

Requests to be Heard

27 June 2023

Council Meeting



Bayside
CITY COUNCIL

Council Meeting

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Requests to be Heard

Item 10.2		For (F) Against (A)
2023–24 Budget		
Written Statements		Page 5
1.	Mr Ashley Moore	(A)
2.	Ms Joanne Bryant	(A)
3.	Mr Thomas Sullivan	(A)
4.	Mr George Reynolds (on behalf of Bayside Ratepayers' Group - Ratepayers Victoria Inc.	(A)
Requests to Speak		
1.	Mr James Newbury MP	(A)
2.	Mr Leigh Funston	(A)
3.	Mr George Reynolds (on behalf of Bayside Ratepayers' Group - Ratepayers Victoria Inc.	(A)

Item 10.3		For (F) Against (A)
Declaration of Rates and Charges		
Written Statements		Page 11
1.	Mr Philip Lovel	(A)
2.	Mr George Reynolds (on behalf of Bayside Ratepayers' Group - Ratepayers Victoria Inc.	(A)
Requests to Speak		
1.	Mr Geoff Leigh	(A)
2.	Mr George Reynolds (on behalf of Bayside Ratepayers' Group - Ratepayers Victoria Inc.	(A)

Item 10.5		For (F) Against (A)
Draft Urban Forest Precinct Plans Consultation		
Requests to Speak		
1.	Mr Derek Screen	(F)

Item 10.7		For (F) Against (A)
Concept Design for Hampton Hub		
Written Statements		Page 13
1.	Mr Tony Shepherd (on behalf of Hampton Neighbourhood Association)	(F)
Requests to Speak		
1.	Mr Tony Batt	(F)
2.	Mr Evan Packer	(F)
3.	Mr Tony Shepherd (on behalf of Hampton Neighbourhood Association)	(F)

Item 10.8		For (F) Against (A)
Wishart Reserve - Dog Off Leash Space Design Update		
Requests to Speak		
1.	Mr Alf Marrocco	(A)
2.	Mr Rory Osman	(A)
3.	Miss Amanda Levi (on behalf of Bayside Dog Alliance)	(F)

Item 10.11		For (F) Against (A)
Road Management Plan review		
Written Statements		Page 15
1.	Mr Derek Jones (obo Friends of Bayside Roads)	(A)

Item 10.13		For (F) Against (A)
Bayside Parking Strategy - Parking Sustainably 2023–33		
Written Statements		Page 18
1.	Sister Michele Kennan	(A)

WRITTEN STATEMENTS

Item 10.2 2023–24 Budget		For (F) Against (A)
1.	Mr Ashley Moore	(A)
<p>Dear Bayside Councillors and Mayor, I am a long time Bayside resident, living in Black Rock.</p> <p>I seem to have missed the boat in providing feedback in time for consideration, but hope that you're able to read this ahead of the final vote to accept, or return for modification, the proposed budget.</p> <p>I find it outrageous that the Council has proposed to increase rates to the ceiling of the allowable range at this time of increased cost of living pressures, especially so when the increase is not required. The budget delivers an underlying surplus of an amount which exceeds the rate rise value! Roughly, the increase in rates is ~\$3.2m, whereas the underlying surplus is \$14.9m.</p> <p>You're just increasing rates to add more to the \$100m you have in reserves.</p> <p>It feels like Council has chosen to prioritise building the reserves over the needs of citizens and rate payers.</p> <p>It seems that because the State Government has given you scope to increase rates to 3.5%, you've taken it rather than consider anything less than the maximum. Did Council and Executive consider reductions in the ambitious building program? Any other budget savings?</p> <p>I make these comments not just as an unhappy resident, but also as an experienced company Director and businessman. There are other options that Bayside could have considered, but you've taken the easy way out by increasing rates to the maximum allowable.</p> <p>Yours in disappointment, Ashley Moore</p>		

2.

Ms Joanne Bryant

(A)

I am disappointed that the Council, by prioritizing non core projects, such as an allocation of funds for Climate Change, are increasing rates at a time when Bayside ratepayers can least afford it. I am sure that the Council are coming to understand the effects of rising inflation on the cost of living for ratepayers. I request that the Council review all expenditure that is non-essential and makes efficient delivery of services in Bayside their focus.

3.	Mr Thomas Sullivan	(A)
<p>In response to the 2023/24 budget. The increase in rates (of 3.5%) is an unreasonable impost on families and households already heavily impacted by the dual pressures of record high inflation and rising interest rates. Moreover the increase in rates is completely unnecessary - Bayside have little or no debt, a surplus budget and are likely to benefit from the rising capital improved value of house prices in the area (/across the state).</p>		

4.

Mr George Reynolds

(A)

DOC/23/187524 - 26/06/23

Bayside Council. Presentation of Annual Budget – 2023/24.

SUBMISSION TO COUNCIL MEETING 27TH June 2023. Item ????

1. Attached is an adjusted copy of the published CIS, for the 2023/24 financial year. It has been separated into four functions, as required by AASB 101-29. It also separates out items which are capital by nature. The capital items are adjusted out. In accordance with the requirements of Part 3 s8(4)(b) of Reg. 117 2020.
2. Detailed Reporting of Own Source Revenue is not required by the Local Government Act 1989. However, being a Corporate activity, it must be reported under Corporations Law. Note the definition of Own-source Revenue is shown in Schedule 3 of Reg. 117.
3. Own-source Revenue is the revenue generated from Council's commercial activities, or Beneficial Enterprises. The adjusted underlying surplus is the profit that Council is allowed to retain. In Reg.117 the retained profit is known as Council Cash.
4. Of significance, Council is not allowed to retain the surplus from non-voluntary contributions, i.e. That from Rates and Charges. (AASB 1004. 12-15).
5. In summary, the Comprehensive Income Statement, being put before Council for approval, is implausible.
6. Further, the Source and Application of Capital Funds, document (4.5.1 Summary) on page 63, is also implausible. Council Cash is stated to represent \$62.537 million. The Adjusted Underlying Surplus to be expected is only 14.859 million. There is a credibility gap of \$47.678 million. If the gap is to be filled as in the past, as much as 33% of the operating budget may be spent on capital goods, at the expense of the ratepayers, without giving the ratepayers any benefit.
7. Councillors, your 2023-2024 Budget document is implausible, both in the operating side and the capital side.

BAYSIDE CITY COUNCIL - BUDGET 2023 - 2024.
 Schedule of Comprehensive Income and Expenditure,

ENTRY/ In \$'000	Source	General Rates	Municipal Charges	Waste Charge	Total R&C Revenue	Own Source Revenue	Capital Entries	C.I.S. (BCC)	Check	Adjusted Income
Rates and Charges		88,043	7,952	17,153	113,148			113,148		113,148
Fees and Fines						9,016		9,016		9,016
Grants - Operating						21,036		21,036		21,036
Grants - Capital							8,361	8,361		
Contributions - Capital							2,750	2,750		
User Fees						9,224		9,224		9,224
Contributions - non- Monetary							7,004	7,004		
Interest Income						3,391		3,391		3,391
Other Income						1,358		1,358		1,358
Contributions Operating						102		102		102
Rental Income						4,238		4,238		4,238
TOTAL INCOME		88,043	7,952	17,153	113,148	48,365	18,115	179,628	179,628	161,513
CHECK TOTAL										18,115
Expenditure/	Source									
Employee Costs	s8(5c)E							59,757		59,757
Materials and Services	s8(5c)M							60,091		60,091
Depreciation	s8(5)(h)E							23,779		23,779
Amortisation - Intangibles	s8(5)(h)M							793		793
Amortisation - Right of Use Assets	s8(5m)E							1,125		1,125
Bad & Doubtful Debts	s8(5m)M							859		859
Lease Financing								61		61
Other Expenses								519		519
TOTAL EXPENSES		NS	NS	NS	87821	33506	25,697	147,024		121,327
Surplus from Rates and Charges					25324					
Adjusted Underlying Surplus	(Council Cash)					14,859				

NOTES.

1. Items marked NS (Not Stated) are being withheld by Council who refuse to reply to FoI requests, seeking information
2. Items marked with the prefix 8(5)(c) are required to be reported to comply with Clause 8(5)(c) of Reg.117 2020, (The Local Government (Planning and Reporting) Regulations,2020).
Items marked with the prefix 8(5)(h) are required to comply with Clause 8(5)(h) of Reg. 117 2020.
Items marked with the prefix 8(5)(m) are required to comply with Clause 8(5)(m) of Reg. 117 2020.
3. The surplus from Own-source Revenue is also known as "adjusted underlying surplus (or deficit)" in Schedule 3, Part 1 of Reg.117 2020. It is the revenue earned from Corporate Activities. Corporate Activities are those listed in pp 83-97 in the budget.
4. The Capital Works Program (pp 63-73) shows expenditure using Council Cash is planned to be \$62.637M for the year. Total Own-Source Revenue is only \$48.365M. It seems most likely that the Own-source Revenue account will show a substantial deficit, when capital transfers are taken into account.
5. Revenue from Rates and Charges cannot be used for any purpose other than for which it was levied, (AASB :1004.12-19.
6. Surplus arising from Rates and Charges must be held in trust and reported in Division 3,(1)(b) of Reg 117/220.
7. The capital requirement of \$67.316M is not sourced. However, \$25.324M appears to have been taken from rates and charges surplus, and \$25.697M sourced from D & A deductions. The difference, \$16.295M comes from a fall in cash reserves.

11

Item 10.3		For (F) Against (A)
Declaration of Rates and Charges		
1.	Mr Philip Lovel	(A)
<p>The Bayside Budget papers speak about "cost shifting" from the State and Federal Governments back to Bayside Council. Can you please advise what amounts are involved and how the Bayside Council has responded to this shift and what amount of funding it involves. Also, what does the Bayside Council intend to do about it?</p> <p>Our rates have been increased to accommodate this shift therefore I believe the rate increase should be minimal up to a maximum of 2% in times of high cost of living. Many people on fixed incomes are really struggling to meet their everyday living costs. I don't think the Councillors have considered how difficult life is in the community.</p>		

2.

Mr George Reynolds

(A)

DOC/23/187525 - 26/06/23

Have Your Say. Council Meeting, 27 06 2023. Item 10.3.

The budget document, presented to Council in Item 10.2 is missing statutory information. The Notice Paper shows (p268) that a declaration of \$108,110,000 be raised for the sum of rates, municipal charges and waste service charges. This transforms to a total sum which h will be raised, of \$112,785,462, on page 269. It is not surprising that there is great indecision because your budget accounts lack the fundamental information which must be shown in Regulation 117/2020, s8(5)(c), (h), and (m).

Our analysis of an adjusted CIS, prepared in compliance with Regulations and Accounting Standards, shows that the "estimated amount to be raised for rates and charges" is \$87, 821,000 – 30% lower. Because the statutory sum is Not Stated, we are unable to show the detail, but the adjusted totals which is to be declared, is undoubtedly incorrect.

The surplus of \$25million which will be collected, if the cost estimates are achieved, will need to be returned to the ratepayers. This has never happened before, despite the process of over-collecting rates in order to generate capital as "council cash", being established over many years.

Councilors, you need to order a revised budget.

End of Document bccrc270623.

Item 10.7		For (F) Against (A)
Concept Design for Hampton Hub		
1.	Mr Tony Shepherd (on behalf of Hampton Neighbourhood Association)	(F)
<p>HNA strongly supports the Hampton Hub and accompanying green space.</p> <p>We support a study in pursuit of its development.</p> <p>HNA's support, however, is premised upon a number of amendments to the proposed study. Without these it is deeply flawed. They are:</p> <ol style="list-style-type: none"> 1) That Council undertakes a feasibility analysis for the Hampton Hub of development options 1,3 and 4 only. 2) That, in the absence of the complete removal of all bus traffic from the Willis Street precinct, the study is premised on no change to the Council decision of April 2016 regarding trafficways and bus movements. 3) That the scout hall site is recognized as part of the open space solution in the Willis Street precinct and included as such in the feasibility study. 4) That, as part of the study, assessment criteria are developed and applied equally to all of the options developed. The criteria and performance of each option against them to be published in the final report back to Council. 5) That all options are developed to comply fully with Bayside's planning scheme, including discretionary standards such as preferred building heights. <p>The rationale for the last two of these amendments is self evident. The rationale for the first three follows:</p> <p>The Hub Masterplan was adopted by Council in 2021, after extensive community consultation on Option 1, yielding broad community support.</p> <p>Options 3 and 4, being lower cost, reduced footprint variants of Option 1 arguably benefit from this support.</p> <p>Option 2 does not. It contemplates a wholly new footprint, inclusion of a commercial partner and, to satisfy that partner's profit needs, a 10 storey apartment block at the precinct centre.</p> <p>There is absolutely no community mandate for this and it would be strongly opposed. It has no place in the study proposed.</p> <p>Turning to trafficways and bus movements, a 2016 Council decision was made on these after detailed work by Council and the community.</p> <p>They were a key aspect of the 2018 VCAT ruling for the Hampton Quarter.</p> <p>This study should leave them unchanged.</p>		

Finally, the officer's report for this agenda item notes the lack of open space in the Hampton MAC. The scout hall site can and should be made part of the solution to this deficiency.

HNA supports a high quality study, and asks councillors to adopt our proposed amendments to ensure such a study is undertaken.

Item 10.11 Road Management Plan review	For (F) Against (A)
1. Mr Derek Jones (obo Friends of Bayside Roads)	(A)
<p>Uneven Footpath Intervention at Dangerous Levels</p> <p>This submission relates to the amelioration of footpath panels that are raised, broken or damaged from tree roots, are showing natural wear and tear causing surface to break up or have damaged pit surrounds or lids. It clearly illustrates why the current 25 mm intervention rate is dangerous.</p> <p>Reference: Item 10.11 ROAD MANAGEMENT PLAN REVIEW of the Agenda for the Council meeting on 27 June 2023.</p> <p>Presently, Council’s Road Management Plan requires that a defect in footpaths or kerb and channel must be actioned when it reaches an ‘intervention level’ of 25 mm or 50 mm, respectively. Council may utilise any appropriate method to repair the defect and make it safe.</p> <p>This includes grinding edges to repair the hazard if the segment was in otherwise good condition and did not need to be replaced. 25 mm in the kerb and channel. Bayside RMP currently requires contractors to ‘restore alignment and level of kerb and channel with replacement of defective sections.’ It is proposed under Item 10.11 to change this wording to ‘restore the alignment and level of the kerb or channel by grinding, repairing, or replacing the defective sections.’ That is the way it should be, since to replace a defective panel when only a join between the panels needs grinding or repairing is not necessary.</p> <p>However, in my opinion and in the opinion of a majority of the volunteer members of the Friends of Bayside Roads, this high tolerance is manifestly dangerous and puts pedestrians at risk of serious injury.</p> <p>Especially when Bayside has a rapidly growing proportion of aged residents which is well known to both Councillors and staff.</p> <p>I was a victim of an uneven footpath in Black Rock recently which led to eight hours in Sandringham Hospital’s emergency ward followed by a long healing period - never mind the associated costs, including smashed spectacles and medication (image attached).</p> <p>With vulnerable aged and disabled people, this type of event can lead to serious head and neck injuries, so I underwent a series of x-rays, a brain scan, and a number of other tests over the time I was in the emergency ward.</p> <p>I reported the uneven footpath to Council and they inspected the footpath where I smashed my face. They still haven't performed remedial work there because they said that it was under or at the 25mm tolerance level, which doesn’t make any sense to me at all.</p>	

I smashed my face there because it was uneven enough at 20 mm for me to trip over, causing pain and injury but the Council's position was that it was at a safe level. Well it wasn't and still remains a danger to the public in my view.

At Kingston Council their 'pathway intervention service levels', for vertical displacement around local shopping areas, high usage pathways and pathways everywhere else are set at 15 mm which is far more realistic than those in Bayside. They are I believe about to reduce that to 5mm. Boroondara Council is 20 mm and Port Phillip is 20 mm.

The notion expressed in the RMP that because other councils are also at 25 mm it is okay for Bayside doesn't mean that is right, it makes no sense.

My daughter tripped over an uneven footpath in Middleton St about eighteen months ago, injuring both knees and wrists, and smashing her phone which cost her plenty, but when I contacted Council, I was advised by the insurer that because they weren't aware of this particular uneven footpath Council was not at fault under the road management state laws.

Alan Ross, now deceased, a former vice principal at St Leonards College, also tripped on an uneven footpath on Bay St Brighton about six months ago when he was clearing litter on behalf of the Friends of Bayside Roads litter patrol. He too finished up in hospital with head and neck injuries as I did and faced a lengthy recovery period.

Many legal firms are now advertising heavily on television appealing to people who have been injured in public places to take legal action. Slater and Gordon's ads include the line that they will act on the basis of 'no win no pay'.

This marketing initiative I believe will, without doubt, lead to councils across Victoria facing increased claims by members of the public suffering the same fate as myself.

If someone else trips up on this particular uneven footpath in Bluff Road that caused me to trip, for example, it follows that because I have informed Council of my situation, Slater and Gordon would have red hot go at Council, wouldn't they?

This week I surveyed the unevenness of three Bayside streets the run off Bluff Road against council's own really dangerous 25 mm tolerance level and I found five of them had a vertical divergence of 30mm and above which begs the question; what is the inspection the period between inspections across the municipality?

The bottom line is Council should take this lapse of common sense with uneven pathways tolerance levels far more seriously, when the danger of injury is clearly there for so many elderly, vulnerable and inattentive members of the public.

My understanding is to reduce pavement vertical displacement to 15 mm would cost \$600,000 per annum which if true is a small price to pay against the potential injury, pain and suffering to pedestrians. Especially against Council's expense budget for non-fundamental and non-essential items like climate change administration, cultural activities and so on.

The latest issue of Let's Talk Bayside, headlines that Council wants to get the fundamentals right, so let's do that. Fundamentals just like 'Keeping Bayside Beautiful' especially its roadside reserves, where littering has become the normal across the municipality.

Please take the time, Councillors, to read the monthly report of the Friends of Bayside Roads Litter Patrol to understand the extent of littering, illegal dumping, and vandalism we have observed, collected, and reported over the past almost eight years.

(see images below)

Derek Jones

Convenor

Friends of Bayside Roads



Item 10.13 Bayside Parking Strategy - Parking Sustainably 2023–33	For (F) Against (A)
1. Sister Michele Kennan	(A)
<p>I feel you have not provided for all the builders who fill up the parking spaces early in the morning. I am a resident and 79 years old and can no longer do my shopping in Hampton, because there no parking due to building beside the Woolworths car park.</p> <p>I'm feeling very sorry about this because I'm one of those who likes to support my local area and shopping strip. It is the same in my street - Crisp St - building going on all around me - Naturally - workers take up spots from early morning - so no. Visitors for me with cars - no car parks at all. I feel very sorry about this.I feel the \$\$\$ is much more important than residents</p> <p>Thank you. Michele Kennan</p>	