham, with 83.3% of traders believing the spacelets create parking issues. The large majority of Bayside residents did not share the concern regarding the loss of parking spaces, with 82.9% of residents displaying no concern with spacelets taking up parking spaces.

Additionally, it was found that the majority of residents (80%) and traders (54%) supported the long-term extension of the spacelets. Sandringham traders had the lowest support rate (16.7%) for the spacelets long-term extension.
Overall, the face-to-face community consultation found positive feedback and support of the parklets, especially from local residents. Concerns regarding a loss of parking were most prevalent amongst traders, with most other participants finding no issues with parking availability.

2.2 ONLINE COMMUNITY CONSULTATION

Bayside City Council consulted traders/businesses and the general community via Council’s online engagement platform between 18 November and 16 December 2021. This was done to understand community and business attitudes towards parklets, use and economic impacts of parklets, safety and compliance of the program and community preference for the use of parking spaces.

2.2.1 FEEDBACK FROM BUSINESSES

The business respondents to the survey included a total of 50 businesses, including 16 businesses with a parklet and 34 businesses without a parklet. The types of businesses are shown in Figure 4.

![Types of businesses surveyed](image)

**Figure 4** Types of business respondents

The majority of business participants (54%) felt that the parklets had a positive impact. It was found that 25% of businesses felt as though the parklets had a negative impact on their business. Despite this, the large majority (75%) of businesses agrees that the parklets improved the vibrancy/ambiance of the area. The perceived impacts of parklets are summarised in Table 1.

**Table 1 Impact of parklets on businesses**

<table>
<thead>
<tr>
<th>Adds to the vibrancy/ambience of the area</th>
<th>Makes the area more of a destination for the community</th>
<th>Improves safety with more people out and about</th>
<th>Reduces risk of catching COVID-19</th>
<th>Allows more diners to enjoy the area</th>
<th>Does not contribute</th>
<th>Other</th>
</tr>
</thead>
</table>
| 41                                       | 36                                                  | 28                                          | 30                                      | 37                               | 10             | 2 comments
|                                           |                                                     |                                             |                                         |                                  |                | Staff feel safer Detracts from area |

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Item 10.2 – Reports by the Organisation
The survey of businesses found that businesses with a parklet were in support of the continuation of the parklet program, with the large majority wanting parklets to be implemented on a year-round permanent basis. However, businesses that currently do not have a parklet were more mixed in their opinion on the long-term installation of parklets, as seen in Figure 5.

Figure 5  Business support for long-term parklets

A breakdown of the level of support by suburb is provided in Figure 6. It is notable that Sandringham featured the highest proportion of businesses not in support of parklets (46%), however, the overall sample size is relatively small at 13 businesses. This is the same for all locations.

Figure 6  Level of business support by suburb
Businesses were also asked for their perceived impact of parklets on car parking availability, with the results presented in Figure 7. Of the feedback received, 7 responses mentioned increased customer complaints regarding car parking.

![Figure 7: Businesses perceived impact on car parking availability](image)

Furthermore, businesses were asked about the impact of parklets on their business revenue and staffing requirements. Not all participants answered this section, with responses summarised in Figure 8.

![Figure 8: Impact of parklets on business turnover](image)

Of those businesses who recorded an increase in their turnover due to the implementation of parklets, the majority saw an increase between 0-25%, as seen in Figure 9.
Of the 16 businesses who responded to the question regarding staffing requirements, the large majority (69%) felt they would need to employ additional staff to service the parklets, of which 57% of businesses would require one additional staff member, 14% would require two additional staff members and 29% would require three additional staff members.

2.2.2 FEEDBACK FROM COMMUNITY

Of the general community respondents, the large majority were Bayside residents with the most populated suburbs including Brighton, Beaumaris, Sandringham and Hampton.

The community were asked for their opinion on the parklets and what appeals to them the most, with the results presented in Figure 10. It was found that the large majority of the community identify appeal of the parklets, with an improved vibrancy/ambiance of the area being the most popular answer.
The community were also asked for their perceived impact on car parking availability due to the parklet program, with the overwhelming majority of participants feeling as though they are not inconvenienced by the reduction in on-street car parking, with results shown in Figure 11.

**Figure 11** Community perceived impact on car parking

In terms of the long-term implementation of parklets, the community support is presented for each suburb in Figure 12. The size of the bubble corresponds to the number of responses from each suburb and the colour corresponds to the average willingness to make parklets permanent, with yellow representing 'Yes on a temporary basis during Summer/Spring only' and green represents 'Yes on a permanent basis (year-round).

**Figure 12** Community support for parklets
From Figure 12, it can be concluded that participants from Brighton, Black Rock, and Beaumaris want to see parklets implemented on at least a seasonal basis. Participants from Sandringham, Hampton, Hampton East, Cheltenham, and Brighton East want to see parklets implemented on a permanent basis.

3 PARKLETS ACROSS MELBOURNE

3.1 CITY OF MELBOURNE

The City of Melbourne has created an ‘outdoor dining guideline’ to assist hospitality venues safely establish outdoor dining areas. This includes information regarding applying for a parklet and eligibility criteria.

All applications are to be assessed on a case-by-case basis and considered against site-specific conditions and eligibility criteria including:

- Must be an eligible street with specific traffic conditions;
- Must satisfy safety and amenity requirements (outlined in the technical specifications);
- Should have support from neighbouring businesses on either side;
- Should involve more than one hospitality businesses requesting multiple consecutive parking bays to be converted into café parklets; and
- A letter of support from adjacent residential neighbours where relevant.

Risk assessments of parklet applications will be carried out by the City of Melbourne. Road safety audits will be carried out as required.

In the City of Melbourne, outdoor dining parklet fees are to be introduced from 1 April 2022 at the following rates:

- $139/m² per annum in Central City (including the Hoddle Grid, Southbank Promenade, Riverside Quay and Federation Wharf);
- $32/m² per annum in Docklands including South Wharf; and
- $32/m² per annum outside Central City.

- The cost of any new infrastructure will be at the expense of the applicant.

Figure 13 City of Melbourne parklet diagram
It was determined that the City of Melbourne’s extended outdoor dining program supported 650 businesses, with a 113% increase in outdoor dining permits during the initial 6-month period. An additional capacity of 18,000 outdoor seats were created for cafes, restaurants and bars. The program was well-received by the community with 88% of residents, business owners and students believing the program was a good addition to the city and 96% of businesses thinking the program created a positive vibe.

It was found that 75% of businesses generated at least an additional $1,642 per week from their extended outdoor dining areas. The program generated an additional 100 jobs and $20.6 million in broader economic benefits. Taking into account the State Government funding, each extended outdoor dining area had a cost of $2,240.

3.2 YARRA CITY COUNCIL

Yarra City Council has developed policy and design guidelines for their parklet program. This allows hospitality businesses to apply for either a 12-month permit or a summer daylight saving permit.

Yarra are to introduce fees from 1 July 2022 with pricing depending on the type of street including primary streets (e.g. Brunswick Street, Smith Street and Gertrude Street), secondary streets (any street with paid parking that isn’t a primary street) and neighbourhood streets (any other eligible streets). A 25% discount and 8-month waiver has been applied to the first-year fees, resulting in the following rates applied from 1 November 2021 to 30 September 2022.
Then, from 1 October 2022 to 30 September 2023, the following rates apply:

### Table 2  Yarra City Council year 1 fees

<table>
<thead>
<tr>
<th>Street type</th>
<th>Application and inspection fee</th>
<th>'Summer' permit fee (1 November to 31 March)</th>
<th>Annual permit fee (1 November to 30 September)</th>
<th>Average cost per day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary</td>
<td>$0</td>
<td>$937.50</td>
<td>$2.57</td>
<td></td>
</tr>
<tr>
<td>Secondary</td>
<td>$0</td>
<td>$562.50</td>
<td>$1.54</td>
<td></td>
</tr>
<tr>
<td>Neighbourhood</td>
<td>$0</td>
<td>$417.38</td>
<td>$1.14</td>
<td></td>
</tr>
</tbody>
</table>

The above proposed fee structure has received some negative feedback from small businesses, with articles published in The Age and The Guardian for example. Businesses owners have pushed back against the proposed fees, expressing they are far too high in comparison to other Councils and considering many businesses have been operating at a loss due to Covid restrictions.

The installation of the associated infrastructure and traffic management requirements are an additional cost to the permit holder.

Yarra City Council also includes design specifications and guidelines for the parklets, including the required setbacks, physical barriers, drainage and signage.

![Figure 16 Yarra City Council parklet design guidelines](image-url)
Traders are able to purchase or hire a ready-made parklet or design their own as long as they meet Council requirements. Field observations of parklets in Fitzroy and Collingwood showed that the appearance of the parklets varied greatly in the area. The only commonality was the installation of concrete blocks on the corner exposed to traffic.

Yarra City Council has undertaken surveys of businesses and residents to gain an understanding of their opinions regarding the parklets. The feedback was largely positive with the large majority of businesses owners and residents believing the parklets to have a positive impact on the community atmosphere and business capacity. All of the businesses with a parklet would apply for a parklet again and 98% of locals would like to see parklets in Yarra in the future.

In terms of the impact on car parking availability, 36% of businesses believed the parklets to have a negative impact on parking whereas only 8% of residents saw a negative impact on parking. It was found that a very small percentage of those dining in parklets would travel by car (9% as a driver and 4% as a passenger) with the large majority choosing to walk, cycle or take public transport. The impact of removing car parking for parklets for various user groups is summarised in Figure 20.
Of the businesses with parklets currently in place, the additional revenue generated by the parklets each month varies significantly, with the most common responses being $4,000, $5,000 and $10,000 per month, as summarised in Figure 21.

Furthermore, data was gathered on the price that businesses are willing to pay per month for a parklet. This was collected for business who do and do not currently have a parklet installed. It was determined that businesses without a parklet are more willing to pay a larger amount of money each month, as seen in Figure 22.
3.3 FRANKSTON CITY COUNCIL

Frankston City Council has developed guidelines regarding extended outdoor dining and entertainment. Similarly to other Councils, this outlines the requirements and eligibility criteria for the design and safety of providing parklets.

Frankston City Council have waived permit fees and charges until 30 June 2021, when kerbside trading fees will be reviewed and assessed as part of Council’s annual budget process. Fees are yet to be set.

Council is to review each application on a case-by-case basis and undertake risk assessments. Road safety audits and traffic management plans may be required for some cases and undertaken independently.

The design requirements of the parklets are outlined within the guidelines, with Council strongly recommending businesses to select furniture in discussion with Council Officers to ensure consistent and desirable appearance is achieved across outdoor dining areas.

Field observations revealed that the parklets within Frankston City Council are consistent and uniform in their design and appearance, including those along Nepean Highway, in the Frankston City Centre and in Seaford. The parklets on Nepean Highway also include large concrete blocks over an additional parking space on the side exposed to oncoming traffic, as seen in Figure 24.
Parklets located within the City Centre on Wells Street and Beach Street also involved a reduction in the speed limit to 20km/hr to increase the level of safety of these parklets.

Feedback from local residents and businesses is largely positive, with 70% of respondents really impressed with the extended outdoor dining. Only 12% of respondents strongly disagreed that the parklets were a good use of car parks, and 80% strongly agreed to making the parklets permanent.

### 3.4 CITY OF PORT PHILLIP

The City of Port Phillip has prepared a Business Parklet Policy and Guidelines, similar to other Councils to provide eligibility criteria and design requirements to permit parklets in the future.

Permits can be either annual or seasonal (6-months), with fees to be set through the annual Council budget process.

The guidelines provide detailed information and requirements for the design of the parklets, including safety elements, accessibility requirements, platform design, drainage, planting and design quality.
Within the City of Port Phillip, 64 hospitality traders have installed parklets, allowing 64% of traders to retain staff and 71.5% being able to engage new staff. The parklets were well-received by the community with 81% of respondents supportive of business parklets. Only around 8% of respondents indicated there were no community benefits to parklets, sharing concerns about the reduction of car parking spaces.

### 3.5 Moreland City Council

Moreland City Council have allowed over 280 cafes, bars and restaurants to expand their outdoor dining since October 2020 through footpath dining and parklets. Council has developed a Parklet Program which outlines information and requirements regarding the implementation of outdoor dining parklets.

The Parklet Program involves two streams: short-term and long-term.

The short-term stream involves the installation of a Council-owned parklet for a duration of 6-months. The host is required to pay fees to cover delivery, installation and removal of the temporary parklet, at a rate of $2185.45 for one car parking space, and $1092.75 for each additional parking space.

The long-term stream involves a permit for a host-owned parklet for the duration of 1 year which is renewable. The host is required to pay for the design and build, Council permit fee and annual renewal fee. Whilst the design and construction fees vary, indicative fees for long-term parklets are as follows:

- Design Documentation: Up to $5,000.
- Materials and Construction: $5,000-$80,000.
- Public Liability Insurance: Coverage of $10 Million.
- Parklet Permit Application: $218.55.
- Annual Renewal (one parking space): $546.35; and
- Annual Renewal (each additional parking space): $382.45.

The Program provides design guidelines for the host-owned long-term parklets in terms of safety buffers, platform design, drainage, safety elements, visual connection and amenities.

![Moreland design requirement example](image)
3.6 GLEN EIRA CITY COUNCIL

Guidelines are available for parklet installation though there is no policy, and nor are there currently any plans to implement a policy.

Based on discussions with Council officers, Glen Eira has received overwhelmingly positive feedback from both traders and residents. The main cause of concern came from installation of a mega parklet (8 parking bays) in Carnegie, given how many parking spaces were taken in one location. There are no rules or criteria to determine how many parklets will be installed in an activity centre, and this is determined on a case-by-case basis. A small number of concerns (3 – 4) were received regarding the general removal of parking.

Council is currently investigating installation of parklets in off-street car parks near railway stations (including one VicTrack-owned car park) to enable use by multiple traders. These can be used by traders or rented out through a booking system.

Seasonal installations are provided and consideration is being given to annual installations with the next round of review. Installations will also be considered for non-food business (e.g. salon owners can use parklets as a customer waiting area, or gyms can use them for equipment).

Road safety audits and traffic management plans may be required for some cases and these are undertaken independently. For areas that have already been audited and that feature similar characteristics, Council may determine not to carry out a road safety audit.

Timber parklet structures are provided, protected by water filled barriers and wheel stops. However, we are advised that these will be replaced with modular steel framed structures for increased longevity, swifter/cheaper installation and flexibility of use (e.g. they can also be used for events, festivals, etc.) Council has had issues with damage to the timber structures when dismantling them. Council visits the parklet installations weekly to check on any maintenance issues but traders have been found to look after them quite well.

There is no cost to traders other than standard footpath trading permit fees, which have previously been waived but will be reinstated in January.

Figure 27   Centre Road, Bentleigh

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Figure 27  Centre Road, Bentleigh
3.7 KINGSTON CITY COUNCIL

Kingston City Council has prepared a draft parklet policy which will go before Council in the new year for approval.

Feedback thus far on the existing parklet installations has generally been positive. As is the common theme, negative feedback has resulted regarding the removal of parking for parklets, and the concern that this only benefits one business. Council has responded by asking businesses to share parklets where possible (for example, parklets can be used by businesses where one only opens during the day and one only opens during the evening.) Negative feedback is generally more prevalent in smaller shopping strips. For example, one that had only 13 shops and 4 parking bays were taken up for parklets. Council subsequently elected to reduce the parklet to 2 parking bays.

With regard to how many parklets will be considered in each activity centre, Council has elected to cap this at 10% of the total available parking supply. This was based on the reasoning that peak parking occupancy within the activities centres is typically 85% and hence adopting 10% would leave 5% vacant parking space. We note this does not consider the theory popularised by Donald Shoup that an 85% occupancy rate of on-street parking spaces is the most efficient use of public parking, and when this is exceeded cars arriving at a destination are forced to circle the block for a few minutes to find an unoccupied parking space. This results in increased traffic congestion.

Kingston will consider seasonal installations from September to April or for 12 months. Parklets that are not used to their full potential are planned to be reviewed by Council and potentially considered for removal (though this practice is yet to come into effect).

Funding arrangements currently involve Council contributing a certain amount, with businesses paying for the remainder; however, this is currently being reviewed as part of the draft policy.

From a safety perspective, each proposed parklet installation firstly undergoes an internal review by Council’s traffic team. If the location is considered potentially suitable, it will then be subject to an external Road Safety Audit.

Kingston currently utilises picket fence structures for Council-supplied installations, with protection provided by concrete blocks. This is similar to Bayside’s current parklets. This may change as Council is currently investigating purchasing parklets that can potentially be stored at the depot when not in use. The option of permanent seating is also being explored.
3.8 BANYULE CITY COUNCIL

A field review has been carried out of Banyule City Council’s parklet installations located in Upper Heidelberg Road, Ivanhoe. Photos are provided below. This parklet is notable for the fact that it adopts bolt down rubber kerbing and plastic bollards adjacent to the traffic lane for additional protection and conspicuity. Concrete blocks are also provided that double as planter boxes.
4 ECONOMIC BENEFITS

4.1 CITY OF MELBOURNE STUDY

The economic impacts of parklets in the City of Melbourne have been researched by Urbis, which found an overall economic benefit in converting parking spaces to outdoor dining parklets. This study looked at the extended outdoor dining program in the City of Melbourne, Yarra City Council and City of Stonnington and included footpath dining, parklets, park dining and street closures.

It was revealed that the revenue generated per day by different kerbside uses was $950 for car parking and $1,660 for parklet dining. This was based on an occupancy of 12 people per car with an occupancy of 85% and a dining parklet of 10 seats with an occupancy of 63%. It was assumed that the car parking space would be utilised over 14 hours a day and the dining parklet would be utilised over 8 hours a day.

It was determined that 75% of businesses surveyed indicated they had generated at least $1,642 per week from extended outdoor dining. It is estimated that 100 new jobs were created by the program between October to March and that for every $1 spent on the program, there was a $2.68 benefit to the broader economy.

Total cost of the program (October to March) was $7,684,922. Costs to the City of Melbourne has been $1,908,355 after accounting for contributions from the State Government. Costs include:

- Infrastructure and maintenance: the installation and rental of equipment;
- Foregone parking revenue – over $300,000 in footpath trading fees were waived and an estimated $19 million in potential revenue from parking metres and fines was foregone; and
- Resourcing: assessment and administration of outdoor dining applications, approval and implementation of permits.

The study found that the extended outdoor dining (EOD) program is able to ‘break even’ under the following circumstances:

- If one job is created or maintained for every 142 chairs of capacity added:
  - 95% of businesses in City of Yarra indicated they were able to keep people employed due to EOD.
- If one person notes a significant improvement in amenity for every 10 additional seats:
  - 94% of businesses with EOD spaces report an improved atmosphere.
- If 27% of additional seated capacity is used at least once a week:
  - 69% of businesses were seeing increased revenue as a result of EOD.
- If 204 businesses see a patronage increase of 70 customers per week who stay for a median time of 80 minutes each:
  - Interview data indicates at least 50% of diners in Yarra are specifically choosing businesses with EOD spaces.

4.2 TRAVEL MODE VS SPENDING

A study undertaken by Metropolis Research in 2018 found a relationship between the amount of time and money spent in stores and the mode of transport used to travel there. It was determined that those who walk go to the shops more often, stop off at a greater number of shops and spend more than those who drive. For example, at Fairfield Village the estimated monthly spend for various travel modes are presented in Figure 34.
Figure 34 shows that the estimated monthly spend by pedestrians at Fairfield Village is significantly greater than those who travel by other transport modes. This study supports the removal of car parking space as it creates opportunity for greater revenue for local businesses. With the long-term installation of parklets, local residents would be encouraged to walk to activity centres, and they are more likely to spend more than if they were to drive.

5 PARKLET TYPES & COSTS

5.1 TYPES OF PARKLET

Parklets can be installed in a variety of different forms, such as timber framed structures, modular aluminium/steel structures and even converted skip bins. Parklets can be left empty, maximising usable space, or they can be populated with fixed or portable seating, heating devices, umbrellas and garden planters. Some Councils have allowed businesses to design and install their own parklets subject to meeting strict design and safety criteria and funding any additional costs.

Roofing structures can also be considered, which provides the benefit of enhanced all year-round usage in inclement weather (refer Frankston example). However, this requires a building permit and structural engineering assessments. If the parklets are supplied and installed by Council in a standard configuration, it may be possible to only have to do this once – it is recommended this be confirmed with Council’s building department if this option is to be considered.

Issues may arise with some parklets in respect of long-term durability, particularly those constructed predominantly from timber. Timber structures are also more prone to damage if having to be dismantled and reassembled for seasonal installations.

Further, if seasonal installations are considered, a storage facility will need to be arranged. This is the case with either Council-owned parklets or parklets supplied by a contractor. One option for Council is to purchase modular parklet systems for seasonal installations only and require all annual installations to be arranged by businesses.

A high-level summary of options available to Council is provided in Table 4.
# Table 4: Parklet options summary – pros and cons

<table>
<thead>
<tr>
<th>Parklet Configuration and Options</th>
<th>Responsibility</th>
<th>Pros</th>
<th>Cons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deck and fence only – non-modular system supplied by contractor</td>
<td>Council / Contractor</td>
<td>Contractor can take responsibility of install and maintenance. Consistent standard of design across the municipality. Business owner responsible for provision of tables and seating (to be taken inside out of hours).</td>
<td>High initial and ongoing costs. Increased storage requirements for seasonal installations.</td>
</tr>
<tr>
<td>Deck and fence only – modular system owned by Council</td>
<td>Council</td>
<td>Specifically designed to be installed and dismantled easily and therefore less prone to damage when doing so. Suitable for seasonal installations as it can be easily taken away and reinstalled later. When not in use (for seasonal installations), Council can reuse the parklet for community events or other activities. Low cost to businesses as Council owns the asset. Consistent standard of design across the municipality. Business owner responsible for provision of tables and seating (to be taken inside out of hours).</td>
<td>High up-front cost to Council. Council needs to provide resources for ongoing inspections and maintenance.</td>
</tr>
<tr>
<td>Parklets designed and installed by individual businesses</td>
<td>Business Owners</td>
<td>Gives business owners the ability to have a uniquely designed parklet. Construction costs can be passed onto the business requesting the parklet. No upfront cost to Council other than to assess the application.</td>
<td>Greater administrative burden for Council to assess each application as they will all be different. Greater potential for safety issues to arise if parklets fall into a state of disrepair due to quality of installation. Lack of consistency across the municipality.</td>
</tr>
<tr>
<td>Fixed tables and seating</td>
<td>Council or Contractor</td>
<td>Enables parklets to be used outside of business operating hours for greater community benefit.</td>
<td>Higher initial and ongoing maintenance costs.</td>
</tr>
<tr>
<td>Planter boxes</td>
<td>Council or Contractor</td>
<td>Adds visual interest. Planters can be designed to incorporate and thus hide concrete blocks/barriers for an improved visual aspect.</td>
<td>Reduces usable space of parklet. Increased installation cost.</td>
</tr>
</tbody>
</table>
5.2 COSTS

Indicative costs for parklets are presented as follows. Note this does not represent the full range of parklets available on the market but instead provides a general indication.

5.2.1 EXISTING BAYSIDE PARKLETS

The existing parklets in Bayside have been supplied and installed by Event Logistic Group Pty Ltd. These comprise of timber decks and metal prefabricated picket fences – refer examples in Figures 35 – 38.

![Figure 35 Bayside Parklet Example 1](image1)
![Figure 36 Bayside Parklet Example 2](image2)

![Figure 37 Bayside Parklet Example 3](image3)
![Figure 38 Bayside Parklet Example 4](image4)

The associated costs are as follows:

**Installation cost per parklet**

Each parklet costs $10,000+GST, based only on the initial hire period of 1st November 2020 – 30th April 2021 (26 weeks).

This includes:

- 33 sqm of deck flooring (to be adjusted to kerb height)
- 15 lineal metres of picket fence
- 2 concrete road barriers
- Labour to install
- Transport costs

**Monthly Management Fee**

After the initial period, a flat fee of $500 per parklet per month, including fortnightly inspections and cleaning if required.
Maintenance costs and upkeep

If Council was to extend the duration of the parklet installation, then after 12 months maintenance would be required to decking boards, screws etc.

This is estimated at $3,000 per repair maintenance carried out three times per year (October, December and February) for a total of $9,000+GST (covering all parklets).

This includes:
- Replace damaged bollard covers
- Replace torn bunting
- Replace screws and boards where absent and or broken
- Wash down picket fencing

5.2.2 MODULAR ALUMINIUM PARKLETS

Parklets can be supplied in a modular fashion that allows greater flexibility of use for other purposes – refer example in Figure 39. This system consists of composite decking, aluminium frame and alucobond side panels, which offers long-term durability and protection against water damage in comparison to timber parklets. The system is lightweight and can be flat packed for easy storage.

![Figure 39 Example of modular parklet](image)

However, in comparison to timber parklets they provide less ability for creative design and individuality, and for fixed tables and seating to be provided that would support after hours use.

Prices range from $13k – $15k+GST per parklet fully installed, depending on quantity purchased. This includes a 5-year warranty.

To this price must be added the cost of concrete blocks and other traffic management devices (signs, reflectors etc.) This is estimated at approximately $500 – $3,000+GST per parklet depending on how many devices are required. Some parklets will not require concrete blocks.
5.23 TIMBER PARKLETS

Parklets constructed predominantly from timber have the advantage of allowing more creative and visually appealing designs. Costs can range from approximately $8,000 to $28,000+GST per parklet depending on how elaborate the design is. For custom designs, a design fee in the order of $1,500 – $5,000+GST may be charged.

Two examples are provided below:

Figure 40 Black formply parklet

Figure 41 Hardwood parklet

Indicative prices are as follows:

<table>
<thead>
<tr>
<th>Black Formply Parklet Inclusions</th>
<th>Optional Extras</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Treated pine decking platform</td>
<td>• Concrete bollards $1325.00 each. (note an additional crane truck delivery charge of $500 is required with the installation of concrete bollards)</td>
</tr>
<tr>
<td>• Black formply planter box fencing</td>
<td>• Wheel stops $98 each.</td>
</tr>
<tr>
<td>• Plants/greenery</td>
<td>• Standard fixed furniture (made from composite decking) from $302.50 - $610.50 per item.</td>
</tr>
<tr>
<td>• Installation and delivery</td>
<td>• Day to day maintenance and Service – hourly rate $85. Additional materials and consumables would be priced as required.</td>
</tr>
<tr>
<td>• Design and documentation service</td>
<td>• Minimal upkeep required. No sanding or re-coating, extremely durable material for outdoor use.</td>
</tr>
<tr>
<td>• Project management</td>
<td></td>
</tr>
</tbody>
</table>

From $9,100.00 ex gst

Figure 42 Black formply parklet pricing
### Hardwood Parklet - 6m x 2m

<table>
<thead>
<tr>
<th>Hardwood Parklet Inclusions</th>
<th>Optional Extras</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Treated pine decking platform</td>
<td>• Concrete bollards $1657.00 each.</td>
</tr>
<tr>
<td>• Hardwood timber planter box fencing</td>
<td>(note an additional crane truck delivery charge of $500 is required with the installation of concrete bollards)</td>
</tr>
<tr>
<td>• Plants/greenery</td>
<td>• Wheel stops $98 each.</td>
</tr>
<tr>
<td>• Installation and delivery</td>
<td>• Standard fixed furniture (made from composite decking) from $302.50 - $610.50 per item.</td>
</tr>
<tr>
<td>• Design and documentation service</td>
<td>• Day-to-day maintenance and service – hourly rate $85. Additional materials and consumables would be priced as required.</td>
</tr>
<tr>
<td>• Project management</td>
<td>• Once yearly service charge $500. Maintenance of hardwood timber elements incl. sanding and re-coating.</td>
</tr>
</tbody>
</table>

From $11,100.00 ex gst

---

**Figure 43** Hardwood parklet pricing

Options to enhance the usage and visual appeal of the parklets are provided in the images below:

**Low Bench Seat**

Bench seats made using 17mm structural external formply for the base and timber on top, either hardwood such as spotted gum or treated pine which can be stained. There is a pattern engraved on the formply base.

Dimensions: 1200mm x 600mm x 400mm

Price:
- Hardwood top (Spotted Gum or similar) - $896.40 ex GST
- Treated Pine - $823.50

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**45 Degree Seats – Making An Octagon Seat When All Connected**

Individual 45 degree seats that will connect together and make an octagon. Made from 17mm structural external formply, with treated pine frames and top could be either treated pine or hardwood (Spotted Gum or similar). The formply has engraving in front facing pieces.

Dimensions: 800mm x 600mm x 800mm

Price: Spotted Gum Top - $893.00 ex GST per seat
- Treated Pine Top - $791.75 ex GST per seat
Plant Box with Graphics – Includes Plants and Soil

Plant box made from 17mm structural external formply, engraved and CNC cut design. Treated pine frame inside. Graphics can also be applied to front side of plant box. Includes 8 plants.
Dimensions: 1200mm x 600mm x 800mm
Price: $1,578.80

Seat Pod – Hardwood Top

Made from treated pine frame, 17mm structural external formply and timber, either treated pine or hardwood (Spotted Gum or similar). There are designs CNC engraved on the face of the formply.
Dimensions: 1500mm x 1900mm x 1100mm
Price: Hardwood - $5,393.50 ex GST

35 Degree Bench Table

Made with a treated pine frame, 17mm structural external formply and either a treated pine top or hardwood top (Spotted Gum or similar). There bench tables are perfect for connecting bench seaters and plant boxes, connected together via bolts to make the sections secure.
Dimensions: 500mm x 585mm x 600mm
Price: Treated Pine Option - $714.70 ex GST
Hardwood Top Option - $807.00 ex GST.
A timber system provides opportunity for fixed tables and seating to support after hours use, though for seasonal installations this will necessitate greater storage requirements.

5.3 FUNDING AVAILABILITY

The $40 million COVIDSafe Outdoor Activation Fund 2021 supports Victorian Councils in assisting businesses to operate in outdoor settings in a COVIDSafe manner. This fund was created to assist business viability and will support ongoing community safety and confidence as part of the roadmap to reopening.

The funding granted to Bayside City Council is summarised below:

Part A – Immediate Outdoor Activation (Rapid Implementation Fund) – $300K To immediately extend the life of existing outdoor eating and entertainment facilities, facilitate reactivation initiatives and provide new facilities for other businesses to also operate outdoors.

- Outdoor dining spaces and marquee extended to March 2022
- Upgrade of decorations in the outdoor dining spaces
- Activations and events in December, February, March, April and May to support outdoor economic activity in public areas as well as marquees and outdoor dining spaces
- Marketing and Communications

Part B – Semi-permanent and Permanent Outdoor Precinct Establishment – $275K To establish semi-permanent and permanent outdoor precincts that support a broad range of industries and will be of lasting benefit to local communities. In addition to outdoor eating and entertainment, the funding will support industries that have been severely impacted by COVID restrictions, such as gyms, personal/beauty services, and non-essential retail

- Permanent marquee, tables and seating and planter boxes to replace temporary installation at Beaumaris Concourse
- Semi-permanent marquee to be installed at St Andrews Church, Brighton and Seaview Village, Beaumaris
- Strategically located kerb outstands activated with uniquely designed street furniture to enhance and encourage outdoor activity.
- Black Rock foreshore activation, additional seats, provides the community access to additional space, supporting the commercial precinct.

At this point in time there are no additional funding commitments from the state government.
5.4 FEES AND CHARGES

From April 2022 it will become necessary to reset the parklet program, including removal of all existing installations that are currently subject to a hire agreement. A fee structure will therefore need to be adopted for all new installations given there will be no government funding available.

The fee structure may include, for example:
- Application and inspection fee;
- Footpath trading permit fee [for the use of tables and chairs];
- 6-month permit fee (per parklet); and
- 12-month permit fee (per parklet).

Permit fees are optional and could be introduced to account for the value of public land, either municipality wide or in specific activity centres based on average retail rental values.

Costs will be dependent on various factors including:
- Whether Council chooses to purchase and own modular parklets that are then ‘rented’ to businesses;
- Whether Council engages a contractor to supply and maintain all parklets, and then passes this cost onto businesses;
- Whether Council allows each business to source and pay for their own parklet (either exclusively or in addition to the above);
- Whether Council passes on the cost of a road safety audit and/or traffic management plan to each business; and
- Whether traders are required to pay for traffic management treatments e.g. concrete blocks.

Recognising that the Covid pandemic is still in effect and adversely impacting businesses, Council could elect to subsidise some of the cost (in effect providing a discount) and introduce a fee structure that progressively increases each financial year until the pandemic is over.

It is noted there is no ticketed parking on Council-managed roads in the City of Bayside, and hence there is no lost revenue to recover.

Should Council not be able to identify a suitable location for the storage of parklets, then we recommend adopting a model that involves businesses paying for their own parklet including arranging storage for seasonal installations. The application and permit fees will then only need to cover the cost of time for Council to administer the scheme, carry out inspections, etc.

6 LOCATION OF PARKLETS

There are a number of factors to consider when planning the future locations of parklets in Bayside, including safety aspects, the number of parking spaces available, alternative transport modes, community feedback of existing parklets.

6.1 PARKLET LOCATION ELIGIBILITY

The following eligibility criteria are recommended to apply in the consideration for a parklet location:
- On a Council owned or managed road;
- On a road with 40km/hr or less speed limit;
- Not located in a clearway, disabled parking spaces, loading zone or car share zone etc.;
- On a straight road geometry to ensure uninterrupted sight lines for drivers;
- Greater than 10m distance from an intersection;
- Maintains direct access to the footpath;
- Does not impact access for essential and emergency vehicles to abutting land

Alternatively, approval from the Department of Transport is required if the proposed parklet location includes any of the following.
- The use of part of a declared road;
- Traffic control devices places on a declared road to facilitate local road outdoor dining;
- Major traffic control devices that required DoT approval for use on local roads;
- Temporary reduction of speed limits to below 40km/hr on local roads;
- The use of a local road with a clearway;
- Any potential impacts to public transport (e.g. road closures, detours, delays) and
- Any impact on the function of traffic signals (e.g. closed turn lanes, road closures).

6.2  MAXIMUM NUMBER OF PARKLETS WITHIN EACH ACTIVITY CENTRE

It is necessary to consider criteria for the installation of parklets to avoid the over-proliferation of parklets within each activity centre. At the same time, it should be considered whether there will be enough parklets to go around should there be a high demand from businesses.

A comparison between the number of food venues and the number of on-street parking spaces available in each activity centre is provided in Table 5. A ratio is then provided in respect of the number of parklets versus the number of food venues, if 1 in 10 on-street parking spaces were to be converted to parklets.

The activity centre and parking areas are shown in the diagrams in APPENDIX 1 (note these diagrams have been supplied by Council, and no information was provided for the Church Street activity centre).

<table>
<thead>
<tr>
<th>Activity Centre</th>
<th>On-Street Parking Supply</th>
<th>No. Food Venues</th>
<th>10% of On-Street Parking Supply</th>
<th>Ratio to Food Venues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bay Street</td>
<td>115</td>
<td>24</td>
<td>12</td>
<td>0.50</td>
</tr>
<tr>
<td>Sandringham</td>
<td>188</td>
<td>25</td>
<td>19</td>
<td>0.76</td>
</tr>
<tr>
<td>Black Rock</td>
<td>55</td>
<td>19</td>
<td>6</td>
<td>0.32</td>
</tr>
<tr>
<td>Martin Street</td>
<td>151</td>
<td>14</td>
<td>15</td>
<td>1.07</td>
</tr>
<tr>
<td>Beaumaris Concourse</td>
<td>139</td>
<td>22</td>
<td>14</td>
<td>0.64</td>
</tr>
<tr>
<td>Hampton Street</td>
<td>249</td>
<td>55</td>
<td>25</td>
<td>0.45</td>
</tr>
<tr>
<td>Church Street</td>
<td>170</td>
<td>29</td>
<td>17</td>
<td>0.59</td>
</tr>
</tbody>
</table>

From the above the table, it can be seen that at least 59% of food venues could be supplied a parklet in Church Street, Beaumaris Concourse, Sandringham and Martin Street, without removing more than 10% of the available on-street parking supply. However, this drops to between 45 – 50% of food venues for Bay Street and Hampton Street, whilst only 32% of food venues could be supplied a parklet in Black Rock (which is a result of the comparatively limited on-street parking supply).

We note this table does not include any available off-street car parking, which provides an additional level of public parking to offset any on-street parking loss. It also does not include the majority of side streets that connect to each main road. However, any concerns that arise from businesses are more likely to be because of the loss of on-street parking spaces on the main road, that are generally regarded as more convenient for customers.

It is not expected that every food business will apply for a parklet, and a ratio of approximately 10% of on-street parking spaces will accommodate a substantial number of food businesses without causing any major adverse impacts on parking availability.

It is our recommendation that the number of parklets be capped at the approximate figures shown in Table 6. This has regard to locational attributes, public transport availability, community sentiment, total availability of parking, and parking restrictions (e.g. Martin Street has comparatively more long-term on-street parking and hence a lower parking turnover). However, we also recommend that Council be afforded the discretion to vary the number of parking spaces if necessary for whatever reason may arise.
Table 6  Recommended maximum number of parklets per Activity Centre (1 parklet = 1 parking space)

<table>
<thead>
<tr>
<th>Activity Centre</th>
<th>Maximum Number of Parklets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bay Street</td>
<td>12</td>
</tr>
<tr>
<td>Sandringham</td>
<td>12</td>
</tr>
<tr>
<td>Black Rock</td>
<td>10</td>
</tr>
<tr>
<td>Martin Street</td>
<td>10</td>
</tr>
<tr>
<td>Beaumaris</td>
<td>14</td>
</tr>
<tr>
<td>Concourse</td>
<td>14</td>
</tr>
<tr>
<td>Hampton Street</td>
<td>27</td>
</tr>
<tr>
<td>Church Street</td>
<td>17</td>
</tr>
</tbody>
</table>

It will also be important to consider the density of parklets within localised areas so as not to have too many parklets in the one location, which would have a greater effect on parking near to some businesses that depend on short-stay (<1 hour) parking spaces in convenient proximity for customers. This can be assessed on a case-by-case basis by Council, with priority given to businesses that would gain the most benefit from parklets (e.g. restaurants that open for both lunch and dinner can be given priority over daytime only cafes).

6.3 CRITERIA FOR IMPLEMENTATION OF PARKLETS

Recommended criteria for Council to adopt when considering a parklet application is provided as follows:

- Check that the proposed parklet satisfies the location eligibility requirements and that the business has an adequate level of public liability insurance (or will apply for it).
  - If the business does not satisfy this step, no parklet permit will be issued.
- Check the total number of existing parklets in the activity centre and whether this cap would be exceeded.
  - If the capacity will be exceeded, review current spatial distribution of parklets, number of complaints for existing parklets and other relevant factors. Council officer can then use discretion as to whether a parklet permit will be issued.
- Check the existing number of parklets in close vicinity of the proposed parklet location.
  - Council to use its discretion to deny a parklet application if it is considered that the density of parklets will be too high. This can have consideration to existing complaints, parking restrictions and any other relevant factors.
- Applicant to provide written support from at least 1 of the 2 nearest adjacent businesses.
  - If this is not provided, no parklet permit will be issued.
- Council’s traffic engineers to carry out an initial review and determine whether a Road Safety Audit and/or Traffic Management Plan is required. If so, the applicant will be directed to obtain these.
  - If the RSA concludes that a parklet will be unsafe, no parklet permit will be issued.
- If applicant is to supply a custom-designed parklet, they must
  - Provide a design prepared by a qualified professional, with the structure/s designed by a qualified Engineer or Architect. The Engineer must certify the design by submitting a Certificate of Compliance (Reg 126) – Design.
  - Upon completion, the Engineer must inspect and issue a Certificate of Compliance (Reg 126) – Inspection.
  - This requirement does not apply to pre-approved parklet designs.
- If shared use of a parklet is proposed, both businesses must submit an application to Council.

Should a parklet permit be issued, the applicant will also be required to comply with all relevant aspects of the parklet guidelines (which will need to be developed by Council once the policy is approved).
6.4 ONGOING REVIEW OF PARKLETS

Council will need to review the parklets on an ongoing basis, considering factors such as:

- The need for any cost increases (or decreases) – to be assessed annually as part of Council’s budget.
- Potential underutilisation of parklets. Council can undertake spot checks at three key times of typical peak activity and reserve the right to withdraw support for a parklet if it is found that the parklet is underutilised.
- The level of complaints received in relation to specific parklets and impacts on businesses.

7 OTHER MATTERS

7.1 LIQUOR LICENSING

Licensed businesses that serve alcohol will need to apply to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) for a red line plan extension. This can be indicated on the parklet application form supplied to Council by each business. Once Council has approved the parklet, the approval along with the red line extension application will need to be submitted together to VCGLR.

7.2 TOILET REQUIREMENTS

From discussions with other Councils, the matter of increased toilet requirements as a result of additional restaurant seating is yet to arise as an issue. However, this could become an issue in respect of compliance with the Building Code of Australia, which sets out minimum toilet requirements for restaurants, cafés and the like.

At the application stage, the applicant can be requested to provide details of existing and proposed seating numbers and toilet facilities to confirm compliance with the BCA.
8 RECOMMENDATIONS & NEXT STEPS

Having regard to the research and analysis provided above, we provide the following recommendations and considerations for inclusion in the Parklet Policy.

Table 7 Recommended Parklet Policy inclusions

<table>
<thead>
<tr>
<th>Item</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Should parklets be considered on a long-term permanent basis within the municipality?</td>
<td>From an economic viewpoint, evidence suggests that parklets have a positive impact on the individual businesses as well as creating additional employment. They also attract more trips to activity centres to enjoy outdoor dining than would otherwise be the case. and it is reasonable to assume that this would flow onto increased spending at other businesses. Feedback from Bayside residents and traders, as well as similar studies from other nearby Councils, show that there is generally a high level of support for parklets. The adoption of parklets on a permanent basis is being adopted by the substantial majority of Councils at the moment, with various policies either implemented or waiting to be implemented. For the above reasons, we find that parklets should be considered as an ongoing program by Council into the post-Covid era.</td>
</tr>
<tr>
<td>How many parklets can be installed in any one centre and where shall they be located?</td>
<td>We recommend adopting the figures in Table 6 that are tailored toward each activity centre to ensure an appropriate number of parklets. We also recommend a multi-step decision matrix (refer Section 6.3) for Council to follow when determining a parklet application.</td>
</tr>
</tbody>
</table>
| What costing model should be adopted? | Council will firstly need to decide upon the parklet supply arrangements, e.g.:  
  - Will Council own and manage the parklets and rent these to businesses? And will this apply to all parklets or seasonal installations only (i.e. modular systems that can be easily stored)?  
  - Will Council engage a contractor to supply and maintain all parklets and pass this cost onto businesses?  
  - Will Council allow each business to source and pay for their own parklet (either exclusively or in addition to the above options)?  
  - Will Council supply modular parklets for seasonal installation  
Application and inspection fees, together with permit fees to account for the value of public land (if adopted) will then need to be developed as part of the policy. Fees can be reviewed each year in the annual Council budget. |
| What type and design of parklet should Council adopt? | Options are listed in Section 5. This comes to Council’s preferences in respect of appearance, maintenance and upkeep, flexibility of use (e.g. modular parklets) whether Council chooses to own the parklets (which depends on whether they can be stored) or if Council decides for businesses to design and provide their own parklets. There are various benefits and disbenefits to each option. |
| What responsibilities should Council and business owners each have? | As above, Council will need to firstly determine the parklet supply arrangements which in turn affects what responsibilities Council and business owners will have. We recommend that businesses be responsible for the ongoing care of each parklet, and for providing furniture (e.g. seating, umbrellas, heating) unless parklets with fixed furniture are provided. |
| Should parklets be installed in a seasonal manner? | We recommend that the option of a seasonal permit be adopted, to cater to different business types and to ensure that parklets are not taking up parking spaces during periods when they are little used. |
APPENDIX 1  BAYSIDE ACTIVITY CENTRE PARKING MAPS
Legend

- On-street parking (approx. 55 spaces)
- Off-street parking (approx. 155 spaces)

Black Rock Activity Centre, Brighton

Legend

- On-street parking (approx. 151 spaces)
- Off-street parking (approx. 18 spaces)

Martin Street Activity Centre, Brighton
Beaumaris Concourse Activity Centre, Brighton

Legend
- On-street parking (approx. 139 spaces)
- Off-street parking (approx. 156 spaces)

Hampton Street Activity Centre, Brighton

Legend
- On-street parking (approx. 249 spaces)
- Off-street parking (approx. 298 spaces)
Legend

- On-street parking (approx. 170 spaces)
- Off-street parking (approx. 310 spaces)
Item 10.2 – Reports by the Organisation
1. Policy intent

The intent of the Parklet Policy (the Policy) is to:

- Provide parklet eligibility requirements;
- Detail the application process, assessment criteria and decision-making framework for parklet permit applications;
- Provide information regarding parklet permit types;
- Establish the role of Council and Traders in the installation and maintenance of a parklet.

2. Policy purpose

This Policy:

- Supports the long-term implementation of parklets;
- Ensures there is a consistent, transparent, simple and equitable process for the application of parklet permits;
- Aims to ensure that parklets are safe and accessible, and consider neighbouring properties and amenities.
- Aims to:
  - Support local businesses within activity centres as a whole rather than only supporting Permit Holders only;
  - Activate streets and provide a space for the community to gather and socialise;
  - Create an improved sense of community;
  - Contribute to a positive neighbourhood character.
3. Glossary - Definitions and Abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council</td>
<td>City of Bayside</td>
</tr>
<tr>
<td>Parklet</td>
<td>Parklets are re-purposed parking bays to create spaces for pedestrian activity such as outdoor dining. These are the subject of this Policy.</td>
</tr>
<tr>
<td>Permit</td>
<td>Refers to an approval issued under the Bayside Neighbourhood Amenity Local Law and associated guidelines that authorises a use or activity.</td>
</tr>
<tr>
<td>Permit Holder</td>
<td>A person to whom a permit has been issued under the Local Law.</td>
</tr>
<tr>
<td>Public Liability</td>
<td>This is insurance to help protect against claims of personal injury or loss of or damage to property as a result of the business (or parklet) operation.</td>
</tr>
</tbody>
</table>

4. Scope

The Policy applies to businesses located within the City of Bayside that wish to implement a parklet in place of car parking space(s), located on a Council or Department of Transport (DoT) managed road.

The Policy outlines the requirements for a business to be eligible for a parklet, including location requirements, responsibilities of the business and information regarding the implementation of a parklet.

The Policy does not apply to:
- Community Parklets;
- Footpath trading;
- Itinerant trading;
- Street parties;
- Events;
- Trading within foreshore areas or reserves;
- Road and/or laneway closures.

This policy should be read in conjunction with the Parklet Design Guidelines

5. Policy statement

Council’s Parklet Program supports eligible businesses to offer outdoor pedestrian areas such as dining spaces in what was previously used as car parking bays.

Council initially implemented a temporary Parklet Program for a short-term, immediate response to the COVID-19 restrictions, allowing businesses to expand their outdoor area and increase capacity numbers.
The temporary parklets originally installed by Council are not of a suitable long-term standard and are required to be removed. Businesses are to apply for the installation of a Council-approved parklet, following the requirements of this Policy (including those businesses originally supplied a parklet by Council).

6. Eligibility

6.1 Eligible businesses

To be eligible for the Parklet Program, businesses must commit to the operation and maintenance, safety, access and amenity requirements outlined in this Policy.

Businesses must meet the following eligibility criteria:

- Hold a current ‘Footpath Trading Permit’.
- Operate a commercial premise in a Bayside activity centre;
- Are able to provide furniture/equipment to use in the parklet (applies to parklets not constructed with fixed tables and seating);
- Can provide evidence of a Public Liability Insurance policy for an amount determined appropriate by Council in the Parklet Permit;
- Hold a COVIDSafe Plan and comply with patronage limits for outdoor spaces in accordance with the prevailing requirements of the Department of Health.
- Demonstrated ability to maintain and upkeep the parklet in good order with the provision for an annual conditions audit.

Applications and location eligibility will be assessed on a case-by-case basis and in some cases, a Road Safety Audit or consent from the Department of Transport may be required.

6.2 Location / traffic conditions

Parklets may be implemented in locations that meet the following eligibility criteria:

- Have a speed limit of 50km/hr or less.
- Are not within a clearway or red parking zone (‘no stopping’, disability parking or loading zone).
- Have a straight road geometry ensuring uninterrupted sight lines for drivers.
- Are more than 10 metres from an intersection.
- Are more than 20 metres from a signalised intersection.
- Don’t obstruct Council assets, utility and emergency access panels or storm drains.
- Have parallel parking or angled parking.
- Does not have any utility access panels or storm drains within the parking space.
- Does not compromise access for people with a disability, emergency vehicles, construction zones (existing or approved) or entrances to private buildings or car parks.

6.3 Maximum number of parklets within areas

To minimise the potential impacts to on-street parking within each activity centre, a recommended maximum number of parklets within each area has been calculated.
The maximum number of parklets for each activity centre has been determined based on the number of publicly available on- and off-street parking spaces, locational factors and community feedback through the initial temporary parklet period. Requests for parklets outside of activity centres will be considered on a case-by-case basis.

<table>
<thead>
<tr>
<th>Location</th>
<th>Maximum number of parking bays to be used for parklets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bay Street Activity Centre</td>
<td>12</td>
</tr>
<tr>
<td>Sandringham Activity Centre</td>
<td>12</td>
</tr>
<tr>
<td>Black Rock Activity Centre</td>
<td>10</td>
</tr>
<tr>
<td>Martin Street Activity Centre</td>
<td>10</td>
</tr>
<tr>
<td>Beaumaris Concourse</td>
<td>14</td>
</tr>
<tr>
<td>Hampton Street Activity Centre</td>
<td>27</td>
</tr>
<tr>
<td>Church Street Activity Centre</td>
<td>17</td>
</tr>
</tbody>
</table>

6.4 Sharing a parklet

A parklet can be shared between two businesses at different times of the day, to be agreed on by the businesses. Each business is required to hold a permit to use the space and both businesses are responsible for the maintenance and management of the parklet.

For example, Permit Holder A (eg. a café) can utilise the parklet between the hours of 6:00am-4:00pm, and Permit Holder B (eg. a restaurant) can utilise the parklet between the hours of 4:00pm-11:00pm.

A signed agreement between businesses will be required to outline responsibilities and use.

7. Parklet Design

The business has the option of sourcing or designing parklet infrastructure that meets the Parklet Design Guidelines.

The Permit Holder can purchase or hire a ready-made or “off the shelf” parklet from a number of suppliers, as long as it has been approved by Council.

Alternatively, the Permit Holder can propose their own parklet design to Council. This must be designed by a qualified professional, with structures designed by a registered Engineer or Architect. The Engineer must certify the structural design by submitting a Certificate of Compliance (Reg 126) – Design. Upon completion of construction, the Engineer must inspect and issue a Certificate of Compliance (Reg 126) – Inspection. The parklet must be installed by a registered builder.

Parklets must be designed, where practically possible, to ensure accessible access for people with a disability in line with the Disability Discrimination Act 1992. Requirements are specified in the Parklet Design Guidelines.
8. Permit Types and Fees

Businesses can apply for either a 6-month (summer/spring) parklet permit or a 12-month parklet permit. Fees payable to Council include:

- Parking permit application fee: This covers the cost of Council processing the application and (if necessary) inspecting the site. A flat fee is charged regardless of the size, location or type of permit.
- Annual and seasonal permit fees: This represents the value of the public space that will be occupied. Fees are based on Council’s Footpath Trading Permit Scheme having regard to a typical average number of tables and seats per parklet. Seasonal permits will be charged at 50% of the annual permit fee.

A 50% discount will apply until August 2022 in line with the Bayside Local Economic Recovery Plan and Footpath Trading Policy. Fees will be charged pro rata until August, after which Council will issue a new invoice payable for the remainder of the permit period.

8.1 6-month permits

Council recognises that some businesses may wish to operate a parklet during the warmer months only. The 6-month permit runs from October 1 to March 31 annually. The fees involved for a 6-month permit are as follows:

- Parklet permit application fee: $250
- Annual permit fee: $1,482

Permit fees will be payable on a pro-rata basis.

8.2 12-month permits

This permit type allows a permit to be renewed each year, allowing a more permanent year-round parklet installation. The permit will align with the footpath trading permits, expiring on the 31 August each year. The fees involved for a 12-month permit are as follows:

- Parklet permit application fee: $250
- Seasonal permit fee: $2,964

Permit fees will be payable on a pro-rata basis.

8.3 Other Costs

Other costs that may apply include:

- Design and documentation for Council approval (applies to custom-designed parklets only): estimated up to $5,000.
- Road Safety Audit (if required by Council): estimated up to $2,500.
- Traffic Management Plan (if required by Council): estimated up to $3,000.
- Materials and construction: estimated $8,000-$30,000 depending on design.
- Implementation of traffic management, installation and removal costs.

These fees must be borne by the Permit Applicant.
8.4 Permit Renewal

Parklets will be installed for either 6 or 12 months with the option to renew the permit annually. Permit Holders must submit a Parklet Permit renewal application to Council for assessment – refer [INSERT LINK TO COUNCILS WEBSITE].

8.5 Review of Fees

Council reserves the right to review fees annually at any time.

9. Applying for a Parklet

Prior to submitting a formal application, applicants are required to contact Council to request an initial review. This will determine if the possibility exists for a parklet to be installed (considering safety, access and other relevant matters). If the location is identified as being potentially suitable, the applicant will then be required to submit a formal application at [email/website].

The application requires the following information:

- Your Footpath Trading Permit number;
- Evidence of Public Liability Insurance including a Certificate of Currency;
- Photographs of the trading space;
- The proposed design of the parklet to be approved, including certification from a structural engineer (for any parklet that is not ready-made or "off the shelf");
- A description and supporting information on your plans for the space;
- The proposed hours of operation of the parklet;
- Whether you intend to serve alcohol in the space and if so, approval for a red line extension from the Victorian Commission for Gambling and Liquor Regulation (VCGLR) – this can be provided later but must be provided prior to Council issuing a parklet permit.
- Your commitment to complying with this Policy and expectations.
- Written support from at least 1 of the 2 neighbouring businesses.

Each permit application will be assessed by Council with regard to the eligibility criteria of the business and proposed parklet location, the extent to which the parklet may interfere with or obstruct existing fixtures such as benches, poles and bins.

Council will assess the application in regard to the following criteria:
• Does the proposed parklet satisfy the location eligibility requirements of Section 6.3?
• Does the applicant business have an adequate level of public liability insurance?
• If not, no parklet permit will be issued.

• Does the proposed parklet exceed the maximum number of parklets for that activity centre, as per Section 6.4?
• If so, Council to review current spatial distribution of parklets, number of complaints and other factors. Council will use its discretion to decide whether a permit will be issued.

• Is the proposed parklet location in close proximity to several existing parklets?
• If so, Council will use its discretion to deny a parklet application if it is considered that parklet density will be too high.

• Does the application provide written support from at least 1 of the 2 nearest adjacent businesses?
• If not, no parklet permit will be issued.

• Does the parklet application require a Road Safety Audit or Traffic Management Plan? Applicant may or may not be requested by Council to obtain these.
• If the RSA concludes that a parklet will be unsafe, no permit will be issued.

• Is the parklet to be located on a declared arterial road and if so, has approval from the Department of Transport been obtained?
• If this is not provided, Council is unable to process the application.

• Has the proposed parklet been custom designed as part of the application?
• If so, this must have been designed by a qualified professional, with structures designed by an Architect or Engineer. The Engineer must certify the structural design by submitting a Certificate of Compliance (Reg 126) – Design. Upon completion of construction, the Engineer must inspect and issue a Certificate of Compliance (Reg 126) – Inspection.

• Is the parklet proposed to be shared between two businesses?
• If so, each business must submit an individual application to Council.
10. Operation and Maintenance

The parklet host/s is responsible for ensuring the parklet is maintained and operating as per the Policy requirements.

10.1 Maintenance

It is the responsibility of the host business to ensure the parklet is:

- Maintained in a structurally sound condition at all times;
- Cleaned and kept in a neat and tidy condition including sweeping the parklet surface, removing debris and watering plants;
- Sanitised and managed as per the business COVIDSafe Plan;
- Cleared of furniture (tables, chairs and any unfixed items) at each day’s close of business;
- Kept clean of condiments, napkins and utensils on tables unless diners are seated.

10.2 Management of safety and amenity

The parklet host business is responsible for monitoring and managing the operation of the parklet, ensuring it is safe for staff and patrons in accordance with the permit conditions. This includes ensuring furniture selected minimises potential for injury and does not disrupt sight lines for traffic and pedestrians in the area.

The host is also responsible for managing patron behaviour and noise levels. No amplification equipment such as speakers are permitted within the parklets, without Council’s prior written consent.

A detailed list of operation, safety and amenity requirements is provided in the Parklet Design Guidelines.

10.3 Service of alcohol

A liquor licence is required for the service of alcohol in a parklet. A temporary limited licence is available on application to the Victorian Commission for Gambling and Liquor Regulation (VCGLR). Approval for a red line plan extension must be submitted with the parklet application.

Permit holders are responsible for monitoring patron behaviour and ensuring staff are accredited for the responsible service of alcohol and are in accordance with the liquor licence.

10.4 Removal of a parklet

A parklet may need to be removed temporarily or permanently for emergency works as required by Council, its contractors or service authorities. Council will provide as much notice as possible in these situations. Removal must be undertaken by the Permit Holder.

Where this is required, the cost to dissemble, remove, store and reinstall the parklet will be at the Permit Holder’s expense. Any damage that may occur during emergency works will also be at the Permit Holder’s expense.
10.5 Change of ownership

If a business changes ownership or closes permanently, Council must be informed, and the existing permit will be cancelled. If the new business operator would like to retain the parklet, a new permit application is required as they are not transferable.

Fees will be refunded on a pro rata basis to the Permit Holder.

10.6 Hours of operation

If a business changes ownership or closes permanently, Council must be informed, and the existing permit will be cancelled. If the new business operator would like to retain the parklet, a new permit application is required as they are not transferable.

10.7 Repair of Council assets

Permit holders are responsible for carrying out repair works to any Council managed road or asset that occurs as a result of the parklet. This will be at the cost of the Permit Holder, and must be undertaken by one of Council’s approved contractors.

11. Monitoring, Evaluation & Review of the Policy

Compliance with the Policy will be monitored by Council throughout the permit duration. Council officers will regularly inspect each parklet to ensure safety, accessibility and compliance of the parklet. Inspections may also be carried out by Council’s Local Laws unit in direct response to receipt of any complaints from the community regarding the operation or maintenance of a specific parklet.

Council reserves the right to order a parklet be removed if:

- It is found to not comply with the requirements of the Policy;
- The parklet is found to be significantly underutilised and therefore not maximising the value of the public space that it occupies. To make a determination in this matter, a minimum of three (3) inspections will be carried out by a Council officer at times of expected ordinary peak usage. Council’s discretion will be used to determine whether the parklet is underutilised but as a guide, a parklet should be at least 50% occupied during a busy Friday or Saturday lunchtime or dinnertime period on a day of fine weather.

Should Council decide to amend or revoke a permit, the Permit Holder will have the opportunity to provide a written submission as to whether the amendment/cancellation should occur.

Council’s Complaint Handling Policy can be viewed at:

12. Review of the Policy

The Policy will be reviewed one (1) year after implementation to monitor the requirements and review the parklet fees. Fees will thereafter be reviewed annually as part of Council’s annual budget process.

13. Roles & Responsibilities
This policy will be administered by Council’s Urban Strategy team in conjunction with the Local Laws unit.

14. Related documents

| Legislation                                    | Local Government Act 2020  |
|                                               | Bayside Neighbourhood Amenity Local Law 2021 |
| Policies                                      | Footpath Trading Policy 2018 |
| Strategies/Plans                              | Bayside 2050 Community Vision |
|                                               | Economic Development Strategy |
|                                               | Retail. Commercial & Employment Strategy 2016-2031 |
|                                               | Bayside Integrated Transport Strategy |
|                                               | Bayside Walking Strategy |
| Procedures/Processes                          | Parklet Design Guidelines |
| Other                                         | n/a |

**Please note:** This policy is current as at the date of approval. Refer to Council’s website (www.bayside.vic.gov.au) to ensure this is the latest version.
Executive summary

Purpose and background

The purpose of this report is to present to Council, for consideration, the Draft Footpath Trading Policy 2022–25 (Attachment 1).

Background

The Footpath Trading Policy 2018 has been in place for over three years and is now due for review.

Local Law provisions for footpath trading activity have been in place since the mid-1990s and in that time, there has been a significant increase in footpath trading activity. Application of legislation such as the Disability Discrimination Act through rulings by the Human Rights and Equal Opportunity Commission on accessible path of travel for people with vision impairment on footpaths has defined the current best practice.

Policy objective

Council is committed to supporting and enhancing the sustainable growth of local business and street activity and in April 2012 incorporated the Footpath Trading Policy into the then Local Law No. 2 – Neighbourhood Amenity. The Local Law has been designed to ensure that footpaths are unobstructed, and all users always have safe access to them, while maintaining the visual amenity of streetscapes.

With updates to the Local Law since 2012, the Draft policy aims to operationalise Neighbourhood Amenity Local Law 2021 Clause 42 Displaying Goods for Sale and Clause 43 Using Council Land for Outdoor Eating Facilities.

Key issues

The COVID-19 pandemic highlighted the importance that footpath trading plays in adding to the viability of hospitality businesses. The requirements for social distancing and mask wearing have meant that patrons have preferred outdoor dining to indoor dining. It is likely that the demand for outdoor dining will remain strong for the foreseeable future.

Community consultation

To inform the review an extensive community consultation process was undertaken. A detailed report is included in Attachment 2. Some of the key findings of the consultation are as follows:

- 65 contributions were received via an on-line survey.

- 54% of respondents would like to see more footpath trading. Some 21% felt there is too much. Note this may have been due to Council approving nearly sixty applications for extended footpath trading to adjoining businesses during the pandemic.
- 81% agree to strongly agree - that footpath trading added to the viability of businesses.
- 70% agree to strongly agree - that footpath trading added to the vibrancy of shopping precincts.
- 65% agree to strongly agree - that footpath trading guidelines allow for safe movement.

Overall, there appears to be strong support for footpath trading to continue from the local community and businesses.

**Changes proposed to Policy**

To date the policy has provided Council with:

- a robust management structure for the assessment of footpath trading applications
- clear requirements for applicants as to what is permitted
- strong and robust framework that supports enforcement action.

However, following the recent community engagement, minor changes are proposed in the revised draft policy as outlined in the table below.

<table>
<thead>
<tr>
<th>Amendments</th>
<th>Old</th>
<th>New</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overhead items</td>
<td>2.2M</td>
<td>2.4M</td>
<td>For items such as umbrellas and overhead heaters the minimum height requirement has been changed to 2.4M from 2.2M. This makes it consistent with other standards for minimum height clearance for footpaths and roads.</td>
</tr>
<tr>
<td>Angle parking</td>
<td>Not included</td>
<td>800mm from Kerb</td>
<td>Ensure safety where vehicles may project over the footpath and impact safety of footpath trading pedestrians.</td>
</tr>
<tr>
<td>Pedestrian Zone - 4M</td>
<td>2M</td>
<td>1.8M</td>
<td>Ensures that the pedestrian zone is consistent throughout the policy as it relates to disability access.</td>
</tr>
<tr>
<td>Access to road</td>
<td>No more than 12M</td>
<td>6M</td>
<td>To ensure safe access to the footpath from the road with minimal obstruction.</td>
</tr>
<tr>
<td>Planters Boxers</td>
<td>Strict guidelines</td>
<td>Removed</td>
<td>Despite strict guidelines historically planter boxes have posed a hazard on the footpath and detracted amenity due to a mixed quality of appearance and maintenance. To ensure that footpaths remain unobstructed, and the amenity and presentation of footpaths are high, the revised policy seeks to prohibit planter boxes.</td>
</tr>
</tbody>
</table>
Fees and Charges

The footpath and nature strip areas are public space and are important in supporting many functions. In commercial areas the use of this important asset for footpath trading can be seen as privatising the space or enabling private businesses to expand their trading footprint. Footpath trading also can add vitality and stimulate activity within the public realm.

Therefore, Council needs to balance the ability to support footpath trading while also ensuring that businesses who obtain financial benefits from the space are financially compensating Council for the opportunity.

Due to the restrictions imposed on business during 2020 and 2021 as a result of COVID-19, Council has attempted to support our business community, particularly the hospitality sector, by waiving the annual fees. It is noted that historically Council fees and charges associated with footpath trading has generated approximately $500K in income to Council per annum from businesses.

In line with the Bayside Local Economic Recovery Plan, fees and charges are now envisaged to recommence in 2022–23 with invoicing to be undertaken in August 2022.

The current and proposed fees are:

<table>
<thead>
<tr>
<th>Item</th>
<th>21/22</th>
<th>22/23</th>
<th>Increase %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual permit - &quot;A&quot; frame sign</td>
<td>$349</td>
<td>$349</td>
<td>0%</td>
</tr>
<tr>
<td>Goods on footpath</td>
<td>$528</td>
<td>$528</td>
<td>0%</td>
</tr>
<tr>
<td>Tables and chairs on footpath per table (1st &amp; 2nd) &amp; chairs (up to 4 chairs)</td>
<td>$370</td>
<td>$376</td>
<td>1.62%</td>
</tr>
<tr>
<td>Tables and chairs on footpath per table (3rd &amp; 4th) &amp; chairs (up to 4 chairs)</td>
<td>$618</td>
<td>$628</td>
<td>1.62%</td>
</tr>
<tr>
<td>Tables and chairs on footpath per table (5th &amp; 6th) &amp; chairs (up to 4 chairs)</td>
<td>$840</td>
<td>$855</td>
<td>1.79%</td>
</tr>
<tr>
<td>Tables and chairs on footpath per table (&gt; 6) &amp; chairs (up to 4 chairs)</td>
<td>$1,100</td>
<td>$1,120</td>
<td>1.82%</td>
</tr>
<tr>
<td>Application processing fee (new/transfer)</td>
<td>$88</td>
<td>$89.60</td>
<td>1.82%</td>
</tr>
</tbody>
</table>

Limited benchmarking of Bayside’s fees and charges in comparison to other councils was undertaken. In a number of circumstances comparison was difficult as councils use different methodologies to determine the level of fees. However, the proposed fees for 2022–23 have been based on the following:

- No increases are proposed for “A” frame signs and Display of Goods as these are higher than many other councils.
- A nominal increase of between 1.62% and 1.82% is proposed based on the Consumer Price Index.
- The majority of the fees and charges have been stuck in an attempt to have a similarity (where possible) with other councils.
All the above fees and charges will be proposed for consideration as part of the 2022–23 budget process.

It is hoped that by August 2022 the impacts of the pandemic will have receded, and businesses conditions recovered sufficiently for normal invoicing to recommence.

**Recommendation**

That Council:

1. adopts the Footpath Trading Policy 2022–25 (Attachment 1)
2. amends the Local Law Guidelines by deleting the Footpath Trading Policy 2018 and replacing with the Footpath Trading Policy 2022–25 of the Local Law Guidelines
3. authorises the CEO (or the appropriate delegate) to notify the community of the amendment to the Local Law Guidelines via Council’s website.

**Support Attachments**

1. Draft Footpath Trading Policy 2022 - 2025
2. Community Engagement Summary - Footpath Trading Review
Considerations and implications of proposition

Liveable community

Social
Footpath dining and the display of goods on the footpath are now the norm in most activity centres. They add vibrancy to the street and assist in the financial viability of businesses. The COVID 19 pandemic has given outdoor dining a renewed impetus with local patrons of hospitality businesses demonstrating a preference to dine outdoors.

Natural Environment
Outdoor dining encourages the local community to enjoy the outdoors. Street trees in activity centres provide natural shading and generally a preferable ambience to big box retail centres.

Climate Emergency
Climate change may result in more extreme climatic conditions. This will influence the type of activities permissible on the footpath. For example, the specifications for pull down blinds and the anchorage points for umbrellas will take on a greater importance to ensure public safety. A positive aspect may be that patrons, particularly post COVID-19, demonstrate a preference of dining outdoors which could reduce the need for indoor cooling and heating that contributes to greenhouse gases.

Built Environment
Well undertaken compliant footpath trading with attractive furniture contributes to the vibrancy of the built environment of activity centres.

Customer Service and Community Engagement
Consistent with Council’s Community and Stakeholder Engagement Policy (2017–21) a comprehensive community engagement has been undertaken including:

- Website News Story – 228 views
- Article in “This Week in Bayside” – 4197 opens – 130 clicks
- Social media – 12% engagement 4003 reach
- Direct email – 720 opens

From a customer service perspective, the Footpath Trading Policy provides clear guidelines for Council’s Amenity Protection staff to enforce the policy and ensure safe accessible footpaths for all.

Human Rights
The implications of the report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Governance
Officers involved in the preparation of this report have no conflict of interest.
Legal
Regulation of use of the footpath is governed by Neighbourhood Amenity Local Law 2021 Clause 42 Displaying Goods for Sale and Clause 43 Using Council Land for Outdoor Eating Facilities. The application and permit processes also ensure that all permit-holders need to have a minimum of $20M public liability insurance and relevant indemnities to Council.

The Disability Discrimination Act 1992, (Cth) legislates the requirements for universal access for all and has informed Bayside's approach to footpath trading regulation.

Finance
The revenue from fees and charges generates approximately $500K per annum and is an important contributor to Council's overall budget. It also contributes to the recovery of costs associated with the regulatory systems that monitors and ensures compliance with the Policy.

It is however necessary that the level of fees is comparable to other councils and do not place an undue burden on the operating costs of businesses that wish to trade on the footpath.

Links to Council policy and strategy
The Economic Development Strategy 2014 clearly specifies under Action 5.6.3 various initiative to promote outdoor dining. The Strategy identifies outdoor dining as a comparable advantage for high street shopping centre over big box shopping malls such as Chadstone and Southland.

The Bayside Tourism Strategy 2013 under section 6.1 strategic goal encourages Council to promote quality outdoor dining in Activity centres.

Council Plan 2021–25 has four key goals: Our Planet, Our People, Our Place, Our Promise.
The proposed multi deck car park supports Goal 2: Our People; and Goal 3: Our Place.

The following strategic objectives align with this project:

2.3.1 Improve the amenity, accessibility, and unique sense of place of local shopping strips and streetscapes.

2.3.2 Foster economic activity and local employment, within Bayside business district and major activity centres.

2.3.3 Support delivery of events that promote community connectedness and attract economic benefits.

3.4.1 Integrate our transport planning and traffic management, and employ smart solutions to address changing demand, transport trends and community needs.

Bayside Community Vision 2050 – Priority 10.2 reflects the importance the local community places on its activity centres. "Express the different flavours of Bayside's specific villages such as how the villages of Brighton, Hampton, Sandringham, Black Rock, Beaumaris, Highett and Cheltenham and their smaller strip shopping business areas are different to each other and have their own signature style and amenities, as a way of attracting visitors to each, rather than a homogenous ‘Bayside’ area.”

High quality footpath trading can add to the distinctiveness of individual activity centres contributing character and vibrancy.
Options considered

Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Adopt the Draft Footpath Trading Policy 2022–25</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Revised policy is adopted, and Council can commence implementation where any provisions changed can be enacted.</td>
</tr>
<tr>
<td>Issues</td>
<td>No issues envisaged</td>
</tr>
</tbody>
</table>

Option 2

<table>
<thead>
<tr>
<th>Summary</th>
<th>Alter the Draft Footpath Trading Policy 2022–25</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Dependent on changes made</td>
</tr>
<tr>
<td>Issues</td>
<td>Dependent on changes revised community consultation may need to be undertaken. Additional costs would be incurred for the redrafting of the policy and consultation costs.</td>
</tr>
</tbody>
</table>

Option 3

<table>
<thead>
<tr>
<th>Summary</th>
<th>Reject the Draft Footpath Trading Policy 2022–25</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Dependent on the basis for rejection</td>
</tr>
<tr>
<td>Issues</td>
<td>The timeline for policy reviews adopted by Council is three years. The timeline will be exceeded. Dependent on changes revised community consultation may need to be undertaken. Additional costs would be incurred for the redrafting of the policy and consultation costs.</td>
</tr>
</tbody>
</table>
Footpath Zoning and Trading Policy
2022–2025
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Acknowledgement of Traditional Owners

Bayside City Council proudly acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners and Custodians of this land, and we pay our respects to their Elders, past, present and emerging.

Council acknowledges the Bunurong’s continuing relationship to the land and waterways and respects that their connection and spiritual identity is maintained through ancient ceremonies, songs, dances, art and living culture.

Council pays tribute to the invaluable contributions of the Bunurong and other Aboriginal and Torres Strait Island elders who have guided and continue to guide the work we do.
Footpath trading aids the commercial viability of small businesses by increasing the area available for commercial activities. It allows them to use the area adjoining the kerb, which increases the visibility of their commercial offerings to customers. Footpath trading plays a key role in promoting retail resilience and the ability of local businesses to employ staff.

Effective regulation of footpath trading ensures that universal access to activity centres for all residents is maintained. This universal access allows all residents to equally enjoy Bayside’s village feel. The Disability Discrimination Act 1992 (Cth) legislates the requirements for universal access and has informed Bayside’s approach to footpath trading regulation. For more information about how the Disability Discrimination Act 1992 informs Bayside’s footpath trading policy, see Appendix 1.

Responsible management of footpath trading requires the balancing of a variety of competing interests. This policy seeks to balance these interests and ensures that footpath trading aids the commercial viability and resilience of businesses, while also activating and enhancing the public realm for all residents.
2. Footpath trading and activation principles

This Footpath Zoning, Trading and Activation Policy is based on the following principles:

1. Council recognises the valuable role of footpath trading in (a) promoting the commercial viability of local businesses, and thereby enhancing local employment, and (b) activating and enhancing the vibrancy of the public realm.

2. Council supports responsibly managed footpath trading within clearly defined Trading Zones.

3. Council recognises that footpath trading must not adversely impact on pedestrian safety, including all-abilities access as per the requirements and the Disability Discrimination Act 1992 (Cth).

4. Council is committed to ensuring that the requirements relating to footpath trading are easily understood.

5. Council will not impose any unreasonable financial or regulatory burdens on footpath trading.

6. Everyone has the right to take part in community activities.

7. When permanent structures are proposed for any footpath area within the municipality, high standards of design are the starting point for the assessment of the proposal.

8. From time-to-time Council will adopt policies that will allow or not allow footpath trading activities in certain areas. Where such a policy is adopted, Council will liaise with affected businesses.

9. Footpath activity must make a positive contribution to the character and amenity of the area and surrounding residential areas.

3. Definitions

Alfresco dining means dining outdoors usually on the footpath in front of the food premises and may include private infrastructure such as tables, chairs, umbrellas, menu boards, and any other items authorised by Council and endorsed on a plan of the site.

Footpath trading markers are installed in some locations to delineate the Trading Zone in front of the commercial premises. This is to promote community safety and to ensure all-abilities access as required under the Disability Discrimination Act 1992.

Goods and goods displays include merchandise and services for sale on the footpath in front of the attached premises, and may include ancillary items such as racks, fixtures, fittings, and tables for display purposes.

Kerb Zone is the buffer between the kerb and the Trading Zone allowing access to and from parked vehicles.

Pedestrian Zone is the section of the footpath between the property or building line of the premises and the Trading Zone and must be kept clear of all items (e.g., dog bowls and waiter tables). The permit holder must not place any items in the Pedestrian Zone. This is vital for public safety and to meet the requirements of the Disability Discrimination Act 1992 (Cth).

Permit holder is the business holding a Council-issued permit for footpath trading.

Trading Zone is the only area of the footpath where goods, cafe furniture and ancillary items may be placed and is defined as the section of the footpath between the Pedestrian Zone and the Kerb Zone. This is where the Permit Holder may place signs, goods, cafe furniture and ancillary items approved by the permit and where commercial activities may take place.

Where premises are adjacent to an intersection, the trading zone must not extend past the building line.
4. Trading Zone sitting requirements

Minimum dimensions
Trading Zones are only appropriate where the footpath width allows sufficient room for the Pedestrian Zone and the Kerb Zone.

Where an existing Footpath Trading Permit has been granted, and the space available does not allow for the required Pedestrian Zone width, the permit will be reviewed and may be revoked at Council’s discretion to ensure that the function of the Pedestrian Zone is not unduly compromised.

Footpaths less than 2.5m wide
To provide an adequate-sized Pedestrian Zone, footpaths of less than 2.5m cannot be used for outdoor dining or placement of objects.

Footpaths from 2.5m to 3.5m wide
To provide a clear Pedestrian Zone, the footpath is divided into three zones.

4.1 Pedestrian Zone
Extends from the building line or shopfront for a minimum of 1.5m. No items may extend into this zone at any time.

4.2 Trading Zone
The only area of the footpath where goods, café furniture and ancillary items may be placed. Where premises are adjacent to an intersection the Trading Zone must not extend past the building line into the intersection.

4.3 Kerb Zone
A minimum of 400mm buffer from the kerb to allow access to and from parked vehicles; 1.2m where there is a disabled parking bay; and 600mm where there is a loading zone. The Kerb Zone width is determined by the parking method adjacent to the kerb. Kerbs with parallel parking have a Kerb Zone width of 400mm. Kerbs with angle parking have a Kerb Zone width of 600mm. No items may be placed in the Pedestrian Zone or the Kerb Zone.

Footpaths from 3.5m to 4m wide
To provide a clear Pedestrian Zone, the footpath is divided into three zones.

4.4 Pedestrian Zone
Extends from the building line or shopfront for a minimum of 1.8m. No items may extend into this zone at any time.

4.5 Trading Zone
The only area of the footpath where goods, café furniture and ancillary items may be placed. Where premises are adjacent to an intersection the Trading Zone must not extend past the building line into the intersection.

4.6 Kerb Zone
A minimum of 400mm buffer from the kerb to allow access to and from parked vehicles including at loading zones, and at least 1.5m where there is a disabled parking bay. The Kerb Zone width is determined by the parking method adjacent to the kerb. Kerbs with parallel parking have a Kerb Zone width of 400mm. Kerbs with angle parking have a Kerb Zone width of 800mm. No items may be placed in the Pedestrian Zone or the Kerb Zone.

Pedestrian Zone
No furniture, signage or displays of goods are permitted within the pedestrian zone at any time.

Trading Zone
All A-frames, goods and tables and chairs to be placed in the trading zone.

Kerb Zone
Keep clear at all times.
4. Trading Zone (continued)

Footpaths 4m or wider
To provide a clear Pedestrian Zone, the footpath is divided into three zones.

4.7 Pedestrian Zone
Extends from the building line or shopfront for a minimum of 1.8m. No items may extend into this zone at any time. Items overhead cannot extend below a height of 2.4m.

4.8 Trading Zone
The only area of the footpath where goods, café furniture and ancillary items may be placed. Where premises are adjacent to an intersection the Trading Zone must not extend past the building/property line.

4.9 Kerb Zone
A minimum of 400mm buffer from the kerb to allow for access to and from parked vehicles including at loading zones, and at least 1.5m where there is a disabled parking bay. The Kerb Zone width is determined by the parking method adjacent to the kerb. Kerbs with parallel parking have width of 400mm. Kerbs with angle parking have a Kerb Zone width of 800mm.

No items may be placed in the Pedestrian Zone or the Kerb Zone.

<table>
<thead>
<tr>
<th>Footpath width</th>
<th>2.5-3.5m</th>
<th>3.5-4m</th>
<th>4m+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kerb Zone - parallel parking</td>
<td>400mm</td>
<td>400mm</td>
<td>400mm</td>
</tr>
<tr>
<td>Kerb Zone - angle parking</td>
<td>800mm</td>
<td>800mm</td>
<td>800mm</td>
</tr>
<tr>
<td>Pedestrian Zone</td>
<td>1.5m</td>
<td>1.8m</td>
<td>1.8m</td>
</tr>
</tbody>
</table>

Prows/expanded footpath areas
In a number of activity centres, Council has extended the footpath into the roadway to provide either traffic management measures by emphasising pedestrian priority or as part of an overall urban design plan for the centre. In these locations Kerb Zones will continue to follow the kerb line.

Recessed shopfronts/buildings
4.10 Throughout the municipality circumstances exist where the shopfront or building is set back from the front title boundary.

4.11 Trading activity may occur in the area between the building and title boundary if it complies with the Bayside Planning Scheme and does not extend beyond the title boundary onto the footpath.

Property boundaries
4.12 A setback to the Trading Zone of 500mm is required at each side of the boundary of each property to allow access from the footpath to the road, between each property.

4.13 Businesses on the corner of a street must not inhibit the required line of sight for pedestrians and traffic to safely use the street and crossings. A 90-degree corner exclusion area is considered the minimum requirement, to ensure safe vehicle and pedestrian movements around corners. Council may increase this exclusion area for safety reasons.
4. Trading Zone (continued)

Other siting requirements

4.14 Where a property exceeds 12m of frontage then a break of 1m shall be provided to the satisfaction of Council at an appropriate point to allow access to the Pedestrian Zone. If considering the location of a break in the Trading Zone, no more than 6m of no access is allowed. Some sites may require increased access and Council reserves the right to require additional access upon inspection. Council will consider the car parking spaces on the road and the location of any other infrastructure.

4.15 Any footpath trading activity may be outside only the premises to which it relates, except by the permission of the adjoining property owner and contained within the property line, with 500mm on each side of the property line to allow for access to the Pedestrian Zone. If the consenting business ceases to operate at the original address, consent must be obtained again from the new tenants and provided to Council.

4.16 Where a footpath trading activity is proposed adjacent to and from buses safely.

4.17 The placement of signs, goods, heaters, tables, or chairs in a kerb extension area can only be approved by Bayside City Council’s Traffic Engineer.

5. Outdoor dining

Operators’ responsibilities

5.1 Restaurant and café furniture and associated ancillary items are permitted only at premises registered to serve food and/or beverages under the Food Act 1984.

5.2 In exceptional circumstances Council may allow tables and chairs to be placed outside non-registered premises. Applicants need to demonstrate to Council why the tables and chairs are necessary.

5.3 The permit holder is responsible for the conduct of patrons at tables and chairs in the outdoor seating area and must:

- ensure that patrons do not move tables and chairs from their positions and obstruct the Pedestrian Zone
- ensure that patrons do not create any obstruction to the Pedestrian Zone, including pets, prams, or other personal items
- not serve food and beverages to patrons standing on the footpath within the Pedestrian Zone
- ensure patrons do not consume food or beverages within the Pedestrian Zone.

5.4 Regarding 8.1.3, Council may place a condition on a permit requiring a permit holder to place signs in the outdoor seating area.

5.5 Businesses are responsible for all litter generated by patrons using their footpath dining areas. A business must comply with the Tobacco Act 1987 on outdoor dining areas.

5.6 Serving staff at outdoor eating facilities should give pedestrians right of way.

5.7 Each operator is responsible for maintaining the outdoor eating area. A permit may be cancelled or suspended if littering, untidiness or failure to maintain the Pedestrian Zone is noted.

5.8 Items placed on the footpath must be stable, of a design approved by Council, and not damage the footpath.

5.9 Items placed on the footpath must be maintained by the licensee to a standard acceptable to Council.

5.10 Businesses will reimburse Council for any reinstatement work if found responsible for damage to footpaths, street fixtures and furniture.

5.11 Premises where alcohol is served or consumed on the footpath must have a liquor licence endorsed with the footpath as part of the licensed area.
5. Outdoor dining (continued)

5.12 Businesses must not leave any goods, A-frame/s, tables and chairs on the footpath outside of their normal trading hours. Items must be removed when the business is closed.

5.13 The permit holder must provide Council with evidence of current public liability insurance that notes Council's interest and will be determined by Council's insurance policy. For prevailing insurance requirements, please refer to the Footpath Trading Guidelines found at https://www.bayside.vic.gov.au/services/business-and-commerce/footpath-trading-permit-guidelines-and-fees. Any permit issued will be on the basis that the insurance will be current for the period of the permit. Any permit issued is valid only while the public liability insurance is current.

5.14 The permit holder must provide indemnity against loss or damage in a form suitable to Council. (See Appendix 2)

Furniture and fittings

5.15 No sound-amplification equipment or similar equipment may be erected or used in the outdoor seating area without first obtaining a separate local law permit.

5.16 No live entertainment is permitted without first obtaining a separate local law permit.

5.17 If patio heaters (which have a base on the footpath) are used, they must be located within the Trading Zone, covered by the business’s public liability insurance and must be licensed as part of a permit.

5.18 All outdoor heaters must comply with safety standards specified by the Energy Safe Victoria which may be obtained by telephoning Energy Safe Victoria on 1800 069 588 or from their website at www.esv.vic.gov.au

5.19 Umbrellas may be placed only in the Trading Zone.

5.20 Where umbrellas are permitted, they must be 2.2m high at the lowest point other than the centre pole and must not extend over the kerb. When raining, water run-off from large umbrellas should not fall into the Pedestrian Zone.

5.21 Umbrellas must be secured in a manner approved by Council. If requesting approval of umbrellas that do not have a lock-in device, clearly note this on the application form.

5.22 For safety reasons screens or screening devices may be placed where there are tables and chairs. The screens must be no higher than 1m high and must be secured in a position approved by Council. Details to be provided with permit application.

5.23 Where an applicant proposes to suspend a fixture or fitting (for example, lights or heaters) from the underside of a veranda or building, the fixture or fitting is to be attached in accordance with appropriate engineering standards and have a minimum clearance of 2.4m above the Trading Zone. Outside of operating hours of the business, fixtures or fittings that are retractable must be drawn in.

5.24 Advertising signage on temporary windbreaks or umbrellas must identify the operator of the business in compliance with the Bayside Planning Scheme.

5.25 No advertising is permitted on permanent screens other than the name of the premises.

5.26 Permanent screens – see section 8.4.

5.27 Council may, if the circumstances arise, require a marker to be placed on the footpath to clearly designate the Trading Zone.

5.28 All moveable furniture and fittings must be removed from footpaths when the Bureau of Meteorology forecasts wind speeds in excess of 30 knots.
6. Goods on footpaths

6.1 In order to provide a Pedestrian Zone, goods and displays may be displayed only in the Trading Zone of the footpath.

6.2 Goods may be displayed in the Trading Zone only during normal or authorised trading hours, and must not be placed on a footpath prior to 7am each trading day or remain on the footpath after 11pm on each trading day.

6.3 Goods (except furniture) must be displayed on stable stands that are approved by Council and able to withstand adverse weather. Stands must be secured so that adverse weather will not create a risk for pedestrians, property, or passing traffic. Stands and goods must not damage footpaths.

6.4 Goods or displays are not permitted where access to a loading zone or disabled parking bay will be obstructed. (At least 1.5m from the kerb.)

6.5 Goods or displays are not permitted where they will cause difficulty to pedestrians and people exiting or entering parked vehicles or footpaths.

6.6 Goods displays cannot exceed a height of 1.5m.

6.7 Stands and displays should contrast with their background to assist people with vision impairment.

6.8 Goods displays cannot overhang the kerb zone or Pedestrian Zone.

6.9 The permit holder must provide Council with evidence of current public liability insurance that notes Council’s interest and will be determined by Council’s insurance policy. For prevailing insurance requirements, please refer to the Footpath Trading Guidelines found at https://www.bayside.vic.gov.au/services/business-and-commerce/footpath-trading-permit-guidelines-and-fees. Any permit issued will be on the basis that the policy will be current for the period of the permit.

6.10 All goods, displays and fittings must be removed from footways when the Bureau of Meteorology forecasts wind speeds in excess of 30 knots.

7. Signs on footpaths

7.1 All permitted signs are to be secured by a means that is not reliant on or physically tied to any Council infrastructure (e.g., seats, poles, trees.). The means by which these signs are secured must not extend beyond the circumference of the sign and must be of a type approved by Council. Signs and the securing devices are to be removed in accordance with permitted display times.

7.2 Inflatable, portable electric signs, illuminated, revolving, spinning or flashing signs, flags, tear drop signs, and banners are prohibited.

7.3 Signs can be placed only in the Trading Zone and directly adjacent to the business they are advertising.

7.4 Signs must be in place only during normal trading hours.

7.5 Signs on footpaths must be secured by a Council-approved method.

7.6 An advertising sign must not exceed 900mm in width or 1m in height.

7.7 The maximum number of signs permitted is one per premises.

7.8 The permit holder must provide Council with evidence of current public liability insurance that notes Council’s interest and will be determined by Council’s insurance policy. For prevailing insurance requirements, please refer to the Footpath Trading Guidelines found at https://www.bayside.vic.gov.au/services/business-and-commerce/footpath-trading-permit-guidelines-and-fees. Any permit issued will be on the basis that the policy will be current for the period of the permit. Any permit issued will be valid only while the public liability insurance is current.

7.9 All signs must be removed from footways when the Bureau of Meteorology forecasts wind speeds in excess of 30 knots.
8. Other obstructions

**Miscellaneous footpath trade items**

8.1 Request for placement of any other obstruction, fixture, fitting or equipment that is not within the definition of sign, goods, or outdoor-eating facility is to be noted on an application form and the applicant is to demonstrate compliance with this policy before approval is issued.

8.2 Any obstruction can be placed only within the Trading Zone.

8.3 The fee applicable will be determined by Council depending on the obstruction.

8.4 The permit holder must provide Council with evidence of current public liability insurance that notes Council’s interest and will be determined by Council’s insurance policy. For prevailing insurance requirements, please refer to the Footpath Trading Guidelines found at https://www.bayside.vic.gov.au/services/business-and-commerce/footpath-trading-permit-guidelines-and-fees. Any permit issued will be valid only while the public liability insurance is current.

8.5 Council is not in favor of the installation of blinds from verandahs. Any business considering the installation of blinds needs to discuss this with Council first as access and safety issues are paramount considerations for Council before permitting the installation of blinds.

8.6 Proposals for café blinds must be lodged with Council for approval. It must include a copy of the property plan showing measurements of blinds, distance from kerb and adjoining premises and detail the method to be used for attachment to the footpath. A report from an engineer must also include confirming the blinds and their contact points can bear the wind and the awning can safely bear the weight of the blinds with wind.

8.7 An application under Building Regulations 2018 (Council report and consent application form, non-siting matters) is required to be submitted to Council’s Building Department for approval.

8.8 Blinds are not to be a visual obstruction between the footpath and the street. The majority of the blind is required to be transparent up to 2.4m above pavement level. The only signage on the blind is to be the logo of the business.

8.9 Blinds are not to obstruct the free flow of pedestrians either in the Pedestrian Zone or for the access required to link the Pedestrian Zone to the Kerb Zone (see 4.8 Property Boundaries).

8.10 Café blinds must be retracted at the close of business each evening.

8.11 Blinds must be installed to ensure fixings to verandars, buildings and pavement are adequate and structurally sound. The impact of wind loadings must also be assessed for compliance by Council’s Building Department.

**Temporary barbeques and sausage sizzles**

8.12 Barbeques and sausage sizzles may be allowed adjacent to a butcher shop for trade purposes (by the proprietor). Permission may be given for placement of a barbeque in the Trading Zone once a month.

8.13 Portable barbeques must be brought in during non-trading hours. Permanent barbeques are not permitted.

8.14 Barbeques and sausage sizzles may be allowed for charity and events adjacent a shop within the business zone or on Council-owned land. Permission must be obtained from the shop/business owner before an application is submitted. Permission may be given for placement of a barbeque in the Trading Zone. Council also has several permitted street stall sites for community or charitable organisations within Bayside City Council municipal boundaries.

8.15 Applications submitted for barbeques and sausage sizzles are referred to Council’s Environmental Health Department for approval. Food-handling practices required by the Environmental Health Department are conditions of the permit.

8.16 The permit holder must provide Council with evidence of current public liability insurance that notes Council’s interest and will be determined by Council’s insurance policy. For prevailing insurance requirements, please refer to the Footpath Trading Guidelines found at https://www.bayside.vic.gov.au/services/business-and-commerce/footpath-trading-permit-guidelines-and-fees. Any permit issued will be valid only while the public liability insurance is current.

**Technical standards for permanent screen structures**

Permanent glass screens and supporting structures may be allowed. The following standards apply to permanent screen structures:

8.17 Council is not in favor of the installation of railings or glass screens. Any business considering the installation of railings or glass screens needs to discuss this with Council first as access and safety issues are paramount considerations for Council before permitting the installation of such fixtures.
8. Other obstructions (continued)

8.18 Consent from Council’s Building Department must be obtained before a local law permit application is submitted for permanent glass screens and supporting structures.

8.19 Screens are made of laminated glass to a maximum height of 1.5m with a minimum thickness of 10.38mm.

8.20 The screens will have a minimum clearance of 200mm from the footpath surface.

8.21 Screens will not have a return length of more than 2m.

8.22 Strength and fastening of glass screens must be certified by a structural engineer.

8.23 Glass may be frosted or have a screen print pattern to a height of 500mm above pavement level. Above 500mm the glass is to be clear.

8.24 A safety screen print pattern is to be visible at a height of approximately 700mm above pavement level.

8.25 No commercial advertising is permitted on the screens other than the name or logo of the café/restaurant.

8.26 Support poles to be a minimum 48mm diameter, made of extruded aluminium and finished in a clear anodised coating. Other colours are subject to approval. Non-standard fixtures and fittings will be considered by Council in conjunction with relevant adopted urban design policies.

8.27 The bases of screens are to be of cast aluminium and fastened so that the screen is positioned according to the siting requirements of this policy.

8.28 Design and construction of glass screens must conform to Australian Standards and Bayside City Council’s recommendations.

8.29 Screens must be cleaned regularly and maintained by the operator of the premises. Screens are to be replaced within 24 hours of any damage that may cause risk to public safety, otherwise within one week of the damage occurring.

8.30 Graffiti is to be removed within 24 hours.
9. General

Maintenance of footpaths

Bayside City Council manages the use of footpaths at all times and reserves the right to reclaim access to and remove all footpath trading from footpaths at any time for any purpose. Council endeavours to provide adequate notice to any licence-holder. Except where permanent structures have been installed, Council will manage repairs and replacement of footpaths and Council furniture.

Activities of service authorities

Council is not able to provide notification of actions of service authorities that may interrupt or affect the use of footpaths for trading activities. When Council is the authority required to carry out works, it will give notice to affected traders where possible. Council will request that service authorities give adequate notice of street works, but is not able to guarantee the notice will be provided.

Compensation for loss of trade

When a service authority is required to carry out work within the road reserve which necessitates the removal and/or alteration of footpath trading arrangements, no compensation will be payable for any loss of trade experienced during or after the works.

Inspection

Council will regularly inspect areas that have been granted footpath trading. Authorised officers can give direction to permit holders regarding compliance with the permit. Failure to respond to a lawful direction can result in enforcement. See section 13.

Revocation/suspension/ modification

Council may at its discretion suspend, revoke, amend, relocate or modify any permit it issues. If this action is taken, the permit holder or any other person will not be entitled to compensation or damages of any kind.

10. Applying for a permit

To obtain a permit, applicants must:

10.1 Complete and sign an application for Footpath Trading Permit

10.2 Provide a site plan drawn to scale that shows dimensions of proposed kerb café, goods display, etc.

10.3 Indicate setbacks from shop frontage, kerb and site boundaries, and existing elements, e.g., tree, light pole, rubbish bin, public transport shelters, etc. A separate fee will be charged for requests to relocate Council furniture, e.g., seats, rubbish bins, etc.

10.4 Provide a photograph(s) of the area at the front of the shop/premises where planning to locate the footpath trading activity

10.5 Contact Council's responsible officer for any new applications for alfresco dining, to arrange a time for the site to be inspected

10.6 Provide a Certificate of Currency for a public liability insurance policy that covers death or injury of any person or damage to any property that could arise from the display that will be authorised by the permit. The certificate is to list:

10.7 Bayside City Council as an interested party,

10.8 Public liability insurance consistent with minimum requirement determined by Council's insurance policy

10.9 The insured (including situation of risk),

10.10 The company insuring you,

10.11 Expiry date,

10.12 Policy number.

10.13 Indemnity in a form similar to Appendix 2.

10. Applying for a permit (continued)

Transfer of permit
A permit cannot be transferred without prior written approval from Bayside City Council.

10.14 A permit can be transferred from one proprietor to another, provided that the address of the premises is the same and there is no change to the approved permit. The new owner is required to complete an application form, signed indemnity, and provide a Certificate of Currency. The new owner is responsible for outstanding fees in relation to the permit and any monies that have been paid for the permit are to be reconciled between the vendor and purchaser at the time of settlement. A permit cannot be transferred without prior written approval from Bayside City Council.

10. Decision guidelines

10.15 Council reserves the right to reject any application made for footpath trading.

10.16 In addition to matters set out above, when considering whether to grant a permit for an outdoor eating facility, Council considers:
   a) how the proposal meets the general and specific principles of this policy
   b) effect on pedestrian flow and safety
   c) impact on the appearance of the street and its surroundings
   d) design and standard of any permanent structures proposed
   e) any effects on general trading within the area
   f) any possible effects to nearby residential properties
   g) hours of operation of the facility/use, and how it relates to the use of the adjacent land
   h) whether approval has been granted for advertising or other forms of trading activities for the premises
   i) the effect on vehicle flow and traffic safety
   j) whether it is complementary to the business plan for the activity centre
   k) whether it complements Council’s policy for the activity centre or precinct
   l) whether the conditions of any previous approval have been complied with
   m) whether the proposal will under any circumstances be detrimental to the amenity of the area, including residential amenity.

11. Fees and period of permits

11.1 Bayside City Council sets its fees and charges each year as part of its budget/estimate process.

11.2 Fees are charged on a pro-rata basis.

11.3 The current fees are available on request.

11.4 Businesses and permit applicants should note that permanent structures have a fee other than those for non-permanent footpath trading activities.

11.5 Unless otherwise specified on the permit, a permit will expire on 31 August each year except in those instances when it is withdrawn or revoked by an Authorised Officer prior to the expiry date.

11.6 A permit will be invalid if the permit holder fails to maintain public liability insurance, in accordance with this policy.
12. Refunds

12.1
No refunds on new applications / transfer fees

12.2
A pro-rata refund will be given in accordance with Councils Fees and Charges (less administration fee) if a permit is forfeited.

13. Enforcement

13.1
If a local law, the Footpath Trading Policy, or specific permit condition is breached, Council may issue:

a) a verbal warning
b) a Notice to Comply – a first and final written warning with time limit for compliance
c) an infringement notice – a fine for noncompliance with the Notice to Comply
d) further fines or permit suspensions for a minimum period of three months and/or prosecution.

13.2
Council may impound any items on the footpath that do not comply with local laws, this policy, or any conditions placed on a permit. See Appendix 3 for procedures for the impounding of outdoor trading items.

13.3
Incidents of noncompliance are noted on a business’s file and taken into consideration when determining penalties for additional/future breaches of compliance.

13.4
Second and subsequent fines will be issued without warning for further acts of noncompliance.

13.5
Incidents of noncompliance are taken into consideration when requests to modify a permit are submitted.

Appendix 1

Pedestrian safety and all-abilities access

Pedestrian safety and all-abilities access are paramount concerns in the responsible management of footpath trading.

There must be sufficient space in the Pedestrian Zone for pedestrians to walk past in both directions, and there should be no sharp or otherwise dangerous objects which they can catch themselves on.

It is equally important that businesses have a system in place to manage any spills in the Pedestrian Zone.

Footpaths are subject to Section 23 of the Disability Discrimination Act 1992 (Cth).

This means that it is unlawful to discriminate against a person by restricting access. One of the examples provided on the Australian Human Rights Commission website of such discrimination is:

A business operating on the footpath in a way that causes a barrier to access.

However within [https://humanrights.gov.au/our-work/disability-rights/frequently-asked-questions-across-premises#footpath] the answer to the question 'What is an acceptable footpath?' included the following:

'Public footpaths do not have a building classification, so while they are covered by the definition of "premises" they are not subject to the Premises Standards, but remain subject to the general non-discrimination provisions of the DDA.

This means that there is no mandatory minimum technical compliance standard under the DDA that can be referred to in relation to footpaths.'

The Commission’s website notes that while there is no adopted standard to ensure that a footpath trading arrangement meets the requirements of section 23, it considers best practice to be the advice in Australian Standard 1428.2, which shows that...

...the minimum width required for 2 people using wheelchairs to pass each other is 1.8m.

The Commission further recommends that footpaths should –

Have a Pedestrian Zone with a minimum clear width of 1.8 metres at the narrowest point and a minimum clear height of 2 metres with nothing encroaching into that envelope.

In addition the Commission is of the view that the continuous accessible path of travel should extend from the property line with no obstructions or projections in order to provide the best possible guidance line for all users including people with a vision impairment.

However the commission also says that...

'In providing this advice the Commission is not saying that compliance with the DDA can only be achieved by providing footpaths this wide, but rather a footpath of this minimum width would provide amenity for all users, especially in areas of high pedestrian traffic, such as High Street shopping areas.

The Commission notes, however, that topographical issues, historical practices and local conditions will affect the capacity of local government authorities to achieve this level of good practice in all circumstances.'

These considerations have directly informed Council’s footpath zones.
Appendix 2

Form of Indemnity

Companies and Incorporated Associations

This is a legally binding agreement.

This Indemnity is between BAYSIDE CITY COUNCIL (Council) and the company or incorporated association named

________________________________________________________ (Organisation).

It arises out of a proposal by Council to issue a permit to the Organisation under Council’s Neighbourhood Amenity Local Law 2021 – Part 4 Business & Asset Protection.

The Organisation agrees that, in exchange for Council’s issue of the permit under the Local Law, it will indemnify Council and keep Council indemnified against any and all liability (including liability due to negligence) and any and all direct or indirect loss, damage, costs and expenses, incurred by Council which arises out of anything done or omitted to be done by the Organisation in or on the area which is the subject of the permit, except to the extent that such liability, loss, damage, costs or expenses was caused or contributed to by a negligent, unlawful, willful or fraudulent act or omission of the Council.

SIGNED SEALED AND DELIVERED by

(insert name)

for and on behalf of the Organisation in the presence of:

(Witness)

Form of Indemnity

Individuals

This is a legally binding agreement.

(Date)

__________________________________________ (Name of Guarantor)

__________________________________________ (Address)

__________________________________________ (Occupation)

__________________________________________ (Name of Organisation)

It is between BAYSIDE CITY COUNCIL (Council) and the person named above (Guarantor). It arises out of an indemnity given by the company or incorporated association named above (Organisation) concerning the proposed issue of a permit to the Organisation under Council’s Neighbourhood Amenity Local Law 2021 – Part 4 Business & Asset Protection.

The Guarantor agrees that, in exchange for Council issuing the permit under the Local Law, the Guarantor will pay and make good to Council on demand any loss, damage, costs and expenses incurred by Council as a result of the Organisation’s refusal or failure to honour the indemnity given by it.

The Guarantor further agrees that any negligence or tolerance by Council in attempting to obtain payment or enforce the performance of the Organisation’s indemnity will not release or, in any way affect, the Guarantor’s liability under this agreement.

Finally, the Guarantor agrees that the guarantee given under this agreement is a continuing guarantee and that the Guarantor’s liability will not be affected by any indulgence shown to the Organisation by Council.

SIGNED SEALED AND DELIVERED by

(Guarantor)

in the presence of:

(Witness)

(Date)
Appendix 3

Impoundment

- Authorised Officer impounds articles immediately without notice.
- Authorised Officer informs Responsible Team Leader/Coordinator.
- Responsible Team Leader/Coordinator informs CEO or Responsible Manager - Planning, Building & Local Laws.

Notice of impoundment issued by Investigation Officer personally or by registered mail.
- Authorised Officer submits impoundment record log and Investigation Officer’s report to Responsible Team Leader/Coordinator.
- Photograph all impounded articles.
- All articles impounded placed at Council’s approved pound.

Owner of articles wishes to retrieve impounded articles.
- Authorised Officer informs Responsible Team Leader/Coordinator.

No response to notice of impoundment after 24 hours for perishable goods or 7 days for non-perishable goods.

- Authorised Officer informs Responsible Team Leader/Coordinator to arrange for disposal of impounded articles in accordance with Local Government Act 1989.

Authorised Officer informs Responsible Team Leader/Coordinator determines action to be taken.

Update file.

Authorised Officer informs Responsible Team Leader/Coordinator.

Notice of impoundment not complied with.

Authorised Officer impounds articles with police in attendance.

Articles not impounded.

Update file.

Emergency situation.

Authorised Officer either issues a notice to impound articles or takes immediate action in an emergency situation – at Authorised Officer’s discretion.

 Notices of impoundment not complied with.

Authorised Officer impounds articles with police in attendance.

Articles not impounded.

Update file.

Emergency situation.

Authorised Officer either issues a notice to impound articles or takes immediate action in an emergency situation – at Authorised Officer’s discretion.

Authorised Officer informs Responsible Team Leader/Coordinator.

Notice of impoundment not complied with.

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Articles not impounded.

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Footpath Trading Review 2021
Community Engagement Summary

December 2021

Bayside City Council
Corporate Centre
76 Royal Avenue
SANDRINGHAM VIC 3191
T (03) 9899 4444
F (03) 9598 4474
www.bayside.vic.gov.au
1 Background

Footpath trading in the City of Bayside provides trade opportunities for businesses, enhanced public spaces, and sustained, inclusive access. Footpath trading aids the commercial viability of small businesses by increasing the area available for commercial activities. It allows traders to use the area adjoining the kerb, which increases the visibility of their commercial offerings to customers. Footpath trading plays a key role in promoting retail resilience and the ability of local businesses to employ staff.

Effective regulation of footpath trading ensures that universal access to activity centres for all residents is maintained. This universal access allows all residents to equally enjoy Bayside’s village feel. This footpath trading policy seeks to balance accessibility requirements and ensures that footpath trading aids the commercial viability and resilience of businesses, while also activating and enhancing the public realm for all residents.

Council will be considering whether to update the Footpath Trading policy with the below changes:

- heights and widths of allowable objects on the footpath
- kerb zone to be widened in certain circumstances to protect diners
- public liability insurance requirements
- permanent planter boxes will no longer be allowed, moveable planter boxes may be allowed
- installation of blinds from verandas is not advised and must be discussed with Council and meet strict criteria before installation
- installation of railings and glass screens is not advised and must be discussed with Council and meet strict criteria before installation.

As part of this review, the Bayside community was invited to provide feedback on the program through the online Have Your Say platform on the Council’s website from 18 November – 16 December 2021.

65 participants submitted a response on the Have Your Say platform.
2 Consultation process

2.1 Consultation purpose

The purpose of the engagement process was to seek feedback on the proposed update to the Footpath Trading Policy and measure the level of support for its key actions. Feedback would inform the proposed policy to be considered by Council in February 2022.

Figure 2: Timeline and phases for the Footpath Trading Policy

<table>
<thead>
<tr>
<th>Timeline</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Community engagement</td>
<td>18 November 2021 – 16 December 2021</td>
</tr>
<tr>
<td>Consideration of feedback</td>
<td></td>
</tr>
<tr>
<td>Footpath Trading Policy adopted</td>
<td>February 2022</td>
</tr>
</tbody>
</table>

The following table provides detail of each activity undertaken within the community engagement period.

2.2 Consultation methodology

The engagement process was open to all members of the Bayside community, including individuals or groups who live, work, play, study, visit, or pass through the municipality.

The program was primarily delivered digitally. Consultation was open for a four-week period from 18 November - 16 December 2021.

The following engagement activities were undertaken:

- project information and feedback survey through Have Your Say
- printed survey and consultation materials available on request.

The following table provides detail of each activity undertaken within the community engagement period.
### Table 1: Engagement activities and participation

<table>
<thead>
<tr>
<th>Details</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 November to 16 December 2021</td>
<td>Online Engagement – Have Your Say</td>
</tr>
<tr>
<td></td>
<td>The online project pages included information on the footpath trading</td>
</tr>
<tr>
<td></td>
<td>policy and an open question and answer forum. The primary means of</td>
</tr>
<tr>
<td></td>
<td>collecting feedback on the page was through a closed survey (Appendix 1).</td>
</tr>
<tr>
<td>618 visitors</td>
<td>65 contributions received via an online survey.</td>
</tr>
<tr>
<td>65 contributions</td>
<td>A phone number and email were made available for enquiries with no</td>
</tr>
<tr>
<td>64 contributors</td>
<td>requests received.</td>
</tr>
<tr>
<td>19 project followers</td>
<td></td>
</tr>
</tbody>
</table>

**Written submissions**

- No responses received
  - Stakeholders providing written submissions to Council
  - Council received no written submissions via email or mail in relation to the Footpath Trading Review.

**E-mail / Phone call enquiries**

- Correspondence to Urban Strategy department
  - Council received no email enquiries or phone calls in relation to the Footpath Trading Review.
Table 2: Communication tools and reach

<table>
<thead>
<tr>
<th>Channel</th>
<th>Distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>228 views</td>
<td></td>
</tr>
<tr>
<td>18 November</td>
<td>This Week in Bayside</td>
</tr>
<tr>
<td>4197 opens (reach)</td>
<td>E-newsletter send to 8797 subscribers</td>
</tr>
<tr>
<td>130 clicks</td>
<td></td>
</tr>
<tr>
<td>6 December 2021</td>
<td>Social media</td>
</tr>
<tr>
<td>4003 (reach)</td>
<td>Facebook post (organic) on Council's main page</td>
</tr>
<tr>
<td>8628 (reach)</td>
<td>Facebook post (paid) boosted to broad Bayside audience</td>
</tr>
<tr>
<td>12% engagement</td>
<td></td>
</tr>
<tr>
<td>24 November 2021</td>
<td>Direct email</td>
</tr>
<tr>
<td>644 opens (reach)</td>
<td>Corporate branded email sent to 1600 traders, including Footpath Trading permit holders</td>
</tr>
<tr>
<td>57 clicks</td>
<td></td>
</tr>
<tr>
<td>13 December 2021</td>
<td>Direct email</td>
</tr>
<tr>
<td>720 opens (reach)</td>
<td>Reminder email sent to 1629 traders, including Footpath Trading permit holders</td>
</tr>
<tr>
<td>59 clicks</td>
<td></td>
</tr>
</tbody>
</table>

### 3 Participant profile

Council launched a seven-question survey ([Appendix 1](#)) on the Have Your Say platform to garner feedback on the draft Footpath Trading policy. The survey received 65 responses.

**Table 1: Participant Demographics**

<table>
<thead>
<tr>
<th>Identity</th>
<th>Participants</th>
<th>Rates (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connection to Bayside</td>
<td>Residents</td>
<td>55</td>
</tr>
<tr>
<td></td>
<td>Traders have current Footpath trading permits</td>
<td>4</td>
</tr>
<tr>
<td>Identity/Carer</td>
<td>Count</td>
<td>Percentage</td>
</tr>
<tr>
<td>---------------</td>
<td>-------</td>
<td>------------</td>
</tr>
<tr>
<td>Traders don’t have current Footpath trading permits</td>
<td>7</td>
<td>11.1%</td>
</tr>
<tr>
<td>Visitors/shoppers</td>
<td>23</td>
<td>36.5%</td>
</tr>
<tr>
<td>Other identity</td>
<td>1</td>
<td>1.6%</td>
</tr>
<tr>
<td>Person with disability or a carer</td>
<td>19</td>
<td>30.2%</td>
</tr>
<tr>
<td>Person doesn’t have a lived experience of disability or carer</td>
<td>39</td>
<td>61.9%</td>
</tr>
<tr>
<td>Prefer not to say</td>
<td>5</td>
<td>7.9%</td>
</tr>
</tbody>
</table>

### Suburb

<table>
<thead>
<tr>
<th>Suburb</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beaumaris</td>
<td>5</td>
<td>15.6%</td>
</tr>
<tr>
<td>Black Rock</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Brighton</td>
<td>8</td>
<td>25.0%</td>
</tr>
<tr>
<td>Brighton East</td>
<td>2</td>
<td>6.3%</td>
</tr>
<tr>
<td>Cheltenham or Pennydale</td>
<td>1</td>
<td>3.1%</td>
</tr>
<tr>
<td>Hampton</td>
<td>4</td>
<td>12.5%</td>
</tr>
<tr>
<td>Hampton East</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Highett</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>North Brighton</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Sandringham</td>
<td>12</td>
<td>37.5%</td>
</tr>
<tr>
<td>Outside Bayside</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

(Note: Participants can fall under multiple identities, i.e. I’m a Bayside resident and I’m also a trader)
4 Consultation findings

The following section summarises the key themes which arose in community feedback on the draft Footpath Trading Policy. Where there was more than one mention of a topic or item, the number of mentions has been specified in brackets and italics.

Data limitations

Due to the configuration of the questions around participants’ relation to Bayside, the survey did not capture the geographic data of all participants.

For example, residents and visitors could only provide their residential suburb when they ticked the option, ‘I am a Bayside resident.’ However, most participants ticked more than one box which meant that the survey did not capture where they lived.

The total amount of participants who indicated they lived in Bayside suburbs were 32. Therefore, the demographic percentage for suburbs was based on the total figure of 32 and not total participants (65).

The visitors/shoppers were all Bayside residents. Therefore, this report analyses the insights from residents and not specifically visitors/shoppers.

Like the above, traders were only able to provide their store location when they ticked ‘I am a trader/business with a current footpath trading permit’ and ‘I am a trader/business operator in Bayside but do not currently have a footpath trading permit.’ Due this oversight, no geographic data was captured for participants who were traders.

Results

The survey results showed that 19.0% of participants (12) believed that there is the right amount of footpath trading in Bayside. Additionally, 54.0% of participants (34) wanted more footpath trading in Bayside. However, 21% of participants (13) were worried about the amount of footpath trading and preferred to have less footpath trading.

The survey also generated opinions on the draft Footpath Trading Policy.

Topic 1: Footpath Trading amount in Bayside

Most participants (34, 54%) supported more footpath trading in Bayside. However, a small group (13, 21%) opposed this proposal. Some survey participants believed that there is the right amount of footpath trading (12, 19%). Whilst a few participants preferred not to say or held other opinions (4, 7%).

Figure 1: Do you think there is the right amount of Footpath Trading in Bayside?
Some survey participants (32, 51%) also provided comments on which areas of Bayside they would like to see more footpath trading. These responses are summarised by sentiment and theme in the table below:

<table>
<thead>
<tr>
<th>Sentiment</th>
<th>Community feedback</th>
</tr>
</thead>
</table>
| Support for more footpath trading | - All shopping centres  
- All retail shopping for small businesses  
- All areas, particularly while we get business going after all of us, including those who remained employed were smashed by lockdowns.  
- All areas that have space to enable this.  
- Everywhere  
- I would like to see allowance for footpath trading anywhere - if the business complies with the guidelines in the draft policy. I cannot see why trading should only be allowed in specific locations within Bayside  
- Wherever there is room and wherever it supports current and future outdoor bars and dining businesses  
- Beaumaris (3 mentioned)  
- Black Rock (4 mentioned)  
- Brighton (8 mentioned)  
- Hampton (4 mentioned)  
- Sandringham (15 mentioned) |
| Oppose on more Footpath Trading | - Why is it needed - is there not sufficient inside shops ...which we have barely been in for 20 months                                                                                                                                |
| General feedback               | - Too much in some areas nothing in others  
- Leave business alone. Let them do it where it works for them. Stop trying to control everything                                                                                                                                 |

**Topic 2: Opinions on the draft Footpath Trading Policy**

**Statement 1:** Footpath trading provides trade opportunities and increases the visibility of business offerings to customers. Participants were asked if they agree the draft Footpath Trading Policy provides trade opportunities and increases the visibility of business offerings to customer.

Most survey participants (51, 81%) agreed. However, 10 (16%) participants disagreed. Few participants had no opinion or were neutral (2, 3%).
Statement 2: Footpath trading will enable enhanced public spaces and add to the vibrancy of our shopping precincts.

Participants were asked if they agree that the draft Footpath Trading Policy enhances public spaces and adds vibrancy to shopping precincts.

Most survey participants (44, 70%) agreed with this statement. However, 13 (24%) participants disagreed. Few participants had no opinion or were neutral (4, 6%).

Figure 3: Level of agreement on the enhanced public spaces and the vibrancy of shopping precincts

Statement 3: The draft Footpath Trading Policy has clear guidelines to allow safe movement of people with mobility issues, prams or wheelchairs around footpath trading areas.

Most participants (41, 65%) expressed support for this statement. However, 10 participants (16%) disagreed. Some participants had no opinion or were unsure (12, 19%).
Figure 4: Level of agreement on the accessibility of footpath trading areas

Statement 4: The Footpath Trading Policy has clear guidelines to ensure that where and what is placed on the footpath is safe, insured and poses little or no risk to pedestrians, patrons, or Council.

Most survey participants (40, 64%) agreed with this statement. However, 11 participants (17%) disagreed. Some survey participants had no opinion or were unsure (12, 19%).

Figure 5: Level of agreement on the clear guidelines of safety and risk assessment on footpath trading areas

Suggestions and feedback

Participants (38, 59%) provided suggestions on the draft Footpath Trading Policy. There were 30 comments received. Some comments addressed more than one topic, so have been split accordingly.

<table>
<thead>
<tr>
<th>Topic</th>
<th>Community feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Positive feedback</td>
<td>• Footpath trading has been great initiative during COVID with the changing health restrictions.</td>
</tr>
<tr>
<td></td>
<td>• I applaud the council on drafting the policy and sharing for consultation.</td>
</tr>
<tr>
<td></td>
<td>• It’s a good investment to create a community and build and economy.</td>
</tr>
</tbody>
</table>
Participants (30, 48%) also provided suggestions on the Footpath Trading Policy, with 38 comments received. These comments are summarised by sentiment and theme in the table below:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Community suggestions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety</td>
<td>• The footpath policy is now a free for all that has been allowed to be abused. The restaurants and bars have used COVID to takeover footpaths, create unprecedented hazards, put people’s safety at risk and disrupt other business. (4 mentions)</td>
</tr>
<tr>
<td>Permit cost reduction</td>
<td>• There should be a permanent reduction in costs, the pandemic has already significantly affected trade (3 mentions).</td>
</tr>
<tr>
<td>Pedestrian safety</td>
<td>• Some paths experience high foot traffic and get quite crowded, it can be unpleasant to move through and poses a safety risk (6 mentions).</td>
</tr>
<tr>
<td></td>
<td>• There should be more done to clear the beggars from Church Street.</td>
</tr>
<tr>
<td></td>
<td>• The footpaths in Black Rock are uneven.</td>
</tr>
<tr>
<td>Accessibility issues created by footpath trading</td>
<td>Footpath trading makes it difficult for those with a disability to navigate the area (2 mentions).</td>
</tr>
<tr>
<td>Stronger policy enforcement</td>
<td>• The policy needs stronger enforcement provisions, other than self-inspection (3 mentions).</td>
</tr>
<tr>
<td>Parking limitations</td>
<td>• Cars can no longer park close to gutters as footpath is blocked by trading.</td>
</tr>
<tr>
<td>More policy flexibility</td>
<td>• Ensure the policy contains enough flexibility to suit the wide range of footpath environments so each business can be assessed on a site-by-site basis. Some of the rules are too restrictive (2 mentions).</td>
</tr>
<tr>
<td>Design ideas</td>
<td>• Flower, green grocery, or planter boxes on footpaths can bring a sense of liveability (2 mentions).</td>
</tr>
<tr>
<td></td>
<td>• Encourage more bespoke architectural petitions.</td>
</tr>
<tr>
<td></td>
<td>• Blinds should be allowed to encourage outdoor dining.</td>
</tr>
<tr>
<td></td>
<td>• Incorporate spacelets as part of widened footpaths.</td>
</tr>
</tbody>
</table>
- We own Sustainable Soul in Black Rock; we’re situated on the corner of Bluff and Balcombe and the speed I have seen children and their parents ride around this corner is really dangerous. In Black Rock there is a high number of elderly and we need to protect them.

<table>
<thead>
<tr>
<th>Extension of footpath trading</th>
<th>Increased outside dining is essential during COVID and beyond. (3 mentions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost</td>
<td>Make it easier and cheaper for business (4 mentions)</td>
</tr>
<tr>
<td>Pet concern</td>
<td>I would like the topic of dogs on footpath eating areas to be addressed. Are they allowed or not? Also, something about dogs tied to tables etc, with leads that let them then lie right across the footpath. Often, I am forced on to the road as I am too scared to step over or near to dogs. (3 mentions)</td>
</tr>
<tr>
<td>Theft/crime</td>
<td>I believe retailers who offer goods on the footpath attract shoplifters and thieves to the area. Council should install a CCTV system ASAP for the deterring factors of criminals. (1 mention)</td>
</tr>
<tr>
<td>Enforcement</td>
<td>Stronger statement on the enforcement of the rules - some traders flout the rules (2 mentions)</td>
</tr>
<tr>
<td>Accessibility</td>
<td>There must be space for people to park wheelchairs/ prams each when dining at tables. This might mean reducing number of tables, for example, to 6 from eight. (2 mentions)</td>
</tr>
<tr>
<td>Removal of footpath trading</td>
<td>Get rid of footpath trading altogether it is too dangerous. Cars are trying to get from one end of shopping strip to the other with so many people there will be an accident. (4 mentions)</td>
</tr>
<tr>
<td>Bike use</td>
<td>I feel there should be visible signs to ask bike and scooter riders to not ride on the footpaths in the shopping areas. (1 mention)</td>
</tr>
<tr>
<td>Permit application process</td>
<td>• I think that neighbouring businesses or residents should be given a copy of any applications with an opportunity to comment. (1 mention)</td>
</tr>
<tr>
<td></td>
<td>• Provide fewer broad rules and more site/specific assessments to suit the application (1 mention)</td>
</tr>
<tr>
<td>Footpath trading boundaries</td>
<td>• Please ensure the three zones are marked with tape/paint or some other means to clearly denote the required spacing (1 mention)</td>
</tr>
<tr>
<td></td>
<td>• It will be necessary for cafes to denote space for those waiting to collect take away orders, especially coffees as customers currently just stand in the footpath area as there is nowhere else for them to stand (1 mention)</td>
</tr>
<tr>
<td>Design ideas</td>
<td>• I would like to see more of and retain existing permanent planter boxes. I am in favour of café blinds where practical and safe. (3 mentions)</td>
</tr>
<tr>
<td></td>
<td>• Ensure Trading does not occur around Pedestrian Crossings and Public seating. (1 mention)</td>
</tr>
<tr>
<td>Community education</td>
<td>• It's possible that staff and customers will forget that the footpath forms part of the roadway and that in inadvertently blocking it during a sale may encourage people to step into the street. It's an issue that could be dealt with by an awareness campaign and letter drops, using ads in Neighbourhood Watch. (1 mention)</td>
</tr>
</tbody>
</table>

### 4.1 Project Evaluation

The draft Footpath Trading Policy did not attract significant comment from the community. The primary concern for most respondents was the overcrowding of footpaths and pedestrian safety. Overall, most participants (34, 54%) supported more footpath trading in Bayside and agreed that it allows for more trade opportunities (51, 81%).

Sandringham had the highest percentage of participants (12, 37.5%). However, there were no participants from Black Rock, Hampton East, Highett, North Brighton or outside of Bayside. This may be attributed to the configuration of the survey questions. The logic of the questions meant that some participants were not asked about their location.

The engagement techniques were effective in capturing participants’ opinions. Most participants gave detailed feedback or suggestions which will be valuable in refining the
policy. It was considered that engagement processes were effective but the interest in the subject was low.

To improve upon the engagement process, more testing to ensure the survey questions are logical will allow for richer data collection.

All communication tools used to promote the campaign were effective with contributors coming to the survey from all sources, including the trader emails, Facebook and Council’s enewsletter evidenced by tracking url links placed in each piece of communication.
5 Appendix

5.1.1 Appendix 1: Footpath Trading Policy survey questions

1. Do you think there is the right amount of Footpath Trading in Bayside?
   - Yes just the right amount
   - No there should be more
   - No there is too much
   - Prefer not to say
   - Other (please specify)

2. To what extent do you agree or disagree with the below statements about the draft Footpath Trading Policy?

   It provides trade opportunities and increases the visibility of business offerings to customers.
   - Strongly agree
   - Agree
   - Neither agree nor disagree
   - Disagree
   - Strongly disagree
   - Not sure

   It will enable enhanced public spaces and add to the vibrancy of our shopping precincts.
   - Strongly agree
   - Agree
   - Neither agree nor disagree
   - Disagree
   - Strongly disagree
   - Not sure

   It has clear guidelines to allow safe movement of people with mobility issues, prams or wheelchairs around footpath trading areas.
   - Strongly agree
   - Agree
   - Neither agree nor disagree
   - Disagree
   - Strongly disagree
   - Not sure

3. Would you like to suggest any changes to the draft Footpath Trading Policy?

4. Is there any other feedback you would like to provide on the draft Footpath Trading Policy?
About you

5. What is your connection to the draft Footpath Trading Policy and Bayside? (tick all that apply) Required

☐ I am a trader/business with a current Footpath Trading permit
☐ I am a trader/business operator in Bayside but do not currently have a Footpath Trading permit
☐ I am a Bayside resident
☐ I visit/shop in Bayside
☐ Prefer not to say
☐ Other (please specify)

6. Do you have a lived experience of disability or care for someone who does? Required

☐ Yes
☐ No
☐ Prefer not to say

7. Did you have the information you needed to provide your feedback? Required

☐ Information was very easy to find and understand
☐ Information was mostly easy to find and understand
☐ Information was mostly hard to find and understand
☐ Information was very hard to find and understand
☐ Not sure
10.4 PROPOSED AMENDMENT TO COUNCIL RESOLUTION REGARDING OUTCOMES OF COMMUNITY ENGAGEMENT - WILSON RECREATION RESERVE - BRIGHTON GRAMMAR SCHOOL PROPOSAL

Environment, Recreation and Infrastructure - Open Space, Recreation and Wellbeing
File No: PSF/22/27 – Doc No: DOC/22/21432

Executive summary

Purpose and background

The purpose of this report is to propose an amendment to the Council Resolution regarding Outcomes of Community Engagement – Wilson Recreation Reserve – Brighton Grammar School (BGS) proposal, specifically point 3 regarding the number of matches per week.

At the 17 August 2021 Council Meeting it was resolved:

That Council:

1. thanks the community for its feedback concerning the Brighton Grammar School proposal
2. notes that Brighton Grammar School has withdrawn the proposal to redevelop Wilson Recreation Reserve, and as such, is no longer seeking a nine-year licence with Council
3. continues to support Brighton Grammar School’s use of Wilson Recreation Reserve for school rugby training and matches between 1 April and 30 September (two training sessions and 1 match per week)
4. discontinues any recess or lunchtime overflow usage by Schools on Wilson Reserve from the commencement of the 2022 calendar year
5. encourages other local schools to book Wilson Recreation Reserve for the purposes of school sport
6. provides other local schools with regular bookings of Wilson Recreation Reserve
7. provides access to a toilet facility to be constructed adjacent to the reserve as part of the redevelopment of the Brighton Recreation Centre
8. supports all schools, including Brighton Grammar, with the important role they play in the Bayside community and provides access to Council’s sportsgrounds to support healthy and active sports participation
9. ensures Brighton Cricket Club’s use of Wilson Recreation Reserve through the summer sportsground allocation process
10. based on the feedback provided, considers park improvements at Wilson Recreation Reserve, such as: improvement and better maintenance to the playing surface, addition of seating, drinking fountain, BBQ and an accessible connection to Bayley House as part of the preparation of future Council budgets
11. facilitates a community connection event at Wilson Recreation Reserve with residents and relevant stakeholders to plant an indigenous tree and understorey planting
12. receives a report by no later than 31 December 2022 updating on the implementation of this Motion with a focus on the park improvements implemented and the use of the Reserve by Brighton Grammar School and other Bayside schools.

Key issues

Brighton Grammar School Rugby Program

At the 17 August 2021 Ordinary Meeting it was resolved that Council continues to support Brighton Grammar School's use of Wilson Recreation Reserve for school rugby training and matches between 1 April and 30 September (two training sessions and 1 match per week).

Brighton Grammar School (BGS) fields between four and six teams annually, including U13, U14, U15, U16, 2nd XV, and 1st XV teams. Teams participate in the inter-school Victorian Schools Rugby Union competition, and BSG has competed in the 1st Division for over 50 years. BGS utilise Wilson Recreation Reserve for training from 3:30pm to 5:00pm on Monday - Thursday, while up to three matches are facilitated each Saturday from 8am to 2pm subject to the Victoria Schools Rugby Union competition schedule.

BGS have advised Council that restricting usage to one match per week would not be feasible and would require BGS to source another venue to play the multiple matches it is required to host each Saturday. Officers support BGS’s request to amend this resolution to enable matches to be played at Wilson Recreation Reserve from 8am to 2pm each Saturday during the winter season of 1 April to 30 September.

Financial contribution from Brighton Grammar School

Officers sought feedback from BGS to a proposal for the School to pay additional fees towards ground maintenance of Wilson Recreation Reserve. School Principal, Ross Featherston was contacted in mid-January and provided the following response:

- BGS would not pay an increased fee for the currently resolved restricted use of two training sessions and one match per week.

- Subject to clarification on what the additional fee might be, BGS would pay an increased fee if BGS’ historical usage was reinstated by Council and additional fees collected by Council were used to increase ground maintenance and improve the condition of Wilson Recreation Reserve.

- BGS’ offer to pay additional fees is on the understanding that Council would implement capital improvements such as replacing the irrigation and turf surface at Wilson Recreation Reserve (this is currently not budgeted for).

Current condition of Wilson Recreation Reserve and possible improvements

Wilson Recreation Reserve has a poorly functioning irrigation system that provides inconsistent pressure and coverage and does not provide water to large sections of the playing area. Historical usage including its purpose as a parade ground 150 years ago and decades of various club and school sports has resulted in compaction of the soil profile. The current turf surface is a mix of grasses and weeds and provides inconsistent coverage across the playing area.

The maintenance schedule and classification of this oval cannot be improved until such time as the irrigation is replaced, soil profile improved and a new turf surface is planted. The playing surface would also benefit from the installation of sub-surface drainage to enable water to leave the surface reducing wear and tear, weed growth and playing surface deterioration over the winter months.
Ball Park figures for Council to undertake these works are included in the following table:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Irrigation</td>
<td>$100,000</td>
</tr>
<tr>
<td>Soil profile improvement</td>
<td>$25,000</td>
</tr>
<tr>
<td>New (Couch) turf surface</td>
<td>$120,000</td>
</tr>
<tr>
<td>Sub-surface drainage</td>
<td>$300,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$545,000</strong></td>
</tr>
</tbody>
</table>

There is currently no provision in Council’s four-year Capital Works Program for any sportsground improvement works at Wilson Recreation Reserve. Wilson Recreation Reserve was considered a low priority (Number 8) in Council’s reviewed Sportsground Renewal Program adopted on 21 December 2022. The Program recommends that Council continues to monitor the condition and use of Wilson Recreation Reserve and does not recommend any works at this stage.

**Summary and Proposed Council Resolution Amendment**

There is currently no provision in Council’s four-year Capital Works Program for improvements to Wilson Recreation Reserve and without these improvements Council is unable to successfully implement an increased sportsground maintenance regime at the site. Therefore, the collection of additional fees from Brighton Grammar School and then using these fees to fund additional maintenance would fail to produce a tangible improvement to the condition of Wilson Recreation Reserve.

It is proposed that Brighton Grammar School is charged the relevant Council adopted Fees and Charges for use of Wilson Recreation Reserve and that point 3 from the Council Resolution is amended to read (That Council):

3. **continues to support Brighton Grammar School's use of Wilson Recreation Reserve for school rugby training and matches between 1 April and 30 September (two weeknight training sessions from 3.30pm to 5pm and Saturday matches from 8am to 2pm each week).**

**Recommendation**

That Council continues to support Brighton Grammar School’s use of Wilson Recreation Reserve for school rugby training and matches between 1 April and 30 September (two weeknight training sessions from 3.30pm to 5pm and Saturday matches from 8am to 2pm each week).

**Support Attachments**

Nil
Considerations and implications of recommendation

Liveable community

Social
Bayside sporting clubs provide residents and community members with physical, psychological, social and cognitive health and wellbeing benefits. Sporting clubs are outlets for civic engagement for Bayside volunteers, creating environments that facilitate purpose and connection for local communities.

Natural Environment

There are no Natural Environment implications associated with the recommendation in this report.

Climate Emergency

There are no Climate Emergency implications associated with this report.

Built Environment

There are no Built Environment implications associated with the proposition in this report.

Customer Service and Community Engagement

Considerable community consultation has previously been undertaken for previous reports submitted regarding Brighton Grammar School’s proposed use of Wilson Recreation Reserve. Refer to Council Report submitted to the 17 August 2021 Council Meeting.

Feedback was sought from Brighton Grammar School Principal, Ross Featherston during a 13 January 2002 telephone conversation.

Human Rights

The implications of the report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Governance

Officers involved in the preparation of this report have no conflict of interest.

Legal

There are no legal implications associated with the recommendation in this report. Brighton Grammar School is asked to comply with all State Government and sporting body COVID-safe requirements as per tenancy approval agreements.
Finance

Brighton Grammar School is charged an annual Permit Fee for use of Wilson Recreation Reserve, currently $290 (incl. GST) for the period 1 April and 30 September 2021. This fee is in line with Council’s adopted Fees and Charges.

There is currently no funding in Council’s four-year Capital Works Program for improvements to Wilson Recreation Reserve.

Links to Council policy and strategy

The Bayside ‘Active by the Bay’ Recreation Strategy (2013–22) provides five key principles that guide the provision of recreation and services and facilities within Bayside, including responding to identified recreational needs of the community, and the provision of recreational opportunities for all.

Council 2050 Vision’s Theme 8: Accession and Inclusion, Priority 8.1 Barriers to participation for all the be identified and solutions implemented.

Community aspiration in the Community Plan (2025) details that by 2025, Council will support groups to deliver programs and events that enhance community connection.

The Council Plan 2021–25: Goal 2 Our People, Objective 2.1 Nurture healthy people and resilient communities ensuring services and programs are adaptable to meet diverse and changing needs. Specifically, facilitate opportunities for people to participate in community life, through volunteering, civic leadership, sport, artistic, cultural and social programs, to enable inclusion, social connection, creative expression and wellbeing.
Executive summary

Purpose and background
To present Council with the community engagement feedback in relation to defining preferred character in Bayside’s General Residential Zones.

The Neighbourhood Character Review was identified as a high priority action in the Bayside Housing Strategy 2019 and is an action in the Council Plan 2021–25.

Currently, neighbourhood character controls are implemented primarily through the local sections of the Planning Policy Framework (formerly through a Local Planning Policy). These character controls are set out over 27 precincts across Bayside. The more contemporary approach is to ensure that there are appropriate zone schedules in place to guide character outcomes rather than having these outcomes in local policy, which typically carries lesser weight in decision making.

Council has reviewed the effectiveness of its neighbourhood character controls with some of the recommended changes already implemented through Amendment C180bays, which redrafted the local sections of the Bayside Planning Scheme to have regard to the new format for Planning Schemes.

In addition to those policy changes, Council has separated the processes for land within the Neighbourhood Residential Zone (NRZ) and land within the General Residential Zone (GRZ) given the different challenges faced in those areas. The planning scheme amendment dealing with all NRZ land (Amendment C184bays) has been submitted to the Minister for Planning for authorisation and officers are currently awaiting confirmation of authorisation.

At its 14 September 2021 meeting, Council considered the findings of the Neighbourhood Character Review where it was also resolved to receive a report at its February 2022 meeting in relation to possible changes to character outcomes for land within the General Residential Zone.

Key issues
The residential character objectives for Bayside’s growth areas are required to be updated to ensure that moderate growth is enabled while still maintaining the character of these areas. The community has raised that the extent of change occurring in these locations does not align with community expectations, so the current project aims to review the outcomes being delivered and how policy changes may be able to improve the quality of development in the residential precincts of Bayside’s activity centres.

Officers have translated the existing character statements into more consolidated objectives for each precinct. These are intended to improve the clarity of the outcomes to be achieved in these locations and to ensure that the existing intent remains relevant. The consultation related to all General Residential Zoned land within Bayside (with some exceptions), including residential precincts of:

- Church Street Activity Centre
- Bay Street Activity Centre
• Hampton Street Activity Centre
• Sandringham Village Activity Centre
• Pennydale Housing Growth area
• Elsternwick Housing Growth Area
• Cheltenham Housing Growth Area.

Results of the Community Consultation

Community Consultation was undertaken from 18 November 2021 and 16 January 2022.

To capture the community’s views there were surveys on the Have Your Say page where people could respond to the preferred future character statement in their respective precincts within the GRZs. There were 15 separate surveys provided, reflecting the different precincts and suburbs within the GRZs (one survey per precinct). Each survey area had an individual ‘Preferred Character Statement’ which was unique to the characteristics of each precinct, consolidating the many character strategies (in some cases more than 15) into 5, consistent with State requirements for zone schedules.

The surveys were to capture data on how much people value character in these change areas, what they like / would like to see in their precinct, and their response to the draft preferred future character statements. There was also an option to leave any additional comments.

Unsurprisingly, most participants (85%) reported that retaining existing local character was extremely or very important. The proposed future character statements were viewed positively through the feedback received, with four stars the most frequent survey rating and an average of 3.3 stars out of five. Overall, feedback was supportive of the direction Council was taking and the consolidated precinct objectives.

Feedback received during the community consultation period has been consolidated in the Community Engagement Summary Report (refer Attachment 1).

Next steps

Now that the community consultation on the consolidated precinct objectives has been completed, and the objectives have received community support, officers can now proceed to translate the remaining content from the current controls into the new Zone Schedules. This will assist in ensuring that the new zone schedule objectives can be delivered ‘on the ground’ and that new development is achieving outcomes that more closely reflect community sentiment. It is important to ensure that with consolidated objectives the intent is not lost, and officers are now looking to ensure that the Planning Scheme does not go backwards in terms of the level of protection afforded in these locations, whilst achieving the housing growth forecast for these areas.

Additional work is still required to ensure that the controls are justified and do not compromise Council’s ability to accommodate housing growth in these areas. This will require integration of a range of policy tools to ensure that the planning framework is robust, clear and achieving its intended purpose.

As there are also reforms proposed to the residential zone schedules (as outlined in the ‘Improving the Operation of ResCode’ report) it will be worth progressing this analysis while the State Government decides on its proposed Performance Assessment Module (‘PAM’) approach. These reforms are expected to facilitate more clearly articulated built form standards in residential zone schedules that will allow character outcomes to be assessed in a similar way to other aspects of ResCode, with less room for subjectivity and varied interpretation. This
requires careful drafting on Council’s part to ensure that the outcomes sought are able to be properly achieved through the revised controls, whether the PAM approach is implemented or not.

Officers will now proceed with the further analysis to reconcile the policy outcomes before presenting the draft controls to Council later in 2022 for consideration.

**Recommendation**

That Council:

1. notes the community engagement results from the preferred character in growth areas engagement consultation
2. continues to draft potential planning scheme changes to support character outcomes in growth areas
3. receives a report at or before the June 2022 Council Meeting with the outcomes.

**Support Attachments**

1. Preferred Future Character in Growth Areas Community Engagement Report January 2022
Considerations and implications of recommendation

Liveable community

Social
The community has consistently raised the impacts of development on neighbourhood character as an issue of concern, particularly around interfaces with activity centres. Improving the policy framework guiding preferred future character will take the first step in ensuring that Bayside's planning framework is meeting community expectations.

Natural Environment
The new GRZ preferred future character statements could include requirements relating to setback and site coverage to encourage planting of canopy trees and vegetation. This may contribute to an increase in canopy coverage and greening on private land throughout the municipality.

Climate Emergency
The changes to preferred future character controls will not have any impacts relating to Council's declaration of a climate emergency, as it is primarily focused on built form outcomes on private land. Whilst there are landscape elements to character, the scope is limited in terms of its direct ability to influence climate change.

Built Environment
If successfully implemented, updated GRZ schedules will amend existing provisions in the Bayside Planning Scheme to facilitate vibrant and attractive neighbourhoods where future residential development respects and enhances preferred character. The feedback received provides guidance on the built form expectations of affected communities and how changes proposed to the relevant planning controls are expected to improve outcomes.

Customer Service and Community Engagement
Community Consultation was undertaken from 18 November 2021 and 16 January 2022. Key stakeholders and the broader community provided input and recommended actions during this engagement period. The engagement methods included:

- presentations to key stakeholders / interest groups
- drop-in sessions at Sandringham, Brighton and Hampton libraries
- Council officer’s availability to provide one on one meetings
- the project page on the Bayside Have Your Say website
- online survey
- online interactive map on the Have Your Say
- responding to correspondence received through email and Have Your Say website
- article in December/January issue of Let's Talk Bayside
- promotion on various social media channels and network
- Council officers undertaking presentations to stakeholders to address any specific questions or concerns raised.
Around 350 community members participated in the consultation primarily via area-specific online Have Your Say surveys (252 respondents), supported by six drop-in sessions at Bayside libraries (57 participants), meetings (3), and phone, email and written correspondence (37).

The age demographic of those that responded is as follows 21.3% aged 35 to 44, 22.9% aged 55 to 65 and 20.5% aged 65 to 74.

The majority of those that responded have resided within Bayside more than 10 years, 36% more than twenty years.

Contributions from each area can be broken down into:

- Hampton Street Activity Centre – 64 participants
- Church Street Activity Centre – 45 participants
- Pennydale Housing Growth area - 44 participants
- Bay Street Activity Centre – 31 participants
- Sandringham Village Activity Centre – 24 participants
- Elsternwick Housing Growth Area – 15 participants
- Cheltenham Housing Growth Area – 7 participants.

A detailed summary of the feedback received and demographic information is included at Attachment 1 to this report.

**Human Rights**

The implications of the engagement process have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

**Governance**

Officers involved in the preparation of this report have no conflict of interest.

**Legal**

The outcome of this work is expected to result in amendments to the Bayside Planning Scheme. The planning scheme amendments process will be undertaken in accordance with the requirements set by the *Planning and Environment Act 1987*.

**Finance**

The costs associated with the community engagement process and the preparation of any subsequent planning scheme amendment have been considered as part of Council’s operating budget.

**Links to Council policy and strategy**

**Community Vision 2050**

The spatial vision in the Housing Strategy and the eventual GRZ amendment aligns with Theme 9 (The Built Environment) of the Bayside Community Vision 2050, particularly in relation to supporting population growth.
Council Plan 2021–25

The Council Plan 2021–2025 at Objective 3.3 provides that ‘Land use will enhance Bayside’s liveability and protect the distinctive heritage and character of our various localities.’ Strategy 3.3.2 to deliver on this is to ‘Encourage the planning of well-designed new development that is appropriately located and consistent with the preferred neighbourhood character and residential amenity’.

Bayside Housing Strategy 2019

The eventual GRZ amendment addresses a number of objectives and actions included in the Bayside Housing Strategy 2019, particularly actions 1 and 8 which involve retaining existing residential zones to implements the Strategy’s vision and spatial approach to managing housing growth. It also addressed action 30 which was to Undertake a review of Bayside’s Neighbourhood Character Policy. The recommendations of this review have informed the proposed implementation for both future planning scheme amendments.
Preferred future character in growth areas

Community engagement summary report

January 2022
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Overview

The Character Review seeks to define preferred future character throughout Bayside. This project will guide how residential development will be planned and managed in the future by determining how existing planning policy and controls are functioning and if any local policy content, planning controls or mapping within the Bayside Planning Scheme needs to be amended.

The Review is expected to be implemented in two stages via two separate planning scheme amendments: General Residential Zone (GRZ) areas and Neighbourhood Residential Zone (NRZ) areas throughout Bayside. This report covers the first, informal phase of community engagement on preferred future character in GRZs.

Defining character in growth areas
Consultation on character in moderate growth areas - General Residential Zones - was conducted over eight weeks from 18 November 2021 – 16 January 2022. All homeowners/residents of property located within Zones included in this Review were invited via letter to participate.

This first phase of engagement was designed to understand if draft preferred future character statements were consistent with resident’s perceptions and expectations of their area.

Around 350 community members participated in the consultation primarily via area-specific online Have Your Say surveys (252 respondents), supported by six drop-in sessions at Bayside libraries (57 participants), meetings (3), and phone, email and written correspondence (37).

The areas that received the most feedback were:
- Brighton / Elsternwick (91 responses, including 45 for Church Street)
- Hampton Activity Centre (64 responses across all four zones)
- Pennydale Housing Growth Area (44 responses)

As expected, most survey participants (85%) said retaining existing local character was extremely or very important.

Figure 1: Importance of retaining existing local character (n=251)

The consultation drew local knowledge from new and long-term residents, with many surveyed living in their zone for more than 20 years (88, 36%).
Survey participants were asked to describe the character (look and feel) of their local area, as well as rate proposed preferred future character statements for their zone from one to five stars.

A feeling of ‘space’ through front, side and upper-level setbacks and low, semi-private fencing; ‘tradition’ through pitched roofs and use of materials such as brick and timber (weatherboard); and ‘greenery’ through good-sized garden areas with canopy trees were common themes across most areas.

Maintaining privacy was also a key concern. Some participants, such as those near busy roads or railway lines or with only street-facing private outdoor areas, suggested allowing some flexibility for high fencing to enable privacy, security and noise reduction, where required.

Overall, proposed future character statements were viewed positively with four stars the most frequent survey rating and an average rating of 3.3 out of five stars.

Many survey participants (157, 65%) also provided suggestions for ways to improve the proposed future character statements, as well as how Council should manage moderate growth in GRZ neighbourhoods, in general (179, 74%).

**Next steps**
Feedback will be used to refine and set preferred future character objectives for specific precincts within GRZs. These character objectives would sit under applicable schedules in the Bayside Planning Scheme to guide the assessment of...
future development proposals that require planning approval, with the aim of establishing and protecting a preferred future character.

Council is expected to consider community feedback, including this report, and the next steps for this project at its February 2022 meeting.

It is anticipated that a second phase of consultation would be via a planning scheme amendment process.

### 1 Background

This document provides a summary of stakeholder and community feedback on preferred future character in growth areas.

Bayside has not revised its neighbourhood character regulations since 2011. It is important that these regulations are updated to ensure that they continue to encourage the most accurate and desired character in each location. While many features of character may remain the same, it must be acknowledged that Bayside is continually evolving. It is important that the preferred future character of each precinct is kept up to date in the Bayside Planning Scheme.

This is particularly important in growth areas, such as General Residential Zones (GRZs). These areas are mainly located within and around activity centres/shopping precincts and are designed to facilitate moderate growth within areas that are well connected to services, jobs and transport.

The Victorian Government has mandated that all areas in and around Melbourne (not just Bayside) must take their share of our state’s population growth. For Bayside this means an additional 7,500 homes by 2036. Much of this growth will be within General Residential Zones, which cover around 15% of Bayside.

Within General Residential Zones, there can be an obvious contrast in character between older housing stock that was built under very different planning regulations and more recent additions designed to facilitate moderate growth. Character statements within schedules in the Bayside Planning Scheme will help to address and reduce this contrast by guiding the assessment of future development proposals that require planning approval.

Please note that the Department of Environment, Land, Water and Planning expect that neighbourhood character is balanced with the need to accommodate moderate growth. If a proposed planning scheme amendment does not demonstrate this balance, it is unlikely to be approved.
2 Definitions and scope

The table below informed the scope of engagement and was published as part of community consultation:

Table 1: Scope of influence

<table>
<thead>
<tr>
<th>Negotiables</th>
<th>Non-negotiables</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Preferred future character of each precinct</td>
<td>- Growth requirements of General Residential Zones</td>
</tr>
<tr>
<td>- Identification of elements not currently captured in character statements</td>
<td></td>
</tr>
<tr>
<td>- Decision guidelines</td>
<td>- Character of areas outside General Residential Zones</td>
</tr>
<tr>
<td>- A section of the GRZ schedule that will state exactly what characteristics will be considered by Council when assessing a planning application</td>
<td>- Existing application of the Heritage Overlay</td>
</tr>
<tr>
<td>- Preferred future character objectives within draft Schedules</td>
<td>- While neighbourhood character and heritage can overlap, the Heritage Overlay controls are outside of the scope of GRZ amendments.</td>
</tr>
<tr>
<td>- A schedule is an attachment to the GRZ zone that will outline specific objectives and guidelines for a specific area</td>
<td>- The location and boundaries of existing underlying residential zones</td>
</tr>
<tr>
<td>- Selected ResCode controls</td>
<td>- These designated areas are strategically justified and addressed through the Bayside Housing Strategy.</td>
</tr>
<tr>
<td>- Residential development in Victoria is controlled by residential development provisions and tools. While commonly known as ‘ResCode’ the provisions aren’t a separate document; they’re included in all Victorian planning schemes and the Victorian Building Regulations.</td>
<td>- Height controls</td>
</tr>
<tr>
<td>- Preferred architectural styles</td>
<td>- Planning scheme amendment process</td>
</tr>
<tr>
<td>- Preferred architectural styles cannot be encouraged or discouraged over other types of development. Architectural styles are not, of themselves, characteristic of an area. This is a clear consideration, having regard to a ‘respect’ for character not resulting in mimicry or copying.</td>
<td>- This is expected to be undertaken to implement recommendations of the Character Review. This is a legal process Council must undertake to change content in the Bayside Planning Scheme.</td>
</tr>
<tr>
<td>- Character of buildings that do not require a planning permit</td>
<td>- Many knockdown-rebuild developments do not actually trigger a planning permit, therefore are not assessed against character.</td>
</tr>
</tbody>
</table>

Table 2 lists the community members and stakeholders identified as having an interest or impact from the project to be considered in the consultation.

Table 2: Community and stakeholder assessment

<table>
<thead>
<tr>
<th>Stakeholder / community</th>
<th>Interest</th>
<th>Impact</th>
<th>Influence</th>
</tr>
</thead>
</table>

6
Landowners of property within GRZ zones | M | H | Involve
Landowners of property adjacent to GRZ zones | M | H | Involve
General Bayside community (outside of GRZ) | L | L | Consult
Property developers | H | M | Consult
Individuals who want to object to a current planning permit application | M | L | Consult
Community resident groups | H | M | Involve
Environmental interest groups | M | L | Consult
General community groups | M | L | Consult

**Level of engagement**

The level of influence for engagement was assigned at the ‘Involve’ level on the IAP2 Public Participation spectrum for stakeholders identified as having a high impact from this project, and ‘consult’ level for those with a lesser impact.

This is consistent with Council’s application of the IAP2 Spectrum for community engagement on strategy and policy development. This report on Phase 1 engagement results is publicly available via the Have Your Say website.

### 2.1 Glossary

<table>
<thead>
<tr>
<th>Item</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEWLP</td>
<td>Department of Environment, Land, Water and Planning</td>
</tr>
<tr>
<td>GRZ</td>
<td>General Residential Zones</td>
</tr>
<tr>
<td>ESD</td>
<td>Environmentally Sustainable Design</td>
</tr>
<tr>
<td>NRZ</td>
<td>Neighbourhood Residential Zones</td>
</tr>
<tr>
<td>IAP2</td>
<td>International Association of Public Participation</td>
</tr>
<tr>
<td>VPO</td>
<td>Vegetation Protection Overlay</td>
</tr>
<tr>
<td>Stakeholders</td>
<td>See above for stakeholder list.</td>
</tr>
</tbody>
</table>

### 2.2 Related Council documents and consultations

- General Residential Zone Preferred Future Character Review Summary Document, November 2021
3 Consultation process

3.1 Consultation purpose

The purpose of this stage of community engagement on character in General Residential Zones was, to understand if draft preferred future character statements were consistent with resident’s perceptions of their area, and identify ways these statements could be improved or strengthened.

Feedback will be used to refine proposed preferred character statements and determine whether changes to applicable schedules in the Bayside Planning Scheme are required. It is anticipated that a second, and statutory phase, of consultation would be via a planning scheme amendment process.

The engagement process was open to all members of the City of Bayside municipality and specifically targeted to residents/homeowners of property within applicable General Residential Zone areas.

Figure 5: Phases for consultation

3.2 Consultation methodology

Engagement was conducted from 18 November 2021 – 16 January 2022 as COVID-19 restrictions were easing, so online tools (websites, digital surveys, video workshops/meetings) remained the most appropriate primary options. Six face-to-face drop-in sessions were also held.

The following activities were undertaken:

- Project information and 15 area-specific and one general community survey hosted on the online engagement platform Have Your Say
- Interactive map to identify your zone and view your area’s preferred future character statements
- Drop-in sessions (6) at Brighton, Sandringham and Hampton libraries
- Printed information distributed through Bayside Corporate Centre and Libraries
- Video meetings and project phone line
- Promotion of the project using social media and Council communication channels.

Engagement was conducted in part over the Christmas/New Year holiday period. To compensate for this consultation was widely promoted at launch via letter to all residents within applicable zones and held over an eight-week period.
Table 3: Engagement activities and participation

<table>
<thead>
<tr>
<th>Details</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>18 November 2021- 16 January 2022</strong></td>
<td><strong>Online Engagement - Have Your Say</strong></td>
</tr>
<tr>
<td>1,260 visitors</td>
<td>The page included information on character and General Residential Zones and an interactive map to identify your zone, as well as links to area-specific surveys.</td>
</tr>
<tr>
<td>260 contributions</td>
<td>The primary means of collecting feedback was through 15 zone-specific surveys, and a general survey for interested residents (Appendix 2).</td>
</tr>
<tr>
<td></td>
<td>Answer to Frequently asked questions were provided, and a Q&amp;A forum had two submissions.</td>
</tr>
<tr>
<td></td>
<td>Printed information was available at the Corporate Centre and Bayside libraries.</td>
</tr>
<tr>
<td></td>
<td>The Engagement Plan Overview for this project was published (Appendix 1).</td>
</tr>
<tr>
<td></td>
<td>A live-streamed webinar was scheduled for 9 December but cancelled due to illness.</td>
</tr>
</tbody>
</table>

| 30 November – 7 December 2021 | **Library drop-in sessions: Brighton, Sandringham, Hampton** |
| 6 sessions | Two drop-in sessions were provided each at Brighton, Sandringham and Hampton libraries. |
| 57 conversations | 57 conversations regarding character in general. |
| 150 flyers distributed | Approximately 150 flyers/postcards were distributed. |
| | One couple attended specifically due to receiving the Council letter in the post. Their concerns were about protecting their northern light rather than character. |

| 30 November 2021 – 14 January 2022 | **Meetings: video or in-person** |
| 3 meetings | Meetings were bookable via Have Your Say or the project hotline. |
| 6 attendees | One in-person meeting and two virtual meetings were held. |

| 18 November 2021 – 16 January 2022 | **Print surveys** |
| | Hard-copy surveys were available at the Corporate Centre, Bayside libraries, at drop-in sessions and on request. |
| | No print surveys were received. |

| 18 November 2021 – 16 January 2022 | **Correspondence to Strategic Planning** |
| 21 phone calls | 21 phone calls for more information on the Character Review. |
| 13 written submissions | 13 written submissions included general criticism of development in growth areas. This feedback was out-of-scope and has not been included in this report. |
| 3 emails | 3 emails were received criticising the timing of the engagement process and postal delays receiving the letter. |
3.3 Communication tools
Information about this consultation was directly promoted to more than 16,500 community members through the following communication channels:

Table 4: Communication tools and reach

<table>
<thead>
<tr>
<th>Channel</th>
<th>Distribution</th>
</tr>
</thead>
</table>
| Print          | Letters – 9,717
                 | Information about character in growth areas and invitation to participate in consultation sent to all residents/owners of property in GRZ areas – received late November 2021 due to COVID-related print and post delays. |
| >10,000 reach  | Postcards – 1,000
                 | Information postcards displayed at Corporate Centre, Bayside libraries and distributed at drop-in engagement sessions. |
|                | Posters – 6
                 | Displayed at drop-in engagement sessions. |
|                | Let’s Talk Bayside magazine – 41,000
                 | Article in Dec/Jan issue delivered to all Bayside households. |
| Digital        | Websites
                 | • Have Your Say 3,146 views, 1,792 visitors. |
| >16,500 reach  | • Council website 3 news stories: 542 unique page views. |
|                | Direct email
                 | • Have Your Say members
                 | 3,115 recipients; 46% open; 8% clicked. |
|                | • This Week in Bayside e-newsletter
                 | Six editions to >8,900 recipients. |
|                | Social media
                 | • Council Facebook post reach 8,846. |
|                | • Bayside Community Hub >22,000 members. |
Participant profile

Over 350 community members participated in the consultation. The majority took part via online surveys (252). Demographic information was not recorded for those who participated via drop-in engagement sessions (57), meetings (6) or correspondence (37). Table 5 shows a comparison of reported participant demographics with the Bayside census profile.

While there was a spread of participation across age groups, it was not reflective of the Bayside age profile, with higher participation recorded from those aged over 55. There was also a higher proportion of females (52%) than males (42%).

Participant suburbs were recorded for each survey and reported in sections below. Overall, almost all participants were Bayside homeowners (237, 94%), who either lived in (177, 71%) or immediately adjacent to (27, 11%) the Zone they provided feedback on. Around 18% of feedback was provided by interested community members who lived outside GRZ zones.

Table 5: Age and gender of participants and population profile

<table>
<thead>
<tr>
<th>Demographic</th>
<th>Bayside 2016 Census</th>
<th>Participants (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>47.6%</td>
<td>41.8</td>
</tr>
<tr>
<td>Female</td>
<td>52.4%</td>
<td>51.8</td>
</tr>
<tr>
<td>Unknown</td>
<td>-</td>
<td>6.4</td>
</tr>
<tr>
<td>Other identity</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Age</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15-24</td>
<td>11.5%</td>
<td>0.8</td>
</tr>
<tr>
<td>25-34</td>
<td>8.2%</td>
<td>4.8</td>
</tr>
<tr>
<td>35-44</td>
<td>13%</td>
<td>14.1</td>
</tr>
<tr>
<td>45-54</td>
<td>16.3%</td>
<td>21.3</td>
</tr>
<tr>
<td>55-64</td>
<td>13%</td>
<td>22.9</td>
</tr>
<tr>
<td>65-74</td>
<td>10%</td>
<td>20.5</td>
</tr>
<tr>
<td>75-84</td>
<td>5.5%</td>
<td>8.0</td>
</tr>
<tr>
<td>85+</td>
<td>3.7%</td>
<td>0.4</td>
</tr>
<tr>
<td>Undisclosed</td>
<td>-</td>
<td>6.8</td>
</tr>
</tbody>
</table>

The consultation drew local knowledge from new and long-term residents, with many living in their zone for more than 20 years (88, 36%).

Figure 2: Period of residency in local area (n=241)
4 Consultation findings

The following section summarises the key themes which arose in community feedback on defining preferred future character in growth areas (GRZs). In the interest of stakeholder and community privacy, individual quotes have not been included within this public document. Where there was more than one mention of a topic or item, the number of mentions has been specified in brackets. Some participants feedback may be recorded under multiple themes.

4.1 Support for actions

Most survey participants (85%) reported that retaining existing local character was extremely or very important.

Figure 1: Importance of retaining existing local character (n=251)

Participants were asked to describe the character (look and feel) of their local area, as well as rate proposed preferred future character statements for their zone from one to five stars. Proposed future character statements for each zone are listed in appendix 1.

Overall, proposed future character statements were viewed positively with the most frequent rating four stars and an average rating of 3.3 out of five stars.

Figure 3: Star rating for proposed future character statements (n=204)

Collectively, character statements for Brighton zones were viewed more positively than average star ratings for other suburbs.
Many participants (157, 65%) also provided suggestions for ways to improve the proposed future character statements, as well as how Council should manage moderate growth in GRZ neighbourhoods, in general (179, 74%).

In the sections below, feedback is grouped by suburb and reported in detail by zone.

### 4.2 Brighton / Elsternwick

The Brighton/Elsternwick area received the most survey responses of any suburb/area, with 91 responses received across six General Residential Zones.

#### 4.2.1 B2 GRZ2 Church Street Activity Centre

The Church Street Activity Centre survey received the highest response rate of any individual zone, with 45 contributions. Retaining existing character was also extremely or very important to most participants (80%).

Respondents to this survey were mostly homeowners/ratepayers (42, 93%) who living in the zone (34, 76%) or immediately adjacent (3, 13%). Several respondents owned tenanted property or worked in the zone. There was a broad spread of length of residency in the zone from less than one year to 20+ years and age ranges from 25 to 84. Seven community members also provided feedback on this zone via the general community survey.

Asked to describe the character (look and feel) of the area, 45 respondents provided detailed descriptions, which are summarised in the table below:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Community feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building style/design &amp; heights (28)</strong></td>
<td>Variety of styles (3) 'eclectic'.</td>
</tr>
<tr>
<td></td>
<td>Single and double storey residential (3) and commercial.</td>
</tr>
<tr>
<td></td>
<td>No more than 3 storeys (2); no higher than 2 storeys.</td>
</tr>
<tr>
<td></td>
<td>Verandas and porches (3); verandas on commercial strips.</td>
</tr>
</tbody>
</table>
Entry and windows face street (3); doors should not open directly on footpath, garage at rear.
Clusters of Victorian houses (heritage) - no more than 2 storeys opposite historical precinct.
Traditional, detached heritage homes - 100 years+ (3).
Increasingly new, large, contemporary (3) ‘radical change’, highly-urbanised look.
Predominately construction sites and new 3-storey apartments (3).
New developments should have underground car parking.

| Vegetation (20) | Front gardens with plantings/greenery (6); lots of vegetation; lush gardens that attract wildlife.  
| | Courtyards with greenery.  
| | Mature, large trees in street (4).  
| | Vertical gardens should be encouraged.  
| | Open garden areas visible from street; extension of streetscape.  
| | Removal of existing gardens (3); not enough garden space.  
| | Buildings separated by gardens.  
| | Optimistic about eventual tree cover.  

| Setbacks (16) | Setbacks are great and work (2).  
| | Large side setbacks (important) (3).  
| | Large buildings need to be setback further (2).  
| | Front setbacks; upper levels setback.  
| | Sense of space (3).  
| | 10m from street; 3-4m setback on wide street.  
| | Minimal spacing between buildings.  

| Fences (11) | Maximum heights for fencing should be enforced.  
| | High, private to semi-private.  
| | High and private (5).  
| | Low, semi-private.  
| | Mixed styles.  

| Roofs (10) | Pitched (8), tiled.  
| | No flat roofs - diversity of roof lines preferred.  
| | New builds tend to have flat roofs.  

| Materials (6) | Brick (4), rendered (2) or stone.  
| | Timber (weatherboard).  
| | Large buildings need texture to reflect light and heat.  

| Other (15) | Lots of cars/traffic (2).  
| | Church St pedestrian crossings impede traffic flow.  
| | Urgent need for guidelines.  
| | Under attack from developers; too many apartments (4).  
| | Lack of open space.  
| | Construction causes damage to streets/footpaths.  
| | Consider construction impacts (2) timing/staggering.  
| | Trees impeding rail line; graffiti and vandalism.  
| | Zone affected by development in neighbouring zones - need better boundaries.  
| | Privacy is near impossible.  

Participants (38) rated proposed preferred character statements an average of three out of five stars, in terms of how they will help to ensure that preferred character is included in future developments.
Participants (23) who rated the statements neutrally (three) or positively (four or five stars) said they assigned that rating because:

- Covers all areas of concern (6); good balance
- Support strengthening vegetation (5)
- Great if these are followed/enforced (3)
- Support recessing third storey (3)
- Need to include overlooking/privacy; side boundary setbacks
- Too general - not strong enough (3)
- Must stop overdevelopment / 3 storeys (4)

Participants (14) who rated the statements negatively (one or two stars), commented:

- Too many apartments (5)
- No evidence of application/enforcement (3)
- No reference to building materials
- Impedes progress
- No large trees near shopping areas
- Not strong enough
- Do not increase to setbacks
- Other: general loss of vegetation (3); need to address environmental sustainability.

Participants (35) suggested the following ways to improve the statements:

- Limit height and density: buildings too large (9); no 3-storey buildings (3)
- Greater setbacks (7)
- Larger gardens / more vegetation with minimum requirements (7)
- Protection from overlooking
- Sustainability: solar; electric car charging, minimise non-porous surfaces (3)
- More contemporary architecture
Let gardens be positioned where light is best, including rooftop (2)
No extension of development across multiple blocks
Underground powerlines (2)
Better transition between zones/other areas; consider character of adjacent properties
State preferred building materials
Limit high, imposing front walls; front gardens open to the street
Design ways to mitigate noise
Include basement parking in apartments
Other: maintain footpaths, create cycling lanes; reduce speed limits, build in other areas, stronger enforcement of guidelines

4.2.2 B1 GRZ2 Bay Street Activity Centre
This survey received 12 contributions, with 58% saying retaining existing character is extremely or very important. One third lived in the B1 GRZ2 area, with half residing immediately adjacent. There was a broad spread of length of residency, with many living in the area 20+ years. The majority of participants were aged 45-54 or 65–74.

Two community members also provided feedback on this zone via the general community survey.

Eleven participants provided commentary on the character (look and feel) of the area, as summarised in the table below:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Community feedback</th>
</tr>
</thead>
</table>
| Building style/design and heights (10) | Verandas and porches common (4).  
Historic / 19th Century properties (2).  
Mix of modern and Californian bungalow.  
Mixed styles/age of buildings.  
Driveways/garages don’t impact visual uniformity.  
Windows facing street.  
Off-street parking.  
Mostly single storey (2).  
Low-rise. |
| Vegetation (5)               | Green streetscape (2).  
Gardens front and back (2).  
Private gardens. |
| Building materials (4)       | Various materials (brick, timber, stone) (3).  
Red brick or weatherboard. |
| Setbacks (5)                 | Space between buildings / setback from street (5).  
Upper levels setback.  
Side boundaries have access for services. |
| Roof style (2)               | Various.  
Pitched. |
| Fencing (2)                  | Various styles.  
Fences/walls between properties. |
| Land size                    | Relatively large. |
| Out of scope (4)             | Busy with traffic but underpopulated.  
Ruined roads with roundabouts.  
Spacelets/Christmas decoration reduced waste collection area. |
Limited greenery at train station.
Priority for pedestrians over footpath trading.

The most frequent rating of proposed future character statements was five stars, with an average of 3.5 stars.

Figure 7: Level of satisfaction with preferred future character statements (n=11)

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>Count</th>
<th>Weighted average</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.18%</td>
<td>18.18%</td>
<td>0%</td>
<td>18.18%</td>
<td>45.45%</td>
<td>11</td>
<td>3.55</td>
</tr>
</tbody>
</table>

Seven participants who rated the proposed statements highly (four or five stars) said they were ‘achievable, balanced and fair’, and would mean future development would better integrate with the existing area.

Four participants who rated the statements negatively (one or two stars) commented that heritage must be protected; they weren’t specific enough; or some were outside of Council’s remit.

Suggestions from eight participants on how to improve the proposed character statements include:
- Privacy: low/transparent front fences not always appropriate
- Elaborate and explain how each would be achieved
- Remove statements 4 and 5 and amend statement 3.
- Preserve or, if missing, reinstate nature strips
- Some out of scope comments included showing respect to those that originally built Brighton; using street art to deter graffiti; build a walkable city; illuminate streetscapes at night and fix footpaths.

4.2.3 B2 GRZ2 Bay Street Activity Centre
This survey received feedback from seven participants, who all said retaining existing character was extremely or very important. These participants were all Bayside homeowners/ratepayers with most (5) living in the zone, one living adjacent, and another planning to move to the area soon. Most had lived in the areas 6–10
years, with a range from less than 1 year to 20+ years. The majority were aged between 65–74.

Three community members also provided feedback on this zone via the general community survey.

 Asked to describe the current character (look and feel) of the area, five respondents provided comments which are summarised in the table below:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Community feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building design (5)</td>
<td>Mix of Victorian, Edwardian, 70s units and new flats (2). Attractive properties.</td>
</tr>
<tr>
<td></td>
<td>Single dwelling and dual occupancy.</td>
</tr>
<tr>
<td></td>
<td>Off-street parking: driveways/garages at side or in front.</td>
</tr>
<tr>
<td>Setbacks (3)</td>
<td>Setbacks (2) with front gardens.</td>
</tr>
<tr>
<td></td>
<td>Spaces are becoming smaller.</td>
</tr>
<tr>
<td>Fencing (3)</td>
<td>Private (2) to low and semi-private (1).</td>
</tr>
<tr>
<td></td>
<td>Medium height.</td>
</tr>
<tr>
<td>Building height (3)</td>
<td>Low rise residential and commercial.</td>
</tr>
<tr>
<td></td>
<td>Some two storey.</td>
</tr>
<tr>
<td></td>
<td>New-builds mostly 2-storey dominate existing homes.</td>
</tr>
<tr>
<td>Building materials (2)</td>
<td>Brick (2) and stone (1).</td>
</tr>
<tr>
<td>Roofs (1)</td>
<td>Pitched with tiles.</td>
</tr>
<tr>
<td>Vegetation (2)</td>
<td>Well established gardens that face the street.</td>
</tr>
<tr>
<td></td>
<td>Gardens and trees.</td>
</tr>
<tr>
<td>Other</td>
<td>Wide streets.</td>
</tr>
</tbody>
</table>

Respondents expressed a high level of satisfaction with the proposed future character statements, with most (4, 57%) rating them five stars out of five.

Figure 8: Level of satisfaction with preferred future character statements (n=7)
Asked why they assigned that rating, participants who rated the statements four or five stars (6, 85.5%) commented that they want to ensure existing character is maintained (2); allow sufficient space for vegetation; and that the challenge will be to enforce these requirements and allow owners to renovate. One respondent commented that they agreed with all except low/transparent fencing.

Five participants also provided feedback on what they would add or change to the statements, summarised below:

- Building height should be limited (no high rise or commercial)
- Concern about overlooking and overshadowing
- No development should increase the number of dwellings that are presently on that land.
- Include more on front gardens and plantings
- One participant supported low/transparent fence heights for a community feel while another wanted consistency with neighbours i.e. high fences where the majority of properties had them.

**4.2.4 B5 GRZ2 Bay Street Activity Centre**

This survey received nine contributions, with most participants (7, 78%) stating retaining existing character was extremely or very important. Most respondents to this survey were homeowners/ratepayers living in the zone (8), with more than half living there for 20+ years. A broad spread of age groups was represented from 18–24 to 75–84 years.

Four community members also provided feedback on this zone via the general community survey.

When asked to describe the current character (look and feel) of the area, all respondents (9) provided comments which are summarised in the table below:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Community feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building design (7)</td>
<td>Mixed designs.</td>
</tr>
<tr>
<td></td>
<td>Verandas and porches common (3).</td>
</tr>
<tr>
<td></td>
<td>Garages to side or front of buildings.</td>
</tr>
<tr>
<td></td>
<td>Entryways/windows facing the street (2).</td>
</tr>
<tr>
<td></td>
<td>Heritage looking houses.</td>
</tr>
<tr>
<td></td>
<td>Retain feeling of ‘old world’; avoid multiple dwelling on a block.</td>
</tr>
<tr>
<td></td>
<td>Dual-occupancy common.</td>
</tr>
<tr>
<td></td>
<td>No off-street parking common.</td>
</tr>
<tr>
<td>Setbacks (3)</td>
<td>Space between buildings.</td>
</tr>
<tr>
<td></td>
<td>Front setback &gt;10m; upper levels setback.</td>
</tr>
<tr>
<td></td>
<td>Overlooking needs to be considered for privacy; high-rise should have setbacks in proportion to height.</td>
</tr>
<tr>
<td>Fencing</td>
<td>High and private (3), especially if no other outdoor area.</td>
</tr>
<tr>
<td></td>
<td>Houses with low fences (preferred).</td>
</tr>
<tr>
<td>Building height (5)</td>
<td>Older, single dwellings, some new high density.</td>
</tr>
<tr>
<td></td>
<td>Single storey houses (4).</td>
</tr>
<tr>
<td></td>
<td>Small double-storey semi-detached.</td>
</tr>
<tr>
<td></td>
<td>No large 3-storey developments without underground area.</td>
</tr>
</tbody>
</table>
Building materials (1) Brick.
Roofs (1) Pitched.
Vegetation (6) Tree-lined streets (2).
Gardens front and back.
Large garden area (3); traditional planting (rose, jasmine); well-kept gardens; trees in gardens.
High-rise: garden area should equal to the building footprint.
Other Close off some short streets to cars to increase green/open space.

Respondents (7, 78%) expressed a relatively low level of satisfaction with the proposed future character statements, with most (4, 57%) rating them one or two stars out of five (2.86 average). This was the lowest rating of all surveyed zones.

Figure 9: Level of satisfaction with preferred future character statements (n=7)

<table>
<thead>
<tr>
<th>Count</th>
<th>Weighted average</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>2.86</td>
</tr>
</tbody>
</table>

Reasons provided for a positive (four or five star) rating included:
- Statements reflect the character we love – emphasise keeping overall size of a building down.
- Privacy (2): Do not want a transparent front fence across the entire street
- Agree with statements but not implementation: heritage buildings have been partially demolished; developments approved that overshadow; lack of support from Council.

Reasons for a negative (one or two star) rating included:
- "Visually overwhelm" and "dominate or disrupt the streetscape rhythm" are very subjective
- "Building materials" and "environmental" considerations can change eg. suburbs which mandated dark roofing for light reflection and amenity now mandate light colours on environmental grounds.
- "Low and transparent front fences" not in character with present streetscapes – fences are variable and charming mix of styles
• Does not consider number of storeys or upper levels need to be setback
• Objective 2 suggests Council will permit construction of 3-storey+ residences
• Good to encourage use of low front fences
• Construction of tall, grey residences detract from local streets. Cream or light-coloured renders would fit very well.
• Dwellings are being built which are very bland, dominate narrow streets and do not reflect local character.

Four respondents (44%) also provided comments on how what they would add or change to the proposed character statements:
• Remove subjective terms
• New developments no higher than 2 storeys and upper levels considerably setback
• High fences permitted if only one (street-facing) outdoor space
• Promote growth of trees along the streetscape

4.2.5 B5 GRZ4 Bay Street Activity Centre
Three participants completed this survey: two thought retaining character is extremely or very important; another said it was not very important. Respondents were all homeowners/ratepayers living in the zone or immediately adjacent. Residency in the zone ranged from less than one year to between 6 and 10 years.

Three community members also provided feedback on this zone via the general community survey.

When asked to describe the area’s current look and feel, participants (3) said:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Community feedback</th>
</tr>
</thead>
</table>
| Building design (3) | Historical look – old facades.  
|                | Love the combination of old meets new.  
|                | Mix of older single-story houses and new 2-story houses, with some new 3-story buildings - provides interesting visual ‘urban fabric’.  
|                | Entrances face the street.  
|                | Verandas separated with solid walls [apartments]. |
| Setback (1)    | Buildings setback from street; upper levels setback. |
| Vegetation     | Garden area. |
| Materials (1)  | Concrete, brick and rendering. |
| Fencing (1)    | High and private. |

All expressed a high level of satisfaction with the proposed future character statements, rating them three-or-more stars out of five.
Figure 10: Level of satisfaction with preferred future character statements (n=3)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th>Count</th>
<th>Weighted average</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>4.00</td>
</tr>
</tbody>
</table>

As asked why they assigned that rating, participants said they agreed with all points with some minor exceptions. One expressed concern that statements might risk long-term degrading of character if multi-residences become dominant built form, instead of the current mix. Another participant supported all statements except low and transparent front fences as higher density living brings noise and low fences are less secure.

Suggestions for amendments to the statements included:
- Encourage lot consolidation, combined with height and setback limits
- Take into account existing adjacent lots
- New builds should retain adjacent building’s existing privacy
- Build good quality smaller apartment blocks to keep the standard high

Other feedback included: keep [public] carparks away from apartments and homes; encourage small independent shops, cafes, restaurants to the area, and increase the time allowed in zoned parking.

4.2.6 A2 GRZ1 Elsternwick Housing Growth Areas
Fifteen participants completed the GRZ A2 survey, with 93% selecting retaining existing local character was extremely or very important.

All were Bayside homeowners, with 80% living in the zone – others lived adjacent or were regular visitors. More than half had lived in the area 20+ years, with a spread of age groups represented.

One community member also provided feedback on this zone via the general community survey.
When describing the character (look and feel) of the areas, participants (15) said:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Community feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building design (11)</strong></td>
<td>Victorian, Edwardian: 1980s to 1930s (7). Period (4) updated well. Verandas and porches (4). Double or triple fronted - consistent style. All lots below 500m2 (2); lots about 380m2. Single storey (3) or with attic conversion, extensions at rear. Carports at side; no garages or designed to be recessive. Mix of housing styles.</td>
</tr>
<tr>
<td><strong>Setback (7)</strong></td>
<td>2nd storey recessed. Significant setbacks &gt;5m. Front setbacks &gt;4m; side &gt;3m. Front and side setbacks &gt;2m. Houses occupy 60% of block.</td>
</tr>
<tr>
<td><strong>Materials (6)</strong></td>
<td>Timber (6) and brick (4), rendered. Stained glass windows.</td>
</tr>
<tr>
<td><strong>Fencing (5)</strong></td>
<td>Picket. Semi-private (3). Low fences. Medium height.</td>
</tr>
<tr>
<td><strong>Roofs (6)</strong></td>
<td>Pitched (5), hip and gable, tin (2) or tiles.</td>
</tr>
<tr>
<td><strong>Other (7)</strong></td>
<td>Paradise! Heritage overlay on Trafford Ave sets it apart from surrounds; encourage extension of overlay. New 3-storey apartments diminish amenity. [Character] slowly being destroyed.</td>
</tr>
</tbody>
</table>

There was a reasonably high level of satisfaction with the proposed future character statements, in terms of how they will ensure preferred character is included in future developments, with an average rating of 3.5 stars out of five.
Reasons provided for a neutral (three star) or positive (four or five star) rating from 11 participants included:
- Objectives seem a reasonable and fair assessment (2)
- Represents current character (3)
- Okay with objectives; like to see more details to understand implications
- Each project should be judged on its merits
- Character statement doesn’t protect the level of existing greenery enough
- This area abuts Nature Reserve – need to encourage habitat corridors
- Limit housing density

Reasons provided for a negative (one or two star) rating from 3 participants included:
- Agree with 1 and 2; but with statement 3,
- Buildings should be set back from more than one boundary (2)
- Prevent demolition and/or building of 3rd storeys on period buildings
- Maintain mostly detached homes with front and back gardens
- Whatever you object to VCAT overrules.

Thirteen participants also provided suggested amendments to the statements:
- Ensure setbacks on all sides; at least one boundary for small lots
- Provide side setbacks with vegetation in multi-storey developments
- Roofscapes should be complementary to existing style
- Set back from rear boundary for privacy/overshadowing (3)
- Back garden, slanted roof line and greenery
- Recessing 3rd storey forces its construction to the rear, intruding on privacy
- 3 storeys only allowed in centre of property
- Maintain existing width of street frontages and size of properties
- Do not allow acquisition of neighbouring properties by developers
- All development must accommodate off-street parking
- Properties can only expand from one to two residences
- Mandatory heights must remain low.
4.3 Hampton

Four General Residential Zones across Hampton Activity Centre were included in this consultation, with survey responses from 64 participants.

4.3.1 F1 GRZ2 Hampton Activity Centre

The F1 GRZ2 Activity Centre area received the highest number of survey responses (31 contributions) within Hampton, with the majority viewing retaining character as extremely or very important (94%).

All respondents were homeowners, with most living or owning tenanted property (26, 84%) in the area. There was a good spread of age groups, as well as length of residency in the zone.

Five community members also provided feedback on this zone via the general community survey.

Participants described the area’s look and feel, as follows:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Community feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building design and height (10)</td>
<td>Older, historic look “California bungalow”. Traditional (4) Federation and Edwardian (2); need protection. Low level/density: single (4) or double storey (2) detached residential dwellings. Verandas/porches common (5). Mix of heritage and modern (3) “eclectic”. Driveways (2); garages/carports at ground level; on-street parking common. 3-storey too high. Front door street facing. Too many apartments; inappropriate heights. Commercial and residential, inc apartments.</td>
</tr>
<tr>
<td>Setback (13)</td>
<td>Buildings set back from street and adjacent houses (10). Open space (2). Privacy important. Upper-level setback (2).</td>
</tr>
<tr>
<td>Fencing (6)</td>
<td>Low fences (4) semi-private (2) eg picket (1). Some have no front fence. Modern builds high and private.</td>
</tr>
<tr>
<td>Roofs (7)</td>
<td>Pitched (6) and tiled; or flat.</td>
</tr>
<tr>
<td>Other (7)</td>
<td>Safe (2). Changing – lack of vegetation.</td>
</tr>
</tbody>
</table>
Live on zone boundary: concern about “lop-sided” development. Gridlock within five years “destroyed by overdevelopment”.

Respondents (30, 97%) expressed a high level of satisfaction, with four stars out of five the most frequent response.

Figure 12: Level of satisfaction with preferred future character statements (n=30)

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>Count</th>
<th>Weighted average</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>16.67%</td>
<td>13.33%</td>
<td>20.00%</td>
<td>33.33%</td>
<td>16.67%</td>
<td>30</td>
<td>3.20</td>
</tr>
</tbody>
</table>

Reasons provided by 20 respondents for a neutral (three star) or positive (four or five star) rating included:
- Appropriate criteria / agree (9)
- Reducing visual bulk important (5)
- Not currently adhered to (4)
- Large trees/vegetation preserved (priority) (3)
- Too many apartments (2)
- Other: Safe/active streets unnecessary; oppose density and multi-level carparks; no reference to garden areas for private enjoyment; no high walls, use glass and wood not concrete; does not reflect historical village feel; does not include parking; reservations about fencing; more definition on size and shape of buildings.

Reasons provided by nine respondents for a negative (one or two star) rating were:
- Not currently adhered to (2)
- Reducing visual bulk important (2)
- Minimum areas for garden areas/landscaping (2)
- Need specific heights / setbacks (2) “height is excessive”
- Large trees/vegetation preserved (priority)
- Does not include parking or traffic
- Overshadowing
- [Development] is inevitable
Asked what they would add or change to the statements, 18 participants provided comments, summarised below:

- Allow flexibility in front fencing requirements (2)
- Acknowledge historic style of homes adjacent to the GRZ
- Buildings should be sustainable, including vegetation on walls and roofs, with an emphasis on locally indigenous vegetation
- Dwelling sizes should be limited to [eg 100 sqm] to avoid waste
- Parking (3): limited to one space per three dwellings in view of car sharing; no more than two spaces; cars to be garaged on the property. Provide for adequate car-parking to residents.
- Encourage more diversity of building form, style and architecture
- Ensure suitable standards of landscaping
- Don’t tear everything down ‘renovate’ (2)
- Mandate private garden areas (2)
- Rear setbacks from neighbouring properties
- Reference the size and nature of the street itself
- Keep local character, fewer multi-unit dwellings
- Make it understandable ‘plain English’ and be specific about what is allowed
- Create ‘characters’ for different streets so there is some theme
- Maximum height under 3 stories (2), less bulk, more gardens/greenery
- Do not allow title amalgamations and construction of apartment blocks with inadequate open space and parking
- Reference density limits to prevent large apartment blocks being built
- Third stories should be set in a pitched roof to reduce visual bulk and better fit with Edwardian heritage homes.
- Use natural and traditional materials for fences and building facades e.g. timber, vertical gardens, bricks, rather than concrete and glass
- Limit actual size and bulk, as appropriate, not ‘visual’ bulk.
- Preference townhouses above apartments.

4.3.2 F1 GRZ3 Hampton Activity Centre

This survey had 15 contributions, with most participants (13, 87%) viewing retaining character as extremely or very important. Almost all respondents were homeowners (14, 93%) who live in the area. Around half had lived in the zone for between 11 and 20 years and were aged 65 – 74 (9, 60%).

Three community members also provided feedback on this zone via the general community survey.

When asked to describe the area’s current look and feel, respondents (14) said:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Community feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building design and height (13)</td>
<td>Single (family) dwellings, few townhouses, excessive apartments. Eclectic mix of styles (5) Californian bungalow, ‘beach shack’, 60s/70s, Edwardian, modern. Older style: Pre-WWII, classic, heritage (2). Driveways need to be accessible (3). Veranda/porches (2). Garage on the side (2). Entrances/windows face street. Upper levels set back.</td>
</tr>
</tbody>
</table>
**Vegetation (8)**  Gardens with trees, good sized (6).  
More planting the better.  
Preserve shading and porous areas.

**Fencing (6)**  Low (2) transparent (slated/picket) (4) or none.  
High, private and semi-private.  
Beach Rd should allow high/solid fencing for traffic noise.

**Setbacks (4)**  Space, set back from street (3), around 3m-6m.  
Setbacks not so important.  
Upper levels set back.

**Materials (4)**  Timber (weatherboard) (4).  
Brick (3).  
Stone (1).

**Roofs (3)**  Pitched (3) on older dwellings, newer are flat.  
Pitched roofs can block views.

**Other (4)**  Parking is terrible on Beach Road (3).  
If too uniform in design, character is lost.

Respondents expressed a reasonably high level of satisfaction with the proposed character statements with three stars out of five the most frequent response (average 3.5 stars).

**Figure 13: Level of satisfaction with preferred future character statements (n=13)**

Those who assigned a neutral or high rating (11) said:
- Statements 3, 4 and 5 are open to interpretation (3)  
- Covers essential requirements (2)  
- Does not cover parking issues (2)  
- Low fencing not preferred for shade/noise/privacy/security (2)  
- Permission for ‘ugly’ new properties to be built next to heritage  
- No requirements for ‘proper’ vegetation at rear

The one participant who assigned a low rating was opposed to any high-rise.
Eight participants commented on what they would add or change to the statements, as summarised below:

- Include minimum setback of the house from street (2)
- Encourage the use of indigenous vegetation and energy efficiency design.
- Remove subjectivity of statements 1, 4 and 5
- Add protection for heritage homes
- Protection from overshadowing and using ‘all the block’ (2)
- More consideration to flexibility for front fences.
- Include trees in vegetation and protect established trees (2)

4.3.3 E2 GRZ2 Hampton Activity Centre
This area had 15 survey participants, with 93% viewing retaining character as extremely or very important. Respondents were mostly homeowners (12, 80%) or tenants (3, 20%). The majority lived in the zone (10, 67%) with others adjacent (5).

There was a range of residency within the zone, from less than five years (3, 20%) to more than 20 years (4, 27%). Broad age groups were represented.

Three community members also provided feedback on this zone via the general community survey.

When asked to describe the area’s current look and feel, respondents (15) said:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Community feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building design and height</td>
<td>Used to be single story, losing character with apartments (3); heritage knocked down; very built-up. Single dwellings preferred (2); two-storey homes (2) max. Period architecture/facades (1910s-30s) (5), Californian bungalow style (3). Mix of building styles (2). Large blocks (2). No garage; driveways (2); entrance at front. Not overcrowded. Verandas and fretwork.</td>
</tr>
<tr>
<td>Vegetation</td>
<td>Large front gardens (5). Little or no gardens now (2). Trees (3) and on nature strip. Views of Bay.</td>
</tr>
<tr>
<td>Setbacks</td>
<td>Good space on all sides (4). Setback from street (3). Apartments not well setback from street. Open space (green) between properties.</td>
</tr>
<tr>
<td>Roofs</td>
<td>Pitched (3) terracotta, tiles or iron. Small.</td>
</tr>
<tr>
<td>Materials</td>
<td>Weatherboard (3) or red brick (4).</td>
</tr>
<tr>
<td>Fence</td>
<td>Most properties; low and picket.</td>
</tr>
<tr>
<td>Other</td>
<td>Mismatch between E2 and adjoining MAC where 6 storey is being built. Parking concerns. Danger of losing its character.</td>
</tr>
</tbody>
</table>
Respondents (15, 100%) generally expressed a high level of satisfaction with the proposed character statements with four or five stars the most frequent responses (8, 53%) (average 3.3 stars).

**Figure 14: Level of satisfaction with preferred future character statements (n=15)**

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>Count</th>
<th>Weighted average</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>13.33%</td>
<td>20.00%</td>
<td>13.33%</td>
<td>26.67%</td>
<td>26.67%</td>
<td>15</td>
<td>3.33</td>
</tr>
</tbody>
</table>

Participants (10) who assigned a neutral (three star) or higher star rating said:
- Aligns with views / satisfactory (6)
- Haven’t seen these in new developments (3)
- Fences need to be high where privacy/noise requires e.g. next to train line

Participants (5) who assigned a low (one or two star) rating were primarily concerned with heritage protection or existing developments:
- Inadequate protection of heritage / facades (2) village atmosphere (2) and established trees
- Council has approved buildings that are too tall, have almost no vegetation, and not enough parking (2)
- Objectives need to be mandated rules; further detail between objectives 2, 3, 4 and 5

When asked what they would add or change to the statements, 10 participants provided feedback:
- Mandatory heights required to protect area’s character
- Setbacks for all boundaries and between adjacent properties need to be maintained even if developer acquires adjacent land
- Heritage overlays for 100+ year old buildings/facades (3)
- Traffic management in residential streets to be handled/controlled better
- Reduce the number of apartments being built
- Allow front balcony overlooking where people have Bay views
- Statements do not address restricting development
- Protect established trees
4.3.4 E3 GRZ2 Hampton Activity Centre

Three participants completed this survey, with all viewing retaining character as extremely important. There was a mix of homeowners and tenants represented, across a broad age range, who live in or adjacent to area.

Three community members also provided feedback on this zone via the general community survey.

When asked to describe the area’s current look and feel, two respondents provided comments, summarised below:

- Changed in the past few years (2); old houses being knocked down to build modern; in danger of losing its character
- Industrial to the west, inviting to the east – nice streetscape
- Houses are generally well set back with appropriate space between buildings
- Variety of building materials are used.

Respondents (3, 100%) expressed a mixed level of satisfaction with the proposed character statements, resulting in an average of 2.3 stars out of five.

Figure 15: Level of satisfaction with preferred future character statements (n=3)

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>Count</th>
<th>Weighted average</th>
</tr>
</thead>
<tbody>
<tr>
<td>33.33%</td>
<td>33.33%</td>
<td>0%</td>
<td>33.33%</td>
<td>0%</td>
<td>3</td>
<td>2.33</td>
</tr>
</tbody>
</table>

Asked why they assigned that rating, participants said:

- (1 star) Can’t see how high-rise apartments will retain area’s character
- (2 star) Relevant, but include retaining historic facades
- (4 star) Mandate greater garden space

Asked what they would add or change to the statements, one participant commented that buildings and facades more than 80 - 100 years old should be protected to maintain strong historic character.
4.4 Sandringham

Three zones within Sandringham Activity Centre were included in this consultation, with 23 participants providing feedback – the lowest of any suburb area.

4.4.1 F1 GRZ2 Sandringham Activity Centre

Thirteen (13) participants completed this survey, with mostly viewing retaining character as extremely or very important (92%). Most participants were homeowners who live in the area (73%), with some living adjacent – many have lived in the zone for 20+ years (40%). A broad spread of ages was represented.

Five community members also provided feedback on this zone via the general community survey.

Asked to describe the area’s current look and feel, all respondents (13) to this survey provided feedback, as summarised in the table below:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Community feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building design and height (11)</td>
<td>Inconsistent: used to be period timber, now concrete (2).</td>
</tr>
<tr>
<td></td>
<td>Varies from street to street; mixed use and multi-res becoming common outside activity centre.</td>
</tr>
<tr>
<td></td>
<td>High-density set around period style.</td>
</tr>
<tr>
<td></td>
<td>Veranda, garage adjacent, entrances face street.</td>
</tr>
<tr>
<td></td>
<td>Period houses (2).</td>
</tr>
<tr>
<td></td>
<td>Historic/traditional and new build (2).</td>
</tr>
<tr>
<td></td>
<td>Not overdeveloped (2), village feel.</td>
</tr>
<tr>
<td>Vegetation (6)</td>
<td>Gardens visible from street.</td>
</tr>
<tr>
<td></td>
<td>Cottage/traditional gardens (2).</td>
</tr>
<tr>
<td></td>
<td>Good-sized yards; large trees, planting for wildlife.</td>
</tr>
<tr>
<td></td>
<td>Reduction of trees and greenery.</td>
</tr>
<tr>
<td>Setbacks (4)</td>
<td>Well setback from street (2).</td>
</tr>
<tr>
<td></td>
<td>Semi-open, not intrusive.</td>
</tr>
<tr>
<td></td>
<td>Upper levels setback.</td>
</tr>
<tr>
<td>Roofs (5)</td>
<td>Pitched (4) but becoming flat in new builds (2).</td>
</tr>
<tr>
<td>Materials (7)</td>
<td>Brick (3) or timber (3), concrete (1).</td>
</tr>
<tr>
<td>Fence (3)</td>
<td>Varies: low, semi-private (2) to high 2m+ and solid. Traditional.</td>
</tr>
<tr>
<td>Other (3)</td>
<td>Feeling of community.</td>
</tr>
<tr>
<td></td>
<td>Conjected; shopping strip in disrepair.</td>
</tr>
</tbody>
</table>

Respondents (11, 85%) expressed a high level of satisfaction with the proposed character statements, with an average rating of 3.45 stars out of five.
Figure 16: Level of satisfaction with preferred future character statements (n=11)

<table>
<thead>
<tr>
<th>Rating</th>
<th>Count</th>
<th>Weighted average</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>1.82</td>
</tr>
<tr>
<td>2</td>
<td>0</td>
<td>0.00</td>
</tr>
<tr>
<td>3</td>
<td>3</td>
<td>2.73</td>
</tr>
<tr>
<td>4</td>
<td>2</td>
<td>2.73</td>
</tr>
<tr>
<td>5</td>
<td>4</td>
<td>3.27</td>
</tr>
</tbody>
</table>

As asked why they assigned that rating, nine participants who rated the statements three stars and above commented:

- Important to retain village feel (2)
- Agree with principles (5)
- Not enough parking (2)
- "Sympathetic" is not enough: must consult with heritage experts

Two participants who assigned a lower rating said they did so because low open fences don’t provide front garden privacy, or there were no trees planted in main streets, and footpaths are in disrepair.

Suggestions provided by nine participants to improve the proposed character statements include:

- Setbacks/space between buildings are important (2)
- ‘Respect and protect local character’ is not adhered to
- No strict rules: area is evolving/not everything worth preserving (2)
- Consult with heritage experts
- No basement parking
- Include verandas and diverse landscaping in statements
- Existing policies on heights and open space not adhered to and should form part of character objectives.

4.4.2  F1 GRZ3 Sandringham Activity Centre

Nine participants completed this survey, with most viewing retaining character as extremely or very important (89%). Most were homeowners (9, 89%) or tenants, either living in the area or adjacent. There was a broad spread of ages between 25 and 75 years and length of residency from less than 1 year to 20+ years.

Four community members also provided feedback on this zone via the general community survey.
As asked to describe the area’s current look and feel, eight respondents provided feedback, summarised in the table below:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Community feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building design and height</td>
<td>Traditional: Californian bungalow (2), coastal, period (3) Edwardian. Two storeys maximum (2). Detached, don’t occupy most of the block; spacious. Off-street parking. Not many multi-developments (2); not crowded. Well-proportioned to setbacks, some larger buildings tower over streetscape. Verandas.</td>
</tr>
<tr>
<td>Vegetation</td>
<td>Generous front gardens (4). Plenty of space. Leafy, lush vegetation (2).</td>
</tr>
<tr>
<td>Setbacks</td>
<td>Space on all sides, good setbacks (5). Upper levels setback (2).</td>
</tr>
<tr>
<td>Roofs</td>
<td>Pitched. Gabled, tin.</td>
</tr>
<tr>
<td>Materials</td>
<td>Timber (weatherboard).</td>
</tr>
<tr>
<td>Fence</td>
<td>Low (2). Varies: some low others high for privacy/security.</td>
</tr>
</tbody>
</table>

Survey participants generally expressed a high level of satisfaction with the proposed character statements (average 3.67 stars).

Figure 16: Level of satisfaction with preferred future character statements (n=6)

<table>
<thead>
<tr>
<th>Count</th>
<th>Weighted average</th>
</tr>
</thead>
<tbody>
<tr>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>33.33%</td>
<td>2</td>
</tr>
<tr>
<td>66.67%</td>
<td>4</td>
</tr>
<tr>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>6%</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>3.67</td>
</tr>
</tbody>
</table>

As asked why they assigned that rating, participants (6) who rated the statements said:
- Object to open front fencing styles as regulation due to safety and privacy
- Have seen plans for new developments that do not fit these objectives
- Does not address over-development
- Confirm need for front garden and reflection of the coastal setting
- Agree (3)
The participants also provided suggestions for what they would add or change to the character statements, summarised below:

- Limit heights (2), townhouses and multi-story apartments
- Prevent sneaking an extra level in the form of a roof garden, tower or deck
- Need garden spaces at rear to reduce impact to houses on other side
- Encourage native vegetation; retain garden space
- Be stricter about coastal theme and what this entails
- More open space between the buildings (2) with proportionally increasing setbacks per level

4.4.3 F1 GRZ1 Sandringham Activity Centre
Two participants completed this survey, with all saying retaining character was extremely important. Both were homeowners who lived in the area for more than 11 years: one in the zone and the other adjacent.

Four community members also provided feedback on this zone via the general community survey.

As asked to describe the area’s current look and feel, respondents said:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Community feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building design and height (2)</td>
<td>1920s style, village style, lovely old homes that retain original character with a small mix of townhouses or apartments. Character windows facing the street and heritage and modern style entrances. Verandas and porches.</td>
</tr>
<tr>
<td>Vegetation</td>
<td>Traditional street-facing gardens and trees.</td>
</tr>
<tr>
<td>Materials</td>
<td>Weatherboard homes typical to area.</td>
</tr>
<tr>
<td>Fence</td>
<td>Fences are semi-private including picket fences.</td>
</tr>
</tbody>
</table>

Respondents expressed a mixed level of satisfaction with the proposed character statements, resulting in an average of three out of five stars.

Figure 16: Level of satisfaction with preferred future character statements (n=6)
Asked why they assigned that rating, one participant responded and said Council is not protecting Sandy village enough as there are too many townhouses and 3-storey apartments. There were no suggestions for ways to improve the statements.

4.5 Cheltenham / Pennydale

Two zones – both Housing Growth Areas - within Cheltenham / Pennydale were included in this consultation, with Pennydale receiving the majority of feedback (44 survey responses) compared to eight in Cheltenham.

4.5.1 H5 GRZ1 Pennydale Housing Growth Area

Forty-four participants provided feedback on the Pennydale Housing Growth Area, with most (91%) stating retaining existing character was extremely or very important.

All were homeowners living in the zone, bar one who lives adjacent. Length of residency in the area was broadly spread from less than one year to more than 20 years (18, 40%). The majority of participants were aged between 45–64 years (27, 64%).

Five community members also provided feedback on this zone via the general community survey.

Asked to describe the area’s current look and feel, 35 respondents provided detailed descriptions, which are summarised below:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Community feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building design and height (35)</strong></td>
<td>Mostly single dwellings, increasing number of duplexes (13). Off street parking (12), garage or carport. Single storey detached (9); One or two storeys (8). Good mix in design: detached, townhouses, units, few apartments (7). Post-war design (6). Dual occupancy (5) is generally well-designed, give impression of individual homes. Verandas or porches (5). Entrances and windows face street (5). Nothing more than 2 storeys (5). Older homes being replaced with townhouses. 50s bungalows on large blocks.</td>
</tr>
<tr>
<td><strong>Setbacks (23)</strong></td>
<td>Setback from street (14). ‘Space between buildings’ (6). Upper levels setback (5). Good setbacks (2). Large setbacks (2). Side setbacks (2).</td>
</tr>
</tbody>
</table>
Setback all sides.
Consistent setbacks.
New dwellings build closer limiting privacy.

Materials (16)
- Timber (weatherboard) 16.
- Brick (10).
- Stone.

Roofs (9)
- Pitched (8), tiled or Colourbond.
- Eaves (2).

Other (14)
- Needs vegetation protection overlay (3).
- Rapidly changing; limit height to two storeys.
- Family-orientated (3); suburban.
- Industrial area brings truck noise/traffic.
- Not overdeveloped.
- Quiet (2).
- Parking is an issue.
- Circular and conventional straight roads.

Respondents expressed a relatively high level of satisfaction with the proposed character statements giving an overall average of 3.5 stars out of five.

Figure 17: Level of satisfaction with preferred future character statements (n=37)

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>Count</th>
<th>Weighted average</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td>6</td>
<td>3.50</td>
</tr>
</tbody>
</table>

Thirty-three participants who rated the statements three stars or above, provided feedback on why they selected that rating, as summarised below:

- Need to include protection of trees in Pennylade (6)
- Objectives lack specific commitments to: protect existing trees; mandate adequate separation between buildings; recess all upper levels (5)
- Perfectly describes how I would love it to be; defines the area well (5)
- Support maintain/emphasise green, leafy character (6)
- Discourage 3-storeys as difficult to mitigate the visual bulk/privacy concern (3)
- No higher than two-storey dwellings (4)
- Separation between buildings is important as are trees
- Good compromise to encourage some new housing types
- Be mindful of 3rd storey overshadowing/looking older single-story properties
Council has obviously considered this is a family area
Plans need to ensure privacy is maintained by [setbacks] between buildings.
More flexibility on retention of trees in back gardens to not compromise design
Needs to be adhered too and development kept to a minimum
Include that large apartment buildings are out of character
Townhouses and units tend to be built close together so no option to create garden settings.
“Visual” separation between buildings does not go far enough – must be actual
Recessing on second storey is in Bayside Planning Scheme and Rescode
Include setbacks on all sides to prevent overshadowing/overlooking
NO watering down of any H5 objectives; there should be MORE protection
Fine, but needs to include sustainability
Ambiguous regarding 3 storey element
Increase planting of canopy trees and appropriate garden space together with minimum garden space, minimum permeability and maximum building coverage.

Four participants who assigned a negative (one or two) start rating said they did so because trees need to be protected; separation of buildings needs to be actual, not visual, 3-storey buildings are not needed and trust in Council to adhere to the statements.

Thirty-five participants also provided suggestions on what they would add or change to the character statements, as summarised below:
- Retain/protect existing canopy trees (6); increase planting/vegetation (3)
- No need for 3-storey developments (6); limit townhouses (2); mandate height limits
- Separation of buildings on all sides (4); setback all upper levels (4)
- Actual not just visual separation (4)
- Ensure off-street car parking (3)
- Sustainability requirements in design (3)
- Regulate material choices (prefer brick, timber, glass) (2)
- Allow non-native planting
- No more than 2 dwellings per block
- No commercial premises on ground floor
- Other: concern it will not be supported by State Government; need to ensure quiet enjoyment of area; provide community gardens and natural footpaths, underground powerlines.

4.5.2 H2 GRZ1 Cheltenham Housing Growth Area Survey
Eight participants provided feedback on the Cheltenham Housing Growth Area, with most (7) stating retaining existing character was extremely important.

All were homeowners with property in the zone. Length of residency in the area was broadly spread from one to five years to more than 20 years. The majority of participants were aged over 55 years (6, 76%)

Four community members also provided feedback on this zone via the general community survey.
Asked to describe the area’s current look and feel, all respondents provided feedback, which are summarised below:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Community feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building design and height</td>
<td>Single storey (2). Off-street parking (garage/carport) (2). Mixed: new developments with 70s houses; low-level houses and villas/units (3); some heritage. Entryways and windows facing the street (4). Verandas and porches (2). No porches or verandas. Spanish style.</td>
</tr>
<tr>
<td>Vegetation</td>
<td>Front and back gardens (2) well-kept. Traditional planting mixed with natives. Palm trees. Established trees.</td>
</tr>
<tr>
<td>Setbacks</td>
<td>Good setbacks (2). Upper levels setback. Units with no shared walls.</td>
</tr>
<tr>
<td>Roofs</td>
<td>Pitched (3), tiled.</td>
</tr>
<tr>
<td>Fences</td>
<td>Low (2), traditional. Mix of high and low. High and private.</td>
</tr>
<tr>
<td>Other</td>
<td>Village feel, peaceful.</td>
</tr>
</tbody>
</table>

Respondents expressed a relatively high level of satisfaction with the proposed character statements giving an overall average of 3.5 stars out of five.

**Figure 17: Level of satisfaction with preferred future character statements (n=8)**

<table>
<thead>
<tr>
<th>Category</th>
<th>Count</th>
<th>Weighted Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>0.00</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>12.50</td>
</tr>
<tr>
<td>3</td>
<td>4</td>
<td>50.00</td>
</tr>
<tr>
<td>4</td>
<td>1</td>
<td>12.50</td>
</tr>
<tr>
<td>5</td>
<td>2</td>
<td>25.00</td>
</tr>
<tr>
<td>Total</td>
<td>8</td>
<td>3.00</td>
</tr>
</tbody>
</table>
When asked why they assigned that rating, the seven participants who rated three stars and above said:

- More emphasis should be placed on minimising or limiting 3 storeys (3)
- It is a good balance/accurate (2) description
- Should be mention of quality and sustainable builds
- Vegetation Protection Overlay (VPO) should be referenced
- Road safety, including traffic and parking, should be considered
- Do not want area overcrowded

The participant that assigned a lower rating felt 3-storey buildings would be out of character.

Eight suggestions to amend/improve the proposed character statements included:

- Retain the areas largely 1-2 storey character: third storeys to be limited (3)
- Add the VPO and importance of adding native vegetation, where possible
- Ensure development doesn’t impact neighbour’s privacy and solar access
- Ensure development does not overwhelm available on-street parking
- Minimise number of town houses; dwellings proportionate to the land size

4.5.3 General community survey

Residents who live in a Neighbourhood Residential Zone or other non-GRZ zone were invited to provide feedback on GRZ area(s) of interest via a general survey.

The general community survey was completed by 21 participants who provided feedback on all 15 zones. Retaining existing character as new development occurs was extremely important to most (81%).

These survey participants were predominantly Bayside homeowners, aged between 35 – 84, who lived in the suburb they provided feedback on. Over half had lived in their suburb for more than 20 years.

Proposed preferred future character statements were generally viewed positively by these survey participants, with all zones scoring an average rating of three or more stars out of five – results in figure 18 below.

Figure 18: Average star rating (1-5) showing level of satisfaction with preferred future character statements (n=21)
Descriptions of the look and feel (character) of zones that were provided by these participants echoed many of the comments of zone residents, which are reported within Section 5.4. Common themes include the importance of setbacks; high levels of vegetation cover and provision of gardens; and use of traditional materials (brick and timber). These participants were also concerned about overdevelopment, and integration of large (3-storey buildings) into existing streetscapes.

Some out-of-scope feedback was also received from participants concerning development in Highett – in particular, concerns about the development plan for the former CSIRO site on Graham Road. This development plan was the subject of statutory community consultation in August/September 2021.

General Residential Zones in Highett were not included in this Character Review as there is currently a Planning Scheme Amendment underway to implement the Highett Structure Plan, 2018 by introducing new residential zone schedules. These zone schedules include guidance for the future character.

### 4.6 Managing moderate growth in General Residential Zones

Participants (180) responding to all consultation surveys were asked to share any comments about how Council should manage moderate growth in General Residential Zone neighbourhoods. A summary of feedback and key concerns is listed in the table below:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Community feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic and transport</td>
<td>Ensure appropriate inclusion of off-street car parking in developments (29).</td>
</tr>
<tr>
<td></td>
<td>Consider traffic impacts from growth (18).</td>
</tr>
<tr>
<td></td>
<td>Improve public transport facilities / bike paths (5).</td>
</tr>
<tr>
<td></td>
<td>Remove parking restrictions (1).</td>
</tr>
<tr>
<td>Environment</td>
<td>Increased appropriate vegetation: trees, gardens, green zones (22).</td>
</tr>
<tr>
<td></td>
<td>Protect canopy trees (11).</td>
</tr>
<tr>
<td></td>
<td>Encourage Environmentally Sustainable Design (7).</td>
</tr>
<tr>
<td></td>
<td>Mandatory rooftop gardens on developments (2).</td>
</tr>
<tr>
<td></td>
<td>Better protection from noise impacts (1).</td>
</tr>
<tr>
<td>Density</td>
<td>Limit large apartment blocks in one area (17).</td>
</tr>
<tr>
<td></td>
<td>Ensure only moderate growth (9).</td>
</tr>
<tr>
<td></td>
<td>No more 3-storey apartment blocks (7).</td>
</tr>
<tr>
<td></td>
<td>Ensure equitable distribution of growth areas (5).</td>
</tr>
<tr>
<td></td>
<td>Improve zone transitions to sensitive areas (3).</td>
</tr>
<tr>
<td></td>
<td>Pedestrianise shopping streets (2).</td>
</tr>
<tr>
<td></td>
<td>Allow more large-scale contemporary buildings (1).</td>
</tr>
<tr>
<td>Building design</td>
<td>Actual (not visual) setbacks from all boundaries (15).</td>
</tr>
<tr>
<td></td>
<td>Improve design outcomes ‘architecture not square boxes’ (11).</td>
</tr>
<tr>
<td></td>
<td>Height limits inadequate: need to be lower, mandatory (9).</td>
</tr>
<tr>
<td></td>
<td>Use of traditional / textured building materials; permeable hardscaping materials (6).</td>
</tr>
<tr>
<td></td>
<td>Mixed use (commercial) on ground floor of developments (4).</td>
</tr>
<tr>
<td></td>
<td>All upper storeys recessed (3).</td>
</tr>
<tr>
<td></td>
<td>More colour in design (3).</td>
</tr>
<tr>
<td></td>
<td>Protect heritage facades (1).</td>
</tr>
<tr>
<td>Planning process</td>
<td>Improve communication with residents about local developments (3).</td>
</tr>
</tbody>
</table>

41
5 **Project evaluation**

5.1.1 **Participant reach and representation**

All key stakeholders, particularly residents owning or living in property located within GRZ areas (9,717) were notified of the consultation and invited to take part via letter.

Engagement was conducted in part over the Christmas/New Year holiday period. To compensate for this, consultation was widely promoted at launch and held over an eight-week period.

Targets set for reach, representation and participation, based on previous similar projects, were all exceeded.

- Have Your Say webpage visits: target 3,000; actual 3,131 - exceeded
- Feedback (% of visits where at least 1 contribution is made): target 3%; actual 13% - exceeded
- Attention (% of visits that last > 1 minute): target 25%; actual 58% - exceeded
- Actions (% of visits where at least two actions were performed): target 15%; actual 35% - exceeded.

The higher than anticipated levels of visitation, feedback, attention and action recorded on the Have Your Say webpage was likely driven by direct communication about the project via letter, and a highly interactive page with GIS map integration.

5.1.2 **Participant satisfaction**

Survey participants were asked if they had the information they needed to provide their feedback, with 242 providing a response. The majority found the information very or mostly easy to find/understand (86%) - 7% found the information mostly or very hard to find/understand and 7% weren’t sure.

Three emails were received criticising the timing of the engagement process and the postal delays receiving the information.

5.1.3 **Community and Stakeholder Engagement Policy 2021 requirements**

An ‘Engagement Plan Overview’ was published as a subpage on the Have Your Say website to provide information about the project’s impacts, scope, negotiables, stakeholders, engagement tools and decision-making process.

This report on community feedback will be published on the Have Your Say website from 9 February 2022 – within three weeks of the close of consultation. Project subscribers (90) will be notified via email of the results at this time.
All principles within the Policy were met.

5.1.4 Q&A tools
A Q&A tool received two questions, which were responded to within the stated timeframe.

5.1.5 Webinar
A community webinar scheduled for 9 December 2021 received 10 registrations. This webinar had to be cancelled due to illness. Registered individuals were invited to attend a drop-in session at a library, or book a meeting or phone call with Council officers to discuss the project further.

5.1.6 Data integrity
Registration on Have Your Say, or proof of Bayside residency, was not required to participate as this was deemed as a project of low risk of tampering or external influence.

A review of the raw data and IP addresses associated with digital responses did not identify multiple identical submissions made from the same IP address.

Other steps to contain participation to members of the Bayside municipal community include:
- Addressed letters sent to residents within GRZ areas.
- Face-to-face engagement sessions at Bayside libraries.
- Promotion through Council channels

No questions or categories were discounted due to inadequate/irrelevant responses or lack of responses, with approximately ≥ 90% of survey participants responding to each question.
6 Appendix

6.1 Preferred Future Character Statements

Brighton / Elsternwick

B2 GRZ2 Church Street Activity Centre

1. Ensuring the third floor is recessed enough so it is distinct from the lower part of the building.
2. Maximising building articulation that integrates with the streetscape character and reduces visual bulk.
3. Encouraging the retention and planting of medium to large sized trees and landscaped front gardens while minimising hard surfaces.
4. Strengthening the bayside vegetation character of the area by ensuring sufficient space is provided around buildings to accommodate landscaping.
5. Ensuring new development provides sufficient setbacks from the rear boundary to not overwhelm the backyard character and provides a transition to sensitive residential areas.

B1 GRZ2 Bay Street Activity Centre

1. Enhance the landscape character of streetscapes by providing sufficient space for vegetation.
2. Ensure new buildings does not visually overwhelm the neighbouring properties.
3. To ensure new buildings or extensions do not dominate or disrupt the existing streetscape rhythm.
4. Ensure building materials, finishes and articulations integrate with the streetscape character.
5. Maintain and enhance interaction between building and the public realm with low and transparent front fences.

B2 GRZ2 Bay Street Activity Centre

1. Enhance the landscape character of streetscapes by providing sufficient space for vegetation.
2. Ensure new buildings does not visually overwhelm the neighbouring properties.
3. To ensure new buildings or extensions do not dominate or disrupt the existing streetscape rhythm.
4. Ensure building materials, finishes and articulations integrate with the streetscape character.
5. Maintain and enhance interaction between building and the public realm with low and transparent front fences.

B5 GRZ2 Bay Street Activity Centre

1. Enhance the landscape character of streetscapes by providing sufficient space for vegetation.
2. Ensure new buildings does not visually overwhelm the neighbouring properties.
3. To ensure new buildings or extensions do not dominate or disrupt the existing streetscape rhythm.
4. Ensure building materials, finishes and articulations integrate with the streetscape character.
5. Maintain and enhance interaction between building and the public realm with low and transparent front fences.
B5 GRZ4 Bay Street Activity Centre

1. Enhance the landscape character of streetscapes by providing sufficient space for vegetation.
2. Ensure new buildings does not visually overwhelm the neighbouring properties.
3. To ensure new buildings or extensions do not dominate or disrupt the existing streetscape rhythm.
4. Ensure building materials, finishes and articulations integrate with the streetscape character.
5. Maintain and enhance interaction between building and the public realm with low and transparent front fences.

A2 GRZ1 Elsternwick Housing Growth Area

1. Be sympathetic to existing character, particularly the pre WWII buildings.
2. To retain the areas largely 1 and 2 storey character by recessing any 3rd storey.
3. Buildings to be setback from at least one side boundary.
4. To encourage a mix of housing types including town houses, units and detached houses with front gardens, back gardens and greenery.
5. Have open front fencing styles.

Hampton

F1 GRZ2 Hampton Activity Centre

1. To maintain a strong landscape character with residential buildings set within vegetated front gardens.
2. To ensure that new development contributes to safe and active streets.
3. Maximising building articulation that integrates with the streetscape character and reduces the visual bulk.
4. Maximising building articulation that reduces the visual bulk of the side building facades.
5. Ensuring front fences are open style and low-medium scale.

F1 GRZ3 Hampton Activity Centre

1. Be sympathetic to existing character, particularly the coastal setting, heritage places and pre-WWII buildings.
2. To maintain a strong landscape character with residential buildings set within vegetated front gardens.
3. Ensuring front fences are open style and low-medium scale.
4. Create a visually interesting and attractive built form interface with the foreshore reserve.
5. Encouraging innovative architecture that reflects the coastal setting.

E2 GRZ2 Hampton Activity Centre

1. To maintain a strong landscape character with residential buildings set within vegetated front gardens.
2. To ensure that new development contributes to safe and active streets.
3. Maximising building articulation that integrates with the streetscape character and reduces the visual bulk.
4. Maximising building articulation that reduces the visual bulk of the side building facades.
5. Ensuring front fences are open style and low-medium scale.
E3 GRZ2 Hampton Activity Centre
1. To maintain a strong landscape character with residential buildings set within vegetated front gardens.
2. To ensure that new development contributes to safe and active streets.
3. Maximising building articulation that integrates with the streetscape character and reduces the visual bulk.
4. Maximising building articulation that reduces the visual bulk of the side building facades.
5. Ensuring front fences are open style and low-medium scale.

Sandringham
F1 GRZ2 Sandringham Activity Centre
1. Be sympathetic to existing character, particularly heritage places and pre-WWII buildings.
2. Be set within vegetated front gardens.
3. Have open front fencing styles.
4. Have recessed upper storeys and attic-style development.
5. Contain basement carparking.

F1 GRZ3 Sandringham Activity Centre
1. Be sympathetic to existing character, particularly the coastal setting, heritage places and pre-WWII buildings.
2. Be set within vegetated front gardens.
3. Have open front fencing styles.
4. Create a visually interesting and attractive built form interface with the foreshore reserve.
5. Encouraging innovative architecture that reflects the coastal setting.

F1 GRZ1 Sandringham Activity Centre
1. Be sympathetic to existing character, particularly heritage places and pre-WWII buildings.
2. Be set within vegetated front gardens.
3. Have open front fencing styles.
4. Have recessed upper storeys and attic-style development.
5. Contain basement carparking.

Cheltenham / Pennydale
H5 GRZ1 Pennydale Housing Growth Area
1. To maintain the area's green, leafy and treed character with buildings sitting within a canopy tree, garden setting.
2. To maintain the visual separation between buildings.
3. To retain the areas largely 1 and 2 storey character by recessing any 3rd storey.
4. To encourage a mix of housing types including town houses, units and detached houses with front gardens, back gardens and greenery.

H2 GRZ1 Cheltenham Housing Growth Area
1. To maintain the area's green, leafy and treed character with buildings sitting within a canopy tree, garden setting.
2. To maintain the visual separation between buildings.
3. To retain the areas largely 1 and 2 storey character by recessing any 3rd storey.
4. To encourage a mix of housing types including town houses, units and detached houses with front gardens, back gardens and greenery.
6.2 Have Your Say survey

Participants were directed to a specific survey for a zone, or could answer the same key questions via a general community survey.

Importance of character
As new development occurs in your precinct, how important to you is retaining the existing local character?
- Extremely important
- Very important
- Somewhat important
- Neither important nor unimportant
- Somewhat unimportant
- Not very important
- Not at all important
- I'm not sure

The character of your area
Character is created by a combination of architectural and landscape elements to create the general look and feel of an area.

Here are some examples of character to consider:
- Roof – pitched or flat?
- Is there space between buildings?
- How far are buildings set back from the street?
- Are the upper levels of buildings setback?
- Is there a garden area – what size and types of planting?
- How are driveways and garages/carports positioned in relation to buildings?
- Are entryways and windows facing the street?
- Are verandas and porches common?
- What materials are commonly used eg brick, timber, stone?
- What type of fencing is typical? Are fences low, high, private or semi-private?

How would you describe the look and feel of your local area? [open comment]

Draft preferred future character objectives
Council has developed draft preferred future character objectives for each precinct. If incorporated into the Bayside Planning Scheme, these objectives would be used in the planning assessment of future developments to respect and help protect local character.

Please note that elements like street trees, lot sizes, mandatory heights, and private open spaces are already controlled by existing policies and are not incorporated in character objectives.

The draft character objectives for the [Zone] precinct are: [List of objective – see Appendix 1]

Please rate your satisfaction with the above statements in terms of how they will help to ensure that preferred character is included in future developments.
1 star = very poor, 3 stars = OK, 5 stars = excellent

What would you add or change in the character statements? [open comment]
Are there any additional character elements that you feel have not been captured by the statements? Please note that elements like street trees, lot sizes, mandatory heights, and private open spaces are already controlled by existing policies and are not incorporated in character objectives.

Any other comments?
Do you have any other comments about how you would like Council to manage moderate growth in General Residential Zone neighbourhoods? Please note that mandatory maximum building heights and residential zone boundaries are not being changed.

About you
This section contains questions to help us understand the sections of our community that have provided feedback. The information you provide is confidential and non-identifiable.

Are you a...?
- Bayside homeowner / ratepayer
- Tenant
- Business owner / operator
- Visitor to the area
- Other (please specify)

Do you live in or immediately adjacent to this GRZ precinct?
- I live in the [name of precinct]
- I live immediately adjacent to the [name of precinct]
- I'm not sure
- Other (please specify)

How long have you lived in your local area?
- Less than one year
- 1-5 years
- 6-10 years
- 11-20 years
- 20+ years
- Prefer not to say

Your gender
- Female
- Male
- Non-binary
- Prefer not to say

Your age group
- Under 18
- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65-74
- 85+
- Prefer not to say

Did you have the information you needed to provide your feedback?
- Information was very easy to find / understand
- Information was mostly easy to find / understand
- Information was mostly hard to find / understand
- Information was very hard to find / understand
- I'm not sure

Please select this box if you would like to receive email updates about this project
Executive summary

Purpose and background
The purpose of this report is to present Council with the officer submission made to the Department of Environment, Land, Water and Planning (DEWLP) regarding 'Improving the operation of Rescode.'

The Victoria Planning Provisions (VPP) and ResCode have been in use for over 20 years. However, as expectations on the planning system have grown, the complexity of issues and how some scheme provisions have responded has created uncertainty, hindered usability and created an obstacle to delivering digital ready planning schemes.

There is a need to improve the operation of assessment provisions in planning schemes to make them consistent, digital ready and support streamlined decision making.

DELWP has developed a new assessment model to apply the new model to residential development planning permit applications by replacing the ResCode assessment requirements based on objectives, standards and decision guidelines with a new Performance Assessment Module (PAM).

Key issues

Council Interim Officer Submission
An interim officer submission was submitted to the Department of Environment, Land, Water and Planning on 17 December 2021.

The submission acknowledged the rationale behind the proposed new Performance Assessment Model (PAM) which gives more clarity to the assessment of a residential development proposals than that which currently exists.

Although not changing the content of existing standards, translating over to Performance Objectives, Performance Measures and Performance Criteria will create more certainty for the applicants and assessors alike.
Regarding neighbourhood character in particular, the new assessment model delivers a much-improved setting to describe what are the key neighbourhood character qualities. This includes introducing key performance measures for neighbourhood character within the schedule to the zone, gives greater clarity and certainty to all those involved in the process.

For example, a schedule could read:

<table>
<thead>
<tr>
<th>Neighbourhood character</th>
<th>Performance objective</th>
<th>Performance measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1 and B1</td>
<td>Only one dwelling faces the street</td>
<td>Site garages adjacent to or behind the dwelling</td>
</tr>
<tr>
<td></td>
<td>Provide driveways to the side of the dwelling</td>
<td>A garage or carport is set back at least 1 metre behind the front wall of a dwelling</td>
</tr>
<tr>
<td></td>
<td>Site garages adjacent to or behind the dwelling</td>
<td>There is no more than one vehicle crossover per site</td>
</tr>
</tbody>
</table>

The detailed officer submission is included at Attachment 1. In summary the submission:

- welcomes the proposed new Performance Assessment Model (PAM). The new model as intended will provide more clarity to the assessment of residential development proposals than that currently exists
- considers that the changes to neighbourhood character assessment proposed by the ResCode reform is vitally important. The new approach will give a much more robust and tangible understanding of what neighbourhood character is and how it should be responded to
• notes that changes to neighbourhood character assessment strongly align with the preliminary stages of a planning scheme amendment by Council moving key neighbourhood character objectives to the schedules of NRZs (Neighbourhood Residential Zones) and General Residential Zones (GRZs)

• details that Council hopes that as the ResCode reforms are introduced, DELWP will work collaboratively with councils to update their Schemes to maximise the benefits from this revised format

• highlights that Bayside City Council and DELWP officers worked extremely well through the Planning Policy Framework Translation process and were able to ensure a high-quality outcome. Council would encourage DELWP to explore a similar process where the reforms can be introduced concurrently with an amendment to the various zone schedules as part of Council's current neighbourhood character work.

Next steps
DEWLP will consider community and stakeholder feedback receive during the consultation process through January to March 2022. This will be collated and analysed and will inform decisions about implementation.

Recommendation
That Council endorses the officer submission to the Department of Environment, Land, Water and Planning (DEWLP) regarding 'Improving the operation of Rescode'.

Support Attachments
1. Submission to DEWLP regarding 'Improving the Operation of Rescode' ↓
Considerations and implications of proposition

Liveable community

Social
The community has consistently raised the impacts of development on neighbourhood character as an issue of concern. Improving the implementation of Rescode, particularly around the variations to zone schedules, will help ensure that Bayside’s planning framework is meeting community expectations.

Natural Environment
The proposed new changes will improve how development are assessed and in turn should help deliver better landscape and natural environment outcomes to future development.

Climate Emergency
The proposed changes to Rescode will not have any impacts relating to Council's declaration of a climate emergency.

Built Environment
If successfully implemented, the improved operation of Rescode will facilitate vibrant and attractive neighbourhoods where future residential development respects and enhances preferred character.

Customer Service and Community Engagement
The consultation period for the Discussion Paper ran from 8 November to 17 December 2021 and submissions were encouraged by the Department of Environment, Land, Water and Planning through the Engage Victoria website.

Submissions will now be reviewed and this will inform decisions about implementation.

Consultation information will also be shared with the Minister for Consumer Affairs Victoria and relevant government departments and agencies.

Human Rights
The implications of the report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Governance
Officers involved in the preparation of this report have no conflict of interest.

Legal
The officer submission to the Department of Environment, Land Water and Planning is not considered to have any legal implications for Council.

Finance
There are no financial implications arising from this report.
Links to Council policy and strategy

Community Vision 2050

The proposed improvements of Rescode aligns with Theme 9 (The Built Environment) of the Bayside Community Vision 2050, particularly in relation to how to best develop the built environment across the city to allow for future accommodation.

Council Plan 2021–25

The Council Plan 2021–25 at Objective 3.3 provides that ‘Land use will enhance Bayside’s liveability and protect the distinctive heritage and character of our various localities.’ Strategy 3.32 to deliver on this to ‘Encourage the planning of well-designed new development that is appropriately located and consistent with the preferred neighbourhood character and residential amenity.

Bayside Housing Strategy 2019

The proposed improvements of Rescode address a number of objective and actions included in the Bayside Housing Strategy 2019 particularly in regard to Managing Housing Growth and Housing Diversity.
17 December 2021

Department of Environment, Land, Water and Planning
Via email: planning.systems@delwp.vic.gov.au

To whom it may concern,

Submission – Improving the operation of Rescode

Thank you for the opportunity to provide a submission to the Improving the Operation of ResCode discussion paper.

Bayside City Council is encouraged to see that DELWP’s proposed new Performance Assessment Model (PAM) gives more clarity to the assessment of a residential development proposals than that which currently exists. Although not changing the content of existing standards, translating over to Performance Objectives, Performance Measures and Performance Criteria will create more certainty for the applicants and assessors alike.

In regard to neighbourhood character in particular, the new assessment model delivers a much-improved setting to describe what are the key neighbourhood character qualities. Including the key performance measures for neighbourhood character within the schedule to the zone, gives greater clarity and certainty to all those involved in the process.

The changes to the neighbourhood character assessment in ResCode compliments what Bayside City Council is currently working towards in regard to defining preferred future character objectives in our General Residential Zones (GRZs) and Neighbourhood Residential Zones (NRZs) to better protect and respect our local character.

Council is currently in the preliminary stages of a planning scheme amendment to move the key neighbourhood character objectives into the Neighbourhood Residential Zones, this will mean an increase in the number zone schedules so that we can accurately captures the differing neighbourhood character throughout our municipality, giving a very similar outcome to the new ResCode model.

Council wishes to highlight the importance of ensuring that the relevant character outcomes have been moved from the Planning Policy Framework (‘PPF’), where these previously existed as local policies, and effectively introduced into the Zone Schedules and the PAM format so as to avoid gaps or inconsistencies in the application of policy.

Council considers that the changes to neighbourhood character assessment proposed by the ResCode reform is vitally important. The new approach will give a much more robust and tangible understanding of what neighbourhood character is and how it should be responded to. It will be important to ensure that the ‘Information Required’ section of the PAM format clearly specifies the information requirements to ensure that compliance is able to be easily interpreted.
A key feedback from Bayside City Council’s local residents is how our neighbourhood character is being irreparably damaged due to the lack of vigorous tools to protect it, particularly when applications end up at VCAT. This new model will go far to respond to these concerns; however the effectiveness relies on Council’s having clear and up to date preferred character outcomes specified in their Schemes.

Bayside, as with several other Council’s, is in the process of drafting revisions to its residential zones and it is hoped that as the ResCode reforms are introduced, DELWP will work collaboratively with Councils to update their Schemes to maximise the benefits from this revised format. Bayside City Council and DELWP officers worked extremely well through the PPF Translation process and were able to ensure a high quality outcome. Council would encourage DELWP to explore a similar process where the reforms can be introduced concurrently with an amendment to the various zone schedules as part of Council’s current neighbourhood character work.

Please accept this submission as an interim officer submission, which is expected to be endorsed at a future meeting of Council.

Should you have any further questions, please contact Clare Beames, Senior Strategic Planner, on (03) 9599 4839 or via email to CBeames@bayside.vic.gov.au

Yours faithfully

[Signature]

Tom Vercoe
Acting Manager Urban Strategy
Executive summary

Purpose and background
This report is in response to a Notice of Motion (NOM) raised at the 14 September 2021 Council Meeting resolving:

That Council receives a report to the February 2022 Council Meeting detailing a plan for Council to actively promote wildlife-friendly gardens, including consideration of:

1. promoting there is no longer a need for permits for indigenous plantings in nature strips
2. partnering with community groups to run a series of webinars on wildlife-friendly gardening
3. encouraging wildlife-friendly cat ownership, including cat containment, and information about the cat curfew
4. working with residents to create gardens that deter Noisy Miners and provide refuge for small native birds.

Key issues

Item 1: Promoting there is no longer a need for permits for indigenous plantings in nature strips

According to an article from the ABC, nature strips make up approximately 7% of the total land use across the city, and a third of the public green space in Melbourne. Originally these verges were created to provide reserves for livestock to graze as they were headed from rural areas into the city markets. In present day, nature strips provide green relief to streetscapes as well as providing functional space for infrastructure, services, parking and visibility at intersections.

Nature strips can also play an important role in helping the environment by soaking up rainwater and reducing urban heat island impacts. When planted with local indigenous species, they can also assist to improve the local environment by providing habitat for native wildlife and insects.

Bayside is supportive of nature strip planting by residents pending Council or Vic Roads approval if the functional aspects of the space are maintained. This includes parking and visibility requirements. A Nature Strip Planting Guideline is available on Council’s website and this outlines the approval process and planting requirements. There is no ‘permit’ required but permission must be granted.

Residents can access more information regarding nature strip planting on the Council website:

This issue could also form one of the webinar topics to be developed in conjunction with Council’s local ‘ecological champions’ as nature strip planting was recently promoted in the Banksia Bulletin Spring 2021 edition by a local ‘Friends of’ group member. The estimated costs associated with the production and promotion of webinars is discussed in Item 2.

Item 2: Partnering with community groups to run a series of webinars on wildlife-friendly gardening

Bayside is fortunate to have many long-term environmental Friends groups that have worked in bushland, foreshore and other park reserves for many years, sometime decades. Together with specialist staff from the bushland and nursery teams from Council’s Service Provider, there are a range a local ‘ecological champions’ that Council can draw on to provide and share local environmental knowledge and information to the wider community.

Together with assistance from the Communication and Engagement team, a series of webinars could be developed featuring these ‘ecological champions’ and delivered online by the end of the year.

For example, these webinars could promote local plant species available from the Bayside Community Nursery and provide information to residents and others such as:

- how to encourage wildlife back into residential gardens
- plants available at the Nursery, how they grow and what they look like in garden settings
- promotion of individual Friends groups and what they do, where they are and how to join a local working bee
- to encourage more residential involvement in other Bayside environmental issues.

The webinars could be promoted on the Bayside website, social media pages and via the Banksia Bulletin.

The Banksia Bulletin regularly includes and promotes links to various external webinars or videos of interest, such as a recent segment on the ABC’s Gardening Australia program about nest boxes and local birds, and a You Tube video explaining the importance of preserving the local native bees as opposed to introduced European honeybees.

While having access to ‘free’ local experts the production and promotion of six webinars would cost approximately $25,000. The costs associated with the development of a series of webinars is not currently included in Council's budget and would need to be considered as part of the 2022–23 budget process.

Item 3: Encouraging wildlife-friendly cat ownership, including cat containment, and information about the cat curfew

Council introduced a cat curfew to protect the welfare of animals in Bayside. While cats are highly valued as pets by residents, free roaming cats at night-time cause serious problems for both cats themselves and native wildlife. 49% of cats allowed to roam outside risk shortened lifespans due to injury from vehicles, fights with other animals and exposure to disease.

The impact of feral cat predation on native wildlife in Australia is well researched and documented – every year feral cats kill around 1.4 billion native Australian animals.
Domestic cat predation also is considered a recognised threat to biodiversity, with some figures reporting that domestic cats kill up to 230 million native animals in Australia each year, or 110 native animals per cat per year (Threatened Species Recovery Hub).

The Bayside Domestic Animal Management Plan (DAMP) 2017–21 (currently under review) states the following in relation to wildlife-friendly cat ownership:

_Council has a cat curfew that requires all cats to be confined at night for the safety of cats, the protection of wildlife and to eliminate nuisance (noise) complaints. The curfew confines cats to their property between 9pm and 6am in daylight saving time and 8pm and 6am at other times of the year. 7% of owners of registered and 31% of owners of unregistered cats are unsure or unaware of the curfew._

The DAMP also proposed the following action:

_“Provide a community education and awareness program targeting cat owners about the cat curfew” via the development of an information and promotional plan._

This action (or similar) will most likely be rolled over into the new DAMP, as the overwhelming feedback from the community in the latest engagement is that they do not comply with the current cat curfew.

Information regarding the cat curfew has been promoted each year in 2019, 2020 and 2021 in the annual _Bayside Pets_ newsletter which is sent out to all registered cat owners and dog owners in Bayside to promote pet services and regulations.

Residents can access more information regarding the Bayside cat curfew on the Council website:


Prompting the cat curfew and related wildlife issues could be one of the webinar topics to be developed in conjunction with Council’s Local Laws team and local ‘ecological champions’.

Additional information should also be provided on Council’s social media pages when the revised DAMP 2022–27 is finalised. This promotion can be conducted within current resources and budgets. The cost of webinars is discussed in Item 2.

**Item 4: Working with residents to create gardens that deter Noisy Miners and provide refuge for small native birds**

Further information pertaining to Noisy Miners is discussed further in a separate Councillor Briefing paper in the February agenda in the _Response to Notice of Motion – 317 – Noisy Miner Project – Restoring the Balance_. This paper discusses the complexities associated with Noisy Miner management in Bayside which is relevant to this NOM, and notes that habitat restoration is key to providing habitat for smaller native birds.

While Council has several projects underway to restore a more diverse range of indigenous mid-storey and ground cover habitat across the municipality, it also has a limited influence on the choice of plant species residents plant within their own gardens.

Existing publications such as the _Live Bayside, Plant Bayside_ and the _Banksia Bulletin_ are readily available to residents to encourage both awareness and availability of indigenous plant species, available from the Bayside Community Nursery.

An article is also scheduled to appear in the upcoming February edition of _Let’s Talk Bayside_...
to promote the Bayside Community Nursery and to encourage residents to visit when the Nursery reopens for sales in April 2022. This work can be completed within current budgets and resourcing.

**Recommendation**

That Council:

1. continues to promote that residents are no longer required to obtain a permit for indigenous plantings in nature strips
2. considers the matter of cat containment and curfews as part of the development of Council’s Domestic Animal Management Plan
3. considers the allocation of $25,000 for the development of a series of webinars encouraging residents to plant and maintain wildlife friendly gardens as part of the 2022–23 budget process.

**Support Attachments**

Nil
Considerations and implications of recommendation

Liveable community
Bayside City Council is committed to working with residents to protect and enhance biodiversity.

Social
Many Bayside residents have shown interest to look after the remaining native wildlife and encourage wildlife into their gardens but may be unsure how to do so.

One of the best ways of doing this is to support and encourage residents to create wildlife friendly gardens. As the need for residents to apply for planning permits to plant out their nature-strips has been removed, this needs to be communicated and residents supported to create more wildlife friendly nature strips.

Natural Environment
The original ecology of Bayside would have supported an abundance of native wildlife, including skinks, geckos, butterflies, a wide variety of birds and some small mammal fauna.

Some of those native animals remain in isolated pockets within bushland remnants and along the foreshore and may visit parks and residential gardens. However, wildlife in Bayside now face many and varied threats including habitat fragmentation, predation by feral and introduced domestic species, over-abundance of more aggressive native species that thrive in modified landscapes, injury from vehicles, fencing and power lines, and lack of suitable food and habitat.

The creation of more wildlife friendly residential gardens and the confinement of domestic animals at night-time together with Council’s broader habitat restoration and planting programs in open space can assist remaining native species to not only continue to survive but hopefully thrive in urban areas.

Climate Emergency
Habitat loss and fragmentation is the principal factor in the decline of many species throughout Australia and Bayside, and the overall biodiversity threat of habitat loss and fragmentation has long been recognised.

Creating more natural landscapes throughout Bayside to provide improved habitat and biodiversity not only benefits local wildlife but also provides greener cooler areas of open space.

Built Environment
There are no known implications on the built environment associated with this paper.

Customer Service and Community Engagement
Promotion of environmental issues and initiatives is communicated to Bayside residents and other interested people via a variety of online and hard copy Council publications. The Council website provides updates on recent changes to Council policy and contains specific pages dedicated to the Bayside Community Nursery, local plants and the Banksia Bulletin.
In addition to this, periodic or seasonal environmental information is also promoted on Council’s Facebook page or via other Facebook pages administered by Bayside environmental groups, such as the Bayside Environmental Friends Network and Bushy Tales Bayside.

Video links to external programs such as Gardening Australia are also promoted via Council’s social media networks where relevant to Bayside.

Bayside is fortunate to have a number of local ‘ecology champions’ whose extensive knowledge could be captured to develop a series of environmental webinars specific to Bayside and this is something that can be pursued with the Communication and Engagement team.

Human Rights
The implications of the report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Governance
Officers involved in the preparation of this report have no conflict of interest.

Legal
Council Order under Section 25 of the Domestic Animals Act 1994, adopted by Council on 8 November 2011, requires that all cats in Bayside must be confined at night for the safety of cats, the protection of wildlife and to eliminate nuisance (noise) complaints. The curfew confines cats to their property between 9pm and 6am in daylight saving time and 8pm and 6am at other times of the year.

A nature strip is considered part of the road under the Road Management Act 2004 and Road Safety Act 1986, so a number of safety and legislative requirements must be met.

Prior to 1 July 2021, there were no provisions within the Local Law around nature-strip planting in Bayside. The Nature Strip Planting Guidelines were developed by Open Space and nature strip planting requests were granted by Asset Protection under a permit or a letter of consent.

Under the revised Local Law (effective from 1 July 2021) nature-strips are covered in Section 24. This states that Council permission (from anyone within Council with appropriate delegation) and/or Vic Roads approval must be granted before residents may plant their nature strips – if the planting meets the requirements set out in the Nature strip Planting Guidelines.

Finance
The estimated cost of $25,000 to produce and promote a series of six webinars is not currently included in Council’s budget.

Links to Council policy and strategy
This Notice of Motion is consistent with the principles contained within the Bayside Biodiversity Action Plan 2018–27 which specifically notes the following:
**Action 18:** Undertake supplementary plantings and habitat corridor augmentation works to improve wildlife corridors on public land (e.g., parks, areas of foreshore, roadside and libraries) – including the note to utilise dense shrubby species to provide habitat for smaller birds and that outcompeted by aggressive Noisy Miners and Common Mynas

**Action 19:** increase the use of indigenous species used in street tree and nature strip plantings.

**Action 20:** Create a display indigenous garden and promote the Gardens for Wildlife program to increase habitat availability across the municipality – including the note to encourage residents to plant indigenous species into their gardens.

**Action 32:** Provide protective habitat for smaller birds that can be driven away for territorial Noisy Miners and Indian Mynas.

**Action 39:** Implement the recommendations of the updated ‘Domestic Animal Management Plan’.
Executive summary

Purpose and background
This report is in response to a Notice of Motion (NOM) raised at the 23 November 2021 Council Meeting resolving:

“That a report be presented to Council in February 2022 detailing the benefits and implications of pursuing opportunities to work in partnership with universities, other government agencies and community groups to actively manage the Noisy Miner bird population in Bayside”.

The Noisy Miner (Manorina melanocephala) is a native honeyeater species found in the woodlands and open forests of eastern Australia. They have also become well adapted to suburban situations and are a common species in Bayside parks and gardens.

Key issues

Noisy Miner Impacts

Noisy Miners live in large colonies and will cooperate with each other to defend their ‘patch’ of trees from other birds, especially other species of honeyeaters which may be competitors for the food resources, and they will physically chase away other species. Many other small insectivorous birds are also driven from the area, and because of this aggressive behaviour, areas inhabited by Noisy Miners often support few other birds.

Experimental evidence also suggests there is a causal link between the Noisy Miner and the exacerbation of insect-induced eucalypt dieback. Noisy Miners chase away the smaller insectivorous birds that eat leaf mining insects and some research has shown that the influx of smaller insectivorous birds once Noisy Miners were removed from woodland remnants appears to have resulted in a reduction in leaf damage and an improvement in tree health in some circumstances. This indicates that Noisy Miner domination of small woodland remnants can also have a top-down effect, which can have an adverse impact on tree health.

In 2014, following advice to the then Federal Minister for Sustainability, Environment, Water, Population & Communities from the Threatened Species Scientific Committee (the Committee) on Amendments to the List of Key Threatening Processes under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), the following inclusion was added as a key threatening process in Section 183 of the EPBC Act:

‘Aggressive exclusion of birds from potential woodland and forest habitat by over-abundant Noisy Miners (Manorina melanocephala)’.

The Committee also noted that:

“... initiatives to reduce the impacts of noisy miners will inevitably be at a local or finer scale, such as individual properties or vegetation remnants, due to resource constraints and the spatial and contextual variability in how the process operates. A national-scale threat abatement plan is unlikely to be a feasible, effective and efficient way to abate the process as it would necessarily be broad in scope and coarse in resolution”.
It should also be noted that the overall decline in smaller woodland birds, including many native insectivorous and honeyeater species in Bayside, is not wholly caused by Noisy Miners. Habitat loss and fragmentation is the principal factor in these declines, and it is within these modified landscapes that Noisy Miners have become more threatening.

**Mitigation of Noisy Miner Impacts**

There are a range of measures available to reduce the negative impacts of Noisy Miners. Most of these focus on habitat improvement to increase both the size and structural complexity of habitat patches to make them less accessible to Noisy Miners, while providing appropriate habitat for other native bird species.

This approach has been included as a key component in the brief for the Park Improvement and Habitat Linkage Plan (currently in development), and planting recommendations to encourage the return of smaller birds and deter Noisy Miners will be provided as part of this plan.

Direct management is any activity that interferes directly with a species, (which includes wilful disturbance, trapping, culling and nest/egg removal) and is used as a very specific means of addressing over abundant species in some certain circumstances. For native wildlife protected under the *Wildlife Act 1975*, direct management is currently precluded by legislation unless an Authority to Control Wildlife (ATCW) permit has been granted by the Office of the Conservation Regulator. Noisy Miners are protected under the *Wildlife Act 1975*.

Landholders or land managers may apply for an ATCW to wilfully disturb or control wildlife once all reasonable options have been considered and implemented. A full analysis of all direct and non-direct management options is provided via a Wildlife Management Plan prepared by specialist ecologists on behalf of the landowner to inform the application for consideration by the Conservation Regulator.

Culling also raises ethical questions regarding the humane disposal of the birds. This matter was also an issue when the Bayside Indian Myna Action Group (BIMAG) approached Council to support its trapping program for the introduced Indian Myna birds, which are trapped by residents within their own properties using traps paid for by Council as part of a control program.

The trapped birds are euthanised with CO2 gas, mostly by authorised BIMAG committee members but some birds are also euthanised by residents. Although BIMAG continues to run its culling program within Bayside, concerns regarding disposal of trapped birds by residents outside of BIMAG control are still relevant.

Active management is also likely to be resisted by some stakeholders and residents as inhumane and unethical.

It should also be noted that many vegetation remnants in Bayside have already been degraded by other processes (clearing for development, weeds, vandalism and climate change). Bayside’s seven remnant bushland reserves are slowly being restored via the process of ecological burning, which is a long-term restoration project undertaken each year at individual sites.

**Initial advice from the Department of Environment, Land, Water and Planning (DELWP)**

The following initial advice has been provided to Council Officers by Senior Wildlife Management Officers from the DELWP Natural Environment Programs, Port Phillip Region and reviewed by a representative for the Port Phillip Region Office of the Conservation Regulator:
“DELWP is aware of the complex issues caused by increasing numbers of Noisy Miners and their shifting/expanding distributions. The threats posed by Noisy Miner abundance and activity are related to the broader threats of land clearance and habitat fragmentation. Noisy Miners are recognised under Victoria’s Flora and Fauna Guarantee Act 1988 (FFG) and under the federal Environment Protection and Biodiversity Act 1999 (EPBC) as a key threatening process. In listing Noisy Miner behaviour in specific habitat contexts as a key threatening process under the EPBC Act, the Committee also recognised the Noisy Miner is a native species, and as such has its place in a healthy landscape. Noisy Miners are protected under the Victorian Wildlife Act 1975.

Culling has been used strategically to protect significantly important conservation areas, such as breeding sites of the critically endangered Regent Honeyeater. Otherwise, this problem is addressed by habitat manipulation such as avoiding creating areas of mown grass with eucalypt trees (i.e., most farmland and recreation areas are perfect Noisy Miner habitat) and instead planting dense stands of shrubs.

With habitat manipulation in mind, there are opportunities for local conservation programs to address the issue for the longer term through:

- conservation works (enhancement planting) on Council land,
- enhancement planting on private property through local incentive programs such as ‘Gardens for Wildlife’ which can be promoted to residents, and
- Local Landcare or Friends Groups projects. This network is a great resource for local conservation projects that can assist with longer term habitat measures to bring back the balance with preferable woodland bird species.”

Overall, it is ultimately a very challenging task to manage Noisy Miners, as native birds are highly protected and valued in natural ecosystems.

Any form of direct management of native wildlife, including culling would require approval under the Wildlife Act 1975 by the Conservation Regulator.

Noisy Miner Research
Research into the impacts of Noisy Miners on vegetation, ecological communities and other native bird species is ongoing in various states of Australia.

In summary, key messages from various research papers reviewed to develop this paper found the following:

- There is consensus that human modification of woodlands and other native landscapes has led to an explosion in the number of aggressive Noisy Miners.
- Culling Noisy Miners has been proposed and implemented in trial experimental sites with post Noisy Miner removal monitoring undertaken to assess impacts on re-population of native bird species and vegetation.
- Efforts to cull Noisy Miners have proven difficult as sites are quickly recolonised from surrounding areas.
- Habitat creation for smaller birds has had success but must be viewed as a long-term and ongoing option.

An example article containing the findings from one various research project demonstrating this complexity can be found at Attachment 1.
Based on the information reviewed and initial discussions with DELWP, it is considered that obtaining an ATCW permit for active management of Noisy Miners is likely to be complex.

It is also probable that without the preparation of a Noisy Miner Wildlife Management Plan by an independent ecologist (to provide the background justification to undertake active control), an ATCW is unlikely to be granted.

The most effective form of non-lethal means to mitigate Noisy Miner populations throughout Bayside may consist of habitat restoration. The planting of more indigenous and native mid-storey and ground cover vegetation provides habitat for the smaller insectivorous and nectivorous birds, as Noisy Miners tend to flourish in more open grassy treed landscapes.

This work has already been undertaken at some sites (Lakeside Green), is planned for others (Elsternwick Park South Landscape Plan and Tulip Street Reserve Landscape Plan), and planning is underway for a municipal-wide approach through the development of the Park Improvement and Habitat Linkage Plan.

The bushland reserve system is managed via the use of ecological burns to reduce weed species and regenerate the natural heathland ecosystem once common throughout Bayside. Approximately 8000 square metres of heathland is burned each year. These sites are intensively weeded and monitored with many indigenous species (plants, insects and other fauna) gradually returning over time.

Any successful habitat restoration project is likely to be a 15-to-20-year process and immediate results are not always apparent. Habitat restoration must be viewed (and therefore funded) as an ongoing and long-term process.

**Resourcing**

The work required to undertake the research, documentation and negotiations for any proposed Noisy Miners management plan would be significant. Council’s biodiversity resources are currently fully allocated on a variety of projects and actions that are considered a higher priority than any proposed Noisy Miner management plan. Given the cost and resource implications associated with developing a management plan that would likely not be approved by relevant authorities, officers believe that Council should continue to focus on other current biodiversity priorities included in the Council Plan and Biodiversity Action Plan.


In May 2020, the Minister for Energy, Environment and Climate Change announced a comprehensive review of the *Wildlife Act 1975*. The Act has not been comprehensively reviewed since it became law more than 45 years ago. Since then, community values and expectations around wildlife have changed. It is now outdated and out of step with modern best practice regulation.

To inform the review, an independent expert advisory panel was appointed by the Minister. The Panel was due to prepare a report for the Minister with their recommendations by late 2021. This report has not been published at the time of writing.

The Panel will draw on the perspectives and information provided by participants in developing recommendations to government on reforming the Wildlife Act. Bayside City Council did not contribute to this initial round of consultation.
The Victorian Government will release the Panel's report along with a response to its recommendations in the form of a draft Directions Paper. Further public consultation will be completed via the Engage Victoria website. This is due to take place in early 2022. Council officers have subscribed to this project on the Engage Victoria Website and will be informed when the next consultation process opens.

Officers propose to lodge a submission on behalf of Council during the next consultation process.

**Recommendation**

That Council:

1. focusses on the implementation of the Urban Forest Strategy, Parks Linkages and Habitat Improvement Plan and other open space projects in an effort to improve the natural environment particularly for small, native birds

2. makes a submission to the review of the Wildlife Act (Victoria) to highlight the increasing issue of Noisy Miners and their negative impact on other native birds.

**Support Attachments**

Nil
Considerations and implications of recommendation

Liveable community

Social
Noisy Miners can be problematic during breeding season when they swoop to protect their young nestlings. They are one of several species of native birds that swoop to protect their young from August to December each year and officers receive a number of complaints regarding this behaviour. Warning signage is usually installed in the area until breeding season is over.

Additionally, some residents have reported the disappearance of smaller native bird species from their gardens and an increase in the number of Noisy Miners in both their residential gardens and Bayside parks. Many properties also lack the suitable indigenous vegetation required to provide suitable habitat for small honeyeaters and other smaller insectivorous birds due to clearing of mid-storey shrubby species during development.

Natural Environment
The dominating threat posed by Noisy Miners is a symptom of a broader land clearance and habitat fragmentation. The Noisy Miner is a native species and as such, has its place in a healthy landscape. The advice presented during the EPBC Act amendment process noted the following:

“…any attempts to abate the threat (Noisy Miners) risk unintended negative consequences. Abatement efforts must be constrained to circumstances where the Noisy Miner can be reasonably considered to be exacerbating the impacts of habitat loss or degradation and/or directly poses an imminent risk of a significant impact on a highly threatened species or community.”

DELWP have also indicated that the active control of native species is complex, and any permits granted to do so must go through a rigorous assessment process.

In Bayside, some habitat restoration is already underway in remnant heathland and other patches of open space, where a combination of ecological burning, planting, weeding and revegetation projects are aiming to re-establish areas of indigenous vegetation throughout the municipality.

Climate Emergency
Habitat loss and fragmentation is the principal factor in the decline of many species throughout Australia and Bayside, and the overall biodiversity threat of habitat loss and fragmentation has long been recognised. It is within these modified landscapes that Noisy Miners have become a threatening process. Revegetation on a broader scale to restore as close to natural ecosystems where possible, benefits not only the smaller birds being impacted by increased numbers of Noisy Miners, but also other native species. Creating more natural landscapes throughout Bayside provides greener cooler areas of open space as well as providing improved habitat and biodiversity.

Built Environment
There are no known impacts on the built environment from the implications in this paper.
Customer Service and Community Engagement
Council officers receive several queries from residents each year regarding Noisy Miners. These are primarily complaints around the breeding season (August to December) as Noisy Miners are one of several native bird species known to aggressively swoop people and/or pets at this time. Council installs ‘Swooping bird’ warning signs at known sites in parks and reserves during swooping season.

A number of complaints are also concerned with the perceived increase in numbers of Noisy Miners and the reduction in smaller native bird species that used to be present.

It is also reasonable to expect that some residents would object to the culling of Noisy Miners.

Human Rights
The implications of the report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Governance
Officers involved in the preparation of this report have no conflict of interest.

Legal
All native birds, mammals, reptiles and frogs are protected in Victoria under the Wildlife Act 1975. It is illegal to disturb, trap or kill wildlife without a permit. It can result in a fine and/or imprisonment.

Where wildlife is causing damage to property, posing a risk to human health and safety or impacting other environmental values, it may be necessary to consider management options to disturb or humanely kill wildlife.

Any form of direct/active management of native wildlife requires a permit from the Office of the Conservation Regulator.

Landholders or land managers may apply for an Authority to Control Wildlife (ATCW) to wilfully disturb or control wildlife once all reasonable options have been considered and implemented. For example, improving fencing to exclude wildlife from the area where they are causing damage.

An ATWC is required prior to any of the following:

- Wilfully disturbing wildlife.
- Removing nests with eggs and/or birds sitting on the nest.
- Trapping and/or shooting wildlife.

As a management authority for Crown Land and other public spaces, Council has a duty of care to ensure protected native wildlife is free from harm, and to reduce or minimise known risks to these species where possible and practicable within Council managed land and open space.
Finance
The costs associated with Council deciding (and is permitted) to undertake a management plan for Noisy Miners is not included in Council’s current budget. Costs of additional resources and external consultants would likely be $40,000 to $50,000. There would also be implementation costs in the unlikely event that a proposed management plan was approved by the relevant authorities that are currently not included in Council’s budget.

Costs for revegetation as part of the recommendations in the Park Improvement and Habitat Linkage Plan would include the purchase of plants (propagated and grown at the Bayside Community Nursery), site preparation and planting at recommended sites. This figure has not yet been determined as the first draft of the Park Improvement and Habitat Linkage Plan is due in early 2022. Some revegetation is ongoing as part of Council’s ongoing annual planting program as part of the Civil Infrastructure and Open Space Services Contact.

Links to Council policy and strategy
This Notice of Motion is consistent with the principles contained within the Bayside Biodiversity Action Plan 2018–27 which specifically notes the following:

   Action 18: Undertake supplementary plantings and habitat corridor augmentation works to improve wildlife corridors on public land (e.g., parks, areas of foreshore, roadside and libraries) – noting to utilise dense shrubby species to provide habitat for smaller birds and that outcompeted by aggressive Noisy Miners and Common Mynas

   Action 32: Provide protective habitat for smaller birds that can be driven away for territorial Noisy Miners and Indian Mynas.

The preparation of a Park Improvement and Habitat Linkage Plan is currently in development.
Options considered

Option 1 (Officer Preferred)

<table>
<thead>
<tr>
<th><strong>Summary</strong></th>
<th>That Council await the outcome of the Park Improvement and Habitat Linkage Plan which will make recommendations where supplementary planting can be undertaken for best ecological outcomes to improve habitat connectivity and species diversity.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td>This work is already underway to look at municipal wide recommendations. This approach (habitat restoration) is most supported by DELWP and current Noisy Miners research.</td>
</tr>
<tr>
<td><strong>Issues</strong></td>
<td>Habitat restoration is a long-term goal and immediate impacts will may not be evident.</td>
</tr>
</tbody>
</table>

Option 2

<table>
<thead>
<tr>
<th><strong>Summary</strong></th>
<th>That Council write to the Office of the Conservation Regulator to apply for an Authority to Control Wildlife (ATCW) to wilfully disturb or control Noisy Miners.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td>Council will receive a definitive answer in the short term as to whether a permit will be granted.</td>
</tr>
<tr>
<td><strong>Issues</strong></td>
<td>It is likely that a permit will not be granted at this time without the demonstration that all other reasonable options have been considered and implemented.</td>
</tr>
</tbody>
</table>

Option 3

| **Summary** | That prior to writing to the Office of the Conservation Regulator, Council engages an independent ecologist to prepare a Noisy Miner Wildlife Management Plan to:  
            a) provide the background justification to undertake active control  
            b) demonstrate that all other reasonable options have been considered and implemented. |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td>Preparation of a Noisy Miner Wildlife Management Plan will provide a comprehensive assessment of the Noisy Miner issue in Bayside.</td>
</tr>
<tr>
<td><strong>Issues</strong></td>
<td>The preparation of a Noisy Miner Wildlife Management Plan does not guarantee that an Authority to Control Wildlife will be granted and may still recommend habitat restoration is the most feasible option. There is also no allocated funding to prepare this plan which may cost between $10,000-$15,000 depending on level of detail required.</td>
</tr>
</tbody>
</table>
10.9 ROAD MANAGEMENT PLAN UPDATE

Environment, Recreation and Infrastructure - City Assets and Presentation

File No: PSF/22/29 – Doc No: DOC/22/31462

Executive summary

Purpose and background

The purpose of this report is to provide background on the Road Management Plan (RMP) and the adequacy of the performance standards it sets in maintaining road infrastructure. It responds to the question of whether (for example) 60 days is a suitable RMP timeframe for Council to fully resolve a trip hazard on a footpath.

This is in line with the below resolution from the 15 June 2021 Council meeting:

That Council:

1. adopts the Road Management Plan
2. receives a report reviewing the levels of service outlined in the Road Management Plan at the February 2022 Council meeting.

Summary

Bayside’s RMP standards are similar to nearby Councils (in some cases higher) and Bayside is achieving a high level of customer satisfaction.

While the RMP is Council’s main defence against public liability claims, Council can still require higher levels of service (faster resolution of requests) under its maintenance contracts. Higher levels of service will likely attract higher contract costs.

Bayside controls risk in potential road and footpath hazards by ensuring an immediate response to make an issue safe, followed by coordination of resources to achieve the full resolution.

This paper does not directly address road and footpath reinstatements by third parties, which will be covered in a future briefing.

Key issues

The RMP is a requirement under the Victorian Road Management Act 2004. One key requirement is for the authority (in this case Council) to “set the relevant standard in relation to the discharge of duties in the performance of those road management functions”.

The RMP is Council’s main defence document in response to public liability claims (typically these are pedestrian accidents or injury/damage to road users due to road or footpath defects).

The aspect of the RMP relevant to this report is response times to unscheduled maintenance (most common being repair to footpaths and potholes in the road) arising from requests from the public or Council staff.

Unscheduled maintenance is performed under the infrastructure maintenance contract (in this case by Citywide).
The infrastructure maintenance contract is currently based on RMP timeframes. This does not prevent Council from requiring higher levels of service (i.e. shorter timeframes to resolve) under the contract.

Increasing contract levels of service on roads/paths may require either (a) reprioritisation of the contract deliverables or (b) a change in the contract costing.

Bayside’s RMP timeframes are similar to neighbouring councils. Anecdotally there are always cases of dissatisfaction based on individual cases, but overall, Bayside’s current satisfaction with Roads and footpaths is assessed as good to very good.

Community satisfaction with roads and paths is measured as follows:

- On the know your council website 2020–21, Bayside currently has the highest levels of satisfaction with roads (71%) in relation to Victorian inner suburban Councils (68%).

- Bayside satisfaction with footpaths is 6.76 (down 5% for 2021 but still assessed as good in the March 2021 Annual Community Satisfaction survey). There is no comparison against other Councils on the know your Council website. Respondents ranked footpaths as the 5th most important of 26 services. The 5% reduction in satisfaction has been attributed to increased use and scrutiny of footpaths under Covid restrictions.

Substandard reinstatements by third parties working on roads and footpaths, especially in activity centres are an ongoing source of requests for service from the public. The Assets team agree that a worthwhile improvement in footpath satisfaction might come from improved processes and enforcement in this area. Some of the more elaborate footpath designs in activity centres can also make reinstatements costly and complex.

**Context:**

Comparing RMP performance standards against neighbouring councils. Councils take slightly differing approaches to classification and setting of response times and intervention levels.

**Footpath raised edges (aka Trip Hazards)**

<table>
<thead>
<tr>
<th>Council</th>
<th>Intervention Level</th>
<th>Immediate Response* (days)</th>
<th>Completion (days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bayside</td>
<td>25mm</td>
<td>7 Days</td>
<td>60</td>
</tr>
<tr>
<td>Kingston</td>
<td>15mm (High Usage areas)</td>
<td>n/a</td>
<td>15-45 (High Usage)</td>
</tr>
<tr>
<td></td>
<td>20mm (Other)</td>
<td></td>
<td>90 (Other)</td>
</tr>
<tr>
<td>Glen Eira</td>
<td>25mm</td>
<td>n/a</td>
<td>10,20,60 depending on hierarchy of path.</td>
</tr>
</tbody>
</table>
## Road pothole

<table>
<thead>
<tr>
<th>Council</th>
<th>Intervention level Width/depth mm</th>
<th>Immediate Response* (days)</th>
<th>Completion (days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bayside</td>
<td>300 * 25</td>
<td>7 Days</td>
<td>45 Days</td>
</tr>
<tr>
<td>Kingston</td>
<td>300 * 50</td>
<td>n/a</td>
<td>14 Days (Major Roads) 45 Days (Other Roads)</td>
</tr>
<tr>
<td>Glen Eira</td>
<td>300 * 50</td>
<td>n/a</td>
<td>5 Days (Major Roads) 45 Days (Other Roads)</td>
</tr>
</tbody>
</table>

- The purpose of the immediate response is to assess and take quick action to mitigate risk to pedestrians and road users and allow improved planning prior to completing the work. In the case of a footpath raised edge (a potential trip hazard) the risk from a raised edge might need to be mitigated with an interim asphalt ‘ramp’ or epoxy patch. Note that only Bayside explicitly guarantees this immediate response under its RMP.

- Completion can achieve economies of scale by planning resources and scheduling completion. In some cases this may require traffic management, sourcing specialised materials (i.e. Activity centre paths) or equipment (footpath grinder), community notification, out of hours work, liaison with utilities or coordination with other similar, nearby works that are already planned.

- The *Local Government Act 2020* requires Council staff to make effective use of resources. Mitigating risk with an immediate response and encouraging economies of scale to achieve full resolution can help reduce the average transaction cost to Council for reactive maintenance.

### Recommendation

That Council notes the performance standards in the Road Management Plan.

### Support Attachments

Nil
Considerations and implications of proposition

Liveable community

Social
The management of the local road network to an agreed standard is an essential service provided by Council, to facilitate the movement of people and goods through Bayside and to and from other jurisdictions. All residents and business of Bayside, and services provided by Council are reliant upon the road network.

Natural Environment
The local road network is fully established (with the exception of potential future subdivision) and is not expected to have significant further impacts to the local natural environment.

Climate Emergency
The road network does require raw and processed materials to maintain the local area. Where possible, Council uses the maximum amount of recycled materials allowed under Australian standards to repair roads.

Built Environment
The local road network is fully established (with the exception of future infill subdivision) and is not expected to have significant further impacts to the local built environment.

Customer Service and Community Engagement
The intervention levels and response times stated in the Road Management Plan have a direct impact upon Council’s customer service, with respect to civil maintenance.

The Road Management Plan was advertised for public comment via Council’s ‘Have Your Say’ page for a period of 28 days following the Councillor briefing of March 2021.

Human Rights
The implications of the report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Governance
Officers involved in the preparation of this report have no conflict of interest.

Legal
The Plan sets specific indicators as to how frequently Council shall inspect roads, at what point Council shall intervene and repair a road, and how long they may take to complete works. Changes to these standards has a direct impact upon the expenditure and allocation of resources via Council’s civil maintenance contract.

The Road Management Plan is a key document in the assessment of Public Liability claims.

Finance
The Plan sets specific indicators as to how frequently Council shall inspect roads, at what point Council shall intervene and repair a road, and how long they may take to complete
works. Changes to these standards has a direct impact upon the expenditure and allocation of resources via Council's civil maintenance contract.

Between July 2017 and June 2021 (past four financial years), Council has spent approximately $2.26m on road surface maintenance activities, $3.95m on footpath maintenance, and $1.77m on kerb and channel maintenance.

**Links to Council policy and strategy**

No existing policy or strategy referred to.
Executive summary

Purpose and background

The purpose of this report is to seek approval to extend the Council endorsed *Events in Public Places Policy* (the Policy) road closure end time limit from 11.30am to 1.00pm on 13 November 2022, to facilitate the Ironman Melbourne event to ensure the safety of competitors and race officials.

Ironman is a long-distance triathlon race consisting of a 1.9km swim, 90km cycle and a 21.1km run. The event is based at Catani Gardens, St Kilda with competitors cycling a beach circuit through Bayside. The running leg requires competitors to run to the junction of St Kilda Street and Beach Road.

Council’s Tourism Strategy and the Policy recognises that major events play an important role in promoting tourism within the municipality. Ironman Melbourne is an international event, expected to attract 5,000 local, interstate and international participants of varying experience, providing high exposure for Bayside.

Councillors may recall that at the 14 September 2021 Council meeting, Council provided approval for the 2021 Ironman Bayside event to take place in November 2021 or March 2022. The 2021 event is now scheduled to take place on 20 March 2022. This report refers to the 2022 Ironman event and if approved there would be an Ironman event on 20 March 2022 and 13 November 2022.

Key issues

Road Closure

St Kilda Street and Beach Road are arterial roads managed by the Department of Transport that has provided in principle support for the event and subsequent road closures to allow planning to continue for this major event. The cycle leg will utilise Bayside roads including St Kilda Street and Beach Road and will require road closures between 5.00am and 1.00pm when the last bike will be off the course. The last competitor of the run leg is expected to finish the course in St Kilda no later than 3.45pm and will not impact roads within Bayside after 1.00pm.

Impact on Residents

The Policy prescribes that Beach Road is to be closed a maximum of six occasions each year and that roads are open for use by 11.30am. The request to extend this time to 1.00pm will ensure a safe environment for a gruelling endurance event that encourages competitors of all levels to challenge themselves, both physically and mentally. In line with the Policy, residents along Beach Road and St Kilda Street will have full access to their properties at all times, via a designated slip lane. This process is well executed during other road race events with residents familiar with this process.

Consultation and Stakeholders

If approval is provided by Council, the event organiser will commence promotion of the course details, providing a significant period of notice to residents. The Policy requires event organisers to notify all affected residents and business of the event, no less than 21 days prior to it taking place. The Event will also be promoted through event signage across the municipality and the neighbouring municipalities. In the event that a high volume of negative
feedback is received, staff will hold a meeting with the event organiser to work towards mitigating concerns raised by the community.

**Recommendation**

That Council approves the extended road closure end time endorsed in the Events in Public Places Policy from 11.30am to 1.00pm on 13 November 2022 to conduct the Ironman Melbourne event.

**Support Attachments**

Nil
Considerations and implications of recommendation

Liveable community

Social
Events provide social recreation and cultural opportunities that create a sense of identity, pride and place.

Natural Environment
The Events in Public Places Policy seeks to encourage high quality, safe and sustainable events. Officers will monitor the impact of event activities on Council managed and/or owned open space.

Climate Emergency
The event organiser has engaged a leading sustainable event waste management company to develop an environmentally and sustainability focused waste management plan that ensures highest possible diversion of waste from landfill.

Built Environment
Events that use the south end of Green Point Gardens are required by Council to erect a one metre protection zone around the Cenotaph. This will ensure the Cenotaph is protected at all times during events.

Customer Service and Community Engagement
The event organiser will be responsible for advertising the event and advising the community of any potential impact to accessing their business or property.

Human Rights
The implications of the report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Governance
Officers involved in the preparation of this report have no conflict of interest.

Legal
Council’s Neighbourhood Amenity Local Law 2021 enables Council to issue a permit to use a municipal reserve, including road reserves for the purpose of conducting the event. The permit requires the applicant to meet a number of conditions such as the provision of public liability insurance, environmental health requirements, traffic management plans, event management plans and other statutory requirements (where applicable)

Finance
The Ironman event will be charged in accordance with Council endorsed fees and charges, with the current rate of $675 per km of road closure for events with a venue outside the local Bayside area. Total event fees are expected to be $10,125.

Links to Council policy and strategy
The policy supports Goal 2 in the Council Plan specifically ‘Supporting delivery of events that promote community connectedness and attract economic benefits’.
10.11 EXTENSION OF KERBSIDE WASTE, RECYCLING AND FOOD AND GREEN WASTE COLLECTION CONTRACTS

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport
File No: PSF/22/26 – Doc No: DOC/22/19858

Executive summary

Purpose and background
The purpose of this report is to seek Council resolution to extend the current kerbside waste, recycling and food and green waste collection contracts for a further 12 months, until 30 June 2023.

Key issues
Council provides a kerbside collection service of general waste, recycling and food and green waste bins as part of our ongoing service delivery. These services are provided to Council under three contracts which are serviced by two different contractors. The general waste and recycling are serviced by Solo Resource Recovery (Solo) and the food and green waste is serviced by JJ’s Waste and Recycling (JJ’s).

The current contracts, including all extension options, expire on 30 June 2022.

Tender for collection services
As all three current contracts expire on 30 June 2022, Council commenced a tender process for these services on 4 December 2021. The intention of this tender was to procure the three service streams through one contract with a commencement date of 1 July 2022.

Prospective tenderers have indicated to Council through the tender process that Covid-19 has created significant supply chain constraints on resources. This has led to increased delays in securing equipment such as vehicles and parts to fulfill the requirements of the contract by the commencement date. The lead time to procure the required fleet and equipment is approximately 12 months.

The supply chain pressures mean the current tender timeframe is unreasonable for most prospective tenderers and is therefore uncompetitive. It has been identified that extending the commencement date for the new contract to 1 July 2023 so a competitive tender process can be facilitated presents the best outcomes for Council and the community. This necessitates that the current Contracts with Solo and JJ’s be extended for 12 months to maintain services to 30 June 2023.

The tender that is currently open is for a long-term Contract of 7 years with 3 x 1 year extension options available at Council’s discretion. Proceeding with the current contract arrangement of commencing the new service on 1 July 2022 presents a range of potential risks to Council, including entering the Contract with a service provider that is not adequately equipped to service the Contract to the high standard expected by our community. A 12-month extension to our existing contractors will provide for a more competitive tender process for the new Contract and will ensure that the most suitable service provider delivering best value for money is engaged to provide the service.

While all extension options have been exercised, Council is authorised to execute a Deed of Variation and Extension to continue the current Contracts and maintain the service for a further 12 months. An extension of the Contracts is compliant with Council’s Procurement Policy under the section 5.10 Exemptions and Breaches. This section of the Procurement Policy states that the CEO may approve ad-hoc exemptions in exceptional circumstances where it can be demonstrated that it is in the best interest of the community to do so.
Council has committed to changing our collection schedules of our general waste and food and green waste services from 1 July 2022. This has been heavily promoted within the community. The Service Specification of the general waste and food and green waste Contracts will require amendment to accommodate the change to collection schedules. Solo and JJ’s have advised that they will be able to adjust to these service changes, however there are several logistical complexities requiring resolution.

The current tender process for kerbside waste, recycling and food and green collection services will continue and the closing date will be extended to inform the tenderers of the new contract commencement date of 1 July 2023. Submissions will then be reviewed and evaluated, and the new Contract awarded to the successful tenderer at least 12 months prior to the commencement date. This will allow the successor adequate time to obtain the required fleet and equipment to service the Contract.

**Short-term extension**

Council has negotiated with the existing contractors who have advised they are willing and have the resources to provide the services for a further 12 months. The current service providers have submitted proposals to Council, including costs, to service the 12-month contract. The submissions are predominantly based on the terms in the current contract, with cost rates adjusted slightly to reflect the impact that the collection frequency change will have on contractor resources and revenue.

The cost to deliver the food and green waste service is impacted by the need to increase resources with more trucks and drivers required to increase the services to weekly collections. The general waste service is impacted by run density constraints, with bin presentation rates and bin weights both increasing as we move to a weekly service. Both contractors have indicated they will be able to discharge their obligations for the duration of the extension.

To assist with the change of collection schedule, Solo will facilitate a program throughout July 2022 to assist the community to transition to the new collection schedule. Any waste bins presented on their non-collection week will have a notification sticker placed on the bin to advise residents of the change of collection week, and the bin will be emptied as a courtesy. This audit, notification and collection program will assist with transitioning through the change and help re-educate residents.

As JJ’s service the food and garden bins, the collection frequency change has the biggest impact on their service delivery. JJ’s will source additional trucks and drivers to meet the increased demand. JJ’s have advised that a 3-month notification period (by 31 March 2022) of Council’s intent to implement the 12-month contract will be required to ensure they can obtain these additional resources, with trucks being sourced from within their existing national fleet.

Both Solo and JJ’s deliver a high standard of service to the community, with Bayside City Council performing better compared to other Similar Councils in all performance indicators measured through the Local Government Performance Reporting Framework.

Consideration was given to extending the contracts for 12 months with no change to service schedules, however it was deemed that this option risked losing considerable momentum and anticipation that has been created towards the change of service. This option delays the positive environmental and commercial benefits of diverting more waste from landfill and delays our transition to a circular economy. In the first year of the collection frequency change, it is forecast that approximately 5,000 additional tonnes of organic material will be diverted from landfill and processed into compost products. With the landfill levy increasing from $105.00 to $125.00 per tonne on 1 July 2022, there will be a substantial financial benefit with maintaining the change as planned.
Council has declared a climate emergency and delaying the change of collection schedules delays action on climate change. The impact of sending waste to landfill is having direct impacts on the climate. When organic material breaks down in anaerobic conditions, such as a landfill it releases and emits methane (a potent greenhouse gas) into the atmosphere.

**Recommendation**

That Council authorises the Chief Executive Officer or his delegate to:

1. extend the current Food and Green Waste Collection Contract No. 111207B for the period 1 July 2022 to 30 June 2023 and execute this in accordance with the terms and conditions of the contract

2. extend the current Domestic Waste Collection Contract No. 111207C for the period 1 July 2022 to 30 June 2023 and execute this in accordance with the terms and conditions of the contract

3. extend the current Recycling Collection Contract No. 12/64 for the period 1 July 2022 to 30 June 2023 and execute this in accordance with the terms and conditions of the contract.

**Support Attachments**

1. Confidential Attachment 1 - Finance (separately enclosed) (confidential)
Considerations and implications of recommendation

Liveable community

Social
Residential waste management services help residents to keep their property safe and hygienic through the regular removal of waste. These services rely on having a reliable collections contractor that is appropriately trained. Greater efficiencies and cost savings generated by increased resource recovery from the municipal waste stream can be invested into other services for the community.

Natural Environment
The appropriate collection of waste assists to keep the natural environment, including our beaches and waterways, free of litter and waste. The Environmental Sustainability Framework sets waste reduction targets over the next five years. The food and green waste service assists with the diversion of waste from landfill, with the food and green waste being processed and turned into compost. Council’s diversion from landfill rates have sat at 49-50% for many years prior to the introduction of a combined food and green waste service. Since the introduction of this service in July 2019, diversion levels have increased to over 60%.

Climate Emergency
The impact of sending waste to landfill is having direct impacts on the climate. Particularly when food and organic waste is sent to landfill where it breaks down in anaerobic conditions and releases and emits methane (a potent greenhouse gas) into the atmosphere. The change in collection frequency will see more food and organic waste recovered into high-quality compost instead of being buried in landfill. These changes are a key component of the Climate Emergency Action Plan 2020–25.

The change of collection schedules directly links to Theme 7 of the Climate Emergency Action Plan: ‘Transition to a Circular Economy to avoid waste: Drive the move away from the ‘take, make, dispose’ economy, towards one where all materials are treated as precious resources, with little thrown away’.

The fuel usage associated with vehicle transportation of the food and green waste collections contributes to direct greenhouse gas emissions into the atmosphere and will be balanced with the purchase of carbon offsets.

Built Environment
Appropriate waste collection services contribute to the amenity of urban streetscapes by ensuring they remain free of waste and litter and are clean, safe and tidy for the community.

Customer Service and Community Engagement

In 2018, Council adopted the Recycling and Waste Management Strategy 2018–2027 which set the scene for waste and recycling in Bayside over the next 10 years.

The Strategy was adopted following a comprehensive community consultation process that focused on gauging community sentiment around introducing a food waste recycling service, the tools required to support residents to use it, and bin collection frequency changes. 1,681 residents completed the survey. For more information, please refer to Pages 34 to 39 of Council’s Recycling and Waste Management Strategy 2018-27.
From 27 May to 11 July 2021, Council conducted a community-wide engagement process to gather feedback from residents about how they are feeling about the collection schedule change and how Council could support them through the transition. 4,203 participants provided feedback via multiple platforms including online surveys, social media and face-to-face activities.

**Human Rights**

The implications of the report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

**Governance**

Officers involved in the preparation of this report have no conflict of interest.

**Legal**

A workshop was held with relevant internal Council teams and Maddocks, Council’s legal representative, to consider any issues, risks and agree the most suitable method to proceed. Maddocks advised that due to the impacts of COVID-19 on the procurement process for the new contract, the extension of the current contract is in accordance with Council’s procurement policy. Maddocks advised that due to the constraints on potential service providers submitting compliant bids to service the contract on 1 July 2022, a 12-month extension to the current contract is the most suitable solution.

Under the Contract, JJ's Waste and Recycling and Solo Resource Recovery both agree to comply with all applicable laws in undertaking their obligations under the Contract.

**Finance**

Refer to Confidential Attachment 1 for details on the contract pricing and a comparison on the current years rate.

Figure 1 in Confidential Attachment 1 reflects that all collection rates have increased with CPI increases, however the general waste collection rates have increased due to implications associated with the collection schedule changes. The change of schedules will have impacts on the run density of general waste vehicles, increased bin presentation and increased weights of the general waste bins due to reduced collections. While the collection rate will increase, the number of overall collections will reduce as we move from a weekly to a fortnightly schedule.

The collection rate for food and green waste has increased by CPI. As collections are moving from a fortnightly to a weekly schedule, the number of collections will increase accordingly. The collection rate will allow the contractor to source new resources, including Collection vehicles and drivers that will be required to service the weekly collection schedule.

Continuing with the change to collection schedules as planned will lead to a reduction in the amount of organic material being disposed to landfill by approximately 5,000 tonnes in the first year. This will assist Council realise a cost saving of approximately $217,400 in year one.
Links to Council policy and strategy

An extension of the current contracts is compliant with Council’s Procurement Policy under section 5.10 Exemptions and Breaches. This section of the Procurement Policy states that the CEO may approve ad-hoc exemptions in exceptional circumstances where it can be demonstrated that it is in the best interest of the community to do so.

The Council Plan 2021–25, Goal 1 Our Planet

1.3. Improve environmental sustainability through a circular economy approach to waste management, recycling and energy use.

Environmental Sustainability Framework 2016–25

The ESF has an objective to ‘Increase diversion of waste from landfill to 60% by 2020, and to 75% by 2025 (from 2014–15 baseline).’

Climate Emergency Action Plan 2020–25

Theme 7 - ‘Transition to a Circular Economy to avoid waste: Drive the move away from the ‘take, make, dispose’ economy, towards one where all materials are treated as precious resources, with little thrown away’.

Council Plan 2021–25

Goal 1.3 - Improve environmental sustainability through a circular economy approach to waste management, recycling and energy use.
Options considered

Option 1

| Summary | Extend the Contracts with our existing contractors, with the domestic waste schedules to change from weekly to fortnightly, and the food and green waste collections to increase collection frequency to weekly. |
| Benefits | • Continue with the momentum that has been created for the bin collection frequency change.  
• Allow the successful tenderer for the kerbside collections services contract sufficient time to secure enough new resources (vehicles and staff) to complete the services to the standard expected by our community.  
• The environmental and commercial benefits of diverting more organic waste from landfill will be realised earlier.  
• Reduced landfill levy costs. |
| Issues | JJ’s will be required to increase the number of vehicles and drivers to increase the food and garden collection frequency to weekly, while there are pre-existing challenges with labour shortages in the waste industry. The contractor is currently confident of being able to overcome this concern. |

Option 2 (not recommended)

| Summary | Extend the Contracts with our existing contractors but delay the change to collection schedule by 12 months. |
| Benefits | The contractors are not required to alter their current service offering which helps mitigate potential issues with requiring more vehicles and drivers. |
| Issues | • The potential to lose some of the momentum created through recent engagement with the community.  
• Large volumes of food and other organic waste will continue to go to landfill.  
• No change to our food waste and purchasing habits.  
• Driver issues are potentially still an issue regardless of the collection schedule change. |

Option 3 (not recommended)

| Summary | Proceed with the new contract to commence 1 July 2022. |
| Benefits | The new contract will be established sooner and change to collection frequency can be embedded as part of the induction of the contract. |
| Issues | • A competitive tender process will not be facilitated as the majority of prospective service providers will not be able to submit compliant bids as they will be unable to service the contract from the commencement date.  
• Inability to obtain suitably qualified staff due to labour shortage.  
• Additional costs associated with leasing fleet while new fleet is being manufactured. |
Executive summary

Purpose and background
This report presents to Council a schedule of actions pending for the period to 15 February 2022.

Key issues
This report contains resolutions of Council that require a further report to Council.

Recommendation
That Council notes the Council Action Awaiting Report.

Support Attachments
1. Action Awaiting Report to 15 February 2022
## Council Action Awaiting Report Attachment

<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>ITEM</th>
<th>COUNCIL RESOLUTION</th>
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<tbody>
<tr>
<td>24/05/16</td>
<td>10.7</td>
<td><strong>Childrens’ Sensory Garden Investigation</strong>&lt;br&gt;That Council:&lt;br&gt;1. notes the typical elements of a suburban sensory garden;&lt;br&gt;2. proposes the CSIRO site is the preferred location for the establishment of a sensory garden in Bayside;&lt;br&gt;3. seeks community feedback regarding the concept of establishing a sensory garden in Bayside to inform future decisions on this matter; and&lt;br&gt;4. receives a further report detailing the financial implications associated with the establishment of a sensory garden.</td>
<td>ERI</td>
<td>A report will be provided to a future Council meeting detailing the implications of including a sensory garden in the planning of the one hectare passive open space in the CSIRO site.&lt;br&gt;The timeline of this report will be subject to the transfer of land (one hectare passive open space) is confirmed and planning can commence.</td>
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<tr>
<td>24/10/17</td>
<td>10.16</td>
<td><strong>HMVS Cerberus – Heritage Works Permit Update</strong>&lt;br&gt;That Council:&lt;br&gt;...&lt;br&gt;2. Receives a further report once Heritage Victoria has assessed the permit application for conservation and stabilisation of the HMVS Cerberus.</td>
<td>ERI</td>
<td>A future report will be presented to March 2022 Council Meeting if the permit approved method concrete infill proves problematic or beyond the current Council approved budget.</td>
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<td>25/6/19</td>
<td>10.20</td>
<td>Parking Technology, Church Street Major Activity Centre - Engagement Findings</td>
<td>ERI</td>
<td>A report will be submitted to a future meeting.</td>
</tr>
<tr>
<td>15/10/19</td>
<td>10.3</td>
<td>Small Neighbourhood Activity Centres (SNACs) - Building Height Review &amp; Recommendations</td>
<td>CPA</td>
<td>A report will be submitted to a future meeting.</td>
</tr>
<tr>
<td>18/08/20</td>
<td>10.22</td>
<td>CONTRACT CON/20/82 Moorabbin West, Hampton East and Sandringham Oval Reconstruction</td>
<td>ERI</td>
<td>A report will be submitted to a future meeting.</td>
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**Parking Technology, Church Street Major Activity Centre - Engagement Findings**

That Council:

- Receives a report at a Council meeting at least 6 months after the signs and smartphone application are active on:
  - the evaluation of the introduction of in-ground vehicle detection sensors in the Church Street Major Activity Centre; and
  - if the project has proven successful, the development of a multi-year program to install parking management technology (i.e., parking sensors) in Bay Street, Hampton Street, Sandringham Village, Martin Street, Beaumaris Concourse and the Black Rock Activity Centres in both on and off-street parking spaces.

**Small Neighbourhood Activity Centres (SNACs) - Building Height Review & Recommendations**

That Council receives a report following the approval of Amendment C126 that outlines opportunities for mandatory height controls in Small Neighbourhood Activity Centres.

**CONTRACT CON/20/82 Moorabbin West, Hampton East and Sandringham Oval Reconstruction**

That Council:

5. receives a report at a future meeting detailing the outcomes of a review of the Sportsground Reconstruction Program.
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<tbody>
<tr>
<td>15/09/20</td>
<td>10.2</td>
<td>Cheltenham Heritage Station Buildings and Scout Hall</td>
<td>A report will be submitted to a future meeting.</td>
</tr>
<tr>
<td>18/05/21</td>
<td>10.7</td>
<td>Bayside Local Economy Recovery Program (BLERP)</td>
<td>A report will be submitted to a future meeting.</td>
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</table>

3. receives a report at a future Council meeting that outlines the outcomes of the feasibility study, community engagement and proposed project cost.

4. receives a report at the June 2022 Ordinary Council Meeting providing an update on the actions detailed above with a particular focus on:

- implementation of the Wildlife Friendly Lighting Policy;
- success or otherwise of the nest-box and log hollow project; and
- progress of the Water for Wildlife project.

3. reviews the construction of an outdoor permanent structure within the Beaumaris Concours Green and a report be presented to a future Council meeting on the scope and cost to implement these works. In addition consideration of potential opportunities for similar structures within all major activity centres and presented to Council. All projects will be considered and where appropriate referred to the future Capital Works program.
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<tr>
<td>15/06/21</td>
<td>10.11</td>
<td><strong>Road Management Plan Review</strong></td>
<td>ERI</td>
<td>A report is included in this Agenda.</td>
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<td>That Council:</td>
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<td>2. receives a report reviewing the levels of service outlined in the Road Management Plan at the February 2022 Council meeting.</td>
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<tr>
<td>15/06/21</td>
<td>10.17</td>
<td><strong>Sandringham Hospital Strategic Agreement – Update</strong></td>
<td>CCE</td>
<td>A report will be submitted at or before the March 2022 Council Meeting.</td>
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<td>That Council:</td>
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<td>2. provides a report to Council by March 2022 detailing the outcome of these discussions.</td>
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<tr>
<td>15/06/21</td>
<td>10.18</td>
<td><strong>Economic Development and Tourism Strategy – Update</strong></td>
<td>CPA</td>
<td>A report will be submitted at or before the June 2022 Council Meeting.</td>
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<td>That Council notes the update on the Economic Development and Tourism Strategy and provides a further status update by June 2022.</td>
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<td>12. receives a report by no later than 31 December 2022 updating on the implementation of this Motion with a focus on the park improvements implemented and the use of the Reserve by Brighton Grammar School and other Bayside schools.</td>
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<td>17/8/21</td>
<td>10.8</td>
<td><strong>Integrated Transport Strategy 2018 - Implementation Progress During 2020–21</strong></td>
<td>ERI</td>
<td>A further report will be submitted to the August 2022 Council Meeting.</td>
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<td>That Council:</td>
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<td>2. receives a report of the implementation actions progressed in 2021–22 from the Integrated Transport Strategy 2018–2028 in August 2022</td>
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<tr>
<td>14/9/21</td>
<td>10.2</td>
<td><strong>Proposed Council land to restrict model aircraft (including drones) use without a permit</strong></td>
<td>CPA</td>
<td>A report will be submitted to a future meeting.</td>
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<td>That Council defers consideration of the ‘Proposed Council land to restrict model aircraft (including drones)’ to a future meeting of Council, given new information received in relation to the restricted airspace of Moorabbin Airport that extends over parts of the Bayside City Council Municipality. Noting a number of the proposed prescribed areas fall within the Moorabbin Control Zone, further investigation is required to ensure that there are no conflicts between prescribed areas and areas prohibited under federal CASA regulations.</td>
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<td>14/9/21</td>
<td>10.7</td>
<td><strong>Neighbourhood Character Review</strong></td>
<td>CPA</td>
<td>A report is included in this Agenda.</td>
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<td>That Council:</td>
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<td>4. receives a report at or before the February 2022 Council Meeting relating to possible changes to the General Residential Zoned land in Bayside.</td>
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| 14/9/21        | 13.1 | **Notice of Motion - 313 – Spacelets**  
That Council:  
...  
8. refers the review of the footpath trading guidelines to the February 2022 Council Meeting to align with the Spacelets review | CPA | A report is included in this Agenda. |
| 14/9/21        | 13.2 | **Notice of Motion - 314 - Butterfly-friendly Bayside**  
That Council receives a report at the April 2022 Council meeting detailing:  
1. outcomes and recommendations of a review of various herbicides, pesticides and poisons (with a particular focus on rodent poison) in Council’s open space, with a particular focus on the use of Glyphosate  
2. a plan to work with environmental Friends Groups to audit the existence of and protect current mistletoe populations within Bayside and the possible trial of a Mistletoe Propagation Project within Bayside  
3. opportunities for the planting of indigenous flowers and grasses with particular benefits to butterflies and other insects. | ERI | A further report will be submitted to the April 2022 Council Meeting. |
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<tr>
<td>14/9/21</td>
<td>13.3</td>
<td><strong>Notice of Motion - 315 - Wildlife-friendly gardens and nature strips</strong>&lt;br&gt;That Council receives a report to the February 2022 Council Meeting detailing a plan for Council to actively promote wildlife-friendly gardens, including consideration of:&lt;br&gt;1. promoting there is no longer a need for permits for indigenous plantings in nature strips&lt;br&gt;2. partnering with community groups to run a series of webinars on wildlife-friendly gardening&lt;br&gt;3. encouraging wildlife-friendly cat ownership, including cat containment, and information about the cat curfew&lt;br&gt;4. working with residents to create gardens that deter noisy miners and provide refuge for small native birds.</td>
<td>ERI</td>
<td>A report is included in this Agenda.</td>
</tr>
<tr>
<td>26/10/21</td>
<td>10.4</td>
<td><strong>Climate Emergency Action Plan Update</strong>&lt;br&gt;That Council:&lt;br&gt;...&lt;br&gt;2. receives a further report in the first quarter of the 2022–23 financial year detailing progress on implementation of the Climate Emergency Action Plan and updates for the revised Climate Emergency Action Plan.</td>
<td>ERI</td>
<td>A report will be submitted at of before the September 2022 Council Meeting.</td>
</tr>
<tr>
<td>26/10/21</td>
<td>10.11</td>
<td><strong>Update on Undergrounding Powerlines</strong>&lt;br&gt;That Council:&lt;br&gt;...&lt;br&gt;3. receives the draft policy to be presented to the June 2022 Council Meeting for further consideration.</td>
<td>CPA</td>
<td>A report will be submitted to the June 2022 Council Meeting.</td>
</tr>
<tr>
<td>DATE OF MEETING</td>
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| 26/10/21       | 10.13 | **Submission to Department of Justice and Community Safety** - Decriminalisation of Sex Work in Victoria  
That Council:  
...  
2. receives a report on any relevant implications of legislation changes and its implications for Bayside. | CPA      | A report will be submitted to a future Council meeting. |
| 23/11/21       | 10.3  | **Dendy Street Beach - Erosion Mitigation Update**  
That Council:  
...  
6. receives a report by the March 2022 Council meeting detailing the outcomes of investigations into long-term mitigation options with one option being reef restoration. | ERI      | A report will be submitted at of before the March 2022 Council Meeting. |
| 23/11/21       | 10.5  | **Update on the review of criteria for assessing discretionary height controls in activity centres**  
That Council receives a report at or before its April 2022 meeting with the findings of the review into the criteria for considering varying discretionary height controls in activity centres. | CPA      | A report will be submitted at of before the April 2022 Council Meeting. |
| 23/11/21       | 10.6  | **Sustainable Buildings and Infrastructure Policy 2021**  
That Council defers consideration of the Sustainable Building and Infrastructure Policy 2021 (Attachment 2 to this report) to the March 2022 Council meeting. | ERI      | A report will be submitted at of before the March 2022 Council Meeting. |
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<tbody>
<tr>
<td>23/11/21</td>
<td>10.7</td>
<td>Environmental Upgrade Finance</td>
<td>ERI</td>
<td>A report will be submitted to the November 2022 Council Meeting.</td>
</tr>
<tr>
<td>23/11/21</td>
<td>13.1</td>
<td>Notice of Motion - 317 - Noisy Miner Project - Restoring the Balance</td>
<td>ERI</td>
<td>A report is included in this Agenda.</td>
</tr>
<tr>
<td>21/12/21</td>
<td>10.4</td>
<td>Warm Water Pool - Update on discussions with a commercial provider and Consideration of a preferred site</td>
<td>ERI</td>
<td>A report will be submitted at or before the July 2022 Council Meeting.</td>
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**DATE OF MEETING**

**Item 10.7** Environmental Upgrade Finance

That Council:

6. receives a further report at the November 2022 Council meeting with an update on business use of the program and progress towards residents being able to access it.

**DATE OF MEETING**

**Item 13.1** Notice of Motion - 317 - Noisy Miner Project - Restoring the Balance

That a report be presented to Council in February 2022 detailing the development and implications of the program and opportunities to work in partnership with community groups to actively manage the Noisy Miner bird population in Bayside.

**DATE OF MEETING**

**Item 10.4** Warm Water Pool - Update on discussions with a commercial provider and Consideration of a preferred site

That Council:

8. receives a report no later than July 2022 detailing the findings of the community engaged process regarding the proposed Warm Water Pool and Wellness Centre at Brighton Golf Course and that this report includes a possible approach and proposed timeframe for considering additional environmental assessment of the project.
## Implementation of Bayside Activity Centres Structure Plan

### Actions relating to pedestrian movement and connectivity into residential areas

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| 21/12/21        | 10.7 | **Implementation of Bayside Activity Centres Structure Plan**<br>**Actions relating to pedestrian movement and connectivity into residential areas**
|                 |      | That Council:                                                                                                  | ERI      | A report will be submitted at or before the July 2023 Council Meeting.           |
|                 |      | 2. requires a report to be presented to a future Council meeting, no later than July 2023 and referred to the budget for the allocation of appropriate resources, that identifies the highest order connectivity corridors (pedestrian and cycling) between retail strips and adjoining residential areas based on current dwelling densities and future demand based on approved planning and building permits data. The report must include:<br>a. connectivity corridors mapping<br>b. costing to deliver connection priorities |          |                                                                                 |

## Interim Update: Notice of Motion - 307 - Landcox Park Lake; Notice of Motion - 309 - Nature-Rich Bayside; and Notice of Motion - 314 - Butterfly-Friendly Bayside

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| 21/12/21        | 10.11| **Interim Update: Notice of Motion - 307 - Landcox Park Lake; Notice of Motion - 309 - Nature-Rich Bayside; and Notice of Motion - 314 - Butterfly-Friendly Bayside**
<p>|                 |      | That Council:                                                                                                  | ERI      | A report will be submitted to the April 2022 Council Meeting.                   |
|                 |      | 1. receives a report in response to Notice of Motion 314 at the April 2022 Council meeting detailing:&lt;br&gt;a) outcomes and recommendations of a review of various herbicides, pesticides and poisons (with a particular focus on rodent poison) in Council's open space, with a particular focus on the use of Glyphosate&lt;br&gt;b) a plan to work with environmental Friends Groups to audit the existence of and protect current mistletoe |          |                                                                                 |</p>
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<tr>
<td>21/12/21</td>
<td>10.17</td>
<td>Proposed Lease to Optus at Balcombe Park Reserve</td>
<td>CORP</td>
<td>A report will be submitted to a future Council meeting.</td>
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<td>2. receives a report at the June 2022 Council Meeting providing an update on the actions detailed in Notice of Motion 307 and Notice of Motion 309 with a particular focus on the:</td>
<td></td>
<td>A further report will be submitted to the June 2022 Council Meeting.</td>
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</tbody>
</table>

- a) Lake Management Plan and associated implementation costs
- b) implementation of the Wildlife Friendly Lighting Policy
- c) success or otherwise of the nest-box and log hollow project
- d) progress of the Water for Wildlife project.

5. following the consideration of any submissions, receives a further report at a future Council meeting.

populations within Bayside and the possible trial of a Mistletoe Propagation Project within Bayside

c) opportunities for the planting of indigenous flowers and grasses with particular benefits to butterflies and other insects

21/12/21 10.17

Proposed Lease to Optus at Balcombe Park Reserve

That Council:

...
11. Reports by Delegates

1. **Association of Bayside Municipalities** – Crs Fiona Stitfold and Clarke Martin

2. **Metropolitan Transport Forum** – The Director Environment, Recreation and Infrastructure

3. **Municipal Association of Victoria** – The Mayor, Cr Alex del Porto

4. **Inner South Metropolitan Mayors’ Forum** – The Mayor, Cr Alex del Porto

5. **Metropolitan Local Government Waste Forum** – Cr Clarke Martin

6. **South East Councils Climate Change Alliance** – Crs Clarke Martin and Fiona Stitfold

12. Urgent Business

13. Notices of Motion

There were no notices of motion submitted to the meeting.