Ordinary Meeting of Council

Council Chambers
Civic Centre
Boxshall Street Brighton

Tuesday
17 December 2019
at 7pm

Agenda
Members of the Gallery

Your attention is drawn to Section 92 of Council’s Governance Local Law No 1.

Section 92 The Chair’s Duties and Discretions

In addition to other duties and discretions provided in this Local Law, the Chair –

(a) must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community;

(b) may demand retraction of any inappropriate statement or unsubstantiated allegation;

(c) must ensure silence is preserved in the public gallery during any meeting;

(d) must call to order any member of the public who approaches the Council or Committee table during the meeting, unless invited by the Chair to do so; and

(e) must call to order any person who is disruptive or unruly during any meeting.

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

Your cooperation is appreciated

Chairperson of Council
Order of Business

1. Prayer
2. Acknowledgement of Original Inhabitants
3. Apologies
4. Disclosure of any Conflict of Interest of any Councillor
5. Adoption and Confirmation of the minutes of previous meeting
6. Public Question Time
7. Petitions to Council
8. Minutes of Advisory Committees
   8.1 Assembly of Councillors Record
   8.2 Minutes of the Audit & Risk Management Committee meeting held on 20 November 2019
9. Reports by Special Committees
   9.1 Minutes of the Bayside Arts Board meeting held on 13 November 2019
   9.2 Minutes of the Special Committee of Council held on 25 November 2019 to Hear Submissions in relation to the Proposed Sale of Council-owned Land Adjoining 37-39 Melrose Street & 58 Station Street, Sandringham
   9.3 Minutes of the Special Committee of Council held on 25 November 2019 to Hear Submissions in relation to the Proposed Discontinuance and Sale of a Portion of the Subterranean Part of the Right-of-Way (Road) Adjoining 322-326 New Street and 71-73 Bay Street, Brighton
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    10.1 Climate Emergency - Implications and Approaches
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1. **Prayer**

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

2. **Acknowledgement of Original Inhabitants**

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

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

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

3. **Apologies**

4. **Disclosure of any Conflict of Interest of any Councillor**

5. **Adoption and Confirmation of the minutes of previous meeting**

5.1 Confirmation of the Minutes of the Ordinary meeting of Bayside City Council held on 19 November 2019.

6. **Public Question Time**

7. **Petitions to Council**
8. Minutes of Advisory Committees

8.1 ASSEMBLY OF COUNCILLORS RECORD

Executive summary

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

Key issues
This report fulfils the requirements of reporting an Assembly of Councillors to the next practical Ordinary Meeting of Council in accordance with the Local Government Act 1989.

Recommendation
That Council notes the Assembly of Councillor records submitted as required by the Local Government Act 1989:

- 3 December 2019 CEO and Councillor only Briefing; and
- 3 December 2019 Councillor Briefing.

Support Attachments
1. 3 December 2019 CEO and Councillor only Briefing - Record of Assembly of Councillors
2. 3 December 2019 Councillor Briefing - Record of Assembly of Councillors
Record of Assembly of Councillors

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

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<th>Meeting Information</th>
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<th>Attendees</th>
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<td>Councillors</td>
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<td>Mayor, Cr Clarke Martin</td>
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<td>Cr Sonia Castelli</td>
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<td>Cr Michael Heffernan</td>
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<td>Cr James Long</td>
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<tr>
<td>Mick Cummins</td>
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Record of Assembly of Councillors

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

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<td>Item 4.1</td>
<td>Neighbourhood Character Review 2019 - Project Program Overview</td>
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<td>Item 4.2</td>
<td>Amendment C160: Highett Structure Plan - Summary of Submissions</td>
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<td>Item 4.3</td>
<td>Urban Forest Case Study - Beaumaris</td>
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<tr>
<td>Item 4.4</td>
<td>Final Updated Housing Strategy</td>
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<td>Item 4.5</td>
<td>Telstra Phone booths</td>
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<tr>
<td>Item 4.6</td>
<td>Climate Emergency - Implications and Approaches</td>
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<tr>
<td>Item 4.7</td>
<td>Beaumaris Sports Club and RSL lease proposal</td>
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<tr>
<td>Item 4.8</td>
<td>Proposal to enter into a 5 year lease over part of the Sandringham Family Leisure Centre</td>
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Attendees

Councillors
Mayor, Cr Clarke Martin
Cr Sonia Castelli
Cr Alex del Porto
Cr Laurence Evans
Cr Rob Grinter
Cr Michael Heffernan
Cr James Long

Staff
Mick Cummins
Chief Executive Officer

Apologies

Councillors
Nil

Conflict of interest disclosures

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<tr>
<th>Matter No</th>
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<tr>
<td>Item 4.7</td>
<td>Mayor, Cr Clarke Martin</td>
<td>Yes</td>
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<tr>
<td>Beaumaris Sports Club and RSL Lease Proposal</td>
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</table>
The minutes of the Audit & Risk Management Committee meeting held on 20 November 2019 which forms an attachment are presented in camera in accordance with the Local Government Act 1989 Section 89(2)(h) – any other matter which the Council or a Special Committee considers would prejudice the Council or any person.

Should Councillors wish to discuss the content of the minutes it would be appropriate that Council resolves to consider the matter in-camera.

Executive summary

Purpose and background

To advise Council of the business transacted at the Audit & Risk Management Committee held on 20 November 2019.

The Audit & Risk Management Committee is an independent Advisory Committee to Council appointed by Council pursuant to Section 139 of the Local Government Act 1989.

The primary objective of the Audit & Risk Management Committee is to assist Council to fulfil its corporate governance responsibilities through the effective conduct of its responsibilities for accounting and financial reporting practices, management of risk, maintaining a reliable system of internal controls, operation of good governance and facilitation sound organisational ethics.

The Audit & Risk Management Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibilities. The Committee does not have any management function and is therefore independent of management.

As part of Council’s governance obligations to its community, the Committee was established to provide the Council with guidance on:

- Internal and external financial reporting;
- Management of financial and other risks;
- Effectiveness of the internal and external audit functions;
- Provision of an effective means of communication between the external auditor, internal auditor, management and Council; and
- Advice and recommendations on various matters within the charter in order to facilitate decision making by Council in relation to the discharge of its responsibilities.

The internal, external auditors and other assurance providers support the Committee by providing independent and objective assurance on internal corporate governance, risk management, internal control and compliance.
**Key issues**

The matters discussed at the meeting on 20 November 2019 include:

**Chief Executive Officer's Update**

**Summary of Parliamentary Reports**

A self-assessment against the Ombudsman’s Parliamentary Report concerning "Revisiting council and complaints" was included in the agenda.

**Dendy Street Beach Masterplan Implementation Update**

The CEO indicated that VAGO had recently determined to issue a planning permit for the Dendy Beach Pavilion.

**EPMO Update**

The CEO advised the Committee that the Enterprise Project Management Software has now been introduced across the organisation which will improve reporting on all capital works projects.

**VAGO Draft Final Management Letter for the Financial Year Ending 30 June 2019**

The Manager Finance tabled the Final Management Letter from VAGO including the organisation’s responses.

**Internal Audit Review – Social Media**

The Internal Auditor presented the Internal Audit report regarding Social Media.

The objectives of the internal audit were:

1. Policies and procedures regarding social media.
2. Use and control of social media through Council’s systems e.g. Council’s main accounts and all satellite accounts.
3. Use and control of social media through external systems, e.g. Social Media Management Systems (SMMS).
4. Process for archiving content, and identification of what content is required to be archived.
5. Monitoring of public social media items by Council as to their appropriateness and on forwarding to relevant line departments/management.
6. Training and guidance for staff in the use and “boundaries” of appropriate social media behaviour, including such aspects as the risk of harassment/bullying, content planning and managing messages, and when to respond?
7. Assessment of risks and benefits of social media.
8. Assessment of where Bayside’s maturity is against contemporary social media practice e.g. maturity matrix. Refer to Appendix 1 for the maturity assessment.

The review also included the use of social media by Councillors with respect to Council’s Code of Conduct for Councillors.

Overall, the Internal Auditor found that the current controls in place over social media management can be further strengthened.
The review identified a range of controls that should be implemented or improved in order to reduce the identified weaknesses and exposures.

Council participates in social media in a proactive and strategic manner. There are clear structures for reacting to and promoting corporate social media content through an established process.

Council also conducts monitoring of external social media in order to understand what is being portrayed in the community about it thus enabling it to respond appropriately.

The Auditors noted that formal policies governing social media exist and staff are trained in the appropriate use of social media.

The Audit Report did not identify any High risk issues.

The following table is a summary of issues and risk ratings arising during the review:

<table>
<thead>
<tr>
<th>Finding No.</th>
<th>Rpt. section</th>
<th>Report section/title</th>
<th>Medium</th>
<th>Low</th>
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<tr>
<td>1</td>
<td>3.1</td>
<td>Strengthen management of user access</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>3.2</td>
<td>Lack of notice of limits and extent of Council responsibility on Council social media sites</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>3.3</td>
<td>Improvements to managing social media records</td>
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<td></td>
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<tr>
<td>4</td>
<td>3.4</td>
<td>Need to determine actions on satellite social media accounts</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>3.5</td>
<td>Limited assessment of risks and benefits of social media</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>3.6</td>
<td>Strengthen social media training process</td>
<td>X</td>
<td></td>
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**Internal Audit Review – Child Safe Standards**

The Internal Auditor presented the Internal Audit Report regarding Child Safe Standards.

The objectives of the internal audit were to review Council’s practices to ensure compliance with the Child Safe Standards:

- Standard 1: Strategies to embed an organisational culture of child safety, including through effective leadership arrangements.
- Standard 2: A child safe policy or statement of commitment to child safety.
- Standard 3: A code of conduct that establishes clear expectations for appropriate behaviour with children.
- Standard 4: Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel.
- Standard 5: Processes for responding to and reporting suspected child abuse.
- Standard 6: Strategies to identify and reduce or remove risks of child abuse.
- Standard 7: Strategies to promote the participation and empowerment of children.

The review sampled three relevant line departments chosen by management. These were Maternal and Child Health, Youth Services and Library Services.

Overall, The Internal Auditor found that the current controls in place over the Council’s compliance with the Child Safety Standards maintained by Council need strengthening. The internal audit identified a range of controls that should be implemented/improved in order to reduce the identified weaknesses and exposures.

The Auditors identified that:

- Council partnered with the Aboriginal Leaders and Aboriginal community-controlled organisations to improve safety for Aboriginal children and community. This has led to the development of a ‘Reconciliation Action Plan’. The action plan details the actions Council will undertake to engage with the Aboriginal Community.
- Council has established a Child Safe Policy and a statement of commitment to child safety. Council’s Child Safe Policy was adopted in October 2018.

The following table is a summary of issues and risk ratings arising during the review:

<table>
<thead>
<tr>
<th>Finding No.</th>
<th>Rpt. section</th>
<th>Report section/title</th>
<th>High</th>
<th>Medium</th>
<th>Low</th>
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<tr>
<td>1</td>
<td>3.1</td>
<td>Develop strategies to embed a child safety culture</td>
<td>X</td>
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<td>2</td>
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<td>Strengthen Council’s Child Safe Policy</td>
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<td>X</td>
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<td>3</td>
<td>3.3</td>
<td>Update Council’s Code of Conduct</td>
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<td>Update the Volunteer Code of Conduct</td>
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<td>5</td>
<td>3.5</td>
<td>Strengthen new personnel screening assessment practices</td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>6</td>
<td>3.6</td>
<td>Expand processes for responding to and reporting suspected child abuse</td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>7</td>
<td>3.7</td>
<td>Standardise risk identification of child abuse</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>8</td>
<td>3.8</td>
<td>Develop strategies to promote the participation and empowerment of children</td>
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<td>X</td>
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The Director Community and Customer Experience advised the Committee that National Standards are currently being developed which will complement the Audit findings. On this basis it is proposed to present a detailed action plan at the May meeting concerning the strategic approach to the implementation of the audit actions.
Review of the Fraud and Corruption Control Plan
The Manager Finance presented the draft Fraud and Corruption Control Plan for the Committee’s input.

Statutory Compliance Reporting
The Committee raised the pending introduction of the Local Government Bill 2019 and accordingly requested a high level paper highlighting the changes to the Audit and Risk Management Committee roles and responsibilities to the February meeting.

Presentation – Asset Management Status
The Chairman welcomed the Director Environment, Recreation and Infrastructure Services to the meeting to present of the progress pertaining to Asset Management. The director highlighted the Service Driven Asset Management Strategy and some of the many underpinning asset management plans.

Sub-leasing of Council properties
Cr Grinter raised concern / risk associated with the head lease granting a sub-lease without the consent of Council. The Director Corporate Services suggested that a report be submitted to the May meeting concerning this matter with particular focus of any potential risks.

Recommendation
That the Audit and Risk Management Committee recommends to Council that the minutes of the Audit & Risk Management Committee meeting held on 20 November 2019 be noted.

Support Attachments
1. Minutes - 20 November 2019 - Audit and Risk Management Committee (separately enclosed) (confidential)
9. Reports by Special Committees

9.1 MINUTES OF THE BAYSIDE ARTS BOARD MEETING HELD ON 13 NOVEMBER 2019

Executive summary

Purpose and background
To present the minutes of the Bayside Arts Board meeting held on 13 November 2019 to Council for noting.

In accordance with Section 86 of the Local Government Act 1989, Council at its meeting in July 2016, established a Special Committee of Council known as the Bayside Arts Board.

Council, through an instrument of delegation, also delegated some powers and function to the gallery which are listed below:

The following functions, powers, and discretions are delegated to the Bayside Arts Board:

1. To recommend a four year Strategic Plan for The Gallery@BACC, to be presented to Council for adoption, including adjustments and alterations as determined by Council. The Strategic Plan will be in accordance with the Council-adopted purpose that has been established for The Gallery@BACC.
2. Approve acquisitions, de-accessions, and the ongoing management of Council’s art & heritage collection on recommendation from the Council executive team member with management responsibility for the Arts & Culture programs in accordance with Council’s Art & Heritage Collection Policy, the approved Four Year Strategic Plan and Council’s annual budget.
3. Approve The Gallery@BACC exhibition and public program schedule with regard to the Four Year Strategic Plan.
4. Monitor performance against the Four Year Strategic Plan and provide strategic advice to Council as necessary.
5. Support staff in building of relationships and partnerships with artists, arts sector organisations, business and government agencies.
6. Approve marketing and promotion strategies as outlined in the Strategic Plan, The Gallery@BACC’s exhibition program, public programs, and its positive artistic, social, and economic impacts.
7. Provide advice and guidance on the pursuit of sponsorship, fundraising, and philanthropic opportunities, and investigation of the feasibility of establishing a Gallery@BACC Foundation to facilitate the receipt of donations, bequests, and proceeds of fundraising activities.

The Gallery Board membership comprises three Councillors appointed by Council and six ordinary members appointed through a public expression of interest process.
Key issues
A meeting of the Bayside Arts Board was held on 13 November 2019 to consider the following matters:

- Business Brought Forward summary from the previous meeting
- Proposed Memorial for Sir Alan Walsh in the Brighton Cultural Precinct
- Quarterly Report from July to September 2019
- Railway Walk Commissioning Process
- Bayside Arts and Heritage Collection Acquisition Proposal
- Bayside Gallery Exhibition Program 2020-2021
- Fundraising Plan Status Update

A copy of the 13 November 2019 minutes of the Bayside Arts Board meeting is attached for Council’s information.

Recommendation
That Council:

1. Notes the minutes of the Bayside Arts Board meeting held on 13 November 2019.
2. Adopts the following recommendations of the Bayside Arts Board meeting of 13 November 2019:

   6.4 Railway Walk Commissioning Process

That the Bayside Arts Board:

1. Recommends to Council that the Bayside Arts Board Charter be amended to ensure that the Board will be directly involved in the selection process for both public art and murals on public and/or private land, including the process for involvement of Board members; and
2. Receives a report at the February Meeting with the suggested changes to the Charter.

   6.5 Bayside Arts and Heritage Collection Acquisition Proposal

That the Bayside Arts Board recommends to Council the purchase of Beaumaris (c. 1936) by Miles Evergood and its acquisition into the Visual Arts collection of the Bayside Art & Heritage Collection for $4,400.

   6.6 Textile Collection Proposal Deaccession

The Bayside Arts Board recommends to Council to:

1. Endorse and implement all 8 recommendations as listed in the report produced by Laura Jocic.
2. Deaccess the 226 items from the textile collection as listed in Attachment 2 in the report.
Support Attachments

1. Minutes - 13 November 2019 - The Bayside Arts Board (Section 86 Committee) ‡
Considerations and implications of recommendation

Liveable community

Social
The Bayside Arts Board provides a social impact by providing community members with an opportunity to be engaged and provide advice on Council policies and strategies, and to consider issues and opportunities relating to the various forms of art including Bayside’s art collection.

Natural Environment
There are no natural environment impacts associated with this report.

Built Environment
There are no built environment impacts associated with this report.

Customer Service and Community Engagement
There are no customer service or community engagement implications associated with this 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.

Legal
There are no legal or statutory requirements associated with this report.

Finance
There are no financial implications associated with this report.

Links to Council policy and strategy
The Bayside Arts Board has a direct link to the Council Plan with regards to connecting with the community and supporting arts and culture.
Minutes of the
The Bayside Arts Board (Section 86 Committee) Meeting

held in the Mayor’s Room, Council Chambers, Civic Centre,
Boxshall Street Brighton
on Wednesday 13 November 2019

1. Welcome and opening of the meeting

The Manager Governance advised the Board that Council at its meeting in August 2019 resolved to amend the charter to increase the number of Councillor representatives from two to three councillors and accordingly Cr Long as appointed. In addition the Charter was amended to reflect that the Chairman of the Board be elected from the Councillor representatives. Council at its Annual Meeting held on 7 November 2019 duly elected Cr James Long BM, JP as Chairman of the Bayside Arts Board.

The Chairman, Cr James Long declared the meeting opened at 6.00pm and welcomed all members and officers to the meeting.

2. Present

Councillors
Cr James Long (Chairperson)
Cr Sonia Castelli
Cr Alex del Porto

External Members
Ms Tiziana Borghese
Ms Angelina Beninati
Mr Arvind Vasan
Mr Brian Hewitt
Ms Bo Rutecki
Ms Sarah Morris

In attendance
Bryce Craggs – Director Community and Customer Experience
Emil Klesman – Manager Customer and Cultural Services
Terry Callant – Manager Governance and Corporate Reporting
Giacomina Pradolin – Arts and Culture Program Coordinator
Joanna Bosse – Curator Bayside Gallery
3. Apologies

An apology from Roger Boyce was submitted to the meeting.

Moved Ms Borghese                 Seconded Cr del Porto

That the apology of Mr Roger Boyce be received and leave of absence be granted.

CARRIED

4. Disclosure of any Conflict of Interest

There were no conflicts of interest submitted to the meeting.

5. Adoption and Confirmation of the minutes of previous meeting

5.1 Confirmation of the Minutes of the Bayside Arts Board (Section 86 Committee) Meeting held on 17 July 2019.

Moved: Ms Beninati                 Seconded: Ms Borghese

That the minutes of the Bayside Arts Board (Section 86 Committee) Meeting held on 17 July 2019, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

6. Reports

6.1 BUSINESS BROUGHT FORWARD SUMMARY FROM THE PREVIOUS MEETING

Community and Customer Experience - Customer & Cultural Services
File No: FOL/19/504 – Doc No: DOC/19/282814

The Arts and Culture Program Coordinator outlined the Business Brought Forward Summary items.

Moved: Cr Castelli                 Seconded: Member Beninati

That the Bayside Arts Board notes the summary of actions.

CARRIED
6.2 PROPOSED MEMORIAL FOR SIR ALAN WALSH IN THE BRIGHTON CULTURAL PRECINCT

Community and Customer Experience - Customer & Cultural Services
File No: FOL/19/504 – Doc No: DOC/19/282852

The Chairman welcomed Mr Kevin Spencer and Professor Peter Hannaford to the meeting to discuss the proposed Sir Alan Walsh memorial.

Following the presentation both Mr Spencer and Professor Hannaford vacated the meeting room, and the Board continued to discuss the proposal.

Moved: Mr Hewitt  
Seconded: Ms Borghese

That the Bayside Arts Board supports an appropriate memorial in honour of Sir Alan Walsh, subject to external funding available and further investigation on a potential suitable location to be undertaken and a further report be submitted to the February meeting.

CARRIED

6.3 QUARTERLY REPORT JULY - SEPTEMBER 2019

Community and Customer Experience - Customer & Cultural Services
File No: FOL/19/504 – Doc No: DOC/19/282797

The Arts and Culture Program Coordinator presented the Quarterly Report for the period July to September and highlighted some of the successful exhibitions and activities that took place during the period.

It was indicated that the Advantage Road Open Studios was a particularly successful event with over 1,500 people attending and 80% of the 14 participating artists sold work on the day.

The “Pets are people to” opening was also well attended with over 200 visitors to the gallery.

The Board requested that a specific invitation via email be forwarded to Board members bringing their attention to the various Arts and Cultural events taking place in Bayside.

Cr del Porto suggested that given the recent successful exhibitions at the Gallery that a media release should be prepared to celebrate the success.

Moved: Cr del Porto  
Seconded: Ms Borghese

That the Board notes this quarterly report.

CARRIED
6.4 RAILWAY WALK COMMISSIONING PROCESS

Community and Customer Experience - Customer & Cultural Services
File No: PSF/19/1089 – Doc No: DOC/19/283730

The Manager Customer and Cultural Services presented the report and highlighted the process that was undertaken for the commissioning of a suitable artist for the art mural.

The Board discussed in detail the process of commissioning an artist for this project and future projects, and indicated their desire for Board members to be directly involved in the selection process for all public art and murals on public and/or private land.

Moved: Cr del Porto  Seconded: Ms Borghese

That the Bayside Arts Board:

1. Recommends to Council that the Bayside Arts Board Charter be amended to ensure that the Board will be directly involved in the selection process for both public art and murals on public and/or private land, including the process for involvement of Board members; and

2. Receives a report at the February Meeting with the suggested changes to the Charter.

CARRIED

6.5 BAYSIDE ARTS AND HERITAGE COLLECTION ACQUISITION PROPOSAL

Community and Customer Experience - Customer & Cultural Services
File No: PSF/19/1089 – Doc No: DOC/19/264137

The Curator, Joanna Bosse presented the proposed acquisition.

Moved: Cr Castelli  Seconded: Member Beninati

That the Bayside Arts Board recommends to Council the purchase of Beaumaris (c. 1938) by Miles Evergood and its acquisition into the Visual Arts collection of the Bayside Art & Heritage Collection for $4,400.

CARRIED
6.6  TEXTILE COLLECTION PROPOSED DEACCESSIONS

Community and Customer Experience - Customer & Cultural Services
File No: FOL/19/504 – Doc No: DOC/19/282839

Moved: Mr Hewitt  Seconded: Cr del Porto

The Bayside Arts Board recommends to Council to:

1.  Endorse and implement all 8 recommendations as listed in the report produced by Laura Jocic.

2.  Deaccess the 226 items from the textile collection as listed in Attachment 2 in the report.

CARRIED

6.7  BAYSIDE GALLERY EXHIBITION PROGRAM 2020 - 2021

Community and Customer Experience - Customer & Cultural Services
File No: FOL/19/504 – Doc No: DOC/19/282846

The Curator, Joanna Bosse presented the proposed Galley Exhibition Program for 2020/21.

Moved: Ms Morris  Seconded: Ms Rutecki

That the Bayside Arts Board:

1.  Approves the 2020 – 2021 Exhibition Program.

2.  Endorses the forward planning of the 2021 – 2022 Exhibition program.

3.  Notes the current Classification Code as administered by the Australian Classification Board.

4.  Notes procedures are in place for the exhibition of work that could be considered offensive by the general public.

5.  Notes the need to build attendance numbers while stimulating community interest.

CARRIED
6.8 FUNDRAISING PLAN STATUS UPDATE

Community and Customer Experience - Customer & Cultural Services
File No: PSF/19/1089 – Doc No: DCC/19/283284

The Director Community & Customer Experience presented the report on Fundraising and provided a concise summary of the discussion held at the previous meeting.

All Board members acknowledged that the summary provided encapsulated the discussion and were in agreement with the proposed recommendation.

Moved: Cr del Porto Seconded: Ms Borghese

That the Bayside Arts Board:

1. Will not be implementing a formal Fundraising Plan and strategy.
2. Continue to be open to opportunities that increase funding, patronage and philanthropy for arts at Bayside that may appear opportunistically in the future.
3. Leverage off their existing skills and connections of its Members to identify and generate opportunities that increase funding, patronage and philanthropy.

CARRIED

7. General Business

7.1 Immediate Past Chair
The Manager Governance acknowledged the term of the immediate past Chair of the Bayside Arts Board and indicated a suitable presentation would be made at the Christmas function on 4 December 2019.

7.2 Outgoing Chair appreciation of support
Ms Borghese thanked the Board members for their support and assistance over her term as Chair of the Bayside Arts Board.

7.3 Bayside Arts Board Meeting Dates
Mr Hewitt expressed his desire that the Art Board meeting dates be set for the year and not changed where possible given member personal diary commitments. Ms Beninati suggested that the meeting dates not be held during school holidays.

7.4 Artwork from local artist John Mather
The Chairman, Cr Long suggested that the Curator may like to investigate a local artist John Mather and his artwork which has direct relevance to Bayside.
8. Confirmation of date of future meetings

Wednesday 12 February 2020 at 6.00pm
Wednesday 15 April 2020 at 6.00pm
Wednesday 15 July 2020 at 6.00pm
Wednesday 14 October 2020 at 6.00pm

The Chairperson declared the meeting closed at 8.20pm.
9.2 MINUTES OF THE SPECIAL COMMITTEE OF COUNCIL HELD ON 25 NOVEMBER 2019 TO HEAR SUBMISSIONS IN RELATION TO THE PROPOSED SALE OF COUNCIL-OWNED LAND ADJOINING 37-39 MELROSE STREET & 58 STATION STREET, SANDRINGHAM

Corporate Services - Governance
File No: PSF/19/960 – Doc No: DOC/19/313245

Executive summary

Purpose and background

To note the Minutes of the Special Committee of Council established to hear submissions in relation to the Proposed Sale of Council-owned Land Adjoining 37-39 Melrose Street & 58 Station Street, Sandringham.

Council, at its meeting on 15 October 2019, established a Special Committee of Council for the purpose of undertaking the statutory process to hear submissions in relation to Proposed Sale of Council-owned Land Adjoining 37-39 Melrose Street & 58 Station Street, Sandringham in accordance with Section 223 of the Local Government Act 1989.

Key issues

Attached for Council’s information is a copy of the Special Committee of Council Minutes of the meeting held on 25 November 2019. It is proposed that Council considers the submissions received in conjunction with the report to be submitted to the February 2020 Ordinary Meeting of Council.

Recommendation

That Council notes the Minutes of the Special Committee of Council held on 25 November 2019 to hear submissions in relation to the Proposed Sale of Council-owned Land Adjoining 37-39 Melrose Street & 58 Station Street, Sandringham.

Support Attachments

1. 25 November 2019 Special Committee of Council Minutes - Proposed Sale of Council-owned Land Adjoining 37-39 Melrose Street and 58 Station Street, Sandringham ↓
Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with the minutes of this Special Committee of Council.

Natural Environment
There are no natural environmental impacts associated with the minutes of this Special Committee of Council.

Built Environment
There are no built environmental impacts associated with the minutes of this Special Committee of Council.

Customer Service and Community Engagement
Consultation on the proposal sale of the property was undertaken in accordance with Section 223 of the Local Government Act 1989.

Human Rights
The implications of this 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.

Legal
The process associated with the proposed sale of land has been undertaken in accordance with Section 189 and Section 223 of the Local Government Act 1989.

Finance
There are no financial impacts associated with the minutes of the Section 223 Hearing.

Links to Council policy and strategy
This is an administrative report that facilitates the process for the proposed sale of property which relates to Council Plan Goal 3 – A Liveable City, Strategy 3.2.1. - Ensuring community assets and infrastructure meet current and expected needs.
Special Committee of Council

To hear submissions in relation to:

Proposed Sale of Council-owned Land Adjoining 37-39 Melrose Street and 58 Station Street, Sandringham

Council Chambers, Civic Centre, Boxshall Street Brighton

Monday 25 November 2019
at 6:30pm

Minutes
PRESENT:

Chairperson: Cr Clarke Martin (Mayor)

Councillors: Cr Sonia Castelli
            Cr Alex del Porto
            Cr Laurence Evans OAM
            Cr Rob Grinter (Deputy Mayor)
            Cr James Long BM JP

Officers:    Jill Colson  Director Corporate Services
            Jason Stubbs  Manager Commercial Services
            Nick Beck     Property Coordinator
            Robert Lamb  Governance Officer
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5. Requests to be heard in support of submissions

The following listed people have requested to be heard in support of their submission to Special Committee of Council Meeting.

1. Mr Ray Purcell
2. Mr Adrian Fitzpatrick (on behalf of Mobbat Pty Ltd)
3. Mrs Cathrin Purcell (via proxy, Mr Ray Purcell)
4. Mrs Danielle Hamstead (on behalf of Red Moose Smoothies)
5. Mr Don McKellar
6. Mr Simon Richardson
1. **Welcome and opening of the meeting**

The Mayor declared the meeting open at 6:30pm and welcomed Councillors, Council Officers and members of the public to the Special Committee Meeting established to hear submissions in relation to the Proposed Sale of Council-owned Land Adjoining 37-39 Melrose Street and 58 Station Street, Sandringham.

2. **Apologies**

An apology was received from Cr Heffernan, as noted at the October 2019 Ordinary Council Meeting.

Moved: Cr del Porto   Seconded: Cr Evans
That the apology from Cr Heffernan be received and leave of absence granted.  
CARRIED

3. **Declarations of any Conflict of Interest**

There were no conflicts of interest submitted to the meeting.
4. Submissions

In accordance with Section 223 of the Local Government Act 1989, Council must consider any submissions received by the Council following the 28 days after the publication of the public notice. At the closing date of submissions, Council received twenty-one (21) written submissions in relation to the Proposed Sale of Council-owned Land Adjoining 37-39 Melrose Street and 58 Station Street, Sandringham.

Six (6) submitters requested to be heard in support of their written submission:

1. Mr Ray Purcell
2. Mr Adrian Fitzpatrick (on behalf of Mobbat Pty Ltd)
3. Mrs Cathrin Purcell (via proxy, Mr Ray Purcell)
4. Mrs Danielle Hamstead (on behalf of Red Moose Smoothies)
5. Mr Don McKellar
6. Mr Simon Richardson

The Mayor reminded speakers that Section 223 (b)(i) of the Local Government Act 1989 indicates that Council must provide the person with the opportunity to be heard in support of their submission and that in accordance with Council’s Governance Local Law No: 1 (2013) submissions in relation to section 223 of the Local Government Act be granted up to fifteen (15) minutes to speak in support of their submission.

A copy of the submissions received has been circulated to all councillors for their consideration prior to the meeting.
4.1 SUBMISSION - MR RAY PURCELL

Corporate Services - Commercial Services
File No: PSF/19/4642 – Doc No: DOC/19/287069

It is recorded that Mr Ray Purcell spoke for eleven minutes and fifty-three seconds in support of his submission.

4.2 SUBMISSION - MR CHRISTOPHER MCDONALD (ON BEHALF OF EYE CANDY DESIGN AUSTRALIA)

Corporate Services - Commercial Services
File No: PSF/19/4642 – Doc No: DOC/19/301879

It is recorded that a submission from Mr Christopher McDonald (on behalf of Eye Candy Design Australia) was received, and Mr McDonald did not request to be heard in support of his submission.

4.3 SUBMISSION - MRS MARZENA WOJCIECHOWICZ (ON BEHALF OF MELROSE DENTAL)

Corporate Services - Commercial Services
File No: PSF/19/4642 – Doc No: DOC/19/298532

It is recorded that a submission from Mrs Marzena Wojciechowicz (on behalf of Melrose Dental) was received, and Mrs Wojciechowicz did not request to be heard in support of her submission.

4.4 SUBMISSION - MR TREVOR BELL

Corporate Services - Commercial Services
File No: PSF/19/4642 – Doc No: DOC/19/302740

It is recorded that a submission from Mr Trevor Bell was received, and Mr Bell did not request to be heard in support of his submission.
4.5  SUBMISSION - MR ADRIAN FITZPATRICK (ON BEHALF OF MOBBAT PTY LTD)

Corporate Services - Commercial Services
File No: PSF/19/4642 – Doc No: DOC/19/302742

It is recorded that Mr Adrian Fitzpatrick (on behalf of Mobbat Pty Ltd) spoke for thirteen minutes and twenty-seven seconds in support of his submission.

4.6  SUBMISSION - MR ANDREW ROBINSON

Corporate Services - Commercial Services
File No: PSF/19/4642 – Doc No: DOC/19/302857

It is recorded that a submission from Mr Andrew Robinson was received, and Mr Robinson did not request to be heard in support of his submission.

4.7  SUBMISSION - MRS PENNY GALE (ON BEHALF OF CHOKOLAT)

Corporate Services - Commercial Services
File No: PSF/19/4642 – Doc No: DOC/19/304157

It is recorded that a submission from Mrs Penny Gale was received, and Mrs Gale did not request to be heard in support of her submission.

4.8  SUBMISSION - MRS CATHRIN PURCELL

Corporate Services - Commercial Services
File No: PSF/19/4642 – Doc No: DOC/19/304165

It is recorded that Mr Ray Purcell (on behalf of Mrs Cathrin Purcell) spoke for four minutes and thirty-five seconds in support of Mrs Purcell's submission.
4.9 SUBMISSION - MS BILIE MINIO (ON BEHALF OF SABUKI HAIRDRESSING)

Corporate Services - Commercial Services
File No: PSF/19/4642 – Doc No: DOC/19/304169

It is recorded that a submission from Ms Bilie Minio (on behalf of Sabuki Hairdressing) was received, and Ms Minio did not request to be heard in support of her submission.

4.10 SUBMISSION - MRS DANIELLE HAMSTEAD (ON BEHALF OF RED MOOSE SMOOTHIES)

Corporate Services - Commercial Services
File No: PSF/19/4642 – Doc No: DOC/19/304171

It is recorded that a submission from Mrs Danielle Hamstead was received. Mrs Hamstead was not present at the meeting and therefore did not exercise her opportunity to speak in support of her submission.

4.11 SUBMISSION - MS MARGARET KEENAN (ON BEHALF OF COUTTS PARTNERS PTY LTD)

Corporate Services - Commercial Services
File No: PSF/19/4642 – Doc No: DOC/19/304177

It is recorded that a submission from Ms Margaret Keenan (on behalf of Coutts Partners Pty Ltd) was received, and Ms Keenan did not request to be heard in support of her submission.

4.12 SUBMISSION - MS ANNIE TE (ON BEHALF OF LUCKY STAR BAKERY)

Corporate Services - Commercial Services
File No: PSF/19/4642 – Doc No: DOC/19/304191

It is recorded that a submission from Ms Annie Te (on behalf of Lucky Star Bakery) was received, and Ms Te did not request to be heard in support of her submission.
4.13 SUBMISSION - RED BARON INVESTMENTS P/L

Corporate Services - Commercial Services
File No: PSF/19/4642 – Doc No: DOC/19/304193

It is recorded that a submission from Red Baron Investments P/L was received, and Red Baron Investments P/L did not request to be heard in support of their submission.

4.14 SUBMISSION - MR MICHAEL MANANTI (ON BEHALF OF SANDRINGHAM FRUIT MARKET)

Corporate Services - Commercial Services
File No: PSF/19/4642 – Doc No: DOC/19/304195

It is recorded that a submission from Mr Michael Mananti (on behalf of Sandringham Fruit Market) was received, and Mr Mananti did not request to be heard in support of his submission.

4.15 SUBMISSION - MR KEVIN TRAGEAR (ON BEHALF OF RANGING PTY LTD)

Corporate Services - Commercial Services
File No: PSF/19/4642 – Doc No: DOC/19/304196

It is recorded that a submission from Mr Kevin Tragear (on behalf of Ranging Pty Ltd) was received, and Mr Tragear did not request to be heard in support of his submission.

4.16 SUBMISSION - MS KATE MCCOMBIE

Corporate Services - Commercial Services
File No: PSF/19/4642 – Doc No: DOC/19/304201

It is recorded that a submission from Ms Kate McCombie was received, and Ms McCombie did not request to be heard in support of her submission.
4.17 SUBMISSION - MRS MELANIE WHITE

Corporate Services - Commercial Services
File No: PSF/19/4642 – Doc No: DOC/19/304203

It is recorded that a submission from Mrs Melanie White was received, and Mrs White did not request to be heard in support of her submission.

4.18 SUBMISSION - MRS CATE DANIELS

Corporate Services - Commercial Services
File No: PSF/19/4642 – Doc No: DOC/19/304206

It is recorded that a submission from Mrs Cate Daniels was received, and Mrs Daniels did not request to be heard in support of her submission.

4.19 SUBMISSION - MR DON MCKELLAR

Corporate Services - Commercial Services
File No: PSF/19/4642 – Doc No: DOC/19/304208

It is recorded that Mr Don McKellar spoke for two minutes and fifty seconds in support of his submission.

4.20 SUBMISSION - MR SIMON RICHARDSON

Corporate Services - Commercial Services
File No: PSF/19/4642 – Doc No: DOC/19/304725

It is recorded that Mr Simon Richardson spoke for four minutes in support of his submission.
4.21 SUBMISSION - MR BEN SOLLY

Corporate Services - Commercial Services
File No: PSF/19/4642 – Doc No: DOC/19/308191

It is recorded that a submission from Mr Ben Solly was received, and Mr Solly did not request to be heard in support of his submission.

Moved: Cr del Porto            Seconded: Cr Castelli
That the submissions in relation to the Proposed Sale of Council-owned Land Adjoining 37-39 Melrose Street and 58 Station Street, Sandringham be received and noted, and a report be submitted to the Ordinary Meeting of Council to be held at 7pm on 18 February 2020.

CARRIED

Following consideration all Submissions, the Chairperson declared the meeting closed at 7.13pm.
9.3 MINUTES OF THE SPECIAL COMMITTEE OF COUNCIL HELD ON 25 NOVEMBER 2019 TO HEAR SUBMISSIONS IN RELATION TO THE PROPOSED DISCONTINUANCE AND SALE OF A PORTION OF THE SUBTERRANEAN PART OF THE RIGHT-OF-WAY (ROAD) ADJOINING 322-326 NEW STREET AND 71-73 BAY STREET, BRIGHTON

Corporate Services - Governance
File No: PSF/19/960 – Doc No: DOC/19/313251

Executive summary

Purpose and background

To note the Minutes of the Special Committee of Council established to hear submissions in relation to the Proposed Discontinuance and Sale of a Portion of the Subterranean Part of the Right-of-Way (Road) Adjoining 322-326 New Street and 71-73 Bay Street, Brighton.

Council, at its meeting on 15 October 2019, established a Special Committee of Council for the purpose of undertaking the statutory process to hear submissions in relation to the Proposed Discontinuance and Sale of a Portion of the Subterranean Part of the Right-of-Way (Road) Adjoining 322-326 New Street and 71-73 Bay Street, Brighton in accordance with Section 223 of the Local Government Act 1989.

Key issues

Attached for Council’s information is a copy of the Special Committee of Council Minutes of the meeting held on 25 November 2019. It is proposed that Council considers the submissions received in conjunction with the report listed as part of this agenda.

Recommendation

That Council notes the Minutes of the Special Committee of Council held on 25 November 2019 to hear submissions in relation to the Proposed Discontinuance and Sale of a Portion of the Subterranean Part of the Right-of-Way (Road) Adjoining 322-326 New Street and 71-73 Bay Street, Brighton.

Support Attachments

1. 25 November 2019 Special Committee of Council Minutes - Proposed Discontinuance & Sale of Portion of Subterranean Part of Right-of-Way Adjoining 322-326 New St & 71-73 Bay St Brighton ↓
Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with the minutes of this Special Committee of Council.

Natural Environment
There are no natural environmental impacts associated with the minutes of this Special Committee of Council.

Built Environment
There are no built environmental impacts associated with the minutes of this Special Committee of Council.

Customer Service and Community Engagement
Consultation on the proposal sale of the property was undertaken in accordance with Section 223 of the Local Government Act 1989.

Human Rights
The implications of this 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.

Legal
The process associated with the proposed sale of land has been undertaken in accordance with Section 189 and Section 223 of the Local Government Act 1989.

Finance
There are no financial impacts associated with the minutes of the Section 223 Hearing.

Links to Council policy and strategy
This is an administrative report that facilitates the process for the proposed sale of property which relates to Council Plan Goal 3 – A Liveable City, Strategy 3.2.1. - Ensuring community assets and infrastructure meet current and expected needs.
Special Committee of Council

To hear submissions in relation to:

Proposed Discontinuance and Sale of a Portion of the Subterranean Part of the Right-of-Way (Road) Adjoining 322-326 New Street and 71-73 Bay Street, Brighton

Council Chambers, Civic Centre, Boxhall Street Brighton

Monday 25 November 2019 at 7:30pm
PRESENT:

Chairperson: Cr Clarke Martin (Mayor)

Councillors: Cr Sonia Castelli  
            Cr Alex del Porto  
            Cr Laurence Evans OAM  
            Cr Rob Grinter (Deputy Mayor)  
            Cr James Long BM JP

Officers:   Jill Colson       Director Corporate Services  
            Jason Stubbs       Manager Commercial Services  
            Nick Beck         Property Coordinator  
            Robert Lamb       Governance Officer
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5. Requests to be heard in support of submissions
   The following listed people have requested to be heard in support of their submission to Special Committee of Council Meeting.
   1. Mr Bart Carew (on behalf of Harlow Trading Pty Ltd)
1. Welcome and opening of the meeting

The Mayor declared the meeting open at 6:30pm and welcomed Councillors, Council Officers and members of the public to the Special Committee Meeting established to hear submissions in relation to the Proposed Discontinuance and Sale of a Portion of the Subterranean Part of the Right-of-Way (Road) Adjoining 322-326 New Street and 71-73 Bay Street, Brighton.

2. Apologies

An apology was received from Cr Heffernan, as noted at the October 2019 Ordinary Council Meeting.

Moved: Cr Grinter  
Seconded: Cr del Porto
That the apology from Cr Heffernan be received and leave of absence granted.

CARRIED

3. Declarations of any Conflict of Interest

There were no conflicts of interest submitted to the meeting.
4. Submissions

In accordance with Section 223 of the Local Government Act 1989, Council must consider any submissions received by the Council following the 28 days after the publication of the public notice. At the closing date of submissions, Council received one (1) written submission in relation to the Proposed Discontinuance and Sale of a Portion of the Subterranean Part of the Right-of-Way (Road) Adjoining 322-326 New Street and 71-73 Bay Street, Brighton.

One (1) submitter requested to be heard in support of their written submission:

1. Mr Bart Carew (on behalf of Harlow Trading Pty Ltd)

The Mayor reminded the speaker that Section 223 (b)(i) of the Local Government Act 1989 indicates that Council must provide the person with the opportunity to be heard in support of their submission and that in accordance with Council’s Governance Local Law No. 1 (2013) submissions in relation to section 223 of the Local Government Act be granted up to fifteen (15) minutes to speak in support of their submission.

A copy of the submission received has been circulated to all councillors for their consideration prior to the meeting.

4.1 SUBMISSION - GEORGIA JONES, TUCKER PARTNERS LEGAL PTY LTD (ON BEHALF OF HARLOW TRADING PTY LTD)

Corporate Services - Commercial Services
File No: PSF/19/4643 – Doc No: DOC/19/287070

It is recorded that Mr Bart Carew (on behalf of Harlow Trading Pty Ltd) spoke for seven minutes and forty-five seconds in support of this submission.

Moved: Cr del Porto                   Seconded: Cr Evans

That the submission in relation to the Proposed Discontinuance and Sale of a Portion of the Subterranean Part of the Right-of-Way (Road) Adjoining 322-326 New Street and 71-73 Bay Street, Brighton be received and noted, and a report be submitted to the Ordinary Meeting of Council to be held at 7pm on 17 December 2019.

CARRIED

Following consideration all Submissions, the Chairperson declared the meeting closed at 7:42pm.
Executive summary

Purpose and background

The purpose of this report is to propose a revision of Council’s Climate Change Strategy, and to advise on the merits of Council declaring a ‘Climate Emergency’.

At the October Council meeting, it was resolved:

That Council receives a report at the December 2019 Ordinary Council Meeting on the proposed revision of the Climate Change Strategy that was adopted in 2012 and the merits of Council declaring a Climate Emergency.

At the November 2019 Council meeting, a petition was received from residents requesting Council to declare a climate emergency and respond with an appropriate action plan (2,268 petitioners).

In 2012, Council adopted its Climate Change Strategy (Strategy). The Strategy focuses on responding to the impacts of climate change through initiatives to both reduce greenhouse gas emissions and adapt to the impacts of a changing climate.

The Strategy also outlines Council’s contingency plans to address any impacts resulting from climate change. It details how Council can support the community to adapt to climate change, as well as identifying opportunities that could arise as a result of predicted climate change.

Following adoption of the Strategy, the Environmental Sustainability Framework 2016-2025 and the Carbon Neutrality Action Plan 2018-2020 were adopted which support actions and initiatives identified within the Strategy.

In parallel, climate science continues to develop. Climate impacts are already causing serious loss of life and destroying vital ecosystems with global average temperature, atmospheric greenhouse gases, and ocean acidity already at dangerous levels.

These devastating impacts have led to the use of the term ‘Climate Emergency’. Councils that have declared a ‘Climate Emergency’ recognise that climate change is causing significant damage to our economy, society and environment, and that urgent action is required to reverse current trends and secure our planet for future generations.

Over 840 local governments from 18 countries have declared a ‘Climate Emergency’. In Australia, 65 Councils have done so. In Victoria, 18 Councils have formally declared.

In addition, non-governmental associations have also declared a ‘Climate Emergency’ including: the Municipal Association of Victoria; Australian doctors, through ‘Doctors for the Environment Australia’; the Australian Local Government Association; and Australian architects, through the ‘Australian Institute of Architects’.
Key issues

What are we currently doing?
Council has several Policies, Strategies and Action Plans to directly address mitigation (minimising greenhouse gas emissions) and adaptation (reducing vulnerability) to climate change. These are listed in the ‘Links to Council policy and strategy’ section.

In addition, Council is a member of South East Councils Climate Change Alliance (SECCCA), working collaboratively to deliver climate change projects to drive a regional zero emissions economy and build community resilience.

Council is a signatory to the state government TAKE2 pledge program, aligned to the Victorian Governments zero net emissions by 2050 commitment.

The Strategy is the key strategy to effectively address the ‘Climate Emergency’. It is timely that this document is reviewed and revised. Declaring a ‘Climate Emergency’ would provide a platform to revise the Climate Change Strategy under the banner of a Climate Emergency Action Plan.

Motivations for declaring a ‘Climate Emergency’

The 2018 Intergovernmental Panel on Climate Change (IPCC) report predicts a range of dire economic, social and environmental impacts should global temperatures continue to rise at present rates. Without concerted effort to significantly reduce greenhouse gas emissions, global warming is likely to reach 1.5°C between 2030 and 2052. The IPCC report states that as a global community, we could have just 12 years left to limit a climate change catastrophe. (Source: UN IPCC 2018 report).

These predictions are echoed on a local scale, with 2019 CSIRO modelling suggesting the following impacts for the Greater Melbourne region:

- Increased temperatures
- More intense rainfall events
- Rising sea level
- More hot days and warm spells
- Less rainfall in winter and spring
- Harsher fire weather and longer fire seasons.
(Source: Greater Melbourne climate change predictions 2019, CSIRO)

‘Climate Emergency’: Health and wellbeing

Climate change is already having significant adverse effects on human health. These include physical and psychological trauma associated with extreme weather events, warmer temperatures contributing to worsening air pollution, spread of infectious diseases, and risks to food and water security. Council has a responsibility to ensure the resilience, health and wellbeing of the community. With vulnerable, ageing and young community members experiencing higher risks from climate change, this poses a serious threat to our community.

Benefits of declaring a ‘Climate Emergency’

There are several benefits from a Council declaration of a ‘Climate Emergency’. The declaration:

- Presents an opportunity to revise the Climate Change Strategy, with a response informed by current and predicted climate impact knowledge
- Demonstrates leadership to the community and other stakeholders that Council is committed to actions on climate change mitigation and adaption
- Raises the importance of responding to climate change within the organisation and throughout the community
• Allows Council to play a key role in leading the climate emergency response
• Signals the need to go beyond reform-as-usual, through use of the term "emergency"
• Presents an opportunity to embed environmental impact (positive or negative) as a consideration in all decisions made
• Provides opportunities to share learnings by building networks with other Councils.

Other considerations of declaring a ‘Climate Emergency’

Declaring a ‘Climate Emergency’ may also result in:

• A community expectation of immediate and unprecedented action by Council, which is beyond Council’s current resource and financial capacity to deliver, and beyond current energy reduction and greenhouse gas emissions mitigation projects and activities
• A risk of reputational damage should actions related to the declaration not be undertaken in a timely manner
• A risk of miss-communication regarding the word ‘emergency’
• Financial re-alignment of Council priorities to support the commitment to an ‘emergency’ status.

These risks and concerns can be addressed and mitigated by the correct framing of the message, and developing a well-researched and clear Action Plan that is developed by engaging and consulting with the community and stakeholder groups.

Requirements of declaring a ‘Climate Emergency’

Declaring a ‘Climate Emergency’ on its own does not enact change. A declaration must be coupled with a community supported Climate Emergency Action Plan.

A Climate Emergency Action Plan is a document aimed to address sustained and meaningful action with the community (residents, businesses, schools and other organisations). An approach to developing a typical Action Plan is provided in Attachment 1.

Timeframe

Based on the experience of other SECCCA Councils, the timeframe to develop a Climate Emergency Action Plan, with the necessary community engagement, is at least 6 to 8 months. The estimated date for completion is October 2020.

The Community Vision 2050 community engagement process will provide valuable information. Aligning the community engagement activities for the Climate Emergency Action Plan with the Community Vision 2050 will provide a solid foundation for the development of the Action Plan.

Recommendation

That Council declares a ‘Climate Emergency’ and in response, develops a Climate Emergency Action Plan by October 2020.

Support Attachments

1. Attachment 1 - SECCCA Climate Emergency 101 Guide
Considerations and implications of recommendation

Liveable community

Social
There is growing community awareness and concern regarding the impacts of climate change. There is also an expectation within the community that Council will use its resources efficiently and will respond to the challenges of climate change.

Natural disasters, including heatwaves and other impacts caused by climate change, result in major social impacts including on community wellbeing and resilience, which in turn result in non-linear increases in risk. Decisions made now will position our economy, society and local community for the disruption caused by climate change.

Natural Environment
The documented shift in climate change will increasingly impact on the physical and natural environment, dependent on the potential warming pathways to 2100.

Built Environment
Increasing extreme weather events resulting from climate change will result in increased likelihood of damage to public and private assets, both gradually and from extreme events.

Customer Service and Community Engagement
Community feedback was sought during the development of the Climate Change Strategy, the Environmental Sustainability Framework and the Carbon Neutrality Action Plan. Climate change is also an issue identified in the Community Plan 2025, the Wellbeing for All Ages and Abilities Strategy 2017-2021 and will be a theme explored through the Community Vision 2050. The various feedback shows community support for Council addressing climate change impacts.

Bayside Climate Change Action Group (BCCAG) wrote to Council to encourage the declaration of a Climate Emergency in March 2019. BCCAG representatives have met with Councillors and Council staff, most recently on 25 September. BCCAG submitted a petition to Council at the Council Meeting in November 2019 which called on Council to declare a ‘Climate Emergency’.

As part of development of the Climate Emergency Action Plan, there will be extensive community engagement to understand what the community concerns include as well as actions residents can undertake to improve their resilience and wellbeing with increasing climate change impacts.

Human Rights
The implications of this 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.

Legal
Whilst Council is not legally required to declare a ‘Climate Emergency’, not addressing climate change risks has legal implications for Councils, including:
• Changes to the Local Government Act which will include mitigation and planning for climate change risks in the Overarching Principles
• Emerging liability cases where municipal governments have not taken reasonable action to mitigate climate change risk.

Community expectations are that Council addresses climate change risks in a timely manner and the reputational risk in the short term may impact the legal risk in the longer term.

Finance
Not addressing the 'Climate Emergency' has financial implications for Councils and the community, including:
• The cost of Council services and assets, which will be impacted by an increase in incidence and severity of climate events such as heat stress, drought, storm surge, flooding, storms and severe weather events and bushfires
• How insurers, financiers and credit agencies are incentivising municipal governments to appropriately address 'Climate Risk'.

An estimated budget of $80,000 from allocations in the current 2019/20 budget is required to prepare a Climate Emergency Action Plan. The Action Plan will identify further actions Council should undertake, which will need further funding including the budget to deliver community Climate Emergency programs.

Links to Council policy and strategy
The Council endorsed documents below outline the community's and Council's desire to address climate change. This paper outlines the proposed next steps in Council's approach to the challenges associated with a changing climate.
• Environmental Sustainability Framework 2016-2025
• Climate Change Strategy 2012
• Carbon Neutrality Action Plan 2018
• Wellbeing for All Ages and Abilities Strategy 2017-2021
• Community Plan 2025
• Sustainable Infrastructure Policy 2017
• Integrated Water Management Plan 2019
• Biodiversity Action Plan 2018
## Options considered

### Option 1 - Recommended

<table>
<thead>
<tr>
<th>Summary</th>
<th>Council declares a ‘Climate Emergency’ and develops a Climate Emergency Action Plan, with extensive community engagement, by October 2020.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Council responds to and meets community expectations to declare a ‘Climate Emergency’. This option demonstrates Council’s leadership role as an environmental steward, and commitment to address climate change in partnership with the community. Council prepares a Climate Emergency Action Plan, incorporating the Climate Change Strategy, as revised and updated plan to address climate change.</td>
</tr>
<tr>
<td>Issues</td>
<td>An estimated budget of $80,000 is required in 2019/20 to prepare a Climate Emergency Action Plan, with ongoing costs for delivery to be part of future budgets.</td>
</tr>
</tbody>
</table>

### Option 2

<table>
<thead>
<tr>
<th>Summary</th>
<th>Council acknowledges a ‘Climate Emergency’, and advocates for state and federal government to take action.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>This option allows Council to demonstrate leadership to address climate change through advocacy on behalf of the community, without a significant financial and resources commitment. There is no immediate financial implication for Council, i.e. Council does not resource a Climate Emergency Action Plan.</td>
</tr>
<tr>
<td>Issues</td>
<td>This option presents a reputational risk, as advocacy without any action at would not meet existing community expectations to address climate change. Council continues to implement the 2012 Climate Change Strategy, which will require revision and update.</td>
</tr>
</tbody>
</table>

### Option 3

<table>
<thead>
<tr>
<th>Summary</th>
<th>Maintain business as usual – Council does not declare a ‘Climate Emergency’.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>There is no immediate financial implication for Council, i.e. Council does not resource a Climate Emergency Action Plan.</td>
</tr>
<tr>
<td>Issues</td>
<td>This option presents a reputational risk as there is existing community expectation to declare a ‘Climate Emergency’ and address the impacts of climate change. This option does not demonstrate Council's leadership role as an environmental steward. Not addressing climate change risks has emerging legal implications for Councils, including changes to the draft revised Local Government Act to include mitigation and planning for climate change risks in its Overarching Principles.</td>
</tr>
</tbody>
</table>
Climate Emergency 101
A Guide for Council Action

The Climate Emergency declaration is a formal resolution from a government body or institution that calls for immediate action to initiate a society wide mobilisation at sufficient scale and speed to protect civilisation and to restore a safe climate.

A safe climate is defined as a climate that will allow existing and future generations, communities and ecosystems to survive and flourish.

Councils that have declared a ‘Climate Emergency’ recognise that climate change is causing significant damage to the economy, society and environment and that urgent action is required to reverse current trends.

Climate Emergency 101 helps councils understand the key actions that it can take when declaring a climate emergency.

Declaring a Climate Emergency means that action should be
- Immediate / near term
- Strong
- Effective
- Ongoing

What does a Climate Emergency call for?

- Advocacy for action by higher levels of government;
- a very strong focus on the issue causing the emergency;
- a strong priority for action and budgets relating to the issue causing the emergency;
- delivery of solutions as a whole of organisation package (rather than piecemeal, incremental change);
- delivery of solutions in a strong enough way to help to end the emergency condition; and
- delivery of protection and adaptation measures

Adapted from: Local-first implementation Why a strong climate declaration is needed – at the local government level – and what it can do

Further resources...
The Climate Mobilisation
Climate Emergency Declaration and Mobilization in Action
Council and community Action in the climate emergency

Climate Emergency 101 Version 1
October 2019
This document has been prepared by SECCA to provide general advice to members.
Climate Emergency action is not business as usual – declaring a Climate Emergency means doing things differently.

When declaring a Climate Emergency, a council could consider implementing the following actions and priorities:

1. **Emergency management thinking** – do not PANIC! Action should be considered and underpinned by the resources that are available to the organisation.

2. **Emissions reduction target** – adopt an ambitious, near term, greenhouse gas emissions reduction target. The target includes council’s supply chain.

3. **Risk** – ensure that council’s risk management framework accurately details the impact of climate change.

4. **Governance** – hold the CEO and Executive accountable for the delivery of actions and achievement of targets.

5. **Leadership** – demonstrate to the wider community that council is prioritising climate emergency action.

6. **Funding** – Allocate adequate funding and staff resources to implement actions.

7. **Decision making** – prioritise the consideration of climate change impacts and emission reduction in every decision of council.

8. **Whole of council action** – ensure every council department and every employee understands climate change, how it will impact council and the community and the role it plays in helping implement a Climate Emergency Action Plan.

9. **Climate Data** – access the information needed to understand how climate change impacts infrastructure, finances, service delivery and natural systems so responses are evidenced based.

10. **Social justice** – devote special attention to vulnerable people and communities that are impacted by climate change.

11. **Community** – councils have a role to represent their community’s concerns and to support them to contribute to climate action. Clear communication to the community is also needed to manage community expectations of what can realistically achieved.

12. **Advocacy** – councils communicate what the climate emergency means for their community by calling for urgent action from state and federal governments. Councils need to also advocate for access to funding to implement risk management strategies.

13. **Share services** – collaborate with other councils to respond to a climate emergency thereby leveraging resources and achieving economies of scale.
10.2 URBAN FOREST CASE STUDY / TREE PROTECTION CONTROLS

City Planning & Amenity - Urban Strategy
File No: PSF/19/954 – Doc No: DOC/19/317781

Executive summary

Purpose and background

To present a report to Council on the methodology and outcomes of the Urban Forest Strategy Case Study for Beaumaris, including broader findings in relation to bond schemes and the use of ecological reports in tree removal applications.

At the ordinary meeting of Council on 19 March 2019, it was resolved that Council:

1. Initiates a suburb level case study that assists Council to define the scope of a future Urban Forest Strategy by testing the benefits, outcomes, limitations and opportunities; and

2. Receives a further report at the 17 December 2019 Ordinary Meeting of Council reporting on the outcomes of the case study.

Beaumaris is recognised as having a unique and valued character based in part on its local vegetation, which was originally comprised of indigenous and native species of flora and fauna.

The loss (or removal) of trees and vegetation has been identified as a significant issue of concern for the local community in Beaumaris, and is an issue being experienced across other parts of Melbourne.

Key issues

The Case Study for Beaumaris

The following key areas have been analysed to gain a robust understanding of the effectiveness, gaps and improvement areas relating to tree management and Council policies on public and private land:

- Tree canopy
- Planning Controls
- Development on Private Land
- Council Processes (Planning and Enforcement)
- Council Policies and Processes
- Urban Tree Monitoring.

The above analysis was to assist to:

- Understand the state of the urban forest (trees, vegetation and biodiversity) and the recent historical trends in terms of changes in tree numbers and canopy cover
- Understand the processes by which tree removal occurs and Council’s role and responsibility in managing trees on both public and private land

Item 10.2 – Reports by the Organisation
Page 61 of 277
Test the potential of the Urban Tree Monitoring project being undertaken by Council which will provide ongoing analysis of Bayside’s tree population, not just in the areas affected by the VPO, but across the entire municipality.

Explore some of the options in terms of strengthening tree protection measures and the extent to which this could be possible (e.g. planning scheme, local law, tree bonds).

Provide suggestions and recommendations for improving community awareness of tree protection issues and the benefits of maintaining a healthy urban forest, which is an area that could result in improved outcomes.

**Findings**

**Development of a Municipal Urban Forest Strategy**

A strong urban forest provides clear benefits in terms of aspects such as reducing the urban heat island impact and improving local amenity.

Based on the findings from the case study, Council has a robust approach in relation to trees and vegetation which is delivering positive outcomes. There is of course, room for improvement and the development of an Urban Forest Strategy will ensure that Council has an integrated and robust approach to managing vegetation on both private and public land, delivering the strategic objectives that Council and the Bayside community want to see.

The case study has allowed Council to consider what information is available and what will be valuable to inform the broader development of an Urban Forest Strategy, allowing the strategy to be well informed by the data unearthed through the case study process.

The case study has also provided the opportunity to test the processes by which tree canopy cover and tree numbers across small and large areas can be analysed. Whilst it is premature to consider the specific actions to implement at a municipal level, the case study has allowed Council to consider its approach and improve policy outcomes in the meantime.

The benefit of completing a municipal Urban Forest Strategy will allow Council to consider data across all suburbs and determine the appropriate policy response to ensure that strategic objectives are clear, current and aligned. This may result in policies and strategies being consolidated, where it is considered appropriate to do so.

There are a number of questions that will need to be put to the community generally around how additional plantings can be achieved in public areas, as well as a greater understanding of the level of control Bayside residents wish to see on their land.

**Tree Canopy Cover and Tree Numbers**

Tree canopy, is used as a key indicator of the quality and function of an urban forest. A tree canopy cover analysis has been undertaken for the whole of Bayside as part of Council’s Urban Tree Monitoring Project, on a suburb basis from 2011 to 2017, and considered vegetation over 3m in height. The outcomes of this analysis show that Beaumaris has the highest percentage of canopy cover compared against other suburbs in Bayside and is approximately 5% above the Bayside average. Black Rock is the second highest ranking suburb.

The canopy cover analysis also shows that 2013 had the highest canopy cover in Beaumaris at 29.7%. The latest data from 2017 shows a decrease in canopy of almost 3% at 26.8%.

The data indicates that from 2011 to 2013 there was an overall increase in canopy cover across all Bayside suburbs, but there has been a downward trend since that peak in 2013. One of the key factors that contributed to this trend was yearly rainfall patterns, which can vary dramatically during some years.
It is recommended that tree numbers and canopy cover continue to be monitored through Council’s Urban Tree Monitoring Project, which aims to:

- Create a catalogue of every tree in Bayside within a GIS database
- Monitor the presence and disappearance (loss and gain) of trees over time
- Monitor the health of all trees across Bayside (the urban forest)
- Assist in the auditing of planning scheme permit conditions
- Identify illegal tree removal activity and assist in enforcement activity
- Support the creation of an Urban Forest Strategy.

Permits for tree removal
Planning and local law permits were analysed as well as the planning provisions that apply across Beaumaris in relation to tree removal, including the Vegetation Protection Overlay (VPO3).

Whilst aspects of the planning and local law permit processes are working effectively, a significant amount of vegetation removal occurring in the suburb appears to operate outside the regulatory framework, with permission not required through the Planning Scheme or the Local Law.

Opportunity exists to ensure that tree retention is prioritised in the Local Law policy, as well as ensuring a coordinated and consistent approach across Council to the consideration of tree removal applications.

It is recognised that trees protected by the Planning Scheme are afforded a greater protection than those under the Local Law, and opportunity exists for Council to consider through the Urban Forest Strategy whether trees included on the significant tree register should be protected by the Planning Scheme instead.

The Role of Landscape Plans / Landscape Guidelines
A landscape plan is required as part of the planning permit application process (for either development or tree removal, that requires a permit) and is required to be undertaken as part of the permit condition, enabling a process of enforcement should there be non-compliance with the condition.

The case study has highlighted the benefit of landscape plans, but that further guidance is required to ensure consistency for plans required through planning scheme processes, as well as permits granted under the Local Law. The opportunity exists to extend the application of Council’s Landscape Guidelines so that consistent requirements are in place for planning and Local Law permits.

Enforcement and Auditing
Council was presented with a report at its 23 July 2019 Ordinary Meeting which outlined the results from the auditing of planning permits and their associated landscape plans. The outcomes of the auditing showed that initial compliance was poor but that the compliance rates increased to 100% after enforcement action. It is recommended that Council’s adopted approach for auditing compliance continues.

Tree/landscape bonds:
Three options for “bonds”, or situations where they could be applied have been considered:

1. Landscaping Bonds, to ensure replacement planting on private property is complied with;
2. Tree bonds to ensure significant trees are retained alongside new development on private property; and
3. Tree bonds for trees on Council land.

A number of Councils require landscape bonds to ensure replacement planting requirements are complied with; however, this ultimately shifts the responsibility from the proponent to Council to deliver if non-compliance occurs. This is problematic in relation to Council being able to access the private property, as well as resourcing and administrative costs to administer the process. Given that compliance can be enforced from the land owner via their permits, it is not recommended that landscape bonds proceed. Proactive auditing will continue to ensure that compliance with landscaping plans is achieved without the need for a bond system.

Tree bonds on private property have been researched and similar to landscaping plan bonds, there is not enough evidence that these are necessary. The role of an endorsed landscape plan is to ensure that both existing and proposed landscaping is complied with, which can be achieved through Council’s auditing processes.

Bonds to protect trees on Council land are becoming more commonly used by Councils, including the Cities of Melbourne and Stonnington, where the intensity of new development is significant and there is a real threat to the health and survival of trees during the construction stages of projects. Whilst Council could consider the need for bonds, there are mechanisms available through Council’s asset protection processes and there is presently no significant value able to be demonstrated through a bond process; however, this can be further explored through the Urban Forest Strategy if required.

Neighbourhood Character Review

In Beaumaris, vegetation is intrinsically linked to the character of the suburb. Opportunity exists through the current Neighbourhood Character Review to ensure that there are adequate controls in place to preserve and enhance the role that vegetation plays in contributing to neighbourhood character.

Ecological Reports

To assess the value of ecological reports in assessing planning applications, expert ecological assessments were sought by Council for three recent tree removal applications.

There is limited value in requiring an ecological report with every application for tree removal, as generally, the tree removal applications are in themselves insignificant to influence ecological outcomes. It is more the cumulative effect that has an ecological impact, and tree reports for individual applications are unlikely to suggest that each application will result in an ecological outcome significant enough to justify refusal on ecological grounds.

Much of the analysis included in the Ecological Reports duplicates assessments undertaken by Council Arborists and Planning officers, and placing this burden on applicants is not warranted given the significant duplication and limited additional value obtained.

Next Steps

Council can start to implement many of the preliminary opportunities / recommendations from the case study, as outlined in the attachment to this report, whilst preparing to undertake an Urban Forest Strategy, which is proposed to commence in 2020/21.
Recommendation

That Council:

1. Notes the Urban Forest Strategy Case Study.

2. Considers the development of a municipal Urban Forest Strategy as part of the 2020/21 Budget process.

3. Commences implementation of the actions from the case study not reliant on funding.

Support Attachments

1. Urban Forest Strategy Case Study and Attachments - December 2019 (separately enclosed)
Considerations and implications of recommendation

Liveable community

Social
The case study and future urban forest strategy (would) address a broad range of environmental issues resulting in a cooler, greener, improved amenity urban environment in which the community can participate and interact socially.

Natural Environment
The case study 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. Beaumaris is particularly rich in its vegetation character, which should be preserved and enhanced, wherever possible.

Built Environment
The built environment and activities on private property are having the greatest impact on the tree population in terms of their removal but the case study does identify other environmental factors (such as rainfall, which is related to climate change impacts) that affect the health of trees.

Customer Service and Community Engagement
Given the primarily technical nature of the case study, no community engagement was undertaken to inform the preliminary findings, as they predominantly relate to internal Council operations. Instead, the report has been informed by more general community feedback obtained through various community engagement processes to assist in providing the context for the preliminary issues.

Through the development of a municipal Urban Forest Strategy, opportunity exists to undertake a more robust community engagement process and ensure that the issues and opportunities raised by community are incorporated, and that a balance can be struck between various opinions.

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

Legal
There are no specific legal issues associated with the case study or the undertaking of an Urban Forest Strategy. Mechanisms exist through the Planning and Environment Act 1987 to ensure compliance with planning permits is achieved, and Council has a proactive approach to ensuring compliance is achieved.

Finance
The case study has had no financial implications for Council and the Urban Tree monitoring Project is an approved Council project with its own associated budget. Council will need to consider the development of an Urban Forest Strategy through the 2020/21 Budget process.
Links to Council policy and strategy
There are two key Council policies that guide tree management procedures on public and private land:

- Bayside Street and Park Tree Management Policy
- Tree Protection on Private Property Policy.

There are also numerous Council strategies (listed below), covering various themes, which are related to the purpose of the case study and the need to protect, retain and enhance Bayside’s urban forest. These include:

**Health and Wellbeing**
- Wellbeing for all Ages and Abilities Strategy (2017-21)
- Healthy Ageing Action Plan (2017-2021)
- Healthy Community Action Plan (2017-2021)

**Planning and Housing Growth**
- Housing Strategy 2012 (Community Resilience, Climate Change)
- Neighbourhood Character Review (2011)

**The Economy and Business Activity**
- Retail, Commercial and Employment Strategy (2016)
- Economic Development Strategy (2014)
- Bayside Tourism Strategy (2013)

**Mobility, Access and Participation**
- Integrated Transport Strategy 2018-28)
- Bayside Walking Strategy (2015)

**The Environment, Sustainability and Public Spaces**
- Bayside Climate Change Strategy (2012)
- Environmental Sustainability Framework (2016)
- Bayside Biodiversity Action Plan (2018-2027)
- Bayside Coastal Management Plan
- Open Space Strategy (2012)
- Bayside Tree Strategy
10.3 NEIGHBOURHOOD CHARACTER REVIEW 2019 - PROJECT UPDATE; AND RESPONSE TO NOTICE OF MOTION - 281

City Planning & Amenity - Urban Strategy
File No: PSF/15/8752 – Doc No: DOC/19/304712

Executive summary

Purpose and background
To present Council with an update on Neighbourhood Character Review 2019 project.

At its 25 June 2019 Ordinary Meeting, it was resolved that Council:

Receive a report at the 17 December 2019 Ordinary meeting of Council that provides a preliminary assessment of all neighbourhood character precincts in Bayside and the community engagement approach to test key characteristics, threats and strategies for maintaining each precinct’s character.

The Bayside City Council Plan 2017-2021 has an action to undertake a review of Neighbourhood Character in order to achieve the strategy to “ensure new development responds to preferred neighbourhood character in activity centres”.

In addition, the Bayside Planning Scheme Review found that the Neighbourhood Character Policy is required to be reviewed in order to ensure it is “more precise and clearer in identifying important existing characteristics and associated limitations on development”.

Urban Strategy is undertaking a review of the neighbourhood character provisions within the Bayside Planning Scheme. The objectives of the review are to:

- Review the existing neighbourhood character controls and determine their effectiveness
- Develop updated character statements for the residential areas within Bayside’s Major Activity Centres, which are currently lacking guidance as to the preferred built form outcomes, and for Neighbourhood Residential Zoned land
- Develop improved planning controls to implement the preferred neighbourhood character outcomes across all of Bayside’s residential areas.

Glossop Town Planning have been engaged as the consultants to carry out this project.

Key issues

Project commencement
In informing the scope of the review the following actions have been undertaken:

- Desktop research into relevant VCAT and Planning Panel decisions
- Analysis and comparison of recent neighbourhood character reviews and strategies recently undertaken by other Councils
- A review of all council policies and historical work on Neighbourhood Character
- A workshop involving Strategic and Statutory Planners to discuss applicability of the current Neighbourhood Character Policy and suggestions for improvement.
• A case study of two existing neighbourhood character precincts identified as areas of change and/or transition.

The internal stakeholder engagement plan has been confirmed and the timing and key deliverables have been agreed by the consultants.

The scope and deliverables identified will result in a robust Neighbourhood Character Study Review that delivers a sound policy position that is implementable and supports the protection and enhancement of neighbourhood character.

Whilst the 25 June 2019 resolution requires completion of additional project stages by December 2019, the completed background work and the consultant’s methodology will see these stages completed in a later period.

**The Project Stages**

Stage 1 and 2: Research and analysis of Bayside’s planning scheme and any other policies which guide neighbourhood character. This stage will include consultation with internal stakeholders including statutory and strategic planners and Councillors.

Stage 3: Using the information gained from the research and consultation, the consultants will prepare a detailed analysis which will evaluate the effectiveness of the neighbourhood character provisions, having regard to metropolitan strategy, State policy, VCAT case law, existing developments and preferred directions for character.

Following this, community engagement will occur to increase awareness of the project which aims to provide a clear contextual understanding of the scope of the project and increase awareness of neighbourhood character for residents.

Stage 4: Following the consultation and evaluation of existing policy, updated Neighbourhood Character Guidelines will be drafted for Neighbourhood Residential Zoned areas and residential precincts within Major Activity Centre boundaries.

This stage will include the “Review” phase of the Consultation and Engagement Program in which the community will be asked to provide feedback on the draft guidelines or statements.

Stage 5: In this final stage, an outcomes of the community engagement process will be incorporated into the final suite of statements/guidelines as relevant. This will then lead to the provision of draft planning controls for implementation into the Bayside Planning Scheme. Further opportunities for comment from the community will be available through the planning scheme amendment process.

**Managing expectations**

The Neighbourhood Character Review 2019 includes the entire municipality. For many residents, neighbourhood character is seen to be in conflict with increased density. It is a widely held community view that as density increases, neighbourhood character diminishes. For this reason our community has high expectations as to what this project will be able to deliver. However Neighbourhood Character policy as it is included in the Planning Scheme can only guide and manage built form to a certain degree. A key component of this project will be managing expectations to ensure they match the reality of the project. This will be addressed and carefully managed through a thorough engagement and communication plan.
Recommendation
That Council note this report and receive an update report prior to the commencement of community engagement.

Support Attachments
Nil
Considerations and implications of recommendation

Liveable community

Social
Bayside’s neighbourhood character policy ensures development is responsive to the preferred future character for Bayside’s residential areas and enhances the existing valued characteristic of an area. By carrying out the Neighbourhood Character Review we will be ensuring Bayside’s valued neighbourhood character is protected and enhanced in the future.

Natural Environment

Bayside’s neighbourhood character policy ensures development is responsive to the preferred future character for Bayside’s residential areas and enhances the existing valued characteristic of an area. Bayside’s green and leafy streets make an important contribution to the character of the area and are highly valued by residents. Updating the neighbourhood character policy may provide an opportunity to include more landscape and requirements for the natural environment.

Built Environment
Bayside’s neighbourhood character policy ensures development is responsive to the preferred future character for Bayside’s residential areas and enhances the existing valued characteristic of an area. By carrying out the Neighbourhood Character Review we will be ensuring Bayside’s valued neighbourhood character is protected and enhanced in the future.

Customer Service and Community Engagement
There will be ample opportunities for community input as part of this project. The tools for reaching out and gaining feedback will be decided as part of the consultation and engagement program which are currently being determined, and will be refined following the completion of the first stages of the project.

Human Rights
The implications of this 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.

Legal
The Neighbourhood Character Review is not considered to have any legal implications. Should the review recommend changes to the Housing Strategy which require a planning scheme amendment, the amendment would need to be prepared and exhibited pursuant to the Planning and Environment Act 1987.

Finance
Resources to undertake the Neighbourhood Character Review have been allocated in the 2019/20 Budget and foreshadowed in the 2020/2021 Budget.
Links to Council policy and strategy

*Bayside City Council Plan 2017 – 2021*

Reviewing Bayside's neighbourhood character policy is identified as an action under Goal 3, Housing and neighbourhoods, in the Council Plan.
Executive summary

Purpose and background
To present Council with the final Bayside Housing Strategy 2019 following the Housing Strategy review.

The Bayside Housing Strategy 2012 provides the current framework for how residential development in Bayside will be planned and managed until 2031. The Strategy outlines where new housing growth should be located in Bayside, nominating housing growth areas as appropriate locations for housing growth. The Strategy provides a response to community aspirations of protecting the existing character of Bayside by supporting some of the most conservative planning controls in Victoria.

Key issues

The Updated Strategy

Council has undertaken a review of the effectiveness of the Housing Strategy, which included analysis of the current and emerging needs of the community by examining updated demographic information. This information was then compared to the existing housing stock to determine if it will meet current and future needs of the Bayside community.

Analysis of housing development data shows that the Housing Strategy has been effective in directing medium and high density development to Bayside’s activity centres and strategic redevelopment sites, whilst retaining the low-rise nature of the established residential areas. As such, there is no need to reconsider the overarching strategic direction of the Housing Strategy and the current review focuses primarily on revising the implementation actions.

The management of housing and demographic growth, by directing housing growth to the appropriate locations and meeting housing capacity requirements, confirms the effectiveness of the planning controls and overall planning framework on Bayside’s Major Activity Centres (MACs). As a result, the recommendation is that boundaries are not reviewed. These boundaries have been determined through a rigorous Structure Planning process involving significant community engagement, with the majority of the Structure Plans tested by Planning Panels and implemented into the Planning Scheme.

Should the boundaries of activity centres be reviewed, a revised Structure Plan would need to be prepared for every activity centre in Bayside and it is highly likely that activity centre boundaries would be increased in size, not decreased. This is due to the increasing population of Melbourne and the State policy imperative of increasing housing density in activity centres and other locations that are well located in relation to jobs, services and public transport. The increased prominence of the Principal Public Transport Network area maps in the Bayside Planning Scheme also indicate that there is substantial land outside Bayside’s identified growth areas that are likely to be designated for growth if activity centre boundaries are reviewed. This will significantly undermine Council’s strategic framework and would result in outcomes contrary to the community expectations about the location of development.

For this reason, the updated Housing Strategy focused on evaluating Council’s progress in implementing the Strategy and to consider any modifications that need to be made having regard to recommendations from Planning and Advisory Panels, changing State Government policy and any changes to demographics and population forecasts since the Strategy was adopted.
To gain a deep understanding of the community’s needs, significant consultation with the community and key stakeholders was part of the review process and updating of the strategy. The final Strategy was then presented to Council and made available to the public for viewing and comment from 15 October to 11 November 2019. Specific feedback was not sought, as the community had shared their feedback in the form of a detailed survey earlier this year. Strategic Planners were available to address any specific questions or concerns raised by residents.

Only one submission was received in regards to the final strategy. The submission generally outlined support for the updated Housing Strategy but asked for the maps contained within Clause 21.11 and Clause 22.04 to identify 332 Bay Road, Cheltenham (‘the Laminex site’) as a Strategic Redevelopment site. Through the research and analysis undertaken in reviewing the Housing Strategy, it is not recommended that this be included. Council has considered at length in recent years whether land within the Bayside Business District should be transitioned for residential purposes.

In reviewing the strategy, a housing capacity analysis was undertaken and it was established that there is capacity to accommodate the expected housing demand in the short to medium term, which confirms that there is no need to change the strategic direction of the Bayside Business District at this point. As such, it is not proposed to change the Housing Strategy to have regard to this request.

Next Steps

Following Council adopting the Bayside Housing Strategy 2019, officers will commence implementations of the High Priority Actions. Some projects will commence immediately or already commenced due to inclusion in the Council Plan, with others being deferred to future budget processes (as required).

High priority actions for implementation include:

- Develop an affordable housing policy and continue to implement Council’s Affordable Housing Advocacy Action Plan (commenced)
- A planning scheme amendment to incorporate an Environmentally Sustainable Design policy into the Planning Scheme
- Clarify Council’s neighbourhood character policy outcomes through the Neighbourhood Character Review project (commenced)
- Communicate more clearly how Bayside’s suburbs will grow and change, and the areas where growth is to be directed;
- Provide information to the development industry about incorporating adaptable and accessible housing in new planning permit applications.

Other actions will be completed in accordance with the Implementation Table in the Housing Strategy.
Recommendation

That Council:

2. Write to all submitters to thank them for their contribution.
3. Receive a report on Council’s Affordable Housing Policy at its 24 March 2020 Ordinary Meeting.

Support Attachments

1. Bayside Housing Strategy 2019 - Final for Adoption
Considerations and implications of recommendation

Liveable community

Social
The Housing Strategy guides how residential development in Bayside will be planned and managed over the next twenty years. The Strategy looks at the location and type of residential development required in order to meet the changing needs of the Bayside community. By updating the Housing Strategy we will ensure that the policy directions contained within the Housing Strategy continue to meet the needs of Bayside’s current and future population.

Natural Environment
The Housing Strategy guides how residential development in Bayside will be planned and managed until 2031.

Built Environment
The Housing Strategy guides how residential development in Bayside will be planned and managed until 2031. While the housing strategy does not detail the built environment implications, the strategy does have implications in regard to where growth occurs and aspects such as neighbourhood character.

Customer Service and Community Engagement
The community was asked to provide feedback on the Housing Strategy Review over a seven week period from Monday 1 April 2019 to Sunday 19 May 2019 via an online survey on Council’s Have Your Say platform. During this time, 387 survey responses were received.

To create community awareness of the review and how to provide feedback, the following activities were undertaken:

- Dedicated Have Your Say page with information about the Housing Strategy, the Review and an online survey to complete
- News item on Council website
- Social media posts and advertising
- Two ads in the Bayside Leader
- Article in Let’s Talk Bayside
- Email to Have Your Say subscribers
- Direct advertising with young people using the Bayside Youth Services Facebook page to encourage responses from young people
- Survey sent to people with limited mobility who have provided information to Council on mobility issues in the past. A few additional questions were included, focusing on design issues and barriers to accessible housing. This was done through Council’s disability inclusion officer to utilise established contacts
- Email to Bayside Traders groups
- Article in Council’s internal newsletter ‘In the Loop’ for staff members who are also residents
• Postcard ad distributed to Bayside libraries, Maternal and Child Health Centres, Brighton Recreational Centre, Sandy Beach Community Centre, Hampton Community Centre, Castlefield Community Centre, Highett Neighbourhood Community House, BayCiSS, Hampton East and local MP offices

• Ad placed in 3 school newsletters (all schools in Bayside were asked if they would include an ad in the newsletter, the following did: St Finbar’s Primary School, Brighton East; Beaumaris North Primary School; St Mary’s Primary School, Hampton; and Beaumaris Secondary College)

• Targeted consultation was also undertaken with the Bayside Healthy Aging Reference Group and Housing Associations.

For the second stage of engagement, all interested parties were provided with a project update and the opportunity to contact Strategic Planning officers with any questions or comments. This was completed via:

• An announcement on the project webpage on Have Your Say

• A direct email to all registered parties (including survey respondents and special interest groups)

• An article in Let’s Talk Bayside.

Following this, the Housing Strategy was updated, with new sections added and data updated. This draft version was available for comment in October and November 2019.

Human Rights
The implications of this 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.

Legal
The finalisation of the Housing Strategy is not considered to have any legal implications. Any required planning scheme amendments will be prepared and exhibited pursuant to the Planning and Environment Act 1987.

Finance
Resources to undertake a review of the Bayside Housing Strategy have been allocated in the 2018/19 Budget and foreshadowed in the 2019/2020 Budget.

Links to Council policy and strategy
The Bayside Housing Strategy underpins Council’s planning framework. The Housing Strategy Review should not revisit the significant volume of strategic work completed since 2012 unless there is a policy reason to do so. The following Council Strategies are relevant to the Housing Strategy and Housing Strategy Review.

Bayside Community Plan
The Housing Strategy seeks to focus increased housing growth into activity centres which have good access to public transport, services and facilities. This is consistent with the community’s aspiration set out in the Bayside Community Plan:

“By 2025, members of our community will live close to public transport, in a home that suits their stage of life and is close to the services and facilities needed. Development will be
sensitive to the neighbourhood character and will enhance what is currently enjoyed in Bayside.”

Bayside City Council Plan 2017 – 2021
Reviewing the Housing Strategy is identified as an action under Goal 3, Housing and neighbourhoods, in the Council Plan.

Ageing Well in Bayside, An Age Friendly Strategy, 2018 – 2018
The Housing Strategy seeks to increase the number and diversity of housing in Bayside close to public transport, services and facilities. It also seeks to encourage more adaptable housing to enable housing to meet the needs of different life stages. This is consistent with the following strategies in the Ageing Well Plan:

“Enable housing developments that seek to increase housing diversity and promote universal housing design.”

“Advocate for, and work with housing providers to retain and expand low cost housing options for older people.”

Bayside Integrated Transport Strategy, 2018 – 2028
The Housing Strategy seeks to increase the number and diversity of housing in Bayside close to public transport. This supports Strategic Direction 15 of the Integrated Transport Strategy:

“New land uses and development will be located in accessible locations that provide the greatest access to public transport and facilitate walking and cycling.”

Bayside Environmental Sustainability Framework, 2016 – 2025
The Housing Strategy seeks to ensure new development incorporates ecologically sustainable design in new developments, with one of the implementation actions of the Housing Strategy being to introduce an Environmentally Sustainable Development Local Planning Policy into the Bayside Planning Scheme.

This is consistent with the following target set out in the Bayside Environmental Sustainability Framework:

“Improved environmental standards for new residential and commercial buildings and renovations in the planning and approval process.”

Other Projects
Current projects which the Housing Strategy Review will directly influence include the Neighbourhood Character Study Review, a project currently at the scoping stage; the Economic Development Strategy review; the Open Space Strategy Review; and the Parking Strategy under development.
Options considered

Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Adopt the <em>Bayside Housing Strategy, 2019</em>.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>All residential growth in Bayside will be planned and managed by a current and up to date framework. The current housing framework is working effectively in meeting future needs. Bayside's growth areas have capacity within our existing approach to accommodate future growth. Allows Council to prioritise a new set of housing related actions into the future, with implementation to commence following Council adopting the Strategy.</td>
</tr>
<tr>
<td>Issues</td>
<td>There are no issues associated with this option.</td>
</tr>
</tbody>
</table>

Option 2

<table>
<thead>
<tr>
<th>Summary</th>
<th>Do not adopt the <em>Bayside Housing Strategy 2019</em> or significantly amend the Bayside Housing Strategy 2019.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>There are no benefits associated with this option.</td>
</tr>
<tr>
<td>Issues</td>
<td>The current Housing Strategy (adopted in 2012) may be less effective in appropriately managing residential growth and development as the data and policies are over 7 years old. Changing the basis of Council's strategic framework by significantly altering the Housing Strategy will significantly undermine Council's other strategic policy and could result in outcomes contrary to the community expectations and aspirations about the location of development. It is highly likely that Major Activity Centre boundaries will increase if Council is to review them, particularly without the detailed justification of a Structure Plan.</td>
</tr>
</tbody>
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November 2019
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1. Executive Summary

The provision of adequate housing is an essential human need. The Bayside Housing Strategy 2012 guided how residential development in Bayside will be planned and managed to 2031. The Strategy looked at the location and type of residential development required in order to meet the changing needs of the Bayside community, whilst ensuring development is consistent with an enhances Bayside’s valued urban character. In order to ensure the Bayside Housing Strategy continues to be relevant to current conditions and appropriately meets the needs of Bayside’s residents now and in the future, the Strategy has been updated following an extensive review.

The Housing Strategy Review 2019 (the Review) identified the need to continue with the existing spatial approach in the Bayside Housing Strategy 2019 (the Strategy), which directed the majority of growth to activity centres near fixed rail transport with minimal growth directed to low scale less accessible residential neighbourhoods. The Review also found that Bayside’s growth locations have sufficient housing capacity to meet anticipated population increases over the next 15 years to 2036 as required by State planning policy.

Population and household trend data analysed during the Review indicates:

- Bayside will need approximately 422-541 additional dwellings per year to house forecast population growth. Between 2012-2016, 425 additional dwellings were built each year.
- Families with children will remain the predominant household type, however the percentage of couple only and lone person households will increase. A diversity of household types will be needed including smaller and adaptable homes, as well as residential aged care to enable people to age in place.
- Approximately 3.6% of all Bayside households have an unmet need of affordable housing and lone persons are the largest group in need.

Delivery of diverse and affordable housing was a key socio-economic focus of the Review which has led to the updated Bayside Housing Strategy 2019. Residential Aged Care is encouraged in activity centres with a number of advocacy and education measures recommended to encourage development of more adaptable housing.

The updated Bayside Housing Strategy 2019 focuses on updating Council’s existing policy framework to have regard to subsequent decisions of Council, as well as identifying the areas to focus future housing related strategic actions, such as affordable housing, adaptable housing and environmentally sustainable design. A series of actions relating to housing are outlined, aligning with the themes of managing housing growth, housing diversity, affordability, economic development and sustainability, environmental and landscape values, coastal landscape protection, climate change, neighbourhood character, sustainable development, physical and social infrastructure, golf courses and construction management. Actions to monitor and review are also included, including annual reviews of development approvals and completions to monitor housing demand and supply.
2. Introduction

2.1 What is a Housing Strategy

The provision of adequate housing is an essential human need. The Housing Strategy guides how residential development in Bayside will be planned and managed over the next twenty years. The Strategy looks at the location and type of residential development required in order to meet the changing needs of the Bayside community, whilst ensuring development is consistent with and enhances Bayside’s valued urban character, manages any associated environmental risk and is equitable and appropriately serviced.

2.2 Why prepare a Housing Strategy

As with the rest of metropolitan Melbourne, the population of Bayside is projected to grow significantly between now and 2051 and more dwellings will be needed to accommodate this population.

To remain liveable, it is important that Melbourne does not continue to sprawl to accommodate these additional people. The more Melbourne sprawls, the greater the risk it will become an unsustainable city, divided by disadvantage and inequity.

For population growth to be sustainable, housing needs to be provided in locations that capitalise on existing infrastructure, jobs, services and public transport. To achieve this, State planning policy encourages housing development in and around activity centres, proximate to services, transport, and jobs.

The Housing Strategy provides a holistic framework to support the delivery of housing that meets the needs of the Bayside community both now and in the future, and to identify the services and facilities needed to support the community. This Strategy progresses increased supply of affordable housing, as well as greater choice and diversity which responds to Council’s obligations under the Victorian Charter of Human Rights and Responsibilities Act 2006.

2.3 What is the purpose and scope of the Housing Strategy

The purpose of the Housing Strategy is to:

- Identify the anticipated demographic trends and identify what implications this will have on demand for housing and infrastructure provision;
- Identify future housing requirements;
- Provide a vision and framework to ensure residential development in Bayside meets the needs of both current and future residents that is consistent with State planning policy;
- Identify actions needed to implement the Housing Strategy; and
- Identify monitoring and review mechanisms to ensure an adequate supply of housing continues to be provided.

It is important to recognize the Housing Strategy can only influence development Council has control over, that is residential development that needs a planning permit. Single dwellings on lots greater than 500 square metres generally do not require planning permission and therefore this Strategy cannot influence these developments.
2.4 What is the lifespan of the Housing Strategy?

*Clause 11.02-1S – Supply of urban land* of the State Planning Policy Framework states that Council should plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur.

The Housing Strategy identifies locations where housing growth can occur. These locations have sufficient housing capacity to meet the anticipated increases in population to 2036.

Council will undertake an annual review of approved residential developments and development completions within Bayside to ensure adequate opportunity exists to accommodate anticipated future population growth. This Strategy will be reviewed when it is identified that Bayside no longer has a 15 year supply of land available.

2.5 What is the role of Council in Housing Development?

Council’s role in planning for housing and residential development is directed by the strategic directions contained in the State Planning Policy Framework. It is Council’s responsibility to determine how these State directions are best implemented at a local level.

Through the Bayside Planning Scheme, Council has the ability to establish strategic direction about where and how housing will be provided within the municipality, taking into account local trends, conditions and community aspirations, and to provide for this through appropriate policy, zoning and planning provisions. It is important to recognise that any Council planning policy must be consistent with State planning policy.

Council also has an important advocacy role to play, advocating for planning policies and controls that are consistent with Bayside’s overarching vision of ‘making Bayside a better place’.

In addition, Council can facilitate the delivery of affordable housing, recognising the critical shortage of affordable housing in Victoria.
3. Background

The original Bayside Housing Strategy was adopted by Council in September 2012. Residential zones to implement the Strategy were introduced across Bayside in June 2014. Residential land identified as Minimal Residential Growth Areas in the Housing Strategy, 2012 was zoned Neighbourhood Residential Zone whilst residential land identified as Housing Growth Areas in the Housing Strategy, 2012 was zoned General Residential Zone, with a small component of Residential Growth Zone in the Willis Street Precinct (Hampton Activity Centre) and in part of the Hampton East (Moorabbin) Activity Centre. The public housing estate in New Street, Brighton was also rezoned Residential Growth Zone in 2018. The Strategic Framework Plan from the Housing Strategy, 2012 was introduced into the Bayside Planning Scheme in August 2014, implementing some of the policy components of the Housing Strategy.

The introduction of these zones and the Strategic Framework Plan into the Bayside Planning Scheme has provided very clear direction to both the community and the development industry as to where housing growth is being directed.

In the Minimal Residential Growth Areas (zoned Neighbourhood Residential Zone), building heights are capped at 2 storeys, recognising the Bayside community's desire to protect the low-rise, leafy character of the established residential areas whilst enabling a mix of housing types including detached houses, town houses and low rise apartments.

In the Housing Growth Areas, locations that are in close proximity to public transport, shops and services, permissible building heights range from 3 stories (generally in the residential areas), up to 6 storeys in the commercial areas of activity centres. These heights were determined through detailed structure planning processes that examined the local conditions of each location.

The other policy components of the Housing Strategy, 2012, including the vision, and objectives and strategies to achieve this vision, were not introduced into the Planning Scheme. This was because a Planning Panel recommended that Amendment C140, which sought to introduce the policy components of the Housing Strategy, 2012 be abandoned. This was largely because some of the more restrictive controls proposed as part of C140, such as mandating minimum lot sizes, were not justified by the Housing Strategy, 2012. The Panel was concerned that these restrictive controls were an attempt to stifle nearly all development in the established residential areas and did not allow for a diverse mix of housing including semi-detached and detached dwellings.

As part of the update of the Housing Strategy, 2012, a review of the original Strategy was undertaken to evaluate Council’s success in implementing the Strategy and to consider any modifications that needed to be made to the Strategy having regard to current policy settings and the forecast needs of Bayside’s residents. The review did not consider the overarching spatial approach to delivering increased housing in Bayside; that is, directing medium and high density housing to Housing Growth Areas, areas in close proximity to public transport, shops and other services.

This is because the overarching spatial approach outlined in the Housing Strategy, 2012 and in this update to the Housing Strategy, is delivering increased housing in Bayside in locations that are well served by public transport, shops and services. This is the most sustainable approach to delivering increased housing density and is in line with State Government planning policy. Should further housing capacity be required in the future, a future review of the Housing Strategy can consider other locations that may be suitable for increased housing density in addition to those already identified in the Housing Strategy. This approach allows Council to direct and manage growth in the short to medium term.
4. Policy Context

In updating the Housing Strategy, the following policy context has been taken into account.

4.1 State Policy

The State Government provides the overarching strategic direction in relation to accommodating future housing within Victoria.

4.1.1 Plan Melbourne

*Plan Melbourne* is Victoria’s Metropolitan Planning Strategy. *Plan Melbourne* sets the vision and policy direction for the growth of Melbourne to 2050. Plan Melbourne replaced Melbourne 2030, the former Metropolitan Planning Strategy in 2014 and was refreshed in 2017.

It is projected that Melbourne’s current population of around 6.5 million will increase to 11.2 million by 2056 (Victoria in Future, 2019). To remain liveable, it is important that Melbourne does not continue to sprawl to accommodate these additional people. The more Melbourne sprawls, the greater the risk it will become an unsustainable city, divided by disadvantage and inequity.

For population growth to be sustainable, housing needs to be provided in locations that capitalise on existing infrastructure, jobs, services and public transport. To achieve this, *Plan Melbourne* encourages housing development in and around activity centres, proximate to services, transport, and jobs. In addition, it seeks to increase the supply of social and affordable housing and to provide greater choice and diversity of housing.

4.1.2 Homes for Victorians, 2017

*Homes for Victorians* is the State Government’s plan to increase and renew public housing and address homelessness. It includes 5 main initiatives:

1. Supporting people to buy their own home;
2. Increasing the supply of housing through faster planning;
3. Promoting stability and affordability for renters;
4. Increasing and renewing social housing stock; and
5. Improving housing services for Victorians in need.

As part of implementing this Plan, the Public Housing Renewal Program has identified numerous public housing sites across Melbourne as suitable for redevelopment for a mix of social, affordable and private homes.

One of these sites is the public housing site in New Street Brighton. There are currently 127 dwellings on the site and it is proposed that they will be replaced by at least 140 new public housing homes as well as private housing. The Department of Health and Human Services has established a Consultative Committee made up of key community members and representatives of local organisations to provide advice on the redevelopment of the estate.

4.1.3 Changes to Planning and Environment Act 1987

On 1 June 2018, changes to the *Planning and Environment Act 1987* (the Act) came into effect to help facilitate the supply of affordable housing through the planning system. These changes were:

- *Adding a new objective to the Act “to facilitate the provision of affordable housing in Victoria”.*
• Providing a definition of affordable housing – “affordable housing is housing, including social housing, that is appropriate for the housing needs of very low, low, and moderate-income households”, and

• Affirming the use of section 173 for voluntary affordable housing agreements “…a Responsible Authority may enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing”.

These changes make it clear that the planning system has a role in facilitating affordable housing and clarifies that Responsible Authorities can enter an agreement under section 173 of the Planning and Environment Act 1987 for the provision of affordable housing as part of a development.

4.2 Local Policy

The key local policy documents that influence the Housing Strategy are summarised below.

4.2.1 Bayside Community Plan 2025

The Community Plan expresses a vision for Bayside for the next 10 years. Based on an extensive and ongoing community engagement process, it sets at the heart of Council’s planning framework. In relation to housing and neighbourhoods, the community’s aspiration is that, by 2025, members of our community will live close to public transport, in a home that suits their stage of life and is close to the services and facilities needed. Development will be sensitive to the neighbourhood character and will enhance what is currently enjoyed in Bayside.

4.2.2 Bayside Council Plan

The Council Plan sets out Council’s vision, goals, strategic objectives and strategies for the Council’s 4 year term in office. The following goals are of particular relevance to the Housing Strategy Review:

• Goal 1 - Infrastructure - ‘Council will work together with the Bayside community to plan and deliver community infrastructure that responds to the changing needs of the Bayside community.’

• Goal 2 - Transport - ‘Sustainable transport is the mode of choice, facilitated through the creation of a well-connected, safe, accessible and convenient transport system that positively contributes to a strong economy, the health and wellbeing of the community and a low-carbon future within Bayside’

• Goal 3 – Housing and neighbourhoods - ‘Neighbourhood housing development across Bayside will respect and enhance Bayside’s valued built and natural heritage and neighbourhood character. New housing growth will be focused on identified activity centres, demonstrating strong environmental credentials and providing a range of housing types to accommodate changing community needs.’

• Goal 4 – Open space - ‘We will work together to build our open space network to support biodiversity, improve health and wellbeing and community connections, and provide access for current generations.’

• Goal 5 – Environment - ‘Council and the Bayside community will be environmental stewards, taking action to protect and enhance the natural environment, while balancing appreciation and use with the need to protect natural assets for future generations.’

4.2.3 Wellbeing for All Ages and Abilities Strategy, 2017 – 2021

This Strategy outlines the health and wellbeing priorities for Bayside City Council for the next four years. Goal 1, An engaged and supportive community has two relevant objectives 1) ‘Support opportunities that build social networks and community connections’ and 2) ‘Improve access to affordable, appropriate and inclusive services’. Goal 3, Safe and sustainable environments has two relevant objectives to 1) ‘Improve environmental sustainability’ and 2) ‘Improve community resilience to extreme weather events’.
4.2.4 Bayside Integrated Transport Strategy, 2018 – 2028

This Strategy sets out a framework and specific actions to achieve a well-connected, safe, accessible and convenient transport system that positively contributes to a strong economy, the health and wellbeing of the community and a low carbon future. Strategic Direction 15 of the Integrated Transport Strategy states:

‘New land uses and development will be located in accessible locations that provide the greatest access to public transport and facilitate walking and cycling.’

4.2.5 Bayside Environmental Sustainability Framework, 2016 – 2025

This framework sets consistent direction and guidance for environmental planning and decision-making within Bayside City Council. Goal 4: Sustainable Places, has as a target:

‘Improved environmental standards for new residential and commercial buildings and renovations in the planning and approval process.

The indicator for this target being achieved is ‘Environmental Sustainability requirements incorporated into planning scheme process, including Built Environment Sustainability Scorecard (BESS) or other superior rating tool.’

4.2.6 Improving Housing Affordability and Social Housing Options in the City of Bayside – Advocacy Action Plan, June 2018

This Action Plan guides Council’s advocacy efforts in relation to affordable and social housing in Bayside. Council has 2 objectives:

- To increase the supply of social and affordable housing on State Government land.
- To encourage and facilitate the private sector to deliver affordable housing stock.

The advocacy action plan aims to influence outcomes that:

- Maximise the provision of public and affordable housing;
- Achieve social integration;
- Respect neighbourhood character; and
- Ensure compliance with planning controls.

4.2.7 Bayside Climate Change Strategy – A Plan for Council’s Operations, 2012

This sets out how Council is responding to the challenges of climate change. It recognises that Council will need to plan for: increasing temperatures and extreme heat, longer dry spells interrupted by more storms and floods and rising sea levels.

To better understand how Bayside can address climate change hazards through land use planning, Council is involved in the Port Phillip Bay Coastal Planning Project. This project is currently underway and is being undertaken by the Municipal Association of Victoria (MAV) in conjunction with the Association of Bayside Municipalities (ABM), an association of ten municipalities (including Bayside City Council), that abut Port Phillip Bay.

The aim of the project is to assist the 10 Council’s around Port Phillip Bay to develop a consistent approach to addressing climate change hazards in land use planning.

The findings of this project will need to be considered and possible changes made to the Bayside Planning Scheme.
5. Previous Community Feedback

In recent years, a number of municipal-wide engagement programs have been carried out that sought to understand the community's views on a range of topics. Planning and housing is a key component of the service Bayside Council provides. It is also an area of strong public opinion. For this reason, there is a wealth of data on this topic to inform the update to the Housing Strategy.

The following recent projects included municipal-wide consultation on the topic of planning, housing and development:

- The Council Plan;
- The Community Plan;
- The Planning Scheme Review;
- Amendment C140;
- Amendment C125; and
- Annual Community Satisfaction Report.

The key messages in relation to planning, housing and development from these consultations were:

- Directing growth to activity centres and away from established residential areas continues to be a high priority for residents;
- Additional pressure on infrastructure (especially roads) caused by increased residential development is a significant concern for residents;
- Negative impacts on surrounding properties must be appropriately managed where new development is occurring; and
- Planning and development remains an area of concern for Bayside residents.

To help inform the Housing Strategy Review, the community was asked to provide feedback on the key housing issues in Bayside. The key messages from this consultation were:

- It is important to encourage a diversity of housing typologies in Bayside including family homes and smaller homes for single people, couples and small families;
- There is a need for the Strategy to recognise that many adult children are now staying in the family home for longer and so downsizing may occur later and that people downsizing do not always want to move into an apartment, often they want to downsize to a smaller, separate single level home with a small outside area;
- If additional housing capacity is needed in future years, most respondents would prefer it to be delivered by allowing higher density housing along the Principal Public Transport Network, followed by widening the activity centre boundaries;
- Residential development in the Bayside Business District should not be ruled out;
- There was a perception amongst some respondents that development is unfairly concentrated along the Frankston train line rather than being spread evenly between both the Sandringham and Frankston train lines. This perception highlights the need to communicate and educate the community as to where Housing Growth Areas are located, as they are spread along both the Sandringham and Frankston train lines;
- There is support for protecting neighbourhood character in Minimal Residential Growth Areas by directing growth to Housing Growth Areas, however respondents did not support changing the neighbourhood character in Housing Growth Areas. This reflects the competing objectives in planning. Whilst respondents agreed with protecting the neighbourhood character in the majority of Bayside by directing housing growth to Housing Growth Areas, the consequence of this is that the character in these identified Housing Growth Areas will change;
- Residential developments should have to achieve best practice Environmentally Sustainable Design;
• Retirement villages/nursing homes should be located near shops and public transport;
• There was concern that Residential Aged Care developments of up to 4-5 storeys can be built in all residential zones;
• There was support for Council encouraging developers to build more adaptable housing with most respondents preferring to adapt their existing house rather than move house should household circumstances change in the future;
• There were mixed views in relation to the role Council should play in incentivising the delivery of affordable housing;
• The most important benefits of enhancing vegetation and tree cover in Bayside were the contribution it makes to the neighborhood character of Bayside and biodiversity; and
• The types of infrastructure respondents felt were being most impacted by increased housing density were road and street congestion and open spaces.

This feedback has been taken into account in this updated Strategy.
6. Housing for the future

In updating the Housing Strategy to ensure it provides a holistic framework to support the delivery of housing that meets the needs of the Bayside community, both now and in the future, it is important to understand:

- What the housing needs of its future population are likely to be;
- The nature of existing housing stock and whether this stock is likely to meet the needs of the future population; and
- The capacity of areas to accommodate new housing.

Population forecasts are produced by a range of organisations, including the Department of Environment, Land, Water and Planning (DELWP), who produce the Victoria in Future (VIF) estimates, the Australian Bureau of Statistics (ABS) and private consultancy firms (including id consulting).

Council uses VIF, ABS and id data to help plan for future community needs. For detailed planning work, Council uses Forecast.id data which has a number of advantages compared with the VIF 2019 figures:

- Forecasts are produced for smaller geographic areas (all nine suburbs in Bayside);
- More detailed building activity and statutory planning data are incorporated into the assumptions; and
- A household propensity model is also used to forecast detailed age groups of persons living in those households.

Data sets from Forecast.id and Victoria in Future 2019 have been used in this Strategy.

**Figure 1: Population and age distribution**

<table>
<thead>
<tr>
<th>Population</th>
<th>Age distribution</th>
<th>2016</th>
<th>2036</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated population (2019)</td>
<td></td>
<td>107,230 (id)</td>
<td></td>
</tr>
<tr>
<td>Estimated population (2036)</td>
<td></td>
<td>118,590 (id)</td>
<td>122,708 (VIF 2019)</td>
</tr>
<tr>
<td>Estimated increase in population from 2019 – 2036</td>
<td></td>
<td>11,360 people (id)</td>
<td>15,480 (VIF 2019)</td>
</tr>
<tr>
<td>Estimated population growth per (2019 – 2036)</td>
<td></td>
<td>688 people (id)</td>
<td>910 people (VIF 2019)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Age group</th>
<th>2016</th>
<th>2036</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-19 years</td>
<td>25.4% (id)</td>
<td>23.4% (id)</td>
</tr>
<tr>
<td></td>
<td>25.3% (VIF)</td>
<td>21.4% (VIF)</td>
</tr>
<tr>
<td>20-34 years</td>
<td>13.3% (id)</td>
<td>14.8% (id)</td>
</tr>
<tr>
<td></td>
<td>14.4% (VIF)</td>
<td>16.2% (VIF)</td>
</tr>
<tr>
<td>35-59 years</td>
<td>36.3% (id)</td>
<td>33.3% (id)</td>
</tr>
<tr>
<td></td>
<td>35.8% (VIF)</td>
<td>32.2% (VIF)</td>
</tr>
<tr>
<td>60+</td>
<td>25.2% (id)</td>
<td>28.6% (id)</td>
</tr>
<tr>
<td></td>
<td>24.5% (VIF)</td>
<td>30.1% (VVF)</td>
</tr>
</tbody>
</table>

Bayside’s population is forecast to increase by around 688 - 910 people per year. Parents and homebuilders (35 to 49) and older workers and pre-retirees (50 to 59) are the largest age group in Bayside and will continue to be so. However, it is also forecast that there will be increases in the 20 to 34 and 60+ age groups.
Figure 2: Dwellings and households

<table>
<thead>
<tr>
<th>Dwellings</th>
<th>Household</th>
<th>2016</th>
<th>2036</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of dwellings (2016)</td>
<td>Families with children</td>
<td>45%</td>
<td>41%</td>
</tr>
<tr>
<td>41,516 (id)</td>
<td>Couples without children</td>
<td>24%</td>
<td>28%</td>
</tr>
<tr>
<td>41,130 (VIF 2019)</td>
<td>Lone person households</td>
<td>23%</td>
<td>27%</td>
</tr>
<tr>
<td>Estimated dwellings (2036)</td>
<td>51,940 (VIF 2019)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>49,948 (id)</td>
<td>Estimated increase in dwellings from 2016 – 2036</td>
<td>8,432 dwellings (id)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10,810 (VIF 2019)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estimated dwelling growth pa (2016 – 2036)</td>
<td>422 dwellings per year (id)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>541 dwellings per year (VIF 2019)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


To house the forecast population, approximately 422 – 541 new dwellings will need to be built each year. In the 5 years between 2012 – 2016 approximately 2,128 net dwellings were built, which equates to around 425 net new dwellings were built each year.

Additional housing capacity is in the pipeline with recently completed structure plans and planning scheme amendments for the Martin Street and Hampton East activity centres, with amendment processes underway for Highfield Large Neighbourhood Activity Centre, Pennylate Housing Growth Area and Bayside’s Small Activity Centres. The CSIRO strategic redevelopment site is also expected to be sold and redeveloped in the near future.

Families with children will remain the predominant household type, however there will be increases in couples without children and lone person households.

Figure 3: Dwellings type and incomes

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Separate house</td>
<td>60.8%</td>
<td>Families with children – 77%</td>
<td>Households in the highest income quartile</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Couples – 56%</td>
<td>44.6%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lone persons – 42%</td>
<td>Households in the lowest income quartile</td>
</tr>
<tr>
<td>Medium density – townhouse/unit, 2 storey apartments</td>
<td>30.6%</td>
<td>Families with children – 20%</td>
<td>23.1%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Couples – 32%</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lone persons – 45%</td>
<td></td>
</tr>
<tr>
<td>High density – 3 storey + apartments</td>
<td>7.6%</td>
<td>Families with children – 2%</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Couples – 7%</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lone persons – 12%</td>
<td></td>
</tr>
</tbody>
</table>

Bayside’s housing stock corresponds with the household types, with the majority of housing being separate houses, primarily occupied by families with children and couples.

As the percentage of couple only and lone person households increase, a diversity of housing types will need to be provided including family homes that cater for the dominant demographic in Bayside and smaller homes such as apartments and townhouses/units that cater for smaller households. Anecdotally, smaller, single storey homes, with a small backyard are often preferred over apartments by people wishing to downsize.

Bayside Housing Strategy 13
Other housing options that enable older people to age in place, including adaptable housing and residential aged care will also be needed.

Bayside is generally a wealthy municipality, although there are pockets of disadvantage.

**Figure 4: Housing tenure, rental affordability and housing affordability**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Owned outright</strong></td>
<td><strong>Median weekly rent – house</strong></td>
<td><strong>Median sale price – houses</strong></td>
</tr>
<tr>
<td>39.1%</td>
<td>$825</td>
<td>$1.8 million</td>
</tr>
<tr>
<td><strong>Mortgaged</strong></td>
<td><strong>Median weekly rent – unit</strong></td>
<td><strong>Median sale price – unit</strong></td>
</tr>
<tr>
<td>31.6%</td>
<td>$495</td>
<td>$811,000</td>
</tr>
<tr>
<td><strong>Renting – public housing</strong></td>
<td></td>
<td><strong>Bayside households in housing stress (mortgage and rental)</strong> (2016)</td>
</tr>
<tr>
<td>2.5%</td>
<td>In 2018, there were no rental listings that would have been affordable to a household on a very low income.</td>
<td>13.1%</td>
</tr>
<tr>
<td><strong>Renting private</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19.4%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The majority of Bayside households are either homeowners or purchasing their own home. House prices and rental costs are high, with very little housing that is affordable to lower income households. It is estimated that 1,297 households in Bayside have an unmet need for affordable housing. This represents 3.8% of all households. Of those households in need of affordable housing, lone persons are the largest group in need (549 households), followed by family households (390 households).
7. Key challenges associated with managing housing growth

In planning for future housing growth, there are a number of challenges that need to be addressed to ensure development is undertaken in an equitable and appropriate manner.

A key challenge addressed in this Strategy is to balance the need to provide additional, and diverse housing for a growing and changing population with community aspirations to protect the green and leafy, low scale housing character of Bayside. In considering how to accommodate future housing growth it is important to recognise that not all areas within the municipality have the same capacity to accommodate residential growth.

The following key challenges have been taken into consideration in developing and updating the Housing Strategy and assessing the suitability of areas for future residential development.

7.1 Balancing state and local expectations in managing housing growth

The fundamental challenge for the Bayside Housing Strategy 2019 is to balance the need for growth with the existing community’s desire to protect the village feel and green and leafy, low scale housing character of Bayside. This can be achieved by focusing development in locations close to public transport, shops and services, whilst limiting development in other areas of the municipality. This is the approach taken in this Strategy.

This approach does, however, lead to a concentration of development in a number of defined locations which results in a greater impact on the existing character of that area. Yet it also enables the protection of neighbourhood character throughout the remainder of the municipality, in areas that are less well located in relation to public transport, shops and community services.

A more spread out approach to development, with development spread across the municipality rather than being focused into defined locations will result in greater levels of change overall throughout the municipality. This also results in development that is less well located in relation to public transport, shops and community services.

The application of residential zones in Bayside implements the approach to managing growth set out in the Strategy with the Neighbourhood Residential Zone applied to Minimal Residential Growth Areas, and the General Residential Zone and Residential Growth Zone applied to Housing Growth Areas. This ensures that the greatest increase in housing is focused in areas in close proximity to shops, services and public transport, whilst also delivering housing density and diversity in the form of single dwellings, town houses and two storey apartments in the remainder of the municipality that is zoned Neighbourhood Residential Zone. This approach ensures Bayside can deliver the necessary housing growth whilst also delivering housing diversity to meet the needs of existing and future residents.

7.2 Housing diversity

The characteristics of Bayside’s population are changing and therefore so will their needs. With a changing demographic profile, there will be a need to ensure a diversity of housing types is provided including family housing, apartments, townhouses and single storey units on smaller blocks. The large areas of land in Bayside zoned Neighbourhood Residential Zone are locations where family houses, townhouses and units on smaller blocks can be located, catering for both families, and our aging population.

Residential Aged Care Facilities contribute to housing diversity and choice for older people. They are best located in areas close to shops, services and public transport so that their residents have easy access to these services. Due to their purpose and function, these facilities often have a built form that
is different to dwellings. It is important that these facilities are built to respond to the site and their context and that they do not unreasonable impact on the amenity of adjoining dwellings.

Another way to provide a diversity in housing is to encourage the inclusion of adaptable building design into new developments. This will enable housing to change and adapt to the different needs of families, and avoid the need for costly renovations or the need to move house when needs change. Adaptable housing elements can be introduced relatively cheaply at the design and building stage. However, currently, the inclusion of adaptable housing design is largely voluntary.

Community Care Accommodation is also an important form of housing diversity, providing accommodation for people with limited mobility, as well as for people who have experienced family violence. It is defined in the Planning Scheme as ‘land used to provide accommodation and care services. It includes permanent, temporary and emergency accommodation. It may include supervisory staff and support services for residents and visitors’. It is exempt from a permit where the use is funded by, or carried out by or on behalf of, a government department or public authority and specific planning requirements that limit the scale and intensity of development are met.

7.3 Social and affordable housing

The Planning and Environment Act 1987 defines affordable housing as ‘housing, including social housing, that is appropriate for the housing needs of any of the following: very low income households, low income households, moderate income households’.

As mentioned above, social housing forms part of affordable housing and typically refers to housing that is owned by the Victorian Government or a not-for-profit Registered Housing Agency and made available at affordable rents for eligible households. This form of housing generally addresses those households with the highest needs and a range of those households who receive various assistance or support (for example rent assistance).

While Bayside is generally an affluent municipality, there are sections of the Bayside community that experience disadvantage, with approximately 3.6% of the population in need of affordable housing.

The Governor in Council Order specifies the income ranges for very low, low and moderate income households for affordable housing that is not social housing, whilst income limits for social housing are determined by the Director of Housing.

Whilst the causes of the lack of affordable housing are many, and complex, there is a role for the planning system, and for Council, to play in facilitating affordable housing in Bayside to ensure our low income residents and workers can continue to live in the municipality.

As part of the State government’s public housing renewal program, the existing public housing site in New Street, Brighton, is being redeveloped to provide additional public and private housing. Council has advocated for increasing the supply of public and affordable housing at the site to support disadvantaged members of the Bayside community.

7.4 Homelessness and temporary accommodation

Homelessness is a complex issue. In defining homelessness the Australian Bureau of Statistics (ABS, 2018) emphasises the ‘home’ in homelessness – as home encompasses a sense of security, stability, privacy, safety and the ability to control one’s living space. This in real terms is a lack of access to safe, secure and appropriate housing through one or more of such elements.

Rough sleeping is a form of homelessness which refers to living on the street, sleeping in parks or cars, squating, or living in improvised dwellings. As in many cities around the world, homelessness across greater Melbourne and Bayside is growing, and the visibility of those without adequate accommodation is on the rise.
The main reasons people experience homelessness are lack of affordable housing, family violence, financial stress, disability, mental health, alcohol and/or other drug issues. Many people have short and one-off experiences of homelessness, but for some it stretches into years and it may take a range of supports to get housing. Every person’s story is unique.

Despite relatively high income levels of residents in Bayside, those experiencing homelessness is on the increase. In Bayside, most homelessness is hidden, including people staying in hotels, motels, or other temporary accommodation, living in unsafe conditions, or sleeping on relative’s or friend’s couches (couch-surfing).

7.5 Economic development and sustainability

While there is a focus on providing residential development within activity centres, activity centres also perform a vital commercial role. It is important to ensure that increased residential development in activity centres and other commercial areas does not occur at the expense of commercial activities. In addition, there has been increasing pressure to develop land in the Bayside Business District for residential purposes.

Existing planning policy does not support residential development in the Bayside Business District (BBD) as it is the last area of Commercial 2 Zoning in Bayside and is an important existing and future economic hub for the municipality. An earlier rezoning of land within the BBD to Mixed Use Zone and Commercial 1 Zone which was intended to contribute to the area has instead resulted in a residential development that does nothing to contribute to the Bayside Business District and its key role as an employment and economic node.

Given the limited Commercial 2 Zoning in Bayside and the existing (and future) employment role the BBD plays, it is important that this land be retained for future commercial development. It is therefore not proposed to rezone land in the BBD to enable residential development.

7.6 Environmental and landscape values

The majority of the urban area in Black Rock and Beaumaris is included within a Vegetation Protection Overlay. This overlay recognises the significant vegetation character and habitat value of native vegetation in these areas and recognises that the continued viability of this significant vegetation character and its habitat value is under threat from clearance associated with urban development and from loss of aging vegetation. These areas are not considered appropriate for increased residential density as smaller lots and greater site coverage will negatively impact on this significant vegetation character and habitat value.

7.7 Coastal areas and landscape protection

Bayside has over seventeen kilometres of frontage to Port Phillip Bay, with the coastal reserves covered by a Vegetation Protection Overlay, recognising its diversity and environmental values. Land within proximity of the coastline is highly desirable for increased residential development because of the coastal views and lifestyle opportunities it offers. However, higher density housing can negatively impact on the foreshore. In recognition of this, the coastline is covered by a Design and Development Overlay 1 – Building Height Control – Coastal. The intent of this overlay is to limit the scale and form of development which can occur along the coastline to two storeys. Given this, the area has limited capacity to accommodate significant future housing growth.

7.8 Climate change

Council needs to plan for the impacts of climate change including increasing temperatures and extreme heat, longer dry spells interrupted by more storms and floods and rising sea levels and coastal erosion. The Housing Strategy will seek to improve the environmentally sustainable design of new buildings so they are better placed to cope with extreme temperatures as well as seeking to
protect and enhance vegetation in Bayside to help combat the urban heat island effect. Once completed, the Port Philip Bay Coastal Hazards Assessment will need to be reviewed and implications on the Housing Strategy considered.

7.9 Neighbourhood character

Maintaining neighbourhood character is important to the Bayside community. Over the last ten years the community has consistently expressed concern that increased development associated with urban consolidation should not be at the expense of the neighbourhood character, but rather that it should be consistent with and respect the character of Bayside.

Where incremental housing change is occurring, neighbourhood character can be respected by new development. However, in areas identified for housing growth, it is not possible to preserve the existing character. In these areas, it is necessary to define a clear preferred future character which accommodates the necessary housing growth.

There is also concern that developments are removing mature vegetation, particularly canopy trees, which contributes significantly to the character of Bayside. The garden character of much of Bayside’s residential areas is highly valued by the community, with trees and vegetation being essential components of urban infrastructure.

7.10 Sustainable development

Focusing development within identified growth areas, close to shops, public transport and community facilities can assist in reducing the reliance on the car, lead to greater efficiencies in infrastructure provision as well as create vibrant and diverse communities, thus creating a more sustainable urban form.

Other aspects of sustainability include ensuring new development incorporates environmentally sustainable design and materials in order to achieve more sustainable building outcomes and managing the impact of construction on the environment.

Council currently encourages applicants to consider environmental performance of their buildings by requiring a sustainability report to be submitted as part of planning permits, however other Victorian local councils have introduced an Environmentally Sustainable Design Policy into their planning schemes requiring applications over a certain size to undertake a sustainability assessment. This approach is called SAAPP (Sustainable Design Assessment in the Planning Process) and refers to the inclusion of 10 key environmental performance considerations into the planning permit approvals process. This ensures environmental sustainability is considered at the planning stage.

7.11 Heritage

The land presently encompassed by the City of Bayside has been occupied by Indigenous people for over 35,000 years. When Europeans first arrived in Victoria, the Bayside was within the traditional country of the Ngaruk Wilurr, a clan of the Boon Wurrung people. Although Bayside is now a highly urbanised environment, evidence of the use of the land by Boon Wurrung people survives in the form of archaeological sites.

Bayside’s more recent built form history includes a range of significant heritage properties and precincts from the Victorian, Edwardian, post and interwar periods. Recognising this, protection has been given to these significant properties and precincts through the Heritage Overlay in the Bayside Planning Scheme.

The existence of heritage significance does not preclude more intensive residential development, however, it does require a more sensitive approach to retaining and incorporating the important heritage values within the development.
7.12 Transport

Whilst Bayside is serviced by rail, a tram and buses, there are large areas which rely principally on the private motor vehicle for transport. The north of the municipality is generally well serviced by public transport, being served by the Sandringham railway line which has stations at Gardenvale, North Brighton, Middle Brighton, Brighton Beach, Hampton and Sandringham and the Frankston railway line which has stations at Moorabbin, Highett, Southland and Cheltenham.

Access within the southern part of the municipality, Black Rock and Beaumaris, is not as convenient, being serviced only by bus.

Trams are restricted to a single route in Brighton East, north of Nepean Highway, which runs along Hawthorn Road. Buses are provided throughout the municipality.

The principles of sustainability include a reduced reliance on the private motor vehicle and a greater reliance on public transport. The absence of a multi-modal public transport system to the south of the municipality means that these areas are less suitable for increased housing density than the areas in close proximity to a train station.

State Planning Policy supports housing density along the Principal Public Transport Network (PPTN). However, in Bayside, many areas along the PPTN are not currently well served by high quality public transport. For example, bus route, 822 and 828 which are included in the Bay Road PPTN route have a 20-30 minute frequency at peak times. In addition to low service frequencies, bus routes are circuitous and slow and there is poor coordination with rail services.

A Metropolitan Bus Service Review for Bayside/Geelong, 2006 was undertaken by the Department of Transport. It recommended a number of changes to existing bus routes in Bayside to improve coverage and service times. These changes have not been implemented.

Council has also identified a range of actions that would add significant value to the public transport network in Bayside. These actions have also not been implemented by the State Government.

Unlike fixed rail, there is no guarantee that bus routes will remain the same and the State Government has not committed to increasing bus reliability or service in Bayside. As such, the Housing Strategy does not focus increased housing growth along the PPTN, but rather focuses it around fixed rail infrastructure and activity centres.

7.13 Physical and social infrastructure

Increased development will require increased infrastructure, both physical (road, car parks, open space) and social (libraries, community centres, recreational facilities). In order to ensure appropriate infrastructure is provided, it is necessary to plan ahead to avoid attempting to retrofit infrastructure which can be challenging and costly. In addition, as communities change the demand for services, activities and programs will also change.

Much of Bayside’s physical infrastructure is reaching the end of its useful life and requires updating and replacing. Council will not be in a position to fund all of the infrastructure required to meet the needs of the future community. It will require a joint approach from a range of providers including Council, the State Government, not-for-profit sector, and also the private sector.

Council has completed a number of infrastructure renewal plans relating to specific infrastructure of service areas. Whilst Council has undertaken a significant amount of work in this area, an overarching strategic vision in relation to infrastructure, linked to a needs assessment and capital works program remains an outstanding action.
7.14 Golf Courses

There are a number of golf courses in Bayside, two of which are privately owned. These golf courses are zoned General Residential Zone, this means they could be redeveloped for residential purposes. The golf courses within Bayside contribute to the character of Bayside and have significant recreational, environmental and landscape value. It is important to ensure that any future development of this land is undertaken in a sensitive manner which maintains and enhances these significant values.

In order to ensure that this occurs, it may be appropriate to either rezone the land to a more appropriate zone to reflect its current use (such as the Special Use Zone), or to include the land within a Development Plan Overlay, thus requiring the form and conditions of any future use and development to be shown on a development plan before a permit can be granted to develop the land. This would provide a planning mechanism to ensure that these significant values are appropriately considered as part of any future development of the land.

7.15 Construction Management

Council has heard from the community that residents around new developments in both Housing Growth Areas and minimal residential growth areas are experiencing compromised amenity as a result of prolonged development activity.

Whilst Council includes conditions on planning permits requiring the preparation of a Construction Management Plan, residents have expressed dissatisfaction with the level of response and appropriateness. Council should consider reviewing its approach to construction management plans to ensure that they are working effectively and providing the appropriate balance between facilitating development outcomes and protection residential amenity.
8. Vision and overarching approach

The Bayside Housing Strategy 2019 sets out a strategic framework for housing and residential development in Bayside over the next fifteen years. The Strategy provides direction about where residential development will be focused, where it will be limited and the type of residential development required in order to meet the changing needs of the Bayside community.

In articulating the vision, strategic framework and growth area designations, the Strategy has relied on the terms 'high', 'medium', and 'low' density development. Whilst these are common planning terms, they have no clear definition in either the Victoria Planning Provisions or the Planning and Environment Act 1987. Therefore, to avoid confusion, the definition of these terms for the purpose of the Strategy is:

- **High Density** – development that is four or more storeys;
- **Medium Density** – development that is three storeys;
- **Low Density** – development that is no more than 2 storeys.

More detailed direction in relation to appropriate building heights and built form for specific areas is to be defined through Structure Plans or Design Frameworks.

8.1 Vision

Future medium and high density residential development will be directed to identified Housing Growth Areas. These areas have good access to shops, public transport and other services.

Within these Housing Growth Areas, medium and high density development will be directed to Key Focus Residential Growth Areas, generally the commercial core of activity centres. Medium density development will be directed to Moderate Residential Growth Areas, generally the residential areas of activity centres and other locations in close proximity to fixed rail public transport, shops and services.

The remainder of the municipality, identified as Minimal Residential Growth Areas, will experience low density, incremental housing change that respects the existing neighbourhood character.

Areas with significant vegetation, heritage or neighbourhood character values that are covered by a Vegetation Protection Overlay, Heritage Overlay or Neighbourhood Character Overlay, have limited capacity for change and will experience minimal housing change.

**New housing development will respect and enhance Bayside's valued built and natural heritage and neighbourhood character, incorporating best practice environmentally sustainable design to help the municipality respond to climate change.**

A range of housing types and tenures will be provided to accommodate the changing needs of the community, both now and in the future, enabling people to age in place, and providing opportunities for young adults and families to enter and remain in the municipality.

**Council will seek to facilitate the delivery of affordable housing in new developments, particularly in Housing Growth Areas and Strategic Redevelopment Sites, recognising the critical shortage of affordable housing in Victoria.**

A coordinated and proactive approach will be adopted for the provision of physical and community infrastructure and development will contribute to the cost of this infrastructure.
8.2 Spatial approach to achieve the Vision

In order to achieve this vision, the municipality has been broken up into identified Housing Growth Areas and Minimal Residential Growth Areas.

Figure 4: Residential Strategic Framework Plan
Housing Growth Areas

Key Focus Residential Growth Areas
Areas where medium and high density residential development will be located. These areas should provide a diverse range of housing types to meet the needs of the existing and future Bayside community. These areas will have a high level of access to public transport, commercial and community services. Where located within a commercial zone, residential development is to be located above commercial and office premises to ensure active street frontages are achieved.

The height, scale and massing of new development must be in accordance with the recommendations of any Structure Plan, Design Framework or relevant planning provisions.

Moderate Residential Growth Areas
Areas where medium density development will occur. These areas will provide an appropriate transition to both adjoining ‘Key Focus Residential Growth Areas’ and ‘Minimal Residential Growth Areas’. The design of new medium density housing will demonstrate sensitivity to the existing residential context and amenity standards in these areas, particularly at the ‘Housing Growth Area’ boundary.

The site coverage, height, scale and massing of new development must be in accordance with the recommendations of any Structure Plan, Design Framework or relevant planning provisions.

Strategic redevelopment sites
Council will seek to proactively identify strategic redevelopment sites through identifying large sites with housing stock that may be reaching the end of its economic life or with existing uses that may be becoming redundant.

In identifying strategic redevelopment sites, Council will consider whether the site:

- Is a large site able to deliver on key Council policy commitments such as providing affordable housing and open space to the wider community;
- Can deliver a housing outcome that provides a mix of housing types that respects the character of the surrounding area and provides a transition to adjoining properties, and
- Can deliver best practice environmentally sustainable design.

Minimal Residential Growth Areas

The Minimal Residential Growth Areas are those areas located outside of the Housing Growth Areas. They include identified Small Activity Centres that have limited capacity for change.

These are areas where the predominately single and double storey residential development is to be maintained. Medium and high density development will not be supported within these areas.

These areas will contribute to accommodating incremental housing growth within Bayside that respects the identified neighbourhood character, heritage, environmental or landscape characteristics. This incremental housing growth will be in the form of single and double storey residential development.

Within these areas there is land covered by the Heritage, Neighbourhood Character and Vegetation Protection Overlays. These areas have limited capacity to accommodate additional housing and are expected to experience minimal change.
9. Implementation

In order to achieve the vision and spatial approach to managing growth and to address the various challenges that have been identified, the following objectives have been developed along with the corresponding implementation actions that will be undertaken to implement the Housing Strategy. A detailed implementation plan is provided in Appendix 1.

9.1 Managing Housing Growth

Objective 1
To direct medium and high density residential development to identified Housing Growth Areas whilst enabling low density, incremental housing development in identified Minimal Residential Growth Areas.

Implementation actions
- Retain the existing residential zoning in Bayside. This clearly implements the Housing Strategy’s vision and spatial approach to managing housing growth in Bayside.
- Undertake structure plans or design frameworks for all identified Housing Growth Areas to define the boundaries of the Housing Growth Areas and ensure housing growth is appropriately managed.
- Better communicate to Bayside residents where housing change is being directed and what types of developments they can expect.
- For land zoned General Residential Zone and located within identified Housing Growth Areas that have adopted structure plans, clarify whether the minimum garden area requirement is to be applied.

Objective 2
To facilitate the development of identified Strategic Redevelopment Sites

Implementation actions
- Proactively identify Strategic Redevelopment Sites.
- Apply the Development Plan Overlay to identified Strategic Redevelopment sites setting out specific requirements relating to the design and built form of the new development.
- Identify the key Council policy commitments that Strategic Redevelopment Sites are expected to deliver.

9.2 Housing diversity

Objective 3
To encourage a diversity of housing to meet the current and future needs of the population.

Implementation actions
- Retain the existing residential zoning in Bayside. They enable a diversity of housing to meet the needs of the Bayside population both now and into the future. The Neighbourhood Residential Zone provides developments of up to two storeys, generally detached housing, town houses and units whilst the General Residential Zone provides for developments of up to 3 storeys, generally town houses and apartments. The commercial zones in identified Housing Growth Areas enable apartment developments above shops.
- Encourage Residential Aged Care within Housing Growth Areas where they have good access to public transport, shops and services. To achieve this, advocate to the state government to remove the exemption to height controls for Residential Aged Care in Neighbourhood Residential Zones to encourage Residential Aged Care Facilities near services and public transport.
- Undertake further research into Residential Aged Care to determine whether Council could:
  - seek to mandate the siting requirements of Clause 53.18.
o seek greater articulation of the built form along long side and rear boundaries;
o seek minimum landscaping requirements along long side and rear boundaries to
protect neighbourhood amenity;
o provide siting requirements for truck loading and unloading bays, laundries, garbage
receptacles (etc) to protect neighbouring amenity, and
o seek evidence of allocation of Aged Care places by the Department of Health and
Human Services to ensure exemptions granted by planning legislation to the facilities
are justified.

- Provide information to development applicants through the Bayside website and pre-
application discussions on adaptable housing design to encourage voluntary inclusion of
accessible design features into new and existing homes.
- Advocate to the Australian Building Codes Board to include accessibility standards for all
dwellings.
- Introduce a new category into the Bayside Built Environment Awards showcasing exemplar
developments in adaptable housing design.
- Undertake an audit of a sample of recently completed developments in different suburbs to
determine to what extent adaptable housing is being delivered in Bayside.

9.3 Social and affordable housing

Objective 4
To facilitate the delivery of social and affordable housing in Bayside.

Implementation actions
- Continue to implement the Improving Housing Affordability and Social Housing Options in the
- Develop a specific approach to facilitating and delivering more social and affordable housing
in Bayside.

9.4 Homelessness and temporary accommodation

Objective 5
To ensure people experiencing homelessness or rough sleeping are provided with connections to
services and support.

Implementation actions
- Develop a policy position with key partners in relation to homeless and rough sleeping in
Bayside.

9.5 Economic development and sustainability

Objective 6
To ensure residential development within Housing Growth Areas contributes to and does not
compromise the economic viability of commercial areas.

Implementation actions
- Require mixed use developments to provide the commercial floor space necessary to support
the needs of the future population and ensure structure plans provide for these requirements.
- Retain the existing zoning of the Bayside Business District to protect and strengthen its role as
an important employment precinct in Bayside. Undertake a review in 5–10 years to ensure the
existing zoning continues to meet the employment needs of the municipality.
9.6 Environmental and landscape values

Objective 7
To protect and enhance vegetation for the role it plays in contributing to biodiversity and in defining the character of Bayside.

Implementation actions
- Retain the existing Schedule 2 and 3 to the VPO to protect and enhance the unique habitat value and character of bushland areas and Beaumaris and Black Rock native vegetation areas.
- Retain the existing Schedule to the SLO to conserve and enhance the landscape character of Coral Avenue and Point Avenue, Beaumaris.
- Investigate whether a VPO or SLO is justifiable and appropriate for some or all of the residential areas of Pennylane and Highett Activity Centre.
- Undertake an ‘Urban Forest Strategy’ to identify issues and opportunities to enhance Bayside’s tree canopy and vegetation cover and to achieve a number of environmental benefits for the community.
- Review existing local laws and the criteria used to identify trees that require a permit for removal.
- Investigate the option of introducing a bond scheme that seeks the retention of trees in the public (and potentially private) realm.
- Investigate options to incentivise tree retention and educate the community about the environmental benefits of retaining and protecting trees on private land, including through publications and information on Council’s website.

9.7 Coastal areas and landscape protection

Objective 8
To protect and enhance the foreshore, an area that contributes to the character, identity and sustainable environment of Bayside.

Implementation actions
- Retain the existing Schedule to the VPO 1 recognising the habitat and vegetation value of the foreshore.
- Retain the existing Design and Development Overly – Schedule 1 to protect and enhance the foreshore environment and views of Bayside from Port Phillip Bay.

9.8 Climate change

Objective 9
To adapt to the impacts of climate change through risk-based planning.

Implementation actions
- Consider the Port Phillip Bay Coastal Planning Project outcomes once complete and the implications for Bayside.

9.9 Neighbourhood character

Objective 10
To ensure new development in Minimal Residential Growth Areas respects the existing neighbourhood character and that new development in Housing Growth Areas responds to the preferred future character of the area.

Implementation actions
- Undertake a review of Bayside’s Neighbourhood Character Policy. As part of this:
0 Define an appropriate preferred future neighbourhood character for each ‘Housing Growth Area’ recognising that the existing character will change as increase housing growth occurs.
0 Define the existing neighbourhood character in Minimal Residential Growth Areas and how development should respond to this character as the area experiences incremental change.

9.10 Sustainable development

Objective 11
To ensure development achieves high levels of environmentally sustainable development.

Implementation actions
- Advocate to the state government to incorporate Sustainable Design in the Planning Process (SDAPP) into the planning system.
- If a State wide approach to SDAPP is not introduced by the end of 2019, undertake a Planning Scheme amendment to introduce a requirement for new developments in Bayside to incorporate environmentally sustainable design.
- Provide an information sheet to developers as part of planning pre-application discussions illustrating how environmentally sustainable design can be incorporated into new development.

9.11 Physical and social infrastructure

Objective 12
To provide the necessary physical and social infrastructure to meet the needs of the existing and future population.

Implementation actions
- Undertake a community infrastructure needs assessment to inform a strategic approach to asset management and the provision of services based on community need.
- Ensure the scope of the community infrastructure needs assessment is focused on services/assets provided by either Council or the private sector, removing items such as sewer, power and water, which are generally beyond Council’s ability to influence.
- To inform the needs assessment, investigate spatial analysis tools that model service delivery based on community needs both now and in the future, taking into account where housing growth is being focused in Bayside.
- Improve data accuracy and data processing in relation to asset management.
- Investigate the re-establishment of the Community Services Inventory as a tool to guide future social needs analysis.
- Following completion of any community infrastructure needs assessment, investigate the options for a Development Contributions Plan to contribute to funding any new infrastructure provision.
- Undertake a municipal wide Car Parking Strategy. Following completion of this Strategy, consider preparing Car Parking Precinct Plans for specific Housing Growth Areas.
- Continue to implement the Bayside Open Space Strategy, 2012 and associated Suburb analysis action plan, prioritising the provision of additional open space in Housing Growth Areas.

9.12 Golf Courses

Objective 13
To ensure that any future development of golf courses is undertaken in a sensitive manner which maintains and enhances their significant recreational, environmental and landscape values.
Implementation actions

- Investigate the appropriate planning controls for existing golf courses in Bayside to better reflect their preferred use as recreation facilities.

9.13 Construction management

Objective 14
To ensure that construction management plans strike the appropriate balance between facilitating development and protecting residential amenity.

Implementation actions
- Review Council processes in relation to construction management plans.

9.14 Monitoring and review

Objective 15
To identify appropriate monitoring and review mechanisms to ensure an adequate supply of housing is provided.

Implementation actions
- Develop a formalised approach to monitoring and reviewing development activity within Bayside to ensure sufficient housing capacity is provided.
## Appendix 1 – Implementation Plan

<table>
<thead>
<tr>
<th>No.</th>
<th>Action</th>
<th>Responsibility</th>
<th>Timeframe</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Managing Housing Growth</td>
<td>Urban Strategy</td>
<td>Ongoing</td>
</tr>
<tr>
<td>1</td>
<td>Retain the existing residential zoning in Bayside. This clearly implements the Housing Strategy’s vision and spatial approach to managing housing growth in Bayside.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Undertake a design framework for Cheltenham and Eisternwick Housing Growth Areas to ensure housing growth is appropriately managed.</td>
<td>Urban Strategy</td>
<td>High Priority</td>
</tr>
<tr>
<td>3</td>
<td>Better communicate to Bayside residents where housing change is being directed and what types of developments they can expect.</td>
<td>Urban Strategy</td>
<td>High Priority</td>
</tr>
<tr>
<td>4</td>
<td>For land zoned General Residential Zone and located within identified Housing Growth Areas that have adopted structure plans, clarify whether the minimum garden area requirement is to be applied.</td>
<td>Urban Strategy</td>
<td>High Priority</td>
</tr>
<tr>
<td>5</td>
<td>Proactively identify Strategic Redevelopment Sites</td>
<td>Urban Strategy</td>
<td>Ongoing</td>
</tr>
<tr>
<td>6</td>
<td>Apply the Development Plan Overlay to identified Strategic Redevelopment sites setting out specific requirements relating to the design and built form of the new development.</td>
<td>Urban Strategy</td>
<td>Ongoing</td>
</tr>
<tr>
<td>7</td>
<td>Identify the key Council policy commitments that Strategic Redevelopment Sites are expected to deliver.</td>
<td>Urban Strategy</td>
<td>High Priority</td>
</tr>
<tr>
<td></td>
<td>Housing Diversity</td>
<td>Urban Strategy</td>
<td>Ongoing</td>
</tr>
<tr>
<td>8</td>
<td>Retain the existing residential zoning in Bayside, to enable a diversity of housing to meet the needs of the Bayside population both now and into the future.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Advocate to the State government to remove the exemption to height controls for Residential Aged Care in Neighbourhood Residential Zones to encourage Residential Aged Care Facilities near services and public transport.</td>
<td>Urban Strategy</td>
<td>Ongoing</td>
</tr>
<tr>
<td>10</td>
<td>Undertake further research into Residential Aged Care to determine whether Council could seek greater certainty around certain requirements of Clause 53.18</td>
<td>Urban Strategy</td>
<td>Medium Priority</td>
</tr>
<tr>
<td>11</td>
<td>Provide information to development applicants through the Bayside website and per-application discussions on adaptable housing design to encourage voluntary inclusion of accessible design features into new and existing homes.</td>
<td>Urban Strategy</td>
<td>High Priority</td>
</tr>
<tr>
<td>12</td>
<td>Advocate to the Australian Building Codes Board to include accessibility standards for all dwellings.</td>
<td>Urban Strategy</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
<td>Priority</td>
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<tr>
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<td></td>
</tr>
<tr>
<td>13</td>
<td>Introduce a new category into the Bayside Built Environment Awards showcasing exemplar developments in adaptable housing design.</td>
<td>Economic Development Medium Priority</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Undertake an audit of a sample of recently completed developments in different suburbs to determine to what extent adaptable housing is being delivered in Bayside.</td>
<td>Urban Strategy Medium Priority</td>
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</tr>
</tbody>
</table>

**Social and affordable housing**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Continue to implement the <em>Improving Housing Affordability and Social Housing Options in the City of Bayside – Advocacy Action Plan, June 2018.</em></td>
<td>Urban Strategy Ongoing</td>
</tr>
<tr>
<td>16</td>
<td>Develop a specific affordable housing policy to facilitate delivery of more affordable housing in Bayside.</td>
<td>Urban Strategy High Priority</td>
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**Homelessness and temporary accommodation**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Priority</th>
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</thead>
<tbody>
<tr>
<td>17</td>
<td>Develop a policy position with key partners in relation to homeless and rough sleeping in Bayside.</td>
<td>Community Services High Priority</td>
</tr>
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</table>

**Economic development and sustainability**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Priority</th>
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</thead>
<tbody>
<tr>
<td>18</td>
<td>Require mixed use developments to provide the commercial floor space necessary to support the needs of the future population and ensure structure plans provide for these requirements.</td>
<td>Urban Strategy Ongoing</td>
</tr>
<tr>
<td>19</td>
<td>Retain the existing zoning of the Bayside Business District to protect and strengthen its role as an important employment precinct in Bayside. Undertake a review in 5 -10 years to ensure the existing zoning continues to meet the employment needs of the municipality.</td>
<td>Urban Strategy Low Priority</td>
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</table>

**Environmental and landscape values**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Priority</th>
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</thead>
<tbody>
<tr>
<td>20</td>
<td>Retain the existing Schedule 2 and 3 to the VPO to protect and enhance the unique habitat value and character of bushland areas and Beaumaris and Black Rock native vegetation areas.</td>
<td>Urban Strategy Ongoing</td>
</tr>
<tr>
<td>21</td>
<td>Retain the existing Schedule to the SLO to conserve and enhance the landscape character of Coral Avenue and Point Avenue, Beaumaris</td>
<td>Urban Strategy Ongoing</td>
</tr>
<tr>
<td>22</td>
<td>Investigate whether a VPO or SLO is justifiable and appropriate for some or all of the residential areas of Pennylake and Highett Activity Centre.</td>
<td>Urban Strategy High Priority</td>
</tr>
<tr>
<td>23</td>
<td>Undertake an ‘Urban Forest Strategy’ to identify issues and opportunities to enhance Bayside’s tree canopy and vegetation cover and to achieve a number of environmental benefits for the community.</td>
<td>Urban Strategy High Priority</td>
</tr>
<tr>
<td>Item</td>
<td>Action Description</td>
<td>Department</td>
</tr>
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<td>------</td>
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</tr>
<tr>
<td>24</td>
<td>Review existing local laws and the criteria used to identify trees that require a permit for removal</td>
<td>Amenity Protection</td>
</tr>
<tr>
<td>25</td>
<td>Investigate the option of introducing a bond scheme that seeks the retention of trees in the public (and potentially private) realm.</td>
<td>Development Services</td>
</tr>
<tr>
<td>26</td>
<td>Investigate options to incentivise tree retention and educate the community about the environmental benefits of retaining and protecting trees on private land, including through publications and information on Council’s website.</td>
<td>Various</td>
</tr>
<tr>
<td></td>
<td><strong>Coastal areas and landscape protection</strong></td>
<td></td>
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<tr>
<td>27</td>
<td>Refine the existing Schedule to the VFO 1 recognising the habitat and vegetation value of the foreshore.</td>
<td>Urban Strategy</td>
</tr>
<tr>
<td>28</td>
<td>Refine the existing Design and Development Overly – Schedule 1 to protect and enhance the foreshore environment and views of Bayside from Port Phillip Bay.</td>
<td>Urban Strategy</td>
</tr>
<tr>
<td></td>
<td><strong>Climate change</strong></td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Consider the Port Phillip Bay Coastal Planning Project outcomes once complete and the implications for Bayside.</td>
<td>Various</td>
</tr>
<tr>
<td></td>
<td><strong>Neighbourhood character</strong></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>Undertake a review of Bayside’s Neighbourhood Character Policy. As part of this:</td>
<td>Urban Strategy</td>
</tr>
<tr>
<td></td>
<td>- Define an appropriate preferred future neighbourhood character for each ‘Housing Growth Area’ recognising that the existing character will change as increase housing growth occurs.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Define the existing neighbourhood character in minimal Residential Growth Areas and how development should respond to this character as the area experiences incremental change.</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Sustainable development</strong></td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>Advocate to the state government to incorporate Sustainable Design in the Planning Process (SDAPP) into the planning system.</td>
<td>Urban Strategy</td>
</tr>
<tr>
<td>32</td>
<td>If a state wide approach to SDAPP is not introduced by the end of 2019, undertake a Planning Scheme amendment to introduce a requirement for new developments in Bayside to incorporate environmentally sustainable design.</td>
<td>Urban Strategy</td>
</tr>
<tr>
<td>33</td>
<td>Provide an information sheet to developers as part of planning pre-application discussions illustrating how</td>
<td>Urban Strategy</td>
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<td>Item</td>
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<tr>
<td>34</td>
<td>Undertake a community infrastructure needs assessment to inform a strategic approach to asset management and the provision of services based on community need.</td>
<td>Urban Strategy</td>
</tr>
<tr>
<td>35</td>
<td>To inform the needs assessment, investigate spatial analysis tools that model service delivery based on community needs both now and in the future, taking into account where housing growth is being focused in Bayside.</td>
<td>Urban Strategy</td>
</tr>
<tr>
<td>36</td>
<td>Improve data accuracy and data processing in relation to asset management.</td>
<td>Urban Strategy</td>
</tr>
<tr>
<td>37</td>
<td>Investigate the re-establishment of the Community Services Inventory as a tool to guide future social needs analysis.</td>
<td>Community Engagement and Research</td>
</tr>
<tr>
<td>38</td>
<td>Following completion of any community infrastructure needs assessment, investigate the options for a Development Contributions Plan to contribute to funding any new infrastructure provision.</td>
<td>Urban Strategy</td>
</tr>
<tr>
<td>39</td>
<td>Undertake a municipal wide Car Parking Strategy. Following completion of this Strategy, consider preparing Car Parking Precinct Plans for specific Housing Growth Areas.</td>
<td>Sustainability and Transport</td>
</tr>
<tr>
<td>40</td>
<td>Continue to implement the Bayside Open Space Strategy, 2012 and associated Suburb analysis action plan, prioritising the provision of additional open space in Housing Growth Areas.</td>
<td>Various</td>
</tr>
<tr>
<td>41</td>
<td>Investigate the appropriate planning controls for existing golf courses in Bayside to better reflect their preferred use as recreation facilities.</td>
<td>Urban Strategy</td>
</tr>
<tr>
<td>42</td>
<td>Develop a policy position with key partners in relation to homeless and rough sleeping in Bayside.</td>
<td>Community Services</td>
</tr>
<tr>
<td>43</td>
<td>Review Council processes in relation to construction management plans.</td>
<td>Amenity Protection</td>
</tr>
<tr>
<td>44</td>
<td>Develop a formalised approach to monitoring and reviewing development activity within Bayside to ensure sufficient housing capacity is provided.</td>
<td>Urban Strategy</td>
</tr>
</tbody>
</table>
We acknowledge the Boonwurrung people of the Kulin Nation as the traditional owners of this land and we pay respect to their Elders past and present.

We acknowledge that together we share a responsibility to nurture this land, and sustain it for future generations.
10.5 HIGHETT STRUCTURE PLAN: AMENDMENT C160 - SUMMARY OF SUBMISSIONS

City Planning & Amenity - Urban Strategy
File No: PSF/16/3650 – Doc No: DOC/19/320135

Executive summary

Purpose and background
To present Council with the submissions received in relation to Planning Scheme Amendment C160, which seeks to implement the Highett Structure Plan 2018 into the Bayside Planning Scheme. The Amendment includes the following changes to the Planning Scheme:

- Amend various Local Policy clauses to reflect the updated boundary of the Structure Plan area, update reference sections with the newly adopted version of the structure plan and insert new objectives
- Introduce five new General Residential Zone Schedules and one new Schedule to the Neighbourhood Residential Zone to reflect built-form controls for the precincts in the Structure Plan
- Deletes Schedules and Design and Development Overlays that are now irrelevant
- Updates a number of maps in the Bayside Planning Scheme to give effect to these changes.

Key issues
Outcomes of Public ExhibitionAmendment C160 was publicly exhibited between 10 October and 11 November 2019, with 23 submissions received. Of these, 21 were from property owners within the Structure Plan area. 14 submissions opposed the amendment or elements of the amendment, with 3 submissions in support. Other submissions primarily sought changes to the amendment.

The submissions that opposed the amendment did so on the grounds of increased density leading to increased traffic on already busy roads, the loss of amenity through overshadowing and an insufficient amount of on street parking. Some submissions opposed the amendment on the grounds that the Structure Plan provides for an under-development of the area, in that the heights in the commercial precinct were too low considering the location being close to public transport and shops.

Supporters of the amendment were positive about the protection of the Highett Grassy Woodland, objectives for improving the commercial precinct on Highett Road and the requirements for landscaping especially in front setbacks.

Responding to Submissions

Many of the submissions ask for changes to the Highett Structure Plan direction. This Structure Plan was adopted in September 2018 following two rounds of community engagement which included mail outs to over 3,000 properties. This amendment is not proposing to change key elements of the Structure Plan, but rather giving effect to Council’s adopted position in policy.
As such, no departures from the adopted Structure Plan are proposed to be incorporated at this time.

A range of minor, editorial changes are proposed to respond to specific issues raised in relation to drafting; however, these do not alter the intent of the amendment.

There are a significant number of parking and traffic related issues raised which are outside the scope of the amendment, however that Council can consider through its ongoing traffic management and transport planning operations.

Council’s draft response to submissions is included at Attachment 1.

Next Steps

As Council is not able to resolve all issues raised by submitters, Council may consider the submissions and request that the Minister for Planning appoint an independent Planning Panel to consider the submissions. This process will allow all submitters an opportunity to present their case to the Panel, who will make recommendations to Council as to how to proceed with the amendment.

Recommendation

That Council:

1. Writes to the Minister for Planning to request an independent Planning Panel be appointed to consider the submissions received in relation to Amendment C160.

2. Writes to all submitters to advise them of Council’s decision.

Support Attachments

1. Amendment C160 – Response to Submissions ↓
Considerations and implications of recommendation

Liveable community

Social
Amendment C160 implements the objectives and strategies contained in the Highett Structure Plan, September 2018. The Highett Structure Plan contains objectives and strategies in relation to land use, built form, access and movement, and the public realm that will guide development in the Activity Centre. The provision for a mix of housing types in Highett enables people at different life stages to live close to public transport, shops and employment opportunities. Improvements to walking and cycling infrastructure and better connected open spaces will facilitate increased walking and cycling.

Natural Environment
Amendment C160 contains built form provisions to protect and enhance biodiversity, how to respond to climate change and how to ensure new development is environmentally sustainable and incorporates vegetation and trees.

Built Environment
Activity Centres are identified as locations for future housing growth in both State and local planning policies. The Structure Plan includes built form objectives and strategies to help guide built form in the future.

Customer Service and Community Engagement
In addition to the community carried out in October – November 2019 for exhibition of this amendment, the community was also consulted through the development of the Structure Plan throughout April – June 2017 and April – May 2018.

As part of the notification for Amendment C160 over 3,000 letter were sent to residents directly and indirectly affected by the changes proposed, in addition to notices in the Bayside Leader and Government Gazette.

Human Rights
The implications of this paper 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.

Legal
The exhibition process was in accordance with that prescribed under the Planning and Environment Act 1987. Letters were sent to affected property owners and occupiers with notices provided in the Bayside Leader and Government Gazette.

Finance
Budget and resources to conduct this planning scheme amendment have been absorbed through Council’s operational Budget. Any Panel hearing cost can be accommodated within the existing budget.
Links to Council policy and strategy

**Bayside City Council Plan 2017-2021**
Reviewing the Highett Structure Plan is consistent with the following Council Plan strategies:

Develop and review structure plans to ensure localities are developed in line with Council’s Housing Strategy: Review the Highett Structure Plan (Year 1).

Improve bicycle and pedestrian facilities to make cycling and walking more attractive options for short trips.

Gain access to increased quality open space to meet the needs of Highett and the wider community.

**Bayside Housing Strategy 2012**
The Highett Activity Centre is identified in the Bayside Housing Strategy 2012 as a Key Focus and Moderate Residential Growth Area. A key recommendation of the Housing Strategy was that Council review the Highett Structure Plan.

**Bayside Integrated Transport Strategy 2013**
The Bayside Integrated Transport Strategy 2013 commits council to improving local accessibility, creating better public transport connections, creating user friendly streets, integrating transport and land use and improving perceptions of and enabling sustainable travel. The Highett Structure Plan provides an opportunity to improve walking and cycling in the area and to encourage more sustainable transport use.
**Options considered**

**Option 1**

<table>
<thead>
<tr>
<th>Summary</th>
<th>Request that the Minister for Planning appoint an independent Planning Panel to consider the submissions received for Amendment C160 as presented.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Will provide the opportunity for all submitters to have their issues and concerns considered by an independent body.</td>
</tr>
<tr>
<td></td>
<td>Will allow the merits of the amendment as it currently stands to be considered and Council will have the benefit of understanding the recommendations of the Planning Panel.</td>
</tr>
<tr>
<td></td>
<td>Will allow for changes to Amendment C160 to be debated and considered as part of the Planning Panel process.</td>
</tr>
<tr>
<td>Issues</td>
<td>There are no issues associated with this approach.</td>
</tr>
</tbody>
</table>

**Option 2**

<table>
<thead>
<tr>
<th>Summary</th>
<th>Abandon Amendment C160.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>There are no benefits associated with this option.</td>
</tr>
</tbody>
</table>
| Issues                                                                 | The key objectives and strategies in the Highett Structure Plan would be unable to be implemented. The planning provisions for this Activity Centre will be out dated and not reflect current demographics and community aspirations.
<table>
<thead>
<tr>
<th>Submission Number</th>
<th>Key matters raised in Submission</th>
<th>Changes Sought</th>
<th>Officer Response to Issues Raised in Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOC/19/263193</td>
<td>Oppose – Opposed to increases in height and reductions in setbacks on amenity loss grounds. Wants the area to remain predominantly single storey area with a focus on Precincts 3 and 4. Desire to keep the beachside family and local feel. The three storey developments will dwarf existing single storey dwellings. Increasing in housing density will further impact existing issues including traffic, bin collections (overcrowded streets). The roads don’t have capacity for extra development. Streets don’t have capacity for additional redevelopment as the traffic flow is already severely restricted since Bay Road had become a major road. Will negatively impact residents’ safety. The proposed planning controls are targeted at the areas with residents of the lowest socio-economic status in the municipality. The proposed changes failed to increase off-street parking. The area already has low ratio of open-space per resident so higher density will amplify the issue.</td>
<td>1) Revolve 4 storey permit for aged care facility on Graham Road. 2) Revolve planning permission for 3 storey development in Precinct 3. 3) Do not reduce front setbacks 4) Revolve the parking application process requiring residents near Southland to apply for parking permits 5) Introduce automatic allocation of 2 resident parking permits and 2 visitor permits in the Southland area (as done for Beach Road residents).</td>
<td>1) Developments that have already been granted planning permission are beyond the scope of what the amendment can influence. 2) Developments that have already been granted planning permission are beyond the scope of what the amendment can influence. 3) A small reduction in setbacks increases the land available so that buildings can be designed to fit the site while still providing space for front landscaping. 4) Improving traffic flows and movement through the Activity Centre is a key objective of the Highett Structure Plan. Amendment C160 focuses solely on the parts of the Structure Plan that can be achieved through the Bayside Planning Scheme. For this reason, this request is outside the scope of this amendment. This feedback has been forwarded to the Traffic Management Department for consideration. 5) Requests for parking restrictions are assessed in accordance to Council’s ‘Managing On-Street Car Parking Demand’ Policy. The request for parking restrictions has been forwarded to Council’s Traffic Management Team for their consideration. No changes are proposed as a result of this submission.</td>
</tr>
<tr>
<td>DOC/19/264316</td>
<td>Support – Supportive of the measures to protect the Highett Grassy Woodland, especially the height setback controls on the eastern side. Highett can be a leader in protecting our environment.</td>
<td>None.</td>
<td>Support for the amendment is noted. No changes are proposed as a result of this submission.</td>
</tr>
<tr>
<td>DOC/19/264672</td>
<td>Oppose – Concerned about how additional development will impact the street network specifically the vehicular and pedestrian movements. Questions the lack of references to parking or specifically, additional parking. Higher density and more update parking needs. The level crossing removal should be considered in the plan.</td>
<td>1) Investigate redesigning nature strips to incorporate parking. 2) Include new designs for the station in the amendment.</td>
<td>1) Improving traffic flows and movement through the Activity Centre is a key objective of the Highett Structure Plan. Amendment C160 focuses solely on the parts of the Structure Plan that can be achieved through the Bayside Planning Scheme. For this reason, this suggestion has been noted as part of the implementation plan within the traffic management strategies. 2) Redesign of Highett Station is outside the scope of this Amendment. This suggestion has been forwarded to the Urban Places team to be considered as part of any redevelopment as part of the Level Crossing Removal project. No changes are proposed as a result of this submission.</td>
</tr>
<tr>
<td>DOC/19/268076</td>
<td>Support – Precinct 1 supportive of: 1) Any strategies to better activate the shops on Highett Road 2) Clause 21.11-6 supports strategies for enhancing green spaces. Precinct 5 supportive of: 1) The measures regarding deep soil and canopy tree planning 2) Storey height limit 3) Sufficient setback to allow for landscaping. Keen to ensure there is no overshadowing on their property from future developments on the CSIRO site. Wants to see greenery replaced on the CSIRO site through backyards of future housing</td>
<td>None.</td>
<td>Support for the amendment is noted. No changes are proposed as a result of this submission.</td>
</tr>
<tr>
<td>Item</td>
<td>Reports by the Organisation</td>
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<tr>
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<tr>
<td>10.5</td>
<td>Amendment C160 – Response to Submissions</td>
<td>124</td>
<td></td>
</tr>
</tbody>
</table>

**Submission 5**

**DOC/19/288078**

**Oppose** – The 3 storey height limit in Precinct 1B should be increased to 4 storeys as it is near existing 4 storey developments.

Increase maximum height limit from 3 storeys to 4 storeys in Precinct 1B.

3 stories in this area is an appropriate balance between increasing development and maintaining the human scale of the area.

No changes are proposed as a result of this submission.

**Submission 6**

**DOC/19/288082**

**Oppose** – Highett has already taken the largest amount of growth in Bayside whilst 85% of the municipality has maximum protection from over-development through the implementation of NRR. The quality of apartment developments have been poor and the proposed controls will only encourage more. Highett's street network isn't able to cope with more traffic. Not enough car parking on Highett Road. That is why the businesses have closed. DDOS should not be removed. Blocks of less than 1,000m² should remain at 2 storeys.

1) Do not increase development capacity (for roads).
2) Do not remove the DDOS.

1) The traffic assessment carried out in preparation of the Structure Plan assessed the capability of the street network to accommodate more growth. The study found the roads have additional capacity. In addition, negative impacts on the road networks will be addressed by various traffic management solutions. As Highett Road and the surrounding streets are Council streets, we are able to implement management solutions as needed.
2) Removing the DDOS allows for more flexibility in building design and is consistent with the approach for directing growth to Activity Centres which are well-serviced by shops and public transport.

No changes are proposed as a result of this submission.

**Submission 7**

**DOC/19/288088**

**Oppose** – The 3 storey height limit in Precinct 1B should be increased to 4 storeys as it’s near the commercial area and existing 4 storey buildings.

Increase maximum height limit from 3 storeys to 4 storeys in Precinct 1B.

A comprehensive built form analysis has been undertaken as part of the background work to inform the structure plan. Three stories was found to be an appropriate balance between increasing development and maintaining the human scale of this precinct.

No changes are proposed as a result of this submission.

**Submission 8**

**DOC/19/288102**

**Oppose** – Objective 11 dot point 5 is redundant or outdated as it’s already mentioned in objective 3 dot point 1, in the Penndale Structure Plan and in an active plan for a proposed development on Chardons Street. Opposed to pedestrian crossing at Bay and Graham roads. Opposed to bike lanes on Bay Road as it is too dangerous. Opposed to signalisation of Jack Road/Bay Road intersection. It is difficult to get onto Bay Road from Jack Road but they understand that this will become easier once signalisation is installed on Bay road and Graham Road, negating most concerns. Against Council’s vision of a 3 storey street wall in all of their NACS and SNACS. Objective 6 states “To maintain the emerging human scale of Highett Road” yet at the same time seeks to encourage 3 storey street walls against the section of Highett road in the Kingston Municipality that seeks to keep 1 or 2 storey street walls. The encouraged street wall heights need to be to match and enhance what is already present and justified on the Kingston side of the railway corridor.

| Comments on the Structure Plan: |
| 1) Pedestrian crossing at Bay Road and Graham Road should be removed as a signalised traffic signal has been identified for this site.  |
| 2) Remove advocacy for bike lanes on Bay Road. |
| 3) Remove reference to ‘investigating’ signalisation of Bay/Jack Road intersection. |

**Comments on the Amendment:**

1) This is contained in the Structure Plan that has already been adopted. A signalised traffic crossing with pedestrian access is important for improving access and walkability of the activity centre to the surrounding area.
2) Advocacy for bicycle lanes is contained in the Structure Plan. It has not been included in this amendment as it is outside the scope of the Planning Scheme.
3) 3 This is not included in this Amendment. It is outside the Structure Plan area.
4) 4 This is not consistent with the approach for commercial areas in Bayside or the rest of metropolitan Melbourne.
5) A signalised traffic crossing with pedestrian access is important for improving access and walkability of the activity centre to the surrounding area.

No changes are proposed as a result of this submission.
### Amendment C160 – Response to Submissions

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<tbody>
<tr>
<td><strong>Submission 9</strong> DOC/19/286210</td>
<td></td>
</tr>
<tr>
<td><strong>Support with changes – Generally supportive.</strong> The 3 storey height limit on Highett Road particularly near the station is insufficient in the commercial area. Highett has the potential to become a more attractive place to living within Bayside.</td>
<td>Increased the height in the commercial area to 4 storeys to align with existing developments.</td>
</tr>
<tr>
<td><strong>Submission 10</strong> DOC/19/286541</td>
<td></td>
</tr>
<tr>
<td><strong>Oppose – There is already significant traffic congestion and hazards on Graham Road. Increased development will further exacerbate this problem.</strong></td>
<td>Do not increase the height limits in the Structure Plan Area.</td>
</tr>
<tr>
<td><strong>Submission 11</strong> DOC/19/286558</td>
<td></td>
</tr>
<tr>
<td><strong>Oppose – The proposed changes of GRZ to C1Z will remove protection and prejudices future amenity expectations. The objective of increasing the retail floor space offering in the centre are misguided as a majority of the properties proposed for rezoning already comprise existing non-residential uses.</strong></td>
<td>1) Do not rezone the GRZ to C1Z. 2) Do not remove DDS6.</td>
</tr>
<tr>
<td><strong>Submission 12</strong> DOC/19/286577</td>
<td></td>
</tr>
<tr>
<td><strong>Oppose – Against increased development on grounds of loss of amenity. Council has not addressed the lack of parking in Donald Street despite their recent request to Council to look into restricted parking. Due to full street parking Monday to Friday, it is dangerous to exit their property due to lack of vision of the incoming cars on the street. If Council continues to allow large apartments to be built, at least force developers to build more offstreet parking.</strong></td>
<td>Requesting parking restrictions on Donald Street.</td>
</tr>
<tr>
<td><strong>Submission 13</strong> DOC/19/286832</td>
<td></td>
</tr>
<tr>
<td><strong>Oppose – Increased traffic created by new development especially that from the CSIRO will negatively affect their site and the local road network. It is acknowledged that Bayside City Council (Council) adopted preferred future planning controls for the CSIRO Site on 26 May 2015, which amongst other things, recommend that a Development Plan Overlay (DPO) be applied to this site.</strong></td>
<td>The road network should be upgraded as part of this amendment not be deferred until the CSIRO is developed as proposed amendment provides the opportunity to address traffic management issues on Bay Road which presently exist.</td>
</tr>
<tr>
<td><strong>Submission 14</strong> DOC/19/286822</td>
<td></td>
</tr>
<tr>
<td><strong>Oppose – There has been a significant loss of tree canopy due to development. Traffic along Highett Road travels too fast. Approval of non-activated frontages in the commercial area (Woolworths and Childcare Centre) have had a detrimental effect on the commercial area. The removal and reduction in on-street parking has had a detrimental effect on the shopping strip.</strong></td>
<td>1) There should be more requirements for tree planting on the CSIRO site. 2) Add a 40km/h speed limit 100m from Highett Road. 3) Include compulsory minimum stands for sustainable design (BEES). 4) Do not extend the commercial area of</td>
</tr>
</tbody>
</table>
**Item 10.5 – Reports by the Organisation**

**Bayside City Council**
**Ordinary Council Meeting – 17 December 2019**

**Attachment 1**

### Extension of the Commercial Zone along Hightett Road from Major Street to Worthing Road

- Road from Major Street to Worthing Road is not on the traffic and pedestrian difficulties along one of the busiest and narrowest sections of the road. There aren’t enough compulsory minimum standards for Environmentally Sustainable Design. The loss of over 100 trees from Hightett had a devastating effect on the local biodiversity and large tree canopy in Hightett.

- Hightett Road.
  - a) Do not remove the DDOs.

- Restrictions have been forwarded to Council’s Traffic Management Team for their consideration.

- A state-wide ESO policy is due to be released by the State Government which would affect all new development in Bayside. In addition, Council has recently signed up to the Built Environment Sustainability Scorecard (BESS) program which can now be used to assess any new planning applications.

- The economic assessment found that there is demand for additional commercial space in the Centre. In order to meet future community needs for commercial and retail space, additional land is required.

- Removing the DDOs allows for more flexibility in building design and is consistent with the approach for directing growth to Activity Centres which are well serviced by shops and public transport.

No changes are proposed as a result of this submission.

### Submission 15

**DOC/19/268888**

- Support with changes – Good idea to have no setbacks in the commercial area and a 4 storey height limit particularly precinct 1B and 2A. How can there be a “Commercial Core” with a 3 storey height limit? It’s rendering what a main thoroughfare should look like.

- Increase the height limit of the commercial core to 3 storeys.

A comprehensive built form analysis has been undertaken as part of the background work to inform the structure plan. 3-4 storeys was found to be an appropriate balance between increasing development and maintaining the human scale of this precinct.

No changes are proposed as a result of this submission.

### Submission 16

**DOC/19/269175**

- Support with changes – Support protection of the Hightett Grass Pc Woodland. Support GRZ rather than RZG. Support the 3m setback from the Hightett Grass Woodland.

- Bayside Planning Scheme already has a 3m buffer zone for development on the southern boundary of the Woodland (clause 22.04). They also strongly support the additional requirement that “Buildings should be designed to minimise overshadowing of the Hightett Grass Woodland between 10am and 2pm on September 22 (the equinox).” Support no changes to 22.05 - Neighbourhood Character in relation to the planting of environmental weeds. Opposed to increases in population.

- Increase height limit to 4 stories in Precinct 1B.

A comprehensive built form analysis has been undertaken as part of the background work to inform the structure plan. 3 storeys was found to be an appropriate balance between increasing development and maintaining the human scale of this precinct.

No changes are proposed as a result of this submission.

### Submission 17

**DOC/19/269184**

- Oppose – 3 storeys height limit is too restrictive in this area. Should be increased to 4 storeys as close to railway station.

- Metropolitan Melbourne is experiencing ongoing population growth. Bayside’s existing policy which has proven effective is to direct growth to Activity Centres.

No changes are proposed as a result of this submission.

### Submission 18

**DOC/19/269207**

- Oppose – There is insufficient infrastructure to support increased development. Recent development has resulted in the loss of amenity specifically around the railway station. The Hightett shopping strip is not thriving and the graffiti is more evident. Transport issues are ongoing and does not seem to be addressed. The streets also need to accommodate vehicular transport making deliveries, of trademen, NBN, electricity, gas.

- Metropolitan Melbourne is experiencing ongoing population growth. Bayside’s existing policy which has proven effective is to direct growth to Activity Centres.

No changes are proposed as a result of this submission.
Amendment C160 – Response to Submissions

Submission 19
DOC/19/269244

Support – Support an update to the Structure Plan as it was outdated. Support avoiding specifying planning controls for the CSIRO site until the rezoning process has reached its conclusion. Various changes should be made to the Structure Plan regarding the CSIRO site. Refinements should be made to further accommodate additional residential development and ensure consistency of documentation with future controls for the CSIRO site. Supports the principles and objectives of the Structure Plan such as the extension of the Highett Shopping strip.

1) Remove planning controls specified for the CSIRO site from the Highett Structure Plan, 2018.
2) Amend proposed Clause 21.04 - Delete the 3m wide buffer requirement on private property adjoins the Highett Grassy Woodland.
3) Amend proposed Clause 21.08 - Delete reference to negotiating open space contributions as obligations are already in place for 4ha of land to be transferred to Council as part of the sale.
4) Amend Clause 21.11-6 - Under Land Use Objectives, update Objective 3 wording should reference medium to high density as some parts of the CSIRO may exceed 5 storeys.
5) In the Structure Plan - update strategies under Objective 3 to amend the DPO to the specification around the building heights for the DPO as they are inconsistent with the final controls set by the Minister for Planning.
6) In the Structure Plan - remove references to a pedestrian and cycling shared paths to be provided by the CSIRO.
7) 21.11-6 Map on page 21 is taken from the Access and Movement section of the Structure Plan. This map should be replaced by one that doesn’t show setbacks on the CSIRO site.
8) Change to Structure Plan - CSIRO site should be greyed out with no planning controls and no specific location of public open space. Add mention of high density for the CSIRO site. Mention that the controls will be set by the Minister for Planning, remove any mention of a VPO for the CSIRO site.
9) Heights should be increased in Precinct 1B and 2A (Commercial Core and Station Envelope) up to 6 storeys.

1) The Structure Plan has already been adopted following over a year of consultation. The controls regarding the CSIRO site are Council’s preferred suite of controls as submitted to the Minister for Planning. No change proposed to the Amendment.
2) This proposed requirement affects the adjoining properties, not the CSIRO site. In addition, minimising overshadowing of the Highett Grassy Woodland is vital in ensuring its viability now and in the future. No change proposed to the Amendment.
3) Until the transfer of land is finalised, clause 22.08 should remain unaltered. The deed of agreement between the CSIRO and Bayside City Council ensures there will be no additional open space contribution requirement.
4) Under the updated Housing Strategy, “high density” is any property over 4 storeys high. Council’s adopted preferred suite of controls nominate a section of the site to be for 5 storey development. This change will be made to the Amendment. Objective 3 of Clause 21.11-6 the wording will be changed from:

“To support the redevelopment of the CSIRO site for residential uses at a range of densities and a new public open space and conservation area for the community.”

5) The Structure Plan has already been adopted following over a year of consultation. The controls regarding the CSIRO site are Council’s preferred suite of controls as submitted to the Minister for Planning. No change proposed to the Amendment.
6) The Structure Plan has already been adopted following over a year of consultation. The controls regarding the CSIRO site are Council’s preferred suite of controls as submitted to the Minister for Planning. In addition, improved cycling and pedestrian links are a key part of improving accessibility within the Activity Centre. No change proposed to the Amendment.
7) This is an error. Clause 21.11 should not show built form requirements for the former CSIRO site. This change will be made to the Amendment.
8) The Structure Plan has already been adopted following over a year of consultation. The controls regarding the CSIRO site are Council’s preferred suite of controls as submitted to the Minister for Planning. This change has not been accepted. No change proposed to the Amendment.
9) A comprehensive built form analysis has been undertaken as part of the background work to inform the structure plan. 3-4 storeys is considered an appropriate for Highett which is a large Neighbourhood Activity Centre. This height balances increased density close to public transport and meeting community expectations. No change proposed to the Amendment.

Submission 20

Oppose – Object to extension of the C12. Object to changes to the DDOS, Object to felling of trees

1. Object to extension of the C12
2. Object to changes to the DDOS

1) The economic assessment found that there is demand for additional commercial space in the Centre.
Amendment C160 - Response to Submissions

Item 10.5 - Reports by the Organisation

DOC/19/269494

on the CSIRO site. Need more street parking on Hightett Road.

3. Object to felling of trees on the CSIRO site.

4. Need more parking on Hightett Road.

2) Removing the DDOS allows for more flexibility in building design and is consistent with the approach for directing growth to Activity Centres which are well serviced by shops and public transport.

3) Outside the scope of this Amendment.

4) The traffic assessment carried out in preparation of the Structure Plan assessed the capability of the street network to accommodate more growth. The study found the roads have additional capacity. In addition, negative impacts on the road networks will be addressed by various traffic management solutions. As Hightett Road and the surrounding streets are Council streets, we are able to implement management solutions as needed.

No changes are proposed as a result of this submission.

Submission 21

DOC/19/269925

Oppose – There has been a significant loss of trees over time due to development. The loss of over 100 trees has had a devastating effect on the local biodiversity. Traffic along Hightett Road travels too fast. Approval of non-activated frontages in the commercial area (Woolworths and Childcare Centre) have had a detrimental effect on the commercial area. The removal and reduction of on street parking has been detrimental to the Hightett shopping strip. The extension of the Commercial Zone along Hightett Road from Major Street to Worthing Road is unwanted and will only add to the traffic and pedestrian difficulties along one of the busiest and narrowest sections of the road. There aren't enough compulsory minimum standards for Environmentally Sustainable Design. The proposed Structure Plan is already out of date as it doesn't include compulsory sustainable development (BESS). Object to DDOS as it weakens protection from development instead of strengthening it.

1) There should be more requirements for tree planting on the CSIRO site.

2) Add a 40km speed limit sign and narrow Hightett Road.

3) Include compulsory minimum standards for sustainable design (BESS).

4) Do not extend the commercial area of Hightett Road.

5) Do not remove the DDOS.

1) Council has negotiated that half the CSIRO site will be open, green space with over 4 hectares preserved for the Hightett Grass Woodland.

2) This request has been forwarded to the Traffic Department for their information.

3) A state-wide ESD policy is due to be released by the State Government which would affect all new development in Bayside. In addition, Council has recently signed up to the Built Environment Sustainability Scorecard (BESS) program which can now be used to assess any new planning applications.

4) The economic assessment found that there is demand for additional commercial space in the Centre.

5) Removing the DDOS allows for more flexibility in building design and is consistent with the approach for directing growth to Activity Centres which are well serviced by shops and public transport.

No changes are proposed as a result of this submission.

Submission 22

DOC/19/362589

Support with changes – Supports the introduction of updated controls but the controls in Precinct 2B (Station Environments) are too restrictive. Neighbourhood Character Objectives proposed for the General Residential Zone Schedule 12 'Hightett Structure Plan - Precinct 2B - Station Environments' restrict the ability to achieve the desired moderate residential growth through the encouragement of apartment style development. The proposed Design and Development Overlay Schedule 4 Hightett Shopping Centre is inflexible and does not allow for variations from the maximum building height or setback requirements where such variations would result in improved architectural or urban design outcomes. Having regard to Planning Practice Note 93 'The Role of Mandatory Provisions in Planning Schemes' and Planning GRZ12 should be amended to the following:

1) More than 50% site coverage,

2) side and rear setbacks should be reduced,

3) 'Frontage' should be changed to 'street'

4) For sites on the corner, the setback requirement should specify that where the site is on a corner, the primary street setback applies to the wider frontage of the site to avoid the situation where the reduced setback requirement of 2 metres or 3 metres, associated with the "side street" is taken advantage of as part of the development which will produce an

1) The area affected by GRZ12 (Precinct 2B) is already increasing in development capacity by removing the DDOS. Site coverage of 50% is considered appropriate balance between increasing development and maintaining the human scale of the area as this Precinct is not directly next to the railway station and has a more consolidated residential neighbourhood character. No change proposed to the Amendment.

2) The area affected by GRZ12 (Precinct 2B) is already increasing in development capacity by removing the DDOS. The proposed side and rear setbacks are consistent with the State Standard (A10 and B17) and is considered appropriate balance between increasing development and maintaining the human scale of the area as this Precinct is not directly next to the railway station and has a more consolidated residential neighbourhood character. No change proposed to the Amendment.

3) 'Frontage' has been changed to 'street'. This change will be made.

4) It is agreed that this would be an unwanted outcome. For this reason, this change will be made. This change will be made.
### Item 10.5 – Reports by the Organisation

**Practice Note 60 ‘Height and Setback Controls for Activity Centres’**

- Mandatory height controls for the Hightest Activity Centre cannot be justified. The structure plan implementation overall should allow for more growth and less restrictive controls.
- Inferior development presentation to the key street interface of the site.
- The variation should be amended so that the 3.5m is consistent with the deep soil planting area requirement defined as a percentage of the total site area, which will promote increased landscaping on larger sites, with a minimum tree provisions of a 6 metre wide canopy tree within the 15 cubic metres of soil volume, and this is more consistent with the landscape requirements of the Better Apartment Design Standards (including the amended provisions associated with Better Apartments in Neighbourhoods, which would apply to apartment developments in this precinct).
- The variation should include a minimum 3.5m dimension for the deep soil planting area and it is suggested that this be 3 metres.
- The variation should work collaboratively with the front setback provisions and require at least the planting of one canopy tree within the front setback which will provide a greater contribution to the character of the area as it can be better appreciated from the public realm (rather than a provision of front or rear setback, and an outcome where there is no canopy tree planting within the front setback).

**Submission 23**

**DOC/19/352572**

Support – with additional studies to be undertaken. Ensure that any intensification of uses and changes to roads and intersections in the immediate area of the Laminex site does not adversely affect the potential of this important strategic redevelopment site. Middleton Street will be a major access to the CSIRO site and the impact of additional traffic in that location will be a major planning challenge as the street currently functions as a low level collector street which currently services the low density Neighbourhood Residential Zone to the west. The Hightest Structure Plan notes that the Activity Centre is well served in terms of access to public transport. However, it is less well served by local road infrastructure. While Highett Road and Bay Road provide the key east west road connections servicing the area the north-south connections through are already under pressure. The issue of that the following additional work should be undertaken:

1. A full review of the future traffic generation that is likely to result from the development of the CSIRO site and more intensive development in the area to the east of Graham Road:
2. A detailed review of the effects of additional traffic on Middleton street and Graham Road:
3. A review of intersection treatment at the junctions of Bay Road and Graham Road:
4. A review of the effects of any changes to traffic movements on Jack Road, Chandon Street, Harriet Street and Reserve Road:

**Amendment C160 – Response to Submissions**

- Traffic generation assessment has already been undertaken as the background work to inform this project.
- See point 1.
- The need for traffic management intervention within Local Road network is assessed against the Council's Local Area Traffic Management Policy which has been to ensure a consistent, equitable and inclusive approach to the investigation, consultation, design, implementation and monitoring of Local Area Traffic Management (LATM) schemes.
- See point 3.
- The core of the Hightest Activity Centre is over 1km away from this commercial precinct. Rezoning to Commercial 2 Zone is not considering a relevant action for increasing the core of the centre.
- This commercial zoning is considering the most appropriate for this area.
- See point 3.

No changes are proposed as a result of this submission.
Amendment C160 – Response to Submissions

5) Inclusion of the Commercial 2 zoned land between Middleton Road and Graham Road within the Structure Plan boundary because of its functional relationship to the Highest Structure Plan area.

6) Consideration of reintroduction of the recommendation in the 2006 Structure Plan which proposed mixed-use development along the northern side of Bay Road between Middleton Street and the railway overpass.

7) Provide for consideration of the proposed increase in activity signalization and traffic movements on the potential for redevelopment of the Laminex site at 332 Bay Road.
Executive summary

Purpose
To present Council with the submission prepared to the Planning and Building Approvals Process Review.

Background
The Planning and Building Approvals Process Review, Discussion Paper, reports on the findings of a review of the planning and building approvals processes. The review was undertaken during 2019 by the Red Tape Commissioner, Anna Cronin, at the direction of the Treasurer, the Hon Tim Pallas MP, and the Minister for Planning, the Hon Richard Wynne MP.

Feedback has been sought by the Red Tape Commissioner on the proposed improvements in the discussion paper to inform the final report, due in December 2019. It is expected that the final report will include recommendations for ‘quick wins’ as well as longer term reforms.

Feedback was sought by Friday 15 November 2019. An officer submission has been provided to this process. The three week timeframe for feedback did not allow time for Council to consider and endorse the submission.

Key issues

Officer submission
The discussion paper focuses its findings and recommendations on four main areas:

- The Strategic Approvals Process
- The Permit Approval Process
- The Post-Permit Approval Process
- The Building Approvals Phase.

Council’s submission focuses on the above four areas and discusses benefits from the proposed recommendations and presents examples and alternatives where similar or contrasting approaches have been adopted. The submission also highlights Bayside Council’s significant commitment to improvements to the planning and building approval process and shares results and positive outcomes.

The submission expresses Council’s disappointment with the focus that the discussion paper places on blaming the planning and building regulatory requirements for the unsustainable characteristics of the construction industry, without a broader consideration of the context to provide a robust understanding of the issues alongside evidence and figures. The release of unsubstantiated assertions has a significant risk of damaging the reputation of Council’s service delivery and the planning system and process.

A key focus of the report relates to the financial impact associated with the processing of amendments and planning and building permit applications. The focus is clearly on time management rather than in the quality of decisions being made. This demonstrates the
deficiency of the report which has failed to consider the quality management necessary in the planning and building sector. There is no recognition that modern forms of intensive infill development need more time to be assess and that there is limited margin for error in retrofitting these types of designs into established localities. Unaffordable, sub-standard development that is not keeping up with demand appears to be of less concern than inefficient regulatory processes.

Whilst the report suggests that improved regulatory efficiency will benefit housing affordability, as indicated in the discussion paper, prices for housing have increased simultaneously with increase development approval rates which suggest that any further increase in approval rates would not translate into housing affordability.

In the conclusion and recommendations section, officers highlight Council’s willingness to work with the Victorian Government to support improvements that deliver planning and building processes that are in accordance with the Planning and Environment Act 1987 and any other relevant legislation.

Council’s submission notes that a collaborative approach and implementation of best practice will result in an efficient process that delivers sustainable, affordable and high quality design outcomes that support economic development outcomes and meet the needs of the community. It also notes that many Planning and Responsible Authorities have processes and structures which have been established as a direct response to previous reviews undertaken by many departments in Government, including but not limited to Victorian Auditor General Office.

Many of the processes in place, which have been identified in the Red Tape Commission report as problematic, have been established to mitigate against key risks, such as:

- Quality control
- Oversight of decision making
- Fraud and corruption
- Risk.

Notwithstanding the above, it is agreed that there are opportunities to improve the timeliness of the Planning and Building Approvals process. However, it is recognised that Local Government is not the only player in facilitating efficient, high quality, affordable and sustainable design outcomes and action is required by the following players:

- State Government
  - Victorian Planning Authority
  - Victorian Building Authority
  - Department of Environment, Land, Water, and Planning
  - Other State Government Authorities associated with the planning and delivery of infrastructure
- Local Government
- Municipal Association of Victoria

The review has not discussed or considered the wider sector opportunities to unlock the efficient delivery of housing and infrastructure. The vast majority of these enablers sit outside the planning and building process and include:
• Delivery of community infrastructure and facilities
• Approval processes associated with state authorities
• Infrastructure delivery.

Recommendation
That Council:

1. Adopts the officer submission at Attachment 1 as its response to the Planning and Building Approvals Process Review, Discussion Paper.

2. Authorises the Director City Planning and Amenity to make any necessary editorial changes to the submission.

3. Advocates to the State Government to provide further opportunities for comment relating to changes to the Planning and Building Approvals process.

Support Attachments
1. Submission to the Planning and Building Approvals Process Review ↓
Considerations and implications of recommendation

Liveable community

Social
Whilst there are no social impacts as a result of this report, future implementation of the recommendations presented could have a negative impact relating to high quality design, affordable housing and sustainability.

Natural Environment
Whilst there are no implications to the natural environment as a result of this report, the proposed recommendations can result in a rushed or ill consideration of sustainable design outcomes that support reduced resources in energy consumption across Melbourne.

Built Environment
There are no implications to the built environment as a result of this report, however, the proposed recommendations can result in a rushed or ill consideration of built form outcomes resulting in a negative impact on the built environment and broader impact on Melbourne and Bayside’s liveability.

Customer Service and Community Engagement
The preparation of the Discussion Paper involved some community engagement with key stakeholders. It is not clear if another round of engagement will be undertaken following the release of the Final report and recommendations.

Human Rights
The implications of this 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.

Legal
There are no direct legal or statutory requirements relevant to Council in response to this report. Relevant state legislation has been identified in the attached submission.

Finance
There are no financial implications as a result of this report.

Links to Council policy and strategy
Bayside City Council Plan 2017-2021

The ill consideration of the recommendations of this report, has the potential to affect the domains of liveability that would make Bayside a great place to live, work and visit.
Bayside City Council

Submission to the Planning and Building Approvals Process Review

Discussion Paper

December 2019
Submission Contents

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1. Introduction

Bayside City Council appreciates the opportunity offered by the Red Tape Commissioner to make a submission regarding the Planning and Building Approvals Process Review – Discussion Paper.

Bayside City Council has made a significant commitment to improvements to the planning and building approval process that have resulted in positive outcomes.

We are disappointed that the discussion paper places a strong focus on blaming the regulatory requirements for the unsustainable characteristics of the construction industry without a broader consideration of the context to provide a robust understanding of the issues alongside evidence and figures. The release of unsubstantiated evidence has a significant risk of damaging the reputation of Council’s service delivery, the planning system and process.

A key focus of the report relates to the financial impact associated with the processing of amendments and planning and building permit applications. The assumptions made are clearly based on time management and quantity of decisions being made. This demonstrates the deficiency of the report which has failed to consider the quality management necessary in the planning and building sector, where no recognition is provided that more modern forms of intensive infill development need more time to be assess and the limited margin for error in retrofitting these types of designs into established localities. Unaffordable, sub-standard development that is not keeping up with demand appears to be of less concern than inefficient regulatory processes.

Whilst the report suggests that improved regulatory efficiency will benefit housing affordability, as indicated in the discussion paper, prices for housing have increased simultaneously with increase development approval rates which suggest that any further increase in approval rates would not translate into housing affordability.

We commend the Commissioner for the engagement opportunities provided so far.

2. Background

Bayside City Council has been focussed on its service delivery over the last 24 months. As a direct result of the Annual Community Engagement Survey in 2017/18 development and planning was identified as one of the largest concerns of the community.

This concern from the community was further acknowledged by the Statutory Planning Service data (PPARs) which identified Bayside City Council performance to be low with the following key indicators at the end of 2017/18 showing:

- 40% of decisions determined in 60 statutory days;
- 77% of VicSmart decisions determined in 10 statutory days;
- 103 median processing time frame;
- 119 Applications for review, including:
  - 51 Section 77 Appeals against refusal by the Responsible Authority;
  - 15 Section 79 Appeals against failure to grant;
  - 25 Section 80 Appeals against conditions;
  - 28 Section 82 Appeals against the issue of a permit; and
- 465 active application.
As a direct result of this feedback Bayside City Council has invested significant time and resources to improve the experience of our customers and improve the processing times surrounding our service. The steps enacted have included:

- Customer Journey Mapping;
- Increased staffing;
- Additional consultant support to reduce the number of active application;
- Improved online information;
- Implementation of a digital transformation project (including an online portal); and
- Internal training and development programme.

The role out of this programme saw a significant upswing in the service delivery by Bayside City Council’s Statutory Planning Team. At the end of 2018/19 the following results were achieved:

- 66% of decisions determined in 60 statutory days (up 26%);
- 84% of VicSmart decisions determined in 10 statutory days (up 7%);
- 72 median processing time frame (down 31 days);
- 96 Applications for review (down 23 appeals), including:
  - 42 Section 77 Appeals against refusal by the Responsible Authority;
  - 7 Section 79 Appeals against failure to grant;
  - 21 Section 80 Appeals against conditions;
  - 26 Section 82 Appeals against the issue of a permit; and
- 384 active application (down 81 applications).

This project is still being implemented with greater improvements still to be delivered. As a result the Quarter 1 data for 2019/20 the improvements are continuing:

- 73% of decisions determined in 60 statutory days (up 7%);
- 86% of VicSmart decisions determined in 10 statutory days (up 2%);
- 65 median processing time frame (down 17 days); and
- 375 active application (down 9 applications).

In addition to the above indicators Bayside City Council is actively monitoring the current statutory processing times associated with the Endorsement of Plans, Secondary Consent Applications and Extension of Time Applications. It is focussed on delivering 75% of these matters within the 30 day statutory timeframe set out in the Planning and Environment Act 1987.

Service improvements need to be at the forefront of the Responsible Authorities mind, however without a commitment to funding and providing the required resourcing needed, the level of improvement attainable will be significantly diminished.

3. Response to the discussion paper findings

3.1 Part A – The Strategic Approvals Process

It is recommended that a Panel Report should only be embargoed for 7 days instead of the 28 days currently allowed under Section 26 of the Planning and Environment Act 1987.
The proposed recommendation, goes far beyond this finding. It is considered that seven days will be insufficient time for Council to consider implications of the Panel report recommendations. In some instances Council response may require a council decision informed by an officer report. Requiring this to occur within seven days is unrealistic.

There are opportunities to gain efficiencies through the planning process, including the allocation of timeframes for authorisation and approval of amendments by the Minister for Planning and the Department of Environment Land Water and Planning (DELWP). Whilst we understand that some planning scheme amendments can be complex, amendments sitting at DELWP and the Minister’s office without a decision for over 6-12 months have a significant impact on the delivery of efficient and effective outcomes.

The report suggests appointing the Victorian Planning Authority (VPA) to prepare Planning Scheme Amendments (PSAs) for strategic sites. Whilst this may be an appropriate approach for growth areas, we prefer an advisory panel approach, where the VPA provides advice and resources but Council takes the lead and continues to retain its decision making authority whilst ensuring the community continues to be provided with opportunities to have their say and be engaged through the process.

Whilst the Precinct Structure Plan process does not apply to Bayside we are aware of this process and will like to provide some comments accordingly:

- The implementation of Precinct Structure Plans with the support of the Victorian Planning Authority (VPA) has demonstrated that there is significant efficiencies that can be achieved where significant resourcing, investment and external support is provided to the Responsible Authority. However, while the process can ensure that land is ready for the Statutory Planning Process, there is evidence that the Victorian Planning Authority provides a template and rushed approach with many issues to be resolved with parties after the planning scheme amendment process is completed.

- The implementation of approved PSPs has resulted in significant delays in resolving detail issues and potentially rendering land development too expensive or unachievable. The difference of opinions or views between referral authorities has resulted in the Responsible Authority attempting to resolve issues that the VPA have brushed over in their efficiency drive to produce the PSP for Ministerial Approval.

- The provision of infrastructure and long term forward planning which are a critical component to ensuring the successful implementation of the PSPs should also be supported by this process. Likely infrastructure needs should be planned for in advance of rezoning. Better long term forward planning would assist authorities in getting land for infrastructure and would reduce potential interruptions to the market once the land is rezoned/released.

3.2 Part B – The Permit Approval Process

The current statutory planning process is considered to be robust and fair, however the times associated with the consideration of applications is impacted by many factors, including:

- The Responsible Authority resourcing;
- The quality of technology;
The reliance on external third parties (Statutory Referral Authorities and Internal Departments); and
Increase planning controls and lack of internal expertise

Quality of Applications

Planning Applications are often lacking in quality information or a complete package of information to enable the Responsible Authority to undertake a proper assessment. The improvement in documentation about information required to be submitted with an application would assist in reducing the level of Requests for Further information.

Notwithstanding the above, it is common practice that many industry professionals purposely fail to provide all information so that the Responsible Authority outlines any comments or concerns with the development. This provides the party with a better insight to the views of the Responsible Authority prior to the advertising phase of the planning process.

It is agreed and offered by many Council’s to provide pre application meetings. These can be a powerful forum to resolve many issues with proposal prior to the formal lodgement of an application. The most successful would include a complement of experts to minimise or limit the focus of any areas of concern/contention (Traffic, Drainage, Landscaping, Arboriculture, Heritage, Urban Design, etc).

It is agreed that:

- Applications should only be submitted once all relevant information has been collected. However, this is not seen to be a critical issue as failure to do so will result in the information being sought via a Further Information Request. (Action 23)
- Better information about what is required with a planning application should be developed and communicated in a uniform manner (Action 24)
- There is a need to investigate how pre application meetings can be formalised to reduce the need for further information.

Online Application

The need for a common online environment has been long requested by Planning Authorities across the state. As part of a Smart Planning Workshop held by the MAV in 2017, the number one priority was a common online planning portal to manage planning applications. The need for this is necessary to enable Victoria to continue to lead the Country in the management of planning applications. However, this was given limited interest or priority from the DELWP Smart Planning program.

As such, many Council’s have implemented their own systems. Bayside City Council has implemented an online lodgement portal and has seen 80% of all applications being lodged electronically within 2 months of the product becoming available. This has also enabled process efficiencies which have reduced the processing time of application by an average of 10 business days each.

It is agreed that:
Online portal and tracking of applications need to be delivered. This should be a State Government deliverable and priority. The use of funding from Smart Planning on this sole action would have resulted in a significant improvement to the Statutory Planning system across the state. (Action 26)

Online portal developed and delivery by the State Government would ensure greater consistency in line with the recommendation provided at Action 27.

Resourcing

The building industry is affected quickly by the economy. This can result in a sudden increase or decrease in applications. As such Planning Authorities need to be agile to respond to such demands. Unfortunately, the Responsible Authority is one of 100 plus services offered but Local Governments and the ability to respond to resourcing needs is often competing with other parts of the business. Furthermore, State Government policies like rate capping restrict funds that are available within organisations.

The capacity and capability of staff is a matter which any employer should be focussed upon. The development of staff via formal training, on the job learning, coaching and mentoring are basic elements that all businesses should be implementing.

It is not considered that:

- The provision of support via a State Government Hub would assist the Responsible Authority. The capacity and capability of State Government Planners is of greater concern than those in the Local Government sector. Many State Government Planners have limited experience or understanding of the practical role and pressures of the Responsible Authority. Furthermore, the fly in when needed approach will not result in a sustainable service delivery by the Responsible Authority (Action 29).
- DELWP and the Planning Institute of Australia (PIA) have been delivering training programs for an extended period of time. The quality and relevance to the industry is limited. Therefore, such an approach should be carefully considered (Action 30). Bayside City Council is currently implementing its own tailored program in house to directly address areas of identified skill gap which has been more effective than the DELWP and PIA programs.

Streamlining applications

There is an opportunity to consider how to reduce the complexity of the planning application processes. However the proposal to make certain types of land uses permitted in activity areas and residential areas needs to be considered having regard not just to the economic vitality these uses bring to a location but the many other planning related matters such as traffic, amenity impacts, built form impacts etc. The discussions paper appears to provide a simplistic approach to what is a complex matter which is not supported.

Furthermore the proposed addition of an additional tier of application and assessment, as proposed, is considered to be another representation of making a system more complex. The introduction of VicSmart has presented some benefits, however applicants are often making applications under the wrong application type and the impact of focus on fast tracking one type of application over another then
requires resourcing to be reallocated often resulting in the significant application to not be dealt with efficiently.

It is considered that a second dwelling on a lot creates greater challenges in the processing of an application than that of a five (5) storey development and the reports suggestion that these could be processed via a fast track process is misguided.

It is not agreed:
- That non-retails uses are simple application types and should be considered as a VicSmart application type (Action 35)
- The introduction of a 30 day application type will improve the planning process (Action 36)

Requests for Further Information

The request for further information (Section 54 of the Planning and Environment Act 1987) is only used when an applicant has failed to provide information as part of their application. Council’s are required to ensure this is done within 28 days in order to “stop the statutory clock”. Failure to do so will see the clock continue. The Responsible Authority generally will only request information on one occasion, however there are situations where Referral Authorities will request information in addition to that of the Responsible Authority. Ultimately, if the “Statutory Clock” resets, stops or doesn’t is irrelevant to the vast majority of parties, the focus should be on the total assessment time frame from lodgement to decision and endorsement of plans. The proposed change to the current Planning and Environment Act 1987 would possibly result in a greater number of applicants being put in a position to lodge reviews against failure to determine application with VCAT. It is considered that the current model is robust and proposed changes could have a negative impact on the number of applications made to VCAT.

It is considered:
- The changes to the “Stop the Clock” would have a negative impact on the planning process with the likely affect being an increase in VCAT applications (Action 38)
- That the suggested deadline to prompt assessments currently exists (Action 39)
- That additional VCAT resourcing and improved processing of reviews is a positive proposal that should be supported (Action 40)
- That there would be limited benefit in receiving support from DELWP given their limited involvement, interest or understanding of the Statutory Planning process.

Reduced response times for referrals

The Statutory Planning Process is impacted by external referrals. There are clear opportunities to remove planning application trigger points in Planning Schemes where an applicant could work directly with an Authority and gain improved response times.

It is:
- Noted that the “Stop the Clock” for referrals only occurs if they request the for information is made within 28 days of the application lodgement. The
proposal to change for the Referral Authority’s ability to “Stop the Clock” beyond this does not exist. It would appear there is a misunderstanding in the Discussion Paper of Planning and Environment Act 1987 (Action 42)

- Agreed that there should be greater transparency and reporting by Referral Authorities (Action 43)
- Considered that the use of the VPA to monitor and direct Referral Authorities could be problematic. The VPA would need to have a respectful engagement with Referral Authorities. The VPA are not experts and often try to undermine or disregard the Referral Authorities views (Action 46)

Making Decisions in a Reasonable Time

The assessment of planning application will regularly exceed the statutory time frame. This is due to the increasing complexity of planning controls due to the State Government’s continued expectation that the Planning System will deal with new and expanding issues relating to land use and development. Often applications will exceed the 60 day statutory time frame due to difference in options on an outcome requiring the applicant to revise applications to resolve issues highlighted by Council, Referral Authorities, Objectors, or other parties.

The continued push to include more matters into the planning process and the Discussions Papers proposed changes to the stop the clock (Action 38) will see an increase in the number of matters exceeding the 60 day statutory timeframe. Therefore based on the proposed Discussion Paper improvements, it is considered:

- Increasing the Statutory Timeframe will be irrelevant if Action 38 were supported (Action 48). Though it is noted that Responsible Authority’s and applicant’s currently enter agreements to allow matters to be placed on hold or to negotiate outcomes without an appeal being lodged. This is already implemented in the industry.
- Reporting on timeframes is currently undertaken, and many Council’s are working to provide greater transparency and clarity associated with timeframes and processing status (Action 49).
- The provision of a user focussed service is a positive one. However, the ability to resource and/or deliver the required technology required will not be achieved without State Government support or investment (Action 50).

Promote Best Practice Delegation of Decisions

The most contentious issue in the processing of Statutory Planning applications is the delegation of the decisions. Where there are many different approaches undertaken across the industry, those Council’s with higher levels of delegation appear to have small processing timeframes.

The key challenge is how elected Councillors are able to be part of the planning process, which is often a direct result of the community interest in the matter. Furthermore, the decision making by elected Councillor’s in some circumstances can be driven by matters outside of the Responsible Authorities role.

3.3 Part C – The Post-permit Approval Process

Checking Compliance with permit conditions
This post planning process is one which is often overlooked from a reporting and process perspective. This period of time can create greater frustrations and time delays than the Statutory Planning Process. The need for conditions to be clear, Council’s Internal Departments and Referral Authorities to be responsive and to be consistent are all necessary for this period of time to be efficient.

The Planning and Environment Act 1987 and the Planning and Environment Regulations 2015 currently set out a statutory timeframe for the processing of these matters.

Section 149 of the Planning and Environment Act 1987, states:

149 Application for review

(1) A specified person may apply to the Tribunal for the review of—
   (a) a decision of a specified body in relation to a matter if a planning scheme specifies or a permit contains a condition that the matter must be done to the satisfaction, or must not be done without the consent or approval, of the specified body; or
   (b) a decision of a specified body in relation to a matter if an agreement under section 173 provides that the matter must be done to the satisfaction, or must not be done without the consent, of the specified body and makes no provision for settling disputes in relation to the matter; or
   (c) a decision of a specified body or of a person or body specified in an enforcement order in relation to a matter if the order requires that the matter must be done to the satisfaction of that person or body; or
   (d) if there is no prescribed time for a decision of a kind referred to in paragraph (a), (b) or (c), a failure of a person or body to make that decision within a reasonable time after the matter is referred to it.

(2) An application for review of a decision referred to in subsection (1)(a), (b) or (c) must be made within 28 days after the day on which the decision is made.

(3) The responsible authority is a party to any proceedings under this section.

Regulation 54 of the Planning and Environment Regulations 2015, states:

54 Time for decision—section 149

The prescribed time for a decision of a kind referred to in section 149(1)(a), (b) or (c) of the Act is 30 days.

Therefore the current Discussion Paper has missed understood the current legislation. The Responsible has a total of 30 days to make a decision on something which is to its satisfaction. Failure to do so will result in the Applicant being able to seek a review at VCAT.

Therefore it is considered that:
- There is currently and appropriate timeframe set out in the Act for post permit applications (Action 55)
Streamlining variations to the terms of a permit

It is considered that:

- The use of VCAT to hear disputes on Secondary Consent or Extension of Time matters is already available under Section 149 of the Planning and Environment Act 1987. (Action 61 & 65).
- There are already VCAT standards for the assessment of Secondary Consent Applications, based on previous decisions. Notwithstanding this, a PPN could assist in communicating these to all parties (Action 62).
- The introduction of a prescribed fee could be a positive approach, however, there are many motives behind the fee charged by the Responsible Authority. It can be used to encourage applicants to minimise changes as an example. Such a fee needs to be reflective of the cost to provide the service. A small token fee will impact on resourcing and the ability to deliver the assessment in a timely manner (Action 63).
- Secondary consent processes do not provide the ability to add conditions to permits (Action 64).

3.4 Part D – The Building Approvals Phase

It is considered that the Building Permit systems has been structured to deliver efficient permit services. The initial privatisation (in the early 1980s) was implemented given it was considered that the Statutory Authority and reliance on Local Government was inefficient during the 1990s housing boom, in particular.

Notwithstanding this, there is evidence that the privatised industry has had significant challenges of late, which relates to:

- Conflicts of interest
- Short cuts in processing
- Short falls in decision making based on poorly prepared Building Codes
- Shortage of practitioners, partially affected by the ability to obtain adequate experience to satisfy the minimum but appropriate Registration requirements

In addition to the above the recent impacts in the insurance industry appears to have impacted and will continue to, on the number of practitioners available to operate in the industry.
Practitioners

The report identifies that there is a shortage of qualified practitioners. There is a need to respond to this issue to provide certainty in to the future for the Building industry.

Notwithstanding this, the proposals to water down the Practitioner Registration requirements is a major concern. Practitioners need to have adequate education and experience to ensure buildings and structures are fit for purpose and will not compromise safety to occupiers and the public.

The proposal to increase the exempt matters under the building act will be problematic. Small simple structures will be erected with limited regard to health and safety and will increase risk within the community.

Construction Management Plans & Asset Protection Requirements

Construction management plans and Asset Protection requirements are a new approach by many statutory authorities in managing the impact of development on the community and ensuring safe work practices on public assets.

It is acknowledged that there is no standard in what should be included in such a document or how one should be implemented. As such the need for a standardised approach to CMPs and Asset Protection Process to create greater certainty and consistency for the industry is supported. This proposal is seen as a positive step forward as it would provide the industry with expected and accepted standards.

Notwithstanding this, costs and resourcing is seen as an issue with limited clarity on who is responsible for setting the standards and ensuring compliance. Is this approved under and controlled by:

- The Planning Authority;
- The Municipal Building Surveyor;
- The relevant Road Authority;
- The relevant Drainage Authority;
- The EPA; and/or
- Other relevant authorities

Access to Records

The provision of information to the public is not seen as a major concern and is supported. However, the ability to ensure the level and quality of information available will need to be amply supported by the Victorian Building Authority. The vast majority of Building Permits issued are currently by Relevant (Private) Building Surveyors. One of the key problems has been the reliance on the RBS to submit documentation in a comprehensive, complaint and timely manner. Further there will be the need for a global system for the central lodgement and storage of building records, which we support.

Enforcement

The role of the MBS and/or PBS in the enforcement of non-compliances differs but has been clarified over the last 5-10 years by the VBA.
The current challenge is the appetite of the RBS to undertake enforcement. It is considered that the potential conflict in their engagement to act on behalf of the owner and to also hold the owner to account for breaches results in limited enforcement. Particular where breaches are identified by third parties, the common practice is to disregard leaving such matters to the MBS. However, the Victorian Municipal Building Surveyors Group have adopted a Municipal Intervention Criteria filter (which has been adopted by most Councils) to address these situations.

4. Conclusions and Recommendations

Bayside City Council welcomes the opportunity to participate in the Planning and Building Approvals Process Review.

Council is open to work with the Victorian Government to deliver a planning and building processes that are in accordance with the Planning and Environment Act 1987 and any other relevant legislation.

It is considered that a collaborative approach and implementation of best practice will result in an efficient process that delivers sustainable, affordable and high quality design outcomes that support economic development outcomes and meet the needs of the community.

Many Planning and Responsible Authorities have processes and structures which have been established as a direct response to previous reviews undertaken by many departments in Government, including but not limited to Victorian Auditor General Office, etc.

Many of the processes in place, which have been identified in this report as problematic, have been established to mitigate against many of the key problems identified as exposing the Statutory Authority, including but not limited to:

- Quality control
- Oversight of decision making
- Fraud and corruption
- Risk

There are examples where failure to have the appropriate oversights has resulted in many significant failures in the industry, including (but not limited to):

- Moira Shire Council – corruption in planning application processing; and
- Yarra City Council -Brothel/Rooming House.

Notwithstanding the above, it is agreed that there are opportunities to improve the timeliness of the Planning and Building Approvals. This requires action by:

- State Government;
  - Victorian Planning Authority
  - Victorian Building Authority
  - Department of Environment, Land, Water, and Planning
  - Other State Government Authorities associated with the planning and delivery of infrastructure
- Local Government
- Municipal Association of Victoria
The review has not discussed or considered the wider sector opportunities to unlock the efficient delivery of housing and infrastructure. The vast majority of this enablers, sits outside the planning and building process and include:

- Delivery of community infrastructure and facilities;
- Approval processes associated with state authorities;
- Infrastructure delivery.
Executive summary

Purpose and background

The purpose of this report is to seek Council’s consent to submit an application to the Local Sports Infrastructure Fund (the Fund) - Aquatic Centres and Indoor Stadiums program, for the Tulip Street Basketball Centre court extension in accordance with Council’s current financial commitment to this project.

The Fund is a grant program administered by Sport and Recreation Victoria (SRV) to encourage the development of community sport and recreation facilities that are high-quality, accessible, innovative, effectively managed and well utilised. Only Local Government Authorities (LGAs) are eligible to apply to the Fund. Grant applications are due in February 2020.

Grants of up to $2 million are available to develop or upgrade aquatic leisure centres and multi-sport indoor stadiums. Projects may be eligible for a maximum grant of up to $2 million based on a $3 (Council/other) for $1 (SRV) funding ratio. The Fund provides grants for the development of new or upgrade to existing indoor multi-sport stadiums that create new indoor courts to increase participation.

Key issues

Need for additional courts

A Strategic Stadium Needs Assessment for basketball in Bayside (2016) and the broader region has recommended an additional four indoor courts are required to meet the expected basketball demand over the next 20 years. The Sandringham Family Leisure Centre in Tulip Street, Sandringham was assessed as the preferred site to accommodate the needs of basketball in the region.

Design

A concept design has been completed for the development of a four indoor court extension at the Sandringham Family Leisure Centre. The project includes:

- Fully accessible DDA compliant stadium
- Four competition standard indoor basketball courts
- Unisex change rooms and toilets
- Storage, reception, canteen and first aid room
- Air circulation system throughout stadium
- Improved access from adjacent road network and increased car parking.
Funding model

A Quantity Surveyor’s report estimates the four court stadium design at $9.9 million. The following table details Council’s current position regarding the project:

<table>
<thead>
<tr>
<th>Project Cost</th>
<th>$9.9 million</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Funding</td>
<td>$5.4 million</td>
</tr>
<tr>
<td>SBA Cash Contribution</td>
<td>$1 million</td>
</tr>
<tr>
<td>SBA Leaseback contribution over time (10 years)</td>
<td>$1 million</td>
</tr>
</tbody>
</table>

Funding Shortfall $2.5 million

Previously the criteria under this funding stream have allowed LGAs to apply for up to $2.5 million in funding towards a single project, however the 2020/21 Fund guidelines (set at as Attachment 1) limit maximum funding to $2 million per project. A maximum grant amount of $2 million would result in a funding shortfall of $500,000.

Preliminary discussions with SBA have indicated that it would be able to contribute an additional $500,000 through the proposed leaseback contribution mechanism. This lease would be for a minimum of 15 years and require SBA to contribute $100,000 per annum towards a total leaseback contribution of $1.5 million.

Recommendation

That Council endorses an application to the Victorian Government’s Sport and Recreation Victoria 2020/2021 Local Sport Infrastructure Fund – Aquatic Centres and Indoor Stadiums Grants for the Tulip Street Basketball Court redevelopment based on the following funding model:

<table>
<thead>
<tr>
<th>Project Cost</th>
<th>$9.9 million</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Funding</td>
<td>$5.4 million</td>
</tr>
<tr>
<td>SBA Cash Contribution</td>
<td>$1 million</td>
</tr>
<tr>
<td>SBA Leaseback contribution over time (15 years)</td>
<td>$1.5 million</td>
</tr>
</tbody>
</table>

| Local Sport Infrastructure Fund     | $2 million   |

Support Attachments

1. Guidelines - 2020-21 - Local Sports Infrastructure Fund
Considerations and implications of recommendation

Liveable community

Social
The expanded stadium will provide positive benefits for young people and adults through their participation and engagement in sport and recreation activities. Projects that increase opportunities for female participation in sport and recreation are a focus for SRV funding.

The four new indoor basketball courts will provide an estimated $8.9m to $14.8m annually in social and economic value. This estimate considers direct spend, volunteer, health and education benefits from the thousands of visitations to the venue. This is based on the 2017 Intergenerational Review into Australian Sport, which notes that there is at least a $7 return from every $1 spent in the sector.

Natural Environment
The location of the additional courts was identified in order to minimise any potential environmental impacts.

Built Environment
Council is committed to achieving positive environmental outcomes through environmentally sustainable design principles.

Customer Service and Community Engagement
The project and application to the Fund is strongly supported by Southern Basketball Association (SBA).

Future community engagement concerning the project will be undertaken in line with Council’s Community Engagement Framework.

Human Rights
The implications of this 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.

Legal
Council will be required to enter into a funding agreement for any successful application. Any agreement for SBA to pay $1.5 million in $100k instalments will require a review of its current lease agreement. A memorandum of understanding will be required to be developed to reflect SBA’s financial commitment.

Finance
Council’s four-year capital works program includes a provision of $5.4 million of Council funding towards the Tulip Street Basketball Courts development project.

Links to Council policy and strategy
Council’s ‘Active by the Bay’ Recreation Strategy 2013 – 2022 identifies ‘Increase the availability and use of indoor sport and recreation facilities’ in Bayside as an objective. Bayside’s 2020 Community Plan identifies as a focus that Council deliver recreation facilities that meet the needs of the community.
### Options considered

#### Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Council increases funding allocated to the project in the Long Term Financial Plan from $5.4m to $5.9m and applying for funding through the Fund.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Meeting the current and future community needs for basketball facilities in the municipality.</td>
</tr>
<tr>
<td>Issues</td>
<td>Increased cost to Council.</td>
</tr>
</tbody>
</table>

#### Option 2

<table>
<thead>
<tr>
<th>Summary</th>
<th>Council do not proceed with the application for funding to SRV and defer the project until SBA can secure required funding towards cost of the redevelopment of Sandringham Family Leisure Centre.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Does not require Council to increase its contribution.</td>
</tr>
<tr>
<td>Issues</td>
<td>Not meeting current and future community needs for basketball facilities in the municipality.</td>
</tr>
</tbody>
</table>
Local Sports Infrastructure Fund

2020-21 PROGRAM GUIDELINES
Item 10.7 – Reports by the Organisation
MESSAGE FROM THE MINISTER FOR TOURISM, SPORT AND MAJOR EVENTS

Whether it’s coaching a junior soccer match at Edithvale, playing in the Wimmera league finals in Ararat or visiting your local playspace, nothing brings Victorian communities together better than community sport and active recreation.

The Victorian Government is helping communities and clubs transform inadequate sports grounds and ageing clubrooms, with new infrastructure and recreation spaces being built to encourage people to be active and reap the benefits of physical activity.

The inaugural round of the Local Sports Infrastructure Fund is now open and builds on investments worth more than $850 million into community sport and active recreation infrastructure by the Victorian Government since 2014.

The Local Sports Infrastructure Fund will invest up to $22 million across Victoria to develop infrastructure that provides modern, family and female-friendly, safe inclusive and accessible facilities with room to grow and welcome more participants than ever before.

The fund includes a range of funding streams with eligible projects including aquatic centre upgrades, sports grounds and pavilion developments, sport surfaces and lighting installations, active recreation facilities such as play spaces and recreation trails, along with regional and strategic planning.

The Local Sports Infrastructure Fund supports the Victorian Government’s determination to support disadvantaged communities and the growing demand for high quality accessible community sports infrastructure that can be enjoyed by everyone, regardless of their age, background, gender or ability.

The program reflects our major commitment to health and wellbeing, economic activity and local jobs, diversity, inclusion, active recreation and boosting the capacity of communities to attract and host local and regional competitions and events.

The Local Sports Infrastructure Fund is part of the $175 million Local Sports Grants initiative and is one of a suite of infrastructure programs, which includes the World Game Facilities Fund, Community Cricket Program, Community Sports Infrastructure Loans Scheme, and the Motor Sports Program which are investing millions across Victoria.

I look forward to seeing new and exciting projects from the Local Sports Infrastructure Fund benefitting Victorians.

THE HON MARTIN PAVULA MP
Minister for Tourism, Sport and Major Events
THE LOCAL SPORTS INFRASTRUCTURE FUND

1.1 About the fund

The Local Sports Infrastructure Fund (the Fund) is a $22 million state-wide competitive Victorian Government investment program that funds the development of high-quality, accessible community sport and active recreation infrastructure. The Fund replaces the Community Sports Infrastructure Fund, Female Friendly Facilities Fund and Better indoor Stadiums Fund and provides funding streams that support the hierarchy of community infrastructure.

The Fund promotes partnerships between the Victorian Government, Local Government Authorities (LGAs), Alpine Resort Boards, sport leagues and associations, sporting clubs, schools and community organisations to deliver the strategic directions identified in Active Victoria: A strategic framework for sport and recreation 2017 – 2027.

The Fund is underpinned by the Department of Jobs, Precincts and Regions’ priorities of ensuring the state’s economy benefits all Victorians by creating more jobs for more people, building thriving places and regions and nurturing inclusive communities.

1.2 Objectives of the Fund

Strong, active and healthy communities need high-quality, accessible, well-designed and managed infrastructure to conduct sport and active recreation activities. Developing infrastructure that supports participation by underrepresented groups to improve wellbeing of disadvantaged Victorians and local economic activity is a priority for the Victorian Government. The Fund aims to achieve this by:

- Upgrading existing and constructing new facilities.
- Developing active recreation infrastructure to increase the accessibility and diversity of physical activity opportunities.
- Encouraging flexible, multi-use, shared and integrated services and facilities.
- Fostering inclusive, diverse, accessible and responsible development through universal design, environmental sustainability, and strategically planned facilities.
- Encouraging collaboration with schools, service providers, facility managers and community organisations to deliver outcomes.
- Encouraging collaboration with state sporting associations and peak bodies to foster better decision making.
The Victorian Government is committed to supporting greater opportunities for all Victorians. There are significant groups of Victorians whose participation in sport or active recreation is well below the state average. Aboriginal Victorians, people with a disability, seniors, disengaged youth, culturally and linguistically diverse (CALD) communities, women and girls, LGBTI+ people, and socio-economically disadvantaged all have significantly lower levels of participation.

1.3 Outcomes of the Fund

The fund reflects the Victorian Government’s commitment to securing the many benefits of participating in sport and active recreation. This includes supporting Victorians, particularly disadvantaged communities, to achieve better health, wellbeing, social, and economic outcomes through the construction, programming, and activation of community sport and active recreation infrastructure. The fund will invest in proposals that can demonstrate commitment to the following outcomes:

- Develop new or maintain existing participation opportunities, where there is a risk to participation decline.
- Improve diversity and inclusion by increasing participation by under-represented groups, as outlined in Active Victoria.
- Develop local economic activity through the planning, building, maintenance, management, and activation of redeveloped or new infrastructure.
- Improve physical and mental health and wellbeing in traditionally disadvantaged communities, such as low socio-economic areas, growth areas, and communities experiencing long-term disadvantage.
- Support gender equality in participation, coaching, administration, officiating, and volunteering.

Participation is defined as involvement in playing, coaching, officiating or volunteering in a sport or active recreation activity.
FUNDING DETAILS

21 Funding Streams

The Local Sports Infrastructure Fund invests in planning, improving existing and building new infrastructure. Funding is available under the following streams:

<table>
<thead>
<tr>
<th>PLANNING</th>
<th>FEMALE FRIENDLY FACILITIES</th>
<th>COMMUNITY FACILITIES</th>
<th>STRATEGIC FACILITIES</th>
<th>AQUATIC CENTRES AND INDOOR STADIUMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal - $20,000</td>
<td>up to $500,000</td>
<td>up to $250,000</td>
<td>up to $800,000</td>
<td>up to $2 million</td>
</tr>
<tr>
<td>Regional - $50,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 of each</td>
<td>Unlimited</td>
<td>Maximum 2 Applications</td>
<td>Only 1</td>
<td>Only 1</td>
</tr>
<tr>
<td>MUNICIPAL Planning up to $20,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>REGIONAL Planning up to $50,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Change Rooms
- Lighting
- Playgrounds
- Pavilions
- Active Recreation
- Aquatic Centres
- Indoor Stadiums
- Courts
- Skate Parks
- Fields
- Precincts
- Gymnastics
- Multi Sport Courts
- Trails

Local Sports Infrastructure Fund @ 05

Item 10.7 – Reports by the Organisation

Page 158 of 277
### Stream Funding Details

#### 2.2.1 Planning Stream

**Stream Objectives**
The Planning stream provides support to undertake a range of strategic infrastructure planning projects that are independent, consultative and identify future actions to support Active Victoria’s strategic directions.

**Funding Details**
LGAs can make two applications in total: one Municipal seeking up to $30,000, and one Regional seeking up to $50,000.

Applicants must respond to assessment criteria 1 to 4 on page 15 for Municipal Planning projects. Applicants must respond to assessment criteria 1 to 5 on page 15 for Regional Planning projects. All applications must provide the list of mandatory documentation in Section 5 – Supporting Documentation.

<table>
<thead>
<tr>
<th>Stream</th>
<th>Funding Available</th>
<th>Applications Per LGA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning</td>
<td>Up to $30,000 is available for Municipal Planning projects.</td>
<td>LGAs can make two applications in total.</td>
</tr>
<tr>
<td></td>
<td>Up to $50,000 is available for Regional Planning projects.</td>
<td>One Municipal Planning project seeking up to $30,000 and one Regional Planning project seeking up to $50,000.</td>
</tr>
<tr>
<td>Female Friendly Facilities</td>
<td>Up to $500,000 is available per LGA</td>
<td>LGAs can make unlimited number of applications.</td>
</tr>
<tr>
<td>Community Facilities</td>
<td>Up to $250,000 per application</td>
<td>LGAs can make up to two applications.</td>
</tr>
<tr>
<td>Strategic Facilities</td>
<td>Up to $800,000 per LGA</td>
<td>Either one application can be submitted to the Strategic Facilities or Aquatic Centres and Indoor Stadiums streams.</td>
</tr>
<tr>
<td>Aquatic Centres and Indoor Stadiums</td>
<td>Up to $2,000,000 per LGA</td>
<td>Either one application can be submitted to the Strategic Facilities or Aquatic Centres and Indoor Stadiums streams.</td>
</tr>
</tbody>
</table>

**Municipal Planning**
**Funding Available**
One application seeking up to $30,000 is available for Municipal Planning projects.

**Eligible Projects**
Municipal Planning projects that are eligible for support include:
- Strategic recreation planning
- Planning for specific facility types such as aquatic facilities, indoor stadiums, etc.
- Infrastructure and participation planning for specific sports and/or active recreation activities
- Feasibility studies for one or more significant projects.

Applications that do not include a comprehensive draft project brief are not eligible for funding. Single site master plans are not eligible for funding.

**Regional Planning**
**Funding Available**
One application seeking up to $50,000 is available for Regional Planning projects.

To be eligible for this funding, two or more LGAs must confirm a financial contribution to the project. The application must be auspiced by one LGA with the demonstrated capacity to manage the project.

**Eligible Projects**
Regional Planning projects that are eligible for support include:
- Planning for a specific sport(s) across a region
- Planning for infrastructure and active recreation activities across a region
- Comprehensive review of infrastructure across a region.

Planning that has already been addressed through state sporting association planning or other plans are not eligible for funding. Applications that do not include a comprehensive draft project brief are not eligible for funding.
2.2.2 FEMALE FRIENDLY FACILITIES STREAM

Stream Objectives
The Female Friendly Facilities stream supports the development of new or redevelopment of existing infrastructure that enables more women and girls to participate in sport and active recreation.
Priority will be given to proposals where LGA policies and practices are in place that demonstrate a sustained commitment to gender equality.

Funding Details
Applicants may apply for an unlimited number of projects up to a maximum total request amount of $500,000 per organisation.
Applications claiming in-kind expenses up to a maximum of 50 per cent of the total project cost for this stream will be accepted. Applicants must approve and underwrite any in-kind contribution from third parties.
Applicants must respond to assessment criteria 1 to 6 on page 15 and provide the list of mandatory documentation in Section 5 – Supporting Documentation.

Eligible Projects
Female Friendly Facilities projects that are eligible for support include:
- Building new or redeveloping change rooms for participants that are female friendly.
- Building new or redeveloping sports grounds to increase capacity.
- Multi-sport courts that provide for sport and active recreation participation.
- Sports lighting that increases the capacity of infrastructure.
Applications that do not sufficiently demonstrate existing female participation are not eligible for funding from this stream.

2.2.3 COMMUNITY FACILITIES STREAM

Stream Objectives
The Community Facilities stream supports the development of new or redevelopment of existing community sport and active recreation infrastructure ensuring all infrastructure is high quality and accessible to all.

Funding Details
Up to $250,000 per application for a maximum of two applications per applicant.
Priority will be given to projects on school land with confirmed community use.
Applications seeking support for a similar project type across multiple sites are eligible for funding e.g. sports lighting installations across several sports court venues.
Aquatic projects must allocate a minimum of 25 per cent of the requested grant amount to components that will improve energy or water efficiency and environmental sustainability. This must be demonstrated with a specific Environmental Sustainable Design (ESD) budget in the application.
Applications claiming in-kind expenses up to a maximum of 50 per cent of the total project cost for this stream will be accepted. Applicants must approve and underwrite any in-kind contribution from third parties.
Applicants must respond to assessment criteria 1 to 5 on page 18 and provide the list of mandatory documentation in Section 5 – Supporting Documentation.

Eligible Projects
Community Facilities projects that are eligible for support include:
- Playspaces, skate parks, BMX tracks, and outdoor splash parks.
- Active recreation spaces such as outdoor exercise equipment and public access outdoor courts.
- Upgrades to outdoor seasonal pools that improve accessibility and participation such as leisure water, change rooms and energy or water efficiency upgrades e.g. Heating of water spaces.
- Infrastructure on school land with confirmed community use.
- Shared paths and recreation trails.
- Projects that result in energy or water efficiency, with a direct impact on participation, such as warm season grass conversions.
- Multi-sport training facilities that are publicly accessible.
- Pavilion developments with unisex accessible changerooms.
- New and/or improved sports fields, sports courts and surfaces that increase capacity or safety.
- Sports lighting that improves facility capacity and participant safety. Requests for replacement of lighting with LED lights are not eligible unless part of a new lighting installation.
2.2.4 STRATEGIC FACILITIES

Stream Objectives
The Strategic Facilities stream supports the development and upgrade of significant sport and active recreation infrastructure with a demonstrated strategic catchment beyond a local community.

Funding Details
Up to $800,000 is available per application. Only one application can be submitted to the Strategic Facilities or Aquatic Centres and Indoor Stadiums streams. Applications must allocate a minimum of 25 per cent of the requested grant amount to components that will improve energy or water efficiency and environmental sustainability to be eligible. This must be demonstrated with a specific Environmental Sustainability Design budget in the application.

Applications claiming in-kind expenses up to a maximum of 25 per cent of the total project cost for this stream will be accepted. Applicants must approve and underwrite any in-kind contribution from third parties.

Applicants must respond to assessment criteria 1 to 9 on page 18 and provide the mandatory documentation in Section 5 – Supporting Documentation.

Eligible Projects
Strategic Facilities projects that are eligible for support include:

- Infrastructure that provides active recreation opportunities for a catchment beyond a local community such as new skate parks and playspaces.
- Multi-sport precincts that include the delivery of sports fields, sports courts and pavilions.
- Regional sports facilities as defined by the particular sport’s (‘regional’ refers to a facility’s standing in the facility hierarchy rather than location).
- Multi-use sports pavilions that serve communities beyond a local catchment.
- Large single or multi-sport indoor facilities such as gymnastics centres that serve a catchment beyond a local community.
- Large scale infrastructure on school land with confirmed community use that serve a catchment beyond a local community.
Applications for sports infrastructure must demonstrate why the project serves a strategic need for the sport’s beyond the local community to be eligible, including demonstrating sufficient catchment data or evidence from strategic planning such as state sporting association infrastructure plans.

Applications for active recreation infrastructure must demonstrate that the project serves communities beyond a local catchment to be eligible, including demonstrating sufficient catchment data or planning evidence.

Applications must demonstrate a commitment to programming and activation that is diverse, inclusive and engages under-represented communities. This may include partnering with organisations that engage these communities to maximise the use of facilities during peak and non-peak times.

Priority will be given to applications that support community sport and active recreation programming, high performance pathways and regional events within the one facility.

Priority will be given to projects that demonstrate broad and confirmed community access, particularly for under-represented groups during peak and non-peak facility usage periods.

Priority will be given to projects that demonstrate economic uplift, in the form of job creation during construction and operations, non-government investment in the facility and participant and event attraction.

2.2.5 AQUATIC CENTRES AND INDOOR STADIUMS

Stream Objectives
The Aquatic Centres and Indoor Stadiums stream supports the development and upgrade of aquatic leisure centres and multi-sport indoor stadiums.

Funding Details
Up to $2,000,000 is available per application.

Only one application can be submitted to the Strategic Facilities or Aquatic Centres and Indoor Stadiums streams.

Applicants must respond to assessment criteria 1 to 10 for Indoor Stadium projects and questions 1 to 11 for Aquatic Centre projects on page 16 and provide the mandatory documentation in Section 5 – Supporting Documentation.

Eligible Projects
Aquatic Centres and Indoor Stadiums projects that are eligible for support include:

- Development of new or upgrade to existing aquatic leisure centres that creates new water or dry program spaces to increase participation.
- Development of new or upgrade to existing indoor multi-sport stadiums that create new indoor courts to increase participation.
- Spaces for gymnastics, calisthenics and dance are only eligible as part of a larger stadium project with other multi-sport indoor courts.

Applications must demonstrate a commitment to programming and activation that is diverse, inclusive and engages under-represented communities. This may include partnering with organisations that engage these communities to maximise use of facilities during peak and non-peak times.

Applications must demonstrate a commitment to implementing Healthy Choices in the facility to be eligible.

Healthy Choices is a framework for improving availability and promotion of healthier foods and drinks in community settings. Healthy Choices is part of the Victorian Government’s commitment to promote healthy food and drink options in a range of public settings including sport and recreation. Sport and recreation organisations can use the framework to provide consistent health promoting messages whereby the foods and drinks available reinforce positive messages about the importance of physical activity for good health. Healthy Choices guidelines can be found https://sport.vic.gov.au/resources/files/healthy-choices-sport-and-recreation-facilities-implementation-guidelines-and-template.pdf

Applications must allocate a minimum of 25 per cent of the requested grant amount to components that will improve energy or water efficiency and environmental sustainability to be eligible. This must be demonstrated with a specific Environmental Sustainability Design budget in the application.

Priority will be given to applications that support community sport and active recreation programming, high performance pathways and regional events within the one facility.

Priority will be given to projects that demonstrate economic uplift in the form of job creation during construction and operations, non-government investment in the facility and participant and event attraction.
2.3 LSIF INVESTMENT PRIORITIES AND GUIDANCE

Facilities on School Land
For projects on school land, a Community Joint Use Proposal (to the Department of Education and Training) which is completed by the applicant and the school must be submitted by the applicant to be eligible for funding (schools can access this document from the Department of Education and Training website). Applicants must allow sufficient time to complete this document and obtain the necessary written endorsement from the Department of Education and Training at both the regional and central office.

Projects in non-government schools are also eligible for funding through LGAs and require similar demonstration of commitment from both parties to ensure long-term community access is achieved under agreed terms.

Local Sports Infrastructure Fund Priorities for all Streams
Priority will be given to communities in areas of need that have experienced natural disasters, such as bushfires, flood and drought, or communities experiencing strong population growth or significant change in circumstances (e.g. economic challenges).

Priority will be given to projects that demonstrate economic uplift in the form of job creation during construction and operations; non-government investment in the facility and participant and event attraction, particularly for Strategic Facilities and Aquatic Centres and Indoor Stadium streams.

Local Sports Infrastructure Fund Guidance for all Streams
The department encourages LGAs to work with peak bodies, local leagues/associations, state sporting associations and regional sports assemblies (where appropriate) to seek their contribution and support to the planning and design of facilities along with identifying participation, programming and activation initiatives that strengthen project outcomes, particularly for under-represented groups identified in Active Victoria.

All projects must demonstrate a commitment to implementing Universal Design Principles. This can be demonstrated through the assessment criteria and supporting documentation such as schematic plans. LGAs are encouraged to explore and confirm funding contributions that demonstrate stakeholder commitment to the project.

Stages of a larger facility development may seek support from the fund, providing the stage addresses the program criteria and is eligible.

Projects on private land are eligible but will be subject to the establishment of a legally binding agreement between the organisation and LGA to ensure ongoing public access. Such proposals should demonstrate evidence of a legally binding agreement in the application to be eligible.

LGAs wanting to undertake prefabricated and modular design and construct projects are eligible. However, applicants are required to submit a detailed area schedule rather than schematic plans (although plans can be submitted if available). These projects must be permanent buildings, rather than temporary facilities to ensure long-term benefits for local communities.

For projects where stakeholders such as clubs are contributing funding, bank statements confirming availability of all funding contributions must be provided. In cases where stakeholders are intending to fundraise their contribution to a project, the LGA must provide a letter underscoring the stakeholder contribution/s to the project at time of application.

Applications may include project management fees of up to 5 per cent of the total project cost that is exclusive of GST.

The Minister for Tourism, Sport and Major Events reserves the right to allocate funding from the Local Sports Infrastructure Fund to ensure an equitable distribution of funding across Victoria. The Minister also retains discretion regarding the allocation of funding across each stream.

2.4 TYPES OF ACTIVITIES THAT WILL NOT BE FUNDED

- Applications submitted after the closing date will not be considered, unless written approval from Sport and Recreation Victoria has been obtained before the closing date which will only be granted under exceptional circumstances (e.g. significant technology disruptions)
- Facilities where little or no public access is available.
- The purchase of land (in general, the land on which the facility development is proposed will be municipal property, a Crown reserve, land owned by a public authority, or land held for public purposes by trustees).
- Requests for retrospective funding, where projects have commenced construction or are completed prior to the execution of a funding agreement (construction includes, but is not limited to demolition, site clearing, earthworks, building works and any form of early works).
- Buildings considered temporary or not permanent in nature or intended use.
- Requests for ongoing operational costs such as, but not limited to, salaries, electricity, water, asset maintenance and other utilities.
- Upgrading or redeveloping kitchens or public toilet facilities, except as part of a larger project that meets the objectives of the fund.
• Scoreboards, behind goal netting, coaches’ boxes and other supporting infrastructure with limited direct impact on participation, unless considered a minor component of a larger project.
• Detailed design of a facility or single site master plans are ineligible for funding from the Planning stream.
• Routine or cyclical maintenance works.
• Purchasing or maintaining recreation, entertainment, sporting, life-saving or any other equipment (except as part of facility fit out).
• Projects previously funded by Sport and Recreation Victoria, unless applicants can demonstrate additional or new uses resulting in increased participation/programming outcomes.
• Projects that do not meet relevant sport or Australian Standards (e.g. lighting projects or netball court dimensions). Facilities that do not comply with the relevant sport standard must seek exemption from the relevant sporting organisation to be supported by the fund.
• The replacement of like-for-like surfaces (e.g. tennis hard-court surface replaced by a similar hard-court surface) are ineligible for funding. To be eligible for funding the application will need to demonstrate that additional uses are proposed and/or a multi-purpose element is being introduced. Exceptional circumstances may be considered where a safety standard or compliance issue are evident, and an activity will not continue to be conducted as a result.

2.5 FUNDING RATIOS
LGAs will be required to provide matched funding in accordance with the below funding ratios:

<table>
<thead>
<tr>
<th>LOCAL GOVERNMENT AUTHORITY</th>
<th>PLANNING</th>
<th>FEMALE FRIENDLY FACILITIES</th>
<th>COMMUNITY FACILITIES</th>
<th>STRATEGIC FACILITIES</th>
<th>AQUATIC CENTRES AND INDOOR STADIUMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>METROPOLITAN</td>
<td>SRV = $1</td>
<td>Local = $1</td>
<td>SRV = $1</td>
<td>SRV = $1</td>
<td>SRV = $1</td>
</tr>
<tr>
<td>METROPOLITAN INTERFACE COUNCILS: CARDINIA, CASEY HUME, MELTON, MORNINGTON PENINSULA, NILLUMBIK, WHITTLESEA, WYNDHAM AND VARRA RANGES</td>
<td>SRV = $1.5</td>
<td>Local = $1</td>
<td>SRV = $1.5</td>
<td>SRV = $1.5</td>
<td>SRV = $1.5</td>
</tr>
<tr>
<td>BALLARAT, BENDIGO, GEELONG</td>
<td>SRV = $1.5</td>
<td>Local = $1</td>
<td>SRV = $2</td>
<td>SRV = $2</td>
<td>SRV = $2</td>
</tr>
<tr>
<td>RURAL</td>
<td>SRV = $2</td>
<td>Local = $1</td>
<td>SRV = $2</td>
<td>SRV = $2</td>
<td>SRV = $2</td>
</tr>
</tbody>
</table>

Applicants cannot utilise other State Government funding, including the Community Sports Infrastructure Loans Scheme as part of their local contribution. Local contributions may comprise of funding from all other organisations such as LGAs, clubs, state sporting associations, Federal Government, community partners, or through in-kind support.

Local Sports Infrastructure Fund # 11
3. ELIGIBILITY

3.1 Eligible Applicants

Only Local Government Authorities (LGAs) and the Alpine Resort Boards are eligible to apply directly to the Fund.

LGAs and Alpine Resort Boards are required to discuss their project(s) with their Sport and Recreation Victoria representative before submitting their application(s) to receive advice about the best funding pathway for their project(s).

Eligible applicants must address the eligibility criteria in Section 2 – Funding Details of the relevant funding stream.

3.2 Ineligible Applicants

All entities and organisations except those listed in Section 3.1 – Eligible Applicants are ineligible to apply.

An Expression of Interest for Community Organisations Form has been developed. The purpose of this form is to assist community organisations including clubs to liaise directly with their LGA or Alpine Resort Board on possible applications to the Fund. Community organisations are advised to contact their LGA or Alpine Resort Board about timelines and processes for expressions of interest.

3.3 Process for Applicants

The application process will require the submission of an application.

Step One: Contact Sport and Recreation Victoria

Applicants must discuss project ideas with a Sport and Recreation Victoria representative before submitting an Application. Applicants will be provided:

- advice on the most appropriate funding opportunity for project
- guidance on the development of proposals that have merit, that align with the Fund’s objectives and that are ready to proceed
- high-level design advice.

Step Two: Application

Applicants must submit an application via the Sport and Recreation Victoria website.

All supporting documentation must be emailed to lsi@sport.vic.gov.au copying in your Sport and Recreation Victoria representative by the closing date and time. All supporting documentation must be submitted by the closing date.

Applications can be submitted anytime from the opening of the fund to the closing date and will be assessed upon submission. Applications should only be submitted when all documentation is complete and ready to be assessed.

Application(s) must be submitted by 11:59pm on Friday 14 February 2020.
If you need assistance with applying online, please call the Grants Information Line on 1800 666 366 between 8:30 am and 5:00pm weekdays.

When submitting supporting documentation, you must quote your project name in the subject line of your email (e.g. Smith Reserve Lighting).

Attach all documents to one email, zipping the files if required. You can also send attachments on a CD or USB, quoting your project name to:

Community Infrastructure Programs
Sport and Recreation Victoria
Department of Jobs, Precincts & Regions
GPO Box 4057 Melbourne Victoria 3001
4. ASSESSMENT

4.1 Assessment Process

All applications will be assessed for eligibility and against the assessment criteria for each funding stream as specified in Section 4.3 – Assessment Criteria.

Only eligible applications will be assessed and considered for funding by the department.

An application must address all assessment criteria. Claims made against each criterion must be substantiated with evidence.

Applications will not be considered eligible and will not be assessed if the following is not provided:

- responses to all the assessment criteria for the relevant stream
- all mandatory supporting documentation for the relevant stream
- confirmation of funding sources
- project designs that are schematic and site specific
- site specific project costings such as quotes, cost estimates or a Quantity Surveyor's estimate.

The department reserves the right not to assess an application should insufficient information be provided, including inadequate supporting documentation.

The Minister for Tourism, Sport and Major Events decision regarding funding is final and no further correspondence shall be entered into regarding such decisions. However, applicants can seek feedback on unsuccessful applications from the department.

4.2 Application Assessment

Applications will be assessed by the department and ranked across the state, based on the following information:

- Assessment criteria responses that are clear, detailed and evidenced based
- Submission and quality of supporting documentation such as schematic plans, project briefs, and costings
- Project readiness that demonstrates a project is ready to proceed
- LGA performance including the organisation's capacity to deliver the project on time based on historical performance or current project management capacity or oversight.

Local Sports Infrastructure Fund

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4.3 Assessment Criteria - Planning Stream

When applying for the Planning stream, LGAs will need to address and respond to the following assessment criteria.

Applicants must provide evidence and documentation to support applications. A detailed table of the mandatory and desired documents can be found in Section 5 - Supporting Documentation.

<table>
<thead>
<tr>
<th>MUNICIPAL PLANNING</th>
<th>Grant Amount up to $10,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Explain why the project is required? What issues are you seeking to address?</td>
</tr>
<tr>
<td>2</td>
<td>How will the project respond to the needs of the LGA and the community, and support the strategic directions outlined in Active Victoria?</td>
</tr>
<tr>
<td>3</td>
<td>Outline the planned community consultation and collaboration with project partners, stakeholders, and the Victorian Government.</td>
</tr>
<tr>
<td>4</td>
<td>How will the project result in infrastructure, systems, investment, policy, management or programmatic changes that improve the health, social and economic wellbeing of the community?</td>
</tr>
<tr>
<td>5</td>
<td>For Regional Planning projects, how will the project address a regional need? Provide evidence that the issues are of a regional nature, including evidence of support from neighbouring LGAs.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REGIONAL PLANNING</th>
<th>Grant Amount up to $50,000</th>
</tr>
</thead>
</table>

4.4 Assessment Criteria - Female Friendly Facilities Stream

When applying for the Female Friendly Facilities stream, LGAs will need to address and respond to the following assessment criteria, emphasising the impact on women and girls.

Applicants will also be required to provide evidence and documentation to support applications. A detailed table of the mandatory and desired documents can be found in Section 5 - Supporting Documentation.

<table>
<thead>
<tr>
<th>FEMALE FRIENDLY FACILITIES</th>
<th>One or more applications for a total request amount of up to $500,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>What participation issues is the project seeking to address? Explain in detail why the project is required.</td>
</tr>
<tr>
<td>2</td>
<td>How will the project address the participation issues identified? Detail the benefits of the project and how it will increase (or in certain locations maintain) participation for women and girls in sport and/or active recreation.</td>
</tr>
<tr>
<td>3</td>
<td>Outline current participation activities and future activities, programs and activations that will result from the project that support women and girls.</td>
</tr>
<tr>
<td>4</td>
<td>What involvement have women and girls had in the planning, design, and development of the project?</td>
</tr>
<tr>
<td>5</td>
<td>What initiatives, policies or practices are currently being undertaken, or will be implemented in future, to support sustainable gender equality and participation for women and girls?</td>
</tr>
<tr>
<td>6</td>
<td>Detail the consultation process undertaken with the community and project stakeholders, including women and girls to demonstrate support for the project and proposed outcomes.</td>
</tr>
</tbody>
</table>
4.5 Assessment Criteria - Community Facilities, Strategic Facilities & Aquatic Centres and Indoor Stadiums Streams

This section outlines the assessment criteria for each funding stream. All assessment criteria must be responded to for applications to be eligible:

- If applying to the **Community Facilities** stream, answer questions 1 to 5
- If applying to the **Strategic Facilities** stream, answer questions 1 to 9
- If applying for an **Indoor Stadiums** grant from the **Aquatic Centres and Indoor Stadiums** stream, answer questions 1 to 10
- If applying for an **Aquatic Centres** grant from the **Aquatic Centres and Indoor Stadiums** stream, answer questions 1 to 11

Applicants will also be required to provide evidence and documentation to support applications. A detailed table of mandatory and desired documents can be found in **Section 5 - Supporting Documentation**.

<table>
<thead>
<tr>
<th>Community Facilities</th>
<th>Grant Amount up to $250,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>What participation issue/s is the project seeking to address? Explain in detail why the project is required.</td>
</tr>
<tr>
<td>2</td>
<td>Detail how the project scope will address the participation issues identified.</td>
</tr>
<tr>
<td>3</td>
<td>Detail the consultation process undertaken with the community and project stakeholders, and its outcomes, to demonstrate support for the project and proposed outcomes.</td>
</tr>
<tr>
<td>4</td>
<td>Outline current participation activities and future activities, programs and activations that will result from the project. This should include confirming new opportunities to improve inclusion and diversity by under-represented groups outlined in Active Victoria.</td>
</tr>
<tr>
<td>5</td>
<td>Describe how the project is supported by planning e.g. LGA plans, master plans, state sporting association infrastructure plans.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Strategic Facilities</th>
<th>Grant Amount up to $800,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Describe the project’s strategic significance for the sport/s or active recreation activity by citing relevant strategic planning. Reference should be made to the role the facility plays in high performance pathways and regional events.</td>
</tr>
<tr>
<td>7</td>
<td>Detail the economic activity that the project will deliver during the planning and/or construction and/or post-construction periods.</td>
</tr>
<tr>
<td>8</td>
<td>What Universal Design Principles and Environmentally Sustainable Design considerations will be implemented?</td>
</tr>
<tr>
<td>9</td>
<td>Demonstrate appropriate feasibility, business and management planning, which identifies operational and financial sustainability.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Aquatic Centres and Indoor Stadiums</th>
<th>Grant Amount up to $2,000,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Demonstrate how Healthy Choices guidelines will be implemented in the project.</td>
</tr>
<tr>
<td>11</td>
<td>For Aquatic Centre projects describe the commitment to water safety and water quality through the design, management and programming of the facility.</td>
</tr>
</tbody>
</table>
5.

SUPPORTING DOCUMENTATION

Applicants should consider their capacity to meet the Fund’s requirements, including provision of supporting documentation required under each stream.

The department reserves the right not to assess an application should insufficient information be provided, including inadequate supporting documentation.

Applicants are required to provide evidence and supporting documentation for every application. The below table details the mandatory and desired documents for each stream.

Desired documents are not a requirement but will demonstrate that further planning has been undertaken and that the project is in a state of readiness. Given the high level of demand for competitive grants, providing desired documents can increase the chances of projects being considered ready for funding.

<table>
<thead>
<tr>
<th>SUPPORTING DOCUMENTATION</th>
<th>PLANNING</th>
<th>FEMALE FRIENDLY FACILITIES</th>
<th>COMMUNITY FACILITIES</th>
<th>STRATEGIC FACILITIES</th>
<th>AQUATIC CENTRES AND INDOOR STADIUMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A comprehensive draft project brief</td>
<td>Mandatory</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Letters of support from organisations that clearly indicate the project scope, funding contribution and how the group either supports or benefits from the project</td>
<td>Desired</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Detailed Schedule of Use – current and future participation</td>
<td>NA</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Aerial map showing location of proposed project</td>
<td>NA</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
</tr>
</tbody>
</table>

Local Sports Infrastructure Fund # 17
<table>
<thead>
<tr>
<th>SUPPORTING DOCUMENTATION</th>
<th>PLANNING</th>
<th>FEMALE FRIENDLY FACILITIES</th>
<th>COMMUNITY FACILITIES</th>
<th>STRATEGIC FACILITIES</th>
<th>AQUATIC CENTRES AND INDOOR STADIUMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detailed area schedule for prefabricated/modular construction projects only</td>
<td>NA</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Schematic Plans (site specific) developed with Sport and Recreation Victoria and stakeholder input (generic plans or plans from previous projects will not be accepted)</td>
<td>NA</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Quantity survey, tender price or independent qualified expert report are mandatory for projects with a total project cost over $1 million (excluding GST). (Costs from similar or previous projects will not be accepted)</td>
<td>NA</td>
<td>Mandatory – if project is over $1 million</td>
<td>Mandatory – if project is over $1 million</td>
<td>Mandatory – if project is over $1 million</td>
<td>Mandatory – if project is over $1 million</td>
</tr>
<tr>
<td>Quotes or internal cost estimates for projects under $1 million (excluding GST). (Costs from similar or previous projects will not be accepted)</td>
<td>Desired</td>
<td>Mandatory – if project is under $1 million</td>
<td>Mandatory – if project is under $1 million</td>
<td>Mandatory – if project is under $1 million</td>
<td>Mandatory – if project is under $1 million</td>
</tr>
<tr>
<td>Lighting plans (including lux charts that are site specific for projects incorporating lighting)</td>
<td>NA</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Environmentally Sustainable Design report (E and budget)</td>
<td>NA</td>
<td>Desired</td>
<td>Mandatory (for Aquatic Projects only)</td>
<td>Mandatory</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Business or Feasibility Planning Documents</td>
<td>NA</td>
<td>Desired</td>
<td>Desired</td>
<td>Mandatory</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Relevant sections of council reports/plans/strategies/community consultation to support the project (please do not attach entire documents)</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Evidence of confirmation of funding sources (e.g. Council report confirming contribution, letter from Council CEO or club bank statements, Council or other partners for regional planning)</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Completed in-kind and voluntary labour support form</td>
<td>NA</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Project Management Framework</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Project Governance Framework</td>
<td>Mandatory</td>
<td>NA</td>
<td>NA</td>
<td>Mandatory</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Facility Management Plan</td>
<td>NA</td>
<td>Desired</td>
<td>Desired</td>
<td>Mandatory</td>
<td>Mandatory</td>
</tr>
<tr>
<td>SUPPORTING DOCUMENTATION</td>
<td>PLANNING</td>
<td>FEMALE FRIENDLY FACILITIES</td>
<td>COMMUNITY FACILITIES</td>
<td>STRATEGIC FACILITIES</td>
<td>AQUATIC CENTRES AND INDOOR STADIUMS</td>
</tr>
<tr>
<td>---------------------------</td>
<td>-----------</td>
<td>---------------------------</td>
<td>----------------------</td>
<td>----------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>Completed Fair Play Code Form for Tenants from all clubs and/or associations that are tenants of the facility (formerly Victorian Code of Conduct for Community Sport)</td>
<td>NA</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Evidence that the Aboriginal Heritage Planning Tool (Aboriginal Heritage Act 2006) has been completed</td>
<td></td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Technical and/or Access audits (where available)</td>
<td>NA</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
</tr>
<tr>
<td>A legally binding land-use agreement for projects located on private land (if applicable)</td>
<td>NA</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
</tr>
<tr>
<td>For projects on school land (if applicable):</td>
<td>NA</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
<td>Mandatory</td>
</tr>
<tr>
<td>- a completed Community Joint Use Agreement, or a completed Community Joint Use Proposal to enter into a Community Joint Use Agreement;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- letters from the Department of Education and Training from both regional and central offices that indicate endorsement of the project.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
6. TIMELINES

The following timelines will be followed for the Fund:

<table>
<thead>
<tr>
<th>APPLICATIONS CLOSE</th>
<th>APPLICATION ASSESSMENT</th>
<th>PROJECTS ANNOUNCED</th>
</tr>
</thead>
<tbody>
<tr>
<td>14 February 2020</td>
<td>March-April 2020</td>
<td>May-June 2020</td>
</tr>
</tbody>
</table>
7.1 Funding Agreements

Successful applicants must enter into a Funding Agreement with the Department of Jobs, Precincts and Regions. Funding Agreements establish the parties and outline their commitments and obligations to each other, as well as setting out the general funding terms and conditions. It is recommended that applicants view the template funding agreement on the Sport and Recreation Victoria website. The funding agreement will include reference to the following:

- The agreement establishes the parties and their commitments and obligations to each other and sets out the terms and conditions of funding.
- A Funding Agreement is required to be executed (signed) by both parties. The Agreement sets out the:
  - activity details
  - funding amounts
  - agreed milestones and payments
  - outcomes reporting
  - reporting requirements
  - acknowledgement and publicity requirements
  - other activity specific requirements
  - notices.
- Funds must be spent on the project as described in the application and outlined in the Schedule, unless changes are agreed to in writing.
- Community Facilities, Female Friendly Facilities and Planning stream projects are to be completed and all funds claimed by 31 December 2021.
- Aquatic Centres and Indoor Stadiums and Strategic Facilities streams are to be completed and all funds claimed by 31 May 2022.
- The facility tenant club(s) are expected to adhere to the Fair Play Code (formerly Victorian Code of Conduct for Community Sport) or related state sporting association Code of Conduct. More information can be found at the Sport and Recreation Victoria website: www.sport.vic.gov.au
- A request to vary the timing of an approved project must be discussed with your Sport and Recreation Victoria representative before submitting your request or commencing works. Timing variation approval is at Sport and Recreation Victoria’s discretion and may lead to a reduction or cancellation of the grant depending on the change in timing.
- A request to vary the scope of an approved project can only be approved by the Minister for Tourism, Sport and Major Events. A formal process and documentation to request a change of scope is provided on Sport and Recreation Victoria’s website.
- LGAs must inform the participating organisation(s), where applicable, of all funding arrangements and obligations in relation to the grant allocation. This includes ensuring the funded project does not commence prior to the endorsement of the funding agreement.
7.2 Acknowledging the Victorian Government’s support and promoting success

Successful applicants need to acknowledge the Victorian Government’s support through the provision of a grant from the Local Sports Infrastructure Fund. Promotional guidelines form part of the funding agreement and include the requirement that all activities acknowledge Victorian Government support through logo presentation on any activity-related publications, media releases and promotional material, and for placing a Victorian Government endorsed sign at the site of infrastructure activities.

Details of requirements for funded projects are available in the Sport and Recreation Victoria Infrastructure Grants Acknowledgement and Publicity Guidelines, available on Sport and Recreation Victoria’s website.

Successful applicants may be required to contribute information on activity outcomes for use in program evaluation reviews or the department’s marketing materials.

7.3 Payments

Payments will be made conditional upon:

- the Funding Agreement having been executed by both parties
- milestones having been achieved to the department’s satisfaction including provision of required/requested information and reports to the satisfaction of the department
- other terms and conditions of funding continue to be met.

7.4 Performance

Sport and Recreation Victoria will review an applicant’s past performance and assess whether this is likely to have an impact on the successful delivery of a future project. LGAs are expected to deliver milestones and acquit projects within the prescribed timeframes. Poor past performance will be considered when assessing applications and may be reason for projects not being recommended.

This will include consideration of whether:

- organisations have taken the appropriate steps to implement any previous projects funded by Sport and Recreation Victoria (within appropriate timeframes)
- organisations have overdue milestones and whether they have requested a variation
- organisations have already completed projects funded by Sport and Recreation Victoria and whether they have submitted required final acquittal documentation

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Item 10.7 – Reports by the Organisation
• organisations have a large number of current projects and capacity to deliver additional projects isn’t well evidenced.

7.5 Privacy

The Department of Jobs, Precincts and Regions is committed to protecting your privacy. We collect and handle any personal or health information about you or a third party in your application, for the purpose of administering your grant application and informing the public of successful applications.

In order for us to administer your grant application effectively and efficiently, we may need to disclose your personal or health information with others for the purpose of assessment, consultation, and reporting. This can include departmental staff, Members of Parliament and their staff, external experts, such as members of assessment panels, or other government departments. If you intend to include personal information about third parties in your application, please ensure that they are aware of the contents of this privacy statement.

Any personal information about you or a third party in your correspondence will be collected, held, managed, used, disclosed or transferred in accordance with the provisions of the Privacy and Data Protection Act 2014 (Vic) and other applicable laws.

To obtain a copy of the Department of Jobs, Precincts and Regions Privacy Policy, please email info@sport.vic.gov.au

For information about how to access information about you held by the Department of Jobs, Precincts and Regions, please email info@sport.vic.gov.au
RESOURCES AND ADDITIONAL INFORMATION

Sport and Recreation Victoria has consolidated several helpful guidelines, tools and resources to assist with project and application development that can be found on the Sport and Recreation Victoria website: [https://sport.vic.gov.au/grants-and-funding/our-grants](https://sport.vic.gov.au/grants-and-funding/our-grants)

8.1 Planning guides

Sport and Recreation Victoria and other industry stakeholders have developed a series of planning guides and other informative resources for ‘best practice’ sport and active recreation facility development.

8.2 Supporting Documentation

Templates, forms and fact sheets to support applications can be found on Sport and Recreation Victoria’s website. These include but are not limited to:

- Schedule of Use
- Project Management Framework
- Project Governance Framework

8.3 Universal Design

The concept of Universal Design is to make the built environment more usable to as many people as possible, at little or no additional cost. Sport and Recreation Victoria’s The Design for Everyone Guide incorporates the Universal Design Principles approach to best practice facility design. This is available at [www.sport.vic.gov.au](http://www.sport.vic.gov.au).

8.4 Environmentally Sustainable Design

Applications should incorporate Environmentally Sustainable Design initiatives in project designs for relevant streams. All projects funded from the Aquatic Centres and Indoor Stadiums stream, Strategic Facilities stream and aquatic projects funded from the Community Facilities stream must allocate a minimum of 25 per cent of the requested grant amount to components that will improve energy or water efficiency and environmental sustainability.

This must be demonstrated in a specific Environmentally Sustainable Design budget in the application. It is good practice to incorporate Environmentally Sustainable Design initiatives in all projects where possible.
8.5 Voluntary Labour and In-kind Support

Applicants may claim in-kind expenses to a maximum of 50 per cent of the total project cost for Community Facilities and Female Friendly Facilities streams and up to 25 per cent for Strategic Facilities stream projects.

8.6 Fair Play Code (formerly Victorian Code of Conduct for Community Sport)

The facility tenant club(s) are expected to adhere to the Fair Play Code (formerly Victorian Code of Conduct for Community Sport) or related state sporting association Code of Conduct. More information can be found at Sport and Recreation Victoria’s website www.sport.vic.gov.au

8.7 Cultural Heritage Management Plans (Aboriginal Heritage Regulations 2018)

This tool is used and completed to determine if a Cultural Heritage Management Plan is required for the project.


8.8 Water quality guidelines for public aquatic facilities

Managing public health risks

This guideline assists organisations and people who operate public aquatic facilities to reduce risks to public health. The focus of these guidelines is on water quality associated risks. These guidelines also provide advice to local and state government environmental health officers to help fulfil their regulatory and advisory roles with respect to water quality.

Item 10.7 – Reports by the Organisation
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 1pm on 15 November 2020, 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 2,000 local, interstate and international participants of varying experience, providing high exposure for Bayside.

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 15 November 2020 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.

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. The Ironman event will utilise Green Point Gardens as a drinks station site with minimal impact to the area.

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 this 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.

Legal
Council’s consolidated Local Law No 2 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 a commercial triathlon fee of $6,620 and a road closure fee of $9,765. Total event fees are expected to be $16,385.

Links to Council policy and strategy
The Policy supports Goal 5 in the Council Plan specifically ‘Providing recreation and cultural opportunities that create a sense of identity, pride and place’.
10.9 BAYSIDE TOURISM NETWORK MEMBERSHIP 2019 - 2021

Executive summary

Purpose and background

To recommend membership appointments to the Bayside Tourism Network (BTN) to fill current vacancies due to the completion of two year membership tenure.

Key issues

The BTN is an advisory group established by Bayside City Council to support tourism needs and diverse products to achieve social and economic objectives. The primary objective of the BTN is to develop and promote Bayside as an attractive and desirable destination for tourists (visitors) in order to generate local employment and increased business activity.

This matter is being referred to Council following the expiry of the two year tenure period of seven members.

Membership

The BTN can comprise of up to fifteen members. The membership term is of two years for each member, with terms staggered to commence on alternate years to ensure continuity of membership. The BTN is currently comprised of fifteen members with seven members completing their two year term.

The current membership of the BTN is as follows:

<table>
<thead>
<tr>
<th>Members whose terms have expired (October 2019)</th>
<th>Tenure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Mr Jason Douglas</td>
<td>2017-2019</td>
</tr>
<tr>
<td>2. Mr David Elias</td>
<td>2017-2019</td>
</tr>
<tr>
<td>3. Ms Maureen Griffiths</td>
<td>2017-2019</td>
</tr>
<tr>
<td>4. Mr Stephen Le Page</td>
<td>2017-2019</td>
</tr>
<tr>
<td>5. Mr Michael Lee</td>
<td>2017-2019</td>
</tr>
<tr>
<td>7. Mr Peter Brearley</td>
<td>2017-2019</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Members</th>
<th>Tenure</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. Ms Jessica Derham</td>
<td>2018 - 2020</td>
</tr>
<tr>
<td>9. Mr Kel Costello</td>
<td>2018 - 2020</td>
</tr>
<tr>
<td>10. Ms Jane Cox</td>
<td>2018 - 2020</td>
</tr>
</tbody>
</table>
Members can re-nominate as part of the expression of interest process.

Expression of Interest process
Six of the seven existing members have renominated for a further two year term. Mr David Elias has chosen to retire. In addition, Ms Jane Cox whose membership does not expire till October 2020, has also chosen to retire for personal reasons.

Given their past contributions and ongoing commitment, the six existing members who have renominated for an additional two year term are all recommended for reappointment:

- Mr Jason Douglas
- Ms Maureen Griffiths
- Mr Stephen Le Page
- Mr Michael Lee
- Ms Gair Miller
- Mr Peter Brearley

With the retirement of two members and six renominating, two vacancies exist to reach the full complement of fifteen members.

An expression of interest to fill the vacancies was advertised in the Bayside Leader and on Council’s social media in September 2019. Four applications were received. Having reviewed the applications, the following candidates are recommended for appointment to the BTN:

- Ms Margot Burke – who has an extensive background in marketing particularly with universities and has been a member of various tourism groups
- Mr Chris McAsey – who has substantial broad based experience in digital product development particularly ‘Apps’, as well as extensive experience in the Tourism industry as a writer and photographer.

The two candidates recommended would bring significant experience, skills and volunteer capacity to the BTN.

Terms of Reference
The BTN is governed by a Terms of Reference. Under the terms of reference, the BTN can comprise up to fifteen local tourism representatives and one Councillor (currently Cr Heffernan). The BTN is supported by staff from the Economic Development team. Meetings are generally held bi-monthly, while the BTN’s sub-groups meet more frequently depending on projects being explored and developed.
Recommendation

That Council:

1. Reappoints to the Bayside Tourism Network the following renominating members, each for a two year term:
   - Mr Jason Douglas
   - Ms Maureen Griffiths
   - Mr Stephen Le Page
   - Mr Michael Lee
   - Ms Gair Miller
   - Mr Peter Brearley.

2. Appoints the following new members to the Bayside Tourism Network, each for a two year term:
   - Ms Margot Burke
   - Mr Chris McAsey.

3. Thanks the retiring Bayside Tourism Network member, Ms Jane Cox and Mr David Elias, for their contribution to the Bayside Tourism Network.

4. Writes to the unsuccessful nominees to thank them for their interest in the Bayside Tourism Network.

Support Attachments

Nil
Considerations and implications of recommendation

Liveable community

Social
The past and present membership of the BTN has been an effective model in developing community connections. It has also resulted in a significant volunteer contribution to the local community and to Council, assisting with the implementation of numerous tourism initiatives.

Natural Environment
Bayside’s natural features are a significant tourism and visitor drawcard. BTN members are typically local residents with expertise in tourism that bring a balanced and informed approach in their recommendations to Council in sensitively promoting and developing the local environment.

Built Environment
The BTN’s expertise builds on the findings of the Tourism Strategy and supports the implementation of the following key action areas: build Bayside tourism strengths, develop and investigate new tourism products and opportunities, brand market and position Bayside and foster community and industry ownership of tourism development.

Customer Service and Community Engagement
A successful expression of interest process was undertaken. Four applicants were interviewed to assess their applications against the requirements of the membership role. In addition, as BTN members are from the local community they better inform Council on how to service and engage the local tourism industry.

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

Legal
There are no legal implications associated with this report.

Finance
The support of the BTN is provided within existing operating budgets and work plans.

Links to Council policy and strategy
To date, the BTN has been successful, generously making available to Council a significant volunteer capacity and considerable tourism industry knowledge. The BTN plays an important role in assisting Council in delivering the Tourism Strategy 2013.

Bayside City Council Plan 2017-2021

The BTN is active in supporting the Council Plan 2017-2021, in particular the strategic objectives were:
• Shopping villages are vibrant, attractive and interesting places where the community comes together, providing a variety of innovative, dynamic and convenient services

• Local opportunities for business and employment are protected and enhanced, and opportunities for economic innovation are embraced

• The foreshore generates optimum economic, social and environmental return.


Section 4.4 of the Tourism Strategy (2013) identifies the crucial role that the BTN plays in assisting Council with ‘the provision of a robust and creative sounding board on the development and implementation of tourism priorities.

As part of a review of the strategy Council has recently been undertaking work into promoting the Night Time Economy. BTN members will contribute ideas for night time activation of centres to promote footfall to the shopping centres.
Executive summary

Purpose and background
The purpose of this report is to recommend the appointment of community members to the Bayside Healthy Ageing Reference Group (BHARG) for a two year term from January 2020 to December 2021.

BHARG is an important connection between older adults and Council and provides one method for Council to engage with residents aged 55 years and over.

Nominations for BHARG membership are sought every two years. The current members were appointed by Council in December 2017.

Key issues
Nominations
Nominations for BHARG members for the 2020/2021 term were advertised over a four week period between September and October 2019. Promotion of BHARG membership was undertaken through an extensive campaign that included an advertisement in the Bayside Leader Newspaper and distribution of information to a range of community based organisations and key locations. Nomination forms were also distributed at Bayside Seniors Festival activities during October.

Twenty-eight nominations have been received which indicates a high level of interest concerning ageing in Bayside. This exceeds the 25 places available. A full list of all BHARG nominees is provided as Attachment 1.

Nominations for membership were assessed against the following criteria in accordance with the Terms of Reference (Attachment 2). Criteria includes:

- Resident of the City of Bayside or strong links to Bayside
- A member of a local community group or organisation.

In addition, the group aims to represent a spread of:

- Geographical location across the municipality
- Gender, ages and cultures
- Areas of interest and expertise.

The maximum term for membership by an individual is four years. The maximum term may be extended for individual members at the discretion of Council where the ratio of new to experienced members is exceeded.

Nominations for the new committee have been received from the Northern, Central and Southern wards inclusive of 21 females and 4 males. Age ranges span 55 years through to 85+ years.
Review of Terms of Reference

The current Terms of Reference set a maximum of 25 members. During the current term, seven members retired due to changes in personal circumstances. An average of six apologies were received from individual members at each meeting. The Draft Terms of reference propose that:

- An increase to the maximum number of members from 25 to 30. This will reduce the impact of any member retirements and meeting absences during the appointed term. The impact of ageing on the Bayside community is an increasingly important social trend that will be better informed through a larger and more diverse reference group

- Members attend a minimum of 50 percent of meetings during their two year term

- Council can reappoint existing members beyond their four year maximum term to achieve age, gender, culture and geographical location representation.

Recommendation

That Council:

1. Approves the draft Bayside Healthy Ageing Reference Group Terms of Reference.

2. Re-appoints the following existing members to the Bayside Healthy Ageing Reference Group for a two year term commencing 1 January 2020 – 31 December 2021:
   - Bridget Hsu-Hage
   - Lois Lindsay
   - Carolyn Brown
   - Stephen Le Page
   - Pamela Thomas
   - Elizabeth Jensen
   - Vivian Snitkjaer
   - Maureen Tognarini
   - John Barlow
   - Christopher D'Arccy
   - Sue Steele
   - Leslie Bawden
   - Maree Webb
   - Joyce Evtimov.

3. Appoints the following new members to the Bayside Healthy Ageing Reference Group for a two year term commencing 1 January 2020 – 31 December 2021:
   - Julie Young
   - Elizabeth Barrow
   - Michelle Bentley
   - Rudy Wincerove
   - Amanda Blohm
   - Pamela Fenton
   - May Mews
   - Jane Reed
   - Simone Skillington
4. Acknowledges the contributions of Stephen Le Page and John Barlow as Chairs of BHARG between January 2018 and December 2019.

5. Writes to retiring members and acknowledges their contribution to the Bayside Healthy Ageing Reference Group.

6. Writes to all nominees congratulating them on their appointment as members of the Bayside Healthy Ageing Reference Group for the period January 2020 to December 2021.

Support Attachments

1. Bayside Healthy Ageing Reference Group Nominations 2020-21
2. Bayside Healthy Ageing Reference Group Draft Terms of Reference 2020-21
Considerations and implications of recommendation

Liveable community

Social
Bayside has an ageing population with 25.2% of residents aged 60 years plus which is higher than Greater Melbourne at 19%. The Bayside Healthy Ageing Reference Group supports and strengthens the voice of older people in Council’s decision making and planning processes.

Natural Environment
There are no natural environment implications associated with this report.

Built Environment
There are no built environment implications associated with this report.

Customer Service and Community Engagement
BHARG provides an opportunity for Council to engage older people to gain feedback on strategies and issues that impact on the community. It also provides an opportunity for older people to contribute to discussion and advocacy on issues that are important to support healthy ageing in Bayside.

Human Rights
BHARG aims to increase the rights of older people to be heard through opportunities to contribute their unique perspective in Council engagement and decision making processes.

This report will not breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal
There are no legal implications associated with this report.

Finance
BHARG is supported through the Aged and Disability Services operational budget. There are no financial implications associated with this report.

Links to Council policy and strategy
BHARG members make an important contribution to the implementation of the Wellbeing for Ages and Abilities Healthy Ageing Action Plan 2017-2021.

Goal 7 of the Council Plan 2017 – 2021 relates to achieving community health and participation. BHARG provides an avenue to achieve the strategic objective linked to this goal where the community engages in advocacy, transparent decision making and is part of the solution.
### Attachment 1 - Bayside Healthy Ageing Reference Group Nominations 2020 – 2021

<table>
<thead>
<tr>
<th>Name</th>
<th>Suburb</th>
<th>New/Existing member</th>
<th>Community connections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bridget Hsu-Hage</td>
<td>BEAUMARIS</td>
<td>Existing</td>
<td>Sandringham Life Activities Club, Beaumaris Rotary Club, Library, Bayside Council volunteer</td>
</tr>
<tr>
<td>Lois Lindsay</td>
<td>BEAUMARIS</td>
<td>Existing</td>
<td>Beaumaris Rotary Club and Sandringham Hospital volunteer</td>
</tr>
<tr>
<td>Julie Young</td>
<td>BEAUMARIS</td>
<td>New</td>
<td>Brighton Bayside Life Activities Club, U3A, and South Pacific Gym</td>
</tr>
<tr>
<td>Elizabeth Barrow</td>
<td>BLACK ROCK</td>
<td>New</td>
<td>Highett Neighbourhood House and Hampton Community Centre, Advisor to Asylum seekers at Resource Centre in Dandenong</td>
</tr>
<tr>
<td>Michelle Bentley</td>
<td>BLACK ROCK</td>
<td>New</td>
<td>Bayside Council volunteer and Bayside Seniors Action Group</td>
</tr>
<tr>
<td>Carolyn Brown</td>
<td>BLACK ROCK</td>
<td>Existing</td>
<td>Friends of Black Rock House, Inner Wheel Club, Victoria Golf Club, Bayside History Network and Black Rock Branch Liberal Party</td>
</tr>
<tr>
<td>Stephen Le Page</td>
<td>BLACK ROCK</td>
<td>Existing</td>
<td>Highett Seniors Club, U3A, Bayside Tourism Network and Coastline Poetry Group</td>
</tr>
<tr>
<td>Pamela Thomas</td>
<td>BLACK ROCK</td>
<td>Existing</td>
<td>U3A, Bayside Council volunteer and Bayside Seniors Action Group</td>
</tr>
<tr>
<td>Rudy Wincerove</td>
<td>BLACK ROCK</td>
<td>New</td>
<td>Black Rock Sports Club, Beaumaris RSL and Heathland Fitness Club</td>
</tr>
<tr>
<td>Amanda Blohm</td>
<td>BRIGHTON</td>
<td>New</td>
<td>Brighton Historical Society</td>
</tr>
<tr>
<td>Pamela Fenton</td>
<td>BRIGHTON</td>
<td>New</td>
<td>Yoga association, Travellers Aid Society and Theosophical group</td>
</tr>
<tr>
<td>Elizabeth Jensen</td>
<td>BRIGHTON</td>
<td>Existing</td>
<td>Ricketts Point Marine Care, U3A, Brighton Bayside Life Activities Club, Bayside Seniors Action Group and Victorian Government Elder Abuse Advisory Group</td>
</tr>
<tr>
<td>May Mews</td>
<td>BRIGHTON</td>
<td>New</td>
<td>Sandy beach Centre</td>
</tr>
<tr>
<td>Jane Reed</td>
<td>BRIGHTON</td>
<td>New</td>
<td>Travel industry mentoring program, Bayside bushwalking group and Bayside Business Network</td>
</tr>
<tr>
<td>Simone Skillington</td>
<td>BRIGHTON</td>
<td>New</td>
<td>Brighton Theatre Co, Bayley House and U3A</td>
</tr>
<tr>
<td>Vivian Snilkaer</td>
<td>BRIGHTON</td>
<td>Existing</td>
<td>Hampton Community Centre</td>
</tr>
<tr>
<td>Name</td>
<td>Suburb</td>
<td>New/existing member</td>
<td>Community connection/s</td>
</tr>
<tr>
<td>------------------</td>
<td>--------------</td>
<td>---------------------</td>
<td>----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Lindy Freeman</td>
<td>BRIGHTON EAST</td>
<td>New</td>
<td>Involved in lay ministry group that has a strong interface with community and vulnerable people and groups through outreach programs</td>
</tr>
<tr>
<td>Anne Gregory</td>
<td>BRIGHTON EAST</td>
<td>New</td>
<td>Probus, local exercises classes and gardening groups</td>
</tr>
<tr>
<td>Jeanette McTaggart</td>
<td>BRIGHTON EAST</td>
<td>New</td>
<td>Golf, Gym, Bayside Mahjong and Book Club</td>
</tr>
<tr>
<td>Ann Tranter</td>
<td>BRIGHTON EAST</td>
<td>New</td>
<td>Sandringham Life Activities Club, Volunteer in local opportunity shop and Red Cross</td>
</tr>
<tr>
<td>Jan Constable</td>
<td>HAMPTON</td>
<td>New</td>
<td>Hampton Community Centre</td>
</tr>
<tr>
<td>Maureen Tognirini</td>
<td>HAMPTON</td>
<td>Existing</td>
<td>Bayside Council volunteer</td>
</tr>
<tr>
<td>Joyce Evtimov</td>
<td>HIGHETT</td>
<td>Existing</td>
<td>Highett Youth Club</td>
</tr>
<tr>
<td>John Barlow</td>
<td>SANDRINGHAM</td>
<td>Existing</td>
<td>Vocally Wild Community Choir and Sing Australia Bayside</td>
</tr>
<tr>
<td>Christopher D'Arcy</td>
<td>SANDRINGHAM</td>
<td>Existing</td>
<td>Sandybeach Centre, Beaumaris Rotary Club, Sandringham Yacht Club</td>
</tr>
<tr>
<td>Sue Steele</td>
<td>SANDRINGHAM</td>
<td>Existing</td>
<td>U3A and Bayside Council volunteer</td>
</tr>
<tr>
<td>Leslie Bawden</td>
<td>SANDRINGHAM</td>
<td>Existing</td>
<td>Red Hat Society, Black Rock House, National Trust, U3A and Bayside Seniors Action Group</td>
</tr>
<tr>
<td>Maree Webb</td>
<td>SANDRINGHAM</td>
<td>Existing</td>
<td>Sandringham Life Activities Club</td>
</tr>
</tbody>
</table>
Terms of reference

Bayside Healthy Ageing Reference Group

1. Introduction

Council recognises that decision making is enhanced, that services are better delivered and that strategies and policies are likely to result in better outcomes for the community, when community members are involved in decisions which affect them.

The Bayside Healthy Ageing Reference Group (BHARG) is designed to encourage and support community member’s involvement in Council’s decision making processes.

2. Purpose

BHARG is one of the methods through which Council engages with residents aged 55+ to identify the needs of older people and assist with the development of strategic directions and support the implementation, evaluation and review of the Council’s Wellbeing for all Ages and Abilities Healthy Ageing Action Plan.

3. Objectives

The objectives of BHARG are to:

- contribute to discussion and advocacy on issues impacting older people and other population groups;
- provide feedback on strategies and strategic issues relevant to the Bayside community; and
- support and review the implementation of the Wellbeing for Ages and Abilities Healthy Ageing Action Plan.

4. Membership

BHARG membership will comprise:

- a minimum of 12 community members and a maximum of 30 community members
- Bayside City Council’s Manager Community Services
- Bayside City Council’s Healthy Ageing Project Officer.

From time to time guests may be invited to attend BHARG depending on matters under discussion.

Administrative support will be provided by Council’s Community Services Department under the direction of the Manager.
5. Term of Appointment

Nominations for membership will be called every two years at which half the Reference Group members will retire. This will ensure each new Reference Group maintains some experienced members. The maximum term for membership by an individual will be four years except for Council officer membership which will continue beyond the term of the Reference Group.

The maximum term may be extended for individual members at the discretion of Council in the circumstance where the ratio of new to experienced members is exceeded, to achieve age, culture, gender balance and geographical representation.

6. Appointments

Members will be appointed by Council following a public advertisement process. Selection will be based on the desire to have a Reference Group which is representative of the diversity of older residents, as well as the individual merit presented by those nominating.

Selection criteria will include community members who:
- are residents of the City of Bayside or have strong links to Bayside; and
- are a member of a local community group or organisation.

Membership will aim for a group as a whole representing a spread of ages, gender, cultures, geographical locations across the municipality and a range of areas of interest/expertise.

Council will advertise for nominations for community members in the local media, on Council’s website, libraries, at Senior Citizens Clubs, Community Centres and other appropriate venues.

7. Accountability

Members of BHARG will:
- have an active role in communicating community views to Council;
- participate in discussions at meetings;
- attend a minimum of 50 percent of meetings during the two year term; and
- be responsible for reading all minutes and material provided.

8. Meeting Procedures

8.1 Meetings of BHARG

BHARG will meet at least quarterly with an annual schedule of four meetings published each February. Additional meetings will be determined on a needs basis in accordance with work being undertaken by Council. Feedback and input from members may be sourced through means other than meetings. Meetings will be structured in a way as to ensure maximum participation and inclusion. A meeting quorum will be a minimum of half of the membership plus one.
8.2 Invited Guests or Co-opted Members

BHARG may invite guests or co-opt members to join the Reference Group from time to time in either an expert advisory capacity or for a specified purpose and/or for a specific period of time.

8.3 Chairperson

A chairperson and deputy chairperson will be elected from within the Reference Group at the first meeting of each new term and appointed for two years. The chairperson and deputy chairperson may seek reappointment at the end of the two year term.

The duties of the chair will be to have input into and to review the Agenda prior to meetings and to chair all meetings of the BHARG.

8.4 Meeting Agenda

The Manager Community Services will approve the agenda for each meeting. Reference Group members may propose agenda items for the meetings for consideration. Such proposals should be submitted to the Healthy Ageing Project Officer no later than two weeks before the next scheduled meeting.

Reference Group members will receive the agenda at least seven days before the meeting. Information associated with the agenda will be sent to members prior to the meeting wherever possible.

8.5 Conflicts of Interest

A member with a conflict of interest, or perceived conflict of interest, in a matter before the Reference Group must declare their interest prior to discussion of the item. This will be a standing item on the agenda.

9. Reporting

BHARG will review its activities on an annual basis in particular its monitoring of the implementation of Council’s Healthy Ageing Action Plan to inform the annual Wellbeing for Ages and Abilities Strategy report to Council.

10. Review of the Terms of Reference

The terms of reference will be reviewed every two years or sooner, as deemed necessary.
Executive summary

Purpose and background
The purpose of this report is to inform Council of the need to cancel the 25 February 2020 Planning and Amenity Committee meeting.

Council, at its 7 November 2019 Annual Meeting, adopted a meeting schedule which included two Planning and Amenity Committee meetings during the months of February, April, June and September (2020).

Key issues
These additional meetings were included to assist Council to consider Planning Applications where they may otherwise have been an unexpectedly high volume of applications listed for a single monthly meeting.

As the December 2019 Ordinary Meeting of Council is the last feasible meeting at which the 25 February 2020 Planning and Amenity Committee meeting can be cancelled, officers assessed the likelihood of the (25 February 2020) meeting being required.

It was determined that the 25 February 2020 Planning and Amenity Committee would not be required; however, there may be cause to retain the scheduled secondary monthly meetings for April, June and September 2020, dependent on operational requirements.

On this basis, it is recommended that where two meetings of the Planning and Amenity Committee are scheduled in a month that this be periodically reviewed by officers and a report be submitted to the preceding Ordinary Meeting of Council. Therefore the following Planning and Amenity Committee schedule is recommended:

<table>
<thead>
<tr>
<th>Meeting Date</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>21 January 2020</td>
<td></td>
</tr>
<tr>
<td>11 February 2020</td>
<td></td>
</tr>
<tr>
<td>25 February 2020</td>
<td>To be cancelled</td>
</tr>
<tr>
<td>10 March 2020</td>
<td></td>
</tr>
<tr>
<td>7 April 2020</td>
<td></td>
</tr>
<tr>
<td>21 April 2020</td>
<td>To be reviewed in March 2020</td>
</tr>
<tr>
<td>12 May 2020</td>
<td></td>
</tr>
<tr>
<td>9 June 2020</td>
<td></td>
</tr>
<tr>
<td>23 June 2020</td>
<td>To be reviewed in May 2020</td>
</tr>
<tr>
<td>21 July 2020</td>
<td></td>
</tr>
<tr>
<td>11 August 2020</td>
<td></td>
</tr>
<tr>
<td>8 September 2020</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Status</td>
</tr>
<tr>
<td>--------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>22 September 2020</td>
<td>To be reviewed in August 2020</td>
</tr>
<tr>
<td>13 October 2020</td>
<td></td>
</tr>
<tr>
<td>17 November 2020</td>
<td></td>
</tr>
<tr>
<td>7 December 2020</td>
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</tbody>
</table>

**Recommendation**

That Council give public notice of the cancellation of the 25 February 2020 Planning and Amenity Committee meeting, with further reviews to be considered at the March, May and August 2020 Ordinary Meetings of Council.

**Support Attachments**

Nil
Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with this report.

Natural Environment
There are no natural environment impacts associated with this report.

Built Environment
There are no built environment impacts associated with this report.

Customer Service and Community Engagement
It is proposed that public notice be given on the cancellation of the 25 February 2020 Planning and Amenity Committee meeting on Council’s website.

Human Rights
The implications of this report have been accessed 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.

Legal
There are legal implications associated with this report.

Finance
There are no financial implications associated with this report.

Links to Council policy and strategy
There are no links to Council policy or strategy in relation to the content of this report.
Executive summary

Purpose and background

This report seeks a Council resolution regarding the proposal to discontinue the subterranean part of the right-of-way (subterranean portion of road) adjoining 322-326 New Street and 71-73 Bay Street, Brighton (identified in Attachment 1) and to sell the subterranean portion of road by private treaty to the owner of 322-326 New Street, Brighton, for the amount of $400,000 plus GST.

The Purchaser seeks to utilise the subterranean portion of road to construct a two-level basement that will connect 322-326 New Street with 71-73 Bay Street, Brighton. A planning permit was endorsed by Council on 12 May 2017 and subsequently amended on 26 September 2018 and 16 July 2019, to provide for an extension of the basement car park. The basement extension plans traverse the subterranean portion of the road connecting 322-326 New Street to 71-73 Bay Street Brighton.

Council, at its 15 October 2019 Ordinary Council Meeting, considered a report regarding this proposal and resolved as follows:

That Council:

1. Commence the statutory procedures in accordance with the Local Government Act 1989, for the discontinuance and sale of the road adjoining 322-326 Bay Street and 71-73 New Street Brighton, highlighted in Attachment 1.

2. Advertise the Public Notice outlining the Proposal in accordance with Section 223 of the Local Government Act 1989 including the discontinuance and sale of the land for $400,000 plus GST.

3. In the event that submission/s are received, convene a Section 223 Special Committee of Council meeting on Monday 25 November 2019 commencing at 7:30pm at the Council Chambers, Boxshall Street, Brighton to hear any submitters that wish to be heard.

4. Following the consideration of any submissions, Council receive a further report at an Ordinary Meeting of Council.

A section 223 Special Committee of Council Meeting was held on Monday 25 November 2019. Councillors heard one objection, the only submission received, which was from the owner of 75-79 Bay Street, being the adjoining owner. A response is provided below.

Key issues

Access to Laneway

The Submitter raised concerns regarding the temporary and permanent ingress/egress access to the private car park at the rear of 75-79 Bay Street. The Submitter noted that 14 tenants currently utilise the space and that access to the area is required for waste collection. The Submitter is concerned there will be periods of disruption preventing access.
Council officers agreed with the purchaser that, in the event that Council resolves to discontinue and sell the subterranean portion of road, a temporary road on the northern boundary of 322-326 New Street should be constructed. The temporary access point to 2 Vaucluse Street and 75-79 Bay Street will be from New Street during the excavation and construction of the 2 levels of basement and new road surface. The purchaser has estimated that the works will take 3-4 months but has allowed 6 months for the provision of a temporary road. Council’s solicitor has advised that the most appropriate mechanism to document the temporary road is by a licence agreement. Council will ensure that the developer grants a licence to the owners corporation of 75-79 Bay Street and 2 Vaucluse Street and to Council, providing a contractual right of vehicular access along the proposed temporary access road during the period of construction.

173 Agreement

In reference to the proposed Section 173 agreement, to be entered into with the purchaser, the submitter held that should Council resolve to discontinue and sell the subterranean portion of the road, where would the liability fall with regard to the maintenance of the common area. The submitter would like assurance that the subterranean portion of road will be properly maintained.

As part of the potential sale, Council will ensure a Section 173 agreement is entered into with the purchaser passing all liability and maintenance costs for the subterranean portion of road to the owners corporation of the purchaser’s development. The Section 173 agreement will include provisions to ensure a suitable construction method is used in order to withstand weights of standard vehicles that would reasonably be expected to use the road.

On construction completion, the road at ground level will be added to Council’s Public Road Register to be described as a public road that Council considers reasonably required for general public use. Council will also be the responsible coordinating road authority as the owner and controller of the road “at ground” and airspace above. The Section 173 agreement will stipulate the requirement for regular reports to be provided to Council in relation to inspections of the subterranean portion of road and associated maintenance works undertaken.

Road Construction Design and Materials

The submitter is concerned about the increase in the volume of traffic intended to be utilising the road noting that the development proposes 193 apartments in comparison to the 20 apartments currently traversing it. Given that the road within the endorsed planning permit is 6.1m, the submitter is concerned that the width may not be adequate to carry this volume of traffic.

In response, officers advise that the endorsed permit has been approved by Council planning authorities and therefore the width of the lane, the construction material utilised to surface the laneway and the corresponding foundation work is considered to be reflective of a regulatory standard. Officers further note that the planning permit requirement to enter into a Section 173 Agreement in relation to the construction and maintenance of the subterranean portion of road, will stipulate that the proposed development is to be constructed in accordance with the approved plans and specifications, in a workmanlike manner reflecting best industry practice.

Summary

On balance, officers consider that the proposal to discontinue and sell the subterranean part of the right-of-way (subterranean portion of road) adjoining 322-326 New Street and 71-73 Bay Street, Brighton is viable and able to be carried out to the satisfaction of all parties involved.

The proposal before Council is to discontinue and sell the subterranean portion of road identified in Attachment 1 by private treaty to the Purchaser (the owner of 322-326 New Street,
Brighton), for the amount of $400,000 plus GST, subject to the Section 173 conditions and terms noted.

**Recommendation**

That Council:

1. In accordance with Section 206 and Clause 3 of Schedule 10 of the Local Government Act 1989 (Act), discontinue the subterranean portion of road adjoining 322-326 New Street and 71-73 Bay Street, Brighton shown hatched in Attachment 1, subject to the Purchaser satisfying South-East Water’s conditions relating to the relocation of assets.

2. Direct a public notice to be published in the Victorian Government Gazette.

3. Authorise the Director of Corporate Services to undertake the necessary procedural steps to discontinue the subterranean portion of road and sale of the land to the owner of 322-326 New Street, Brighton via private treaty.

4. Advise the party who lodged a submission in relation to the proposal of Council’s decision.

5. Enter into a Section 173 Agreement with the Purchaser (being the developer of 322-326 New Street, Brighton).

6. Require the Purchaser to enter into an agreement with Council, the Owners Corporation of 75-79 Bay Street and the owner of 2 Vaucluse Street, to provide the parties with pedestrian and vehicular access to the rear of 75-79 Bay Street and 2 Vaucluse via a temporary access road during the time required to close and reconstruct the road.

**Support Attachments**

1. Attachment 1 - Subterranean Discontinuance Plan
2. Attachment 2 - Basement Plans
3. Attachment 3 - Summary of S223 issues raised
Considerations and implications of recommendation

Liveable community

Social
This proposal aims to provide support of residential development and therefore by extension provide adequate parking facilities for Bayside residents by disposing of under-utilised property. Adjoining owners that have access to the road will continue to have access to the road once the development is complete.

Natural Environment
The subterranean land is known to have contaminated soil and groundwater at depth which is alleged to have been sourced from a former underground storage tank situated adjacent to the laneway on the eastern most boundary of 326 New Street, Brighton.

If Council were to sell the land, the purchaser would remediate the site at their expense which serves as an environmental and financial benefit to Council as any disposal of contaminated land reduces Council’s potential future liability.

Built Environment
The discontinuance and sale of the subterranean road will provide the abutting property owners an opportunity to gain title to the land which is no longer required by Council for municipal purposes. The discontinuance and sale will also enable subsurface basement integration between 322-326 New Street and 71-73 Bay Street, Brighton properties.

Customer Service and Community Engagement
Council advertised its intention to sell the subterranean portion of the land in the local Bayside Leader Newspaper and The Age as well as on its public website throughout the advertising period. Council received 1 submission. At the Special Committee Meeting, the submitter was heard in support of their submission.

Consultation has been undertaken with all adjoining property owners, relevant Council departments and external service authorities.

No objections have been received from internal service authorities.

Council has consulted external infrastructure authorities. South East Water was the only provider to indicate they had a sewage pipe within the road. The proposal is subject to any required service authority easements and, a Section 173 Agreement in accordance with the planning permit provisions.

An adjoining property owner has raised objections and concerns against the proposal which were recognised and considered at the 25 November 2019 Special Committee of Council Meeting.

Human Rights
There are no human rights issues or implications identified in relation to this report.
Legal

Should Council authorise the statutory procedures for the discontinuance and sale of the subterranean road adjoining 322-326 Bay Street and 71-73 New Street Brighton, this must be done so in accordance with the Local Government Act 1989.

Council will be required to enter into a 173 Agreement and with the developer (being the developer of 322-326 New Street, Brighton) pertaining to the subject sale in accordance with the Council’s legal advice.

It is recommended that Council requires the purchaser to enter into a Licence Agreement with the owners corporation to provide members of the owners corporation the contractual right to vehicular access along the proposed temporary access road during construction.

The road title will require a formal subdivision, certification and title release of the land prior to settlement of the transfer of land. The existing planning permit may need to be further amended to include any further issues arising from Council’s legal advice.

Finance

Council’s valuer has assessed the subterranean portion of the road at $550,000 + GST on the basis that there are no significant contamination issues.

Officers have agreed to sell the land, subject to Council and statutory approval, to the applicant for $400,000 + GST. Council has been advised that the land is contaminated and requires remediation as part of any development. An estimate to remediate the land has been provided at $237,000 + GST. As a result, it was appropriate for officers to negotiate a reduced sale price.

Links to Council policy and strategy

Council’s ‘Discontinuance and sale of Right-of-Ways, Roads and Reserves Policy’ provides direction on the discontinuance of roads and potential sale of land.

Council’s Property Strategy Principle One

Seeks Council to maximise community benefit and public value from the property portfolio.

Council Plan Goal 7 – Financial Responsibility and Good Governance

7.1.1 Developing alternative income sources to take pressure off rate increases and improve long term financial viability.

Options considered

Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Do not sell the land.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Ability to maintain Council’s Property Portfolio.</td>
</tr>
<tr>
<td>Issues</td>
<td>Notionally redundant land retained by Council and, requiring ongoing maintenance and expenditure by Council including potential contamination issues.</td>
</tr>
</tbody>
</table>
Proposed Subterranean Road Discontinuance

(Road adjoining 322-326 Bay Road & 71-73 Bay Road Brighton)
Basement 1

Orange highlight – land beneath Road

Green highlight – Land beneath 71-73 Bay Street
Basement 2

**Orange highlight** – land beneath Road

**Green highlight** – Land beneath 71-73 Bay Street
Summary of Section 223 submissions for Proposed Road Discontinuance and Sale of Road adjoining 322-326 New Street and 71-73 Bay Street Brighton

*Note: The original submission received was presented to Councillors in totality at a Special Committee of Council held 25 November 2019.*

**Disruption to ingress/egress from the Road**

Council Officers agree with the Purchaser that, in the event that Council resolves to discontinue and sell the subterranean portion of road, a temporary road on the northern boundary of 322-326 New Street should be constructed. The temporary access point to 2 Vaucluse Street and 75-79 Bay Street will be from New Street during the excavation and construction of the 2 levels of basement and new road surface. The Purchaser has estimated that the works will take 3-4 months but has allowed 6 months for the provision of a temporary road. Council’s solicitor has advised that the most appropriate mechanism to document the temporary road is by a licence agreement. Council will ensure that the developer grants a licence to the Owners Corporation of 75-79 Bay Street and 2 Vaucluse Street and to Council, providing a contractual right of vehicular access along the proposed temporary access road during the period of construction.

**Liability and maintenance of the road**

As part of the potential sale, Council will ensure a Section 173 agreement is entered into with the Purchaser passing all liability and maintenance costs for the subterranean portion of road to the Owners Corporation of the Purchasers development. The Section 173 agreement will further include provisions to ensure a suitable construction method is used in order to withstand weights of standard vehicles that would reasonably be expected to use the road.

On construction completion, the road at ground level will be added to Council’s Public Road Register to be described as a public road that Council considers reasonably required for general public use. Council will also be the responsible coordinating road authority as the owner and controller of the road ‘at ground’ and airspace above. The Section 173 agreement will stipulate the requirement for regular reports to be provided to Council in relation to inspections of the subterranean portion of road and associated maintenance works undertaken.

**Traffic Volumes, Road Construction and Materials**

Officers advise that the endorsed permit has been approved by Council Planning Authorities and therefore the width of the lane, the construction material utilised to surface the laneway and the corresponding foundation work is considered to be reflective of a regulatory standard. Officers further note that the Planning Permit requirement to enter into a Section 173 Agreement in relation to the construction and maintenance of the subterranean portion of road, will stipulate that the proposed development is to be constructed in accordance with the approved plans and specifications, in a workmanlike manner reflecting best industry practice.
Executive summary

Purpose and background

This report seeks approval to sell part of the drainage reserve at the rear of 15 Berwick Street, Brighton, identified in red in Attachment 2, and to sell the land by private treaty to the owners of 15 Berwick Street, Brighton.

The owner of 15 Berwick Street has unlawfully occupied approximately 54 square metres of the drainage reserve abutting the rear of the site and has been utilising the land for over 45 years. Attachment 2 identifies in red the section of the reserve that is enclosed, which forms the subject parcel. Aerial imagery confirms that the subject property has been enclosed via a fenced boundary and no adjoining owners use the land for vehicle or pedestrian access. As the subject land has been enclosed for a lengthy period of time, it is considered that the proposed sale should carry little risk of attracting negative feedback.

It should be noted that the Borough of Brighton is the last registered Owner of the subject property and, following Council amalgamations in 1994, Bayside City Council is the successor in law and therefore identified as the registered proprietor of the land (Refer Attachment 3).

Officers have contacted the current owners of 15 Berwick Street, Brighton, who acknowledge the encroachment on Council land, and have consequently agreed to purchase the land. The subject land is identified as a part of Tovell Street and a drainage reserve on LP8278 (Refer Attachment 1).

Key issues

The road and reserve contains an underground South East Water and Bayside City Council Sewer and Drainage easement. It also contains assets pertaining to United Energy and NBN along the road reserve whereby access to the existing overhead connection is still required, in addition to assets pertaining to Multinet Gas.

If sold, the current easements will be required to be retained on title in favour of South East Water for sewerage purposes, United Energy and NBN for communications purposes, Bayside City Council for drainage purposes and Multinet Gas for pipeline access purposes. The sale will be subject to the purchaser extinguishing the drainage reserve status via an application under Section 24A Subdivision Act 1988.

In accordance with Council Policy, Council will only sell the landholding to abutting property owners. Accordingly, as the encroachment and land in question adjoins the rear of 15 Berwick Street it was offered to those owners to purchase in the first instance. Adjoining owner feedback will be invited in accordance with Section 223 of the Local Government Act 1989, should Council resolve to commence statutory proceedings.

The owner of 15 Berwick Street has agreed in principle to purchase the subject property for $105,000 plus GST, subject to statutory approval.
Recommendation

That Council:

1. Commence the statutory procedures in accordance with the *Local Government Act 1989*, for the sale of the subject property being a portion of the drainage reserve to the adjoining owners of 15 Berwick Street, Brighton, highlighted in Attachment 2.

2. Advertise the Public Notice outlining the proposal in accordance with Section 223 of the *Local Government Act 1989* including the sale of the land for $105,000 plus GST.

3. In the event that submission/s are received, convene a Section 223 Special Committee of Council meeting on 25 February 2020 at 6:30pm at the Council Chambers, Boxshall Street, Brighton to hear any submitters that wish to be heard.

4. Following the consideration of any submissions, Council receive a further report at an Ordinary Meeting of Council.

Support Attachments

1. Attachment 1 - Drainage Reserve Plan
2. Attachment 2 - Subject Property
3. Attachment 3 - Title
Considerations and implications of recommendation

Liveable community

Social

The Proposal will provide property owners with an opportunity to gain title to the land which is no longer required for municipal purposes.

Natural Environment

There are no impacts associated with this report.

Built Environment

The land is used for communications, gas pipeline, sewerage and drainage purposes by Council, United Energy, NBN, Multinet Gas and South East Water. Through easement rights, the communications, sewerage and drainage services will continue to operate if the land was sold.

Customer Service and Community Engagement

Consultation has been undertaken with relevant Council departments and external service authorities whereby no objections have been received. It will be necessary for Council to undertake procedures under section 189 and 223 of the Local Government Act 1989 for the sale of the land. The proposed commencement of the statutory procedures under section 189 and 223 of the Local Government Act 1989 require Council to give public notice of its intention to sell the land and invite submissions from affected parties.

Human Rights

There are no Human Rights issues or implications identified in relation to this report.

Legal

The statutory procedures require Council to give public notice of its intention to sell the subject property and invite submissions from affected parties. Notification will also be given on Council’s website. In addition, all joining property owners will be advised of the Proposal in writing and informed of their right to make a submission.

Submitters may request to be heard by Council or a committee of Council prior to a decision being made to proceed or otherwise with the proposal. If any written submissions are received, a further report will be presented to Council or a Special Committee of Council to enable the consideration of any submissions.

In the event that any submitters request to be heard in support of their written submission, the Special Committee of Council will hear/consider the submission/s received prior to making a decision on the proposal.

If no submissions are received, the Council, will resolve to sell the subject portion of the drainage reserve or to retain it in Council ownership.
Finance

Council’s independent valuer, Matheson Stephen Valuations (MSV), has valued the subject property at $105,000 (exclusive of GST).

In accordance with Council Policy, the land has been allocated to the adjoining property owner as shown in red in Attachment 2. The purchase price for the land to be sold is shown in the below table.

Table 1:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Property</th>
<th>Area</th>
<th>Market Value</th>
<th>GST</th>
<th>Purchase Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>15 Berwick Street, Brighton</td>
<td>54.85m²</td>
<td>$105,000</td>
<td>$10,500</td>
<td>$115,500</td>
</tr>
</tbody>
</table>

The adjoining property owners have signed conditional ‘Letter of Offer’ to purchase the land for the combined sum of $115,500 including GST if the drainage reserve can be sold.

Links to Council policy and strategy

The sale of roads and right of ways and drainage reserves policy provides for the sale of land.

Council’s Property Strategy Principle One

Seeks Council to maximise community benefit and public value from the property portfolio.

Council Plan Goal 7 – Financial Responsibility and Good Governance

7.1.1 Developing alternative income sources to take pressure off rate increases and improve long term financial viability.
Road and Drainage Reserve Plan

Subject Property to be Sold Outlined in Red
Attachment 2 – Subject Property to be Sold

Subject Property to be Sold

Portion of Road and Drainage Reserve Enclosed in Red

External View of Encroachment from Tovell Street
Attachment 3- General Law Title

Re:

PROPERTY:

Part Dendy's Crown Special Survey, Parish of Moorabbin.

YOUR REF:

A search for the Last Registered Owner of the above property resulted with copies of the following:

1. L.A.S.S.I. For Current Map Base Information.
2. SKETCH OF LAND SEARCHED.
3. CONVEYANCE Dic: 328 No: 840 to BOROUGH OF BRIGHTON. (Last Registered Owner)
4. PLAN IN APPN: 2432! Showing the land remaining in the above Conveyance.
5. 26P: NIL, see sheet attached.

14.11.2018

Graeme W. Kershan,
FEIGL & NEWELL
GPO BOX 2343
Melb 3001
Ph. 9629 3011
Email. info@feigl-newell.com.au

DISCLAIMER: A search for the last registered owner may not disclose all easements, subsisting interests affecting the above property or guarantee the consistency of the Chain of Title.

Due to changes in procedures at the Lands Titles Office, this search is as accurate as the information contained herein at the date of this search.
Subject Property Outlined Approximately in Red
10.14 PROPOSED DISCONTINUANCE AND SALE OF LAND AT REAR OF 38 & 40 MURPHY STREET, BRIGHTON

Corporate Services - Commercial Services
File No: PSF/19/965 – Doc No: DOC/19/321255

Executive summary

Purpose and background
This report seeks approval to commence the statutory procedures under section 206 and Clause 3, Schedule 10 of the Local Government Act 1989 (Act) to discontinue the right of way (Road) at the rear of 38 & 40 Murphy Street and 51 & 53 Brickwood Street, Brighton, as identified in Attachment 1, and to sell the land by private treaty to the owners of 38 Murphy Street and 40 Murphy Street, Brighton, in equal share.

Initial investigations identified that whilst the Subject Road is physically “open” and constructed in concrete, few of the adjoining properties appear to use the road for vehicle or pedestrian access. This was confirmed during a recent site inspection whereby a newly constructed fence was erected at the end of the laneway without gates. Furthermore, 53 Brickwood Street has a pedestrian gate leading from the rear of the property to the lane in question. Officers’ inspection revealed substantial vegetation blocking access to and from this gate.

A letter was sent to all owners adjoining the subject property, identifying the Right of Way (ROW) as ‘unused’ and inviting interest from the owners with regard to the possible discontinuance and purchase of the land. A varied response has been received from the adjoining owners, with objections more formally detailed below.

The subject ROW is not currently listed on Council’s Register of Public Roads. It is known as a ROW on Title Plan 885796B (As shown in Attachment 1) pertaining to the rear of 38, 40 & 42 Murphy Street as well as 51, 53 & 55 Brickwood Street, Brighton. It should be noted that the portion abutting 42 Murphy Street and 55 Brickwood Street was discontinued and sold in 2018.

Key issues

Easements
The subject property contains an underground NBN Communications asset. If sold and discontinued, the current easements will be retained on title in favour of NBN for communications purposes.

Questionnaire
Correspondence regarding the proposed sale and discontinuance of the subject property has been sent to the adjoining land owners bring 38, 40 & 42 Murphy Street, 51, 53 & 55 Brickwood Street and 115 Head Street, Brighton, and feedback was requested in relation to their personal use of the right of way and their interest potentially purchasing the subject property from Council.

To date, Council has received feedback from six of the seven owners in relation to the sale and discontinuance, with their concerns outlined as follows.

The owner of 53 Brickwood Street, stated in her response that she did not support the discontinuance and still utilises the laneway occasionally when undergoing maintenance.
projects. She currently has a gate to the lane at the rear of her property. This gate was blocked by vegetation during Council’s on-site inspection.

The owner of 51 Brickwood Street initially expressed an interest in purchasing the subject property, then later advised that she did not wish to purchase her portion of lane on the basis of adjoining owner’s usage. The on-site inspection reflected no rear access from 51 Brickwood Street to the laneway.

As noted above, a portion of laneway abutting 42 Murphy Street and 55 Brickwood Street was discontinued and sold in 2018 in equal share. The owners of 42 Murphy Street did not support the discontinuance indicating that they presently utilise the road for pedestrian and vehicular access however, the onsite inspection revealed that the owners of 42 Murphy Street had removed access to the laneway via the installation of a timber fence. The owners of 42 Murphy Street further stated that they would require the access to be retained in order to develop their property into a two-lot subdivision, for which they have obtained a planning permit. The 2018 endorsed planning permit for the two lot subdivision does not evidence any requirement for access to 42 Murphy Street from the subject road to be sold, as access to 42 Murphy Street has been stipulated in both instances via the frontage Murphy Street. When officers conducted a visual inspection of the subject property, it was observed that no gateway had been installed in the recently constructed fence.

The owner of 55 Brickwood Street provided no feedback in response to the proposition despite being invited to do so on two separate occasions.

In light of the responses received, and in consideration of the evidence reflected in the on-site inspection of the subject property, officers consider the road is not reasonably required for public use by the adjoining properties and therefore consider it appropriate to proceed with the statutory procedures to discontinue the road and sell the subject property to the owners of 38 Murphy Street and 40 Murphy Street by way of private treaty.

The owner of 38 Murphy Street, Brighton has accepted Council’s offer to sell the land for $62,000 plus GST and the owner of 40 Murphy Street, Brighton has accepted Council’s offer to sell the land for $62,000 plus GST.

**Recommendation**

That Council:

1. Commence the statutory procedures in accordance with the *Local Government Act 1989*, for the discontinuance and sale of the subject property in equal share to the adjoining owners of 38 Murphy Street, Brighton and 40 Murphy Street, Brighton, highlighted in Attachment 2.

2. Advertise the Public Notice outlining the proposal in accordance with Section 223 of the *Local Government Act 1989* including the discontinuance and sale of the land for $62,000 plus GST for each portion, totalling $124,000 plus GST.

3. In the event that submission/s are received, convene a Section 223 Special Committee of Council meeting on 25 February 2020 at 7:30pm at the Council Chambers, Boxshall Street, Brighton to hear any submitters that wish to be heard.

4. Following the consideration of any submissions, Council will receive a further report at an Ordinary Meeting of Council.
Support Attachments
1. Attachment 1 - Road Title Plan
2. Attachment 2 - Road to be Sold

Considerations and implications of recommendation

Liveable community

Social
The sale of discontinued right of ways will remove the need for Council to regularly maintain land that it may no longer be required to hold ownership over to deliver social needs. In this instance, an NBN communications cable currently pertains to the subject land and will continue to be carried forward through easement rights on title if the subject land was to be sold and discontinued.

Natural Environment
There are no impacts associated with this report.

Built Environment
The proposal will provide property owners with an opportunity to gain title to the land which is no longer required for municipal purposes.

Customer Service and Community Engagement
Consultation has been undertaken with adjoining property owners with their responses outlined as above. Both internal and external authorities have also been consulted, from which no objections have been received. It will be necessary for Council to undertake procedures under section 189 and 223 of the Local Government Act 1989 for the discontinuance and sale of the subject property. The proposed commencement of the statutory procedures under section 189 and 223 of the Act require Council to give public notice of its intention to discontinue and sell the subject property and invite submissions from affected parties.

Human Rights
There are no human rights issues or implications identified in relation to this report.

Legal
The approach to purchase the land under Council policy removes the risk of potential encroachment over the land in future and therefore eliminates the possibility of adverse possession. In addition, the sale provides a financial return to Council by undertaking a discontinuance and sale process.

Council is required to give public notice of its intention to discontinue and sell the subject Road in accordance with Section 189 and 223 of the Local Government Act 1989, inviting submissions from affected parties. Notification will be given on Council's website. In addition, all adjoining property owners will be advised of the Proposal in writing and informed of their right to make a submission.
Submitters may request to be heard by a Special Committee of Council prior to a decision being made regarding the Proposal. In the event that any submitters request to be heard in support of their written submission, a Special Committee of Council will hear and consider the submission/s received.

If any written submissions are received, a further report will be presented to Council to enable the consideration of such submissions prior to making a decision on the Proposal.

**Finance**

Council’s independent valuer, Matheson Stephen Valuations, has valued each parcel, reflecting a market value of $62,000.00) for each parcel of land from the Subject Road (exclusive of GST).

In accordance with Council Policy the subject land has been allocated to the adjoining property owners as reflected in red in **Attachment 2**. The purchase price for each parcel is shown in the below table.

**Table 1:**

<table>
<thead>
<tr>
<th>Lot</th>
<th>Property</th>
<th>Area</th>
<th>Market Value</th>
<th>GST</th>
<th>Purchase Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>38 Murphy St, Brighton</td>
<td>39m²</td>
<td>$62,000</td>
<td>$6,200</td>
<td>$68,200</td>
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<tr>
<td>2</td>
<td>40 Murphy St, Brighton</td>
<td>39m²</td>
<td>$62,000</td>
<td>$6,200</td>
<td>$68,200</td>
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</tbody>
</table>

Both adjoining property owners have signed conditional ‘Cost Agreements’ to purchase the land for the combined sum of $136,400.00 (including GST) if the subject property can be sold and discontinued.

**Links to Council policy and strategy**

Discontinuance and Sale of Right of Ways, Roads and Drainage Reserves Policy provides for the discontinuance and sale of land.

**Council’s Property Strategy Principle One**

Seeks Council to maximise community benefit and public value from the property portfolio.

**Council Plan Goal 7 – Financial Responsibility and Good Governance**

7.1.1 Developing alternative income sources to take pressure off rate increases and improve long term financial viability.
**Bayside City Council**

**Ordinary Council Meeting - 17 December 2019**

**Attachment 1**

---

**Title Plan**

**Location of Land**
- Parish: AT ELSTERNWICK PARISH OF FRAHRAN
- Township:
- Section: 26
- Crown Allotment: 1 (PT)
- Crown Portion:

**Last Plan Reference:**
- Derived From: VOL 3545 FOL 893
- Depth Limitation: NIL

**Description of Land / Easement Information**

ALL THAT piece of land delineated and coloured red on the map being part of Crown Allotment One Section 26 at —— Elsternwick Parish of Frahran County of Bourke Together with a right of —— carriage way over the roads coloured brown on the said map ——

**COLOUR CODE**
- R=RED
- BR=Brown

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**Table of Parcel Identifiers**

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>PARCEL 1</td>
<td>CA 1 (PT)</td>
</tr>
</tbody>
</table>

**WARNING:** Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1902.

**LENGTHS ARE IN METRES**
- Metres = 0.3048 x feet
- Metres = 0.3048 x Links

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**Item 10.14 – Reports by the Organisation**

Page 231 of 277
Attachment 2 – Road to be Discontinued and Sold

Land to be sold to owner of 40 Murphy St

Land to be sold to owner of 38 Murphy St
10.15 PROPOSAL TO ENTER INTO A 5 YEAR LEASE OVER PART OF THE SANDRINGHAM FAMILY LEISURE CENTRE

Corporate Services - Commercial Services
File No: PSF/19/965 – Doc No: DOC/19/321246

Executive summary

Purpose and Background
The purpose of this report is to seek a resolution to commence the statutory procedures to lease multiple individual tenancies for the whole of the Sandringham Family Leisure Centre (SFLC) located at 168-188 Tulip Street, Sandringham.

The history and construction of the SFLC is summarised as follows:

1979 - Facility opened with swimming pool, squash courts (2) and one ball court plus change rooms
1990 - Sports physio building added
1992 - Car park extended
1994 - Basketball and squash courts altered and converted to gym; four basketball courts opened
2007 – A major refurbishment was undertaken including an upgrade to the pool shell and plant room and the main entrance was altered. A new corrosion protection painting system was completed to increases the life expectancy of the structure
2011 - Roof over main entry replaced.

On 15 June 2018, Council received The Sandringham Family Leisure Centre Review 2018 (SFLC Review). This report a number of key assessments including the physical structure of the facility as well providing future objectives and options for Council’s consideration. The report states

The review of existing conditions, demand and potentially competing facilities suggests that the Sandringham Family Leisure Centre is a highly used and valued facility that in its current form is nearing the end of its useful life and a major refurbishment or redevelopment should be considered …The current facility is likely to be able to be maintained for seven years (pending the outcome of further detailed engineering investigations required and works being undertaken to address the conclusions). Additional maintenance and preventative works may be required to ensure the facility is maintained in a safe and functional condition.

Following the SFLC Review, the current commercial tenants approached Council seeking an extension to their existing leases due to expire in 2021.

In light of the 2018 SFLC facility review and to limit Council’s potential exposure to compensation claims for early termination, officers have conditionally offered the commercial tenants a 5 year lease, subject to tenants’ surrender of their existing leases.

Some of the commercial tenants have requested an additional 5 year term (10 years total) with the inclusion of an ‘early demolition clause’. However, it is officers’ view that this request is not...
feasible as it exposes Council to potential compensation payments at a future date. Officers do not recommend Council enters into new leases for any longer a period than 5 years.

Existing Tenants Schedule

<table>
<thead>
<tr>
<th>Tenant</th>
<th>Use</th>
<th>Lease Expiry</th>
<th>Approx $p.a @ ‘19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goodlife – The Trust Company Limited</td>
<td>Gym</td>
<td>30.06.2021</td>
<td>$354k</td>
</tr>
<tr>
<td>Sub - Lease: Nimjem</td>
<td>Creche</td>
<td>31.01.2021</td>
<td>N/A</td>
</tr>
<tr>
<td>Sandringham Family Leisure Centre Café -</td>
<td>Café</td>
<td>30.05.2021</td>
<td>$28k</td>
</tr>
<tr>
<td>Kim Ky</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sandringham Sports Physio – De-Nardis</td>
<td>Physio</td>
<td>30.05.2021</td>
<td>$70k</td>
</tr>
<tr>
<td>Enterprises</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swimright – Cheslink Pty Ltd</td>
<td>Aquatic</td>
<td>30.05.2021</td>
<td>$60k</td>
</tr>
</tbody>
</table>

It should be noted Southern Basketball Association also occupies the site but under a community lease and is therefore not impacted by the current proposal.

Given the short term nature of any future leasing at SFLC, and the fact that the tenants manage the centre themselves, Council should consider offering 5 year leases to each of the existing tenants rather than Council issuing new leases to just one or two of the tenants.

At this time all tenants have expressed an interest in continuing to occupy their individual tenancies beyond 2021.

Below is an outline of the proposed terms for the five new leases:

- Proposed Uses: As per current leases
- Premises: As per current leases (see attachment 1)
- Commencement Date: 1 February 2020
- Term: 5 year
- Outgoings: As per current leases
- Option for further term: none
- Proposed Commencing Rent: Passing rent plus CPI
- Rental Escalation: CPI to be implemented annually

Key issues

Existing SLFC management, tenancies and uses

Currently, the centre is uniquely managed by four commercial entities that operate under separate leases with Council and one community tenancy. This management arrangement is unusual for a municipal-owned leisure centre in that there are no operational Council staff on site, although Council does have maintenance responsibilities as a landlord for some plant and the structure of the centre. Each tenant has its own separate point of sale. There is a centralised reception to serve the pool and gym separately, which is located inside the front
door of the facility. The basketball association have their own reception and office inside the ball courts.

The four commercial tenancies at SFLC include:
- A café
- A 25m indoor swimming pool, change rooms with spa and sauna enclosed
- A Gymnasium and group fitness spaces and a crèche
- A Sports physio multi-room tenancy.

Club Café - Kim Ky – Food and beverage operator providing hot and cold snacks.

SwimRight – Swimming pool providing programs including learn to swim, infant aquatics, squad training and holiday programs.

Gym - The Goodlife Health Club currently operates the gym and fitness areas of the Sandringham Family Leisure Centre and sub-lets the crèche.

Sports Physio - Sandringham Sports Physio has been providing physiotherapy and like services for over 30 years including physiotherapy, myotherapy, sports and remedial massage, podiatry and dietetics.

**New leases to be a maximum of 5 years despite some tenants request for a longer term**

The proposal for a short-term lease is to provide tenants with sufficient time to run their operations, without the potential threat of early termination. Council may, in the future, decide to redevelop the Tulip Street site which would necessitate the demolition of the building or parts of the building.

Some of the commercial tenants requested an option term beyond the five years or for an extension to the existing leases which currently end in June 2021. These tenants have asserted that Section 56 of the Retail Leases Act sets out the demolition procedure, and provided Council has a genuine proposal to demolish and gives the tenant notice, then they are not entitled to seek compensation. However, the Retail Leases Act does not provide for other circumstances which may arise beyond the five years including the refurbishment of
existing premises or the change of use of part of the centre. The request for the additional term is therefore considered high risk to Council both from a reputation and financial perspective.

Some commercial tenants have also requested that Council extend the current leases for a further five years. However, any extension to an existing lease will constitute a new lease under the Retail Leases Act and will also take the leases into 2026 which is beyond 2025.

**Summary**

Officers consider the provision of new leases to the four current tenancies and their existing uses at the Sandringham Family Leisure Centre, are in the best interest of the community. This outcome will enable Council sufficient time to investigate the future options for the site.

The proposal before Council is to commence the statutory process for each of the four tenants for five year leases.

**Recommendation**

That Council:

1. Commence the statutory procedures under Sections 190 and 223 of the *Local Government Act 1989* to lease four tenancies to the current tenants on the below terms:
   
   **1.1 Tenant:** De Nardis Enterprises Pty Ltd.
   **Purpose:** Physiotherapy Centre and Sports Medicine
   **Commencement Date:** Date upon which the lease is executed by the parties
   **Term:** 5 years
   **Rent:** $82,729.55
   **Rental Escalation:** Consumer Price Index Melbourne All Groups (CPI).

   **1.2 Tenant:** Cheslink Pty Ltd (SwimRight)
   **Purpose:** Swimming Pool and associated uses and sale of associated goods
   **Commencement Date:** Date upon which the lease is executed by the parties
   **Term:** 5 years
   **Rent:** $59,544.60
   **Rental Escalation:** Consumer Price Index Melbourne All Groups (CPI).

   **1.3 Tenant:** Goodlife Operations Pty Ltd.
   **Purpose:** Gymnasium, fitness centre and associated crèche and The sale of associated goods
   **Commencement Date:** Date upon which the lease is executed by the parties
   **Term:** 5 years
   **Rent:** $354,768.94
   **Rental Escalation:** Consumer Price Index Melbourne All Groups (CPI)

   **1.4 Tenant:** Kim Ky
Purpose: Cafe
Commencement Date: Date upon which the lease is executed by the parties
Term: 5 years
Rent: $28,851.69
Rental Escalation: Consumer Price Index Melbourne All Groups (CPI)/

2. Directs that under Section 190 and 223 of the Local Government Act 1989, public notices of the proposals to lease part of the Sandringham Family Leisure Centre be given.

3. Authorises the Director Corporate Services to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to the lease proposals.

4. In the event a submission is received, convene a Section 223 Special Committee of Council meeting on Wednesday 4 March 2020 commencing at 6:30pm at the Council Chambers, Boxshall Street Brighton to hear any submitters that wish to be heard.

5. Receive a further report after the completion of the above statutory processes, in order for Council to consider and make a decision about whether to grant those leases described in clause 1 above.

Support Attachments
1. Sandringham Family Leisure Centre proposed Lease Plans ↓
Considerations and implications of proposition

Liveable community

The Sandringham Family Leisure Centre is the only Bayside City Council-owned aquatic centre in the municipality. The gym is a complementary use to the swimming pool and both tenancies are serviced by a café and car park. Whilst the sports physio centre is not a traditional leisure centre tenancy, the current tenant is an established commercial business and is not seen as being detrimental to the core business of the leisure centre. Whilst the centre is dated with many issues, the loss of the swim centre tenancy in particular would be felt significantly, even for a short period, if the city had no other aquatic services (noting that Brighton Baths is an outdoor swim centre).

Social

Officers have received anecdotal evidence that the each of the tenancies are well attended and despite the condition of the premises, continue to attract and retain visitation.

Natural Environment

There will be no removal or disturbance of vegetation as a result of the lease.

Built Environment

The current building condition audit shows the building to be in poor condition and Council is currently undertaken condition assessments for the whole building.

Customer Service and Community Engagement

In the event Council resolves the officer recommendation, Council will be required to complete the statutory procedures under section 190 and 223 of the Local Government Act 1989.

Human Rights

The implications of this 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.

Legal

Officers do not anticipate any legal issues with this proposal assuming that all the statutory requirements are complied with as set out in this report. However, the tenant/s may resist the short-term nature of the lease, for which at present there is no alternative being offered.

As the proposed leases include some tenancies where the current market value exceeds $50,000 per annum, the Council must, at least 4 weeks before the lease is made, publish a public notice of the proposed leases. A person has a right to make a submission under section 223 on the proposed lease. If such submissions are received, Council will consider those submissions at a meeting of Council before the execution of lease can proceed.
Finance
There is no change in rental income proposed beyond an increase by CPI although there is a potential for greater Council expenditure for capital repairs as the facility approaches end-of-serviceable life.

Links to Council policy and strategy
The following policies are also associated with the delivery of the strategy:

- Lease and Licence Policy 2018
- Property Strategy 2018-2021
Options considered

Option 1 Commence statutory process to lease the SFLC to the four commercial tenancies

<table>
<thead>
<tr>
<th>Summary</th>
<th>This option enables Council as landlord to give notice of its intention to grant multiple leases to Goodlife Operations Pty Limited, Kim Ky, De-Nardis Enterprises and Cheslink Pty Ltd., subject to section 190 of the Local Government Act 1989 and resolving to enter the lease pursuant to section 223 of the Act.</th>
</tr>
</thead>
</table>
| Benefits| Council will continue to see the existing tenants operate at the centre for a further five years during which time a long term strategy can be determined for the leisure centre uses and the Tulip Street Site.  

Provides return to Council financially with estimated rent of approximately $500,000 pa.  

Providing notices of the possibility of leases for individual tenancies maintains alignment of the leases timing based on the current negotiations by Council officers.  

Provides some level of certainty for tenants until the future strategy for the site is determined. |
| Issues  | Some of the commercial tenants are seeking lease terms beyond the five years. |

Option 2 Not proceed with a new lease or statutory process

<table>
<thead>
<tr>
<th>Summary</th>
<th>Officers to advise to the tenants that Council does not wish to proceed with new leases at SFLC.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Council will potentially have a vacant site at the end of the current leases, which it could offer as a whole or part to the open market for lease.</td>
</tr>
<tr>
<td>Issues</td>
<td>This option could have significant negative reputational and financial impact for the tenants and Council if it results in the closure of some or all the tenancies at SFLC beyond 2021.</td>
</tr>
</tbody>
</table>
10.16 CONTRACT CON/19/96 PARKING MACHINE MAINTENANCE SERVICES

Executive summary

Purpose
The purpose of this report is to recommend awarding a contract for parking machine maintenance services.

Background
Council’s paid parking service is underpinned by 69 paid parking ticket machines which provide payment facilities for motorists to pay for parking where required.

The machines require ongoing routine and reactive servicing and monitoring to ensure they operate reliably, minimise any service disruptions and maintain business continuity.

The contract is for an initial term of three (3) years with two (2) additional options of one (1) year.

Key issues
Council’s current contract for this service expires 31 January 2020.

A Request for Tender (“RFT”) was released on 23 October 2019 to the open market.

The tender closed on 13 November 2019.

The RFT was undertaken in accordance with the Bayside City Council’s Quotation and Tendering Procedures and Policies and section 186 of the Local Government Act 1989.

Council received two tender submissions which were both conforming tenders.

The Tender Evaluation Panel (“TEP”) assessed both tenderers’ submissions against detailed evaluation criteria which were developed before the RFT was released to market.

The TEP required some issues to be clarified and questions were sent to Tenderers seeking the necessary clarifications. The TEP met to discuss the Tenderers responses and technical scores were confirmed.

Both Tenders were identified as technically superior in their ability to meet the service specifications. The pricing offered by both tenderers was considered and subjected to analysis based on a schedule of costs as defined in the Tender Specifications.

The pricing analysis clearly identified Reino International Pty Ltd as the tenderer with the lowest price offer, which was significantly lower than the other tenderer CarePark Pty Ltd.

The TEP final score for all evaluation criteria including cost is summarised in the table below:

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Final Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reino International Pty Ltd</td>
<td>9.30</td>
</tr>
<tr>
<td>CarePark Pty Ltd</td>
<td>7.98</td>
</tr>
</tbody>
</table>
The anticipated cost of the contract is $588,000 (Incl. GST) over five years. This is a savings of approximately $98,000 or 16.7% compared to our current contract costs.

No contract transition issues are anticipated as the incumbent contractor is Reino International Pty Ltd who will continue to deliver the service under the new contract.

Recommendation

That Council:

1. Enters into a contract with Reino International Pty Ltd trading as Duncan Solutions Australia for contract number CON/19/96 for the provision of Parking Machine Maintenance Services based on a schedule of rates.

2. Sign and seal the tender documents.

3. Advise the unsuccessful tenderer accordingly.

Support Attachments

1. CON 19/96 Tender Evaluation - Parking Machine Maintenance Service (Commercial in Confidence) (separately enclosed) (confidential)
Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with this report.

Natural Environment
There are no natural environment impacts associated with this report.

Built Environment
There are no built environment impacts associated with this report.

Customer Service and Community Engagement
There are no customer service or community engagement impacts associated with this report.

Human Rights
The implications of this report have been assessed and are not considered likely to breach or infringe upon, the Victorian Charter of Human Rights and Responsibilities Act 2006 and the Local Government Act 1989.

Legal
No legal matters have been identified during this tender process.

The tender process was undertaken in accordance with the Bayside City Council’s Quotation and Tendering Policies and Procedures and section 186 of the Local Government Act 1989.

Finance
Council’s existing 2019/20 Budget contains sufficient operating budget provision to fund this contract expense. Future year’s provisions will be adjusted relative to budget assumptions and forecasts.

Links to Council policy and strategy
Bayside City Council’s Procurement Policies and Procedures.
Executive summary

Purpose and background
This report seeks approval to authorise the Chief Executive Officer to award Contract CON/19/121 Design, Install and Maintain Parking Sensors and Signage System at Church Street Activity Centre, Brighton.

On 25 June 2019 at the Ordinary Council Meeting, Council resolved to:

1. Introduce in-ground vehicle detection sensors to provide real-time data to motorists about the number of vacant spaces in the area via electronic signs, and a smartphone application in:
   - Church Street, between Male Street and New Street
   - 21–27 Well Street car park
   - Car park behind 115 Church Street
   - Black Street car park
   - 5 Well Street car park.

2. Allocate funding for the project design and delivery in the 2019/20 Budget.

Key issues
In accordance with the project schedule, the tender was released on 9 November 2019 and closed on 4 December 2019. The tender evaluation is scheduled to be completed by 23 December 2019.

On the basis of the above timeline, it is not possible to complete a Council Report for the December 2019 Ordinary Council Meeting with a recommendation to award the contract. Delaying the award to Council’s February 2020 meeting will result in a significant delay to complete the project before the end of this financial year, and during a time that has least impact to traders.

To address this issue, the report seeks Council’s approval to authorise the Chief Executive Officer to award the Contract CON/19/121 in order to commence design in late January 2020 and start works in March 2020.

Recommendation
That Council authorise the Chief Executive Officer to award Contract CON/19/121 for design, install and maintain parking sensors, and signage system at Church Street Activity Centre, Brighton for a maximum value to $700,000 (excluding GST).

Support Attachments
Nil
Considerations and implications of recommendation

Liveable community

Social
Parking surveys conducted within Church Street Major Activity Centre (MAC) show localised congestion occurring in the precinct to be a result of car drivers circling main streets in search of vacant spaces. The introduction of parking technology to the precinct will provide motorists with live-time signage informing them of the number of car parking spaces available in off-street public car parks.

The use of parking technology will deliver greater public benefit through increased equity of access to parking as well as having access to live information to inform drivers of the options ahead of their trip via the online application.

The provision of real-time parking data will reduce the number of drivers searching for a space within the core precinct at times of low parking availability.

Natural Environment

No impacts to the natural environment will result from the project.

Built Environment

As part of the project, new electronic signage posts will be installed in footpaths at various locations in the precinct. The signs will display electronic numbers that correlate to the number of vacant car spaces.

The location of each sign is to be confirmed through the design process and will include liaison with relevant traders so as to minimise the impact to any potential loss of footpath trading and preserving the streetscape.

Human Rights

The implications of this 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.

Customer Service and Community Engagement

There are no customer or community implications of this report.

Legal

This Request for Tender was undertaken in accordance with the Bayside City Council’s Quotation and Tendering Procedure and section 186 of the Local Government Act 1989.

Finance

The project is part of Council’s 2019/20 Capital Works Program and has an approved allocated budget of $358,722. The estimated contract value of design and capital work is $288,000. The estimated value of maintenance and IT hosting costs for a period of 5 years is $332,000, which will form part of Council’s operating budget. The estimated total value of the contract for a 5 year period is $700,000.
Links to Council policy and strategy

This project is consistent with the 2017/2021 Council Plan as identified under Goal 1 – Infrastructure – Council will work together with the Bayside community to plan and deliver community infrastructure that responds to the changing needs of the Bayside community.

A key objective of this goal is to have a Bayside where infrastructure is fit for purpose for today and into the future.
10.18 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/19/960 – Doc No: DOC/19/313533

Executive summary

Purpose and background
This report presents to Council a schedule of actions pending for the period to 17 December 2019.

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. Council Action Awaiting Report to 17 December 2019
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>ITEM</th>
<th>COUNCIL RESOLUTION</th>
<th>DIVISION</th>
<th>COMMENTS/STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>24/05/16</td>
<td>10.2</td>
<td><strong>Sandringham Village Streetscape Masterplan</strong>&lt;br&gt;3. In the event that the bus route change to Bay Rd, Beach Road, Melrose Street and Station Street does not proceed and the Village Square feature not be achievable, a revised Master Plan without the Village Square concept will be presented to a future Council meeting for adoption.</td>
<td>CPA</td>
<td>In the event that the bus route changes in Bay Road, Beach Road, Melrose Street and Station Street and does not proceed and the Village Square feature not be achievable, a revised Master Plan without the Village Square concept will be presented at a future Council meeting for adoption.</td>
</tr>
<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. 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>
</tr>
<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;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 Council if the permit approved method concrete infill proves problematic or beyond the current Council approved budget.</td>
</tr>
<tr>
<td>DATE OF MEETING</td>
<td>ITEM</td>
<td>COUNCIL RESOLUTION</td>
<td>DIVISION</td>
<td>COMMENTS/STATUS</td>
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<tr>
<td>21/8/18</td>
<td>10.7</td>
<td><strong>Early Years Infrastructure Plan</strong>&lt;br&gt;That Council:&lt;br&gt;4. receives a further report detailing options for the long term use of the Brighton South Playhouse, once temporary relocations for displaced services undergoing redevelopment works are completed;&lt;br&gt;7. receives a further report following a review of the Infrastructure Plan in year five.</td>
<td>CCE</td>
<td>A report will be provided to Council on the completion of the development works.</td>
</tr>
<tr>
<td>20/11/18</td>
<td>10.6</td>
<td><strong>CSIRO - Legal Agreements Update</strong>&lt;br&gt;That Council:&lt;br&gt;Receives a report following the execution of the Deed of Agreement with the CSIRO which outlines the details of the Deed agreement and next steps.</td>
<td>CORP</td>
<td>A report will be submitted to Council following the execution of the Deed of Agreement with the CSIRO.</td>
</tr>
<tr>
<td>18/12/18</td>
<td>10.6</td>
<td><strong>Tulip Street Basketball Courts Extension - Project and Funding Update</strong>&lt;br&gt;That Council:&lt;br&gt;2. Receives a further report at a future meeting detailing State Government grant opportunities and preferred funding model for the Tulip Street Basketball Courts Extension project;</td>
<td>ERI</td>
<td>A report is included in this Agenda.</td>
</tr>
<tr>
<td>19/3/19</td>
<td>10.3</td>
<td><strong>Proposal for an Urban Forest Strategy</strong>&lt;br&gt;2. Receives a further report at the 17 December 2019 Ordinary Meeting of Council reporting on the outcomes of the case study.</td>
<td>CPA</td>
<td>A report is included in this Agenda.</td>
</tr>
<tr>
<td>ITEM</td>
<td>DATE OF MEETING</td>
<td>COUNCIL RESOLUTION</td>
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<tr>
<td>10.4</td>
<td>2/3/19</td>
<td>Item 2.1</td>
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<tr>
<td>10.8</td>
<td>2/3/19</td>
<td>Item 2.1</td>
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<tr>
<td>10.17</td>
<td>2/5/19</td>
<td>Item 2.1</td>
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</tr>
</tbody>
</table>

**COUNCIL RESOLUTION**

**2.1**

Provides a report on an event review following the 2020 Bright N Sandy Food and Wine Festival.

**2.3**

Considers the proposed changes to the local and state sections of the Bayside Planning Scheme proposed under the Smart Planning Program in a further report to be presented to Council in the 2019/2020 financial year.

**2.17**

Receives a future report regarding the future of the Bodey Street Tennis Centre, Beaumaris.
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>ITEM</th>
<th>COUNCIL RESOLUTION</th>
<th>DIVISION</th>
<th>COMMENTS/STATUS</th>
</tr>
</thead>
</table>
| 25/6/19         | 10.20 | Parking Technology, Church Street Major Activity Centre - Engagement Findings  
3. 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. | ERI      | A report will be submitted to a future meeting.                                                                                                      |
| 25/6/19         | 13.2  | Notice of Motion - 281 – Protecting the Valued Neighbourhood Character of Beaumaris and Black Rock  
4. Receives a report at the 17 December 2019 Ordinary meeting of Council that provides a preliminary assessment of all neighbourhood character precincts in Bayside and the community engagement approach to test key characteristics, threats and strategies for maintaining each precinct’s character. | CPA      | A report is included in this Agenda.                                                               |
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>ITEM</th>
<th>COUNCIL RESOLUTION</th>
<th>DIVISION</th>
<th>COMMENTS/STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>23/7/19</td>
<td>10.5</td>
<td>Vegetation Protection Overlay (Schedule 3) Controls &amp; Implementation</td>
<td>CPA</td>
<td>A report is included in this Agenda.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>d) Receives a report to the December 2019 Council meeting with a detailed analysis on the use of bonds in Melbourne and their practicality and effectiveness for:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>i) protecting private and public trees during development;</td>
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<td>ii) ensuring compliance with tree retention and replanting requirements at the completion of a development; and</td>
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<td>iii) for ensuring longer term compliance with replanting requirements.</td>
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<td>20/8/19</td>
<td>10.3</td>
<td>Brighton Secondary College Synthetic Hockey Facility - Management Committee Financials Update</td>
<td>ERI</td>
<td>A report will be submitted to Council no later than 31 August 2020.</td>
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<td>That Council receives a further report by no later than 31 August 2020 from the Brighton Secondary College Hockey Facility Management Committee, summarising activities including the financial position of the Management Committee.</td>
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<td>2. Receives a further report in the first quarter of the 2019/20 financial year detailing progress against targets, the overall success of actions and reviewing issues and risks.</td>
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<td>DATE OF MEETING</td>
<td>ITEM</td>
<td>COUNCIL RESOLUTION</td>
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<tr>
<td>20/8/19</td>
<td>10.9</td>
<td>Integrated Transport Strategy 2013 and 2018 - Implementation Progress During 2018/19</td>
<td></td>
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<tr>
<td>17/9/19</td>
<td>10.1</td>
<td>Nursery and Bushland Maintenance - Service Delivery Model</td>
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<td>3. Receives a report on the performance of the Civil Infrastructure and Open Space Maintenance Contract in the areas related to the Nursery at its meeting in December 2020.</td>
<td>ERI</td>
<td>A report will be submitted to the December 2020 Ordinary Council Meeting.</td>
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<tr>
<td>17/9/19</td>
<td>10.3</td>
<td>Hampton Community Infrastructure Feasibility and Masterplan</td>
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<tr>
<td>15/10/19</td>
<td>7.1</td>
<td>Petition to install a pedestrian crossing in the area between St Andrews and Carpenter Streets, Brighton</td>
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<td>That the petition be received and a report be submitted to the March 2020 Ordinary Meeting of Council on this matter.</td>
<td>ERI</td>
<td>A report will be submitted to the March 2020 Ordinary Council Meeting.</td>
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<tr>
<td>15/10/19</td>
<td>10.1</td>
<td>Brighton Recreational Centre and Wilson Reserve Masterplan</td>
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<td>4. Receives a report at a future Council meeting detailing the outcomes of the assessment of Brighton Grammar School’s proposal to redevelop Wilson Reserve.</td>
<td>ERI</td>
<td>A report will be submitted to a future Council meeting.</td>
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<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 Council following the approval of Amendment C126.</td>
</tr>
</tbody>
</table>
| 15/10/19        | 10.4 | Mandatory Height Controls in the Hampton East (Moorabbin) Activity Centre  
1. Receives a neighbourhood character study at the March 2020 Ordinary Meeting of Council in order to pursue mandatory height controls in the Hampton East Activity Centre. | CPA      | A report will be submitted to the March 2020 Ordinary Council Meeting. |
| 15/10/19        | 10.5 | Housing Strategy Review - Draft Updated Strategy  
That Council receives a further report with the final revised Housing Strategy following community consultation. | CPA      | A report is included in this Agenda. |
| 15/10/19        | 10.9 | Wellbeing for All Ages and Abilities Strategy Progress Report on Implementation - Year 2  
2. Receives a report on the mental health activities undertaken by Bayside City Council at the February 2020 Ordinary Council Meeting.  
3. Receives a further report highlighting the health impacts of climate change to the residents of Bayside. | ERI      | A report will be submitted to the February 2020 Ordinary Council Meeting.  
A further report will be submitted to a future Council Meeting. |
| 15/10/19        | 10.11| Proposed Sale of Land at the rear of 58 Station Street and 37-39 Melrose Street, Sandringham  
4. Following the consideration of any submissions, Council receive a further report at an Ordinary Meeting of Council. | CORP     | A report will be submitted the February 2020 Ordinary Council Meeting. |
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<tr>
<td>15/10/19</td>
<td>10.12</td>
<td>Proposed Discontinuance and Sale of the Subterranean part of the Right-of-Way (Road) adjoining 322-328 New Street and 71-73 Bay Street, Brighton</td>
<td>CORP</td>
<td>A report is included in this Agenda.</td>
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<td>4. Following the consideration of any submissions, Council receive a further report at an Ordinary Meeting of Council.</td>
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<td>15/10/19</td>
<td>13.1</td>
<td>Notice of Motion No: 287 - Proposed Revision of Climate Change Strategy</td>
<td>ERI</td>
<td>A report is included in this Agenda.</td>
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<td>That Council receives a report at the December 2019 Ordinary Council Meeting on the proposed revision of the Climate Change Strategy that was adopted in 2012 and the merits of Council declaring a Climate Emergency.</td>
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<td>And resolution from Item 7.1 (Petition) from 19 November 2019 Ordinary Meeting of Council:</td>
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<td><strong>Petition to Declare a Climate Emergency and respond with an appropriate Action Plan</strong></td>
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<td>(That the petition be received and dealt with in conjunction with the report to be submitted to the December 2019 Ordinary Meeting of Council which will deal with the Response to Notice of Motion No: 287 - Proposed Revision of Climate Change Strategy).</td>
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| 19/11/19        | 10.1 | Proposal to redevelop and enter into a 21 year lease at Ricketts Point Tea House, Beaumaris  

6. In the event a submission is received, convene a Section 223 Special Committee of Council meeting on Wednesday 26 February 2020 commencing at 7:30pm at the Council Chambers, Boxhall Street, Brighton to hear any submitters that wish to be heard.  

7. Receive a further report after the completion of the above statutory processes, and the environmental impact and safety study, in order for Council to consider and make a decision about whether to grant the lease described in clause 1 above.  

| 19/11/19        | 10.2 | Proposal to enter into a 20 year lease over the Mini Golf facility at 20 Wangara Road Sandringham  

4. In the event a submission is received, convene a Section 223 Special Committee of Council meeting on Wednesday 5 February 2020 commencing at 6:30pm at the Council Chambers, Boxhall Street Brighton to hear any submitters that wish to be heard.  

5. Receive a further report after the completion of the above statutory processes, in order for Council to consider and make a decision about whether to grant the lease described in clause 1 above.  

| 19/11/19        | 10.4 | Mid-Century Modern Heritage Voluntary Nomination Process  

3. Receives a report at its February 2020 Council meeting in relation to potential heritage protection at Beaumaris Reserve but not the Beaumaris Soccer pavilion.  

5. Receives a report reviewing the voluntary nomination process following the gazetted of heritage controls outlined in this report.  

|          |      | CPA                                                                                                                                                                                                                   |          | A report will be submitted to the February 2020 Ordinary Council Meeting.  

<p>|          |      | A further report will be submitted to a future Council meeting following the gazetted of heritage controls.                                                                                                   |          |                                                                                       |</p>
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| 19/11/19        | 10.5 | **Response to Notice of Motion 286 - Undergrounding of Powerlines**  
2. Receives a further report at the March 2020 Ordinary Meeting of Council that further considers the costs and benefits and potential approach to undergrounding overhead electricity powerlines, with a focus on:  
   a. within public open space;  
   b. to single street lights;  
   c. in residential streets; and  
   d. in activity centres. | CPA | A report will be submitted to the March 2020 Ordinary Council Meeting. |
| 19/11/19        | 10.10| **Domestic Animal Management Plan Annual Progress Report**  
3. Receives a report at the February Ordinary Council meeting on proposed community engagement for the dog off leash feasibility study. | CPA | A report will be submitted to the February 2020 Ordinary Council Meeting. |
11. Reports by Delegates

1. Association of Bayside Municipalities – Cr Laurence Evans
2. MAV Environment Committee – Director Environment, Recreation & Infrastructure
3. Metropolitan Transport Forum – Director Environment, Recreation & Infrastructure
4. Municipal Association of Victoria – Cr Alex del Porto
5. Inner South Metropolitan Mayors’ Forum – Mayor, Cr Clarke Martin
6. Metropolitan Local Government Waste Forum – Mayor, Cr Clarke Martin

12. Urgent Business
I, Cr Rob Grinter, hereby give notice that I intend to move at the Ordinary Council Meeting to be held on 17 December 2019 at 7pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

**Motion**

That Council receives a report at the March 2020 Ordinary Council Meeting on foreshore lighting that discusses the conditions under which lighting is currently provided, outlines where lighting currently exists and develops an approach to a policy position on the provision, renewal and upgrade of foreshore lights.

**Cr Rob Grinter**

**Support Attachments**

Nil
I, Cr Clarke Martin, hereby give notice that I intend to move at the Ordinary Council Meeting to be held on 17 December 2019 at 7pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

**Motion**

That Council write to the Member for Goldstein seeking support for South East Council Climate Change Alliance (SECCCA) initiatives and funding for the SECCCA Asset Vulnerability Assessment project.

Cr Clarke Martin
Mayor

**Support Attachments**

1. SECCCA Asset Vulnerability Assessment Project - Briefing Note ⇩
ASSET VULNERABILITY ASSESSMENT PROJECT – BRIEFING NOTE

Understanding how climate change impacts Council assets, expenditure and income streams

1. Introduction
The South East Councils Climate Change Alliance (SECCA) collaborates with all levels of government to deliver regional climate change projects that benefit over 1 million residents in the south east of Melbourne. SECCA’s vision is that the communities of the south east of Melbourne are thriving, live a zero emissions lifestyle, and are resilient to the changing climate. SECCA delivers, on behalf of member’s climate change strategies, projects and advocacy that drive a zero emissions economy and build community resilience.

Since mid-July 2018, SECCA has been building member’s understanding of the risk climate change poses to the business of Councils, as well as to the communities for whom Councils are responsible. Disclosure of material risk from climate change is now expected to be included in financial reports.

2. Background
With various levels of understanding about how climate change will impact Council assets, particularly on roads, buildings and drainage, the Asset Vulnerability Assessment Project will help to ensure longer term strategic asset management and financial planning for Councils, appropriate planning and maintenance of assets into the future. The project will address questions such as:

- How will climate change impact a particular asset?
- How much extra will an asset cost to maintain or a service cost to deliver?
- How much extra can we expect to pay to respond to damages, make our assets resilient or pay out in insurance?
- How might Council income streams be impacted by climate change?

3. Project Details
The Asset Vulnerability Assessment Project will use the best available climate science projections and asset data provided by councils for 3 main classes - buildings, roads, drainage - and the financial information to model asset and economic impacts for each organisation.

Each Council will be provided with an understanding of how climate change will impact their assets, particularly roads, buildings and drainage. The project will provide an understanding or the future cost of climate change on these assets so that appropriate financial planning can then be undertaken.

To achieve these outcomes, the Asset Vulnerability Assessment Project will consider and use methods such as climate change impact assessment and mapping approaches, asset vulnerability assessment tools and financial modelling. The use of climate data and mapping tools will be used during the project via existing, new or adapted technological platforms as determined by the project team.

4. Project Delivery
The Asset Vulnerability Assessment Project will be coordinated by SECCA, and through the Project Control Group made up of Asset Managers for the 8 SECCA members. Consultants will be engaged as appropriate to complete key deliverables of the project. The project begins in 2020 and aims to be completed mid to late 2021.
I, Cr Alex del Porto, hereby give notice that I intend to move at the Ordinary Council Meeting to be held on 17 December 2019 at 7pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

**Motion**

That Council receives a report at its 18 February 2020 Ordinary Meeting on the options to address community concerns regarding long term parking of trailers, caravans and boats on Council land, which includes securing these items to Council assets or the use of devices such as wheel clamps. The report is to include analysis on the scale of the issue and the costs and benefits of opportunities to address the issue, such as amending Council’s Local Law No. 2 - Neighbourhood Amenity.

**Cr Alex del Porto**

**Support Attachments**

Nil
13.4 NOTICE OF MOTION - 291 - CHANGING FACES PHOTOGRAPHIC EXHIBITION

Corporate Services - Governance
File No: PSF/19/960 – Doc No: DOC/19/329706

I hereby give notice that I intend to move at the Ordinary Council Meeting to be held on 17 December 2019 at 7pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

Motion
That the “Changing Faces” photographic exhibition as identified in the Women’s Charter Action Plan 2018/2020 be displayed in the mezzanine area of the Council Chamber building from 1 March to 1 May 2020.

Cr James Long BM JP

Support Attachments
Nil
14. **Confidential Business**

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

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

**14.1 PROPERTY LEASING MATTER**

*(LGA 1989 Section 89(2)(d) contractual matters.)*

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

Mick Cummins

Chief Executive Officer